GIPI

GLOBAL INTERNET POLICY INITIATIVE

2004

annual report

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■ INTRODUCTION

2004 continued the hard work and self-promotion of GIPI project to make a dramatic impact in many countries.

- In India, as a result of relying in part on the analysis provided by the project, India has loosened restrictions on Internet Telephony and wireless technologies, both of which hold huge potential for bridging the digital divide.

- In Tajikistan, the government withdrew two bills after GIPI's analysis showed how those bills would be inconsistent with other laws and would unduly increase government control over information systems.

- In Indonesia, working with the World Bank's ICT project, GIPI is advising the government in drafting laws on e-commerce and cyber crime.

- In Georgia, GIPI's work may lead to an elimination of the licensing requirements of ISPs, removing a major barrier to development.

GIPI's success is due to its focus on work at the local level, country-by-country. Our approach is to work from the top down and the bottom up – to develop and advocate Internet policy reform based on rule of law, transparency, democratic principles and market-based solutions.

In each country, GIPI sets up a local office with a full-time policy coordinator in each country. While the specific goal vary in response to local conditions, we usually aim to create a roundtable or dialogue involving all stakeholders - ISPs, content providers, telecommunications and wireless service providers, NGOs, universities, government officials, and foreign investors.

The Internet does not grow by accident.

It is dependent on national legal and regulatory frameworks. Consequently, nations around the world are revising legal systems in order to participate in the global information economy.

However, misunderstandings abound. In many countries, the Internet is subject to tight controls and arbitrary regulation. In others, governments are moving from a posture of "benign neglect" to one of intervention and control.

There is a critical need for a project to assist government officials, emerging Internet companies, and NGOs to craft policy frameworks and strategies for creating environments conducive to Internet development.

Partnerships & Funding

In 2001, GIPI entered into a global Memorandum of Understanding with the United Nations Development Programme (UNDP) to cooperate locally on policy and regulatory reform, design and implementation of ICT strategies, capacity development, entrepreneurship support and awareness building.

GIPI was launched at the beginning of in 2001 with generous grants from the AOL Time-Warner Foundation, the Markle Foundation, George Soros' Open Society Institute (and its affiliated national foundations), and the US Department of State.

Further support has been provided by the Carnegie Corporation of New York, the John S. and James L. Knight Foundation, the GE Foundation, Microsoft Corporation, RealNetworks Foundation, VeriSign Inc., the Swedish International Development Agency, the Armenia Chapter of the Internet Society, and the World Bank. GIPI has also received financial support for work in Indonesia and Vietnam from the European Union.

Looking Ahead

GIPI's newest project takes on the Internet in Algeria. This twelve month project aims at increasing the number of Algerians using the Internet by developing a National Internet Policy Framework that encourages competition, transparency, and entrepreneurship in the ICT (Information and Communication Technology) sector. Policies to be fostered will support the accessibility of affordable ICTs and encourage free and open information exchange over the Internet. A national Internet strategy will be developed as a result of these consultations. The Algerian Government will be assisted in using this strategy as part of its presentation at the World Symposium for the Information Society (WSIS 2) in November 2005.

The project is made possible through a partnership with the Middle East Partnership (MEPI) Initiative of the U.S. Department of State. The project is implemented through the USAID-funded dot-GOV program carried out by Internews Network, Inc.

This process of consultation and dialogue with both civil society and government will:

- Directly focus on Internet governance and its implications for a better understanding of the crucial role of Internet governance issues at the national level, and for international discussion at WSIS 2.

- Assess ISP licensing requirements as well as other regulatory burdens that specifically impede appropriate Internet development, affordability, access, and use.

- Increase the skills of an Algerian GIPI Coordinator - a local professional with credible knowledge of the technology and policy environment and the ability to build coalitions.

GIPI is moving developing countries into the 21st century. By engaging and encouraging local stakeholders to take ownership in their national Internet, GIPI is helping countries, enterprises, and local communities to discover the potentials of an interconnected society.

GIPI redefines itself: the GIPI Network

Finally, a major change is happening with GIPI. In December 2004, GIPI reinvented itself. From having been born a creature of the Center for Democracy and Technology and Internews, GIPI has redefined itself as a network of organizations and projects sharing a commitment to common goals and common principals. The decision was taken in December 2004, where a Memorandum of Understanding was signed by a variety of participants at the iLaw — Eurasia Conference at the Tallinn e-Governance Academy in Estonia. The Memorandum of Understanding was signed in Tallinn by, inter alia, the Eurasia I-Policy Network, the Center for Democracy and Technology, Citizen Lab, the Berkman Center for Internet and Society, the Cambridge Security Program, the Open Society Institute, Internews Network, and by representatives of existing GIPI projects who attended the meeting.

The next section of this report contains the Tallinn declaration and the principles and perspectives that have guided our efforts until now, and that now guide the new GIPI Network. Internews and CDT will continue to be active in supporting GIPPI projects in a variety of countries, but from now on, other organizations may choose to do the same and be considered a part of the common effort. Essentially the GIPI name is being internationalized outside of its parents. We believe that there are multiple organizations that subscribe to GIPI's goals and principles, and that the larger, looser confederation of GIPI members will not only give greater visibility to the effort, but will assist us all in attaining our goals.

Sincerely,

George Sadowsky

Executive Director

Global Internet Policy Initiative

■ TALLINN DECLARATION

December 2004

1. Form of the GIPI network

The GIPI network is an unincorporated network open to non-governmental organizations and networks of non-governmental organizations subscribing to common principles and working for the reform of laws and policies affecting information and communications technologies.

2. Commitment to common goal and common principles

Members of the GIPI network are united by the common goal of promoting the adoption of policies and legal frameworks that will support growth of an open, affordable Internet that will advance economic growth, democratization, and human development. GIPI members subscribe to the common principles defined below. Those principles include openness, transparency, support for entrepreneurship, telecommunications competition and liberalization, and the protection of human rights. Within the framework of the common goal and principles, GIPI members set priorities locally.

3. Nature of activities

GIPI members work cooperatively with civil society, government, parliaments, academia and business to educate policymakers and the public, convene dialogue, organize coalitions, and build informed consensus among all stakeholders. GIPI members provide objective expertise on policy issues, analyze draft legislation, acts and regulations, publish articles, guides and other resource materials on Internet policy issues, and otherwise assist policymakers and civil society in achieving the legal environment needed for the Internet to develop. Within the context of stakeholder consultation and unbiased analysis, each GIPI member sets its own agenda. GIPI members will endeavor to engage in joint projects.

4. Sharing information and reporting activities

Members of the GIPI network operate in a transparent matter. GIPI members share information and resource material via the GIPI email list and through the GIPI website, www.internetpolicy.net. Each GIPI member is expected to report on its activities twice a year (in January and June) by means of short reports submitted to the GIPI list.

5. Membership

In order to be a member of the global GIPI network, an entity must be a non-governmental organization or network of non-governmental organizations, must adhere to the GIPI principles, and must be a signatory to this MOU. GIPI members may propose new members for the network with a brief description of who they are and what they do posted to the GIPI email list. Proposed new members will be accepted as GIPI members unless 60% of current members object on the ground that the organization is not a non-governmental entity or does not adhere to the GIPI principles.

GIPI members may use the name "Global Internet Policy Initiative" or the initials GIPI but are not required to do so. The name "Global Internet Policy Initiative" and the initials GIPI may be used only by entities that adhere to the GIPI principles and that sign this MOU. Members of the GIPI network may operate projects identifying themselves as GIPI members only within their permanent jurisdiction of residence.

Each GIPI member is responsible only for its own activities. Membership in the GIPI network or use of the GIPI name does not impose responsibility for the activities of other members nor does it confer the right to speak on behalf of the network or its members.

TALLINN DECLARATION: ANNEX I

GIPI is guided by the following principles and perspectives:

The Unique Nature of the Internet

Internet policy must take into account the ways in which the Internet differs from television and other mass media. The Internet is --

- Global
- Open — in standards and access
- Decentralized
- Abundant — low barriers to entry, no scarce spectrum

- Inexpensive — everyone a publisher
- User-controlled
- Interactive
- The Policy Development Process

The development of laws and public policies should be based on consultative processes involving stakeholders from government, civil society, and the business sector.

Transparency

- Regulatory and legislative processes should be open and transparent.

- Complete information should be available on the activities of government bodies in the field of ICT.

- Citizens should have access to all laws, decrees, regulations and judicial rulings, including draft laws and regulations.

- Conditions should be maintained for the establishment of public participation in policymaking and other forms of interaction between government bodies and the private sector, non-governmental organizations and individuals.

No Superfluous Regulation of Activity in the ICT Sphere

- Regulation can hinder Internet development; superfluous regulation of activity in the ICT field should be avoided; self-regulation should be supported.

- In countries where the Internet has flourished the most, it is a relatively unregulated medium that operates over competitive telecommunications networks.

Licensing

- Licensing and certification requirements and procedures should be predictable and consistent and should not place unneeded obstacles in the way of businesses seeking to conduct ICT activity.

Standards

- Technical standards should not be applied with the effect of impeding innovation or competition.

- Adherence to voluntary international standards, which are developed on the basis of open standards, broad participation, and interoperability, will promote innovation, growth and expanded access.

Technology neutrality

- Laws should not be based on specific technology nor on technology as it exists at a particular time, for that would lead to obsolescence of the law or impediments to the development and deployment of new technologies.

Support for Telecommunications Competition, De-Monopolization and Liberalization

- Competition can drive down prices, promote investment and spur the deployment of affordable services. De-monopolization and liberalization of telecommunications for the purpose of promoting competition are the foundation of ICT availability.

- Regulatory bodies should be independent - there should be a clear separation between the telecomm regulator and companies (carriers).

- Non-discrimination: ISPs should have access to network facilities on same terms telecomm companies offer their own ISP affiliates.

Support for Entrepreneurship

- Business laws should allow start-ups to achieve legal status and pursue business without delay.

- The law should reduce risk of arbitrary government action and provide certainty, while allowing flexibility.

Local Language Content

•   Industry, governments and NGOs should support the creation of Web site content in local languages.

•   Support should be given to the development of standards for browsers and other software that displays local alphabets.

Protection of Intellectual Property

•   Adequate protection should be afforded to intellectual property, while preserving user rights, based on international copyright principles

Protection of Individual Rights

•   The law should protect the right of individuals to freely seek, receive, impart, transmit, produce and distribute information and ideas and the right to privacy in data and communications. Obstacles to participation in the global information society should be minimized. Barriers to accessing information should be eliminated, and equal rights of access to open government and common information resources should be provided.

Obligations on Service Providers

•   Telecommunications providers and online service providers should not be held responsible for the data transmitted by their customers. Service providers should not bear the costs of monitoring for governmental purposes.

Cyber security (Information Security)

•   Governments shall cooperate with the private sector in providing information security, consistent with the principles of privacy and open access to information. Information security should not be grounds for censorship or otherwise for blocking access to information.

■ AZERBAIJAN

PRINCIPAL ACHIEVEMENTS

Improving Access to the Internet

As a result of a multilateral campaign led by GIPI Azerbaijan, the Ministry of Communication and Information Technology cancelled a $5 monthly charge for using fixed phone lines for Internet, implemented three years ago. The fee cancellation was a great victory for civil society against a large monopoly, whose victory was facilitated by GIPI Azerbaijan's local expertise and leadership.

New Legislation

The law "e-Signatures & e-Documents" was adopted by the Parliament. GIPI Azerbaijan made great strides in making this law consistent with EU and CE legal norms and requirements, with the aid of Technical Advisor James Dempsey. As a result, licensing e-signature service providers have no requirements. The law is technologically neutral and recognizes e-signatures created by different technology firms.

Collaboration on ICT Strategies

GIPI Azerbaijan wrote the action realization plan for the National Strategy on ICT within a working group. Due to GIPI Azerbaijan's efforts, new provisions obliged the government to fully liberalize and privatize the ICT market in 2 years.

CURRENT ISSUES AND FOCUS

GIPI Azerbaijan is working on preparation of legal of e-Government infrastructures to provide a legal backing for:

- Fostering institutional reforms of internal government processes and services to enhance efficiency and accountability;

- Engaging CSOs and policymakers during the legislative process through ICT tools in monitoring, analysis and advocacy;

- Popularizing international information access rights standards;

- Balancing commitments to civil rights and privacy while ensuring national security;

- Harmonizing national privacy and data protection regulations with global norms;

- Developing reform roadmap in state telecom policy that would broaden affordable Internet access for key constituencies.

EMERGING OPPORTUNITIES

Thanks to donor support, GIPI Azerbaijan has launched the reform process in ICT policy and legislation. Over the last three years, GIPI has been a resource for ICT-related best practices and models to local stakeholders. GIPI Azerbaijan's recommendations of are perceived as in sync with internationally adopted instructions.

Lately, international donor support has been focused on ICT-related projects in ministries and governmental structures. However, this support has not targeted the use of ICT advantages to foster political reforms regarding transparency, accountability, or ICT regulation. Those reforms are accomplished by implementing ICT applications into existing bureaucratic systems. Additionally, governments are confident that international institutes approve the existing governing system and, as a result, feel no immediate for adjustment to international models.GIPI Azerbaijan has a great opportunity to change local perspectives by convincing local donors to involve GIPI Azerbaijan in realizing ICT-related projects within state organs.

■ BULGARIA

PRINCIPAL ACHIEVEMENTS

In 2004, ISOC Bulgaria joined efforts with the Bulgarian ISP Association, the State Agency for ICT Development, and the Academic Network Foundation to form a new NGO, the Public Internet Registry (PIR). One of PIR's major accomplishments has been the successful application to ICANN to re-delegate the Bulgaria domain name (.bg).

ISOC Bulgaria acted as a community watchdog against hate crimes and illegal site hacking by issuing a warning to Bulgarian hackers not to attack Islamic sites. Such attacks may result in a counter attack that could diminish Internet and computer performance, much like the 30,000 used in the state administration that fail.

Country Coordinator Veni Markovski discussed cyber security in a number of interviews, and also focused on the use of proprietary software, which is costly and can limit consumer choice. Mr. Markovski discussed alternatives for users, such as Mozilla-based programs[1], non-MS Internet Explorer-based mail clients, personal firewalls, and eventual operating systems migration to Linux[2].

Interviews and articles were published in various dailies including *DneVietnamik*, *Novinar*, *Sega*, *Trud*, *Monitor*, and the weekly magazine *Tema*.

ISOC Bulgaria supported the creation of a draft law for using FOSS in the Bulgarian state administration. The law made it through Parliament, but couldn't make it through the Parliamentary Committee on Transport and Telecommunications, where it was rejected with 2 votes in favor, 1 against, and 8 abstentions.

Country Coordinator Veni Markovski participated in the Istanbul Summit Forum[3] in June - July 2004. A report was presented, which will be included in the final paper written by Jody Westby.

CURRENT ISSUES AND FOCUS

ISOC Bulgaria has started the implementation of a UNDP project for using FOSS on the municipality level.

ISOC Bulgaria filed a case at the Fair Trade Commission against the unlawful behavior of Microsoft in Bulgaria.

Country Coordinator Veni Markovski and Public Minister Michael Mikov discussed the computer crime chapter in the penal code and its importance in combating cyber crime during an interview on Bulgarian National Radio[4].

Markovski also met with mayors of Petrich, Bulgaria and Gevgelija, Macedonia to discuss their participation in FOSS-oriented projects, as well as with the UNDP – Kosovo, UNDP – Macedonia to participate in jointly projects on enhancing e-government on the local level.

Snapshot

ISOC Bulgaria works to promote more rapid development of the Internet by advocating for improved e-commerce, telecommunications and other relevant laws. By participating in the organization and foundation of the Bulgarian domain administration, working on cyber security issues related to the EU Convention on Cyber Crime in close cooperation with the Ministry of Justice, and participating in the organization of the Bulgarian Big Brother Awards, ISOC Bulgaria continues to promote an open and improved legal framework for the Internet in Bulgaria.

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[1] www.mozilla.org

[2] www.linux.org

[3] More information about the Forum, hosted by NATO, can be found at:
www.nato-forum.com/review2.asp.

[4] www.bnr.bg

■ INDIA

PRINCIPAL ACHIEVEMENTS

ICT Policy Training Workshop

In the first workshop of its kind for India, thirty representatives from grassroots civil society groups met to learn how to advocate effectively for ICT policies that promote development.

Organized by GIPI India, the three-day workshop also provided participants with the opportunity to present a number of innovative recommendations on the issues of universal access and the digital divide to policymakers who attended, such as the Director of the Ministry of Communications & IT, the former Chairman of the Task Force for IT Policy for Delhi, and the President of the ISP Association of India (ISPAI).

ICT Training Workshop Participants , hosted by GIPI India

The main objective was to build knowledge and expertise among civil society organizations to help them to engage effectively in ICT policy processes at national, regional, and global levels. The workshop included presentations on women and Internet policy, rural needs, and the limitations and potential of internet radio.

The workshop was held April 21-23 in New Delhi with support from the International Development Research Centre (IDRC) Canada and the India Development Information Network.

In order to continue the dialogue started during the workshop, GIPI India has developed a website[5], which will serve as an online capacity-building tool for the participants. Additionally, a discussion group has been formed for the participants to interact with one another and with policymakers.

Pioneering Internet Exchange in India

GIPI India convinced the government, regulator and ISPs of the need to establish an Internet exchange and the resulting benefits to the Indian Internet economy. Internet Exchanges encourage cooperation among ISPs, while reducing bandwidth requirements and congestion in international data links, meaning faster and cheaper service for users. GIPI India contributed by researching and providing the data about the Internet Exchanges in other countries. GIPI India drafted the business plan for an Internet Peering Exchange in India to demonstrate that it was feasible, and published articles about the idea in various journals.

As a result, the National Internet Exchange of India was established with funding from the India government. NIXI[6] is a non-profit company, whose incorporation GIPI India facilitated.

GIPI India coordinator Rishi Chawla serves on the governing board of NIXI as an Honorary Director and is also part of the Policy and Tariff Committee of NIXI. GIPI India gives legal support to NIXI and has also facilitated in organizing technical training and awareness workshops for ISPs to make them aware of NIXI benefits, as well as assistance in the technical implementation of NIXI. GIPI India acts as a neutral agency in NIXI, providing legal, technical and commercial support to make it successful.

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[5] www.ictpolicy.org

[6] www.nixi.org

Snapshot

In 2004, GIPI India participated in a myriad of policy-building activities. Among them, GIPI India had the opportunity to host the ICT Policy Training Workshop, contribute to a dialogue that resulted in the partial legalization of Internet telephony, successfully advocated lower Internet access tariffs and the deregulation of Wi-Fi technologies, and led a successful campaign against censorship of Yahoo! Groups. Of great importance was the assistance in pioneering the first Internet exchange in the country.

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CURRENT ISSUES AND FOCUS

Liberalizing .IN Domain Policy

The .in domain policy had been very restrictive in the past – only third level domains were allotted and only if the organization submitted proof of registration in India. Consequently, less than 8,000 .in domains were registered. To combat the lack of domain name registrars or resellers, GIPI India Coordinator Rishi Chawla, along with other partners, persuaded the government to allocate the administration of .in to the National Internet Exchange of India and advocated for a liberalized .in domain policy. Consequently, there is a new policy which does not require any proof of registration for .in domains. The process has been transferred online and there are currently several registrars and resellers for the .in domain name.

GIPI India Coordinator Mr. Chawla contributed to the formation of the .in domain policy and "Sunrise" policy for the protection of trademark owners. As a member of the Committee for Selection of Registrars for the .IN domain, Mr. Chawla continues to advocate for a liberal selection criteria to encourage competition in this sector.

Partial Legalization of Internet Telephony

Until recently, Internet telephony was illegal in India, even though it benefited the public by lowering the cost of international phone calling. The regulator issued a call for public discussion to help it decide whether to allow Internet telephony. The GIPI Country Coordinator submitted detailed comments in support of Internet telephony, and provided relevant information to Internet service providers and user groups, encouraging them to also take part in the process. Based on arguments presented by GIPI and others, Internet telephony was partially legalized in April 2002. GIPI is continuing to work for the total legalization of Internet telephony.

Advocacy of Lower Internet Access Tariffs

In response to a consultation by the Telecommunication Regulatory Authority of India (TRAI), Country Coordinator Chawla brought together consumer groups to protest a planned increase in telephone tariffs that would have made Internet access unbearably expensive. GIPI worked Internet user groups urging the regulator to adopt a reduction, instead of an increase, in telephone tariffs for Internet access, and also recommended the option of "flat rate" tariffs for Internet access. GIPI India submitted a comprehensive submission based on international best practices. As a result, TRAI recommended a flat rate tariff for Internet access. The telecom companies have introduced flat rates for unlimited internet access and have reduced call rates for Internet access instead of the planned raise.

De-regulating the Use of Wi-Fi Technologies

Previously, Internet users in India needed a government license to use Wi-Fi technologies, even though it is an unlicensed service in most developed countries. GIPI advocated for the elimination of license requirements for Wi-Fi in the ISM frequency bands. GIPI India provided input and research to the TRAI and to the ISPAI. GIPI India also worked in partnership with Internet user groups to urge the government to de-license the ISM Band, and achieved partial success. The government eliminated the license requirements for 802.11b and Bluetooth technologies in campus or indoor uses. Currently, GIPI India continues to work for full de-licensing.

Campaign against Government Censorship of Yahoo! Groups

Several YAHOO! groups were blocked and users were unable to communicate as a result of government instructions. In response, GIPI India drafted an appeal addressed to the Minster of Communications & IT and circulated it to user groups, civil society organizations, academicians, journalists, and others to appeal the Minister and other concerned officials.

GIPI India also coordinated with the ISP Association of India and conveyed its protest against the censorship. Subsequently, the government instructed the ISPs not to block completely Yahoo! Groups, but only a specific page. The ISPs have thereafter unblocked the YAHOO! group.

Tackling Digital Divide issues

GIPI India is doing its bit to tackle the growing problem of digital divide by conducting assessments of far-reaching areas of India so that the problems being faced by the stakeholders in these places are communicated to the policy makers.

Assessment of ICT Development in India

GIPI India made a pre-assessment study of the conflict-ridden Kashmir Valley to make an assessment of ICT development. Several representatives from the government, IT professionals, cybercafé owners, and Internet users were interviewed in order to understand the ICT scenario in the region. A report on the subject has been

put on the GIPI India website[7]. It also documents the reasons for the slow growth of the ICTs in the valley and suggestions to improve the same.

Another visit was made to the town of Bareilly and neighboring towns in the State of Uttar Pradesh to make an assessment of the availability of Internet and understanding the problems of users and ISPs in small towns. The assessment revealed a relatively low market penetration of private ISPs within small towns, which resulted in a de facto monopoly by the government ISP, which resulted in a lot of corruption. The users face problem in getting an Internet connection and sometimes have to wait for weeks to purchase an Internet Connection from BSNL[8], the government-owned ISP.

Increasing Participation of Civil Society Organizations in Policy-Making

The participation of civil society in policy making is an essential element of democratization in any country. GIPI India has been educating civil society organizations about the policy processes and making them aware of opportunities to intervene in ICT policy-making by speaking at various conferences, through its websites, and through email discussion groups.

Online Resources on ICT Policy

GIPI India has developed a web resource[9] in order to disseminate information on policy and regulations related issues concerning ICTs. It is the ICT policy gateway of India. It also serves as a public archive of India's ICT laws and policies, a one-stop-shop for the ICT policies of the different states of India.

GIPI is moderating a discussion group[10], which discusses the policies and laws surrounding the Information & Communication Technologies in India.

Formation of India's First Internet Society Chapter

The first Indian chapter of the Internet Society (ISOC) started in Delhi with the support and encouragement of GIPI. GIPI plans to organize ISOC chapters throughout India.

EMERGING OPPORTUNITIES

GIPI India's next objective is improving Internet penetration, which is currently at a meager 0.4% of the population. Improved Internet access can be achieved through increased participation of civil society in the policy-making processes and through awareness and knowledge-sharing events.

Improving Implementation of NIXI

The National Internet Exchange of India (NIXI) has been established; however, it faces several policy and technical issues. Since this is a project that is the first of its kind in India, there is a need to bring some international expertise into the project to share their experiences with those implementing NIXI.

ICT Policy Workshops for Civil Society

Indian civil society participation in ICT policy-making is very poor – almost negligible. This is due to a general lack of awareness, coupled with a lack of knowledge regarding technical and legal issues involved in the policy-making process.   Increased stakeholder participation will be encouraged by educating users and civil society organizations of the benefit of wireless technologies to India. There is an urgent need for a round table conference that will bring together the different stakeholders such as the content providers, technology providers, ISPs, NGOs, regulators, local governments, and experts to discuss the factors that inhibit the growth of the Internet. Additionally, GIPI India plans to carry out a comprehensive assessment of a number of small cities and rural areas of India in order to know the real internet situations in these places and to disseminate this information to the policymakers and stakeholders.

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[7] www.gipi.org.in

[8] www.bsnl.co.in

[9] www.ictpolicy.org

[10] http://groups.yahoo.com/group/ictpolicy/

■ KAZAKHSTAN

PRINCIPAL ACHIEVEMENTS

Round Table on National Information Policy

Kazakhstan GIPI coordinator Sofiya Issenova took part in a national round table devoted to the national information policy creation and conception. She participated as a national expert and spoke regarding The Realization of Civil Rights on access to information as information policy foundation.

Other main issues of the round table included the analysis of information policy in the RK and in the world, the role of libraries in the formation of information societies, the formation and use of national information resources and the provision of free access, principles and goals of information policy, and the relationship between education and information policy.

Round Table on Market Barriers

GIPI Kazakhstan hosted a round table on "Administrative Barriers for Telecommunications Market Development," to which more than 50 participants were invited. GIPI also coordinated press releases to over 30 mass media outlets.

On 12 March, the round table was held and facilitated a constructive discussion of problems, as well as liberalization perspectives of the telecommunications industry and the development of effective tools to overcome administrative barriers of telecommunications market development in Kazakhstan.

During the meetings, the following questions concerning telecommunication industry development in Kazakhstan were discussed:

- The prospects and problems of de-monopolization of national operator Kazakhtelecom.

- The necessity of an independent telecommunications regulator.

- The need for extended monitoring of the state program's plan to develop telecommunication industry.

- The need to harmonize telecommunications regulations to correspond with international standards.

- Administrative obstacles to telecommunication industry development.

- De-monopolization of Kazakhtelecom and telecommunication SME competition.

Representatives of the Agency on Natural Monopolies, Regulation, and Competition Protection took part in the round table, as well as deputies of Mazhilis of the Parliament, representatives of Akimat, the Almaty Small Business Department, business associations, small and medium enterprises, the international and Kazakhstan non-governmental organizations, mass media, representatives of the US Embassy, and representatives of the World Bank Central Asia Regional Office.

Regional Conference on National Information Society Development

Representatives of GIPI Kazakhstan attended the Eastern Europe & Central Asia Regional Conference on "National Information Society Development: From Strategy to Action," which was held at the Ukrainian House in Kyiv on April 15th-16th. The conference was organized by The Information Society of Ukraine (ISU) and Global Knowledge Partnership (GKP).

The conference was organized in preparation for WSIS '05 in Tunis. The conference was arranged in hope that it would be the beginning of an effective, long-term regional cooperation initiative to share successful and unsuccessful ICT action plans, policies, and reforms.

Snapshot

Adequate legislative and political conditions, including freedom for dissemination and receipt of information, free development of Internet business, accessibility of internet for all layers of the population are needed in order to develop Internet in Kazakhstan.
While supporting processes of development of information legislation, it is necessary to note that Kazakhstan falls behind other post-Soviet states in this respect. There is still no specialized policy on informatization and regulation of this sphere of legal relations is mainly realized on the level of sub-legal acts.

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GIPI-Kazakhstan coordinator Sofiya Issenova took an active role at the conference. She presented the report "Information Policy in Kazakhstan: New Vision, Old Challenges." Ms. Issenova was also included in Memo Draft Committee and prepared a proposal and recommendation to the Memorandum (the final document of the conference). Additionally, the Global Knowledge Partnership asked Ms. Issenova to prepare a review on key ICT events from Central and Eastern Europe for 2004 and an identification of case studies – along with challenges, success stories and lessons learned from the region. GIPI Kazakhstan was included as a partner in the GKP contact and mailing list for further information exchange.

KITEL 2004 Exhibition

GIPI Kazakhstan coordinator Sofiya Issenova took part in the KITEL 2004 exhibition. In preparation for the KITEL exhibition, *National Business* magazine prepared a survey on telecommunications and the Internet market in Kazakhstan, including expert evaluations made by Ms. Issenova regarding the opportunities and challenges facing telecommunication market liberalization in Kazakhstan.

Conference «E-Collaboration@work: EurasiaOnline'04.

In October 14-15 the international conference «E-Collaboration @work: EurasiaOnline'04" was carried out. The conference was organized within the project TELESOL by «Earth Data Network for Education and Scientific Exchange" (EDNES, France). GIPI coordinator prepared presentation on appropriate topic and send the thesis to organizers for publication.

Spotlight on GIPI Kazakhstan

Kazakh newsletter, *World of Communications*, issued by NTA (an independent telecommunication association), published an article about GIPI and its meeting devoted to liberalization of telecommunication market in Kazakhstan.

GIPI coordinator Sofiya Issenova met with the editor-in-chief of Interface.kz newspaper to discuss potential cooperation on coverage of GIPI activity in Kazakhstan.

The GIPI article "Information Policy in Kazakhstan: New Vision, Old Challenges" was published in *PERSPEKTIVA*, on www.kub.kz, and on the Internews website.

Inauguration of Kasperski Laboratory in Kazakhstan, Almaty

Kasperski Laboratory opened their representative office in Almaty, the first Kasperski Laboratory office in Central Asia. GIPI coordinator Sofiya Issenova took part in a discussion during the presentation on development of ICT market in Kazakhstan.

She also met with members of independent telecommunications associations, the Internet Federation, experts from the Kazakh Institute of Energy and Communications to discuss further cooperation within Public Council on Telecommunication and ICT.

Special Report for the Ministry of Economy and Budget Planning

In response to a request from the Ministry of Economy and Budget Planning, JSC Center for Marketing & Analytical Research (CMAR) prepared a report on the telecommunication market in Kazakhstan.

For this purpose, GIPI Kazakhstan coordinator Ms. Issenova sent an agenda, list of participants and the resolution from a round table that was organized by GIPI Kazakhstan.

Advocacy

Meanwhile, joint-stock company Kazakhtelecom presented new tariffs for Internet providers, some of which applied to GIPI regarding the increase. After preliminary clarification and receiving additional documents from providers (contracts, letters and tariffs), GIPI Kazakhstan prepared a draft letter to the Agency on Natural Monopolies and Competition Development as well as a special request to the Ministry of Justice.

Presently, local telecom operators and Internet providers are bringing a suit against the national telecom operator Kazakhtelecom. The suit concerned double standards of Kazakhtelecom with respect to alternative operators and illegal inspections. GIPI Kazakhstan coordinator Sofiya Issenova took part in a series of court hearings as an independent observer.

GIPI Kazakhstan discussed a strategy in collaboration with representatives of the Internet Federation for a future press conference in which both parties will raise the issue of price formation for Internet services in Kazakhstan.

EMERGING OPPORTUNITIES

Despite the adoption of the Concept of Electronic Government in 2004, implementation proves to be a continuing challenge. Expectations of main client groups (citizens, businessmen, enterprises and officials) were not studied, resulting in a main tactical gap. Moreover, civil servants do not have adequate professional skills to use information resources and ICT in order to provide information to Kazakh citizens. For instance, government websites, which are considered as basic and primary elements of e-government, do not fulfill the

main objective – to provide of information (with some limited exceptions). As a rule, the majority of government websites are considered by users as a 'billboard' that contains a bare minimum of information about the ministry, agency or committee.

GIPI project plans to conduct the diagnostic research with the following focus groups:

- Businessmen;
- Journalists;
- Ordinary people;
- Governmental structures (both local and republican level);
- Special public institutes.

This part of research will be conducted as a preliminary interviews and focus round tables. Questionnaires will be prepared both for interviews and focus round tables. The results will be analyzed and demonstrated (tables and diagrams).

Evaluation of the governmental web-sites

GIPI also plans to conduct evaluation of governmental web-sites. It will be the second part of the research.

- The evaluation will also include web-sites of the national companies and Kazakh diplomatic missions abroad.
- On the results of content-analysis the rating of the governmental web-sites will be compiled.
- In order to prepare recommendations and international best practice we will conduct content-analysis of the best foreign governmental web-sites.
- On the results of the common research the Handbook on the governmental web-sites will be prepared. The Handbook will also include common information about goals and tasks of the e-government as an instrument of the effective and transparent good government.
- The Handbook will be published and distribute to Kazakh governmental structures.

■ KYRGYZSTAN

CURRENT ISSUES AND FOCUS

Collaboration on e-Commerce

A legal analysis of the draft law "On Electronic Commerce," prepared by CIIP, was submitted to the Ministry of Economic Development, Industry & Trade. The legal analysis covered compliance with generally recognized international standards in the area of e-commerce, and assuring legal guarantees during e-transactions.

The Committee on Procurement, Standardization, Metrology & Patent Issues of the Parliamentary Legislative Assembly admitted the draft law. As a result of cooperation with the committee, consensus was reached on certain provisions of the draft law. Consequently, a joint summary of comments was prepared on behalf of the committee, and the draft law was sent to the Plenary Session of the Parliament for consideration.

The Parliament then made the decision to apply international norms to electronic commerce. The draft law, as a result, guarantees parity between traditional and e-commerce.

In addition, CIIP, together with public foundation Open Kyrgyzstan and the Secretariat of the Consultative Council for Good Governance arranged and conducted the round table for discussing the draft law. Participants of the round table supported CIIP proposals that were discussed among representatives of governmental bodies, NGOs, educational institutions, and mass media.

The Ministry of Transport and Communication drafted a law "On Personal Data," whose basic objective is to regulate issues related to the processing, transmission and storage of electronic personal data. CIIP is committed to ensuring that the draft law guarantees protection of personal data, and invited an international expert to examine the draft law in the context of international personal data laws. The analysis revealed main problems of the draft law and defined the tasks for further updating the draft law. Based on recommendations of the international expert and CIIP, the ministry acknowledged the majority of the recommendations in a joint revision of the draft law that was based on international law.

Regulation and Commerce

To promote private investment, the Kyrgyz government has been revising current legislation to improve regulation policy. At the moment, the Secretariat of the Special Representative of the President for promoting foreign investments and the PRAGMA corporation office are dealing with simplifying general licensing procedures. CIIP made proposals and comments on the draft resolution "On Amendments to the Resolution of the Government of the Kyrgyz Republic as of the 25th of February 2004 #103 'On approving a register of permitting documents, issued by bodies of the executive branch and their affiliates'." Initiators of the project included all CIIP proposals in the process of revising this decision.

Comments and proposals have been prepared and submitted for the draft law of the Kyrgyz Republic "On Licensing."

ICT Regulation

At the meeting of the President's ICT Council held in December 2004, the "Concept for legal regulation of information and communication technologies usage in the Kyrgyz Republic" was discussed and approved. As a result of its adoption, basic principles for forming ICT legislation have been established.

CIIP staff has been drafting a new version of a tax code "Support for the Non Banking Financial Sector in the Kyrgyz Republic," and prepared analyses and proposals.

Snapshot

Major accomplishments of CIIP Kyrgyzstan during 2004 included: organizing and carrying out a round table on draft laws, participation in arranging and conducting training on the issues of universal access; and participation in sub-regional training in Tallinn.

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PRINCIPAL ACHIEVEMENTS

Conference: Russian Information Security

GIPI Russia co-organized a conference on "Russian Information Security within the Global Information Society" during the annual InfoForum. This event was unique because it was the first time in which the Russian State Duma Security Council, the Russian State Duma Security Committee, and the Plenipotentiary of Russian President agreed to cooperate with public organizations.

GIPI Russia led the preparation of one main section on regulatory priorities for information security. Issues of personal data defense, intellectual property, commercial secrets, and cyber crime were highlighted in the discussion. GIPI Russia representatives worked with other conference participants to examine the relevance and applicability of legislative experiences of other countries and international norms.

Helping to Form Modern Legislation

During the first months of 2004, the public and media raised an alarm regarding draft law "About Internet Regulation," which had been introduced by the new State Duma Information Policy Committee. Concerns were raised regarding the law's potential to allow site blockings, financial regulation of Internet development, strengthening the state content regulating function, and other technological provisions of Internet. Representatives of GIPI Russia studied the basis for this initiative and concluded that it was necessary to hold several consulting meetings with new deputies and their assistants. Basing on international legislative experience on Internet development issues and freedom of information dissemination, several meetings were held with different new ICT policy stakeholders. As a result, the necessity of maintaining citizens' rights to free speech and information dissemination was reaffirmed. Also, the initiative of the draft law mentioned was postponed.

In January, work with State Duma continued on the suddenly introduced draft law "About Commercial Secrets," which contains many contradictions with accepted norms related with the criteria of classifying information as a commercial secret, and the rights of commercial secret owners. In order to stimulate a dialogue regarding this legislation, GIPI Public Foundation provided consultation to relative State Duma Committee.

GIPI Russia continued collaborations and consultations on the Russian Federation draft law "Communication Law." Meetings were held with representatives of Ministry of Communications, Russian State Duma and specialists from other Ministries and organizations. However, the results of these meetings indicated that the communication law will probably not be changed in considering the suggestions and remarks of key ICT policy stakeholders. The principal obstacle is the consolidating the new version of the law on communications with existing laws. To facilitate the entire process, GIPI Russia is continuing the collection of suggestions and remarks in order to facilitate the stakeholder dialogue which can improve the situation with legislative regulation of Russian communication more effectively. The previous government adopted 39 suggestions and remarks to the Law, which were approved at different roundtables, other public discussions and special expert groups. During its existence, GIPI Russia has established the contacts that will allow it to participate in this work in partnership with new staff of state bodies.

Activism against Spam

The work on legislative decision of spam-related problems has continued through 2004. A GIPI Russia lawyer was one of many concerned citizens who created the National Anti-Spam Coalition. Several main Russian ICT companies, such asGolden Telecom, Microsoft Moscow, Subscribe.ru and Rambler Internet joined this coalition, whose legislative commission was lead by GIPI lawyer. The Commission analyzed international legislative experience and began the

Snapshot

The period before the presidential elections was characterized by heightened political and information activity and the uncertainty of future state power changes. Additionally, just before the presidential elections, members of the Russian government resigned, new decisions about changes in ministry structures were expected, and redistribution of functions and responsibility in all spheres, including ICT sphere, had been carried out. In this regard, GIPI Russia held many consulting meetings to keep the formed contacts with state bodies and to establish partnership with new ICT policy players.

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work on remarks to the "Law on Advertisement, Administrative Offense Codex" and other documents. The work on draft law "On Spam" was continued. Additionally, separate direction of the activity of National Anti-Spam Coalition was created – monitoring of infringements caused by spam, with the aim of composing court precedents. Various topics were discussed in this forum including spammer identification and legislative limits to spam filters.

e-Government Workshop

GIPI-Russia co-hosted a workshop in St. Petersburg on the development of e-government in Russia. Representatives of local municipal bodies and local northwestern governments, as well as regional universities participated in the workshop.

The workshop was based on the idea that the development of e-government is a critical way to develop democracy and real freedom. To this end, "anti-monopoly" approaches in the sphere of information security were discussed. GIPI Russia will continue the discussion on this problem with the regional section of Internet Providers Union.

National Security Round Table

In February, GIPI-Russia prepared and held a roundtable on the "Transformation of National Security Concepts in the Information Age," in collaboration with the Center of Political Research (PIR Center) in Russia, an NGO that works with leading Russian and foreign experts. The PIR Center conducts scientific research on national and international security and arms control, with the majority of its focus on nuclear weapons control. In 2001, PIR Center began a project on "Information Challenges to National and International Security," in close collaboration with GIPI Russia Microsoft.

The roundtable was aimed at the discussion of ICT policy in connection with national security a main priority of state policy development. GIPI Russia and PIR Center invited representatives from the Russian Academy of Sciences, the Center for Political Stability, the Center of Political and Military Prognosis, the Ministries of Foreign and Home Affairs, the Federal Security Service, the Service of External Intelligence, and many others to the roundtable.

> Overheard during the roundtable...
>
> To what extent should state power bodies that are responsible for national security issues make decisions in the context of the information age?
>
> Do ideas of state national security change as a result of global transformations in ICT?
>
> Should national security be perceived as fundamental and independent of any changes in ICT?

Diverse scientific and political positions were discussed, but a point of consensus for all attendees was the need to continue a methodical analysis of this important problem together with key ICT policy players and chief policymakers.

CURRENT ISSUES AND FOCUS

Two GIPI Russia representatives were included by the Ministry of Communications in the Russian government delegation to the Sixth UN Task Force Session and Global Forum on Internet Governance in New York on March 25-27, 2004. GIPI Russia representatives promoted the softening of position of Russian delegation concerning limits of using measures of state Internet regulation.

Together with Russian NGO Regional Public ICT Center (ROCIT), GIPI Russia analyzed the role of NGOs in information security. GIPI's analysis defined the weaknesses of NGOs, suggested constructive ways of increasing NGO involvement in open discussions of information security problems, and defined NGO successful strategies on forming Russian ICT policy. ROCIT is an NGO that actively aspires to work with the Government in ICT policy sphere, so it plans to consider the above mentioned results in its activity. GIPI Russia plans to spread this experience to other non-government organizations pending positive results of the ROCIT activity.

Lawyer of GIPI Russia co-authored and published the book *Information, Property, Internet, Traditions and Innovation in Modern Legislation*, which contains a critical analysis of today's Russian ICT legislation.

◼ SERBIA + MONTENEGRO

PRINCIPAL ACHIEVEMENTS

Helping Serbian Telecommunications Users Group

GIPI Serbia took advantage of the government transition process following the December 2003 parliamentary elections by helping Serbian Telecommunications Users Group (STUG) in conducting a media campaign aimed at Serbian parliamentary parties. GIPI Serbia and STUG issued a public call to all parliamentary parties to publicly present their plans and strategies for addressing the most pressing issues in Serbian telecommunications today, such as Telecom Serbia's monopoly in fixed telecommunications, low digitalization levels and service quality, low teledensities, a large number of households with party lines, double taxing issues in mobile telephony and Internet, high prices of Internet leased lines, etc. STUG will use this campaign in the forthcoming year for mounting stronger pressure on parliamentary parties for implementing the presented programs and strategies.

Work On Draft Legislation

Following initial contacts established at WSIS between GIPI Serbia and representatives of the Serbian Ministry for Transport and Telecommunications, the deputy minister for telecommunications invited GIPI Serbia to comment on draft legislation regarding ISP licensing. During January, GIPI-Serbia conducted a comprehensive research on EU and international best practices in ISP licensing and compiled a list of recommendations for Serbian regulations in this field.

The entire month of February was dedicated to preparations and implementation of an OSI-supported training course for journalists who cover ICT and Information Society issues in all major print, TV, and radio media in Serbia. The goal was to educate journalists about reporting of information society issues, with a special focus on WSIS and other key international and regional processes. The course was held on February 27—29 in Belgrade.

For the purposes of the course GIPI-Serbia produced a comprehensive reader that focused on development of the Information Society, freedom of expression, intellectual property, cyber crime, privacy, infrastructure, and standards.

More than 30 journalists from all major Serbian media attended the three-day seminar, as well as around 20 guests from ICT-related institutions in Serbia. All materials from the seminar and its media coverage (PowerPoint presentations, the reader, photos, press clipping etc) were made available on the Web[11].

Snapshot

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■ TAJIKISTAN

PRINCIPAL ACHIEVEMENTS

Association of the Internet Service Providers of Tajikistan

The Association of the Internet Service Providers that was established by six local commercial ISPs in December 2003 was registered with the Ministry of Justice in January 2004. CIPI was one of the active promoters of this entity.

E-training courses for Parliament of Tajikistan (focus on Internet technologies).

Considering the success of last year E-training courses CIPI has continued holding these courses for the Parliamentarians in collaboration with the Administration of Majlisi Namoyandagon (Parliament of Tajikistan) through February - May. The training was concentrated on development of skills such as using Internet technologies and developing of electronic presentations in day to day activities of parliamentarians. For this purpose this term training module included Internet technologies – email, web, and e-commerce.

CIPI focused on an analysis of the local ICT market. A project proposal on development of two towns situated near Dushanbe was developed and submitted to two OSI Tajikistan programs (Local Government Initiative and Information One) for consideration. The funding for this project was approved and it will be implemented by CIPI in 2005.

The ICT market analysis was shared with the Persian section of the Radio Free and Liberty Radio Europe. There was a talk with local representatives of these organizations on the ICT situation and ICT potential in Tajik development.

In December 2004, OSI organized a common meeting for two pilot towns (Hisor and Somoniyon) where CIPI will be implementing e-community projects. The parties agreed on their obligations for successful implementation of the project. CIPI introduced an initial working plan that was accepted by the towns' leaderships. Two local ICT panels will be established with one vote for project coordinator from CIPI. Both towns were visited in December to agree on the location of the information resource centers that will be established.

Local NGO Youth Opportunities organized a presentation of the official release of localized GNU/Linux Mandrake 10.1 for secondary schools #34 and # 94 of Dushanbe. CIPI assisted in the organization of this event and made a presentation on the advantages of FOSS in Tajik language.

The Government of Tajikistan ratified an Action Plan to implement the ICT state strategy for Tajik development on December 3, 2004. CIPI is a member of the state working group for development of the action plan.

AREAS OF CURRENT FOCUS

CIPI is involved in the discussion of a draft of the ICT Services Licensing Regulation, which will be one of the many sub laws of the Law on Telecommunications. CIPI lawyer analyzed the draft and provided the feedback for submission to the meeting of ICT stakeholders and governmental agencies, which will be organized in mid-March 2005. CIPI is member of the Organizing Committee.

This month was very important in political life of the country with the Parliament (Majlisi Namoyandagon) election. CIPI gave an interview to the Persian Section of the Radio Liberty on level of Internet usage in this campaign. A city government official with whom CIPI has been collaborating with for the last two years is running as a candidate. CIPI provides IT training courses for her and is optimistic that she will win. This step can help CIPI to organize the planned seminar for new parliamentarians more effectively.

Two local ICT panels were established in two target towns of the e-community

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Snapshot

Public Fund Civil Initiative on Policy of Internet (CIPI) works to promote the information and communication technologies (ICT) as enabler of socio-economic development in Tajikistan through building consensus and partnership among lawmakers, decision-makers, representatives of the academic community, civil society and the private sector.
CIPI is convinced that virtual highways, just as physical highways, promote equitable access to global economical benefits and can promote access to the global economical benefits and country's regions integrity.

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project supported by OSI Tajikistan, which is implemented by CIPI. The project coordinator and a CIPI lawyer prepared legal documents to maximize the project efficiency and implementation of the ICT panels.

E-governance and e-community.

CIPI representative as a part of the Tajikistani delegation had an opportunity to participate in the work of a seminar (April 12 – 16, 2004) organized by the Estonian E-governance Academy (www.ega.ee) and supported by OSI Tajikistan. As a result of this seminar, CIPI organized two seminars for representatives of local governments (*hukumats*) in Hisor and Somoniyon on ICT benefits for rural area. Seminar also presented to participants the State Strategy on ICT for Development of Tajikistan, which identifies the policy of the government on ICT. A significant outcome of the both events is that both local *hukumats* decided to establish a local ICT council consisting of IT experts and representatives of public and private sectors and civil society.

Intellectual Property Rights Issues

The Tax and Law Institute invited CIPI and local NGO Youth Opportunities to be partners in holding a roundtable discussion in May 2004 for the institute's leaders, teachers and students on a localized Tajik version of Linux Mandrake operating system (OS). The following issues were in the focus of this event:

- Software piracy in Tajikistan, particularly in its education system and its harm to society;

- FOSS as a tool against software piracy;

- The need for a localized operating system and applications, rather than a Russian version of pirated proprietary software. The pirated version is sufficient in key cities, where people are fluent in Russian, but cuts out over 70% of rural population.

Second National ICT4D Conference

CIPI was one of the initiators, co-funders and organizers of the Second Conference on ICT4D in June 2004. The Conference (www.ict.tj), the first of its kind, was a bright example of partnerships among all sectors of society – public, private, civil society, and international organizations. All parties contributed in both preparatory process and actual conduction of the Conference.

Various international ICT experts were involved in the conference. CIPI's contribution as a co-funder included supporting the participation of two international experts from Kyrgyzstan and Azerbaijan.

The conference mainly discussed the state ICT4D strategy, current and potential ICT-oriented projects, and the action plan that promotes effective implementation of the strategy on ICT policy, ICT in education (human capacity), infrastructure, content and applications, and private sector.

Standardization of Tajik Keyboard Layout

CIPI was a member of the state working group on "Application and Development of Information Technologies for the Tajik Language" that has met regularly since March 2004. The main goal of this group was to develop a standard Tajik keyboard layout in order to speed up the process of information technology penetration. By a decision of the Tajik government (#330, on August 2, 2004) the state standard of the Tajik alphabet keyboard layout was ratified.

Free and Open Source Software for Skills Development

CIPI, in partnership with OSI TJ, CADA, and ISOC TJ, was part of a working group to prepare and conduct two 5-day trainings for IT teachers of regional universities in two cities of Tajikistan throughout September and October 2004. The focus of the training was on FOSS as an inexpensive tool for skills development. Over 30 IT teachers participated in these courses. There were two organized roundtable discussions in both cities in the last day of the event. The target group of the roundtables was leaderships of universities and local authorities.

Inspired by the outcomes of the mobile trainings for IT teachers, CIPI, in partnership with the EdNet Academy and its other partners, organized a third 5-day-training course for IT teachers. The target group consisted of IT professors from 10 Dushanbe universities. This event ended with the roundtable discussion on the same issue that brought together representatives of the Ministry of Education, the National Patent and Information Center[12] local newspaper *Omuzgor*[13], universities, associations, and other NGOs. The roundtable highlighted the consequences of unlicensed proprietary software use (piracy), which is one of the major obstacles in Tajikistan's WTO accession.

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[12] The National Patent Information Centre is under the Ministry of Economics and Trade. It regulates intellectual property forms (patent, trademark, copyrights) in the country and represents Tajikistan in WIPO.

[13] *Omuzgor* (the translated meaning is "teacher") is an official publication of the Ministry of Education.

Organizers introduced two options of overcoming/reducing the problem of illegal usage of proprietary software: the usage of licensed software, and the utilization of FOSS. Advantages and disadvantages of both options for local communities were also presented. The participants acknowledged that the problem exists but not all of them consider it as a priority. The roundtable was briefly described in *Omuzgor*.

EMERGING OPPORTUNITIES

Tax Incentives to Improve e-Strategy

CIPI has been working with ICT stakeholders to promote adoption of tax incentives in ICT sector in the country since its inception. This is an issue that CIPI hope to solve with new parliamentarians.

Effective implementation of the e-strategy depends mainly on the Council. CIPI membership in the council continues to be a significant objective.

Intellectual Property Rights issues

A major problem that hinders Tajikistan accession to WTO is the high incidence of piracy. Though the incidence in local IT industry is not as high as in the entertainment industry, there is still a need to implement ICT-oriented projects to educate users.

Legal Analysis of Telecomm Draft Law

In partnership with the Association of the Internet Service Providers, CIPI prepared a legal analysis of the draft of "Regulation on a New Independent Entity in Telecommunications" that was drafted by German organization DETECON in March. This analysis was submitted to the Government of Tajikistan for consideration.

FURTHER GOALS

CIPI plans to continue and expand its activities in 2005. Major goals include:

- The liberalization and privatization of Tajiktelecom,
- Increasing rural ICT awareness and skills,
- Successful implementation of the e-community project,
- The organization and execution of a training seminar for new parliamentarians,
- Active involvement in the implementation of a joint project[14] on Internet capacity building for local academic and civil society communities.
- Promoting FOSS as an inexpensive and invaluable tool of to develop key skills, promote digital independence, and reduce illegal software distribution rates, and
- Raising rural awareness of ICT benefits

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[14] Joint partners are OSI, the UNDP and NATO Science Program.

PRINCIPAL ACHIEVEMENTS

■ UKRAINE

ICT Growth

The State Statistics Committee of Ukraine has disclosed information about the profits earned by the enterprises working in the field of communications during January – June 2004. Communication industry profits in the first six months of 2004 equaled UAH9.36 billion (equal to approximately USD1.7 billion), a 33% increase from the 2003 corresponding period. This amount includes more than UAH37 billion from public services. Market leaders were mobile communications services providers (a combined total of UAH3.925 billion), and international and national telephony service providers (a combined total of UAH2.82 billion).

In Ukraine, mobile phones are used by 9.58 million people (a meager proportion of the total population of 48 million). However, mobile phone usage has increased by 1.5 million consumers over 2004, indicating strong economic growth and increase in consumer quality of life throughout the country. Internet users comprise 5 million people or 10 % of population of Ukraine, who are served by 380 ISPs.

The number of mobile communication users in Ukraine has exceeded number of fixed telecommunication users: The number of mobile communication users in Ukraine increase up to 11 million 384 thousand 750 people. By expert estimations, the number of fixed telecommunication users in Ukraine is about 11 million persons. Over 9 million of them are serviced by the national operator of telecommunication Ukrtelecom. The others are subscribers of private operators of fixed telecommunication. The leader on "mobile" user's base in the country is UMC. At the end of October, this mobile communication company serviced 5.89 million people. The number of subscribers of the company within last month has increased by .36 million, and within a year - on 3.21 million people, growth of 119%. The number of subscribers of mobile communication company Kyivstar by November, 1 is about 5.39 million people. More then 660 thousand is subscribers of the contract form of connection and 4.73 million are users of prepaid services, including over 4.06 million people who use Ace&Base and 663 thousand users of youth brand DJUICE. Company «Golden Telecom» today serves 57 750 subscribers of mobile communication, from them 28 650 are contract and 29 100 are users of prepaid service UNI. Company Ukrainian radio systems (trade mark Wellcom) services more than 47 thousand subscribers of mobile communication.

Ukraine Partnerships on Legislation

The draft law "On Radio Frequency Resources" was registered in January 2004. The draft law intends to fix modern approaches to distribution of and use of radio frequency resources in Ukraine. Following the proposal of the Parliament section Committee, the draft law has been discussed at the Internet forum of GIPI Ukraine, where public opinion was taken into account. On May 12, the draft law was adopted at the first reading and the final approval was made on June 25, 2004.

The alternative draft law "On Monitoring and Interception of Telecommunications," developed by right protectors and public organizations, was registered on March 26. It is still in the process of development to consider all comments of state authorities, business and public units. GIPI Ukraine has participated in the process of development and promotion of the law. Additionally, participants discussed the draft law "On Interception of Telecommunications" which has been developed by INaU in 2004. For now this draft low on consideration in the VerhoVietnama Rada. Representatives of chamber have supported this draft law and have stated the comments.

Snapshot

GIPI Ukraine has been developed by Internews Ukraine, an organization with 10 years of experience in the field of information policy and independent mass-media development.
The Project Mandate in Ukraine is to promote open market principles and to develop an open and a transparent information policy in Ukraine.

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On June 1 the draft law about amendments to Criminal and Criminal-Processing Codes has been adopted in the first reading. The draft law would reconcile these documents with the corresponding international documents on cyber crime.

On September 2, 2004, the public hearings on the draft law "On the Interception of Telecommunications" took place in Kyiv. During the hearings, participants discussed the new version of the draft law, in which most of the amendments proposed by the state authorities, business and public organizations had already been introduced. The public hearings were organized by the Internet Association of Ukraine with Internews Ukraine, GIPI Ukraine, and the Ukrainian Internet community.

Plugging In: Ukraine's Second Internet Exchange

Ukrtelecom[15] created an Internet exchange in 2004, the second such exchange in Ukraine other than the two year-old UA-IX, which was created by the Internet Association of Ukraine to unite key telecommunication companies. Ukrtelecom submitted the proposal to the IAS to enter to UA-IX.

Implementation of Good Registrar Policies

In January, GIPI Ukraine participated in a working meeting on reforming domain rules in Ukraine. Domain administrator Mr. Kohmanjuk participated in the meeting. As a result of the discussion, participants agreed to change domain rules and to consider the possibility of creating a special domain administration organization.

Challenging Invasion of Privacy

In January, the Internet Association of Ukraine decided to appeal Order 122 issued by the State Committee on Communication and Information. The Order demands the installation of monitoring equipment at ISPs that work with the state. The Board accepted the decision contingent on a preliminary legal estimation, to be executed by GIPI Ukraine.

CURRENT ISSUES AND FOCUS

Working to Minimize ISP Regulation & Taxation

In January, the Internet Association of Ukraine (Country Coordinator Maria Shkarlat is a member of the Board) decided to appeal against Order 122 issued by the State Committee on Communication and Information, which demands to install monitoring equipment at ISPs. The Board agreed to support with a preliminary legal analysis to cancel the order in court. The analysis will be carried out by GIPI.

Self Regulation for Internet Media

In January, Internet media development issues were discussed. GIPI suggested to Internet media to create a self-regulating system concerning rights protection for journalists.

Creation of a National ICT Coordinating Council

GIPI Country Coordinator Maria Shkarlat is a member of a working group on regulations development within the Independent Regulating Agency. The working group is supported by Telenor[16] and the World Bank. The working group is charged with preparing a list of documents that should be accepted according to the telecommunications law to regulate the work of the Independent Regulating Agency. All analytical materials developed by this group are accessible on GIPI's site.

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[15] More information is available at www.ukrtelecom.ua.

[16] Telenor (based in Norway) is largest mobile communications investor in Ukraine. See www.telenor.com for more information.

Establishment of the National Commission on Communications Regulation

In accordance with the Ukrainian law "On Telecommunications," the communications regulation system will be reorganized and some power will be transferred to the NCCR, which became operational January 1, 2005. According to the same law, the NCCR is formed by the Ukrainian president. As a result, the State Committee on Communications was reorganized into a Department, subordinate to the Ministry of Transport in July. In August 2004, President Yanukovych issued an order dismissing the management of the Communications State Committee. Another order of the president appointed Oleg Tsepennikov, a former Ukrtelecom director as NCCR chief.

To subordinate the NCCR to the Ukrainian Parliament and to extend Parliament power, the draft law on amendments to the "On Telecommunications" law was registered on May 11, 2004. According to this draft law, the Parliament would have the right to appoint half of the NCCR members.

GIPI has conducted an experts' poll on the most influential potential candidates to the NCCR. The poll results play an important role in the process of the NCCR formation as it demonstrated the level of popularity of possible NCCR members.

The new structure of the National Commission of Regulation of Communication (NCRC) is approved: The President of Ukraine has signed the decree №1460/2004 about assignment of members of the National Commission of Regulation of Communication in Ukraine. Chairman of the Commission Sergey Tsepennikov has been appointed even in the summer. In total in the commission 8 people will work. Except S. Tsepennikova, in structure of the Commission have come Andrey Galjapa, Sergey Glotov, Anatoly Dovgy, Valentine Koval, Nikolay Lestev, Nikolay Orlenko and Alexander Rykov.

Government Apparatus Goes Digital

The Ministers' Cabinet issued decree no. 181-P on March 27, 2004, which approved the list of projects within the National Informatization Program for 2004 and also approved a UAH7.71 million (approximately USD1.4 million) program budget. UAH950 thousand is allocated for creation of infrastructure of the system of electronic signature in Ukraine and UAH755 thousand is allocated toward an integrated document circulation system within the ministries and departments.

Ukrtelecom Privatization

In July 2004, the Government of Ukraine made several attempts to approve final tender terms for a 42.86% stake in Ukrtelecom. On July 28, Prime Minister Viktor Yanukovych signed two orders – no. 513-R "On Approval of the Decision of the Ukrtelecom Privatization Commission" and no. 513-R, "On Approval of the New Plan of the Ukrtelecom Stock Flotation." The State has been increasing the price of Ukrtelecom stock throughout 2004 as it underwent a corporate re-structuring and acquired Utel[17], a Ukrainian provider of international telecommunications services, as a branch company. However, in August, the tender was officially postponed after the presidential elections.

EMERGING OPPORTUNITIES

Ukrainian legislation is in a process of development, as the telecommunications field requires regular updating of legal infrastructures due to the rapid progress of communication technologies. Very often, legislative bodies are far from the current needs and problems of the telecommunications sphere. That is why GIPI Ukraine has paid special attention to the events that brought together legislative representatives with businessmen and experts from the telecom field. Public hearings and discussions are a very effective form of achieving cooperation between both sides.

Full collaboration and success is achieved with implementation of the legislation by the government. A competition for the most open State authority is an excellent example and tool that can promote new standards of open power in Ukraine and dramatically demonstrate problems of IT users to executive officials. This event was also a great opportunity to showcase the collaborative efforts of GIPI Ukraine.

The next step to achieving true rule of law is enabling the executive branch to work on the principles of democracy and international law. Launching local authority web sites on the Internet is important in creating fair and open structures of state power, famous for its bureaucracy and corruption. The competition for the most open State body piqued the interest of local authorities in informational technologies and how it can facilitate their work. The independent expert commission of the competition paid special attention to possibilities of interactive communication through the web and involvement of communities into the legislative democratic process.

The event was attended by 23 journalists and was widely covered in 20 media outlets.

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[17] www.utel.com.ua

Reporting on ICT in Ukraine

Since October, GIPI Ukraine has published a monthly information digest[18] on ICT events in Ukraine. The digest will include a section on telecommunications news. The basic themes include a focus on Ukrainian information policy, Internet technology, development of mobile communication, state and public activities in regulation and development of the IT sector.

Round Table on Internet Market Development in Ukraine

The round table was organized by various NGOs to discuss challenges in the Ukrainian Internet market. Representatives of the Ukrainian Network Information Centre[19] informed that at the last ICANN conference in early December, the Ukrainian delegation submitted all necessary documents for authority delegation of .ua domain management. The second topic of the round table was a discussion of the new rules of domain registration and administration. All round table participants table discussed the new Rules and have agreed that during the next several months this project will be discussed by all stakeholders.

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[18] GIPI articles can be viewed at http://gipi.internews.ua/eng/events_digest/.

[19] www.gurt.org.ua

■ UZBEKISTAN

PRINCIPAL ACHIEVEMENTS

GIPI has participated jointly with UNDP DDI program in research and creation of a policy document establishing position of the Republic of Uzbekistan on issue of Internet Governance. GIPI has made research of what recent developments has been made in this sphere after first World summit for Information Society and described tendencies and outlines as will summarized view of global international expert groups on this issue.

In June 2002, under the President's Decree, working groups on draft law elaboration of were formed. New draft laws were submitted for consideration to the Uzbek parliament. In October 2002, the same decree was abolished by the Uzbek government and by November of 2003, all ISPs had relatively free access to information. However, since November 2004, a new organization, Uzbektelecom took control of web traffic, and become a new monopolist instead of UzPak.

During 2004 GIPI Uzbekistan accomplished the following:

- Assisted the Uzbek government of Uzbekistan in preparation of a final IP draft law. This draft will be discussed during the next Parliament session;

- GIPI Uzbekistan, along with UNDP UZ completed a strategic document on e-governance for Uzbek government. This document reflects international and domestic positions of Uzbekistan on e-governance.

- The gipi.uz domain was transferred from OSI UZ to Internews Uzbekistan. GIPI Uzbekistan is currently working on reconstructing the site and updating content.

- GIPI Uzbekistan participated in I-Law Eurasia and made a presentation about the current situation in Uzbekistan and new threats from the government monopoly to international connectivity channels from Uzbektelecom.

CURRENT ISSUES AND FOCUS

GIPI Uzbekistan has been working to assist in the process of creating an enabling legal environment to support IT development and IP protection in Uzbekistan.

To do so, GIPI Uzbekistan is currently assisting the Uzbek government in drafting IP- and IT-related laws and amendments to the existing legislation in area of:

- Compliance with generally recognized international practice;

- Creation of enabling legal environment for internet development;

GIPI Uzbekistan is also providing expertise on draft laws and provides recommendations for proper implementation of adopted ICT legislation.

Liberalization of trade policy in ICT

GIPI Uzbekistan is working to give assistance for the proper implementation of existing legislation in this area. Proper guidance in this area will have an immediate effect of reducing the cost of services for Internet access due to enhanced competition, and consequently make the Internet and online services more affordable for a wider audience in Uzbekistan.

The de-monopolization of existing ICT market can occur through the following activities:

- In cooperation with the UNDP, GIPI Uzbekistan will increase knowledge of local businesses on appropriate ICT tools, related skills and

Snapshot

Since 2002 GIPI experts have been actively involved in the elaboration of a state program on ICT promotion and education; Contribution of opinions regarding the necessity to abolish Decree 521 and to work out new law drafts for electronic commerce, digital signatures and electronic documents; and the establishment of a Coordinating Council on ICT as the leading body to reflect the interests of the entire Internet community in Uzbekistan.

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opportunities to apply them in e-commerce by providing trainings (within three year period)

- Along with other stakeholders, GIPI Uzbekistan will work on assessments of current legislation and provide expertise on proper implementation mechanism of existing current legislation in the area of e-commerce (within three year period)

Information Security & Data Privacy

By improving legal protection of personal data, GIPI Uzbekistan hopes to increase secure e- transactions and reduce the level of cyber crime. Work to accomplish this goal included:

- Lobbying for amendments to existing information security legislation about the specific legal details necessary to keep network security at an appropriate level;

- Lobbying for a new data privacy law and any necessary amendments to the existing legislation within a three year period;

- Lobbying for the implementation of safe harbor provisions in current law;

- Holding consultancy meetings, round table discussions and other activities in order to educate government officials about information security, and in particular, to recognize that security laws should be balanced with data privacy protection and protection of civil rights.

Protection of Copyrights

Another major goal of GIPI Uzbekistan included the improvement of intellectual property protection mechanisms. It is becoming more essential in the digital age, in a world that operates with digital media, piracy, and circumvention technologies. Our goal is to harmonize local regulations by increasing awareness among IP specialists and IP students. This harmonization can be accomplished by:

- The creation of a web-portal for IP education within 2005;

- Promoting Linux systems or other FOSS with the purpose of assuring operational security and preventing software copyright breaches through discussions with local stakeholders (within three year period)

- A thorough analysis of the legislation in copyright applicable to information technologies (Within three year period)

- The adoption of laws for freedom of choice and for better regulation of interactions among copyright holders.

- Further development of regulatory mechanisms assuring compliance with international standards such as TRIPS, and other international agreements.

Promoting Wide Access to Information

One of the major elements needed for the democratic progress of a society is the free and open transfer of information throughout the world. It will liquidate corruption and overcome the heritage from Uzbekistan's previous socialist past. There is a threat that the government is planning on introducing legislation which would require that web sites be registered as mass media. GIPI Uzbekistan is working to achieve free access to web content through the creation of an enabling legal environment for free internet development through the following activities:

- Promoting greater public access to information by facilitating the process of developing official portal of Coordinative Council on ICT[20], a supreme coordinative body on ICT in Uzbekistan, reflecting interests of the entire Internet community in Uzbekistan. (within three year period)

- The development of a mechanism of assuring a legal balance between rights of people to free access to information in Internet and securing privacy through amendments and addenda to the current legislation on information security and information laws; (within three year period)

- Disseminating to the public the idea that access to public information will increase public confidence in the government and that the right to free search, receipt, production and dissemination of information is an important condition for implementation of all other rights and freedoms in a democratic constitutional state(within three year period)

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[20] www.ictcouncil.gov.uz

- Educating the policymakers considering this move, to convince them of the dangers of trying to register web sites per se--since the only result will be that there won't be any .uz web sites and/or there won't be any web sites in UZ.

Support Non-Governmental ICT Stakeholders

Promotion of recognition for non-governmental ICT stakeholders is the driving force for building democracy, transparency and due regulation in the ICT sphere. By supporting partnerships among ICT businesses, public organizations, educational institutions, international organizations and governmental agencies, GIPI Uzbekistan hopes to raise awareness among NGOs about information societies. This will help to create public awareness and achieve broader involvement of civil society to the policy building campaign through the following objectives:

- Provide consultancy for representatives of above mentioned group;

- Provide open forums on the websites;

- The launch of an English and Russian Internet policy newsletter will cover major aspects of IP and IT development together with the Gateway (World Bank project).

- Organization of roundtables and workshops , together with other stakeholders, to discuss creating a nationwide consensus on the national policy environment regulating ICTs, defining a clear and complete set of rules regulating investment in and the provision of products and services for Internet development, and international IP regulations and harmonization of local regulations.

EMERGING OPPORTUNITIES

A well-informed society is one of the strongest mechanisms that can move towards democratization and democratic reforms in the economy as well as reduction of social and gender inequalities.

In Uzbekistan, current legislation requires changes and amendments for wider access to databases. It is necessary to ensure the full representation of government in development of the Internet and the application of modern ICT to relations of government institutions at national level, as well as with any other persons who are interested in obtaining public information. Wider access to information is required, especially for scientific, education and public institutions. It is important to consolidate the efforts of governmental organizations, public organizations and commercial entities for the ICT development. Comprehensive government support is required for all companies in the commercial ICT sector, irrespective of their form of ownership. Training of qualified staff will create conditions for emerging of competitive national enterprises involved in ICT development.

The objective of GIPI Uzbekistan is to assist the Uzbek government in developing human resource capability to provide ICT and IP policy expertise that enables an environment for ICT development in Uzbekistan. It has been recently decided to reorganize the Uzbek parliament in to two chamber parliaments[21] and we expect that the Uzbek Parliament will be one of the key stakeholders and implementing partners in assisting the Uzbek government to establish a firm legal policy basis on which to build e-commerce and e-government functionality.

The principal problem is the lack of knowledge of the technical underpinnings of these areas, and developing the capacity, both in terms of human resources and ICT tools, to understand them fully and to create effective policies and systems for implementation based on that understanding. Providing such knowledge and experience should lead to support for development of the Internet in Uzbekistan as a catalyst for democracy-building and economic growth. It should also build capacity for the government, parliament and private sector in promoting and managing informatization. The assistance in e-government has the potential to provide greater transparency and lighten the social burden of bureaucracy. Finally, such knowledge can be used for liberalization of the telecom market and increasing free access of the society to the information.

In the government sector, there is inadequate knowledge of information systems and potential e-government applications. While there is a strong interest near the top of government, the use of modern information technology has not permeated working levels of government to any extent, and knowledge of e-government applications, either potential or actual in other countries, is very limited.

Outside of the government sector, most citizens have their first encounter with computers and information technology through their place of work. Yet, most companies do not have the financing to invest in modern information systems. Most growth in the economy is occurring in small to medium sized companies whose scale and profitability, in most cases, do not make significant investments in information technology feasible. Both sensitization and training will be needed to assist in the creation of a business sector that is both informed and ready to initiate trial activities in e-business.

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[21] www.parliament.gov.uz

There are significant constraints to access and use of ICT, especially with respect to business and government applications. They include the lack of understanding and appreciation of potential applications of ICT; lack of an independent regulator; conflicting or outdated laws; gaps in the legal framework; a sparse Internet infrastructure. Lack of credit cards and electronic payment systems also constrain the e-commerce business. Lack of adequate protection of intellectual property rights of foreign citizens has a serious negative affect on the international reputation of Uzbekistan, and discourages inflow of foreign investments. In ICT specifically, foreign strategic investors and vendors of products with substantial intellectual property (e.g., software) will continue to be hesitant to participate in the local market.

It is necessary to emphasize that the Conventions require compliance with the Agreement on Trade Related Aspects of Intellectual Property Rights, which is one of the main conditions for Uzbekistan to join the WTO. Uzbekistan needs to act swiftly to join the International Conventions on Copyrights: Bern Convention on Protection of Works of Literature and Art and the World Convention on Copyrights (Geneva Convention). These problems require solutions and coordinated efforts by all interested stakeholders, including national and local governments, international donors, the business community and educational institutions.

GIPI is a key player in addressing the challenges that Uzbekistan faces in ICT policy. Our programs and activities over the next years will focus on creation enabling legal environment for IT and IP development, by way of building expertise and promoting effective public policy to address these challenges and helping to ensure that ICT development meets its economic and social promise.

GIPI seeks to empower the government of Uzbekistan by providing policy and technical guidance in the area of ICT with the knowledge and tools that should cause the Internet and the beginnings of e-government to flourish.

Assistance provided will cover the following areas:

- A thorough examination of the current policy environment,

- Assistance in drafting reform legislation,

- The gaining of experience both through study and through direct practical measures of the implementation process for policies governing e-commerce and e-government,

- Providing legal consultancy, publishing materials, distance learning programs (on CD and on-line, will assist in educating the entire community of ICT major actors in new ideas in policy and the exploitation of technological alternatives. (in case if we will have some additional funds for such activity)

■ VIETNAM

PRINCIPAL ACHIEVEMENTS

Collaborations in have been undertaken with The Ministry of Post and Telematics for assistance in the drafting of IT laws, the Ministry of Trade for provides assistance in their work on e-commerce, the National Assembly to form an e-transaction law drafting group of the NA Committee for Science and Technology, the UNDP on the drafting of the national ICT strategy, the Vietnam Competitiveness Initiative (VNNIC) for a potential joint training proposal), and e-ASEAN.

Considering the political situation in Vietnam, GIPI Vietnam could not happen without the prior informal approval of Vietnamese authorities and without the support of a well established local organization. The project works through the IoIT for this same reason (the IoIT is a well known and respected state research institute).

Three national roundtable meetings were held on getting the e-transaction law issue to become a public concern rather than just government interest, domain names and a strategy to promote Vietnam.

The concept of an independent regulatory body in the telecommunications sector was introduced in 2004 as a primary step toward a more competitive telecom market.

Regulation of Distribution Access to Content

In February 2004, Country Coordinator Thu Hue wrote an article on GIPI Vietnam to be published in Vietnamese newspaper *The Post*. The article emphasized the poor availability of content for local users as a main factor for slow and ineffective Internet development in Vietnam. More content should be shared and posted on the Net in Vietnamese. This simple change would be a huge factor for Vietnam Internet development, as only a small portion of the Vietnamese audience is able to explore English information on the net.

E-Governance, E-Government

In her article for *The Post*, Country Coordinator Ms. Thu Hue also raised critical questions before developing any new regulations, which challenged whether the new regulation was needed and for what purpose. She also asked legislators to consider its long term effects on whether it would maintain monopoly or promote competition, minimize or increase user responsibility for content. It was suggested that a pilot e-government project may need to be implemented first to answer such questions.

CURRENT ISSUES AND FOCUS

GIPI Vietnam has been working on an e-transaction law that will be submitted to the NATIONAL ASSEMBLY and voted in July 2005. A digital signature decree is currently going through drafting process (by the MPT) and will be presented to the PM's office in 2005.

Snapshot

Funding was granted to Internews Europe for GIPI VIETNAM in August 2002, by the Asia IT&C program of EuropeAid.

Since July 2003, GIPI VIETNAM has been fully active and has made a name for itself throughout Vietnam.

Funding from the Asia IT&C and the FR MFA is secured for GIPI Vietnam's activities for the next 11-12 months.

The Vietnamese government, although it feels threatened by the internet and the ideas it can vehicle, and despite its attempts to control its content, is very open to the idea of developing the Internet in Vietnam as a means to reduce the gap with western economies.

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Issues and challenges facing Internet development in Vietnam have included gaps in processes of building legislations regarding ICT in Vietnam, weak coordination among stakeholders, and confusion in legislations for website management

To combat these impediments, GIPI Vietnam has focused on:

- Improving the process of ICT legislation building: e-transaction law, ICT law, and decrees for e-commerce and digital signature. Special skills developments for judges, journalists, lawyers continues to be a high priority;

- Industrial and client-oriented policy for Internet development is facilitated by getting the public involved in policy recommendations towards a more competitive market for ISP associations, and research and education e-networks.

EMERGING OPPORTUNITIES

GIPI Vietnam plans to focus on making improved telecommunications policy a priority agenda item so that Vietnam can join the WTO.

Creation of a National ICT Policy

Currently, a new proposed e-transaction law is under discussion in Vietnam. Ms. Thu Hue contacted and had meetings with Dr. Mai Anh from the Ministry of Science and Technology to learn more. Unclear roles and responsibilities among agencies that work on ICT policy and technical issues emerged as a main issue.

There is a limited transfer of work from predecessors. For example, the IT Master Plan prepared by the Ministry of Science and Technology has been approved by the Prime Minister. However, after being formed, the new Ministry of Post and Telematics (MPT) is making its new strategy for ICT development, which has not inherited anything from the IT plan mentioned above.

The e-transaction law proposal is moving forward because of urgent demand for e-commerce regulation, the prevailing slow and complicated procedures of making and passing laws in Vietnam, and the urgent demand to finalize e-ASEAN cooperation by the end of2005. However, the current ICT law proposed by MPT may not be approved until 2007, which is too late. An e-

commerce ordinance drafted by the MOT could be ratified in 2005 at the earliest, but would cover only transactions relating to commerce, and would not easily enforced.

No single ministry is able to deal with inter ministerial issues such as ICT. Thus, the Committee for Science and Technology of the National Assembly of Vietnam (CST) proposed the e-transaction law to be passed by end of 2004 - 2005. The resolution for such a law proposal was approved by the National Assembly. The drafting committee is to be officially established with representatives from 8 ministries.

The law is to be drafted by the CST, and approved by the National Assembly. The implementing decrees shall be drafted by relevant ministries. Any ministry who draft any implementing decree shall be responsible for state management of this decree. For example, in the e-transaction law shall state: any thing relating to e-commerce, please refer to the e-commerce decree which is under the management of the Ministry of Trade. The various ministries have asked that GIPI Vietnam help in this process.

Empowering Vietnam for the Internet

On April 7th, Ms. Thu Hue and Mr. George Sadowsky had a brief meeting with UN resident coordinator Jordan Ryan. The purpose of the meeting was share recent achievements for both organizations and to discuss the possibility for co funding future initiatives. Results of the support of UNDP to Ministry of Posts and Telematics in building an ICT national strategy were exchanged. Legal capacity-building for the ICT sector was a great opportunity for collaboration.

French Collaboration

On 29th April, a meeting was held between the French Embassy in Vietnam and the GIPI Vietnam team with the presence of IOIT director, Dr. Le Hai Khoi. The objective of the meeting was to learn about opportunities for science technology cooperation with IOIT and to learn about GIPI Vietnam.

Dr. Le Hai Khoi spoke about IOIT, its projects and emphasized its interest in hosting a GIPI Vietnam project. Mr. Thai emphasized technological issues, networking and general policy- and technology-related issues.Ms. Thu Hue talked about GIPI Vietnam projects, its accomplishments as a major influence for ICT policy in Vietnam, and how it has supported important ICT legal projects such as ICT law, e-commerce, and e-transaction.

Moving Towards e-Commerce

On April 6th, GIPI Vietnam organized its third task force meeting. The subject was to discuss the proposal for the e-transaction law of Vietnam.

Dr. Mai Anh, director of the ICT Center within the Vietnamese Ministry of Science and Technology, as well as chairman of the Hanoi ICT association, member of National Assembly and head of drafting team of the proposed e-transaction law informed that the new law shall be built by the Committee for Science and Technology of the National Assembly. The draft of the law is expected to be completed by the second quarter of 2004 and shall be approved by 2005.

The e-transaction law is expected to have 11 chapters and 110 articles, covering all online transactions (including both commercial and non-commercial activities) between three groups: government agencies, enterprises, and citizens. It is notable that the law required an inter-ministerial approach as it was drafted by a committee of the National Assembly, and shall be able to draw the attention and resources of various ministries such as the Ministry of Post and Telematics, the Ministry of Justice, the Ministry of Trade, the Ministry of Science and Technology, as well as enterprises and ICT experts.

Another task force member, Mr. Nguyen Quang A, editor-in-chief of *Informatics* and *Life Magazine,* emphasized that any new law should be drafted only when it is really needed. He suggested that elements of e-commerce ordinance already in place should be used for the new e-transaction law.

The task force meeting shared the views of GIPI presented by Mr. George Sadowsky, Executive Director of GIPI. He shared the policy environment, structure and development of Internet Policy to which GIPI has been contributing in 17 developing countries. The presentation was well-received by the participants because of its relevancy and timeliness to Vietnamese situation.

■ GLOSSARY

ADSL (Asymmetric Digital Subscriber Line)

A method for moving data over regular phone lines at speeds of up to 1.544 Megabits per second downstream, and up to 128 kilobits per second upstream.

CSO (Civil Society Organization)

All civic organizations, associations and networks which are not familial structures or state entities.

FOSS (Free and Open Source Software)

Programs that are open source are distributed under conditions that allow free modification and distribution. See www.opensource.org and www.fsf.org for additional information.

Hacker

Someone with an interest in computers who enjoys experimenting with them. Also, a person who gathers information on computer security flaws and breaks into computers without permission.

ICANN (Internet Corporation for Assigned Names and Numbers)

The Internet Corporation for Assigned Names and Numbers (ICANN) ensures that every address is unique and that all users of the Internet can find all valid addresses by overseeing the distribution of unique IP addresses and domain names. It also ensures that each domain name maps to the correct IP address.

ICT (Information and Communication Technologies)

Any technology used to process information or to facilitate communications between two or more parties, including computers and telephones.

ISM (Industrial, Scientific and Medical)

Industrial, Scientific and Medical (ISM) frequency bands

IPR (Intellectual Property Right)

A legal concept which confers the right of property and ownership to an idea or other intangible subject matter. Common forms of intellectual property include patents and copyrights.

ICT (information and communication technology)

Any and all forms of technology used to create, store, exchange, and use information in its various forms (business data, voice conversations, still images, motion pictures, multimedia presentations, etc.).

ISP (Internet Service Providers)

The company through which an individual or organization receives access to the Internet. Typically, ISPs provide e-mail service and home-page storage in addition to internet access and other value-added services.

NGO (Non Governmental Organization)

Term used to refer to a range of organizations from small community groups, through national organizations, to international ones.

SME (Small and Medium Enterprises)

Generally taken as businesses with less than 250 employees.

Wi-Fi (Wireless Fidelity)

Used generically when referring of any type of 802.11 network, including 802.11b, 802.11a, 802.11g.

WSIS (World Summit on the Information Society)

Organization dedicated to an Information Society for all, reflecting all the different interests at stake.

OS (Operating System)

System software that controls a computer and its peripherals. Modern operating systems, such as UNIX, Linux, Mac OS, and Windows handle many of a computer's basic functions.

OSI (Open Source Initiative)

A non-profit corporation dedicated to managing and promoting the Open Source Definition for the good of the community, specifically through the OSI Certified Open Source Software certification mark and program. www.opensource.org

Spam

(**as a verb**) To indiscriminately send unsolicited, unwanted, irrelevant, or inappropriate messages, especially commercial advertising in mass quantities.

(**as a noun**) Electronic junk mail.

WIPO (World Intellectual Property Organization)

An intergovernmental organization based in responsible for the promotion of the protection of intellectual rights throughout the world. www.wipo.org

Virus

Code that is embedded into a computer program. When the program is executed, the virus is activated and can replicate itself, post messages, destroy data, or degrade system performance.

Some definitions have been excerpted in part from: George Sadowsky, James X. Dempsey, Alan Greenberg, Barbara J. Mack, and Alan Schwartz, *The Information Technology Security Handbook*, © World Bank 2003.

About Internews and CDT

An effective Internet policy project must combine three components: Internet policy expertise, an on-the-ground capability, and an understanding of and commitment to the consensus-building process. The partnership between Internews and CDT meets all three criteria.

Internews is an international non-profit organization that supports open media worldwide. Internews fosters independent media in emerging democracies, advises on media and communication policies and laws, trains journalists and station managers in the standards and practices of professional journalism, produces innovative television and radio programming and Internet content, and uses the media to reduce conflict within and between countries. Internews programs, currently operating in 45 countries worldwide, are based on the conviction that vigorous and diverse mass media form an essential cornerstone of a free and open society. Founded in 1982, Internews has non-profit status in the US and France and is funded by grants, contracts and other awards from governmental and non-governmental funders.

The Center for Democracy and Technology, located in Washington, D.C., was founded in 1994 to promote democratic values and human rights for the digital age. With a mix of expertise in law, technology and public policy, CDT combines the roles of convener, advocate and think tank, working for practical, real-world solutions that enhance free expression, privacy, open access and democracy in the rapidly evolving global communications networks. CDT is a non-profit 501(c)(3) corporation, supported by