

GLOBAL INFORMATION SOCIETY WATCH 2009

*Focus on access to online information and knowledge
– advancing human rights and democracy*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

Global Information Society Watch 2009

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*Dedicated to A.K. Mahan - an activist who valued
intellectual rigour and concrete outcomes.*

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Introduction

Following the independence of the Arab states, new economic and social strategies have been implemented to guarantee sustainable development. Most countries invested heavily in industry, with states monopolising the management of key public companies. Access to information was limited or non-existent.

Little has changed. The wave of privatisation in Arab countries¹ has prompted the need to have access to economic as well as government data as a prerequisite to market competitiveness. However, few laws have been set up or implemented in the Middle East and North Africa (MENA) region to govern access to information. Jordan is an exception, and is the only country in the region to have adopted a law granting the right to access information (2007).²

However, there is growing awareness amongst regional civil society activists working in the field of human rights about the issue of access to information. As a result they are putting pressure on governments in Arab countries to adopt progressive legal mechanisms – even though few concrete steps have been taken by governments so far.

Accessing government information

The lack of transparency in administrative procedures can be considered one of the impediments to developing business opportunities and encouraging local and foreign investment in the Arab countries. While the internet has great potential to disseminate information and to engage the citizen in the policy-making process, countries in the Arab region still lack transparency in terms of facilitating access to governmental political and economic decisions.

Most Arab countries have joined the wave of rolling out the necessary infrastructure to bridge the digital divide in the region, but only a few have effectively launched initiatives to guarantee online access to state information. Instead, most regimes in the region exercise secrecy regarding important decisions directly related to the citizen, even though strengthening relations with citizens through inclusion in the decision-making process is a sound investment in better policy making, and a core element of good governance. It allows governments to tap new sources of policy-relevant

ideas, information and resources when making decisions.³ Equally, transparency in taking decisions contributes to building public trust in government, raising the quality of democracy and strengthening civic capacity.

Jordan, Egypt and Morocco are pioneers in establishing e-government services in the Arab region. In 1999, Jordan became the first Arab country to establish an e-government strategy, called REACH. REACH is an initiative that emerged as an outcome of the country's policy to maximise its ability to compete on various fronts. One of its key objectives is to contribute to Jordan's economic and social development by providing access to e-government services and information to everyone in the kingdom irrespective of location, economic status, computer skills or education.⁴ In Morocco, an e-government committee was created by the prime minister in 2003.⁵ Its main objective is to set up a strategic plan which encompasses four main sectors: e-finance, e-justice, "e-foncier" (land administration and management), and "e-Wilaya" (e-municipality). Egypt established the Egyptian Reform Structure and Adjustment Program (ERSAP),⁶ whose main goal is to deliver efficient services to the citizen and the private sector through new technologies.

Most of the countries in the Arab region are exploring all the options to boost their local economies and to increase competitiveness in order to attract investments. Facilitating access to government information is a key element in this process. However, there are many obstacles facing e-government initiatives in the region that need the immediate attention of policy makers.

Recent research undertaken by the Dubai School of Government⁷ discusses the challenges faced in establishing e-government systems in the Arab region. These challenges are linked to the lack of expertise of government officials, the insufficient availability of information and communications technology (ICT) infrastructure in public administrations, lack of financing mechanisms, the absence of an institutional and a regulatory framework to monitor e-transactions, political instability and, finally, not considering e-government initiatives as a core strategy for sustainable development, but only as a tool to follow a global trend.

3 UN DESA (2004) *Transparency and Accountability in the Public Sector in the Arab Region*. unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN007714.pdf

4 e-Gov (2008) *Reviewing Jordan's e-Government Development: Seven Years of Promise*. www.egovonline.net/articles/article-details.asp?Title=Reviewing-Jordan%20%99s-e-Government-Development:-Seven-Years-of-Promise&ArticleID=2065&Type=COUNTRY%20PERSPECTIVE

5 www.uneca.org/aisi/nici/Documents/Plan_Strategique.pdf

6 Egypt's Government Services Portal: www.egypt.gov.eg/english/general/about.aspx

7 Salem, F. (2006) *Exploring E-Government Barriers in the Arab States*. www.dsg.ae/PUBLICATIONS/PublicationDetail/tabid/308/language/en-US/Default.aspx?utd_826_param_detail=191

1 Beginning in the mid-1970s. See: www.fou.uib.no/fd/1996/f/712003/road.htm

2 Cairo Declaration on the Right to Access Information in the Arab World: www.meida.org.il/art_images/files/281/Cairo%20Declaration.PDF

Regional trends in online intellectual property rights (IPR)

The most important open-licensing movement in the Arab region is Creative Commons, which was introduced relatively late in the region. The movement is, however, mostly supported by civil society organisations, while regional governments are developing new policies and legislation influenced by the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO), and Free Trade Agreements (FTAs) with the United States (US).

The adoption of Creative Commons is also not widespread, and is still restricted to a few countries⁸ – Jordan, Egypt and Tunisia – with various levels of achievement and progress. The first open-licensing initiative was launched by arabcommons,⁹ which aims to “promote the Creative Commons culture in the Arab world” with a focus on content in Arabic languages. It also aims to build awareness in the region.

However, a notable event was when the Qatari-based broadcaster Al Jazeera released its broadcast footage during the crisis in Gaza in January 2009¹⁰ under the Creative Commons licence. Web communities have been early adopters of the open licensing framework. Some Arab bloggers have adopted a loose version of the licence, even in the absence of local versions.

FTAs with the US have had a big role in shaping regional legislation, especially in signatory countries¹¹ like Jordan, Morocco, Bahrain and Oman. Changes in local laws match mostly US interests and result in more copyright protection and restrictions. Moreover, if an Arab country wants to join the WTO, it has to adopt standards like those established by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)¹² or TRIPS-plus, which has a high level of copyright protection not necessarily suitable for developing countries.¹³ Such treaties can threaten the development of Arab countries.

A number of Arab countries are also adopting digital rights management (DRM) technologies as a response to copyright infringement. This is the case, for instance, in both Jordan and the United Arab Emirates (UAE), even while there is a lack of skilled human resources such as IPR lawyers who are able to deal with issues that may be raised.¹⁴

8 creativecommons.org/international

9 arabcommons.org

10 cc.aljazeera.net

11 www.ustr.gov/trade-agreements/free-trade-agreements

12 Musungu, S. F. and Dutfield, G. (2003) *Multilateral Agreements and a TRIPS-plus World*. www.quno.org/geneva/pdf/economic/Issues/Multilateral-Agreements-in-TRIPS-plus-English.pdf

13 Jordan has adopted these standards.

14 Fitzgerald, B. and Olwan, R. (2009) *Copyright and Innovation in the Digital Age: The United Arab Emirates (UAE)*. olwan.org/attachments/293_Copyright%20and%20Innovation%20in%20the%20Digital%20Age.pdf

It is important to highlight that there is no common or joint effort to consolidate IPR legislation across Arab countries. The differing IPR legislation and adoption of different treaties and agreements put MENA countries in a weak position to negotiate or adopt laws which may fit their developmental needs.

As far as access to knowledge (A2K) goes, there are some emerging models, such as the work done by the Bibliotheca Alexandrina (Library of Alexandria),¹⁵ which is encouraging many initiatives and organising important events like Wikimania.¹⁶ Like the Creative Commons licence, other open-licensing frameworks such as open source¹⁷ have yet to mature in the region. Their adoption in different Arab countries differs dramatically.

A final important point is the absence of activities from the private sector dealing with IPR issues. This may be explained by a lack of awareness or lack of resources dedicated to defending their interests. However, the important point is that there is cooperation between the Business Software Alliance (BSA), which represents foreign corporate interests, and many Arab governments focusing on curbing the illegal copying of software due to the piracy rate¹⁸ in the MENA region.

Conclusion

Access to information in the MENA region needs to be tackled seriously by governments and civil society. Except for Jordan, the countries in the region have not yet adopted laws to grant access to information as a right. This raises questions regarding the political will to include citizens in decision-making processes and policy implementation. It also reflects negatively on the objectives of linking the region to the global digital economy to improve the lives of the citizens in these countries.

The IPR situation differs between Arab countries. There is a small group of countries which are adopting the latest trends according to WIPO and WTO standards and the US FTA, and then adapting and enhancing local legislation without any real coordination at a regional level. As far as open licensing goes, the MENA region remains behind other regions in the world, and only some countries have initiatives. This means fewer opportunities for economic development, education and A2K. ■

15 www.bibalex.org/a2k/home/home.aspx

16 wikimania2008.wikimedia.org/wiki/Main_Page

17 freedomdefined.org

18 BSA and IDC (2008) *Global Software Piracy Study 2008*. global.bsa.org/globalpiracy2008/index.html

GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels
- **Encouraging** critical debate
- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy.* It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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