C L I F F O R D
C H A N C E

Briefing note February 2015

African telecoms client newsletter

The African telecoms client newsletter brings you the key regulatory and legal developments in the telecoms sector across Africa.

This issue focuses on the December-February period, which saw Uganda become part of the One Network Area, the approval of the acquisition of Ivory Coast mobile operator, Moov, by Maroc Telecom and the Zimbabwean government cancel Telecel's operator 'licence'.

Northern Africa

Algeria

ARPT allows 3G services to be launched in new provinces

On 21 January 2015, the Algerian telecommunications watchdog, *Autorité de Régulation de la Poste et des Télécommunications* (ARPT), released two decisions allowing specific telecoms operators to launch 3G services in wilayas (provinces) throughout the State. In a decision dated 21 January 2015, ARPT confirmed that Algerie Telecom Mobile (Mobilis) had met its obligations to provide 3G services in Boumerdes, M'Sila, Tamanrasset, Medea, El Tarf and Souk Ahras. Consequently, Mobilis is now entitled to launch 3G services in the wilayas of Chlef, Bejaia, Skikda, Ghardaia, Bechar, Adrar, Guelma, Relizane, Bouira and Oum el Bouaghi.

In a decision dated 19 January, ARPT affirmed the coverage and quality of service obligations for Ooredoo Algeria (Wataniya) in Tizi Ouzou, Mascara, Naama, Relizane, Tiaret and Oum el Bouaghi. The decision also authorised the operator to establish 3G networks in seven optional wilayas: Annaba, Batna, Laghouat, El Bayadh, Ain Temouchent, El Tarf and Guelma.

Morocco

ANRT establishes technical requirements for Maroc Telecom

The Moroccan telecommunications watchdog, *L'Agence Nationale de Réglementation de Télécommunications* (ANRT) released a decision establishing Maroc Telecom's technical requirements for the installation of copper local loop and passive fibre infrastructure. Maroc Telecom is the primary telecoms company in Morocco and was given a deadline of 20 January 2015 to include the recommendations in its wholesale offer.

Under the ANRT's local loop unbundling rules in Morocco, Maroc Telecom must provide third party operators with collocation for their existing equipment, utilise a virtual unbundled local access model in wholesale offers to third party operators, and install multi-operator cabinets.

Western Africa

Cameroon

Orange Cameroon to invest USD 10 billion in infrastructure

On 19 December 2014, the news agency Med Africa Times, referencing the *Agence de Presse Africaine*, reported that Orange Cameroon is intending to invest approximately CFA1,500 billion (USD2.58 billion) in the development of its network and operations in Cameroon over the next 10 years. Elizabeth Medou Badang, the CEO of Orange Cameroon, stated that the company wishes to invest in the submarine cable ACE (Africa Coast to Europe) in order to improve internet and mobile broadband access. Whilst still in negotiations, the cable is proposed to be 17,000 km in length and will connect the coast of Africa to Europe. Currently, however, under Cameroon law, only the national telecommunications operator, CAMTEL, is allowed to manage fibre optics. Orange is also currently negotiating its mobile licence with the Cameroon government. Orange is seeking for the renewal of the licence and for the use of 3G technology to be included in the terms.

Côte d'Ivoire

ARCTI approves sale of Moov to Maroc Telecom

On 9 January 2015, the news website Jeune Afrique announced that *L'Autorité de Régulation des Télécommunications/TIC de Côte d'Ivoire* (ARTCI), the telecommunications regulator in Côte d'Ivoire, approved Maroc Telecom's purchase of Atlantique Telecom Cote d'Ivoire (Moov Côte d'Ivoire), the third largest mobile operator in terms of subscribers in Côte d'Ivoire. Moov will be primarily held by Maroc Telecom, which will have an 84.99% stake. The remainder of the shares are to be held by an undisclosed minority shareholder.

The sale is part of the May 2014 takeover of Maroc Telecom by Etisalat, a United Arab Emirates-based telecommunications provider. Etisalat had promised to sell certain subsidiairies, including Moov, to Maroc Telecom for the purposes of an operational overhaul. The approval by ARTCI now allows this obligation to be fulfilled.

Ghana

Ghanaian regulator responds to stakeholder comments on proposed new licences

The National Communications Authority (NCA) has reviewed and responded to comments submitted on three new licences the authority plans to introduce: Interconnect Clearing House Licence (ICHL); International Wholesale Carrier Licence (IWCL); and Unified Licence (UASL). The purpose of the ICHL is to route all interconnection traffic for the purpose of monitoring revenues. The ICWL will be an independent licensed carrier, and will be expected to route traffic through the licensed clearing house operator. The UASL will be a totally technolog- neutral licence.

Kenya

Kenya's Mobile Penetration hits 80 per cent

The Communications Authority of Kenya (CA) has published its communication report for July-September 2014. IT showed that mobile penetration in the country has now reached 80 per cent. Mobile subscriptions for the period grew by 1.6 per cent, whilst the number of fixed line connections fell by 3.9 per cent.

Mali

Orange launches money transfer service with Ecobank

On 6 February 2014, the Orange group announced that it is working in conjunction with Ecobank on an electronic money transfer service in Mali. The service allows customers with Orange Money accounts and those with Ecobank accounts to transfer money between the two services electronically.

This partnership aims at facilitating the transfer of money between an individual's electronic wallet, used in mobile banking, and a full bank account. Transfers can be performed on mobile phones at any time. This is intended to increase the safety of transfers as no physical money is involved, resulting in individuals not having to move or carry cash. Those mobile phone users who have an Orange Money account will thus be able to transfer money to other customers in countries abroad as well as pay water, electricity, television and telephone bills.

The scheme hopes to be particularly effective in Sub-Saharan Africa, where less than 24% of the population has a bank account, but more than 60% have mobile phones. After being introduced in Mali, the service will be rolled out in other African countries, such as Cameroon and Senegal, by the end of the first half of 2015.

Nigeria

NCC looks to ensure fair competition in broadband infrastructure sector

The Nigerian Communications Commission (NCC) has begun putting measures in place to develop new business rules to regulate the telecoms infrastructure sub-sector. This follows the recent award of the first two of seven planned new fibre infrastructure company (InfraCo) licences, to Main One and IHS, for Lagos and

North-Central zones, respectively. The planned measures will ensure a level playing field between the existing infrastructure companies, such as the National Telecoms Limited (NITEL) and the newly-licensed companies. Eugene Juwah, the Executive Vice Chairman of NCC, told the New Telegraph that the remaining licences for the other five zones will be awarded in due course.

Senegal

ARTP extends trial period for 4G testing

On 13 January 2015, the online magazine IT Mag detailed the extension of 4G trial services in Senegal by the telecommunications regulator *L'Autorité de Régulation des Télécommunications et des Postes* (ARTP). The trial period for the two operators, Sonatel and Tigo Senegal, began in October 2013, and were planned to conclude in January 2015. However, the ARTP decided that additional time was required for the trials to be completed. The extension of the period will result in users of the 4G service being able to use it free of charge for an additional 12 weeks. The ARTP had to warn both operators in December 2014 that no fees should be charged for users testing the new high speed mobile broadband networks during any trial phases. Following the trial period, ARTP will expect to receive a detailed assessment of the information gathered to ensure that the quality of service (QoS) required by the agency has been achieved.

Togo

Togo Telecom deploys wifi in Lome

On 21 January 2015, the website Agence Ecofin reported that Togo's incumbent telecommunications operator, Togo Telecom, had decided to expand its services to the greater population by deploying WiFi coverage across the capital city of Lome. This will allow users from across the city and on any compatible device to access the internet more easily, and at lower cost. There are currently 1.6 million people living in Lome and the first zone, in the area of Deckon, has already been set up. Togo Telecom has indicated that once WiFi has been successfully deployed in Lome, other cities will follow.

Southern Africa

South Africa

ICASA consults on revised draft Radio Frequency Spectrum Regulations

The Independent Communications Authority of South Africa's (ICASA) deadline for responding to revised Draft Radio Frequency Spectrum Regulations passed on 14th February 2015. The Revised Regulations aimed to correct anomalies which included: numbering inconsistencies; no provisions to outline the consequence for failure to renew a Radio Frequency Spectrum Licence; and no provisions to safeguard the rights of end-users prior to a licensee ceasing to provide services that require usage of the Radio Frequency Spectrum.

Uganda

Uganda becomes part of One Network Area

The Ministry of Information and Communications Technology has announced that Uganda has joined Kenya and Rwanda as a member of the One Network Area. Calls made on any network within member countries are treated and charged as local calls.

Zimbabwe

Government cancel agreement allowing Telecel to operate

On 22nd February 2015, The Sunday Mail reported that the government of Zimbabwe had cancelled an agreement with Telecel Zimbabwe which allowed the company to effectively operate in the country without a licence. According to new ICT Minister, Supa Mandiwanzira, Telecel's failure to pay a licence fee (US$137.5 million) on terms agreed in 2013, meant that the country was being deprived of benefit for a valuable asset. He added that the government position was that all shareholders or purported shareholders would now need to negotiate directly with the government (the licensing authority) which would then decide on a value of the shareholder's stake with a view to buying them out.

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