

ICASA public hearings on the draft regulations on rapid deployment of electronic communications networks and facilities, 2026



Date: 13 July 2026

Key Regulatory and Systemic Challenges

South Africa's digital transformation is fundamentally dependent on the rapid and coordinated deployment of communications infrastructure. It is noteworthy that the draft regulations provide a solid foundation however, the rollout will still remain slow and contested unless key structural challenges are addressed.



Municipal fragmentation:

The municipalities inefficiency and fragmented permitting processes remain the largest barrier to infrastructure rollout, including the inconsistent bylaws, capacity constraints, and prolonged wayleave approvals that mainly delay the deployment timelines.

The fragmented regulations need the establish binding timelines for municipal approvals, standardized procedures across jurisdictions, and a centralized reporting mechanism to reduce uncertainty and accelerate rollout.

- ❖ Huawei proposes the following timelines as suitable benchmarks:
- ❖ Wayleave application acknowledgement: within 5 working days of submission.
- ❖ Preliminary review and feedback: within 15 working days.
- ❖ Final approval or rejection: within 30 working days of complete application.
- ❖ Appeals or escalations: resolved within 12 working days.

These timelines are consistent with international best practice in infrastructure permitting and would provide predictability for operators while still allowing municipalities sufficient time to conduct due diligence. Binding deadlines, coupled with a centralized reporting mechanism, will reduce fragmentation, improve accountability, and accelerate rollout across jurisdictions.

Informal and customary land rights



South Africa's land tenure system is complex, encompassing formal title deeds, communal land rights, and informal settlements. Unless explicitly recognized, these communities risk exclusion, leading to disputes and deployment delays. The regulations should expand definitions to include customary and informal tenure, referencing the Interim Protection of Informal Land Rights Act (1996), and provide clear guidelines for engaging traditional authorities.

- ❖ To ensure predictability and fairness, Huawei proposes the following timelines for engagement and approvals in areas governed by customary or informal tenure:
- ❖ Initial notification to traditional authorities or community representatives: within 10 working days of planned deployment notice.
- ❖ Community consultation meetings: convened within 20 working days of notification, with documented minutes and agreed outcomes.
- ❖ Formal consent or objection process: completed within 30 working days of consultation, ensuring communities have adequate time to respond.
- ❖ Resolution of disputes or appeals: finalized within 45 working days, using mediation mechanisms where necessary.
- ❖ These timelines balance the need for inclusivity with the urgency of deployment. They provide communities with meaningful opportunities to participate, while ensuring that infrastructure rollout is not indefinitely delayed. Binding deadlines, coupled with clear engagement protocols, will reduce disputes, build trust, and ensure that rapid deployment benefits all South Africans, including those living under customary and informal tenure systems.

These timelines are consistent with international best practice in infrastructure permitting and would provide predictability for operators while still allowing municipalities sufficient time to conduct due diligence. Binding deadlines, coupled with a centralized reporting mechanism, will reduce fragmentation, improve accountability, and accelerate rollout across jurisdictions.

Utility infrastructure strain:



Telecommunications deployment often intersects with electricity, water, and transport infrastructure. Without coordination, deployments risk damaging utilities or creating service disruptions. The regulations should require licensees to submit utility coordination plans, including restoration commitments and joint site inspections, to safeguard essential services and reduce duplication.

- ❖ To ensure predictability and protect critical infrastructure, Huawei proposes the following timelines and processes:
- ❖ Notification to relevant utility providers: within 10 working days of planned deployment notice, ensuring early awareness.
- ❖ Joint site inspection and risk assessment: conducted within 20 working days of notification, with participation from all affected utilities.
- ❖ Approval of coordination plan: finalized within 30 working days of inspection, including restoration commitments and contingency measures.
- ❖ Restoration of any affected utility services: completed within 15 working days of deployment completion, with verification by the utility provider.
- ❖ Reporting of incidents or damages: submitted to ICASA and the relevant utility within 5 working days of occurrence.

These timelines balance the urgency of broadband rollout with the need to safeguard electricity, water, and transport systems. Binding deadlines, coupled with joint inspections and restoration commitments, will reduce duplication, prevent service disruptions, and build confidence among municipalities, utilities, and communities.

Community distrust and inequality:



Communities often perceive infrastructure deployment as extractive, with little local benefit. Consultation must go beyond procedural notice to include benefit-sharing commitments. Licensees should be required to submit community engagement plans, including local employment, skills transfer, and SMME participation. This will build trust, reduce resistance, and ensure deployment contributes to inclusive growth.

- ❖ To ensure meaningful participation and predictable processes, Huawei proposes the following timelines and requirements:
- ❖ Initial community notification: within 10 working days of project approval, outlining scope, expected impacts, and opportunities for local involvement.
- ❖ Community consultation meetings: convened within 20 working days of notification, with minutes recorded and shared publicly.
- ❖ Submission of community engagement plan: finalized within 30 working days of consultation, detailing commitments to local employment, training, and benefit-sharing.
- ❖ Implementation of benefit-sharing measures: initiated within 60 working days of deployment commencement, with quarterly progress reports submitted to ICASA and affected communities.
- ❖ Resolution of community grievances: addressed within 15 working days of formal complaint, using mediation mechanisms where necessary.

These timelines ensure that communities are not sidelined but are active partners in deployment. Binding deadlines, coupled with transparent engagement plans, will reduce distrust, promote inclusivity, and ensure that infrastructure rollout contributes directly to local empowerment and equitable growth.

Tightening Enforcement

TIGHTENING ENFORCEMENT

Stronger rules. Real consequences. Protected infrastructure.

Effective enforcement prevents theft, vandalism, and illegal connections—ensuring reliable services and safer communities.

- DETER THEFT & VANDALISM**
Strict penalties and visible consequences deter criminals and protect infrastructure.
- CRACK DOWN ON ILLEGAL CONNECTIONS**
Target illegal connections that overload networks and compromise service quality and safety.
- ACCOUNTABILITY & OVERSIGHT**
Regular inspections, audits, and reports ensure compliance and close enforcement gaps.
- STRONG PENALTIES, REAL CONSEQUENCES**
Swift prosecution and heavy fines send a clear message: infrastructure crime will not be tolerated.

STRONG ENFORCEMENT. STRONGER COMMUNITIES.

- Fewer outages and disruptions
- Safer communities and infrastructure
- Better service quality
- More investment and sustainable growth

ENFORCE. PROTECT. CONNECT.
Together, we build a safer, stronger, and smarter South Africa.

ENFORCE THE RULES | **PROTECT OUR INFRASTRUCTURE** | **RESPOND QUICKLY** | **BUILD TRUST. DELIVER IMPACT.**

South Africa's regulatory environment suffers from weak enforcement, with penalties often applied inconsistently. The proposed fines are insufficient and ICASA should establish a public compliance register to publish enforcement actions. This will strengthen accountability and build investor confidence.

- ❖ To ensure predictability and consistency, Huawei proposes the following enforcement timelines and mechanisms:
- ❖ Compliance monitoring reports: submitted by licensees to ICASA on an annual basis, detailing restoration, compensation, and utility coordination.
- ❖ ICASA review of compliance reports: completed within 30 working days of submission, with findings communicated to licensees.
- ❖ Issuance of penalties or corrective orders: finalized within 15 working days of confirmed non-compliance, ensuring swift accountability.
- ❖ Publication of enforcement actions in compliance register: updated within 10 working days of penalty issuance, ensuring transparency.
- ❖ Appeals process for licensees: resolved within 45 working days, balancing fairness with regulatory certainty.

These timelines ensure that enforcement is not delayed or inconsistently applied. Binding deadlines, coupled with proportional penalties and public reporting, will strengthen ICASA's regulatory authority, deter non-compliance, and build investor confidence in South Africa's communications sector.

Commentary on Draft Regulations

REGULATIONS THAT ALIGN

BUILDING CONNECTED COMMUNITIES. RESPECTING RIGHTS. DELIVERING RESPONSIBLY.

These regulations create a clear framework for fair, transparent and responsible telecommunications infrastructure deployment in South Africa.



1. DEFINITIONS

Clear and consistent definitions to avoid ambiguity and ensure effective implementation.





2. PURPOSE

To promote broadband access and digital inclusion while safeguarding rights, infrastructure and the public interest.





3. RESPONSIBILITIES OF LICENSEES

Licensees must act responsibly, transparently, and in compliance with the law.





4. ENTRY ONTO LAND OR PROPERTY

Balanced access that respects property rights and enables essential infrastructure.





CLEAR RULES. RESPONSIBLE ACTION.
CONNECTED SOUTH AFRICA.



Protecting Communities



Upholding Rights



Ensuring Accountability



Building Trust



Driving Inclusive Growth

- **Regulation 1: Definitions** The current definitions do not adequately reflect South Africa's diverse land tenure systems. ICASA should expand definitions to explicitly include customary land rights and informal tenure, referencing the Interim Protection of Informal Land Rights Act (1996). This would ensure inclusivity and reduce disputes.
- **Regulation 2: Purpose** The draft outlines procedural objectives but lacks explicit linkage to national development frameworks, while ICASA should align the regulations with NDP targets (universal broadband by 2030) and SA Connects objectives to strengthen policy coherence and ensure rapid deployment contributes to national goals.
- **Regulation 3: Responsibilities of Licensees** While obligations are well-articulated, enforcement mechanisms are limited. ICASA should establish a compliance reporting framework requiring licensees to submit annual reports on restoration, compensation, and utility coordination, with penalties for non-compliance linked to Section 17A of the ICASA Act.
- **Regulation 4: Entry onto Land or Property** Consultation requirements are positive but lack depth in community engagement. ICASA should require community engagement plans, including commitments to local employment, skills transfer, and benefit sharing. Including guidelines for engaging traditional authorities will reduce disputes in rural areas, Kenya's ICT Policy, which requires community consultation and benefit sharing in rural deployments, provides a useful benchmark.

REGULATIONS THAT ALIGN.

Clear rules. Fair outcomes. Stronger connections.

These regulations ensure responsible deployment, protect rights, and support sustainable telecommunications infrastructure in South Africa.

 1. REMOVAL OF FACILITIES	 2. COMPENSATION	 3. GIS DATABASE	 4. DISPUTE RESOLUTION
Ensure safe, timely, and responsible removal of facilities when no longer in use, with minimal impact on communities and the environment.	Provide fair and transparent compensation for land access, wayleaves, and any adverse impact on property or livelihoods, in line with South African law.	Maintain an accurate and up-to-date GIS database of all telecommunications infrastructure to promote coordination, transparency, and informed decision-making.	Establish accessible, efficient, and independent mechanisms to resolve disputes fairly and strengthen trust among all stakeholders.
  Leave the land safe, restored and ready for future use.	  Fair compensation. Respect for people and property.	  Better data. Better planning. Better connectivity.	  Open dialogue. Fair solutions. Stronger communities.



WORKING TOGETHER FOR CONNECTED, INCLUSIVE AND SUSTAINABLE SOUTH AFRICA.



PROTECTING RIGHTS



PROMOTING FAIRNESS



SUPPORTING SUSTAINABILITY



ENABLING CONNECTIVITY

- Regulation 5: Removal of Facilities** The requirement for removal of obsolete infrastructure within 60 days is appropriate but incomplete. ICASA should require compliance with environmental disposal regulations to ensure that decommissioned equipment is recycled or safely disposed.
- Regulation 6: Compensation** The draft provides for compensation but lacks standardized valuation methodologies. The draft provides for negotiation but does not specify valuation standards, which may lead to disputes. Compensation should be based on independent valuations, referencing the Property Valuation Act (2014) and define clear timelines for compensation payments.
- Regulation 7: GIS Database** This is a strong provision supporting transparency and planning. Moreover, ICASA should establish data quality standards and confidentiality safeguards, while the GIS database should be integrated with national broadband mapping systems to support evidence-based policymaking. The EU requires operators to submit georeferenced broadband data, which has improved transparency and planning.
- Regulation 8: Dispute Resolution** Flexible mechanisms are provided, but timelines are not defined. ICASA should establish a specialized dispute resolution panel with strict timelines (e.g., 30 days for mediation, 60 days for arbitration). This would provide certainty and reduce delays.

REGULATIONS THAT ALIGN.

CLEAR RULES. FAIR OUTCOMES. STRONGER CONNECTIONS.

These regulations ensure compliance, provide certainty, and support sustainable telecommunications infrastructure in South Africa.



1. CONTRAVENTIONS AND PENALTIES



Ensure compliance with the law and protect communities.



Provide proportionate penalties for contraventions.



Deter non-compliance and repeat offences.



Promote accountability and uphold the public interest.



Compliance today. A connected future for all.





2. COMMENCEMENT



Provide a clear and staged start date for implementation.



Allow time for preparation and awareness.



Support a smooth transition for all stakeholders.



Enable effective and orderly implementation.



Clear start. Shared commitment. Stronger impact.





STRONG REGULATIONS. CONNECTED COMMUNITIES.



RESPECTING RIGHTS



ENSURING ACCOUNTABILITY



BUILDING TRUST



DRIVING INCLUSIVE GROWTH

- **Regulation 9: Contraventions and Penalties:** Penalties are defined but may not be sufficiently deterrent in practice. ICASA should Strengthen enforcement through consistent application and introduce a public compliance register to enhance accountability. This would increase transparency and accountability.
- **Regulation 10: Commencement** The phased implementation approach is appropriate. The phased approach is sensible, but licensees may need support to comply with GIS requirements. ICASA should provide technical guidelines and training workshops to assist licensees.

Proposed Enhancements



1. Accelerated rollout: Binding timelines and streamlined approvals reduce uncertainty.
2. Inclusive growth: Township and rural connectivity supports digital economy participation.
3. Resilience: Coordination with utilities and environmental safeguards protect national infrastructure.
4. Cost efficiency: Shared infrastructure reduces duplication and expenditure.
5. Local empowerment: Skills transfer and SMME participation build domestic capacity.
6. Investor confidence: Predictable processes and clear obligations attract investment.
7. Community trust: Engagement plans ensure that deployment benefits are shared fairly.
8. Environmental balance: Integrated approvals protect heritage while enabling deployment.
9. Policy coherence: Alignment with NDP and SA Connect ensures national priorities are met.

Thank you

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