

Contribution from Burkina Faso to the Global Symposium for Regulators 2012 (GSR12)

ICTs play a key role in national development and are central to all economic, social and cultural activity. The sector has become one of the biggest sources of employment in a number of countries, in particular in Africa, and opens up opportunities for innovation and investment.

The past decade in Africa has been marked by strong growth of mobile subscriber bases, average penetration of 70 per cent, and teledensity of between 30 and 50 per cent or even higher.

This strong expansion of mobile networks and the convergence of new technologies have created new requirements:

- access to high-speed Internet for transmission of high data volumes on networks;
- new services offering recently approved standards including 3G or 4G, Wi-Fi and Wi-Max;
- convergent terminals which, as a result of competition between industries, have become smart terminals (such as smartphones).

These requirements in their turn require adequate network infrastructure capable of meeting the demand for bandwidth, and have potential consequences for regulation in the sense that they call into question the applicability of current laws and regulations.

Given that all these new types of telecommunication network are Internet-based (cloud computing), we need to implement regulation that is adapted to the requirements of the new environment.

This means adopting new regulation that is both effective, open and dynamic, with a view to stimulating innovation in content, and also acts as a catalyst for economic growth.

In most African countries, existing network infrastructure is obsolete or technically inadequate and incapable of providing the capacity needed to handle the traffic volumes involved in the new services.

In Burkina Faso in particular, the network consists in part of radio relay links, the available optical fibre capacity is inadequate, and there is no optical fibre access network to connect subscribers.

In response to these concerns, the following measures might be considered at the national and international levels.

1) Development of network infrastructure

The development of network infrastructure is a matter for States and cannot be left to the operators alone. The model of privatization of the incumbent operators has not been conducive to efficient development of the network in a way that is responsive to the demands of the new services developed by the industry.

Infrastructure costs are similarly beyond the means of individual States. All the prospective studies in this area have pointed towards new models, the principal ones involving:

- ***Transnational projects.*** The Earth has become a global village. Seen in these terms, information should be available everywhere, simultaneously. This requirement of ubiquitous availability means that infrastructure, especially the optical fibre networks, has to be transnational. In the light of this, submarine cable projects are incomplete if they fail to include landlocked countries. Major subregional projects like Glo One, Main One and Intelcom II in ECOWAS are a welcome development because they will enable a number of countries, including landlocked ones, to benefit from the new services and improve their Internet access.
- ***Development of partnerships.*** There are different possible types of partnership to tackle the problem of infrastructure, but the “public–private” model seems to be the best approach to improving network management. Such partnerships have the advantage of ensuring state involvement, while also improving security and allaying possible concerns of private investors. The State could act as a catalyst by helping to reduce or eliminate at least a proportion of applicable import duties and find rapid ways of resolving land ownership rights and environmental issues.
- ***Accelerating the roll-out of IP networks*** throughout the country and in particular providing every customer with a high-speed Internet connection.

2) The changing regulatory framework

The new technologies go beyond national frontiers and bring many new opportunities within reach of users. In many cases, the relevant parameters are not well understood by the regulatory authorities, especially if they lack adequate advance information on these new developments. We need some form of monitoring of both regulatory and technical aspects.

The process of developing electronic communications is expected to play a key role for some time to come, especially with the advent of “second generation” Internet (Internet 2) and IPv6, which is replacing IPv4.

With the advent of “cloud computing”, IT resources are now becoming virtualized, mutualized and accessible over the network. Any user sitting at home or in a car can access applications, upload or save office files, and work normally, saving both time and money thanks to the new technologies.

Telecommunications, media and IT have thus become integrated and can be supported on one and the same platform.

This new state of affairs requires revision of the existing regulatory and legislative frameworks in order to ensure that they meet the needs of the new environment created by ITCs.

That process must also take account of the issue of intellectual property rights pertaining to content produced and disseminated via social networks.

Intellectual property is indeed a major factor in the digital economy, in that it favours creativity, encourages innovation, and enhances confidence among promoters and consumers alike.

In the face of this revolution in ICTs, there are those who advocate a total withdrawal of regulation from the sector, given the current failure of regulation to keep up with ICT developments. In other words, they propose allowing the new technologies free rein to develop unhindered.

This should prompt decision makers to ask a rather tricky question: would it not be better to issue neutral “universal” licences allowing the use of all available technologies (including 2G, 3G, LTE, Wi-Fi, and Wi-Max)?

In the view of ARCEP of Burkina Faso, it is preferable to regard regulation as being subject to a normal process of change and development and hold global discussions with a view to establishing a legal and policy framework that is adapted to the evolving technology environment.

To that end we should be encouraging a subregional approach whereby regulators’ associations promote efforts to harmonize regulatory instruments at the subregional level.

Finally, in order to ensure that issues of regulation are taken into account by decision makers under these current conditions of convergence, we need to take steps to raise their awareness of these issues; hence the importance of meetings such as symposia (including the GSR), forums and conferences.

Institutions such as WAEMU or ECOWAS in West Africa, and the African Union, could organize discussion days which would enable participants to consider the issue of convergent regulation and find appropriate solutions through various mechanisms

including NEPAD, in order to provide strong support to these awareness-raising measures.