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ITU-EC HIPCAR Project

Enhancing Competitiveness in the Caribbean through
the Harmonization of ICT Policies, Legislation and
Regulatory Procedures

Compilation of Participants' Contributions

Grenada, 15 December 2008

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Model ICT Policy

Situation & issues:

Some countries (e.g. Suriname) have no national ICT policy. Several countries are revising draft policies through public consultations. In others, a policy exists but with no dedicated agency to guide and implement the policy. There is a lack of capacity to do the data collection & research needed for developing effective policies. A CARICOM ICT Steering Committee is looking at policy issues. There is a specific need to look further at internet liberalisation policy, including VoIP policy.

Possibilities for harmonization:

Great possibilities exist, as the issues are relevant to all countries (e.g. similar policies already developed for ECTEL countries; some countries are considered to be advanced and could serve as models in this area, e.g. Jamaica, T&T and Barbados). Regional bodies (e.g. CANTO) are ready to help.

Main technical cooperation requirements:

On setting up a single agency & increasing collaboration to promote and implement policy; also there is need for assistance in strengthening of existing public and private institutions involved in ICT research and awareness building. There is a need for capacity building in general. Some key outstanding policy issues relate to: spectrum management, regulatory framework, institutional arrangements, competition, next generation networks, environmental impact, regional internet exchange point and ICT security initiatives.



Legislative Framework

Situation & issues:

Legislation is often in place (although not always – e.g. Suriname), but there is generally a need to revise, improve and modernize this legislation. Fair competition laws exist in some markets but not in others. Some countries are at different stages of implementing new legislation – e.g. a review has been done by ECTEL. Some issues are: sharing of infrastructure and setting up of an entity which will roll out and exploit infrastructure. There is generally a need for a robust governance and an oversight body to ensure that the ICT industry is competitive, customer focussed and price competitive.

Possibilities for harmonization:

Yes, in relation to the basic elements of the legislation. Harmonisation is necessary to further the development of the CSME. There is an immediate possibility for harmonized legislation for ECTEL countries.

Main technical cooperation requirements:

Topics include the authority and functioning of the regulator, the award of licences, treatment of disputes and the role of the Minister; capacity building in general, & sharing of expertise, and development of case studies on best practises. Generally, assistance is needed on the liberalization of the ICT industry, the protection of consumers against predatory practices and effective regulation of the telecommunication industry.



Regulatory framework

Situation & issues:

Generally, there is a process of liberalization. In some countries there is a converged regulator; however, in other countries there are several regulators, and a need to create a single regulator. Some regulation gaps exist (e.g. on data), and improvements are needed. Review work on regulations has been done by ECTEL

Possibilities for harmonization:

Yes, regarding the basic functions of the regulator.

Main technical cooperation requirements:

On guidance on the independence of the regulator, dispute resolution and capacity building.



Universal service framework

Situation & issues:

Universal service funds & administrators have been established (particularly in Jamaica, where there is an actual fund with fees used to implement e-projects, promote broadband access, etc.). However, these do not exist in some countries, and there is a generalized need to improve the effectiveness of USFs.

Possibilities for harmonization:

Yes, on establishing sustainable Universal Access Funds and the identification of critical activities; ECTEL states are already implementing harmonized USF regulations; there are further possibilities at Caribbean level, at least in terms of collaboration and cooperation.

Main technical cooperation requirements:

On a policy guide related to activities to be financed from the Universal Services Fund and sustainability; also on Inter-connection agreements that facilitate fair prices and access. Sharing of expertise, information and best practices.



Licensing guidelines / models

Situation & issues:

Telecoms licensing and regulations are often in place and functioning, but the overall approach to licensing varies across the region (e.g., based on technology, class licenses for some types of network, different licenses for different categories of service, etc.). Often, several bodies may be issuing licenses, and there is a need to consolidate to one entity. There are licensing gaps in some countries (e.g. broadcasting, VoIP, etc.). In some cases (e.g. Jamaica), many licensed service providers are not operating in practice. There is an overall need to streamline, simplify and harmonise the licensing regimes in the countries of the region.

Possibilities for harmonization:

Yes, in the area of a single simplified licensing regime; licensing is harmonized among ECTEL states and can be extended to the rest of the Caribbean. Harmonized licensing will attract more foreign investment in ICTs.

Main technical cooperation requirements:

On a policy guide related to a single licence regime. There is a possibility to set up a regional committee overseeing licensing arrangements. Capacity building and sharing of expertise.



Interconnection guidelines / models

Situation & issues:

Interconnection guidelines and tariffs have often been formulated (e.g. nationwide minimum and maximum prices for mobile voice services). In some cases, calls are terminated on one operator, with interconnect charges determined through consultations and commercial agreements. In some countries (e.g. ECTEL) agreements and regulations are in place and telecoms regulators are functioning. However, agreeing on interconnection arrangements and on interconnection rates is one of the most contentious issues faced by operators across the region

Possibilities for harmonization:

Yes, on strategies to promote reduction in interconnection rates resulting in lower rates to customers and also number portability; already some harmonization in ECTEL states. Need for common standards to facilitate the harmonization of data systems.

Main technical cooperation requirements:

On best practices which have resulted in a reduction in interconnection rates and the promotion of number portability; developing agreements between the providers and regulators to oversee the process. Also in developing technical standards, and capacity building in general.



Spectrum management

Situation & issues:

The model for regulating spectrum varies from country to country. In some countries, this is the responsibility of a specific authority, with systems for spectrum management and for remote monitoring. In some cases, the required tools (software and hardware) are not operational. ECTEL countries are operating under a regional spectrum plan. The main issue concerns the limited capacity to deal with Interference analysis both when assigning frequencies and in resolving complaints.

Possibilities for harmonization:

There is tremendous possibility and an advanced body of work has been done through the CTU and the Spectrum Management Task force (SMTF). The main issue is if countries would implement the recommendations of this regional policy

Main technical cooperation requirements:

The requirements are described under the Policy framework document developed by the SMTF. There is a need for assistance on developing national and regional spectrum allocation plans, and for capacity building in general.

Numbering management

Situation & issues:

This is generally administered by a specific authority. The situation with internet related number resources such as domain names and IP addresses is less clear. A regional ECTEL numbering plan exists. The main issues across the region are (a) numbering portability and (b) toll free numbers.

Possibilities for harmonization:

There is significant scope for harmonisation, especially in presenting a regional position in international fora and with international agencies) that deal with number management and internet governance issues (e.g. ICANN).

Main technical cooperation requirements:

On regional and international best practices. A regional body (maybe an existing agency or committee) could provide a liaison role to national agencies / groups.



ICT applications

Situation & issues:

Some governments (e.g. Jamaica) are focusing on creating knowledge-based societies with many e-applications and funded by their universal access fund; ECTEL states wish to pass legislation that is more ICT-specific. Generally, there is a fragmented approach, and little interaction and synergy amongst applications. There is a greater need for national ICT plans, and specifically relating to e-government and e-commerce initiatives.

Possibilities for harmonization:

Yes, e.g. on the identification of key elements required for the establishment of a knowledge based society; Since ICT is considered to be an imperative in economic development, the OECS Economic Union initiative is a perfect avenue for further development and harmonization. This can be replicated across the wider Caribbean. There is a particular opportunity in the key area of e-government.

Main technical cooperation requirements:

On capacity building; and on promoting the participation of active representative groups from the various sectors (public & private) to promote interest in e-government, e-medicine, e-banking, e-commerce, etc. There is a need to have information on best practices and benchmarking.



Cybersecurity

Situation & issues:

There is a need for legislation on cyber-crime and data protection; this is considered a very serious issue facing the region at this time.

Possibilities for harmonization:

Yes, for legislation combining cyber-crime and data protection. This issue has to be handled and implemented from a regional perspective mainly due to the lack of both human and financial resources in individual countries; some avenues exist already for ECTEL states.

Main technical cooperation requirements:

On developing template legislation for the various countries, and on national focal points to develop and coordinate strategies to promote this area. Sharing of expertise, information and best practises.

Consolidated priorities (with average ratings)

1. Model ICT Policy (2.1)
2. Legislative Framework (2.6)
3. Regulatory Framework (3.0)
4. Cybersecurity (4.4)
5. ICT Applications (5.3)
6. Spectrum Management (5.5)
7. Universal Service Framework (5.9)
8. Licensing Guidelines/Models (6.5)
9. Interconnection Guidelines/Models (7.0)
10. Numbering Management (8.3)

Some other potential work areas

- ICT data collection and trends analysis; developing ICT indicators
- ITSM processes
- Disaster planning & management
- Internet governance
- Top level domain names
- ICT Training & infrastructure development

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