

**RECORD OF THE MEETING OF THE POLICY AND REGULATORY HARMONIZATION WORKING
GROUP 1 HELD ON 16TH - 18TH OCTOBER 2013 IN KIGALI RWANDA AT THE EAST AFRICAN
COMMUNICATIONS HEAD OFFICE**

1.0 ATTENDANCE:

1. Ms. Fortunata B.K. Mdachi- TCRA -Tanzania
2. Ms. Beata Mukangabo- RURA -Rwanda
3. Mr. Cyprien Munyakazi – TiGO Rwanda
4. Ms. Rita Z. Sekadde – UCC - Uganda
5. Mr. Alexis Sinarinzi – ARCT -Burundi
6. Mr. Jean Marie Vianney Ndayishimiye – ARCT -Burundi
7. Ms. Marie Chantal Gakima – RURA -Rwanda
8. Ms. Clara Mramba – Smile Communications Tanzania Ltd
9. Mr. Eric Niameogo- SGS Rwanda
10. Mr. Emmanuel Ntihemuka – National Post Office Rwanda
11. Ms. Anita Moshi – TTCL - Tanzania
12. Mr. Godliving Kessy- EACO

2.0. AGENDA:

The Agenda for the meeting was adopted as follows:

1. Opening of the meeting – Executive Secretary / CEO EACO
2. Introduction of members
3. Appointment of Rapporteurs
4. Adoption of the Agenda

5. Communication from the Liaison Manager
6. Brief on the 20th EACO Congress held in Nairobi Kenya on 28th June 2013
7. Brief on the Guidelines and Methods of work for the Working Groups
8. Review of the Working Groups Terms of Reference
9. Discussion of the Action Plan (Activities, time frame and allocation of duties)
10. Presentation of the draft report of the meeting and adoption of the same
11. Any other Business
12. Closure of the meeting

3.0. OPENING OF THE MEETING:

The Executive Secretary/ Chief Executive Officer of EACO (ES/CEO- EACO), Mr. Hodge Semakula welcomed members to the meeting and thanked them for having taken time to attend the meeting. He informed members that following the 20th EACO Congress in June 2013, the Congress agreed to reorganize the EACO Working Groups into 10 groups with different mandates as prescribed in their individual terms of reference.

The ES/CEO informed members that the Policy and Regulatory Harmonization Working Group – 1 would play a vital role in ICT harmonization bearing in mind the changes in the ICT environment.

He introduced the Chairperson of Working Group 1 – Fortunata Mdachi and the Vice Chair, Beata Mukangabo. He also introduced the Liaison Manager Regulatory Assembly, Godliving Kessy.

He concluded by wishing members fruitful deliberations and a pleasant stay in Kigali.

4.0. INTRODUCTION OF MEMBERS

Members introduced themselves as per the attendance list above. Members noted however that Kenya's representative sent an email informing EACO that due to other commitments they could not attend the meeting of Working Group 1.

5.0. APPOINTMENT OF RAPPORTUERS:

In the interest of ensuring regional balance in the membership of the secretariat of the Working Group, it was agreed that the rapporteurs for Working Group 1 would be Uganda and Burundi.

The following were appointed as rapporteurs:

1. Rita Sekadde - Uganda
2. Alexis Sinarinzi - Burundi

6.0. BRIEF ON THE 20TH EACO CONGRESS HELD ON 28TH JUNE 2013 IN NAIROBI KENYA

The EACO Liaison Manager informed members about the highlights of the key decisions of the 20th EACO Congress held on 28th June 2013 in Nairobi, Kenya.

Members were informed that the key decisions included the following:

- a) New membership contribution scheme which allows for flexible annual contributions
- b) Amendments of the EACO Constitution:

Members were informed that the key issues discussed included the various membership categories, the Congress Cycle, Composition of the EACO Executive Committee and the development of Working Groups and Committees.

Members agreed that there was need to peruse the reports of the Assemblies in order to guide the work plans of the Working Groups. Members noted that the key inputs of these reports would be issues centered around policy development and harmonization. Members agreed that in development of the Action plan key emphasis would be placed on the TOR's of the Working Group.

7.0. BRIEF ON THE GUIDELINES AND WORKING METHODS FOR EACO WORKING GROUPS AND COMMITTEES

The EACO Liaison Manager provided members with a brief of the guidelines for the Working Group and the methods of work as approved and adopted at the 20th EACO Congress. Key issues discussed included the following:

1. The Terms of Reference and functioning of the Working Groups and committees;
2. Organization and co-ordination of Working Groups;
3. Meetings and methods of work of the Working Group;
4. Outputs of the Working Groups and committees;
5. Guidelines of the committee

8.0. REVIEW OF THE TERMS OF REFERENCE OF THE WORKING GROUP 1

Members reviewed the Terms of Reference for the Working Group as prescribed by the 20th EACO Congress and noted the following:

1. The Terms of Reference were too wide and extensive to be achieved in two years. There was need to design a realistic and achievable action plan in order to achieve the desired output of the Working Group.
2. That the mandate of the group focused on specialized areas like facilitation of multi-stakeholders consultation and dialogue on communication sector policy and regulatory issues, framework for digital broadcasting, model postal regulatory framework, framework for SIM card registration within the EAC members states and commercial issues related to implementation of Mobile Number Portability in the EAC region which were better handled by specialized Working Groups (TORs No. vii-x). Members agreed to refer these issues to the relevant Working Groups (Working Groups 5, 6 and 9).
3. Members noted that the issues that would be referred to the relevant Working Groups for an in-depth study could be considered by the Committee at a later stage after the initial two year period. Members agreed that areas not studied during the two year period could be discussed by the other Working Groups or articulated by Working Group 1 after the initial two year period.
4. That the issue of harmonization of the licensing framework had already been done by a task force on harmonization of Converged/Unified Licensing Framework and was presented and adopted at the 20th EACO Congress. It was noted however that the concerns of the operators had not been incorporated in the earlier work of the task force. It was therefore agreed that the operators would contribute to the discussion on licensing frameworks under the ICT regulatory framework harmonization.
5. It was important for the Working Group to focus on ICT policy and regulatory frameworks.

6. The issue of harmonization needed to be clearly defined within the scope of understanding a common ground for ICT policies and regulatory frameworks in the region. There was need to consider the fact that the different countries in the region were at different stages in development of their communication legislation.
7. There was need to focus on key ICT policies in the region. There would be need to assess the situation in each country and the areas of commonality and harmonization of best ICT policies.
8. With regard to Regulatory frameworks, the key regulatory indicators and would be reviewed from each members state and best practices would be reconciled.
9. In ToR xi, representatives of the Working Group 1 would be the representative of EACO in the relevant ITU-D study groups so that they may follow up the work of the study groups and make regional recommendations and contributions. Members noted that the next round of ITU-D study questions would begin in September 2014.
10. Members agreed that in order to develop a concrete Action plan for the Working Group, there would be need for revision of existing Regional ICT Policy and Regional regulatory frameworks. This would be developed from the key inputs from each country.
11. Members AGREED therefore that the Terms of Reference for the Policy and Regulatory Harmonization Working Group would focus on the following key Terms of Reference as presented at the 20th EACO Congress:
 - a) To review the existing EAC member states ICT policy and regulatory frameworks and develop a regional model ICT regulatory Framework.
 - b) To develop a framework for adoption of the model regulatory framework;
 - c) To develop a regional implementation and monitoring framework.
12. Members AGREED that the modus operandi of Working Group 1 would address the above key Terms of Reference through focusing on the following areas:
 - To review the existing EAC Members states ICT policies;
 - To review the existing regulatory frameworks;
 - To develop a framework for adoption of the model ICT policy
 - To develop a model ICT regulatory framework
 - To develop regional strategy on implementation and monitoring ICT policies and regulatory framework.

RECOMMENDATIONS:

Members agreed that the Terms of Reference that would not be directly handled by Working Group 1 (having been referred to the specialized Working Groups by Working Group 1) would be referred to the Executive Secretary of EACO for onward referral to the Executive Committee meeting for a decision. This decision would in turn advise the secretariat on how best the operations of other Working Groups would be handled.

The key input for the Working Group would be individual states ICT policies and Regulatory frameworks. Each Member state would provide input on the status of their countries ICT policy and regulatory framework.

The key outputs would include the following:

1. A regional EAC model ICT Policy
2. A regional EAC model Regulatory Framework
3. A regional EAC implementation, monitoring and evaluation strategy.

9.0. THE ACTION PLAN FOR WORKING GROUP 1 – POLICY AND REGULATORY HARMONIZATION

	TERM OF REFERENCE	ACTIVITIES	DELIVERABLE	TIME FRAME	RESPONSIBLE PERSON
1	To review the existing EAC Members states ICT policies	<ul style="list-style-type: none"> Information collection and submission of ICT policies from the member states and familiarization with the East African Community ICT policy. <i>NB: Should the EAC policy be sufficient the same shall be benchmarked against the International best practices.</i> Analysis and review of the individual states ICT policy 	<ul style="list-style-type: none"> Status reports from member states on ICT policies. (the report should indicate key milestones for each state.) The ICT policy of the EAC as formulated by the EAC council of ministers 	By 15 th December 2013	<ul style="list-style-type: none"> Uganda – Rita Kenya – Lucky Tanzania – Clara & Anita Rwanda – Chantal Burundi – Alexis
2	To review the existing regulatory frameworks	<ul style="list-style-type: none"> Information collection and submission of ICT regulatory frameworks from 	Status reports of ICT regulatory frameworks from member states	By 15 th December 2013	<ul style="list-style-type: none"> Uganda – Rita Kenya – Lucky Tanzania- Fortunata Rwanda –Chantal

		<p>the member states.</p> <ul style="list-style-type: none"> • Analysis and review of the individual states ICT regulatory frameworks. • To review what regulatory frameworks are in place in EAC and ITU. EACO to advise all Working Groups about the international studies and ICT regulatory framework. 			<p>& Beata</p> <ul style="list-style-type: none"> • Burundi – Alexis & Jean Marie • EACO – Kessy
3	To develop a framework for adoption of the model ICT policy	<ul style="list-style-type: none"> • Identify differences and similarities in the ICT policies of the member states. • Harmonization of ICT policies • Drafting model ICT policy 	Model regional ICT policy	<p>Online discussions between 15th Feb. 2014 and 15th March 2014</p> <p>Skeleton ICT policy to be drafted in March 2014 And circulated to members before April</p>	<ul style="list-style-type: none"> • Uganda – Rita • Kenya – Lucky • Tanzania – Clara & Anita • Rwanda – Chantal • Burundi – Alexis • Rita and Alexis to compile differences and similarities • Eric , Anita and Clara to develop the Skeleton ICT policy

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4	To develop a model ICT regulatory framework	<ul style="list-style-type: none"> Identify differences and similarities in the ICT regulatory frameworks of the member states. Preparation of the relevant check list Harmonization of ICT regulatory framework Drafting model regulatory framework 	Model Regulatory Framework	<p>Online discussions between 15th Feb. 2014 and 15th March 2014</p> <p>Skeleton Regulatory framework to be finalized by March 2014 and circulated to members by April 2014</p>	<ul style="list-style-type: none"> Uganda – Rita Kenya – Lucky Tanzania Fortunata Rwanda – Chantal & Beata Burundi – Alexis & Jean Marie EACO – Kessy Rita and Alexis to compile differences and similarities Fortunata and Beata to develop the Skeleton Regulatory framework
5	To develop the regional strategy on implementation, monitoring and evaluation of ICT policies and regulatory frameworks	<ul style="list-style-type: none"> Identify the implementation strategies for the model ICT policy Identify monitoring strategies for model ICT policy Identify the implementation strategies for the 	<ul style="list-style-type: none"> Strategy for the model ICT policy Strategy for the model regulatory framework 	October 2014	W.G 1

		<p>regulatory frameworks</p> <ul style="list-style-type: none">• Identify monitoring strategies for regulatory frameworks• Consultation with stakeholders like EAC, communication operators, regional bodies etc• Evaluation of the impact of ICT policies and regulatory frameworks			
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10.0. PROPOSAL FOR THE NEXT MEETING DATE

Members Noted that the Assemblies would be meeting in Tanzania on 23rd – 25th June 2014. The next meeting of Working Group 1 was therefore scheduled to the first week of May 2014 in Kigali.