Index

accountability 15–16, 18, 19, 125
adverse selection 212–13
aflatoxin levels regulations 54
Africa 1, 3
  patents 89
  privatization 179
  regulation 180, 182
  telephone subscriber base 291, 292
see also Ghana, SMEs (small and medium enterprises) and changing regulatory environment; South Africa, privatization and regulation; South Africa, SMEs (small and medium enterprises) and regulation; South Africa, telecommunications industry
Africa, comparative analysis of performance of public and private water utilities 198–9, 216–17
assessing performance in privatized utilities 202–6
competition 211
data envelopment analysis (DEA) and cost function analysis 205–10, 215–16, 221–2
existing evidence 199–202
regulation, effect of 214–16
transaction costs and water concessions 210–16
Agreement on Subsidies and Countervailing Measures (SCM) 56
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) 48–50, 51–2
Andrade, M.L.A. 164
Antons, C. 86
apple regulations (Japan) 54
appointees (to regulators) 117, 123–4
Argentina 144–5
Aryeetey, E. 240
asbestos case 55
Asia 1
auctions
  Brazil 133, 139–40, 157, 158–60, 167
  water concessions 212, 213
Averch, H. 13
bankruptcy laws 231
barriers to entry 277–9, 284
formal sector 229, 230
barriers to trade 39–41, 43, 44–5
  Technical Barriers to Trade (TBT) Agreement 47–8, 50
Barro, R.J. 20
Battese, G.E. 222
beef hormone case 39, 43, 51–2
Berry, A. 225
Besant-Jones, J.E. 138
Bhatia, A. 16
Bhorat, H. 225
boards, decision-making 138
Braithwaite, J. 73, 77, 82, 83
Bräutigam, D. 89–90
Brazil 2–3, 101, 111
achievements and failures of regulation 107–9
economic influence of regulatory state 105–6
intellectual property rights 80
pension funds 104, 157, 158–60, 166, 170, 171
political change, implications of 106–7
privatization 103–4, 117–19, 126, 127–8, 136–7, 153
regional distribution of telecoms operators 133–5
regulatory state, current and future status 109–11
state, role as regulator 104–5
state enterprises, decadence of 102
Brazil (cont.):  
state participation, 1930–80 101–3  
see also Brazil, steel industry privatization  
Brazil, regulatory agencies 104, 107–8,  
114–15, 143–6  
accountability 125  
ANATEL 108, 110–11, 120–25,  
128–9, 132–6, 146  
ANEEL 106–7, 108, 120–25,  
129–30, 131, 136–8, 141, 142  
ANP 120–25, 130–31, 139–41, 142  
behaviour/decisions, analysis of  
128–41  
energy crisis, 2001 141–2  
Energy Crisis Management  
Committee 141–2  
formal safeguards 123–4  
general framework to assess utilities’  
regulation 115–17  
ideas, politics and institutions 119,  
126–8  
influence of 109  
and judiciary 127–8, 144, 146  
overview of regulatory experience  
117–19  
regulatory incentives 121–2  
summary data 120  
Brazil, steel industry privatization  
153–4, 173–4  
historical development of steel  
industry 154–6  
ownership structure, post-  
privatization 157–61, 164–74  
performance of privatized companies  
161–4  
process of 156–61  
state, changing role of 169, 172  
bundling 278, 285  
Burch, K. 75  
Butt, S. 86  
Campbell-White, O. 16  
Canada, asbestos case 55  
China, intellectual property rights 80, 82  
cholera risk, food imports 55  
Clarke, R.G. 202  
Coelli, T.J. 222  
competition authorities, relations with  
regulators 275  
complexity (corporate governance)  
164–7, 170–72  
conditional convergence 27, 30, 31  
consistency 16  
contract theory 181  
Cook, P. 16  
copyright 67, 68–9  
global governance of 71  
Malaysia 87  
corporate governance, and privatization  
(Brazil steel industry) 164–73,  
174  
Corra, G.S. 222  
corruption 18, 19, 103, 116, 213–14  
costs of regulation 15, 227–8, 230,  
233–4  
Peru 229  
South Africa 228, 229, 230, 231–2  
Cowie, C. 288  
cross subsidization 278–9  
debt collection 231  
Dinwoodie, G. 67, 92  
Djaic, D. 88  
Drahos, P. 73, 76, 77, 82, 83  
Dreyfuss, R.C. 92  
Drezner, D.W. 93  
economic growth  
factors encouraging 225–6  
models 19–20  
and regulatory reform 227  
see also regulation/regulatory  
governance, and economic  
growth  
economic liberalization 1–2  
economic policy reform 89–90  
economic welfare 13–14  
economies of scale and scope 288  
education 23, 25–6, 27, 28, 30, 226  
tenrepreneurs, Ghana 258, 259  
efficiency 70–71  
endogenous growth theory 19–20  
Esguerra, J. 213  
essential facilities doctrine 277, 284  
Estache, A. 201–2, 210  
EU 39–40  
aflatoxin levels regulations 54  
entry-price system 252  
aflatoxin foods 53
intellectual property rights 65–71, 91–4
  capacity building, extent of assistance
    programmes for 77–83
  global governance of 71–7
  TRIPs compliance, problems with
    ‘encouraging’ 83–91
  see also Trade-Related Aspects of
    Intellectual Property Rights
    (TRIPs)
  interconnection charges 278, 281, 285
  International Country Risk Guide
    (ICRG) 18
  International Monetary Fund 1
  investment 17, 240
  Brazil, post-privatization 104, 105–6,
    107, 108–9, 164
  Ghana 243, 244, 245, 250
  Trade-Related Investment Measures
    (TRIMs) 56
  water services 199–200, 201, 214
  Italy 144–5

Japan, apple regulations 54
Johnson, H.G. 41
Johnson, L.L. 13
Jonquieres, G. de 39
judiciary 127–8, 144, 146
Kalan, K. 66, 84–5, 86
Kane-Berman, J. 225
Katz, M.L. 286
Kaufmann, D. 17, 20, 24, 32
Kingstone, P. 126
knowledge 69–71, 75–6, 88–9
Korean beef case 52–3, 54–5
Kostecki, M.M. 75
Kouassi, E. 202
Kraay, A. 17, 20, 24, 32
Kumar, N. 87–8

Lall, S. 240, 251–2
Landau, G.D. 107, 108
Latin America 1, 3; see also Brazil;
  Brazil, regulatory agencies;
  Brazil, steel industry privatization;
  Mexico
  least-cost routing 281
Levy, B. 116
Loftus, A.J. 214
Lowenfeld, A.F. 92

Lucas, R.E. 19
Malawi 17
Malaysia, intellectual property rights 87, 88
Manuel, T. 232
market definition 287–8
market failure 11, 13–14, 182–3, 212–13
market liberalization 11–12
markets 70
Marsden, C.T. 288
Matthews, D. 72
Mbeki, T. 233
McDonald, D.A. 214
McDonough, P. 126
Meggison, W. 161
Melody, W. 294
mergers and acquisitions 288
Mexico
  intellectual property rights 80–81
  telecommunications policy 59
Mhone, G. 224
Mitlin, D. 214
Moonen, J. 161
most-favoured nation (MFN) principle
  43–4, 57, 73
mutual recognition (trade) 44, 45

Namibia 179
national treatment (trade) 44, 45–6
neoclassical growth model 19
network effects/externalities 277–8
non-tariff barriers (NTBs) 40–41, 43,
  44–5
  Technical Barriers to Trade (TBT)
  Agreement 47–8, 50

Oddi, A.S. 75
Olson, M. 17, 20, 32
Ougaard, M. 91
outcome of regulatory system, assessing
  15
Pargal, S. 214
Parker, D. 15–16
patents 60–61, 67, 68
Africa 89
East Asia 88
European Patent Office (EPO) 77,
Index

global governance of 71
Indonesia 85, 86
‘rents’ 92
Paula, G.M. de 157, 167
pension funds, Brazil 104
and steel industry 157, 158–60, 166,
170, 171
Pietrobelli, G. 240, 251–2
Pinheiro, A.C. 161
Pinho, M.S. 160, 161, 167
political capture 14–15, 183
political commitment, and privatization 181
political instability 18, 19
pricing, discriminatory and predatory 278, 282
privatization 2, 11–12, 115–16, 179,
181–2, 184
Brazil 103–7, 117–19, 126, 127–8,
136–7, 153
forms of contract 200–201
impact on corporate performance, methodology for studying 161
see also Africa, comparative analysis of performance of public and private water utilities; Brazil, steel industry privatization; South Africa, privatization and regulation
processes of regulation, assessing quality of 15–16
productivity 164, 203, 204, 297–9
property rights 227, 240, 265–6, 269; see also intellectual property rights; Trade-Related Aspects of Intellectual Property Rights (TRIPs)
rate-of-return regulation 13–14
registering new businesses, process of 231, 240, 244–5, 265, 269
regulation challenges faced by regulators 183–4
as contracting problem 116
in developing and transition economies 183
effective, main features of 183
importance of 2, 182–3
meaning of 11
role of 11
types of 274
regulation/regulatory governance, and economic growth 11–13, 31–2
data and regression results 24–31, 38
literature review 13–21
measures of regulatory governance 17–21
modelling 21–4
quality of regulation 15–19, 20–21,
24–7, 28, 30–31
regulatory capture 14, 183
regulatory design 144
regulatory governance 115–16, 144–5
regulatory impact assessments 233
regulatory incentives 116, 118, 121–2,
145
regulatory risk 214
regulatory state model 12
Riedel, J. 240
Romer, P.M. 19
Rossi, M. 201–2, 210
rule of law 18, 19
Russia, privatization 182
Rwanda 179
Sachs, J. 181
Schneider, B.R. 170
Schuler, P. 84
Shapiro, C. 14
shrimp turtle case 53, 61
skills 226, 244
SMEs (small and medium enterprises), see Ghana, SMEs (small and medium enterprises) and changing regulatory environment; South Africa, SMEs (small and medium enterprises) and regulation
Smith, W. 116–17
social welfare 15
Solow, R.M. 19
Soto, H. de 228, 229
South Africa 2–3, 17
South Africa, privatization and regulation 179–80, 193–5
Competition Commission 193, 274,
275
critical success factors 181–4
Independent Communications Authority of South Africa (ICASA) 190–92, 273, 274,
275–6, 286–293, 298
Downloaded from Elgar Online at 02/12/2019 10:22:56PM
South Africa, privatization and
regulation (cont.):
National Electricity Regulator (NER)
192–3
privatization and restructuring
programme 184–90
South Africa, SMEs (small and medium
enterprises) and regulation 223–4,
233–4
administrative and regulatory
environment 226–30
apartheid, legacy of 224–5
future perspectives 232–3
government support 226
macroeconomic policy 225–6
regulatory drag, examples of 230–32
South Africa, telecommunications
industry 186–7, 188–9, 272–3,
299–300
convergence 285–9
deregulation versus re-regulation
288–9
fixed-line market 276–7
licensing 284
market conduct 284–5
market definition 287–8
market structure and competition
issues 276–84
mobile market 280–81
number portability 285
possible remedies 283–5
private telecommunications networks
282–3
regulatory regime 190–92, 273–6
second network operator 279–80,
282, 283
Telkom, performance of 289–99
universal access 289–90
value-added network services
(VANS) 281–2, 284
vertical separation 283–4
Spiller, P. 116, 127
Steel, W.F. 239
steel industry, Brazil, see Brazil, steel
industry privatization
Stevenson, R. 208
subsidies 41, 56
sunk costs 214
Tamayo, G. 214
tariffs 40, 41, 252; see also General
Agreement on Tariffs and Trade
(GATT)
taxation 228, 229
Ghana 243, 245–9
South Africa 231–3
and trade 41–2, 43, 46
Technical Barriers to Trade (TBT)
Agreement 47–8, 50
technical regulation 40–41, 43, 44–5,
274–5
telecommunications industry, South
Africa, see South Africa,
telecommunications industry
Telkom 272, 299–300
as continuing monopoly 189, 191,
276, 282–3
performance 289–9
prices 191–2, 293–5, 296
productivity 297–9
profitability 295–7
quality of service 291, 293
roll-out targets 290–91
subscriber base 291, 292
universal access 289–90
and value-added network services
(VANS) 282
see also South Africa,
telecommunications industry
Tenenbaum, B.W. 138
trade and regulation 39–40, 61–2
Agreement on Subsidies and
Countervailing Measures
(SCM) 56
Agreement on the Application of
Sanitary and Phytosanitary
Measures (SPS) 48–50, 51–2
domestic policy 41–2, 45–7
General Agreement on Trade in
Services (GATS) 56–9
integration 42–5
non-tariff barriers (NTBs) 40–41
Technical Barriers to Trade (TBT)
Agreement 47–8, 50
Trade-Related Aspects of Intellectual
Property Rights (TRIPs)
Trade-Related Investment Measures (TRIMs) 56
WTO jurisprudence 50–55
trade liberalization 42, 240
capacity building, extent of assistance programmes for 77–83
compliance, problems with ‘encouraging’ 83–91
patents process 68
and USA 72
Trade-Related Investment Measures (TRIMs) 56
trademarks 69
training 244
transaction costs 117, 211–14
transparency 16, 125, 182
UK 144–5
United Nations Conference on Trade and Development (UNCTAD) 82
US Patent and Trademark Office (USPTO) 81
USA
and apple sales to Japan 54
and hormone-treated beef 39, 51–2
and intellectual property rights 65–6, 72, 75, 81–2, 83, 90, 93, 94
shrimp turtle case 53, 61
and telecommunications policy, Mexico 59
USAID 81
values 126
Wallsten, S.J. 202
water utilities, see Africa, comparative analysis of performance of public and private water utilities
Webster, L. 239
Weiler, J.H.H. 43
Welsh, J. 230
White, J. 230
Willig, R.D. 14
Woo-Cummings, M. 87
World Bank 1, 80–81
World Intellectual Property Organisation (WIPO) 65, 71, 72, 76
and capacity building, 77, 78–9
World Trade Organisation (WTO) 39, 44–5, 50
Agreement on Subsidies and Countervailing Measures (SCM) 56
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) 48–50, 51–2
creation of 47
dispute settlement, 48, 50–55, 61–2
and intellectual property rights 65–6, 72–3, 74, 79, 84
jurisprudence on trade in goods 50–55
Technical Barriers to Trade (TBT) Agreement 47–8, 50
Trade-Related Investment Measures (TRIMs) 56
see also General Agreement on Tariffs and Trade (GATT); Trade-Related Aspects of Intellectual Property Rights (TRIPs)
Woroch, G.L. 286