

Independent Communications Authority of South Africa

Strategic Plan for 2020/21 – 2024/25

March 2020



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ACRONYMS AND ABBREVIATIONS

Item	Description
4IR	Fourth Industrial Revolution
5G	Fifth Generation Cellular Network Technology
AI	Artificial Intelligence
ASMS	Automated Spectrum Management System
BBBEE	Broad-Based Black Economic Empowerment
CAP	Consumer Advisory Panel
CCC	Complaints and Compliance Committee
CPD	Continuous Professional Development
DOC	Department of Communications
DTPS	Department Of Telecommunications & Postal Services
DTT	Digital Terrestrial Television
DOA	Digital Object Architecture
ECA	Electronics Communications Act
EDRMS	Electronic Document Record Management System
EMF	Electric and Magnetic Fields
EVP	Employee Value Proposition
GDP	Gross Domestic Product
HDGs	Historically Disadvantaged Groups
ICASA	Independent Communications Authority of South Africa
ICT	Information and Communications Technology
IMT	International Mobile Telecommunications
IoTs	internet of things
IPTV	Internet Protocol television
ITU	International Telecommunications Union
KCAAA	Karoo Central Astronomy Advantage Areas
MTEF	Medium Term Expenditure Framework
MTN	Mobile Telecommunications Network
MUX 1	Multiplex 1
NATJOINTS	National Joint Operational and Intelligence Structure
NDP	National Development Plan
NPMS	Network Performance Monitoring System
NT	National Treasury
OTT	Over the top
PAJA	Promotion of Administrative Justice Act
s192	Section 192 of the South African Constitution
SABPP HR	South African Board or People Practices Human Resources
SANDF	South African National Defence Force
SADC	South African Development Community
SAPO	South African Post Office
SAPS	South African Police Service
SETA	Sector Education and Training Authority
SIPs	Strategic Integrated Projects
SKA	Square Kilometre Array
SLA	Service Level Agreement
SMMEs	Small, Medium and Micro Enterprises
SOC	State Owned Company
TV	Television
WRC	World Radiocommunication Conference
WOAN	Wireless open access network
USAASA	Universal Service and Access Agency of South Africa

Accounting Authority Statement

The Independent Communications Authority of South Africa (ICASA) is a Chapter 9 institution, established pursuant to Section 192 of the Constitution of the Republic of South Africa Act, 1996 (the Constitution) to support and promote democracy in South Africa. ICASA is mandated to regulate electronic communications, broadcasting and postal services in the public interest; and more specifically to ensure fairness and the plurality of views broadly representing the South African society as required in terms of the Constitution.

The ICASA 2020/21 – 2024/25 Strategic Plan (the 2025 Strategic Plan) is guided by the Government's Medium Term Strategic Framework (MTSF). The MTSF outlines areas of priority with regard to socio-economic service delivery to all South Africans and addressing challenges relating to poverty, inequality and unemployment. Furthermore, the 2025 Strategic Plan is influenced by the provisions of the National Development Plan (NDP) that outlines the desired socio-economic growth and development targets that the country needs to achieve by 2030.

The digital economy

The Information and Communications Technology (ICT) sector remains the backbone of the economy with ICASA being the key enabler in advancing economic growth within South Africa i.e. through evidence-based regulations and promoting as well as advancing competition in the sector. This is not only from a growth point of view, but also in terms of employment creation, inclusive economic growth and social upliftment. In this regard, the availability of safe, reliable and affordable communications and network services is central to stimulating productive capacity, leading to sustainable economic and social development.

For the next five years, digitization will continue to whirl like a storm through our economies and shift the traditional boundaries of industries. The lower cost of communication and the ubiquitous scope for connecting devices provide a tremendous increase in flexibility for service provision, in speed of production and in quality. The impact of digital technologies and their applications is no longer confined to early adopters in typical sectors, such as telecommunications, electronics and automation.

Digital technologies diffuse in a transversal manner across all sectors of economic activity and transform them, more so involving economies of scale and network effects. As data is the raw material for digital technologies, its processing requires substantial investment in non-tangible assets such as data acquisition, business practice, organisational realignment as well as training and development.

Policy Direction

The Policy Direction on the licensing of high demand spectrum, or what is also referred to as International Mobile Telephony (IMT), has paved a way towards ensuring that South Africans have access to a wide range of communications services at affordable prices, promoting choice for consumers and business, stimulating competition and indeed attracting investment into the ICT sector.

The licensing of the Fifth Generation (5G) spectrum is a key enabler for enhanced mobile broadband, delivery of other electronic communications services such as fibre at a price lower than the Fourth Generation (4G) technology. It also facilitates, among others, the Internet of things (IoT), Artificial Intelligence (AI) and/or nanotechnologies making it an enabling platform for the Fourth Industrial Revolution (4IR).

Recognizing its immense transformational value, governments in developed and developing markets are keen to promoting the deployment of 5G mobile services in their countries. South Africa is moving with speed to ensure the realization of the benefits attached to this licensing process; and ICASA will, in the next five years, enable and ensure delivery in that regard.

5G is one of the emerging ICT technologies that will have a positive impact on improved societal services and disruptive effect on several key industries. Some studies show that the three pillars of technology in the 5G eco-system: Enhanced Mobile Broadband (eMBB); Ultra Reliable & Low Latency Communications (URLLC); and Massive machine type communications (mMTC), are key enabling technologies for the much awaited 4IR¹.

¹ Siddiqi, M.; Yu, H.; Joung, J. 5G Ultra-Reliable Low-Latency Communication Implementation Challenges and Operational Issues with IoT Devices. *Electronics* 2019, 8(9), 981; <https://doi.org/10.3390/electronics8090981>. <https://www.mdpi.com/2079-9292/8/9/981>

To this end, ICASA formally established the South African 5G Forum (“the 5G Forum”), following the hosting of the first meeting in November 2017. The 5G Forum is an independent advisory body constituted by stakeholders in the ICT Sector to undertake research and render advice to the policy makers and the regulator on 5G, taking into account the intricate role of 5G in the 4IR and the positive socio-economic impacts that 5G stands to facilitate.

Mobile broadband services

The high cost of communications, in particular, data; remains a growing concern for consumers and the business environment. The total mobile services revenue and revenue from mobile data services is continuously increasing. This continuous increase is due to growth in average monthly data usage per subscriber and the increased penetration of smartphones².

Competition between operators should mean that users get larger data bundles but do not pay more and mobile operator revenues are flat. However, operators are continually investing in 4G and perhaps 5G mobile broadband networks; and new spectrum licences are needed to cater for the huge increase in traffic which will lead to lower charges that consumers and business can take advantage of.

Community broadcasting services licensing

Following the lifting of the moratorium on the licensing of community broadcasting services in July 2019, ICASA will be considering applications for class community sound broadcasting service licences and radio frequency spectrum for purposes of providing a community broadcasting service in line with the 2019 Community Broadcasting Services Regulations. This is premised on the fact that ICASA supports and holds in high regard, the critical role that the community broadcasting sector plays in promoting social cohesion, fostering diversity and uplifting or empowering our multicultural communities.

The community broadcasting sector has a huge responsibility of imparting knowledge, sharing information, providing entertainment and educating its community so as to cater for the social, political and economic needs of that particular community. The sector remains an important platform and constitutes

² ICASA State of the ICT Sector Report 2020 released in March 2020.

a critical avenue through which communities express their history, heritage, languages, culture and experiences.

Postal services

The postal and courier services remain essential for the country's economic and social development, even though they represent traditional means of communications, even in today's information society, where new communication technologies keep emerging; and the developments relating to the paradigm shift brought about by the 4IR.

ICASA will continue to review postal services regulations and align them with new developments and also to bring awareness to the role of the post in the everyday lives of people and businesses, as well as its contribution to global social and economic development. Through identification and review of legislative gaps on the postal sector there is an emphasis for the postal sector, in particular the South African Post Office, to ensure that postal outlets offer connectivity through INTERNET services.

Consumer protection

ICASA has an important mandate of ensuring protection of consumers from unfair business practices and poor quality of services. To achieve this, ICASA will need to intensify its efforts to enforce compliance with regards to licence terms and conditions, regulations and underlying statutes, all in the public interest. The role of the Consumer Advisory Panel (CAP) will be critical in this regard.

The Authority is mandated to promote consumer rights as well as ensure universal service and access within the ICT sector. The Authority continues to protect consumers of postal, broadcasting and telecommunication services from unfair retail practices through public education and awareness campaigns and a complaints handling system. The needs of persons with disabilities in the provision of ICT services are a special priority as we review the Code of Conduct in that regard.

The current ICASA's Code on Persons with Disabilities sets out basic standards for broadcasting service licensees, electronic communications service and electronic communications network service licensees and postal services with regard to the provision of services and products for Persons with Disabilities. The Code applies

to all licensees who are licensed in terms of Chapter 3 of the Electronic Communications Act (ECA), and stipulates that such licensees must report to ICASA on an annual basis on the progress of implementation of the ECA Regulations.

International Engagements

On the regional front, the Southern African Development Community (SADC) is facing critical challenges in the regulation of the communications sector. These challenges include implementation of the SADC TV bouquet, coordinated regulation of satellite matters, regulation of roaming across SADC, as well as adoption of big data policy and a 4IR strategy for the region. ICASA believes in the vision of the Communication Regulators Association of Southern Africa (CRASA), that of harmonisation of the Postal and ICT regulatory environment in the SADC region in order to improve the Postal and ICT business environment; and investment climate in the region.

In the next five years, ICASA will continue to collaborate and ensure the spirit of cohesion between all member countries and to facilitate alignment of policies and regulatory frameworks for the benefit of consumers; thereby promoting transparency and the reduction of the cost of roaming for the people of SADC, and frequency coordination between ourselves and neighboring SADC countries and of course facilitate such processes and deliberations between other member countries within the ambit of CRASA.

Moreover, according to the International Telecommunications Union (ITU), just over half of the world's population now has access to the INTERNET. More interestingly, the ITU also reports that nearly all people live within mobile coverage and about 90% could indeed be online (as they have access to 3G or better networks). In this regard, connectivity is now not the only prerequisite: there are others things such as bringing down the high cost of data, smartphones and contracts.

More importantly, ICASA will begin preparations for the World Radio Conference in 2023 (WRC-23) with a mandate of ensuring that decisions are advanced in line with South African positions, as part of the Africa multi-country contribution. This will be effected through participation at Africa Preparatory meetings, with a view

to refine South Africa's preliminary positions and ensure that they form part of the harmonised Africa common positions for WRC-23.

In conclusion, ICASA will and continues to work closely with all stakeholders to ensure efficient delivery of services for the South African public. Even though ICASA operates in a fluid and volatile environment where litigation is almost imminent, we will ensure transparency and openness in all regulatory processes and abide by the principles of administrative justice.

Dr Keabetswe Modimoeng



Acting Chairperson

Accounting Officer Statement

The five year Strategic Plan of the Authority is premised on government's national policy and legislation, and provides a blueprint for effective regulation of the ICT sector to stimulate the economy. The plan articulates the vision of the Authority for the expansion and modernisation of the ICT sector in order to increase affordability and accessibility for all South Africans to communication services, particularly broadband services. It sets out a variety of measures to promote competition and thus reduce cost to communicate; promotes the efficient use of radio frequency spectrum and in the process increase access to quality broadband services in accordance with Broadband Policy 2013; enhance social cohesion in line with the Authority's constitutional mandate to regulate broadcasting sector in the public interest; and more importantly promote the welfare of consumers and ensure adequate protection of consumer rights.

The Authority's impact statement for the five year planning period is informed by its constitutional and legislative mandate and related institutional imperatives. These, in turn, are intertwined with the desired national outcomes for the ICT sector and the vision of the Authority as underpinned by the following three pillars of the NDP's five-year Implementation Plan:

- A strong and inclusive economy,
- Advancing capabilities of all South Africans (i.e. broaden social cohesion whilst redressing inequity of the past), and
- A capable state (i.e. realisation of a developmental, ethical and capable state whilst playing a leading role in continental development)

The Authority updates its five year Strategic Plan taking into consideration several inputs, such as a scan of important developments in the ICT sector environment; the migration from analogue to digital broadcasting; the increasing demand for broadband services and the consequent need for assignment of radio frequency spectrum; the ICT ecosystem and standardisation; as well as research and development needs on future trends considering the outcome of the ITU World Radio Conference-2019.

It is imperative that the sector Regulator, be responsive to all aspects of national (and international) policy imperatives and the role that the sector is expected to play in advancing socio-economic objectives. To this end, the Authority has defined its impact statement as follows for the Medium-Term Strategic Framework (MTSF) period:

"Access for all South Africans to a variety of safe, affordable & reliable communication services for inclusive economic growth"

In order to realise the impact, the following outcomes have been identified for fulfilment during the MTSF period:

- *Increased access to quality broadband services,*
- *Enhancement of social cohesion,*
- *Protection of consumer rights,*
- *Promotion of competition in the ICT sector, and*
- *Maintenance of organisational service delivery.*

The promotion of competition, universal access to broadband, and improvement in organizational service delivery are crucial elements in achieving the goals of Government's Priority Outcomes as set out in the MTSF 2019 – 2024 and the National Development Plan (NDP) Milestones.

Broadband is a key tool for social and economic development and needs to be prioritised, especially in a country such as South Africa with a stubbornly high unemployment rate. As set out in this plan, South Africa compares relatively poorly in terms of speed and affordability for broadband services. Both affordability and quality of broadband services are critical stimuli for economic growth. In order to facilitate increased access to broadband at fair prices, the Authority will be implementing several measures over the MTSF period to ensure effective competition in the market, protect consumers and facilitate infrastructure investment. The key objectives for the Authority over the five year period are to:

- Improve the average broadband speeds user experience from 15 Mbps to 50 Mbps,
- Promote social cohesion and plurality / diversity of views across all broadcasting platforms,

- Ensure that consumers enjoy improved quality of services as prescribed in terms of the minimum standards as per the applicable regulations, at affordable (regulated) rates and that enforcement measures are taken to protect consumer rights,
- Implement measures to reduce cost to communicate and thus stimulate economic growth in line with the short and medium-term interventions proposed by the 2019 National Treasury Policy Paper, and
- Ensure continued delivery on the Authority's mandate.

The Authority's regulation-making process is underpinned by effective public consultation processes to ensure accountability. These processes are led by the operations cluster of ICASA and directed by Council. The Authority will carry the regulating-making process ethos it has built over the years as it begins implementation of this Strategic Plan and Annual Performance Plans which will flow from it in the subsequent years.

The foregoing MTSF outcomes have been set amid a myriad of potential risks in the ever dynamic ICT environment in which the Authority operates. The Authority has identified the following potential risks that may thwart its ability for successful implementation / execution of its mandate:

- Potential delays in regulatory interventions due to litigation by stakeholders
- Inability/Limitation to execute our mandate independently due to political interference and/or undue influence (lobbying)
- Possible delays in the assignment of spectrum to radio communication services in SA due to late approval of the National Radio Frequency Plan
- Non-adherence by licensees to licence terms and conditions and regulatory requirements
- Failure to achieve regulatory targets due to inadequate funding, reductions in MTEF allocations and adverse mandate changes to reconfiguration of entities, pursuant to policy/legislative changes
- Failure to ensure business continuity risks due to COVID-19 pandemic

The Authority is particularly concerned about the risks posed by the COVID-19 pandemic to its operations as well as its ability to fully execute the regulatory

mandate. To this end, the Authority will implement the necessary measures – bearing in mind its financial constraints – to ensure that critical functions and activities are executed within the confines of the restrictions posed by the pandemic. These critical functions encompass activities necessary to ensure optimal functioning of the Authority’s internal key operations (e.g. IT services) as well as activities necessary to keep the ICT sector functional for the benefit of all South Africans (e.g. resolution of radio frequency spectrum interference cases).

The Authority understands the magnitude of the task at hand as set out in this Strategic Plan and recognises the importance of collaboration as a key ingredient for government’s collective success. To that end, the Authority will work with all stakeholders as per need and relevance across all spheres of government, different social partners municipal communities and the private sector in the public interest.

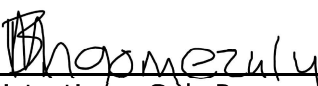
Willington Ngwepe:
Accounting Officer

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Official Sign-Off

It is hereby certified that this Strategic Plan:


- was developed by the management of the Independent Communications Authority of South Africa under the guidance of its Council
- considers all the relevant policies, legislation and other mandates for which the Independent Communications Authority of South Africa is responsible.
- accurately reflects the Impact, Outcomes and Outputs which the Independent Communications Authority of South Africa will endeavour to achieve over the period covered by the plan.

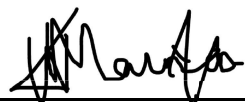
Portia Mngomezulu: 
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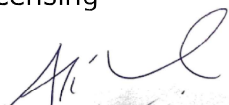
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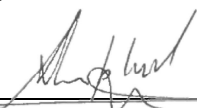
Zakhele Kganakga: 
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Tshiamo Maluleka - Disemelo: _____
Programme 1: Administration - Sub-programme: Internal Audit

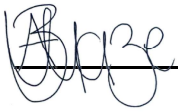
Norman Gidi: 
Programme 1: Administration - Sub-programme: Legal Risk & Complaints and Compliance Committee

Leah Maina: 
Programme 2: Licensing

Junior Khumalo: 
Programme 3: Policy Research and Analysis

Dr. Praneel Ruplal: 
Programme 4: Engineering and Technology

Anele Nomtshongwana:
Programme 5: Regions



Anele Nomtshongwana:
Programme 6: Compliance and Consumer Affairs



Champs Maine:
Acting Chief Financial Officer

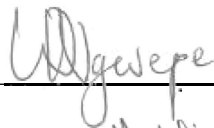
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David Molapo:
Specialist: Monitoring and Evaluation



Willington Ngwepe:
Accounting Officer



Dr Keabetswe Modimoeng
Acting Chairperson of the Independent Communications Authority of South Africa



Part A: Our Mandate

1. Constitutional mandate

The Independent Communications Authority of South Africa (the Authority) derives its constitutional mandate from section 192 of the Constitution of the Republic of South Africa, Act No. 108 of 1996. Section 192 states that national legislation must establish an independent authority to regulate broadcasting in the public interest, and ensure fairness and diversity of views broadly representing South African society.

2. Legislative and Policy Mandates

The Authority's constitutional mandate is given effect by its legislative and policy mandates.

2.1 Legislative Mandates

The Independent Communications Authority of South Africa Act No. 13 of 2000, as amended (ICASA Act)

The ICASA Act establishes the Authority as an independent regulator and provides that it must, *amongst others*:

- a) perform its functions through Council as contemplated in section 5;
- b) be independent and subject only to the Constitution and the law;
- c) be impartial and perform its functions without fear or favour;
- d) act in a manner that is consistent with the obligations of the Republic under any applicable international agreement, according to section 231 of the Constitution; and
- e) conclude concurrent jurisdiction agreements with any regulator in respect of areas of regulatory overlaps.

The Broadcasting Act No. 4 of 1999 (the Broadcasting Act)

The Act clarifies the powers of the Minister and the Authority respectively and provides for the regulation of broadcasting activities in the public interest.

The Electronic Communications Act No. 36 of 2005, as amended (the ECA)

The ECA provides the legal framework for convergence of the telecommunications, broadcasting and information technology services. More importantly, it also sets out the Authority 's detailed powers for regulations of the electronic communications and broadcasting sectors.

The Authority has concurrent regulatory oversight/jurisdiction with the Competition Commission on competition matters in terms of Chapter 10 of the ECA read with 4B(8)(b) of the ICASA Act.

The Postal Services Act, No. 124 of 1998

The Postal Services Act requires the Authority to licence and monitor the postal services sector and the South African Post Office (SAPO) in relation to minimum service standards and the fulfilment of universal service obligations, including the roll-out of street addresses and the provision of retail postal services in underserved areas.

The Promotion of Administration Justice Act, No. 3 of 2000 (PAJA)

PAJA gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action, as contemplated in section 33 of the Constitution. As an constitutional body exercising public power and performing public function, the Authority is subject to PAJA.

Electronic Communications and Transactions Act, 2002 (Act No.25 of 2002) (ECTA)

The Electronic Communications and Transactions Act provides for the facilitation and regulation of electronic communications and transactions. It provides for the development of a national e-strategy for the Republic, the promotion of universal access to electronic communications and transactions, and the use of electronic transactions by SMMEs. The legislation further provides for human resource development in electronic transactions sector, aims to prevent the abuse of information systems, and encourages the use of e-government services.

The Authority is enjoined in terms of section 4(3)(o) of the ICASA Act, to make recommendations to the Minister on matters dealt with or to be dealt with under the ECTA.

Astronomy Geographic Advantage Act, 2007 (Act No.21 of 2007)

Sections 22 and 23 of the Act apply to the Authority . The Act requires that the Authority protects the Square Kilometer Array (SKA) radio telescope and associated radio telescopes from harmful radio frequency interference.

2.2 Policy Mandates

The Authority's mandate is derived from national government policies and policy directives proclaimed in terms of section 3 of the ECA. To this end, the Authority contributes to the socio-economic development of South Africa through advancement of its mandate to fulfil and achieve key policy objectives. Amongst others, the Authority is guided by the following key national plans, policies, and policy directives:

- The National Development Plan 2030
 - a. NDP Five Year Implementation Plan (Government Priorities)
 - i. District Service Delivery Model
- The National Infrastructure Plan
- The National Treasury Economic Policy Paper, 2019
- South Africa Connect - South Africa's Broadband Policy, published in 2013.
- Broadcasting Digital Migration Policy, published in 2008 and amended in 2012 and 2015
- National Integrated ICT White Paper Policy (2016)
- Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network ("2019 Policy Direction")³

2.2.1. The National Development Plan 2030

The National Development Plan 2030 is a broad strategic framework with a long-term vision to reduce poverty and inequality in South Africa. It

³ Government Gazette No. 42597 Notice No. 4 dated 26 July 2019

provides a road map, with 2030 as the horizon, which is articulated in 18 enabling milestones. The Authority must contribute to the milestones listed below.

Table 1: ICASA's alignment to the NDP 2030

The National Development Plan	
Milestones	ICASA's alignment to NDP
Milestone 4: Establish a competitive base of infrastructure, human resources and regulatory frameworks.	<ul style="list-style-type: none"> • Licensing and prescription of conditions for ICT infrastructure deployment • Development of appropriate regulatory frameworks for the ICT sector • Licensing and regulation to promote effective competition • Prescription of a framework for facilities leasing and infrastructure sharing
Milestone 6: Broaden ownership of assets by historically disadvantaged groups.	<ul style="list-style-type: none"> • Ensure adherence to supply chain management processes that give preferential treatment to BBBEE suppliers • Promote the participation of HDGs in the ICT sector, through licensing and regulation.
Milestone 12: Make high-speed broadband Internet universally available at competitive prices.	<ul style="list-style-type: none"> • Universal service obligations • Licensing of IMT spectrum for broadband infrastructure deployment • Implement measures to reduce communication costs (particularly for broadband and data services) • Prescribe regulations to facilitate rapid and universal deployment of broadband infrastructure
Milestone 14: Broaden social cohesion and unity while redressing the inequities of the past.	<ul style="list-style-type: none"> • Regulation of local broadcasting content • Licensing and regulation of community broadcasting services • Regulating and monitoring the broadcast coverage of elections.

2.2.1.1 Five Year Implementation Plan (Government Priority Outcomes)

The government of the Republic of South Africa has adopted an outcomes-based approach to government planning and implementation. The outcomes approach is designed to ensure that government is focused on achieving the expected real improvements in the lives of South Africans. In this regard, Cabinet has identified 14 priority outcomes which had to be adopted across all government spheres:

- a) Outcome 1 Education
- b) Outcome 2 Health
- c) Outcome 3 Safety
- d) Outcome 4 Economy
- e) Outcome 5 Skills
- f) Outcome 6 Infrastructure
- g) Outcome 7 Rural Development
- h) Outcome 8 Human Settlements
- i) Outcome 9 Local Government
- j) Outcome 10 Environment
- k) Outcome 11 International
- l) Outcome 12 Public Service
- m) Outcome 13 Social Protection
- n) Outcome 14 Nation Building

The Authority has identified four government priority outcomes to align itself to through its work; outcome 4, 6, 12 and 14. Table 1 below shows the contribution that the Authority will make towards each outcome over the MTSF period.

Table 2 : ICASA's Contribution to Government Priority Outcomes

Outcomes	ICASA's contribution
Outcome 4: Decent employment through inclusive economic growth	<ul style="list-style-type: none"> ▪ Licensing and regulation that facilitates investment in the ICT sector, thus contributing to job creation. ▪ Promoting broad-based black economic empowerment and the advancement of previously disadvantaged individuals to fully participate in the ICT sector through regulation and licensing.

Outcomes	ICASA's contribution
Outcome 6: An efficient, competitive and responsive economic infrastructure network	<ul style="list-style-type: none"> ▪ Promote and facilitate deployment of ICT infrastructure through regulation, licensing and equipment type approvals/ authorisations. ▪ Conduct market reviews and where relevant prescribe procompetitive remedies to encourage efficient infrastructure investment. ▪ Promote competition in the ICT sector.
Outcome 12: An efficient, effective and development-oriented public service and an empowered, fair and inclusive citizenship	<ul style="list-style-type: none"> ▪ Implement transparent and fair processes by adhering to administrative due process. ▪ Promote and enforce consumer protection. ▪ Capacity building and development of employees and stakeholders.
Outcome 14: Fostering constitutional values of social cohesion and a common identity	<ul style="list-style-type: none"> ▪ Promote diversity and plurality of views through <i>inter alia</i> licensing of community, commercial and public broadcasting services and broadcast content regulation. ▪ Implement regulation that contributes to democracy, development of society, gender equality, nation building, and provision of education and strengthening of the spiritual and moral fibre of society. ▪ Promote democracy through ensuring equitable broadcast coverage of political parties, particularly during elections periods.

2.2.1.1.1 District Based Development Model

In his presentation of the Presidency Budget Vote to the National Assembly on 17 July 2019, the President identified the “pattern of operating in silos” in government as a challenge which led to lack of coherence in planning, implementation and

monitoring and oversight of government's programme. The consequence of this challenge is non-optimal delivery of services and diminished impact on the triple challenges of poverty, inequality and unemployment.

In view of government's own recognition of shortcomings in service delivery and in response to demands by citizens and institutions of civil society for improved delivery, Cabinet adopted a new integrated district-based approach to enabling development in the 44 districts and 8 Metros across the country.

The new district-based coordination model aims to address service delivery and economic development challenges through the synchronization of planning across all spheres of government, working alongside social partners such as business and the communities.

On 17 September, 2019, the President officially launched the first pilot site of the district-based coordination model dubbed "Khawuleza" at a Presidential Imbizo in OR Tambo District Municipality in the Eastern Cape Province.

In line with this new service delivery approach, the Authority will – to the extent possible – align the execution of its mandate through implementation of development interventions across the various districts in accordance with the prioritization as proclaimed in terms of the district-based coordination model. The details of the projects which will be implemented with specific focus and alignment with the District-based Coordination Development Model are listed in Annexure A.

2.2.2 The National Infrastructure Plan

The National Infrastructure Plan was adopted in 2012 with the objective to transform the economic landscape, facilitate job creation and strengthen the delivery of basic services. To execute on the goals of the National Infrastructure Plan, 18 strategic integrated projects (SIPs) were initiated. The Authority must contribute to these projects in several ways. Table 3 below shows how ICASA will contribute to the SIPs.

Table 3: SIP Projects

Project	Description
SIP 15: Expanding access to communication technology	The expansion of communication technologies and infrastructure lies at the

Project	Description
	core of ICASA's mandate. ICASA contributes to such expansion through <i>inter alia</i> the licensing of spectrum to facilitate deployment of broadband infrastructure and regulating wholesale access to infrastructure at cost-orientated rates.
SIP 16: SKA and Meerkat	The Authority is responsible for protection of the SKA and MeerKat from harmful radio frequency interference.

2.2.3 The National Treasury Economic Policy Paper, 2019

In a paper titled "Economic transformation, inclusive growth and competitiveness: towards an economic strategy for South Africa" ⁴ (the 2019 NT Policy) the Department of National Treasury outlined short, medium and long-term scenarios to stimulate the country's economic growth and recovery. In respect of the ICT sector, the 2019 NT Policy identifies the following as critical interventions in the short-term to stimulate the economy:

- issuing rapid deployment guidelines,
- releasing spectrum through an auction process, and
- leveraging the private sector for rolling out broadband.

In the medium term, the 2019 NT Policy contemplates policy reforms to encourage new entrants into the sector and improve the regulator's independence and capacity to fulfil its mandate.

The above-mentioned interventions are expected to reduce prices (by at least 25% over the short term i.e. three years; with even further reductions contemplated over the medium term). However, it is the meaningful effects of these interventions on efficiency and capital dipping that are critical for the stimulation of the economy.

The Authority recognises the intrinsic value of spectrum as "enabler of economic growth". Intertwining the interventions which the Economic Policy Paper outlines, with the policy directive that the Minister of Communications and Digital

⁴ The Draft Paper was published by National Treasury for public comment on 27 August 2019

Technologies issued in July 2019, the Authority will align itself by ensuring that the directive is implemented and completed within the timelines prescribed by the Minister.

2.2.4 South Africa Connect - South Africa's Broadband Policy

South Africa Connect, South Africa's Broadband Policy, was published in 2013 (Government Gazette 37119). South Africa Connect - Broadband Policy, promulgated in 2013⁵ gives expression to the NDP. This Policy sets specific targets for the country to achieve the vision of a dynamic, connected and vibrant information society.

The Authority is committed to the policy and will continue to contribute to achievement of its objectives through:

- Planning the use of frequency spectrum to promote broadband deployment. The focus is on making sure that adequate spectrum is available for broadband deployment, in the short and longer term (more specifically spectrum for International Mobile Telecommunication (IMT) services).
- Licensing IMT spectrum by means of invitations to apply in terms of competitive bidding processes, for both current and new operators including making provision for a prospective wireless (wholesale) open-access operator.

2.2.5 Broadcasting Digital Migration Policy

South Africa's TV Broadcasting Digital Migration Policy (BDM Policy) was originally published in 2008 (Government Gazette 31408). The policy was amended in 2012 (Government Gazettes 35014 and 35501) and 2015 (Government Gazette 38583).

The Authority has been and still is contributing to this policy through its mandate for frequency planning. To this end, the Authority has developed BDM Regulations, broadcasting frequency plans for a regime when migration will be completed (and analogue TV switched off) as well as implemented measures for interim regime during which dual illumination will take place. These measures include the

⁵ South Africa Connect: Creating Opportunities Ensuring Inclusion (20 November 2013) Government Gazette No. 37119 Notice No. 953 dated 6 December 2013

establishment of the Joint Spectrum Advisory Group (JSAG) and Digital Terrestrial Content Advisory Group (DTCAG) to advise the Authority spectrum and content related matters pertaining to migration respectively. Furthermore, the Authority has also been involved in the development of the technical standards required to facilitate a seamless migration process⁶.

2.2.6 National Integrated ICT White Paper

The National Integrated ICT White Paper (“the ICT White Paper”) was published in Government Gazette No. 40325 Notice 1212 of 16 October 2016. The ICT White Paper was promulgated in terms of section 85 of the Constitution, read with section 3 of the ECA.

The ICT White Paper contains far reaching policy proposals and positions that seek to change the landscape and future trajectory of the ICT sector. In this regard, the ICT White Paper is a combination of both specific policy directions directed at the Authority for execution in respect of identified matters requiring regulatory intervention as well as expressions of national government policy in respect of evolution of the sector going forward. As stated above, ICASA is duty bound – in terms of section 3(4) of the ECA - to consider policies made and policy directions issued by the Minister in exercising its powers and performing its duties.

2.2.7 Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network, 2019

The Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network (“2019 Policy Direction”) was published on 26 July 2019. The 2019 Policy Direction seeks to achieve the following:

- a) encourage service-based competition in the ICT sector through the licensing of an Individual Electronic Communications Network Service Licensee for the purposes of providing Wireless Open Access Network (“WOAN”);
- b) enable effective participation by new entrants in the ICT sector;
- c) develop and promote SMMEs;

⁶ The Authority recently updated the Official List of Regulated Standards for Technical Equipment and Electronic Communications Facilities (Government Gazette No. 43132, Notice 357 dated 24 March 2020)

- d) promote empowerment of historically disadvantaged individuals;
- e) maximize efficient use of radio frequency spectrum (including technical considerations such as carrier aggregation);
- f) encourage investment, including strategic infrastructure investment, with predictability and innovation in communications sector; and
- g) encourage and promote universal broadband coverage, with focus in rural and underserved areas.

The 2019 Policy Direction directs the Authority to assign high demand spectrum to the WOAN and the 'remaining' high demand spectrum to other electronic communications network service licensees. It identifies the WOAN as "an important policy instrument to lower barriers to entry for smaller players, improve the ownership of the ICT sector by historically disadvantaged individuals and to promote service-based competition."

More importantly, the 2019 Policy Direction states that to the extent that there are differences between it and the National Integrated ICT White Paper, 2016 on the assignment of high demand spectrum, the 2019 Policy Direction shall prevail.

2.2.8 Pending legislative and policy amendments

To give effect to the ICT White Paper, several legislative amendments and strategies are contemplated for implementation in the 2020/21 to 2024/25 strategic planning period. The contemplated legislative amendments – if promulgated and or adopted during the strategic planning period – will have an impact on the Authority and or its mandate. The contemplated legislative amendments include the following:

- Electronic Communications Amendment Bill
- The Postal Services Amendment Bill
- The Digital Development Fund Bill

3. Updates to Institutional Policies and Strategies over the five-year period

The Authority has decided to implement the following policies and strategies during the five-year period:

- Implementation of the 2019 Policy Direction to ensure release of spectrum in order to increase access to communications services of a high quality by all South Africans;
- Continue engagement on the review of the Authority's funding model with key stakeholders (particularly the National Treasury and the Department Communications and Digital Technologies) to ensure that the Authority is well-resourced and in good stead to deliver fully on its mandate;
- Continuous implementation of a comprehensive programme to reduce cost to communicate;
- A program to ensure the country's 5G-readiness which includes participating in the locally-established and international 5G fora to ensure that the country is not left behind the communication technology advancement and innovation. This will need a thorough understanding of the 5G ecosystem
- Mobile quality of service monitoring system;
- Maintain the current level of organisational performance and seek to improve it through various organisational support initiatives to the core business of the organisation including but not limited to strict adherence to supply chain processes and procedures that will eliminate unauthorised and fruitless expenditure, payment of suppliers within 30 days, deliberate procurement of goods and services from Historically Disadvantaged Individuals, particularly women, youth and people with disabilities.
- The Authority will also reduce the number of vacancies and ensure that it has all the necessary skills which it requires to fulfil its mandate.

4. Updates on Relevant Court Rulings

One of the key strategic risks faced by the Authority in executing its mandate is litigation. As an administrative body, the Authority is subject to PAJA and its decisions constitute administrative action as defined in terms PAJA. As such, its decisions and processes are subject to judicial review and legal challenge by any affected parties and or stakeholders. The reviews and legal challenges have a bearing on the Authority's ability to execute its mandate and enforce / implement its decisions. Furthermore, the reviews and challenges have resulted in court

rulings providing much needed clarity on the powers of the Authority as well as its status as an independent statutory and constitutional body.

There have been several notable court rulings over the past five years which are relevant to the Authority which dealt with *inter alia* the status of the Authority as an independent constitutional body, the scope and extent of its powers as well as the lawfulness of its decisions. Some of these decisions are highlighted below.

4.1 The Independence of ICASA

Section 3(3) of the Independent Communications Authority of South Africa Act (Act No. 13 of 2000) ("the ICASA Act") clearly stipulates that "*the Authority is independent and only subject to the Constitution and the law...*" Section 3(4) of the Electronic Communications Act (Act No. 36 of 2005) (ECA) stipulates that "*the Authority or the Agency, as the case maybe, in exercising its powers and performing its duties in terms of this Act and the related legislation must consider policy made by the Minister in terms subsection (1) and policy directions issued by the Minister in terms of subsection (2).*" Section 4(3A) of the ICASA Act places the same requirement on the Authority.

In **Minister of Telecommunications and Postal Services v Acting Chairperson, ICASA**,⁷ the court established that the Authority is an independent body created by the ICASA Act to be governed by it and other underlying statutes and as an independent body it had to "consider" the policy and policy directions when performing its functions and exercising its power within the ambit of its empowering legislation. The court held that the Authority has a duty to take national policy into account when considering its own decisions but that the Minister's substantive ideas in a policy or policy direction do not bind the Authority. In this regard, though the Authority is not bound to act on the policy direction, it is duty bound to consider such policy.

In relation to the binding nature of a policy, the Constitutional Court in **Electronic Media Network Limited and Others v E.tv (Pty) Limited and Others** held that "*...The same law that binds both the Minister and the relevant agencies provides essentially that USAASA may "consider" the impugned policy. It is known*

⁷ Case No 2016/59722, para 31, 32.

not to be binding in terms of the law that gives ICASA or USAASA the power to be exercised with reference or due regard to that policy. In other words, before they can have regard to or apply the impugned policy in terms of their statutory powers, the agencies must first determine what that self-same statute says about the binding effect of that policy. And the statute makes it abundantly clear that they need only consider the policy.”⁸ (own emphasis)

Regarding the independence of ICASA, the Constitutional Court held that “*section 192 of the Constitution has got very little, if anything, to do with the Minister’s exercise of her policy-making powers. **It explains the existence of ICASA, the constitutional obligations it bears and the guarantee of its independence.** Properly understood, this provision informs us that ICASA is an independent authority whose mandate is to regulate broadcasting for the good of the public. When unfair reporting or a biased or inexcusable exclusion of some views happens, it is to ICASA that any aggrieved party may turn to lodge a complaint for possible intervention. ICASA is also constitutionally enjoined to level the broadcasting playing-field so that a diversity of views that broadly reflects the thinking of South African people, as opposed to one-sided propaganda-like narratives, may find expression.”⁹ (own emphasis)*

The Authority is therefore compelled to consider the provisions of the Constitution, ICASA Act, underlying statutes and other laws of general application prior to executing or not executing a policy direction. The Authority is a creature of statute and subject only to the law. However, any conduct which purports to require the Authority to implement policies and policy directions, without requiring the Authority to think carefully before deciding on same, infringes on the Authority’s independence and is therefore in contravention of section 3(3) of the ICASA Act and section 192 of the Constitution. **Similarly, any action by the Authority which ignores or fails to consider policies and policy directions issued by the relevant Minister constitutes a contravention of section 3(4) of the ICASA Act.**

4.2 The regulator has no powers to regulate the governance and management structures of broadcasters

⁸ [2017] ZACC 17, para 34

⁹ *Ibid*, para 70.

The governance and management of broadcasting service licensees has been the subject of contention over the years (including in particular as it pertains to community broadcasting service licensees and the public service broadcaster). The court has provided some clarity as to the role and powers of the Authority in this regard, particularly in the context of the public broadcaster.

In the **SOS Support Public Broadcasting Coalition and Others v South African Broadcasting Corporation SOC Limited and Others; SOS Support Public Broadcasting Coalition and Others v South African Broadcasting Corporation SOC Limited and Others**,¹⁰ the Court found that –

"[8] the ICASA Act does not purport to oust the power of the Court to determine the legal and constitutional issues arising in the matter even if the Authority has jurisdiction to determine some of the issues. There is a strong presumption against such ouster. The Constitution empowers the High Court to decide any matter determined by an Act of Parliament.

[9] The Authority's mandate is to regulate electronic communications and postal services in the public interest. It is a licensing body of broadcasters, signal distributors providers of telecommunication services and postal services. It is a regulator and a quasi-judicial body because it licenses, regulates, adjudicates complaints and issues sanctions and gives effect to Electronic Communications Act 36 of 2005.

[10] ICASA is not empowered to determine and regulate the relationship between a broadcaster and its shareholders, nor between a broadcaster and the Executive, or the legal and constitutional issues arising in this matter. It is also not empowered to determine the constitutionality or otherwise of the governance and management structures of broadcasters, including the SABC."

Therefore, the Authority is not empowered to determine and regulate the constitutionality of the governance and management structures of broadcasters.

4.3 A Regulator cannot extend its powers beyond those conferred in terms of the law

¹⁰ (81056/14) [2017] ZAGPJHC 289 (17 October 2017), para 8 to 11.

The courts have also made it abundantly clear that as a creature of statute, ICASA must exercise only those powers that have been duly conferred upon it in terms of the law. Its decisions and actions should not exceed the scope and extent of its legislative powers.

The illustrative case in this regard related to the interpretation and application of the empowerment provisions set out in terms of section 9 of the ECA. Section 9(2)(b) of the ECA provides *"that the Authority must give notice of the application in the gazette and include the percentage of equity ownership to be held by persons from historically disadvantaged groups, which must not be less than 30%, or such other conditions or higher as may be prescribed under section 4(3)(k) of the ICASA Act"*.

Section 4(3)(k) of the ICASA Act provides that *"... the Authority may make regulations on empowerment requirements to promote broad-based black economic empowerment"*.

In interpreting the provisions of sections 9(2)(b) and 13 of the ECA, the Court in the matter between **Telkom SA SOC Limited v ICASA**¹¹ held that –

"[78] Section 13 makes provision for the transfer of the control of an individual licence and subsection (6) thereof provides that the provisions of section 9(2) to (6) apply, with the necessary changes, to this section. Given the use of the word "must" in section 9(2)(b), it appears that the provisions of this section, regarding the minimum requirement of 30% equity ownership, are preemptory. To the extent that there is a discretion, it appears that such discretion relates only to a higher percentage or such other conditions as may be prescribed under section 4(3)(k) of the ICASA Act." (own emphasis)

To this end, the Court held that the applicant must arrive at ICASA's door with a minimum of 30% [HDGs] shareholding when applying for an Individual licence. An applicant does not have an opportunity to garner the necessary shareholding

¹¹ Telkom SA Soc Limited v Mncube NO and Others; Mobile Telephone Networks (Pty) Ltd v Pillay NO and Others; Cell C (Pty) Limited v The Chairperson of ICASA and Others; Dimension Data Middle East & Africa (Pty) Ltd t.a Internet Solutions v ICASA and Others (55311/2015; 77029/2015; 82287/2015) [2016] ZAGPPHC 93 (26 February 2016)

after the application has been made, let alone where the application has been approved. *ICASA cannot condone the applicant's failure to meet the threshold requirements, contrary to the express intention of the ECA.*¹² (own emphasis).

4.4 ICASA has a duty to consider competition implications of licence transfer applications in the ICT sector, the duty cannot be deferred to another authority

One of the objects of the ECA is to promote competition within the ICT sector. In the matter between **Telkom SA SOC Limited and ICASA**, the Court held that:

"[74] *Having regard to all these considerations, I have to conclude that competition within the ICT sector was a relevant consideration about the Neotel/Vodacom application. Facts placed before ICASA also demonstrated that the Neotel/Vodacom application raised various competition concerns. Furthermore, having regard to the statutory provisions referred to above, I am of the view that ICASA had a statutory duty to also consider the issue of competition to promote the objects of the EC Act before a decision was taken. Put differently, the statutory obligation to promote competition within the ICT sector implies an obligation to also consider and consider competition which is part of the decision-making process and cannot be delegated or deferred to another organ of state. ICASA's failure to do so and its decision to defer to the Competition Commission were both, in my view, wrong in law. I therefore find that ICASA's failure to also consider competition and to defer to the Competition Commission in this regard was materially influenced by an error of law within the meaning of section 6(2) of PAJA.*"

Wherein the Authority is enjoined by a statute (in this case, the ECA) to promote competition in the ICT sector – it is duty bound to consider the issue of competition to promote the objects of the ECA before taking a decision. It cannot therefore, delegate and or defer this statutory duty to another authority, including those with whom it enjoys concurrent jurisdiction, such as the Competition Commission.

¹² Telkom SA Soc Limited v Mncube NO and Others; Mobile Telephone Networks (Pty) Ltd v Pillay NO and Others; Cell C (Pty) Limited v The Chairperson of ICASA and Others; Dimension Data Middle East & Africa (Pty) Ltd t.a Internet Solutions v ICASA and Others (55311/2015; 77029/2015; 82287/2015) [2016] ZAGPPHC 93 (26 February 2016), para 80.

Part B: Our Strategic Focus

5. Vision

An inclusive digital society.

6. Mission

To regulate electronic communications, broadcasting and postal services in the public interest.

7. Values

All the Authority's regulatory activities are centred around five core values: innovation, collaboration, accountability, and being results-driven and stakeholder-centric.

Innovation

- We have the willingness and ability to generate viable, new approaches and solutions
- We find different and better ways of applying best solutions to meet stakeholder needs

Collaboration

- We eradicate silos by developing a conscious mind-set that aligns our work with organisational vision and strategy
- We create synergies internally to fast-track organisational performance

Accountability

- We execute our daily work in a proactive manner
- We take full responsibility for the work that we do in collaboration with others

Results-Driven

- We achieve high-quality results that are consistent with organisational standards
- We do goal-specific performance assessments and identify areas of improvement

Stakeholder-Centric

- We carry out our duties with the stakeholder in mind. Stakeholders are central to what we do, and we welcome their feedback for a consistent and effective partnership

8. Situational Analysis

8.1. External Environment Analysis

In addition to the legislative and policy mandate, the Authority must consider the context of its performance environment. In this regard, it is critical that the Authority consider the impact of global, regional and national trends in executing its mandate together with the political, economic, social, technological, legal and environmental factors within the performance environment.

The performance environment in the context of the ICT sector and the Authority's role as a regulator is aptly summarised by the World Bank Digital Economy Diagnostic Report for South Africa¹³ which states:

"There is a growing economic and social urgency for South Africa to develop its digital economy. Over the past decade, the economy has not been growing fast enough to create jobs. The unemployment rate is 27%, inequality has increased, and half the population lives in poverty. The dualism that stems from the legacy of demographic and spatial exclusion in South Africa is reflected in the digital economy landscape, and a large share of South Africans remains disconnected from the opportunities it has created. Whereas the Government of South Africa has been consistent in trying to leverage ICT for socio-economic development since the 1990's, policy choices have not always been optimal, or there has been difficulty to implement outlined reforms and programs as demonstrated under many of the foundational pillars. The policy and regulatory uncertainty have undermined and slowed down private investment. Advances in digital technology present an opportunity for South Africa to reverse declines in competitiveness and service delivery, and push towards dynamic and inclusive growing economy in line with the goals of the NDP."

The ICT sector – and the associated rapid technological evolution – is a vector of social development and transformation of the economy. It is through effective leveraging of ICTs that solutions to the most pressing national challenges in our country can be found. The ubiquity of broadband internet, the democratization of technologies, and the accelerating pace of innovation has so far not reached all

¹³ Draft version 2016

parts of the country. The majority of those who stand to gain the most from it are not yet connected. In order to better leverage ICTs for development, a higher level of preparedness and better infrastructure and access are needed. In this context, government leadership and vision are critical. Finally, it is observed that digital divides exist within countries. Even in the most advanced economies, only certain segments of the population are benefitting from ICTs. Many are left behind because of their age, limited digital literacy, lack of access, or remoteness. It is widely recognised that going forward; digital infrastructure is critical to ensuring digital transformation and enabling the leveraging of the fourth industrial revolution. Digital infrastructure is the unseen enabler of modern digital life and business - scalable and reliable connectivity is important in providing enough infrastructure to facilitate more demanding real-time IT requirements. A failure to recognise the importance of putting optimal digital infrastructure into place, would inevitably limit South Africa's agility, result in lost opportunities and potentially lead to spending more than necessary on infrastructure as we try to optimise our connectivity, internet usage and cyber security much later on. Ensuring the right levels of connectivity is all about connecting organisations to their most critical applications and data more swiftly and efficiently whilst providing a platform for growth, development and innovation.

The provision of digital infrastructure cuts across all of the ICT sector. In this regard, it is recognised that South Africa's delays in completing the digital migration process has had an adverse impact on innovation and content development in the creative media and broadcasting sector. At the same time and despite the delays, digital television sets are coming into the market, a phenomena that will help speed up DTT migration, proliferation of digital television choice as the Authority licenses the various multiplexes going forward. The INTERNET also contributes a lot to digital broadcasting with proliferation of DTT in the broadcasting environment. The broadband network pipes are being used as part of digital broadcast infrastructures like IPTV. The advent of Industry 4.0 (4IR) has taken the concept of "convergence" to another level by adding the biological dimension to fusion of technologies.

As regards the postal services sector, the Authority's regulatory making process specifically indicates that the postal sector's role has always been to make sure

that poor communities are included in the mainstream economy. Through identification and review of legislative gaps on the postal sector there is an emphasis for the South African Post Office (SAPO) to ensure that postal outlets play a role in offering connectivity to marginal, underserved rural communities. Indeed the world is changing and there is great effort to close the legislative gap on postal services to ensure that postal networks operate efficiently to deliver the highest quality of service and meet customers' needs and expectations. The sector has evolved from the way it was used traditionally to take technological developments into account in an attempt to remain relevant in the current environment. Postal operators need to ensure that they diversify their activities and invest in the postal network's three dimensions – physical, financial and digital/electronic services. For example, government is investing in digitising SAPO to increase financial inclusion, taking advantage of the widespread footprint of the post office, countrywide. It is of necessity to foster sustainable development in the postal sector and this should be understood in its broadest sense to encompass the sustainability of postal business models and not only environmental and social issues.

As stated above, the network effects of improved connectivity across all sectors of the economy (because of *inter alia* release of spectrum and consequent increase in download speeds), will lead to realization of cost savings and quality improvements and thus promote efficiency in commercial and public services. Accordingly, improvements in broadband access will lead to productivity improvements. (2019 NT Policy Paper).

Considering the overview of the situational external environment, several key threats and opportunities have been identified by the Authority in relation to the strategic planning period. These key threats and opportunities are presented in a PESTLE analysis in Table 3 below.

Table 4: PESTLE Analysis

Opportunities	Threats
Political	
<ul style="list-style-type: none"> ▪ ITU / WRC-19 outcomes on spectrum allocation 	<ul style="list-style-type: none"> ▪ Industry driven by technology trends: failure of regulation to keep up with rapid technological trends ▪ Lack of policy certainty (and policy inconsistency) on key regulatory matters
<ul style="list-style-type: none"> ▪ A sustainable hybrid funding model for the organisation 	<ul style="list-style-type: none"> ▪ Lack of an enabling funding model to deliver on mandate
<ul style="list-style-type: none"> ▪ Policy Direction on High Demand Spectrum (2019) 	<ul style="list-style-type: none"> ▪ Coordinated collaboration with DOC and DTPS
<ul style="list-style-type: none"> ▪ Consolidated Ministry for the ICT sector 	
<ul style="list-style-type: none"> ▪ 4IR Vision for RSA 	
Economic	
<ul style="list-style-type: none"> ▪ Strategic regulatory interventions to promote economic growth through ICTs ▪ Regulatory framework that reduces regulatory burden and facilitate ease of entry and sustainability of SMMEs in ICT Sector 	<ul style="list-style-type: none"> ▪ Low levels of GDP growth may curtail investment in ICT infrastructure ▪ Poor financial performance of ICT Sector – potential instability of the sector due to some key players facing financial ruin
<ul style="list-style-type: none"> ▪ Consolidation in the ICT sector 	<ul style="list-style-type: none"> ▪ Ineffective competition and anti-competitive effects
	<ul style="list-style-type: none"> ▪ High prices / low affordability levels for data services
	<ul style="list-style-type: none"> ▪ Potential revenue loss for the fiscus due to unregulated services (OTT services)
Social	
<ul style="list-style-type: none"> ▪ Digital migration presents opportunities to improve social cohesion and create opportunities for socio-economic growth 	<ul style="list-style-type: none"> ▪ High rate of unemployment (especially amongst the youth) ▪ Technology having a displacement effect on labour / jobs ▪ Lack of digital skills
<ul style="list-style-type: none"> ▪ Release of high-demand spectrum presents opportunity to advance of universal access/ service (through obligations) 	<ul style="list-style-type: none"> ▪ Advancement in ICT infrastructure deployment undermined by acts of criminality and sabotage (theft of ICT infrastructure)
<ul style="list-style-type: none"> ▪ Increased social activism: <ul style="list-style-type: none"> - Build a positive reputation / image for ICASA - Increased stakeholder participation in all regulatory processes - Greater sensitivity of the Regulator to ICT sector developments 	<ul style="list-style-type: none"> ▪ Increased social activism: Promotion of narrow interests and political agendas at expense of the broader public interest
Technological	
<ul style="list-style-type: none"> ▪ 5G deployment could enable South Africa to leapfrog technological trends 	<ul style="list-style-type: none"> ▪ Policy uncertainty on release of 5G spectrum

(South Africa amongst the first to launch commercial 5G services)	
<ul style="list-style-type: none"> 4IR advancement: AI, Robotics, Nanotechnology, IoTs, etc. 	<ul style="list-style-type: none"> New technological advances bring about regulatory challenges. Legislative / regulatory framework lacks agility to keep abreast of rapid technological change Cybersecurity concerns
<ul style="list-style-type: none"> Enabling innovative technologies to promote broadband deployment (dynamic spectrum access) 	<ul style="list-style-type: none"> Disruption of traditional models for spectrum management and assignment
Legal	
<ul style="list-style-type: none"> An institutional and legislative framework that supports regulatory independence 	<ul style="list-style-type: none"> A sub-optimal funding model could undermine independence
<ul style="list-style-type: none"> Clearly defined mandate with broad powers to regulate the sector 	<ul style="list-style-type: none"> Inherent threat of litigation to all regulatory processes and administrative decisions Multiple policy and legislative review processes may create uncertainty
<ul style="list-style-type: none"> Partnerships and collaborations with other agencies enhance the ability of ICASA to deliver across all disciplines of its mandate 	<ul style="list-style-type: none"> Poorly coordinated concurrent jurisdiction and mandate creep
Environmental	
<ul style="list-style-type: none"> A regulatory framework for rapid deployment of broadband infrastructure 	<ul style="list-style-type: none"> Lack of coordination for permits / approvals for infrastructure deployment
	<ul style="list-style-type: none"> EMF concerns regarding human exposure to radiation because of high cell density using millimeter wave frequencies
	<ul style="list-style-type: none"> Risk of dumping of 'technologically outdated', 'inferior', 'cheap' devices / equipment due to high poverty (unemployment) levels Pollution due to increased IT waste (decommission of sites, unsafe disposal of non-compliant/redundant electronics equipment)

8.2. Internal Environment Analysis

The Authority's internal environment defines its required attack formation to implement interventions in its external environment (performance environment). In analysing its internal environment, the Authority evaluated its strengths, weaknesses, opportunities and threats against the key elements that are critical for the effective execution of its mandate. The key elements are based on the McKinsey 7s model: Structure, Strategy, Skills, Staff, Style, Systems, and Shared Values. The key objective of the evaluation was to assess whether all the seven areas are aligned for effective execution of the Authority's mandate and to determine whether any change is required in one or more areas for the rest of the Authority to function efficiently and effectively.

Table 5: SWOT Analysis

Element	Strengths	Weaknesses	Opportunity	Threats
Structure	<ul style="list-style-type: none"> Executive board (Council) Clear and documented DoA Framework Revised organisational structure 	<ul style="list-style-type: none"> Lack of funding (sub optimal funding model) An operating model premised on Council Committees (structural misalignment of reporting and accountability lines) Highly hierarchical structure (with bureaucratic processes) 	<ul style="list-style-type: none"> Implementation of the revised organisational structure 	<ul style="list-style-type: none"> Proposed rationalisation of public entities – ICASA may cease to exist in its current form Fixed term contracts at Council and executive level (potential threat to business continuity)
Strategy	<ul style="list-style-type: none"> Clear legislative mandate (regulate in the public interest) 	<ul style="list-style-type: none"> Lack of strategic planning capacity Inadequate budget allocation for strategy 	<ul style="list-style-type: none"> Legislative amendments for implementation of hybrid / self-funding model Legislative amendments - strengthening 	<ul style="list-style-type: none"> Litigation – legal challenge to execution and implementation of ICASA strategy Lack of funding (sub optimal funding model)

	<ul style="list-style-type: none"> Improved organisational performance Constitutionally guaranteed independence 	<p>execution / implementation.</p> <ul style="list-style-type: none"> Inflexible framework for strategy planning, execution and implementation Poor financial compliance and internal control environment 	<p>of ICASA mandate</p> <ul style="list-style-type: none"> Increased collaboration with other regulatory agencies and law enforcement agencies for effective execution of mandate Improved service delivery model – offices in all Provinces 	<ul style="list-style-type: none"> Possible amendment of mandate due to legislative amendments and or rationalisation of public entities Inconsistent national policy positions / messaging COVID-19 pandemic will adversely affect the execution of the strategy (particularly for programmes that are customer facing and or require community engagements)
Staff	<ul style="list-style-type: none"> Highly experienced & qualified staff Low staff turnover (long service / employee loyalty) Institutional knowledge National presence (across all 9 provinces) Diversity in employee base 	<ul style="list-style-type: none"> Weakened employee value proposition (lack of funding) No clear succession policy / guidelines (lack of career opportunities) Key functional areas understaffed (due to lack of funding) Uncompetitive salaries/ incentives relative to market Low staff morale Lack of innovation (long service may also mean no entrenched traditions and new way of 	<ul style="list-style-type: none"> Fixed term contracts for executives – upward mobility for internal senior staff / and regular refresh of leadership team Extension of graduate development programs – opportunity to bring in new blood and create strong pool from which to attract entry level staff Review of Training and Development Strategy / Policy an opportunity to implement programs to address people development gaps Review of remuneration and benefits framework in light of fiscal constraints – creative 	<ul style="list-style-type: none"> Poor value proposition (no work-life balance) Moratorium on recruitment / filling of vacancies Budgetary constraints (inability to implement the new structure) Hazardous work environment – security risks for staff (field work, lack of appropriate equipment) Staff turnover Loss of critical skills (poaching by the sector) Low staff morale (risk of unstable industrial relations environment) COVID-19 pandemic (programmes that require community engagement as well as field work) pose serious risks for employees

		<ul style="list-style-type: none"> doing doings) No retention strategy for critical skills 	measures to improved EVP	
Skills	<ul style="list-style-type: none"> Highly experienced staff Availability of wide range of competencies (legal, engineering and policy and research etc). Sound Qualifications framework 	<ul style="list-style-type: none"> Inadequate funding to implement IDPs for new / future skills Misalignment of staff skills with job requirements Lack of implementation of dual career streams Lack of mentorship 	<ul style="list-style-type: none"> Collaboration with knowledge based institutions Upskilling staff using Continuous Professional Development (CPD) model Partnering with skills development institutions (SETA) 	<ul style="list-style-type: none"> Low staff morale Rapid technological changes – need for continuous upskilling Budgetary constraints (inability to keep with technology developments) Obsolete competency framework (non alignment to meet 4IR era challenges)
Style	<ul style="list-style-type: none"> There are levels of escalations (delegation of authority) Interactive management style Transparency Consumer rights advocacy Consultative leadership style 	<ul style="list-style-type: none"> Hierarchical structure Ineffective communication Slow/cumbersome processes of enforcement and regulation development Bureaucratic processes 	<ul style="list-style-type: none"> Leadership development (incl. executive & management development programmes) Modernise the organisation: <ul style="list-style-type: none"> - adopt paperless and automated processes - decrease beauracracy DoA framework that fosters empowerment and accountability 	<ul style="list-style-type: none"> Lack of leadership continuity (fixed terms contracts for Council and executive management) Budgetary constraints – limited funding for leadership development
Shared Values	<ul style="list-style-type: none"> Performance driven Clearly articulated organisational values Positive organisati 	<p>Not fully living the adopted values:</p> <ul style="list-style-type: none"> Innovation still lacking in most areas Instances of poor ethics (i.e. breach of 	<ul style="list-style-type: none"> Effective stakeholder engagement framework Enhance corporate culture 	<ul style="list-style-type: none"> Instability (due to rationalisation) Poor Reputation

	<ul style="list-style-type: none"> on culture Adopted shared values 	<ul style="list-style-type: none"> confidentiality) Information asymmetry 		
Systems	<p>Implementation of new systems:</p> <ul style="list-style-type: none"> ASMS EDRMS <p>Enhancement of existing systems:</p> <ul style="list-style-type: none"> Implementation of Microsoft Teams to ensure business continuity during COVID-19 pandemic 	<p>Inadequate funding for information technology needs:</p> <ul style="list-style-type: none"> Inadequate Bandwidth (especially for Regional Offices) Limited number of licences for use of systems Outdated systems Lack of integration between systems Slow uptake and or implementation of productivity tools No systems innovation 	<ul style="list-style-type: none"> Framework for implementation of a paperless environment Drive use of full functionality of the automated applications Integration of automated system (reduction in duplication of system functions) Establish a customer facing unit (Customer Relations Management) 	<ul style="list-style-type: none"> Inability to execute mandate, as a result of not having relevant and well maintained systems and equipment. Cyber threats COVID-19 pandemic has put tremendous pressure on IT resources and systems

Part C: Measuring our Outcomes

This section states the Authority's outcomes and how the Authority will measure their achievement over the MTSF period.

9. Institutional Performance Information

9.1 Measuring Impact

Impact Statement	Access for all South Africans to a variety of safe, affordable & reliable communication services for inclusive economic growth
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9.2 Measuring Outcomes

Outcome	Outcome Indicator¹⁴	Baseline	Five-year Target
Access to quality broadband Services Increased	Average download speed	15 Mbps	50 Mbps
Status of Social Cohesion (inclusive of Diversity of Views) enhanced	Percentage of status of Social Cohesion (inclusive of Diversity Views) enhanced	-	50%
Rights of Consumers Protected	Level of Consumer Rights Protection	-	5
Competition in the ICT Sector Promoted	Number of pro-competitive regulatory interventions	3	15

¹⁴ In line with the programme logic for planning development interventions, outcome indicators for a national department or public entity should be selected from the national indicators list where possible. Due to the uniqueness of the Authority's work, specific indicators that directly link to its work could not be found from the national indicators list. As such, the Authority came up with composite indicators to measure its outcomes which draw from the outputs it must deliver over each financial year. Reference should be had to the outcomes technical indicator descriptions to see how the composite outcome indicators have been derived.

Organisational service delivery maintained	Percentage of organisational service delivery maintained	91%	91%
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9.3. Explanation of Planned Performance over the Five-Year Planning Period

a) **The contribution of outcomes towards the achievement of the NDP Five-Year Implementation Plan, the Monitoring Framework for the NDP Five Year Implementation Plan, the mandate of the institution and priorities of women, children and people with disabilities, provincial priorities (where applicable).**

South Africa's developmental outlook is outlined in the National Development Plan 2030 (NDP 2030) which is a detailed blueprint for how the country can eliminate poverty and reduce inequality by the year 2030. The NDP 2030 was released to the public by government in 2012.

After five years of implementation, government felt it opportune to review it. The review process involved taking stock of achievements and failures and coming up with a strategy on the way forward. One of the key strategies which government came up with was development of an NDP Five-Year Implementation Plan and monitoring and evaluation framework. The plan and its monitoring framework enhance the Medium-Term Strategic Framework.

The purpose of the NDP Five-Year Implementation Plan is to outline an indicative medium-term roadmap, which will form the basis for developing five-year institutional plans that will guide the realisation of the NDP priorities over the remaining 10 years. To this end, the Implementation Plan seeks to:

- Advance and guide medium term and short-term planning that is responsive to the attainment of the NDP priorities during the period 2019-2024;
- Strengthen integrated planning through coordination and alignment of priorities across spheres of government recognising that intergovernmental and interdepartmental planning is crucial to the realisation of government priorities and ultimately the vision for South Africa;
- Ensure that all sectors of the society develop and implement sector plans that are aligned to the NDP, guided by a common planning approach.

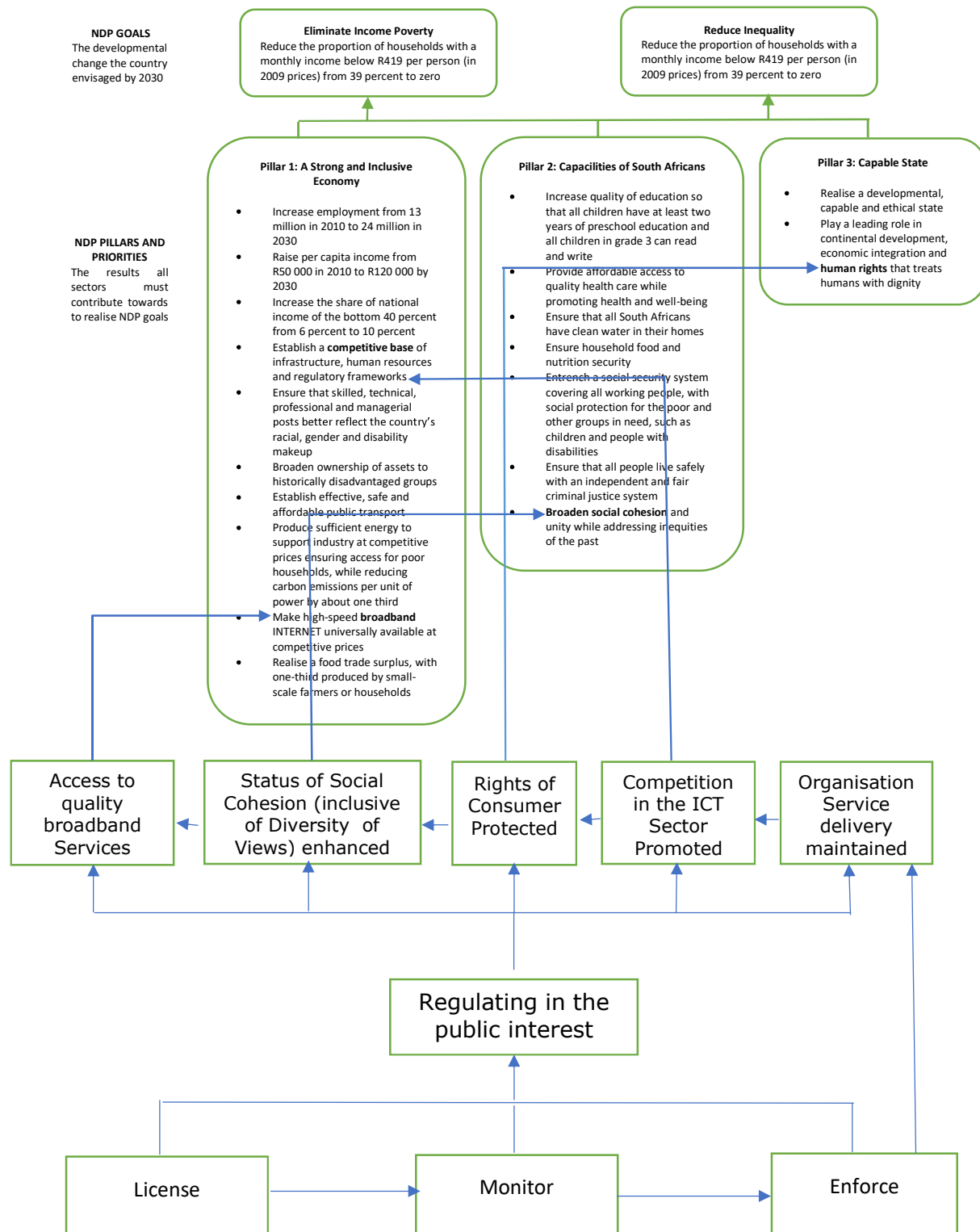
The objectives of the NDP Five Year Implementation Plan are to:

- Enable the achievement of the NDP through five-year building blocks,
- Outline results to which government, the private sector, labour and civil society must contribute,
- Coordinate the harmonisation of the different levels of sector plans – to ensure alignment and consistency,
- Provide a basis for a monitoring framework to measure progress towards the achievement of the NDP Five-Year Implementation Plan.

The NDP Five-Year Implementation Plan marks a key departure from the MTSF in that it outlines three key pillars to which government, private sector, labour and civil society must contribute over the period 2019 – 2024 through various interventions. Pillar 1: A strong and inclusive economy. Pillar 2: Capabilities of South Africans. Pillar 3: Capable State. The Plan also requires contribution to cross cutting priorities; job creation, youth empowerment, gender equality, innovation through technology, transformation and environmental sustainability.

The Authority's planned outcomes for the period 2020/21 – 2024/25 will contribute to its mandate and the Five-Year Implementation Plan in various ways as depicted in Figure 1 below.

Figure 1: ICASA's outcomes contribution to the NDP Five-Year Implementation Plan and NDP 2030



b) The rationale for the choice of the outcome indicators relevant to the respective outcomes.

(i) Average download speed

South Africa has achieved the national population coverage for 3G at 99.5% and 85.7% for 4G/LTE in 2018. These percentages on the national population coverage provides comfort that majority of South Africans are covered and the Authority is certain that the entire population will be covered within the medium term period. Despite the Coverage, the Authority intends to improve average download speeds of the mobile users in order to align with its peers.

According to Opensignal¹⁵ the Average download speed of South Africa is 15 Mbps measured as at May 2019 whereas the leading country's download speed is 52.4 Mbps. Moreover, Ookla has indicated that South Africa for the month of September 2019 is ranked at 56 in relation to its peers (out of 140 Countries) at the download average speed of 31.17 Mbps¹⁶.

In the medium term period the Authority is aiming to assign the additional International Mobile Telecommunication (IMT) Spectrum Bands which will increase the assigned bandwidth to 386 MHz. The assignment of this additional radio frequency spectrum will substantially increase the average downloads speeds of users. The increased average downloads speeds will be enabled also by IMT advanced systems which provides the next generation of global wireless broadband communications using a wide range of packet-based telecommunication services supported by mobile and fixed-networks. In addition to that, the capabilities of IMT-2020 systems surpasses those of IMT advanced in terms of user experience data rates that will be available ubiquitously across the coverage area. The Authority has been involved in the identification of IMT 2020 bands for World Radiocommunication Conference 2019. Upon identification of these bands, the Authority will prepare IMT2020 bands for assignment thus adding to the increased average download speeds.

¹⁵ https://www.opensignal.com/sites/opensignal-com/files/data/reports/global/data-2019-05/the_state_of_mobile_experience_may_2019_0.pdf

¹⁶ <https://www.speedtest.net/global-index#mobile>

The rationale for the choice of the outcome indicator is primarily informed by the need to (a) give effect to the regulatory measures required by the ICT sector to give effect to the short and medium term economic interventions to stimulate growth of the economy, (b) that the ranking of South Africa improves relative to its peers in terms of download speeds, (c) reduction of cost to communicate, especially data cost.

(ii) Percentage enhancement of status of Social Cohesion (inclusive of Diversity of Views)

The enhancement of social cohesion, promotion of diversity and plurality of views is core to the Authority's mandate to regulate the broadcasting sector in the public interest. As stated above, the constitutional protection that the Authority enjoins by virtue of section 192 of the Constitution is premised on it being established as an "independent regulatory institution to regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society". As confirmed by the Constitutional Court in **Electronic Media Network Limited and Others v E.tv (Pty) Limited and Others** *"When unfair reporting or a biased or inexcusable exclusion of some views happens, it is to ICASA that any aggrieved party may turn to lodge a complaint for possible intervention. ICASA is also constitutionally enjoined to level the broadcasting playing-field so that a diversity of views that broadly reflects the thinking of South African people, as opposed to one-sided propaganda-like narratives, may find expression."*¹⁷ (own emphasis)

In light of the above, the rationale for the choice of the outcome indicator is premised on the need to ensure that the Authority fulfils its mandate of ensuring the development of public, commercial and community broadcasting services which are responsive to the needs of the public; protect integrity and viability of public broadcasting services and ensure that commercial and community broadcasting services are controlled by persons or and groups from a diverse range of communities in the Republic.

(iii) Level of Consumer Rights Protection

¹⁷ Ibid, para 70.

Protection of consumer rights lies at the core of the Authority 's mandate. In terms of the ICASA's constitutive Act (section 2 of the ICASA Act) the Authority is established to:

- regulate broadcasting *in the public interest*
- regulate electronic communications *in the public interest*
- regulating postal matters *in the public interest*

A fundamental constituent of the public in this regard is the consumer of the services across the three subsectors regulated by the Authority (broadcasting, electronic communications and postal services). More importantly, it is worth noting that the execution and fulfilment of the Authority's mandate is ultimately for the benefit of the broader public and consumers. For example, regulatory interventions to lower cost to communicate (under the outcome pertaining to promotion of competition in the ICT sector), increase of broadband speeds from 20.35 to 50 Mbps (under the outcome pertaining to increased access to quality broadband services) or licensing of additional community television broadcasting services (under the outcome pertaining to enhancement of social cohesion) are all ultimately meant for the benefit of the public (i.e. consumers). As such, it is the Authority's responsibility to ensure that once it has implemented measures to lower cost to communicate, increase broadband speeds and or enhance social cohesion those measures are implemented for the benefit of consumers; and that where they are not implemented or complied with, the Authority intervenes to enforce compliance and implementation for the benefit and protection of consumers. Finally, as a public entity, protection of consumers and serving of the public interest lies at the heart of the Authority's contribution to outcome 12 for the establishment of an efficient, effective and development-oriented public service to ensure an empowered, fair and inclusive citizenship.

(iv) Number of pro-competitive regulatory interventions

As stated above, promotion of competition is central to the Authority's mandate. The courts have confirmed that despite the existence of an overarching competition regulator, the Authority retains the primary mandate to ensure that there is competition in the ICT sector in terms of the ECA. As stated by the court in the aforementioned matter Telkom SA SOC Limited v ICASA:

"the statutory obligation to promote competition within the ICT sector implies an obligation to also consider and take into account competition which is part of the decision-making process and cannot be delegated or deferred to another organ of state. ICASA's failure to do so and its decision to defer to the Competition Commission were both, in my view, wrong in law".

The ECA specifically lists as one of its objectives (under section 2(f)) the promotion of competition in the ICT sector. Further, it also lists objectives pertaining to encouraging investment (incudign strategic infrastructure investment); promoting an environemnt of open, fair and non-discriminatory access to services and networks; developing SMMEs and refraining from undue interference in comemrcial affairs of licensees – all of which require a competitive sector in order to be realised.

The outcome indicator on pro-competitive regulatory measures is central to the Authority's contribution to government priority outcome 4 and outcome 6 as well as NDP milestone 4 and 12:

- Outcome 4: as stated in the 2019 NT Policy Paper, the meaningful effects of the various regulatory interventions to promote comeption in the ICT sector will result in significant efficiencies and capital deeping that are critical for the stimulation of the economy.
- Outcome 6: the conduct of various market reviews under this outcome indicator is critical to address the bottlenecks in various market and market segments in order to ensure effective competition.
- Milestone 4: the proposed licensing of an Individual Electronic Communications Network Service Licensee for the purposes of providing Wireless Open Access Network services under this outcome indicator is aimed at facilitating investment in the factor and in particualr, strategic infrastucture investement.

- Milestone 12: the regulatory measures implemented under this outcome indicator are aimed at ensuring availability of services (particular broadband services) *at competitive prices*.

(v) Percentage of organisational service delivery maintained

As a public entity, and part of South Africa's national public service, the Authority is required to contribute to an efficient, effective and development-oriented public service that empowers the citizenship in line with outcome 12. In this regard, it is through the outcome indicators under this outcome that the Authority will amongst others:

- implement transparent and fair processes to ensure adherence to administrative due process for effective delivery of its mandate
- implement adequate systems and processes to drive operational efficiencies
- ensure that there are adequate financial controls and risk management systems to ensure compliance and adherence to sound governance practices
- ensure recruitment, retention, management and development of human resource skills for effective delivery of its mandate.

c) Explanation of enablers to achieve the five-year targets

(i) Access to quality broadband Services Increased

Current v Target State (identified gaps)	Enabler/s	Enabling initiatives
<u>Current:</u> RSA average download speeds do not compare favourably with its peers currently at 15 Mbps <u>Target:</u> The target set is for RSA average download speeds to be 50 Mbps by 2025 <u>Identified gaps:</u> The lack of access to spectrum has hampered	Adequate spectrum assignment	Completion of IMT spectrum licensing process (issuing of ITA, conduct of auction)
	Efficient utilisation of spectrum	Regulations on dynamic spectrum access
	Effectively competitive market	Licensing of an Individual Electronic Communications Network Service Licensee for the purposes of providing Wireless Open Access Network services
	Spectrum policy	Updated NRFP (implementation of the WRC-19 outcomes)

universal provisions of broadband and the realisation of high broadband speeds. [Only 566 MHz has been made available]		Recommendations towards enabling South Africa's uptake of 5G technologies
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(ii) Status of Social Cohesion, Diversity and Plurality of Views enhanced

Current v Target State (identified gaps)	Enabler/s	Enabling initiatives
<u>Current status:</u> The indicator is new and therefore does not have a baseline. <u>Target:</u> A maximum of 50% percentage points in enhancement of social cohesion is contemplated over the planning period <u>Identified gaps:</u> Lack of diversity in the community television broadcasting sector Outdated regulations on broadcasting of national sporting events, must carry framework etc.	Access to national sporting events	Regulatory interventions in the broadcasting of national sporting events
	Diversity (and plurality) of broadcast service licensees	Licensing of digital community television broadcasting services and analogue community sound broadcasting services
	Socio-economic redress	Regulations on Limitation of Ownership and Control and Equity Ownership by Historically Disadvantaged Groups

(iii) Rights of Consumer Protected

Current v Target State (identified gaps)	Enabler/s	Enabling initiatives
<u>Current:</u> The indicator is new and therefore does not have a baseline. However, ICASA has in the past implemented a variety of consumer protection	Enforcement of consumer protection regulations	Implementation of Code of Conduct Compliance Enforcement Plan
		Implementation of a national Network Performance Management System (NPMS)

<p>measures which include amongst others resolution rate more than 80% for consumer complaints, resolution of 96% of radio frequency interference cases within 30 days, and execution of 4 NATJoints instructions.</p> <p><u>Target:</u></p> <p>Achievement of level 5 consumer rights protection over the planning period</p> <p><u>Identified gaps:</u></p> <p>Lack of robust and reliable framework to monitor quality of services by ECS / ECNS licensees</p>	Additional pro-consumer regulations	Regulatory intervention in mobile broadband services market
		Regulatory intervention on pricing of reserved postal services

(iv) Competition in the ICT Sector Promoted

Current v Target State (identified gaps)	Enabler/s	Enabling initiatives
<p><u>Current:</u></p> <p>Three key regulatory interventions to promote competition have been implemented. These include:</p> <ul style="list-style-type: none"> ▪ Call termination rates regulations ▪ End-user subscriber service charter regulations ▪ Licensing of free to air television broadcasting service <p><u>Target:</u></p> <p>The target is to implement fifteen regulatory interventions over the planning period</p> <p><u>Identified gaps:</u></p>	Ease of market entry (licensing)	Licensing of an Individual Electronic Communications Network Service Licensee for the purposes of providing Wireless Open Access Network services
	Effective regulation	Regulatory intervention in mobile broadband services market
		Regulatory intervention in the subscription broadcasting market
		Regulatory intervention on pricing of reserved postal services

Unaffordable / high prices for services		
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(v) Maintain organisational service delivery

Current v Target State (identified gaps)	Enabler/s	Enabling initiatives
<u>Current:</u> The organisational performance has improved from 29% in 2015 to over 91% in 2018-19 <u>Target:</u> The target is to maintain the level of organisational performance above 90% over the planning period, and in the process improve the audit outcomes from unqualified audit to clean audit. <u>Identified gaps:</u> The main gaps lie in internal controls, financial management and compliance.	Approved service delivery model	Reduction of staff vacancy rate
	Organisational culture	Satisfaction survey
		Compliance with SABPP HR Standards
	Effective stakeholder engagement	Satisfaction survey
	Financial compliance	Maintenance of organisational compliance maturity level
		Assessment of audit readiness level

10. Key Risks

Outcome	Key Risks	Risk Mitigation
Access to quality broadband Services Increased	<ul style="list-style-type: none"> Potential delays in regulatory interventions due to litigation by stakeholders Inability/Limitation to execute our mandate independently due to political interference and/or undue influence (lobbying) Possible delays in the assignment of spectrum to radio communication services in SA due to late approval of the National Radio Frequency Plan Non-adherence by licensees to licence terms and conditions and regulatory requirements 	<ul style="list-style-type: none"> Transparency Adherence to Process and Procedures Effective engagement with the Ministry. Effective Monitoring and Enforcement
Status of Social Cohesion, Diversity and Plurality of Views enhanced.		<ul style="list-style-type: none"> Transparency Adherence to Process and Procedures
Rights of Consumer Protected.		<ul style="list-style-type: none"> Transparency Adherence to Process and Procedures Continuous Monitoring and Market Scanning Periodical review of regulatory measures in place Enhance research and development activities
Competition in the ICT Sector Promoted		<ul style="list-style-type: none"> Transparency Adherence to Process and Procedures Monitoring and Enforcement
Maintain organisational service delivery	Failure to achieve regulatory targets due to inadequate funding, reductions in MTEF allocations and adverse mandate changes to reconfiguration of entities, pursuant to policy/legislative changes	<ul style="list-style-type: none"> Proposal on revision of ICASA funding model Stakeholder management Effective consultation with the Ministry
	Failure to ensure business continuity due to the COVID-19 pandemic	<ul style="list-style-type: none"> Acquisition / enhancement of organisational IT and related systems to automate functions and allow for remote / online Provision of tools necessary for remote working to all staff Provision of protective clothing and associated tools to all field workers

		<ul style="list-style-type: none"> ▪ Disinfection activities carried out across all ICASA premises and for all ICASA vehicles ▪ Implementation of a cleansing routine to keep the premises clear of potential infections
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Part D: Technical Indicator Descriptions

Indicator Title	Average download speed
Definition	The indicator measures in terms of download speeds whilst consuming network data services across different licensees (who provide mobile network services) that have deployed IMT advanced systems and beyond. This indicator will be measured at the end of the MTEF cycle.
Source of Data	Opensignal.com
Method of Calculation/Assessment	Average user experience in Megabits per second as per State of Mobile Experience report of Opensignal.
Assumptions	More spectrum is released
Disaggregation of Beneficiaries (where applicable)	Women, youth and disabled people have a chance to benefit
Spatial Transformation (where applicable)	Country-wide
Reporting Cycle	Annually
Desired Performance	Improved access to communication services by citizens
Indicator Responsibility	Chief Executive Officer

Indicator Title	Percentage of status of Social Cohesion (inclusive of Diversity of Views) enhanced
Definition	The indicator measures social cohesion status enhancement (inclusive of Diversity of Views). This indicator will be measured at the end of the MTEF cycle. The outputs for each year will be quantified using the method of calculation articulated below.
Source of Data	Outputs delivered by Programmes
Method of Calculation/Assessment	Number of outputs delivered divided by the number of outputs planned multiplied by 100
Assumptions	Planned Programme outputs delivered
Disaggregation of Beneficiaries (where applicable)	Women, youth and disabled people have an equal chance to benefit
Spatial Transformation (where applicable)	Country-wide
Reporting Cycle	Annually
Desired Performance	Enhanced level of social cohesion
Indicator Responsibility	Chief Executive Officer

Indicator Title	Level of Consumer Rights Protection
Definition	The indicator measures consumer rights protection in terms of levels. The levels are explained below.

	<p>Level 1:</p> <ul style="list-style-type: none"> • 86% consumer complaints resolved • 1 advisory from CAP • 96% of reported Radio Frequency interference cases resolved in 30 working days • 4 NATJOINTS instructions executed • 100 compliance inspections in terms of (and for enforcement of) End-user and subscriber service charter regulations (ECS/ECNS Licensees) • 1825 Compliance Inspections in terms of (and for enforcement of) Regulations on radio apparatus installed at high sites • 400 Compliance inspections on Reserved postal services (for enforcement of the South African Post Office's Licence terms and conditions, Code of Practice for the South African Postal Industry and Customer Care Standards Regulations applicable to Postal Services Licensees) • 300 compliance inspections conducted in terms of Community Broadcasting Services Regulations and Regulations regarding the Standard Terms and Conditions for Class Licences. The 300 inspections will be targeted at community broadcasting services licensees • 2500 compliance inspections in terms of (for enforcement of) Type Approval Regulations • 85% implementation of Consumer Education Plan • QoS monitoring through Drive testing done for 4 provinces <p>Level 2:</p> <ul style="list-style-type: none"> • 87% consumer complaints resolved • 1 – election period monitored • 1 advisory from CAP • 97% of reported Radio Frequency interference cases resolved in 30 working days • 4 NATJOINTS instructions executed • 105 compliance inspections in terms of (and for enforcement of) End-user and subscriber service charter regulations (ECS/ECNS Licensees)
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	<ul style="list-style-type: none"> • 1830 Compliance Inspections in terms of (and for enforcement of) Regulations on radio apparatus installed at high sites • 405 Compliance inspections on Reserved postal services (for enforcement of the South African Post Office's Licence terms and conditions, Code of Practice for the South African Postal Industry and Customer Care Standards Regulations applicable to Postal Services Licensees) • 305 compliance inspections in terms of (and for enforcement of) Community Broadcasting Services Regulations and Regulations regarding the Standard Terms and Conditions for Class Licences. The 305 inspections will be targeted at community broadcasting services licensees • 2505 compliance inspections conducted in terms of (and for enforcement of) Type Approval Regulations • 90% implementation of Consumer Education Plan • QoS monitoring through Drive testing done in 5 provinces <p>Level 3:</p> <ul style="list-style-type: none"> • 88% consumer complaints resolved • 1 election period monitored • 1 advisory from CAP • 98% of reported Radio Frequency interference cases resolved in 30 working days • 4 NATJOINTS instructions executed • 110 compliance inspections in terms of (and for enforcement of) End-user and subscriber service charter regulations (ECS/ECNS Licensees). • 1835 Compliance Inspections in terms of (and for enforcement of) Regulations on radio apparatus installed at high sites • 410 Compliance inspections on Reserved postal services (for enforcement of the South African Post Office's Licence terms and conditions, Code of Practice for the South African Postal Industry and Customer Care
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	<p>Standards Regulations applicable to Postal Services Licensees)</p> <ul style="list-style-type: none"> • 310 compliance inspections conducted in terms of (and for enforcement of) Community Broadcasting Services Regulations and Regulations regarding the Standard Terms and Conditions for Class Licences. The 310 inspections will be targeted at community broadcasting services licensees • 2510 compliance inspections on Type Approval Regulations • 95% implementation of Consumer Education Plan • QoS monitoring through drive testing in 6 provinces <p>Level 4:</p> <ul style="list-style-type: none"> • 89% consumer complaints resolved • 1 election period monitored • 1 advisory from CAP • 99% of reported Radio Frequency interference cases resolved in 30 working days • 4 NATJOINTS instructions executed • 115 compliance inspections conducted in terms of (and for enforcement of) End-user and subscriber service charter regulations (ECS/ECNS Licensees). • 1840 Compliance Inspections conducted in terms of (and for enforcement of) Regulations on radio apparatus installed at high sites • 415 Compliance inspections on Reserved postal services (for enforcement of the South African Post Office's Licence terms and conditions, Code of Practice for the South African Postal Industry and Customer Care Standards Regulations applicable to Postal Services Licensees) • 315 compliance inspections conducted in terms of (and for enforcement of) Community Broadcasting Services Regulations and Regulations regarding the Standard Terms and Conditions for Class Licences. The 315 inspections will be targeted at community broadcasting services licensees
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	<ul style="list-style-type: none"> • 2515 compliance inspections conducted in terms of (and for enforcement of) Type Approval Regulations • 95% implementation of Consumer Education Plan • QoS monitoring through Drive testing in 7 provinces <p>Level 5:</p> <ul style="list-style-type: none"> • 90% consumer complaints resolved • 1 election period monitored • 1 advisory from CAP • 100% of reported Radio Frequency interference cases resolved in 30 working days • 4 NATJOINTS instructions executed • 120 compliance inspections conducted in terms of (and for enforcement of) End-user and subscriber service charter regulations (ECS/ECNS Licensees) • 1845 Compliance Inspections conducted in terms of (and for enforcement of) Regulations on radio apparatus installed at high sites • 420 Compliance inspections on Reserved postal services (for enforcement of the South African Post Office's Licence terms and conditions, Code of Practice for the South African Postal Industry and Customer Care Standards Regulations applicable to Postal Services Licensees) • 320 compliance inspections conducted in terms of Community Broadcasting Services Regulations, and Regulations regarding the Standard Terms and Conditions for Class Licences. The 320 inspections will be targeted at community broadcastign services licensees • 2520 compliance inspections in terms of (and for enforcement of) Type Approval Regulations • 95% implementation of Consumer Education Plan • QoS monitoring through Drive testing in 9 provinces
Source of Data	Consumer rights protection initiatives implemented per Programme

Method of Calculation/Assessment	Counting
Assumptions	<p>All initiatives to protect consumer rights executed.</p> <p>End of COVID-19 pandemic state of national disaster: it should be noted that this indicator title is particularly susceptible to the business continuity risks posed by the COVID-19 pandemic. The execution / fulfilment of the indicator title requires <i>inter alia</i>, ability of the field workers (inspectors) to execute inspections at licensees premises and outlets, attendance of NATJoints events, scheduling of activation campaigns with communities etc. These are all dependent on the prohibitions against movements and gatherings being lifted.</p>
Disaggregation of Beneficiaries (where applicable)	Women, youth and disabled people have an equal chance to benefit.
Spatial Transformation (where applicable)	Country-wide
Reporting Cycle	Annually
Desired Performance	Rights of consumers protected
Indicator Responsibility	Chief Executive Officer

Indicator Title	Number of Pro-Competitive interventions
Definition	The indicator measures pro-competition interventions implemented by various ICASA programmes.
Source of Data	ICASA programmes interventions implemented
Method of Calculation/Assessment	Counting
Assumptions	Planned interventions will be implemented successfully
Disaggregation of Beneficiaries (where applicable)	Women, youth and disabled people have an equal chance to benefit.
Spatial Transformation (where applicable)	Country-wide
Reporting Cycle	Annually
Desired Performance	Competition promoted
Indicator Responsibility	Chief Executive Officer

Indicator Title	Percentage of organisational service delivery maintained
Definition	The indicator measures service delivery attained by ICASA at the end of every

	financial year and maintained over a five-year period
Source of Data	Output delivered by the ICASA Programmes
Method of Calculation/Assessment	Number of outputs delivered divided by planned outputs multiplied by 100
Assumptions	<p>Outputs will be well-defined.</p> <p>End of COVID-19 pandemic state of national disaster: it should be noted that this indicator title is particularly susceptible to the business continuity risks posed by COVID-19 pandemic. The organisation's ability to (a) migrate to remote working environment, (b) make provision for mitigation measures for field workers and (c) be able to make arrangements for community participation activities as required are critical dependencies in this regard. These are dependent on the prohibitions against free movement of people and public gatherings being lifted.</p>
Disaggregation of Beneficiaries (where applicable)	Women, youth and disabled people have an equal chance to benefit.
Spatial Transformation (where applicable)	Not Applicable
Reporting Cycle	Annually
Desired Performance	2018/19 organisational performance maintained
Indicator Responsibility	Chief Executive Officer

Annexure A: District Development Model

Areas of Intervention	Medium Term (3 Years – MTEF)					
Communication	Project Description	Budget Allocation	District Municipality	Location: GPS Coordinates	Project Leader	Social Partners
Communication	Licensing of community sound broadcasting services	Part of Programme 2: Licensing budget	OR Tambo District Municipality	31.4632° S, 29.2321° E	Senior Manager: ICT Licensing Services	Communities in the Municipality
Communication	Access to quality broadband services increased (Licensing of IMT Spectrum)	Part of Programme 2: Licensing budget	Underserved district municipalities to be identified during the licensing process	To be confirmed as part of the licensing process	Senior Manager: Spectrum Licensing	Licensees to be assigned spectrum Communities in identified municipalities Businesses operating in identified municipalities
Communication	Quality of service monitoring	Part of Programme 4: Engineering & Technology budget	OR Tambo District Municipality	31.4632° S, 29.2321° E	Eastern Cape Regional Manager	ECNS licensees (MNOs) Consumer Groups in the Municipality
Communication	Resolution of radio frequency interference cases	Part of Programme 5: Regions budget	OR Tambo District Municipality	31.4632° S, 29.2321° E	Eastern Cape Regional Manager	Licensees operating in the area Consumer Groups in the Municipality
Communication	Regulations Enforcement: type approval regulations, licence terms and conditions	Part of Programme 5: Regions budget	OR Tambo District Municipality	31.4632° S, 29.2321° E	Eastern Cape Regional Manager	Licensees operating in the area Businesses selling subscriber and other electronic equipments in the area Consumer Groups in the Municipality
Communication	Consumer education campaign to educate the public on ICASA's service offerings incl. Licensing of Community radio stations and other licensing opportunities, Consumer protection regulations	Part of Programme 5: Regions budget	OR Tambo District Municipality	31.4632° S, 29.2321° E	Eastern Cape Regional Manager	All stakeholders Consumer Groups in the Municipality

