![A4AI Alliance for Affordable Internet logo]

Alliance for Affordable Internet (A4AI) Comments on Ghana's National Communications Authority (NCA) Public Consultation on Guidelines for the Deployment of Communications Towers

Submission by the Alliance for Affordable Internet

The Alliance for Affordable Internet (A4AI) hereby submits comments to the National Communications Authority (NCA)'s Public Consultation on Guidelines for the Deployment of Communications Towers 2020. A4AI is pleased to note that many of the steps implemented and/or planned by NCA are aligned with the work we have been developing over the past years. Indeed, A4AI has been discussing the topic of broadband internet infrastructure since 2016 where a study was commissioned followed by meetings and a report.[1] We appreciate the NCA for sustaining a transparent consultation on this issue and hope the full submission shared below will provide strong insights to enrich the new guidelines being developed.

1. Who is the Alliance for Affordable Internet and what is its role in Ghana ?

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) founded by Sir Tim Berners Lee, who invented 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. 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 — goals being relentlessly pursued by the A4AI.

At A4AI we believe that affordability should not be a barrier to internet access. Through a combination of research, advocacy, research, and in-country engagement we help develop the policies needed to reduce the cost of connection and enable everyone,

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[1] See A4AI-Ghana Coalition Meeting & Broadband Infrastructure Roundtable — August 23 & 24, 2018
https://a4ai.org/a4ai-ghana-august-23-24-2018/

everywhere to afford to come online. The A4AI Ghana coalition established in 2014 has been instrumental in pursuing the objective of affordability since the country endorsed the "1 for 2" affordability standard, the second nation to do so[2]. Through the local coalition, A4AI has convened the private sector, policymakers, regulators such as the NCA and civil society actors to deliver on policies needed to reduce the cost to connect and make universal, affordable internet access a reality for all.

At the start of its work in Ghana, A4AI held a successful first A4AI-Ghana Forum in which a number of priority issues were identified. These priority issues have the potential to undermine efforts to increase Internet access and affordability to broadband in Ghana. The priority issues identified in Ghana were: i) Consumer Awareness and Pricing Transparency, ii) Infrastructure Sharing and Open Access, iii) Research and Data Collection and iv) Taxation. The coalition formed working groups which have been instrumental in raising awareness and advocacy based on evidence. In 2015 the infrastructure sharing and Open access working group advocated for a study on infrastructure sharing in Ghana was supported by A4AI and conducted by Vieira de Almeida Advogados (Vda) in 2016 . A copy of the study is found here

Please see A4AI's website and A4AI-Ghana specific page for more information[3].

2. Insights from previous discussions on infrastructure sharing

Following the presentation of the study to the Hon Minister of Communications in March 2017, A4AI conducted a Broadband Infrastructure Roundtable held in Ghana in August 2018 to discuss the good practices identified, which were subsequently officially presented and recommended to the NCA. Some of the key recommendations were the need for the **NCA to strengthen data gathering particularly around existing infrastructure, encourage centralised administrative diligences and functions such as tax, permits, rights of way managements (i.e a "one-stop-shop"), set harmonised standards for infrastructure build and to make such data publicly available[4]**. We strongly encourage the Authority to revisit these earlier submitted recommendations in addition to the new ones we now present after reviewing the 2010 Tower Guidelines .

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[2] the a goal of *"1 for 2" i.e* no consumers should spend more than 2% of monthly income per capita for 1GB broadband connection

[3] A4AI's Website and Ghana specific page : https://a4ai.org/ and https://a4ai.org/ghana-africa/

[4] See pages 25-28 of the Ghana Infrastructure Sharing and Open Access Study

3. **Suggested recommendations to the Guidelines for the Deployment of Communications Towers 2020:**

    a. **Create a list with acronyms used:** It would be helpful to create a list with the acronyms used throughout the document;

    b. **On the database:** Clarify which institution will be responsible for creating and maintaining the database, as well as which information will be part of it, and which parts will be confidential and which parts will be public;

    c. **Provide sound and clear guidance related to infrastructure sharing.** Neither the types of possible sharing agreements are not described, nor what constitutes a "reasonable" attempt to reach such agreements is clear in the document. The term "reasonable" is used in the document e.g. "A person who intends to construct a tower must demonstrate that all reasonable steps have been taken to investigate tower sharing before applying (...)". What constitutes "reasonable steps" is not clear. Nonetheless, having clear guidance and/or rules benefits both regulators and operators. Avoiding terms that could open up the guidelines to future misunderstandings and/or problems is therefore a must;

    d. **Clarify aspects related to the liability of operators**: The guidelines should specify the cases in which the operator will be held liable for actions and/or omissions that might cause risks and/or damage. The operator should be held liable, for example, even when something occurs prior to the expiration of the timeframe to fix a defect agreed with the agency;

    e. **Clarify aspects related to sanctions and appeals**: The administrative and/or criminal procedures are not clear in the document. For example, which document establishes administrative processes and procedures related to appeals, other than the rules presented in the guidelines? Moreover, in case the Inter-Ministerial Committee is not established, which rules apply?; and

f. **On dispute resolution among operators**: The current guidelines establish that the regulator should intervene in case of a dispute. We would like to suggest adding that alternative mechanisms should also be agreed by the operators - e.g. using alternative dispute resolution mechanisms.

4. Other related suggestions

Apart from the specific comments to the document outlined above, we would also like to encourage NCA to promote advocacy efforts to clarify the risks and benefits of deploying communication towers, to educate the society on what constitutes harmful or non-harmful exposure and avoid misinformation. We have seen a phenomenon in various countries in which the towers have their deployments slowed and/or stopped due to false information related to their safety/risks.

Lastly, we highlight the need to align these guidelines with any other already existing policy and regulatory pieces in Ghana. We also highlight the importance of technology neutrality that will allow for the deployment not only of new technologies such as 5G, but also other technologies that might help Ghana bridge its connectivity gap and achieve universal access. This is even more crucial in remote and rural areas, where access and affordability are often barriers.

5. Conclusions

We are proud to see Ghana once again taking leadership towards improving its telecom regulatory framework as this is instrumental towards ensuring meaningful connectivity is achieved. A4AI has and will continue to be involved through the Ghana coalition in advocating for shared, open and equitably distributed broadband infrastructure, that brings affordable internet to consumers particularly those in rural areas. We hope the comments provided above are helpful to the NCA. Finally we would also like to encourage the Authority to take a look at additional resources we have developed and/or contributed to over the past years. Some examples of resources are presented below.

Thank you

Resources:

- *A4AI. 2020a. Meaningful Connectivity Standard. https://1e8q3q16vyc81g8l3h3md6q5f5e-wpengine.netdna-ssl.com/wp-content/uploads/2020/05/Meaningful-Connectivity.pdf .*
- *A4AI. 2020b. Rural Broadband Policy Framework. https://a4ai.org/rural-broadband-policy-framework/ .*
- *A4AI. 2019. Affordability Report. https://a4ai.org/affordability-report/report/2019/*
- *ITU. 2020. Connecting Humanity. https://www.itu.int/en/myitu/Publications/2020/08/31/08/38/Connecting-Humanity*
- *UN Broadband Commission. 2019. Connecting Africa by broadband report - https://www.broadbandcommission.org/Documents/working-groups/DigitalMoonshotforAfrica_Report.pdf*