



Convergence Bill Presentation August 2005

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Law Society of South Africa

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Introduction

- ❖ Our approach is general and as a large scale consumer of services
- ❖ We have no commercial vested interest but cost too high and access too limited
- ❖ Vital that our country be information competitive
- ❖ Convergence process inevitable : 21st Century : 2010!
- ❖ Everything depends on good **communication** and information processing tools being cheaply and easily available
- ❖ We are not here to simply “ bash” Telkom or others



General comments on Convergence Bill 2005



A definite improvement on the original

❖ Technology neutrality largely achieved : it's all digital

❖ Good and bad points but all say that....

❖ New opportunities should be grasped and brought into being.

Levelling of playing field vital and costs have to be reduced: pathetic " broadband" penetration



General difficulties with the Bill

- ❖ Definitions could be better
- ❖ It will not increase competition sufficiently in and of itself
- ❖ We are also hobbled by lack of knowledge of the ICASA Amendment Bill : integral part of process
- ❖ Still leaves last mile in Telkom's grasp
- ❖ Does not contemplate LLU : UK history illuminating in this regard



Specific difficulties with the Bill



Licensing definitions should be clarified and we agree very largely with the ISPA especially that "all references to application services and application service licences be removed from the Convergence Bill. The Bill should be limited to licensing communications and broadcasting only "



Application service providers too loosely defined : must be clear that no licences needed for web sites , mail servers



Perhaps still leans too heavily towards licensing : " old" style approach .Again , we agree : " no licence shall be required to provide a content service"



Does not clarify self provisioning rights satisfactorily



Does not seem to allow access to external data links: discourages the huge investment we need



Genies, bottles and VOIP

- ❖ Has been uncorked finally but the Bill does not really address its regulation
- ❖ US example: VOIP providers don't give access to emergency numbers or help services unless forced to do so
- ❖ Clearly the PSTN is a thing of the past: IP networks must be built and the past no guarantee of the future
- ❖ Why try to force fixed lines in Africa?
- ❖ Encourage technology such as WiMax, ADSL 2/+ : free the local loop!



Deregulation but with a strong regulator



Electronic Communications and Transactions Act: basic framework for e-business but bandwidth seriously lacking and too expensive. Call centres , African HQs



ICASA displaying welcome signs of independence but unedifying petulance from Telkom recently



Why must we be held back by remnant of a monopolistic approach? This is now not then



We must escape from being rationed by what the incumbent wants or can afford to provide



Need strong regulator whose mission is to increase competition and expand **services** available: OFCOM



Competition , competition

- ❖ ICASA powers and duties need to be set out very clearly and it needs to be given resources to carry out its functions.
- ❖ We agree with ISPA that ICASA rather than the Minister should oversee licensing and interconnection to enhance competition
- ❖ Why can't ICASA and Competitions Board work together as they do in England for consumer benefit?
- ❖ Compel interconnection and communications facilities leasing
- ❖ Number portability though e-number will do this also



It's not only the PSTN monopoly



Cellular charges too high : why should communication cost as much or more than a bond?



Why do we limit competition here as well? Hong Kong has at least 8 cellular providers and prices are good



Why should there even need to be an " e rate"? Very grudgingly provided so far and the ISP s simply cannot afford to do the business



Drive costs down naturally by increasing competition and access to data provisioning



LLU : UK and France excellent examples of the benefits for all



MVNO ? May not be profitable or set the subscriber base on fire but allow them



Don't allow existing or potential players to hold us to ransom



We can leap ahead again

- ❖ Limping herecosts and limited access
- ❖ Why should there be such data caps? Why is use deemed abuse?
- ❖ Rumours of hugely increased costs again in November by monopoly provider: end that monopoly.
- ❖ If any service is poor or collapses , that's the market and Telkom will certainly survive without mollycoddling
- ❖ The more services and access there are , the more people will be needed to supply and maintain these
- ❖ Government itself has been inhibited by the costs it has allowed to be imposed



Tread lightly to deliver the vision

- Vision must be to open up access in every way for all in our country including accessible e-government
- Regulation for the people not for the sake of it
- Communications facilities should be like electricity: readily and affordably available, continually upgraded, consequent services (TVs, fridges, stoves, lamps / streaming video /TV/ information access) the value add part
- Why should there be such huge profits in the provision of a basic human right? This must change



Thank you

Thank you for your time
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