

**UNITED NATIONS
ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC**

Annex 4

**E-resilience for Pandemic Recovery:
Intercountry Consultations in Preparation for CICTSTI (webinar)**

3 July 2020

SURVEY B ON E-RESILIENCE POLICY

The Survey on E-resilience (Policy) is aimed to sense countries' perceptions and the situation, related to legal provisions to prevent, respond, and recover from public health disasters through ICT infrastructure resilience. The questionnaire of Survey B is comprised of 12 questions with multiple choice answers (see below). After the webinar on 3 July: 14 responses were received from representatives of three targeted countries (namely 6, 5 and 3 responses from Kyrgyzstan, Kazakhstan, and Mongolia, respectively).

Summary and Key Messages:

The survey results confirm that in terms of deployment policy and regulation, all three countries (Kazakhstan, Kyrgyzstan and Mongolia) demonstrate a strategic interest and political will in the development of technologies and broadband access networks. However, in some cases, weaknesses are the following – insufficient transparency, weak mechanisms of interaction between regulatory bodies (or a low level of their independence), which directly affects the feasibility of projects for the development of broadband access networks, as well as some declarative nature of strategic programs.

In turn, in terms of investment procedures and public-private partnerships, countries demonstrate the existence of legislation and strategic interest in such an organisation, which can be considered their strengths. Weaknesses are – lack of confidence on the part of private investors, a low guarantee of predictability, and a relatively high level of corruption, which can affect the fairness of a particular decision.

The most considerable correlation of answers is observed in the case of assessing specific issues, such as the level of modernity of the legislative framework. At the same time, when answering subjective questions (for example, about transparency or non-transparency of procedures), there were different opinions.

Based on the observations, we conclude that it is necessary to:

- Conduct regular coordination activities, as well as activities aimed at raising the awareness of leading specialists of relevant ministries and departments in such areas as deployment and regulation of broadband access; introduction of the most promising services and services based on broadband infrastructure; public-private partnership; stimulating investment in network infrastructure and the development of new services.
- Continue practising regular delivery of surveys with an increased number of respondents surveyed to improve the quality of the sample answers under the study.

Overview of the received responses from Kazakhstan:

1. The views of representatives from Kazakhstan are varying in response to the question regarding the consistency of the legal provisions with the requirements of the latest international legal standards and deviation from the goals of the latest international legal regulation in the field of broadband access development. The respondents claim that a legal framework that removes restrictions on the development of broadband access has been adopted or revised over the past 5 years, and there is an initiative to amend the regulatory framework that will allow the introduction of new technologies in the future. However, another response states that existing regulations hamper the development of broadband access in the country. For example, there is an absence of a current concept for the development of broadband access.
2. In Kazakhstan, the project document approval procedures are transparent on the development and regulation of technological innovations in the field of broadband access.
3. The country's provisions of regulatory legal acts stimulate the efficient use of funds on the development and regulation of technological innovations in the field of broadband access.
4. Most responses claim that no government programs subsidizing that stimulate the widespread development of broadband access infrastructure, while another response thinks that the country has and is implementing state programs that support the development of broadband access infrastructure.
5. The country legislation allows the implementation of broadband access to conclude agreements regarding the planning, construction, and implementation of broadband access, and consider the growth of technological progress and the possibilities of the legislative framework to stimulate innovation in this area.
6. In Kazakhstan, the legislation allows for budgetary and extrabudgetary financing of innovative activities towards the implementation of broadband access and consideration of the growth of technological progress in this area, including international grants. At the same time, there are real examples of practical implementation in the country.
7. The country has a legislative coordination platform between state or independent bodies involved in the regulation of broadband access, which simplifies and makes the more direct exchange of information between them, thereby increasing work efficiency and facilitating the use of resources to the maximum benefit.
8. The legislative framework of Kazakhstan is not limiting the development of a competitive environment in the fixed, mobile broadband access market, as well as with a certain level of technology penetration. Therefore, the competitive environment exists, but practicing has some trouble.
9. In this country, there are no independent regulatory bodies that ensure the decisions regarding the planning, distribution, and allocation of radio frequencies, licensing of activities, and financing is made consciously and autonomously, but the country has established a state monopoly on decision making.
10. Based on the majority responses, the institutions (organizations) in the field of regulation of investment procedures and public-private partnerships (PPP) have the appropriate authority to coordinate, select, evaluate, and prepare PPP projects for implementation. However, another response claims there is a coordinating organization, but its jurisdiction is limited to points; the coordinating organization has nominal jurisdiction.
11. In the country, the concept of PPP development to stimulate investment in network infrastructure has been adopted and is being effectively implemented.
12. According to the survey responses from Kazakhstan, we need to do more research on the creating the norms and mechanisms allowing a variety of regulated financing models (PPP models) with varying degrees of interaction between the state and the private sector for network infrastructure in the field of broadband access development projects (BOOT, BOT, reverse BOOT, DBFO, DCMF, BRT, et al.).

Overview of the received responses from Kyrgyzstan:

1. In Kyrgyzstan, the respondents claim that a legal framework with the requirements of the latest international legal standards that removes restrictions on the development of broadband access has been adopted or revised over the past five years, and there is an initiative to amend the regulatory framework that will allow the introduction of new technologies in the future.
2. Most responses claim that in the country, the project document approval procedures are transparent on the development and regulation of technological innovations in the field of broadband access. However, one responded that the process for approving project documents is not transparent.
3. Regarding some responses, the country's provisions of regulatory legal acts stimulate the efficient use of funds on the development and regulation of technological innovations in the field of broadband access. On the opposite, some responses claim that the provisions of regulatory legal acts provide limited freedom in choosing the most cost-effective way to plan and build broadband access infrastructure.
4. The point of view of Kyrgyz respondents differs with respect to the country's state programs subsidizing the development of broadband access infrastructure. Some responses claim that the country has and is implementing state programs supporting the development of broadband access infrastructure. However, based on another reply, the implementation of the state programs in practice is limited, while the third opinion among respondents stated that there are no government programs in the country that stimulate the widespread development of broadband access.
5. According to some responses the country legislation allows the implementation of broadband access to conclude agreements regarding the planning, construction, and implementation of the broadband access, and consider the growth of technological progress and the possibilities of the legislative framework to stimulate innovation in this area. Although, another response claims that legislation declares a limited number of methods to conclude agreements regarding the planning, construction, and implementation of broadband access.
6. In Kyrgyzstan, the responses are different according to the types of financing innovative activities. For example, while one claims that legislation allows budget financing of innovative activities. However, its effectiveness is questioned; in contrary, another response states that law provides budgetary and extrabudgetary funding for innovative activities, including international grants, while there are real examples of practical implementation of projects in this country.
7. According to the responses of Kyrgyz representatives the country has a legislative coordination platform between state or independent bodies involved in the regulation of broadband access, which simplifies and makes a more direct exchange of information between them, thereby increasing work efficiency and facilitating the use of resources to the maximum benefit. However, other responses claim that the legislative platform is primitive and needs to be developed.
8. The majority of respondents in Kyrgyzstan agreed that there is a legislative framework that develops a competitive environment in the fixed, mobile broadband access market, as well as with a certain level of technology penetration. Despite that, another response claim that the competitive environment is underdeveloped, and a monopoly on the development of broadband access is legally established in the country.
9. In the opinion of some respondents, there are independent regulatory bodies in the country that ensure decisions regarding the planning, distribution, and allocation of radio frequencies, licensing of activities. Financing are made consciously and autonomously, while others claim the country has established a state monopoly on decision making and no independent regulatory bodies.
10. Based on some responses, the institutions (organizations) in the field of regulation of investment procedures and public-private partnerships (PPP) have the appropriate authority to coordinate, select, evaluate, and prepare PPP projects for implementation. Nevertheless, other responses claim there is a coordinating organization, but

its jurisdiction is limited to points; the coordinating organization has nominal authority. Moreover, another response states that a coordinating organization is absent.

11. As stated by some responses, the country adopted the concept of PPP development to stimulate investment in network infrastructure, which is being effectively implemented. Although, others claim that the idea of PPP development was adopted at the time of evaluation.

12. Based on the response in Kyrgyzstan, there norms and mechanisms are allowing to create a variety of regulated financing models (PPP models) with varying degrees of interaction between the state and the private sector for network infrastructure in the field of broadband access development projects (BOOT, BOT, reverse BOOT, DBFO, DCMF, BRT, etc.). However, there are other claims that norms and mechanisms allow creating only a certain number of PPP models.

Overview of the received responses from Mongolia:

1. Regarding the consistency of the legal provisions with the requirements of the latest international legal standards and deviation from the goals of the latest global legal regulation in the field of broadband access development responses were varied. The respondents claim that legal framework that removes restrictions on the development of broadband access has been adopted or revised over the past five years and there is an initiative to amend the regulatory framework that will allow the introduction of new technologies in the future.

2. According to the level of impact of legislation on the development of technological innovations and the transparency of procedures for approval of project documents for the development and regulation of broadband access, one respondent thinks the transparency might be questioned. However, other response claims that the procedures are transparent.

3. According to the survey responses the concerned bodies (state) need to do more research about the level of impact of legislation on the development of technological innovations in the field of broadband access in terms of incentives for the efficient use of bankroll.

4. Based on the responses, the country is implementing state programs that subsidize the development of broadband access infrastructure.

5. The country legislation allows the implementation of broadband access to conclude agreements regarding the planning, construction, and implementation of broadband access, and consider the growth of technological progress and the possibilities of the legislative framework to stimulate innovation in this area.

6. In Mongolia, according to the types of financing innovative activities, the responses are differing. For example, while one claims that legislation allows budget financing of innovative activities. However, its effectiveness can be questioned, and in contrary, another response notes that law provides budgetary and funding extrabudgetary of innovative activities, including international grants, while there are real examples of practical implementation in the country.

7. The country has a legislative coordination platform between state or independent bodies involved in the regulation of broadband access, which simplifies and makes the more direct exchange of information between them, thereby increasing work efficiency and facilitating the use of resources to the maximum benefit.

8. In Mongolia, the legislative framework is not limiting the development of a competitive environment in the fixed, mobile broadband access market, as well as with a certain level of technology penetration. Therefore, the competitive environment exists, but the practicing has some trouble.

9. The country has an independent regulatory body and ensures that decisions regarding the planning, distribution, and allocation of radio frequencies, licensing of activities, and financing are made consciously and autonomously.

10. According to the respondents, the institutions (organizations) in the field of regulation of investment procedures and public-private partnership (PPP) has the appropriate or nominal and limited to points authority to coordinate, select, evaluate, and prepare PPP projects for implementation. However, another response claims that a coordinating organization is absent.

11. Regarding the presence of a concept or comprehensive program for the development of PPPs to stimulate investment in network infrastructure, the points of respondents are opposite each other. For instance, if one thinks that the concept of PPP development has been adopted and is being effectively implemented, while another responded that there is an initiative to adopt a PPP development concept or a PPP development concept is absent.

12. In Mongolia, norms and mechanisms are allowing to create a variety of regulated financing models (PPP models) with varying degrees of interaction between the state and the private sector for network infrastructure in the field of broadband access development projects (BOOT, BOT, reverse BOOT, DBFO, DCMF, BRT, et al.)

Questionnaire

1. The level of innovation in the field of deployment policy and regulation of broadband access

Are the legal provisions consistent with the requirements of the latest international legal standards? Whether there are provisions in the legislative framework that contribute to deviating from the goals of the latest international legal regulation in the field of broadband access development.

- ☐ The legal framework that removes restrictions on the development of broadband access has been adopted or revised over the past 5 years.
- ☐ There is an initiative to amend the regulatory framework that will allow the introduction of new technologies in the future.
- ☐ Existing regulations hamper the development of broadband access in the country. For example, there is an absence of a current concept for the development of broadband access.
- ☐ I cannot answer this question (for example, I am not a specialist).

2. The level of impact of legislation on the development of technological innovations in the field of broadband access

In order to introduce new technological innovations in the country, so that the extent of the existing legal acts can be complied with the need for the development and regulation of broadband access.

2.1 Transparency of the procedures for the coordination of project documents in the design of broadband access networks

- ☐ The approval procedures for project documents are transparent.
- ☐ The issue of transparency of procedures for approval of project documents might be questioned.
- ☐ The procedure for approving project documents can be classified as not transparent.
- ☐ I cannot answer this question (for example, I am not a specialist).

2.2. The level of incentives for the efficient use of bankroll

- ☐ The provisions of regulatory legal acts stimulate the efficient use of bankrolls.
- ☐ The provisions of regulatory legal acts provide limited freedom in choosing the most cost-effective way to plan and build broadband access infrastructure.
- ☐ The provisions of regulatory legal acts do not consider the efficient use of bankrolls in the planning and construction of infrastructure networks.
- ☐ I cannot answer this question (for example, I am not a specialist).

2.3. The presence of government programs subsidizing the development of broadband access infrastructure

- ☐ The country has and is implementing state programs that subsidize the development of broadband

access infrastructure.

- ☐ The country has state programs subsidizing the development of broadband access infrastructure, however their implementation in practice is limited.
- ☐ There are no government programs in the country that stimulate the widespread development of broadband access.
- ☐ I cannot answer this question (for example, I am not a specialist).

3. The level of flexibility of legislation towards the implementation of broadband access

The possibilities of the legislative framework to stimulate innovation, use a variety of methods for planning, building and implementing broadband access, and considers the growth of technological progress in this area

3.1 Methods to conclude contracts

- ☐ The legislation allows for a variety of methods to conclude agreements regarding the planning, construction and implementation of broadband access.
- ☐ Legislation declares a limited number of methods to conclude agreements regarding the planning, construction and implementation of broadband access.
- ☐ I cannot answer this question (for example, I am not a specialist).

3.2. Types of financing innovative activities

- ☐ Legislation allows for budgetary and extrabudgetary financing of innovative activities, including international grants, while there are real examples of practical implementation in the country.
- ☐ Legislation allows budget financing of innovative activities, while in the country there are limited (isolated) cases of practical implementation.
- ☐ Legislation allows budget financing of innovative activities, but its effectiveness can be questioned.
- ☐ The legal framework prescribes only budget financing of innovation, but its effectiveness can be questioned. Contracts are concluded only under state control.
- ☐ I cannot answer this question (for example, I am not a specialist).

4. Level of coordination mechanism between authorized institutions

The level of the coordination mechanism between authorized institutions determines whether there is a legislative coordination platform between state or independent bodies involved in the regulation of broadband access, which simplifies and makes more direct the exchange of information between them, thereby increasing work efficiency and facilitating the use of resources to the maximum benefit.

- ☐ There is a legislative coordination platform between state or independent bodies involved in the regulation of broadband access.
- ☐ There is a legislative coordination platform between state or independent bodies involved in the process of broadband access regulation, however, direct exchange of information between them is troublesome.
- ☐ Coordination between state or independent bodies involved in the process of broadband access regulation is complicated: the coordination process needs to be optimized.
- ☐ The legislative platform simplifies and makes transparent the exchange of information between them.
- ☐ The legislative platform is primitive and needs to be developed .
- ☐ I cannot answer this question (for example, I am not a specialist).

5. The level of competitiveness

The presence of a legislative framework that stimulates the development of a competitive environment in the fixed, mobile broadband access market, as well as the presence of a certain level of technology penetration.

- ☐ The country has already developed a competitive environment.
- ☐ The legal framework does not limit the development of a competitive environment.
- ☐ The legal framework allows to develop a competitive environment. However, in practice it is troublesome.
- ☐ The competitive environment is underdeveloped. A monopoly on the development of broadband access

is legally established in the country.

- ☐ I cannot answer this question (for example, I am not a specialist).

6. Level of development of authorities of regulatory bodies

The independence of the regulatory body ensures that decisions regarding the planning, distribution and allocation of radio frequencies, licensing of activities and financing are made consciously and autonomously.

- ☐ An independent regulatory body exists and ensures that decisions regarding the planning, distribution and allocation of radio frequencies, licensing of activities and financing are made consciously and autonomously.
- ☐ An independent regulatory body has been established recently.
- ☐ An independent regulatory body exists; however, its full autonomy might be questioned.
- ☐ There is an initiative to establish an independent regulatory body.
- ☐ A state monopoly on decision making has been established. No independent regulatory bodies.
- ☐ I cannot answer this question (for example, I am not a specialist).

7. The level of development of institutional infrastructure in the field of regulation of investment procedures and public-private partnership

The presence of institutions (organizations) with the authority to coordinate, select, evaluate and prepare PPP projects for implementation.

- ☐ A coordinating organization exists and has the appropriate authority.
- ☐ A coordinating organization exists, but its authority is limited to points; the coordinating organization has nominal authority.
- ☐ There is an absence of a coordinating organization.
- ☐ I cannot answer this question (for example, I am not a specialist).

8. The level of stimulation of public-private partnership (PPP) in the development of broadband access

The presence of a concept or comprehensive program for the development of PPPs to stimulate investment in network infrastructure.

- ☐ The concept of PPP development has been adopted and is being effectively implemented.
- ☐ The concept of PPP development was adopted at the time of evaluation.
- ☐ There is an initiative to adopt a PPP development concept or there is an absence of a PPP development concept.
- ☐ I cannot answer this question (for example, I am not a specialist).

9. A variety of PPP models in the field of broadband access development

A variety of regulated financing models (PPP models) for network infrastructure development projects (BOOT, BOT, reverse BOOT, DBFO, DCMF, BRT, etc.).

- ☐ Norms and mechanisms allow creating PPP models with varying degrees of interaction between the state and the private sector.
- ☐ Norms and mechanisms allow creating a certain number of models of interaction between the state and the private sector.
- ☐ Creation of network infrastructure, management and provision of services is carried out directly by the state.
- ☐ I cannot answer this question (for example, I am not a specialist).