

2.1 The Framing Paper Overview

Earlier this year, the ICT Policy Review Panel, appointed by the Minister of Communications in November, 2012, published a draft Framing Paper for public comment. The Draft Framing Paper contained 14 Objectives and Principles that underpin the current policy environment. The Panel requested comment on the relevance of each objective in the current state and the future. It also asked for suggestions on any other objective and principle that could help define the communications environment of the future.

The Policy Framing Paper was the first opportunity for members of the public to contribute to the process. This Green Paper is the second opportunity, and shortly thereafter a discussion paper will be drafted that will be the basis for public consultations leading to the White Paper.

The Framing Paper identified 14 key policy principles. Although not exhaustive, they laid the foundation for discussion about the objectives of a new communications sector policy.

2.2 Key Principles

The Policy Review Panel has carefully considered the responses to the Framing Paper Discussion Document. The Panel is unanimous that if the market was left to its own devices, and should the status quo be left intact, there would be some serious developmental failures as some sections of the South African population still do not appeal to market forces because of their economic and geographic profile. Consequently, the Panel rejects any suggestions that do not support the objectives and principles that guide the way to a new communications framework.

The Panel in its deliberations also reaffirmed a rights-based approach on the grounds that most of these objectives and principles are derived from rights enshrined in the Constitution. However, the Panel amended some of the objectives and principles in line with suggestions where it felt appropriate, and retained and fine-tuned others. Refer to the Department's website for all the principles.

1. South Africans have a right to freedom of expression;
2. South Africans have a right to access a diverse range of information, opinion and news of relevance to their communities and lives;
3. South Africans have a right to a secure, quality and affordable communications infrastructure and services;
4. South Africans have a right to benefit equitably from the ability of the communications sector to facilitate social development and improve the quality of life of individuals and communities;
5. South Africans have a right to the creation and dissemination of content that celebrates their cultural heritage in languages of their choice;
6. South Africans have a right to equitable universal access to communication infrastructure and services;
7. All sectors of the population have a right to equally enjoy and benefit from communications services;
8. South Africans are entitled to communication services that reflect, respect and uphold community standards and values in accordance with the constitution;
9. South Africans have a right to privacy and to protection of personal information;

10. Government has a responsibility to maximise the overall public benefit derived from the use of public resources;
11. South Africans are entitled to a communications sector that facilitates innovation, fair competition and equitable treatment of all role players;
12. South African citizens are entitled to consumer protection rights with regards to communication services;
13. South Africans have a right to an environment that is not harmful to their health or well-being.
14. Policy must recognize the need to protect children from potentially harmful content

There were some additional objectives suggested by respondents to the Framing Paper. The Green Paper invites comment from the public on these additions. Among these were the following:

1. South Africans have a right to an inclusive, transparent, accessible and technology-neutral policy making and regulatory process that promotes stability and fosters a knowledge based society;
2. South Africans are entitled to a communications sector that prioritises and promotes public interest, independent regulation, fair and equitable treatment of all role players, and net neutrality;
3. All South Africans are entitled to a secure cyber environment in which all infrastructure, network and service providers work together to maintain the highest standards of security;
4. South Africans have a right to a three-tier system of broadcasting providing for public, community and private ownership; and
5. South Africans have a right to access public information through the communications services in order for them to be active participants in political and social life, as well as in the construction of a knowledge-based society.

2.3 Historical Overview

The ICT sector is currently experiencing major technological and market changes, with many referring to it as a revolution of the scale last experienced with the invention of the printing press. Such rapid change means policies and laws need to be regularly reviewed in order to set the framework for implementation across sectors. The policies, laws and regulations under review in this Green Paper date back to the 1990s and were drafted shortly after the first democratically elected Government was inaugurated in 1994. A flurry of policies and legislation was drafted, across the communications sector, in order to align with the objectives set out in the Constitution.

2.4 Why review the policies, laws and regulations governing the Communications Sector?

2.4.1 A changing society

Much has changed in recent years, especially in the ICT sector due to the rapid expansion and fast-paced developments in technology, and the emergence of new media as a result of the Internet. Both homes and offices have been transformed technologically and a new worker entering the market today would be puzzled by equipment found in an office just 20 years ago: telex machines, floppy-disc computers, tape cassettes and monochrome computers devoid of graphics and of course without a mouse. To make a telephone call you needed to stand still as mobile devices were still emerging; to get in touch with someone urgently you “paged” them, which involved phoning an operator, who would send a text message to the recipient on a device that would beep to inform them to call you back; the

fastest way to get a document across the world was to fax or telex; to conduct research you needed to read a printed book or use microfiche. Cables connected your computer to your printer, you watched TV in real-time and recorded programmes on your VHS or Beta recorder.

With the entry of broadband in the past 10 years, the ICT landscape has changed dramatically and the internet is now a major medium of communication. The SA population has grown from 37.8 million to 52 million between 1993 and 2011 and in that time the number of households increased by 4.6 million to 14.5 million. Per capita income has risen from R11 000 to R64 000 in the same period.

Mobile technology, broadband, digital television, smartphones, the cloud, tablets, and new media technology are all recent developments in the market. These changes have far-reaching implications for any new policies and legislation.

Best practice in the fast moving technological revolution is to do regular policy reviews, ideally at least every five years to make sure that the objectives outlined in the policy are being implemented, and also to look at gaps and challenges as a result of the introduction of new technologies.

2.5 Changing ICT environment

2.5.1 Technology Convergence

Convergence relates to the tendency of technological systems to develop in a manner that allows them to perform multiple tasks with one device. It also means that a single infrastructure can provide a multiplicity of content or services; that a single service-provider can provide multiple services, or that content can be aired on multiple platforms. There is also corporate convergence, which means that one company can provide several of the above services.

In this context it refers to the process in which previously separate technologies such as telephony, data and video can now be saved, transmitted and received using the same devices. The net effect of this technological trend is to reduce the cost of construction of the transmission networks as one transmission system can be used for many services. Technology convergence is of particular interest to policy makers and regulators as it changes the nature of services, allowing an operator who was licensed under one category to be able to do things that would have required different category licences in the past.

2.5.2 Platforms, Applications and Services are converging

Three major technological developments influence the communications landscape in a radical manner.

- The first is the shift to Internet Protocol (IP) - based technologies that have affected the cost of networks, at the same time offering opportunities for innovation and new services. Examples of these are Voice Over Internet Protocol, which has been in existence for about a decade, and internet broadcasting.
- The second is the deployment of fibre-optic technologies that have increased the speed and size of data that can be transmitted from one point to the other.
- The third development is the entrance and use of wireless technologies.

2.5.3 Convergence of Internet and Media

Two factors will change the broadcast environment significantly. The first is the migration to a digital system from an analogue one. This will allow the viewer and listener much more choice as more channels proliferate. The International Telecommunication Union has declared that such legacy systems must be switched off in Africa and the European region by June 2015.

The other factor is the internet, which has begun to affect the traditional broadcasting industry. Although relatively few people in South Africa watch video over the internet, traditional boundaries between content on the Internet and broadcast content are eroding. Digital technologies have brought about a situation in which broadcasting can be received through any network and by many devices beyond the television set. Hybrid services that belong to both the Internet and broadcasting worlds have emerged. For instance, newspapers now offer both audio and visual content online, and the major broadcasters are now offering textual services online.

2.5.4 Convergence in Policy and Regulation

Current policies and laws are based on a traditional structure that was premised on distinct broadcasting, telecommunications and IT markets. These markets were based on the existence of distinct industries around telephony, point-to-multipoint broadcasting services, and mobile telephony services. The existence of distinct and separate policy and regulatory approaches for broadcasting, radio-based communications and telecommunications does not take into account the changes that have taken place. The convergence of technologies has brought about a situation that makes it possible to use any infrastructure to deliver any communication service. A single infrastructure can be used to access television, Internet, radio, as well as deliver voice and video services.

2.6 ICT as an enabler and National Imperatives

Over the past three decades, developments in the ICT sector have changed much of the world. The implementation of different strategies to make new technologies more widely available has transformed countries, societies and the activities of individuals. The availability of ICTs now determines levels of efficiencies in different spheres of human endeavour and business. The same ICTs have transformed international and global trade enabling individuals to receive information and services from all over the world. South Africa requires ICT policy and legislation that responds to the changing times and at the same time positions the country to compete effectively on a global stage.

The greatest challenge faced by South Africa is that of poverty reduction, creating jobs and reducing inequality. An ICT policy framework, correctly framed and directed, is ideally placed to play an important role in dealing with this triple challenge.

The implementation of e-services, including e-government, e-health, and e-education may propel a significant increase in the ownership of end-user equipment. Even though these gadgets have themselves been converging, allowing for reception of any content on a single device, evidence still points to ownership of several devices by individuals. The reason is that size and performance still dictate the choice of the best gadget for use for specific application. An individual middle-class household may still own a television set, a sound system, and a computer, in addition to the tablets and smart phones owned by different members of the family.