

Namibia Consumer Trust

To Educate, Protect and Advise

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Attention: Mr. Stanley Shanapinda
Chief Executive Officer
Communications Regulatory Authority of Namibia (CRAN)

26 April 2012

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RE: PUBLIC HEARING ON DOMINANCE IN THE SECTOR - SECTION 78 (1) OF THE COMMUNICATIONS ACT, 2009

Dear Sir

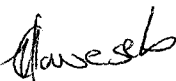
The Namibia Consumer Trust (NCT) is herewith submitting as per your invitation on the above matter. This activity is as per the communications act which further states in section 78 (3) that CRAN may conclude that a player in the sector will be regarded dominant.

You may be aware that rampant consumer abuse have occurred over the years in this sector as well as distasteful advertising aimed at each other over the years as well as misleading advertising. This was greatly contributed to by monopolistic like set-up in this market. Therefore dominance is very apparent, but as pointed out in your earlier document this was confirmed. Excessive profits are being made especially in the mobile sector, which calls for urgent action from the regulator. Some mobile providers violated the communications act, although the regulator opted not to penalise them, perhaps at the expense of regulator credibility. A law cannot be violated, and the culprit be left without being held accountable, for this the implementer/guardian of such a law unfortunately/fortunately is held accountable.

It is clear from government Gazette of 20 March 2012, as per table 3 read together with table 4 that Telecom Namibia, Leo, MTC, NBC and Multichoice are dominant. The conclusion on page 19 further makes it very clear that above named should be found to be dominant. Section 33 (2) further prohibits abuse of dominance. In this regard section 38 (11) requires CRAN to impose specific obligations on above providers in this regard.

Therefore our kind call on CRAN to make its presence felt, as enabled by the act. Consumer have great expectations in terms of ethics and fairness from providers. CRAN has potential to raise the bar for other regulators, NCT is therefore looking forward.

Kind Regards



Mr. Michael Gaweseb
Executive Director