

A4AI Comments on Uganda’s “Consultation on the Proposed Uganda Communications Commission Guidelines on Communications Infrastructure Deployment and Sharing”

March 2021

Submission by the Alliance for Affordable Internet

The Alliance for Affordable Internet (A4AI) hereby submits comments to Uganda’s “Consultation on the proposed Uganda Communications Commission’s (UCC) [Guidelines on Communications Infrastructure Deployment and Sharing](#)”. A4AI is pleased to notice that many of the steps implemented and/or planned by UCC are aligned with the work and the best practices A4AI has been advocating for over the past years. We thank the UCC for taking a transparent stakeholder approach to discuss this issue further and hope the full submission shared below will provide strong insights to enrich the report.

1. What is the Alliance for Affordable Internet?

The Alliance for Affordable Internet (A4AI) is the leading advocate for affordable and meaningful broadband in the world. A4AI is an initiative of the World Wide Web Foundation (Web Foundation), whose founder is Sir Tim Berners Lee, inventor of the World Wide Web. With only only half of the world’s population connected to the internet today, plus a widening digital gender gap and usage, there is an urgent need to act fast to achieve the Sustainable Development (SDG) goals. Research from A4AI and the Web Foundation indicates a slowdown in progress and a risk of missing the targets set on global connectivity.

In particular, we reference **SDG 9.c** (*to significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020*); and **SDG goal 5.b** (*to enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women*). All countries need to overcome the barriers to closing the digital gap and to encourage more investment in strategies to connect those with no or little internet access. Ultimately, this demands a combination of innovative policies, regulation, technologies, and new business models — things that A4AI is working hard through its coalition of policymakers, private sector and civil society, to achieve

At A4AI, we believe that affordability should not be a barrier to internet access. We use a combination of research, advocacy, research, and in-country engagement to develop the policies needed to reduce the cost to connect and enable everyone, everywhere to afford to come online. A4AI convenes businesses, governments, and civil society actors working at national and regional levels to deliver the policies needed to reduce the cost to connect and

make universal, affordable internet access a reality for all. Please see A4AI's website for more information¹.

2. Publications Developed by A4AI that are Relevant to the Consultation

A4AI has previously highlighted the need for infrastructure sharing backed by our good policy and regulatory practices, and our 2019 Affordability Report has highlighted countries (Mexico, Rwanda, Kenya and Peru) that are investing in infrastructure sharing arrangements. It is worthy of note that, as the report highlights, political will, capital, and time are fundamental dimensions of infrastructure sharing projects. A4AI has also carried out studies in Infrastructure sharing in some African countries which might be of interest to the Commission².

In partnership with the Association for Progressive Communications (APC), the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), the Digital Empowerment Foundation (DEF) and Facebook, A4AI has launched the Rural Broadband Policy Framework (RBPF) in early 2020, to provide guidance on how to address the pernicious digital divide faced by people living in rural areas.

In September 2020, the International Telecommunications Union (ITU) launched the Connecting Humanity report, the result of a collaboration with A4AI. Our research revealed that nearly \$428 billion will be required to achieve universal connectivity to quality broadband internet in the next ten years. Internet infrastructure will require a major portion of the investment, with remaining funds dedicated to policy development and regulatory reform and digital skills training and local content production.

Lastly, the Broadband Commission published in 2019 the report Connecting Africa Through Broadband, a collaboration of A4AI, the World Bank and the Commission's Working Group on a Digital Infrastructure Moonshot for Africa. We now outline below our comments specific to sections of the consultation document.

3. "Joint Construction"

Article 10.4 states of the Consultation that "the request for co-construction must be made at least one (1) month before the project application is submitted to the respective authorities for respective approvals and/or clearances." We encourage UCC to analyze whether it is necessary to impose such conditions on operators. If the concern is assessing requests that can possibly be retracted, it might be more prudent to consider other ways of incentivizing operators to submit applications only when they are certain that they will truly move forward with the co-construction.

¹ A4AI's Website: <https://a4ai.org/>

² See [Ghana infrastructure sharing and Open Access Study](#)

4. “Infrastructure Access and Co-location”

Article 11.8 of the Consultation states that “Where an operator refuses to provide access to its infrastructure on grounds of technical infeasibility, such claims shall be subject to independent verification by the Commission on a case-by-case basis (...)”. Besides the “technical infeasibility” issue, there are other justifications that might lead to the need of independent verification. We would like to recommend the UCC to evaluate the expansion of this article to cases of other provisions in 11.6, e.g. when security concerns are raised. Expanding the possibility of independent verification would better translate the goal that UCC is trying to achieve through article 11.8.

5. “Infrastructure Sharing or Leasing Agreements”

Article 13.5 of the Consultation establishes the circumstances in which UCC “shall not approve an infrastructure sharing or leasing agreement”. We would like to recommend UCC to add to the guidelines a description of how the assessment of each of the situations described in the aforementioned article will be made, and whether a written explanation will be provided.

6. “Dispute Resolution”

Article 16.5 of the Consultation states that “a party aggrieved by the decision of the Commission following the determination of a dispute resulting from these Guidelines may appeal to the Tribunal or in accordance with the law”. It is important to give operators the opportunity to appeal to alternative dispute mechanisms that are outside the jurisdiction of the government administration, besides being able to, under the judicial system. Thus, the article might also be amended to include such possibility.

7. Conclusions

The approach taken by the UCC to realise its goal is laudable, as infrastructure needs to be deployed and shared in Uganda so that the goal of affordable Internet connectivity is reached. We encourage the UCC to continue to collaborate with various ministries and agencies such as those in charge of transport, roads and utilities, who build and roll out infrastructure, to support broadband growth. We hope the suggestions presented above will help to strengthen your document further, and remain at your disposal for further discussion and/or clarification.

Thank you