

Establishment of Harmonized Policies for the ICT Market in the ACP Countries

Universal Access and Service:

**Southern African Development
Community (SADC) Guidelines**

HIPSSA

**Harmonization of
ICT Policies in
Sub-Saharan Africa**



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für Zusammenarbeit

On behalf of
Federal Ministry
for Economic Cooperation
and Development



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Foreword

Information and communication technologies (ICTs) are shaping the process of globalisation. Recognising their potential to accelerate Africa's economic integration and thereby its greater prosperity and social transformation, Ministers responsible for Communication and Information Technologies meeting under the auspices of the African Union (AU) adopted in May 2008 a reference framework for the harmonization of telecommunications/ICT policies and regulations, an initiative that had become especially necessary with the increasingly widespread adoption of policies to liberalise this sector.

Coordination across the region is essential if the policies, legislation, and practices resulting from each country's liberalization are not to be so various as to constitute an impediment to the development of competitive regional markets.

Our project to 'Support for Harmonization of the ICT Policies in Sub-Sahara Africa' (HIPSSA) has sought to address this potential impediment by bringing together and accompanying all Sub-Saharan countries in the Group of African, Caribbean and Pacific States (ACP) as they formulate and adopt harmonized ICT policies, legislation, and regulatory frameworks. Executed by the International Telecommunication Union (ITU), co-chaired by the AU, the project has been undertaken in close cooperation with the Regional Economic Communities (RECs) and regional associations of regulators which are members of the HIPSSA Steering Committee. A global steering committee composed of the representatives of the ACP Secretariat and the Development and Cooperation – EuropeAid (DEVCO, European Commission) oversees the overall implementation of the project.

This project is taking place within the framework of the ACP Information and Telecommunication Technologies (@CP-ICT) programme and is funded under the 9th European Development Fund (EDF), which is the main instrument for providing European aid for development cooperation in the ACP States, and co-financed by the ITU. The @CP-ICT aims to support ACP governments and institutions in the harmonization of their ICT policies in the sector by providing high-quality, globally-benchmarked but locally-relevant policy advice, training and related capacity building.

All projects that bring together multiple stakeholders face the dual challenge of creating a sense of shared ownership and ensuring optimum outcomes for all parties. HIPSSA has given special consideration to this issue from the very beginning of the project in December 2008. Having agreed upon shared priorities, stakeholder working groups were set up to address them. The specific needs of the regions were then identified and likewise potentially successful regional practices, which were then benchmarked against practices and standards established elsewhere.

These detailed assessments, which reflect sub-regional and country-specific particularities, served as the basis for the model policies and legislative texts that offer the prospect of a legislative landscape for which the whole region can be proud. The project is certain to become an example to follow for the stakeholders who seek to harness the catalytic force of ICTs to accelerate economic integration and social and economic development.

I take this opportunity to thank the European Commission and ACP Secretariat for their financial contribution. I also thank the Economic Community of West African States (ECOWAS), West African Economic and Monetary Union (UEMOA), Economic Community of Central African States (ECCAS), Economic and Monetary Community of Central Africa (CEMAC), East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA), Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), Communication Regulators' Association of Southern Africa (CRASA), Telecommunication Regulators' Association of Central Africa (ARTAC), United Nations Economic Commission for Africa (UNECA), and West Africa Telecommunications Regulators' Association (WATRA), for their contribution to this work. Without political will on the part of beneficiary countries, not much would have been achieved. For that, I express my profound thanks to all the ACP governments for their political will which has made this project a resounding success.



Brahima Sanou
BDT, Director

Acknowledgements

The present document represents an achievement of a regional activity carried out under the HIPSSA project (“Support to the Harmonization of ICT Policies in Sub-Sahara Africa”) officially launched in Addis Ababa in December 2008.

In response to both the challenges and the opportunities of information and communication technologies’ (ICTs) contribution to political, social, economic and environmental development, the International Telecommunication Union (ITU) and the European Commission (EC) joined forces and signed an agreement aimed at providing “Support for the Establishment of Harmonized Policies for the ICT market in the ACP”, as a component of the Programme “ACP-Information and Communication Technologies (@CP-ICT)” within the framework of the 9th European Development Fund (EDF). i.e., ITU-EC-ACP Project.

This global ITU-EC-ACP Project is being implemented through three separate sub-projects customized to the specific needs of each region: Sub-Saharan Africa (HIPSSA), the Caribbean (HIPCAR), and the Pacific Island Countries (ICB4PAC).

As members of the HIPSSA Steering Committee co-chaired by the African Union’s Commission (AUC) and the ITU, the Southern African Development Community (SADC) Secretariat and Communication Regulators’ Association of Southern Africa (CRASA) Secretariat provided guidance and support to the consultants, Mr Charlie Lewis of LINK Centre and Ms Sofie Maddens-Toscano of TMG Consulting who prepared the draft document. This draft document was reviewed, discussed and validated by broad consensus by participants of the workshop organised in collaboration with CRASA and SADC Secretariats held in Windhoek, Namibia on 14-17 March 2011. It was further adopted by the SADC Ministers responsible for Telecommunications, Postal and ICT at their meeting in Gaborone, Botswana on 16 June 2011.

For this particular activity of the HIPSSA project, ITU benefitted from the technical and financial support of the Sector Project “ICT for development” of the Deutsche Gesellschaft für Internationale Zusammenarbeit mbh (GIZ) on behalf of the German Federal Ministry of Economic Cooperation and Development (BMZ) which has provided a generous grant for this project. This activity is implemented as part of an on-going collaboration, which also includes other actions to the benefit of regional associations of regulators and national administrations of German development cooperation’s partner countries.

ITU would like to thank the workshop delegates from the SADC ICT and telecommunications ministries, CRASA regulators, academia, civil society, operators and regional organizations for their hard work and commitment in producing the contents of the final report. The contributions from the SADC and CRASA Secretariats are gratefully acknowledged.

Without the active involvement of all of these stakeholders, it would have been impossible to produce a document such as this, reflecting the overall requirements and conditions of the SADC region while also representing international best practice.

The activities have been implemented by Ms. Ida Jallow, responsible for the coordination of the activities in Sub-Saharan Africa (HIPSSA Senior Project Coordinator), and Mr. Sandro Bazzanella, responsible for the management of the whole project covering Sub-Saharan Africa, Caribbean and the Pacific (ITU-EC-ACP Project Manager) with the overall support of Ms. Hiwot Mulugeta, HIPSSA Project Assistant, and of Ms. Silvia Villar, ITU-EC-ACP Project Assistant. The work was carried out under the overall direction of Mr. Cosmas Zavazava, Chief, Project Support and Knowledge Management Department. The document was developed under the direct supervision of the then HIPSSA Senior Project Coordinator, Mr. Jean-François Le Bihan, and has further benefited from the comments of the ITU Telecommunication Development Bureau’s (BDT) Regulatory and Market Environment (RME), and Special Initiatives and Strategies (SIS) Divisions. Support was provided by Mr Marcelino Tayob, Senior Advisor at the ITU Regional Office for Africa. The team at ITU’s Publication Composition Service was responsible for its publication.

Summary

Introduction

This Revised SADC Guidelines on Universal Access and Service have been prepared under the HIPSSA project. They are based on a critical assessment of existing ICT legislation and regulatory interventions and practices across the SADC region in relation to international best practices, and update the SADC Guidelines to bring them in line with national and international developments.

The major themes identified include:

- Legal Mandate and Institutional Framework;
- Objectives, Principles and Scope of Universal Access and Service;
- Variety of Strategies and Policies to Promote Universal Access and Service;
- Monitoring, Enforcement and Sanctions of USOs;
- Universal Access and Service Financing;
- Universal Service Fund: Principles;
- Quality of Service for Universal Access and Service;
- Consumer Policy and Universal Service.

The assessment and the recommendations on how the current “Policy Guidelines on Universal Access / Service for Telecommunication Services in SADC¹” may be modified to reflect market realities, accommodate competition and convergence and reflect a more comprehensive approach to universal access and service has been reviewed, discussed and validated by broad consensus by participants of the workshop organised in collaboration with CRASA and SADC Secretariats held in Windhoek, Namibia on 14-17 March 2011.

¹ TRASA (2002) ‘Policy Guidelines on Universal Access / Service for Telecommunications Services in SADC’, Telecommunications Regulatory Association of Southern Africa, Gaborone, February 2002

Key Issues

Legal Mandate and Institutional Framework

Key elements of international best practice to underpin and create a clear legal mandate and institutional framework for universal access and service policy can be summarised as follows:

Legal Mandate: there is a clear legal mandate in the law to support or address the concept of Universal Access and Service (UAS);

Good Governance: good governance principles are provided for in the law, including transparency, independence of UAS Agency, stakeholder consultation concerning definition, periodic review of Universal Access and Service targets and obligations;

Policy Co-ordination: the legal mandate provides for co-ordination of policies at national level (ensuring, for example, that UAS policy is coordinated with ICT4D, ICT4E, national poverty reduction strategies, MDGs, cyber strategies, etc.);

Range of Services: the legal mandate and institutional framework cater for an extended range of services, such as the Internet, broadband and broadcasting services in addition to fixed and mobile voice services;

Consultation: the legal mandate clearly directs the ministry to develop a UAS Policy after consultation with relevant stakeholders;

Accountability: The law clearly mandates the regulator or identifies a designated agency for the implementation of the UAS Policy and clearly specifies its mandate.

Achieving universal access and service to ICTs is a challenge for all countries. In order to ensure that universal access and service is a central part of the ICT policy framework it is important that:

- universal access and service policies are properly formulated;
- universal access and service policies are given a proper space in the national policy and legislative frameworks as well as in the institutional framework for ICT sector regulation.

Universal access and service policy and its institutional framework should therefore be captured in national legislation, regulations, licenses or Ministerial policy statements, which establish the framework and limitations within which the policy must be implemented. Such a foundation is necessary to ensure the credibility, authority and enforceability of the policy, as well as to ensure that its terms are consistent with other national priorities and on-going programmes.

It is also essential to ensure that the mandate of actors is clear so that they can effectively define the principal stages of a Universal Access and Service policy, including: planning, implementation and evaluation as well as specific policy objectives for UAS and regulatory measures in ICT Policy statements. Such a mandate must be set out as clearly as possible, preferably in the law.

There is, however, no one solution to creating an “appropriate” institutional framework for universal access and service. Universal access and service policy may be implemented by the country’s National Regulatory Authority (NRA), the ministry responsible for telecommunications and ICT, or an independent agency established to manage and administer universal access and service or even just via the Universal Access and Service Fund.

Once basic measures have been defined and implemented in the telecommunication sector, including opening the sector up to competition and establishing an independent regulatory agency, it is also the responsibility of policy-makers to monitor their implementation by conducting reviews at regular intervals and making any adjustments that may be needed. This is because a Universal Access and Service strategy needs to be reviewed and fine-tuned from time to time in the light of social, commercial and technological developments, if it is to be effective.

Objectives, Principles and Scope of Universal Access and Service

Key elements of international best practice illustrating clear objectives, principles and scope of universal access and service policy can accordingly be summarised as follows:

UAS Goals: key principles or goals for UAS are clearly defined in the law or other national policy document;

Access vs Service: a clear distinction is drawn between Universal Access and Universal Service;

Service Targets: a clear definition is given of specific ICT services and ICT applications that must be provided and to whom they must be provided;

Range of Services: services beyond fixed and mobile voice are included, which could include Internet, broadband and broadcasting;

Periodic Review: the periodic review of Universal Access and Service objectives, principles, scope, targets and obligations is provided for.

The definition of universal access and service and the scope of the obligations attached to the respective definitions will differ from one country to the next, depending on the economic and social context and the political will to achieve universal access and service in terms of communications. Examples show that universal access and service measures are generally aimed at providing service to rural areas that are either un-served or underserved, as well as at low-population density areas where provision of services is not commercially attractive or viable. Increasingly, countries are also looking at other areas, including very poor urban areas in large metropolitan cities, including slums. At present, however, technological change is challenging existing policies and forcing regulatory authorities to rethink the universal service obligations they impose on their carriers and establish a framework that will enable the government to carry out their universal service and access policies in a converging telecommunications sector and to revise it as per the market realities.

Universal Service generally refers to service at the individual or household level – typically a telephone in each home – whereas Universal Access refers to a publicly shared level of service which is generally provided through public payphones or public Internet access points.

Ideally, a clear distinction must be drawn between Universal Access and Universal Service. The targets and range of UAS obligations are very broad because developed and developing countries face different market conditions and must meet different objectives in order to provide un-served and underserved rural populations with services.

A clear definition needs also to be given of specific ICT services or ICT applications that must be provided and to whom they must be provided, and this should include services beyond fixed and mobile voice. Radio and television broadcasting now also need to be included in the definition of the scope of UAS, due to developments such as convergence, Internet broadcasting and the bundling of broadcast, Internet and telephony services. Universal access and service should also evolve to include Internet connectivity and, increasingly, broadband.

Services and targets need to be selected carefully. This is not an easy task, as technology changes, market realities change, and expectations of end-users change. Targets need to be feasible so that they can accommodate market developments. The policy itself should allow for a process of review and update so

that it may adjust targets. Targets should also be in line with the goals set by the World Summit on the Information Society (WSIS) process in support of the Millennium Development Goals (MDGs).

Variety of Strategies and Policies to Promote Universal Access and Service

Key elements to illustrate variety of strategies and policy mechanisms to achieve Universal Access and Service can accordingly be summarised as follows:

USOs: the imposition of obligations upon designated licensees to increase access through rolling out networks and providing services;

Liberalisation: the introduction of competition with liberalisation of appropriate market segments (such as CPE, paging, ISPs, data communications, VANS, LLU, international gateways and undersea cables, and wholesale fibre);

Strong Regulatory Framework: enhancing universal access and promoting effective competition (Flexible Spectrum Policy, Effective Competition Law/principles (control of dominance), Access and Interconnection (including local loop unbundling, asymmetric interconnection), Co-location and Infrastructure Sharing

Funding: the definition of a range of UAS financing mechanisms, including the establishment of a Universal Service Fund;

Supply-side Innovation: implementing a mix of complementary and innovative strategies to extend ICT networks and increase funding for access interventions in order to meet UAS objectives and targets, including through community participation;

Demand-side Innovation: the establishment of a mix of complementary and innovative strategies to stimulate demand for access to ICT networks and services.

Since markets have been opened to competition, policy makers and regulators have been using a variety of tools to achieve universal access and service. Good practice is that, before using scarce public resources, governments and regulators should exhaust available non-investment avenues to extend access. Regulatory reform is one of the first steps in achieving universal access and service.

In addition to market liberalisation combined with regulatory initiatives including universal access obligations and special regulations and conditions which favour projects and operations in high-cost or low-income areas, complementary strategies can be applied to ensure that objectives and targets are met through a mix of tools. The following mechanisms that directly or indirectly aim to increase investments and access to telecommunications infrastructure in high-cost rural and low-income areas have been shown to be successful, either in isolation or in combination:

- Universal Service Funds (USFs) that provide partial subsidies for programmes largely aimed at stimulating private sector provision of infrastructure in rural or un-served regions;
- Other financing methods and project initiatives by national, state and local governments, cooperatives, NGOs and an increasing number of private operators who are also putting in place programmes aimed at expanding coverage in high cost rural areas and at increasing demand among lower income consumers;
- State-mandated and controlled approaches using cross subsidies and other financing mechanisms aimed at state-owned companies.

Some degree of government intervention may be required to enable and complement the market. Innovative demand-side strategies mean institutional demand creations (e-government, government as major user, provision of access to ICT in public facilities or anchor institutions such as schools, libraries, health and community centres), e-applications (e-health, e-education, etc.), definition of requirements and provisions for persons with special needs (person with disabilities, youth and women, elderly, etc.), government subsidy and voucher programmes, application of preferential or discounted tariffs.

Any guidelines should therefore also have a user focus so that available funds can finance projects for children, women, people with disabilities, schools and other public facilities. This may include government measures to lead demand development as a major user. When governments (national, regional, local) define policies for uptake, they also become major users of communications services (e.g. school connectivity and other education projects, government intranet projects, e-procurement, online taxes and public records). Articulating government demand can drive uptake and reduce commercial risk of investments.

Monitoring, Enforcement and Sanctions of USOs

Key elements to ensure clarity of universal access and service obligations (definition, monitoring, enforcement, sanctions can accordingly be summarised as follows:

Scope of USOs: there are specific criteria for determining which operators have or are subject to Universal Access and Service obligations;

Review Process: USO criteria and their implementation and impact are subject to a defined and regular process of review;

Differentiation: where obligations vary from operator to operator, such as a distinction drawn between dominant and non-dominant operators, the criteria for such distinctions are clearly provided for in the law;

Publication of USOs: comprehensive details of Universal Access and Service obligations are specified in each operator's license and published by the designated agency;

Monitoring: comprehensive details of progress on the fulfilment of Universal Service obligations are regularly provided to the regulator or designated agency by the operator;

Publication of Progress: comprehensive details of progress on the fulfilment of Universal Service obligations are regularly published by the regulator or designated agency;

Enforcement: if an operator fails to meet its Universal Access and Service obligations, or contribution requirements, clear and proportionate enforcement mechanisms are in place as well as mechanisms by which operators can present their point of view.

To assist with the monitoring of universal access and service obligations (USOs), the reporting obligations of the UAS service provider must be carefully considered. These requirements relate to the project implementation schedule, which is often related to a network being rolled out and becoming operational, and then to the quality of service requirements. USO monitoring further requires the power to:

- Conduct random and routine checks of field performance to verify operating statistics and fulfilment of contractual obligations; and
- Prepare consolidated monthly internal reports to summarise project progress, achievements, explanations and reasons for variance from norm, and recommended further action.

Any criteria included in the UAS license or service contract, are used as a basis for the monitoring of progress and to enforce the minimum stipulated quality standards on operators and service providers providing UAS.

Once successful bidders for UAS projects, either as part of their USO or under separate contracts, have commenced operation, they should also be subject to regular audit. Failure to meet minimum acceptable standards, as spelled out in their UAS service contract, should lead to notification that the provider should improve their level of service within a stipulated period of time or to meet contractual obligations. Failure to do so should carry the jeopardy of financial penalties, as provided for in the UAS service contract, and should include the reclaiming of subsidies already paid out.

Important too is the realization that constant change in technology, services, and pervasiveness of various ICT services makes it necessary that the status of UAS are monitored and policies continue to be updated and developed. There is thus an on-going need for public oversight to assess whether UAS has been achieved, to improve regulation, and to continually review the concept of what is considered UAS.

Universal Access and Service Financing

Key elements to ensure a variety of mechanisms to finance universal access and service can accordingly be summarised as follows:

Range of Mechanisms: the law establishes a variety of financial mechanisms to support provision of UAS;

Funding Criteria: the law ensures that funding or subsidies provided must be targeted and determined and delivered in a manner that is transparent, non-discriminatory, inexpensive, and competitively neutral;

Source of Funds: the law establishes a clear and explicit funding arrangement for UAS sourced from sector revenues, government budget, etc. with subsidy payments into the Fund at reasonable intervals;

Cross subsidies: is there rate setting above cost on some services to provide “support” for UAS services? If so, which services have above-cost rates? Which services or infrastructure receive the support from these above-cost revenues?

Implicit Funding: does the financing of UAS assume implicit (hidden) funding through fees and other indirect sources? Are there other sources of implicit funding such as inter-carrier compensation fees / access deficit charges? Is any use made of discounted tariffs for people with disabilities, and educational and health institutions?

Smart Subsidies: where government decides to fund operators through UAS programmes, are the subsidies ‘smart subsidies’ to encourage operators to enter the market rather than to create an unending dependency on the USF.

The financing of Universal Access and Service has gone through various stages, ranging from the application of revenues from cross-subsidies to finance non-profitable areas under a monopolistic scenario, to the creation of Universal Service Funds funded solely from operator levies so as to be able to finance Universal Access and Service projects in a competitive market.

Universal Service Funds have been established in many countries to finance network expansion, especially in difficult and unprofitable areas. Several trends have, however, been observed since the establishment of Universal Service Funds for the development of universal access:

- Mobile telephony has overtaken fixed telephony through its ability to cover remote rural areas;
- The concept of access has evolved from a focus on connecting remote areas to basic services towards the introduction of more advanced services for the same areas, including the Internet and even broadband access;
- Funding for the development of ICT services has been integrated into actions that could be financed by universal service financing;
- The development of ICT applications and local content increases the use (and viable) access available to rural populations.

Recently, countries have also adopted more integrated strategies for the development and financing of ICT services. This is particularly true in the case of universal access, and financing of large infrastructure projects, including projects to fund broadband, since implementation of such projects has generally been seen to require the involvement of both private sector financing and public authorities.

Good international practice shows that inclusion of private sector through Public Private Partnerships (PPPs) and profit-sharing can provide a number of benefits: access to private finance, reduced operational risk for the public sector, faster delivery of capital projects, project management skills, entrepreneurship,

and innovation. The extent of private sector participation can range from sharing risk on a small scale to almost total control of the property and project management.

Countries should therefore not focus solely on the creation of a Universal Service Fund, but rather see this as one amongst a range of tools to finance universal access and service. Other public finance mechanisms such as loan guarantees and public private partnerships (PPPs) to enhance and target investments into priority areas in need of special finance may be applied and achieve Universal Access and Service more effectively.

Universal Service Fund: Principles

Key elements to ensure establishment and good governance of UASF can accordingly be summarised as follows:

USF: the law provides for the establishment of a Fund, where one is required, and this decision is linked to a process of analysis of the market realities and consultation of stakeholders;

Accountability: the law clearly identifies who is responsible for the management and operation of the Fund – preferably the regulator – and should ensure the independence of this entity through clear regulatory provisions;

Financing of USF: contributions to the fund are based on a percentage of revenues of all applicable operators, paid at reasonable intervals, supplemented by alternative and collateral contributions;

Transparency: the fund is audited bi-annually, and audits, and financial and activity reports are publicly available;

Project identification: the expenditure of funds prioritises public access points, telecentres, SMMEs, co-operatives or other projects – subject to a carefully-researched needs analysis;

Project Selection: Competitive least subsidy bidding is used as the basis for selecting individual projects.

Universal Service Funds are being used in some competitive markets to supplement market-based policies, and address access gaps and market failures in remote and under-served locations.

The WSIS Task Force on Financial mechanisms for ICT for Development (ICT4D), which investigated the scope and adequacy of existing financial mechanisms for ICT4D, found that national universal service funds can play an important role in lowering the costs of delivery of services to identified target areas, but may require substantial institutional and implementation capacity to succeed. However, there are some legitimate and understandable concerns regarding UASFs, fuelled mostly by a few unfortunate examples. Also, there have been concerns raised over the complexity of establishing and managing a UASF. Negotiating fair UAS contributions for all operators, which are equitable between all and accepted as fair, is not necessarily an easy feat.

Although many governments have seen the establishment of such Funds as the most efficient way of financing universal access and service, setting up a fund properly is not an easy task. Most important is to make sure that the WTO requirements of transparency and fairness are implemented, as well as the requirement that the revenues collected are used for development of the telecommunication sector only.

One of the main questions dominating the transparent and effective management of Universal Service Funds relates to the entity or authority which will have responsibility for managing its operations, and the definition of its structure and mandate. Some countries have opted to make the NRA responsible for the administration of the Fund, whereas others have created independent third-party agencies dedicated to this function.

Whatever the option chosen, the main issues of importance in relation to the establishment and management of the Fund include:

- The entity or government body charged with day to day management of the fund is independent and works according to transparent procedures;
- There is an oversight entity/body, or requirement for the fund manager to report to the regulator or ministry;
- There are financial transparency for the USF, including accounting separation and standards;
- Administrative costs of the fund are kept to a minimum.

Mechanisms also need to be put in place to make universal service funds accessible to a wider range of telecommunications service providers. Limiting access of funds only to a specific category of licensees or to licensed operators, for example, can create barriers that discourage the implementation of new technologies to provide service in un-served or underserved areas.

In addition, the development and presentation of project proposals for universal service funds consideration should not be restricted only to the fund authority or to telecommunications providers, but instead are open to all entities with an interest in contributing to the fulfillment of universal service and access. A system where multiple parties can submit project proposals allows all interested parties to contribute in achieving universal service obligation objectives. Having multiple sources for project proposals can provide a more realistic vision of the needs and conditions of the market, such as what type of service is required by localities and which technology is best suited, and are more likely to result in creative and resourceful project solutions.

The Universal Service Fund should not only support a country's present universal service objectives, but also be able to adapt to the demands and trends of a converging communications sector by fostering the use of new and innovative technologies to achieve future universal service obligation goals.

Quality of Service for Universal Access and Service

Key elements to ensure the proper implementation of QoS in relation to universal access and service can accordingly be summarised as follows:

QoS requirements: QoS requirements are specified in licenses or by regulation, and include clearly specified QoS components (including those related to supply of services, customer complaints and redress, faults, service quality, provision of designated USO services including free emergency calls, billing);

QoS Monitoring: operator compliance with QoS benchmarks and standards is regularly and independently assessed, and the results made publicly available;

Range of Services: QoS benchmarks are established in respect of all relevant services (fixed, mobile, Internet, broadband, broadcasting);

QoS Review: QoS components and benchmarks are regularly reviewed through a process of public, stakeholder consultation.

Since the introduction of competition in the telecommunications market, many countries have put in place a regime to ensure every person can receive a basic set of high quality ICT services, no matter where they live, at an affordable price. As there is in general a constraint on prices to ensure affordability of Universal Access and Service, the Universal Access and Service operators can indeed increase profit by lowering Quality of Service (QoS) at a retail level. Therefore, QoS is clearly identified as a key issue in conjunction with universal access and service.

Consequently, QoS standards with associated benchmarks and targets are developed, taking into account the following:

- The current state of the sector and current levels of UAS in the country;

- The resources available and required for achieving UAS targets;
- Financial sustainability after implementation;
- The feasible quality of service (for uniform quality countrywide);
- The way quality of service has been set/assessed so far;
- Sub-regional regulatory frameworks; and
- Planned periodic reviews in light of technological and market developments.

The national regulatory authorities must set performance targets for undertakings with universal service obligations and monitor compliance with these targets by designated undertakings. Designated undertakings for universal service must publish adequate up-to date information concerning their performance in the provision of universal service, based on quality parameters. If quality of service parameters are developed for disabled end-users and consumers, NRAs may specify these additional quality of service standards for assessing the performance of undertakings in relation to services provided to disabled end-users and consumers.

Consumer Policy and Universal Service

Key elements to ensure inclusion of consumer protection policy in support of universal access and service can accordingly be summarised as follows:

Charters: consumer protection requirements (eg customer service charters) are specified, publicised and binding;

Channels: channels for consumer complaints are clearly specified, rest with the operator in the first instance, and include escalation procedures;

Information: operators are required to inform their customers of the rights as customers and consumers and of channels for complaints and escalation;

Surveys: consumers are regularly surveyed in relation to QoS and complaints issues and level of satisfaction with operators and their services, and the results made publicly available;

Scope: consumer protection requirements exist in respect of all relevant services (fixed, mobile, Internet, broadband, broadcasting);

Review: consumer protection criteria and requirements are subject to regular review with stakeholder participation.

In the ICT sector, the development of consumer protection regulations is common and is directed at establishing operators' obligations regarding their customers. Operators' obligations include, but are not limited to, items such as: timely and accurate billing; customer contract policies and procedures; protection of consumer privacy; terms of reference for suspension of service; and procedures necessary to respond to and resolve consumer complaints.

More and more countries are defining consumer protection measures in relation to universal service in particular. Important within this context is to have clear procedures which are widely published and easily available to consumers.

Key factors to consider when reviewing consumer protection issues are:

- Does the legislation address ICT sector-specific consumer protection issues?
- Does this legislation clearly define consumers' and operators' rights and obligations or establish processes for consumer dispute resolution?
- Are consumer protection functions and processes for their enforcement clearly specified in the law or regulation?

- What are the possible sanctions or liabilities for breaching consumer protection obligations in the telecommunications sector? Have they been imposed in the recent past?
- What authority controls consumer protection related issues in the ICT sector?
- Have specific consumer protection regulations been adopted for the ICT sector (e.g., consumer and operator rights and obligations, consumer dispute resolution mechanisms, etc.)?
- What are the sanctions applicable to operators found to have breached consumer protection obligations (e.g., fines, damage awards, reimbursement/credits for monies overpaid, etc.)?
- Does the law mandate the use of standard form contracts for the provision of services?
- Do ICT service contracts require prior approval from the regulator or another authority?
- If so, is there a clearly defined process to obtain such approval?

List of Acronyms

CDMA	Code Division Multiple Access
CPE	Customer premises equipment
CRASA	Communications Regulatory Association of Southern Africa
DSL	Digital subscriber line
EU	European Union
FTTH	Fibre to the home
HIPSSA	Harmonization of ICT Policies in Sub-Saharan Africa
HSDPA	High-Speed Downlink Packet Access
ICT4D	ICT for development
ICT4E	ICT for education
ICTs	Information and Communications Technologies
ITU	International Telecommunication Union
LLU	Local loop unbundling
MDGs	Millennium Development Goals
NGN	Next-generation network(s)
NRA	National regulatory authority
PPP	Public-private-partnership
PSTN	Public switched telecommunications network
QoS	Quality of service
SADC	Southern Africa Development Community
SMMEs	Small, medium and micro enterprises
TRASA	Telecommunications Regulatory Association of Southern Africa
UAS	Universal access and service
UASF	Universal Access and Service Fund
USA	Universal Service Agency (USA)
USF	Universal Service Fund
USO(s)	Universal service obligation(s)
VANS	Value-added network services
WLAN	Wireless local area network
WSIS	World Summit on the Information Society
WTO	World Trade Organisation

Glossary

Broadband	Internet access with a high capacity, usually 512 kbit/s or more in one or both directions. Fixed broadband is implemented through technologies such as digital subscriber line (DSL), cable modem, fibre to the home (FTTH), metro ethernet, wireless local area networks (WLAN), etc. Mobile broadband is implemented through technologies such as wideband CDMA, HSDPA, CDMA 1xEV-DO, etc.
Convergence	a term used to describe a variety of technological and market trends in the ICT sector involving the blurring of previously distinct lines between market segments such as cable television, telephony and Internet access, all of which can now be provided through a variety of different network platforms
Collocation	facility-sharing in which the incumbent operator houses communications equipment of competitive operators to facilitate connectivity to end users
Customer	a person who receives and pays for an ICT service over a period of time under an agreement with or pursuant to terms and conditions established by the operator with approval of the National Regulatory Authority
Cybercafé	a place where one can use a computer with Internet access for a fee, usually per hour or minute, and which may or may not serve as a regular café as well. Also known as an Internet café.
Data communications	digital transmission of information usually between computers
Dominant operator	a regulatory classification of an operator that has the largest market share in a given market segment or that is otherwise able to exercise significant market power in the same or other market segments
Harmonisation	the dynamic process of establishing mutually complementary policies, legislation, rules, standards, practices or systems between member states on the basis of agreed minimum requirements
Incumbent operator	the existing operator in a market when it is opened to competition
Infrastructure or Network	an integrated system of facilities, which comprise the facilities, used to provide one or more info-communications services
Interconnection	the physical and logical connection of two operator networks thereby allowing customers of one network to connect with customers of the other, or to access services provided from the other
Interface	the technical characteristics that allow two operator networks that are interconnected to understand the technical operation of the other in order for services to interoperate across the interconnection boundary
Internet	Interconnected global networks that use the Internet protocol
Interoperability	the technical features of a group of interconnected networks, which ensure end-to-end provision of a given service in a consistent and predictable way
LLU or Local loop unbundling	the process of requiring incumbent operators to open the last mile of their legacy networks to competitors

Non-discrimination	a condition by which an operator, engaged in the provision of ICT services, shall not apply less favourable technical and commercial conditions on any competitor than what it would apply to itself, its subsidiaries or its affiliates in delivery of services.
NGN or Next-generation Network	a broad term for a certain kind of emerging computer network architectures and technologies. It generally describes networks that natively encompass data and voice (PSTN) communications, as well as (optionally) additional media such as video.
NRA or National Regulatory Authority	a public authority or government agency responsible for exercising autonomous authority to monitor and regulate the provision of ICT infrastructure, services and content in the public interest and in accordance with a defined legal and policy mandate
Number portability	the ability of a customer to transfer an account from one service provider to another without requiring a change in number
Operator	an entity that provides ICT infrastructure, networks, services or content
Pay or Play	a mechanism whereby licensees may opt to fulfil their Universal Service Obligations (USOs) through implementation of approved universal access and service projects or contributions to agreed financial mechanisms
Period of Exclusivity	a period of monopoly whereby an operator(s) is given conditions to provide certain services
PSTN or Public switched telecommunications network	a fully interconnected and integrated system of telecommunications consisting of various means of transmission and switching, utilised to provide basic telephone services to the general public
Public telecommunications services	telecommunications services provided to the general public or to a class of persons so as to be generally available
QoS or Quality of service	a measure of network performance that reflects the quality and reliability of a connection. QoS can indicate a data traffic policy that guarantees certain amounts of bandwidth at any given time, or can involve traffic shaping that assigns varying bandwidth to different applications
Resale	the offering to users or customers for profit of ICT services obtained from another ICT service provider
Subscriber	any person who subscribes to the service or any part thereof, provided by an operator
Tariffs	any charges raised by an operator for ICT infrastructure, services or content
Telecentre	a public place where people can access computers, the Internet, and other digital technologies that enable them to gather information, create, learn, and communicate with others while they develop essential digital skills
Telecommunications	any domestic or international transmission of information by wire, radio waves, optical media or other electromagnetic systems, between or among points of the user's choosing

Transparency	requires that network operators will make publicly available either the interconnection agreements or reference interconnection offers.
Universal access	a policy of government to make ICT infrastructure and services available, at affordable prices, to as many people as possible through common points or end-user facilities such as libraries, schools, health-centres, community centres, public call offices and pay-phones. This policy also applies to advanced information services, such as the provision of Internet services and broadband access, and applications such as tele-education, tele-medicine and electronic commerce
Universal service	a policy of government to make ICT infrastructure and services, including advanced ICT infrastructure and services, available throughout the country at affordable prices so that they are either available or easily accessible to anyone whenever they are needed, regardless of geographical or physical location, with due regard to people with special needs
UAS or Universal access and service	an umbrella term, loosely covering both universal access and universal service
UASF or Universal Service and Access Fund	a fund into which contributions from operators and other sources are paid for the purpose of providing basic and advanced ICT infrastructure and services to underserved areas, communities or individuals who cannot afford such services on their own, in the pursuit of the goal of universal access and service
USA or Universal Service Agency	an institution recommended to be established under either the Ministry or the Regulatory Authority to design universal service strategies and policies and monitor their implementation
USO(s) or Universal service obligation(s)	mandatory stipulations imposed on operators / licensees, requiring, inter alia, network rollout or service provision to under-served areas and communities
VANS or Value-added network services	ICT services provided over public or private networks which, in some way, add value to the basic carriage, usually through the application of computerized intelligence

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Part 1

INTRODUCTION

Part 1

This Revised SADC Guidelines on Universal Access and Service have been prepared under the HIPSSA project. They are based on a critical assessment of existing ICT legislation and regulatory interventions and practices across the SADC region in relation to international best practices, and update the SADC Guidelines to bring them in line with national and international developments.

The major themes identified include:

- Legal Mandate and Institutional Framework;
- Objectives, Principles and Scope of Universal Access and Service;
- Variety of Strategies and Policies to Promote Universal Access and Service;
- Monitoring, Enforcement and Sanctions of USOs;
- Universal Access and Service Financing;
- Universal Service Fund: Principles;
- Quality of Service for Universal Access and Service;
- Consumer Policy and Universal Service.

The assessment and the recommendations on how the current “Policy Guidelines on Universal Access / Service for Telecommunication Services in SADC²” may be modified to reflect market realities, accommodate competition and convergence and reflect a more comprehensive approach to universal access and service has been reviewed, discussed and validated by broad consensus by participants of the workshop organised in collaboration with CRASA and SADC Secretariats held in Windhoek, Namibia on 14-17 March 2011.

² TRASA (2002) ‘Policy Guidelines on Universal Access / Service for Telecommunications Services in SADC’, Telecommunications Regulatory Association of Southern Africa, Gaborone, February 2002

Part 2

SADC GUIDELINES ON UNIVERSAL ACCESS AND SERVICE

UPDATED GUIDELINES

Section 1: Preamble

1.1 The SADC Protocol on Transport, Communications and Meteorology ("The Protocol") and the SADC Telecommunications Policies and Model Bill provide the basis for the harmonisation of policy across the broad information and communications technologies (ICT) sector, which lays the foundation for integrated ICT development across the region.

1.2 The dynamism and speed of technological development in the ICT sector create both challenges and opportunities, which require further harmonisation of policy, particularly policy for universal access and service (UAS).

1.3 Technological convergence in the ICT sector progressively brings together services, applications and content that were previously distinguished as telecommunications, broadcasting and information technology, and thus requires an increasingly integrated approach.

1.4 The development of ICT infrastructure and services can no longer be seen as a goal in isolation but is integrally linked to the implementation of development strategies for both individual countries and across the region as a whole. It forms a basis and provides an essential tool to strengthen interventions in education, health, housing, agriculture, governance and more.

1.5 Ensuring affordable access to information and communications for everyone is a key enabler to improve the quality of lives and livelihoods through facilitating social and economic development, by providing opportunities for learning, for the acquiring and sharing of information and knowledge, for entrepreneurship and commercial activities.

1.6 Widespread and affordable access to ICTs is also a key to promoting social inclusion, and to bringing the benefits of development to the marginalised and disadvantaged members of our societies, including the poor and the unemployed, women and the disabled.

1.7 The purpose of these policy guidelines is to assist and guide Member States in their efforts to update and more effectively implement their own national policy guidelines and interventions for universal access and service in the ICT sector.

1.8 These policy guidelines are intended to serve as a model for harmonisation of universal access and service policy in SADC Member States.

1.9 These policy guidelines are intended to create greater certainty in the policy and regulatory environment for SADC countries.

1.10 These policy guidelines are intended to promote good governance as indicated in the SADC Protocol, and to reinforce the need for good governance practices across SADC for government, regulators, operators and small, medium and micro enterprises (SMMEs).

Section 2: Clear legal mandate and institutional framework for universal access and service policy

2.1 There is a clear legal mandate in the law to support and address the concept of Universal Access and Service (UAS).

2.2 The legal mandate and institutional structures for universal access and service are developed through an inclusive public process that involves consultation with relevant stakeholders.

2.3 The principles of good governance are explicitly provided for in the law, including autonomy of the authorities responsible for universal access and service, transparency of processes and procedures, consultation with stakeholders, and periodic review of universal access and service parameters and milestones.

2.4 The legal mandate and institutional structures for universal access and service ensure co-ordination of policies at national level between government departments and regulatory authorities, including in respect of ICT for development (ICT4D), ICT in education (ICT4E), national poverty reduction strategies, millennium development goals (MDGs) and cyber strategies.

2.5 The legal mandate and institutional framework for universal access and service cater for on-going convergence of ICT infrastructures and services, including the Internet, broadband and broadcasting services, in addition to fixed and mobile voice services.

2.7 The law identifies the regulator or a designated agency as responsible for the implementation of universal access and service policy and clearly defines its mandate.

Section 3: Objectives, principles and scope of universal access and service policy

3.1 Universal access and service policy aims to:

3.1.1 Achieve the delivery of affordable, equitable, quality, and efficient ICT infrastructure, services and content with the aim of bridging the digital divide;

3.1.2 Strengthen economic development through the stimulation of entrepreneurship and the greater participation of SMMEs within a fair and competitive environment;

3.1.3 Promote greater private sector participation and encourage competition in the ICT sector in the SADC region;

3.1.4 Achieve greater social development and economic growth in the SADC region through the use of ICT applications, services and content;

3.1.5 Expand the development of ICT infrastructure and extend the reach of the ICT network;

3.1.6 Promote local and foreign investment in the information and communications sector in SADC; and

3.1.7 Empower disadvantaged people and communities to achieve an improved quality of life through ensuring equity of access to ICT networks and services that are affordable and of good quality.

3.2 The scope of universal access and service policy is underpinned by the following principles:

3.2.1 A clear and meaningful distinction is drawn between Universal Access and Universal Service, both in terms of definition and in terms of policy objectives and implementation;

3.2.2 Targets and deliverables are clearly specified and measurable, specifying which ICT infrastructure, services and applications must be provided, and identifying target beneficiaries;

3.2.3 The on-going convergence of infrastructure, services and content in the ICT sector is catered for, and provision is made for the full range of services beyond fixed and mobile telephony to include the Internet, broadband and broadcasting;

3.2.4 Technology neutrality is entrenched so as to allow provision of multiple services over the most appropriate platform and in order to facilitate innovation in the provision of services and the delivery of content;

3.2.5 Periodic public review of Universal Access and Service parameters, objectives, principles, scope, targets, obligations and milestones, in conjunction with stakeholders, is provided for.

3.3 The key principles and goals for universal access policy are clearly defined in national policy and set out in the law, and include the following:

3.3.1 Universal access entails widespread availability and accessibility of affordable, quality and efficient ICT infrastructure and services, including quality access to fixed and mobile telephony, to broadcasting services, to the Internet, and access to broadband;

3.3.2 The objectives of universal access policy include the following:

3.3.2.1 To achieve affordable and equitable access to ICT infrastructure, services, applications and content at the level of every community nationwide;

3.3.2.2 To mobilise available resources in policy, regulation and funding to provide effective and widespread access to ICTs at the community level;

3.3.2.3 To increase expansion of learning opportunities, the provision and sharing of information, and the acquisition of knowledge;

3.3.2.4 To achieve increased access to ICT infrastructure, services and content by all people in SADC in a way that promotes social inclusion, enhances social development, promotes economic growth and stimulates regional and international dialogue;

3.4 The key principles and goals for universal service policy are clearly defined in national policy and set out in the law, and include the following:

3.4.1 Universal service entails the provision of affordable, good quality and efficient ICT infrastructure and services to every individual or household on demand, including good quality access to broadcasting services, to the Internet, and possibly to broadband;

3.4.2 The main objectives of universal service policy include the following:

3.4.2.1 To achieve higher fixed line and mobile teledensity in both urban and rural areas;

3.4.2.2 To ensure nationwide coverage for both radio and television broadcasting services;

3.4.2.3 To increase the uptake and usage of Internet services in homes, through educational institutions and at work;

3.4.2.4 To increase the penetration of broadband networks in both urban and rural areas;

3.4.2.5 To ensure that users with special needs, such as those with disabilities, are adequately catered for;

3.4.2.6 To stimulate demand for new and advanced ICT services and content.

Section 4: Variety of strategies and policy mechanisms to promote universal access and service

4 A multi-pronged approach, adopting a variety of strategies and policy interventions to achieve universal access and service is necessary, including amongst others:

4.1 The introduction and strengthening of competition with liberalisation of appropriate market segments, including, amongst others, CPE, ISPs, data communications, VANS, LLU, number portability, international gateways and undersea cables, and wholesale fibre;

4.2 The strengthening of regulatory reform measures to ensure an independent and effective legal and regulatory framework, including firm regulation to ensure the effectiveness of interconnection, collocation, rights of way, infrastructure sharing, open access;

4.3 The imposition of universal service obligations (USOs) upon designated licensees, such as, inter alia, network rollout or service provision to under-served areas and communities, provision of specified services such as free emergency calls, or contributions to the Universal Access and Service Fund (UASF);

4.4 The definition of a range of universal access and service financing mechanisms, including the establishment of a universal service fund (USF);

4.5 The introduction of a mix of complementary and innovative supply-side interventions to roll out ICT infrastructure and extend ICT networks, and increase funding for access interventions in order to meet universal access and service objectives and targets, including through pay or play mechanisms, tax incentives, the introduction of public-private partnerships (PPPs), and measures to facilitate community participation;

4.6 The introduction of a mix of complementary and innovative demand-side interventions to stimulate demand for access to ICT infrastructure and networks and promote uptake of ICT services, including the development of public access points, school connectivity projects, the promotion of e-health and e-government, and support for the development of local content and applications.

Section 5: Universal access/service obligations (definition, monitoring, enforcement, sanctions)

5.1 The imposition of universal service obligations (USOs) upon operators and the undertaking of universal access and service commitments by licensees may be tools for facilitating the extension of ICT infrastructure and networks and for promoting equitable and affordable access to ICT services.

5.2 Where obligations vary from operator to operator, the criteria for such distinctions are clearly provided for in the law, such as a distinction drawn between dominant and non-dominant operators.

5.3 Comprehensive details of universal service obligations (USOs) are specified in the license of each operator, or imposed upon a defined class of service providers by regulation, and are published by the regulatory agency designated to oversee their implementation.

5.4 Subject to a carefully researched needs analysis, under clearly defined circumstances, the implementation of universal access and service obligations and commitments may receive support from the universal access and service fund (UASF).

5.5 Comprehensive details of progress on the fulfilment of universal service obligations (USOs) are regularly provided by each operator to the designated agency.

5.6 Comprehensive details of progress on the fulfilment of universal service obligations (USOs) are regularly published in print format and on the Internet by the designated agency responsible for monitoring such progress.

5.7 Clear and proportionate enforcement mechanisms are in place, should an operator fail to meet its universal service obligations (USOs) or contribution requirements, along with appropriate dispute resolution mechanisms.

5.8 The criteria and parameters of universal service obligations (USOs), along with their implementation and impact, are subject to a defined periodic process of public review with all stakeholders.

Section 6: Variety of mechanisms to finance universal access and service

6.1 The law establishes a variety of financial mechanisms to support provision of universal access and service, including incentives and subsidies, public-private partnerships (PPPs), government funding, and the establishment of a Universal Service Fund.

6.2 The law provides that funding or subsidies provided must be targeted and determined and delivered in a manner that is transparent, non-discriminatory, inexpensive, and competitively neutral.

6.3 The law establishes a clear and explicit funding arrangement to support universal access and service, sourced from sector revenues, the government budget or donor agencies, with contributions paid in at reasonable intervals, preferably annually.

6.4 Rate setting above cost on some wholesale services to provide “support” for universal access and service services may be considered, provided that such cross subsidies are competitively neutral, and the services or infrastructure receiving the support are clearly specified.

6.5 Implicit funding for universal access and service interventions through inter-operator compensation fees, access deficit charges and other indirect sources may be considered.

6.6 The application of preferential or discounted tariffs for achieving good quality access in respect of schools, clinics, telecentres or other community access points or for users with disabilities may also be considered.

6.7 Where funding is given to operators or projects to extend ICT infrastructure and increase access to services, this is done on a ‘smart subsidy’ basis to encourage market entry and facilitate the initial rollout of infrastructure and services, rather than to create long-term dependency on such funding.

Section 7: The establishment and good governance of a universal access and service fund

7.1 The law provides for the establishment of a Universal Access and Service Fund (UASF) as one of several methods of financing universal access and service interventions, with such a decision informed by an analysis of the market realities and a public consultation process with stakeholders.

7.2 The law clearly identifies who is responsible for the management and operation of the Fund, preferably the regulator, and ensures the independence of this entity through clear regulatory provisions.

7.3 Contributions to the Universal Access and Service Fund (UASF) are based on a percentage of revenues of all applicable operators, paid at reasonable (preferably annual) intervals, supplemented by contributions from alternative and collateral sources.

7.4 Financial and activity reports of the Universal Access and Service Fund (UASF) are publicly available, preferably on the web site of the fund.

7.5 The Universal Access and Service Fund (UASF) is audited annually, and the audit reports are publicly available.

7.6 The expenditure of funds prioritises public access points, telecentres, SMMEs, co-operatives or other projects and interventions, subject to a carefully-researched needs analysis.

7.7 Competitive least subsidy bidding is used as the basis for selecting and tendering for individual projects and interventions.

Section 8: Quality of service

8.1 Minimum quality of service (QoS) standards apply to all licensees, are specified either in the license or by regulation.

8.2 QoS components are clearly specified and benchmarked QoS components, and contain both objective and subjective components as defined by the ITU from time to time, including those related to supply of service, faults and repairs, service quality, customer experience assessment, provision of designated universal service obligation (USO) services including free emergency calls, billing, customer complaints and redress.

8.3 QoS benchmarks exist in respect of all relevant services, including at least: fixed and mobile telephony, Internet and broadband services, and broadcasting.

8.4 Operator compliance with quality of service (QoS) benchmarks and standards is regularly and objectively assessed, disaggregated and analysed, and the results made publicly available, preferably on the web site of the regulator.

8.4 Quality of service (QoS) components, parameters and benchmarks are periodically reviewed and updated through a process of public, stakeholder consultation.

8.6 Clear and proportionate enforcement mechanisms are in place, should an operator fail to meet required QoS standards, along with appropriate dispute resolution mechanisms.

Section 9: Consumer protection policy

9.1 Consumer protection provisions are required by the law, specified by regulation or in operator licenses, binding on all licensees, and well publicised to all consumers, including by being made available on the Internet.

9.2 Consumer protection requirements exist in respect of all relevant services, including at least: fixed and mobile telephony, Internet and broadband services, and broadcasting.

9.3 Channels for customer complaints are clearly specified, rest with the operator in the first instance, and include escalation procedures, with the regulator as referee of last resort.

9.4 Operators are required to inform their customers of the rights as customers and consumers and of channels for complaints and escalation.

9.4 The regulator undertakes consumer education, informs consumers of their rights, and provides information necessary to empower consumers.

9.5 Consumers are regularly surveyed by a designated agency in relation to quality of service (QoS) and level of satisfaction with operators and their services, and complaints issues, with the survey results made publicly available, including via the Internet.

9.6 Consumer protection parameters and requirements are periodically reviewed and updated through a process of public, stakeholder consultation.

Section 10: Conclusion

These policy guidelines in respect of universal access and service for SADC seek to achieve widespread and equitable access by all in the region to ICT infrastructure, services and content in line with the objectives of The Protocol.

Part 2

These policy guidelines are presented to the Member States so that the regional policy harmonisation process will be strengthened and be conducive to attracting local and foreign investment, thereby facilitating the creation of resources for the development of ICT infrastructure, services and content, thus fostering social development and economic growth across the SADC region. These policy guidelines also seek to foster the effective application of the SADC Protocol directives on the separation of functions between policy, regulation and operations, by strengthening good governance practices and promoting competition.

Member States are recommended to scrutinise their respective legislation in the light of the policy guidelines.

SADC is therefore recommended to monitor country progress in the implementation of these guidelines on an on-going basis.

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Geneva, 2013