THE WAY FORWARD

2ⁿᵈ Consultation Workshop of Working Groups 2&3 for the HIPCAR Project[1]
dealing with work areas: (a) universal access/service,
(b) interconnection, and (c) licensing
April 15, 2010

Introduction

Pursuant to Article (67) of the Revised Treaty of Chaguaramas, the regional and national commitments to the WTO GATS and the European Union - Economic Partnership Agreement (EU-EPA), CARICOM/CARIFORUM States have committed to harmonize ICT Policies, Legislation and Regulatory Procedures so as to meet specific objectives. In this context, timely adoption of the outcomes of the HIPCAR project by policy makers at the regional and national levels will secure compliance with these commitments and prepare the region institutionally to meet its Treaty obligations.

The issue of "buy in" at the highest levels and the importance of securing ownership of the outcomes by all stakeholders were recognized at the planning meeting in December 2008 and again articulated at the First Consultation Workshop of WGs 2 and 3 and discussed at length by the Steering Committee following that consultation Workshop. This issue was also discussed at the First Consultation Workshop of WG1 and it was agreed that no further debate was needed regarding the principles involved.

The concerns expressed at the Planning meeting held in Grenada, 15-16 December 2008, however, reflect the elements of the strategy to secure satisfactory implementation of the outcomes of the HIPCAR Project   As a reminder these are reproduced below:.

Extract from the Report of the Planning meeting held in Grenada, 15-16 December 2008

Regarding stakeholder ownership and support

- *A key success factor for the Project will be to secure the political will by ministers and regulatory bodies in the region to position ICT harmonization and the Project as a high priority.*

- *Thus, engaging stakeholders at the political/policy level is essential. One option to achieve this would be to convene a meeting at this highest level to introduce the HIPCAR Project, create awareness and secure early "buy-in".*

- *The identified national and regional focal points must play a key role in ensuring that the Project's harmonization goals are attained.*

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[1] The full title of the HIPCAR Project - funded by the European Commission and ITU, in collaboration with CTU - is "Enhancing Competitiveness in the Caribbean Through the Harmonization of ICT Policies, Legislation and Regulatory Procedures".

Developments to date

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There is consensus that a special "validation" meeting of Ministers and senior officials may be impractical. Instead the opportunity should be taken to introduce the HIPCAR project, its objective, outcomes, etc on the agenda of scheduled meetings of the relevant ministers under the CARICOM/CTU umbrella. The upcoming Fourth meeting of CARICOM ICT Ministers in May 2010 provides such a forum. The CARICOM Secretariat has requested that a briefing paper be prepared for this meeting.

The identified national and regional focal points must play a key role in ensuring that the Project's harmonization goals are attained.

There is consensus that the success of the project will be measured by the extent to which national governments adopt and adapt the model regulations (which are the ultimate output of the working groups) in their legislative agenda and which will eventually give effect to the harmonization of policies and legalization. The importance of keeping portfolio ministers and ministries informed of the status of the project on an ongoing basis is also agreed.. **The Country Focal Points (CFPs) are committed to play the key role in keeping their governments informed**.

The fact that the various countries are at differing stages in the evolution of their respective ICT policy, legislative and regulatory frameworks, CFPs are aware of the important role that they must discharge in sensitizing policy makers and legislative draftsmen should opportunities arise to introduce the principles and concepts arising out of the HIPCAR project into national policy considerations even before adoption by CARICOM.

Outcomes of 2nd Consultation Workshop and immediate next steps

The key and only outcome of the 2nd consultation workshop is the consensus reached on model legislation/regulations for the selected topics – Interconnection, Universal Access and Service and Licensing. It is expected that countries will use these model texts to adapt their respective legal and regulatory frameworks and bring them in line with international best practices, albeit that the models have been specifically crafted for the region

Table 1
Immediate next steps

Activity	Period	Outputs / Deliverables
Finalization of Draft model legislation/regulation by the Expert team. This will include circulation of documents to participants for final review	April 30 – May 15, 2010	Final drafts of the legislation/regulation reflecting the consensus reached at the first consultation workshop A possible issue of translation to Dutch, Spanish and French, to deal with the nuances of language, has to be resolved.
Steering Committee meeting to review the drafts of model legislation/regulations. Steering Committee to consider modality for HIPCAR assistance for implementation of legislation in beneficiary countries	On April 16, 2010	Conditional approval of drafts – final will follow completion of the final drafts. Agreed procedure for HIPCAR assistance to beneficiary countries
Draft legislation/rules to be reviewed by CARICOM drafting team	TBA	Final texts ready for adoption by CARICOM – simultaneously circulated to national governments.
	May 15, 2010	Completion of Phase 1

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As it is adoption of the recommendations by the national governments that will eventually give effect to the harmonized policies, it will be important that the portfolio ministers and ministries be kept fully informed of opportunities available for implementation, in particular the assistance that the Project can provide to national governments. The process towards achieving this will be on two planks:
1) Support of CARICOM and adoption as regional policies/model legislation
2) Implementation at the national level.

1)   Support of CARICOM and adoption as regional policies/model legislation
The report/brief on the project on the agenda of the CARICOM ICT Ministers should be presented in such a way that it becomes an agenda item for these meetings and the outcome mandates the Secretariat to "take the matter to conclusion" and to report progress.

2)   Implementation at the national level
The ITU - HIPCAR will, as a matter of urgency, provide CARICOM and the national governments with information on the process to access the assistance for implementation at the national level – this would include instructions for making the applications, the type of assistance that will be provided, time tables, etc. It has been agreed that a communication in this regard will be sent to national governments from the ITU's BDT directorate.

Table 2
The Way Forward

Activity	Outputs / Deliverables
1. Complete Phase 1 (Table 1)	Model legislation/regulations completed and formally introduced to CARICOM and national governments
2. BDT Directorate to issue letter to national governments regarding opportunities for assistance under HIPCAR for implementation at the national level.	Confirmation and information to national governments as to modality for access to assistance.
3. Solicitation of assistance from HIPCAR by National Governments for implementation	Consultants/resources procured by national governments as appropriate
4. Adoption and adaption of model legislation/regulations into local format by national governments	Draft model regulations prepared. For administration the purposes, the project activity will be considered as complete when the draft regulations have been prepared and submitted for the "legislative" process.