



FORUM ON TELECOMMUNICATION REGULATION IN AFRICA

"LICENSING IN THE ERA OF CONVERGENCE"

Kampala (UGANDA), 3-5 November, 2004



FINAL COMMUNIQUE

The fifth Forum on Telecommunication Regulation in Africa was held in Kampala, Uganda, from 3 to 5 of November, 2004.

The Forum was officially opened by Honorable John Nasasira, Minister of Works, Housing and Communications of Uganda, who in his opening speech welcomed all participants to Kampala, wished them a pleasant stay in Uganda, and commended the work done by the Regulators in Africa.

Preceding the Minister's opening speech, Dr. A. M. S. Katahoire, Chairman of the Uganda Communications Commission (UCC), Mr. Akossi Akossi, Secretary General, ATU, and Mr. Hamadoun Touré, Director, BDT/ITU delivered their respective keynote addresses.

Uganda was elected Chairman of the Forum, with Ghana as Vice Chairman and Mozambique as Rapporteur.

The Forum heard and discussed reports and presentations submitted by regulators, representatives of ministries, operators, Regional and International Organizations and ITU consultants, focusing specifically on the following topics:

- ❖ **Licensing in the era of convergence**
- ❖ **Impact of Convergence on Existing Infrastructure**
- ❖ **Technology Neutral Licensing**
- ❖ **Pricing of Spectrum in the era of convergence**
- ❖ **Regulatory implications**
- ❖ **ENUM in a convergent environment**
- ❖ **Country report on regulatory activities**
- ❖ **Regional and International cooperation**

During the debates, which took place over the three days, the Forum put particular emphasis on the need of aligning the political, legal, policy, and regulatory and administrative issues of the ICT in order to address the sector to accommodate the converged environment.

Issues regarding licensing, frequency management, regulatory and telecom infrastructure in the continent were emphasized during the discussions. The following observations and recommendations were agreed upon.

1. The forum noted the rapid pace at which telecommunications technology is moving towards convergence and the need to adapt the legal, institutional, policy and regulatory frameworks globally to accommodate such developments. The forum noted further that the transition towards unified or convergent licensing should be properly analyzed, taking into account the real situation of a country, as there is no single regulatory solution to address convergence.

Recommendation 1: Countries should develop legal, institutional, policy and regulatory frameworks suitable for convergent environment, and requested ITU to provide assistance to countries during this transition.

2. The forum discussed the speed at which the telecommunication technology was moving towards convergence and the need to upgrade networks to match the change. The forum noted that developing countries were likely to experience difficulty in meeting the financial resources needed to upgrade the networks.

Recommendation 2: Countries should consider enhancing the level field of competition, efficient regulatory institutions, and transparent legal and policy frameworks so as to attract investors in the sector.

3. With regard to capacity and the readiness of regulatory bodies to properly handle the paradigm shift, the forum noted that there was need to build regulatory capacity to handle the challenges of convergence.

Recommendation 3: The Forum requests the ITU to assist countries in enhancing this capacity through publications, consulting mechanism like GREX, and provision of training.

4. The forum discussed the issue of an appropriate regulatory framework to accommodate convergence and noted that the most appropriate regulatory framework, in the convergent environment was technology and service neutrality.

Recommendation 4: Countries should consider adopting technology and services neutrality as the most appropriate regulatory framework, in the convergent environment.

5. The forum discussed at length the utilization and pricing of spectrum in the era of convergence and noted that spectrum should be properly attributed and managed by a relevant authority to promote convergence giving due consideration to Africa's plan to develop rural communication through wireless technology.

Recommendation 5: The pricing of spectrum should be reasonable in order to encourage investment, and that malpractices such as holding of frequencies should be addressed through antitrust or competition laws. ITU was requested to provide assistance to regulatory bodies to enhance their frequency management and monitoring skills.

6. With regard to the perceived dependence of regulators on revenues from licenses to support their operations, the forum noted the likely effects of reduced revenues as a result of issuance of a single license.

Recommendation 6: The rights and obligations of market players should be provided for in the unified licenses such that this paradigm shift does not affect the regulator.

7. The forum commended the harmonization initiatives, taken by regional regulatory associations, related to licensing and regulation.

Recommendation 7: The regional regulatory associations should be supported in their effort to increase their capacity in formulating regional licenses.

8. The forum discussed the establishment of the African regulatory association and recognized the critical need to have a regional mechanism to provide input to the policy making process at the continental level. The forum further noted that such mechanism should be simple, flexible and not create new financial burden on the regulators.

Recommendation 8: The Chairman of the Forum in consultation with ITU and ATU should undertake a study on establishing the African Regulatory Association and report at the next session of the forum.

9. The forum also discussed the issue of technology and content, which involves telecommunications, Internet and Broadcasting.

Recommendation 9: The separation of the technology and content to create a favorable environment for technology convergence and the establishment of common regulatory authority for Telecommunications and Broadcasting.

10. With regard to joint Business and Government issues such as emergency access, law enforcement, disability access and numbering, the forum noted that the business model of convergence in Africa was in the infant stage and commended the good relation that prevails between the private and public sector.

Recommendation 10: Both the private sector and Government should play their part in executing their responsibility in enhancing the relationship.

11. The forum commended the participation of the African Union Commission in the forum and welcomed the initiative of the Commission of exploring the possibility of establishing an International African Region Telephone Code. The forum expressed the willingness of African Regulators to be associated with this initiative.

Recommendation 11: The African Union Commission should liaise with ATU and keep informed the regulators that are the relevant bodies responsible for managing the numbering plan in their countries.

12. The forum congratulated the ITU regional office for its good work and in particular for the publication of the Annual Report 2003.

Recommendation 12: In the future the annual report should be distributed in hard copies to the Regulators.

13. The forum considered the issue of improving the organization of future forums in terms of its duration in view of the tight schedules of the participants.

Recommendation 13: The Public and Private Sector Partnership Forum (PPPF) should be held in one day and the Forum on Telecommunication Regulation in Africa (FTRA) for two days, a total duration of 3 days. The Forum requested the Chairman to consult with ITU in identifying the best way of organizing these two events to be held back to back.

14. The forum requested the ITU to continue consultation with member countries in order to identify the venue date and theme for the next forum.

15. The forum agreed that the host country for the next forum becomes the 2nd vice chair to constitute the troika comprising the current chair, the outgoing chairperson and the new host country.
16. The forum further agreed that the date of the next meeting be in the month of April or May in order to have sufficient time to submit the outcome of the forum to the Global Symposium of Regulators.

Date: 5th November, 2004
Kampala, Uganda