



Trends in  
Telecommunication  
Reform 2002  
**Effective Regulation**

**Chapter 6:  
Transparency  
and Fairness**

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*The views expressed in this presentation are those of the author and do not necessarily reflect the opinions of the ITU or its membership. The author can be contacted at [ja@htgm.com](mailto:ja@htgm.com)*



# **ITU**

# **Global Symposium for Regulators**

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**Effective Regulation:  
Transparency and Fairness**

**Tracy Cohen**

# Definition and Values

**Transparency**



*Procedures*



**Fairness**



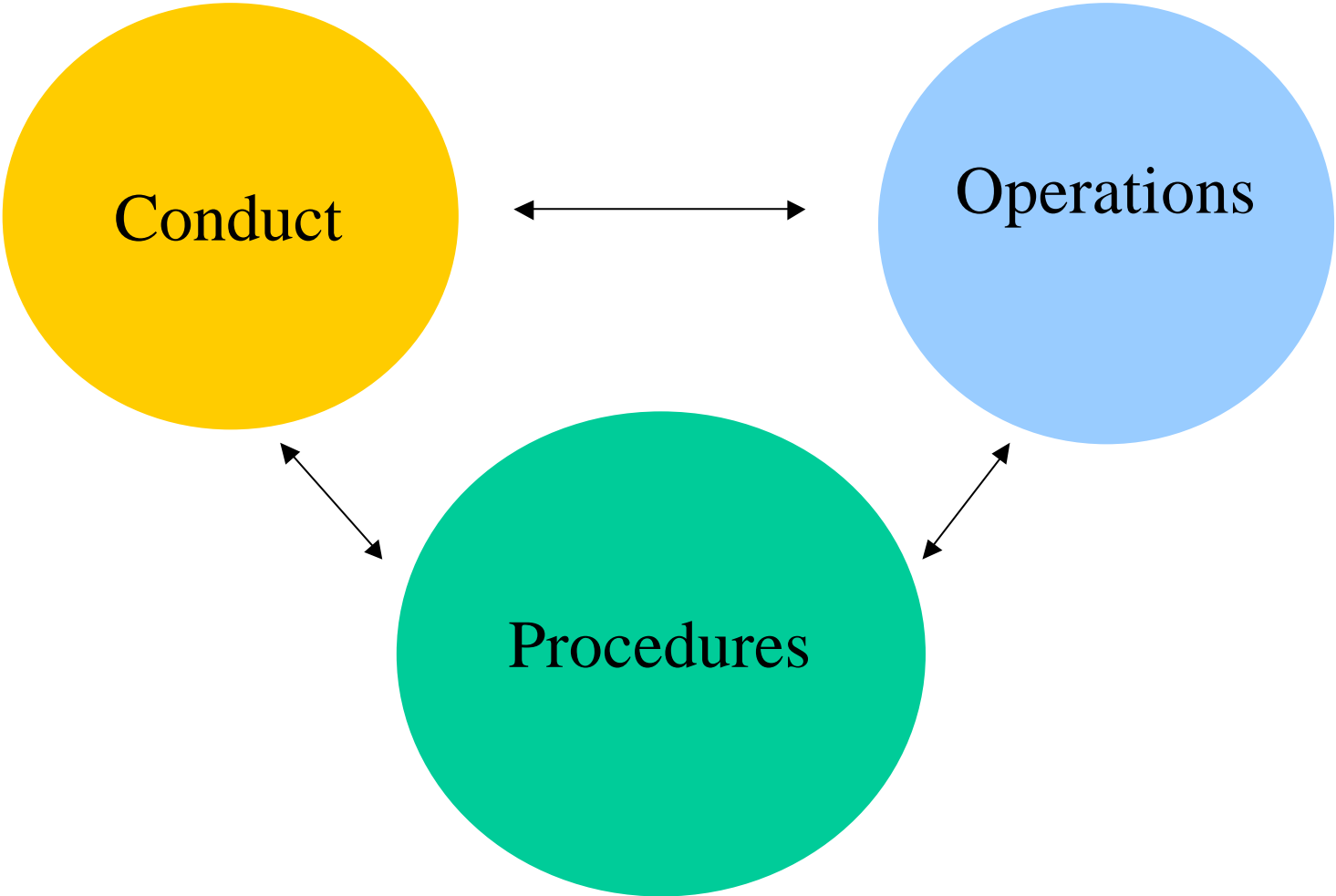
*Outcomes*

**Objectivity**  
**Independence**  
**Efficiency**  
**Accountability**  
**Transparency**  
**Legitimacy**  
**Fairness**  
**Consistency**  
**Expertise**  
**Acceptability**  
**Credibility**  
**Mandate**

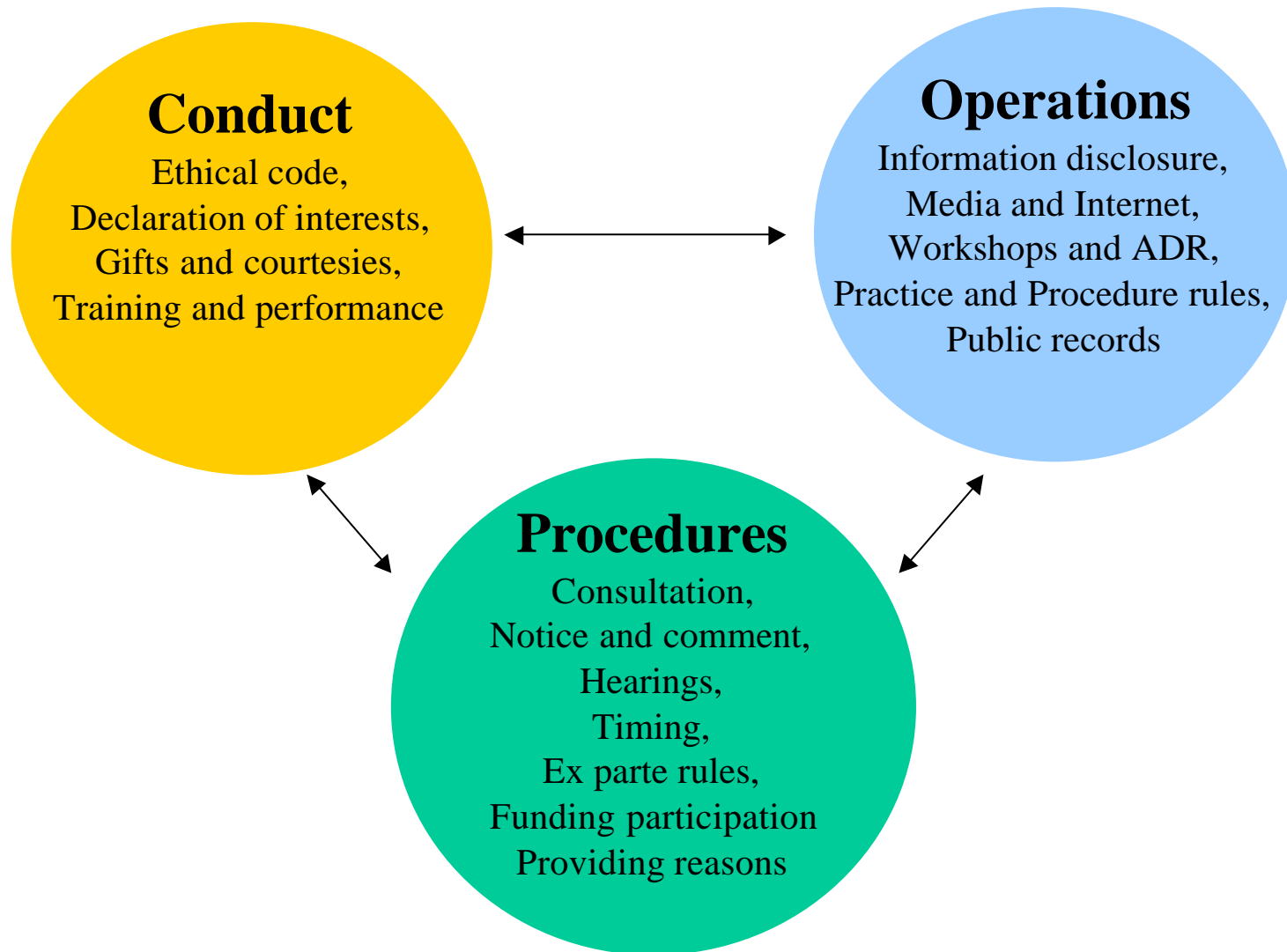
# Importance

- Law
- International and regional agreements
- Good regulatory practice
  - *Promotes values underpinning effective regulation*
  - *Fosters independence*
  - *Reduces interference and capture*
  - *Facilitates public participation*
  - *Ensures continuity through change*
  - *Creates stability for investment*
  - *Makes regulation work*

# Application



# Implementation



# Guidelines

- **Open, accessible and *simple* processes**
  - *Meet the baselines, develop uniformity and consistency*
- **Flexibility and appropriateness**
  - *Balance demands and resources*
- **Costs**
  - *Eliminate delays, use transparency to **increase** efficiency*
- **No template**
  - *Evaluate, adapt, simplify, streamline*

## Summary: From Principle to Practice

	<b>Principle</b>	<b>Practice</b>
<b>Conduct</b>	Bias avoidance Professionalism Arm's length Accountability Avoid capture	Code of ethical conduct Declaration of interests or prior involvement Gifts, invitations, business courtesies Training and performance
<b>Operations</b>	Increase public participation Ensure efficiency Inform interest groups Facilitates considered input Boost legitimacy and credibility Build sector confidence Safeguard against bias Boost awareness of regulators role	Information disclosure Use of the media and the Internet Workshops, Seminars and ADR Rules of Practice and Procedure Public records
<b>Procedure</b>	Natural justice and due process Fair and unbiased hearing Public participation Adherence to mandate Maximise input Information gathering Informed decision-making Consideration of all facts and merits	Consultation Public notice and comment Hearings Timing Ex parte communications Funding interest groups Providing reasons
<b>Values</b>	Objectivity, Independence, Efficiency, Accountability, <b>Transparency</b> , Acceptability, <b>Fairness</b> , Adherence to Mandate, Consistency, Expertise, Legitimacy, Credibility	