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# DRAFT UNIVERSAL ACCESS AND SERVICE POLICY 2020

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MINISTRY OF INFORMATION AND COMMUNICATION INFRASTRUCTURE  
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## **Foreword**

The Gambia's information and communication sector (IC sector) is liberalised and is supported by economic policies which favour macroeconomic stability, socio-economic development, competition, and private-sector development. The Gambia IC sector recognises that the efficient functioning of the economy is dependent upon available communications infrastructure, affordable and accessible communications services – be it voice, data or broadband. This approach will ensure that individuals, communities and businesses benefit from the burgeoning IC sector and that information and knowledge become an abundant resource used for the development of the Gambian economy. This goal will be achieved through the full inclusion and effective participation of all.

The Gambia envisages a society, in which the information and communications technology sector is a key enabler of social development and economic growth. In line with this vision, e-inclusion and digital participation will be ensured on private basis in homes and offices, as well as via public access points, at schools and institutions of further education, at libraries, post offices, hospitals, clinics and government offices, amongst others. Importantly, the full inclusion and effective digital participation of women, the youth, people with disabilities and other marginalised groups, in rural, peri-urban and urban areas will be actively pursued

The objective of creating a society in which ICTs is an enabler of socio-economic development requires that there is widespread availability, affordability and accessibility of a full range of IC networks and services- from fixed and mobile voice, through to basic data and high-speed broadband access. It also requires on-going skills development, capacity building and behavioral change to support and enable full utilisation and digital participation. Furthermore, creating an ICT enabled society requires an environment in which both devices and services are affordable, where the necessary communications infrastructure is widespread, readily accessible and affordable. At the same time, there should be a wide-range choice of voice, data and broadband services available along with widespread digital culture and participation.

**HON. EBRIMA SILLAH**  
**MINISTER OF INFORMATION AND COMMUNICATION INFRASTRUCTURE**

*October 2020*

# **1. Introduction and Background**

## **1.1 Context**

The Minister who is tasked with the development of a Universal Access and Service (UAS) Policy is supported by two bodies in the implementation of this Policy. One such body is the IC sector regulator; the Public Utilities Regulatory Authority (“PURA”), which is responsible for licensing, regulation and policy implementation. Thus, since the Gambian regime is liberalized PURA’s mandate includes the regulation of interconnection, tariffs and spectrum management, and development of licensing regulations which can be designed to further national UAS objectives amongst others. The second that supports the Minister is the Universal Access and Service Fund Board (“the Fund Board”). This Board is responsible for managing the UAS Fund (the Fund”) which is intended to fund projects that promote universal access and service for full e-inclusion and effective digital participation.

The starting point for making the Gambia an information society driven by a knowledge economy involves using information technology to harness economic growth. To this end, The Gambia intends to achieve universal access and service through the information and communications technologies, with a particular focus on broadband and digital participation. Digital participation takes into consideration both inclusive ICT and the use of ICT to achieve wider inclusion objectives. Therefore, this Policy acknowledges the importance of ensuring access and as such, it focuses on participation of all individuals and communities in all aspects of the information society. This shift, is aimed at reducing gaps in ICT usage and promoting the use of ICT to overcome exclusion, and improve economic performance, employment opportunities, quality of life, social participation and cohesion.

This UAS Policy for Information and Communications Technologies is therefore adopted in the context of the need to help:

- promote the creation of an information society,
- promote socio-economic growth of the country,
- promote access to affordable and reliable information,
- ensure e-inclusion and digital participation of everybody.

Against this backdrop, the Policy intends to explicitly strengthen the provision of UAS in the communications industry broadband services taking into consideration the global shift to

broadband for access to high bandwidth electronic services. It should however be noted that broadcasting, although dealt with differently, will also be addressed.

## **1.2 Legal and Policy Context**

This Universal Access and Service Policy for Information and Communications Technologies are developed within the context of The Gambia's existing legislation and policies, specifically:

- The Information and Communications Act ("IC Act"), 2009 as amended
- The Gambia ICT for Development Policy Statement 2018-2028 alongside its Implementation Strategies including the National Broadband Policy and Strategy 2020 – 2024, National e-Government Strategy 2020-2024, etc.

Under the IC Act, the Minister and PURA enjoy significant mixed discretionary powers in respect of universal access or service. PURA may, in particular:

- determine the "most effective and appropriate approach" to universal access or service, and the form through which this may be fulfilled; and
- designate one or more licensees as universal service providers, through an efficient, objective, transparent and non-discriminatory process which *may* include tenders.

The IC Act also allows wide choice and flexibility on the method(s) of funding of UAS. These may include a universal service fund to be established by the Minister and operated as further specified in the IC Act, a full range of other financing mechanisms, competitive minimum subsidy auctions or public access projects. Similarly, when a UAS fund is established, PURA may specify the levies from service providers that will finance it – among other possible sources of financing. This policy seeks to facilitate the implementation of these key universal access and service provisions of the IC Act.

## **2. State of the IC Sector**

### **2.1 National Context**

The Gambia, located in the Western part of Africa, is encircled by neighbouring Senegal on all sides apart from the opening in the Atlantic ocean and for this reason, the two countries have a lot of cultural & ethnic ties, although when it comes to the consideration of strategies for promoting local content, the Gambia is an English-speaking country.

The Gambian economy has been growing healthily over the last few years with an average growth rate of 6.5 percent. Agriculture, including fisheries, is a dominant activity and contributed about 17 percent of GDP in 2019. Industry is small, mainly fish and groundnut processing, brewing of soft drinks, soaps, plastics, and tanning. The main sector of the economy is services (mainly distributive trade, tourism, transportation and telecommunication) and accounted for 58.5 percent of GDP in 2019. Tourism sector contributed about 20.0 percent of the GDP.

The country has a population of about 2 million and a relatively large Diaspora of approximately one hundred and forty thousand (140,000). The population has been growing at a fairly high rate of 2.9 percent per year over the last decade. Most of the population (57 percent) is concentrated around urban and peri-urban centers.

The Gambia maintains a liberal trade regime and continues to pursue development policy objectives of improving trade-related services and pursuing export-oriented strategy to improve trade performance for poverty reduction. This Trade Policy is therefore set within the context of The Gambia's long-term strategic vision of achieving a middle-income status by 2020.

## **2.2 IC Sector Context**

The Gambia IC sector includes mobile voice and data, fixed line voice and data, long distance and metro transmission services (carrier of carriers), multimedia (mainly the Internet Service Provider (ISP) and internet services), and international (incoming, outgoing and roaming) and broadcasting. Gamtel is the only player in Gambia that plays across the full spectrum of these segments, given its status as an incumbent and its exclusivity. As is the case in many other countries, the mobile sector with four main players (Africell Gambia Ltd, Gambia Telecommunications Cellular Company Ltd (Gamcel), Comium Gambia Ltd, and QCell Ltd) is by far the largest in terms of number of customers served.

The mobile industry is an enabler of economic development far beyond its immediate domain. The World Bank and other sources have shown in recent studies that there is a direct relationship between mobile penetration and Gross Domestic Product (GDP). In developing countries, it has been shown that for every 10% increase in mobile penetration there is a 0.81% point increase in a country's GDP (in developed countries this figure falls to a 0.60% contribution).

It is important to note that apart from its direct positive impact on GDP, ICT is an enabler of all

other sectors of the economy. This is why the shift from mere access to e-inclusion and digital participation. This will ensure the participation of everybody in the digital economy thereby enabling everyone to harness the unprecedented benefits availed by ICTs.

*Table 1: Estimated minutes and subscribers based on PURA Annual Report 2019*

	<b>Subscribers</b>	<b>Est. minutes</b>
<b>Africell</b>	1,557,004	549,980,640.52
<b>Comium</b>	194,909	272,070,071.35
<b>Gamcel</b>	156,062	96,369,629.96
<b>QCell</b>	676,739	500,039,617.55
<b>Total market</b>	2,584,714	1,418,459,959

*Source: PURA Annual Report 2019*

According to PURA's Annual Report of 2018, the mobile penetration rate is 147 percent. The fixed and broadband penetration rates are relatively low at 2.2 percent and 82 percent respectively. The challenge is therefore to increase fixed and broadband penetration but more importantly ensuring that the cost of internet is affordable to the lowest-income earning individual. Increasing mobile voice access is not a major concern vis a vis universal service and access policy, however, the pricing of mobile voice services – i.e. affordability is a key objective of the government. Access and affordability to broadband is an overriding priority – both fixed and mobile.

*Table 2: Estimated share operator by subscribers for years 2016 to 2019*

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Gamcel (mobile)</b>	17%	21%	17%	6%
<b>Africell (mobile)</b>	50%	46%	51%	60%
<b>Comium (mobile)</b>	15%	14%	13%	8%
<b>Qcell (mobile)</b>	17%	19%	18%	26%

*Source: PURA 2019 Annual Report*

Between the mobile operators, it is estimated that population coverage for voice is about 98.6. Data Penetration is well below this threshold with 4G services recently introduced into the

Gambia. This policy seeks to ensure that population coverage reaches 100 percent, and that people living in rural and remote areas are covered by mobile networks and broadband networks and effectively participate in the digital economy.

As far as broadcasting is concerned, there are over thirty-five commercial FM radio licenses issued by MOICI most of which, are concentrated in the Greater Banjul Area, coupled with the existence of eight community radio stations across the country.

The Digital Broadcasting Policy, since adopted, has led to the liberalization of the broadcasting sector. Currently, there is one licensed Signal Television Distributor namely, Digital Gambia Company Ltd. and five licensed Content Service Provider Television Stations.

An analysis of access to information and communication services, from mobile telephony to broadband, reveals that there remains some urban-rural access gap, with considerable disparities in levels of access between urban and rural communities. Noting the global trend towards fixed-mobile substitution for voice telephony, the critical focus areas for policy intervention regarding universal access and service for information and communications technology services include mobile and fixed broadband Internet and ensuring effective digital participation. This can be achieved through the creation of local content and increasing the relevance of both broadband devices and services as well as ensuring device and service affordability for all customer classes.

## 2.3 Pricing and Affordability

This policy seeks to ensure that IC services are offered at affordable rates. Where rates are affordable, but population groups are still not able to pay for the services, this policy encourages the use of the Fund to subsidise the identified communities.

*Table 3: Prepaid tariffs as published by the PURA Annual Report 2019*

	<b>GAMCEL (GMD)</b>	<b>AFRICELL (GMD)</b>	<b>COMIUM (GMD)</b>	<b>QCELL (GMD)</b>
<b>On - Net Peak</b>	2.6	2.6	2.5	2.70
<b>Off-Net Peak</b>	3.65	3.7	2.5	3.30
<b>Zone 1 (Senegal)</b>	18.23	21	15	21.00
<b>Zone 2 (US &amp; Europe)</b>	13.80	14	14.24	14.00
<b>Zone 3 (Rest of The World)</b>	16.80	15.3	15.00	15.30

SMS On-NET	0.44	0.55	0.55	0.40
SMS Off- Net	1.10	1.10	1.10	1.10
SMS Intl.	3.30	3.00	3.30	3.30

### 3. Vision, Principles, Objectives and Goals

#### 3.1 Vision

This UAS policy seeks to ensure that The Gambia becomes a technology-enabled, services-oriented nation, integrated into the global digital economy. This policy seeks to achieve universal access and universal service for ICs throughout all regions and communities of The Gambia, and to achieve a universal service penetration of 100 percent of the total population to broadband within 3 years.

A particular focus is set on e-inclusion and digital participation. The policy aims at ensuring that everybody effectively participate in the digital economy.

#### 3.2 Principles

The key principles underpinning the UAS strategies set out in this policy are:

- Liberalisation - effective market competition in the information and communications sector in The Gambia is the cornerstone for achieving universal access/service;
- Affordability - broadband services should be provided at affordable rates;
- Availability – Broadband services should be accessible to a larger proportion of the population in a country
- Accessibility/ Geographic access - Broadband services should be made available or accessible regardless of geographical location;
- Awareness and Literacy – the Gambian population should be sufficiently skilled to be able to use broadband services and must be aware of where services are located and their terms and conditions
- Digital Culture and Society – in addition to the population being digitally literate, digital by default should be adopted by all individuals, groups, institutions both public and private.
- Quality of service - services provided should be of good quality at acceptable standards.
- Trust and Confidence – privacy by design should be adopted and all security measures observed in all broadband services.

### 3.3 Definitions

Universal access and universal service are closely related concepts and policy objectives, that are considered together for the purposes of this universal access and service policy, but which may nevertheless be distinguished.

- Universal access aims to ensure shared broadband usage for all. Universal access for The Gambia encompasses the near-ubiquitous availability, affordability and accessibility of broadband infrastructure, services and content to the overwhelming majority of communities through public access points in communities, schools, libraries, clinics and the like.
- Universal service aims to ensure individual broadband access and usage for all. Universal service for the Gambia requires the near-ubiquitous provision of broadband infrastructure, services and content to all individuals, households and businesses.

The Universal access and service policy encompasses both universal access and universal service interventions as complementary, closely-related and mutually reinforcing, but occasionally distinct.

### 3.4 Goals

The policy goals for access and service to information and communications technologies are envisaged to address priority underserved communities and underserved areas as follows:

- **Schools, Post-School Education & Training Institutions and Libraries** shall have access to Internet broadband services (at the capacity set in the table below) at the level of the institution, with widespread access from the classroom, as the highest priority amongst all segments of society, because these institutions are the foundations for the country's future economy and society. Schools and post school Education and Training Institutions should be given affordable access to broadband and broadband services.
- **Hospitals, clinics and health services** shall have affordable access to broadband services. This must ensure universal access to health information and support services, and to encourage the wide proliferation of systems and applications that support health delivery, particularly to those communities where public health needs are greatest. Hospitals, clinics and health services will be given necessary support to

adopt digital health ecosystem.

- **SMEs and informal businesses** who operate in the main cities, in small towns, villages and settlements, and in rural and remote areas, shall have access to broadband services in order for them to easily and speedily gain access to goods, services and markets to support their economic endeavors.
- **The non-governmental sector** is engaged in promoting democratic participation and social welfare, and is, therefore, entitled to universal service for broadband services to enhance their capabilities in providing services to the citizens and residents of The Gambia, including affordable public service messaging over mobile and broadcast networks.
- **Farms, nature reserves, conservancies and mines:** Workers and communities on farms, nature reserves, conservancies and mines<sup>11</sup> face possibly the greatest limitations in terms of universal access and service with respect to ICs. Broadband services must be actively promoted to ensure that these workers and communities can access communications, information and knowledge, just like others.
- **Individuals and Households** in cities, towns, villages, settlements, and in rural and remote areas, especially those with the lowest household incomes, shall have universal service with respect to ICs in order to promote their educational attainment levels, economic participation, social interaction and access to a range of public information services, including those related to health care and electronic government.
- **People with Disabilities** in cities, towns, villages, settlements and in rural and remote areas, shall have universal service with respect to ICs in order to promote their educational attainment levels, economic participation, social interaction and access to a range of public information services, including those related to health care and electronic government. Development of relevant equipment and systems shall be actively promoted as well as accessible local content for the internet and physical access to multipurpose community centres.

The goals of this policy include to ensure the availability, affordability and accessibility for all citizens of the Gambia in urban, peri-urban, rural and remote areas to the full range of broadband networks, services and content through fixed and mobile broadband access.

### 3.5 Objectives

This UAS policy seeks to:

- Increase digital literacy in schools to not less than 75% and not less than 65% digital literacy amongst the country workforce;
- Support innovation programs for the youth to become more creative and productive through recognized and workable business and investment models for broadband on open access principle;
- Support local content creation and application development to address local and domestic problems;
- Achieve the delivery of affordable, equitable, good quality, and efficient access to at least 5Mbps broadband service to everyone;
- Strengthen economic development through greater participation of SMMEs and informal businesses within a fair and competitive environment;
- Promote greater private sector participation in the provision of ICs, especially broadband access, and further encourage competition in the information and communication sector;
- Achieve greater social and economic development through the use of information and communication technologies, applications, and services;
- Expand the development of the IC networks, with a particular focus on broadband networks;
- Empower underserved or unserved communities and persons, including the poor, those who live in rural and remote areas, and persons who are differently able to have an affordable and good quality access to broadband services.

### 3.6 Targets

Key national targets include:

Target	Deadline
100% mobile broadband coverage	2 years
75% of households have access to broadband connection	2 years
85% of population covered with 4G network	4 Years

Every public institution has access to broadband connection	4 Years
All schools have access to broadband connection	4 years
All clinics and hospitals will be connected through broadband	4 years
Universal Access and Service Fund will be operational	1 year
100% of households have access to the Digital Terrestrial Transmission Infrastructure.	4 years
75% of those working in the education sector and the school going are digital literates.	4 Years
65% of the country workforce are digital literates	4 years
75% digital literacy among Government Workforce	4 Years
Increase the number of websites under .gm by 5-fold. Increase the number of social media accounts related to Gambian nationals and SMMEs by 2-fold.	4 years
Increase the number of locally developed applications and systems by 5-fold.	4 years

## **4. Strategy and mechanisms for the implementation and funding of UAS**

### **4.1 Strategic Universal Access and Service Interventions**

Achieving universal access and service in respect of information and communications technology infrastructure, services and content requires a number of specific and targeted regulatory interventions, including but not limited to the imposition of universal access and service obligations upon licensees and the establishment of a universal access and service fund sourced from the IC sector to provide funding support for universal access and service.

### **4.2 Targets and Definitions**

Notwithstanding the definitions of universal access and service contained in this policy, and the universal access and service targets set out herein, it is the responsibility of PURA and the Ministry to further specify the necessary definitions and targets in respect of universal access and service and of broadband from time to time in accordance with their mandates and in the light of changing conditions.

Such definitions and targets shall be specified by means of a public consultative process, and shall be updated regularly as necessary, and no less than every three years.

Such definitions and targets shall be officially published and made readily publicly available, including on the web site of PURA.

### **4.3 Universal Access and Service Obligations**

All licensees may be subject to universal access and service obligations, as determined by PURA from time to time.

Such universal access and service obligations may or otherwise be included in the license as agreed with the respective licensee (with due consideration of the licensee's business plan where applicable) and issued following the formal licensing procedure, or may be imposed by regulation following a formal rule-making procedure including public consultation or both.

Universal access and service obligations must be specific to the category of licensee, and may include requirements to extend signal coverage, network infrastructure or postal infrastructure to ensure the provision of specified services and facilities to designated areas, towns, villages, settlements, schools or other public facilities, or a class or category thereof, as determined by PURA, after following a public consultation process. The provision of certain services (such as free emergency calling and directory enquiries) to all customers must also be considered to fall within the ambit of universal access and service obligations. Universal access and service obligations should prioritise areas and populations unlikely to be served by the market, and may accordingly be determined on a geographical basis, and may be asymmetrical.

The criteria to be considered in the imposition of such asymmetrical or geographically-based universal access and service obligations shall be fair, transparent and competitively neutral, and shall be clearly specified either in the law or through regulation.

PURA shall publish details of universal access and service obligations, and make them readily and publicly available, including on its website.

Licensees shall be required to report to PURA on a regular basis, at least annually, on progress in fulfilling their universal access and service obligations based upon standardised and pre-determined indicators. Licensees may be individually required

to report on progress at any time on any and all areas of universal access and service upon written request by PURA. PURA shall ensure the publication of such progress reporting, with due regard to competitively sensitive information, including on its web site.

The imposition of universal access and service obligations shall include the specification of appropriate sanctions for failure to comply, along with a fair but expeditious process for imposing them. Compliance shall be monitored or audited by PURA and the Fund Board. Where licensees fail to meet their obligations, they shall report the reasons therefore, and the process for the imposition of the appropriate sanctions may be invoked.

The criteria and parameters of universal access and service obligations, together with their implementation, shall be subject to periodic review through a public consultation process involving stakeholders.

#### **4.4 Universal Access and Service Fund**

A Universal Access and Service Fund as envisaged in terms of section 116 of the IC Act 2009 must be established in order to support interventions in pursuance of the national goal of achieving universal access and service in respect of information and communication infrastructure, services and content<sup>12</sup>.

The management and operation of the Universal Access and Service Fund must be undertaken by the Fund Board and must be executed in accordance with the principles of good governance as set forth in this Policy, and elsewhere in the IC Act 2009, and must be subject to detailed provisions as specified in further legislation and regulations.

All relevant licensees must be required to contribute to the fund in accordance with a formula to be determined by PURA from time to time, following a consultative rule-making and market review process. Contributions must be based on specified auditable percentage of revenue, and are payable annually. Contributions may not be unduly onerous. The formula governing contributions must be reviewed periodically, and published in regulations at three to five-year intervals.

Funds in the Universal Access and Service Fund must be utilised primarily to support a range of interventions designed to increase the level of universal access and service to information and communications technology infrastructure, services, skills and content in The Gambia. The priority areas listed in this Policy must be borne in mind when the Fund Board makes funding

decisions. A small but reasonable proportion of the Fund may also be used to offset expenditures necessary to defray the costs of its operation, as well as to support ancillary research into UAS.

The UAS Fund shall be subject to an independent audit on an annual basis, and the audit report shall be published.

PURA and the Fund Board shall report annually regarding the Universal Access Fund to the Minister/National Assembly. Such reports shall be published and made readily and publicly available, including on the website of PURA.

The Fund Board must be required to conduct a formal quantitative access gap analysis on a regular basis in order to quantify the access gap and estimate the level of subsidies and support necessary in relation to broadband-inclusion and digital participation, as a basis for determining the revenue requirement of the Fund. Such an analysis should be disaggregated as much as possible, along the relevant axes of the digital divide, and provide at least a regional breakdown of the access gap.

Expenditure from the Universal Access Fund must be subject to a detailed, carefully-researched needs analysis and supported by ongoing research into needs and priorities, implementation, effectiveness and impact, with a focus on areas, communities and individuals where competition alone is insufficient to provide universal access and service or where specific access requirements exist.

Such expenditure should prioritise access for schools and further education institutions, libraries, hospitals and clinics, SMEs, co-operatives, access by people who are differently abled, digital literacy, digital participation, local content creation and application development or other projects identified in the needs analysis.

The Fund should also address the need for appropriate supporting interventions such as consumer-oriented education, digital literacy and e-skills development to promote effective digital participation at individual and community level, and integration with complementary or support services from community-focused organisations.

The Fund may also be used on a limited basis to finance ancillary infrastructure, services and content where appropriately justified- such as contributions towards the provision of electricity or energy supply.

Expenditure from the Fund should be undertaken in accordance with implementation plans developed by PURA, MOICI and the Fund Board from time to time via a public consultative

process.

The Fund Board must determine the process to be followed for application of the funds. Major grants from the Fund must be awarded on a competitive basis, with tenders available to all bidders. The details of such process must be published in advance and must be fair and transparent. The outcomes of the process must also be made publicly available.

Competitive, least-subsidy bidding should be used as a key, but not necessarily exclusive, criterion for evaluating, selecting and supporting individual project bids. Preference should also be given to interventions where a 'smart' or limited subsidy, aimed at encouraging licensees to enter the market or users to acquire a service, rather than to create an unending dependency on the Fund, is most effective.

In respect of the Fund, the Fund Board must enjoy revenue raising (after following a regulatory impact assessment) and fund distribution powers, along with governance and financial accountability, in accordance with any applicable legislation. PURA must support the Fund Board in the performance of its functions and ensure project implementation through the Fund Board.

#### **4.5 Source of Funding for the Universal Access and Service**

As stated above, a 10% increase in penetration yields up to 1% GDP increment of a country. Increase in broadband penetration gives rise to the adoption of more digital solutions to individuals, communities, businesses, etc. Adopting digital solutions significantly cuts down cost of operations and doing business and also gives access to new and more customers and providers. It is therefore, important to note that this fund must not be seen as a burden rather it is an investment for a more socio-economic sustainability.

Despite its budgetary constraint, Government will reallocate one or more of the following to the fund;

- 5% of the license fee of each licensee
- The whole of the Youths and Sports levy
- 20% of spectrum fees paid annually
- The International Voice Gateway revenue that was meant for the government

Each Licensee will be required to contribute to the fund as per a levy to be determined by PURA. This licensee shall include those in the voice and data markets and broadcasting sector.

#### **4.6 Infrastructure Development Financing**

The Ministry and PURA must investigate a range of additional funding options to finance the access gap, including an infrastructure development financing approach, with consideration given to borrowing funds from development financing institutions. This must enable infrastructure to be paid for in advance and repaid over a concessionary period, allowing the multiplier benefits of the information and communications technology infrastructure development to be reaped over the shortest possible term.

## **5. Interventions Supporting Universal Access and Service**

There are a number of interventions where the primary objective may not be universal access and service, but where the overall impact serves to increase universal access and service. These include, but not limited to, the promotion of competition to increase the range of innovative services available to users, and price regulation to promote affordability.

PURA is accordingly required to give attention to the future processes required for on-going broad IC sector reform, including: consideration of determinations that may be required for effective competition in identified market segments which may be bottlenecks to sector development and more affordable pricing; matters related to affordability and access to international bandwidth via undersea cables; the provision of wholesale and retail terrestrial fibre, including cross-border connectivity; spectrum allocation and assignment; interconnection, facilities leasing and infrastructure sharing; rights of way and numbering; as well as matters pertaining to quality of service and consumer protection.

### **5.1 Liberalisation and IC Sector Reform**

This policy recognises that the success of the Universal Access and Service Policy is critically dependent upon the on-going implementation of IC sector reform, including further market liberalisation. Accordingly, PURA, with the support of the Ministry, must endeavour on an on-going basis, to strengthen competition across the sector, with further liberalisation of appropriate market segments, such as customer premises equipment (CPE), Internet service providers (ISPs), voice and data communications, radio and television broadcasting, international gateways and undersea cables, and terrestrial and cross- border fibre.

### **5.2 Strong Regulatory Framework**

This policy further recognises the importance of a strong and independent regulator, and an effective regulatory framework, to enhance universal access and service and to promote

effective competition. Such a regulatory framework must, inter alia: ensure effective application of the principles of fair competition to prevent abuse of dominance and other anti-competitive practices; provide for cost-based open network access, facilities leasing and interconnection, including local loop unbundling and asymmetric interconnection; promote co-location and infrastructure sharing to reduce the costs of infrastructure rollout; enforce effective regulation of prices at both wholesale and retail levels to ensure affordability for consumers; and stimulate the development of innovative services.

### **5.3 Supply-side Innovation**

This policy recognises that effective UAS policy requires that the supply of broadband infrastructure, services, content and skills needs to be developed and stimulated. Both the Ministry and PURA must support an appropriate combination of complementary supply-side strategies to extend broadband networks and increase funding for access interventions in order to meet universal access and service objectives and targets. These may include 'pay or play' mechanisms, tax incentives, the introduction of public- private partnerships (PPPs), limited support for the rollout of infrastructure ancillary to information and communications technology infrastructure, support for the development of local content and applications across all platforms, and measures to facilitate community participation.

### **5.4 Demand-side Innovation**

This policy further recognises that stimulating the demand for broadband infrastructure, services and content, serves to support universal access and service. Both the Ministry and PURA must support an appropriate mix of complementary strategies to stimulate demand for access to and uptake of broadband networks, services and content. These include but are not limited to: the provision of public access points and the provision of access to broadband in public facilities and anchor institutions such as universities, schools, libraries, health and community centres; the development of school connectivity, content and teaching (IC4E) projects; the implementation of IC for development (IC4D) interventions; the promotion of e-health and e-government; the development of local content and applications across all platforms; and the provision of subsidies to needy individuals, households and communities where appropriate.

### **5.5 Realising the Value from UAS: Promoting the Local Content Creation and Application Development**

Social and economic value can only be realised through effective provision of local

content and application development. Hence, the government will encourage their emergence. Most especially, government will promote and quickly adopt electronic services to ensure a paperless government. This will add value to the devices, networks and infrastructure of telecommunication and ensure their maximum utilization.

The adoption of a paperless government is a recipe for increase digital divide. It is therefore important that mechanisms are pursued, through the fund, to ensure that the low- income, poor and remote households are equipped with the devices, and skills to participate in the Digital Economy.

Regulatory action should consider the measures required to promote the electronic content sector, with attention to local, regional (African) and international content. In particular, attention must be given to strengthening competition in the broadcast market and, promoting IPTV and mobile TV.

## **5.6 User trust and Confidence**

The advent of digital economy; paperless government and cashless economy means new forms of crimes and privacy breaches. The government must set cybersecurity standards and it must ensure that service providers adhere to those standards so as not to endanger their customers. Monitoring must be done and all cybercrimes reported to the regulatory authority immediately.

While there is need to have a cybersecurity regulatory authority, equally a Privacy and Data Protection Authority must be established to ensure consumers' privacy are protected in the digital economy. Government has indicated its commitment to establish a Data Protection Authority but through empowering a similar existing authority. It must be noted that the authority to regulate privacy must enjoy some independence from the executives and must be a statutory body.

Electronic Services and service providers must respect and honor the principles of privacy by design. The authority must publish reporting procedures that must be honored by all data controllers and processors. Service providers and the authority should educate the consumers about their privacy rights, reporting mechanisms, complaints filing and escalation procedures.

The aforementioned; namely, reporting mechanisms, complaints filing, escalation procedures will be setup by the regulatory authority and published by both the authority and service providers in their websites and social media accounts.

## **5.7 Digital Literacy and Culture**

Digital Literacy and Culture is probably the most important in the effort to ensure e-inclusion and Digital Participation. Indifference to Digital Culture and Digital illiteracy will render broadband networks and devices and content useless.

It is therefore of paramount importance that government adopts and properly implement a National Digital Literacy and Culture Policy. The objective of such a policy is to instill in the mindset of individuals and institutions a digital by default principle and ensure that all can effectively participate in the digital economy, no matter the language spoken or the formal education level attained.

In the implementation of this policy, every institution will be accountable for not adopting measures with respect to any of its business processes. Likewise, the non-adoption of a parallel manual system for the process will not be punishable since every citizen will be required to be able to surf and maneuver in the digital economy.

In line with the policy, Government will implement national digital literacy programs across the country especially to those disadvantaged groups and societies. Such programs will include incentives. The fund will also be used in this endeavor.

## **5.8 Quality of Service**

Regulation to ensure quality of service (QoS) is likewise an essential area of regulation that impacts directly on UAS interventions in ensuring that consumers in remote regions and poor communities are not disadvantaged in terms of the quality of service that they enjoy. Quality of service requirements must be specified by PURA, in licenses, codes or by regulation. Such requirements need to include clearly defined components, including those related to supply of services, customer complaints and redress, faults and repairs, voice or data quality, billing requirements, and provision of designated universal access and service obligations, including free emergency calls. Quality of service benchmarks need to be laid down by PURA in respect of all relevant services, including fixed and mobile voice, Internet and data services, and fixed and mobile broadband services. The compliance with such benchmarks and standards needs to be regularly and independently assessed and the results made publicly available, including on the website of PURA. The parameters, components and benchmarks in respect of quality of service need to be regularly reviewed through a process of public stakeholder consultation.

## **5.9 Consumer Protection**

Universal Access and Service Policy is also closely supported

by consumer protection regulation. The requirements and parameters for consumer protection need to be clearly specified by PURA and made binding upon all licensees. Such requirements may differ in respect of classes of service, but should be specified for fixed and mobile voice, data and Internet, broadband and associated services and should be publicly available. This includes on the website of PURA. Similarly, channels for complaints from customers need to be clearly specified, and should include escalation procedures, with complaints lodged with the licensee in the first instance, and PURA acting as the referee of last resort.

Licensees must furthermore be required to inform their customers of the rights as customers and consumers, and of the channels and escalation procedures available to them for complaints.

Consumers need to be surveyed independently on a regular basis in relation to quality of service, complaints issues, level of satisfaction with licensees and their services, and their view of the effectiveness of PURA. The results of such consumer satisfaction surveys should be made publicly available, including on the website of the PURA.

Finally, the parameters, criteria and requirements relating to consumer protection should be periodically reviewed and updated via a public process with stakeholder participation. Consumer protection measures include specifically catering for the needs of those differently able.

## **5.10 Compliance Reporting**

In order to ensure the effective execution of the mandate of PURA and the Fund Board, all relevant licensees are required to submit annual reports. To this end, PURA must prescribe the submission of compliance reports by all relevant licensees on all relevant matters in terms of a uniform pre-determined reporting format. The reporting format shall require the submission of meaningful information that must be detailed and comparable without being unreasonably burdensome on licensees.

## **6 Promoting Policy Effectiveness: Implementation, Monitoring and Review**

The goals and objectives of this Universal Access and Service Policy for Information and Communications Technologies are subject to annual reporting to the National Assembly. The Ministry is responsible to ensure cabinet approves this policy. PURA, Ministry and the Fund Board, as appropriate, are responsible for implementing this policy and for developing a strategy to ensure that the goals, targets and deliverables set forth in this

policy are achieved and reflected in the appropriate legislation.

PURA is responsible for introducing a simple yet effective monitoring and evaluation framework, including regulatory impact assessment, to assess progress in respect of fulfilment of UAS obligations, the implementation of the Universal Access Fund, and other matters set out in this Policy.

The requirements set out for PURA and the Fund Board in this Policy are subject to annual reporting to the Ministry.

The content and parameters of this Universal Access and Service Policy for Information and Communications Technologies are subject to periodic review and updating via a public process with stakeholder participation.

## **6.1 Implementation Arrangements**

It is recognised that UAS can best be realised through encouraging a wide range of contributions from facilitating agencies such as licensees, PURA and government entities, including amongst others, schools, libraries, hospitals and clinics. Similarly, non-governmental organizations in the education, health, agricultural and services sectors can foster e-inclusion and digital participation at the community level, household and SME level by providing services that are in demand, including digital literacy and community services in digital form.

## **6.2 Accountability**

The Minister of Information and Communication Infrastructure is responsible for the formulation of this Policy, and for ensuring that the Policy goals and objectives are achieved, and is accountable to the nation. PURA is responsible for effective and independent regulation of universal access and service as set out in this Policy, within the overall context and parameters of its broader mandate to regulate the IC sector.

This Policy mandates periodic consultative review of UAS definitions, targets, obligations and achievements and the preparation of reports to this effect by both the industry and PURA. Due process in respect of the implementation of these mandates requires regular public consultation and interaction with stakeholders and stakeholder groupings. These aspects of accountability must be reflected in the relevant sector applicable laws.

## **6.3 Governance**

The implementation of this Policy requires a high level of professional ethics, proper conduct and good governance in all interactions between government, regulatory agencies, the information and communications industry, broadcasting, postal sector and the non-governmental sector. It is acknowledged that each of these sectors can make a valuable contribution to universal access and service; hence all should be encouraged to make such contributions within their sphere of operation without fear or favor. The legislation must therefore, safeguard the independence of PURA, require transparency, good governance and due process in regulatory rule-making and decision-making, as well providing for public stakeholder consultation. It will further mandate periodic consultative review of universal access and service definitions, targets, obligations and achievements.

#### **6.4 Policy Co-ordination**

The Universal Service and Access Policy serves to support and strengthen the implementation of other policies for socio-economic development, including the Gambia ICT for Development (ICT4D) Policy Statement 2018-2028 for Developing The Gambian Information Economy and Society and accelerating the process of transforming the Gambia into a digital economy and a regional ICT Hub. Thus, universal access and service with respect to information and communications technologies must be addressed in consultation with and taking into account related needs expressed by government with respect to education; electrification; health; agricultural development; mining; manufacturing, trade and tourism; people who are differently able and other economic and social sectors to ensure that the needs of these sectors are addressed.

#### **6.5 Policy Implementation:**

The UAS Policy provides the course of action for concrete implementation and specific interventions on the part of the responsible authorities and other stakeholders in support of universal access and service. It is expected that implementation must take place both in respect of the specific mandate and the overall policy direction. This Policy recognises that the evolution of technology, the manifestation of on-going sector phenomena such as convergence, and the development of new implementation strategies, together require that the specific content of the policy be revised and updated from time to time in accordance with changing conditions.

## List of Acronyms

<b>CPE</b>	Customer Premises Equipment
<b>MOICI</b>	Ministry of Information and Communication Infrastructure
<b>Fund</b>	Universal Service and Access Fund
<b>GDP</b>	Gross Domestic Product
<b>ICT</b>	Information and Communication Technologies
<b>IC4D</b>	Information and Communications Technologies for Development
<b>IC4E</b>	Information and Communications Technologies for Education
<b>IPTV</b>	Internet Protocol Television
<b>NDP</b>	National Development Plan
<b>PURA</b>	Public Utilities Regulatory Authority
<b>QoS</b>	Quality of Service
<b>SMME</b>	Small, Medium and Micro Enterprises