

**REPORT OF THE**

**25TH EACO REGULATORY ASSEMBLY**

**HELD AT SAFARI PARK, NAIROBI, KENYA**

**FROM**

**13TH – 14TH JUNE 2018**

**1.0 INTRODUCTION**

The 25th Assembly of Regulators of the East African Communications Organization (EACO) took place from 13th – 14th June 2018. The attendance list is attached herewith as **ANNEX 1**.

The Assembly considered reports from the Committees and the Working Groups. These include, Legal and Human Resource and Development Committee and the seven (7) Working Groups based on their new Terms of Reference (ToRs) and tasks assigned to them by the EACO Congress. The Assembly also deliberated on several other relevant regional issues in the Communications Sector.

The Assembly of Regulators noted the challenges and recommendations presented by the Groups and adopted their recommendations as highlighted herein this report.

**2.0 OPENING OF THE MEETING**

The meeting was officially opened by the Chairman of the Regulators Assembly Mr. Matano Ndaro (representing Mr. Francis Wangusi- Director General, Communications Authority of Kenya).

**3.0 ELECTION OF THE BUREAU**

The following were appointed to the Bureau:

|  |  |  |
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| Chairman | **Mr. Matano M. Ndaro** | CA |
| 1st Rapporteur | **Ms. Sheila Murumba** | CA |
| 2nd Rapporteur  Secretariat | **Ms. Fortunata B.K. Mdachi**  **Mr. Godliving Kessy** | TCRA  EACO Secretariat |

**4.0 ADOPTION OF AGENDA**

The Agenda for the 25th Assembly of Regulators was adopted with amendments and it is attached herewith as **ANNEX II.**

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**5.0 REMARKS FROM THE CHAIRMAN**

The Chairperson expressed his gratitude to the Communications Authority of Kenya for its continued support to EACO and making its vision a reality. He also thanked the EACO secretariat for its rigorous coordination role on the various EACO committees and Working groups.

He noted the impressive growth in the sector as the evidence of available and untapped opportunities. He indicated that currently the region has a total of over 21,400Kms (2017) of optical Fiber installed through Governments’ funding apart from the private sector installations. The region currently has a population reaching 157.7Million (2017); with a Mobile subscription of 119.7Million (2017) an average mobile penetration of 75.9%.

The Chairman alluded on some of the achievements by EACO presently that include;

* One Network Area (ONA) for the EAC region currently being implemented by the Partner States of the Northern corridor.
* Cross border frequency coordination for Mobile and Broadcasting Services
* Coordination of WRC-19 harmonized positions for the EAC region
* Development of Policy and Regulatory Frameworks and Guidelines for the region
* Coordination of regional ICT projects e.g. East Africa Peering and Inter-connection project, Harmonized E-waste Management

He further informed the assembly the steps taken by EACO in improving the working relationship with EAC. He cited the EACO application to become a semi-autonomous entity of the EAC submitted to the Ministers of TCM through the seventh (7) NRA’s committee meeting that was held in January 2017. The Objectives of EACO on harmonization of communication policies and development of the Communications sector go a long way to match with the EAC Treaty Articles 98 and 99 of the EAC which stipulates on the communications development agenda by EAC Member States. It is because of this complementarity, EACO was granted an Observer status.

The Chairman reckoned on the Postal sub sector as a facilitator of National, regional and International trade, e-commerce and financial inclusion. He noted that though there has been a decline in the traditional business model (i.e. letters, stamps, cards) as the situation is drastically being replaced with e-commerce and monetary transfers. However, he pointed out that the sector still boasts of over 1 billion customers with a bank account with a postal financial institution and 5.24 million employees handling over 300 billion items worldwide.

Finally, he wished the Assembly a fruitful deliberation and assured them of effective follow up of the agreed issues.

**The Chairperson’s full statement is attached here as ANNEX III**.



**6.0 MATTERS ARISING FROM THE CHAIRMAN’S COMMUNICATIONS**

Following the Chairman’s invitation to Members to point out issues of interest in the region, the following matters were discussed:

***6.1. Cross-Border Spectrum Coordination***

Member states shared various progress status on the efforts being taken to address the cross border network interferences and the coordination efforts going on to address the same.

***6.2. EACO Databank***

While the need to have an EACO accessible, reliable and updated Communications data and information may not be overemphasized; the Secretariat informed the meeting status of the envisaged Databank and steps taken to seek financing from the development Partners in establishing the Database. The Secretariat indicated that, the project will be implemented in phases and that one associate member of EACO (ISOC) has already contributed USD10,000.- towards implementation of the same.

***6.3. EACO’s Admission to EAC***

The Chairman recapped on the essence and justification for the EACO becoming a semi-autonomous institution of the EAC. He invited the representative of EAC in the meeting (Eng. Robert Achieng) to share with the Assembly the status and possibilities of the EACO efforts in the matter so far.

**Noted 1**:

That, EACO’s application and other submissions have been submitted to the forthcoming meeting of Transport, Communications and Meteorology Ministers (TCM) scheduled for 25th -29th June 2018.

**7.0 CONSIDERATION OF THE SECOND RATIONALISED EACO WORKING STRUCTURES AND PROGRESS REPORTS BY THE WORKING GROUPS AND COMMITTEES**

**7.1. WG01-ICTs POLICY AND REGULATORY HARMONIZATION**

**Noted 2:**

The following were noted from the presentation made by **WG1: ICT Policy and Regulatory Harmonization**

1. The proposed Terms of reference (ToRs) of the WG1;
2. Action plan indicating activities, responsible members and timeframe;
3. The status on the EAC Model Policy and Regulatory Framework, one of the accomplished works of EACO submitted to the 7th EAC Committee of Heads of Regulators meeting in January, 2018
4. Low or no participation at all of operators in the WG’s activities;
5. EACO’s Secretariat being over-stretched due to numerous tasks performed by the lean staff.

The presentation is herewith attached as **ANNEX IV.**

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**Agreed 1:**

The Assembly recommends:

1. EACO members to continue engaging Ministers of EAC and ICTs in their respective countries on EACO’s application to EAC;
2. Issue of low participation of operators to be discussed during the Joint Committee;
3. The need for review of EACO’s secretariat human capacity to be discussed by Joint Committee.

**7.2. WG2-ICT INFRASTRUCTURE DEVELOPMENT, CONNECTIVITY, SHARING AND DIGITAL INCLUSION**

**Noted 3:**

The following issues were noted from the presentation made by WG2 Action plan: -

1. Review of the existing communication infrastructure facilities in all the EAC Partner States and make recommendations on how to address the identified infrastructure and connectivity gaps and respective infrastructure challenges in the region;
2. Identification of critical facilities in communication networks in the EAC region;
3. Establishment of factors that cause vandalism of communication infrastructure and how the problem can be addressed;
4. Development of strategies and guidelines for achievement of digital inclusion in the region;
5. Develop a guideline and toolkit for Universal Access and Services.

Follow the format of group 1: Need to capture other issues

The presentation is herewith attached as **ANNEX V**.



**Agreed 2:**

The Assembly recommends:

1. The Working group to establish a clear way of measuring ICT penetration levels within the region;
2. That WG2 review of infrastructure connectivity gap extends beyond infrastructure sharing and should incorporate infrastructure sharing.
3. That, the Congress adopt the works of **WG2** above and consider the recommendations hereto.

**7.3. WG3 – ICT APPLICATIONS, CONSUMER PROTECTION ISSUES AND CYBER SECURITY**

**Noted 4:**

The following was noted from the presentation by WG3:

1. Proposal to change the name of the WG3 to *Consumer Protection, Quality of Service, ICT Applications & Cyber Security;*
2. To have three Working Parties as is in ITU-T;
3. Work plan of the WG which includes meetings & workshops

The presentation is herewith attached as **ANNEX VI**.



**Agreed 4:**

1. WG3 to consider the subject of General Data Protection Regulation (GDPR)
2. The Assembly recommends for the Congress to adopt the works of **WG3** above and consider the recommendations hereto.

**7.4. WG4 – POSTAL AND COURIER SERVICES DEVELOPMENT & REGULATIONS**

**Noted 5:**

The Working group reviewed the TORs with amendments as follows:

1. To recommend a mechanism for implementation of the various Postal Strategies i.e. EAC, PAPU and UPU within the region ;
2. To recommend strategies for modernization and transformation of the Postal sector in the region;
3. To review and recommend amendements to the National Policies, Legal and Regulatory frameworks to support a competitive postal sector ; and
4. To review and recommend strategies to position the postal sector as a contributor to socio-economic development.
5. The Group’s recommendations inclusion : -

* Expert teams to benchmark with CRASA and WAPCO through PAPU on the harmonization of postal policies and regulatory frameworks.
* Regulators and Operators to implement the agreed action plan and submit status reports to EACO secretariat on quarterly basis.
* EACO to support the African common position on UPU thematic issues to be discussed at the Extra-ordinarily UPU congress to be held in Ethiopia
* EACO to take note and coordinate follow up and possible implementation of the technical advise offered by experts from the pre-assembly Postal workshop

**Noted 6:**

The Group identified the following challenges: -

1. Delay in the implementation of some of the agreed tasks;
2. Some member countries were not able to attend the meetings due to lack of government clearance. EACO Secretariat requested to send invitations two months in advance;
3. Some members experienced technical challenges in participating in the online meeting;
4. Regulators being requested to facilitate online meetings by putting in place necessary and appropriate infrastructure accessible to all the stakeholders.

The WG4 made the following Recommendations:-

* WG4 to liaise with WG1 on policy and regulatory framework for postal issues

**Agreed 5:**

The Assembly recommends for the 23rd Congress to adopt the works of **WG4** above and consider the recommendations hereto.

**WG4** report is attached herewith as **ANNEX VII.**



**7.5. WG5: BROADCASTING DEVELOPMENT, SPECTRUM MANAGEMENT & MEDIA SERVICES REGULATIONS**

**Noted 6**:

The following were noted from the presentation by WG5:

1. The implementation status of the TORs: -

* Making recommendations on the development of digital broadcasting
* Conducting a study on sustainability of Free-To-Air (FTA) television broadcasting services
* Development of a roadmap for migrating to interoperable digital television receivers.
* Development of strategies for introduction of digital sound broadcasting in EAC member states.
* Preparation for WRC-19 and harmonisation of positions of WC-19 Agenda Items
* Cross border mobile frequency coordination within EACO to resolve issues of interference, forced roaming and signal spillover.

(ii) The group’s recommendations include;-

* Each administration/Regulators to establish a meeting room with online facilities and accessible to by the stakeholders
* Regulators and EACO Secretariat take effort to encourage operators to participate in online meetings

**Agreed 6:**

The Assembly recommends

1. Regulators to put in place necessary and appropriate infrastructure to facilitate online meetings;
2. The Assembly recommends for the 23rd Congress to adopt the works of **WG5** above and consider the recommendations hereto

**WG5** report is attached herewith as **ANNEX VIII**.



**7.6. WG6 COMMUNICATIONS NUMBERING PLANS, IP ADDRESSING, SERVICE PRICING & INDUSTRY ANALYSIS**

**Noted 8:**

The following were noted from the presentation made by the Working Group:

1. Reviewing of Terms of Reference (ToR) in view to assess their suitability and applicability;
2. Reviewed the work done on the ToRs by the previous WGs (02 and 07) to assess the pending and completed work;
3. Developed the 2 year work plan, Baseline, Tasks, Deliverables and defined Responsibilities;

**WG6** Recommendations to the Assembly consists of: -

1. Change WG6 name to Numbering, Naming, Addressing, Service pricing and Market analysis;
2. Member States/NRAs are requested to consider sending at least two members to the meetings of the WG \_with expertise in Numbering and Economic regulation;
3. EACO to explore methods of increasing participation by operators.

**Agreed 8:**

The Assembly recommends to the 23rd EACO Congress to adopt the works of **WG6** above and consider the recommendations hereto.

WG06 report is attached herewith as **ANNEX IX**.



**7.7. WG7 – e-WASTE & COUNTERFEIT GADGET MANAGEMENT**

**Noted 9:**

1. WG7 registered a number of milestones during the 1st year of the current cycle;
2. The group continues implementation of the Regional e-Waste Strategy, including seeking for its financing.

The WG7 also indicated some challenges it is facing including: -

1. Limited expertise in the region on the subject matter of Green ICTs and E-Waste;
2. Inadequate and inconsistent representation of private sector players in WG7 meetings;
3. Inconsistent participation in meetings/activities by some members of the Working Group
4. Inadequate funding of the present projects and programs
5. Inadequate legislative framework

**Noted 10:**

The WG7 had the following Recommendations: -

1. Green ICTs be included in the name of the Working Group;
2. Renaming WG7 to E-waste, Green ICTs and Counterfeit Gadgets Management;
3. The transfer of issues of Counterfeit management to a working group that has expertise and can thus avoid duplication of roles.

**Agreed 10:**

The Assembly recommends to the 23rd EACO Congress to adopt the works of **WG7** above and consider the recommendations hereto.

**WG7** report is attached herewith as **ANNEX X**.



**8.0** FINANCE, AUDIT AND RISK MANAGEMENT COMMITTEE

Recommendations;

1. Review of HR Manual
2. Job evaluation

**9.0 LEGAL AND HUMAN RESOURCES AND DEVELOPMENT COMMITTEE (LHRC)**

**Noted 11:**

The following were noted from the presentation made by the LHRC Committee:

1. Review of the new TORs of the Committee;
2. Developed the Action Plan for 2018/19 to 2019/20 (2 years);
3. Planned recruitment process for the three (3) EACO Liaison Managers (HR, ICT and Regulatory affairs);
4. Aligned the EACO Constitution and other legal instruments with EAC protocols (subject to approval for EACO as specialized agency of EAC);
5. Organised an academia/industry forum;
6. Organised an HR/ICT forum;
7. Carried out a comprehensive training needs analysis for EACO members.

The LHRC had the following Recommendations: -

1. EACO to encourage consistency of participation by members of the WGs and Committees;
2. The need for future automation of recruitment process;
3. EACO EXCOM to reconsider the rationalization that merged LCAC and HRDC for efficiency purposes.

**Agreed 11:**

The Assembly recommends to the 23rd EACO Congress to adopt the works of LHRC above and consider the recommendations hereto.

**LHRC** report is attached herewith as **ANNEX XI**.



This report is being submitted for adoption.

The adoption of the report was proposed by Rwanda and seconded by South Sudan.

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**Mr. Matano Ndaro Ms. Sheila Murumba**

CHAIRMAN, 25th EACO Regulators Assembly Rapporteur I

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**Ms. Fortunata B.K. Mdachi Mr. Godliving J. KESSY**

Rapporteur II Liaison Manager, Regulatory Affairs