

# **CONSUMERS RIGHTS AND PROTECTION IN THE ICT SECTOR IN WEST AFRICA**

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# WHAT HAVE CONSUMER RIGHTS AND THEIR PROTECTION ANYTHING TO DO WITH THE DEVELOPMENT OF THE INTERNET IN AFRICA?

- **Mass market adoption of Internet services:** Not yet in Africa but there are good signs (e.g. mobile Internet)
- **Internet consumers:** Group of people having similar needs and sharing the same interests
- **Internet consumers:** Major stakeholder in the development of the Internet in Africa



# I) Current Situation of Consumers' Rights in West Africa

## General notes:

- **Consumers' rights and protection in the Internet segment are usually treated as being part of the telecommunication sector**
- **Consumers' rights in the telecommunications sector remain unevenly "visible" and enforced on a country per country basis in West Africa.**
- **To assess "visibility" and enforcement I looked at regulators mission and powers regarding consumers rights in West African countries**



# A) Is the protection of consumers' rights part of the regulator's missions?

- **The case of Mauritania with the Autorité de Régulation de Mauritanie (ARM)**
- **The case of Nigeria with the Nigerian Communications Commission**
- **The case of Senegal with the Agence de Régulation des Télécommunications et des Postes**



# Summary table for Western African countries

| <b>Country</b>       | <b>Is the regulator in charge of<br/>of the protection of<br/>consumers rights?</b> |
|----------------------|---|
| <b>Benin</b>         | Yes   |
| <b>Burkina Faso</b>  | Yes   |
| <b>Cote d'Ivoire</b> | Yes   |
| <b>Gambia</b>        | Yes   |
| <b>Ghana</b>         | Yes   |
| <b>Guinea</b>        | No  |
| <b>Mauritania</b>    | Yes   |
| <b>Nigeria</b>       | Yes   |
| <b>Senegal</b>       | Yes   |
| <b>Togo</b>          | Yes   |



**B) Is there a dedicated department/unit at the telecoms regulator that deals with the protection of consumers' rights?**

- **The case of Nigeria with the Nigerian Communications Commission**
- **The case of Senegal with the Agence de Régulation des Télécommunications et des Postes**



## C) Is the regulator in charge of handling consumers complaints?

- **The case of Côte d'Ivoire with the Agence de Télécommunications de Côte d'Ivoire**
- **The case of Nigeria with the Nigerian Communications Commission**



## II) Evolution of Consumers' Rights in West Africa

**This second part focuses on :**

- **The role of Consumers Associations in protecting consumers' right in the telecommunications sector**
- **Towards a public acknowledgment of consumers rights with regards to the provision of telecommunication services**
- **The integration of consumers rights at the regional level**



# A) Empowering Consumers Associations to protect consumers' rights?

## **THEIR ROLE:**

- **Providing information and campaigning to create awareness among consumers**
- **Helping consumers to seek redress**
- **Dialogue and collaboration with the public administration and industry bodies**

## **THEIR LIMITATIONS:**

- **Generic consumers associations versus specialised consumers associations**
- **Financial weakness which hampers long term activities planning**



## B) Towards a public acknowledgment of consumers rights with regards to the provision of ICT services?

**As more telecommunications regulators acknowledge and enforce consumers rights, there is increased protection for ICT consumers compared to other sectors:**

- their rights are positively recognised (e.g regulator's mission of protecting consumers)**
- their complaints get public support (e.g complaint resolution procedure; regulator intervention)**



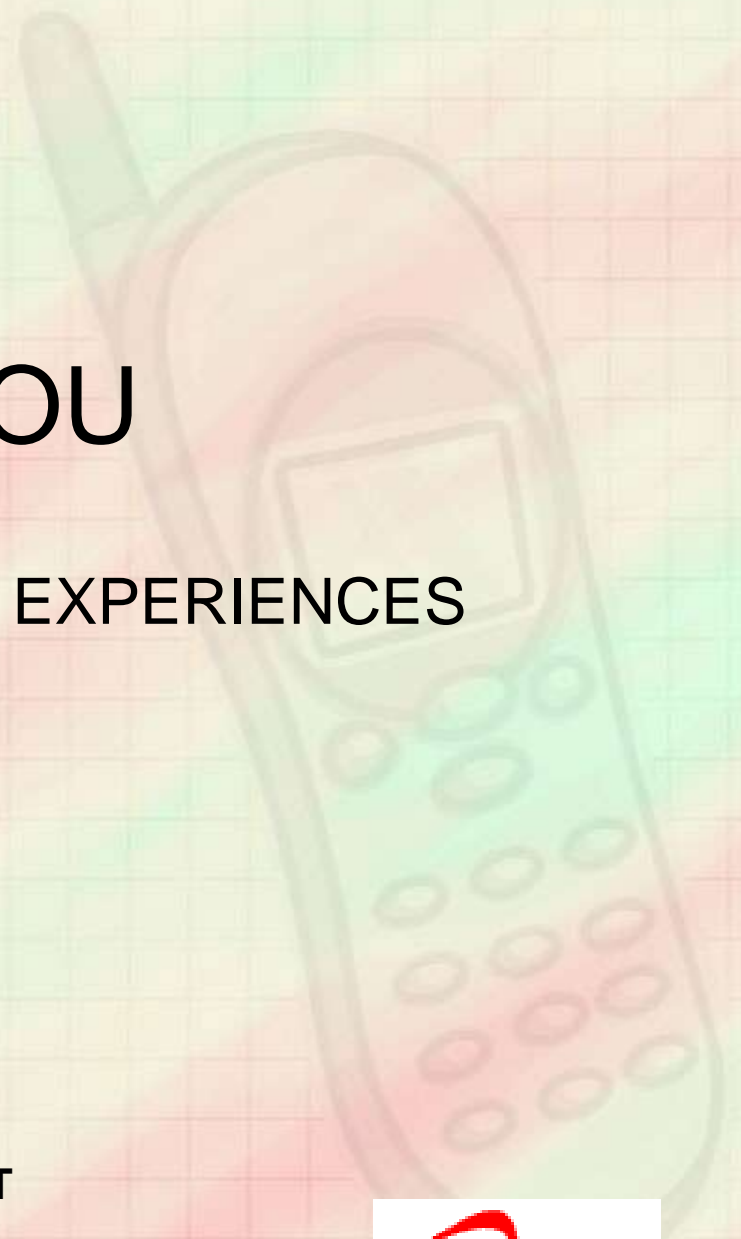
## C) The integration of consumers' rights at the regional level

- **The role of the Economic Community of West African States (ECOWAS)** (especially in Chapter VIII of the Treaty of 1975 , with particular reference to Articles 40 and 45 thereof, and in various ECOWAS protocols)
- **The creation of the AICN (African ICT Consumers Network) / RECATIC (Réseau des Consommateurs Africains des TIC)**



# THANK YOU

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