



WATRA Guidelines in the context of regulatory harmonization in Africa

Validation workshop of WATRA regulatory guidelines on access of submarine cables

7-9 December 2010 – Monrovia, Liberia

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WATRA guidelines on access to submarine cables

- WATRA has been working on developing regional regulatory guidelines on the harmonization of access to submarine cables in West Africa with the support of the ITU-EC HIPSSA project and the collaboration of GTZ.
- The development of these guidelines focuses on the following points in the analysis of access to infrastructure:
 1. Access to submarine cables
 2. Access to landing stations by
 - Submarine cable operators and
 - Nationally licensed network operators.
 3. Access to landing stations via
 - Own infrastructure taking into account right of way
 - Capacity services provided by third party through backhaul/backbone infrastructure



Previous WATRA workshop on submarine cables

- WATRA workshop on regulation of submarine cables
 - held in Accra, Ghana on 17 and 18 November 2009
 - supported by the Gesellschaft für technische Zusammenarbeit
 - in collaboration with the ITU-EC project HIPSSA
 - provided for information sharing between
 - regulators,
 - international and regional organisations
 - academia and
 - stakeholders from the private sector
- Some of the conclusions from the workshop:
 - The consultants currently developing the guidelines use the outputs of this WATRA workshop as inputs and orientation.
 - The regulatory guidelines will address access of all operators to submarine cables, landing stations and backhaul taking into account the case of landlocked countries.



Regional harmonisation efforts since the late 90's

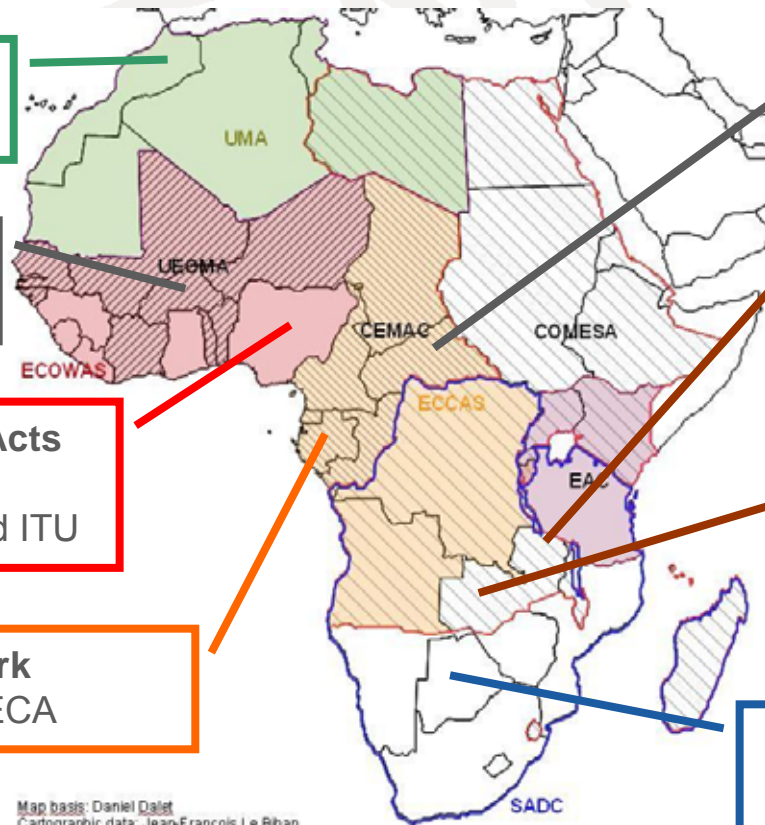
- Regulatory harmonisation to facilitate regional integration and common markets with larger volumes to attract required investments

UMA harmonization study
2010 funded by AfDB

UEMOA Directives
2004-2006

ECOWAS Supplementary Acts
ITU-EC Project
2005-2007 funded by EU and ITU

ECCAS reference framework
2007-2009 initiated with UNECA



CEMAC Directives
2007-2009 funded by OIF

Regional ICT Support Program (RICTSP)
2006-2009 funded by EU

Telecoms Harmonization
1998-2004 funded by USAID/REDSO

Regional Telecommunications Restructuring Program (RTRP)
1994-1998 funded by USAID

Map basis: Daniel Dalet
Cartographic data: Jean-François Le Bihan

Pan-African initiatives

- ITU African Green Book (1996), a reference and a guide in the late 1990's



First wave of policy reforms

- ▶ Sector liberalization
- ▶ Establishment of National Regulatory Authorities
- ▶ Investment from Private Sector as well as from the Public Sector

Rationale

- ▶ Required capital beyond the means of Governments alone
- ▶ Return on investment to be attractive for private sector
- ▶ Market size → regional markets → economic integration

Capacity building through extensive consultative process

- African Union's Reference Framework (2008), a new plan of action
 - ▶ Updated policy objectives and operational road map for pan-African ICT policy and regulatory harmonization
 - ▶ Coordination framework for regional economic communities' ICT activities
 - ▶ Set up a conducive environment for the interconnection of network and interoperability of services at national level

Current role of regional regulators' associations in the regulatory harmonization process (1/2)

■ Founding acts of regional regulatory associations' (RRA)



- ▶ All include an objective of coordination between their members through sharing experience
- ▶ Only a few have the actual mandate to achieve regulatory harmonization across their region.

■ CRASA (1997) is a front runner and a model on the continent



- ▶ Standing specialized committees recommendations are adopted by AGM
- ▶ CRASA is an executing agency of SADC

■ WATRA (2003) has achieved a fair level of development since its creation



- ▶ Ad-Hoc Working Group or Committee
- ▶ Study on the linkage with ECOWAS: Signature of MoU under progress
- ▶ Different geographical scopes of ECOWAS and WATRA could be overcome with the I/ERG model

Current role of regional regulators' associations in the regulatory harmonization process (2/2)

- ARICEA (2003) and ARTAC (2004) have been established later



- ▶ ARICEA also enjoys an institutionalized relationship with COMESA
- ▶ ARICEA can rely on a body of soft law instruments which isn't the case yet of ARTAC.

- EARPTO (1999) now EACO presents some singularities



- ▶ Smaller geographical scope (5 countries: TZ, UG, KE, RW, BR)
- ▶ Bringing together of regulators and operators within one integrated structure
- ▶ No permanent secretariat, no online presence

Regulators enjoy legal, economic and technical expertise. They are with their associations major stakeholders in the harmonization process.

This strength should be leveraged by regional associations to initiate harmonization on emerging regulatory issues.



Support to harmonization in West Africa by ITU-EC pilot project is extended by HIPSSA

- Development of regional acts in two phases supported by ITU and EC



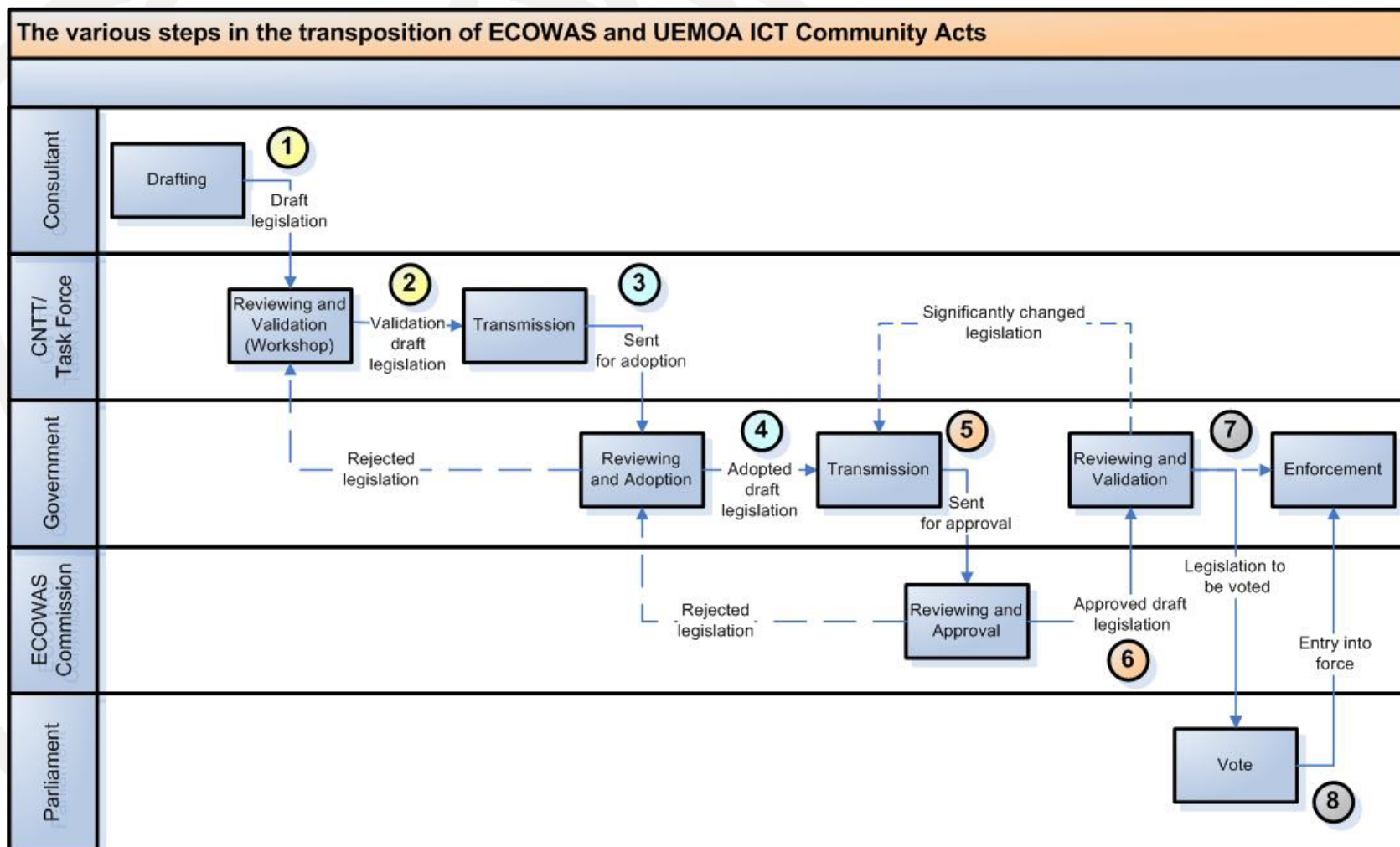
- Regional guidelines for regulators coordinated by WATRA Secretariat
- Supplementary Acts to the Treaty of ECOWAS at policy makers' level with ECOWAS Commission



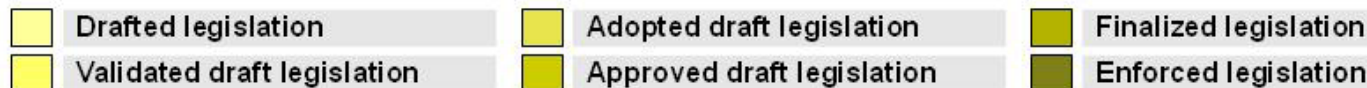
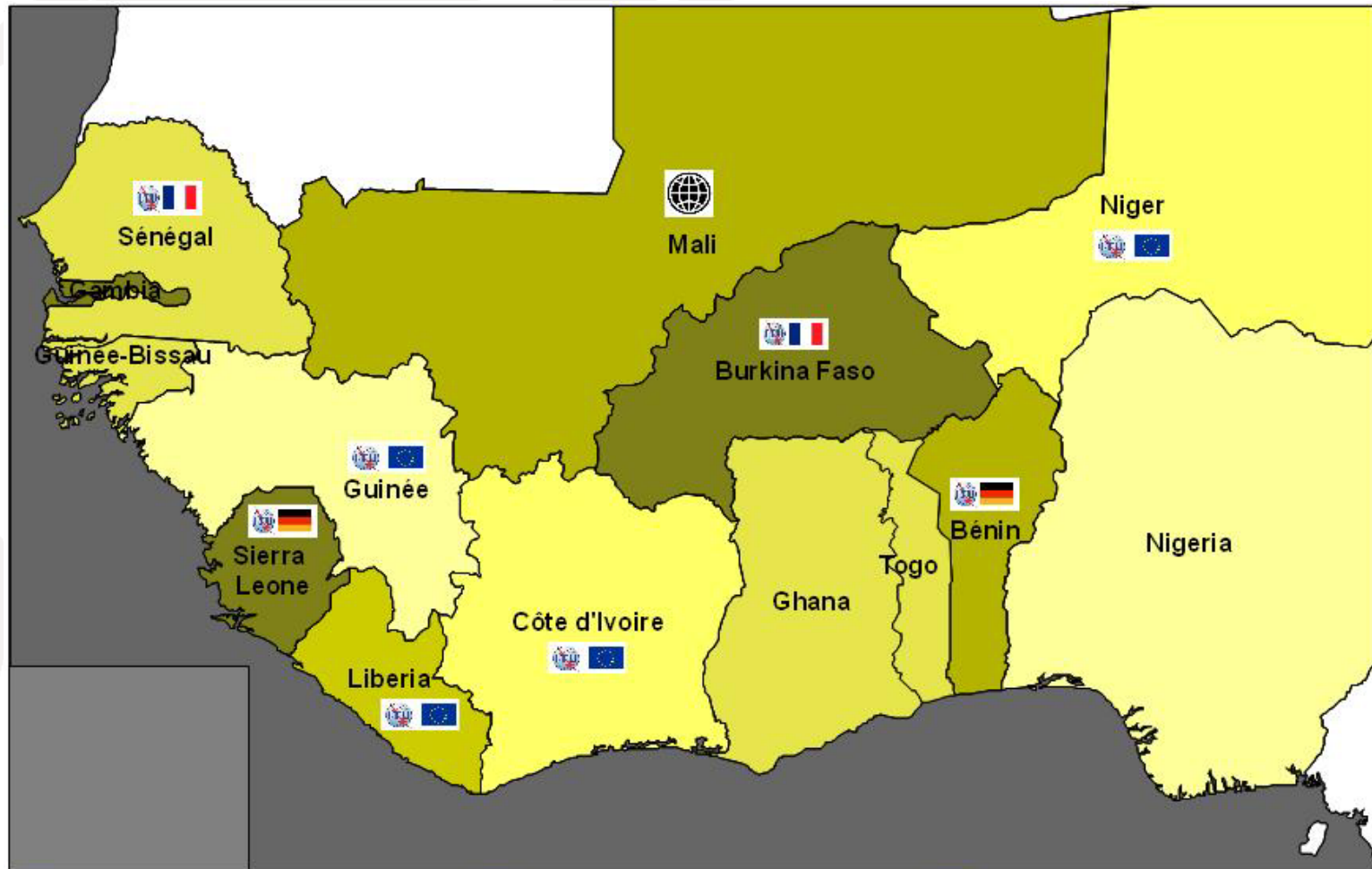
- Regional guidelines and Supplementary Acts cover the 6 same subjects: policy & legal, licensing, spectrum, numbering, universal service, interconnection

- Adoption by Heads of State of ECOWAS Supplementary Acts
- Ongoing process of national transpositions is supported by ITU and bilateral donors as well as the ITU-EC HIPSSA project
 - Methodology has been define during an experts' meeting in Dakar in 2007
 - Current status is 5 completed, 6 in the process and 4 still at the beginning.
- Challenges of monitoring and evaluation
 - Review of progress at annual regional ministerial meetings
 - Need of a streamlined reporting mechanism

Process of transposing regional acts into national legislation



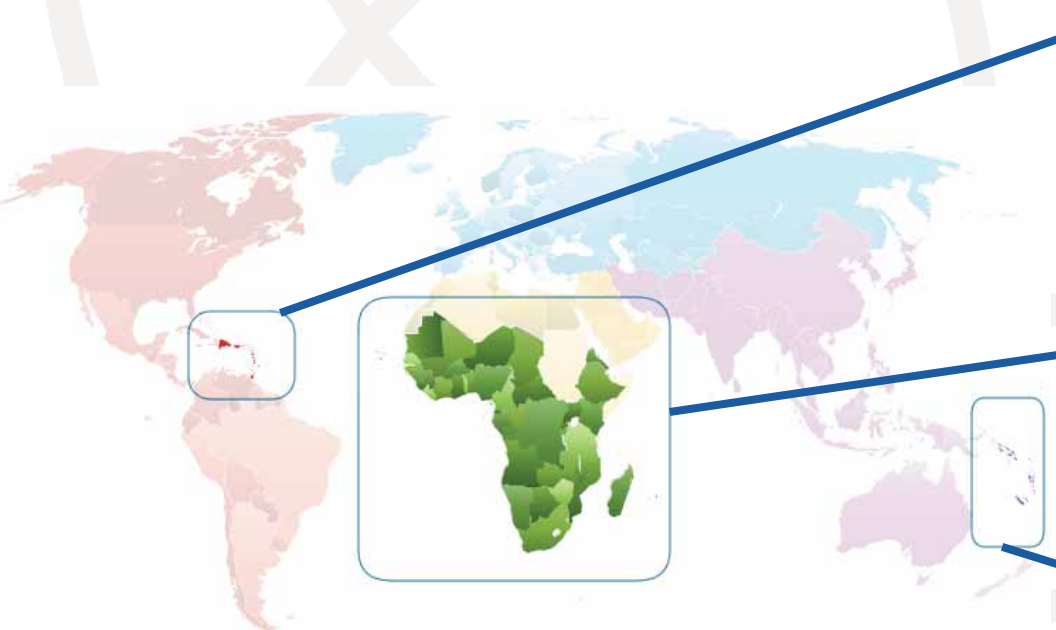
Map of national transposition current status





Project for Harmonization of ICT Policies in ACP

- ITU and European Commission launched a global project to provide “*Support for the establishment of harmonized policies for the ICT market in the ACP states*” end 2008
- Component of “ACP-Information and Communication Technologies” programme (@CP-ICT) within the framework of the 9th European Development Fund
- 3 regional sub-projects addressing specific needs of each region



HIPCAR

Enhancing competitiveness in the **Caribbean** through the harmonization of ICT Policies, Legislation and Regulatory Procedures

HIPSSA

Support for harmonization of the ICT Policies in **Sub-Saharan Africa**

ICB4PIS

Capacity Building and ICT Policy, Regulatory and Legislative Frameworks Support for **Pacific Island States**



HIPSSA governance and Steering Committee

- Co-chairmanship

AUC

ITU

- Pan-African organizations (AU body and UN agency)

ATU

UNECA

- Regional Economic Organizations (REC)

*West Africa**Central Africa**East Africa**Southern Africa*

ECOWAS

ECCAS

IGAD

COMESA

EAC

SADC

- Regional Integration Organizations (RIO)

*West Africa**Central Africa**East Africa*

UEMOA

CEMAC

IOC

- Regional Regulators' Associations (RRA)

*West Africa**Central Africa**East Africa**Southern Africa*

WATRA

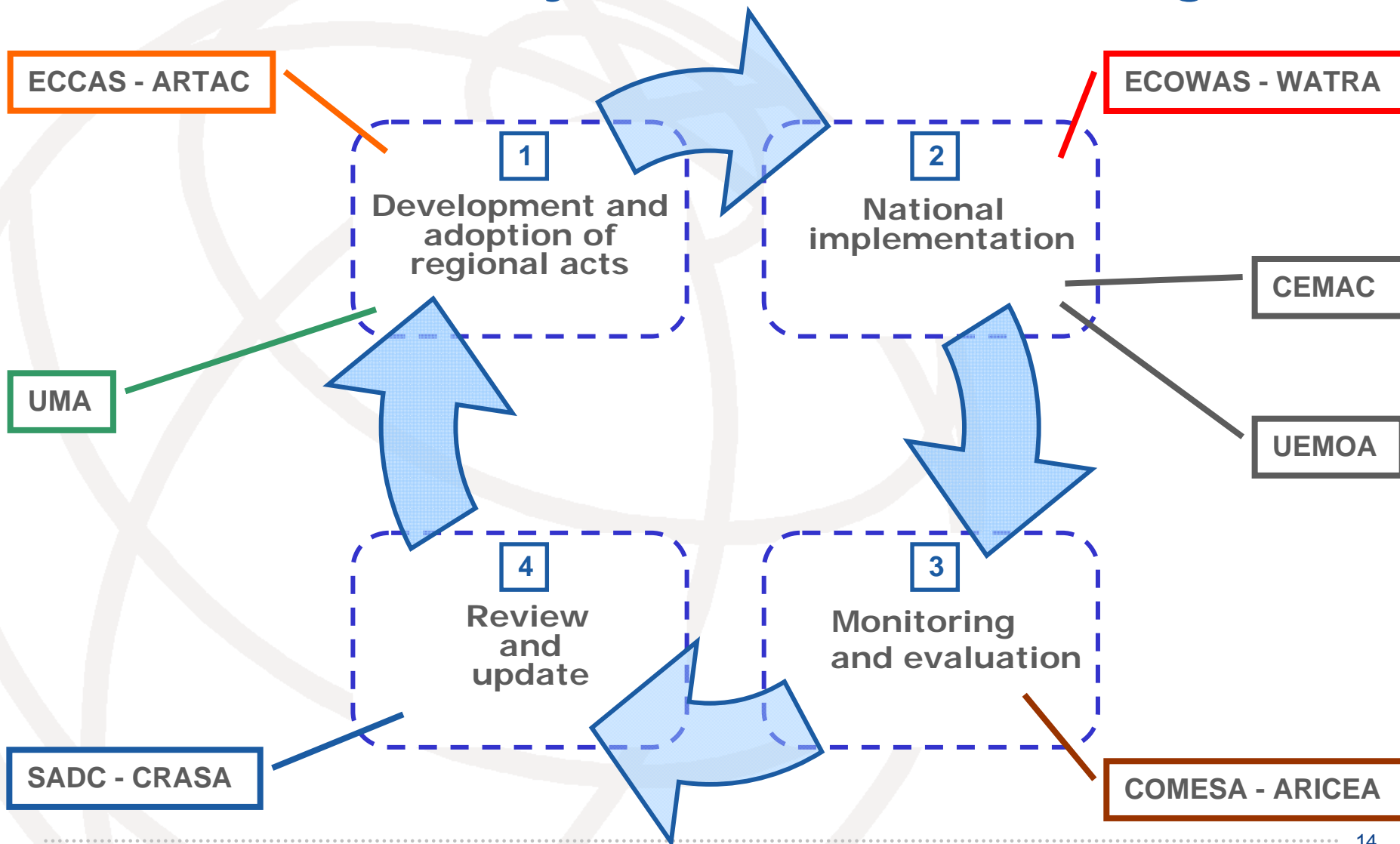
ARTAC

ARICEA

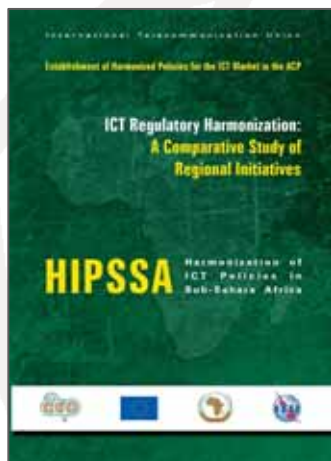
EACO

CRASA

Harmonization cycle and African sub-regions



Comparison of regional harmonization initiatives



- Context
 - Contribution to current discussions on regional and pan-African harmonization...
 - ...taking into the high degree of heterogeneity between sub-regions
- Some main findings
 - Regional organizations not progressing at same rhythm (risk of gap between leaders and followers market distortion at pan-African)
 - “volume effect” vs. national implementation efficiency
 - Most initiatives without binding nature or enforcement mechanisms and political commitment is critical

Highlights

- SWOT analysis of each regional organisation
- Proposal to develop a pan-African implementation benchmarking methodology
- Adopt pan-African common principles such as objectivity, transparency, proportionality, non-discrimination, technological neutrality, etc.

Geographical modular implementation of priorities

- Reflect **sub-regional heterogeneity** in terms of ICT market development and status of harmonization initiatives in four AU geographical regions

Global

- Comparison of regional harmonization initiatives (see next slide)
- Monitoring and evaluation / Regulatory benchmarking
- Cross-border frequency coordination: harmonized calculation method (HCM)
- Input to African Union's Open Access guidelines

Regional

West Africa

- WATRA guidelines on submarine cables

Central Africa

- ECCAS Model Legislation (interco., licensing, USO, etc.)
- ECCAS and CEMAC Cybersecurity Acts

East Africa

- CERT capacity building for EAC
- Cost Modeling for COMESA

Southern Africa

- SADC Policy and Legal Framework Review
- CRASA Universal Service Guideline

National

West Africa

- Technical assistance for national implementation of regional model legislation:
- Transposition of ECOWAS & UEOMA Community Acts

Central Africa

- Transposition of ECCAS Model Laws & CEMAC Directives

East Africa

- Implementation of COMESA Model Law in Member States

Southern Africa

- Implementation of updated SADC framework



Thank you for your attention

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