

## Cyberspace challenges & the role of Parliamentarians

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## Why Cyberlaws?

- Regulatory challenges
  - Intangible information assets
  - Speed of communications and technological development
  - Global access and reach
  - Identities and anonymity
- Regulation as facilitating behaviours
  - e.g. Legal certainty, protections, trust and security
- Regulation as constraint
  - Deterring criminal and harmful behaviours
- Regulation as competitive advantage

## Role of Parliamentarians

- To respond to public concerns
  - e.g. online fraud, prevalence of obscene material
- To protect minority interests & individual rights
  - e.g. freedom of expression
- To adopt legislative measures
  - To facilitate & to constrain behaviours
  - Reflect regional & international best practice
- To carry out oversight & ensure accountability
  - Of Government, i.e. ministries
  - Of legislative implementation & enforcement
    - incl. resource expenditure
  - Of regulatory authorities

## Law reform

- Harmonisation
  - Regional initiatives: EAC, ECOWAS, ASEAN, COMESA
  - International initiatives
    - e.g. Commonwealth Secretariat, 'Model Computer and Computer-related Crimes Bill' (October 2002)
- International legal instruments
  - UN Convention (2005), Council of Europe Cybercrime Convention (2001), WIPO Copyright Treaty (1996)
- Best practice/Models
  - ISO, UNCITRAL Model Law on Electronic Commerce (1996), European Union initiatives.....

### Achieving Effective Reform

- Political commitment
  - Awareness raising
- Ownership of issue
  - Ministerial commitment: leadership, time & resource
- Obtain relevant expertise
  - Technical & legal
  - Local capacity building
- Consult & involvement of stakeholders
  - Public and private sector
  - Build support & momentum

### Briefing topics

- Cybercrime and cybersecurity
- Consumer protection
- Data protection and privacy
- Online content control

Questions and comments?