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This action is funded by the European Union

**ANNEX 4**

of the Commission Implementing Decision on the Annual Action Programme 2017 of the DCI Pan-African Programme

**Action Document for Policy and Regulation Initiative for Digital Africa (PRIDA)**

<b>1. Title/basic act/ CRIS number</b>	Policy and Regulation Initiative for Digital Africa (PRIDA) CRIS number: DCI/PANAF/038-223 financed under the Development Cooperation Instrument	
<b>2. Zone benefiting from the action/ location</b>	Pan-African The action shall be carried out at the following location: Africa	
<b>3. Programming document</b>	Multi-Annual Indicative Programme 2014-2017 for the Pan-African Programme	
<b>4. Sector of concentration/ thematic area</b>	Strategic area 4: Sustainable and inclusive development and growth and continental integration Component 4: Infrastructure Component 1: Continental integration	DEV.Aid: YES
<b>5. Amounts concerned</b>	Total estimated cost: EUR 8 000 000 Total amount of EU budget contribution: <b>EUR 7 500 000</b> This action is co-financed in joint co-financing by the International Telecommunications Union (ITU) for an indicative amount of EUR 500 000	
<b>6. Aid modality and implementa- tion modalities</b>	Project Modality a) Indirect management with ITU b) Direct management - procurement of services	
<b>7. a) DAC code(s)</b>	22040 - Information and communication technology (ICT)	
<b>b) Main delivery Channel</b>	10000 – Public Sector Institutions	

<b>8. Markers (from CRIS DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	Participation development/good governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Global Public Goods and Challenges (GPGC) thematic flagships</b>	N/A			
<b>10. Sustainable Development Goals (SDGs)</b>	Main SDG Goal: 9 Secondary SDG Goal: 16.8			

## SUMMARY

**Information and Communication Technology (ICT)** infrastructure in Africa has evolved significantly during recent decades. Still, in comparison with other continents Africa lags behind, for example in terms of widely available and affordable broadband access. Generally affordable and accessible ICT services have the potential to generate benefits such as more competitive markets, social inclusive growth and more equitable development, in line with the Roadmap adopted at the 4<sup>th</sup> EU-Africa Summit (see §46 and 50) and the Multiannual Indicative Programme 2014-2017 (see component 4.4. infrastructure).

The proposed action aims to foster universally accessible and affordable broadband across the continent (to unlock future benefits of internet based services). The specific objectives are a) to facilitate efficient and harmonised spectrum utilisation, b) to harmonise measurable ICT/Telecommunications policy, legal and regulatory frameworks and c) to strengthen the ability of African decision makers to actively participate in the global internet governance debate. The action contributes to Pillar 3 of the EU's External Investment Plan (EIP) by contributing to better regulation and development of markets in partner countries, improving employment opportunities and supporting the development of the local private sector.

## **1 CONTEXT**

### **1.1 Sector/Country/Regional context/Thematic area**

On average over 2005-2015, Africa has experienced impressive growth, with an annual real Gross Domestic Product (GDP) increase of 5.6%. This has not only been driven by favourable commodity prices but also extended to countries that do not possess significant natural resources. This dynamism should continue since Africa's GDP is expected to double by 2030. With 30 million km<sup>2</sup> of land, making Africa the second biggest continent, the subsoil is a tremendous asset. Demography is also dynamic. Today, 16% of the world's population lives in Africa. Around 2030, 1 person out of 4 will be African and at the end of the 21<sup>st</sup> century, 4 out of 10. The population will not only be increasingly younger but also urbanised: sub-Saharan Africa's urban population is thus projected to double by 2030.

Yet, Africa's growth is not generating the jobs that its people need. In 2013, approximately 27.2% of young people in the labour force were without work compared to 26.6% in 2012. Although the proportion of people living in extreme poverty (i.e. on less than USD 1.25 a day) in sub-Saharan Africa decreased from 53% in 1981 to a forecasted 35% in 2015, almost one out of every two Africans lives in extreme poverty. If Africa fails to create the jobs its growing population needs, unemployed urban youth could become a source of potential future instability and irregular migration. Typically, out of the 33 fragile states identified in 2015, 18 are African. There is also room for more progress in the areas of inclusion, gender equality and environmental sustainability which are needed to further promote sustainable human development.

Full and inclusive access to ICT services has the potential to generate economic growth and wider social benefits such as more competitive economies, social inclusive growth and more equitable development, for example by protecting and enforcing human rights and rights of minority groups. Improving ICT accessibility is especially critical for remote and rural societies, making up an important share of the African population, who would benefit significantly through for example the ability to access internet based services (e.g. health, public services, and weather/crop forecasts). Gender gaps in technology use, and in working in the ICT sector, remain vast; in Africa, women are 50% less likely to use the internet than men. Digital technologies can reduce gender gaps in labour force participation by making work arrangements more flexible, connecting women to work, and generating new opportunities in online work, e-commerce, and the sharing economy.

Enhancing African involvement in the global internet policy and governance system also enriches the discussion and takes account of specific needs and challenges.

#### ***1.1.1 Public Policy Assessment and EU Policy Framework***

Promoting cooperation between and within regions and continents is a cornerstone of the Joint Africa EU Strategy. The Roadmap 2014-2017 adopted at the 4<sup>th</sup> EU-Africa Summit foresees support to specific actions within ICT (see §50): the harmonisation and alignment of e-communications policies and regulatory frameworks between Africa and the EU, including cybersecurity; the transition from analogue to digital broadcasting in Africa and the regulation of the resulting Digital Dividend; the enhancement of ICT capacities for all, particularly in order to improve access to internet and an open and inclusive governance system.

The European Commission's Digital Agenda forms one of the 7 pillars of the Europe 2020 Strategy which sets objectives for the growth of the European Union (EU) by 2020. The Digital Agenda's main objective is to develop a digital single market in order to generate smart, sustainable and inclusive growth in Europe. It is made up of 7 pillars, including

Enhancing Interoperability and Standards, Strengthening Online Trust and Security and ICT-enabled benefits for society.

The Continental ICT Strategy for Africa (CISA) adopted in May 2014, to guide the development of the ICT sector on the continent until 2024, is anchored on 7 Strategic themes: Post and Telecom Infrastructure, Capacity Development, e-Applications and Services, enabling environment and governance, mobilisation of resources and partnerships, industrialisation, as well as research and development.

The African Union Convention on Cybersecurity and Data Protection adopted in June 2014 specifically addresses the topics of Electronic Transactions, Personal Data Protection, Promoting cybersecurity and combating Cybercrime.

The Sustainable Development Goals (SDGs) specific goals and targets relevant to the action include Goal 9 (Build resilient infrastructure, promote sustainable industrialization and foster innovation); and Goal 16 (Promote just, peaceful and inclusive societies).

### ***1.1.2 Stakeholder analysis***

The end beneficiaries will be the citizens of the African States participating in the project who will benefit from universally accessible, affordable and effective ICT services along with the private sector who will benefit from sounder market regulations. The civil society, represented by non-state actors, will benefit from increased opportunities to strengthen their dialogue and voice.

The main institutions that will benefit from the action include:

*The African Union Commission (AUC)*, through its Department of Infrastructure and Energy (DIE), has the mandate to develop and implement pan-African ICT policy. Within the DIE, the responsibility of coordinating the implementation of the pan-African ICT policy lies with the Information Society Division (ISD).

*The African Regional Economic Communities (RECs)* will be important beneficiaries of the capacity building activities under the project. They are responsible for coordinating and validating regional policy which is translated into national law.

*African and European regulators* shall benefit from exchanging advice on best practice for technical and legal issues including on harmonisation. BEREC has strong experience in bringing together regulators under a common umbrella and recent experience of regional cooperation between Africa and EU which can be transposed to this project.

### ***1.1.3 Priority areas for support/problem analysis***

The problem analysis identifies the low level of broadband penetration as an important inhibitor for the deployment of internet based services which have the potential to unlock economic development and foster efficient public services. At the same time, the importance of the African Continent is not properly reflected in the global internet governance debate.

Substantial progress has been made in recent years as far as infrastructure is concerned, including new international undersea cables circling Africa. The mobile tower business in Africa is expected to grow significantly as pent-up demand for mobile broadband starts to be met.

However these investments are not sufficient and more needs to be done. Whereas the rate of mobile subscriptions per 100 population has increased from one-tenth of the population in 2006 to over four-fifths in 2014, Africa's performance in ICT use remains at 30% of that of OECD economies; going forward, African economies need not only to make the types of investment necessary to build out their ICT infrastructure, but also to create an enabling environment to fully leverage ICT uptake to boost economic and social impacts. Affordable broadband is a vital building block to unlock the ICT benefits. However, the current broadband offering across Africa is seriously hampered, with high fixed broadband prices in the region going hand in hand with very low penetration levels, thus deterring the great majority of citizens (particularly in a number of very low-income economies) from subscribing to the service. Similarly, mobile broadband is still not affordable in most countries of the Africa region, and suggests that current mobile-broadband usage for most of Africa's population is limited to cheaper plans in the market, with lower data allowances or time-metered offers, which greatly limit the potential impact of the service.

The lack of investment is central to this low level of broadband penetration. Competition is central to attract investment as shown with mobile voice services. To encourage and maintain competition in the electronic communication sector, conditions of access to legally safe and non-discriminatory markets are essential factors. The role of balanced and predictable policy and regulatory environment is crucial.

Sound policy and regulatory frameworks for broadband need developing at national level. Such work cannot be done in silos. Europe learned from its "Digital Single Market" strategy that harmonisation at regional or continental level plays a crucial role in laying the foundation for a truly integrated market for ICT services.

After a successful series of sub-regional policy, legislative and regulatory harmonisation initiatives, including the EU-funded HIPSSA project, there is, in some cases, a lack of political willingness to entirely implement effectively these initiatives which delays the effective implementation of the agreed regional markets. In addition, there is a need to move one step further by supporting national regulatory authorities to effectively implement these frameworks as well as scale up these initiatives to a continental level.

Therefore, to complement the initiatives focusing on the infrastructure component, this action chooses to focus on the creation of an enabling environment including a radio spectrum reform to, firstly, orient private operators towards the best solutions for the system's long-term cost-effectiveness, quality, and sustainability and, secondly, to prepare an environment supportive of internet based services. Since Africa is not an isolated continent, it is important for Africa to have its views adequately reflected in the ongoing discussions on the governance of the internet. Such pioneering, comprehensive harmonisation effort at pan-African level fills an important gap in complementing the ongoing infrastructure-focused efforts towards increased ICT use across the continent.

Such development of broadband and its related services goes hand in hand with cybersecurity; whereas a protective framework is especially important for critical infrastructure such as transport, electricity and water networks, installing confidence in end-users positively impacts the uptake of ICT services as well as the broader digitalisation of government functions.

## 2 RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures
Lack of stakeholders' involvement at the pan-African, Regional and Member State level.	L	Ensuring balanced implementation through a mix of actions at the national, regional and continental level, clearly defined decision making, responsibilities and reporting lines.
Level of engagement and quality of output is too reliant on regional focal points.	M	Careful identification, approval and performance monitoring of proposed regional focal points.
Change in policy direction and thereby reduced commitment due to regularly occurring national elections and change in political leadership.	M	Encourage promotive role of the AUC and/or RECs with engagement at the highest level of Member States.
Lack of human resources in the African Union Commission delays implementation.	M	Contracting made conditional on at least two full-time staff members put at the disposal of the project.
<b>Assumptions</b>		
<p>The African Union Commission and the International Telecommunication Union will make the necessary resources and expertise available for the programme implementation.</p> <p>Decision makers and focal points within beneficiary governments and regional organisations will remain committed to realising the project objectives.</p> <p>The required technical expertise will be identified and recruited on time.</p> <p>Major national planned ICT connectivity projects are completed on time.</p>		

## 3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

### 3.1 Lessons learnt

Recent EU-funded initiatives related to ICT include:

In sub-Saharan Africa, the *Harmonisation of ICT Policies in sub-Saharan Africa programme (HIPSSA)* was a EUR 8 million initiative implemented between 2008 and 2013 under EDF funding. The HIPSSA project, which was implemented by the ITU, was born out of a request from the African Regional Economic Communities (RECs) to receive assistance with harmonising ICT policies and legislations in sub-Saharan Africa.

According to the Results Oriented Monitoring (ROM) report for HIPSSA, the project managed to create ownership within the African RECs, regulators, government ministries, and the private sector and achieved considerable buy-in in with addressing the ICT regulatory challenges. The ownership by each regional community was achieved through a participatory consultative process.

The HIPSSA steering committee comprised representatives of RECs and beneficiary countries and was critical in defining appropriate structures and advancing implementation through a negotiated process. The implementation of regional measures at the national level through in-country technical assistance required the beneficiary countries themselves to

request assistance from the project. The use of national consultants at the country level, familiar with the implementation context, was considered successful.

One of the main outcomes of HIPSSA was increased knowledge of the regional harmonised legal and regulatory frameworks at the political level. Progress is also evident with regard to creating a harmonised policy for analogue to digital broadcasting migration and agreed upon for use by the AU and regional organisations.

Another lesson learnt through HIPSSA is the need for conceptual clarity and relevant stakeholder engagement from the outset as well as strong programme oversight to ensure consistency of the intervention with the intended objective throughout its implementation.

In the Mediterranean region, the *'Euro-Mediterranean Regulators Group'* (EMERG) is an EU-funded initiative launched in 2008. Its third phase was supported through the EUR 990 000 New Approaches to Telecommunications Policies-3 (NATP-3) project running from 2009 to 2013. The initiative is important as it provides an example of an inter-regional cooperation platform on regulatory issues. Under this umbrella, EU and non-EU regulators from 22 Mediterranean countries meet regularly to discuss best practice and exchange experiences on market liberalisation and harmonised telecoms regulations. The EMERG initiative is complementary to HIPSSA in that it includes North African countries while the geographical scope of HIPSSA was limited to sub-Saharan Africa.

Lessons learned from EMERG point to the importance of having carefully defined performance indicators for measuring impact and complementary robust progress reporting. EMERG also underlines the importance of having a sustainable exit strategy in place, it being heavily dependent on project funding.

Having regard to relevant AU decisions related to the African Internet Exchange System project, the African Union Commission signed an agreement with the Lead Financier (Luxembourg Development Agency) to support implementation of the African Internet Exchange System project funded by the EU-Africa Infrastructure Trust Fund and the Government of Luxembourg. The objectives of this project were to: support the establishment of Internet exchange points (IXP) in Member States of the African Union, Regional Internet Hubs and Regional Internet Carriers; and to establish a real-time and historical traffic data accessible via web-based visualisation system, and to develop a certificate curriculum on Internet Exchange technologies.

### **3.2 Complementarity, synergy and donor coordination**

A great number of ICT initiatives of varying scale and scope have been or are currently being implemented in Africa. These include:

- The *"Broadband mapping in Africa"* launched by the World Bank (WB) in 24 sub-Saharan African fragile and conflict states. The objective is to develop a detailed map of broadband penetration for selected countries and to identify the main providers of mobile and fixed services.
- The *"Broadband Reports"* launched by ITU in 2012 focus on cutting edge policy, regulatory and economic aspects of broadband. They provide a meaningful contribution to the work of the Broadband Commission for Digital Development. They are developed in parallel with other initiatives such as the ITU Broadband Atlas.
- African consultations on the internet and digital technologies as a trigger for development, organised by the World Bank through the World Development Report (WDR).

- The annual Forum on Telecom-ICT Regulation and Partnership in Africa (FTRA) focusing on the ICT enabling environment, organised by the ITU.
- Regional and national initiatives such as knowledge dissemination on the role of ICT in transparency, supporting national regulatory frameworks and loans to infrastructure projects supported by the African Development Bank (AfDB).
- A mapping study conducted on behalf of the US Department of State on the current disposition of national Computer Security Incident Response Teams (CSIRTs) in sub-Saharan Africa.
- The Commonwealth Telecommunication Organisation (CTO) has carried out an initiative to develop a Commonwealth Cybergovernance model, followed by developing national cybersecurity strategies.

The EU is supporting various ICT-related initiatives through a number of instruments.

The Instrument for Stability (IfS), and its successor, the Instrument contributing to Peace and Stability (IcSP), have been supporting actions in the field of cybercrime. Global Action on Cybercrime (GLACY), jointly funded with the EU through the IfS (with EUR 3.35 million for the period 2013 to 2016 and EUR 10 million for the years 2016-2020), aims at supporting countries worldwide apply legislation on cybercrime and electronic evidence that is compliant with the Budapest Convention. In the area of cybersecurity and incidence response capacity building, a new IcSP-funded action of EUR 11 million "*Protecting Critical Infrastructure*" is going to commence in 2017 with a focus on priority countries in Africa and Asia.

Though not addressing the cybersecurity dimension as a specific output, the proposed action shall ensure pan-African harmonisation of and coordination with the activities of the EU-funded *Protecting Critical Infrastructure* action mentioned above.

Through the Infrastructure Trust Fund (ITF), the EU has provided support to several initiatives led by other donors or agencies such as the AXIS project, the satellite-enhanced telemedicine and e-health for sub-Saharan Africa managed by the European Space Agency and the East African Submarine Cable System (EASSy) operated by an African and European Consortium. Complementary support to ICT infrastructure includes the AfricaConnect project to fund improved connectivity for research and education within sub-Saharan Africa with a combined value of some EUR 37 million for phases 1 and 2. The scope of the initiative includes the provision of research networking infrastructure within the region, organising a direct interconnection of the resulting regional network as well as further capacity building of non-participating countries to enable joining the network at a later stage.

Through Horizon 2020, the EU's current major research and innovation programme, ICT research cooperation is being fostered between the EU and Africa in a number of areas including eHealth, Big Data and internet of things.

A regional action with ECOWAS on cybercrime and cybersecurity is being formulated as part of the EDF West Africa Regional Indicative Programme, while the Regional Indicative Programme for East and Southern Africa and Indian Ocean has an allocation under the soft infrastructure envelope for "Enhancement of Governance and Enabling environment in the ICT sector". Complementarity, synergies and coordination with these initiatives will need to be ensured.



### 3.3 Cross-cutting issues

*Poverty reduction and gender equality:* The United Nations (UN) specifically identifies information and communication technology amongst the targets of Sustainable Development Goal (SDG) No. 5 (Achieve gender equality and empower all women and girls): "*Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women*". Generating sustainable growth, the action contributes to achieving poverty reduction and gender equality in line with the JAES Roadmap 2014-2017 (§38): "*Stimulate economic growth that reduces poverty, create decent jobs and mobilise the entrepreneurial potential of people, in particular the youth and women, in a sustainable manner*".

*Environmental aspects:* the development of an ICT enabling environment shall foster broadband-based services directly contributing to reducing congestion and therefore positively impacting the environment.

## 4 DESCRIPTION OF THE ACTION

### 4.1 Objectives/results

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG Goal 9, but also promotes progress towards Goal 16.8. This does not imply a commitment by the countries benefiting from this programme.

The overall objective is to foster universally accessible and affordable broadband across the continent to unlock future benefits of internet based services.

The specific objective is to create a more harmonised and enabling legal and regulatory framework for the use of ICT for social and economic development, with an emphasis on boosting the spectrum market across Africa. It is based on three pillars:

- a) efficient and harmonised spectrum utilisation,
- b) harmonisation of measurable ICT/Telecommunications policy, legal and regulatory frameworks,
- c) African decision makers' active participation in the global internet governance debate.

The following **outputs** are proposed:

***Output 1:*** *Predictable spectrum allocation, licensing, management including the treatment of harmful interferences and pricing based on international best practices with a forward looking approach towards the Internet of Things (IoT) is improved*

Addressing the issue of spectrum at national, regional and pan-African levels is expected to generate significant social and economic benefits for the end beneficiaries (citizens of the African States) and also provide opportunities for the private sector to contribute to the development of services and generate sustainable growth. The aim is to reconsider and harmonise the spectrum licensing, refarming, pricing and coordination at borders with an objective of efficiency, transparency and non-discrimination.

***Output 1a:*** *Spectrum allocation based on international best practices is improved*

Harmonising spectrum utilisation in Africa, particularly spectrum utilisation for mobile broadband access, will improve the spectrum management regulatory framework and encourage the development of the information society. The aim is to improve legal framework and institutional establishments of the spectrum management regimes.

***Output 1b: Terms and conditions for spectrum licensing are improved***

Improve terms and conditions for spectrum licensing with a technology neutral philosophy and transparency. The objective is to incentivise investments and introduction of new technologies / applications.

***Output 1c: Coherence between time of assignment with technologies availability and market readiness is improved***

Encourage time to market assignment of frequency bands to new services.

***Output 1d: Spectrum pricing predictability and alignment on international best practices is enhanced***

Encourage the introduction of new spectrum cost methodologies supporting the deployment of broadband services and avoiding frequency band freezing by certain actors.

***Output 1e: Cooperation related to the treatment of harmful interference is strengthened***

Investigate harmful interference cases to determine their causes and identify and implement remedial measures.

***Output 1f: Awareness and acceptance of the concept and economic models of Internet of things (IoT) is increased***

Sensitise actors in order to prepare them for IoT, taking into account the results of studies undertaken within ITU.

***Output 1g: The capacities of national frequency agencies are strengthened***

Train national frequencies agencies on the implementation of the above outputs.

***Output 2: Continental legal and regulatory Monitoring & Evaluation system is developed and cooperation between telecommunications regulatory authorities with enhanced awareness by public authorities and civil society regarding cross cutting use of ICT is enhanced***

Harmonising the ICT policy, legal and regulatory frameworks in Africa has the potential to address root causes of market failure and contribute to greater consumer welfare. It will further increase competition, consumer benefits and contribute to the regional integration process.

***Output 2a: Continental ICT/ Telecommunications Legislative and Regulatory Monitoring & Evaluation methodology is developed***

***Output 2b: Continental cooperation between national telecommunications regulatory authorities (NRAs) is strengthened***

***Output 2c: Awareness of cross cutting use of ICTs (policy) by public authorities and civil society is raised***

***Output 3: Capacity of African stakeholders active in the global internet governance is improved***

Strengthening the African voice in the global debate will contribute to making African issues a priority which in turn has the potential to make global internet policies and rules more appropriate to the African context and create a more viable and conducive environment for ICT.

## 4.2 Main activities

The following main activities are envisaged for each output (indicative list):

**Output 1:** Predictable spectrum allocation, licensing, management including the treatment of harmful interferences and pricing based on international best practices with a forward looking approach towards the Internet of Things (IoT) is improved:

1. Analysis of the current legislative and regulatory framework and analysis of the usage of spectrum as of today as well as in the foreseeable future;
2. Analysis of the fibre deployment for backhaul services;
3. Development of Guidelines and associated case studies on national spectrum allocation, licensing and pricing;
4. Development of associated harmonised roadmaps for the adaptation of the current legislative and regulatory framework;
5. Technical assistance for national spectrum agencies to transpose these roadmaps;
6. Develop harmonised spectrum reforming methods;
7. Support to the implementation of current HCM4A agreement in sub-Saharan Africa and its extension to North Africa;
8. EU HCM Software adaptation to HCM4A (inclusion African Maps and African propagation models- long term);
9. Technical assistance for the resolution of existing critical situation – short term;
10. Policy outreach on concept and business models of IoT;
11. Development of Guidelines and associated case studies regarding Type Approval, EMF and EMF for IoT;
12. Capacity building.

**Output 2a:** Continental ICT/ Telecommunications Legislative and Regulatory Monitoring & Evaluation methodology is developed:

1. Assess the current and past legislative and regulatory monitoring & evaluation initiatives in Africa;
2. Develop methodology adapted to the African reality including a section regarding the impact of regulation on consumer welfare, competition and investment;
3. First monitoring and evaluation round;
4. Prepare jointly with each Member State a series of concrete regulatory corrective measures to reach progressively a pre-agreed continental forward looking objective;
5. Present and adopt the conclusions during AUC Ministerial meetings;
6. Improve the methodology based on the experience acquired;
7. Second monitoring and evaluation round;
8. If time allows, third round;
9. Capacity building. In parallel, train the African Union Commission staff to progressively take ownership of this action.

**Output 2b:** Continental cooperation between national telecommunications regulatory authorities (NRAs) is strengthened:

1. Contact NRAs, in close collaboration with the Regional Associations of Regulators, to identify a series of concrete continental issues pertinent at the start of the project;
2. Based on the Euro-Mediterranean network of regulators (EMREG) experience, set up an expert working group for each issue with the aim to develop common approaches / positions, guidelines or methodologies;

3. Offer national technical assistance to NRAs seeking support in implementing the common approaches / positions, guidelines or methodologies;
4. Explore the expansion of the current dialogue between the regional associations of regulators and the AUC in collaboration with the ITU with the aim to improve the consistent application of the ICT/ Telecommunications policy, legislative and regulatory frameworks at regional and continental level;
5. During the last year, if the action proves to be successful, explore the question of a potential organisational structure.

**Output 2c:** Awareness of cross cutting use of ICTs (policy) by public authorities and civil society is raised:

1. Studies to assist the AUC to increase the awareness of its Member States regarding the utilisation of digitalisation for education, gender, health, agriculture and e-Governance;
2. Initiate a discussion with Ministers in charges of the above topics;
3. Initiate a discussion on the role of data protection and privacy in handling the risk to misuse digital technologies to control citizens and incorporating necessary safeguards;
4. Initiate a discussion, in collaboration with the ITU, among regulators of different sectors (electronic communications, broadcasters, health, education, data protection etc) to improve cooperation.

**Output 3:** Capacity of African stakeholders active in the global internet governance is improved:

1. Assess the situation at the start of the project: identify challenges for African involvement, identify synergies between initiatives, identify potential enablers and inhibiting factors of the multi-stakeholder model, review key forthcoming meetings, etc;
2. Strengthen the African Internet Governance Forum (IGF) as an umbrella of the African multi-stakeholder dialogue and enhance political awareness of IG and the importance of the multi-stakeholder approach across Africa;
3. Explore ways to recreate the success of the East African and the Arab IGF in other regions, through support and active participation of the RECs;
4. Assist the efforts of the West African IGF, especially through empowering existing organisations and individuals already involved with global internet policy and governance processes to follow the example of East Africa;
5. Explore the current model of the Eastern and Southern African IGF regional characteristics and encourage multi-stakeholder cooperation;
6. Assist Central African stakeholders with developing a sustainable and effective model for a regional IGF, based on best practices from other regions;
7. Develop an online (continuous) training platform targeting mid-level officials, using interactive collaborative online learning methodology;
8. Explore establishing a "Digital policy clinics" framework to offer on-demand assistance to African negotiators by providing: policy advice and coaching, assistance with legal and policy drafting and support during international negotiations;
9. Design a training programme for high-level decision-makers including training workshops, roundtables or "Internet governance days";
10. Deliver coaching activities including simulating the negotiation before the main international and regional meetings, debriefings with senior experts and experienced diplomats after the meeting, and programme re-adjustment measures based on feedback;

11. Offer training for trainers online programmes: Enabling a group of the most successful and interested participants to acquire skills that will allow them to deliver similar programmes in the future.

#### *Cross-cutting activities*

The design and implementation of all activities shall take stock of the cross-cutting output priorities dealing with cybersecurity frameworks and availability of ICT usage data, as identified under section 4.2 of this document.

### **4.3 Intervention logic**

An important feature of Information and Communications Technologies (ICTs) is their ability to act as cross-sectorial multipliers or enablers of a large range of sectors (education, health, agriculture, energy, e-Government, etc.). To reap the full benefit from the ICT, Africa needs to count on affordable high speed broadband connections and access to the internet.

Major infrastructure works on establishing fibre-optic broadband networks is underway in order to link Africa's region together and with the rest of the internet. However, there remains an important bottleneck for the end users. Despite the mobile communication penetration successes in Africa, broadband penetration remains at low level: the mobile voice services penetration rates reach 95% in some countries while mobile broadband penetration remains below 20% in comparison with penetration rates in Europe and the Americas at around 78%<sup>1</sup>.

Similarly to voice services, broadband services in Africa will become universally accessible and affordable on the continent through mobile devices due to non-existing or dysfunctional fixed line networks. This requires a predictable spectrum market aligned on international best practices which is currently not the case on the Continent. In that context, the action intends to foster a more efficient and harmonised spectrum utilisation. This will be achieved through an ambitious chapter aiming at improving a predictable spectrum allocation, licensing, management including the treatment of harmful interferences and pricing based on international best practices with a forward-looking approach towards the Internet of Things (IoT).

The accessibility and affordability of high speed broadband services allowing ICT to act as a cross-sectorial multipliers or enablers depend not only on spectrum reforms but also on a global enabling environment. Therefore, the action proposes a comprehensive approach to harmonise ICT policy and regulation on the pan-African scale aimed at fostering an enabling environment across AU Member States; in doing so it shall leverage on current resources within the AUC itself while decisively reinforcing the existing skills and capabilities in view of long-term sustainability. Since previous development projects have already been successfully implemented in the past, this action focusses on critical complementary elements to foster a continental approach. More precisely, the action supports the African Union Commission (AUC) to develop its own policy and legislative Monitoring & Evaluation system and supports for the first-time national telecommunication regulators to collaborate effectively at continental level. Finally, with a forward-looking perspective, the action will prepare the path towards the cross cutting use of ICT by increasing the awareness of public authorities and civil society.

To reap the entire benefits from its connection to the internet through high speed broadband services, Africa needs to become more active in the global multi-stakeholder's internet

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<sup>1</sup> ICT Facts and Figures – The World 2015, International Telecommunication Union, Geneva, May 2015.

governance fora. Currently, only a few African countries are represented and very few actively involved in the discussions. The action intends to strengthen the African voice in the global debate to make global internet policies and rules more appropriate to the African context.

Fully in line with the Joint Africa EU Strategy Roadmap and the EU Pan-African Programme 2014-2020 – Multiannual Indicative Programme 2014-2017, this pioneering action addresses an important gap at continental level as far as the development of ICT services is concerned. It aims at establishing a continent-wide forum to deal with supply-side interventions the private sector and the public shall largely benefit from: coordinated spectrum allocation and harmonised policy and regulation, including regulators' ability to effectively regulate. Thus, the action offers the strong added-value of a pioneering initiative at continental level, at the same time retaining the flexibility of a modular approach and the scope for replicability and scaling.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding implementation period, is 60 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission's authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

### **5.3 Implementation of the budget support component**

N/A.

### **5.4 Implementation modalities**

#### *5.4.1 Indirect management with a UN specialised agency*

A part of this action and, in particular, activities related to Output 1 of this action may be implemented in indirect management with International Telecommunications Union (ITU) in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails facilitation of efficient and harmonised spectrum utilisation. This implementation is justified because of the role of ITU as the UN's specialised agency within Information and Communication Technologies. It is seen a frontrunner on ICT technology with a mission to improve access to ICTs in underserved communities around the world. The ITU holds long-standing expertise within allocating global radio spectrum and satellite orbits, developing technical standards for connecting networks and technology.

The entrusted entity would carry out the following budget-implementation tasks: procurement procedures, making payment, accepting or rejecting deliverables, enforcing checks and recovering funds unduly paid.

#### 5.4.2 Procurement (direct management)

Subject	Type (works, supplies, services)	Indicative number of contracts	Indicative trimester of launch of the procedure
Technical Assistance (TA) to the AUC	Services	1	Q3 2017

#### 5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

#### 5.6 Indicative budget

	EU contribution (in EUR)	Indicative third party contribution (in EUR)
5.4.1 - Indirect Management: Output 1 (ITU)	5 000 000	500 000
5.4.2 - Direct management: Outputs 2a, 2b, 2c and Output 3 (Technical Assistance)	2 500 000	
5.9 - Evaluation	N/A	
5.10 - Audit	N/A	
5.11 - Communication and visibility	N/A	
<b>Total</b>	<b>7 500 000</b>	<b>500 000</b>

An additional amount of up to EUR 1 000 000 per year is foreseen to be made available to support the AUC in the implementation of Outputs 2a, 2b and 2c via the African Union Support Programme (AUSP).

#### 5.7 Organisational set-up and responsibilities

A Global Programme Steering Committee (GSC) with the European Commission and AUC will be set up to ensure the overall direction of the project. The ITU will be invited to join this GSC. The aim is to keep the number of participants limited in order to ensure efficient and smooth supervision. The technical discussions will be handled via the Implementation Committees (see below). However, it may be enlarged to selected beneficiaries of this action such as the RECs, Regional Association of Regulators, the African Telecommunication Union (ATU) and BEREC. It shall supervise the consistency of the activities of the action against the specific objectives of the JAES. It shall meet 2 times a year. In order to save time for the

participants and ensure appropriate documented reporting as well as briefing documents and follow up, it may be assisted by external Technical Assistance (TA).

In addition, an Implementation (Technical) Committee will supervise the implementation of the activities of the respective three main outputs. These three Implementation Committees shall also facilitate political buy-in and synergies with other initiatives. They will report to the Global Steering Committee and present the progress regarding the outputs implementation progress. They will be chaired by the implementers of the respective outputs (AUC and ITU). They will be composed of the AUC, ITU, the RECs, the regional association of regulators. Other relevant bodies, including, but not limited, to BEREK, Commonwealth Telecommunication Organisation (CTO), European Competitive Telecommunications Association (ECTA), may also be involved.

### **5.8 Performance monitoring and reporting**

The following related indicators have been proposed as part of the Multi-Annual Indicative Programme 2014-2017 of the Pan-African Programme:

- *Number of new policies and/or regulations in the e-communications/digital broadcasting/digital dividend areas issued for adoption at AU/REC/individual country level (source: project reports).*
- *Degree of convergence and compatibility of African and European policies and regulations adopted in the e-communications/digital broadcasting/digital dividend areas (convergence assessed by specialised Technical Assistance).*
- *Number of people (from public/private/NGO/civil society) trained on harmonised policies and regulations in the e-communications/digital broadcasting/digital dividend areas with PanAf support per year.*

Additional indicators are proposed as per the indicative logframe in annex. A baseline shall be undertaken by the Implementing Partner during inception to further refine these.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

### **5.9 Evaluation**

Having regard to the importance of the action, a final evaluation may be carried out for this action or its components via independent consultants contracted by the Commission.



It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that it will inform potential further support to the ICT sector at pan-African level.

The Commission shall inform the implementing partner at least 3 months in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

#### **5.10 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

#### **5.11 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and included in the budget for the service contract and the delegation agreement.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

## APPENDIX - INDICATIVE LOGFRAME MATRIX

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant and for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

	Intervention logic	Indicators	Baselines	Targets	Sources and means of verification	Assumptions
			(2018)	(2020)		
<b>Overall objective: Impact</b>	To foster universally accessible and affordable broadband across the continent (to unlock future benefits of internet based services)	OO1: Mobile broadband subscriptions per 100 inhabitants	Index at the start of the project	An increase of 15% per year i.e. 175% @ end of project	ITU Statistics "Measuring the Information Society"	
<b>Specific objective: outcome</b>	Create a more harmonised and enabling legal and regulatory framework for the use of ICT in social and economic, with an emphasis on boosting the spectrum market across Africa	SO1: Number of spectrum licenses aligned on international best practices allocated  SO2: Number of countries that have initiated significant measures to harmonise their ICT regulatory framework	0  0	To be defined during inception report  30	National Authority reports – Project Report	AU, RECs and national decision makers remain committed to improve the ICT enabling environment
<b>Output 1</b>	<b>Output 1(a):</b> Spectrum allocation based on international best practices is improved	1a.1: Number of regional guidelines for spectrum regulations and spectrum usage	0	5	Project Report, Regional (RECs) and National authorities reports – do REC reports contain this information?	

Intervention logic	Indicators	Baselines	Targets	Sources and means of verification	Assumptions
		(2018)	(2020)		
	1a.2: Number of countries that have transposed Regional guidelines	0	23	Project Report/National Authority Report	
	1a.3: Adoption of Africa continental Wireless Broadband Deployment Roadmap	0	1 (Continental Meeting organised by AUC and/or ATU)	Project report + AUC and/or ATU Report	
<b>Output 1(b):</b> Terms and conditions for spectrum licensing are improved	1b.1: Number of countries whose spectrum licensing terms and conditions promote technological neutrality	0	30	Project report, AUC and NRA Reports	NRA shall make public any changes to the regulations either in its annual report or by public consultation
<b>Output 1(c):</b> Coherence between time of assignment with technologies availability and market readiness is improved	1c.1: Number of countries that freed spectrum identified for mobile broadband in accordance with Output 1a	0	40	Project report, AUC and NRA Reports	
	1c.2: Number of countries that assigned [to mobile broadband] spectrum identified for mobile broadband in accordance with Output 1a	0	25		
<b>Output 1(d):</b> Spectrum pricing predictability and alignment on international best practices is enhanced	1d.1: Number of countries that adopted market-oriented spectrum allocation methods	0	30	Project report, Telecommunications Government Ministries and NRA Reports	
	1d.2: Number of countries for which spectrum fees calculation is aligned with ITU-R SM.2012	0	20	NRA Reports	
<b>Output 1(e):</b> Cooperation related to the treatment of harmful interference is strengthened	1e.1: Harmonised calculation Method for Africa (HCM4A) Software developed	0	1	Project report, AUC and NRA Reports	
	1e.2: Number of countries having effectively adopted HCM4A	0	30	AUC + National Authorities reports	
	1e.3: Number of requests for cross border frequency coordination specific cases resolution	0	5	Project report AUC + NRA Reports	

	Intervention logic	Indicators	Baselines	Targets	Sources and means of verification	Assumptions
			(2018)	(2020)		
		1e.4: Number of cross border frequency coordination specific cases solved	0	5	Project report AUC + NRA Reports	
	<b>Output 1(f):</b> Awareness and acceptance of the concept and economic models of Internet of things (IoT) is increased	1f.1: Continental Guidelines for an enabling environment for IoT adopted by NRAs	0	1	Project report, AUC, Telecommunications Government Ministries and NRA Reports	
		1f.2: Number of countries that included IoT concept in the development of telecommunications policy	0	23		
	<b>Output 1(g):</b> The capacities of national frequencies agencies are strengthened	1g.1: Number of Directors, Radiocommunication Senior Engineers (gender-disaggregated) that have been trained on Modern Spectrum Management	0	30	Project reports	
		1g.2: Number of countries that have received technical assistance to transpose Regional guidelines	0	30		
		1g.3: Number of Radiocommunication Engineers (gender-disaggregated) that have been trained on HCM4A	0	30		
		1g.4: Number of countries whose policy makers, politicians and technicians, (Parliament, Government, Regulatory Authorities) have been sensitised on issues related to IoT	0	30		

<b>Output 2</b>	<b>Output 2a:</b> Continental ICT/Telecommunications Legislative and Regulatory Monitoring & Evaluation methodology is developed	2a.1 Harmonised monitoring methodology established (*)	0	1	RECs Reports AUC Reports	NRA have sufficient skills to ensure meaningful knowledge exchange. Sufficient level of Market liberalisation in MS
		2a.2 Harmonised benchmarking methodology on price /investment established (*)	0	1	NRA Reports	
		2a.3 Number of Member States contacted to analyse the result of the assessment	0	30	REC & AUC Reports	Private sector is involved as required
		2a.4 Presentation at regional/ continental Ministerial meeting	0	10 meetings	EMREG Reports	
		2a.5 Number of countries adopting correction measures	0	15		Trained technical experts have achieved sufficient skill levels
		<b>Output 2b:</b> Continental cooperation between national telecommunications regulatory authorities (NRAs) is strengthened	2b.1: Assessment reports (per topic)	0	5	
		2b.2: Number of guidelines approved at continental level	0	5	Project reports	
		2b.3: Number of technical assistance provided to national telecom regulators	0	15 NRAs	REC & AUC Reports	African NRAs able and committed to allow same persons to work throughout project duration
		2b.4: Number of EU NRAs effectively involved in at least 2 meetings a year over a period of 2 years on the same topic	0	5 EU NRAs	EMERG & BEREC Reports	
	<b>Output 2c:</b> Awareness of cross cutting use of ICTs (policy) by public authorities and civil society is raised	2c.1: Cross cutting continental studies	0	5		
		2c.2: Number of Continental African ministerial meetings with non ICT ministers (health, education, agriculture, e-Governance, etc) including prior or subsequent public consultations to seek view of (i) regulators, (ii) civil society and (iii) private	0	5 continental meetings and associated consultations		AUC Infrastructure Department sensitises other Departments to include the impact of ICT on the agenda of their Ministerial Meetings

		sector				
		2c.3: Number of Regional ministerial meetings with non-ICT ministers (health, education, agriculture, governance etc) including prior or subsequent public consultation to seek views of (i) regulators, (ii) civil society and (iii) private sector	0	5 regional meetings and associated consultations		RECs Infrastructure Departments sensitise other Departments to include the impact of ICT on the agenda of their Ministerial Meetings
<b>Output 3</b>	<b>Output 3:</b> Capacity of African stakeholders active in the global internet governance is improved	03.1: African active participation in regional and global Internet Governance Fora (IGF)	0	20 meetings	IGF meeting minutes	Government officials are made available to participate in training  Trained staff remain within their institutions well beyond programme completion
		03.2: Number of high-level officials (gender-disaggregated) received coaching/ training/ support for high level meetings (*)	0	30	Project reports	
		03.3: Number of mid-level officials trained (gender-disaggregated) through on line course (4 course / 3 years) (*)	0	180	Project reports	
		03.4: Number of participants (gender-disaggregated) at training for trainer courses (1 course / 3 years) (*)	0	15	Project reports	
(*) : PanAfrican Programme MIP 2014-2017 - Component 4 - Indicator Nos. 5.1 to 5.3						