

TELECOMMUNICATIONS & ICT IN AFRICA

Selected Instructions

June 2015

TELECOMMUNICATIONS & ICT

Regulatory and Contractual Assistance

- **Côte d'Ivoire (ongoing)**

Identification of the main issues relating to the enactment of the new electronic communications legal framework; review and mark-up of the draft of the Terms and Conditions associated with 3G licences.

- **Morocco / ONE (2012)**

Advising ONE (Office National de l'Electricité) on the regulatory aspects of operating the country's fibre optic network telecommunications capacities.

- **Tunisia (2009)**

Advising an investment fund on obtaining legal incentives from the government to establish a zone dedicated to telecom and IT activities.

- **Algeria (2008)**

- Advising a global operator on issues relating to a submarine cable deployed in the Mediterranean Sea and landing in Algeria.
- Advising a licensed operator in Algeria on a call for tenders launched by ARPT relating to the selection of an operator for the delivery of universal service in Algeria.

- **Morocco (2008)**

Advising a mobile operator on the compliance of its new commercial offer with the applicable legal and regulatory telecommunications framework.

- **Gabon (2008)**

Advising a pan-African operator on an interconnection litigation: strategic report concerning the resolution of the conflict, assistance to the operator in the defence of its interests and in the negotiations aiming at the resolution of the conflict.

- **Pan-Africa - MVNO (2007)**

Advising a mobile operator on MVNO and MNO projects in Europe and Africa.

- **Senegal (2007)**

Advising a Senegalese electronic communications operator on regulatory and contractual issues (partnership agreement, roaming agreements, contracts for the supply of equipment).

- **Pan-Africa - FRATEL / French-speaking countries (2002)**

Assisting FRATEL in the completion of a comparative study on the methods of regulation employed in French-speaking African countries in the telecommunications sector.

Electronic Transactions

- **Malawi e-legislation (2010-2012)**

Consultancy services to review the Communications Act of 1998 and to provide a comprehensive e-legislation to Malawi.

- **Cameroon (2012)**

Advising the government of Cameroon on the creation of an IXP (internet exchange point) governed by the open access principle.

- **Burundi - TIC (2010)**

Advising the SETIC on drafting a bill and its related decrees governing the electronic communications sector in Burundi.

- **Pan-Africa - Bintel (2009-2010)**

Advising a pan-African operator seeking to implement M-Payment and M-Money solutions.

- **Mozambique - Drafting of an ICT law (2006)**

Advising the government of Mozambique on the drafting and implementation of a draft law to develop information and communications technology in Mozambique. Organising workshops to ensure the promotion and understanding of this new framework.

- **Tanzania - e-legislation (2004)**

Drafting a new converged legislative text applicable to the postal, telecommunications and broadcasting sectors.

Legal and Regulatory Frameworks

- **Guinea (2009)**

Technical assistance in the establishment of the postal and telecommunications regulation authority and in the regulatory framework's reinforcement.

- **Mali (2009)**

Advising the Malian government on the reform of the legal and regulatory framework for the postal and telecommunications sector. Definition of a strategy of universal access to telecommunications services in rural areas and remote geographical zones. Implementation of pilot projects.

- **Sub-Saharan Africa - HIPSSA project (2009)**

Consultancy services for the harmonisation of ICT policies in sub-Saharan Africa.

- **Sub-Saharan Africa - Regulatory (2008)**

Advising the World Bank on drafting a study examining options for policy-makers in sub-Saharan Africa to encourage the development of backbone communications networks.

- **Algeria - Consolidation of reforms (2007)**

Advising the regulator on the consolidation of reforms in the telecommunications sector: strengthening the regulator's authority, drafting of new regulatory texts.

- **Democratic Republic of the Congo (DRC) - Regulatory (2007)**

Advising the National Regulatory Agency of the DRC on the implementation of regulations in the communications sector: interconnection regime, radio frequency spectrum management, numbering plan, settlement of a universal service fund.

- **Niger - Audit of the National Regulatory Agency (2006)**

Organisational and operational audit of the National Regulatory Agency, staff training (moderating workshops on key regulation topics), and drafting of complementary texts to improve the regulation of the telecommunications, hydraulic and energy sectors.

- **Tunisia - Scarce resources (2006)**

Assisting the Instance Nationale des Télécommunications in a study on numbering, the introduction of number portability, carrier selection and pre-selection.

- **Congo-Brazzaville - Establishment of the regulatory authority (2005)**

Establishment of a national regulatory body for the postal and electronic communications sectors and provision of legal support to the regulator in the initial phase.

- **Zambia - Drafting regulations (2005)**

Reviewing the former telecommunications act and drafting a new law. Review of the existing licensing and interconnection regime and development of a new licensing and interconnection regulatory framework.

- **Rwanda - Regulatory reform (2005)**

Drafting the new telecommunications regulatory framework for the government of Rwanda.

- **UEMOA - Harmonising the national legislative and regulatory frameworks and creating a regulators' committee (2003)**

Drafting a common text harmonising telecommunications legislation and regulations applicable to UEMOA member states, and creating a pan-community group of regulators.

- **Mali - Regulatory framework for a multi-operator market (2002)**

Advising the Malian government on the establishment of a new legal and regulatory framework in a multi-operator market.

- **Algeria - Reforming the telecommunications regulatory framework (2001)**

Advising the Algerian government on drafting telecommunications regulations to implement the new postal and telecommunications law and on establishing an independent regulatory authority.

- **Burkina-Faso - ICT legal regime (2001)**

Assisting the government with the implementation of new policy and legislation governing the telecommunications sector: developing sector-based strategy, tariff regime, interconnection regime, policy on access to universal service, drafting licences, specifications and documentation concerning the call for tenders (GSM licences), and advising on frequency management.

- **Niger - ARM (2000)**

Assisting the government of Niger in creating a multi-sector regulatory authority, responsible for regulating water, electricity, transport and telecommunications. An authority covering all these sectors was a first in sub-Saharan Africa.

- **Niger - New legal framework for the liberalisation of telecommunications (1999)**

Assisting the authorities of Niger in drafting the new telecommunications act and all secondary legislation related to telecommunications.

Granting and Renewal of Licences

- **Cameroon (2012)**

Advising an international telecom group (Maroc Télécom) on its application for a telecommunications licence in Cameroon.

- **São Tomé and Príncipe (2011-2013)**

Advising the government of São Tomé and Príncipe on the granting of a second telecommunications licence.

- **Democratic Republic of the Congo (2011)**

Advising a national mobile operator on its request for additional radioelectric frequencies.

- **Algeria - 3G licence (2010)**

Assisting our client in defining a strategy on how to introduce 3G electronic communications technologies in Algeria.

- **Chad (2008)**

Regulatory and litigation assistance to a pan-African operator regarding the renewal of its licence.

- **Niger - Global licence (2007)**

Advising the Nigerian authorities on the development of a licensing strategy and its implementation for the granting of a global licence.

- **Mauritania - Global licence (2006)**

Advising the regulator on devising a strategy to pursue the liberalisation of the telecommunications sector and on granting a third global telecom licence for USD 100 million.

- **Algeria - Fix licences (2005)**

Advising the government in developing a strategy for the granting of local and international fix telecommunications licences and on implementing the corresponding best strategy.

- **Guinea-Bissau - GSM licence (2003)**

Advising the government on the call for tenders and the procedure for issuing GSM licences.

- **Grant of an MVNO licence (2003)**

Advising Orascom on the grant of an MVNO licence.

- **Tunisia - GSM concession contract (2002)**

Advising the government of Tunisia in re-launching the tendering process for a GSM concession contract to a private operator in Tunisia.

- **Submarine broadband cables - France, Algeria, Morocco (2002)**

Advising Orascom on obtaining permits with regard to laying and operating submarine broadband cables between France, Algeria and Morocco.

- **Algeria - GSM licences (2001)**

Advising the government regarding the granting of one or possibly two cellular licences (GSM). This project involved assistance in the preparation of tender documents and the related legal and technical documentation, the launching of bid procedures and selection of candidates, and the finalisation of contracts.

- **Kenya - GSM licence (2001)**

Advising the lead bank on the financing of the second GSM licence in Kenya.

- **Mauritania - Cellular licence (2000)**

As part of a general reform of the postal and telecommunications sectors, advising the government of Mauritania on the granting of a cellular licence to a private telecommunications operator (drafting the call for tenders to issue the licence and assisting the authority in its negotiations with the successful candidates). The licence was granted to Mattel for USD 25 million.

- **Morocco - GSM licence (2000)**

Advising the regulator (ANRT) on the call for tenders for a GSM licence. This involved drafting the technical specifications and the terms of reference, assisting with the implementation of the procedure to grant licences, and assisting ANRT in its negotiations with the successful candidates. The licence was granted to Medi Telecom for USD 1.2 billion.

- **Niger - GSM licences (1999)**

Advising the government of Niger on the granting of two cellular licences, preparing the call for tenders and all related technical and legal documents, issuing the call for tenders and selecting candidates, assisting in the finalisation of contracts.

Broadcasting, Cinema and Digital Content

- **France - Distribution agreements with African Channels (ongoing)**

Assisting a French TV channels package broadcaster in its licence and distribution agreement negotiations with African channel editors.

- **Malawi (2011-2012)**

Advising the government and MACRA (the regulatory authority) on the drafting of the new communications act.

- **Morocco (2011)**

Advising Soread, editor of the second largest national terrestrial TV, on the restructuring of its advertising contract.

- **Burundi (2010)**

Advising the government and the regulatory authority on the drafting of the new communications act.

- **Morocco (2006)**

Advising Soread, editor of Morocco's second largest national terrestrial TV channel, on regulatory aspects.

- **Mozambique (2006)**

Advising the government on drafting the new communications act.

- **Senegal (2005)**

Advising Sentel, the country's second largest mobile telecommunications operator, on the negotiation of broadcasting agreements with the themed TV channel RACE.

- **Gabon (2003-2005)**

Advising a major Franco-Gabonese radio (Africa no.1) on all legal and regulatory aspects both in France and Gabon.

- **Tanzania (2004)**

Assisting in the drafting of legislation providing for regulation of the broadcasting and telecommunications sectors.

Privatisation and Mergers & Acquisitions

- **Comoros (ongoing)**

Advising the government of Comoros on the privatisation of the incumbent telecommunications operator until the completion of the deal.

- **Algeria / Cable & Wireless / Monaco Télécom (ongoing)**

Advising Cable & Wireless and Monaco Télécom on the sale of their VSAT subsidiary in Algeria.

- **Mauritania (2012)**

Advising Tunisie Telecom and local shareholders of Mattel, the country's second largest mobile operator, on the sale of their stake in Mattel.

- **Democratic Republic of the Congo (2011)**

Advising France Telecom on an operation consisting of:

- the privatisation of the stake held by the DRC in mobile operator CCT,
- the purchase of the stake held by a Chinese equipment supplier in CCT, and
- the refinancing of CCT by Chinese banks EXIM and CDB.

- **Mali - Sotelma (2009)**

Advising the government of Mali on the privatisation of the incumbent telecommunications operator, Sotelma.

- **Morocco - Wana (2009)**

Advising a buyer on the purchase of 31% of Wana' share capital (legal and regulatory due diligence of the company, drafting and negotiation of the legal documentation).

- **Central African Republic (2007-2008)**

Advising an investment fund on the takeover of a mobile operator: analysis of the legal and regulatory framework, audit of the operator and closure of the operation with the government authorities and the regulator.

- **Tunisia - Tunisie Telecom (2006)**

Advising the government of Tunisia on the partial privatisation of the incumbent operator, Tunisie Telecom.

- **Niger - Privatisation (2005)**

Gide led a consortium that was retained to assist the regulator in resolving legal and technical issues related to preparing the privatisation of the incumbent telecom operator.

- **Rwanda - Rwandatel (2005)**

Advising the government of Rwanda on the privatisation of the incumbent operator (legal audit and drafting of the legal documentation).

- **Guinea - Sotelgui (2004)**

Advising the Malian government on the privatisation of the incumbent telecommunications operator until the completion of the deal.

- **Benin - Post & Telecommunications Office (2003)**

Auditing and evaluating the Post and Telecommunications Office and advising on the privatisation of the national operator.

- **Guinea-Bissau - Guinée Télécom concession (2002)**

Advising the government on (i) the renegotiation of the Guinée Télécom concession agreement and (ii) the drafting of new by-laws consistent with the State's forthcoming complete withdrawal from Guinée Télécom's share capital.

- **Mauritania - Mauritel (2002)**

Drafting the technical specifications in anticipation of the privatisation of the incumbent operator.

- **Cameroon - CAMTEL and CAMTEL Mobile Privatisation (2001-2002)**

In consortium with a French investment bank, advising the Privatisation Commission for the privatisation of the State telecommunications companies, Cameroon Telecommunications (CAMTEL) (suspended project) and Cameroon Telecommunications-Mobile (CAMTEL-MOBILE).

- **Algeria - Algérie Télécom (2001)**

Drafting the technical specifications and licence of Algérie Télécom with a view to the opening up of its share capital on the medium term.

- **Niger - Sonitel (2001)**

Advising the government of Niger on the privatisation of the incumbent operator Sonitel.

- **Morocco - Maroc Telecom (2001)**

Advising on the partial privatisation of the share capital of Maroc Telecom and gradual opening of the telecommunications sector to competition, re-drafting the technical specifications attached to the licence.

- **Pan-Africa (1999)**

Advising Vivendi Telecom International on the purchase of Celtel, a pan-African telecommunications operator operating in 14 countries across the continent.

PPP

- **Sierra Leone / National backbone (ongoing)**

Financial and legal advisory on the establishment of a Public-Private Partnership structure for a national fibre optic backbone and access network in Sierra Leone.

- **Benin - ACE (ongoing)**

Recruiting a consultant to draft a memorandum of understanding, rules of procedure and an authorisation to operate the submarine ACE cable in the context of a PPP in the Republic of Benin.

- **Gabon - ACE (2012)**

Assisting the government of Gabon in implementing a PPP to connect the country to the international broadband submarine cable, ACE.

- **Guinea - ACE (2011)**

Assisting the Republic of Guinea (Ministry of Post, Telecommunications and new Information Technologies) in the context of a PPP for connection to the international submarine cable, ACE.

- **São Tomé and Príncipe - ACE (2011)**

Advising the government of São Tomé and Príncipe on the establishment of a joint venture between the State of São Tomé and Príncipe and the incumbent operator controlled by Portugal Telecom in order to take a stake in the international submarine cable ACE.

- **Malawi (2011)**

Legal assistance with regards to the feasibility study dedicated to the applicable legal framework to implement a PPP for the project.

- **Burundi - BBS (2011)**

Advising the government of Burundi on the creation of an *ad hoc* company comprising all active telecom operators in Burundi, and on setting up a backbone infrastructure through a public-private partnership with this company.

- **Madagascar (2009)**

Legal structuring of the national backbone infrastructure using a PPP structure.

- **Cape Verde - Study on defining the State's electronic network management model (2008)**

Advising the government on drafting a strategy to manage the public telecom network and to renegotiate the concession contract with the incumbent operator.

Universal Service

- **Central African Republic (2011-ongoing)**

Advising the Central African Republic on drafting the legislative and regulatory framework applicable to universal service.

- **Mali (2008-2009)**

Advising the government on the implementation of the first universal service pilot project.

- **Niger - Universal access (2006)**

Advising the government of Niger on the promotion of universal access to electronic communications services for communities in rural and peri-urban areas.

- **Tanzania - Universal service (2004)**

Advising the government in devising a strategy to select operators to provide telecom services to rural and low-income users: critical review of the existing legal framework and suggesting amendments; suggesting legal documentation for the creation of a rural fund; and designing a pilot project and related bidding documentation for selecting the operators.

Competition

- **Cape Verde - Relevant market (2009)**

Advising the ANAC on the definition, market analysis and assessment of dominance in the electronic communications market and on the identification of regulations.

- **Senegal - Market segments (2007)**

Assisting the ARPT in drafting a methodology for the definition of telecommunications market segments in Senegal with a view to identifying the operator(s) with significant market power which must comply with the obligation to publish its/their interconnection offer.

- **Senegal - Cost model (2006)**

Assisting the Senegalese authorities in the development of an interconnection calculation cost and rate model, and of an interconnection convention and catalogue.

Satellite

- **Arbitration / Exploitation of space station position (ongoing)**

Advising a major telecom company on an international arbitration regarding the exploitation of a space station position.

- **RASCOM - African telecommunications satellite project (1997-2005)**

Advising Rascom on the international call for tenders it launched for the financing, construction and operation of a communications satellite on a B.O.T. basis, including assistance to Rascom for the organisation of the tender and drafting of legal documents for the project (call for tenders, concession contract and ongoing tender process).

- **Tunisia - VSAT**

Assisting the Tunisian government, in a consortium with a UK telecommunications strategy consultant, in granting an operating concession for a VSAT (Very Small Aperture Terminal) satellite telecommunications network in Tunisia.

- **Algeria - VSAT**

Advising the Algerian regulator on granting VSAT licences.

Litigation & Arbitration

- **Djibouti (ongoing)**

Advising Djibouti Telecom on a dispute regarding the termination of a contract relating to international traffic.

- **Côte d'Ivoire (2010-ongoing)**

Advising a telecommunications operator in the Côte d'Ivoire on a dispute with two foreign operators regarding the billing of roaming rates.

- **Egypt (2010)**

Assisting a mobile operator on a dispute opposing Mobinil to the Regulator and the national incumbent operator.

- **Mauritania - Interconnection (2009)**

Advising the multi-sector regulator of the Islamic Republic of Mauritania on an interconnection dispute opposing Mauritel to Mattel regarding the payment of interconnection balances.

- **Gabon (2008)**

Advising a pan-African operator on an interconnection litigation: strategic report concerning the resolution of the conflict, assisting the operator in defending its interests and in negotiating to resolve the conflict.

- **Chad (2008/2007)**

Advising a multinational telecommunications company on an ICC arbitration against the State of Chad relating to the expropriation of a contract organising the operation of a mobile telecom licence. ICC arbitration, Paris seat, Chadian law, French language.

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