

**Recommendation 14: (Section 10.2): In regulating a fully-liberalised industry the BTA should follow the principles of independent and proportionate regulation and should forbear from regulation wherever possible.**

Best Practice Group Recommendation:

Recommendation 14 was supported with the addition that the participants indicated the need for some kind of managed liberalization process or a phased approach to liberalization. This is due to concerns about the kinds of market players who may enter the Botswana market in the absence of such an approach and also concerns about ensuring consumer protection. The principles identified in Recommendation 14 were agreed, but in addition, it was recommended that BTA's remit should include clear objectives, including the promotion of competition.

**Recommendation 15: (Section 10.3): the BTA should review the following functions to ensure that they are compatible with effective regulation in a fully-liberalised environment:**

- **consumer protection and empowerment;**
- **licensing;**
- **price controls; and**
- **spectrum management.**

Best Practice Group Recommendation

Recommendation 15 was supported but significant additions to it should be added: The participants indicated their strong support for government to review the Telecommunications (Amendment Act, 2004). Further, they recommended that the Ovum consultants review the text and identify the language that impairs BTA's independence and efficiency so that a concrete proposal to the government to remove these restrictions could be advanced. Participants noted that the need for an independent and effective regulator is especially important where there is not sufficient separation between the roles government now plays as owner of BTC, policy maker and regulator

In addition, the list of functions identified in Recommendation 15 should be extended to include a role for BTA in ensuring quality of service. Moreover, due to the rise of convergence, BTA should look both into regulating a converged market and expanding its mandate to one of a converged regulator, responsible both for the telecommunications, IT and broadcasting industries.

BTA was commended for launching this public consultation. It was recommended that additional public consultation was needed that would involve in-person meetings around the country, and that these public consultations should further seek to educate the citizens on the various technological options for Botswana, as well as various regulatory practices, especially for the provision of universal access to ICTs.

BTA's regulatory functions, e.g., consumer protection and licensing, should be shored up to ensure sustainability, enforcement and compliance with its rulings and regulations.

**Recommendation 16: (Section 10.3): the BTA should review the policy of infrastructure-based competition three years after full liberalisation of the industry.**

Best Practice Regulation Group Recommendation:

Recommendation 16 should be revised to call for periodic reviews of the entire ICT sector, its policy and regulations. Moreover, the ICT Policy should be subject to the same kind of public consultation process as this BTA further liberalization consultation process to ensure harmonization of both processes. Both consultation processes should include a review of the practices of other countries.