



A Timeline of ICT and related Policy Development 2016-2022

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- Digital Council Africa (DCA) has reviewed the policy and regulatory developments over the period 2016-2022 to identify any impact on the ICT sector.
- During this period policy makers have developed policy documents addressing common issues, such as open access and infrastructure as well as beginning to respond to new-age digital agenda items, such as the Cybercrimes Act of 2021.
- The pace of closure on policy development on common issues moves at a glacial pace, with the Policy Directive on the Rapid Development of Electronic Communications facilities, harking back to 2006 has not yet been concluded.
- The ensuing slides identify key policy documentation released in the years 2016 to 2021 that have had (or the potential to) a measurable impact on the development of the digital infrastructure sector



The years 2016-2018: Implementing the Integrated ICT Policy White Paper

Policy/Legal/ Strategy	Integrated ICT Policy White Paper Status: Approved Impact: Introduces WOAN concept	ICT SMME Development Strategy Status: Approved Impact: directs govt. spend to SMMEs National e-government strategy and roadmap Status: Approved Impact: Govt. to adopt digital services	Electronic Communications Amendment Bill B31-2018 Status: dormant iKamva National e-Skills Institute Bill B10-2018 Status: dormant
	BBBEE ICT Sector Code Status: In force Impact: Imposes minimum BEE requirements		City of Tshwane's Integrated Development Plan Status: approved Impact: high tariffs for wayleaves

2016

2017

2018

- Prior to 2016, three key policy documents were released that stimulated policy debate that is ongoing today. These are:
 - 2013: [SA CONNECT](#), South Africa's Broadband Policy. The policy specified government's objectives regarding broadband penetration and minimum download speeds to be achieved over time. See Section 8 on page 21 on the policy document;
 - 2015: [City of Cape Town Tower Mast strategy](#): This strategy enforced a level of tower sharing not before seen in the industry as well as imposed restrictions that limited network deployment so as to improve quality of service; and
 - 2015: [National Cybersecurity Policy Framework](#): through this document, Government for the first time explicitly states its concerns about cyber-security and cyber-crime
- Government policy and action in the 2016-2018 period was the period of implementation of the [Integrated ICT Policy White Paper](#).
- Not shown here is the number of Radio-Frequency related regulation-making that took place around the Wireless Open Access Network concept.

The years 2019-2020: Responding to COVID 19

Policy/Legal/
Strategy

[White Paper on Science, Technology and Innovation](#)

Status: Approved

Impact: Increased STEM teaching at secondary school level

[Critical Infrastructure Protection Act](#)

Status: approved

Impact: ICT networks recognised as critical infrastructure

[Presidential Infrastructure Council SIP List 2020](#)

Status: approved

Impact: National Spatial Infrastructure Hub Project

[Disaster Management Act: Way Leave Pricing](#)

Status: Approved

Impact: Wayleave fees banned during network deployment for COVID 19 response

[Policy direction on rapid deployment](#)

Status: dormant

Regulations

[Disaster Management Act: Temporary Spectrum](#)

Status: Approved

Impact: Wayleave fees banned during network deployment for COVID 19 response

2019

2020

- There was little movement in 2019, but the COVID pandemic outbreak from February 2020 led to a flurry of [specific regulatory actions](#) to improve access to the internet (including removing barriers to network deployment and providing temporary access to unused frequency).
- Two critical long-term policy positions were released in 2020: the National e-Strategy and the ICT MasterPlan for South Africa.
- The National e-Strategy listed the areas of skills acquisition needed for South Africa to capture the benefits of the 4th Industrial Revolution, but the document is thin on implementation detail
- The [MasterPlan](#) identified 4 sectors that may generate job creation over the next five years: Technology Production; Tech applications; Digital Platforms and Digitally Traded Services

The year 2021: new policies continuing to suffer from clashes/inconsistencies with existing policy documentation



Policy/Legal/ Strategy	<u>Policy on Cloud and Data</u> Status: draft Impact: potential limitation on data centre growth	<u>National Infrastructure Plan ("NIP 2050")</u> Status: draft Impact: Lists requirements for govt. connectivity	<u>Cybercrimes Act</u> Status: Approved Impact: provides legislation for treatment of cybercrime-related matters
Regulations	<u>Micro-trenching allowances in Tshwane</u> Status: in force Impact: imposes deployment methods of licensees	<u>Regulations on Equity Ownership by Historically Disadvantaged Groups</u> Status: In force Impact: clarifies role of ICT BEE Sector codes and ECA requirements	<u>SALGA Norms and Standards for network deployment</u> Status: approved Impact: initiative to standardise municipal requirements

2021

- The year 2021 introduced 4 critical items that aim to clarify the legal/regulatory status of the ICT sector in South Africa, being the Policy on Cloud and Data, the Cybercrimes Act and SALGA's norms and standards for network deployment.
- The draft [Cloud and Data policy](#) appeared to include restrictions to the growth of the data centre industry in South Africa.
- The [Regulations on Equity Ownership](#) published by ICASA has finally married the BBBEE obligations network operators have under the ICT Sector Code and the ownership obligations specified in the Electronic Communications Act.
- The SALGA Norms and Standards document aims to guide municipalities in developing their respective wayleave application and monitoring policies



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