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**REPORT OF THE OECD GLOBAL CONFERENCE ON TELECOMMUNICATIONS POLICY FOR  
THE DIGITAL ECONOMY**

**21-23 January 2002, Dubai, U.A.E.**

*This document contains a summary of the Conference, the Chairman's Closing Statement and the list of participants. This report is distributed for Delegates' information. The Conference agenda, presentations and background issue paper are available on the Conference Web site: <http://www.oecd.org/sti/telecom>*

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## REPORT OF THE OECD GLOBAL CONFERENCE ON TELECOMMUNICATIONS POLICY FOR THE DIGITAL ECONOMY

**Hosted by Dubai Internet City**

**Monday 21 January and Tuesday 22 January 2002**

**Jumeirah Beach Hotel, Dubai, the United Arab Emirates**

The OECD, together with Dubai Internet City of Dubai, United Arab Emirates, held a conference on Telecommunications Policy for the Digital Economy in Dubai on 21 and 22 January 2002.

The Conference was attended by some 250 participants including ministers, senior government officials, regulators, and representatives of business and civil society from OECD and 20 non-member countries, as well as international organisations. Sessions ranged over a number of existing and emerging issues in respect of telecommunications policy. Below are brief summaries of the sessions.

### **Introduction and Welcome**

The opening of the conference, attended by the Crown Prince of Dubai and UAE Minister of Defence General **Sheikh Mohammed bin Rashid Al Maktoum**, began with welcoming remarks by **Mr. Ahmed Binbyat**, Chief Executive Officer, Dubai Internet City, and **Mr. Michael Tiger**, Chair of the OECD Working Party on Telecommunications and Information Services Policies and Senior Advisor, Industry Canada. In his remarks, Mr. Binbyat referred to the challenges for developing countries in respect to the telecommunications sector. He mentioned that each country needed to consider appropriate measures taking into account its particular circumstances including emphasising the importance of healthy competition in telecommunications to support the national economy as a whole and to create new job opportunities. He also said that in proceeding with privatisation of state-owned telecommunications companies, the general economy of the country needed to be taken into consideration. He then emphasised the importance of good dialogues among developing countries in the context of the increasingly borderless world enabled by new telecommunication technologies. In closing he thanked the OECD for its support for developing countries to achieve their targets.

Mr. Tiger opened his remarks by thanking Mr. Binbyat and the staff of Dubai Internet City for hosting the conference. Mr. Tiger summarised the structural changes in telecommunications sector over the past decade in OECD countries as they moved from monopoly to competition, as well as the rapid development of technology in areas such as mobile, satellite, and the Internet. He noted the increasing amount of privatisation, foreign investment and joint ventures in the Middle East. He stressed the continued need for international development efforts in telecommunications, noting that 50% of the world's population had never made a phone call, and that wide disparities existed between developed and developing countries in their level of telecommunications development. By way of contrast, emerging economies had developed rapidly in respect to mobile phones, sometimes surpassing fixed telephones. The Internet was also

progressing and he pointed to the fact that the United Arab Emirates was the leading state in the Arab region. He concluded his remarks by emphasising that the rapid development in the Internet and other areas was the result of government policies and that Dubai Internet City was an example of government's will to encourage the development of the Internet.

### **Session I: Role of Telecommunication Competition in Economic Change**

**Mr. Dimitri Ypsilanti** (OECD) opened the first session by providing an overview of the experience of OECD countries in telecommunication liberalisation over the last decade and highlighting the benefits from that reform. The arguments used today by many developing economies against reform were similar to those used by some OECD countries in the early 1990s to maintain monopolies in telecommunication markets. The results of market liberalisation and competition using a wide range of indicators are unambiguously positive. OECD data showed that competition had resulted in telecommunications investment doubling during the 1990s, and total employment increasing. Moreover, even though incumbents had lost market share this had been more than compensated for by the overall growth in the size of the market. Telecommunications prices had also declined overall. Competition had also been important for developing electronic commerce as was evident from data on the comparative growth of secure servers and broadband networks. The development of competition in telecommunication markets depended crucially on the regulators' willingness to support competition. OECD's support for competition was not based on dogma but on experiences of its Member countries. This experience coming from a diverse range of OECD countries also showed that the pleas that special circumstances or special country geographic characteristics used to argue against the introduction of competition were not valid.

**Mr. Ian Martin** (Macquarie Bank, Australia) presented the background issue paper that had been prepared for this meeting. The challenges for rapidly developing the telecommunication sector included: how to ensure that the development contributes to economic wealth; how to improve performance of operators; and how to improve technologies to meet various needs of users. Experience had shown that liberalisation, supported by pro-competitive regulation was the best way to meet these challenges. Liberalisation of telecommunication markets had shown gains in respect of price reductions, price rebalancing, universal service, network and bandwagon effects, consumer choice and carrier responsiveness, and productivity improvements, all of which enhanced general economic and social development. He stressed that it was important that any universal service obligation should ensure that prices reflect costs and avoid hidden subsidies. The different approaches taken to liberalise markets in Australia, Europe and the United States were described. In conclusion, the case for liberalisation was grounded in experience which showed consumers and business were better off after the introduction of competition, but it was necessary to maintain pro-competitive safeguards, such as an equal access regime, carrier pre-selection, LLU based on LRIC. Moreover, competitive neutrality and an independent regulator were necessary.

**H.E. Ahmad Humaid Al Tayer** (Minister of Communications, Chairman & CEO, Etisalat, U.A.E.) opened his remarks by pointing out the increasing importance of telecommunications in the digital age and the goal to make Dubai a hub of telecommunications in the region. The privatisation process in the UAE was described with the government trying to remedy the situation for rural areas and to improve the sector by asking the private sector to take part by co-operating with foreign companies. As a result the UAE was a leader in the region including for new services such as GSM. Telephone lines had increased from 36 000 in 1976 to more than a million and Internet subscription was also expected to reach one million by 2002. New job opportunities have been created. The speaker, in his position as Minister, was aware of the increasing demands for the removal of economic barriers and opening the market for competition, but felt that, from the perspective of the incumbent improving services was more important than opening the market. He concluded with remarks that the changes in the UAE were still beginning and many more

challenges would come in the future, but that he is determined to ensure that the UAE offers the best telecommunication services.

After the presentations by the speakers, issues were raised by the audience, covering a number of aspects. Discussion ranged over the financial performance of new entrants in OECD countries, including the reasons some competitive local exchange carriers had gone bankrupt. It was noted that after more than a century of monopoly regulation many companies had tried to enter the market and inefficient companies were exiting the market. A question was also raised about whether competition was feasible in small countries. In response it was noted that the focus of regulators should not be to stipulate the number of operators but to ensure competitive safeguards were in place. A question was raised to the Minister in respect of UAE's exemption from the WTO agreements and the strategies for 2005. In reply, the Minister stated that the UAE was already one of the most open markets in the region, but at the same time the government was considering competition and its social impacts.

In the second part of Session I **Mr. Michael Armitage** (Morgan Stanley) provided a perspective from financial market. Liberalisation of telecommunication in Europe had seen a ten-fold increase in assets invested during the 1990s and huge efficiency gains. Net income and return on equity had also shown good performance. However, a steep downturn in valuations came in 2000 and 2001 as concerns over declining profitability grew. One of the contributing factors, he stated, was concern over debt accrued from taking part in spectrum auctions for third generation mobile services. Broadband provided one scenario for future growth. Deregulation had had a strong stimulative effect on economies, and although mistakes had been made, and value had been destroyed in developed countries, the current malaise was temporary.

**Mr. John Butler** (British Telecom) provided British Telecom's experiences with liberalisation noting that BT was an incumbent in the United Kingdom but a new entrant elsewhere. The development of competition in the UK market began with a duopoly from 1983 to 1991 and full competition thereafter, and new services emerged as liberalisation progressed. These included indirect access, carrier pre-selection, wholesale services for service providers, private circuits for competitors, and number portability. He also provided examples of special obligations on British Telecom such as price controls and monthly flat rate charges for Internet interconnection. BT had to change in the face of competition. For example, the number of BT employees declined until recently, but has now started to increase slightly. BT's market share has declined in terms of volume of calls made, but profitability had increased. At the same time prices have declined and quality of service has improved.

**Mr. Philip Sayer** (Reuters Ltd.) provided the view of business users on telecommunication liberalisation focusing on issues of pricing, and the timely availability of infrastructure as well as global trends in the supply of telecommunications services. Data were presented showing leased line and broadband access prices in the Gulf region, which showed that although some reductions had occurred, in terms both of 64kbit/s and 2Mbits/s local circuit pricing, some Gulf countries had very high prices. In particular 2 Mbits/s international circuits pricing in the Gulf region was three times higher than in Europe, where prices continued to fall at a faster rate. Turning to the global picture, he stated that as liberalisation progressed prices were falling with some of the most notable reductions being in China, where prices had fallen 50% in the year 2000. He noted that competition while leading to a growth in e-business, also led to a growing digital divide, as growth in Europe and North America led to increases in areas such as secure server numbers.

**Ms. Michelle Childs** (Consumer Association) ended Session I by pointing out that the 'supply side' views are often represented in policy debates and it was very important to have consumers' views. She stated that benefits had been brought to most consumers by competition in telecommunications, but not to all. Among the direct benefits for consumers were lower prices, wider choices, and new services. However,

traditional analysis had focused on the supply side and a greater focus on consumers was necessary as their behaviour was not always well understood by economists. The focus on business and urban consumers had to be balanced by examining issues related to consumers in rural areas. In terms of the gap between developing and developed countries, she believed that the former could leapfrog the process taken by the latter, and that the key was to focus on the nature and control of infrastructure. The role consumer organisations could play to improve the situation was described, including to provide information and advice both informally and formally in relation to competition law investigations and in regulatory processes. For consumers, factors determining switching were very important. From this perspective, the balance seemed to favour incumbents because consumers did not switch unless benefits were clearly understood. In order to tackle barriers to switching, consumers needed comparable information vis-à-vis complex tariff offerings. Issues related to the digital divide in terms of age, literacy, and e-commerce also needed to be tackled. There was no single solution to all issues. Instead competition law sanctions, sector specific regulation, use of legislation on general consumer protection, self-regulation, and education were necessary.

Issues raised in questions included comments to stress the necessity of regulation in favour of consumers, and a question on how actively a regulator should be involved in consumer protection. One example provided of where regulations had a role to play was in ensuring adequate information on tariffs, misleading advertisements, and regular review and research on universal service. Also a question was raised regarding the criteria used by the UK regulator to define “incumbent”, and the framework of a new EU directive was explained in relation to universal service obligations.

## **Session II: The Process of Changing Telecommunications Markets**

**Mr. Tarek Kamel** (Ministry of Communications and Information Technology, Egypt) outlined the achievements in Egypt and provided a perspective on future developments. He characterised the period of 1998-2000 as an ‘international ICT boom’, when deregulation of the European markets for communication services was implemented. During this period the supply of services as well as investors’ confidence in the sector were enhanced. Egypt established the Telecommunications Regulatory Authority as an independent regulator in 1998, established the Ministry of Communications and Information Technology in 1999, and developed the first National Communications and Information Technology Plan in 1999. In the Plan, Egypt is seeking to implement legislative reform issuing a new unified Telecommunications Law. In addition infrastructure development through introducing new technologies such as ADSL and LMDS, and business development along with deregulation of the telecommunications market for private investments is planned. Free Internet service was launched in January 2002 and is expected to cover the whole of Egypt by mid 2002. Liberalisation has had a positive impact on development of telecommunications infrastructure and services in Egypt and the government is committed to complete the process of liberalisation as well as to become a player in the international telecommunications industry. Moreover, the speaker stressed that Egypt is ready and looking for co-operation with the region.

**Mr. Hank Intven** (McCarthy Tétrault, Canada) explained how to set up a regulatory framework in the process of changing telecommunications markets. He clarified the necessity of changes in telecommunications regulations for the past few years to cope with the new market environment. In particular, he underscored the importance of ‘using’ a public process, in which telecommunications regulators determine the effectiveness of regulation, in a rapidly changing situation, through testing the best practices learned elsewhere in the world. From this perspective, he stated that it is useful to develop ‘consultation papers’ to focus comments, to make the most of Web sites, and to have a global dialogue to gather the wealth of information on good examples of regulation. The key priorities for regulations should be introducing competition with a clear schedule for market opening, establishing interconnection policies, refining universal service obligations, and enacting laws to codify such reforms. As examples of best

practices that can be applicable, he stated that regulators should not rely on negotiation alone in the decision on interconnection issues but provide *ex ante* general guidelines. In addition, the importance of promoting local loop unbundling for high-speed access was stressed and the need to publicise interconnection agreements with dominant operators. With regard to provision of universal access service, the speaker emphasised the need to collect funding from a variety of sources rather than to rely solely on incumbent operators. This could be undertaken through levies on all operators' revenues, licence fees and so forth. He further noted the importance of using laws and regulations to implement policy in priority areas. According to his view, key legislative issues are independence of the regulator, checks and balance between Ministry and regulator, regulation of spectrum and numbers, access to property in infrastructure sharing, consumer protection, convergence of broadcasting and telecommunications, and facilitating e-commerce. Finally, he stressed that it is meaningful to make the most of international organisations such as the ITU and OECD.

The subject covering the main challenges for the regulator was presented by **Mr. Jørgen Ablid Andersen** (National Telecom Agency of Denmark) who stressed the importance of 'free and real' competition, in which any operator can undertake business with no barriers in market entry. This framework, which was in use in Denmark had led to telecommunications investment doubling within a few years of the 1995 market liberalisation. Denmark has performed exceptionally well in interconnection prices, with the local price ranked third and the single transit price ranked second among EU countries. With regard to the monthly rental price of a copper pair for unbundled access to the local loop, Denmark is one of the least expensive countries in the EU. However, it is not enough just to liberalise the market if this meant maintaining the *de facto* monopoly. Instead, what is required is to achieve competition via substantial policy initiatives such as interconnection. The key indicators for information infrastructure development are interconnection prices, leased line prices, and unbundled access to the local loop. At the same time, regulators should work as a facilitator of market entry by removing various obstacles for competition. He also referred to the significance of establishment of regulation transparency, which would enable consumers to make rational choices in the market, along with a demand-side approach in realising cheaper and faster Internet services. In conclusion, the key words to realise cheaper, faster, secure Internet are 'confidence' and 'content.'

**H.E. Dr. Fawaz Zu'ubi** (Minister of Information and Communication Technology of Jordan) focused on the challenges facing Jordan's telecommunications transformation process at present and in the near future. He explained that, in Jordan, ICT is regarded as a critical sector for future national development and that education aspects, such as e-learning, have the biggest priority. The telecommunications transformation process began in 1995, in Jordan, with a new law which led to separation of operation from regulation. This process was followed by the incorporation of the incumbent telecommunications provider into a new entity, the Jordan Telecommunications Company. Jordan has now entered a new phase in the liberalisation process with the first imminent milestone being an Initial Public Offering (IPO) of Jordan Telecom. The second milestone is the liberalisation of the mobile market at the end of 2003. The third important milestone is the full liberalisation of the fixed-line service at the end of 2004. Although Jordan has worked diligently to establish the policy and regulatory framework for this new phase the country has not currently transformed its telecommunications market into a totally open and competitive one. The Minister stressed the importance of strengthening the regulator in Jordan in light of the lack of a systematic regulatory regime. Moreover, he stressed that telecommunication operators shall be protected by a regulatory framework, in which they can be free to compete as well as provide improved services at better prices to Jordanian consumers. His vision was to take initiatives to create an open and vibrant ICT sector by 2005 that is capable of playing its rightful role in the Jordanian economy.

**Mr. Nikolaj Simič** (Telecommunications and Broadcasting Agency of Slovenia) noted that a new Telecommunications Act was implemented in May 2001 which contains all the elements necessary to harmonise with the EU telecommunications framework and requires authorisation for fixed and mobile

telephony. As a result, a new national telecommunications regulator, the Telecommunications and Broadcasting Agency, was formed in July 2001 as part of the liberalisation process. The need for telecommunications liberalisation lies not only in the urgent needs for Slovenian economic and social development and from expectations of the business community, but also from requirements by the EU. The regulator has acted on such issues as staffing, cost based accounting, interconnection charges, fixed to mobile termination charges, and a number of bankruptcies of new operators. Interconnection charges are one of the important obstacles for liberalisation and the regulator is training staff for the calculation of interconnection charges. Given that the president of the incumbent is a former high level politician, the incumbent has often used political pressure to minimise the liberalisation process through lobbying. The current main concerns of the incumbent are local loop unbundling, which entered into effect in January 2002, and pricing issues. In spite of these complicated problems, Slovenia is confident that it will succeed in opening the market progressively.

**Mr. Bruce Laidlaw** (Arup Communications, UK) examined the role of privatisation in telecommunications sector reform. Arguments were provided in favour of privatising the national telecommunications operator. For example, it was pointed out that management of state-owned enterprises lack incentives to provide good services or manage assets efficiently. Privatisation of the national telecommunications operator also helped boost government finances and develop new technologies. There are different methods of privatisation: public offer, corporate finance, project finance, divestiture, and franchising/management contract. Each method has advantages and disadvantages. For instance, corporate finance is the most widely adopted method in developing countries, but it would only be practical if international capital markets are receptive. Also, project finance is applicable to most networks and services in a variety of forms, but care must be taken to ensure that the project can benefit. There are also potential negative aspects of privatisation as a result of the lack of clarity in policy priorities and constraints, misjudgement of best timing, relations with international investors, insufficient effectiveness of regulatory frameworks, and dealing with national security issues. But, overall privatisation is a means to achieve efficiency gains by the incumbent, which is an important element for consumers.

**Mr. Michael Griffin** (Petrus Consulting) on the basis of experiences in Ireland highlighted the benefits of opening telecommunications markets. He emphasised that protected markets are no longer sustainable, noting that telecommunications is an international industry driven by international investment and service criteria. In this respect the key requirement is introduction of competition to bring about efficiency gains and service developments. The structure of the Irish regulatory body, the Office of the Director of Telecommunications Regulation (ODTR), was described, followed by an analysis on the impact of liberalisation from corporate, SME as well as consumer perspectives. Liberalisation was very effective in Ireland on prices. For example, between 1996 and 2000 the Harmonised Index of Consumer Prices had fallen by 18% in Ireland, which is the second highest fall in the Euro zone countries. The requirement in forming a regulatory body is that it be financially independent, recruit core staff at the earliest opportunity, structure the organisation to reflect the market as well as build in flexibility at the outset. A regulatory body must also ensure that prices for new entrants are set on a cost efficient basis. The key areas for a regulator are interconnection rates and separate accounts for cost transparency. Moreover, very strong enforcement powers are necessary to ensure that decisions of the regulator can be implemented and not frustrated.

The discussion clarified the fact that in the case of Egypt's free Internet service users had to pay a metered local call but no Internet Service Provider charge. A discussion was also held on how to create an independent regulator via balancing the interests of stakeholders. It was stressed that the regulator should ideally be independent both from operators and the government. It was also noted that the situation is different across countries and the formation of the regulator should be decided on the basis of the perspective of a government as well as consumers.

### **Session III: Case Studies of Telecommunication Market Liberalisation**

**Mr. Mohammed Omran**, (Chairman, Thuraya, UAE) explained that the strength of Thuraya Satellite Telecommunications Company came from their experience in telecommunications technology as well as a customer focused strategy to improve customer services. He suggested that lighter access regulatory procedures, different treatment for satellite operators from terrestrial network operators, and public availability of licensing criteria and procedures are the key policies to be changed to ensure better, more efficient markets. With regard to regulations, he classified them into the following three types; self-regulation by the state-owned monopoly operator, Ministry of the government which is responsible for telecommunications policy, and an independent regulatory function which either reports to the government Ministry or an independent commission. He concluded that Thuraya would help in developing telecommunications policy in the ITU and encourage regulators to translate their policy into legislation. Moreover, he stated the company's willingness to encourage the construction of regulatory organisations to establish regulatory procedures in order to protect both the public and governments as well as to allow competition.

**Mr. Chun Koo Hahn** (Ministry of Information and Communication of Korea) reviewed overall telecommunications development and future plans in Korea. The gradual introduction of competition policy in the early 1990s led to a new regulatory framework for effective competition introduced in recent years. This included price regulation, local loop unbundling, number portability, interconnection and access charges, accounting systems, and roaming. In addition, the government planned to privatise Korea Telecom (KT) for the purpose of enhancing efficiency and competition with complete privatisation planned for June 2002. Competition had led to the recent rapid development of mobile and broadband Internet communication services in Korea. For broadband Internet services growth could be attributed to high population density in metropolitan areas, high market competition, low ADSL installation cost, and the role of the government. Korea's experiences showed the important role of government and the introduction of competition in the construction of the basic telecommunications infrastructure.

**Mr. Erkan Akdemir** (Telecommunications Authority of Turkey) focused on the liberalisation of the mobile communications market in Turkey. He explained that the market is experiencing a major shift from fixed to mobile services and that the share of mobile revenues jumped from 23% in 1998 to 43% in 2000 following the significant mobile market growth after liberalisation. National roaming for new entrants is the main issue that currently needs to be resolved. With regard to the legislation, the amending law was enacted in January 2000, which established the Telecommunications Authority and separated operation and regulatory functions. The second amending law was enacted in May 2001, by which the Telecommunications Authority was granted the right to issue all licences in the sector. He further explained that new licence (authorisation) regulation, and tariff and price cap regulation were implemented. The Telecommunications Authority has made recommendations to the government for faster liberalisation including for voice telephony.

**H.E. Tapan Sikdar** (Minister of State for Communications of India) explained the experience that the Indian telecommunications sector has undergone through significant policy reforms since the 1980s. India has passed through several stages of reform from the early 1990s when the concept of natural monopoly was challenged by technological change and the late 1990s when dismantling of monopolies led to enhanced competition, lower tariffs as well as better consumer services. He emphasised that the most important landmark in telecommunications reform came with the New Telecom Policy 1999 (NTP-99). It led to a migration from the fixed licence fee regime to revenue sharing, opening up of the national long distance market to the private sector, and the acceleration of the opening of the international long distance call market to the private sector from 2004 to 2002. The NTP-99 reforms are almost complete and ahead of schedule. Unrestricted competition in all services except those limited by the spectrum is close to realisation. The amendment of the Telecom Regulatory Authority of India (TRAI) Act in 2000 paved the

way for strengthening of the TRAI and creation of the Telecom Dispute Settlement and Appellate Tribunal. Finally, attention was drawn to the strength of India in software development and trained technical power, by which India will seek to further its partnerships in the international telecommunications industry.

**Mr. Khalid Bin Abdullah Al Molhem** (Executive President, Saudi Telecom Company) addressed the issue of telecommunications privatisation and lessons in the Kingdom of Saudi Arabia. The main levers driving the restructuring of telecommunications were telecommunications demand, sector regulation and liberalisation, corporatisation and privatisation of Saudi Telecom Corporation (STC), and private sector participation. Telecommunications development can generate a positive impact on economic growth and high quality infrastructure is a key pre-requisite for the country. He pointed out that the telecommunications sector has been the main recipient of foreign investments in some countries. In Saudi Arabia a sector liberalisation programme was initiated in 1997 starting with the creation of STC and significant development is expected over the 2002-2005 period. In addition, the Saudi Communications Commission (SCC) was formed in 2001 as the regulatory authority, which is to confirm the liberalisation timetable as well as define secondary legislation. The STC is implementing a market-focused organisation and is achieving 14% annual growth rate. Finally, he concluded that the corporatisation of the STC and its preparation for market liberalisation is a challenging as well as a rewarding undertaking.

**Mr. Kamal Shehadi** (Connexus Consulting) discussed challenges to telecommunications regulation in the Middle East North Africa (MENA) region. He suggested that there is a new paradigm of telecommunication regulation based on a competitive market model and that Arab countries have to promote the process of deregulation. However, he argued that the telecommunication regulatory framework in the MENA region is still far from providing a competitive telecommunications markets in terms of market efficiency, equity towards service providers and users, and effectiveness of the regulator. He particularly emphasised the paradigm transition from competition 'for' the market to competition 'in' the market. On the basis of the situation in the region, he stressed that there has been greater private participation in telecommunications but that in only three countries (Morocco, Jordan, and Egypt) had there been attempts to implement telecommunications regulation based on competition. He went on to note that it is very important for the MENA countries to establish regulatory capabilities with qualified staff and to focus on the key issues such as rapid tariff re-balancing and allocation of the radio spectrum for commercial use. He finally stressed that the regulators, despite a current lack of resources as well as institutional design, should push for competition.

During the discussion a question was raised about the role of the Telecommunications Authority of Turkey and whether the decision of the Authority is the final one. It was explained that the decision of the Board is final, and the government has no power to overturn the authorisation of the Board but a decision can be appealed in Court. A question was raised about the extent that regulators have flexibility for decisions in respect to the WTO agreements. It was noted that the WTO agreement allows regulators a great deal of leeway, as an example, the choice between using auctions or beauty contests for frequency allocation, and that each country has a great degree of flexibility in their WTO schedules.

#### **Session IV: Regulatory Frameworks and Safeguards**

**Mr. Peter Scott** (European Commission) reviewed the experiences of European countries focusing on the EU regulatory framework. After providing an overview of the role of the European Commission - proposed legislation to be enacted by the EU Parliament and transposition by member states - he stressed that the aim of EC regulations in the telecommunications sector was 'self-destructive', ultimately relying only on general competition rules. A number of indicators showed the benefits of liberalisation in the EU: expanded consumer choice, tariff rebalancing, significant price reductions in international leased lines, etc.

The data showed the incumbents' market share in local calls was still large and it was the area where change was the slowest. Noting the latest EU 7<sup>th</sup> Implementation Report, one of the key challenges faced by all regulators was in convergence. It was pointed out that as the problem was similar across different markets, the solutions could also be similar and that regulators could learn from each other. The new regulatory framework that the EC was considering, in response to convergence, was the separation of content and transportation. More specifically, it was a three-layer model with the top layer being content and outside the scope of communications regulation. The European experience was that any licensing regime should be integrated into one of general authorisation, as in Denmark, except for allocation of scarce resources. Other key areas that he mentioned include the importance of an independent regulatory authority, universal service, interconnection and access issues.

**Mr. John de Ridder** (Telstra) discussed the experiences of Australia, which was different from those of developing countries in that competition followed after development had reached a certain level. After reviewing the development of liberalisation in Australia, he further pointed out that in developing countries, the focus was on narrowband and mobile networks provided a new option for building out networks. The impact of competition and liberalisation on Telstra in terms of pricing, access and calls, tariff rebalancing, price controls based on CPI – X, etc., were presented. In this context some developing countries were only at the beginning stage in tariff rebalancing. In Australia national long-distance calls was the most profitable market segment and had cross-subsidised basic access. Data on the falling prices and falling market shares of Telstra was indicative of the impact of competition, but the Telstra's total revenue grew. The presentation stressed the urgent and inevitable necessity of tariff rebalancing, adapting existing models to local circumstances (*e.g.* considering the "terminating access only" model), focusing on mobiles as a platform, and making a clear distinction between competition and social policy.

**Mr. Scott Beardsley** (McKinsey & Company) argued that the right policies for any country are likely to depend on country specific aspects (*e.g.* amount of local network traffic), in addition to the priorities and aims. After summarising the forces pushing for reform of the telecommunications sector, he said the details of deregulation, or new regulation, represented the largest potential value lever for operators and that they were an important tool for countries in wealth distribution and generation. Deregulation would continue to have a critical impact for industry development, but it would vary significantly by country. By way of example data on the declining market share of the incumbent and rapid price reductions in many countries varied across country. Also infrastructure growth was more rapid among countries where reform had already been carried out. Even in deregulated countries reform challenges still remained significant and the regulators needed to adapt their approach and philosophy to the specific objectives and national situation. The factors necessary for regulators' consideration included how to cut the value chain (vertical or horizontal), speed and degree of reform, how to stimulate results (carrot and stick), and the extent of the regulator's involvement in these matters.

Among the issues raised during discussion was that of access deficit charges in relation to universal service obligations. All speakers believed that this was not a good framework although some countries maintained it could be useful as a temporary measure. In discussions on the US CLEC model it was suggested that the failure of many CLECs would not be a big problem in the long run as broadband was competitive in the United States and there were extensive CATV networks. It was noted that in urban areas fibre optics and wireless technologies would work well but that wireless and satellite were still not solving all connectivity problems in rural areas. A question on whether explicit subsidies were needed to support provision of new services in rural areas led to a suggestion that governments should not push particular technologies. In addition, the push for broadband could be premature because although there were added benefits, narrowband still could be used effectively. It was also suggested that direct funding from tax revenue with projects put out for competitive tender was an option to be considered.

**Mr. Karim Michel Sabbagh** (Booz Allen & Hamilton) discussed the challenges market liberalisation, which he felt was inevitable, brought to incumbent operators, with a focus on the Gulf region. The telecommunications landscape in this regional market was predominantly monopolistic. It was pointed out that incumbent operators could contribute to the regulatory roadmap and enhance the sector's development in different aspects. At the same time, outlining a path of liberalisation provided incumbents with valuable insights to optimise their business strategies. Incumbents needed to maximise market penetration in the mobile sector to yield adequate market share after liberalisation and needed to reduce their strong dependence on international communications and initiate tariff rebalancing. In addition, incumbents had to evaluate adequately the near- and medium-term business strategies in data services, taking into consideration a potential over-capacity of bandwidth in the near future. Another key priority that he emphasised was the need to improve operating efficiency and resource efficiency, which could imply significant outsourcing as well as developing new relationships with the private sector. Strategic alliances must also be considered in respect to the globalisation of markets. In conclusion it was stressed that incumbent operators could proactively manage the transition to the new liberalised era and benefit from it.

**Mr. Tim Kelly** (International Telecommunication Union) began by recalling that the year 2002 marked 20 years since the break-up of AT&T was formally agreed, and then reviewed the developments of the sector reform since that time. Privatisation and competition had been developing world-wide and the number of independent regulators created had increased to 112 as of early 2002. From case studies carried out by the ITU, the relative performance of Chile and Argentina suggested that while privatisation had helped boost performance in both countries, earlier liberalisation in Chile had made it the better performer. A case study on fixed network growth in Philippines and Thailand showed how the lack of long-term incentives led to slower growth. In examining relative performance in the mobile sector in Hong Kong and Singapore, a large difference resulted because of the timing in introducing mobile competition. There were three essential factors for successful developments of telecommunications, namely competition, private sector participation, and independent regulator.

**Mr. Ewan Sutherland** (INTUG) provided a user perspective: users wanted real and effective competition, genuine choice, lower prices, higher quality, more innovative services, and constructive co-operation with public bodies. There were different types of business users including city centre offices and remote or mobile workers having different demands for Intranet, access networks, and Extranet. For example, for teleworking, access and the need for consistent technology was important. After touching upon wireless local loop and mobile Internet, he stressed that the aim of regulation of telecommunications was competitiveness for other economic activities. He also touched upon the issues for the least developed countries. He concluded by emphasising that the priority should be the general economic good and not protection of the incumbent operator. In this context it was important to provide customers with free choice of different elements.

### **Closing Session**

**Mr. Ahmed Binbyat** (Chief Executive Officer, Dubai Internet City) and **Mr. Michael Tiger** (Chair of OECD Working Party on Telecommunications and Information Services Policies and Senior Advisor, Industry Canada) closed the meeting by thanking speakers and participants. Mr. Binbyat thanked the OECD for its co-operation in organising the Conference. Mr. Tiger brought the attention of participants to the *Closing Statement* of the Conference. He thanked the Dubai government and Dubai Internet City for their support in organising the Conference which had been based on mutual learning and where a wealth of information had been exchanged.

## ANNEX 1

### Closing Statement

#### OECD Global Conference on Telecommunications Policy for the Digital Economy

**Dubai, 22 January 2002**

An *OECD Global Conference on Telecommunications Policy for the Digital Economy* took place in Dubai 21-22 January 2002 to assist non-OECD governments in their policy deliberations and provide guidance for the liberalisation of the telecommunications sector through the diffusion of OECD expertise. The Conference stressed the importance of introducing competition in the telecommunication sector and raised awareness among participants of the need for reform of telecommunication regulation. The Crown Prince of Dubai and UAE Minister of Defence General Sheikh Mohammed bin Rashid Al Maktoum attended the opening of the Conference.

The Conference reviewed approaches to liberalisation of telecommunications markets and the role competition can play in reducing the digital divide. At the same time, it highlighted the challenges in introducing competition for non-OECD countries. The meeting recognised the increasing importance of telecommunications as a tool to achieve wider economic and social goals.

Some 250 delegates including ministers, senior government officials, regulators, and representatives of business and civil society from OECD and 20 non-member countries, as well as international organisations, attended the Conference. The Conference was a co-operative project between the OECD and the Dubai authorities, in particular Dubai Internet City. It is part of OECD efforts to share experiences and best practices with non-OECD countries.

The experience of OECD countries over the last decade in liberalising their telecommunication markets and trying to enhance competition in the sector has proved to be very positive. Although this process has not been easy, it has led to significant benefits for business and consumers and has had wider effects on the productivity and growth of their economies. Non-OECD countries can also experience these benefits by implementing appropriate policies.

These benefits have included significant price reductions, improved quality of service and more choice for users. Competition has improved efficiency in the telecommunication industry as well as in user industries and in helping countries to diversify their economies through providing inexpensive and efficient communication infrastructure and access to a greater range of services. More efficient networks and access to competitively priced leased lines are fundamental to meet new demands of electronic commerce. The benefits have not depended on whether a country had a mature communication infrastructure providing universal coverage or if it is still at an earlier stage of development.

Competition in the OECD area has led to improvements in the availability and coverage of universal service. It has played a significant role in the rapid diffusion of new technologies, in particular for Internet access at affordable prices and broadband infrastructure. Telecommunication liberalisation has attracted large amounts of new investment. Competition has also forced former monopoly telecommunication operators to restructure, and improve efficiency and offer new services. The impacts of telecommunication

competition have been beneficial in the provision of all public fixed network services (international, long distance and local) as well as cellular mobile services.

There has been a relatively close convergence in policy and regulatory frameworks and processes among OECD countries because of the mutual exchange of experiences and learning between countries. One way by which the OECD countries have improved their regulation in telecommunications is by using “benchmarking” (*i.e.* to compare best practice) to ensure high quality and effective regulation.

The Conference discussed a number of experiences in telecommunications regulatory reform including those of emerging market economies. Many newer OECD Members recently opened up their telecommunications markets and benefited from OECD models in putting into place new laws, regulatory institutions and the necessary regulatory safeguards. Emerging market economies that have not yet liberalised their telecommunications market can benefit from past experiences in planning their own policy initiatives, legal changes and regulatory structures and processes.

The transition from a monopoly telecommunications market framework to a competitive one requires governments to change their institutional structures and legal frameworks, and implement a number of new regulations to safeguard the process of creating competition. An independent regulatory body that has the legal authority to take action and implement regulations is essential.

The regulator must have a considerable degree of independence from the political process and from the incumbent operator. Without financial and legal independence the regulator will not be able to function effectively and this will have repercussions on the climate of competition.

Regulators need to ensure rules of the game are transparent and well known in advance. *Ex ante* requirements on incumbents, such as for interconnection, can speed up the process of new market entry and the creation of competition. There are wide differences in the speed in which countries have initiated changes from monopoly market structures to competitive structures, but the process can be relatively rapid if the regulatory framework is in place and the appropriate adjustments have been made such as the process of rebalancing prices toward cost.

Countries that have liberalised their telecommunication markets have recognised that there are a number of key regulatory safeguards which need to be put into place. These include the requirement that new entrants can interconnect with the existing networks at reasonable costs and that incumbent telecommunication operators cannot thwart competition. In addition consumer safeguards must not be neglected.

## ANNEX II

### OECD Global Conference on Telecommunications Policy for the Digital Economy

21-23 January 2002, Dubai, U.A.E.

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