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7) It can be noted that the GCC states, through their constitutions, have been concerned with maintaining the secrecy of communications and communications, but that has been reflected in providing for telecommunication interception in at least seven different legislations, producing scattered provisions on this issue. Hence, a need to pile these in one unified legislations becomes compelling.
8) There are no GCC legislations related to privacy in specific, and hence, there is a compelling need to produce legislative framework that balances the right of authorities to intercept telecommunications on one hand, and human rights protection on the other hand.

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tion any type of offences that attract interception and access.

- All States agreed that the competent official should preserve the confidentiality of messages and conversations and should not disclose them and should be placed in the case file if they were useful to the truth.
- All GCC laws provide that officials who seize or intercept telecommunications are under duty to keep the information confidential and to attach all related documents to the file case provided for the court of law.
- All GCC laws make it clear that the decision made for intercepting telecommunications should be sufficiently reasoned, and that the duration for interception decision should not exceed 30 days.

4) Whilst the telecommunication acts of Qatar and Bahrain provides for the obligation of operators (service providers) to comply with the requirements of the security authorities, in particular with regard to the national security of the State and in cases of national emergencies, the rest of the GCC legislation do not mention this provision in particular.

5) Both Qatari and Bahraini legislators singled out in the cybercrime acts provisions which stipulate that the service providers must provide all materials as well as data to the court that might help reaching justice. A decision is so made by an order issued by the Public Prosecutor's office. Also, the Qatari Cyber Crime Act demands that the service provider should keep all information related to customers for one full year, as well as assist the security authorities in registering data, electronic information and traffic data. The laws of Saudi Arabia, Oman and the United Arab Emirates are not similar. Kuwait does not have a law on combatting cybercrime.

6) The Ministerial Resolution No. 444 of the State of Kuwait related to the Implementation of Act No. 9 of 2001, concerning the misuse of communications equipment and listening devices for the year 2001, is a unique one. No similar provisions is found in any other GCC state. This Resolution stipulates that private rights of individuals may not be infringed; that their privacy and confidentiality of their calls should not be placed under surveillance. However, exceptions have been made for the benefit of national security, but that this has to be in accordance with certain controls. This resolution stipulates that such authorization is to be issued in writing by the Attorney-General.

access telecommunications with respect to counter-terrorism. The laws against terrorism in Qatar, the UAE, Saudi Arabia and Bahrain provide that the Attorney General can do the following:

- Issuing orders to the competent authorities for the seizure of all types of correspondence, as well as parcels and telegrams that reach the post office in these states.
- The Attorney-General, in accordance with the terrorist laws of these States, has the right to order the interception of communications by all means, as well as the right to register what is happening in Public or private places where this is useful in uncovering the truth surrounding the crimes to which the provisions of this Law apply. The anti-terrorism laws stipulate that these states must be justified to intercept communications and to monitor communications.
- The GCC legislations provide that a 60 – 90 time period for the seizure of communications and the interception of communications, and have all provided that the duration of the interception be specified by and order from the Supreme Court of each State. The Sultanate of Oman, nonetheless, and although has a unified anti-terrorism law of 2007, has made no provision for the interception of communications and the monitoring of communications in their forms. It is noted also that the State of Kuwait does not have a counter-terrorism law.

  All GCC states provide similar provisions in their Criminal Procedure Laws in permitting the seizure of communications and the interception of communications as follows:

- The Qatari legislator has provided a unique position by providing a close for the identification of offences in which telecommunications may be intercepted, namely the crimes against the external or internal security of the State; the offences set forth in the Law on Combating Narcotic Drugs and the Regulating of their use and trafficking, as well as all offences set forth in the Arms, Ammunition and Explosives Act. The Omani legislator went on to specify this in crimes and felonies that are penalised for more than 3 months imprisonment, whereas the Bahraini legislator has defined it in crimes and felonies without specifying any duration of imprisonment sentence. On the other hand, in Saudi Arabia, the related provision is set in a general statement by only describing the interception wherever "a crime occurres", which simply means that interception and access can take place in any form of offences. Lastly, the UAE legislator does not men-

vious one: the GCC States have no regulations, whether individually or collectively, related to TELIA.

The following findings are concluded:

The relationship coefficients for all variables were significant at >0.05.

The first and third variables (national security and combating terrorism) have more effect on the introduction of a unified legal framework for TELIA law in the GCC than the other variables.

There seem to be a solid correlation between introducing a unified regulatory regime for TELIA and maintaining the national security of the GCC countries. This variable has a direct effect of 0.87 percent.

The existence of a unified regime for TELIA particularly aids the process of combating terrorism. This variable has a direct effect of 0.85 percent.

There seem to be a weak correlation between introducing a unified regulatory regime for TELIA and getting evidence for crimes. This variable has a direct effect of 0.77 percent.

The existence of a unified regulatory regime for TELIA strengthens and aids the process and results of criminal investigations. This variable has a direct effect of 0.83 percent.

Implementing a unified regulatory regime for TELIA within the GCC countries comes in conformity with the general stance internationally for the production of such regimes.

Any regulatory regime should take into account the existing regime for human rights protection, and should signal respect for privacy rights. The majority of respondents believed that the introduction of a unified regulatory regime for TELIA would reversely affect the right to privacy.

Also, reading the legislations of the GCC states relating to the interception and access of telecommunications reveals the following:

1) All GCC states constitutions provide for the freedom of postal and telegraph correspondence, telephone conversations and other means of communication, and make them safeguarded and confidential. They may not be monitored, searched, divulged, delayed or confiscated, except in cases indicated in accordance to the provisions of law and the procedures provided therein.
2) The GCC states are divided among themselves on measures to intercept and

ducing the legal framework within the GCC states.

Hypothesis 4 tested in Null form as

H4o: No influence of legal evidence on the implementation of TELIA law in the GCC countries. According to the positive correlation coefficients of the TELIA law with evidence 0.77 percent. So H4 was rejected.

Hypothesis 5 tested in null form as:

H5o: No influence of implementing the law internationally on the implementation of TELIA law in the GCC countries. Accordingly, implementing the law internationally 0.81 percent. Hence, H5 was rejected.

Results conclude that H4 and H5 supports the alternative hypotheses that evidence and implementing the law internationally have a direct effect on introducing a unified legal framework in the GCC.

Hypothesis 6 tested in null form as:

H6o: No influence of privacy on the implementation of TELIA law in the GCC countries. According to the positive correlation coefficients of the TELIA law with privacy 0.81 percent, H6o (obstacle) is rejected. Accordingly, one can support that the alternative hypotheses that privacy as an obstacle has a direct effect on introducing a unified legal framework in the GCC states

Indeed, all the significant relationship coefficients were statistically significant at $P < 0.05$.

Conclusion

The object of this empirical study can help the GCC Council in their consideration for producing a unified legislative framework for enhancing their national securities; combatting terrorism; and the investigation of crimes.

This paper aims to establish the possibility of introducing a unified TELIA regulatory regime for the GCC. A questionnaire was hand delivered to 168 participants, and participants were asked to provide specific answers related to 5 variables and 1 obstacle in relation to the introduction of a unified regime to TELIA, and to the rights that would be violated in the process. The importance of this survey is an ob-

in the GCC countries.

It examined the correlation between national security and a unified legal framework for TELIA law GCC. H1o tested using the SEM that observed in Figure 2. The coefficient of all relationships showed statistical significance at $P < 0.05$. According to positively coefficients relationship among national security variables and introducing a unified legal framework in GCC, H1o was rejected. Hence, one can conclude that this supports the substitute hypothesis that the national security variables have a direct effect of 0.87 % on the introduction of a unified legal framework within the GCC States.

The 2nd hypothesis examined the relationship between investigating crimes and introducing a unified legal framework within the GCC states, and it is specified in null form as:

H2o: No influence of investigating crime on the implementation of TELIA law in the GCC countries. The 2nd hypothesis tested implemented the proposed model in Figure 2. All the significant relationship coefficients were statistically significant at $P < 0.05$ according to the positively relationship coefficients among investigating crime and introducing a unified legal framework in the GCC (0.83 percent), H2o was rejected. Hence, one can conclude that this supports the alternative hypotheses that crime investigations have a direct positive effect on introducing a unified legal framework in the GCC states. The rejection of H2o concludes that TELIA is used to investigate crime in GCC.

In addition, the 3rd hypotheses tested in null form as:

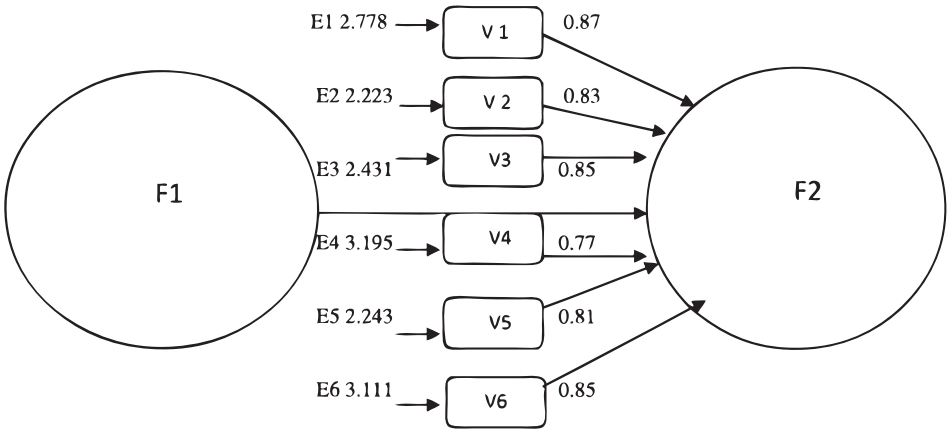
H3o: No influence of combating terrorists on the implementation of TELIA law in the GCC countries.

It examined the correlation between combating terrorism and introducing a unified legal framework for TELIA law GCC. According to positively coefficients relationship of 0.85 % between combating terrorism and introducing the framework, H3o was also rejected. Hence, one can conclude that this supports the substitute hypothesis that the combating terrorism variables have strong direct effect on intro-

to legal evidence and variable 5 (V5), which represents those related international implementation. The strongest relationships take place for variable 1 (V1) at 0.87, which represents items related to national security and variable 2 (V2) at 0.83, which represents items related to Criminal Investigations (V2). Variable 3 (V3), which represents items related to Combating Terrorism (V3) was scored at 0.85.

Figure 2

SEM (First and Second-Order Factors)

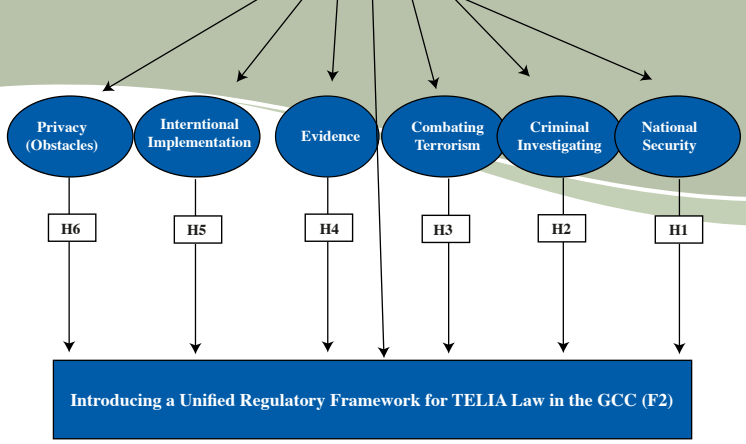


The value for variable two (V2), which represents items related to criminal investigation is 0.83. The value for variable 6 (V6-obstacle), which represents items related to privacy is 0.85.

Testing the Hypothesis

Apart from the relationships corresponding to the tested hypotheses labelled, one can note that Figure 1 matches with Figure 2. The 1st hypothesis tested in null form as:

H1o: No influence of the national security on the implementation of TELIA law



The covariance data matrix for the SEM is shown in Figure 1 is considered suitable to the data. Therefore, the model can be considered as beneficial approximation of the respondents' perceptions as well as experiences for the introduction of a unified regulatory framework for TELIA within the GCC, and offers a sensible explanation of the data trends.

Questionnaire Discussion

A relatively high degree of conformity in respect of variables associated with factor 1 was demonstrated by the respondents that represent the obstacles associated to the introduction of a unified legal framework for TELIA in the GCC States, yet, privacy related issues were thought of as a substantial impediment to achieve this goal.

The utmost consonance between respondents by title pairs was between the (GBA & HR) and (HR & GJ). Concurrence was high in GBA & HR for all variables except for: variable 2 (criminal investigations), variable 4 (evidence), and variable 5 (international implementation).

Variable 1 (National Security) is agreed upon by the three of the four title pairs to be related to the introduction of a unified legal framework for TELIA in the GCC. One the other hand, the one obstacle (Privacy) was not agreed upon by either of the title pairs. All other variables received robust agreement from at least one of the two title pairs.

Correlation Analysis (Factors and Variables)

Figure 2 below shows the relationships between the first and second-order factors. The low relationships occur for variable 4 (V4), which represents the items related

	11	3.11	1.39	-0.30	-0.97	1.0	5.0
	12	2.42	1.20	0.51	-0.86	1.0	4.0
	13	1.69	0.78	1.60	0.23	1.0	5.03
3	14	2.10	1.60	1.78	1.01	1.0	5.0
	15	3.30	1.59	1.80	0.57	1.0	5.0
4	16	4.06	1.89	0.65	-0.53	1.0	5.0
	17	3.19	1.85	1.34	1.57	1.0	4.0
5	22	3.15	1.42	0.80	0.07	1.0	6.0
	23	1.48	0.87	1.25	0.89	0.0	6.0
	24	1.47	0.83	1.45	2.45	0.0	6.0
6	18	3.38	1.35	0.60	-0.81	1.0	4.0
	19	3.01	1.64	0.03	0.18	1.0	5.0
	20	2.83	1.47	0.27	-0.20	1.0	5.0
	21	3.09	1.24	-0.03	-0.71	1.0	4.0

Structure Equation Model (SEM)

The SEM tests whether the variables are interrelated through a set of linear relationships by examining the variances and co-variances of the variables. In this study, the SEM provides cross-sectional variation across the study respondents to produce the findings about relationships.

The Figure 1 shows the assumed relationships between the variables and obstacle and these hypotheses.

Figure 1

The relationships between the variables, obstacle and hypotheses

for every scored factor and item for variables and obstacle across sample groups is presented in Table 9.

Sample data Analysis

Table 10 shows the frequency distributions showing the statistics of variables 1 to 5 and on one obstacle (V6). All variables, and the one obstacle, show appropriate values and distributions. No missing date appears.

Three single item distributions were skewed at –0.20 for variable 1, which is national security, skewed at -0.30 for variable 2, which is criminal investigations. The standard error of skewness would be between 0.141 and 0.122, while the margin of error would fall between 0.276 and 0.239.

Kurtosis values show a reasonably wide range across the variables with a number of seemingly peaked distributions and nearly equal number of flat distributions. Variable 1, which is national security, has kurtosis values at 1.15 for item 3 and 1.62 for item 4, which evidence has kurtosis values at 1.57 for item 2, variable 5 has kurtosis values at 2.45 for variable 6 (obstacle) has kurtosis at -0.81 for item 3 at-0.20 and -0.71 for item 4. Of these items, four items show positive skewed distributions as well.

Table 10

Descriptive Statistics for Items from 160 (Respondents) Stakeholders

Variables & Obstacle	Item	Mean	Standard Deviation	Skewness	Kurtosis	Minimum	Maximum
1	4	3.25	0.70	-0.10	-0.45	1.0	6.0
	5	3.21	1.83	0.31	0.66	1.0	6.0
	6	3.01	1.20	1.40	1.15	1.0	6.0
	7	1.60	1.67	0.50	1.62	1.0	6.0
2	8	2.09	1.31	0.60	0.75	1.0	5.0
	9	3.15	1.25	0.75	0.97	1.0	5.0
	10	2.54	1.36	0.85	-1.14	1.0	4.0

A total number of 160 respondents completed the survey and were placed in one of the six categories.

Table 9

Pearson Correlation Coefficient between Items across Sample Groups (Introducing Unified Legal Framework Variables)

Variable	Items	GBA & GJ	GBA &HR	HR & GJ	BLT & GO			
		Correlation	Correlation	Correlation	Correlation			
V1	4	0.73		0.87		0.96		0.95
	5	0.71		0.84		0.75		0.82
	6	0.82		0.76		0.96		0.79
	7	0.83		0.87		0.81		0.93
V2	8	0.85		0.81		0.84		0.92
	9	0.71		0.86		0.95		0.89
	10	0.87		0.86		0.83		0.79
	11	0.98		0.88		0.90		0.76
	12	0.94		0.91		0.80		0.85
	13	0.93		0.94		0.84		0.88
V3	14	0.83		0.80		0.81		0.91
	15	0.79		0.90		0.91		0.79
V4	16	0.88		0.93		0.83		0.84
	17	0.79		0.94		0.85		0.81
V5	22	0.84		0.81		0.93		0.94
	23	0.81		0.73		0.82		0.89
	24	0.77		0.84		0.92		0.88
V6	18	0.91		0.80		0.90		0.90
	19	0.91		0.82		0.92		0.96
	20	0.86		0.75		0.98		0.83
	21	0.82		0.83		0.92		0.93

A correlation between: (GBA & GJ), (GBA &HR), (HR & GJ), and (BT & GO)

	19		0.81	
	20		0.81	
	21		0.80	

All items, including the obstacle, showed figures higher than the 0.70%, which is the established acceptable figure for exploratory study. Hence, these figures reflected satisfactory alpha values. Accordingly, the items and factors in this paper seems to have met the various criteria for evaluation and for further analysis.

Pearson Correlation Coefficient

The reliability in this study analysed by using the Pearson Correlation Coefficient, which was intended across all questionnaire items for variables 1 through 5 (national security, criminal investigations, combating terrorism, evidence, and international implementation) for the following pairs of respondents: (GBA & GJ), (GBA &HR), (HR & GJ), and (BLT & GO). The correlations between (GBA & GJ), (GBA &HR), (HR & GJ), and (BLT & GO) for every scored factor and item related to the implementing variables are presented in Table 9.

In addition, factor two reflects the most highly loaded. It is characterised by stronger relationships to the variables. From the seminal research on factor analysis, this statement about factor loading is relevant.1

The questionnaire items and the factor scores were used to estimate the respondent's reliability. 160 respondents from 6 different categories of telecommunications stakeholders participated in a survey distributed as follows:

30 members of the Gulf Bar Association labelled (GBA)

28 members of the Judiciary labelled (GJ).

28 respondents from the TRC were labelled TRC.

26 individual parties interested in human rights in GCC states were labelled HR.

36 governmental officials were placed in the category labelled GO.

12 members of the category labelled BLT and representing GCC States business leaders.

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١ In general the variables highly loaded in a factor are 'likely to be the causes of those which are less loaded, or at least that the most highly loaded measures—the factor itself—is causal to the variables and obstacle that loaded on it', see for in Raymond Cattell, Factor Analysis (Harper Brothers ,١٩٥٢).

	5	0.81						
	6	0.84						
	7	0.81						
Criminal Investigations	8		0.81					
	9		0.79					
	10		0.81					
	11		0.88					
	12		0.79					
	13		0.80					
Combating Terrorism	14			0.91				
	15			0.81				
Evidence	16				0.85			
	17				0.78			
International Implementation	22					0.81		
	23					0.71		
	24					0.89		

The results in this paper are indicative of satisfactory variable loadings as being larger than 0.70%.

The eigenvalue in Table 8 for the obstacles is 3.152. Factor 2 accounts for 12.671% of the total variance. The following Table 8 shows the result of the rotated factor loadings, which define a number of distinct clusters of interrelated data.

Table 8

Factor Loadings the Obstacle of Introducing a Unified Legal Framework for TELIA Law in the GCC

Variable Obstacles	Item	Variable Loadings(Obstacle)	Eigenvalue	% of Variance
	3.152	12.671		
Privacy	18		0.79	

Criminal Investigations	6	0.914
Combating Terrorism	2	0.913
Evidence	2	0.942
International Implementation	3	0.911
Privacy	4	0.893

In order to examine the questionnaire (represented in the 21 items out of 24) related to the introduction of a unified legal system in the GCC states, factor analysis was conducted. As indicated above, these variables and obstacle are: the national security, investigation of crime, countering terrorism, legal evidence, international implementation, and privacy, and are all items of which measurement would be indicative of whether adopting or rejecting a unified TELIA regulatory framework is preferable. To do so, this paper has also included items related to the international TELIA regulatory framework.

The five variables and one obstacle that shows in Table 6 were identified in measuring the government officials' attitude to introduce a unified legal framework for TELIA in the Gulf Region, also provide insights about design of such laws. The obstacle that was identified "i.e. privacy" focuses on the perceptions of stakeholders within the GCC states.

The eigenvalue for the factors in table 7 is 1.165, Also, factor 1, shows the perceptions of stakeholders in relation to the introduction a unified TELIA law and accounts for 7.214.

Table 7

Factor Loadings for Introducing a Unified Legal Framework for TELIA Law in the GCC

Variables	**Item**	**Variables Loadings**	**Eigenvalue**	**of % Variance**				
		1	2	3	4	5		
	1.165	7.214						
National Security	4	0.86						

Table 5

Factor Loadings—Main Variable for Obstacle to Introducing a Unified Legal Framework for TELIA Law in the GCC

	Item	V1	V2	V3	V4	V5	V6
V6: Privacy	18	0.03	0.08	0.36	0.28	0.18	0.87
	19	0.17	0.35	0.38	0.22	0.12	0.85
	20	0.19	0.39	0.24	0.19	0.05	0.75
	21	0.06	0.12	0.24	0.26	0.23	0.72

According to the above tables (4 and 5) the results show that all factor loadings were larger than 0.70 percent. This result signifies tolerable variables, obstacle and items, indicating a well-designed and explained factor structure.

In measuring the internal consistency of the mean, Cronbach's coefficient alpha adopted to measure the reliability. In order to generate first-order factors, factor analysis was applied directly to the correlation matrix of the original variables and the obstacle. A factor analysis adopted to the matrix of correlations among the first-order factors in order to generate second-order factors.

Table 6 shows the number of items out of the 24 in the questionnaire, and clusters under each of the first-order and second-order factors. In table 6, all Cronbach's alpha values showed satisfactory results.

Table 6

Statistics of Reliability

Factors (1st and 2nd Order Factors)	Number of Items	Cronbach's (Alpha (α
National Security	4	0.952

Several questions within items were pooled for stakeholders to answer. These items, variables and the one obstacle were all examined through factor analysis. The results are shown in Tables 4 and 5.

Table 4

Factor Loadings (5) Variables for Introducing a Unified Legal Framework for TELIA Law in the GCC

Variables	Items	V1	V2	V3	V4	V5
V1: National Security	4	0.90	0.06	0.20	0.22	0.28
	5	0.81	0.05	0.12	0.19	0.20
	6	0.82	0.06	0.31	0.23	0.19
	7	0.80	0.03	0.11	0.31	0.07
V2:Criminal Investigation	8	0.26	0.80	0.22	0.08	0.08
	9	0.24	0.75	0.29	0.12	0.19
	10	0.27	0.86	0.29	0.16	0.17
	11	0.30	0.81	0.31	0.31	0.15
	12	0.15	0.86	0.21	0.29	0.20
	13	0.21	0.82	0.22	0.03	0.14
V3: Combating Terrorism	14	0.05	0.19	0.81	0.48	0.17
	15	0.02	0.27	0.79	0.21	0.19
V4: Evidence	16	0.26	0.22	0.18	0.85	0.28
	17	0.34	0.39	0.32	0.81	0.16
V5: International Implementation	22	0.02	0.04	0.20	0.44	0.79
	23	0.03	0.09	0.29	0.31	0.83
	24	0.20	0.02	0.21	0.28	0.83

*V1: National Security, V2: Criminal Investigations, V3: Combating Terrorism, V4: Evidence, V5: International Implementation

unified legal framework for the TELIA in the Gulf region, the questionnaire was developed so as to reflect data about the experiences of each subject related to this field.

The use of factor analysis has also permitted ignoring the error variance (the variance not accounted for by the correlation coefficients) while accounting only for the variance in the correlation coefficients.

A t-test was utilized to underline the statistical importance between the means of sample distribution and parameters. SEM is used a probability data matrix to confirm the estimate the structural relationships embedded by the hypothesised model. SEM also provided for key respondent groups with regard to their perceptions as well as the impact of decisions made by governmental and non-governmental institutions on whether a unified legal framework for TELIA in the Gulf regions is to be progressed. In addition, a Person Correlation Coefficient (PCC) analysis adopted to explore the differentiate validity of the survey.

As to reliability analysis, it was conducted using statistical analysis processes such as Cronbach's alpha and hypothesis testing. Both procedures are normally employed to test the reliability of instrument in collecting vigorous data that would then allow generalization in respect of probability of findings beyond the entire population sample.

In respect of the Reliability analysis, the experiences/perceptions of stakeholders in relation to telecommunication regulations have been reflected in the questionnaire by using specific related questions. The reliability issue was also addressed in the pilot study in order to pinpoint poor questionnaire construction or structural bias.

Five variables and one obstacle in the questionnaire related to this study were subjected to factor analyses. The variable being: National Security; Criminal investigations; Combating Terrorism; Evidence; International Implementation and Privacy as the only obstacle.

non-respondents reflecting all demographic groups. No unreasonable non-response ratio was reflected in any of the title groups. The highest number of non-respondents occurred in the respondent title group with the highest ration of respondents. The results from respondents as title groups seems much related with a percentage of less than 10% of non-respondents in each group.

Table 3

Non-Responders by Title

Title of Respondent	Number of Non-Respondents	Number of Respondents	Percentage of Non-Respondents
Gulf Bar Associations ((GBA	0	30	0
(Gulf Judiciary (GJ	2	28	6.7
Telecommunication Regulatory (Commission (TRC	2	28	6.7
Parties interested in human rights in the (Gulf region (HR	4	26	13.4
Government officials ((GO	0	36	0
Business Leaders in Telecommunications ((BLT	0	12	0
Total	8	160	4.8

Findings and Analysis

In order to gain satisfactory information about the possibility of introducing a

Contacted Stakeholders	168	
Respondents ((Questionnaire	160	95.2

As to the demography related to the sample, table 2 below shows a representation of this by groups, indicating the subject's titles, whereby governmental officials (GO) respondents reached 36/36; Gulf Bar Associations (GBA) respondents reached 30/30; and Business Leaders in Telecommunications (BLT) respondents reached 12/12; each reaching an average of 100% participation of samples for these categories. The second largest group reached 28/30 respondents from the Gulf Judiciary (GJ), as well as 28/30 respondents from the Telecommunication Regulatory Commission (TRC) comprising 93.39% rate for each. The remaining sample groups represent parties interested in human rights in the Gulf Region (HR) and is reflected in 86.6% participation.

Table 2

Respondent Title (Sample Demographics)

Title of Respondent	**Number**	**Number of Respondents**	**Percentage**
(Gulf Bar Associations)GBA	30	30	100%
Gulf Judiciary GJ	30	28	93.3%
Telecommunication Regulatory Commission TRC	30	28	93.3%
Parties interested in human rights in the Gulf region HR	30	26	86.6%
Government officials GO	36	36	100%
Business leaders in Telecommunications BLT	12	12	100%
Total	168	160	95.2%

As to non-responders, table 3 below indicates a satisfactory rate of only 4.8% for

in the GCC countries.

H4o: No influence of legal evidence on the implementation of TELIA law in the GCC countries.

H5o: No influence of implementing the law internationally on the implementation of TELIA law in the GCC countries.

H6o: No influence of privacy on the implementation of TELIA law in the GCC countries.

Questionnaire Analysis

The questionnaire is structured with five-point Likert scale items. The scales will range from 1 = 'Not at all' to 5 = 'Very much', and/or for other questions, the scales will range from 1 = 'never' to 5 = 'always'. The survey respondents asked to specify their perceptions on the variables on a five-point Likert scale, which measures the variables that influence the introduction of a unified legal framework for TELIA law within the GCC (Factor 2

Sample and Response Rate

Persons who are normally associated to telecommunication, or have obvious interest in it, represented the sample of this project. The sample was carefully looked into so as to have it grouped allowing the strike of a correct comparisons between the different categories of respondents, and to allow researchers to analyse distinct categories for better results on TELIA law application in the GCC. Accordingly, 168 subjects were invited to participate, 160 of which agreed to take part and have actually answered the questionnaire. As such, the response rate of 95.2% underwent analysis representing the sample size (table 1). This demonstrates a high percentage response rate for a survey of this type.

Table 1

Sample Size

	Number	**Percentage**

the Structural Equation Model (SEM),1 taking into account the focus in a unified legal framework, related to TELIA, addresses variables and obstacles including: National security; investigating crime; combating terrorism; Legal evidence; and Privacy as the main obstacle2.

This paper handled on a quantitative approach based on adopting a questionnaire that distributed to a representative sample from within the GCC. The questionnaire survey was prepared upon the basis of the literature review that is intended to reveal the attitudes of the government officials to the adoption of a unified legal framework on TELIA law. A quantitative method is helpful to investigate how human rights are perceived if TELIA law is to be implemented within the GCC. Previous studies conducted elsewhere in other parts of the world are vital.

Numerous quantitative statistical methods adopted on the returned questionnaires. SPSS been used to evaluate and achieve all the analysis. The t-test adopted to explore the statistical consequence between the sample distribution's mean and parameters. Correlation coefficient adopted to define the discriminate validity of the survey.

Hypothesis of the Study

This paper demonstrates the following hypotheses for a unified TELIA law in the GCC region, which shall be tested in light of the given questions.

H1o: No influence of the national security on the implementation of TELIA law in the GCC countries.

H2o: No influence of investigating crime on the implementation of TELIA law in the GCC countries.

H3o: No influence of combating terrorists on the implementation of TELIA law

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1 Rex Kline, Principles and Practice of Structural Equation Modeling (The Guilford Press, 2nd ed, 2005), See also Anas Al Bakri and Nazzal Kisswani "Social Media: Adoption and Legal Issues Impact on Business Innovation". (2015) Vol. (9) 4 International Journal of Business Innovation and Research. 486–506

2 Some of these Variable and obstacle have been used in other study relating to following study, See: Nazzal Kisswani, Designing a New Regulatory Framework for Telecommunication Interception and Access in the Hashemite Kingdom of Jordan. Macquarie, Unpublished thesis 2011.

L. Thornton, Telecommunication Law - An Overview.1

In this paper, Thornton argues that the very concept of telecommunications is vague in being similar to other commodities such as water and electricity. What follows is that the responsibility of governments is to ensure an unbiased access to such services. Whilst there is a clear necessity for the government to regulate telecommunications for the purposes of staying in control over the use of a valuable national resource, the regulatory scope should encompass the control of anti-competitive behavior, as well as ensuring a proper execution and development of universal service policies.

Methodology

This paper gathers and collates information related to GCC member states in the context of TELIA. The gathered information will help clarify and answer the questions, as well as embed the research design used to execute this Paper. To this end, it should first be noted that there are no previous examinations on how GCC states have articulated their independent laws on TELIA.

Moreover, and after reviewing all governmental documents from the said states, no clear signs exist on how TELIA has had any impact on these legislations, specifically on the privacy of citizens, knowing that there are no privacy laws at all within GCC states. Therefore, this Paper attempts to produce a first point of reference in relation to TELIA law through proposing a unified regulatory framework for all GCC states. Hence, a survey design model is adopted, whereby questionnaires were hand delivered to governmental and non-governmental person from the GCC states. The collected information was used for the purpose of completing this paper.

Accordingly, as mentioned in relation to the above literature review, this paper attempts to develop a model that discusses the numerous variables that have substantial contributions to the proposed unified TELIA law within the GCC, that can be described as expansive and cover factors allied with the elements of such a proposed unified legal framework. Accordingly, the given questions will be countered using

1 Published at the International Development Research Centre (IDRC), 2006, available at: http://www.idrc.ca/uploads/user.../1161960819111_RegIntercepComm.pdf

S. Pell and C. Soghoian, Can You See Me Now? Toward Reasonable Standards for Law Enforcement Access to Location Data That Congress Could Enact.1

This paper deciphered the balancing of public security and the right to privacy. "It proposes a legislative model for law enforcement access standards and downstream privacy protections for location information, and attempts to articulate clear rules for courts to apply and law enforcement agents and industry to follow"2.

In so doing, the authors attempt to stroke what they believed is a reasonable balance amongst the interests of law enforcement, privacy, and industry, arguing that congress may be best suited to address these issues.

N. Selvadurai, P. Gilles and M. Islam, Maintaining an Effective Legislative Framework for Telecommunication Interception in Australia.3

Here, the nexus between interception laws and the laws of evidence is examined, determining that the Australia legal system allows for the use of intercepted telecommunication as a piece of evidence in all criminal proceedings in delineated circumstances, the paper also argues that intercepted information should only be used in delineated circumstances such as where no other evidence is available.

M. Carrigan, T. Alex and C. Ward, The US Patriot Act Deconstruction, Civil Liberties and Patriotism.4

In this paper, the legal discourse on the right to privacy in the United States was examined concentrating on the operation of the US Patriot Act. The authors outlined the impact of US Patriot Act on business. They specifically discussed how companies train employees and the impact that the Act has had on operating the business itself, noting that the Act compels businesses to assess their working policies.

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1 Published at Berkeley Tech. L.J., 27, 2014. Available at: http://scholarship.law.berkeley.edu/btlj/vol27/iss14/

2 Ibid

3 Published at: Criminal Law Journal, 33(34), 2009.

4 Published at the Journal of Business & Economics Research, 6(3), 2008.

need for an institutional amendment, and that the same concerns of human rights, national security as well as the complexities and uncertainty and human rights safeguards play a major role in the process of the suggested unified regime.

R. Sarre, Metadata Retention as a Means of Combatting Terrorism and Organized Crime: A Perspective from Australia.1

This paper articulates one specific question, i.e., the acceptable balance between the rights of citizens to privacy, and the legitimate interests that the state to monitoring data for the purpose of crime-fighting, and concludes that governments should not be imposing surveillance more and above than what is necessary. This paper concludes that policymakers need to ensure that this is done in a manner that is justifiable and acceptable to those to whom it applies.

In our paper, we seek to elaborate the importance of fighting crime as long as the executive authority obtains a proper warrant from the court so as to comply with the proper necessity threshold.

P. Bernal Data gathering, surveillance and human rights: recasting the debate.2

In this article, the author asks several specific questions: what constitutes 'surveillance'; when does it occur; When should data be gathered; and how do we balance the competing rights of privacy and security, and whether surveillance have any impact beyond privacy? The author then investigates whether surveillance can itself have a negative effect on security.

The author concludes that the balancing required to determine whether data surveillance is justified needs to be reconsidered, i.e., the benefits of surveillance should be greater than the negative impact on individual privacy. Also, decisions about surveillance activities that are made at many levels (practical and operational) should be based on the understanding of the authorizing person of the impact of the activities. As to our paper, privacy stays as one main concern for a unified regulatory framework in the GCC.

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1 Published at the Asian Journal of Criminology, Volume 12, Issue 3, 2017.

2 Published at the Journal of Cyber Policy, VOL. 1, NO. 2, 243–264, 2016.

What are the perceptions at the GCC towards the TELIA laws?

What is the level of readiness of GCC countries for adopting a unified TELIA regime?

Are GCC governments pressured to adopt a unified TELIA regime?

Are GCC non-governmental organizations willing to waive the basic right to privacy in favor of adopting a unified legal regime?

What are the effects on the right to privacy in implementing the new regime?

literature Review

There is at present no literature that analyses the need for TELIA in the GCC. Therefore, in order to design an appropriate regulatory framework for the governance of TELIA, scholars who have investigated this issue either on a national scale or on a regional level represent the main source of literature. The main issue to be addressed seems to be the proper theoretical and public policy justification for a regime that covers TELIA. The following papers can be related to this paper:

N. Suzor, K. Pappalardo, N. Mclntosh, The Passage of Australia's Data Retention Regime: National Security, Human Rights, and Media Scrutiny. 1

In this paper, the authors discussed the passage of the Australian Telecommunications (Interception and Access) Amendments Act, outlining that the act requires ISPs to collect metadata about their users and subsequently store it for two years. The authors examined how public interest requirements are addressed in the daily press of Australian news, and showed how the act retains complexities to mainstream media fearing terrorist attacks. Components such as the necessity and national security justifications, complexity and uncertainty and human rights safeguards were all present in this paper, concluding that human rights concerns about mass data retention were indeed poorly expressed in major governmental policies, and that the government could have passed the legislation with less interrogation of its claims that data retention is necessary to maintain national security, and suggesting that this could be a concern of a system without an amendment to constitutional bill of rights.

For the purpose of this paper, the similarity would be that a unified bill amongst the gulf region could take the same momentum, i.e., a passage of a bill without the

1 Published at the International Policy Review, Journal on Internet Relation, Vol. 6, Issue 1, 2017.

required information to the investigation department and courts, in accordance with an order made by the prosecution department, when needed, and to cooperate in the investigation process.1 However, no mention to this particularity within the Omani Information Digital Crime Law No. (12) 2011.2

Objectives and Significance

The central goal of this paper is to evaluate the possibility of introducing a unified TELIA legal regime in the Gulf States. This shall mean engaging in analyses of the direct and indirect implications of introducing and implementing such a unified regime.

In support of this end, this paper will take into account the adopted GCC states' policies relating to the five core factors, i.e., the national security; criminal investigations; combating terrorism; evidence; and international implementation.

In order to achieve the central goal above, this paper will deploy an empirical study to:

Identify and decipher the governmental perceptions of TELIA law in the GCC member States;

Introduce a legislative framework that could assist GCC governments to alleviate the main obstacles and maximize the benefit of TELIA.

Reflect on the issues of privacy relevant to aspects of TELIA legislation by bringing about a collection of data in this respect.

The deployment of such laws in the five members of the GCC, may mean the necessity to rethink the scope of using different telecommunication tools. The output of this paper will direct government officials to understand how the application of TELIA law within and between the GCC members will have a broad effect on citizens and businesses. Investigating these impacts will lead to a more effective deployment of related laws within the GCC.

Questions of the Study

In order to achieve the above central goal, this paper will address the following questions:

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1 See Article 21 of the Cyber Crime Prevention Law No. (14) of 2014.

2 But see Article 27 of the UAE Information Digital Crime Law No. (2) 0f 2006; and Article 4 of Bahrain Information Technology Crimes No. (60) of 2006.

but can be renewed as long as a cause for investigations is still apparent.1

Also, Qatar has promulgated a specific law that force service providers to refrain from intercepting or monitoring or altering the content of a customer communication, except with the customer's explicit consent or as expressly permitted or required by applicable laws of the State of Qatar2. This last exclusion is understood to be related to the right of the law enforcement agencies to take all required measures to reach confidential information related to customers where required.3 This requirement is uniformed with what is promulgated in Article 59 of the Qatari Telecommunication Law No. (34) of 2006.4 Here, although this requirement is not included in the Saudi Telecommunication Code No. (12) of 1422 Hijri, one can nonetheless note that it is embedded in Article 14 of the Saudi Anti-Terrorism Code of 1435 Hijri. Also, Article 17 of the Same Code stipulates the authority of the Minister of Interior to order intercepting and accessing telecommunication in prevention of crimes. As for the State of Kuwait, a Ministerial Resolution has been passed in 2001 that authorized the general prosecution office to intercept phone calls for an unknown period of time in the fight against crimes.5

Finally, one can also related this topic to cyber security whereby the Cyber Crime Prevention Law in Qatar has obligated all service providers to make available all

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1 See G. Ghannam, 2017 Qatar Criminal Procedure Code, Faculty of Law - Qatar University. See also Article 77 of the Qatari Criminal Procedures Law No. (23) of 2004. See also: article 91, 91 and 92 of the Sultanate of Oman Penal Procedure Law No. 9799/; article 76 of the UAE Criminal Procedures Law No. (35) of 1992; Articles 55 – 61 of the Saudi Penal Procedures Code No. (171) 1434 Hijri; Article 87 of the Kuwaiti Penal Procedures Law No. (17) of 1960; and Article 93 of Bahrain Criminal Procedures Law No (46) of 2002.

2 See Article 91 and 93 of the promulgation of the Executive By-Law for the Telecommunications Law No. (1) 2009.

3 Ibid

4 This is similar to Article 5 of the Omani Telecommunication law No. (30) of 2002; Article 75 of the UAE Telecommunication Law No. (3) 2003; and Article 78 of Bahrain Telecommunication Law No. (48) of 2002.

5 Article 1, 2, 3 and 4 of the Ministerial Resolution No. 444 in executing the 2001 Law of Misuse of Telecommunications.

Existing legislations within the GCC1

By deciphering the existing legislations in the GCC, one can notice various provisions that grant the states the right to intercept and access telecommunications for securing national security and enhancing the investigation of crimes process. These legislations can be signified by setting an example of one of the GCC legislative provisions, that is of the State of Qatar, which is also similar to all other GCC states with minor differences, as follows:

The Qatari Constitution of 2004 provides for the sanctity of humans' privacy, and that correspondences of individuals should be protected from interference, save only save as limited by the provisions of the law stipulated therein.2 Hence, this right can be overlooked in certain circumstances such as in accordance with Article 19 of the Qatari Anti-Terrorism Act of 2004, which grants the General Prosecutor the right to intercept phone calls and all communication tools of suspects when needed.3

Moreover, the Qatari Criminal Procedures Law provides for the right of the General Prosecutor Office to apprehend all related materials used in telecommunications where a criminal offence is doubted to be committed against national security. All orders of apprehensions should be made not to exceed 30 days of implementation,

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'CALEA and the RIPA: the U.S. and the U.K. responses to wiretapping in an increasingly wireless world', Albany Law Journal of Science and Technology, No. 12, pp.125–166.

1 For more information see H. Aljundi (2009) "The Code of Criminal Procedure in the United Arab Emirates Commenting on the Jurisprudence and Rulings of the Judiciary" 1 C1, Egypt, Dar Al-Nahda Al Arabiya, 636645-. See also S. Ajlan (2005) "The Human Right to the Integrity of His Correspondence and Private Telephone Contacts in the Saudi Criminal System, Comparative Applied Study", Saudi Arabia, Naif Arab University for Security Sciences, pp.

2 See Article 37 of the Qatari Constitution. See also Article 30 of the Omani Constitution No. (101) of 1996; Article 31 of the UAE Constitution of 1996; Article 40 of the Saudi Constitution of 1992; Article 39 of the State of Kuwait Constitution of 1962; Article 26 of Bahrain Constitution of 2002.

3 See Article 19 of the Qatari Anti-Terrorism Act No. (3) 2004. See also: Article 21 of the Omani Anti-Terrorism Act No, (8) of 2007; and Article 30 of the UAE Terrorism Prevention Act No. (1) of 2004.

ordinary means of investigation would normally fail to reach positive results1. Also, it should be used only where there are reasonable reasons to believe that intercepting communications will lead to the disclosure of the truth. These instructions remained in force until the European Court of Human Rights issued its famous decision in the case Malone v. UK, where the court confirmed that the UK Government had to enact special legislation constituting the legal basis for the interception of communications. The Communications Interception Act was therefore promulgated in 1985. However, in addition to a set of judicial rulings by the European Court of Human Rights, practical application revealed flaws and legislative gaps suffered from the Act, which the British Government was compelled to enact other legislation, that is, the Regulation of Investigatory Powers Act 2000 (RIPA), which established a comprehensive legal regime for the interception of communications, the acquisition and disclosure of communications data, and the use hidden surveillance devices by the police, request to obtain decryption keys by the telecom service providers.2

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1 Ibid. See also: Lloyd, I.J. (1986) 'The Interception of Communications Act 1985', The Modern Law Review 86, Vol. 49, No. 1.

2 See Chapter 23, section 2, of the Regulation of Investigatory Powers Act 2000 (RIPA) which defines interception as being when a person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if, he:

(a) modifies or interferes with the system, or its operation,

(b) monitors transmissions made by means of the system, or

(c) monitors transmissions made by wireless telegraphy to or from the apparatus in the system, as to make some or all of the contents of the communication available, while being transmitted, to a person other than the sender or intended recipient of the communication.

Also see Chapter 23, Section 8, which provides that interception includes: the cases in which any contents of a communication are to be taken to be made available to a person while being transmitted shall include any case in which any of the contents of the communication, while being transmitted, are diverted or recorded so as to be available to a person subsequently. See also J. Yeates (2001–2002)

national human rights instruments in this field. Also, there are various disseminated legislations within the GCC that tackle interception and access though not in a unified legislative framework.

The design of telecommunications interception and access framework has been a subject of international consideration. There is indeed a rarity of scholarly literature on design of frameworks addressing this issue within the GCC considering the unique economic and political context of the Gulf region. It is noted that interception through telecommunications and access law is an authoritative tool in security and holding criminal investigations. Besides detecting networks of suspected criminals, these laws could also be important in providing evidence for court cases.

In Australia, for instance, a major cornerstone was made by providing an interception regulation form enacted in 1960 under the title "the Telephonic Communications (Interception) Act, known as the 'TI Act'. This has provided a general prohibition on intercepting telecommunication, albeit with limited exceptions, such as the warrants issued for preserving national security. This act was later reproduced by the Telecommunication Interception and Access Act 1979, which has made it possible for the Australian Federal Police, in certain circumstances, to intercept telecommunications.1 This very act was later broadened post-9/11 and was amended by the 2004 inserting Stored communications concept that made it possible for law enforcement to intercept without the need for any warrant. In 2006, the Australian Federal Parliament enacted the Telecommunicatios (interception) Amendment Act expanding the surveillance powers.2

In the UK, the interception of communications by using means of surveillance is considered an effective method for the police and judicial authorities in combating criminal activities and the protection of national security. Prior to 1985, the subject of communications surveillance in UK underwent specific instructions issued by the Ministry of the Interior. These instructions require a set of conditions for the interception of communications. The crime has to be signified as a serious one where

1 See Article 5 (a)(c).

2 N. Kisswani, Australian regulatory framework for telecommunication: interception and access law, Int. J. Liability and Scientific Enquiry, Vol. 4 No. (2) 2011.

الإرهاب، دول مجلس التعاون الخليجي.

Introduction

The beginning of the 21st century has witnessed the beginning of a new and increasingly technologically sophisticated war against terrorism. In this enterprise, the nations of the Gulf Cooperation Council of the Arab States (GCC), together with nations around the world, have used the strategy of intercepting and accessing telecommunications in order to obtain critical intelligence to both prevent terrorist activities and identify perpetrators of commissioned crimes.1 Although telecommunications interception and access (TELIA) can generate valuable forensic and criminal data, it also has the potential to violate fundamental individual liberties. In such a context, it is critical that nations design regulatory frameworks that codify the approved TELIA measures, and balance the objective of securing the national security as a general public interest on one hand, and the maintenance of essential freedoms, particularly the right to privacy in accordance with established international standards, on the other hand.

This paper, therefore, seeks to study the situation in GCC countries by examining the laws and regulations that governs TELIA, if any. This study will also analyze the perception of governmental and non-governmental institutions on whether a framework for TELIA law is needed in the region. The ever-present risk is that such laws will fail to strike the correct balance and result in potentially intrusive laws that undermine privacy and fail to provide security.

There is at present no legislative framework governing TELIA in the Gulf region. What one can remark is that the GCC member states (Bahrain, Kuwait, Oman, Qatar and the UAE) have produced varied legislative responses in securing the right to privacy, and have also varied in the extent to which they have ratified essential inter-

1 See generally: Stephen Budiansky, Code Warriors NSA's Codebreakers and the Secret Intelligence War Against the Soviet Union (New York: Knopf, 2017); Aaron Brantly, Banning Encryption to Stop Terrorists: A Worse than Futile Exercise, August 16, 2017, available at: https://ctc.usma.edu/posts/banning-encryption-to-stop-terrorists-a-worse-than-futile-exercise (last accessed on 10th November 2017).

Key words: Telecommunication Law, Interception and Access, National Security, Privacy, Combating Terrorism, GCC.

امكانية تقديم إطار قانوني موحد لاعتراض الاتصالات السلكية واللاسلكية والوصول اليها في دول مجلس التعاون الخليجي

د. نزال الكسواني

كلية القانون – جامعة قطر

د. ياسر الخلايلة

كلية القانون – جامعة قطر

د. نولوفار سيلفادوري

كلية القانون – جامعة ماكوري - استراليا

ملخص

أدى الاستخدام المتزايد للتكنولوجيا إلى توفير فرص لتعزيز الحماية ضد الإرهاب. وتستخدم دول مجلس التعاون الخليجي، مثلها مثل أي دول أخرى، التكنولوجيا كعامل استخباراتي لمنع الإرهاب والحفاظ على الأمن القومي. وفي الواقع، قد يكون اعتراض الاتصالات والوصول إليها مصدرا هاما في توفير بيانات قيمة لمنع الجرائم، وأيضا في عملية التحقيق الجنائي. الا أن الاعتماد المتزايد على اعتراض الاتصالات والوصول إليها يعني تقليل الاحترام للحق في الخصوصية كواحد من أهم حقوق الإنسان في دساتير اليوم. وبناء على ذلك، من الأهمية بمكان أن تصمم الدول أطر قانونية تنظم اعتراض الاتصالات والوصول إليها بتوازن واضح بين الأهداف المطلوبة وهدف تحقيق الأمن القومي. لذا أصبح من الضروري إنشاء إطار قانوني يتوافق مع المعايير الدولية. ومن خلال هذه الدراسة، حاولنا التأكد من أن هذا النموذج يتم الاهتمام به من خلال اعتماد نظام قانوني موحد لاعتراض الاتصالات والوصول إليها ضمن منطقة دول مجلس التعاون الخليجي. وقد واستندت النتائج إلى خمسة عوامل متغيرة وعامل مؤثر على النتيجة في وضع نظام قانوني موحد لاعتراض الاتصالات والوصول إليها داخل دول مجلس التعاون الخليجي.

الكلمات المفتاحية: قانون الاتصالات، الاعتراض والوصول، الأمن القومي، الخصوصية، مكافحة

The Prospects of Introducing a Unified Regulatory Framework for Telecommunication Interception and Access (TELIA) in the Gulf Region

(An Empirical Study)1*

Dr. Nazzal Kisswani
Assistant of Law
College of law – Qatar University

Professor Yaser Khalaileh
College of law – Qatar University

Niloufer Selvadurai
Associate Professor - Macquarie Law School
Macquarie University

Abstract

The increased use of technology has created opportunities for enhanced defenses against terrorism. The countries of the Gulf Cooperation Council (GCC), just as everywhere else, use technology as an intelligence parameter to prevent terrorism and maintain national security. Indeed, intercepting and accessing telecommunications may provide an important source in producing valuable data to prevent crimes, and in the investigation process. The increased dependence on intercepting and accessing telecommunications means less respect for the right to privacy as one of the most significant human rights in today's constitutions. Accordingly, it is critical that nations design regulatory frameworks that codify telecommunication interception and access with a clear balance between the objectives needed and the aim of achieving national security. A need for establishing a regulatory framework that complies with international standards, becomes essential. In this paper, we attempted to ensure that this paradigm is taken care of through the adoption of a unified regulatory regime for interception and access within the GCC region. The findings were based on five variable and one obstacle which seem to affect the conclusion in producing a unified regulatory regime for telecommunication interception and access within the GCC.

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