

Republic of Liberia



Guidelines for Consultation Process to Develop
Regulations

2009

Liberia Telecommunications Authority

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Liberia Telecommunications Authority

Consultation Process Guidelines

1. Consultation Process

1.1. The Liberia Telecommunications Act of 2007 specifies in Articles 11 (4) and (5):

11 (4). The LTA shall ensure that, prior to issuing any order or any other exercise of its authority that is likely to have any substantial impact on network operators, service providers, any other market participant or the general public, it conducts a process of public consultation appropriate to the circumstances and shall take account of the results of the public consultation in the final exercise of its authority.

11 (5). All regulations, decisions, rules, orders, notices and other public documents issued by the LTA in performing the responsibilities, functions and powers set out in this Act and other applicable laws shall be posted on the LTA's official web site, and published in any other media that the Commission deems necessary or appropriate to provide adequate notice to interested persons. The Minister may issue directions to the LTA regarding the publication of regulations, decisions, rules, orders, notices or other public documents, as needed to provide adequate notice to interested persons.

1.2. These Consultation Process Guidelines specify procedures for the development and of all new regulations and the material amendment of existing regulations by the Liberia Telecommunications Authority ("LTA") which shall be known as the "Consultation Process". For purposes of this Guideline, a "material amendment" is one which substantially changes the existing regulation. The development of the regulations and material amendment of existing regulations (these are together referred to as "Regulations" for convenience) shall be conducted so as to:

- 1.2.1. provide for consultation among the public and stakeholder groups with an interest in the Regulations or which are impacted by the Regulations. These stakeholder groups may include government ministries, telecommunications service providers, civil society organizations, user groups, private institutions and businesses as well as other groups and individuals; and
- 1.2.2. encourage direct stakeholder input and feedback to ensure that all stakeholders have opportunities to express their views and concerns, and to have these view and concerns taken into account in deciding on the final form of the Regulations.

2. Overall Components of Consultation Process

- 2.1. Implementation of the Consultation Process to develop Regulations shall include the following components:
 - 2.1.1. publication of draft Regulations for comment by the public, the consultation group and other stakeholders;
 - 2.1.2. publication of hard copies of the Consultation Process Guidelines which will be available to the public at the offices of the LTA and publication of the Consultation Process Guidelines on the website of the LTA, if the website is active;
 - 2.1.3. finalization of the Regulations, after consideration by the LTA of comments and input received from the public and other stakeholders;
 - 2.1.4. provision of feedback to the public as part of the Consultation Process.
- 2.2. The Consultation Process may, in the discretion of the LTA, include the formation of the Consultation Group as described in section 3.
- 2.3. The Consultation Process may, in the discretion of the LTA, include the holding of public hearings in one or more locations in Liberia.

3. The Consultation Group

- 3.1. The LTA may form a group to be known as the Consultation Group for the purpose of reviewing and providing input on draft Regulations separately from and in addition to, other stakeholders.
- 3.2. The Consultation Group shall be comprised of representatives of LTA and organizations, stakeholders, service providers, agencies of Government or individuals which the LTA determines, in its sole discretion, to have a substantial interest in a particular set of Regulations or which can be expected to be impacted in a substantial manner by those Regulations.
- 3.3. Proposed members of the Consultation Group shall be invited to meet at the offices of the LTA from time to time, to discuss and agree their position.
- 3.4. The LTA shall designate a chairman of the Consultation Group.

4. Development and Publication of Draft Regulations for Comment

- 4.1. The LTA shall prepare draft Regulations, which shall be made available to the public and other stakeholders for comment and input.
- 4.2. The draft Regulations or a summary thereof shall be publicised by the LTA as follows (the “Notice”):

- 4.2.1. the draft Regulations shall be published on the website of the LTA, if the website is active, and made available to the public in hard copy at the offices of the LTA;
- 4.2.2. a summary of the draft Regulations shall be distributed directly either in hard copy or electronically to members of the Consultation Group; and
- 4.2.3. a summary of the draft Regulations shall be published in one or more newspapers in Liberia.

5. Consideration of Comments Received on Draft Regulations

- 5.1. The LTA shall consider comments and input from the public and other stakeholders on the draft Regulations or amendments to existing Regulations. The LTA shall accept such comments and input in the following form:
 - 5.1.1. by way of written comments submitted directly to the LTA at its address at Liberia Telecommunications Authority, 3rd Floor, UMC / LAC Building, 12th Street, Sinkor, Tubman Blvd, Monrovia, Liberia (Attention: Chairman of LTA);
 - 5.1.2. by way of written comments submitted directly to LTA at its email address, when it becomes available;
 - 5.1.3. by way of comments by members of the Consultation Group during any meetings of the Consultation Group; and
 - 5.1.4. such other forms as the LTA determines to be appropriate in the circumstances and sets out in the Notice.
- 5.2. Notices regarding the draft Regulations shall include substantially the following information and such other information as the LTA determines:
 - 5.2.1. notification of the methods by which the public and other stakeholders may provide their comments and input (for example by mail or email);
 - 5.2.2. a summary of the main issues with respect to the Regulations;
 - 5.2.3. a description of the purpose and aims of the Consultation Process;
 - 5.2.4. the issues on which the views of the public and other stakeholders are requested;
 - 5.2.5. the deadline for providing responses;
 - 5.2.6. timetable for decision-making and introduction of the draft Regulations;
 - 5.2.7. the name and details of the contact person or office at the LTA to obtain more information or documents;
 - 5.2.8. expected date when consultation feedback will be provided; and

- 5.2.9. whether or not a public hearing will be held and if so, when and how the public and other stakeholders should indicate their wish to participate.
- 5.3. Unless otherwise specified by the LTA, all comments and input from the public and other stakeholders shall be submitted in writing and be accompanied by a rationale for the comments, in order to:
 - 5.3.1. encourage the public and other stakeholders to better consider and support their views;
 - 5.3.2. provide a more transparent record of inputs to the process;
 - 5.3.3. provide for accountability of decision-making with respect to the Regulations;
 - 5.3.4. encourage an exchange of views and information among stakeholders to balance views of competing parties; and
 - 5.3.5. facilitate the provision of feedback by the LTA to those who have provided input on the Regulations and confirmation that their comments have been considered.
- 5.4. Notwithstanding the interest of the LTA in obtaining comment on the draft Regulations, the LTA shall retain final decision-making authority with respect to the Regulations and amendments thereto.

6. Feedback on Public Consultation Process

- 6.1. At the conclusion of the Consultation Process, the LTA shall publish a brief report on the results of the Consultation Process. The report shall include:
 - 6.1.1. the final text of the Regulations or amendments thereto;
 - 6.1.2. the rationale for the Regulations or amendments thereto;
 - 6.1.3. a list of organisations consulted;
 - 6.1.4. if appropriate, a brief summary of responses received and how these responses were taken into account (or not) in the final Regulations or amendments thereto;
 - 6.1.5. the timetable for adoption of the Regulations or amendments thereto; and
 - 6.1.6. details of who to contact at the LTA for more information.
- 6.2. At the conclusion of the Consultation Process, the LTA shall issue a brief press release to the Liberian media which specifies:
 - 6.2.1. that the Consultation Process has been completed;
 - 6.2.2. that the Regulations shall be adopted and the date of adoption;
 - 6.2.3. a brief summary of the Consultation Process; and

6.2.4. details of who to contact at the LTA for more information.

7. Short title

These Guidelines shall be known as the *Consultation Process Guidelines, 2009* and shall come into effect on the date on which they are adopted by the LTA.