

Comments on:

CONSULTATIVE DOCUMENT - Document Ref: 2012/001/CD-02

Document Title:

Amendment to Decision 2009/001/D "Regulatory Policy and Procedure Licensing Procedures"

Procedures to secure continuity and security of the public electricity supply on the expiration of the Term of the DOMLEC Licence

Given that the Courts set their own agenda and procedures are slow and time consuming, I believe that provision could be made for a more cost effective and time saving mechanism through the creation of an Arbitration Panel. This requires the establishment of a List of Qualified Persons. These persons could be a mix of jurists, lawyers, academicians, engineers, accountants and economists. Both Government and the Regulated Company(ies) (or the parties to the dispute) would be required to nominate persons based on pre-determined criteria.

When a dispute arises, the IRC (or other competent body) would invoke the List and ask the parties to the dispute to nominate one person each from the List to serve on the Panel. The chairman or umpire to the Panel would be chosen by the two arbitrators from the said List. Where within the stipulated timeframe, a party to the dispute has not chosen its nominee; the IRC would appoint someone from the List to the Panel. Assuming that selection of the chairman from the established List poses a challenge, the chairman can be chosen from the International Law Commission.

The Arbitration Panel would be asked to regulate its own procedure or adopt the procedure set out in the Arbitration Act of Dominica.

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