Lesson Learned from the West Africa Harmonization Project

Planning Meeting for the HIPCAR Project
Enhancing Competitiveness in the Caribbean Through the Harmonization of
ICT Policies, Legislation and Regulatory Procedures (HIPCAR)
Grenada, 15-16 December 2008

Susan Schorr, Head a.i.,
Regulatory and Market Environment Division
BDT, International Telecommunication Union

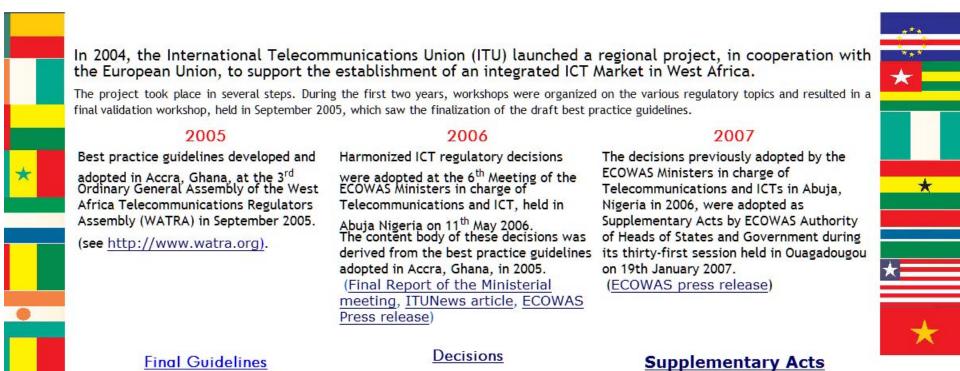ITU International Telecommunication Union

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Agenda

1. West Africa Harmonization Project Overview
2. Lessons Learned and Questions for the Caribbean
3. Mechanisms for National Implementation
4. Deliverables
5. Timelines
6. Implementation

ICT Market Harmonization for ECOWAS/UEMOA

In 2004, the International Telecommunications Union (ITU) launched a regional project, in cooperation with the European Union, to support the establishment of an integrated ICT Market in West Africa.

The project took place in several steps. During the first two years, workshops were organized on the various regulatory topics and resulted in a final validation workshop, held in September 2005, which saw the finalization of the draft best practice guidelines.

2005

Best practice guidelines developed and adopted in Accra, Ghana, at the 3rd Ordinary General Assembly of the West Africa Telecommunications Regulators Assembly (WATRA) in September 2005.

(see http://www.watra.org).

Final Guidelines

Reports:
- Model ICT Law & Policy
- Licensing
- Interconnection
- Number Management
- Spectrum Management
- Universal access/service

2006

Harmonized ICT regulatory decisions were adopted at the 6th Meeting of the ECOWAS Ministers in charge of Telecommunications and ICT, held in Abuja Nigeria on 11th May 2006.
The content body of these decisions was derived from the best practice guidelines adopted in Accra, Ghana, in 2005.
(Final Report of the Ministerial meeting, ITUNews article, ECOWAS Press release)

Decisions

2007

The decisions previously adopted by the ECOWAS Ministers in charge of Telecommunications and ICTs in Abuja, Nigeria in 2006, were adopted as Supplementary Acts by ECOWAS Authority of Heads of States and Government during its thirty-first session held in Ouagadougou on 19th January 2007.
(ECOWAS press release)

Supplementary Acts

http://www.itu.int/ITU-D/treg/projects/itu-ec/index.html

West Africa Project Overview

- Launched in 2004 by ITU, financed by the European Commission, based on a policy to create an integrated ICT market in the 16 Member-State ECOWAS region.
- Preceded by a study conducted by the World Bank on the state of regulation among the Member States
- Stakeholders agreed to focus on six topics
- A work programme and plan of action was agreed upon and, in order to ensure that the project was inclusive of all parties, each beneficiary country nominated a national focal point to support the project.
- Consultants, many of them from West Africa, prepared draft background reports and best practice guidelines which were discussed at validation workshops
- Concurrently with the development of the reports and guidelines, capacity building workshops were organized (French workshops separate from English workshops)

West Africa Overview cont'd

- Additional work on the reports and best practice guidelines was conducted by international experts to include international experience and look at changes in the market to ensure that the harmonized regulatory framework would promote access to broadband Internet services

- The goal was to develop a state-of-the-art ICT policy and regulatory framework for West Africa to promote investment in ICTs

- A final validation workshop to review the integrated reports and guidelines was organized by WATRA, the regional regulatory association in West Africa

- Following adoption by the regulators, the guidelines were adapted as "decisions" and approved by ICT Ministers

- The decisions were then adapted as Supplementary Acts and approved by Heads of State of ECOWAS countries who agreed to transpose these into national law within two years

- Following closure of the project about 50% of the ECOWAS member states have transposed the Supplementary Acts into national law

Lessons Learned

Data Collection

- The 2003 West Africa market study was challenging – especially gathering data and building buy-in to provide status of legislation, policy and regulation
- While ITU collects key regulatory data for all countries many countries in the Caribbean region haven't updated their data since 2006
- Need to balance goal of collecting national practices with realities of data collection while focusing on goal of creating a harmonized framework

Harmonization Mechanisms

- The 2003 study did, however, address the issue of harmonization mechanisms. This is a key issue requiring consensus by stakeholders

Number of Topics

- How many topics? West Africa started with five and expanded to include model ICT law and policy
- Number of topics affects number of events to be organized and need for consultation by national governments
- Number of topics affects project costs

Lessons Learned and Questions for the Caribbean

- Building awareness and buy-in for the harmonization plan and launching a dialogue on key regulatory issues among stakeholders is a key initial step
- Experts make a difference
- Capacity building – is this provided before, after or during development of guidelines/recommendations/other deliverables?
- Are there other regional harmonization projects? If so, how to coordinate?
- What deliverables?
- How to harmonize?

Harmonization Mechanism Issues To be Addressed

- For West Africa, an initial study on regional harmonization was published in 2003, commissioned by the World Bank.
- This study identified a series of possible models for achieving harmonization ranging from:
  - a highly centralized single regulator for the region
  - to a more de-centralized approach based on national regulations coordinated under a single framework—as is done in the European Union.
- Which approach will you choose? How will you convert the guidelines or recommendations that could be prepared through this project into practices on the ground?
- What role for Caribbean Single Market and Economy (CSME)?
- What vision of regional harmonization do you seek?
- What is your goal – attracting investment? Other?
- What model is best suited to goal of ICT development?

What Deliverables for HIPCAR?

- Extensive Background reports on the six topics
- Commonly agreed Best Practice Guidelines
- Guidelines approved at validation workshops
- Decisions and Supplementary Acts
- Can any of these be used as a foundation for work in the Caribbean?
- If so, what updates, local experience and improvements need to be made?
- What new issues need to be included?

Proposed Timeline and Objectives

- Need to set timelines for approval of guidelines/recommendations
- Need to agree what meeting would approve them. In WA, it was an annual WATRA meeting
- Should Caribbean deliverables be approved by regulators first? Is Ministry approval necessary? How does the private sector get a say? What about heads of state?

National Assistance for Implementation

- Once the regulatory package is finalized and formally approved, the project could provide expertise to countries requesting assistance in transposing guidelines/ recommendations into national law

What's your role? How much can your country or regional organization contribute?

- Providing needed information to team of international experts
- Designating national focal points—a role for OOCUR, ECTEL, CTU?
- Participating in review meetings
- Building local awareness on the importance of ICT development and the role of regulatory reform to achieve ICT development
- Building national support of a regional policy and regulatory framework
- Working toward development of a harmonized market

ITU Looks Forward To Working With You

In Promoting Widespread ICT Development

Thank You.

More Information

- ITU TREG website and ICT Regulation Toolkit
  - www.itu.int/treg/
  - www.ictregulationtoolkit.org
- Telecommunication Development Sector
  - www.itu.int/ITU-D/
- Telecommunication Standardization Sector
  - www.itu.int/ITU-T/
- Radiocommunication Sector
  - www.itu.int/ITU-R/

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susan.schorr@itu.int