



GLOBAL INTERNET POLICY INITIATIVE

Second Quarter - 2003
PROGRESS REPORT

HIGHLIGHTS :

- **Russia makes the Internet a “universal service” obligation**
- **GIPI-BG coordinator elected to ICANN Board of Directors**
- **Peering exchanges for Nigeria**
- **Regional project to harmonize ICT laws in South Caucasus**
- **New telecom users group in Serbia**
- **New constitutional right in Kyrgyz Republic**
- **Website blocking in Kazakhstan**

ARMENIA (David Sandukhchyan, GIPI-AM coordinator):

- GIPI-AM made a substantial contribution to the Armenian government’s “Information Society Development Action Plan” which is now being evaluated by various ministries.
- Our coordinator is also advising the Ministry of Justice on the drafting of a new law on telecommunications.
- GIPI-AM is working closely with the Justice Ministry in an attempt to stop the Ministry of Transport and Communication from imposing user data retention requirements on Armenian ISPs and requiring Internet cafes to record the identities of their customers. These issues were still unresolved at the end of the quarter.
- At the request of the Internet Society of Armenia, GIPI’s coordinator drafted a model contract for telecenters wishing to use VSATs to bypass ArmenTel’s monopoly on international data circuits. GIPI also criticized the communication ministry’s restrictions on the Armenian academic network’s use of VSATs and recommended a more permissive policy. Wider use of VSATs would dramatically reduce the cost of Internet access in Armenia.

AZERBAIJAN (Yashar Hajiyev, GIPI-AZ coordinator):

- During this quarter the Ministry of Economic Development's Telecommunications Tariff Committee made several decisions that will stimulate Internet development, and for which GIPI had worked: the first was to reduce the cost of leased lines for ISPs, the second was to abolish the requirement that leased-line customers subscribe to the ISP owned by the Ministry of Communications for a minimum period of time before they can choose to buy access from another ISP; and the third was to maintain a special low tariff for unmetered dial-up access to the Internet during the next two years.
- In April, our coordinator met with the parliament's new working group on ICTs to discuss the draft laws on e-signatures, e-documents and e-commerce. His main recommendation was to replace the proposed licensing of certificate authorities with a more flexible, market-oriented approach, but this was not accepted.
- In June, GIPI's coordinator reported on progress in drafting the above-mentioned laws at a conference on "The State of E-Commerce in Azerbaijan: Legislative Basis and Prospects for Development."

BELARUS (Vadim Dryganov, GIPI-BY coordinator):

- Our coordinator obtained an early draft of a proposed new law on mass media and found that it proposes to treat online publications like broadcasting stations – subject to obligatory registration, and with content heavily regulated. Several members of parliament asked our coordinator for his comments on the draft and he provided an 11-page section-by-section critique.
- Preparations are underway for a joint GIPI-UNDP roundtable for members of the Belarusian parliament on strategies for liberalizing the telecommunications sector. This event is planned for the 4th quarter of 2003.

BOSNIA AND HERCEGOVINA (Anisa Setka, GIPI-BA coordinator):

- The third of four workshops for ISPs in Bosnia-Herzegovina was held on 27 May. Cormac Callanan, who founded Ireland's ISP association, led the discussion on de-monopolizing the telecommunications market in BiH and ways to improve the management of the Bosnian ISP association.

BULGARIA (Veni Markovski, GIPI-BG coordinator):

- During this quarter, GIPI-BG's coordinator was elected to the Board of Directors of the Internet Corporation for Assigned Names & Numbers (ICANN), and also as Chairman of the Board of Bulgaria's IT Development Association.
- Changes recommended by GIPI-BG (after consultation with Bulgaria's Internet community) were all accepted into the draft law on telecommunications. So if the law is enacted as it is now written, Internet services will continue to be unlicensed and the government will not control the deployment of IP addresses or the registration of domain names.
- GIPI-BG began advising Bulgaria's new Association of Internet Clubs.

GEORGIA (Nino Kuntseva-Gabashvili, GIPI-GE coordinator):

- Our coordinator participated in the group created by the Ministry of Justice which recommended changes to the criminal code in response to Georgia's ratification of the European Directive on Cybercrime. These changes were approved by the Georgian parliament.
- The Department of Informatization asked our coordinator to analyze their new draft law on e-commerce, e-signature and e-documents. Because of serious deficiencies in the draft she translated some better international models into Georgian and distributed them (the UNCITRAL model law on e-commerce and the European Directives on E-commerce and E-signatures).
- In March, our coordinator visited the United States to learn more about intellectual property rights protection as a participant in the US State Department's International Visitors' Program.
- GIPI's coordinators in Armenia, Azerbaijan and Georgia were jointly awarded a grant by the Eurasia Foundation to identify the steps needed – and the obstacles to be overcome – for harmonizing ICT laws in the South Caucasus with European norms and standards. Their first group meeting took place in Tbilisi (6-9 April), at which they decided to focus on electronic commerce, the regulation of e-signatures, protection of personal data and copyright laws for online content.

INDIA (Rishi Chawla, GIPI-IN coordinator):

- In our first-quarter report for 2003, we noted that our coordinator was actively involved in the creation of India's national Internet peering exchange (NIXI). During this quarter, NIXI's registration as a non-profit company was approved and our coordinator joined its Board of Directors. He was tasked by the board chairman with promoting awareness of NIXI among ISPs and working to ensure that NIXI's policies protect the interests of smaller ISPs. In addition, he convened meetings of the Management and Policy committees, persuaded several ISPs to join NIXI, and is working to democratize the exchange's decision-making processes.
- In April, the Telecommunications Regulatory Authority of India (TRAI) recommended a large increase in local telephone tariffs, which would greatly discourage dial-up Internet use. Our coordinator wrote letters to the Ministry of Communications and to individual telephone companies asking them not to follow the TRAI recommendations. So far, none of them has adopted the higher rates.
- The Internet Service Providers Association of India asked our coordinator to help them prepare comments on the government's draft privacy and data protection law.
- Our coordinator helped register the Computer Society of India and the Society of IT Professionals with the TRAI, to promote greater representation of civil society in the regulator's consultations.

INDONESIA (Mas Wigrantoro Setiyadi, GIPI-ID coordinator):

- GIPI-ID's coordinator met with the Director General of Posts and Telecommunications to discuss the government's noncompliance with a 1999 law providing for public participation in telecom policy development and for the creation of an independent telecommunications regulatory agency. The Director agreed to begin working on the creation of an independent regulatory body. However, at the start of May, he named himself as head of the new agency, an apparent violation of the 1999 telecom law which also raises questions about the agency's independence.
- GIPI-ID is working to eliminate the city of Jakarta's tax on antenna towers as it increases the cost of wireless Internet access and could be imitated by other Indonesian cities. As an alternative, GIPI proposes that the city government negotiate a share of the radio license fees collected by the central government.

KAZAKHSTAN (Sofia Issenova, GIPI-KZ coordinator):

- Our coordinator submitted comments and recommendations concerning the draft law "On Communications" to the Committee for Communication and Informatization. Some of her recommendations were accepted and she began establishing contacts with members of parliament for further discussions about the legislation. She is also helping to prepare some of the bylaws needed to implement the draft law "On Informatization."
- During a workshop on information law organized by the American Bar Association for lawyers and Supreme Court judges, our coordinator raised the sensitive issue of website blocking in Kazakhstan. Some of the participants noted that this form of censorship violated human rights and freedoms guaranteed by Kazakhstan's constitution. Our coordinator is helping Harvard Law School's Berkman Center for Internet & Society to investigate website blocking in Kazakhstan.
- Our coordinator met with a group that intends to form an Association of Internet Publishers in Kazakstan. She agreed to advise the association on legal issues.

KYRGYZ REPUBLIC (Shamaral Maichiev, GIPI-KG coordinator):

- During this quarter, responsibility for implementing GIPI in the Kyrgyz Republic passed from Internews-KG to the new Public Foundation "Civil Initiative on Internet Policy" (CIIP). This is part of our strategy to create local ICT policy advocacy institutions which can survive without Internews' help.
- At the beginning of 2003, Kyrgyz Telecom's international services monopoly officially ended, and as part of the move toward a competitive telecom marketplace, plans were unveiled for a "universal service fund" to be financed either by burdensome license fees on ISPs and other private telecom operators, or through a tax on their income. CIIP worked with other stakeholders to focus attention on the lack of guarantees that the universal service fund would in fact be used to improve rural connectivity. Political support for the fund ebbed away and the government postponed its creation.

- A new Kyrgyz constitution was ratified in the first quarter of 2003. CIIP's contribution was a provision establishing a new right of citizen access to information held by the government. Once ratified, the GIPI-KG staff began drafting a regulation "On the procedure for dissemination of public information through the Internet," for the presidential administration. Work on this continued through the quarter.
- A working group was created that includes government officials, NGOs and businessmen to plan the implementation of the National ICT Development strategy. Our coordinator participates in this working group, co-chairing the subgroup on legislation. In this capacity, CIIP is reviewing the current state of the country's ICT laws and will submit recommendations and an agenda for legal reform. A key element must be a new law on telecommunications. CIIP's preliminary draft telecom law has already been sent for comment to the relevant ministries and government departments, and circulated among telecom operators and parliamentary committees.

NIGERIA (Maxwell Kadiri, GIPI-NG coordinator):

- An Internet Exchange Point Workshop, planned by our coordinator and funded by the French Embassy in Lagos, the National IT Development Agency and the Packet Clearinghouse, took place in Lagos, 24-27 June. Eighty-seven participants representing ISPs from all parts of Nigeria attended. At the conclusion of the event, the ISP Association of Nigeria announced their intention to establish Internet exchange points at various locations in the country. A mailing list was set up to facilitate transparent decision-making in the runup to creation of the exchange points.
- Our coordinator approached the organizers of the African Computing and Telecommunications Summit, planned for Abuja this coming August, with the idea of including a West African Internet Forum. They agreed and our coordinator is helping to plan the event.
- The Commercial Service of the American Embassy in Nigeria invited GIPI-NG to make a presentation at their annual conference/exhibition which this year had the theme of "Preparing Nigeria for the Global Knowledge Economy."
- With help from the French Foreign Ministry, our coordinator was able to attend a joint meeting of the African Network Operators Group (ANOG) and the African Regional Internet Registries (AFRINIC) in Kampala, Uganda. He presented Nigeria's country position paper at the meeting.

RUSSIA (Aleksandra Belyaeva, GIPI-RU coordinator):

- In May, GIPI-RU succeeded in obtaining two changes to the draft law "On Changes and Amendments to the Federal Law 'On Communications.'" The first involved adding the Internet to the definition of "universal service." As a result, the law set the goal of having a public Internet access point in every settlement of more than 500 people. Another GIPI-RU achievement was that the law lets people choose whether to be billed for local telephone service

under a metered or a flat-rate tariff. GIPI-RU supported this for the advantage of dial-up Internet users.

- At the end of April, the Russian parliament passed a new customs law incorporating GIPI's recommendations on the use of electronic documents and the protection of private data.
- GIPI-RU's coordinator chaired a discussion on "The Culture of Information Security" at a conference on "ICT Security for the Interaction of Citizens, Businesses and State Governing Organs." She stressed the importance of personal data rights and the need to respect international standards in information security.
- In April GIPI-RU organized another roundtable on the "Strategy of ICT Development in Russia." Representatives of the Government, the Federation Council, international organizations and private businesses attended. The aim was to coordinate the work of different groups involved in ICT policy advocacy.

SERBIA (Slobodan Markovic, GIPI-YU coordinator):

- At the end of May, GIPI-YU founded the Serbian Telecommunication Users Group (STUG). This new membership organization was formally registered with the Ministry of Justice in June. Hopefully, it will be able to bring more pressure to bear on Telecom Serbia than an NGO limited to Internet users. In any case, it was conceived as complementary to GIPI. More information is available at its website (<http://www.ukt.org.yu/>).
- On 30 May, Cormac Callanan, the founder of Ireland's ISP association and now president of INHOPE (the European Internet "hotline" association), led the third of four workshops planned for members of the Yugoslav ISP Association. He talked mainly about ISP liability for illegal or improper content, but subjects like telecom reform and developing the ISP association were also discussed.
- An agreement between GIPI-YU and the National Library of Serbia engaged 3 of the Library's language experts in polishing the (GIPI-managed) translation of the documentation for Open Office into Serbian. A joint awareness-building campaign aimed at promoting free and localized software use at public institutions like schools and government offices will follow.

TAJKISTAN (Asomiddin Atoev, GIPI-TJ coordinator):

- Starting on 1 May 2003, a new Tajik NGO, the "Civil Internet Policy Initiative" (CIPI), became responsible for GIPI-TJ's implementation. As in the Kyrgyz Republic, no change in personnel was involved.
- CIPI's coordinator helped the Tax and Law Institute prepare a seminar on "Internet in Education" (29 April). Attended by representatives of government, the academic community and business associations, it focussed on tax incentives for promoting ICT use, particularly in rural areas, and the need for new curriculum modules dealing with ICTs for students and teachers.

- The first meetings of the Tajik government's e-strategy working group began in May. Our coordinator is a member of the group and provides recommendations reflecting GIPI's basic principles and international best practices.
- In our previous quarterly report, we noted that our coordinator contributed substantially to the ICT section of the UNDP's *National Human Development Report for Tajikistan*. Publication of the *Report* was delayed because experts could not agree on how to translate many basic ICT terms into Tajik. In view of this problem (which also affects the drafting of legislation and translations of international treaties), GIPI organized a roundtable on 19 May with the Tajik Academic Research and Educational Networking Association (TARENA) to reach consensus on a Tajik glossary of ICT terms.
- In June, the Internet Corporation for Assigned Names and Numbers (ICANN) recommended that the ".tj" top-level country domain be re-delegated to the Tajik Presidency's IT Centre. GIPI-TJ had helped draft the request to which ICANN was responding, and our coordinator convened a local stakeholders' meeting on 25 June to begin discussing new rules for administering the domain.

UKRAINE (Maria Shkarlat, GIPI-UA coordinator):

- GIPI-UA participated in an international congress entitled "Information Society: Development Strategy in the 21st century" which was held on 1-2 April in Kyiv. Our coordinator spoke on "The Experience of International Organizations in Information Policy Development" which led to a lively discussion of the role of the third sector in ICT policymaking.
- In May, GIPI proposed to the Ukrainian Parliament's Information Council that it create a Public Consultative Committee. This was agreed and leading NGOs in the ICT sphere were invited to provide the Council with input on an ongoing basis.
- On 15-16 May GIPI-UA conducted a "training trainers" workshop within the framework of the project entitled "Effective NGOs through Internet Use." The participants had been identified in earlier sessions as having leadership qualities. They will disseminate their knowledge to additional civil society NGOs in 10 regions of the Ukraine.
- In June our coordinator spoke about the need for greater public involvement in ICT policymaking at a conference in Kyiv on "The Peculiarities of Ukraine's Regulatory Policy in the ICT Sphere." She also spoke in Odessa at a meeting of the Internet Association of Ukraine. There her focus was on the need for ISPs in the regions to unite in order to influence state policy and solve regional problems.

UZBEKISTAN (Shaukat Valitov, GIPI-UZ coordinator):

- Our coordinator discussed the idea of conducting trainings in secure communication techniques for civil society organizations and political activists in Central Asia at a "Tactical Communications" meeting in Amsterdam, 23-24 April.

- He also participated in a variety of events for NGO leaders in connection with the annual meeting of the European Bank for Reconstruction and Development (EBRD) in Tashkent (4-5 May).
- In addition, our coordinator prepared a draft “Resolution on the Status of Electronic Publications” for Uzbekistan’s patent agency and organized a seminar to discuss this document on 20 May.

VIETNAM (Duc Le, GIPI-VN coordinator):

- GIPI’s work in Vietnam started at the end of the previous quarter, but our office in Hanoi was not fully operational until late in April.
- Promoting competition in the (near-monopoly) telecommunications sector is one of GIPI-VN’s primary goals. Our coordinator and legal advisor raised that issue at the First Roundtable on ICT for Development, convened by the UNDP and the Ministry of Post and Telematics (Hanoi, 21-22 May). They continued pressing for liberalization through their involvement in the process of defining Vietnam’s Telecommunications Development Plan to 2010. Our first major contribution to the Plan was a comprehensive survey of the current state of ICT deployment in the country. GIPI-VN also provided copies of good model IT laws from other countries in hopes of influencing the drafting of Vietnam’s IT law.
- Our coordinator is working with a team in the Ministry of Trade to prepare a set of policies on electronic commerce to be submitted to the prime minister. We are also working with them to translate and publish a booklet on e-commerce for entrepreneurs, written by GIPI advisor Ton Wagemans.

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