

Grant Of Licences In An Independent And Transparent Manner

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SETTING THE STAGE

- PUBLIC UTILITIES COMMISSION ACT
- TELECOMMUNICATION ACT
- TELECOMMUNICATIONS SECTOR POLICY
 - JULY 2001
 - OCTOBER 2002

INTRODUCTION

- **EMBRYONIC STAGE**
- **FRUITION**
- **BAPTISM**
- **CONCLUSION**

EMBRYONIC STAGE

- ❖ SURVEY

- ❖ PUBLIC CONSULTATION

- ❖ DEVELOPMENTS

FRUITION

- PUBLIC FIXED RADIOCOMMUNICATIONS LICENCE
- CALL FOR APPLICATIONS
- PRE-SUBMISSION MEETING

FRUITION continued

- ❖ OPENING OF DOCUMENTS
 - register
 - record of documents received
- ❖ CUSTODY & SAFE-KEEPING
- ❖ EVALUATION OF SUBMISSIONS
 - independent consultants

FRUITION continued

- ❖ CONSULTANT'S RECOMMENDATION
 - Staff analysis

- ❖ COMMISSION'S ADOPTION

BAPTISM

❖ LEGAL CHALLENGE

- bias
- conflict of interest
- breach of natural justice

BIAS

“ Having ascertained all the relevant circumstances, the Court should ask itself, whether, having regard to those circumstances, those circumstances, there was a real chance of bias on the part of the relevant member of the tribunal in question, in the sense that he might unfairly regard (or have unfairly regarded) with favour or disfavour, the case of a party to the issue under consideration by him”

R v. Gough [1993] AC 646

CONFLICT OF INTEREST

❖ COOPERS & LYBRAND

❖ PRICEWATERHOUSE COOPERS

BREACH OF NATURAL JUSTICE

- ❖ FAILURE TO GIVE REASONS
- ❖ FAILURE TO TAKE INTO ACCOUNT RELEVANT INFORMATION

POLITICAL CHALLENGE

- ❖ SALE OF THE GOVERNMENT-OWNED TELCO
- ❖ AMENDMENT OF THE TELECOMMUNICATIONS SECTOR POLICY
- ❖ COMPETING INTERESTS

OBSERVATIONS

- ❖ ADVANTAGES OF PUBLIC CONSULTATION
 - involvement of the public
 - awareness of the criteria
 - accountability

OBSERVATIONS

❖ DISADVANTAGES

- slow
- costly
- corporate capture

OBSERVATIONS

❖ RESOLVING LEGAL CHALLENGES

- costly
- resource consuming
- uncertain
- defined rules of engagement

OBSERVATIONS

- ❖ RESOLVING POLITICAL CHALLENGES
 - less resource consuming
 - uncertainty
 - negotiation skills a premium



THANK YOU

comments & questions

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