



December 20, 2005

Ms. Gloria Blue
Executive Secretary
Trade Policy Staff Committee
Office of the United States Trade Representative
1724 F Street, N.W.
Washington, DC 20508

Section 1377 Comments of Cora de Comstar Concerning Côte d'Ivoire

Dear Ms. Blue:

On behalf of Cora de Comstar (Cora), a cellular telephony licensee in Côte d'Ivoire, I am submitting comments concerning the compliance of Côte d'Ivoire with international trade agreements.

Cora's principal shareholders are Western Wireless International Ivory Coast Corporation (a subsidiary of Western Wireless International Corporation and, indirectly, of Alltel Corporation) and Modern Africa Two, LLC, an investment fund backed by several U.S. and international firms and the Overseas Private Investment Corporation (OPIC), an agency of the United States Government.

Cora is not sufficiently familiar with specific provisions of the WTO General Agreement on Trade in Services or other international telecommunications trade agreements to provide detailed comments on Côte d'Ivoire's compliance with these conventions. However, it does wish to take this opportunity to summarize its experience with telecommunications regulation in Côte d'Ivoire and to suggest several areas in which the Ivoirian government's compliance with general free trade principles appears to be deficient.

From 2000 through 2003, Cora invested more than \$40 million in the Ivory Coast to acquire a cellular telephony license and to construct its mobile phone network. However, it was forced to cease its business operations abruptly in 2003 due to the armed trespasses, robberies, and other physical intimidations of Alexander Galley, an international criminal who is the subject of an outstanding arrest warrant from Interpol and who has pursued illegitimate claims that he had acquired a controlling stake in Cora. Mr. Galley's activities have been tolerated and, evidently, were sanctioned by Ivoirian authorities. In particular, the Ivoirian courts failed to comply with judicial orders issued by Belgian tribunals enjoining Mr. Galley from asserting an ownership interest in Cora. The Ivoirian courts also ignored the regulations of the Ivoirian telecommunications agency, ATCI, that forbade any purported transfer of ownership in Cora

without ATCI's prior approval. Perhaps even more disturbingly, several Ivoirian ministers recommended to Cora that it make settlement payments to Mr. Galley, and police officers that reported to one of these ministers accompanied Mr. Galley and assisted him – with the use of tear gas -- in occupying Cora's headquarters.

Due to the repeated refusals of the Ivoirian government to restrain Mr. Galley and his accomplices, Cora was compelled to evacuate its personnel and to abandon its facilities. Even as it was being forced to close its business, Cora was subjected to claims from the government for \$54 million in unjustified license fees. Cora's shareholders have filed a Claim of Expropriation against the Ivoirian government. However, Cora's shareholders have not been able to agree with the Ivoirian government on a forum in which to adjudicate this claim.

In an effort to settle its dispute with the Ivoirian government, Cora's shareholders have met on several occasions with the Ivoirian government's attorneys in Washington, D.C. Cora was close to reaching agreement with the government on a settlement this summer when its shareholders learned that a license had been granted to a new competitor, Atlantic Telecommunications. It was unable to ascertain the terms of Atlantic's license from public sources, or even to confirm that the license had been granted. Cora's request to the Ivoirian government for information was answered only after Cora filed comments with the State Department in October asserting that Côte d'Ivoire should not be reinstated as a beneficiary under the African Growth Opportunities Act. Cora believes that the Ivoirian government resisted Cora's efforts to learn the details of the Atlantic license in order to lead the shareholders of Cora into a disadvantageous settlement with the government.

As noted above, Cora is not sufficiently conversant with GATS or other international telecommunications trade agreements to relate its experiences in Côte d'Ivoire directly to the provisions of these documents. However, Cora does believe that the Ivoirian government has thus far failed to implement a telecommunications regulation regime that is transparent, non-discriminatory, based on clear and enforceable regulations, and subject to even-handed adjudication.

Sincerely,

Scott Morris
Vice President – Legal