



Distr.
LIMITED

CS/ID/JC/VI/7
August, 2012

Original: **ENGLISH**

**COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

Sixth Joint Meeting of the Committees on
Transport and Communications; Information Technology and Energy

Lilongwe, Malawi
16 - 18 October, 2012

**Report of the 8th Annual General Meeting of Regulators of Information and
Communication for Eastern and Southern Africa (ARICEA)**

INTRODUCTION

1. The 8th ARICEA Annual General Meeting (AGM) was held from 25th to 27th July 2012 at the Elephant Hills Hotel, Victoria Falls, Zimbabwe.

ATTENDANCE, OPENING OF THE 8th AGM, ELECTION OF THE EXECUTIVE COMMITTEE, ADOPTION OF THE AGENDA AND ORGANISATION OF WORK

Attendance

2. The 8th AGM was attended by delegates from: Burundi Regulatory Authority and Control of Telecommunications (ARCT), Communications Commission of Kenya (CCK), ICT Authority of Mauritius, Rwanda Utilities Regulatory Authority (RURA), National Telecommunications Corporation (NTC) (Sudan), Uganda Communications Commission (UCC), Zambia Information and Communications Technologies Authority (ZICTA), , Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) and Broadcasting Authority of Zimbabwe (BAZ). The organisations which attended as observers are UPU, ITU, IDRC, and UNECA. The list of participants is attached as Annex V.

Opening of the meeting (*Agenda item 1*)

Guest of Honour, Mr. Munesushe Munodawafa, Permanent Secretary of Ministry of Transport, Communications and Infrastructure Development

3. Guest of Honour, Mr. Munesushe Munodawafa, Permanent Secretary of Ministry of Transport, Communications and Infrastructure Development.

4. On behalf of the Government and the people of the Republic of Zimbabwe, Mr. Munesushe Munodawafa, Permanent Secretary welcomed the delegates to Zimbabwe and in particular to the Victoria Falls, for the 8th Annual General Meeting of the Association of Regulators of Information and Communication for Eastern and Southern Africa (ARICEA).

5. As a member of COMESA, Zimbabwe is always honoured to host Member States as continuing in pursuit of a common market for the Eastern and Southern Africa region. The communications sector role is to be an enabler of economic and social activities that create a feeling of community among various countries and peoples within the region.

6. The 8th AGM will discuss strategic issues in the communications sector that promote growth and regional integration. These issues are consumer protection, cyber-security and quality of service roadmap among other things. In Zimbabwe, the Government policy objectives for the communications sector are the promotion of access, affordability and the pursuit of service quality comparable to the best practices in the world. It is in the context of these objectives that Government established the Universal Services Fund, to extend services to the previously marginalized areas. He state that POTRAZ is currently working on a number of projects to expand network coverage and improve the quality of services to all corners of the country. Work is underway on a Postcode and Addressing system that will see every household having a unique identifier. This will enable the timely distribution and delivery of services to consumers at all times. It also enables other stakeholders to conduct their activities and business quickly, easily and accurately.

7. The Universal Services Fund is also assisting the post office migrate to a provider of a wider service range that is enabled by innovations in information and communication technologies. The fund is financing both counter automation and the installation of a wide area network.

8. Mr. Munodawafa gave a picture of ICT services in Zimbabwe. Telephone subscribers, both fixed and mobile, have increased from about 500,000 in 2001 to almost 9 million at present. Most of that growth has been registered in the mobile cellular sub-sector where mobile tele-density has grown from 2.9% in 2001 to over 73% as at December 2011. Internet usage has also grown exponentially promoted by increased access to mobile services as well as innovations in the fixed telephony services such as ADSL.

9. Mr. Munodawafa invited the participants to find time to tour the mighty Victoria Falls and its environs that include game parks and other attractions. Finally he declared the 8th Annual General Meeting of ARICEA officially opened.

Dr. Abu Sufian E Dafalla, Telecommunications Officer, COMESA Secretariat

10. Dr. Dafalla also addressed the 8th AGM on behalf of the COMESA Secretary General. In his speech he thanked the Guest of Honour Mr. Munesushe Munodawafa for finding time from his busy schedule to come and grace the ARICEA 8th Annual General Meeting. He also extended his thanks to the Government and people of the Republic of Zimbabwe for the hosting of the meeting, warm welcome and hospitality accorded to delegates since their arrival as well as the Director General and staff of POTRAZ.

11. Dr. Dafalla said that there is a need to protect consumers against any form of abuse. Although the ICT market liberalization has expanded the customer choice base, it will bring more benefit if consumers are empowered to make informed choices. In addition, necessary steps should be taken at policy and regulatory levels to ensure that they are protected from market abuses and unfair trade practices as well as cyber crime. He encouraged the regulators to take a step closer to implement consumer protection.

12. He further said that the telecommunications road to increased development and improved social conditions is not always a smooth one. Cybercrime and privacy issues are real threats. Citizens must have faith in the infrastructures that are built and the services which are on offer. The rapid Internet growth has brought with it equally rapid growth in the number and scale of cyber threats, vastly increasing the dangers online, especially for children. COMESA has developed cyber security policy, model law and implementation roadmap which has been adopted by the policy organs. COMESA will conduct study on key public infrastructure to protect the information infrastructure such as energy networks, ICT networks, bank systems etc. Training will be organized for expertise in this area with cooperation of development partner and Member States. Member States have to take the issue seriously since it affect the citizen and undermine online trading, banking, insurance, ticketing and other e-services. Countries such as Egypt, Kenya, Mauritius, and Sudan have established Computer Incidents Response Team centre and developed policy and legislation.

13. Dr. Dafalla thanked Universal postal Union (UPU), UNECA, ITU and other developmental partners for their support to COMESA and ARICEA.

Remarks by Mr. Trilock Dwarka, Outgoing Chairperson and Chairperson of ICT Authority of Mauritius Board of Directors

14. Mr. Trilock Dwarka, Outgoing Chairperson and Chairperson of ICT Authority of Mauritius Board of Directors thanked Mr. Munesushe Munodawafa for officiating the event. He also thanked the people and the government of Zimbabwe for hosting the 8th AGM and the warm welcome accorded to the delegates as well as POTRAZ.

15. Mr. Dwarka stated that ARICEA has worked tirelessly to develop ICTs throughout the COMESA region to provide the necessary mechanisms to support cooperation and complementarity between its members. ARICEA has done excellent work in promoting and enriching common policies and strategies to develop vital technological domains. It has worked effectively to coordinate regulators' efforts on the right policy and regulatory environment.

16. Therefore, ARICEA has contributed substantially to region integration by having a harmonized ICT policies, regulations and knowledge base. However ARICEA faces challenges in attracting the private sector and reinforcing their role at regional level and handling cross borders issues such as spectrum, interconnection and cyber security as well as coordinating the member views at international forums.

17. Mr. Dwarka thanked the IDRC, ITU, UNECA and UPU and other development partners for their support to ARICEA. He further thanked COMESA Secretariat for the technical and financial support provided to ARICEA.

Remarks by Mr. Alfred Marisa, Deputy Director of POTRAZ

18. Mr. Alfred Marisa welcomed the participants on behalf of the Eng. C.M Sibanda Director General of POTRAZ and on his own behalf to Victoria Falls, Zimbabwe for the 8th ARICEA Annual General Meeting. He stated that Eng. Sibanda was not here since he was due to appear before a Parliamentary Portfolio Committee. He said that POTRAZ is fully committed to seeing the success of ARICEA. An association that is robust, which is geared to responding to the ever changing ICT landscape in the region. He advocate for strong institutional framework of ARICEA. He emphasized POTRAZ commitments to support ARICEA. He also stated that Zimbabwe is committed to COMESA and ARICEA programs.

19. Zimbabwe, through POTRAZ, has been steadfast in paying its contributions as well as participating in ARICEA activities. Going forward, we would like to assure you of even stronger commitment to ARICEA from Zimbabwe. He wished the delegates fruitful deliberations during the 8th ARICEA AGM and an enjoyable stay in Victoria Falls.

Remarks by UPU Ms Gladys Mutyavaviri, the UPU's Regional Project Coordinator for Eastern and Southern Africa

20. On behalf of the UN agencies represented in the meeting and her own behalf, Ms Mutyavaviri thanked COMESA for the invitation. As you are aware, the UN agencies working in the communication sector include the Universal Postal Union (UPU), the International Telecommunications Union (ITU) and the United Nations Economic Commission for Africa (UNECA). She thanked the government of Zimbabwe for hosting the UPU Regional Office for Southern and Eastern Africa, and the ITU Area Office for Southern Africa in Harare, Zimbabwe.

21. Ms Mutyavaviri said that the communication sector is going through unprecedented changes. Within the postal sector, the globalisation of markets has resulted in major sectoral changes. The sector is facing major challenges emanating from changing customer needs, growth in electronic commerce, deregulation and liberalisation of postal markets,

increasing competition and technological developments. Within the telecommunication sector, one of the key issues is the migration from analogue to digital broadcasting services. As we are all aware, that the international deadline for the migration from analogue to digital terrestrial Television (DTT) established and agreed by all countries in the world, is the 17th June 2015.

22. Ms Mutyavaviri stated that the effective use of the extensive postal network in our respective countries has a significant role to play in national socio-economic development. Utilisation of the three dimensional postal network, namely the physical, electronic and financial dimensions of the network, provides an infrastructure that can be used to facilitate national socio-economic development and the attainment of the UN Millennium Development Goals. The extensive postal network can be used to bridge the digital divide, through establishment of Communication Centres and/or Internet Cafes' within the postal network.

23. Technological developments within the postal sector facilitates the provision of a wider range of new innovative products and services, which include e-mail and internet services, hybrid mail, e-commerce, electronic money transfer services, on-line financial services and distance learning through e-learning programmes offered within the postal network.

Vote of thanks

24. Mrs. Margaret Chalwe, Director General of the Zambian ICT Authority on behalf of the delegates and her own behalf expressed sincere gratitude and thanks to the Guest of Honour, Mr. Munesushe Munodawafa for gracing this occasion. She thanked the Government of the Republic of Zimbabwe, and specifically the Postal and Telecommunications Authority of Zimbabwe (POTRAZ) for hosting the 8th AGM and the warm hospitality accorded to the delegates since their arrival in the beautiful city of Victoria Falls. Ms Chalwe further thanked COMESA secretariat for the assistance which has given a boost to the industry in the region through the harmonization of ICT policies in the region, enhancing the capacity of members and galvanizing necessary support for a number of initiatives. She also thanked the outgoing Executive Committee under the chairmanship of Mauritius, for their work and leadership of ARICEA in the last one year.

Election of the Executive Committee and Technical Committees (*Agenda item 2*)

25. The Secretariat in line with the ARICEA Constitution presented the proposed list of the new Committee Members for the consideration and adoption by the 8th AGM. The constitution provides for the retirement/replacement of three members that would have served two years on the Committee and retention of two members for one additional year in order to provide for continuity. The proposed Committee members were as follows:

Executive Committee

26. ICT Authority (ICTA) of Mauritius, National Telecommunication Corporation (NTC) of Sudan and Uganda Communications Commission (UCC) had completed two years of being members of the Executive Committee and would be replaced while Post and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) and Rwanda Utility Regulatory Authority (RURA) proposed to be members for one more year. National Telecommunications Regulatory Authority (NTRA) of Egypt, Communications Commission of Egypt and Zambia ICT Authority (ZICTA) would be the new members of the Executive

Committee. POTRAZ would be the Chairperson of ARICEA while NTRA would be the Vice Chairperson.

Decision

27. The 8th AGM elected the Executive Committee members namely POTRAZ of Zimbabwe (Chairperson), NTRA (Vice Chairperson), ZICTA, CCK and RURA.

Transfer of Power from the Outgoing Chairperson to the Incoming Chairperson (*Agenda item 3*)

28. The outgoing Chairperson, which is Mauritius, handed over the instruments of power to the incoming chairperson, Zimbabwe.

Adoption of the Agenda and Organisation of Work (*Agenda item 4*)

29. The meeting adopted the following Agenda:

1. Opening of the Meeting
2. Election of Executive Committees and Others Committees
3. Transfer of Power (chairpersonship) and Handing Over the Power Instruments
4. Adoption of Agenda and Organisation of Work
5. Consideration of the Executive Committee Report
6. Consideration of the ARICEA 2012 Program
7. Consideration of the Consumer Protection Policy Guidelines
8. Consideration of the digital migration workshop report
9. Consideration of Postal Regulators Training Report
10. Consideration of the Postal services' Quality of Service roadmap
11. Consideration of ARICEA Secretariat Hosting Agreement
12. Statement of ARICEA Finances
13. Presentations on pertinent issues
14. Any Other Business
15. Adoption of the Report and Closure of Meeting

30. The meeting adopted the following hours of work:

Wednesday	25 th July 2012:	09:00 – 17:00 Hours
Thursday	26 th July 2012:	09:00 – 17:00 Hours
Friday	27 th July 2012:	09:00 – 14:00 Hours

ACCOUNT OF PROCEEDINGS

Consideration of the Executive Committee Report (*Agenda item 5*)

ARICEA Communications and Marketing Strategy

31. The 7th AGM took decisions in relation to communications and market strategy which included redesign of ARICEA website, submission of content to be posted on the website and submission of focal points.

32. It was reported that the website was redesigned however a number of countries have not submitted content to be posted on it. D R Congo, Mauritius and Uganda have submitted country reports which have been posted on the ARICEA website. The document of the 8th AGM was posted on the website and members were requested to download.

33. Members submitted focal points are Egyptian National Telecommunication Regulatory Authority, National Telecommunications Corporation (NTC) of Sudan, Ethiopian Broadcasting Authority (EBA), Communications Commission of Kenya, and Uganda Communications Commission and ZICTA.

Decisions

34. The 8th AGM decided that:

1. Members should provide content using the template which was circulated
2. Member States are encouraged to use the website for advertisement and publishing free of charge;
3. Members States who have not provided their focal points should do so before 25th August 2012.

Next Generation Network

35. The 7th AGM decided that study on the readiness of Member States to migrate and deploy Next Generation Network and broadband connectivity as well as assess the enabling environment.

36. The meeting discussed the issue and advised that Secretariat should get in touch with international organizations such as IDRC to assist in implementation. ITU assured the meeting that the study will be conducted jointly with COMESA.

Decisions

37. It was recommended that the Secretariat should liaise with IDRC and ITU to implement the activity.

Infrastructure Sharing

38. The 7th AGM decided that policy guidelines on infrastructure sharing should be developed.

39. The meeting emphasized the importance of the issue, hence the need for Member States to have in place policy guidelines and regulations.

Decisions

40. It was recommended that the Secretariat mobilizes funding to develop the policy guidelines.

Standards and Type approval capacity building workshop

41. The 7th AGM decided that the event should take place and requested all Member States to participate in it.

Decisions

42. It was recommended that the Secretariat should liaise with ITU to implement the activity.

Remittance of contribution

43. The 7th AGM decided that:

1. The members with arrears should be reminded by the chairperson to pay their contribution;
2. The Chairperson should write to ICT Ministry in Ethiopia about ETA arrears as well as for the associate members with copies to the regulators in that country;
3. Issue the invoice for 2011; and
4. Request all members to include in their budget the ARICEA contribution.

44. Members have paid 2011 contribution however some of them are still in arrears.

45. The invoices for 2012 were circulated with a covering letter highlighting the main issues related contribution payment.

Decision

46. The 8th AGM requested ARICEA members to pay their 2012 contributions as well as the arrears.

Cyber security Program

47. A study has been conducted in line with the 7th AGM decision. The outcomes of the study are policy guidelines, model law and implementation roadmap. The document was presented to the workshop which held in July 2011, Khartoum, Sudan. The Workshop recommended that:

- a. COMESA puts in place the necessary steps to ensure political support for cyber security by member states in order to enhance visibility, allocation of financial and technical support for implementation.
- b. COMESA Secretariat and Member States to establish institutional capacity to facilitate implementation for cyber security agenda such as accreditation and testing laboratories, regional and national CIRTs. The training for CIRT should focus on harnessing advanced courses and methodologies like gaming, simulations and animations.
- c. COMESA Secretariat and Member States negotiate and formulate a regional cooperation agreement between member states on cyber security matters e.g. investigation, enforcement, digital certification and exchange of experience and best practices.

- d. COMESA member states promote the establishment of Critical Information Infrastructure Protection (CIIP) framework, as well as sharing of regional cyber security infrastructure.
- e. Member States have to involve the private sector, civil society and other stakeholders to play a more active role in the cyber security agenda.
- f. COMESA develops and implements a programme for capacity building and awareness on aspects of cyber security at all levels with all stakeholders such as ICT regulators, law enforcement agencies, the judiciary, legal fraternity, information technology professionals and users.
- g. Member States include aspects of cyber security in the curriculum of schools, universities and other learning institutions. Further that E-learning platforms, shared resources and online courses to be harnessed for capacity building, awareness creation and building a cyber security culture in Member States.
- h. Member States adopt and integrate the proposed harmonized instruments articulating policy, legislation and the implementation roadmap at national levels.
- i. Member States in need of technical assistance to make their requests to COMESA to facilitate the establishment of the necessary policy, legal, technical and institutional frameworks for cyber security.
- j. COMESA to conducts a comprehensive assessment of the cyber security status among its Member States with a view to informing the strategies for implementation going forward. The study outcomes shall be presented to an ICT ministerial meeting to facilitate implementation.
- k. COMESA develops harmonised Regional Digital Certification Standards.
- l. COMESA should establish a regional CIRT as a collaboration platform and a regional contact point for the national ones.
- m. COMESA Secretariat work closely with development partners such as EAC, UNECA and others in implementing cyber security in the region.
- n. The policy and model bill were adopted by the COMESA Infrastructure Ministers Meeting which held in Swaziland, Sept 2011.

48. The workshop developed a roadmap which is attached as Annex I.

Decisions

49. The 8th AGM Decided :

- 1. To adopt the implementation roadmap;
- 2. To encourage Member States to fast track the implementation of the policy and the model law;
- 3. To establish national CIRTs; and

4. That Regulator should cooperate with the judiciary and assist in implementation of policy and laws raise awareness and build their capacity.

E-readiness assessment and information society:

50. The importance of having a one stop shop for ICT information and statistics is crucial.
51. COMESA, ITU, UNECA and UNCTAD had organized training on household survey and ICT business for the Central Statistics Bureau Offices in the region. There are regional indicators which should be presented to national stakeholders to include the national indicators and determining the host of the data base.
52. The meeting discussed the issue of postal statistics and its importance for the regulator usages. The regulators face a challenge in collecting postal statistics. It has been advised that the postal operators have to establish statistics and information data base where the regulators can get the required data from them. The best practices of the information society measurement have been discussed. It has been stated that there is a need to have close cooperation with National Statistics Office Bureau. In some countries such as Egypt and Mauritius, National Statistics Office Bureau has taken four or five question related to ICT in their regular survey. It has also been advised special surveys have to be conduct such as ICT access and ICT usage in business. It is also important to conduct such surveys in close cooperation with National Statistics Office Bureau.

Decisions

53. The 8th AGM decided that Member States were requested to implement the roadmap and the related earlier AGM decisions.

Post code and addresses project

54. COMESA with UPU agreed to implement a project on post code and addresses which will include capacity building. The main objectives of the project are to assist member countries by:
 1. sensitizing governments and other stakeholders on the importance of postcode and addressing systems as a national infrastructure programme; and
 2. training focused on designing national projects to develop and extend usage of geographical and postal addresses, including postcodes and postal standards and specifying the prerequisites of developing postal databases for addressing and postcode systems.

55. The 8th AGM noted the progress of the project.

Consideration of the ARICEA 2012 Program (*Agenda item 6*)

56. The work program was presented to the meeting. The main areas of the program are consolidation of ARICEA, capacity building, ICT policy and legislation development.
57. It was proposed that the host agreement and the selection process of the host country should be included in the work Programme.

58. The meeting called for the improvement of communications between the member countries and the Interim secretariat.

Decision

59. The meeting decided to adopt the work program with amendments.

Consideration of the Consumer Protection Policy Guidelines (*Agenda item 7*)

60. The consumer protection policy guidelines have been presented to the meeting. The main objectives are as follows:

- To provide an overarching set of principles, rights and best practice;
- ICT consumers are adequately protected against practices that are detrimental to their rights as consumers of ICT goods and services;
- ICT consumers are empowered through access to the necessary information to make informed choices and in order effectively to exercise their rights;
- To ensure that the fundamental rights of the consumers of ICT goods and services are enshrined in an enforceable Consumer Bill of Rights; and
- To recognise the respective roles of policy, national legislation and of both competition and sector-specific regulation.

61. It proposed that the policy guidelines may include` quality of service indicators. The international organisations such as UPU and ITU set out performance indicators for the quality of service. Operators have been questioning the rationale of applying the same performance indicators in the rural as well as the urban areas. The national quality of service indicators should be applied to urban and rural areas to ensure acceptable quality of t service is delivered to all the customers.

62. The persons with disabilities are catered for in the policy guidelines. The policy guidelines have not covered the postal services sufficiently. UPU agreed to provide inputs to the policy. Countries may need more time to comment.

Recommendations

63. It was recommended that

- i. Countries should send their comments on the policy by 30th August 2012;
- ii. The consultant will incorporate the comments; and
- iii. The amended policy guidelines which are attached as annex II were recommended for adoption.

Consideration of the digital migration workshop report (*Agenda item 8*)

64. The reports were presented to the meeting. The workshop main recommendations were as follows:

- i. The COMESA digital migration implementation roadmap be recommended for adoption by COMESA policy organs;

- ii. The digital migration date should be December 2013 and the analogue switch off date for COMESA Region should be April 2014;
- iii. COMESA Secretariat should facilitate and monitor the implementation of the roadmap by Member States;
- iv. The digital migration process should be coordinated at the tripartite level (COMESA, EAC and SADC) to harmonize the process and maximize the economic value;
- v. It is recommended that Member States choose the DVB-T2 standard for signal distribution to avoid dumping of equipment of old standards in the region;
- vi. Member States are requested to evaluate the economic value of the digital dividend and its contribution to the national GDP;
- vii. COMESA Secretariat should develop a multilateral spectrum coordination framework so as to address cross borders issues;
- viii. Capacity building programmes should be developed and implemented for policy makers; regulators and services providers.
- ix. Member states are encouraged to license more than one signal distributor.
- x. Develop and adopt regional specifications for STB's to protect consumers from unfair practices.

65. The meeting discussed the report. Countries presented verbal reports on the status of implementation of digital migration process. It was agreed that the next Executive Committee meeting should receive a full report on the implementation of the digital migration.

Recommendation

66. The meeting recommended that the implementation roadmap which is attached as annex III should be adopted.

Consideration of Postal Regulators Training Report (*Agenda item 9*)

67. The report was presented to the meeting. The main recommendations of the training were:

- i. Member States were requested to review and update their postal policies and laws;
- ii. Member States were requested to establish independent postal regulatory agencies where they do not exist and strengthen the existing ones;
- iii. Market research should be undertaken nationally and regionally with facilitation from regional organizations such as COMESA. The market research should assist the creation of strategic plans for the postal sector, highlighting among others the contribution of the sector to country GDP;

- iv. Member States were requested to develop a clear universal service policy and regulations, establish a universal service fund and put in place a mechanism to ensure that the postal sector benefits;
- v. countries were requested to construct data bases, and establish statistical units for postal services within the government, operator and regulator;
- vi. Countries were requested to partner with UPU, PAFU and other regional organizations to take advantage of the various initiatives and development plans such as IPDP;
- vii. Recognizing the importance of quality of service in postal sector development especially in light of the introduction of quality of service link to terminal dues, and the likely negative impact on developing countries, COMESA countries were requested to cooperate and coordinate their efforts to build their capacity in quality of services management;
- viii. COMESA should assist member states in the development of rules for cost accounting and pricing, applicable to the postal sector, including the method of calculation of the USO net costs as well as define method for cost calculation;
- ix. Develop postal codes and street addressing systems, together with GIS mapping and establish appropriate information data bases.

68. The meeting discussed the report. The issues discussed were the post code and addressing system, universal services access, pricing and costing of postal services and its importance when the new terminal dues system is applied. ITU proposed that the methodology for the telecommunications services costing can be used for postal services and promised to assist in that process.

Decisions

69. It was decided :
- i. COMESA should develop a guidelines for cost accounting system and regulations; and
 - ii. To adopt the recommendations and request countries to implement them.

Consideration of the Postal services' Quality of Service roadmap (*Agenda item 10*)

70. The quality of service roadmap was presented to the meeting. The main objective of the quality of service projects is to improve quality of service offered by countries within the respective regions. Member countries are expected to achieve the UPU delivery standard and targets of international mail J + 5 80% and their expected domestic quality of service standards and targets. The project covered designated postal operators in Eastern Africa:

71. It was clarified that the project focused on quality of service for postal products and services, implementation of measurement and technology support and usage of improvement methodology. The regulators role is to monitor and evaluate implementation of the quality of service standards. The regulators were requested to support the universal postal services from the universal service fund. Mozambique and Lesotho have participated in the project since they have joined the project for Southern Africa region.

Decisions

72. It was decided that

- i. The regulators should monitor and evaluate the achievement of the expected quality of services standards for both national and international mail in doing so regulators may utilize quality of service results from international and continental bodies such as UPU;
- ii. Regulators should develop standards for national quality of services postal services; and
- iii. Regulators should utilize the Universal Service Fund to support provision of universal service.

Consideration of ARICEA Secretariat Hosting Agreement (*Agenda Item 11*)

73. The revised agreement has been presented. The agreement has been revised by the COMESA legal division. It has been stated that the AGM has to recommend for the adoption of the agreement by the Ministers responsible for ICT. Then it will be edited by a drafting lawyer. It will be discussed by the COMESA legal drafting committee and then submitted for consideration by the Ministers of Justice. Finally it will be presented to the COMESA Council of Ministers which will appoint the host country.

74. The process may take around eighteen months. The mechanism of selecting the host country will be communicated to the countries to enable those interested to host the secretariat to submit their applications.

Recommendation

75. The meeting recommended that the host agreement which is attached as Annex IV be adopted.

Statement of ARICEA Finances (*Agenda Item 12*)

76. The statement was presented. The statement highlights the total amount in the account and the arrears. The expenditures per year were stated. ARICEA has no fixed asset except the IT server which was burnt during COMESA fire incident.

77. The contribution of members has been accumulating and no single dollar has been withdrawn from it. The decisions of utilising the ARICEA contributions should be taken by the annual general meeting.

78. The meeting discussed the statement and requested for comprehensive statement which indicates all the expenditures of the association activities during the year.

79. It was proposed that the money should be deposited on a fixed account in order for ARICEA to earn a reasonable interest t.

Decisions

80. It was decided that the Secretariat has to change the account into fixed one to earn some interest.

81. A comprehensive statement of finances that includes all expenditures and revenues of ARICEA should be prepared and presented at the next Executive Committee Meeting.

Presentations on pertinent issues (*Agenda Item 13*)

Electronic Money Transfer Services:

82. A presentation was made on electronic money transfer. The project objective is to provide all citizens with access to efficient, reliable, secure and affordable electronic funds transfer services within the postal network, in Africa and with the rest of the world.

83. Technical, operational, commercial, marketing finance and accounting, and policy Constraints face the project. The technical issues challenging the project are lack of IT infrastructure and IT expertise, integrating IFS with other applications, interconnectivity between countries and unavailability of electricity especially in rural areas.

84. The meeting noted the project.

Information society measurement

85. The objectives are to monitor sector trends & growth patterns, benchmark the country determine contribution of ICT towards economic growth social development, assess impact of policy & regulation, and provide guidance for policy formulation & regulatory intervention. Indicators on different areas have been presented. ITU is the main source of the data.

86. The meeting discussed the presentation, data and methodology of collection and analysis of these data.

The meeting noted the presentation

Any Other Business (*Agenda Item 14*)

87. There was no other business.

Adoption of Report and closure of the 6th AGM (*Agenda Item 15*)

The report was adopted with amendment.

Mr. Alfred Marisa, Deputy Director General of POTRAZ said that Eng Sibanda apologized for not attending the closing of the meeting due to unexpected issues in Harare. He further said that on behalf on Eng Sibanda it was great honor and privilege to host the meeting. It is an African tradition to be hospital to your neighbour and guests.

Chairmanship is a huge responsibility. He encouraged the members to support ARICEA and pay their contribution on time. ARICEA needs to rise and grow.

Mr. Marisa wished the participants save journey back home and declared the 8th AGM officially closed.

Annex I. Cyber security Implementation Road Map

1. Background

There have been significant changes in the level of sophistication of cyber threats since 1986 when the first known case of a computer virus aimed at advertising a Computer Store in Lahore, Pakistan, was reported. Just a few years ago, the development and dissemination of malware (viruses, worms, and Trojans) was essentially to demonstrate the technical skills of information technology (IT) professionals. Today, we are dealing with a new form of organized cybercrime aimed at financial gains, with an expansion of the types of threats to various platforms and to various countries. Spam has evolved to become a vehicle for delivering more dangerous payloads, such as the dissemination of viruses, worms and Trojans that are today a means for online financial fraud, identity or trade-secret theft as well as various other forms of cyber threats. When threats to critical infrastructures in the financial, health, energy, transportation, telecommunication, defence and other sectors are taken into account, it is obvious that the situation is likely to get worse.

One of the emerging and rather dangerous trends is the shift in strategy by hackers from the central command-and-control model for controlling botnets to a peer-to-peer model with a distributed command structure capable of spreading to computers located in different countries. This makes it very difficult to pinpoint one geographical location as the origin of these attacks, and consequently makes it difficult to identify them and shut them down. This shift strategy is not just aimed at delivering spam with more dangerous payloads but can also be used to disseminate inappropriate content, such as child pornography, without the knowledge of the hijacked computer owners that they are hosting and disseminating such content

2. Objectives

The mission is to enhance the security of COMESA's Member States Communications and Information Infrastructure through proactive action and effective collaboration.

The objectives of the roadmap are to:

- Address key challenges in cyber security ranging from lack of adequate skills to limited coordination between stakeholders at national, regional and global levels
- Develop relevant policies, legal and regulatory framework, strategies guidance and establish code of conduct for improving cyber security
- Promote and enforce compliance of technical and operational standards
- Establish the technical issues which may be imposed on stakeholders such as service providers, financial institutions, vendors/merchants, as well as work towards building the necessary trust and confidence demanded by users, key stakeholders, both within Africa and from around the world.

- Collection , Analysis and dissemination of Incident, Threat, and Vulnerability Information;
- establishing effective and appropriately secure communications mechanisms;
- Promote regional cooperation and coordination of cyber security efforts;
- Follow up with the activities carried out by the RICTSP to promote e-readiness assessment and information society measurement in Eastern and Southern Africa;
- Security raising awareness about the importance of cyber security; and
- Sharing Best Practices among the countries.
- Promoting a national and regional culture of cyber security

3. Challenges

With the exponential growth of internet, the mobile growing, the increasing use of electronic channels for commerce, governance and relationship and the use of ICTs in all forms of utilities, the safety and resilience of these channels are increasingly becoming critical. Incidences of recent Cyber attacks and attempts to breach the security of national critical information infrastructure highlights how fragile Cyber security is and the need to safeguard vulnerable people, property and procedures.

Cyberspace rules and norms are in a permanent state of flux, and cyber insecurity presents new challenges and dangers. Increasing instances of Cyber attacks on critical information infrastructure by unknown perpetrators and growing cost to business and individuals due to Cyber fraud has heightened the need for robust Cyber security frameworks and most importantly international cooperation in minimizing the impact of Cyber threats. Indeed in matters of cyber security, the global chain of nations is only as strong as its weakest link.

Africa is particularly affected by this phenomenon, 2010, since more than a half of 650,000 infected systems in the world are found in developing countries. Indeed, during the last years, the countries of the Sub Region increasingly experienced threats on social network sites, banking security, attacks targeting users, enterprises and applications.

The COMESA region faces the following challenges:

1. Lack of policy and legislation framework in most of Member States;
2. Lack of establishment of national and regional CIRTs
3. low literacy rates especially on Internet security awareness;
4. The knowledge and expertise in cyber security;
5. non existence of central information security body to educate the layman around Internet security and other cyber security issues;
6. Availability, reliability and affordability of users protection ;
7. Freeware downloads offer no guarantees on functionality and do not provide support; and
8. Lack of regional framework for cooperation, protection, exchange of information and tackling the crimes.

4. Tasks

a. Create Enabling Environment

Governments have to draw up policies, legislations and strategies to meet their developmental targets and for national security purposes. The Government should facilitate partnerships between different stakeholders to facilitate the flow of information, expertise and resources. Policy-makers and regulators need to be aware of the dangers related to the modification of sensitive medical data, the banking data or the unauthorized access to such systems. Legislators must have basic knowledge of how legal instruments map to existing technological solutions in place. The cyber security model bill and the policy should be used when review the national ones.

Legal issues covered by the cyber law are:

- contract validation and legality of electronic transactions.

- e-signature and e- payment.
- consumer protection and cyber security.
- intellectual property rights.
- data protection and privacy.
- e-jurisdiction , liability and dispute settlement
- E- commerce and e-taxation
- Cyber Crime such as computer crimes, internet crimes, data and devices.

b. Establish National CIRTs

Establish national CERTs as central, trusted organisation that co-ordinates the response to cyber security incidents with the following objectives:

- ✓ incident management capabilities with national responsibility;
- ✓ Watch, Warning, Information Alert
- ✓ Build Capacity: Technical, legal and policy;
- ✓ Create awareness in cyber security;
- ✓ Conduct Research and development in cyber security technologies; and
- ✓ Provide a secure, confidential forum for financial institutions to share information among one another as they respond in real-time to particular threats

c. Establish Regional CIRTs

Establish regional CIRTs as central, trusted organisation that co-ordinates the response to cyber security incidents with the following objectives:

- ✓ incident management capabilities with national responsibility;
- ✓ Watch, Warning, Information Alert
- ✓ Build Capacity: Technical, legal and policy;
- ✓ Create awareness in cyber security;
- ✓ Conduct Research and development in cyber security technologies; and
- ✓ Provide a secure, confidential forum for financial institutions to share information among one another as they respond in real-time to particular threats

d. Capacity Building

With the important role that ICTs play today in protecting critical infrastructure and providing services in sectors such as health, education, finance and commerce, knowledge and know-how on the opportunities offered by a secure cyberspace and on the threats inherent in an insecure cyberspace are vital to meeting national priorities. Inadequate and inappropriate programmes for capacity building on the basics of cyber security technologies and strategies for engineers, internet service providers and network operators who run and operate the networks and IT infrastructure could pose severe threats in an environment where networks and host are interconnected and form a borderless and global infrastructure.

It is often said that a chain is as strong as its weakest link and, in an era of global connectivity, it is important that this connectivity should also extend to knowledge and know-how.

Efforts to promote capacity building should focus on the following:

- to improve where available the cyber security general knowledge for decision

- makers, user and ICT engineers
- Develop models for cyber security management
- Develop best practices for communication service providers
- Add cyber security curriculum in computer classes at primary, secondary level and tertiary institutions
- Capacity building and awareness of e- commerce institutions and human capital
- Etc.

e. Create Regional / International cooperation Framework

Regional and international cooperation is critical in fostering a global culture of cyber security. Countries cannot shut down their borders to incoming cyber threats. Cybercriminals are not and cannot be bound to geographical locations. Laws and technological measures can no longer be limited to national or regional boundaries. Time and geography are no longer barriers to where and when these attacks can be launched and where the victims could be located. Attempts to try to solve these challenges at the national or regional levels are simply not sufficient. Legal and technical measures operating at national and regional levels are necessary but not sufficient to address these global challenges.

Efforts should focus on the following:

- Creating institutional (public, private and civil society) collaboration;
- Establishment of structures for information collecting and sharing;
- Establishment of Regional Cyber Security Advisory Board (RCAB);
- Promote and Encourage active participation in all relevant international cyber security bodies, panels, taskforces and multi-national agencies; and
- Regional Cooperation agreement on cyber security: COMESA Secretariat and Member States should negotiate and formulate a regional cooperation agreement between Member States on cyber security matters e.g. investigation, enforcement, digital certification and exchange of experience and best practices

f. Consumer protection

Governments need to educate the public, home users, children and small businesses in particular about cyber hygiene, safe and ethical computing.

g. Security in the Cloud

Cloud computing is proving to be a major threat. Cloud is moving fast. 80% of all new software will be available as cloud services by 2014, 30% annual growth in enterprise cloud services, 3billion smart phone users today the COMESA sub-region, should review the current drives for ensuring the optimal use of the regional networks and a proper repositioning of the communication links and linkages. Cloud computing issues are access, security, privacy reliability, compliance, liability and regulation data location and path it takes.

h. Establishment of a regional Controller of Certification Authorities

The role of the Controller of Certification Authorities will be to regulate and license the activities of Certification Authorities. This will also entail the development of regional standards for the Controller of Certification Authorities.

i. Regional Cooperation agreement on cyber security

COMESA Secretariat and Member States should negotiate and formulate a regional cooperation agreement between Member States on cyber security matters e.g. investigation, enforcement, digital certification and exchange of experience and best practices.

5. Funding and Resources Gap

In order to successfully implement actions and plans arising from this Implementation Roadmap, special attention shall be paid to internal and external resource mobilization strategies at national and regional levels targeting the involvement of co-operating partners, and the private sector through PPPs. The role of co-operating partners and other stakeholders is very important.

Member States should be responsible for coordinating resource mobilization in conjunction with the COMESA Secretariat for implementing the roadmap. This should include providing for equitable and transparent resource allocation as well as monitoring and evaluation. Financial resource mobilization will include:

- a) Contributions from the Member States;
- b) Contributions/sponsorship from Member States national stakeholders/local industries;
- c) Contributions from bilateral/multilateral cooperating partners.

6. Monitoring and Evaluation

Member States shall develop a monitoring and evaluation system based on agreed sector indicators with relevant stakeholders, as part of the development of an integrated regional Implementation Roadmap. Periodic consultative sector reviews shall be *in-built* in the implementation process at all levels. This will include overall review of the implementation strategy at national and regional level by Member States and COMESA Secretariat respectively.

7. Action plan

The action plan is as follows:

	Activity	Responsibility	Period/date	Remarks
1	Review policies at national levels	Member States	2011-2012	
2	Review legislations at national levels	Member States	2011-2012	
	Establish national CERTs	Member States	2011-2012	
3	Establish regional CERTs	COMESA	2012	
4	Capacity Building and awareness programme	COMESA, Countries	Continuous	
5	Establishment of Regional Cyber Security Advisory Board (RCAB)	COMESA	2012	
6	Regional Cooperation agreement on cyber security	COMESA	2012	
7	Consumer protection	Member States	2011-2012	
8	Establishment of a regional Controller of Certification Authorities	COMESA	2013	
9	Establishment of standards for the regional Controller of Certification Authorities	COMESA	2013	
10	Monitoring and review/evaluation	Members States/COMESA	Continuous	
11	Funding & resources gap	Member States/COMESA	Continuous	

Annex II

Policy Guidelines on Consumer Protection Draft Recommended Update

At the request of ARICEA, and with the support of the IDRC, the 2007 COMESA Policy Guidelines on Consumer Protection have been updated in accordance with overall recommendations from the IDRC-funded ARICEA research project, 'Empowering regulators to protect consumer rights in the ICT sector', along with international and regional consumer protection best practice. The recommendations for revisions as set out below were drafted by Charley Lewis, LINK Centre, University of the Witwatersrand, South Africa and Russell Southwood, Balancing Act, London. The left-hand column in the table below sets out the current COMESA Policy Guidelines on Consumer Protection, while the right-hand column contains the recommended revised version.

1 PREAMBLE

- 1.1 The Common Market for Eastern and Southern Africa (COMESA), through the Association of Regulators for Information and Communications for Eastern and Southern Africa (ARICEA), is working towards the development of a modern and dynamic information and communications technologies (ICT) sector that will contribute to strengthening economic development and improving standards of living, along with supporting social development, alleviating poverty, and enhancing the quality of life.
- 1.2 The COMESA ICT Policy and Model Bill (as approved in March 2003, Khartoum, Sudan) provides the basis for the harmonisation of policy across the broad ICT sector in order to lay the foundation for integrated ICT development across the region and to provide for reliable, effective, adequate and sustainable ICT infrastructure and services oriented to meeting the developmental needs of the region.
- 1.3 The main objectives of the COMESA ICT Policy are to create conditions for:
 - Ensuring affordable, efficient and high quality ICT services;
 - Building a competitive market-driven ICT sector;
 - Promoting sustainable ICT development and a dynamic ICT business environment;
 - Creating partnerships (including sub-regional ones) between public and private sectors;
 - Providing a stable, independent and responsive regulatory environment; and
 - Establishing human resource development policies that treat both women and men fairly and equitably.
- 1.4 To support the implementation of the COMESA ICT Policy and Model Bill, a set of regulatory guidelines were developed in the areas of:
 - Licensing;
 - Interconnection;
 - Competition;
 - Pricing;
 - Universal Access/Service
 - Consumer Protection.
- 1.5 Technological developments, including the introduction of new services and the advent of convergence, along with ongoing sector liberalisation and improved regulatory

practice, require that the 2004 COMESA / ARICEA Policy Guidelines on Consumer Protection be updated to strengthen further the protection and empowerment of the consumers of ICT goods and services.

- 1.6 These updated COMESA / ARICEA Policy Guidelines on Consumer Protection (hereinafter referred to as the 'Guidelines') are intended to increase further the level of policy co-ordination, regulatory harmonisation, regulatory certainty and good governance across the member states of COMESA.
- 1.7 The purpose of these Guidelines is to assist and guide Member States in their efforts to update their own national policy guidelines on consumer protection in line with developing global best practice, and to support the ongoing implementation of interventions to protect and empower ICT consumers in their respective jurisdictions.

2 OBJECTIVES, PRINCIPLES AND SCOPE OF ICT CONSUMER PROTECTION POLICY

- 2.1 These Guidelines seek to provide an overarching set of principles, rights and best practice implementation guidelines that are applicable to all consumers of ICT goods and services across all COMESA member states.
- 2.2 The scope of application of these Guidelines embraces the full range of ICT goods and services as defined from time to time, including but not limited to telecommunications, broadcasting and postal services; broadband and the Internet, and end-user terminal devices and equipment.
- 2.3 These Guidelines seek to ensure that ICT consumers are adequately protected against practices that are detrimental to their rights as consumers of ICT goods and services.
- 2.4 These Guidelines further seek to ensure that ICT consumers are empowered through access to the necessary information to make informed choices and in order effectively to exercise their rights.
- 2.3 These Guidelines seek to ensure that the fundamental rights of the consumers of ICT goods and services are enshrined in an enforceable Consumer Bill of Rights.
- 2.4 These Guidelines recognise the respective roles of policy, national legislation and of both competition and sector-specific regulation in protecting and empowering ICT consumers.
- 2.5 These Guidelines recognise that certain rights, guidelines and interventions are applicable to consumers across the board, but notes that a number of interventions specific to the ICT sector may be required.
- 2.6 These Guidelines recognise that the effective protection of ICT consumers is dependent upon integrated national ICT policy, legislation and regulation, upon good governance practices, upon ongoing ICT sector reform and liberalisation, and upon coherent and effective regulation across an increasingly convergent and integrated ICT sector.

3 CONSUMER BILL OF RIGHTS

- 3.1 In order to protect and safeguard the interests of consumers of ICT goods and services, and to empower such consumers to exercise their rights, the member regulators of

ARICEA adopt the following fundamental Consumer Bill of Rights as underpinning consumer protection interventions by policy-makers, legislators and regulators.

3.2 The principles set out in this Consumer Bill of Rights are expanded and translated into best practice implementation interventions in the Consumer Protection Guidelines below.

3.3 All consumers of ICT goods and services enjoy the following fundamental rights:

3.3.1 **Legal Basis for Protection** – Every consumer has the right to protection enshrined in national law which sets out the basis, requirements and parameters for consumer protection in respect of all relevant ICT services;

3.3.2 **Responsive Institutional Framework** – Every consumer has the right to an appropriate institutional structure and framework of competencies that ensures both protection and empowerment, that is responsive to consumer needs and is proactive in intervening to protect them;

3.3.3 **Freedom of Choice** – Every consumer has the right to select freely from a range of quality products, services and service providers, at competitive prices in a liberalised market, and to have those choices respected and protected;

3.3.4 **Transparency and Disclosure** – Every consumer has the right to receive clear, transparent and complete information about rates, terms and conditions for all products and services, and for such information to be plainly conveyed in a choice of official languages;

3.3.5 **High Quality of Service** – Every consumer has the right to receive high quality, reliable products and services that meet appropriate, clearly defined, publicly available and regularly monitored quality of service benchmarks and standards;

3.3.6 **Accurate and Comprehensible Billing** – Every consumer has the right to receive accurate, understandable and itemised billing for all products and services that have been agreed to;

3.3.7 **Channels for Redress** – Every consumer has the right of access to readily available channels of complaint that are inexpensive and easy to use, that provide timely, effective and fair redress, and that include clear escalation procedures, with the regulatory authority as final arbiter;

3.3.8 **Non-Discrimination** – Every consumer has the right to be treated without prejudice or disadvantage, equally with all other similarly situated consumers, to enjoy products and services fairly and widely accessible to all, with particular protections for disadvantaged and vulnerable consumers;

3.3.9 **Fair and Responsible Marketing** – Every consumer has the right to fair and responsible marketing from service providers, and to protection against advertising that is misleading or false or based on claims that cannot be substantiated, and from unfair bundling of services and unreasonable contracts;

3.3.10 **Fair and Reasonable Treatment** – Every consumer has the right to fair treatment from service providers, to balanced terms and conditions, to

reasonable pricing that reflects fair value, and to protection from market abuses such as unfair trade practices and anti-competitive behaviour;

- 3.3.11 **Personal Privacy and Security** – Every consumer has the right to lawful personal privacy and security of private data, and should be protected against unauthorised use of personal information;
- 3.3.12 **Health and Safety** – Every consumer has the right to receive products and services that adequately meet appropriate and properly defined standards of health and safety;
- 3.3.13 **Representation and Voice** – Every consumer has the right to make his or her voice heard, including through the right to form consumer advocacy groups, through public participation in periodic review of consumer protection parameters, and through input into proceedings and decisions that affect their rights as consumers;
- 3.3.14 **Access to Information** – Every consumer has the right to be informed about his or her consumer rights as set out in this Consumer Bill of Rights, and has the right of reasonable access to all relevant information that will enable the exercise of the rights set out herein.

4 CONSUMER PROTECTION GUIDELINES

- 4.1 The rapidly developing and increasingly converged range of ICT goods and services (embracing telecommunications, broadcasting, Internet, broadband, data, information technology and postal services) bring key social and economic benefits to consumers. The Consumer Protection Guidelines set out below have been developed to assist policy-makers and regulators in the concrete and practical implementation of interventions to ensure that the objectives of the Consumer Bill of Rights can be met.

5 LEGAL BASIS FOR PROTECTION

- 5.1 There is a clear legal mandate enshrined and enacted in the law to support and address the protection and empowerment of ICT consumers.
- 5.2 The legal mandate may include provisions applicable to all consumers enshrined in general legislation, along with provisions specific to ICT consumers and enshrined in sector-specific legislation.
- 5.3 The legal mandate includes the legislative foundation for the establishment of the institutional structures necessary for the effective protection and empowerment of ICT consumers.
- 5.5 Consumer protection provisions are required by the law, specified by regulation or in service provider licences, binding on all licensees, and well publicised to all consumers, including by being made available on the Internet.
- 5.5 Consumer protection requirements exist in respect of all relevant services, including at least: fixed and mobile telephony, Internet and broadband services, broadcasting and postal services.

- 5.6 The legal mandate for consumer protection and empowerment is developed through an inclusive public process that involves consultation with relevant stakeholders.
- 5.7 The principles of good governance are explicitly provided for in the law, including autonomy of the authorities responsible for consumer protection and empowerment, transparency of processes and procedures, consultation with stakeholders, and periodic review of the basis, requirements and parameters for consumer protection and empowerment.
- 5.8 The legal mandate for consumer protection and empowerment ensures co-ordination of policies at national level between government departments and regulatory authorities, including in respect of Universal Access and Service (UAS), Quality of Service (QoS), education, gender, national poverty reduction strategies, millennium development goals (MDGs) and cyber strategies.
- 5.9 The legal mandate and institutional framework for consumer protection and empowerment caters for ongoing convergence of ICT goods and services, including the Internet, broadband, broadcasting and postal services, in addition to fixed and mobile voice services.

6 RESPONSIVE INSTITUTIONAL FRAMEWORKS

- 6.1 The law identifies the regulator or a designated agency as responsible for the implementation of policy, regulation and other measures designed to ensure consumer protection and promote consumer empowerment, and clearly defines its mandate, authority and competencies.
- 6.2 Where the responsible agency has co-jurisdiction with other institutions or is required to work in collaboration with them, the parameters governing that interaction are clearly defined in the law.
- 6.3 Consumer protection parameters and requirements are periodically reviewed and updated through a process of public and stakeholder consultation.
- 6.4 The responsible agency establishes a clear, measurable and publicly available rules framework through the promulgation of consumer protection and quality of service regulations, the imposition of mandatory Codes of Conduct or Practice upon licensees, the undertaking of monitoring and enforcement with respect to compliance, and ensuring the publication of all such measures.
- 6.5 The responsible agency monitors consumer views and issues on an ongoing basis through undertaking consumer surveys, establishing a Consumer Satisfaction Index, creating channels and forums for consumer feedback, requiring licensees to provide information about complaints received, and reporting to the public at least on an annual basis.
- 6.6 The responsible agency ensures that its own performance in respect of consumer protection is regularly and objectively assessed, including but not limited to: level of public satisfaction with the consumer protection regulatory interventions, consumer

access to information, responsiveness to consumer complaints, and public access to regulatory decision-making processes.

- 6.7 The responsible agency not only intervenes on behalf of consumers in respect of existing consumer concerns and issues as they arise, but also actively anticipates issues that may arise with changes in products and services.
- 6.8 The responsible agency assesses and evaluates the cost and effectiveness of its different consumer protection interventions on an ongoing basis.

7 FREEDOM OF CHOICE

- 7.1 The market is liberalised, allowing suppliers to compete freely and fairly in offering ICT goods and services.
- 7.2 Consumers have the right to select their providers and services, on the basis that multiple options exist, and are protected against conditional selling, unreasonably bundled sales and unsolicited goods and services.
- 7.3 Consumers are protected against unreasonably long-term contracts, and cancellations and renewals are governed by fair terms and conditions.
- 7.4 Any changes in respect of service providers or services rendered are acknowledged in writing, are verifiable by the consumer, and specify all relevant details including rates, charges and billing, dates, contact details of the parties, and channels for enquiries and complaints.

8 TRANSPARENCIES AND DISCLOSURE

- 8.1 Clear information specifying the nature of the goods or services to be supplied, along with all applicable rates, fees and charges, is available to customers on an itemised and unbundled basis, both in advance at the point of sale, and on request.
- 8.2 Customers are advised of the terms and conditions under which the licensee will make redress for any failure of service, along with procedures and channels for customers to raise queries and lodge complaints, and a timeframe for redress.
- 8.3 Licensees are required to provide all information for customers in plain and clearly-expressed language, devoid of technical terms or jargon the consumer is unlikely to be familiar with, and in the preferred official language of the consumer.
- 8.4 The rights and responsibilities of the consumer are spelt out in a clear statement by the licensee.

9 HIGH QUALITY OF SERVICE

- 9.1 Minimum quality of service (QoS) standards are legally binding and apply to all classes of licensees, being specified either in the licence or by regulation or both.
- 9.2 QoS standards are clearly specified and benchmarked in accordance with international norms as defined by the ITU and the UPU from time to time. QoS standards contain

both objective and subjective components, including those related to supply of service, network and service availability, faults and repairs, service quality, customer experience assessment, provision of designated universal service obligation (USO) services including free emergency calls, billing, and level of customer complaints and redress.

- 9.3 QoS standards exist in respect of and are appropriate to all relevant classes of service, including at least: voice telephony (fixed and mobile), Internet, data and broadband services, and broadcasting and postal services.
- 9.4 QoS standards apply equally to all licensees falling within a particular class of service, with any variation in QoS standards clearly based on objective criteria.
- 9.5 Licensee compliance with QoS standards is regularly and objectively assessed, disaggregated and analysed, and the results made publicly available, preferably on the website of the regulator.
- 9.6 QoS standards, components, parameters and benchmarks are periodically reviewed and updated through a process of public, stakeholder consultation.
- 9.7 Clear, objectively defined and proportionate enforcement mechanisms are in place, should a licensee fail to meet required QoS standards, along with appropriate escalation procedures and dispute resolution mechanisms.

10 ACCURATE AND COMPREHENSIBLE BILLING

- 10.1 The basis for customer billing is clearly spelt out both in advance at the point of sale, and on an ongoing basis either through a bill received by post-paid customers or through clear information provided for pre-paid customers at the point of sale or on request.
- 10.2 Licensees are required to provide customers with detailed and itemised billing information that provides a clear, unbundled breakdown and attribution of all fees, rates and charges in respect of the contracted products and services.
- 10.3 The procedure for querying or disputing bills is clearly specified in a clear statement on the bill, along with a phone number via which queries can be made to the licensee, timeframes for redress and information on how the complaint can be escalated if not resolved.
- 10.4 Consumers are entitled to claim reimbursement in cases where charges can be shown to be erroneous.
- 10.5 Bills are issued in local currency applicable in the respective territory.

11 CHANNELS FOR REDRESS

- 11.1 Channels for customer complaints are clearly specified and rest with the licensee in the first instance. They must also include escalation procedures, with the regulator as referee of last resort.
- 11.2 Licensees are required to inform their customers both at the point of sale and on an ongoing basis of channels for complaints and escalation procedures.

- 11.3 The parameters for customer complaints, including complaints logging channels and procedures, the categorisation of complaints, and response and resolution timeframes, are specified by regulation and apply to all licensees.
- 11.4 Licensees are required to report to the regulator, at least on an annual basis, information and statistics related to all complaints received from customers.
- 11.5 Channels for customer complaints take into account the official language preference of the complainant, and include measures to facilitate complaints from disadvantaged customers such as the illiterate and the disabled.
- 11.6 Information about customer complaints, including, but not limited to, numbers of complaints and their breakdown by category, status and operator, is regularly made publicly available, preferably on the website of the regulator.
- 11.7 Findings in respect of complaints that have been escalated to the regulator are publicly made available, preferably on the website of the regulator.

12 NON-DISCRIMINATION

- 12.1 Licensees are required to treat all similarly situated consumers equally, and are prohibited from discriminating unfairly against consumers on the basis of race or ethnicity, age, gender, language or disability.
- 12.2 Licensees are required to make suitable provisions for assisting illiterate consumers.
- 12.3 There is a binding code of conduct in place in respect of consumers with disabilities, applicable to all licensees.

13 FAIR AND RESPONSIBLE MARKETING

- 13.1 Advertising and other forms of solicitation directed at consumers is required to adhere to a clearly defined code of conduct setting out the requirements for fair and responsible marketing.
- 13.2 Advertising may not contain misleading statements, omissions or misrepresentations based on claims that cannot be substantiated, and may not be likely to mislead consumers about information on which they might base a decision to buy or use a product or service.
- 13.3 Service providers are required to include clear, conspicuous and accurate disclosure of applicable rates, fees and taxes, terms and conditions for each service offered, both in advertising and at the point of sale, and on request.
- 13.4 Consumers are protected against conditional selling of bundled services, or against being required to enter into contracts that are unreasonable or unduly long, or that contain terms and conditions that are unfair or disadvantageous to them.

14 FAIR AND REASONABLE TREATMENTS

- 14.1 The regulator has established a clear set of definitions of what constitutes market abuse, including any anti-competitive, unlawful, unfair or fraudulent business act or practice, and unfair, deceptive, untrue and misleading marketing, as well as instances where consumers are unable to get services or products or get them at the right price because of an operator having dominant market power.
- 14.2 Clear processes and procedures are in place for allegations of market abuse practices to be lodged against licensees, to be investigated and resolved, and for proportionate penalties to be levied.
- 14.3 The regulator monitors sector behaviour on an ongoing basis and responds proactively and effectively to market abuses.

15 PERSONAL PRIVACY AND SECURITY

- 15.1 The privacy of the personal information of customers, and information about their calls, calling patterns and other forms of electronic communications is protected by regulation permitting licensees only to use and disclose confidential consumer or subscriber information for the purposes for which it was collected, except by written consent of the consumer or as expressly permitted by national law.
- 15.2 Where national law provides for access to confidential consumer information or surveillance of their communications, the circumstances under which this is lawful are precisely and carefully defined and subject to the appropriate judicial process such as obtaining a warrant or court order.
- 15.3 Consumers are expressly protected against disclosure of their contact details such as telephone numbers and e-mail addresses to third parties without express consent to do so. This includes the right to have such details withheld from a printed or electronic directory.
- 15.4 Licensees are required by regulation not to store information about customers for longer than a reasonable period, to undertake reasonable steps to ensure the accuracy of all such information and to secure it against accidental loss, misuse, unlawful access or unauthorised disclosure to third parties.
- 15.5 An appropriate legal and regulatory environment is established to ensure the protection of consumers in respect of online transactions such as electronic commerce and electronic access to government services. This includes measures to ensure authentication of parties, to protect consumers against unauthorised access to their finances or to their personal information.
- 15.6 Consumers are protected by regulation or code of conduct against unsolicited communications such as spam e-mails and unsolicited postal advertising, and have the right to register their preference to opt out of such forms of communication.

16 HEALTH AND SAFETY

- 16.1 Regulations are in place specifying safety standards for products and services, and setting out procedures for dealing with defects and hazards.

- 16.2 Type-approval licensing is in place for terminal equipment such as handsets and other end-user devices.
- 16.3 A national toll-free number is specified via which telephony service providers are required to allow consumers to contact the emergency services 24 hours a day, seven days a week in case of an emergency.

17 REPRESENTATIONS AND VOICE

- 17.1 Consumers are regularly surveyed by a designated agency in relation to quality of service (QoS), their level of satisfaction with operators and their services, and complaints issues, and their views in respect of consumer protection measures undertaken by the regulator or other relevant bodies, with the survey results made publicly available, including via the Internet.
- 17.2 Consumers are regularly consulted, along with other stakeholder groups, in relation to consumer protection legislation, regulations, proceedings, issues and interventions.
- 17.3 The right of consumers to come together to form bodies or associations to discuss and publicise consumer issues, to engage in defending consumers' rights and interests, whether individually or collectively, is expressly protected by law.
- 17.4 Such consumer bodies or associations may receive capacity-building or financial support from the regulator, and be engaged with as part of the consumer protection consultation process.

18 ACCESS TO INFORMATION

- 18.1 Licensees are required to inform their customers of their rights as customers and consumers.
- 18.2 The regulator undertakes consumer education, informs consumers of their rights, and provides information necessary to empower consumers.
- 18.3 The regulator undertakes a consumer outreach programme capable of educating and empowering consumers about their rights, responsibilities and opportunities, particularly with reference to illiterate or disadvantaged consumers.
- 18.4 The regulator communicates with the public on an ongoing and regular basis, both via the media and on its website, in respect of information, issues, actions and developments of importance to consumers.

19 BROADCASTING SERVICES

Consumers of broadcasting services enjoy all the rights and protections set out above under the Consumer Bill of Rights and the Consumer Protection Guidelines. This section of the Guidelines addresses issues specific to the provision of broadcasting goods and services.

- 19.1 The implementation of these Consumer Protection Guidelines is done in such a way as to include and cover consumers of broadcasting goods and services.
- 19.2 Broadcasting service licensees are required to adhere to a code of conduct that is binding.
- 19.3 Broadcasting service licensees are required to report the news as truthfully, accurately and fairly as possible, and with due regard to the public interest, and to ensure a diversity of views.
- 19.4 The grounds on which broadcasting content may be regulated are clearly set out in the law or regulation or both, are limited in scope and application, are objectively defined. Such grounds may include:
- i. Issues of racism, xenophobia, hate speech or incitement to violence;
 - ii. Issues of obscenity, or excessively sexual or violent content;
 - iii. Issues of accuracy and fairness, including libel and defamation;
 - iv. Issues of privacy, affecting the private life of an individual not having a direct public interest;
 - v. Issues of protecting children;
 - vi. Issues of protecting health, such as the depiction of smoking, the use of drugs and the abuse of alcohol;
 - vii. Issues of overriding and unambiguous threats to national security, such as terrorism.
- 19.5 Access to information, freedom of expression and the public interest are taken into account as priority issues in the regulation of content.
- 19.6 The broadcasting regulator has put in place regulations or other measures to encourage the development of local content, to ensure a diversity of international programming, and to promote content that is in the broad public interest.
- 19.7 Measures to promote local content may include introducing local content quotas that encourage the setting up of local production capacity and the promotion of local cultures and languages.
- 19.8 Advertising standards regulations are in place to protect viewers and listeners from advertising that contains misleading statements, omissions or misrepresentations based on claims that cannot be substantiated, or is likely to mislead consumers. Such regulations also deal with the appearance of products within programmes through product placement.
- 19.9 Public broadcasters and public broadcasting are mandated in terms of specific public interest content and programming criteria, and universal access and service requirements.

- 19.10 The performance of public broadcasting and public broadcasters is regularly and independently assessed against the criteria and requirements above, and the results are made publicly available, including on the website of the broadcasting regulator.
- 19.11 Clear dispute resolution and escalation procedures are set out to ensure speedy resolution of any disputes and complaints lodged in terms of the regulatory requirements referred to above.
- 19.12 Channels for complaints from viewers and listeners are dealt with under the section in these Guidelines dealing with 'Channels for Redress', and include the right to complain about violations of any of the provisions set out above in this section. On key complaints issues, especially those that raise issues of general principle, the regulator should publish its findings and make them available on its website.

20 POSTAL SERVICES

Consumers of postal services should enjoy all the rights and protections set out above under the Consumer Bill of Rights and the Consumer Protection Guidelines. This section of the Guidelines addresses issues specific to postal services.

- 20.1 The implementation of these Consumer Protection Guidelines is done in such a way as to include and cover consumers of postal services.
- 20.2 Postal service licensees are governed by a code of conduct that is binding and which sets the framework for service expectations (tariffs, delivery times, etc) in terms of the delivery of post and which conveys to consumers their rights and obligations if these service expectations are not met.
- 20.3 Regulations are in place to ensure consumer protection in respect of postal services, covering:
- (a) Universal access to basic postal services provided at reasonable prices and subject to acceptable quality standards;
 - (b) The availability of comparative information necessary to facilitate consumer choice between different postal service providers, such: products and services, prices, delivery undertakings, terms and conditions.
 - (c) The safeguarding of customer confidentiality in connection with the sending, conveyance and delivery of letters and parcels, including in respect of the contents of such items;
 - (d) Ensuring safety and security where dangerous or hazardous items are transported;
 - (e) Guarding against the theft or loss of or damage to postal items, and securing their delivery to the intended addressees.
- 20.4 Postal service licensees are required to assume liability in respect of specified loss of or damage to postal items, and to compensate consumers appropriately.

21 DEFINITIONS

Advertising – A form of communication used to persuade an audience (viewers, readers, listeners or other members of the public) to take some action with respect to products, ideas, or services

ARICEA – Association of Regulators of Information and Communications of Eastern and Southern Africa

Broadband - Internet access with a high capacity, as defined by the regulator from time to time.

COMESA - Common Market for Eastern and Southern Africa

Complaint – Any written, electronic or oral communication that alleges deficiencies or dissatisfaction related to the standards, quality, terms and conditions, pricing, functionality, durability, reliability, safety or performance of any ICT product or service that has been placed on the market.

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, telephone and Internet access, all of which can now be provided through a variety of different network platforms

Consumer – An individual who buys products or services for personal use and not for manufacture or resale.

Consumer Empowerment – The ability of consumers to put into effect their own choices through demonstrating their needs, wants and demands in their decision-making with other individuals or organisational bodies in the marketplace.

Consumer Protection – Legal or regulatory interventions undertaken on behalf of consumers which are designed to ensure that they are safeguarded from practices that are detrimental to their best interests

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

Electronic commerce - Term used to describe transactions that take place online where the buyer and seller are remote from each other.

End user - The individual or organization that originates or is the final recipient of information carried over a network (i.e. the consumer).

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

ICTs – Information and Communications Technologies

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

Internet – Interconnected global networks that use the Internet protocol

ITU – International Telecommunication Union

LLU or Local loop unbundling – the process of requiring incumbent operators to open the last mile of their legacy networks to competitors

Malware – Software designed to infiltrate or damage a computer system without the owner's informed consent.

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

Phishing – The fraudulent practice of disguising spam as legitimate e-mail in an attempt to coax recipients into revealing private financial data.

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.

Redress – Rectifying or remedying a situation. The ability to make a fair adjustment or set a right, including on occasion some form of financial recompense.

Resale – the offering to users or customers for profit of ICT services obtained from another ICT service provider

Service Level Agreement (SLA) – An SLA provides a way of quantifying service definitions by specifying what the end user wants and what the provider is committed to provide. The definitions vary at business, application or network level.

Service provider – Any company that provides any ICT services regulated by the Regulatory Authority.

SMEs – Small and Medium Enterprises

SMMEs – Small Medium and Micro Enterprises.

Solicitation – An offer, tentative or otherwise, by a service provider, employee or agent of a service provider, to a consumer or consumers or to the public generally, to provide a product or service for compensation. Proposed sales agreements and contracts are solicitations.

Spam – Unwanted, nuisance e-mail, some of which may contain computer viruses or worms, fraudulent consumer scams or offensive content.

Spyware – Software that is installed surreptitiously on a personal computer to intercept, monitor or take partial control over the user's interaction with the computer, without the user's informed consent.

Subscriber – Any individual or business who enters into an agreement to receive or use an ICT service or any part thereof, provided by an operator. Often used interchangeably with the term consumer.

Tariffs – any charges raised by an Operator for ICT infrastructure, services or content

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

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

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

UPU – Universal Postal Union

UAS or Universal access and service – an umbrella term, loosely covering both universal access and universal service

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

Watershed period – the prescribed time period (or the times delimiting this) in television schedules during which content restrictions are relaxed, including allowing age-restricted or 'adult content' to be shown.

Annex III: Digital Broadcasting Migration Implementation Road Map

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List of Abbreviations

ARICEA	Association of Regulators for Information and Communications in Eastern and Southern Africa
BTH	Broadcasting to Handheld
COMESA	Common Market for Eastern and Southern Africa
DAB	Digital Audio Broadcasting
DTH	Direct To Home
DTT	Digital Terrestrial Television
DVB	Digital Video Broadcasting
DVB-H	Digital Video Broadcasting Handheld
DVB-S	Digital Video Broadcasting Satellite
DVB-T	Digital Video Broadcasting Terrestrial
EACO	East African Communications Organization
EPG	Electronic Programme Guide
HDTV	High Definition Television
iDTV	Integrated Digital Television
ITU	International Telecommunication Union
MPEG2	Motion Pictures Expert Group Video Compression Standard 2
MPEG4	Motion Pictures Expert Group Video Compression Standard 4
SADC	Southern African Development Community
SIMULCAST	Simultaneous Broadcasting
SMS	Subscriber Management System
STB	Set Top Boxes
T-DAB	Terrestrial Digital Audio Broadcasting
T-DMB	Terrestrial Digital Multimedia Broadcasting
WATRA	West African Telecommunications Regulators Assembly

1. Introduction

This document outlines a regional roadmap for digital transition for the members of the Association of Regulation of Information and Communication of Eastern and Southern Africa (ARICEA). Digital broadcasting uses frequency more efficiently and produces better quality video and audio than analogue broadcasting. The transition from analog to digital terrestrial broadcasting has been agreed at the international levels with switchover date set to June 2015.

The transition from Analog to digital broadcasting brings a number of benefits including to COMESA countries including:

- Increased choice and quality for viewers (as there will be more channels and the opportunity to provide a better image, including wide-screen aspect ratio, high definition and sound quality);
- Lower transaction costs or the ability to transmit more channels or services for the same cost. Broadcasters will no longer have to incur the costs of transmitting signals in both formats (simulcasting), releasing sources for investment in programming and other services for consumers;
- Better efficiency in spectrum use (as more data can be transmitted within the same bandwidth). Spectrum will be released to allow the development of more television and other services for consumers.
- Promotion of universal access to information. Digital terrestrial television signals are expected to reach the population who live in areas that cannot currently receive them because of spectrum limitation;
- The ability to transmit associated data allowing for enhanced television or fully interactive applications when associated with a return-path facility.

However, these benefits are not without costs. Digital migration requires a considerable amount of planning because it demands that consumers switch to digital TV or purchase Set Top Boxes (STBs) that convert digital signal to analog signal; broadcasters upgrade transmission and studio equipment and governments create incentives that stimulate the uptake of digital broadcasting.

Broadcast signals have no boundaries; therefore there is a need for cross-border coordination and frequency harmonization at the regional levels. Regional cooperation in frequency spectrum, harmonization of standards and synchronization of roadmaps is important in order to benefit from the economy of scale. The need for regional coordination is derived from:

- The transnational nature of spectrum management,
- The economy of scale that can be achieved through coordination of switchover dates and harmonization of standards that in turn have implications to the prices of the Set Top Boxes,
- The importance of knowledge exchange and information sharing,
- Capacity building needs can be aggregated and implemented at the regional levels.

Regional cooperation is essential for collection, sharing and distribution of information between Member States including regular reports on national roadmaps and strategies and for arranging public workshops at which representatives from member States can discuss and provide guidance on best practices.

This roadmap provides a guide on regional coordination in these areas and how best to migrate from analogue to Digital Terrestrial Television. It discusses key policy, regulatory and operational issues that allow the Common Market for Eastern and Southern Africa (COMESA) countries meet the international digital migration deadline of 17 June 2015. The recommendations draw on the Southern African Development Community (SADC) digital migration roadmap, the Eastern African Community digital transition roadmap and the recommendations of the West African Telecommunications Regulators Assembly (WATRA).

2. Goals and Objectives of the Roadmap

The main goals of the digital migration are to enhance choice, interactivity and quality of broadcasting for the benefits of citizens and to reap the social and economic benefits of spectrum efficiency (digital dividend). The specific objectives of the migration are to:

- Develop harmonised policies and regulations regarding digital broadcasting migration,
- Identify technical standards for digital broadcasting for the region,
- Develop regional and national frequency band plans for the provision of the digital broadcasting services in the COMESA Member States,
- Develop licensing framework for awarding the digital dividend,
- Implement an agreed schedule for digital migration covering Digital Switch On, Dual Illumination and Analogue Switch off ,
- Ensure equal participation of all stakeholders including consumer participation to the migration process,
- Ensure effective and adequate human capacity development in digital broadcasting.

3. Roles of Stakeholders

Digital migration involves a wide range of stakeholders including government, regulators, service providers, equipment manufacturers and consumers that play diverse roles.

Role of Government

- Governments have a leading role in developing policies and roadmaps for accelerated digital migration and ensuring that consumers have the necessary support in order to benefit from digital broadcasting. Government needs to:
 - Put appropriate institutional, policy, legislative and regulatory framework to enable smooth execution of migration process within the set time,
 - Provide fiscal incentives to enable consumers procure Set-Top Boxes and digital TV receivers at affordable prices, preferably through tax waivers and subsidies,
 - Provide appropriate incentives and support for signal distributors and broadcasters to put in place necessary digital infrastructure and systems, and
 - Support the development of local content.

Role of Regulators

Regulators in the ARICEA countries will have a key role in setting the desired licensing frameworks, ensuring level playing field in broadcast services, signal distribution, spectrum allocation and cross-border regulation and in maintaining the requisite standards. Regulators need to:

- Allocate digital broadcasting spectrum based on the provisions of ITU region 1 and other regional plans,

- Coordinate spectrum management with neighboring countries to avoid interference so as to ensure a smooth transition process,
- Institute appropriate measures for ensuring safe disposal of disused analogue equipment to minimize adverse impact on the environment,
- Adopt digital broadcasting standards based on international recommendations and define the minimum standards/specifications for the Set-Top Boxes in line with international standards, and
- Promote consumer education and awareness.

Role of Broadcasters and Signal Distributors

Broadcasters have a critical role in rolling out of digital broadcasting networks and services. Broadcasters need to:

- Enhance content development taking the digital environment into the account,
- Invest in studio and production equipment to facilitate the production of digital content,
- Build the capacity of human resources to adopt the new digital broadcasting skills, and
- Provide better technology for storage, processing and sharing of digital content.

Signal distributors play a major role in signal distribution, infrastructure development and operation. They need to:

- Ensure carriage of signals from the studio to the distribution and transmission sites,
- Broadcast the signal to the designated areas, and
- Provision of quality services to broadcasters on an equitable, reasonable, non- preferential and non-discriminatory basis.

Role of Equipment Manufacturers

- Equipment manufacturers and vendors have a key role to assurance of the key adherence to the required and approved standards of equipment and hindrance to dumping of e-waste of analogue broadcasting equipments.
- The equipment manufacturers and other private sector can also play a critical role in financing research and development and supporting the migration process.

Role of Consumers and Consumer Associations

Consumers are critical in the uptake of digital terrestrial television by purchasing Set-Top Boxes or integrated digital TV receivers in order to receive digital terrestrial transmission, The consumer associations' commitment and involvement is critical for the provision of universally accessible digital broadcasting services and the inclusion of people with disabilities and special needs in the accessing the new broadcasting services. They have also roles in guarding against consumer exploitation through unfair market practices.

Role of Regional Organizations

COMESA has a key role in convening the ministers responsible for broadcasting, mobilization of resources for capacity building and in support of the harmonization of policies, frequency allocation and standards.

ARICEA has a major role in creating the platform for regional coordination and knowledge sharing, policy harmonization, capacity building and the implementation of the roadmap for digital migration.

4. Action Plans

4.1. Institutional Arrangement

The migration from analog to digital is a long term process that requires the involvement of key stakeholders. The following institutional arrangements are proposed for smooth transition for analog to Digital Terrestrial Television at national and regional levels:

- A national steering committee drawn from relevant ministries and agencies represented by Ministers and Directors,
- National multi-stakeholders forums aimed at increasing awareness of the importance of digital broadcasting,
- A national Digital Terrestrial Television migration project office with adequate resources to facilitate smooth transition,
- Annual regional multi-stakeholders forum aimed at increasing information exchange and sharing of experience on the implementation of digital migration.
- Technical working groups that are established under the auspices of ARICEA to address spectrum management (digital dividend), licensing and specification for STBs, among others.

4.2. Creation of an Enabling Environment

Policy makers have a major role in developing a national strategy and plan for transition from analog to digital broadcasting with clear timetables and regulatory provision for licensing, spectrum planning and the effective use of digital dividend. The following actions should be taken by policy makers to facilitate smooth transition from analog to digital terrestrial broadcasting in COMESA Member States:

- A policy based approach for digital migration with a shorter dual illumination period and firm national shut off-date should be adopted. The Analog Switch Off (ASO) date for COMESA is set to June 2014. Countries that have agreed to the SADC and EAC frameworks should observe the dates that were established by their respective regions.
- To maximize the utilization of broadcast infrastructure and improve on the quality of content creation, it is recommended that a new broadcast model, which separates the functions of the Broadcaster (Content Provider), and the Broadcasting Signal Distributor be adopted,
- The number of signal distributors should be minimized. Countries should license more than one signal distributor in order to facilitate competition.
- In order to maximise the existing broadcast infrastructure, it is recommended that the existing and massive broadcast transmission infrastructure owned by Governments of respective countries should form the backbone for the new broadcasting signal distributor, which must be able to absorb the transmitting infrastructure of other existing broadcasting stations. Such stations will have to negotiate commercial terms for transfer of ownership of their infrastructure to the new Broadcasting Signal Distributor. The broadcasting regulator should be given the responsibility in guiding the process of valuation of this equipment.

- Policy makers should ensure that signal distribution should be provided by independent network operators. In the case where the broadcaster carries out both content and multiplexing, all broadcast stations should be unbundled so as to separate the broadcaster's function from the signal distribution function,

4.3. Digital Migration Policy and Strategy

Digital Migration Policy

COMESA Member States should have policy document that addresses the key public interest issues of digital migration. The policy document should outline decisions with regards to transition process and timetable, licensing, spectrum management and government incentives for enhancing affordability of digital receivers and Set Top Boxes, among others.

Digital Migration Strategy

The digital migration strategy that draws on the policy document should discuss the rationale for digital migration, standards, policy and regulatory interventions, the transition plan and other challenges and opportunities concerning the industry and consumers.

The policy and strategy papers should be developed by all COMESA Member States by April 2012. These documents should be available to stakeholders including content providers, signal distributors, consumers, equipment manufacturers and others. (An outline of digital migration strategy is attached as an annex.)

4.4. Licensing and Competition

The following actions should be undertaken by COMESA Member States with regards to licensing and competition:

- Broadcasting license should be given within the context of convergence licensing framework, wherever possible,
- Infrastructure sharing should be a key element of the licensing regime ;
- COMESA Member States should consider two major licenses in the broadcasting sector – content service and network services (multiplexing).
- The number of signal distributors should be limited. It is preferred that countries license two signal distributors. In the case where two or more signal distributors are licensed, there should be interoperability between signal carriers.
- For countries with single distributor, tariff regulation is recommended, to ensure application of cost-based tariffs while for multiple distributors, competition rules should apply together with sector regulation on facilities sharing, co-location and access to sites.
- Countries that opt for a single signal distributor should encourage public and private partnership, where the signal distributor is established as an independent entity (corporate agency) to service both public and private broadcasters.

- There should be Service Level Agreements (SLA) between the signal distributor and content provider that will be submitted to the regulator, applicable for all parties.
- In view of the need for investment, the licensing framework should include incentives such as the duration of licenses, waiver of taxes. The duration of broadcast license is usually five years while for signal distribution is often 15 years considering the high capital cost for the infrastructure.
- The roll out targets should set for the signal distributor; and there should be equal access to the signal carrier by content service providers to ensure competition.
- New channels as part of the digitization process should be introduced appropriately to strike a balance between the efficient utilization of radio frequency spectrum and needs of consumers;
- Where necessary COMESA Member States may limit competition during the dual illumination period (moratorium on new licenses); countries may not charge for digital frequencies during the dual illumination period.
- COMESA Member States should introduce the necessary spectrum pricing models taking the social and economic opportunities of the spectrum into the account. Spectrum allocations and fees should ensure effective spectrum use.
- Frequency license should be made to signal distributor.
- The freed spectrum needs to be returned to the nation as the digital dividend.
- Public broadcasting needs to continue in digital broadcasting scenario as a base for informed and socially relevant content. Government may also like to continue to finance public broadcaster; and wherever appropriate public broadcasters may be licensed to provide signal distribution. However, this should not create an obstacle to competition. If public broadcaster is licensed to provide signal distribution, its content and multiplexing functions should be unbundled. A public and private partnership model that creates a new independent entity should be explored.

4.5. Spectrum Planning and Allocation

- The transition from analogue to digital broadcasting will result in changes in spectrum usage allowing excess freeing capacity that creates a spectrum dividend to the Government. In order to achieve this, it is recommended that governments should revisit the assignments in the ITU GE-06 Plan and optimize the assignments using a range of frequency planning tools and the latest propagation techniques.
- The assignment of the frequency in COMESA countries should be within the framework of the ITU GE-06 Plan for region 1. The national frequency plan should be updated based on regional and international agreements.
- Any modification of bands III, IV and V of GE06 plan should be coordinated with neighboring countries and with subsequent filing with the ITU.
- Spectrum should be coordinated to eliminate harmful interference between COMESA Countries.

- There is a need for cooperation between neighboring countries with regard to licensing of transmitters located at geographical borders.
- Member countries should consider further optimization of the broadcasting frequency after the digital switch-over;
- Consistent with the GE06 member, countries should facilitate the sharing of the band 174 – 230 MHz for DTT and T-DAB; DTT should be assigned to band (174 – 214) while T-DAB should utilize band (214-230MHz);
 - Additional bands 230–238 / 246–254 MHz can be used for DTT services as per GE06 Plan (Table A3.1 – 11).
- The transition from analogue to digital broadcasting will result in the ceding of the 790-862 currently being utilized by the existing analogue broadcasters. ARECA members need to harmonize band plan for the 790 – 862 MHz and create a unified 800MHz band for electronic communications services.
- Initial emphasis to be placed on migrating the bands 214–230 MHz and 790–862 MHz.
- Members States need to re-plan the broadcast spectrum within 470 to 790 MHz range.
- Where possible COMESA Member States should avoid making any new DTT assignments in the band 790–862 MHz unless it is for the purposes of facilitating a smooth migration process.
- Band 790 -862 MHz should be continued to be allocated for mobile services including IMT and should be used when available.

4.6. Technical standards

- In order to ensure compatibility, it is important to define the appropriate standards for digital broadcasting in the COMESA region. The approach adopted is to:
 - Identify existing digital broadcasting standards available worldwide;
 - Analyze them from a technical perspective, their compatibility with GE06 plan and with reference to individual countries and make recommendations on the choice of standards and the way forward.

Transmission Standards

- Harmonization of transmission standards is essential to achieve interoperability between systems and attain economy of scale. Lack of commonly agreed standards would be as barrier to achievement of universal access to digital television service and to the achievement of the economies of scale in manufacturing and distribution of the equipment in the region. The following actions are therefore necessary with regards to adoption of regional standards
 - DVB-T2 should be adopted as the common standard for DTT in the COMESA region;
 - MPEG 4 is recommended for compression.
 - DVB-S2 standard should be considered for satellite broadcasting,
 - DVB-H for mobile TV standard

- IBOC system for use as the FM digital sound broadcast format, and
- DRM for Medium and Shortwave radio broadcast,

Set Top Box Specifications

- Given that DVB has been recommended as a standard on the transmission network side, it is advisable that Set Top Boxes comply with the DVB family of standards. The specification (e.g. free-to-air, conditional access, low-level entry, etc) needs to be determined as part of a broader policy discussion.
- COMESA member States should a task team to develop a regional technical specification for STBs and integrated digital TV based on experiences in SADC and other countries in Europe and Africa.
- Governments should provide appropriate incentives so as to attract potential manufacturers with a view to licensing a maximum of three (3) manufacturers of STB. Such incentives should include:
 - Tax holiday on manufacturing inputs,
 - Zero import duty on manufacturing equipment,
 - A government policy to protect the market through a moratorium on imports of similar equipment for a specified period of time,
 - Provision of sufficient infrastructure, including electricity, water etc.,
 - A maximum of three manufacturers should be allowed. It is recommended that the regulator should manage the process for the selection of the 3 manufacturers of the Set Top Boxes.

4.7. Content Development and Regulation

ARICEA members should consider the following with regards to content during the transition period.

- Digital content should be regulated with light touch approach,
- Channels are required to include electronic programming guide (EPG) in order to allow consumers to navigate through the available programmes,
- Governments should facilitate the establishment of local content development funds within national Universal Service Funds (USF) to enhance the development of local content,
- Capacity building in digital content production through training and apprentice programmes should be considered,
- Local content provisions should be spread across the multiplex and not focused on individual channels.

4.8. Consumer Awareness and Participation

The success of the transition programme will be determined largely by the extent to which the consumer is well informed on the key issues of the programme. It is therefore recommended that:

- Policy makers should pay particular attention to costs that are involved in the broadcasting value chain (production, transmission and reception) and ensure that costs will not be burdensome to consumers.

- Regulators in COMESA Member States should embark on continuous sensitization of the general public on the digital switchover as approved Government.
- All national and international events should be encouraged to buy into this awareness programme.
- Governments should establish multi-stakeholder forums in the mould of the Digital Kenya, Digital UK, Digital Dzonga (South Africa) to deal mainly with consumer issues such as child safety, health, environmental, quality of service, privacy, security of information and safety issues.
- Consumers should be well informed of the transition and broad availability of affordable receiving equipment.
- STBs must be affordable and easy to use.
- Government should consider putting aside resources for speeding up the digitization process. The resources can be used to:
 - Co-finance pilot trials or research projects;
 - Develop programmes and additional services with 'digital added value';
 - Raise public awareness on digital transmission;
 - Assist infrastructure operators and broadcasting companies to manage the simulcast phase.
 - Assist consumers who cannot afford the end-user equipment such as STBs and integrated digital televisions

4.9. Climate Change Issues

- Digitization will inevitably result in generation of additional e-waste; which is a serious concern to climate change that should be addressed.
 - COMESA Member States should adopt the Switzerland model of e-waste disposal whereby all actors (manufacturers, wholesalers and retailers) are licensed,
 - A token amount (an advance recycling fee) should be charged at points of purchase of every electronic equipment, while disassembling centres are established in order to achieve an organized retrieval and safe disposal of e-waste arising from digitization;
 - All importers of transmit and receive broadcast equipment should be licensed by the Regulator as Broadcast Equipment Dealers.

4.10. Capacity Building

Capacity building is an important aspect during digital transition. Every stakeholder should be provided with the necessary skills and knowledge in order to benefit fully from the migration to digital broadcasting. National level capacity building initiative should focus on:

- Increasing public awareness of the digital migration,
- Enhancing the awareness of policy makers, broadcasters, media, content producers.
- COMESA need to establish a regional platform for ongoing capacity building in digital transition with focus on:

- Creation of programmes for capacity building with a focus on creating a critical mass of qualified and skilled professionals and experts in the governments, regulatory authorities, broadcasters, frequency planners, equipment resellers and public on the complex issues technical, regulatory and economic issues of digital migration,
- Empowering people involved in the migration process through technology knowledge transfer in digital transmission technology, digital studio technologies, content development, spectrum planning, networking and applications, and
- Creation of forums on policy and regulatory harmonization, new regulation and regional information sharing.

4.11. Implementation Schedule

Efforts should be made in promoting regional coordination in transition process by synchronizing the digital switch-on and analog switch-off dates. The digital switch-on date for COMESA member States should be set to December 2012 and digital analog switch off date of June 2014 in order to allow time to meet the global analog switch-off date of 16 June 2015.

- ARICEA member states should also coordinate pilot trials in order to share experience and address interference issues.
- Member States need to adhere to the following time table.

No	Activity	Starting Date	Ending Date	Responsible Body
1.	Set up National DTT migration Committees	Mid 2009	April 2012	Member States
2.	Stakeholder consultation	Mid 2009	Ongoing until after switch-over	Member States
3.	Development of technical specifications for STBs	January 2012	April 2012	ARICEA Technical team
4.	Development of harmonized frequency plans	January 2012	June 2012	ARICEA Technical Team
5.	Regional and National spectrum plans and interference review	June 2012	Every six months	ARICEA
6.	Consumer awareness	Beginning 2009	Ongoing until after switch-over	Member States
7.	Annual DTT Forum	Annually in November	June 2015	COMESA Secretariat
8.	Adoption of DTT migration strategic plan template	November 2011	January 2012	COMESA Secretariat
9.	Completion of national policies and strategies plan on DTT migration	December 2011	April 2012	Member States
10.	Special Session for ICT Ministers	May 2012	May 2012	COMESA Secretariat
11.	Digital Dividend Review	Early 2012	End of 2012	ARICEA

12.	Conduct DTT trials and DSO	June 2012	December 2012	Member States
13.	Dual illumination period	Mid to End 2012	End of 2013	Member States
14.	Monitoring and review	2012	Ongoing until after switch-over	COMESA/ARICEA
15.	Analog Switch off	June 2013	June 2014	Member States

5. Monitoring and Evaluation

The policy recommendations put forward in this roadmap should be incorporated in digital transition strategies and action plans of COMESA Member States in order to ensure effective implementation.

Monitoring and evaluation will be a key aspect of the roadmap. The implementation of the roadmap will be overseen by:

- The COMESA Secretariat that will serve as a focal point for regional implementation,
- An annual forum on digital migration

The COMESA will provide bi-annual review of the progress of digital migration by collecting data from Member States. A review sheet shown in Table 2 will be used to assess progress of countries in fulfilling the action plan. A presentation of the progress will be made at annual forums in order to urge countries that have not taken the necessary steps to do so.

Country	Set up National DTT Migration Committee	Stakeholder consultation	Development and adoption of technical standards for the STBs	Development and adoption of a harmonized frequency plan	Participation in regional and cross-border spectrum and interference review	Consumer awareness campaigns	Participation in the regional form to exchange experience
Burundi							
Comoros							
Djibouti							
DRC							
Egypt							
Eritrea							
Ethiopia							
Kenya							
Libya							
Madagascar							
Malawi							
Mauritius							
Rwanda							
Seychelles							
Sudan							
Swaziland							
Uganda							
Zambia							
Zimbabwe							

Annex IV: Host Agreement

**AGREEMENT REGARDING THE HOSTING OF THE
ASSOCIATION OF REGULATORS OF INFORMATION AND COMMUNICATIONS IN
EASTERN AND SOUTHERN AFRICA
SECRETARIAT**

BETWEEN THE GOVERNMENTS OF

**AND THE
ASSOCIATION OF REGULATORS OF INFORMATION AND COMMUNICATION
IN EASTERN AND SOUTHERN AFRICA**

The Government of the [X] (hereinafter referred to as Government) and the *Association of Regulators of Information and Communications for Eastern and Southern Africa* (hereinafter referred to as ARICEA);

Conscious of the COMESA vision to create “a fully integrated, internationally competitive regional economic community with high standards of living for its entire people ready to merge into an African Economic Community”

Conscious of the importance of COMESA initiatives in strengthening regional integration in the Eastern and Southern Africa Regions;

Desiring to strengthen economic cooperation between COMESA institutions and Member States;

Recognising the importance of ICTs in enhancing development and sub-regional integration;

Desiring to strengthen the regional co-operation in the field of ICTs at all levels especially in policy and regulatory matters that are relevant to the Eastern and Southern Africa,

Seeking to provide a regional platform in order to face the new challenges and the opportunities in the changing ICTs environment;

Acknowledging the importance of policy and regulatory framework that promote affordable and universal access to the latest ICTs;

Considering the fact that the 7th Annual General Meeting of ICT regulators recommended that [country] host the Secretariat of **ARICEA**;

HEREBY AGREE as follows:

**ARTICLE 1
Interpretations**

For the purpose of this Agreement:

- a) *Agreement on Immunities and Privileges*- means the COMESA Agreement on Privileges and Immunities to be Recognised and Granted by Member States in

Connection with the Common Market for Eastern and Southern States Legal Notice no 2 of 1983;

- b) *Appropriate [country] Authorities* - means national, local or other authorities in the [country] as may be appropriate in accordance with the laws of [country];
- c) *Constitution*- means Constitution of **ARICEA**;
- d) *ARICEA Official Correspondence* - means all **ARICEA** correspondence and its related activities;
- e) *Government* - means government of the [country];
- f) *ICT*- means;
- g) *Laws and regulation means* - Legislative Acts, decrees, regulations or orders in force in [country];
- h) *Member of Organisation*- means Member of ARICEA within a COMESA Member State;
- i) *Officials of ARICEA* – members of staff of the ARICEA Secretariat;
- j) *Parties*- means Government of [country] and ARICEA;
- k) *Properties* – means all properties and assets of ARICEA;
- l) *Residence*- means residential houses occupied by ARICEA officials working with Association;
- m) *COMESA* – means the Common Market for Eastern and Southern Africa;
- n) “COMESA Treaty” - means the Treaty establishing the Common Market for Eastern and Southern Africa.
- o) *ARICEA*- means Association of Regulators of Information and Communications in Eastern and Southern Africa;
- p) *Executive Secretary*- means Head of the ARICEA Secretariat;
- q) *Secretariat Headquarters* - means the site on which the ARICEA Secretariat functions; and
- r) *Tribunal* means – an arbitral tribunal constituted under COMESA Court of Justice in accordance with Article 28(b) of the COMESA Treaty, or an independent arbitral tribunal or the COMESA Court of Justice sitting as a court.

ARTICLE 2

Grant of the Headquarters Seat and Scope of Agreement

1. The Government grants to the ARICEA, and the ARICEA accepts from the Government, the permanent use and occupation of a Headquarters Seat as may from time to time be defined in supplemental agreements to be concluded between the ARICEA and the Government.

2. This Agreement applies to the hosting terms and conditions relating to privileges and immunities to be accorded to the Headquarters and officials of the ARICEA by the Government of [country].

ARTICLE 3 OBJECTIVE

The purpose of this Agreement is to create a legal framework for the hosting of the ARICEA Secretariat in (country)

ARTICLE 4 HEADQUARTERS

The Government of (country) authorises the establishment of the ARICEA Secretariat in [city], where will it carry out its functions in accordance with the Constitution of ARICEA and laws and regulations in force in [country].

The AREICA Secretariat will be headed by an Executive Secretary.

ARTICLE 5 PURPOSE OF ARICEA

The purpose of ARICEA is to:

- (i) Create a platform for the exchange of ideas views and experiences among members on all aspects relating to facilitating and regulating the development and application of ICTs;
- (ii) Promote sustainable development and application of efficient, adequate and cost-effective ICT networks and services in the eastern and southern Africa sub region;
- (iii) Coordinate cross-border regulatory issues on ICTs in the sub-region;
- (iv) Contribute to the achievement of sub-regional and regional integration;
- (v) Promote the maximization of the utilization of scarce resources in the ICT sector.

ARTICLE 6 STATUS OF ARICEA

1. ARICEA possesses International Legal Personality. In this regard, the Government of (country) recognizes the legal personality of the Secretariat of ARICEA to contract obligations, ARICEA legal proceedings, acquire rights and dispose of movable and immovable property in accordance to laws and regulation.
2. ARICEA is an association of regulators of Information and communication in Eastern and Southern Africa.

ARTICLE 7 ENTRANCE

1. The competent Government authorities will grant the right of entry in the territory of [country] when such entry is necessary for the performance of their functions to the following persons:
 - i) Executive Secretary and his/her family;
 - ii) Officials of ARICEA working with the Secretariat and their families;

- iii) Members of Organisation participating in the work of ARICEA or in any conference which may be convened by ARICEA;
- iv) Other persons invited to the Secretariat Headquarters on official business;
- v) Participants in seminars or other meetings organised by ARICEA;
- vi) Any other persons connected with the work of ARICEA but who are not nationals or permanent foreign residents of [country].
- vii) VISA for persons referred in this section where required shall be granted according to the [country] law.

ARTICLE 8 COMMUNICATION

The Government shall permit and protect freedom of communication on the part of ARICEA for all official purposes.

ARICEA shall enjoy for its official communications treatment not less favourable than that accorded by the Government to any other government or to diplomatic missions of a sending State accredited to, including any other international organisation.

In communicating, ARICEA may employ all appropriate means, including correspondence and messages in code or cipher according to the law in force in [country].

The official correspondence of ARICEA shall be inviolable. No censorship shall be applied to the official correspondence or other communications of ARICEA. Nevertheless if the competent authorities of the government have serious reason to believe that the correspondence contains something other than the documents or articles referred, they may request that the bag be opened in their presence by an authorized representative of ARICEA.

The packages constituting ARICEA correspondence shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

The ARICEA courier shall be provided with an official document indicating his status and the number of packages constituting ARICEA correspondence.

Nothing in this Article shall be construed as precluding the adoption precautions, to prevent or avoid abuse of the immunities, exemptions and privileges provided in this Article.

ARTICLE 9 IMMUNITIES AND PRIVILEGES

The Secretariat Headquarters shall be inviolable and shall be under the control and authority of ARICEA as provided in this Agreement. The property and assets of the ARICEA shall be immune from search, requisition, confiscation, expropriation or any other form of interference whether by legislative, executive, judicial or administrative action.

The employees or civil servants of the Government may not enter therein to perform their official duties except upon request or the consent of the Executive Secretary of ARICEA. Such consent shall be deemed to be automatic in case of serious disaster requiring immediate protection measures.

The Government shall treat ARICEA officers with due respect and in time of crisis shall take appropriate steps to prevent any attack on their person or dignity.

Provided in the Agreement on Immunities and Privileges, officials working with the ARICEA Secretariat shall enjoy, in the territory of [country], the following immunities, exemptions and privileges:

- (a.) The Executive Secretary and other foreign Regional Staff of the ARICEA shall enjoy exemptions from all taxes on salaries or emoluments paid to them by ARICEA, and exemption from payment for gratuities;
- (b.) The right to transfer out of [country] funds legally earned in any currency, according to the laws in force in [country];
- (c.) Exemption on relief from taxes and rates, other rates on the importation of goods and services, according to [country] law;
- (d.) Exchange control facilities as are accorded to officials of comparable rank of international organizations in accordance with Government exchange control laws and regulation provided that such privileges not apply to any official of ARICEA who is citizen or permanent resident of [country];
- (e.) The right of repatriation and evacuation in time of crisis, together with members of their families and their personal employees, provided that this will not be applicable to citizens of [country].

The immunities and privileges under paragraph 1 of this Article are granted in the interest of the operations of ARICEA and not for the personal benefit. The Government may waive the immunity of any official in cases where, such immunity would impede the course of justice and can be waived without prejudice to the interest of ARICEA.

ARICEA shall cooperate at all times with the appropriate authorities of [country] to secure the observance of the laws and regulations in force in [country] and prevent the abuse of any immunities and privileges and facilities provided for under this Article.

ARICEA can acquire or dispose movable and immovable property in accordance with the laws and regulations in force in [country].

ARICEA, its property and assets, shall enjoy immunity from every form of legal process, except in so far as in any particular case ARICEA has expressly waived its immunity.

The Government shall, in accordance with such law and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes and related charges, other than charges for storage and similar services, on articles for official use of the ARICEA.

Any articles such exempted shall not be sold or otherwise disposed of in [country] except under conditions agreed upon by the Appropriate [country] Authorities.

Without prejudice to the provisions of the Agreement on Immunities and Privileges or of this Agreement, ARICEA shall prevent the Secretariat Headquarters or the Residences from becoming a refuge for persons who are avoiding arrest under any law of the [country], or who are required by the Government for extradition of another country or who are endeavouring to avoid service of legal process.

ARTICLE 10

Personal Immunities, Exemptions and Privileges

The Executive Secretary, officers and staff of ARICEA shall enjoy within and with respect to the following immunities, exemptions and privileges:

- (a) immunity from legal process of any kind in respect of words spoken or written, and of acts performed, by them in their official capacity, such immunity to continue notwithstanding that the persons concerned may have ceased to be officials of the ARICEA;
- (b) immunity from seizure of their personal and official baggage;
- (c) exemption from taxation in respect of the salaries, emoluments, indemnities and pensions paid to them by the ARICEA for services past and present or in connection with their service to the ARICEA;
- (d) exemption from any form of taxation on income derived by them from sources outside the;
- (e) exemption, with respect to themselves, their spouses and children from immigration restrictions and alien registration requirements and national service obligations, and the same facilities as regards exchange regulations as are accorded by the Government to representatives, officials and employees of comparable rank of other international organizations;
- (f) freedom to acquire or maintain with the [country] or elsewhere foreign securities, foreign currency accounts, and other movables and the right to take or transfer the same out of the [country] through authorized channels without prohibition or restriction;
- (g) the same protection and repatriation facilities with respect to themselves, their spouses, their dependant relatives and other members of their households as are accorded in time of national or international crisis to members having comparable rank of the missions accredited to the [country];
- (h) immunity from personal arrest or detention, except that this immunity shall not apply to civil liability arising from a road traffic accident or to a traffic offence;
- (i) exemption from national service obligations, provided that, with respect to [country] nationals such exemption shall be confined to officials whose names have, reason of their duties, been placed upon a list compiled by the Executive Secretary and approved by the Government; provided further that should any official, other than those listed, who are [country] nationals, be called up for national service, the Government shall, upon request of the Executive Secretary, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the essential work of the ARICEA;
- (j) freedom to purchase one dwelling house within the [country] for strictly personal use, and the right to finance such purchase through local mortgage arrangements under the same conditions applicable to [country] citizens. In the event of sale of such house, the right to take out of the [country], through authorized channels,

the proceeds of the sale, after repayment of any outstanding local loan or local mortgage, in transferable currency;

- (k) the right to import for personal use, free of duty and other levies, prohibitions and restrictions on imports:
- i. their furniture, household and personal effects, in one or more separate shipments, and thereafter to import necessary additions to the same;
 - ii. one automobile, and in the case of officials accompanied by their dependents, two automobiles every four years, unless the ARICEA and the Government agree in particular cases that replacements may take place at an earlier date, because of loss, extensive damage or otherwise; and
 - iii. reasonable quantities of certain articles including liquor, tobacco, cigarettes and foodstuffs for personal use or consumption and not for gift or sale, the ARICEA may establish a commissary for the sale of such articles to its officials and members of delegations. A supplement agreement shall be concluded between the Executive Secretary and the Government to regulate the exercise of these rights.
- (l) Automobiles imported in accordance with sub paragraph (ii) of the preceding paragraph may be sold in the [country] at any time after their importation, subject to the Government regulations concerning payment by the buyer, or customs duties.

1. The Executive Secretary shall communication to the Government a list of officials of the ARICEA and shall revise such list from time to time as may be necessary.
2. The Government shall furnish persons within the scope of this Article with an identity card bearing the photograph of the holder. This card shall serve to identify the holder in relation to all [country] authorities.
3. The ARICEA may issue a *Laissez-Passer* (diplomatic passport) to its officials and their families, which travel documents, shall be recognized and accepted as valid travel documents by the appropriate [country] authorities.

ARTICLE 11 TERMINATION

Each party may terminate this Agreement by notification written to the counterpart of its intention in anticipation of six months.

The termination of this Agreement, shall not affect existing obligations assumed there under, during the execution of the projects before the termination of the agreement.

ARTICLE 12 DURATION AND AMENDMENT

This Agreement is indefinite but shall be reviewed every five (5) years, unless otherwise mutually agreed by the parties.

Each part may propose any amendment to this Agreement.

The proposal of the amendment shall be written and sent by diplomatic channels.

The proposal of the amendment shall be negotiated and agreed on consensus and shall become valid after signature by the parties.

**ARTICLE 13
DEPOSITARY**

This agreement and subsequent amendments thereto shall be deposited with the Ministry of Foreign Affairs of the [country] and ARICEA Secretariat.

**ARTICLE 14
INTERPRETATION OF THIS AGREEMENT**

This Agreement shall be interpreted in the light of its primary purpose; the establishment of ARICEA Head quarters in [country].

**ARTICLE 15
SETTLEMENT OF DISPUTES**

Any dispute arising from the interpretation or application of this Agreement or other subsidiary instruments made under this Agreement, which cannot be settled amicably, shall be referred to the COMESA Court of Justice for Arbitration.
Tribunal.

The decision of the COMESA Court of Justice shall be final and binding on both Parties.

**ARTICLE 16
ENTRY INTO FORCE**

This Agreement shall enter into force upon signature by both parties.

IN WITNESS WHEREOF, The undersigned, duly authorized, have signed and sealed this Agreement in two originals, in the English and French languages, both texts making equal faith.

DONE AT [city] THIS DAY OF
.....

**FOR THE GOVERNMENT OF THE
HOST COUNTRY**

**FOR THE ASSOCIATION OF
REGULATORS OF INFORMATION
AND
COMMUNICATION IN EASTERN AND
SOUTHERN AFRICA**

.....

.....

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