



Public Utilities  
Regulatory Authority

*Equity in development*



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## Legal & Regulatory Perspectives

by

*Alex da Costa*

*Senior Communications Manager*

*The Gambia Public Utilities Regulatory Authority (PURA)*

*email [adc@pura.gm](mailto:adc@pura.gm) or [aaadacosta@hotmail.com](mailto:aaadacosta@hotmail.com)*



# *Outline*

- *Introduction*
- *Legal Foundation*
- *Regulatory Development*
- *Key Challenges*
- *Concluding Remarks*



## *Introduction -My Employers*

- The Gambia Public Utilities Regulatory Authority (PURA)
- Enactment of the PURA Act in 2001 (An Umbrella Act) by the National Assembly for the establishment of a multi-sector regulatory authority to regulate public utilities in the Telecommunications, Broadcasting, Electricity, Water & Sewerage and Transportation sectors;
- Was “concieved” by the Private Sector Participation and Regulatory Framework Study by the Institute for Public Private Partnership (IP3) in 2003 and;
- Was “born” in 2004, with the appointment of its Board of Commissioners and first Director General and subsequent appointment of Directors in 2005.



# *Legal Foundation*

- *Modification of existing laws*
- *Creation of new ones*
- *Law Reform/Culture of cyber security*



# *Regulatory Development*

- *Regulation* simply put is direct government control over specific sectors of the national economy
- Governments all over the world based on their unique national identity choose to exercise such control for a variety of reasons:



# *Regulatory Development*

- e.g.
  - The pharmaceutical industry is regulated to protect public health;
  - the ownership of firearms is restricted in the interests of public safety and;
  - the use of the electromagnetic spectrum is regulated to facilitate orderly radio communications.

# *Regulatory Development*

- *Regulation* by extension is also an act to protect people, institutions and legal entities from abuse or dominance likely to occur in a competitive market where choice can be exercised to purchase, trade or transact goods and/or services from one another



# *Regulatory Development*

## *Critical Success Factors for Regulatory Development*

- Independence
- Autonomy
- Authority
- Accountability
- Stakeholder Consultation



# *Regulatory Development*

## Some Functions of a Regulator:

- Provide guidelines on rates and fees for the provision of regulated public services;
- examine rates and fees chargeable for the provision of regulated public services;
- protect the interest of consumers and of public utilities;
- monitor and enforce standards of performance by public utilities;

# *Regulatory Development*

- initiate and conduct investigations into standards of services by public utilities;
- promote fair competition among public utilities;
- conduct studies relating to economies and efficiency in the provision of regulated public services to consumers;
- collect and compile data on regulated public services and their provision necessary for the performance;
- provide advice in respect of regulated public services and their provision;

## *Regulatory Development*

- maintain a register in electronic form of public utilities and the services they provide;
- publish, in such manner as it considers appropriate, information relating to its functions and activities;
- recommend and administer, in accordance with its parent Act and other sector specific legislation a licensing system in respect of public utilities;

# *Regulatory Development*

- provide advice or assistance to a public utility to assist or enable the public utility to comply with relevant Acts, Regulations or licences;
- prepare or cause to be prepared any relevant documentation (including drafts of any required legislation) necessary to regulate in accordance with any parent Act or legislation;
- perform such other functions as may be imposed on it by any other legislation

# *Key Challenges*

- In The Gambia:

**The negative** is that there is no existing legislation on cyber security – We are at ground Zero!

**The positive** is that we are ideal as a nation state to be a pilot for a model that could be refined, adjusted and developed for others. Views on this most welcome!

# *Key Challenges*

- In Other countries:
  - The need for more proactive sensitisation at all levels from Regional through to National and Local Government levels
  - Absence of laws and in some instances a robust, independent and impartial regulator
  - The need for awareness to be targeted towards the key decision makers
  - **The need to identify an ECOWAS/ITU action oriented task group to focus on the 5 key challenges:**

# 5 Key challenges and recommended approach

1. National Strategy development
2. Forge a strategic collaboration between Government and Industry
3. Institute a legal foundation and framework
4. Put into place a national incident management capability for watch warning response and recovery
5. Raise national awareness....and don't forget continuous training and skills upgrade

## *Concluding Remarks*

Effective cyber security requires the full cooperation and participation of **all stakeholders (Globally)** as consumers, utilities, etc and most importantly **the three arms of the State.**





***I THANK THE ITU FOR THE  
GOOD WORK THEY DO AND  
GIVING ME THIS  
OPPORTUNITY TODAY.***

***I ALSO THANK YOU ALL OF  
YOU FOR YOUR KIND  
ATTENTION***