

# NEXT-GENERATION RADIO FREQUENCY SPECTRUM FOR ECONOMIC DEVELOPMENT POLICY PUBLISHED TODAY

Category: Infrastructure and Telecommunications, IT Law, Technology Law  
written by Lucien Pierce | May 28, 2024



South Africa's Minister of Communications and Digital Technologies, earlier today, published South Africa's Next-Generation Radio Frequency Spectrum for Economic Development Policy ("the Next-Generation Radio Spectrum Policy").

The long-awaited policy is a [revised, final version](#), and says it has "taken into consideration written comments from [ICASA] and interested persons in accordance with the Electronic Communications. Its objective is to "utilise spectrum to drive broader and inclusive economic participation and development for all."

Interestingly, apart from the usual spectrum uses, the Next-Generation Radio Spectrum Policy "supports vertical industries and sectors such as manufacturing, mining, agriculture, telehealth, education etc." This is not surprising as mines, for example, are moving in the direction of licensing radio frequency spectrum to building their own 5G networks. This will facilitate the use of autonomous vehicles (read, dare I say it, A.I.).

The Next-Generation Radio Spectrum Policy identifies and hopes to solve a few problems. It takes issue with the fact that well-resourced operators can more easily acquire spectrum than smaller players, leading to the ongoing anti-competitive challenges identified in the ICT White Paper. It seeks to address:

- unclear roles and responsibilities;
- Gaps in the spectrum management regime;
- an exclusive spectrum regime promoting economic growth;
- extending broadband access to include rural, remote and underserved areas; and
- lower the cost of communications.

The Next-Generation Radio Spectrum Policy discusses implementing spectrum sharing in a manner that preserves a licence holder's rights and requires ICASA to implement rules and regulations that allow for the "use-it-or-sharing it" principle.

The policy prohibits spectrum hoarding and promotes the "use-it-or-lose-it" principle. The Next-Generation Radio Spectrum Policy gives ICASA the power to authorise "spectrum trading, spectrum sharing, dynamic spectrum access use, and spectrum 'subletting' and/or sharing between licensees."

It promotes the shutdown of older generation networks (i.e. 2G and 3G), but proposes that before doing so an economic and regulatory impact assessment be conducted. It proposes that a phased approach to such a shutdown be adopted and that this be considered within two to three years from today. It sets out preliminary dates for the 2G and 3G sunset, with the final proposed date being 31 December 2027 for the total shutdown of these networks.

It will be interesting to see the industry's reaction now that [the long process](#) of finalising the Next-Generation Radio Spectrum Policy is, hopefully, done and dusted.

PPM Attorneys has advised telecommunications licensees and ICASA on related matters for decades. Contact us if you have any questions arising from this article. We're known for our good, clear, precise advice.