An Overview on Legal Information Building and Sharing in the Arab World

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Abstract

Legal information building and sharing maximises justice and the rule of law; citizens become knowledgeable about the law, while those working in the legal system are better able to enforce the rule of law. Many Arab governments have been "sharing" information by increasing access to legal information through increasing access to public laws, court documents, government forms, etc.; they have been also "building" information by digitalising and automating records and processes to increase internal efficiency; this is commonly referred to as "e-government". However, the information building and sharing movement has not been without its challenges; illiteracy, public sector inefficiencies, a lagging IT industry, and other elements have hindered optimal success in the region, yet, they did not stand in the way of achieving several successes due to the cooperation of governments with the international community, NGOs, and the private sector. While there are success stories, the region as a whole has not reached its full potential regarding legal information building and sharing. It is critical that the international community maintains its support to countries that are willing but not able to reach their optimal provision of access to information. The international community needs to encourage a collaborative international environment and assist in both knowledge and finances. Effective information building and sharing cannot occur without the dedication of individual governments and the cooperation of the region, international community, NGOs, and the private sector.

Keywords: access to legal information – e-government – rule of law development – legal information building – legal information sharing

The challenges of developing and implementing legal information sharing systems in the Arab region

Increased access to legal information will benefit lawyers, judges, elected members of government, public administration officials, scholars, researchers, and the overall general public. Establishing easy access to legal information and developing efficient information sharing programmes is necessary in implementing the rule of law because it creates a transparent government, allowing for the monitoring of enforcement of laws, and serves the right to knowledge, which encourages greater trust in the government and participation of its citizens. On the other hand, government information building creates a more efficient system that can better serve its citizens in delivering justice.

This movement is not without its challenges, as seen in the development of the Arab Countries, such as illiteracy, public sector inefficiencies, a lagging IT industry and maintenance of the system. However, the recent May 19 GCC e-Government Conference in Dubai is a testament to the region's dedication to work internationally to overcome these domestic challenges of development.

1. **Illiteracy and the "digital divide"[1]**
   A challenge to development in information sharing is illiteracy and lack of a digital infrastructure in some regions.[2] While literacy rates are on the rise and overall access to the internet in relatively widespread, there are still portions of the population that are not reached by online government and increased access to legal information, and thus do not benefit from it. Not until these gaps are filled will there truly be free access to legal information which benefits all citizens.

2. **Private vs. Public Sector Development**
   The task of increasing access to legal sources and developing the government's legal building system has proven challenging for many governments because the public sector has not traditionally had a role in technology innovation and implementation. Therefore, governments must often engage the private sector for aid, especially if the information and technology sector is not fully developed in that nation.

3. **Lagging IT Industry**
   A significant challenge to the development of legal information building and sharing is a historically low level of innovation in technology which has caused the Arab World to rely heavily upon support from outside the region in this respect.[3]

4. **Maintaining Success**
   The challenges to information building and sharing do not end at a programme's implementation. Rather, governments need to continue to maintain the system in order to ensure that information is accurate and up to date. For example, a database containing court verdicts must be constantly updated with the latest court decisions. Maintaining information sharing and building systems takes dedication and continued support.

Success stories: Arab implementation of legal information systems

Despite the challenges to development outlined above, various projects to increase information access in the Arab Countries have been successful due to the cooperation of Arab governments with the international community, NGOs, and the private sector. Below are some examples of these successes:

1. **United Nations Development Programme - Programme on Governance in the Arab Region (POGAR)**
   UNDP-POGAR has developed and assisted countries in developing a set of legal databases to provide greater access to legal information in the Arab region. These databases include Arab Banking Laws, Arab Parliamentary, Arab Financial Oversight, Egypt Legal Database, Arab Associations Laws,[4] Arab Criminal Encyclopedia, and the Iraq Legal Database.[5] The challenge of compiling databases was met with the help of various NGOs. The Arab Center for the Rule of Law and Integrity's (ACRLI) experts specialising in legal informatics were behind the conception, development, and implementation of these databases.[6]

2. **Computerisation of Syrian Civil Records**
   In an effort to modernise the government and encourage investment, the Syrian government developed an online access to civil and criminal records. All citizens are given a unique code to identify themselves and can use the code to access all civil and legal records associated with that code. This system allows citizens to access information without travelling to distant administrative offices. The programme's success can be attributed to establishing IT training institutes, setting up a separate government office for communication and technology (ICT), and modernising laws that formerly obstructed the development of the ICT.

3. **Iraqi Legal Database (ILD)**
   In 2004, the United Nations Development Programme in Iraq, with the assistance of experts at ACRLI, launched the Iraqi Legal Database (ILD) which made available 27,543 updated and consolidated legal texts including laws, regulations, declaration, etc. which is to say every single Iraqi legal text that has been passed since 1917 until 2011 (including the region of Kurdistan). In addition six of the main Iraqi codes were documented, interpreted, and annotated with relative court decisions from all Iraqi and Kurdish courts. These codes include the criminal code, commercial code, civil code, Property code, Banking code, and Labour and Social Security Code, as each code groups together all the related laws, by-laws, regulations and other legal texts. The ILD was implemented to allow widespread access to legal documents to assist in a uniform implementation of the law. The database was the first of its

kind in Iraq and has been hailed a success; every month the site gets around 19,000 visits from 79 countries.[7]

4. **E-government in Morocco**

In Morocco, the government has not only developed an e-government programme including various government portals, but has also worked to increase internet access to make access to government information more effective.[8] The government is also hoping to encourage business development by codifying and publishing all administrative procedures. However, Morocco still has not been able to effectively use its government availability optimally due to a low literacy rate and "digital distrust."[9] This is an example of an area where the international community can step in to fill a gap.

5. **E-government in the United Arab Emirates (UAE)**

The UAE's goal of developing its access to legal information and government documents was fuelled by its desire to encourage economic development and investment.[10] The development of e-government in the UAE has been hailed a success story of the region and now ranks 28th on the UN's E-Government Survey. The UAE's success has, of course, been made easier by its wealth from natural resources; other Arab Countries are not as lucky.

6. **E-Justice in Kuwait**

In just one year, Kuwait has moved 21 places on the UN's E-Government rankings.[11] Kuwait, with the help of Microsoft, has increased its access to government information via the internet.[12] The Ministry of Justice's website is still under development but allows citizens to check if they currently have a travel ban and check the dates and times of trials. The website also provides links for information regarding specific laws, required documents, fees, and contact information.[13] Kuwait is an example of a successful private-public partnership in the area of information building.

Continuing success stories: Engaging the international community

As previously mentioned, establishing access to legal information encourages the rule of law, aids in development and encourages investment in the economy. With this in mind, it is of critical importance that the international community comes together to continue to encourage progress in the field of access to legal and governmental information.

One way to assure success in access to legal and governmental information is to develop and invest in technology and communication training to ensure a sustainable future for the government's provision of information. The international community can take an active role in training citizens in the IT field and assuring its sustainable future.

Another important way the international community can assist in development of this field is through aid. The development of a more digitalised and automated government system is an expensive investment. The international community should lessen this burden by giving financial and technical aid to nations that show initiative and commitment to maintaining continued success.

Finally, further access to legal and government information will never occur if there is not an awareness and demand by the citizens. Governments and the international community−especially after the Arab Spring that swept the region − need to promote and popularise the use of legal and government information through projects and campaigns. They also need to learn from past experiences and international best practices in order to fine tune their approaches and maximise their impact.

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Endnotes

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[2] Literacy rates: Egypt 66%, Algeria 73%, Iraq 78%, Morocco 56%, United Nations Data, Adult Literacy Rates, available at http://data.un.org/Data.aspx?d=SOWC&f=inID%3A74.

[3] Ashraf Mishrif & Sandra Salmonvic, E-Government in the Middle East and North Africa: The Role of International Organization in the Experience of Egypt and Morocco at 911 (2010) available at http://www.kcl.ac.uk/artshums/depts/mems/people/staff/academic/mishrif/E-governmentintheMiddleEastandNorthAfrica.pdf.

[4] This database was developed by ACRLI and funded by Ford foundation and POGAR.

[5] The first phase was funded by POGAR and the second and the third was developed and funded by UNDP-IRAQ.

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