



GIPI Progress Report First Quarter 2002

Highlights

- Fulltime policy coordinators in 14 countries.
- Added focus on regional activities.
- Convening stakeholders and supporting establishment of ISP associations.
- Provided expert analysis on nearly 2 dozen draft laws and regulations in the first months of 2002 alone.
- Major workshop in Moscow with Duma members and CIS officials on e-commerce law.
- EU funding for GIPI Indonesia.

Producing Results

GIPI's work is having a direct impact: Relying in part on the comments and analysis of GIPI, India has loosened restrictions on Internet Telephony. In Tajikistan, the government withdrew two bills after GIPI's analysis showed how they were inconsistent with other laws and would unduly increase government control over information systems. In Nigeria, the Ministry of Science and Technology has accepted most of GIPI's comments on a draft IT bill. In Indonesia, the World Bank's ICT project is using GIPI's analysis of the draft cyberlaw as the basis for its consultations with the government. GIPI's work in Georgia may lead to an elimination of the licensing requirements of ISPs. In Kazakhstan, GIPI convinced the Ministry of Transport and Communications to turn away from a highly regulatory approach to e-commerce.

Building Private Sector Coalitions

GIPI is playing a convener's role, organizing multi-sectoral roundtables and bringing together stakeholders for education, dialogue and consensus building. In at least three countries, GIPI is helping establish ISP associations, hosting the meetings as a neutral forum, preparing the charter or statement of principles for the associations, and helping prioritize their agendas.

Providing Expertise to Governments and Parliaments

GIPI coordinators serve as key experts to national ICT councils, providing objective briefings to officials of the relevant ministries and to members of Parliament, reviewing draft laws, and leading working groups developing policy reforms. A major workshop in Moscow brought legal experts from the US, UK and Italy together with members of the Russian Duma and officials from other Commonwealth of Independent States (CIS) countries for an intensive review of draft digital signature and e-commerce legislation.

Legal Analysis

So far in 2002 alone, GIPI has produced detailed analyses of nearly two dozen draft laws and regulations, including a comprehensive draft cyberlaw in Indonesia; proposed amendments to the mass media law in Belarus, which would subject the Internet to media regulations developed for radio and TV; e-commerce and digital signature laws in Georgia, Ukraine and Kazakhstan; and the draft information technologies bill in Nigeria.

Regional Cooperation

A new aspect of GIPI's work is a growing involvement in regional activities, which offer important opportunities for broader impact. GIPI's expertise and credibility at the national level has led to its being invited to participate in the working group on ICT model legislation of the Interparliamentary Assembly of the Eurasia Economic Community (IPAEec) (Russia, Belarus, Kyrgyzstan, Kazakhstan and Tajikistan). GIPI's advice has also been formally sought by the Regional Communications Commission (RSS), the consultative body of the national telecommunications carriers and ministries of communications in the CIS. In both cases, GIPI is the only NGO invited to the meetings of these inter-governmental bodies. In addition, GIPI coordinators in the Caucasus met in Georgia where they discussed regional collaboration on legal reforms and development of national ICT strategies with the Georgian ICT regulator. Georgian ISPs asked for GIPI's help in organizing a regional meeting of ISPs.

Other Initiatives

The Internews Consortium is starting to implement USAID's dot-GOV program. Because of the complementarity between dot-GOV, which focuses on aid to governments, and the grass roots, bottom up nature of GIPI, Internews staff are fashioning activities in specific countries where GIPI and dot-GOV can work together to strengthen the overall policy reform effort. An example can be found in Romania, described below.

In January, Executive Director George Sadowsky met with technical and development staff at IDRC (International Development Research Centre) and CIDA (Canadian International Development Agency) in Ottawa, Canada, and explored possibilities for future cooperation

GIPI is a partner in the recently formed Global Digital Opportunity Initiative, led by UNDP and the Markle Foundation. George Sadowsky and Policy Director Jim Dempsey participated in the February meeting of the GDOI Steering Committee.

GIPI is exploring with UNDP a first manifestation of their Global Memorandum of Understanding through participation in a telecommunications policy reform project in Mauritania.

Country Reports

-- Armenia

- In line with its goal of building coalitions with and within the Internet industry, GIPI convened the six leading ISPs in Armenia to discuss the burdensome regulations they face. The ISPs agreed on the need to begin cooperating on policy issues and asked GIPI to draft the principles for an ISP association and to serve as a neutral contact point. An initial focus will be on the licensing requirements imposed on ISPs.
- This effort builds on a review GIPI had already begun of ISP licensing procedures (including restrictions on Internet telephony). GIPI has begun meeting with the relevant ministries about needed legal reforms.
- In January, GIPI made a presentation to officials in the Ministry of Trade and Industry, outlining GIPI's analysis of the draft law "On Electronic Documents." The briefing addressed the benefits of a liberal approach towards the regulation of electronic documents and digital signatures (i.e., support for market-driven solutions and voluntary accreditation as opposed to government control), the importance of minimal restrictions on the use of encryption, and the overall framework for e-commerce. At the conclusion of the briefing, the head of the Ministry's ICT Department asked GIPI to organize for key Ministry staff a one-day workshop on e-commerce.
- A major area of attention has been Order No. 5/3, issued by the Ministry of Communications in December 2001, which requires ISPs to provide national security authorities with access to their equipment. GIPI alerted the NGO community in Armenia to the problems created by this new legislation and worked with them to generate public awareness. GIPI also assisted in drafting comments to the Prime Minister arguing that the order violates Armenian criminal procedures.
- As part of an emerging e-government theme, GIPI is advocating with various officials the online publication of government information

-- Azerbaijan

- GIPI held a series of individual meetings early in 2002 with key ISPs to discuss the creation of an ISP Association. Following that, with support from UNDP, GIPI organized a roundtable of ISPs, as a result of which GIPI was asked to draft a charter and rules for this new organization. GIPI began work on recommendations for changes in the licensing regulations for ISPs and is discussing the industry concerns with the Ministry of Communications.
- Based on recommendations from GIPI (developed in conjunction with OSI and IREX), the government has established an Informatization Council to serve as a focal point for the development of ICT initiatives. GIPI is assisting the Ministry of Communications in organizing the Council, taking a key role on planning its activities in the area of legal reform, as well as on outreach to stakeholders and the public.
- GIPI chairs the government-private sector working group developing draft laws in the ICT field. The group has developed a draft electronic signature law and regulations concerning

various aspects of information resources. In January, GIPI organized a public forum for journalists on the drafts.

- GIPI also is working closely with the UNDP on needed reforms in Azerbaijan's ICT-related legislation.
- The Open Society Foundation of Azerbaijan is supporting GIPI's efforts on law reform.

-- Belarus

- Much of GIPI's work in Belarus has focused on the analysis of draft laws, in particular on pointing out how a heavily regulatory approach will stifle e-commerce and Internet development.
- GIPI prepared an analysis of a draft law on information security and worked with experts in the Duma to prepare a recommendation against adoption of the initial draft. With assistance from CDT, GIPI also prepared and submitted detailed recommended revisions to the draft law "On print and other forms of mass media." GIPI also prepared a 12-page analysis of the draft plan for development and export of IT.
- GIPI is cooperating with two key state agencies that involved in drafting both Belarus' digital signature legislation and also CIS-wide standards. In the coming months, GIPI will review electronic digital signature standards throughout the CIS states to develop and propose a CIS-wide standard for digital signatures.
- Building local networks, GIPI held a meeting with ISP directors to discuss the creation of a national ISP Association.
- GIPI, the UNDP and the World Bank have agreed to conduct a joint ICT infrastructure and e-readiness assessment. GIPI and UNDP will coordinate the research and GIPI will be responsible for preparing the legal recommendations section of the report.

-- Bosnia

- GIPI has received sufficient funding from the Open Society Institute and USAID through SETA, Inc. to initiate a GIPI project in Sarajevo. The search to identify a suitable coordinator has begun.

-- Bulgaria

- With funding from USAID through SETA, Inc., GIPI has just initiated a project in Bulgaria. Veni Markowski has been hired as the GIPI coordinator. Markowski is a lawyer and was instrumental in founding and managing one of the first ISPs in Bulgaria. Several years ago, he led an industry group that successfully defeated a legislative initiative to license ISPs. Markowski is also the personal adviser in information technology to President Georgy Parvanov.
- In March, GIPI Executive Director George Sadowsky visited Sofia and delivered the keynote speech, "A Policy Agenda for Countries in Transition to Bridge the Digital Divide," at the Third Regional Information Society Forum in Sofia. He was also appointed to the President's Council for Information Technologies (PCIT), chaired by Veni Markowski.

- Sadowsky met with President Parvanov to discuss the state of Internet in Bulgaria, and appeared before a Parliamentary Committee to introduce the GIPI initiative, responding to legislators' questions regarding aspects of Internet development in Bulgaria

-- Georgia

- Building on months of work, including the drafting of a revised tax policy that would be supportive of ISPs and e-commerce activity, GIPI organized a roundtable with OSGF (OSI Georgia) and the government's tax code working group to explore options for a more favorable tax climate for ICT development. Participants included representatives from the Ministry of Finance, ISPs, and NGOs.
- GIPI also has submitted recommendations to abolish national ISP licensing and worked with the Ministry of Justice to pursue this reform.
- To promote regional cooperation, GIPI Georgia hosted GIPI coordinators from Armenia and Azerbaijan for several days of meetings with the Ministry of Transport and Communications, the State Informatization Department, a leading ISP, the UNDP and the Development Gateway coordinator, leading to agreements to collaborate on a variety of projects. GIPI has been requested to organize a regional ISP conference and to develop a South Caucasus ISP Association.
- GIPI has been providing expert assistance to the Parliament's Economic Policy Committee on a number of issues, including ISP licensing, electronic documents, and e-government. The Committee has included all of GIPI's recommendations for discussion in the spring session of Parliament.
- GIPI has held a series of meetings with ISPs and other stakeholders to develop an ISP Association.
- Recognizing the importance of technical standards issues, GIPI GE is an active member of the working group on Georgian coding standards, working for a consensus national standard that will support availability of material in the Georgian language.

-- India

- GIPI was very active in supporting unrestricted operation of Internet telephony (VoIP) in India. GIPI analyzed the consultation paper issued by the Telecom Regulatory Authority of India on the opening of Internet telephony in India and drafted a formal response. With short notice, GIPI Managing Director Eric Johnson was able to appear and testify at a meeting of the TRAI. GIPI's analysis was persuasive to the TRAI, which endorsed opening the market for Internet Telephony in a recommendation that included statements from GIPI's written comments. GIPI thereupon submitted further comments to the Department of Telecommunications, which decided to partially lift restrictions on Internet telephony.
- GIPI is following up with further work on VoIP, using the issue to energize different elements of the Internet community, including the Associated Chambers of Commerce. Contributing to its public education mission, GIPI's comments have been cited in leading publications, including Financial Express, a news daily, and Communications Today.

- GIPI is building relationships with other local NGOs, key decision makers and stakeholders who are active on Internet policy issues and who may be interested in working together on future projects, including officials at TRAI, the Department of Telecommunications, Cable Operators Federation of India, and the Computer Society of India.
- Current priorities for GIPI India include, in addition to encouraging broader reforms on VoIP, analysis of the convergence bill; support for lifting regulations on the 802.11b technologies, which hold important promise for bridging the last mile in countries like India; support for reform of taxation policies that burden ISP s; and emerging issues around broadband deployment.

-- Indonesia

- The GIPI representative has been appointed to serve as a member of the Indonesian E-Government Task Force, which will be instrumental in developing national e-government policy.
- The Information Infrastructure Development Program, a World Bank-funded project, is using the GIPI analysis of the draft IT utilization law (the “cyberlaw”) as a reference for further discussion within the Parliament.
- The GIPI coordinator for Indonesia is establishing a Cyber Policy Club as a forum for stakeholders to meet and discuss the development of Internet policy.

-- Kyrgyz Republic

- A major priority of GIPI in Kyrgyzstan is to simplify the ICT licensing system that hinders the development of ISPs and other ICTs with extensive and cumbersome requirements.
- GIPI has analyzed a number of proposed ICT laws, recommending changes to the draft laws “On Licensing,” “On telecommunications” and “On electronic signatures.” These draft laws are expected to be presented to Parliament shortly for debate. Key government officials are seeking the benefit of GIPI’s expertise.
- Building local networks, GIPI is working with the ICT legislation working group established by the ABA and the Kyrgyzstan Lawyers Association, which will be another vehicle for proposing reforms in ICT legislation.
- GIPI worked with the UNDP and the Ministry of Transport and Communications to hold a conference with 15 other organizations, including OSI KG, the Corporate Management Centre, ISPs, and the State Communications Agency on the attraction of foreign investment.

-- Kazakhstan

- In February 2002, GIPI signed an MOU to work cooperatively with the Inter-Parliamentary Assembly of the Eurasia Economic Community to develop model ICT legislation, and to conduct consultations with member MPs on various ICT issues.
- GIPI also has been working with NGOs and the local private sector, including small and medium-sized enterprises, ISPs, and business groups to develop a local Internet advocacy

group, the Kazakhstan Internet Alliance. GIPI already has prepared organizational documents for the new organization.

- GIPI has been actively working with the Ministry of Transport and Communication as well as other governmental organizations and the local banking industry to recommend changes to the draft laws on informatization, e-documents and electronic signatures. GIPI played a key role in advocating an open market approach, convincing the Ministry to drop its efforts to increase the state's role in regulating IT. The local GIPI representative also made a presentation to the Duma regarding recommended amendments to a draft digital signature law, and met with Ministry of Justice officials on proposed cybercrime provisions to be included in the new national Criminal Code.

-- Nigeria

- The Ministry of Science and Technology has accepted virtually all GIPI's recommendations regarding the draft IT Bill. Through careful legal analysis and the development of close working relationships with key officials, GIPI was able to convince officials to drop many intrusive and highly regulatory provisions and focus on more effective measures that will support the development of ICT by the private sector.
- In conjunction with the national IT development agency (NITDA) and AITEC, GIPI organized a one-day e-readiness assessment workshop in February, which brought together key ICT policy makers in government, private sector ICT companies, bankers, lawyers, media representatives, academicians, the NGO community and the private sector. Participants agreed on the urgent need to undertake an extensive audit of the country's IT situation as a means of identifying priorities
- GIPI has been working with NITDA and the Science and Technology Committee of the Senate to bring together the major stakeholder groups to work jointly in an ongoing process of working for implementation of the current ICT policy.
- GIPI is working to build consensus among ISPs for the establishment of an Internet Exchange Point
- GIPI participated in the UN ICT Task Force meeting in Addis Ababa that resulted in the establishment of the African Regional Stakeholders Network(ARSN) to work with the UN ICT Task Force to develop the framework for ICT development in Africa.

-- Romania

- An agreement in principle was reached between Internews and the USAID mission in Bucharest to proceed to contract with a \$1.3 million project to assist the Romanian Ministry of Telecommunications to establish an independent regulatory commission, in parallel with the privatization of RomTelecomm. As a part of the process, a legal adviser will join the Internews team to initiate a GIPI process, thus providing a grass roots, bottom-up perspective to inform the larger reform effort.

-- Russia

- Much of GIPI Russia's work was reflected in a major February workshop on e-commerce legislation. GIPI brought together experts from the US, UK and the European Union to discuss in depth with Duma members pending legislation on e-contracts and digital signatures.
- The workshop took place the day after GIPI hosted a lunch for Duma members and a delegation of Members of the US Congress interested in Internet policy issues. The lunch was held in conjunction with a two-day conference sponsored by IREX.

-- Tajikistan

- Due in large part to advocacy by GIPI, the Open Society Institute-Tajikistan, and the UNDP, which overcame roadblocks that had stood for 2 years, TARENA (the Tajikistan Research & Educational Network Association) received a license for non-commercial ISP operation in January of 2002. Unfortunately, to accommodate concerns voiced by the Security Ministry, this license permits monitoring equipment to be placed on the TARENA network.
- As a direct result of GIPI's legal analyses, the government withdrew from its 2002 legislative plan two draft laws, "On information," and "On information security in automated management systems," which would have increased the government's control over information. (In October and November of 2001, GIPI had made presentations at two local conferences outlining a variety of negative consequences that would result from two laws proposed to regulate information security and electronic information.)
- GIPI is working to establish a professional organization for local IT professors. The registration process already has been initiated. GIPI also is working with the ICT Round Table to help create a national ISP association.
- In February, with funds from OSI, GIPI organized a roundtable for the Parliament and Presidential Administration, focusing stakeholder attention on ICT development and ICT legislation. Participants included Members of Parliament, staff from the President's Administration, representatives of the Communications and Security Ministries, as well as UNDP, Takjik Telecomm, ISPs, AgroInvestBank World Bank and the media. Participants adopted recommendations calling for the establishment of a presidential public ICT panel, Internet training for MPs and senior officials, development of a national distance learning program, and e-government web sites for key agencies.
- A major issue for GIPI TJ will be the redelegation of the .tj domain. GIPI has begun working with IANA and the Ministry of Communications.

-- Ukraine

- Among other issues, GIPI has focused on the draft personal data protection law currently under review in the Verhovna Rada (Parliament). In February of 2002, GIPI organized a roundtable to discuss a draft law on personal data protection that was under review by the Parliament. Roundtable participants included: the Ministry of Internal Affairs, the State Committee on Information and Communication, the Presidential Administration's Strategic

Research Institute and the State Security Service. The roundtable recommended a number of specific changes to the draft law. This was one of several dialogues with industry, government and civil society in which GIPI has been a key participant or convenor.

- GIPI conducted a research project on the information content of government agency's web sites , presenting its results at an e-government seminar held in February.
- GIPI also prepared a detailed analysis of the draft law "On electronic documents"
- In January, GIPI, in partnership with Privacy Ukraine, conducted an international seminar on human rights and the Internet.
- GIPI has been meeting with various ISP groups to discuss ISP self-certification and other issues of concern to the local ISP community.
- GIPI is planning a workshop on the electronic digital signature law, organized jointly with the World Bank.
- In conjunction with the IRF (Soros Ukraine), GIPI is working on preparation of a "White Book," outlining the ICT situation in Ukraine and making recommendations for improvement.

-- Uzbekistan

- GIPI's main focus has been the promotion of a competitive environment for telecommunications and the Internet. In particular, GIPI has been working to build consensus inside and outside the government for elimination of the monopoly granted to the government ISP UzPak. GIPI has pointed out how an Ex-Im Bank credit for UzPak infrastructure development would harden the monopoly and limit Uzbekistan's access to international data markets.
- The national ICT strategy working group in which GIPI participates completed the first stage of its work, with the submission to key officials of an ICT Development Plan.
- GIPI worked closely with the UNDP in planning a roundtable on Internet policy scheduled for April.