

1 Introduction to the Discussion Paper

“By 2030, ICT will underpin the development of a dynamic and connected information society and a vibrant knowledge economy that is more inclusive and prosperous. A seamless information infrastructure will be universally available and accessible and will meet the needs of citizens, business and the public sector, providing access to the creation and consumption of a wide range of converged services required for effective economic and social participation – at a cost and quality at least equal to South Africa's main peers and competitors ... ICT will continue to reduce spatial exclusion, enabling seamless participation by the majority in the global ICT system, not simply as users but as content developers and application innovators”.

The National Development Plan: 2030¹

This vision in the National Development Plan (NDP) adopted by Government in 2012 is in many ways the foundation of the ICT Policy Review Process undertaken by Government. The NDP stated that a *“new policy framework will be needed to realise the vision of a fully connected society”*. Government initiated an all-encompassing policy process in 2012 in line with this to review the existing silo Broadcasting, Telecommunications and Postal Services White Papers.

The Policy Review does not happen in isolation from other policy developments such as the National Broadband Policy (South Africa Connect) adopted in 2013. The ICT Policy and new White Paper will reinforce and extend the objectives set in this broadband plan. The policy process also recognises that the environment is changing rapidly and that policy interventions will need to be continuously assessed against the objectives set. It is thus being developed with a 2030 vision but a focus on the next five years.

The release of this Discussion Paper marks the third and penultimate phase in this review.

1.1 Why a new holistic policy?

As indicated in previous papers, new technologies have the potential to further the rights set out in the Constitution. They will change the way citizens communicate and interact with each other and access information, audio and audio-visual content and products and services. Increasing access to broadband, the Internet and Internet Protocol services provides opportunities for South Africa to better implement its socio-economic and cultural development goals and for increased participation by citizens, communities, the private and NGO sectors in determining these goals and policies.

Two key technology trends are changing the way people communicate:

- Convergence of communication and ICTs recognises that the major communication platforms (broadcasting, telecommunications and online) are coming together so that their once separate functions overlap. This means, for example, that people will be able to view and share television content over the Internet on a range of devices. Connected television sets will also provide access to the Internet – and therefore to not only content but also goods and services.

¹ The National Planning Commission, National Development Plan: 2030, page 190

- The migration to digital terrestrial television will both free up spectrum to enable access to high speed broadband services and facilitate the introduction of many more channels (from both existing and new providers).

At the same time, policy must recognise that the majority of South Africans still rely on traditional mail delivery and broadcasting services, and do not have access to or cannot afford broadband services. According to the 2013 SAARF All Media Products Survey (AMPS), the top three mobile phone activities are: Receive 'Please Call Me' (77,2%), send 'Please Call Me' (65,8%) and send SMS's (65,5%). Policy will need to promote take-up of new technologies and ensure that new and traditional services contribute towards the realisation of the rights set out in the Constitution.

1.2 The process

Cabinet endorsed a review of all existing ICT related policies (Telecommunications, Broadcasting and Postal Services) in 2012. The then Minister of Communications appointed a Policy Review Panel in that year following a call for public nominations. The Panel includes 22 people reflecting a range of different stakeholders and expertise.

The process to date broadly follows the approach identified in guidelines on the implementation of regulatory impact assessments issued by the Presidency in 2012 ("the Guidelines").² These state that the basic rationale for regulatory impact assessments is to assist "*policy-makers and decision-makers in the design, implementation and monitoring of improvements for regulatory systems*".

The Guidelines identify four key steps in the assessment process:

- Set clear objectives;
- Understand the problem that needs to be address;
- Look at all options to identify the best ways to achieve the objectives; and
- Ensure that benefits of the policy/regulation exceed the costs (taking account of both direct and indirect impacts).

With the Panel members' assistance, the Minister published for public comment:

- A Framing Paper issued in April 2013 which sought input on what the *objectives and goals* of policy should be. These principles remain largely the same as those set in 1994, though the means to realise these have changed.
- A Green Paper released in January 2014 which reflected on achievements against the original vision, and asked what have been the major impediments to implementation and what *core issues/problems* need to be addressed in future policy, taking into account the new environment.
- This Discussion Paper highlights a range of *options* and possible policy approaches to realise the objectives set and seeks public input on which will best achieve these goals and objectives.

In excess of 70 written submissions were received in response to the Green Paper. In addition, the Minister held a national consultative workshop, and eight provincial workshops – involving all Provinces (see Appendix). Over 2000 people and organisations participated in these. There has also been further engagement with public entities and institutions and sector representative

² The Presidency, "Guidelines for the Implementation of the Regulatory Impact Analysis/Assessment (RIA) Process in South Africa", 2012

organisations as well as four intergovernmental meetings to actively interact with members across Government.

The ICT Review Panel will consider all submissions and the costs and benefits of particular approaches before developing recommendations to the Minister. The Minister will consider the report from the Panel before developing and submitting a White Paper to Cabinet for its consideration. It is expected that a White Paper will be finalised by the end of the 2014/2015 financial year.

1.3 The vision

The Framing Paper proposed principles which should guide the policy review process. Stakeholders strengthened these through their contributions and these revised principles were again published for comment in the Green Paper. As a result of this additional public engagement the following vision for the ICT policy has been set.

The ICT policy framework and the institutions supporting this must:

- Facilitate and extend the right of all South Africans to freedom of expression.
- Ensure all South Africans have access to a diverse range of creative content, applications and services.
- Extend access by all South Africans to a broad range of information, opinion, news and analysis of relevance to their communities and lives.
- Facilitate access by all South Africans to quality communication infrastructure and services - including postal, analogue and digital services - which enable economic growth, employment and wealth creation.
- Ensure that all South Africans benefit from the ability of the communications sector to facilitate social development and improve the quality of life for individuals and communities.
- Promote innovation and creativity and support platforms, services and programmes that allow users and audiences to celebrate their cultural heritage in the language(s) of their choice (including sign language), to access compelling South African content and create and share content and information.
- Ensure that all South Africans have equal universal access to communication services and infrastructure.
- Ensure access by all sectors of the population, and accessibility of services, devices and infrastructure, so that all South Africans can equally enjoy and benefit from communication services.
- Ensure that communications services reflect, respect and uphold constitutional and community standards and values.
- Safeguard the right of all South Africans to privacy, the protection of personal information.
- Recognise and endorse the responsibility of Government to maximise the overall public benefit derived from the use of public resources and to facilitate access to public information, participation in public processes and efficient delivery of services
- Facilitate innovation, fair competition and equitable treatment of all role players to ensure a range of quality services are available to end-users and audiences.
- Reinforce the right of South African citizens and consumers to maximum transparency in how services are delivered and conditions under which they are delivered.
- Ensure that ICTs recognise and protect the right to an environment that is not harmful to health or well-being.

1.4 What is expected from you now

This Discussion Paper captures the issues, problems and future challenges identified by stakeholders in responses to the Framing Paper and Green Paper. A range of options to address these are put forward for public input. These are based on approaches suggested through the consultation process and in research conducted by the DTSP. Stakeholders are invited to make submissions on which approach they believe will best achieve the objectives above. At times, no specific policy options were proposed. In these instances, targeted questions are asked.

1.5 The structure of the Discussion Paper

The structure recognises the need to regulate the communications sector very differently from the past if policy objectives are to be achieved. As many stakeholders stressed, convergence and technological changes (including the migration to DTT) require a completely new approach to that of the silo regulation of the past. In addition, the Internet is global requiring not only that policy recognises that citizens will be able to access content, applications, services and products from across the world, but that South Africa needs to consider and influence international policies on governance of the communications sector.

The Discussion Paper can be read as a whole, with Chapters dealing with the different issues, or considered as separate Policy Options Papers focusing on specific areas.

Chapter Two: Policy Options – Key Principles and Approaches identifies key principles and issues that affect all ICT related sectors, including core regulatory principles, Green ICT policies and approaches to reinforcing the open Internet.

Chapter Three: Policy Options - Infrastructure and Services focuses on the infrastructure and services necessary to ensure universal access and affordability goals are met. ICT infrastructure, together with the multitude of services that it enables and supports, is the invisible but indispensable basis component for developing the information society and building the knowledge economy. The Chapter also considers the postal sector and related services, and options related to the effective management of an increasingly scarce resource, the radio frequency spectrum.

Chapter Four: Policy Options - The Digital Society considers how to develop and implement a national e-strategy to build the envisaged digital society, incorporating e-government, e-services and e-commerce strategies, as well as the policies necessary to ensure trust and confidence in new services. Internet governance is also dealt with in this Chapter.

Chapter Five: Policy Options - Audio and Audio-visual Content Services focuses on the new multichannel, multiscreen and multiplatform environment, where audiences will be able to access broadcasting and broadcasting-like content “anywhere, anytime and anyhow” – and more easily share content they have created.

Chapter Six: Policy Options - Industry Growth addresses the strategies necessary to promote growth in the industry. It presents policy options on transformation of the sector, investments,

expanding the national system of ICT research, development and innovation, electronics manufacturing, and skills development.

Chapter Seven: Policy Options - Institutional Frameworks assesses which institutions and institutional frameworks are necessary to achieve the policy objectives identified in previous chapters, and how the institutional arrangements can be strengthened to support these.

Although the various issues are presented separately, it is recognised that an integrated policy requires a cross-cutting and holistic perspective. Universal access, skills training and building digital literacy are, for example, crucial to transformation across all sectors. At the same time, compelling content on the broadband platform is essential to driving take-up of broadband.

However, distinct approaches are still necessary at times. The means and policy approaches to ensuring access by persons with disabilities will differ when looking at infrastructure, digital services and broadcasting and broadcasting-like content, for example. Each Policy Options Paper highlights such issues so that a holistic policy approach can be adopted.

1.6 Conclusion

It is recognised that a new policy will have to be people-centred and flexible to adapt to a rapidly changing environment. This cannot be achieved by one government ministry alone. Partnerships and coordination across the public, private and non-governmental sector, with citizens, communities and community organisations, and with South Africa's partners in SADC, AU, the BRICS countries and the world must be forged and strengthened.

It is also essential that indicators and concrete targets are set, together with appropriate monitoring mechanisms, so that delivery can be measured and policy adapted where necessary. This requires that benchmarks, goals and metrics are developed, and that there is continuous assessment of achievements against the policy objectives – including, for example, regular analysis of what new information divides might be developing.

This Discussion Paper does not identify these benchmarks at this stage, but stakeholders are invited to make suggestions on this.