

STARLINK: REGULATORY CHALLENGES FOR ITS DEPLOYMENT IN SOUTH AFRICA

Category: Infrastructure and Telecommunications

written by Sadia Rizvi | April 5, 2024



South Africa's telecommunication sector has been growing in the last few years, however, connectivity and access in rural areas has historically been a challenge. Telecommunications and telecommunications infrastructure is an important enabler for economic growth and development. Additionally, adequate access to information is critical to enable Gross Domestic Product growth in a country. According to the 2021 International Telecommunications Union Report ("ITU") on Connectivity in the Least Developed Countries, there exists a "usage gap", whereby people have access to connectivity, but are not in a position to use it. Elon Musk's Starlink, is one of the ways in which the digital divide can be bridged, especially in rural areas.

Starlink works by connecting to a network of satellites in space about 550 kilometres away from the Earth's surface, ensuring that subscribers in the most remote and inaccessible regions are able to connect to the internet.^[1] Because the satellites orbit the Earth at a lower altitude than traditional internet satellites, it is able to interconnect and relay signals creating faster and stable internet services. It can deliver high-speed broadband internet to locations where internet access is unreliable or unavailable. Starlink subscriptions have been rolled out in a number of African countries including Kenya, Mozambique, Nigeria and Rwanda. Starlink has not been rolled out in South Africa because it currently does not have a licence from the Independent Communications Authority of South Africa ("ICASA") to operate. However, South Africa is a region that is covered by the Starlink network, which means that a subscriber with a subscription is able to connect.^[2] Some South Africans have found ways to purchase the subscription, as there are already service providers selling subscriptions to South Africans.

Starlink has the potential to improve internet connectivity in South Africa, in turn spurring economic development and growth in the country. In order to operate in South Africa, Starlink would require electronic communications licenses issued under the Electronic Communications Act.^[3] Without the necessary licenses in place, Starlink cannot directly provide subscriptions to South Africans. In addition, ICASA requires that licence applicants have a minimum of 30% equity ownership held by persons from historically disadvantaged groups.^[4] A further consideration is the fact that Starlink equipment should be "type approved".^[5] These regulatory hurdles pose a challenge for Starlink, and it also inhibits progress and development that is beneficial to the country overall.

One of the ways that Starlink can overcome the equity ownership requirement, is to strategically

partner with a local service provider that has the necessary licenses in place and complies with the equity requirements. [Leveraging public-private partnerships](#) is also another solution that should be considered, as governments can contribute by creating a conducive regulatory environment to facilitate the deployment of technologies and infrastructure, such as Starlink. Reliable internet connectivity in South Africa can do much to foster economic development and enhance connectivity in areas that are digitally isolated. A collaborative approach is required to meet the regulatory challenges and to bridge the digital divide.

[Contact us](#) for more good, clear, precise advice.

[1]

<https://www.pocket-lint.com/what-is-starlink-where-is-it-available-how-much-does-it-cost/#:~:text=Starlink%2C%20Elon%20Musk's%20project%2C%20aims,plans%20and%20pricing%20options%20available>.

[2]

<https://www.news24.com/news24/tech-and-trends/news/south-africans-find-creative-way-to-access-starlink-as-other-african-countries-connect-officially-20230719>.

[3] 36 of 2005.

[4] Government Notice 170 of 31 March 2021: Regulations in respect of the limitations of control and equity ownership by Historically Disadvantaged Groups (HDG) and the application of the ICT Sector Code.

[5] The term has now changed to “equipment authorisation”.