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## GENERAL NOTICE

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### NOTICE 1275 OF 2009

#### DEPARTMENT OF COMMUNICATIONS

#### NOTICE OF INTENTION TO MAKE SOUTH AFRICAN NATIONAL RADIO FREQUENCY SPECTRUM POLICY

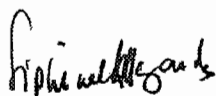
I, Gen (Ret) Sipiwe Nyanda, Minister of Communications, hereby give notice of intention to make South African National Radio Frequency Spectrum Policy in the schedule in terms of section 3(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

Interested persons are hereby invited to furnish written submissions on the proposed South African National Radio Frequency Spectrum Policy, within 30 calendar days of the date of publication of this notice at any of following addresses:

For attention:	Ms. Cynthia Lesufi Deputy-Director, Frequency Spectrum Department of Communications;
post to:	Private Bag X860 Pretoria 0001;
or deliver to:	First Floor, Block F iParioli Office Park 399 Duncan Street Hatfield, Pretoria;
or fax to:	(012) 427 8455;
or e-mail to:	spectrum@doc.gov.za

Please note that submissions received after the closing date may be disregarded.

Ms. Cynthia Lesufi can be reached at tel. (012) 427 8512 for any enquiries.



**Gen (Ret) Sipiwe Nyanda**  
**Minister of Communications**



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DEPARTMENT:  
COMMUNICATIONS  
REPUBLIC OF SOUTH AFRICA

**DRAFT**

**RADIO FREQUENCY SPECTRUM POLICY**

**FOR SOUTH AFRICA**

**SEPTEMBER 2009**

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## **1.0 INTRODUCTION**

### **1.1 Context**

- 1.1.1 The Radio Frequency Spectrum is a limited natural virtual resource where, in certain frequency bands, the demand for spectrum far exceeds the amount of spectrum that is available. The radio spectrum is available equally in every country, and is a resource limited by technology and management capability. It is not a consumable resource.
- 1.1.2 Management of the radio-frequency spectrum is subject to Government authority and spectrum must be managed efficiently so as to be of greatest benefit to the entire population.
- 1.1.3 The Minister of Communications acts as the custodian of the spectrum on behalf of the people of South Africa.
- 1.1.4 To date there has not been a national policy on spectrum usage. This has resulted in piecemeal/ad hoc decisions being taken on spectrum usage in South Africa that have often been driven by commercial considerations only. To ensure efficient use of the radio frequency spectrum in South Africa, it is necessary for Government to issue policies and policy directions in order to ensure that this resource is used in the best interest of the Republic of South Africa. This national radio frequency spectrum policy has been developed to ensure efficient spectrum usage and to provide over-arching guidance for the utilisation of radio frequency spectrum in the broad national interest.
- 1.1.5 In the Republic of South Africa, use of the radio frequency spectrum is governed by Electronic Communications Act, 2005 (Act No.36 of 2005). The former Minister of Communications ("the Minister"), in her 2008 budget speech, announced that, following the decisions taken at the 2007 International Telecommunication Union World Radiocommunication Conference about the use of spectrum, Government was to finalise the development of a policy on

spectrum allocation and its implementation, taking into account the latest modifications to the international spectrum regulations.

- 1.1.6 In allocating the Radio Frequency Spectrum, the Republic of South Africa must take into account the outcomes of the International Telecommunication Union World Radiocommunication Conferences.
- 1.1.7 Government regards the radio frequency spectrum as a natural international resource in the public domain; consequently Government will issue policies and policy directions to ensure that this resource is used in the best interest of the Republic of South Africa, but with due regard to the needs and rights of other countries.
- 1.1.8 Spectrum management takes place within a regulatory framework comprised of policies, legislation, regulations and procedures.
- 1.1.9 The radio frequency spectrum is a key resource for many essential communication services in society such as, mobile, fixed wireless and satellite communications, television and sound broadcasting, transport, radiolocation, (Global Positioning Systems) radio navigation, safety of life and many other applications. Radio technology supports public services such as defence, safety and security as well as scientific activities (e.g. meteorology, earth observation, radio astronomy, space research, etc).
- 1.1.10 Radiocommunication, which is reliant on the electromagnetic spectrum, is one of South Africa's most dynamic technology sectors. South African society and the entire industry rely on radio frequency spectrum, a resource where the demand far exceeds the supply.
- 1.1.11 The Radio Frequency Spectrum Policy ("the Policy") aims to provide guidance to the Independent Communication Authority of South Africa ("ICASA") in the establishment and review of the national frequency allocation plan, and thereby promote the rational, economical, efficient and effective usage of the radio frequency spectrum; keeping pace with the rapid evolution of wireless