

# MINISTER'S DRAFT POLICY DIRECTION TO ICASA ON ELECTRONIC COMMUNICATIONS NETWORKS TO GIVE A BOOST TO RAPID BROADBAND DEPLOYMENT IN SOUTH AFRICA

Category: Infrastructure and Telecommunications, IT Law  
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## What is the draft policy direction on the rapid deployment of broadband in South Africa?

Minister of the Department of Communications and Digital Technologies (“**DCDT**”) published a draft policy on the rapid deployment of electronic communications networks and facilities on 12 March 2026 (“**the Draft Rapid Deployment Implementation Policy**”). Its objectives include giving *“effect to existing national and sector policy pertaining to access required to and use of land, both public and private, to facilitate the rollout of nationwide affordable high-speed broadband networks.”*

South Africa’s Electronic Communications Act, No. 36 of 2005 (“**the EC Act**”) makes the Minister responsible for developing policy, while the Independent Communications Authority of South Africa (“**ICASA**”) implements the policy through the passing of regulations.

The Minister believes that South Africa’s Rapid Deployment of Electronic Communications Networks and Facilities, 2023 (“**the National Rapid Deployment Policy**”) still does not have the focused initiatives that would be required to facilitate the rapid deployment of electronic communications

networks and facilities in South Africa. To achieve the rapid and more widespread deployment of high-speed broadband in South Africa, the Minister has considered the public interest and taken into account international trends.

The Minister considers it necessary to review and, if necessary, strengthen South Africa's Facilities Leasing Regulations, to achieve the rapid roll-out of high-speed broadband infrastructure. He suggests certain changes to achieve this. The Minister considers this necessary because, even though the Facilities Leasing Regulations were published in 2010, and have been somewhat helpful, their impact on network deployment and affordable access has not been assessed.

He also suggests a framework for new Rapid Deployment Regulations. The reason for this is that, even though a National Policy on the rapid deployment of communications infrastructure was published in 2023, ICASA is yet to publish rapid deployment regulations.

## Why the need for the Draft Rapid Deployment Implementation Policy?

Major global bodies and respected publications like the [International Telecommunications Union](#) ("ITU"), the World Bank<sup>[1]</sup> and [Economist Impact](#) recognise that reliable and affordable broadband access is the primary enabler to bridging the digital divide.

As much as South Africa has the National Rapid Deployment Policy and even Standard Draft By-Laws for Deployment of Electronic Communications Facilities, to assist municipalities, their application has been patchy and inconsistent. So, something with greater weight, clarity and broader application is required to unblock the bottlenecks that electronic communications network licensees encounter, when rolling out broadband infrastructure. This "something" is the Rapid Deployment Regulations that ICASA still needs to draft and finalise.

This is critical because even South Africa's Constitutional Court has opined on the topic of broadband and its importance to the country, saying in *City of Tshwane Metropolitan Municipality v Link Africa (Pty) Limited and others*<sup>[2]</sup>:

*[122] Reliable electronic communications go beyond just benefiting the commercial interests of licensees to the detriment of ownership of property. The [Electronic Communications Act] is designed to avoid this nowinner conflict. What it seeks, is to bring our country to the edge of social and economic development for rural and urban residents in a world in which technology is so obviously linked to progress.*

*[123] The spirit and purport of the Bill of Rights command that the [Electronic Communications Act] must be interpreted to promote access to fundamental rights rather than to hinder them. That is our clear duty here.*

In addition to the rapid deployment of broadband, the Draft Rapid Deployment Implementation Policy appears to seek to further promote facilities and infrastructure sharing in certain circumstances, which would be in line with recent private sector initiatives like that of the sector body the [Association of Comms & Technology](#), which is "preparing an application to the competition authorities to allow telecoms companies to share infrastructure, especially in underserved and rural areas."

# What next for the Draft Rapid Deployment Implementation Policy?

The Minister is, as required under the EC Act, consulting and seeking comment on the Draft Rapid Deployment Implementation Policy. Interested parties have 30 days from the date the draft policy direction was [published in the Government Gazette](#), 12 March 2026, to submit comments. If you would like assistance with making submissions, or need guidance on navigating South Africa's electronic communications network and services legislative and regulatory environment, please reach out to our highly experienced team of telecommunications and technology lawyers.

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[1] See the World Bank's report titled [Digital Progress and Trends Report 2023](#), where it expresses the view that *"more work is needed to minimize the divide in smartphone and computer ownership, fixed broadband penetration, internet speeds, data traffic, digital skills, and productive use—particularly in the face of emerging and disruptive digital technologies—as much as possible."*

[2] *City of Tshwane Metropolitan Municipality v Link Africa (Pty) Limited and others (Dark Fibre Africa (RF) (Pty) Limited and others intervening)* [2015] JOL 34077 (CC)