

South Africa:

Statement on Regulatory Principles Essential in promoting Universal Access to Information and Communication Technologies (ICTs)

1. Technology Neutrality

It is critical that regulators adopt a technology neutral approach to regulation of all of the markets over which they have jurisdiction. This principle advocates that governments and regulators should not mandate communications standards and that service providers and operators should be given the flexibility to independently choose technologies based on commercial and competitive considerations. This is supported in South Africa by the development of Convergence legislation in 2003/2004 which will lead to a technology neutral legal and regulatory framework based on market structure and not on technology used. This framework will cut across the entire ICT sector – telecommunications, broadcasting and Information Technology (IT).

This approach encourages universal access and eventually universal service in that it encourages innovation, allows service providers to select technologies that best meet the needs of the populations that they seek, it removes technological barriers to entry, and it obviates the need for regulators to try to 'predict the future' in terms of technological growth and development.

Once licensed, South Africa's Under-Serviced Area Licensees (USALs) will be an example of a technology neutral approach to licensing in that they have no restrictions placed on them in terms of the technologies that they may use – the simple goal is to provide access in underserved areas, through whatever means.

2. Transparency

It is important that the principle of transparency is considered in all regulatory processes – licensing, issuing of universal service obligations, and regulation-making processes. This is critical in that public participation and the input of the sector on key issues is important. It ensures that the decisions of the regulator are truly in the public interest, which is important for the development of clear and relevant universal service strategies.

All licensing and regulation making processes in South Africa are conducted in a transparent manner. This entails putting applications received out for public inspection and comment, holding public hearings, and providing reasons for decisions.

3. Local Cooperation/Community Participation

In order for universal access targets and strategies to accurately reflect the needs of the people they seek to assist, it is important that regulators and policy makers encourage the participation of the relevant communities to establish targets that have been identified and agreed upon by the communities themselves, and thus meet their needs. Factors such as gender, participation of people with disabilities, level of education, local content, literacy and language are fundamental to the attainment of universal access/service goals. The best way to address these critical issues is through effective communication and consultation with local communities.

Also, involvement of local communities in the rollout of universal service obligations (not just identifying them) is important. This will not only harness job creation but also encourage involvement of indigenous people in the telecommunications sector. This is seen in South Africa through the Under-Serviced Area Licensees (USALs) which are yet to be licensed. These operators will be run by people with interest in the communities in the regions in which they are licensed.

In keeping with the principle of encouraging local cooperation and community participation, ICASA considers education campaigns key to promoting universal access to information technologies in that communities would first have to know all about ICTs before they can appreciate the benefits of ICTs and use such technologies. Once access, the first hurdle, has been passed, communities will be educated on how to use the services. Partnership between communities and operators is beneficial as operators will not only be providing the infrastructure, but could also be used to provide the necessary training. A converged environment will significantly influence and expand education possibilities and the regulator considers the optimal utilisation of these opportunities as a priority in order to ensure access to all.

4. Encourage Competition

The principle of encouraging competition is key to ensuring the availability of a wide range of services, the reduction of prices and the development of a strong consumer culture. It is important for regulators to encourage competition as a way of achieving universal service and access objectives through: licensing, prevention of anti-competitive behaviour and competitive neutral universal service obligations.

It is important that in line with South Africa's WTO commitments our universal service policies are not anti-competitive and are fair and transparent. Further, through licensing of additional operators, we seek to encourage participation in the ICT sector. Most recently we have embarked on a process to license a

Second National Operator (SNO). Further by the end of the year South Africa will have determined the feasibility of a fourth mobile operator and a Third National Operator (TNO).

Competition should drive down prices and introduce a wider consumer choice and result in greater access to ICTs. Competition is another key factor motivating the development of a convergence policy framework in South Africa.

5. Diversity and Local Content

Communication is a basic human right and as such access to information should be in languages that people understand. People should also be able to relate to the content. In this regard the Authority has licensed community radio stations that broadcast in languages that are mostly understood by the communities that they broadcast to.

In an attempt to provide a diversity of programme choice the Authority has also licensed fifteen (15) commercial radio services as well as a free-to-air television services.

The Authority has also boosted the production of indigenous South African content by imposing quotas for South African music, television content and independent television production