GLOBAL INFORMATION SOCIETY WATCH 2009

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

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

ETHIOPIA

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Introduction

After the change of government in 1991, the Ethiopian Peoples Revolutionary Democratic Front (EPRDF)-led government adopted a new constitution (in 1994), which placed a special emphasis on access to information, freedom of expression and human rights. Under Article 29 of the Constitution, "Everyone shall have the right to freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through other media of his choice."

However, internet availability in Ethiopia is still low. Only 360,000 people had internet access in 2008 – a penetration rate of 0.42%, one of the lowest in Africa compared to the sub-Saharan African average of 3.23% and Africa's average of 5.34%. The government-owned Ethiopian Telecommunications Corporation is the sole internet service provider (ISP) in the country. Internet cafés are a major source of access in urban areas with a rising and active community of bloggers and users of other social networking tools. However, three quarters of the country's internet cafés are in the capital city, and even there access is often slow and unreliable.

This report reviews access to information in Ethiopia, with a focus only on online access to information, and with reference to the relevant policy and legislative environments that are in place.

Policy environment

Ethiopia's National Information and Communications Technology (ICT) Policy was first drafted and submitted to the Council of Ministers in 2002. The policy's vision is "to improve the social and economic well-being of the people of Ethiopia through the exploitation of the opportunities created by information and communication technologies, for vitalising and ensuring the establishment of a sustainable democratic system and good governance, and for achieving sustainable, rapid socio-economic development." Following a recommendation from this process, the Ethiopian ICT Development Authority (EICTDA) was established in 2003, primarily to complete and implement the policy. One of the main pillars of the policy is e-government which aims, among other things, at providing public access to information and government services, enhancing good governance and strengthening the democratic process. The ICT security aspect of the policy also states that it facilitates the enactment of the necessary laws and legislative instruments to govern and regulate cyber-related activities. These include laws relating to intellectual property rights (IPR), data protection and security, and freedom of access to information. The legal and regulatory environment pillar of the policy also aims to ensure the protection of IPR in ICTs.

The other major pillar of the policy is the ICT in Education Implementation Strategy and its corresponding Action Plan, which is a component of a wider Ethiopian national e-education initiative. Both these pillars form part of the ICT for Development 2010 Plan.[1]

The education strategy recognises ICTs as an enabler for widening access to education for the Ethiopian population, for supporting ICT literacy in education, and for facilitating the delivery of education and training at all levels.[2] The education strategy is built on three main streams:

- The National SchoolNet Initiative Programme

- The National ICTs in Higher Education Initiative

- The National ICT Education, Training and Awareness Initiative.

The National SchoolNet Initiative Programme aims at using ICTs to facilitate the teaching and learning processes within primary, secondary, technical and vocational schools. The ICTs in Higher Education Initiative focuses on deploying ICTs within universities, colleges and research institutions. The National ICT Education, Training and Awareness Initiative promotes ICT awareness and literacy, lifelong and adult education, and distance and virtual education and learning. It also identifies strategic goals and draws up a programme and activities for each initiative.

Legislative environment

The government has recently enacted a series of laws in relation to IPR and to freedom and access to information:

- Intellectual property rights (IPR): In the last few years, Ethiopia has enacted a series of new laws pertaining to major areas of IPR, namely, copyright and related rights, including patents[3] and trademarks. In addition, the country is in the process of developing new laws for the protection of geographical indications and for

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1   Ministry of Capacity Building (2006) ICT in Education Implementation Strategy and Action Plan, National ICT4D Action Plan for Ethiopia 2006. www.ests.gov. et/ICT%20policy.htm

2   Hare, H. (2007) ICT in Education in Ethiopia – Survey of ICT and Education in Africa: Ethiopia Country Report, *info*Dev/World Bank, Washington.

3   Federal Democratic Republic of Ethiopia (1995) Proclamation Concerning Inventions, Minor Inventions and Industrial Designs, Proclamation No. 123/1995.

"undisclosed information".[4] IPR is receiving government interest and attention primarily through the efforts of the Ethiopian Intellectual Property Office (EIPO). Until the formation of the EIPO[5] in 2003, responsibility for and control over the various areas of intellectual property were handled by different, unrelated government agencies, none of them with the proper authority in the field of IPR.

• Freedom of the Mass Media and Access to Information Proclamation (Proclamation No. 590/2008): This proclamation, in its Article 4 on Freedom of Mass Media, proclaims that "[f]reedom of the mass media is constitutionally guaranteed. Censorship in any form is prohibited." Article 12 of this proclamation on the "Right of Access to Information" states that "[a]ll persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by this Proclamation." As stated in this article, this right includes access to information from any public body by means of "diskettes, floppies or any other electronic mode or through print-outs where such information is stored in a computer or in any other device."[6]

• Voice over internet protocol (VoIP) users continued to grow, fuelled primarily by the demand for lower cost services and its integration into a number of new services offered on IP (internet protocol) networks. As in many African countries,[7] Ethiopia bans VoIP services. According to the amended Telecommunication Law of 2002, Sub-Article 3 of Article 24 of the Proclamation states that "the use or provision of voice communication or fax services through the Internet are prohibited."[8]

Key issues

Like many other countries in Africa, the spread and use of ICTs in Ethiopia is a function of a number of factors including infrastructure, access and a supportive enabling environment (i.e., the legal and regulatory environment). ICT infrastructure, apart from its operation and maintenance, involves considering non-ICT infrastructure such as transport and electricity. Access is determined by things like public access facilities, the existence of relevant content, and adequate capacity to use ICTs at different levels. The legal and regulatory enabling environment is an important aspect, not only with regard to the specific ICT regulatory framework, but also the overall policy framework that promotes sound economic and political governance.

Increasing convergence across different technologies, in which the internet is becoming the common platform for voice, data and broadcast information, offers potential for cutting the costs of network deployment, along with providing new synergies between products and media. The internet is not only a mechanism for the dissemination of information; it is also a broadcasting system, a peer-to-peer platform, and a marketplace. Similarly, mobile phones are not only used for voice services; they also facilitate internet access, data collection and even financial services. Therefore, increasing convergence in technologies is offering the flexibility for people to get access to information for their socioeconomic development whether through the internet or through the use of mobile phones.

The Ethiopian Telecommunications Corporation (ETC) began providing mobile internet services using general packet radio service (GPRS) in July 2009. GPRS is aimed at adding internet services on the mobile phone for users. ETC announced that the service users have to pay one cent per 10 kilobytes of web use. Given the mobile rate of penetration of 3.72%, this service still benefits a limited number of people with access to the services. However, the government's plan in laying 10,000 kilometres of optical fibre network throughout the country, 4,000 kilometres of which is already completed, will significantly improve access and connectivity in Ethiopia.

Looking at the growth of access, there is an overall trend in Ethiopia toward use of wireless technologies. This explains the relatively slow growth in fixed lines, which remain at 1.07 per 100 inhabitants (2008). This together with high tariffs relative to income levels, and low domestic personal computer (PC) access – a total of 532,000 home PCs (2007) – has lead to relatively slow rates of internet and broadband uptake in the country. By the end of 2008 there were only 40,034 internet subscribers, with around 360,000 estimated internet users, which is 0.42 per 100 inhabitants. This is an insignificant number when considering a population of over 83 million. However, the situation is changing quite rapidly in urban areas with the recent introduction of wireless broadband and the increased use of the internet on mobile phones. Nevertheless, with the low level of connectivity, public access facilities are the most important means of providing communities with access to information.

A number of grey-market operators provide VoIP services in Addis Ababa, and a few other cities outside of the capital. There are periodic shutdowns of operators whose equipment is confiscated.[9] However, today a growing

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4 Booz Allen Hamilton (2007) Ethiopia Commercial Law & Institutional Reform and Trade Diagnostic, USAID. "Geographical indication is an aspect of industrial property which refers to a country or to a place as being the country or place of origin of that product. Under Articles 1(2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs. They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPs) Agreement. Undisclosed information is also one category of 'intellectual property' as defined in Article 1.2 of TRIPs. Such information has also been referred to as 'trade secrets' or 'know-how', and covers any secret information of commercial value." Source: Department of Industrial Policy and Promotions, Ministry of Commerce and Industry of the Government of India website: www.patentoffice.nic.in/ipr/gi/geo_ind.htm

5 Federal Democratic Republic of Ethiopia (2003) Ethiopian Intellectual Property Office Establishment Proclamation, Proclamation No. 320/2003.

6 Federal Democratic Republic of Ethiopia (2008) Freedom of the Mass Media and Access to Information Proclamation, Proclamation No. 590/2008.

7 United Nations Economic Commission for Africa (2009) Implementing the World Summit on the Information Society Action Lines: Analysis of Country Reports, UNECA, Addis Ababa.

8 Federal Democratic Republic of Ethiopia (2002) Telecommunications (Amendment) Proclamation, Proclamation No. 281/2002.

9 Cohen, T. and Southwood, R. (2004) An Overview of VoIP Regulation in Africa: Policy Responses and Proposals, prepared for the Commonwealth Telecommunications Organisation (CTO), London.

number of countries have or are about to legalise VoIP. As a result Ethiopia might move in this direction as part of the privatisation process.

In relation to access, the other key area is the availability of relevant content. With well over half of the websites in the world in English[10] and with only 42% of the adult population able to read and write in Ethiopia, language skills and literacy are key issues that need to be considered in discussions on access to information online. Lagging internet applications and content in Ethiopia have also retarded the development of online access to information. However, when some of the initiatives in the ICT for education strategy are implemented in full, it is expected that access to online information will be widespread.

Access is also determined with the existence of adequate capacity in using ICTs at different levels. In this regard, a recent United Nations Economic Commission for Africa (UNECA)[11] survey on the implementation of the World Summit on the Information Society (WSIS) action lines in Africa reveals that, like many countries, Ethiopia does not have sufficient digital literacy for supporting digital-economy and knowledge-economy activities. However, ICT training is becoming more and more important as the demand for computer literacy and knowledge of data processing and application skills is increasing. ICT training is the second most important activity of ICT firms in Ethiopia.[12] Furthermore, through the National SchoolNet Initiative Programme, all high schools have been provided with computers, which will contribute to the digital literacy in the country. Over 30 government and private universities and colleges are also offering ICT training programmes at various levels.

The legal and regulatory environment is the other key area in the discussion on access to information online. There has been increasing concern in the last ten years about damaging internet content. The kinds of content provoking concern have varied greatly, and ranged from political speeches to material promoting or inciting racial hatred, violence or terrorism (including bomb-making instructions), to pornographic material, including child pornography.[13] Consequently, many governments around the world have sought to address the problem by stating that what is illegal under general laws applies to online content.

Some of the arguments that many put forward for controlling internet content include:[14] the internet is fundamentally just another communications network; there is a range of problematic content on the internet which we cannot ignore; the internet is now a mass media and needs regulation like any other media; and most users want some form of content regulation or control. Others argue against internet content regulation saying that the internet was created as a totally different kind of network and should be a "free" space; the internet is a "pull", not a "push" communications network (in that users actively select content to download); the internet is a global network that cannot simply be regulated; it is a technically complex and evolving network that can never be regulated; and any form of regulation is flawed and imperfect.

Internet penetration in sub-Saharan Africa in general, and in Ethiopia in particular, lags behind much of the rest of the world due to a variety of economic, political and infrastructural reasons. Internet regulation in Ethiopia, as a result, primarily focuses on infrastructure and access-related issues rather than on content regulation, although there are moves to broaden the scope of regulation as the internet spreads.

New trends

To move from policy process to implementation, the Ethiopian government has embarked on activities geared towards the translation of the National ICT Policy visions and objectives into sectoral strategies. Sectoral strategies are tailor-made for the specific needs of each sector and accord each sector the opportunity to build on its strengths and adapt to its needs. To this end, the e-government strategy and plan were developed as one of the key pillars of the ICT for Development 2010 Plan. At the same time, the enactment of legislation and regulations is underway in the areas of e-transactions/e-payments, e-contracts and e-commerce generally.

With regard to ICT-supported learning, there are also initiatives aimed at the development of a centralised digital library for higher learning institutions, as well as the digitisation of learning materials for high schools.

However, with limited internet penetration, the role of community ICT access centres (cyber cafés, telecentres etc.) are of paramount importance in increasing access to online information for the general public. To this end, the ICT for Community Development Strategy, developed under the EICTDA, would potentially promote public access to information online. For instance, the Community Information and Communication Development (CIDEV) Programme under EICTDA promotes the deployment of appropriate ICTs to help ongoing development activities in health, educational and agricultural institutions, and community service providers. In the last three years, the CIDEV programme funded over twenty community ICT projects, among which twelve information/ICT centres from different communities across the country were supported. However, given the limited number of community ICT access centres, access to online information has a long way to go before it reaches a significant proportion of the population.

10 www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx

11 United Nations Economic Commission for Africa (2009) op. cit.

12 EICTDA (Ethiopian ICT Development Agency) (2009) ICT Assisted Development Project Monitoring and Evaluation Report on ICT Laws Enacted and ICT Business Status in Major Towns of Ethiopia (2008), EICTDA, Addis Ababa.

13 Wikibooks (2008) Legal and Regulatory Issues in the Information Economy/Censorship or Content Regulation. Retrieved 5 July 2009 from en.wikibooks.org/wiki/Legal_and_Regulatory_Issues_in_the_Information_Economy/Censorship_or_Content_Regulation

14 Darlington, R. (2009) How the Internet could be regulated. www.rogerdarlington.co.uk/Internetregulation.html

Action steps

In today's global, information-driven society, economic success is increasingly based on the effective utilisation of intangible assets such as knowledge, skills and innovation as key resources for competitive advantage. The term "knowledge economy" reflects the increasing importance of knowledge for economic development – an economy in which knowledge is the key resource. The knowledge revolution manifests itself in many different ways, which includes closer links between science and technology, innovation and competitiveness, education and life-long learning, and increased investments in things such as research and development (R&D) and software development.

Ethiopia's sustainable development can only be ensured through long-term and systematic knowledge- and innovation-based economic development and planning. The availability and application of information is a key driver of a society's ability to create and absorb new ideas. Electronic communication systems are at the centre of this information-transfer process. Therefore, the government needs to increase investment in ICT infrastructure, which is one way of increasing access to information and thereby stimulating growth in national innovation and economic productivity. To this end, public-private partnership is a critical way forward in expanding the ICT infrastructure in Ethiopia. Secondly, public access facilities are of paramount importance. To this effect, a more coordinated effort and support for the roll-out of telecentres is essential to increase communities' access to information for their livelihood and economic development. Thirdly, it is important that priority should be accorded to investing in human capacity development and creating a digitally literate society. Finally, the legal and regulatory environment needs to recognise the key issues of the knowledge economy, such as the regulation of the electronic economy, cyber security, infrastructure policy issues and IPR, which are all key to building the information society. ■

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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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