

Pacific ICT Regulatory Resource Center

Regulating the ICT-Ecosystem Some lessons learned

Donnie DeFreitas, Director PIRRC



Regulatory Background

- The lessons learnt are based on personal experience in the ICT Environment.
- First as a Policy advisor to a small island states in the Caribbean
- Next as a regional advisor/regulators to several small island states
- Later as a regulator in a small island state and now almost full circle;
- Advisor to several countries in the Pacific

Lesson 1. Doing it alone

- We cannot do it alone.
- We are interconnected and integrated in a converged ICT eco-system.
- We need to be collaborative, coordinate our efforts and be all inclusive.
- All players have different roles but all intertwined.
- Government has a special role that in addition to Policy formulation is key as the one to jump start activities in the sector as a “dominant” player.

Lesson 2. Need for accurate reliable and up to date data

- In the absence of reliable, accurate and up to date information when we try to develop policy, regulate or make business decisions we do so in the dark.
- We need for the benefit of all to create an environment of trust between all partners.
- Providers need to be educated on the benefits of having reliable data and that it is in their interest to supply data on a regular basis to the regulators

Lesson 3. The top down exclusive approach is flawed.

- The top down, exclusive approach by policy makers, regulators or providers does not work!!!!
- Policy should be based on a consultative informed approach where all views are considered and appropriately included where relevant
- Focus need to be on buy in.

Lesson 4. Coordinated approach

- The uncoordinated approach does not work, it is inefficient and unproductive.
- We need a coordinated (Providers, Policy makers and regulators) approach for Standardized data collection, Shared institutional expertise in spectrum, costing, technology, industry finance, A regional response to industry consolidation issues, A regional strategy for combatting cyber crime and responding to natural disasters....

Lesson 5. Cost vs. Price

- The difference between costs and price should be obvious to us in the field but sadly is too often used interchangeably.
- Too little attention is being paid to understanding business models, costing and profitability leading to incorrect definitions of markets, weak policy formulation and poor regulatory decisions.
- Consolidation that may be a result of costs and profitability is not necessarily a bad thing but the underlying drivers need to be understood.

Lesson 6. Capacity building

- One of the critical aspects is capacity building. Regulators in particular needs to understand the eco system and for this capacity building is required.
- The regulator needs to understand not just the data to be analyzed but also the business models(OTTs' vs. Infrastructure).
- Policy makers should adjust their public statements to reflect and encourage investment while clearly outlining public policy goals.

Lesson 7. The Big stick approach

- The big stick approach is an inefficient approach regardless of who is wielding the stick.
- The preferred approach is to seek understanding and of the necessity and benefits of the recommended approach.

Conclusion

- I have prepared these seven lessons based on regulatory experience.
- We have prepared a separate presentation on the case for a regional body that inculcates these lessons and follows the type of approach suggested. This is provided separately.

Thank you

- We thank you for allowing us the opportunity to present our view point and welcome you to engage with us in a collaborative and cooperative manner going forward.

