



GLOBAL INTERNET POLICY INITIATIVE

ACCOMPLISHMENTS, 2000-2003

HIGHLIGHTS :

- Working to end telecom and Internet monopolies in Armenia, Azerbaijan, Kyrgyz Republic, Serbia and Uzbekistan
- Protecting privacy in Belarus and Russia
- Organizing Internet associations in Armenia, Bulgaria, India, Kazakhstan, Kyrgyz Republic, Serbia and Ukraine
- Legalizing wi-fi in Indonesia, India and Nigeria
- Promoting public awareness and involvement in ICT policymaking everywhere

The Global Internet Policy Initiative (GIPI) is a joint project of the Internews Network and the Center for Democracy and Technology. Founded in 2000, GIPI works in developing countries to promote the adoption of legal and regulatory frameworks that will support the growth of an open, affordable, user-controlled Internet – an Internet that can drive economic growth and advance human development. Thus its main aim is to help overcome the “digital divide” by promoting market-based solutions, minimizing burdensome Internet regulations and encouraging an “e-friendly” policy environment..

Some of the outstanding achievements of our country coordinators during the past 3 years are summarized below. Several notable successes have been omitted because publicizing our role in them might complicate or jeopardize our relations with particular governments. At the same time, other achievements were left out because they could not be summarized in a few sentences, or because they represented gradual processes of evolution, rather than events or milestones. For more information about our principles and work see <http://www.internetpolicy.net/>

ARMENIA (David Sandukhchyan, GIPI-AM coordinator):

- GIPI-AM's efforts to organize an Armenian Internet Service Providers (ISP) association led to the founding of the Union of Telecommunications Enterprises in November 2002. The Union's main aims are to hasten the introduction of competition in the telecommunications sector and to ensure that ISPs have equal access to local telephone exchange interconnection. GIPI-AM's coordinator drafted the organization's charter as well as other documents needed to register it. He continues to advise and collaborate with the Union.
- Acting on GIPI-AM's suggestion, in November 2002 the World Bank made simplified procedures for ISP licensing a condition for further loans. The Prime Minister then ordered the Ministry of Transport and Communication to simplify the licensing process, which had been both costly for applicants and designed to cause rejections for purely procedural errors. In December 2002, the Ministry submitted a draft law to the National Assembly replacing individual ISP licenses with generic class licenses and reducing the price of an ISP license by 50%. These changes came into effect in January 2003.
- In September 2003, using evidence supplied by GIPI-AM's coordinator, the Armenian government publicly accused the national telephone company of abusing its monopoly position and recommended that ArmenTel's monopoly over international connections to the Internet be revoked. Several more steps are needed to implement this recommendation, which ArmenTel will fight, so we cannot yet claim victory on this key issue.

AZERBAIJAN (Yashar Hajiyev, GIPI-AZ coordinator):

- GIPI-AZ's coordinator co-chairs the legal working group of the National ICT Strategy Council. In that capacity he has made significant contributions to the drafting of new laws on e-signatures, e-documents and e-commerce.
- During the second quarter of 2003 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 is to maintain an unmetered discount tariff for dial-up access to the Internet for the next two years. Second is to reduce the cost of leased lines for ISPs. And the third is to abolish the requirement that digital leased-line customers must connect to the ISP owned by the Ministry of Communications for a minimum period before they can choose to subscribe to another ISP.
- Our coordinator urged the government to reduce the bureaucratic burdens imposed on ISPs, and in September 2002, the President of Azerbaijan issued a decree eliminating the requirement for ISP licensing. However, the Ministry of Communications is ignoring this decree.

BELARUS (Vadim Dryganov, GIPI-BY coordinator):

- It may seem strange to count the mere survival of GIPI-BY as an accomplishment, but Belarus is that kind of country. The fact that we are one of the few foreign funded NGOs to survive this year's government crackdown and continue our work with no change in course is a testimony to the foresight and tenacity of our country coordinator.
- This past August, the Belarusian government approved a UNDP proposal to organize a series of six workshops on ICT policy for members of the parliament, in partnership with GIPI-BY and the Academy of Sciences. The idea for the workshops originated with GIPI-BY. The first workshop is planned for November 2003. Positive lessons in informatization from neighboring countries like Estonia, Lithuania and Poland will be presented.
- Our coordinator is drafting a law "On Securing Personal Information," which took on greater significance after it was revealed that the government's "Electronic Belarus" program entails the creation of vast databases about citizens. No existing law authorizes the collection of such data or regulates its use.
- Our coordinator was able to prevent the introduction of anti-spam legislation that could have been used to limit the distribution of many types of public information without stopping spam.
- In February 2003, GIPI-BY contributed to an "E-Readiness" assessment of Belarus commissioned by the World Bank and the National Academy of Science. Our coordinator provided market data and identified reforms needed in regulation and licensing to enable Internet telephony (VoIP) and the wider use of VSATs for international data connectivity. The published assessment is available online at <http://www.worldbank.org.by/eca/belarus.nsf/0/2fc0dd3e7cfb9560c2256d6c002d86e3?OpenDocument>
- In March 2003, GIPI-BY helped organize Belarus' 5th Internet Forum, which included an ISP roundtable and 33 lectures on Internet-related topics.

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

- GIPI's field manager was invited to be the keynote speaker at a symposium on Internet telephony organized by Bosnia's Communications Regulatory Agency (CRA) in October 2002. Internet telephony is illegal under BiH's current telecommunications sector policy. But our presentation – strongly supporting the introduction of Internet telephony – had a major impact. The sectoral policy has not yet been changed, but it is being reexamined, and all three incumbent carriers are preparing to offer Internet telephone services to the public.
- GIPI filed highly critical comments on the draft ISP licensing rules issued by the CRA in February 2002. GIPI also advised the Bosnian ISP Association in the filing of their comments. The licensing rules were revised to accommodate every point of our criticism, and most of BAISPA's as well.

- BAISPA members are benefitting from a series of workshops organized by GIPI with assistance from the European ISP Association (EuroISPA) and financial support from OSI's Information Program. Three workshops have been held so far. The presenters were Louisa Gosling, president of EuroISPA; Joe McNamee, EuroISPA's regulatory affairs manager; and Cormac Callanan, president of INHOPE and founder of Ireland's ISP association.

BULGARIA (Veni Markovski, GIPI-BG coordinator):

- Last March, GIPI-BG's coordinator succeeded in convincing the Ministry of Transport and Telecommunications to remove new requirements for ISP licensing from the draft telecommunications law while it was under final consideration. The law was subsequently enacted.
- Our coordinator organized a regional conference on cybersecurity for the President of Bulgaria and the US State Department (8-9 September 2003). Over 150 people attended and plans were developed for follow-on activities including the creation of new national computer emergency response teams (CERTs) and the harmonization of cybercrime laws in southeastern Europe.
- Last year, GIPI-BG's coordinator was made head of the Bulgarian President's Public Advisory Council for IT. Earlier this year, he became Chairman of the Board of Bulgaria's IT Development Association. More recently he was elected to the Board of Directors of the Internet Corporation for Assigned Names and Numbers (ICANN).

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

- The GIPI coordinators in Armenia, Azerbaijan and Georgia were jointly awarded a grant by the Eurasia Foundation to identify the steps needed – and obstacles to be overcome – for harmonizing the ICT laws in the South Caucasus with European norms. Their first meeting took place in Tbilisi in April 2003 and they decided to focus on enabling legislation for electronic commerce, e-signature regulation, protection of personal data and copyright issues.
- In the second quarter of 2002, GIPI-GE submitted comments on the e-signature, e-documents and e-trade legislation that had been presented to the Economic Policy Committee of the Georgian parliament. The Committee revised its proposals in light of our coordinator's comments and then forwarded the drafts to the full parliament.
- The lack of a coding standard for digital representation of the Georgian alphabet has impeded the development of local language content online and thus limited use of the Internet. GIPI-GE's coordinator is a member of the technical committee on Georgian coding standards. She worked with the State Department of Informatization and the Department of Standardization to prepare the necessary documentation for Georgian keyboard standards.

INDIA (Rishi Chawla, GIPI-IN Coordinator):

- Last year, GIPI-IN's coordinator started promoting the idea of a national Internet peering exchange. The Indian ISP Association asked him to document the benefits achieved in other countries, and when they were convinced that India would also benefit significantly, they asked our coordinator to draft the documents needed to create the Indian exchange, including a business plan and its technical and economic requirements. The Government of India approved the proposal and granted \$858,000 to launch the exchange. In March 2003, the non-profit peering exchange started operating in four cities. GIPI's coordinator was invited to serve on its board of directors and he became the exchange's legal and technical coordinator.
- In April 2003, 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.
- Early in 2002, the Indian Government rejected the telecom regulatory agency's recommendation for the legalization of Internet telephony (VoIP). Instead, they ordered another round of consultations, in which GIPI recommended the legalization of VoIP without restriction. This time, the Department of Telecommunications accepted the recommendation and VoIP services were allowed to start on 1 April 2002. VoIP offers very substantial cost savings over traditional long-distance services.
- Research and comments submitted by GIPI to the Ministry for IT and Telecommunications contributed to the ministry's decision in November 2002 that licenses will no longer be required for indoor use of "wi-fi" and "Bluetooth" devices. Our coordinator continues working to expand this policy to include outdoor wireless access to the Internet.

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

- Based in part on GIPI's work, Indonesia's telecommunications ministry agreed to issue temporary licenses for 2.4 GHz wireless Internet access. We continue working with the Wireless LAN Users Association of Indonesia to expand the situations where wireless Internet access is allowed.
- The Ministry of Communication and Information asked GIPI-ID to propose a draft administrative policy for the National Internet Registrar, and serve as a neutral broker in mediating a dispute between the ISP association and the local chapter of the Internet Society, both of which were vying to run the registry.
- Last July, Indonesia's president issued Decree Number 3/2003: "Guidance for the Development of National Electronic Government." This guidance was

produced by the National E-Government Task Force of which GIPI-ID is a member. At a subsequent meeting to discuss the decree's implementation, GIPI-ID proposed the creation of a permanent e-government agency to coordinate projects at all levels of government.

- Indonesia has a new telecommunications law requiring the creation of an independent regulatory authority. GIPI-ID reviewed proposals for the new regulator and recommended improvements in the organizational plan, the staff selection process, licensing procedures, etc. As a result of this input, GIPI was invited to continue participating as an advisor throughout this process.

KAZAKHSTAN (Lyudmila Skorynina [2002] and Sofia Issenova [2003], GIPI-KZ coordinators):

- Soon after GIPI's work began in Kazakhstan, our coordinator was asked to join the National Informatization Council, for which we still provide a variety of analytical, research and law-drafting services.
- However, what put us "on the map" in terms of public awareness was our successful campaign to stop KazakhTelecom from introducing time-based tariffs for local calls, including dial-up Internet access. This climaxed in a published debate between GIPI-KZ and KazakhTelekom in the newspaper *Komsomolskyaya Pravda*, which inspired KT to sue us for damaging their reputation. KazakhTelecom dropped the case eventually, and that was widely perceived as a victory for GIPI-KZ.
- GIPI-KZ helped to create the Kazakhstan Internet Alliance, which brings together ISPs, business groups and individual firms to work on policy reforms.
- Our coordinator participated in the drafting of the laws "On Electronic Documents and Electronic Digital Signatures" and "On Informatization," as well as organizing a parliamentary roundtable to discuss these drafts.
- Our coordinator is helping Harvard Law School's Berkman Center for the Study of the Internet and Society to research the blocking of websites that contain "negative information" about Kazakhstan's government and ruling family.

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

- In 2001, GIPI-KG helped organize the First National Summit on ICT Issues, at which the Kyrgyz president spoke. GIPI then participated in drafting the National Strategy for ICT Development. As part of the strategy's implementation, GIPI was involved in drafting the laws "On electronic digital signatures" and "On personal data," and revising the draft law "On electric and postal communication."
- In 2002, GIPI-KG reviewed and suggested amendments to many more legislative drafts, including "On licensing" and "On telecommunications." GIPI-KG joined with other stakeholders in opposing Resolution 20, a decree on publishing that

imposed unreasonable regulatory burdens on the Internet and greatly reduced public access to information. This decree was rescinded in May 2002.

- GIPI-KG hosts the regular meetings of the Association of Communications Operators, which includes most firms active in the market for telecom services. Our work with the Association led to the creation of a national Internet peering exchange (<http://www.connect.kg>) which became operational in October 2002.
- GIPI-KG has developed a close working relationship with the UNDP, embodied in a joint Memorandum of Understanding. GIPI-KG and UNDP jointly organized the Regional Preparatory Conference for the World Summit on the Information Society (WSIS) in Bishkek (9-11 September 2002).
- GIPI has worked to convince the Ministry of Communications to repeal licensing and certification requirements for public Internet access points such as cafes and business centers. We helped organize the Association of Cyber-Cafes and continue to work with them on this issue.
- At the beginning of 2003, KyrgyzTelecom's monopoly in international services ended. As part of the move toward developing a competitive marketplace, several plans were proposed for financing a "universal service fund," either through license fees on ISPs and other privately owned telecom operators, or through a tax on their income. GIPI has spent a great deal of time on this issue, working with other stakeholders and focusing particularly on the lack of guarantees that the fund will actually be used to improve rural connectivity. As a result of our efforts, the government has postponed creation of the fund.
- Earlier this year, a new national constitution was adopted. GIPI-KG's contribution was a provision establishing a new right of citizen access to government information. Our local staff then drafted a presidential decree "On the procedure for dissemination of public information in the Internet."
- This past summer, GIPI-KG prepared a list of additional types of ICT equipment they thought should be exempted from import duties by the Customs service. During the process of enactment, the Kyrgyz parliament expanded the scope of the exemptions to include value-added taxes. The combined impact of the customs and VAT exemptions is likely to reduce the cost of imported computers and computer parts by up to 20%, making them affordable to many more people.

NIGERIA (Maxwell Kadiri, GIPI-NG coordinator):

- Last November, GIPI succeeded in breaking a bureaucratic log-jam that had blocked the official registration of the ISP Association of Nigeria (ISPAN) for more than two years.
- 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 2003. Eighty-seven participants representing ISPs from all parts of Nigeria attended. At the

conclusion of the event, ISPAN 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 exchanges.

- At the same time our coordinator prepared a report on the negative impact likely to result from the telecom regulatory agency's proposed ban on commercial use of the 2.4 GHz Industrial/Scientific/Medical (ISM) band for wireless Internet access. As a result, implementation of the ban was postponed.

RUSSIAN FEDERATION (Aleksandra Belyaeva, GIPI-RU coordinator):

- Our most important legislative intervention concerned the law "On Changes and Amendments to the Federal Law 'On Communications.'" An amendment promoted by GIPI – and accepted – was to add "Internet access" to the list of "universal service" obligations. As a result, the law established an obligation to create public Internet access points in every settlement of more than 500 people throughout Russia. Another provision supported by GIPI was to let people choose whether to be billed for local telephone service under a metered or a flat-rate tariff. GIPI supported this to benefit dial-up Internet users.
- With a grant from the Carnegie Corporation last spring, GIPI launched a two-year project for the reform of information security laws in Russia. This will involve translating foreign documents on information security policy and privacy rights into Russian, commissioning original research by Russian experts on these subjects, and organizing workshops to expose Russian lawmakers to international norms and practices in these fields.

SERBIA-MONTENEGRO (Slobodan Markovic, GIPI-YU coordinator):

- Our coordinator was the prime mover in organizing the ISP association of Serbia, and in reorganizing it after it split over the issue of Internet telephony. A Memorandum of Understanding with the ISP association identifies GIPI as their "permanent advisor."
- GIPI-YU joined the ISP association and a group of independent ISPs to challenge the constitutionality of Telecom Serbia's monopoly in telephony and international Internet connections. A petition filed with Serbia's Constitutional Court last year argued that rights granted by the Milosevic regime in 1997 violate both the Serbian and Yugoslav constitutions. The case was accepted but no judgment has yet been issued.
- Last March, our coordinator founded the Serbian Telecom Users Group (STUG) to work with GIPI in reforming the business practices and tariffs of Telecom Serbia, and to represent the interests of its customers.
- Meanwhile, our coordinator worked closely with a large number of allies to modify the government's draft telecommunications law, attempting to bring it closer to

WTO and EU standards. We were partly successful when the law passed last April.

- Our coordinator has worked for many years on reforming the rules for administering the ".yu" top-level domain. He helped draft new rules for the domain name registry and was even offered the post of ccTLD registrar, but he declined. Instead, his nominee was selected. But the assassination of the prime minister last February has thrown the process of reforming the domain into chaos.

TAJKISTAN (Asomiddin Atoev, GIPI-TJ coordinator):

- In 2001, GIPI-TJ's coordinator met with representatives of ICANN and the Internet Addressing and Naming Authority (IANA) to argue the need for repatriating management of the country's top-level Internet domain, ".tj." In June 2003, ICANN approved the repatriation of the ".tj" domain and GIPI-TJ is now working on the drafting of new rules for administering it.
- In February 2002, GIPI organized a roundtable with the UNDP, OSI-TJ, ISPs, members of parliament and representatives of the President's office, to discuss the creation of a national policy for Internet development. At that time, no such policy existed.
- In January 2003, GIPI signed a Memorandum of Understanding with the Ministry of Communications for cooperation in the drafting of laws promoting competition and privatization in the telecommunications sector, tariff reform and universal service goals.
- The first meeting of the government's "e-strategy" working group was held in May 2003, and GIPI-TJ was asked to join. This gives us input into what may be the most important policymaking body in our field of activity.

UKRAINE (Maria Shkarlat, GIPI-UA coordinator):

- Our work in Ukraine began with participation in the UNDP's process for developing a national ICT strategy. The resulting *E-Readiness Assessment*, published in February 2003, contains dozens of references to our coordinator's contributions (see <http://www.un.kiev.ua/en/undp/publications.php>). Our coordinator also contributed to the drafting of new laws on personal data protection, digital signatures and electronic documents.
- Working with the Parliamentary Committee on Freedom of Speech and Information, GIPI-UA organized a public roundtable in November 2002 to discuss the draft Telecommunications Law that our coordinator had a hand in producing. The law closely followed EU guidelines and featured a plan for creating an independent regulatory agency. Pursuant to an agreement with Ukraine's parliament, an "IT Legislation Forum" was added to GIPI-UA's website to gather comments about the draft telecom law and 4 other bills. The November roundtable and the web forum were the first times that the Ukrainian public had ever

been invited to participate in the drafting of legislation. Parliament approved the telecommunications law in July 2003, but Ukraine's president refused to sign it.

- A grant from the International Renaissance Foundation helped GIPI-UA organize a series of public meetings to promote "The Internet for Development of Ukraine's Regions," This included training for NGO leaders in using the Internet for research, publicity and communication. GIPI-UA also helped establish the Ukrainian Internet Community Association and the Association of Internet Clubs.

UZBEKISTAN (Shaukat Valitov, GIPI-UZ coordinator):

- GIPI-UZ's first priority was to try to end the monopoly granted in 1999 to the government-owned ISP "UzPak." In November 2002 a coalition led by GIPI-UZ pushed the Government to eliminate UzPak's infrastructural monopoly, as well as UzTelecom's international data gateway monopoly. Within months, dozens of new firms began offering Internet access at far lower prices than UzPak. The number of Internet users in Uzbekistan reportedly doubled between January 2002 and January 2003.
- GIPI-UZ and UNDP-UZ signed a Memorandum of Understanding in August 2002 for cooperation on a variety of legal and informational projects. Among the legislative projects jointly undertaken were draft laws on electronic payments, electronic documents, electronic signatures, cybercrime, online copyrights and informatization. These were submitted to parliament in two batches (November 2002 and March 2003). Work on many of them continues today.
- Another MOU was signed with the TACIS project supporting the computerization of the Oliy Majlis (the Uzbek parliament). GIPI agreed to help them create the parliament's website and compile a database of ICT laws from around the world.

VIETNAM (Nguyen Thu Hue, GIPI-VN coordinator):

- GIPI-VN's work began in the spring of 2003 so our list of accomplishments is necessarily short. However, our first major contribution was a survey of the current status of ICT deployment in the country, to identify problems and create a baseline reference for the National Institute for Post and Telematics Strategy (NIPTS).
- At GIPI-VN's suggestion, NIPTS organized a meeting in August between the ICT Law group and the Ministry of Trade. The former is drafting a new ICT law and the latter is drafting a new e-commerce law. They have not been sharing information with each other and GIPI-VN saw the need to bring them together to avoid inconsistencies and overlaps between the two laws.
- An agreement was reached with the Ministry of Trade on GIPI-VN's involvement in the ministry's e-commerce activities: we will gather comments on their draft e-commerce law from GIPI-VN's legal advisors; help edit the English translation of the implementing Ordinance for e-commerce; help draft a glossary of

Vietnamese e-commerce terms; and help translate and publish a book on e-commerce for small-and-medium enterprises.

- The National Institute for Post and Telematics Strategy (NIPTS) asked for GIPI-VN's help in several policy areas linked to liberalization of the telecommunications market: how to determine the proper prices for ISP access to the fixed telephone network, how to use licensing to regulate market development and identifying the telecom reforms needed for Vietnam to join the World Trade Organization (WTO). A related request came from the prime minister's office, for help in determining the proper retail price levels for public access to the Internet.

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