

GSR-20 Contribution: “The gold standard for digital regulation”

The Federal Telecommunications Institute, in its capacity as regulator and authority in matters of economic competition in the broadcasting and telecommunication sector in Mexico, presents the contribution below.

1 Regulatory thought leadership for digital transformation

The growing health crisis caused by the pandemic has highlighted the need to implement more innovative and effective policies and regulation that encourage the digital transformation of societies so as to attain the Sustainable Development Goals (SDGs).

Furthermore, this crisis has shown, more than ever before, that information and communication technologies (ICTs) are fundamental to achieving the SDGs; they have also been essential in reducing the spread of the pandemic, as well as in mitigating its impact by helping to maintain productivity in a range of economic sectors.

It has likewise demonstrated the importance of and need for collaborative regulation, as this is what has led to increasing rapprochement and collaboration with different economic actors, avoiding the imposition of rigid regulations in an emergency situation and even making regulations more flexible with a view to tackling the emergency.

For this to happen, we need public policies with solid legal and empirical foundations and sufficient flexibility to facilitate and foster technological change, while also being able to adapt to such change as necessary; where collaborative regulation is an opportunity for all actors to participate and the focus is on shared responsibilities.

In line with this, we need to adopt an approach based on distributive policies that allow for the transition from a traditional economy to an economy built on ICTs, which makes it urgent to bridge the digital divide and provide access for all members of the private and social sectors, in particular micro, small and medium-sized enterprises, and for the most vulnerable sectors. To this end, we consider that the priority should be issues such as digital government and digital trade, “fintechs” (including issues relating to digital signatures) and cybersecurity.

To achieve this, we need leadership that reflects clear and verifiable objectives, with medium- and long-term targets geared towards achieving the SDGs; prioritizes technical analysis of social issues; fosters social inclusion, innovation and technological neutrality; and has the flexibility to adapt to new trends.

Moreover, ICT regulatory bodies and policy-makers in this field must display integrity and transparency; be innovative, decisive and impartial; take evidence-based decisions through a process of technical analysis; and have the capacity to communicate responsibly.

2 Vectors of regulatory action: Inclusiveness, agility, and resilience

In the case of Mexico, transformational regulatory approaches have been adopted to bolster the inclusivity, agility and resilience of digital networks at this time of crisis. In particular, they include the following:

- To avoid network saturation, the Federal Telecommunications Institute has issued recommendations prioritizing Internet use for the purposes of information, work, education and health and limiting the use of videoconferencing and video calls, among other things.
- As a result of coordination between the Institute, the telecommunications industry and the federal Government, it was agreed that SMS service users would receive free text messages with announcements, recommendations and other current information on COVID-19, as well as free access to the federal Government's information portal on the COVID-19 pandemic.
- The Institute has urged the federal, state and municipal authorities to take the necessary steps to ensure that those working in telecommunications and broadcasting outlets and related services have the proper facilities to carry out work intended to ensure continuity of telecommunication and broadcasting services.
- The mobile service operators AT&T, Movistar and Telcel will be offering a range of support to their users, in particular through an "emergency plan" for active prepay customers to provide them with a package of voice calls and text messages (SMS) on a one-off basis, free of charge, so that they can stay in touch during the emergency.

However, we consider that in order to be better prepared for other emergencies and unexpected events, international cooperation should be strengthened, especially with regard to the security of service provision and cybersecurity, so as to identify possible threats within the digital environment.

Furthermore, both the public and private sectors need to develop appropriate contingency plans, including: anti-malware security policies; mechanisms to guarantee the protection; availability, integrity and confidentiality of information; corporate network security levels; mechanisms for connecting remotely to an organization's equipment using virtual private networks (VPNs); monitoring of information systems to assess the quality parameters set for various services and their availability and performance.

Lastly, in order to achieve economic recovery once this crisis is over, we consider it necessary to take measures such as: coordination across sectors; promoting public and private investment; bridging the digital divide; examining the taxation system; promoting green growth rooted in innovation; keeping markets open to trade and investment and enhancing that openness.

3 Collaboration across sectors, cooperation across borders, and engagement across the boards

Coordination among different sectors of the population is fundamental to maximizing efficiency, coverage and effectiveness in planning and implementing economic recovery and sustainable social development measures. In particular, broad, constant, transparent and structured coordination will enable us to establish permanent mechanisms for consultation and information exchange among social actors and agree on the measures needed to tackle crises such as that caused by COVID-19 and facilitate economic recovery and sustainable development.

It is important to emphasize that, in order to achieve effective collaboration across sectors, agreement needs to be reached by taking into account all perspectives, avoiding closed spaces that tend to marginalize certain sectors of society (especially the most vulnerable) in the decision-making process and facilitate regulatory capture. To this end, we consider that it is the public sector that should be in charge of coordinating and defining mechanisms for consultation of and participation by the private and social sectors.

Lastly, international cooperation is important in dealing with transboundary risks and external factors, sharing experience and best practices, and guaranteeing access to essential goods.