

Distr.
LIMITED
E/ESCWA/ICTD/2011/Brochure.2
31 August 2011
ORIGINAL: ENGLISH

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)

**REGIONAL HARMONIZATION OF CYBER LEGISLATION TO PROMOTE
THE KNOWLEDGE SOCIETY IN THE ARAB WORLD**

BACKGROUND

High technology sectors do not flourish if they are left to market forces alone. They need a proactive and favourable environment. An essential component of a favourable environment is the creation of a reliable legal and regulatory framework. Governments, the private sector and non-governmental organizations (NGOs) need to coordinate their efforts and work together towards the establishment of this framework. Most developed countries, as well as some developing countries, have already updated their legal and regulatory frameworks in line with the needs created by the adoption of new information and communications technologies (ICT). In that regard, the “e-Europe Initiative” which developed directives for the regional harmonization of legislations to encourage regional integration, is a notable example. A similar effort is needed for the ESCWA region in particular and the Arab world in general.

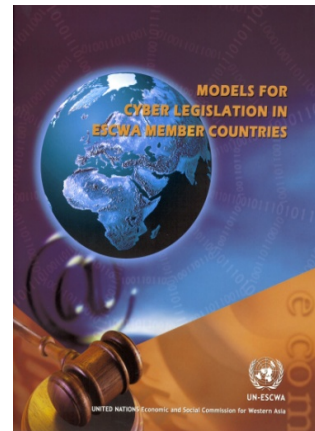
The development of regional directives that promote the harmonization of ICT legislation and regulations sets the foundation of an enabling environment by facilitating and accelerating the use of ICT applications. In turn, this will lead to growth in the ICT sector by:

- Fostering small and medium-size enterprises (SMEs) in the region;
- Minimizing problems relating to ICT market segmentation;
- Promoting ICT applications in social and economic activities.

By promoting competitiveness and economic diversity, these improvements will help remedy serious problems affecting the economies of the region, namely brain drain, capital drain, unemployment and low productivity.

PAST ESCWA ACTIVITIES IN CYBER LEGISLATION

In the area of cyber legislation, ESCWA published in 2007 a study entitled *Models for Cyber Legislation in ESCWA Member Countries*. The study reviewed the status of regional and international cyber laws and used examples of legislative principles to illustrate the benefits and challenges of enacting more comprehensive and more regionally integrated cyber legislations. Additionally, ESCWA produced a template aimed at evaluating the status of cyber legislation in member countries. ESCWA then applied this template on two member countries and prepared reports summarizing the findings.



Subsequently, the study and the template for cyber legislation were discussed during an expert group meeting and a capacity building workshop organized by ESCWA. Experts, lawyers and judges participated in these meetings and concluded that additional efforts are needed to encourage the development of cyber regulatory frameworks in the Arab region.

CURRENT ESCWA PROJECT ON CYBER LEGISLATION

ESCWA is currently carrying out, through its Information and Communication Technology Division, a project that aims at enhancing and harmonizing cyber legislation and regulations in the Arab region.

To facilitate the creation of an enabling environment for the ICT sector in the ESCWA region and the Arab world, with potential benefits for 22 countries, ESCWA prepared a set of directives and guidelines aimed at helping the countries of the region enhance and harmonize their legislative frameworks. The set includes model laws and regulations for the following areas:

- e-Communication and freedom of expression;
- e-Signature and e-Transaction;
- e-Commerce and consumer protection;
- Cyber crime;
- Personal data protection;
- Intellectual property.

ESCWA is leading the implementation of this project in coordination with regional and international organizations working on the development of cyber legislation, including the League of Arab States, the North Africa Office of the Economic Commission for Africa and others. In addition, ESCWA is collaborating with high-level experts and interacting with government institutions - mainly ministries of communication and information technology and ministries of justice - and with specialized partners such as national and regional ICT societies and syndicates of lawyers.

OBJECTIVE OF THE PROJECT

The objective of the project is to enhance regional integration and strengthen the capacity of member countries to develop appropriate legal and regulatory frameworks, foster a strong and sustainable ICT sector and build the knowledge society.

The development of the ICT sector in the region will eventually lead to economic growth, by:

- Promoting ICT applications in governmental, economic, social and cultural activities as users develop more confidence in online transactions;
- Facilitating e-transactions between the countries of the region with the removal of legislative contradictions that may otherwise hinder their completion;
- Enhancing regional and cross-border business and trade as extra-national consumers will be less worried about falling into legislative vacuums;
- Minimizing ICT market segmentation problems and increasing cross-border competitiveness by enabling access to wider markets for businesses which would otherwise find it difficult to sell and expand beyond their national borders.

MAIN ACTIVITIES

The activities planned for the cyber legislation project are the following:

A1. Produce a report that will:

- Identify major areas of concern to ESCWA member countries in the field of cyber legislation;
- Update the status of cyber legislation in the Arab region;
- Propose a framework for the regional harmonization of cyber legislation.

A2. Benefit from international experience, mainly that of the European Commission, to produce a set of cyber legislation directives for the Arab region, comprising:

- Text models of cyber laws that may easily be implemented at the national level;
- Coverage of the six areas mentioned above;
- Coherent definitions of all relevant legal terms;
- Statement of fundamental purposes and guiding principles.

A3. Organize an expert group meeting, involving professionals from governmental entities, non-governmental organizations and the private sector to review the proposed directives.

A4. Organize two regional workshops to provide hands-on training to policy- and decision-makers on the proposed cyber legislation directives and their applications at the national and regional levels.



A5. Provide advisory services to ESCWA member countries and - upon request - other Arab countries on the drafting of legislation that would be in harmony with the ESCWA cyber legislation directives.

A6. Promote and assist in the establishment of a virtual network of governmental, private sector and NGO institutions concerned with the promotion of the ICT sector. This activity will set a strong basis for the sustainability of the project by helping various stakeholders interact and exchange knowledge during the implementation and after the completion of the project.

A7. Organize a seminar on the legal and regulatory requirements for a sustainable knowledge society in the Arab region to review the results of the harmonization process at the regional and sub-regional levels and provide recommendations.