

## **Access to Networks and to Information**



Dejan Milenković  
**Freedom of Information**

Freedom of information, usually understood as freedom of access to information held by public authorities, is today widely recognized as an essential human right.<sup>1</sup> This is usually defined as each person's right to request and receive relevant information of public interest from the power holders (i.e. from public authorities). This should offer insight into the actions of people who were democratically elected to perform the functions of power and conduct other public affairs on behalf of the people.<sup>2</sup> To put this simply, it is about the right of any person to have access to data held by public bodies and to acquire information about the actions of those with public authority.

The modern age, and especially the second half of the twentieth century, has become complex beyond our wildest dreams – from living and working in megacities, to global telecommunication networks and the Internet. The complexity of the modern world is reflected in the soaring number of sources which generate enormous quantities of information by the minute. In this sense, the world today differs from past ages when the “number of mines and factories” defined the level of social development. In contemporary society information is the most important development resource.

Throughout the long history of human society, information often represented one of the essential instruments in the

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1 See Toby Mendel, *Freedom of Information (A Comparative Legal Survey)* (New Dehli: UNESCO, 2003), 3.

2 See Zoran Jelic, *U susret zakonskom regulisanju slobodnog pristupa informacijama*, *Ekonomika*, Belgrade, No. 3/2002.

hands of those in power. Information has been – and still is – a key to exercising power over people, because if the actions of those in power remain secret, human rights and freedoms are considerably curtailed and citizens are prevented from taking an active part in complex social processes.<sup>3</sup>

“Secrecy” often represents the only way to remain in power, concealing illegal and improper actions of top state officials, wastefulness and corruption and other features inherent to an undemocratic and closed society. Even democratic governments tend to attend to their affairs far from the public eye.<sup>4</sup> This opinion predominated during the 1940s (and to be honest is still evident even today). It was clearly expressed by the American writer Walter Lippmann, who thought that an elected official was responsible to his or her office and not to the voters: “Where mass opinion dominates the government, there is a morbid derangement of the true functions of power.” On the other side of the Atlantic, the British system of parliamentary democracy was based on the assumption that the legislature put government actions to the test, not the public. According to Walter Bagehot, the famous theoretician of British parliamentary government, democracy could only work “if its real rulers are protected from vulgar enquiries.”<sup>5</sup>

Contrary to these opinions, freedom of information in today’s world represents a fundamental prerequisite for openness and transparency about the actions of public authorities and bodies and about any issues relevant to the public that are related to these bodies.

It is rightfully stressed today that information is the “oxygen of democracy”.<sup>6</sup> Accepting free access to information represents a turning point in the transformation of a State and its administration from an apparatus of repression and power towards a system geared towards public service. Free access to

information broadens the field of public information and guarantees the exercising of a human right that provides citizens with the resources with which to shape and express their sovereign political will, thus making them better equipped to monitor state powers and administration.<sup>7</sup>

Freedom of information relates “only” to access to information which is held by public authorities or bodies in the widest sense of these terms. In defining “public body”, the emphasis is on the services rendered by these authorities or bodies rather than on their formal designations. It therefore follows that even private persons or organizations could, in certain cases, be considered to hold obligations regarding freedom of information. Today it is a recognized principle that the information held by public bodies is in the public domain belonging to all citizens, and therefore it is their obligation to ensure free access to this information.

## II

The right to free access to information evolved out of the right to having an opinion and expressing it, which led on to the right to be informed. Today it is a fundamental human right

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3 See Dejan Milenkovic, “Access to Information as a Fundamental Human Right”, in Stevan Lilić and Dejan Milenkovic (eds.), *Free Access to Information* (Belgrade: YUCOM, 2003), 44–48; Richard Calland and Alison Tilley (eds.), *The Right to Know, the Right to Live – Access to Information and Socio-Economic Justice* (Cape Town: Open Democracy Advice Centre, 2002).

4 See Dejan Milenkovic, “Access to Information as a Fundamental Human Right”, in Stevan Lilić and Dejan Milenkovic (eds.), *Free Access to Information* (Belgrade: YUCOM, 2003), 44.

5 Article 19, *Freedom of Information (Training Manual for Public Officials)*, chapter one: What is Freedom of Information? (London: Article 19, 2004), 10.

6 See *Pravo javnosti da zna*, Article 19, Crnogorski helsincki komitet za ljudska prava, Cetinje, January 2003, 7.

7 See Andrew Puddephatt, “Flow of Information Empowers Ordinary People”, in Richard Calland and Alison Tilley (eds.), *The Right to Know, the Right to Live (Access to Information and Socio-Economic Justice)* (Cape Town: Open Democracy Advice Centre, 2002), 10–11.

enshrined in important documents and declarations of international organizations. These include the United Nations' Universal Declaration of Human Rights (Article 19) and International Covenant on Civil and Political Rights (Article 19), the Council of Europe's European Convention on Human Rights (Article 10), and the American Convention on Human Rights (Article 13) of the Organization of American States.

Based on these essential documents from these international organizations and others, concrete international standards have also been developed. The Council of Europe Committee of Ministers adopted Recommendation R 81 (19) on the Access to Information held by Public Authorities and Recommendation R 2002 (2) on Access to Official Documents. These represent a framework within which Member States should promote, secure and protect free access to information in their legal systems.<sup>8</sup> The Inter-American Commission on Human Rights ratified the Inter-American Declaration of Principles on Freedom of Expression in 2002, which also stipulates that free access to information is a fundamental right of every individual.<sup>9</sup> The African Commission on Human and People's Rights adopted the Declaration of Principles on Freedom of Expression in Africa, which also contains a separate section on freedom of information.<sup>10</sup>

### III

National legislation also made a considerable contribution to establishing freedom of information. In Sweden a law granting access to government information was enacted back in 1776. Public access law also developed early on in the North American state of Wisconsin. In 1849 statutes were adopted which provided for public access to the meetings and records of county government. In South America a statute concerning freedom of information was enacted in 1888 in Columbia.<sup>11</sup>

Yet the age of free access to information only really gathered momentum in the 1960s when the Freedom of Information Act was passed in the USA in 1966. In the thirty years that followed, the right to free access to information was acknowledged in national legislations all over the world, in accordance with the principles of the Welfare State and the concept of administration as a system of social regulation of processes in society.<sup>12</sup> In some countries free access to information has become a constitutional right.<sup>13</sup>

International and regional rights and standards demonstrate that legislation in this field is based primarily on the following principles<sup>14</sup>:

1. There should be maximum disclosure of information held by public authorities, which presumes that access to information is the rule and denial of access the exception.
2. Certain expressions such as “information”, “document”, “public authorities” or “public bodies” must be broadly defined.

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8 These Council of Europe documents are available at <<http://www.coe.int>>

9 108th Regular Session, October 19, 2002.

10 32nd Ordinary Session of the African Commission on Human and People's Rights, 17–23 October, 2002, Banjul, the Gambia.

11 See Vladimir V. Vodinelic, Sasa Gajin, *Sloboda pristupa informacijama (ustavno jemstvo I zakonske garancije)*, Fond za otvoreno drustvo (Belgrade, 2004), 11.

12 For example USA. (1966), Canada, Australia (1982), New Zealand (1982), Portugal (1993), Denmark (1970), Norway (1970), Greece (1999), Ireland (1997), France (1978), Holland (1991), Poland (2001), Albania (1999), Czech Republic (1999), Slovakia (2000), Bosnia and Herzegovina (2000), Romania (2001) (source: David Banisar, Privacy International, July 2000 + FOIA news).

13 Albania, Austria, Belgium, Canada, Philippines, Portugal, Slovakia, South Africa, Serbia and Montenegro (source: David Banisar, Privacy International, July 2000 + FOIA news).

14 See *The Public's Right to Know – Principles on Freedom of Information Legislation*, Article 19, June 1999 <[www.article19.org](http://www.article19.org)>; The Committee of Ministers of the Council of Europe: Recommendation R 81(19) on the Access to Information held by Public Authorities, Recommendation R 2000 (13) on a European Policy on Access to Archives or Recommendation R 2002 (2) on Access to Official Documents, at <[www.coe.int](http://www.coe.int)>

3. Every member of the public has the right to access information held by public bodies and these should ensure maximum ease of access without any unnecessary formalities.
4. The public authority may deny access only under certain strictly defined conditions. If access is denied, the reasons must be stated in writing.
5. Legitimate grounds for refusing access to information must be stipulated in the law. These are restricted mainly to state, official or military secrets; privacy; public health and safety and national security; information relating to law enforcement; and information that could jeopardize commercial interests or influence the independence of courts. However, information that falls into these categories must be disclosed when the reasons justifying exemption cease or after a time limit has expired.
6. If the application is rejected, the applicant has the right to appeal to a higher, second instance body, which will reconsider the original decision. Access to information is often connected with references to Ombudsman institutions, in case the applicant believes his or her right to freedom of information to be infringed. In certain countries there are also special commissioners in charge of access to information.
7. In order to ensure transparency and openness, public authorities are obliged to publish key information on the Internet and in periodical and annual reports (information on their activities and organizational structure, certain decisions etc.).
8. Meetings and conferences held by public authorities must be open to the public (not only to journalists but also to all members of the public).

9. There should be no charges or just minimal fees for providing information.
10. Whistleblowers – public officials who disclose information about wrongdoing – must be protected from legal or any other sanctions if the publication of this information is in the public interest.

#### IV

The importance of freedom of information demonstrates that a democratically elected government needs to prove to citizens that it is fulfilling its mandate in its daily work. Centuries of experience have revealed that power corrupts, especially if no limits are imposed. Access to information sheds light on the actions of those in power. “Since power is like a fungus [and] it is in darkness that it feels most at home and thrives”, illumination is vital.<sup>15</sup>

Moreover, without free access to information, citizens are deprived not only of being able to scrutinize the actions of people they voted into power, but also of the opportunity to contribute to the public interest and common good. This is crucial in order to establish genuine democracy, in which power is vested in the people, and to build the institutions of an open, free and civil society which depends on self-organization and self-determination.

When discussing democratization today we think primarily of transition countries, and expect this process to be based on the principles of social welfare, rule of law, transparency and open society. This presupposes attaching ever greater importance to the public sphere. It represents a field of tension between politics and private persons who, while

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<sup>15</sup> Mirosljub Radojkovic, *Za slobodan pristup informacijama*, Prizma, Centar za liberalno-demokratske studije, No. 4, April 2002, 29.

enjoying their rights and freedoms in private, press for these rights and freedoms to be fulfilled in politics.<sup>16</sup>

Because freedom of information is acknowledged as a basic human right, citizens today can find out how a department of local government is spending its budget; how tuition fees at a university are calculated; how many members of an ethnic community attend a vocational school in a particular city; or the salary of a public official. People can also find out information about whether a mayor used his official car for private purposes at the taxpayers' expense; who travelled to the Olympic Games in Athens on the State's behalf and why; if and when the country's President and the Chief of General Staff met, and so on.

We are talking here about citizens being able to express, protect and satisfy their interests because they have access to information and can enjoy the advantages of the "third generation" of human rights and freedoms. It is this right that empowers citizens to become the fourth power, keeping an eye on those whom they entrusted with government functions in elections.

## V

Freedom of information is a right that has evolved from freedom of expression. In this context, this obviously holds enormous importance for the media as well. But numerous issues that would interest individuals, families or NGOs do not necessarily represent information relevant for society as a whole. Most of this type of information would therefore not be of interest to the media. This does not mean, however, that the "seventh power" does not benefit from free access to information. The journalist who investigates reports on maladministration or corruption in public bodies can request infor-

mation such as court decisions, or reports on budget expenditures in order to establish whether or not officials have abused their authority. It is therefore of utmost importance that the media have access to information of public interest. "If investigative journalism has to be based on rumours rather than verifiable facts, journalistic practice risks becoming defamatory, ... and the public is unable to judge the competence of the administration and the country's leadership."<sup>17</sup>

After the fall of totalitarian non-democratic regimes, some journalists and media professionals in these regions now seem to view freedom of expression as an absolute right. Violence by journalists occurs if they report on events and persons untruthfully and incompetently and "brainwash" readers, spectators or listeners, aiming to influence their political views. There are cases when journalists quote "unnamed sources" and in this way spread false and sensational information which jeopardizes public security, encourages disorder and crime or besmirches the reputation and honour of others. On the other hand, there is violence against journalists. This is when journalists are pressurized to report in a way that is unobjective and false, favouring a political group or individual. This also occurs when, for instance, journalists are denied access to information or to the scene of an event.

If a legal framework for freedom of access to information exists, journalists can check information provided by "unnamed sources" working for public authorities. If this right is protected by law, a journalist can no longer be denied access to information without a legitimate reason. Thus, freedom of information is also a way of safeguarding the correctness and

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16 Ibid.

17 Article 19, *Freedom of Information (Training Manual for Public Officials)*, chapter six: Who are the Requesters? (London: Article 19, 2004), 63.

truthfulness of information in the media, and in this way contributes to this fundamental principle of journalists' codes of ethics all over the world.

## VI

Freedom of access to information is also a vital weapon in the battle against corruption.<sup>18</sup> One efficient mechanism in this fight, which is normally included in the law on free access to information, is the protection of whistleblowers – insiders who disclose hidden information. Individuals who have disclosed in good faith an illegal or unlawful act or corruption by a higher civil servant or public official have the right to be protected from any legal, administrative or employment-related sanctions.<sup>19</sup> Whistleblowers should also be protected if they have violated their legal and contractual obligations by disclosing certain information, provided that this is done in good faith and in the belief that the information was true and related to a serious matter of public interest.<sup>20</sup>

For years, public officials have avoided public expression of doubts about the politics and actions of state authorities and public administration. Those who did take this step tended to be criticized rather than applauded by their colleagues. This reflects a special form of “organizational ethics” which plays a very important role for public officials. These organizational ethics require loyalty and acceptance of institutional tactics and politics, offering in return “friendship, security, promotion and mutual adventure in a mutual undertaking”. These ethics prevail in the majority of organizations and in state organizations in particular. Organizational or bureaucratic ethics often require “turning a blind eye” and unreserved conformity from members of the organization. As a result, public officials, regardless of whether they are truly loyal to the boss or are just afraid of losing their job or reputation, tend to show emphatic

loyalty rather than adopting a critical attitude to difficult issues. In such a system, “bright” people who question issues or who bother others, are not the “right” people.<sup>21</sup>

This system has been gradually changing, in part because of the pressure to broaden access to information. Nevertheless, in many countries the attitude still prevails that provisions relating to “an insider” should not be included in the law on free access to information. However, with freedom of information legislation, a conscientious public official can be a “hidden insider” or “unnamed source”, without risking arbitrary dismissal, pressure to resign, or loss of salary.

## VII

The Internet has changed working and communication methods in all areas of life. Today the possibilities of the Internet appear to be virtually unlimited. From the point of view of freedom of access to information held by public institutions, the Internet is ideal, providing the cheapest and quickest instrument available. Detailed information about the work of state institutions can be placed on websites. It should not be forgotten that freedom of access to information presumes that public institutions are meeting their obligation to publish information about their work. This should include details of their objectives, activities, organizational structure, expenses and sources of financing, decisions and policies that affect citizens’ lives, and the reasons behind these decisions. It could also

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18 See *Antikorupcijski zakoni: Iskustvo Slovenije I izazovi Srbije (Slobodan pristup informacijama I sukob interesa)*, Vladimir Goati, *Uvodno izlaganje*, Transparentnost Srbije, Belgrade, 2004, 1.

19 Vladimir V. Vodinelic, Sasa Gajin, *Slobodan pristup informacijama (ustavno jemstvo I zakonske garancije)*, Fond za otvoreno drustvo, Belgrade, 2004, 29–30.

20 Article 19, *Freedom of Information (Training Manual for Public Officials)* (London: Article 19, 2004), 29–30.

21 See Milan Markovic, “Pravna pitanja reorganizacije uprave u Srbiji I Crnoj Gori” (doctoral thesis), Podgorica, 1997, 359–60.

include information about requests, complaints, letters, suggestions and other actions that members of the public may take relating to these public institutions. Naturally, websites and the Internet are an ideal way of fulfilling these obligations.

There is a vital connection between freedom of access to information held by state institutions and the Internet. This is especially true because data processing is now one of the fundamental functions of the State. Effective data processing is an important precondition for the lawful, efficient and economical fulfilment of the State's role. In many countries, especially those in transition, a key issue in reforming the State relates to realizing the e-Government programme, or e-Administration, as part of the overall process of digitalization of government services.

To conclude, I would like to repeat that the right to free access to information is vitally important for the following reasons: 1) as a crucial human right, necessary in order to respect other rights; 2) to make the actions of powerful bodies transparent and accountable; and 3) to enable public participation in social policies and government decision-making. Yet the right to free access to information is only effective if it is legally enshrined and enforced in accordance with international standards. The Internet as the technical infrastructure to disseminate information easily can assist state authorities in fulfilling their obligations.

Colin Guard

## **The Internet Access and Training Program in Central Asia**

The Internet Access and Training Program (IATP) is an international assistance programme funded by the Bureau of Educational and Cultural Affairs (ECA)<sup>1</sup> of the US Department of State. It is administered by IREX in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan); the Caucasus (Georgia, Armenia, Azerbaijan); and Western Eurasia (Ukraine, Moldova)<sup>2</sup>; and by Project Harmony in the Russian Federation.

IATP is a public diplomacy programme, originally intended as a cost-effective follow-on to US Government-funded academic and professional exchanges, giving alumni the chance to maintain contact with their US colleagues and friends after returning to their home countries. Since its launch in the mid-1990s, IATP has expanded significantly beyond its mission to serve alumni, who now constitute only between one and five per cent of the total user base in each of the countries of Central Asia. As recently as the end of 2003, alumni constituted over five per cent of the user base in the region; their decrease as a proportion of users has been the result of a large increase in the total number of users while the number of alumni has increased only slightly.

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1 The former United States Information Agency (USIA), merged with the Department of State and renamed in 1999.

2 Until July 2003 IREX administered IATP in Belarus as well; after the Government of Belarus rejected IREX's application for renewal of registration, programme administration was transferred to the United Nations Development Programme and the United States Embassy in Minsk.

As an ECA-funded public diplomacy programme, IATP is directed toward enhancing ties and increasing mutual understanding between the people of the United States and the people of Eurasia. It is not intended primarily as a development programme, but its impact on Internet development in Central Asia has been significant, for two reasons. First, in order to carry out IATP's public diplomacy mission in Central Asia, it has been necessary to make an investment in local infrastructure and human capacity. In many cities, IATP has been the first customer of the local Internet service provider (ISP), often co-ordinating efforts and expanding in tandem. In most of the region, electricity and telephone services are unreliable, requiring significant improvements before it is possible to open an access site. Only a very small portion of the population has Internet access, ranging from roughly one per cent in Turkmenistan to ten per cent in the larger cities of Kazakhstan and Kyrgyzstan; correspondingly, levels of computer and Internet literacy are low. Therefore, it is necessary to train users in basic computer and Internet use before it is possible to conduct any public diplomacy with them using the Internet, whether by e-mail, chat rooms, or websites. All of IATP's efforts in creating the conditions necessary in order to conduct public diplomacy online have a direct effect on Internet development.

Second, IATP has the largest footprint of any Internet-related programme in Central Asia, with 65 Internet access sites covering nearly every major city in the region, training between 4,000 and 5,000 individuals per month and providing free Internet access to 25,000 to 30,000 people per month. In addition, the programme provides dialup Internet connections to more than 1,000 alumni and NGO leaders at their homes and offices. The programme's five web servers host more than 4,000 websites created by Central Asians, accounting for a proportion of

the total web content in each country ranging from 12 per cent in Kyrgyzstan to 80 per cent in Turkmenistan.<sup>3</sup> Such a large-scale programme, which by itself accounts for the majority of the free, public Internet access and training in the region, cannot but have an impact on the general level of Internet development. Rare is the qualified system administrator or web designer in Central Asia who has not at some point taken advantage of IATP's facilities and services. Local Internet cafés benefit more from the increased number of Internet-literate customers who have been trained at a nearby IATP access site than they suffer from the competition from a free provider; there have been several instances in which the number of for-profit Internet cafés in a particular city has increased after the introduction of IATP.

IATP has been an extraordinarily successful programme in Central Asia, both in terms of furthering the cause of public diplomacy and in terms of bringing improvements to the lives of Central Asians. To cite just a few examples:

- Muslim leaders from Kazakhstan and Uzbekistan have returned home after trips to the United States to report to large online audiences of young people that the United States is not an enemy of Islam, and that in fact millions of Muslims are able to practice their religion there freely. These online chats, and the media coverage resulting from them, have done a great deal to address inaccurate images and representations of the US in the region.
- Young entrepreneurs in Turkmenistan have used IATP's Internet access to obtain technical information on the

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<sup>3</sup> Measured in gigabytes as a proportion of the total web content hosted on the territory of each country (not as a percentage of the number of websites, and not as a percentage of the total content on a particular country domain, e.g. .kg, .tm, which can be hosted physically anywhere in the world). Information is updated monthly through an informal survey of the technical staff of the web hosting companies in each country.

satellite television packages available in the country, which makes it possible for them to set up dishes and receivers for their customers. At least two satellite TV installation companies have been founded as a direct result of IATP, providing jobs for the young people who run them and alternative sources of information for their customers. Broadcast television in the Republic is monopolized by the four government channels.

- Disabled people have found in IATP an outlet for their talents and energies, in societies that still by and large stigmatize physical and mental disabilities. Not content to equal the accomplishments of their peers, some disabled users have gone beyond full participation in the programme in the form of online chats and authoring sophisticated websites to actually teach courses to non-disabled users. Disabled IATP users are typically more productive than the general user community, perhaps because the local IATP access site is one of the few places where they feel they can reach their full potential.
- A radio station in isolated Naryn, Kyrgyzstan, in the mountainous south-east of the country, uses the local IATP access site to obtain news, which it then rebroadcasts to the surrounding region. The only other source of information in the area is print media; newspapers are usually one to two weeks late in arriving.
- Journalists in several countries in Central Asia have used a series of IATP-hosted online chats to compare notes on election-related activities and coverage, both before and after elections. With print and broadcast media firmly under the control of governments, the Internet is the only way that journalists can learn what is really going on in other regions of the country.

These stories and others can be found on the IATP Central Asia website at <http://www.iatp.centralasia.net>. IATP's experience has not been an unbroken string of successes, however. The difficulties and unintended consequences encountered by IATP may be a useful object of study for anyone involved in Internet development in the region. Following are some observations, mixed with practical recommendations.

Interestingly, although IATP's purpose is to improve communication between Central Asia and the United States, it has also had the effect of improving communication between Central Asia and Russia. Russian is still the lingua franca of Central Asia, used by Turkmens to communicate with Tajiks and by Kazakhs to communicate with Uzbeks. The Russian-language content available on the World Wide Web, while only a tiny fraction by comparison with English-language resources, still dwarfs the amount of content available in any of the Central Asian languages. While IATP's web content development efforts have made progress in helping local languages catch up, Russian-language websites based mostly in Moscow are the source of the majority of content that is of interest and accessible to Central Asians. Information flows in the other direction, too: 85 per cent of the hits on the website of the National Library in Kazakhstan, hosted by IATP, originate from Russia. Russia is the source of the bulk of the content and the bulk of the web surfers in Eurasia. This is expected to remain the case in the intermediate term, but IATP's large-scale web content development in local languages can be expected to reach a critical mass in the next few years, at which point Central Asian users will be able to switch from Russian search engines and web-based e-mail providers to local ones.

Programmes to develop basic Internet literacy and provide infrastructure are generally uncontroversial even in States where there is a high degree of government control of information.

In fact, in all five former Soviet republics of Central Asia, official government policy calls for an increase in the number of computers available to the public and improvements in Internet infrastructure. Programmes to improve infrastructure and raise Internet literacy meet with little resistance from governments; whereas direct co-operation with political opposition and pressure on policymakers can result in problems with the authorities. There is an argument to be made for separating programmes dedicated to infrastructure and literacy on the one hand from programmes devoted to policy and political liberalization on the other. The former can do their work quietly and without public controversy, laying the long-term foundation for healthy civil societies and participatory democracy. The latter must be backed up by powerful governments and/or multilateral organizations that have leverage in negotiations with host governments. Combining the two aspects in one programme and/or organization can result in a situation wherein political difficulties resulting from work with opposition can jeopardize parallel efforts in basic literacy and infrastructure.

The economic policies of Central Asian governments have been an important but uncontrollable factor determining the sustainability of the programme. In Turkmenistan and Uzbekistan, registration of both businesses and NGOs has become progressively more difficult, new restrictions are continually imposed on trade, taxes are regularly increased, and new regulatory requirements are frequently imposed. As a result, incomes in both countries have been shrinking steadily for several years. In this environment, it becomes impossible to find new, local sources of funding. Fee-for-service schemes become unworkable as the disposable income of the population decreases. Internet cafés close, leaving IATP as the only source of the Internet, free or otherwise, in many cities. In a growing

economy, IATP's investments are profitable, as trainees obtain jobs at Internet cafés and even start their own Internet cafés, but in a shrinking economy, IATP's investments are cancelled by the counterproductive economic policies of the government. Internet development alone does not affect government policy; what is required is pressure from governments and multilateral organizations that have leverage.

Internet development is a chicken-and-egg problem. Without web content that addresses local needs and interests, users have little incentive to get online. But without an Internet-literate population with access, there is no audience for web content developers to target. Therefore efforts to develop the Internet must be both comprehensive and large-scale, training both creators and consumers and providing an infrastructure for access. If a single element is missing, the network effect is lost and development is not sustainable.

Education, in order to have a quick and measurable impact on development, should not be excessively theoretical. Training in IATP is obsessively output-oriented. For example, intermediate courses in web design require all participants to arrive on the first day of training with the complete text and photos in paper form that they intend to publish online. By the end of the course, each trainee actually publishes a website either individually or as part of a group. Web training is therefore not held in a vacuum with no real-world consequences. Participants learn web design in order to do web design. This system was developed for the purpose of raising Internet literacy as quickly as possible to the point where Central Asians are able to participate effectively in public diplomacy, but the lesson is useful for more general development purposes as well. Training without a goal cannot be expected to reach a goal.

Jelena Surčulija

## Experiences from South-Eastern Europe

One of the aims of the first OSCE workshop on Freedom of the Media and the Internet, held in Vienna in November 2002, was to target the most important issues relating to the Internet in the OSCE participating States for the upcoming Amsterdam conference in June 2003. The topics raised by the participants, who were mainly from the European Union and the United States of America, were generally related to the content of the Internet and included child pornography, cyber-crime, intellectual property and anti-Semitism. My concern was that most OSCE countries outside the European Union, United States of America and Canada have more “basic” problems which should also be addressed at the conference like access to the Internet and still existing state monopolies in telecommunications sectors.

Access to a network is a must for access to online information. In South-Eastern Europe, the number of individuals using the Internet is still very low, although it is rapidly increasing. The International Telecommunications Union’s (ITU) statistics from the year 2003<sup>1</sup> show that there were 190,190,000 Internet users in Europe. Out of this number there were 39 million users in Germany and more than 25 million in the United Kingdom, but only 30,000 in Albania and around 100,000 in Bosnia and Herzegovina and in Macedonia. The European average in 2003 was 2,388 users per 10,000 inhabitants. Northern European countries have more than 5,000 users per 10,000 inhabitants, which means that

more than 50 per cent of the population has Internet access, while in South-Eastern European countries it is only in Slovenia that over 37 per cent of the population goes online. The percentage falls the further south-east we travel. Croatia was closest to the European average with almost a quarter of the population using the Internet. In Bulgaria and Romania this dropped to around 20 per cent, but in Albania there were only 97.63 users per 100,000 inhabitants – less than 1 per cent of its population. In 2003 the percentage of the population using the Internet was only 2.6 in Bosnia and Herzegovina, nearly 5 per cent in the former Yugoslav Republic of Macedonia and almost 8 per cent in Serbia and Montenegro.

These examples demonstrate how the countries in South-Eastern Europe are at very different stages of development. Slovenia is a European Union Member State so the EU regulatory regime applies there. A survey recently published in the Bulgarian daily newspaper *Sega*, citing data from Alpha Research polling agency, stated that more than three-quarters of the Bulgarian population have never used the Internet, and 23 per cent does not know what the word means. Bulgaria is a European Union candidate country. The same research states that 77 per cent of the country's population, numbering eight million, has never been online. Reuters reported a statement in May by the Bulgarian Telecommunications Minister that only four per cent of Bulgarian companies use the Internet in their daily work and that Bulgarian schools had only one computer for every 200 students.<sup>2</sup> This last example clearly demonstrates the importance of spreading computer literacy and widening the opportunities of access to networks in the region.

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1 <[http://www.itu.int/ITU-D/ict/statistics/at\\_glance/Internet03.pdf](http://www.itu.int/ITU-D/ict/statistics/at_glance/Internet03.pdf)>

2 The entire article may be found at:  
<<http://www.reuters.com/newsArticle.jhtml?type=topNews&storyID=6640128>>

The twenty-first century is often described as the era of the Information Society. The WSIS Declaration of Principles<sup>3</sup> defines the Information Society as “a society where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and people to achieve their full potential and improve their quality of life in a sustainable manner.” The ITU World Telecommunications Development Report 2003<sup>4</sup> defines types of information and communications technologies (ICT) that help us live in such a society. The report makes a distinction between radio, television and fixed telephones, which are often considered to be “old ICTs”, and the “new ICTs” that are mobile telephones, personal computers (PCs) and the Internet. Most of the developing nations, including many countries in South-Eastern Europe, tend to have data on the “older” ICTs, while most of the developed nations focus on the newer ones. New ICTs enable instantaneous exchange of information, but without access to these, many people around the world are still excluded.

*From State Monopolies to Convergence.* “The European telecommunications sector has historically been characterised by a strong public sector monopoly tradition together with an industrial policy of creating ‘national champions’, often run in conjunction with postal services. The monopoly environment began to change in the early 1980s, with privatisation and the introduction of limited competition in some Member States. The development was primarily driven by the increasing application of information technology in the telecommunications sector, which offered the potential to revolutionise the industry.”<sup>5</sup> The first phase of Community policy was initiated in 1984. The aim of this Community strategy was to develop common lines for the telecommunications sector. A second phase of Commu-

nity policy was initiated in 1987 and culminated in the liberalization of all telecommunications services and networks by 1 January 1998. The main direction of the common telecommunications policy has been set by the consultative process initiated by the Commission in 1987 and by key resolutions adopted by the Council and European Parliament, and by the European Court of Justice. The Commission's White Paper on Growth, Competitiveness and Employment, with the full political support of the Council, has placed the Union's telecommunications policy at the heart of its general policy. In terms of opening up the market there are three instruments which have been used to liberalize telecoms in the European Community:

- Progressive liberalization of a former monopoly sector
- Accompanying harmonization measures
- Competition rules

The convergence of the telecommunications, media and information technology sectors means that a single regulatory framework should cover all transmission networks and services. The European Union has already prepared a regulatory framework that consists of the Access Directive, Authorisation Directive and Framework Directive. In addition there are specific directives on universal service, privacy and electronic communications, to establish a framework for electronic signatures and on the re-use of public sector information.<sup>6</sup> The intention of

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3 World Summit on the Information Society (WSIS) Declaration of Principles.

4 International Telecommunications Union, *World Telecommunication Development Report 2003 – Access Indicators for the Information Society*, Executive Summary, December 2003, 8.

5 European Commission <[http://europa.eu.int/information\\_society/topics/ecom/all\\_about/history/index\\_en.htm](http://europa.eu.int/information_society/topics/ecom/all_about/history/index_en.htm)>

6 A full list of legislation in force concerning information technology, telecommunications and informatics may be obtained at <[http://europa.eu.int/eur-lex/en/lif/reg/en\\_register\\_132060.html](http://europa.eu.int/eur-lex/en/lif/reg/en_register_132060.html)>

the European Union is to separate the regulation of transmission from content regulation. As a result, the new regulatory framework does not cover the content of services delivered through electronic communications networks, such as broadcasting content, and financial and information society services.

*Initiatives in South-Eastern Europe.* South-Eastern Europe lags behind the European Union in the transformation from an industrial to an information society. In the 1990s, telecommunications sectors started developing in just a few countries in South-Eastern Europe. Many countries are still at the very beginning of the demonopolization and liberalization process, which puts them almost twenty years behind the European Union States. There are various reasons for the delay, but the main causes are economic crisis, effects of war devastation in some countries in former Yugoslavia, a lack of state strategies for the development of Internet technologies, unfavourable tax and customs policies, and a ruined and/or old-fashioned infrastructure. Further reasons include a lack of initiative and shortage of competent human resources. As a result, one of the first steps forwards should be to create a proper legal framework for the telecommunications sector. Legal certainty is necessary for the further development of the sector, especially to attract investments in networks which would provide conditions for wider access to the Internet and other telecommunications services.

The initiative for the development of the Information Society in this region of Europe occurred within the scope of the Stability Pact for South-Eastern Europe. In October 2002 the countries of South-Eastern Europe signed the eSEEurope Agenda for the Development of the Information Society<sup>7</sup> in Belgrade. This verified the responsibility of these countries in

the region to develop the proper environment for an Information Society for all. Governments should play the crucial role by taking definite action based on the positive experiences of the eEurope and eEurope+ processes.

The governments of South-Eastern Europe agreed to establish an institutional and legislative framework for an ICT-based society, to promote the liberalization and privatization of the infrastructure for electronic communications and to encourage regional activities through joint e-Governance, e-Learning, civil society and non-governmental organizations. In addition, governments recognized that building the Information Society was essential for the further development of the region, and vital in order to close the gap between South-Eastern Europe and the European Union, and between the region and the rest of the world. The governments acknowledged that building and developing the Information Society is the only path towards the European Union for the countries in the region. Each signatory country, and member of the Stability Pact, has associated itself with the eEurope process, thus agreeing to take concrete action and especially to:

- Adopt policies and strategies to develop the Information Society, particularly the regionally co-ordinated guidelines for the creation of national information society policies, and the national information society strategy and action plan. All these strategies should be based on the eSEE Agenda, with clear goals, responsibilities and timelines for implementation, and may be the basis for all legislative and other regulatory actions.
- Prepare, adopt and implement the legal framework for the Information Society in accordance with the European Union

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7 eSEEurope Agenda for the Development of the Information Society:  
<<http://www.eseeuropeconference.org/agenda.html>>

directives. This applies especially to electronic signatures, commerce and contracts; intellectual property rights; copyright; databases; patents; software; semiconductors and protection of privacy on the Internet. The Council of Europe Convention on Cybercrime shall also be implemented.

- Establish mechanisms for regional co-operation and national implementation. Each country has accepted responsibility to establish an authority to oversee the Information Society and implement the relevant policies, strategies and regulations. A special line in the budget should be allocated to the eSEE working group and its appointed representatives. The countries shall encourage the foundation of non-governmental national ICT forums where information, experiences and best practices can be exchanged with other national forums and advice can be offered to information society state bodies. eSEEurope countries agreed to establish regional automated information systems and to create national centres that would be able to offer regional interconnection of electronic communications networks at affordable rates.
- Promote the development of the Information Society in several ways. This entails providing an infrastructure for free access to public information; exchanging information on liberalization of the market and the regulatory framework through conferences and seminars; establishing regional telecommunications service standards and universal service obligations; and drawing up aims to ensure equal opportunities for development. Each signatory country has accepted responsibility to promote better co-operation in employment and education. The countries agreed to establish the regional backbone to connect national academic and research institutions and create a joint project between teachers and students in the region. Regulations relating to the

foundation, operation and taxation of companies involved in e-commerce and telecommunications shall be improved. Each government in the Stability Pact for South-Eastern Europe has committed itself to start putting these principles into practice immediately.

***Difficulties Limiting Wider Access to Networks in South-Eastern Europe.*** The telecommunications infrastructure is not the only barrier blocking individual access to networks. There are also logistical, economic, educational and political obstacles. Logistical problems are mostly evident in rural areas, which do not have the appropriate infrastructure for Internet access. The economic problems are that most people cannot afford computer equipment to access the network or pay for provider fees; in this way South-Eastern Europe is similar to other transitional and developing countries. Educational barriers raise the question of computer literacy. Although almost every country in the region has computer studies on the school curriculum, lack of equipment – especially in remote areas – means that these classes are often based entirely on theory. Young people are an important target group for computer education and ensuring that they have the opportunity to access networks is of utmost importance. The middle-aged generation usually has a hard time accepting and operating new technology, unless required to do so for work. Moreover, a reasonable knowledge of English is needed in order to use new technologies. Finally, in some countries in South-Eastern Europe the absence of political will to implement the eSEE Agenda, to improve national legislation on information technology and to promote the Information Society through co-operation within the region has created further obstacles to Internet access.

***Recommendations.*** Countries in South-Eastern Europe need to make the development of the Information Society and wider

access to networks one of their priorities. The Internet is geographically independent, which means that there are plenty of opportunities for co-operation when developing national strategies. Countries may benefit and learn from experiences and best practices in other States in order to create an environment where there is wider access to online information. Training journalists to use new technologies and providing them with greater Internet access in their daily work is also an important step towards freedom of the media on the Internet.

A good example of a regional Internet portal for journalists<sup>8</sup> was recently launched by the Media Center Sarajevo in co-operation with the Media Center Belgrade and the Center for Investigative Journalism in Zagreb. This provides media professionals, students and any other interested parties with useful training materials and information, details of media laws, news about seminars in the region, relevant research as well as instructions on how to use computer-assisted reporting software.

Access to networks is a gateway to online information. However, promoting access must go hand in hand with education about new technologies and the Internet, targeting the younger generation especially.

Finally, a proper legal framework needs to be established in accordance with existing EU legislation. International organizations can play an important role in assisting countries in South-Eastern Europe to achieve all these goals.

In my opinion, political commitment, a proper legal framework and good education are the three ingredients in the recipe for wider Internet access. If these are achieved then citizens in South-Eastern Europe will be able to enjoy the benefits of the new Information Society and the opportunities of free media in an online environment.

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8 See <[www.netnovinar.org](http://www.netnovinar.org)>