



CRANicles

Communications Regulatory Authority of Namibia

NOV 2020



CRAN BOARD SIGNS PERFORMANCE & GOVERNANCE AGREEMENT

CRAN's ultimate objective is to allow for the development and expansion of the ICT sector

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EDITORIAL

Hilya Mhoni

Corporate Communications Practitioner

The Authority's number one priority is the health and safety of its employees, stakeholders and the communities where we live and work. CRAN's core mandate is to provide for the regulation of telecommunications services and networks, broadcasting, postal services and the use and allocation of radio Spectrum.

In this edition, we highlight national, continental and global ICT related events that occurred since our last edition. Namely, the annual celebration of World Telecommunications Day, International Day for Universal Access to Information, World Post Day, CRAN celebrating its 9 year milestone, CRAN's launch of its revamped website, CRAN and Namibia Civil Aviation Authority (NCAA) signing of a Memorandum of Understanding (MoU), CRAN Board of Directors signing of its Performance and Governance agreement and the hosting of various public hearings.

I trust that you find this edition of the CRANicles informative and I encourage you to provide us with your views, comments and/or queries by sending an email, for the attention of the Editor, to communications@cran.na.

Do your part, stay alert, control the virus, and save lives. We are all in this together!

Dear valued and esteemed stakeholders,

A warm welcome to yet another edition of the CRANicles newsletter. This publication aims to keep our stakeholders abreast with CRAN's new policies, events, regulations and other Information and Communication Technology (ICT) related activities.

The Coronavirus (COVID-19) pandemic has had a dramatic impact on people, communities and businesses and has plunged the global economy into a severe contraction. As a direct significance of the epidemic, organisations all over the world have had to change how they operate in order to achieve their goals. The Communications Regulatory Authority of Namibia (CRAN) is no exception.



01

FOREWORD FROM THE ACTING CEO

Welcome to yet another issue of the CRANicles newsletter. This publication aims to communicate CRAN related news to external stakeholders about new policies, proceedings, regulations and further ICT related activities.

Since our last edition in August 2020, CRAN signed a Memorandum of Understanding (MoU) with the Namibia Civil Aviation Authority (NCAA) to create a framework of coordination and collaboration on the safety and security of civil aviation in our country. It is the Authority's mandate to also ensure consumers are empowered, engaged and educated about the regulatory processes. Additionally, CRAN also celebrated World Telecommunications Day 2020

under the theme *"Connect 2030: ICTs for the Sustainable Development Goals (SDGs)"*, International Day for Universal Access to Information and World Post Day respectively.

In addition, the CRAN Board of Directors recently signed a Performance and Governance Agreement with the Ministry of Information and Communication Technology (MICT). The current board is responsible for overseeing the regulations of the Information and Communication Technology (ICT) industry in Namibia in accordance with the provisions of the Communications Act (No. 8 of 2009) (herein after referred to as the Communications Act). You can read more about this story on page 19.

Like many other organisations in the country, CRAN recorded a number of positive cases amongst its staff. The Authority has since resumed with face-to-face business (with skeletal staff) in line with the company's business continuity plan that makes provision for the

"I am delighted by the pace at which the Authority is growing. During the month of May 2020, CRAN celebrated 9 years of service."



rotation of staff to ensure business continuity. We remain committed to ensuring the safety and well-being of our valued employees and stakeholders and urge that we all do our part in combating the further spread of the COVID-19 pandemic, by adhering to all the State of Emergency regulations and continue to social distance, wearing a mask when in public and washing and sanitizing our hands regularly.

I am delighted by the pace at which the Authority is growing. During the month of May 2020, CRAN celebrated 9 years of service. As a young and dynamic Regulator, the Authority continuously strives to engage, maintain and strengthen its relationships with all stakeholders in order to formulate regulations that provide innovative, well informed regulatory services to the ICT industry in Namibia. Furthermore, CRAN awarded a Designated Postal Operator Licence to Namibia Post Limited (NAMPOST) subject to the provisions of the Communications Act and Regulations Prescribing Licence Categories and Licensing Procedures for Postal Service Licensees.

This is the time of the year when organisations from different public sectors in the country would make use of annual exhibition platforms to showcase their products and services and to engage their stakeholders from all walks of life. It is however, unfortunate that these exhibition platforms such as



Acting CEO, Jochen Traut

the Ongwediva Annual Trade Fair (OATF), the Windhoek Industrial and Agricultural show (WIAS), the National ICT Summit and the Erongo Trade Expo, to mention just a few, had to be cancelled as the COVID-19 pandemic continues spreading and having a dramatic impact on people, communities and businesses around the world.

Lastly, stakeholders are urged to minimise visits to our offices by

making use of our various online platforms and payment method options, such as electronic fund transfers, direct bank deposits, and to submit applications and consumer complaints via our online platforms.

As an independent Regulator and a State-Owned entity, the Authority will continue to regulate the ICT and Postal sector for the socio-economic benefit of all Namibians.



02

CRAN CELEBRATES NINE YEARS: MILESTONES AND ACHIEVEMENTS

Written by: Jairus Kapenda

CRAN celebrated its 9th birthday on 18 May 2020. Nine years ago, CRAN was created to replace the Namibia Communications Commission (NCC), which was operational from 1992 up until 2008. Since its inception, CRAN has continued to grow, attaining numerous successes along the way worthy of celebration. I am pleased to say that we remain true to our mantra that is “Pushing ICT forward”.



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Some of the milestones achieved since inception:

- Since 2011 to date, CRAN has issued 48 Telecommunications Service Licences, 15 Community Broadcasting Service Licences, 2 Signal Distributors and 20 Commercial Broadcasting Service Licences;
- In order to ensure fair competition and consumer protection in the telecommunications sector, between January 2009 and October 2016, termination rates in Namibia decreased from N\$1.06c to N\$0.10c for mobile and fixed operators alike;
- CRAN proudly launched its first consumer campaign, “Consumer is King” in May 2013. This broad campaign was aimed at creating awareness about consumer complaints procedures, CRAN’s mandate and its purpose, the Communications Act and to help educate potential stakeholders about our licence application procedures;
- In 2014, CRAN commenced with the Consumer Protection Regulations aimed at safeguarding consumer interests, and guaranteeing accessible, transparent and efficient compensation for consumers who are mistreated in the ICT marketplace;
- In August 2015, a new licence category, the Network Facilities Licence was introduced, which allows the licensee to construct, maintain, own and make available one or more network elements, infrastructure or other facilities that facilitated the provision of telecommunication



Nine years of regulating the ICT industry in Namibia

services, broadcasting services, electronic communication services or application services including content services;

- In 2016, CRAN successfully rolled out a nationwide Consumer Education Campaign, entitled OWN it! The Right to Connect, which aimed to empower, inform and engage consumers on the regulatory process. It further sought to create awareness about consumers' rights, responsibilities, obligations and CRAN's mandate;
- CRAN received two awards in 2017. The first award was for the company that employed the most student interns in the country and was received from the Institute of People Management (IPM); the second award was the Golden Key Award for being the most open and transparent public institution with universal access to information. This was awarded by the Media Institute of Southern Africa (MISA);
- In 2018, CRAN rolled out Regulations for Postal Services, which resulted in the provision of NamPost with a Public Operator Postal Licence which eventually also led to the courier service providers; and
- In 2019, during the 19th annual awards ceremony at the Ongwediva Annual Trade Fair (OATF), CRAN received an award for being the Best Exhibitor in the Information and Communication Technology (ICT) Industry. CRAN's main focus at the trade fair was to create awareness about Consumer Protection on consumer's ICT rights and responsibilities.
- In 2020, CRAN awarded a Designated Postal Operator Licence to NAMPOST subject to the provisions of the Communications Act and Regulations Prescribing Licence Categories and Licensing Procedures for Postal Service Licensees.



CRAN exhibition stand during the OATF 2019

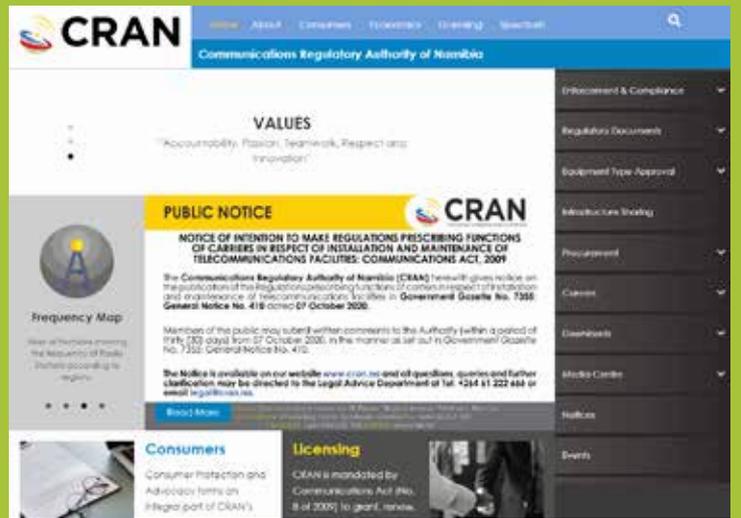


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The website provides critical information, news and documents for stakeholders in a more informative and detailed way.

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CRAN



LAUNCHES REVAMPED WEBSITE

Written by: Jairus Kapenda

03

CRAN officially launched its new revamped website on 11 July 2020. The website provides critical information, news and documents for stakeholders in a more informative and detailed way.

The redesigned website has a clean and uncluttered look, improved and easy to use functionalities and enhanced rich content, focused on CRAN's vision and offers quick and easy access to essential information. Some of the new features include cyber security updates, an online Consumer Complaints form, Procurement Incoterms, to mention

but a few. CRAN believes that this new site enables a more pleasant browsing and search experience for stakeholders and will increase stakeholder engagement. The website was developed by Stalin Kapembe of Stalin Kay Designs CC.

The Authority has always strived to improve and enhance its communication tools, we therefore welcome your comments to help us improve this important tool for us all.



04

WORLD POST DAY

Written by: Hilya Mhani

World Post Day is celebrated annually on 09 October. It was first declared World Post Day at the 1969 Universal Postal Union (UPU) Congress held in Tokyo, Japan.

Today we acknowledge that the UPU was the beginning of the global communications revolution, introducing the ability to write letters to people all over the world. This day signifies the anniversary of the establishment of the Universal Postal Union in 1874 in the Swiss Capital, Bern.

Since the declaration of World Post Day in 1969, member countries across the world including Namibia which joined the Union in 1992, participate annually in the celebrations. The purpose of World Post Day is mainly to create awareness of the role of the postal sector in people's and businesses' everyday lives and its contribution to the social and economic development of member countries.

The celebration encourages member countries to undertake activities aimed at generating a broader awareness of their Post's roles and activities amongst the public sector and the media on a national scale. As a testament of bringing people together, the UPU also organises international letter writing competitions for children with the aim not just to promote literacy but also to keep the excitement of waiting for the mail to arrive.

Every year more than 192 member countries celebrate World Post Day in a variety of ways. In some countries, World Post Day is observed as a working holiday. Many Posts use the event to introduce or promote new postal products and services. Some Posts also use World Post Day to reward their employees for good service.

In other countries, philatelic exhibitions are organised and new stamps and date cancellation marks are issued. Other activities include the display of World Post Day posters in post offices and other public places. Additionally, countries even have open days at their local post offices, mail centres and postal museums in order to familiarise the public with how the postal system operates. Some hold conferences, seminars and workshops, as well as cultural, sport and other recreational activities as a way to commemorate this day.



WORLD POST DAY

09 OCTOBER



World Post Day is celebrated annually on **9 October** to:

- Raise awareness and educate stakeholders on the role and importance of the postal systems,
- How the postal offices have enhanced the lives and improved communication for individuals and businesses,
- And the socio-economic contributions of the postal services.

The day was celebrated since 1969 to commemorate the establishment of the Universal Postal Union (UPU), which creates and maintains a postal system for the free flow of mail around the world through the UPU network.

www.cran.na



CRAN AWARDS LICENCE TO NAMPOST

Written by: Hilya Mhani

CRAN awarded a Designated Postal Operator Licence to NAMPOST subject to the provisions of the Communications Act and Regulations Prescribing Licence Categories and Licensing Procedures for Postal Service Licensees, effective as from 19 August 2020.

The Designated Postal Operator Licence will require NAMPOST to distribute letters and post items not exceeding one hundred grams and parcel post not exceeding 30 kilograms to post boxes, private bags or home letterboxes. Equally, NAMPOST will render postal services in respect of registered and insured postal articles, including summons and judicial notifications by post, within the same weight limitations as outlined in the license conditions. Another reserved service for NAMPOST is the production and issuance of post boxes, private bags, home letterboxes, postage stamps, pre-stamped envelopes, money orders, aerogrammes and international reply coupons.

NAMPOST will also design, commission and publish definitive, commemorative or special stamps (including electronic stamps) on behalf of the Namibian Government, and accept, handle, convey and deliver international postal articles entering Namibia through the Universal Postal Union network.

These reserved services for NAMPOST do not prevent any other operator from providing door-to-door deliveries in Namibia or providing parcel lockers, which are allocated on an item-by-item basis. CRAN understands the benefits that an improved competitive environment can have on the Namibian postal sector, hence the need to formulate these regulatory measures aimed at creating a levelled playing field for both current and new players in the postal sector, in order to maximise benefits for consumers.

NAMPOST applied to the Authority for a Designated Postal Operator Licence after the Minister of Information, Communication and Technology issued a notice in the Government Gazette commencing part Chapter VII of the Communications Act. The licence issued to NAMPOST will be valid for 20 years.

06

WORLD TELECOMMUNICATIONS DAY 2020

Written by: Joseph Teofelus

Since 1969, World Telecommunication Day (WTD) is celebrated annually on 17 May which marks the anniversary of the founding of the International Telecommunication Union (ITU) which was established in 1865. The day was celebrated this year under the theme “Connect 2030: ICTs for the Sustainable Development Goals (SDGs)”.

The theme enabled ITU members to focus on specific ICT-enabled solutions and emerging trends for fostering economic, environmental and social sustainability. WTD is commemorated to reflect and appreciate the telecommunication industry’s contribution to the development of communities and countries, through various Sustainable Development Goals (SDGs) as set up by the United Nations (UN).

Namibia is trying to achieve all SDGs through the Namibia’s Fifth National Development Plan (NDP5) and the Harambee Prosperity Plan (HPP) programmes, to give affordable ICT solutions to the Namibian people as well as to address the gaps in rural areas and make sure communities receive equal ICT services.

COVID-19 has accelerated most of the ICT projects, E-learning in particular, and has brought to the fore the several and severe challenges experienced by, especially schools and communities, with poor ICT infrastructure.



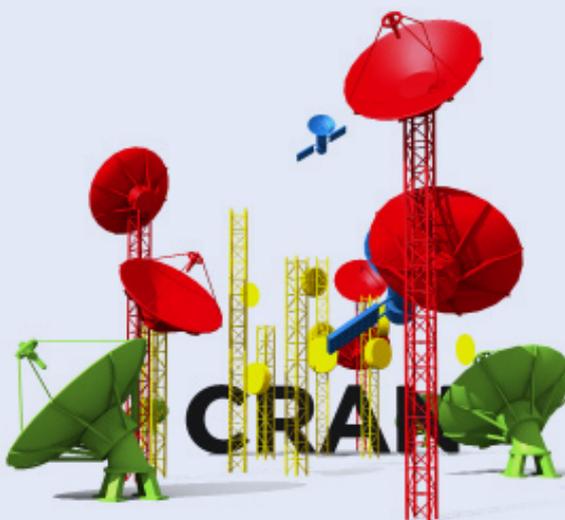
CELEBRATING

World Telecommunication Day

“Connect 2030: ICTs for the Sustainable Development Goals (SDGs)”

17 May

CRAN joined the ITU and the telecommunication industry in celebrating World Telecommunication Day, together we can create solutions for fostering economic, environmental and social sustainability, through telecommunication services and products.



07

Spectrum:

WHERE WE ARE RIGHT NOW

Written by: Hilya Mhani

"The assignment of Spectrum started slow this year, due to the severe impact of the COVID-19 pandemic. The Authority has in total received more than 170 Spectrum licence applications since January 2020 to date."

C RAN, in terms of regulation 4(1) of the Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences, published a notice to the public, available analogue FM radio frequencies under the Frequency Band Plan to be conferred on a first-come-first-served basis in Government *Gazette* No. 7312; General Notice No. 344 dated 19 August 2020.

All applicants or licensees may only apply for the frequencies which are listed in the published gazette notice and no applications shall be considered for any other frequencies which are not listed in the gazette notice.

Furthermore, applications for analogue FM frequencies for allocation in the Khomas and Zambezi regions were not invited at this time as the Authority is still in the process of concluding cross border coordination with neighbouring countries. Notice shall be given of the

available frequencies in other congested towns inviting applications (not listed in the gazette notice) and inclusive of the Khomas and Zambezi regions in due time as published in the Government *Gazette*.

The assignment of Spectrum started slow this year, due to the severe impact of the COVID-19 pandemic. The Authority has in total received more than 170 Spectrum licence applications since January 2020 to date.

In addition, the Authority has successfully conducted two Spectrum audits to measure compliance to Spectrum licence conditions as follows:

Northern Cluster

Tsumeb, Oshivelo, Omuthiya, Ondangwa, Oshakati, Outapi, Okahao, Ohangwena, Oshikango, Eenhana, Okongo, Nkurenkuru, Rundu, Katima Mulilo, Kongola, Omega, Bagani, Mururani, Grootfontein, Otavi, Signalberg, Paresis and Otjiwarongo.



Southern Cluster

Mariental, Rehoboth, Stampriet, Keetmanshoop, Luderitz, Bethanie, Aus, Oranjemund, Rosh Pinah, Noordoewer, Ariemsvlei, Karasburg, Gibeon and Maltahöhe.

The Authority has attended to a total of 10 investigations in the following areas:

Tsumeb, Oshivelo, Otjiwarongo, Klein Windhoek, Okahandja x2, Walvisbay and Ausblick.

In addition, a successful Spectrum Fees public consultation was held by the Authority which was extended to all ICT stakeholders and to the public at large. It is good to report that most of the ICT stakeholders did attend. The Authority shall consider all the input and recommendations received from the stakeholders in this regard.

The successful bidders were awarded with their Spectrum as per Regulation 6(1) of CRAN, and as approved by the CRAN Board of Directors.

Furthermore, CRAN has also given notice that it has increased its charge for Spectrum Fees effective 01 January 2021. The new Spectrum Fees are set out in the Regulations Setting out Fees for Spectrum Licences, Certificates and Examinations as published in Government *Gazette* No. 7359; General Notice No. 417 dated 14 October 2020.

Spectrum fees are charged in a manner that ensures efficient use of radio frequency Spectrum in order to achieve recovery of costs incurred by CRAN to execute its mandate in terms of the Act.

The new Spectrum fees are charged taking into account:

- i) The demand for Spectrum within a specific Spectrum band;
- ii) The bandwidth to be assigned;

- iii) Whether the Spectrum will be utilised in urban or rural areas or a combination of both areas;
- iv) Whether the Spectrum will be assigned for exclusive use by a licensee or shared with other licensees or services; and
- v) The size of the geographical area within which the licensee will be authorised to utilise the assigned Spectrum.

The total cost of managing Spectrum OPEX and CAPEX (for the next three (3) years) was taken into consideration in order to determine the base value for the “formula-based fees”. The “flat rate fees” were also increased as per the amounts set out in the regulations.

It was decided that the annual increase in Spectrum fees shall be based on the annual inflation rate as determined by the Namibia Statistics Agency (NSA). Regulations are available on our website www.cran.na for further clarity.





From left to right: Emilia Nghikembua (Head: Legal Advice), Helene Vosloo (Head: Economics and Sector Research), Jochen Traut (Acting CEO), and Ronel Le Grange (Head: Electronic Communications) during the Spectrum Fees and Dominance Study hearings

07 PUBLIC HEARINGS ON SPECTRUM FEES AND MARKET DOMINANCE STUDY

Written by: Hilya Mhani

CRAN hosted a public hearing, on 29 July 2020 at the Namibia Institute of Public Administration and Management (NIPAM), pertaining to the proposed Regulations Prescribing Fees for Spectrum Licences, Certificates and Examinations; and on a Market Study on Determination of Dominant Position in the Telecommunications Sector.

Spectrum Fees

The objectives of the Regulations are to utilise Spectrum fees to enforce the efficient use of radio frequency Spectrum through optimum occupancy thereof and implementation of more spectrally efficient equipment. Spectrum is a finite resource and therefore, fees need to be set to discourage hoarding and inefficient utilisation of Spectrum.



“Spectrum fees were last reviewed in 2017 and were based on the CPI from 2007 to 2015.”

The Authority sets Spectrum fees based on the demand for radio frequency Spectrum in a given Spectrum band. It also takes into consideration the impact of inflation as directed by the annual Consumer Price Index (CPI) published by the Namibia Statistics Agency (NSA) on its official website from time to time. The Spectrum fees under discussion will be applicable for a period of three (3) years, commencing as from 01 January 2021.

Spectrum fees were last reviewed in 2017 and were based on the CPI from 2007 to 2015. The new fees took into account the annual CPI for 2016, 2017, 2018 and 2019. Additionally, it is CRAN's intention to introduce fees for digital sound broadcasting. The Authority will provide transparency in pricing of radio frequency Spectrum and will introduce bandwidth dependent Spectrum licence fees by utilising formula-based pricing, as set out in the Regulations in respect of Spectrum licences awarded for fixed services, mobile services, IMT services, fixed or mobile satellite services and broadcasting services.

Furthermore, the Authority will attain recovery of costs incurred to execute its mandate in respect of Spectrum management in terms of the Communications Act (No. 8 of 2009), and the regulations will apply to all applicants for Spectrum licences, certificates or examinations contemplated in Section 101 of the Communications Act and licensees.

These regulations do not apply to Spectrum licences assigned through Spectrum auction, but will only be applicable after the initial licence period has lapsed and the Authority has renewed the Spectrum licence.

Dominance Study

Section 78(1) of the Communications Act mandates CRAN to undertake a market study in order to

determine if there are any dominant operators in the telecommunications market.

The provisions of the Act endeavours to prevent abuse of market power and allows the regulator to treat operators differently based on a finding of dominance. It further allows for regulatory remedies such as facilities sharing, co-location and re-selling. Other remedies also include price floors and ceilings and wholesale pricing restrictions, such as interconnect. The regulator can also impose cost accounting models on operators. As the initiator of this process, CRAN commissioned its first dominance study in 2012 where the dominant players in the telecommunications market were identified.

In 2015, as required by the Act, CRAN carried out an updated study which formed the basis of the 2016 public hearing. To determine dominance in the market, it is necessary to define relevant markets. The adopted approach of the 2012 study aimed at minimising the burden on licensees while allowing CRAN to implement the objectives of the Act. Only two markets were defined at the time, telecommunication services and broadcasting services. Dominance was only declared for the telecommunications service market and MTC, Leo and Telecom Namibia were declared dominant.

The 2016 market study defined four (4) priority markets, namely, Fixed and Mobile Call Termination; Wired End User Access; National Data Transmission; and Wireless End-User Access. It is through the heightened regulation of licensees that hold a dominant position in the market that consumers and industry can equally benefit. Consumers can benefit through the direct result of affordable user prices, better products and services. This effort also creates an efficient market investment.





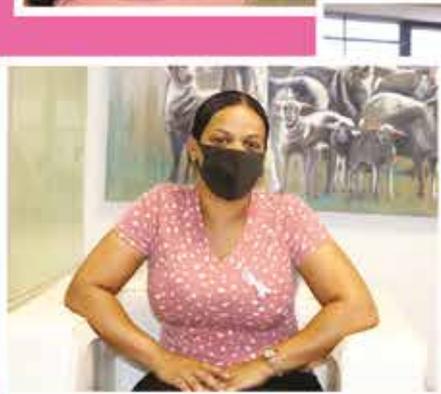
CRAN

Communications Regulatory Authority of Namibia

OCTOBER BREAST CANCER AWARENESS MONTH

Be aware and get tested!





CRAN & NAMIBIA CIVIL AVIATION AUTHORITY (NCAA) SIGNED A MEMORANDUM OF UNDERSTANDING (MoU)

08

Written by: Hilya Mhani

CRAN and Namibia Civil Aviation Authority of Namibia (NCAA) signed a Memorandum of Understanding (MoU) on 24 July 2020, in Windhoek.

The signing of the MoU by the two regulatory authorities is a result of aligned desires that are well-positioned to create a framework of coordination and collaboration on the award of Aeronautical Radio Frequency Spectrum, the issuance of Aeronautical Radio Station Licences and Radio Telephony Licences for pilots, flight engineers and air traffic service personnel.

This is in accordance with, and as prescribed by national and international standards, practices and regulations for the safety and security of civil aviation globally and in Namibia.

CRAN is obliged to issue Aeronautical Radio Frequency Spectrum and Radiotelephony Licences to applicants in line with the prescribed licensing procedures, to review the Frequency Band Plan for Aeronautical radio frequency Spectrum in accordance with the Final Acts of the International



Reinhard Gärtner, Interim Executive Director, NCAA and Jochen Traut, Acting Chief Executive Officer, CRAN at the MoU signing ceremony

Telecommunications Union (ITU) and the World Radio Conferences and to publish for public record and receive and investigate complaints pertaining to interference, and share such outcomes and reports with the NCAA.

CRAN was established in terms of Section 4 of the Communications Act

to regulate the telecommunications services and networks, broadcasting and postal services and the use and allocation of radio Spectrum in Namibia, whereas the NCAA was established in terms of Section 8 of the Civil Aviation Act (No. 6 of 2016) to regulate civil aviation safety and security.



09

CRAN BOARD SIGNS PERFORMANCE & GOVERNANCE AGREEMENT

Written by: Hilya Mhani



*CRAN Board of Directors: Back row from left: Thomas Mbome, Vivienne Katjuongua (Vice-Chairperson),
Dorethy Smit, Gerhard Coeln*

*Front row from left: Heinrich Mihe Gaomab II (Chairperson) and Dr. Peya Mushelenga, Minister of Information
and Communication Technology*

**“CRAN’s ultimate objective is to allow
for the development and expansion
of the ICT sector”**





Heinrich Mihe Gaomab II and Dr. Peya Mushelenga during the signing ceremony



Dr. Peya Mushelenga, Minister of Information and Communication Technology

The CRAN Board of Directors signed a Performance and Governance Agreement with the Ministry of Information and Communication Technology (MICT) on 12 October 2020.

The appointment of the current CRAN Board of Directors was announced by former MICT Minister, Honourable Stanley Simataa, effective 01 July 2019 to 31 June 2022. The Board of Directors are responsible for overseeing the regulation of the Information and Communication Technology (ICT) industry in Namibia in accordance with the provisions of the Communications Act. The CRAN Board members are further responsible for the successful setting and implementation of the Authority's strategic direction in line with best practice and in adherence to the governance framework of CRAN.

CRAN's ultimate objective is to allow for the development and expansion of the ICT sector to offer all Namibians a greater choice of services and providers, expanding further into underserved and un-served areas, and increasing employment, earnings, and public benefits. The ICT sector is vital to national socio-economic

development and effective competition in the sector would lead to better quality services at lower prices for all Namibians.

Speaking during the signing ceremony, Mr. Heinrich M. Gaomab II, Chairperson of the CRAN Board of Directors said, "we at CRAN are placing emphasis on our strategic priorities, namely, collaboration, operational excellence, innovation and sustainability in order to be consistent and in sync with governmental objectives as outlined in the various national policies and agenda's, such as the Harambee Prosperity Plan (HHP), Vision 2030, Fifth National Development Plan (NDP5) and the subsequent Sixth National Development Plan (NDP6)."

Speaking at the same occasion, Honourable Dr. Peya Mushelenga, Minister of ICT, said, "The MICT strives to attain high quality service delivery through sustainable, affordable public systems and infrastructure. To achieve these goals, the MICT's primary function is to set direction, develop legislation, policy and standards, allocate funding, and act to improve performance where necessary. These strategic and national objectives are achieved through



our Ministerial Strategic Plan and the strategic and business plans of the various State-Owned Entities (SOE) reporting to the MICT.”

“The Authority, as a key strategic partner of the MICT, shall therefore identify ICT regulatory needs of the Namibian nation, in order to plan and develop regulations for the effective roll out of telecommunication services and networks, broadcasting services, postal services and the use and allocation of radio Spectrum across the country;” added Mushelenga.

The Minister emphasised and advised the Board to adhere to the principles of transparency and confidentiality, and being able to distinguish between transparency and confidentiality of the organisation while keeping in mind service delivery as the main priority. He further urged the Board of Directors to act in good faith as Directors, to continue enjoy the confidence and trust of the MICT Minister.

The CRAN Board of Directors have a national and fiducial duty to implement and execute a performance management system based on Key Performance Indicators (KPIs) and in accordance with the Public Enterprises Governance Act (No. 1 of 2019).

Furthermore, Section 17 of the same Act, states that the Board of Directors shall enter into an agreement with CRAN’s Chief Executive Officer (CEO) and Executive Management pertaining to performance delivery. Such an agreement shall be based on the criteria indicated in the Performance Agreement. CRAN’s progress towards achieving its objectives and strategies will be evaluated utilising key performance indicators as set out in the Performance and Governance Agreements.

In addition, the CRAN Board of Directors shall ensure compliance in terms of the principles of good corporate governance as outlined in the King IV Code and the NamCode in the execution of the Board’s mandate and duties. The Board of Directors are further required to submit Audited Annual Financial Statements and the Annual Report within six (6) months after the end of the financial year to the portfolio Minister of MICT and the Minister of Public Enterprises, which in the case of CRAN have been successfully

achieved over the past two (2) financial years.

The Government of the Republic of Namibia, through the portfolio ministry MICT, has been committed to support CRAN in amending particular unconstitutional provisions of the Communications Act, that will enable CRAN to impose regulatory levies to service providers. This has had an adverse impact on the sustainability of the Authority and as such, the operational budget had to be streamlined. As a result, MICT appreciates and recognises the strategic importance of CRAN’s mandate under the same Act.

CRAN was established in terms of Section 4 of the Communications Act to regulate the telecommunications services and networks, broadcasting and postal services and the use and allocation of radio Spectrum in Namibia.



CRAN HOSTS PUBLIC HEARINGS

10



Stakeholders in attendance during the Public consultative meetings

Written by: Hilya Mhani

The Communications Regulatory Authority of Namibia (CRAN) hosted public consultative meetings pertaining to the proposed Regulations prescribing Licence Fees and Regulatory Levies; and Regulations prescribing Functions for Carriers in respect of Installation and Maintenance of Telecommunications Facilities, on 12 November 2020, in Windhoek.

In accordance with Section 129(1) of the Communications Act (No. 8 of 2009), CRAN is mandated to issue or grant, renew, transfer and amend fees for various licence type in the country. Additionally, Section 23 of the Communications Act empowers CRAN to impose Regulatory Levy upon providers of communications services in order to defray its expenses.

Further hereto and subsequent to following a rule-making procedure, the Authority in terms of Section 23(2)(a) drafted Regulations regarding Administrative and Licence Fees for Service Licensees as published in Government Gazette No. 5037, Notice No. 311 dated 13 September 2012. Speaking at the public consultative meetings, Mr. Jochen Traut, the Acting



“The Communications Amendment Act was endorsed by Cabinet and the Cabinet Committee on legislation”

Chief Executive Officer, of CRAN stated, “in the appeal case between CRAN and Telecom Namibia and others, the Supreme Court declared Section 23(2)(a) unconstitutional on the basis that the section constitutes the outsourcing of plenary legislative power to CRAN, given the absence of guidelines and limits for its exercise. Consequently, the regulations made in terms of the section were found unconstitutional.”

As a result of the Supreme Court judgement, CRAN can no longer raise regulatory levies in terms of the regulations as the Legislature was required to amend Section 23 in line with the Supreme Court’s decision.

Subsequently, the Minister of Information and Communication Technology (MICT) proposed amendments to Section 23 of the Communications Act. The purpose of the amendment was to ensure that the Section is constitutional

and valid as per directions of the Supreme Court and thereby enabling the Authority to impose a new valid Regulatory Levy on the communications industry.

“The amended Section 23 aims to provide sufficient requirements and guidelines to the Authority on the size or amount of the Regulatory Levy and built in checks-and-balances to avoid future constitutional or ultra vires challenges of the Regulatory Levy”, added Traut.

The Communications Amendment Act was endorsed by Cabinet and the Cabinet Committee on Legislation. The Amendment Act was approved and published for the proposed levies to fund CRAN to fulfil its mandate in terms of the Communications Act.

In accordance with the provisions of Section 68(2) of the Communications Act, the objectives of the Regulations pertaining to

Functions for Carriers in respect of Installation and Maintenance of Telecommunications Facilities shall enable CRAN to prescribe the manner, form and period of notice to be given by a carrier to a land owner in connection with Installation and/or Maintenance of Telecommunications Facilities, as well as the procedure to be followed and consultations to be held between a carrier and the land owner.

“We pride ourselves as a dynamic regulator, and will continue to independently and transparently regulate the ICT industry by creating a competitive and levelled playing field in order to increase access to telecommunications, and advanced information services to all regions of Namibia in order to promote just, reasonable and affordable prices,” concluded Traut.



11

UPDATE ON THE APPLICATION FOR RECONSIDERATION - CITY OF WINDHOEK TELECOMMUNICATIONS SERVICE LICENCE

Written by: Hilya Mhani

CRAN hosted a public hearing on the application for reconsideration submitted by Paratus Telecommunications (Pty) Ltd, in respect of CRAN's decision to award a Class Comprehensive Telecommunications Service Licence (ECNS and ECS) to the Municipal Council of the City of Windhoek (CoW) on 15 July 2020.

The licence was awarded on 29 April 2020 in terms of Section 38 of the Communications Act. The application for reconsideration was submitted in terms of Section 31 of the Communications Act and Regulations 11 and 20 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses.

CRAN convened the public hearing in line with Regulation 14 of the Regulations regarding Licensing Procedures, which makes provision for CRAN to host a public consultative meeting to present the reasons for its decision to grant the licence, and to provide interested stakeholders an opportunity to comment, pose questions and receive clarity from CRAN on its decision to award a Telecommunications Service Licence

to CoW, and on the application for reconsideration.

- A media conference was held by the Authority to announce the outcome of the application for reconsideration. Various grounds for reconsideration were considered.
- The first ground for reconsideration raised is that a wrong person lodged the application on behalf of Council, that is, an unauthorised person made the purported application.
- The second ground for reconsideration relates to the incompleteness of the application form submitted by the City of Windhoek,
- The third ground for reconsideration pertains to the Change of Licence Category, where the Petitioner submitted that the public was not





Jochen Traut, Acting CEO

informed that CRAN intends to award a Class Comprehensive Telecommunications Service Licence to the Applicant.

- The fourth ground for reconsideration regards the powers of the Council to apply for a Telecommunications Service Licence, and to provide telecommunications services to the public.

After careful consideration of the comments raised by various stakeholders, CRAN upheld its decision of 29 April 2020, and awarded the Municipal Council of the Municipality of Windhoek with a Class Comprehensive Telecommunications Service Licence (with additional licence conditions imposed) effective 24 July 2020. Further hereto, CRAN shall impose additional licence conditions to address stakeholder comments to ensure fair competition and infrastructure sharing, as this will result in an overall lower costs of infrastructure development by other licensees and thus translate into lower prices for the end consumer.

On 25 August 2020, Paratus Telecommunications (Proprietary) Limited filed a Notice of Motion to review application with the High Court to set aside the Authority's decision to award the Municipal Council of the Municipality of Windhoek a Class Comprehensive Telecommunications Service Licence (ECS/ECNS). The date and the time of the court hearing is still to be pending.



From left: Vivienne Katjuongua (CRAN Board of Director – Vice Chairperson), Ronel Le Grange (Head: Electronic Communications), Jochen Traut (Acting CEO), Helene Vosloo (Head: Economics and Rector Research), and Emilia Nghikembua (Head: Legal Advice)



12

REVIEW AND CONSOLIDATION OF THE ICT POLICY

Written by: Hilya Mhani

The Ministry of Information and Communication Technology (MICT) invited Information and Communication Technology (ICT) stakeholders for the review and provision of comments on the proposed ICT Policy.

The Ministry of ICT has identified the need to review the outdated ICT related policies in order to address their shortcomings and aligning them with emerging megatrends and drivers in the ICT sector. Cabinet has approved that MICT reviews the ICT policies to cater for all sectors enabled by ICT.

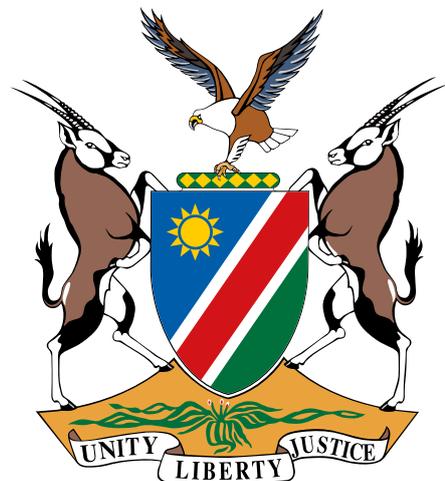
The current Postal, Telecommunications and Broadcasting policies do not have an Action Implementation Plan and/or targets which consequently hinders the monitoring and evaluation processes. There is an urgent need to align these policies to the adopted guideline structure of the Public Policy document and Implementation Action Plan that was developed by the National Planning Commission (NPC) and significantly too to have a consolidated responsive and robust National ICT Policy mainstreaming all ICT sub-sectors of Telecommunications, Broadcasting and Postal services.

As a result, the Ministry developed a review matrix tool for completion by stakeholders to determine the extent by which the policy objectives have been implemented. The review will assist in analysing the sector's future needs and aspirations and to capture new policy pillars, while at the same time aid in the finalisation of the draft national ICT policy.

In light of the above, the Authority, through the Ministry of ICT, send out a stakeholder notice requesting ICT stakeholders to nominate a focal person(s), from their respective organisations, for all future consultations and engagements on this matter.



*Dr. Peya Mushelenga, Minister of
Information and Communication Technology*

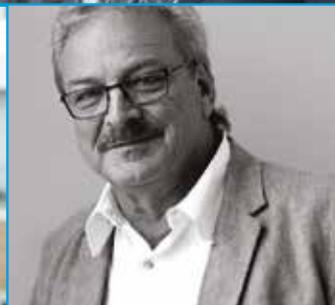




CRAN

Communications Regulatory Authority of Namibia

HAPPY INTERNATIONAL MEN'S DAY



13

KNOW ABOUT CRAN's CONSUMER COMPLAINTS PROCEDURES

Consumer Complaints

CONSUMER COMPLAINT FORM

Your Name & Surname

Your Email Address

In terms of Regulation 4 of the Regulations Regarding Consumer Complaints, consumer Complaints must be submitted on this form, after the Respondent has been given fourteen (14) days to first resolve the matter.

Was this complaint first submitted to the Respondent?

Yes No

If yes, what date was it submitted to the Respondent?

04/01/2013



If no, first submit a complaint to the Respondent and allow the Respondent fourteen (14) days to resolve the matter, alternatively provide a clear and concise statement of the reason why the complaint was not first submitted to the Respondent.

How to lodge a complaint with CRAN

In terms of Regulation 4 of the Regulations Regarding Consumer Complaints, consumer complaints must be submitted on the prescribed form, available from CRAN or on the website, www.cran.na.



“Service providers have 14 days to try and resolve the problem”

Requirements before lodging a complaint with CRAN

- a) By law, you are first required to approach your service provider to resolve the problem and afford them fourteen (14) days to attempt to resolve your complaint and only approach the Authority if your complaint is not adequately resolved;
- b) It is highly recommended to keep all correspondence with your service provider in writing;
- c) It is further recommended that you study and understand the Regulations regarding Consumer Complaints (available on the CRAN website);
- d) Ensure that you have the documents and other forms of materials you consider as evidence;
- e) If, in your opinion, your service provider did not adequately resolve your complaint within the mandatory 14 days, you can then file a complaint with CRAN;
- f) Your complaint must be submitted on the stipulated ‘Customer Complaints Form’;
- g) The Customer Complaints Form is available on this website for download.
- h) All complaints must include the following:
 - i. Full name and contact details of Complainant;
 - ii. The name of the person and/or the service provider against whom the complaint is lodged, or if the name of the person is unknown, provide as many identifying details in order to assist the investigation process;
 - iii. An accurate and concise statement of the facts demonstrating that the person and/or service provider for which the complaint was lodged;
 - iv. A clear and concise statement of the specific solution required; and
 - v. Any other relevant information.

What to know when lodging a complaint with my service provider

1. Service providers have 14 days to try and resolve the problem;
2. Preferably, lodge complaints with relevant senior representative from the service provider;
3. Request the full name and job title of the senior representative;
4. Keep records of the following: key discussion points, times and dates of conversations; and
5. Ensure that a reference number is provided.

What to complain about

Below are examples of things you can complain address us about but is not limited to this list.

- a. Billing;
- b. Charges and refunds;
- c. Service delivery and product delivery;
- d. Confidential information;
- e. Customer service and customer treatment;
- f. Service interruptions and dropped calls;
- g. Failure to provide or repair telecommunications equipment and Internet service;
- h. Interconnection problems;
- i. Delays in repairing and connecting service to customers;
- j. Fault repairs;
- k. Mobile phones problems;
- l. Internet access contracts.

Consumer Complaints application forms can be submitted by hand or electronically. Hand delivered applications can be submitted at Moth Centre, Unit 3 – 5, Peter Muller Street, Windhoek; By Post to: Private Bag 13309, Windhoek 9000; By Email to: AEL@cran.na; Faxed applications may be forwarded to +264 61 222790 or e-faxed to to: 0886550852.



14

ABOUT POSTAL SERVICE LICENCE

Postal Services

Regulations Prescribing Licence Categories, Fees and Licensing Procedures for Postal Service Licensees

What are the objectives of regulating Postal Services?

- To prescribe postal service license categories;
- To regulate the issue, amend, transfer and renew postal service licenses; and
- To determine license fees in amending, transferring and renewing postal service licenses.

(These regulations apply to all courier and postal service licensees)

Categories of Postal Service license

- Public operator postal license;
- Private operator postal license; and
- Courier service license.



License fees

The fees payable in relation to each of the different categories of postal service license are set out in the table below:

Category of License	New License Application	Amendment	Transfer of license	Renewal
Public operator postal license	N\$ 10'000	N\$ 10'000	N\$ 10'000	N\$ 10'000
Private postal service license	N\$ 10'000	N\$ 10'000	N\$ 10'000	N\$ 10'000
Courier service license	N\$ 10'000	N\$ 10'000	N\$ 10'000	N\$ 10'000

For more information, kindly contact Ms. Emilia Eino, Manager: Postal, on email: eeino@cran.na / operations@cran.na or Tel: 061 222 666.



International Day for Universal Access to Information

28 September

The International Day for Universal Access to Information (IDUAI) is celebrated annually on 28 September and was declared by the 74th UN General Assembly at the UN level in October 2019. IDUAI was proclaimed by the UNESCO General Conference in 2015 to guarantee the access to information to save lives, build trust and help the formulation of sustainable policies.

CRAN strives for universal access in order to ensure the availability, affordability and accessibility of high quality ICT through broadcasting and telecommunications services and products across the country.



CRAN

Communications Regulatory Authority of Namibia

01 DECEMBER

WORLD AIDS DAY

“Global solidarity, resilient services.”



Today we join the world in expressing our support for those living with HIV, whilst remembering those who have died from AIDS-related illnesses.



www.cran.na



VISION | MISSION | VALUES

~ VISION ~

Access, quality and affordability for all.

~ MISSION ~

To regulate the ICT and Postal sector for the socio-economic benefit of all Namibians.

~ VALUES ~

Accountability
Passion
Teamwork
Respect
Innovation



Communications Regulatory Authority of Namibia (CRAN)



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CRANicles

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