

ITU/BDT European Regional Workshop on Dispute Resolution

Geneva Switzerland, 31st August – 2nd September, 2004

Opening Remarks

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Director ITU/BDT

Ladies and Gentlemen, it is my great pleasure to welcome you in Geneva.

I am very pleased to see that regulators, policy makers and private sector representatives from all over Europe, and even Africa and Asia have gathered here on this occasion! I am also happy to welcome David Satola from the World Bank, one of our strong partners, here with us.

Indeed, I am delighted to have with us for this European regional workshop Justice WADHWA chairman of India's Telecom Disputes Settlement & Appellate Tribunal (TDSAT), and representatives from the two telecommunications regulatory authorities of Côte d'Ivoire, the Agence des télécommunications (ATCI) and the Conseil des télécommunications (CTCI) de Côte D'Ivoire. I am confident that we will have the pleasure to hear from your experiences during the coming three days. Your presence and the broad participation in this regional workshop certainly reinforces the importance of dispute resolution in the ICT sector.

I am confident that the exchange of information and experiences from this distinguished gathering will enrich not only your work but also our activities here in BDT. I would invite you all to take this unique opportunity to share your experiences in this field and to actively participate and take full advantage of the role play exercise that will take place tomorrow and Thursday, This is the first time we are organizing such an interactive exercise and we look forward to your participation and feedback on this.

I would like to share with you this morning some thoughts on the role of dispute settlement in bridging the digital divide and enabling the information society. We believe that using regulatory reform to promote fair competition and protect consumer interests in the telecommunications and information and communication technology (ICT) sector leads to growth in one hand. On the other hand a regulatory environment will hamper growth. In other words, we see a clear link between Regulatory Reform issues and bridging the digital divide.

The success of regulatory reform, of course, hinges on the enforcement of effective regulatory frameworks. Enforcement, in turn, often requires dispute settlement. Thus dispute settlement can play an important role in national efforts to narrow the gap between the information haves and the information have nots. Many countries today – driven by a concern that their citizens will be shut out of the Information Society and that they will not reap the benefits of ICTs – are restructuring their markets by opening them to competition and private investment. At the same time, countries have discovered that they must establish the proper legislative and regulatory environment in order to attract private investment, promote competition and, ultimately, serve the needs of end users, the

consumers. Without an appropriate legal framework for sustained infrastructure development, including dispute resolution and enforcement mechanisms, other efforts aimed at bridging the digital divide may have little long-term impact.

While the functions of regulatory authorities vary considerably from one country to another, the advent of liberalization in the telecom and ICT markets is resulting in greater responsibilities incurred by the regulators. Not only do you, regulators, have a major role to play in ensuring a level playing field, attending to affordability of prices, and protection of consumer rights, you are also more and more requested, required, to intervene in dispute resolution activities mainly resulting from competition. This appears to be a growing concern among regulators around the globe.

The importance of effective dispute resolution mechanisms was further recognized by the World Summit on the Information Society as the WSIS Action Plan includes, under its section C. 6 "enabling environment" in article k) where it stressed the need to encourage the ongoing work in the area of effective dispute settlement systems, notably alternative dispute resolution (ADR), which can promote settlement of disputes.

As a contribution to the WSIS Action Plan, BDT and the World Bank, jointly prepared in 2003 a study on current practices in dispute resolution. This study, which will be distributed to you on CD-Rom, will be presented today in greater details by Mr. Satola from the World Bank and by Mr. Macmillan. The study will also be used as the basis for a seven week e-learning course that will be offered to all regulators from the beginning of 2005.

Ladies and Gentlemen,

Exchanging experiences and learning about current practices and alternative mechanisms can help all those involved in disputes to provide for speedy and more efficient means of solving disputes. We had requests from many regulators that want to know what others have done, how similar cases were resolved, what mechanisms were used, what were the outcomes/ the decisions, and how were the basis for those decisions? In addition regulators want to know whether we can draw general trends from legal precedents worldwide and where to find international benchmark and reference case law and decisions?

Lengthy dispute settlement procedures means added costs for market players and all efforts should be made to shorten the process to reduce these costs. Those involved in resolving disputes have the difficult task of achieving the goal of speed without compromising the quality of the dispute settlement process.

To address this need, BDT and the World Bank have commissioned a feasibility study on the creation of a multi-lingual searchable online database of regulatory decisions. The University of Montreal's LexUM project group was selected to conduct this study. I am pleased to inform you that the project coordinator for this study, Mr. Lemyre and Mr. Daniel Poulin, Head of Lexum are here with us for the whole duration of the workshop. You will learn more about this project on Thursday but in the meantime, they will be listening to our debates and trying to understand your needs as regulators.

I would also like to draw your attention to the work of ITU-D Study Group 1 Question 18/1 that deals with domestic enforcement of laws and regulations.

Ms. Sundberg of the BDT regulatory Reform Unit will shortly will tell you more about BDT's regulatory products and services. And Mr. Stankovic of the Europe and CIS Unit will give you an overview of BDT's current and upcoming activities in the European region.

There is much to be done in the area of dispute resolution and we count on you to tell us your needs so that we can design the best programmes/projects that meet the changing needs of the regulatory community. I would like also to inform you that we are now preparing for our next World Telecommunication Development Conference which will take place in Doha (Qatar) from 7 to 15 March 2006.

To prepare this major event, we will be organizing preparatory meetings in each region. A Regional Preparatory Meeting (RPM) for the Europe and CIS Region will be held in Bucharest, Romania, from 19 to 21 April 2005. An additional WTDC-06 preparatory meeting for the countries of the Commonwealth of Independent States (CIS) will be held in October 2005. I would like to take this opportunity to invite you to actively participate in the preparatory process for the next WTDC by sending us your proposals, which would greatly help in the identification of initiatives/projects at a regional and sub-regional level based on real needs/priorities as well as significantly contributing towards reducing the digital gap. With your cooperation and active involvement, our ambition is to produce a sound action plan at WTDC-06 which properly addresses the needs of the ITU membership, and thus ensures real progress towards a truly global information society.

Before concluding, I would also like to mention that this year we will be working on best practice guidelines to promote low cost broadband and Internet connectivity. This will be the theme of a roundtable during the 2004 Global Symposium for Regulators which will take place in Geneva, 8-10 December 2004. I leave it to Ms. Sundberg to give you more details concerning this unique annual regulatory event. We are studying licensing in an era of convergence, focusing on technology neutral licensing regimes, drawing from the experience of Europe and other regulators around the world. If you have licensing experiences you would like to contribute, please feel free to contact us.

I am pleased to announce that BDT's website has been redesigned as a more user-friendly information and navigation tool to best meet your needs. I would encourage all of you to come and visit the BDT website often. You will find all the latest news on our activities, upcoming events and projects.

Ladies and gentlemen, distinguished guests, I don't want to take any more of your valuable time. We have very important issues to discuss. Once more thanks for being with us today. I wish you all a very successful meeting.

I would now like to propose Mr. Ömer Faruk KOÇAK, Head, EU Coordination & International Relations Department, Telecommunication Authority of Turkey as our chairperson for this meeting.

Mr. KOÇAK, I am delighted and honored to appoint you of behalf of the audience as our Chairperson. I will now turn the remainder of this meeting over to you and conclude by wishing you all a successful meeting.

Thank you!