



## **A4AI Comments on Proposed Electronic Communications Amendment Bill**

January 31, 2018

### **About A4AI**

The [Alliance for Affordable Internet](#) (A4AI) is the world's broadest technology sector coalition working to reduce the cost of internet access to enable universal, affordable access for all. Initiated by the Web Foundation in 2013, the Alliance is composed of 80+ member organisations from across the private, public, and not-for-profit sectors in both developed and developing countries. Working through a consultative, locally-driven and locally-led process in member countries throughout Africa, Asia, and Latin America, A4AI works to shape the policies and regulations needed to drive down prices and enable everyone, everywhere to afford to connect.

### **Comments**

We are pleased that the South African government is moving to amend the 2005 Electronic Communications Act, and that the proposed amendments are in line with international and regional good practices aimed at improving affordability and internet use for consumers.

We would like to highlight a few areas for further improvement and/or concern:

1. *On the “Wireless Open Access Network” (WOAN):* While we agree that this is, in principle, a good proposal to reduce costs (e.g., by requiring active infrastructure sharing), we would recommend that similar proposals be put forward to address networks that will not be part of WOAN, including existing mobile networking infrastructure. This can include, for example, fiscal incentives to promote greater passive infrastructure sharing among mobile network operators and other ISPs, and a “single window” approach to coordinate all building permits and reduce the need for the involvement of multiple permitting agencies to obtain right of way or establish base stations.
2. More generally, we suggest that the government take advantage of the opportunity to amend the 2005 Act in keeping with the National Integrated ICT Policy White Paper to reduce the digital divide and promote infrastructure investment in an inclusive manner. Additional good practice that can be further articulated in the Amendment Bill include:
  - a. Establish a national affordability target such as A4AI's [“1 for 2” goal](#), where the price of a 1GB mobile prepaid data plan costs less than 2% of average monthly income. South Africa does not yet meet this affordability target — according to A4AI's [latest data](#), such a plan is priced at 2.35% of monthly income. **Given the**



- high level of income inequality in South Africa**, the government should go further and include affordability targets for low-income groups in the country.
- b. Invest in and support the development of public access facilities (including public WiFi solutions), while maintaining adequate [consumer protections](#) on such networks.
3. Public access solutions, such as community networks (which we define as community-owned and managed networks that provide internet access to the public) can be a crucial part of the strategy to improve access and affordability among the unconnected. However, such solutions will require incentives to enable their creation and sustainability. The WOAN presents one such opportunity —community networks, for example, could be given priority or subsidised access to the wholesale network. A precursor is that community networks be considered for licence exemptions to operate as an Electronic Communications Network Service (ECNS) where feasible and after application to the Minister.
  4. While the amendments regarding spectrum management are an improvement on those currently in place, additional steps would be welcomed. These can include, for example, rules for the utilization of unlicensed spectrum (e.g., TV white spaces) and other emerging technologies. This should be done with the aim of supporting access in rural areas via community networks or similar locally managed initiatives, and can further improve the Bill’s goal of supporting Broad-Based Black Economic Empowerment.
  5. There are several challenges related to women’s access to and use of the internet. While the Bill recognizes this fact in its overall goal (which includes “empowerment of women...”), there is no specific mention of how this will be achieved. For the Bill to be truly [gender-responsive](#) and ensure that both women and men have the same opportunities to leverage the power of the internet to improve their lives, we recommend that:
    - a. Specific targets be established for removing the gender gap in access and use in South Africa (this can include progressive targets to be achieved over time). To enable this, it is critical that gender disaggregated data on access and use be collected and, in the case of non-individual data, shared using open data guidelines.
    - b. Protections are in place to protect users online, including measures to prevent the harassment and abuse of women online.
    - c. Ensuring that people, including women and girls, have adequate skills to use and create online products and services; this includes encouraging/incentivizing the creation of content for women.



- d. Initiatives aimed at improving affordability consider and target women's needs and income barriers, particularly given the wage gap between women and men.
6. Other general issues which will improve the online experience for all South Africans:
- a. Although the Bill mentions research and data collection by ICASA and the Ministry, we would add that this be done on at least an annual basis and include data on the types of mobile data plans (and fixed services) that people are using. This is important as some mobile data plans offer access to limited content and not the entire internet (e.g., [service specific plans](#)), thereby limiting the user's experience online.
  - b. Improve the ability of subscribers to track their data usage, particularly for mobile. It is important that consumers are able to know how much data they are using and on a regular basis.
  - c. Develop a plan with mobile network operators and other ISPs to enable better public disclosure on how consumers online behaviours are monitored and used by these companies.