

## COMMENTS ON THE PROPOSED REGULATION ON COMMUNICATIONS DISPUTE RESOLUTION

Cambule & Américo, Sociedade de Advogados (CA) submitted its contributions to the proposed Regulation on Communications Dispute Resolution (the Proposal), drafted by the National Communications Institute of Mozambique (INCM).

In its comments, it draws attention to the need to observe the principles of independence and separation of the regulatory and jurisdictional powers of INCM in the context of arbitration, suggesting that INCM, in its capacity as Telecommunications Sector Regulator, should not act as arbitrator in disputes resolution between telecommunications service providers and their consumers. Given the autonomy and freedom that must be granted to the parties to the arbitration, under Law No. 11/99 of 8 July – Law on Arbitration, Conciliation and Mediation, a more appropriate approach should be to require the Regulator to refer the parties (if they so wish) to an independent arbitration centre or to the formation of an ad hoc arbitral tribunal.

In addition, attention is drawn to the fact that certain provisions of the Proposal may cause confusion as to the procedural steps to be followed in the resolution of disputes by INCM, thereby undermining, at a given moment, legal certainty and the guarantee of procedural speed and predictability.

CA also proposes the addition of a provision in the chapter on dispute resolution procedures in order to ensure greater clarity regarding the stages of the process, having similarly pointed out that the absence of deadlines for each stage would make recourse to this method of dispute resolution unreliable.

In summary, the contributions highlight the need to safeguard the autonomy of the parties and the impartiality of arbitration, which may be compromised when conducted by the Regulator, and also point out the lack of clarity in aspects that may give rise to multiple interpretations of the articles, thus compromising legal certainty.



**Thaís Gomes**  
Associate

Practice Area:  
- Technology, Media and Telecommunications  
- Digital Services  
- Litigation and Arbitration

[tgomes@ca.co.mz](mailto:tgomes@ca.co.mz)

**Sayonara Duarte**  
Summer Intern

+258 878 885 500  
[info@ca.co.mz](mailto:info@ca.co.mz)

Edifício JN130  
Avenida Julius Nyerere,  
Nr.130 - 6º Andar Dto.  
Cidade de Maputo, Moçambique.