

ICT Policy Review Process

The Green Paper for Public Consultation

In the years after the dawn of the new millennium, and a decade since the two-phased World Summit on Information Society (WSIS) the world has witnessed transformation at unprecedented scales. The proliferation of the internet, associated technologies, applications, content and services are at the core of this transformation. Communications have always being at the centre of human society and the opportunities presented by rapid technological advancements are impacting profoundly on this core human activity. Advanced communications systems not only reflect development, but they drive it too. A key issue which consequently arises is whether the policy environment is sufficiently supportive and enabling to ensure that all sectors of society reap the benefits of the digital age. This question is therefore a fundamental point of departure in proposing this green paper for public consultation.

Until now, the communications industry in our country has traditionally been divided into telecommunications, broadcasting, and postal services. In 1994, at the advent of our democracy, we saw a revolution in communications as the state broadcaster became a public one, the airwaves were opened up, and an independent regulator was established. This revolution has been an ongoing one. Our communications infrastructure has changed profoundly in the past 20 years: mobile phones are now almost universal in the country, there are nearly 200 radio stations on air, there is substantially more competition in broadcasting than ever before; and the internet has been responsible for a fundamental change in the way we communicate with each other, and the way in which we access information, and services.

This change has reflected not only an opening up of the communications sector: it has also reflected our Constitutional values. The most fundamental rights of equal citizenship and freedom were embodied in the various policies that recast the broadcaster from a state to a public one, that opened up the airwaves, and that opened ownership to a wider sector of citizens.

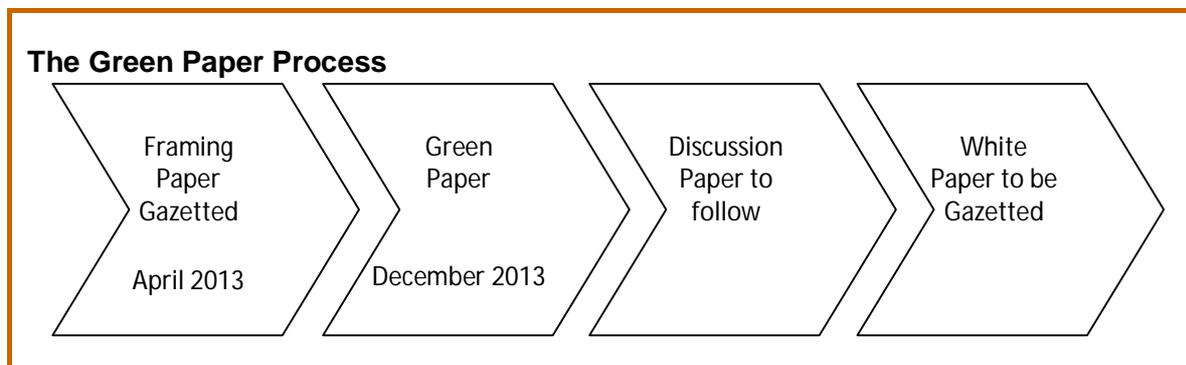
Yet we are still faced with pressing challenges, particularly in an age where the world is changing from an analogue to a digital one, and where the previous divisions, between telecommunications, broadcasting and postal services, are no longer as clear in an age of convergence. The rapid pace at which the internet has become pervasive, has not kept up with the rate at which all our citizens have been afforded access to affordable, secure, reliable and quality communications services.

The purpose of this Green Paper is thus to continue a process to both change and develop the Information and Communications (ICT) sector in a way that better serves the needs of citizens, and that boosts economic and social development, as well as transformation in our society. The Green Paper will be used to canvass opinions on the various aspects of the communications sector that need to be reviewed. It will include an examination of those elements of the communications policy and regulatory environment that have either not achieved, or only partially achieved, the goals they set. In some cases, policies were successful in resolving the challenges of the past, but now need to be reviewed to meet the demands of a new technological age. There are also many developments that could not have been predicted when previous policies and laws were drafted and that now require attention.

The first phase towards developing a new policy approach began when a Framing Paper was gazetted for public consultation in April 2013. The Green Paper is the second round of a

consultative process that seeks to involve all South Africans in the review and development of new policies that will take the country forward.

The next step in policy making will be the issuing of a Discussion Paper for public consultation and thereafter the gazetting a White Paper, which spells out policy positions of Government.



The Green Paper is an invitation to stakeholders and all members of the public to comment on policy issues and to participate in legislative reform. This document is an essential part of the democratic process.

In this document, we review the ICT sector and pose questions at the end of each chapter. These questions are posed to invite comment from the public.

Background to the Policy Review: Proposal for Discussion

In 1994, South Africa developed separate frameworks for the telecommunications, broadcasting and postal sectors. The policy frameworks adopted assisted the country to begin transforming the communications sector, and, for example, provided for universal service and access to information and communications technologies.

All of these policies, however, acknowledged that changes in technology would require a review of the country's policy and regulatory approaches in the future. Some steps at a policy, institutional and regulatory level have already been taken in response to changes in the communications sector. For example, the broadcasting and telecommunications regulators were merged in 2000 to begin the process of streamlining the regulatory approach to the sectors. In 2005, the Independent Communications Authority of South Africa (ICASA) was given the responsibility for the regulation of postal services as well. That same year, 2005, a new law, the Electronic Communications Act (no 36 of 2005) was enacted, advancing the process of integrating the policy frameworks for the different sectors in recognition of convergence in the communications sector.

However, South Africa has not yet taken full advantage of the possibilities and opportunities created by convergence and digitisation of communications technologies. The fragmented approach adopted at the advent of democracy, does not maximise efficiencies and in future will increasingly hamper the capacity of the sector to fulfil socio-economic development. The silo approach to the sector needs to be reviewed so that we do not inadvertently create a digital divide where access to quality communications services, technologies, infrastructure and content is a privilege of the elite, rather than a right for all.