
Establishment of Harmonized Policies for the ICT Market in the ACP

Universal Access and Service (UAS) Framework and Regulations for the Kingdom of Swaziland



PART I

Legal, Policy and Legislative Review



OVERVIEW

Conducting a review of Swaziland's relevant national policies e.g. on socio-economic development policies, national development plans, ICT policies, country vision etc., legislation and regulations (adopted and under preparation) relating to Universal Access and Service (UAS) (See Part 1: Policy Making and Legislative Analysis)

Conducting an analysis of these national policies, legislations and regulations highlighting their degree of alignment with the existing SADC Policy on Universal Access / Service Guidelines and associated Toolkit (See Part 1: Policy Making and Legislative Analysis)

Identifying the gaps between the beneficiary country policies and legislation on UAS and best practices and propose amendments on how to address these gaps, taking into account - aspects regarding the establishment and operations of the Universal Service Fund, the organisational structure for the Fund, the financial separation of the USF from the operations of the regulator, the operating procedures of the Fund, and matters incidental thereto. (See Part 1: Policy Making and Legislative Analysis)



DOCUMENTS CONSIDERED

- National Development Plan 2009/10 – 2011/12
- National Information and Communication Infrastructure Policy (2006) (NICI)
- Volumes 1 and 2 of the Poverty Reduction Strategy and action Programme (2006)
- Swaziland Posts and telecommunications corporation Act (1983)
- National Development Strategy (NDS - 1999)
- Swaziland Broadcasting Corporation Bill (2010)
- Swaziland Broadcasting Bill (2010)
- Swaziland Communications Commission Bill (2010)
- Electronic Communications Bill (2010)



UNIVERSAL SERVICE OBLIGATIONS

3 Types of Universal Service
Obligations Identified in the legislation

- Annual Objectives (S29 and 30)
- USF Contributions
- Obligations imposed on designated licensees



MAJOR RECOMMENDATIONS

- It is recommended that the draft legislation be reviewed to expand the scope of universal service (section 30)
- Obligations on designated licensees may be expanded to include retail (not just wholesale)
- Creation of a policy for the management of the USF in line with detailed good governance principles
- A Universal Service Policy is to be created – annual objectives to be prepared in line with this policy (s29)



MAJOR RECOMMENDATIONS

Reference is made to 3 respective funds:

- Universal Services Obligations Fund (section 29)
- Universal Service Fund (section 32) and
- Rural Access Fund- RAF (section 33)

Clarity is required regarding the purpose of the respective funds

PROPOSAL: USF (s32) be amended to include using the fund for broadcasting purposes



MAJOR RECOMMENDATIONS

Section 32(5) states that the proceeds of the universal access fund shall be used for the development and expansion of electronic communications networks and services in areas where there are no services and to provide access to the widest number of users including those with disabilities.

- This section could be drafted more clearly – “access” could be interpreted to mean affordable and therefore allow for subsidisation, however an amendment could clarify this provision



MAJOR RECOMMENDATIONS

- The Commission should develop specific codes or regulations on consumer protection
- Minimum annual reporting requirements to be determined
- QoS requirements to be determined



OUTSTANDING INFORMATION

- Universal Services Obligations Fund – current application



PART II

Regulations



REGULATIONS

- Fund management
- Functions of Universal Service Committee
- Universal Access Fund Contributions (no more than 2%)
- Application of the USF (**Clarity required regarding section 20 – broadcasting to be included explicitly?**)
- Competitive tender process for allocation of funds
- Specific provisions for implementation of projects
- Imposition of obligations (include roll-out, QoS, reporting information) (**Clarity required regarding use of more open ended wording to allow scope to require other reporting requirements**)



REGULATIONS

- Special tariffs – schools (as part of right to impose annual obligations/impose obligations on designated licensees– which do you think is more appropriate?)
- Emergency Services
- Directory Services



PART III

Actions



ACTIONS REQUIRED

Action	Nature of Action	Comments
Establishment of the Universal Services Committee	Internal process	Terms of reference and core activities set out in the regulations
Universal Services Committee is to determine a strategic plan (update every 3 years)	Publicly available	International Best Practice
Universal Services Committee to conduct a needs analysis (update every 3 years)	Publicly available	Inform decision making including annual objectives
Setting up of a separate USF bank account	Internal process	
Determine annual objectives	Internal process	Present to the Board
Creation of tender processes	Internal process	All competitive tenders to comply with these processes
Create numbering plan establishing 112 as emergency number and dedicated number for directory services	Public process	Educational campaign to be embarked upon

