



25 May 2026

Independent Communications Authority of South Africa

Attention: Chairperson (Rapid Deployment Council Committee)
350 Witch-Hazel Ave
Block C, Eco Point Office Park, Eco-Park Estate
Centurion

By Email: RapidDeployment@icasa.org.za

CC: pramalata@icasa.org.za

Dear Chairperson: Rapid Deployment Council Committee

SUBMISSIONS ON DRAFT REGULATIONS ON RAPID DEPLOYMENT OF ELECTRONIC COMMUNICATIONS NETWORKS AND FACILITIES, 2026

INTRODUCTION

1. Liquid Telecommunications South Africa (Pty) Ltd trading as Liquid Intelligent Technologies (“**LIT**”) is a business of Cassava Technologies, a pan-African technology group present in more than 20 countries, mainly in sub-Saharan Africa.
2. LIT has firmly established itself as the leading provider of pan-African digital infrastructure with an extensive fibre broadband network covering over 110,000 km, leveraging its digital network to provide both cloud and cyber security solutions through strategic partnerships with leading global players.
3. LIT is a comprehensive technology solutions group that provides customised digital solutions to public and private sector enterprises and SMEs across the continent.
4. LIT is the holder of both individual electronic communications service, individual electronic communications network and a variety of radio frequency spectrum licences and has made considerable historic and ongoing investments in its South African networks.
5. LIT welcomes the opportunity to comment on the Authority's draft Regulations on Rapid Deployment of Electronic Communications Networks and Facilities, 2026 (“**the Draft**”).

Headquarters: Mauritius

South Africa Region

Regional Office Southern Africa Region (SAR) Zimbabwe SAR Offices: Angola · Botswana · DRC · Mozambique

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International Offices: UK · Jersey

Liquid Telecommunications South Africa (Pty) Ltd 2004/004619/07 T/A Liquid Intelligent Technologies.

Public

Regulations”), which were published on 10 April 2026 and notes its interest in participating in any future inquiries and/or public hearings in relation to the development of the Draft Regulations.

SPECIFIC SUBMISSIONS

Timing of the regulatory process

6. As noted by the Authority in its explanatory memorandum to the Draft Regulations, the scope and text of the Draft Regulations are informed by the National Policy and Policy Direction on Rapid Deployment of Electronic Communications Networks and Facilities issued by the Minister of Communications and Digital Technologies (**“the Minister”**) on 31 March 2023.
7. While LIT is mindful of the Authority’s desire to fulfill both its policy and statutory mandate through the development of the Draft Regulations, their publication coincides with the publication of a Draft Policy Direction on Matters Relevant to Electronic Communications Network Deployment pursuant to the National Policy on Rapid Deployment of Electronic Communications Networks and Facilities (**“the Draft Policy Direction”**) which was published by the Minister on 12 March 2026¹.
8. The Draft Policy Direction takes cognisance of the National Policy on Rapid Deployment of Electronic Communications Networks and Facilities, 2023 and would direct the Authority to both review and where necessary strengthen its existing facilities leasing regulations and develop a framework for new rapid deployment regulations in accordance with a significantly expanded and more detailed set of policy objectives.
9. While the Draft Policy Direction remains to be finalised, with the deadline for public comment having only closed on 25 April 2026, there is clear economic, administrative and consequently public benefit in the Authority aligning its current efforts with the tasks that will lie ahead upon the Minister’s finalisation of the Draft Policy Direction.
10. Given the likely timeframe for finalisation of the Draft Policy Direction it seems likely that the policy landscape giving rise to the Draft Regulations will change under the Authority’s proverbial feet, resulting in the need for a complete reevaluation of the current Draft Regulations.

¹ Notice 7216, Government Gazette 54314 ([link](#)).

11. The coordination of the Authority's current efforts with an updated and expanded policy direction would avoid the wasted cost of a duplicated public participation and regulatory development process.

Recommendations:

12. The Authority is encouraged to pause the development of, or alternatively withdraw, the Draft Regulations pending finalisation of the Draft Policy Direction.
13. While the Authority's future development of a rapid deployment framework and regulations and its future review of the existing facilities leasing framework and regulations would necessarily entail separate work streams, there is considerable practical and policy overlap in these tasks that favours concurrent public participation and regulatory development processes.

Draft regulation 4: "Mandatory Consultation", "Notice of entry for deployment and construction" and "Notice of entry for scheduled maintenance, or alteration of an electronic communications network and facilities"

14. LIT recognises the value of a well-regulated system for access by licensees to both public and private land and the need for such a system to be both transparent and consultative in nature, centering both property rights and the protection of the environment, but encourages the Authority to be sensitive to both the practical and economic realities faced by licensees in their efforts to deploy networks and facilities.
15. The framework for mandatory consultation proposed by the Draft Regulations is in LIT's view underdeveloped, lacking both the specificity and constraints needed to render the intended process workable in practice, and risks slowing rather than accelerating the rate of deployment of both electronic communications networks and facilities.
16. While LIT is supportive of the Authority's efforts to protect the rights of landowners and affected persons it is equally important that licensees be afforded both legal certainty and reasonable protection against unduly protracted public consultation processes and notice periods.
17. Where the consultation process contemplated by proposed regulations 4(3)-4(6) is intended to result in the conclusion of an access agreement between licensees and landowners that has due regard to concerns related to land access, cultural sites, environmental effects, local economic participation, and community safety, it is unnecessary for proposed regulations 4(7) and 4(9) to provide for additional, lengthy notice periods before a licensee may gain access to land for the deployment, construction, maintenance or alteration of its electronic communications networks and facilities.

18. It would be both unwieldy and illogical for a licensee that has already undertaken a consultative process with a landowner and concluded an access agreement to then have to provide both significant notice and justification for the deployment, construction maintenance or alternation of its electronic communications networks and facilities forming the subject of that access agreement.
19. LIT submits that where the Authority intends to preserve the requirements of proposed regulations 4(7) (other than the notice period) and 4(10), that they could reasonably form part of the preceding consultative process and be addressed within the access agreement and through an expanded proposed regulation 4(5).

Recommendations:

20. The Authority is encouraged to truncate the two-step process contemplated by proposed regulations 4(3)-4(6) and proposed regulations 4(7)-4(8), alternatively proposed regulations 4(9)-4(14), into a single initial consultative process with landowners, affected person(s) and/or communities that addresses all likely albeit reasonable concerns, which process must occur within a defined, alternatively reasonable, timeframe to ensure that licensees are not subjected to an unbounded requirement for consultation and response.
21. The Authority is further encouraged to dispense with the mandatory notice periods contemplated by proposed regulations 4(7) and 4(9), instead requiring access agreements to only provide for reasonable notice before a licensee may enter land for the deployment, construction, maintenance or alteration of its electronic communications networks and facilities.

Draft regulation 4: “Duplication and Coordination of Deployments”

22. LIT welcomes greater cooperation between licensees in the deployment of electronic communications networks and facilities and supports the development of a framework that seeks to minimise the duplication of effort and cost, increases efficiencies and which aims to reduce inconvenience and damage to assets.
23. LIT is however concerned that the Authority’s suggestion in proposed regulation 4(15) that such a framework “may include ... notifications to other licensees”, whilst well-intended, lacks the specificity and detail needed for the proposed intervention to be of practical use to licensees.

Recommendations:

24. The Authority is encouraged to develop detailed and concrete mechanisms by which licensees should coordinate and foster cooperation in the deployment of their electronic communications networks and facilities.

Draft Regulation 7: Rapid Deployment GIS Database

25. LIT would support the effort to develop a geographical information system (“GIS”) of electronic communications networks and facilities where such a database, in conjunction with efforts such as those in proposed regulation 4(15) (albeit with further development of that concept) would result in cost savings and greater efficiencies being felt by licensees when deploying their electronic communications networks and facilities.
26. The information contemplated in proposed regulation 7(2), and particularly 7(2)(c), is highly commercially sensitive and the Draft Regulations do not currently provide any clarity as to how this information would be securely processed and stored by the Authority or provide assurances that the Authority possesses (or will develop) the institutional capacity to process information of this nature at the necessary scale.
27. It is furthermore unclear whether licensees would be able to access the GIS database directly or whether GIS data would be disseminated to licensees in an effort to further the goals of the National Policy and Policy Direction on Rapid Deployment of Electronic Communications Networks and Facilities in a process that is mediated by the Authority (i.e. as a middleman or in the role of a neutral information broker).
28. While the Authority’s development of a GIS database could very well result in better downstream policy and regulatory processes, the insecure handling of commercially sensitive information risks both long-term anti-competitive outcomes, economic injury to licensees and a lack of industry buy-in where the perceived risk of participating in the Authority’s GIS efforts outweighs its likely benefits.
29. LIT further notes the Authority’s own State of the ICT Sector Report which highlighted a 189%² increase in theft-related costs for the period in review. Electronic communications networks and facilities are particularly vulnerable to acts of vandalism and theft and coordinated measures are required for the protection of electronic communications networks and facilities.

² Page 5 - <https://www.icasa.org.za/legislation-and-regulations/state-of-the-ict-sector-in-south-africa-2026-report>

Recommendations:

30. The Authority is asked to consider the confidentiality and information security concerns that are raised above and to develop a detailed framework for the processing and secure storage of commercially sensitive licensee information.

CONCLUSION

31. LIT thanks the Authority for its efforts thus far in the development of the Draft Regulations and appreciates the opportunity to make written submissions.
32. We trust that our submissions will contribute positively and we look forward to further engagement with the Authority on this and future related processes.

Yours faithfully



Valencia Risaba

Chief Legal and Corporate Affairs Officer