



IIC in association with South Africa Chapter

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Regulation in times of pandemic and lessons for the future: African responses- Southern Africa

Panel:

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The IIC has created a series of events on the theme of 'regulation in times of pandemic', looking at issues such as privacy and data, as well as broader experiences in different regions.

This webinar discussed the learnings from Southern Africa, with representatives from South Africa, Botswana, Zimbabwe and Mozambique. It was the first in a set of three of events on the subject with a panel drawn from operators, regulators and policymakers. It was introduced by Dr Andrew Barendse, Chair of the IIC's South Africa Chapter, and moderated by Steve Song from the Mozilla Foundation. View the full video [here](#). Two further events will discuss the experiences of countries in East and West Africa.

Experience of the Pandemic

One panellist described the optimism that first surrounded the emergence of the virus: Africa's younger population and warmer climate were thought likely to mitigate against the worst effects, and there was a belief in some quarters that people of colour were 'less likely to catch it'. This led to a general lack of preparedness. As restrictions and shutdowns of various degrees rolled around the countries of southern Africa, the increase in remote working resulted in dramatic increases in data traffic and network congestion, with consequent impacts on data costs and quality of service. Many parts of daily life, such as business, schooling and religious services, moved online and there was uncertainty about how long restrictions would last. Major concerns centred on SMME's¹, many of whom lacked connectivity and simply closed down, and on rural and remote communities. With limited home network connections, such communities depend heavily on accessing the internet in physical, shared spaces. While successful in many circumstances, this 'communal model' requires either the increased risk of being out of home, or is rendered ineffective by the need for social distancing. Schools and hospitals were also behind in digital maturity.

Another problem cited by many panellists was that of 'misinformation' surrounding the pandemic, along with the abuse of emergency platforms for commercial purposes. When operators sought to import telecommunications equipment to

Efforts to increase network capacity were also hindered in some cases by Covid-related customs clearance delays for new equipment and spares, along with the problems of exchange rates.

Responses to the pandemic

Actions taken in the face of restrictions generally fell into three areas:

- Release of spectrum to increase network capacity
- Relaxation of rules to enable fast responses from operators
- License obligations to help schools and underserved communities

In many countries initiatives included providing an emergency access short code and a 'covid' web domain name to provide free information related to the pandemic. Call centres were also employed, mostly hosted for free by operators. A number of services were

¹ Small, medium and micro enterprises

immediately designated as essential to enable continuity; these included telecoms and broadcasting.

Spectrum

Temporary spectrum licences were granted in order to ease network traffic congestion. In most cases these were allocated by band and by operator and resulted in the desired increases in network capacity. In Botswana, blocks of 10MHz were allocated, but most operators chose not to take up the new spectrum. The investment required for the equipment was not felt to be justified, and they chose instead to concentrate on optimising their existing networks, such as '4G plus'. In Mozambique, additional spectrum was granted only on condition that it would be used.

Rule changes and obligations

While all fees were waived for all temporary spectrum, most regulators applied conditions to help mitigate particular impacts. Operators had to agree to no price increases, with free or low-cost access to a range of e-learning services. Other obligations included providing internet services to schools and underserved communities, in some cases at zero rating. Universal access funds were also allocated to improve connectivity. In return, many of the rules around compliance and service performance were relaxed, including in some cases, allowing delayed payments. Mozambique applied tax exemptions for new equipment, along with rapid type approval where necessary. In Botswana, operators agreed to keep all SIM cards active during the pandemic. Mobile money transfer limits were also raised in order to reduce the need for people to leave their homes.

Content

There was early recognition that, with more people at home and interruptions in production, content rules would need to be relaxed. In most countries this led to the requirement for local content being reduced (although in Botswana the proportion was increased from 40 per cent to 60 per cent to allow for increased information). One broadcaster created new religious channels in response to the restrictions on public worship.

Learnings from the pandemic

One panellist pointed out that, when faced with a major challenge and clear objective, operators and regulators could work together effectively to overcome problems. This spirit of collaboration and flexibility should be a template for the future, with, in the view of one broadcaster, a focus on innovation over compliance. The pandemic had also revealed the extent to which citizens are dependent on the internet: connectivity and smart phones were now a basic need rather than a luxury. In many cases operators found that providing devices for internet access, such as laptops and tablets, was essential to increasing connectivity.

Bridging the digital divide

Communal networking is unsuitable for pandemics, and there needs to be a greater effort to connect rural homes and businesses rather than rural areas, in order to establish the 'seamless network' of the future. A regulator described how a network is only as good as its weakest link. Smaller operators are often in a better position to provide cost-effective access to networks in more remote areas, and should be invited to 'fill in the gaps'.

Operators are collaborating in the use of Open-RAN networks, and there is a possibility for

What Covid-19 revealed

- *Policymakers, regulators and operators can work well together in a crisis*
- *Internet access is no longer a luxury, but an essential public service*
- *Digitalisation is key to the economy of remote and rural areas, not just towns and cities*
- *The communal model is not fit for the future*
- *Citizens need devices as well as networks*
- *Temporary spectrum allocation is part of the future 'emergency playbook'*
- *Regulatory frameworks need to evolve and adapt more quickly*

technology 'leapfrogging' with the use of, for example, 5G as well as advanced 4G. New land allocation will also need to be considered. One operator pointed out that the acceleration of digitalisation and increasing connectivity to underserved communities was something that was widely welcomed, and in which the industry would want to play its full part. It was argued that no one technology would solve the problem of the digital divide, but rather a combination of solutions would be necessary. There needs to be a parallel improvement in the provision of some public services online, including education and telemedicine. As businesses move

more quickly to online services, regulators will need to respond with appropriate consumer protection measures including data protection, ICT education, and better monitoring of banking networks.

Future regulation

Many aspects of the accelerating digital future remain unknown, especially as the pandemic continues. Operators questioned which organisations would be responsible for digital regulation – the existing grouping of multiple regulators or new bodies? And how much should be left to self-regulation? Some spectrum assignment is already overdue, and operators felt that it was important that temporary spectrum was not withdrawn before permanent licences were allocated. It was pointed out that the industry was already heavily regulated, and there was room for some easing, and more standardised equipment conformance requirements. Global operators, it was argued, have a greater impact locally. They want to play their part, and national regulators need to engage with them to meet national and local requirements. In particular, there was agreement that industry and societal change was becoming more rapid, and a more fluid, adaptable approach to regulation would be necessary. All parties could contribute, but governments needed to take the lead.

