

# PADM5077

## Approaches to Regulation

Convenor: Charley Lewis

8 – 11 June 2009

			<b>Learning Information Networking Knowledge</b>
			Wits University Graduate School of Public and Development Management

## Content overview

This core course examines a range of theories, approaches and models for the regulation of the ICT sector. The course covers: approaches to regulation, principles of regulation, international impacts on regulation, instruments of regulation, content of regulations, licensing, monitoring and enforcement, as well as strategies for regulatory management.

## 2 Session Summary

DATE	TIME	TOPIC	LECTURER
Mon 8 June	09:30 – 12:30	Governance, Regulation and the State	Alison Gillwald
	13:30 – 16:30	Rationales and Theories of Regulation	Alison Gillwald
Tues 9 June	09:30 – 12:30	Regulatory Accountability & Administrative Procedures	Tracy Cohen
	13:30 – 16:30	Institutional Design and Structures of Regulation	Charley Lewis
Weds 10 June	09:30 – 12:30	International Impacts on Domestic Regulation	Tracy Cohen
	13:30 – 16:30	Regulation in a converged environment: Content Regulation, IP, Surveillance	Mike Silber
Thurs 11 June	09:30 – 12:30	Enforcement, Standards & Self-regulation	Charley Lewis
	13:30 – 15:00	Writing a Literature Review	Charley Lewis
	15:30 – 16:30	Presentations / Review	Charley Lewis

## 3 Course Outcomes

On completion of this course, participants will be able to:

- articulate and analyse the concepts and theories underpinning ICT sector regulation;
- identify, distinguish and critique approaches to regulation;
- analyse, evaluate and critique regulatory objectives;
- identify and critically analyse the key principles and procedures of regulation;
- analyse, evaluate, and apply different types of regulation;
- describe and apply key instruments of regulation;
- describe and assess regulatory management strategies.

## 4 Core Readings

The following books are highly recommended for the course. Neither, unfortunately, is available in electronic format:

- Baldwin, R & Cave, M (1999) *Understanding Regulation: Theory, Strategy, and Practice*, Oxford University Press, Oxford (available in Management Library - [HD 3616.G7 BAL](#))
- Jordana, J & Levi-Faur, D (2004) *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance*, Edward Elgar, Cheltenham (available in Management Library - [HD 3612 POL](#))

You may also wish to access and download the following:

- Mahan, A & Melody, W (2007) *Diversifying Participation in Network Development*, LIRNE.NET, Montevideo, available online at <http://www.regulateonline.org/content/view/1044/63/>
- Mahan, A & Melody, W (2005) *Stimulating Investment in Network Development: Roles for Regulators*, LIRNE.NET, technical University of Denmark, Lyngby, available online at <http://www.regulateonline.org/content/view/435/65/>

Further online resources are available at:

- Body of Knowledge on Infrastructure Regulation (includes a detailed glossary and an annotated bibliography) - <http://www.regulationbodyofknowledge.org>;
- World Dialogue on Regulation - <http://www.regulateonline.org>;
- ICT Regulation Toolkit - <http://www.ictregulationtoolkit.org/en/index.html>.

## 5 Required Readings

One or more required readings is provided for each session. You are expected to **complete those readings required for each session in advance**, as the lecturer will assume familiarity with their content.

A number of these are available electronically, either on the public Internet or as journal articles accessible to Wits students. Details of these readings will be e-mailed out to you well in advance of the course, in order both to facilitate a structured preparatory reading programme, and to familiarise you with the procedures and skills required for such electronic access. These readings are marked below (*[by e-mail]*), and will **not** form part of the printed course pack, in order to minimise wastage.

The remainder of the required readings are printed out and included in your course pack.

Teaching aids or additional material provided by lecturers and facilitators will be made available to you as soon as practicable, either in hard copy format handouts, or electronically via the Wits Ignite web site. Such materials should be added to your course file and included as part of your course resources.

## 6 Additional Resources

An electronic library of course notes and additional reference material relevant to this course is made available via the Wits Ignite web site at <http://ignite.wits.ac.za>. You will be given a logon ID and password to allow you to access this material, which is loaded under the folder 'PADM5077 Approaches to Regulation'. You are strongly encouraged to make extensive use of resources and features of this course web site.

You may also be required to contribute to online discussions or to complete assignments and other forms of assessment via this web site.

Note that much of the material on this web site is presented in Acrobat Reader format, which will require you to have Acrobat Reader installed on your computer.

## 7 Preparation Requirements

Your preparation work – mainly reading - should be done individually before you come on the course. Questions to guide your reading may be provided for this reason. Please note that there may be tasks to prepare for specific sessions. These will assist you to work through the conceptual and theoretical understandings in each of the readings and begin to apply these to cases and issues. Read through each session outline carefully to ensure that there are no mishaps.

We assume that for every 1 hour that you spend in the classroom, 30 in total, you will need to spend approximately 4 additional hours in preparation. This includes reading, writing assignments and examinations.

## 8 Syndicates and Group Learning

An interactive and intensive learning methodology is utilised, which involves a combination of lectures, case studies, group and individual projects. Given that many participants are active in shaping the telecommunications sector, the P&DM endorses the “syndicate method” of teaching, which requires that some of the learning will be done in groups. This approach is designed to enable course participants to contribute to the course, bringing in their own practical experience, knowledge and expertise together with those of their peers to create a rich learning environment.

Each participant will be assigned to a syndicate group. Syndicates and group work are a vital component of the learning process and attendance at all syndicate meetings is required and compulsory.

Syndicate meetings will be organised by the group members at a time and place suitable to them in accordance with the programme’s schedule. Although the P&DM will make syndicate meeting rooms available, these meetings need not be held on campus. Syndicate meetings and interactions may also take place virtually, through the course WebCT site and via the mailing lists which will be made available for this purpose.

Problems within syndicate groups are to be reported timeously to the Academic Convenor of this course, so that steps may be taken to resolve them. Syndicates will only be able to change their syndicate group composition under exceptional circumstances, and at the sole discretion of the Academic Convenor.

## 8 Course Assessment

There are several components to the assessment for this course, viz:

- |   |   |     |
|---|---|-----|
| • individual test                       | - | 5%  |
| • individual assignment                 | - | 10% |
| • group assignment                      | - | 15% |
| • individual exam equivalent assignment | - | 70% |

The Individual Test takes the form of a short, timed online test which will cover the preparatory reading for the course, and must be completed online via <http://ignite.wits.ac.za> before **08:30 on Monday 8 June 2009**.

The individual assignment will take the form of a short submission on a topic assigned to you at the beginning of the course, which will be required to be uploaded via <http://ignite.wits.ac.za>. The deadline for completion of the individual assignment is **19 June 2009**.

The group assignment, which is done in syndicate groups during the week, will be distributed at the beginning of the week, and takes the form of a short presentation to the class on an assigned topic. Its due date for completion is Thursday **11 June 2009**.

The individual exam-equivalent assignment will count 70% towards your final mark for the course. Your lecturers will discuss its requirements during the course of the week, and it will be distributed at the end of the course. It is due for submission by **Monday 20 July 2009**.

You will be required to submit the individual exam-equivalent assignment online via the SafeAssign feature of Ignite (<http://ignite.wits.ac.za>). Be aware that this feature performs a check on your assignment for plagiarism and copying.

## 9 Information on Content Sessions

1 Governance, Regulation and the State	
<b>Presenter</b>	<b>Alison Gillwald</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Locate sector regulation in the broader governance framework and national policy;</li> <li>• Understand the impact of globalisation, particularly democratisation and liberalisation, on systems of governance;</li> <li>• Understand the changing nature of the state and markets.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Changing nature of the state</li> <li>• Emergence of regulation</li> <li>• ICT sector reform and regulation</li> <li>• Regulatory stakeholders and roles</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Evans, P (1995) 'Rethinking Embedded Autonomy', Chapter 10 in Evans, P (1995) <i>Embedded Autonomy: States and Industrial Transformation</i>, Princeton University Press, Princeton</li> <li>• Jessop, B (1995) 'The Regulation Approach, Governance, and Post-Fordism: Alternative Perspectives on Economic and Political Change?', <i>Economy and Society</i>, Vol 24 No 3, pp 307 – 333, Routledge, London <a href="#">[by e-mail]</a></li> <li>• Jordana, J &amp; Levi-Faur, D (2004) 'The politics of regulation in the age of governance', in Jordana, J &amp; Levi-Faur, D (2004) <i>The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance</i>, Edward Elgar, Cheltenham</li> <li>• Khan, M (2005) 'Markets, States and Democracy: Patron-Client Networks and the Case for Democracy in Developing Countries', <i>Democratization</i>, Vol 12 No 5, pp 704 – 724, Routledge, London <a href="#">[by e-mail]</a></li> <li>• Levy, B &amp; Spiller, P (1996) 'A Framework for Resolving the Regulatory Problem', in Levy, B &amp; Spiller, P (eds) (1996) <i>Regulations, Institutions, and Commitment: Comparative Studies of Telecommunications</i>, Cambridge University Press, Cambridge</li> </ul>

<p><b>Additional References</b></p>	<ul style="list-style-type: none"> <li>• Bernstein, M (2007) 'Regulatory Economics and its discontents: some theoretical and historical observations', <i>info</i>, vol 9 nos 2/3, Emerald Group, Bingley <a href="#">[by e-mail]</a></li> <li>• Galperin, H (2004) 'Beyond Interests, Ideas and Technology: An Institutional Approach to Communication and Information Policy', <i>The Information Society</i>, Vol 20 No 3, Taylor &amp; Francis, London <a href="#">[by e-mail]</a></li> <li>• Hirst, P (2000) 'Democracy and Governance', in Pierre, J (ed) (2000) <i>Debating Governance: Authority, Steering and Democracy</i>, Oxford University Press, Oxford, available online at <a href="http://fds.oup.com/www.oup.co.uk/pdf/0-19-829514-6.pdf">http://fds.oup.com/www.oup.co.uk/pdf/0-19-829514-6.pdf</a> <a href="#">[by e-mail]</a></li> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Overview of Telecommunications Regulation', in <i>Telecommunications Regulation Handbook</i>, Intven, H (ed), World Bank, Washington DC, <a href="http://www.infodev.org/projects/314regulationhandbook/module1.pdf">http://www.infodev.org/projects/314regulationhandbook/module1.pdf</a></li> <li>• Melody, W (1997) 'Policy Objectives and Models of Regulation', in Melody, W (ed) <i>Telecom Reform: Principles, Policies and Regulatory Practices</i>, Den Private Ingeniørfond, Technical University of Denmark, Lyngby, available online at <a href="http://lirne.net/2003/resources/tr/chapter02.pdf">http://lirne.net/2003/resources/tr/chapter02.pdf</a></li> <li>• Melody, W (1999) 'Telecom Reform: Progress and Prospects', <i>Telecommunications Policy</i>, Vol 23 Issue 1, Elsevier Science, Amsterdam</li> <li>• Mahan, A &amp; Melody, W (eds) (2005) <i>Stimulating Investment in Network Development: Roles for Regulators</i>, Report on the World Dialogue on Regulation, World Dialogue on Regulation, Lyngby, available online at <a href="http://www.regulateonline.org/content/view/435/31/">http://www.regulateonline.org/content/view/435/31/</a></li> <li>• Mc Cubbins M, Noll R, and Weingast B, (1989) '<i>Structure and Process, Politics and Policy</i>', <i>Virginia Law Review</i>, vo.75, no. 2, March, JSTOR</li> <li>• Melody W (2004) 'The Next Generation Internet and its Governance: Foundation for a New Communication Economy', <i>Southern African Journal of Information and Communication</i>, Issue No 4, University of the Witwatersrand, Johannesburg</li> <li>• Gillwald, A (2005) 'Good Intentions, Poor Outcomes: Telecommunications Reform in South Africa', <i>Telecommunications Policy</i>, Vol 29 Issue 7, Elsevier Science, Amsterdam</li> </ul>
<p><b>Activity</b></p>	<p>Apply the readings above to the South African situation, prepare yourself to lead a discussion either on either:</p> <ul style="list-style-type: none"> <li>• Is the nature of the state in post-colonial and developing countries incompatible with sector reform notions of independent regulation and is this a problem?</li> </ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <li>• Can a case be made for the need for specific state sector relations from a policy perspective?</li> </ul>

**About your  
Lecturer**

Alison Gillwald is Director of Research ICT Africa!, now based at the [edgeinstitute](#), which aims to fill the ICT policy and regulatory research vacuum that exists on the continent through the development of a research network. Currently 18 African countries are involved in the collaborative research projects of the network. Alison is also a Visiting Professor with the LINK Centre at the Graduate School of Public and Development Management, University of the Witwatersrand, Johannesburg, South Africa.



Alison served on the founding Council of the South African Telecommunications Regulatory Authority (SATRA). Before joining SATRA in 1997, Alison was responsible for establishing the Policy Department at the Independent Broadcasting Authority. She was an advisor to the Independent Media Commission in 1994 for the first democratic elections held in the country.


She served on the South African Minister of Communications' African Advisors Group to the African Minister's Oversight Committee, chaired the Digital Broadcasting Advisory Body, established to advise the Minister and was a founding member of the Steering Committee of the ITU Task Force on Gender Issues. She serves on the board of the South African Broadcasting Corporation, where she chairs the technology committee.

She is founding editor of the Southern African Journal of Information and Communication and is published in the areas of telecommunications and broadcasting policy and regulation, gender and politics more broadly.

She has been commissioned over the last few years by the International Telecommunications Union, the Commonwealth Telecommunications Organisation, the UK Department of International Development, IDRC-Acacia, the Independent Communications Authority of South Africa, the Southern African Development Bank and the South African Presidency to research and advise on topics ranging from broadband and global governance to under-serviced area licensing and Internet costing.

<b>2 Rationales and Theories of Regulation</b>	
<b>Presenter</b>	<b>Alison Gillwald</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Critically analyse the rationales for regulation of the ICT sector;</li> <li>• Discuss a range of approaches to ICT regulation;</li> <li>• Describe and analyse the factors underpinning regulatory effectiveness;</li> <li>• Articulate and analyse the justification for economic regulation in ICT markets;</li> <li>• Assess the rationale and instruments of social regulation of the ICT sector.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• ICT sector reform and regulation</li> <li>• Rationales for regulation</li> <li>• Overview of regulatory approaches &amp; structures</li> <li>• Principles of regulation: independence, transparency, accountability, funding</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Baldwin, R &amp; Cave, M (1999) 'Why Regulate?', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Baldwin, R &amp; Cave, M (1999) 'Explaining the Origins and Development of Regulation', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• InfoDev (2006) 'Module 6: Legal and Institutional Framework', ICT Regulation Toolkit, InfoDev, Washington DC &amp; International Telecommunication Union, Geneva, available online at <a href="http://icttoolkit.infodev.org/Mod6ExecSummary">http://icttoolkit.infodev.org/Mod6ExecSummary</a> <i>[by e-mail]</i></li> <li>• Laffont, J (2005) 'Overview of regulatory issues' in Laffont, J (2005) <i>Regulation and Development</i>, Cambridge University Press, Cambridge</li> <li>• Noll, R (1986) 'The political and institutional context of communication policy' in Snow, M (ed) (1986) <i>Marketplace for telecommunications: regulation and deregulation in industrialised democracies</i>, Longman, New York</li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Ogus, A (2003) 'W(h)ither the economic theory of regulation? What economic theory of regulation?', conference paper, The Barcelona Workshop 29-30 November 2003, Universitat Pompeu Fabra, Barcelona, available online at <a href="http://regulation.upf.edu/reg-network/papers/ogus.htm">http://regulation.upf.edu/reg-network/papers/ogus.htm</a></li> <li>• Geradin, D &amp; McCahery, J (2003) 'Regulatory Competition and Co-opetition, conference paper, The Barcelona Workshop 29-30 November 2003, Universitat Pompeu Fabra, Barcelona, available online at <a href="http://regulation.upf.edu/reg-network/papers/coop2.pdf">http://regulation.upf.edu/reg-network/papers/coop2.pdf</a></li> <li>• Monasso T &amp; Van Leijden, F (2007) 'Telecommunication Regulation as a game: deepening theoretical understanding', MPRA Working Paper no 7625, Munich University Library, Munich, available online at <a href="http://mpra.ub.uni-muenchen.de/7625/1/MPRA_paper_7625.pdf">http://mpra.ub.uni-muenchen.de/7625/1/MPRA_paper_7625.pdf</a></li> </ul>
<b>About your Lecturer</b>	See above.

<b>3 Regulatory Accountability &amp; Administrative Procedures</b>	
<b>Presenter</b>	<b>Dr Tracy Cohen</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Articulate and analyse the principles and procedures of regulatory accountability and transparency;</li> <li>• Describe and critique the effectiveness of instruments, mechanisms and institutional structures to ensure regulatory accountability;</li> <li>• Analyse options for the acquiring of regulatory legitimacy;</li> <li>• Analyse the evolution and accountability of the regulatory regime and its structures in South Africa.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Principles and procedures of accountability and transparency</li> <li>• Instruments and mechanisms of accountability</li> <li>• Accountability and Institutional structures</li> <li>• Evolution of regulatory structures in South Africa</li> <li>• Challenges of regulatory management</li> <li>• Regulatory legitimacy</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Baldwin, R &amp; Cave, M (1999) 'Accountability', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Lodge, M (2003) 'Accountability and Transparency in Regulation: Critiques, Doctrines and Instruments', conference paper, The Barcelona Workshop 29-30 November 2003, Universitat Pompeu Fabra, Barcelona, available online at <a href="http://regulation.upf.edu/reg-network/papers/lodge2.pdf">http://regulation.upf.edu/reg-network/papers/lodge2.pdf</a> <i>[e-mail – URL]</i></li> <li>• Mc Cubbins M, Noll R, and Weingast B, (1989) 'Structure and Process, Politics and Policy', <i>Virginia Law Review</i>, vol 75, no 2, March 1989, Virginia Law Review Association, Charlottesville VA <i>[e-mail]</i></li> <li>• Samarajiva, R (2000) 'Establishing the legitimacy of new regulatory agencies,' <i>Telecommunications Policy</i>, Vol 24 Issue 3, Elsevier Science, Amsterdam <i>[e-mail]</i></li> </ul>

<p><b>Additional References</b></p>	<ul style="list-style-type: none"> <li>• Jamison, M (2004) 'Survival Guide for the Independent Regulator', Public Utility Research Center, University of Florida, Gainesville, available online at <a href="http://bear.cba.ufl.edu/centers/purc/international/documents/SurvivalGuidefortheIndependentRegulator.pdf">http://bear.cba.ufl.edu/centers/purc/international/documents/SurvivalGuidefortheIndependentRegulator.pdf</a></li> <li>• Jamison, M (2005) 'Leadership and the Independent Regulator', Public Utility Research Center, University of Florida, Gainesville, available online at <a href="http://www.cambridge-leadership.com/images/leadership-and-the-independent-regulator.pdf">http://www.cambridge-leadership.com/images/leadership-and-the-independent-regulator.pdf</a></li> <li>• Melody, W (2005) 'Regulation and Network Investment: A Framework for Analysis', in Mahan, A &amp; Melody, W (eds) (2005) Stimulating Investment in Network Development: Roles for Regulators, Report on the World Dialogue on Regulation, World Dialogue on Regulation, Lyngby, available online at <a href="http://www.regulateonline.org/content/view/435/31/">http://www.regulateonline.org/content/view/435/31/</a></li> <li>• Gillwald, A (2005) 'Stimulating Investment in Network Extension: The Case of South Africa', in Mahan, A &amp; Melody, W (eds) (2005) Stimulating Investment in Network Development: Roles for Regulators, Report on the World Dialogue on Regulation, World Dialogue on Regulation, Lyngby, available online at <a href="http://www.regulateonline.org/content/view/435/31/">http://www.regulateonline.org/content/view/435/31/</a></li> </ul>
<p><b>About your Lecturer</b></p>	<p>Dr Tracy Cohen is the Executive Head of Regulatory Affairs at Neotel (Pty) Ltd. From July 2004- July 2008, she served on the Council of the Independent Communications Authority of South Africa. Dr. Cohen read for a doctoral degree in law (SJD) at the University of Toronto. She has previously held various academic posts, including senior lecturer at the LINK Centre, Graduate School of Public and Development Management, Wits University; visiting graduate research fellow at the Columbia Institute for Tele-Information (CITI) at Columbia University in New York, and Graduate Fellow, Centre for Innovation Law and Policy at the University of Toronto. Dr Cohen's post-doctoral research took place at the Centre for Analysis of Risk and Regulation at the London School of Economics and Political Science. She has also worked as a regulatory consultant and undertaken various projects for domestic and international organizations, including the International Telecommunication Union and the Commonwealth Telecommunication Organization. Dr. Cohen sits on the editorial board for the South African Journal of Information and Communication.</p> 


<b>4 Institutional Design and Structures of Regulation</b>	
<b>Presenter</b>	<b>Charley Lewis</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Analyse the appropriateness and scope of differing regulatory models;</li> <li>• Discuss the composition and effectiveness of differing regulatory structures;</li> <li>• Analyse the impact of the sector reform process on institutional configuration;</li> <li>• Analyse the components and value of regulatory independence;</li> <li>• Recommend appropriate institutional design for effective regulation.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Regulatory institutions and structures</li> <li>• Organisational configuration and regulatory competencies</li> <li>• Sector specific regulation</li> <li>• Competition regulation</li> <li>• Multisector regulation</li> <li>• Convergence regulation</li> <li>• Institutional models</li> <li>• Regulatory independence</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Baldwin, R &amp; Cave, M (1999) 'How to Regulate: Strategies', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Baldwin, R &amp; Cave, M (1999) 'Who Regulates? Institutions and Structures', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Tenbücken, M &amp; Schneider, V (2004) 'Divergent convergence: structures and functions of national regulatory authorities in the telecommunications sector', in Jordana, J &amp; Levi-Faur, D (2004) <i>The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance</i>, Edward Elgar, Cheltenham</li> <li>• Laffont, J (2003), 'Design of Regulatory Institutions in Developing Countries', in Laffont, J (2003), <i>Regulation and Development</i>, Cambridge University Press, Cambridge</li> </ul>

<p><b>Additional References</b></p>	<ul style="list-style-type: none"> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Overview of Telecommunications Regulation', in <i>Telecommunications Regulation Handbook</i>, Intven, H (ed), World Bank, Washington DC, <a href="http://www.infodev.org/projects/314regulationhandbook/module1.pdf">http://www.infodev.org/projects/314regulationhandbook/module1.pdf</a></li> <li>• Min, W (2000) 'Telecommunications Regulations: Institutional Structures and Responsibilities', Working Paper no 237, Organisation for Economic Co-operation and Development, Washington DC, available online at <a href="http://www.oalis.oecd.org/oalis/1999doc.nsf/c16431e1b3f24c0ac12569fa005d1d99/c125685f0037ebabc12568ea003b7ec7/\$FILE/00078042.PDF">http://www.oalis.oecd.org/oalis/1999doc.nsf/c16431e1b3f24c0ac12569fa005d1d99/c125685f0037ebabc12568ea003b7ec7/\$FILE/00078042.PDF</a></li> <li>• Henten, A, Samarajiva, R &amp; Melody, W (2002) 'The Next Step Telecom Regulation: ICT Convergence Regulation or Multisector Utility Regulation', World Dialogue on Regulation for Network Economies, Centre for Information and Communication Technologies, Technical University of Denmark, Lyngby</li> <li>• Smith, W (1997) 'Utility Regulators - The Independence Debate', Public Policy for the Private Sector Note No 127, World Bank, Washington, available online at <a href="http://rru.worldbank.org/documents/PublicPolicyJournal/127smith.pdf">http://rru.worldbank.org/documents/PublicPolicyJournal/127smith.pdf</a></li> <li>• Makhaya, G (2002) 'The Determinants of Regulatory Effectiveness in Liberalised Markets: Developing Country Experiences', TIPS Working Paper No 4, Trade and Industrial Policy Strategies Pretoria, available online at <a href="http://www.tips.afrihost.com/research/papers/pdfs/490.pdf">http://www.tips.afrihost.com/research/papers/pdfs/490.pdf</a></li> <li>• Bruce, R &amp; Marriott, A (2002) 'Discussion Paper on the Use of Alternative Dispute Resolution Techniques in the Telecom Sector', International Telecommunication Union, Geneva</li> <li>• Kiessling, T &amp; Blondeel, Y (nd) 'The EU Regulatory Framework in Telecommunications: A Critical Analysis', <i>Telecommunications Policy</i>, available online at <a href="https://dspace.mit.edu/retrieve/799/kiessling_paper.pdf">https://dspace.mit.edu/retrieve/799/kiessling_paper.pdf</a></li> <li>• Samarajiva, R (1997) 'Telecom Regulation in the Information Age', in Melody, W (ed) <i>Telecom Reform: Principles, Policies and Regulatory Practices</i>, Den Private Ingeniørfond, Technical University of Denmark, Lyngby, 1997, available online at <a href="http://lirne.net/2003/resources/tr/chapter28.pdf">http://lirne.net/2003/resources/tr/chapter28.pdf</a></li> </ul>
<p><b>Activity</b></p> <p><b>About your Lecturer</b></p>	<p>Charley Lewis works as a senior lecturer, researcher and consultant at the LINK Centre of the School of Public and Development Management at the University of the Witwatersrand. His research interests include: labour, work and ICT; ICT sector policy &amp; regulation; universal service and access; the Internet, and consumer protection. He has lectured and presented widely, on a range of ICT policy, regulation and development issues. He has undertaken research in a number of areas, including the Internet, call centres, e-learning and universal access and service. He holds a degree of Master of Commerce in the Management of Information Systems from the University of the Witwatersrand.</p> 

5 International Impacts on Domestic Regulation	
<b>Presenter</b>	Dr Tracy Cohen
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• understand the architecture of the WTO and the multilateral trading framework</li> <li>• understand the WTO main instruments and particularly with regard to services</li> <li>• grasp the main principles and tenets underlying the GATT and the GATS</li> <li>• critically apply SA's WTO commitments in the sphere of telecoms to the reality of SA's telecom framework</li> <li>• appreciate how domestic regulatory instruments can be used as barriers to trade in service.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• International trade</li> <li>• Trade in services</li> <li>• Domestic regulatory tools</li> <li>• Regulatory transparency and credibility</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• WTO (2006) 'An Introduction to the GATS', World Trade Organisation, Geneva, available online at <a href="http://www.wto.org/english/tratop_e/serv_e/gsintr_e.doc">www.wto.org/english/tratop_e/serv_e/gsintr_e.doc</a> <i>[by e-mail]</i></li> <li>• WTO (nd) 'The General Agreement on Trade in Services (GATS): objectives, coverage and disciplines', World Trade Organisation, Geneva, available online at <a href="http://www.wto.int/english/tratop_e/serv_e/gatsqa_e.htm">http://www.wto.int/english/tratop_e/serv_e/gatsqa_e.htm</a> <i>[by e-mail]</i></li> <li>• Cohen, T (2001) 'Domestic Policy and South Africa's Commitments under the WTO's Basic Telecommunications Agreement: Explaining the Apparent Inertia', <i>Journal of International Economic Law</i>, Vol 4 No 4, Oxford University Press, available online at <a href="http://jiel.oxfordjournals.org/cgi/reprint/4/4/725">http://jiel.oxfordjournals.org/cgi/reprint/4/4/725</a> <i>[by e-mail]</i></li> <li>• Drahos, P &amp; Joseph, R (1995) 'Telecommunications and investment in the great supranational regulatory game', <i>Telecommunications Policy</i>, Vol 19, Issue 8, Elsevier Science, Amsterdam <i>[by e-mail]</i></li> </ul>

<p><b>Additional References</b></p>	<ul style="list-style-type: none"> <li>• Blouin, C (2000) 'The WTO Agreement on Basic Telecommunications: A Re-evaluation', <i>Telecommunications Policy</i>, no 24</li> <li>• Bronckers, M &amp; Larouche, P (1997) 'Telecommunications Services and the World Trade Organization', <i>Journal of World Trade</i> vol 31 no 5</li> <li>• Drake, W Noam, E (1998) 'Assessing the WTO Agreement on Basic Telecommunications', in Hufbauer, G &amp; Wada, E (eds) <i>Unfinished Business: Telecommunications After the Uruguay Round</i>, Institute for International Economics, Washington DC, 1998</li> <li>• Fredebeul-Krein, M &amp; Freytag, A (1999) 'The Case For a More Binding WTO Agreement on Regulatory Principles in Telecommunications Markets' <i>Telecommunications Policy</i> no 23</li> <li>• Janisch, H (1998) 'International Influences on Communications Policy in Canada', in Orr, D &amp; Wilson, T (eds) <i>The Electronic Village, Policy Issues of the Information Economy</i>, C D Howe Institute, Toronto, 1998</li> <li>• Mukerji, A (2000) 'Developing Countries and the WTO', <i>Journal of World Trade</i> no 34</li> <li>• Sherman, L (1998) "'Wildly Enthusiastic' About the First Multilateral Agreement on Trade in Telecommunications Services", <i>Federal Communications Law Journal</i> no 51</li> <li>• Trebilcock, M &amp; Howse, R (2000) <i>The Regulation of International Trade</i>, 2nd ed, Routledge, London</li> <li>• Tuthill, L (1996) 'Users' Rights? The Multilateral Rules on Access to Telecommunication', <i>Telecommunications Policy</i> no 20</li> </ul>
<p><b>About your Lecturer</b></p>	<p>See above.</p>

6 Regulation in a converged environment: Content Regulation, IP, Surveillance	
<b>Presenter</b>	<b>Michael Silber</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Articulate and analyse the key principles applicable to governance of converged communications;</li> <li>• Analyse international governance initiatives;</li> <li>• Articulate South African responses to regulating governance of converged communications;</li> <li>• Describe and critique the effectiveness of instruments, mechanisms and institutional structures to regulate converged communications; and</li> <li>• Analyse options for future governance initiatives.</li> </ul>
<b>Content</b>	<p>Key governance areas identified by the Internet Governance Forum:</p> <ul style="list-style-type: none"> <li>• Critical resources;</li> <li>• Access;</li> <li>• Diversity;</li> <li>• Openness;</li> <li>• Security (including the Council of Europe Convention).</li> </ul> <p>South African responses:</p> <ul style="list-style-type: none"> <li>• The Electronic Communications Act, the Electronic Communications and Transactions Act and related regulation;</li> <li>• Universal Service and Access;</li> <li>• Constitutional language rights, BEEE Codes and ICT Charter;</li> <li>• Films and Publications Act;</li> <li>• Protection of Personal Information Draft Bill;</li> <li>• Regulation of Interception of Communications and Provision of Communication-related Information Act;</li> <li>• Protection of Information Bill.</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• IGF (2007) 'Synthesis Paper', prepared by the IGF Secretariat for the Internet Governance Forum (IGF) Second Meeting, Rio de Janeiro, 12 - 15 November 2007, Internet Governance Forum, United Nations, Geneva, available online at <a href="http://www.intgovforum.org/Rio_Meeting/IGF.SynthesisPaper.24.09.2007.rtf">http://www.intgovforum.org/Rio_Meeting/IGF.SynthesisPaper.24.09.2007.rtf</a> <b>[e-mail]</b></li> <li>• Mathiason, J, Mueller, M, Klein, H, Holitscher, M &amp; McKnight, L (2004) 'Internet Governance: The State of Play', The Internet Governance Project, School of Information Studies, Syracuse University, Syracuse, NY, available online at <a href="http://www.internetgovernance.org/pdf/ig-sop-final.pdf">http://www.internetgovernance.org/pdf/ig-sop-final.pdf</a> <b>[e-mail]</b></li> <li>• RSA (2005) <i>Electronic Communications Act, No 36 of 2005</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf">http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf</a> <b>[e-mail]</b></li> <li>• RSA (2002) <i>Electronic Communications and Transactions Act, No 25 of 2002</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.internet.org.za/ect_act.html">http://www.internet.org.za/ect_act.html</a> <b>[e-mail]</b></li> <li>• RSA (2002) <i>Regulation of Interception of Communications and Provision of Communication-related Information Act, No 70 of 2002</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.internet.org.za/ricpci.html">http://www.internet.org.za/ricpci.html</a> <b>[e-mail]</b></li> </ul>

<p><b>Additional References</b></p>	<ul style="list-style-type: none"> <li>• IGF Papers available at <a href="http://www.intgovforum.org/">http://www.intgovforum.org/</a></li> <li>• ITU resources on Internet Governance <a href="http://www.itu.int/osg/spu/intgov/index.phtml">http://www.itu.int/osg/spu/intgov/index.phtml</a></li> <li>• OECD Resources on Internet Governance <a href="http://www.oecd.org/document/56/0,3343,en_21571361_34590630_34647416_1_1_1_1,00.html">http://www.oecd.org/document/56/0,3343,en_21571361_34590630_34647416_1_1_1_1,00.html</a></li> <li>• ISOC Internet Governance page <a href="http://www.isoc.org/pubpolpillar/governance/">http://www.isoc.org/pubpolpillar/governance/</a></li> <li>• ‘Internet Governance: Issues, Actors And Divides”, Eduardo Gelbstein and Jovan Kurbalija available at <a href="http://www.diplomacy.edu/isl/ig/">http://www.diplomacy.edu/isl/ig/</a></li> <li>• Working Group on Internet Governance (WGIG) <a href="http://www.wgig.org/">http://www.wgig.org/</a></li> <li>• Various publications at the Internet Governance project site <a href="http://www.internetgovernance.org/publications.html">http://www.internetgovernance.org/publications.html</a> as well as news and blogs.</li> </ul>
<p><b>Activity</b></p>	<ul style="list-style-type: none"> <li>•</li> </ul>
<p><b>About your Lecturer</b></p>	<p>Michael Silber is an admitted attorney and occasional geek.</p> <p>His primary skill is being able to translate law into language intelligible by geeks and translate technology into language intelligible to lawyers, while losing only half of the meaning in translation.</p> <p>Michael consults to Michalsons Attorneys and advises the Internet Service Providers’ Association and the Wireless Applications Service Providers’ Association. He is a director of the .ZA Domain Name Authority, a founder member of ISOC-ZA (the South African chapter of the Internet Society) and has a long association with his keyboard and mouse.</p> <p>Mike was selected for the ICANN Board by the Country Code Names Supporting Organisation in 2009 and his term will expire six months after the end of the 2011 annual meeting.</p> 

<b>7 Enforcement, Standards &amp; Self-regulation</b>	
<b>Presenter</b>	<b>Charley Lewis</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Debate and evaluate strategies for the enforcement of regulation in the ICT sector;</li> <li>• Assess and compare the implications of differing approaches to regulatory enforcement.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Enforcement of regulation</li> <li>• Styles of regulatory enforcement</li> <li>• Information asymmetry</li> <li>• Standards setting</li> <li>• Self-regulation</li> <li>• Incentives, sanctions and penalties</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Baldwin, R &amp; Cave, M (1999) 'Enforcing Regulation', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Baldwin, R &amp; Cave, M (1999) 'Setting Standards', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Baldwin, R &amp; Cave, M (1999) 'Self-Regulation', in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Baldwin, R &amp; Cave, M (1999) 'Regulating Risks' in Baldwin, R &amp; Cave, M (1999) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford University Press, Oxford</li> <li>• Laffont, J (2003) 'Enforcement, Regulation and Development', in Laffont, J (2003) <i>Regulation and Development</i>, Cambridge University Press, Cambridge</li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Licensing Telecommunications Services', in <i>Telecommunications Regulation Handbook</i>, Intven, H (ed), World Bank, Washington DC, <a href="http://www.infodev.org/projects/314regulationhandbook/module2.pdf">http://www.infodev.org/projects/314regulationhandbook/module2.pdf</a></li> </ul>
<b>About your Lecturer</b>	See above.

<b>8 Writing a Literature Review</b>	
<b>Presenter</b>	<b>Charley Lewis</b>
<b>Outcomes</b>	Participants will be able to: <ul style="list-style-type: none"> <li>• Write a review of core academic literature on a selected topic in the appropriate format.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Requirements of a literature review</li> <li>• Literature review: guidelines and principles</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Ferfolja, T &amp; Burnett, L (2002) 'Getting Started on Your Literature Review: A General Guide for Postgraduate Research Students', The Learning Centre, University of New South Wales, Sydney</li> <li>• UNC (nd) 'Literature Reviews', The Writing Center, University of North Carolina, Chapel Hill</li> <li>• Obenzinger. H (2005) 'What can a literature review do for me? How to research, write, and survive a literature review', Stanford University</li> </ul>
<b>About your Lecturer</b>	See above.