

AFRIFORUM

SUBMISSION:

**Consultation on the proposed new Licensing
Framework for Satellite Services**

UNDER CONSIDERATION OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

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1. INTRODUCTION

AfriForum is a South African civil rights organisation, the largest civil rights organisation in the southern hemisphere, with over 315 000 donating members. The organisation acts in the interest of its members as well as in the interest of the public, in particular minority groups, through active participation and advocacy. One of AfriForum's core principles is opposition to racially discriminatory legislation. Therefore, this opportunity for public participation falls directly within the organisation's field of focus.

AfriForum submits these comments in response to the proposed new Licensing Framework for Satellite Services, currently before the Independent Communications Authority of South Africa (ICASA). AfriForum's submission can be summarised as follows:

Racially discriminatory criteria, in the form of strict race-based ownership requirements, should be scrapped from ICASA's requirements for internet service providers. These strict race barriers to entry in the market for internet service providers, such as Starlink, are making South Africa fall behind not only in the world and on the African continent, but specifically also in the Southern African region, when it comes to access to these new technologies. It is robbing South African consumers of more effective internet service provider options, with the most heavily affected being those living in rural areas where internet coverage is very weak or non-existent.

2. AFRIFORUM'S STANCE

Since the creation of the Union of South Africa in 1910, approximately 313 race-based laws have been introduced, of which nearly 37% (116+) have been enacted since the ANC became the ruling party in 1994. AfriForum opposes any race-based legislation, as well as the racial classification system the South African government continues to perpetuate. At the same time, AfriForum supports the principle of the development and empowerment of people in need, regardless of their skin colour.

Policies and ideologies should not be judged based on their intentions, titles or aims, but rather on the outcomes that they achieve and produce. You judge a tree by its fruit. "Black economic empowerment" is a perfect example of a policy with a rosy name, but which produces unjustifiable outcomes through immoral means. AfriForum does not oppose the empowerment of poor black people; rather, AfriForum is opposed to the discriminatory policies titled "black economic empowerment", which achieves everything but its stated goals and is instead just a smoke screen for empowerment of a small elite through cadre deployment and cronyism.

AfriForum stands on solid, principled ground: racial discrimination by the government, for example in employment and sport, was wrong in the past and is therefore also wrong in the present. Condemnation of racial discrimination by the government in the past rings hollow when it is done by those who defend racial discrimination by the current government in the present. Systemic racism is defined as a form of racism or racial discrimination that is built into the legislation of a society, with racially discriminatory hiring practices as one of its main

features. According to this definition, the race laws of both the pre- and post-1994 governments are textbook examples of systemic racism.

Racial prejudice has infected almost every facet of society, from corporate hiring practices to elementary school rugby teams. The leaked internal memo from the company known as Dis-Chem Pharmacies (Pty) Ltd in 2022, which announced a moratorium on the hiring and promotion of white people, serves as a testament to how absurd and unjustifiable the racial discrimination mandated by the government has become.

Government-driven racially discriminatory hiring practices, sold as “affirmative action” or “redress”, are a sham solution. What must be corrected is a dysfunctional education system where many children in 2024 still attend schools with pit toilets. The real problem is a racially obsessed government that has failed to address the worsening crisis in the fields of unemployment, education, corruption and electricity supply.

The government’s preoccupation with equality of outcomes, rather than equality of opportunity, has created and continues to create an increasingly race-obsessed environment. This exacerbates social tension in the country and contributes towards racial polarisation and animosity.

AfriForum therefore calls for the scrapping of racially discriminatory legislation.

3. STARLINK

In June 2024 Starlink announced a time frame for its satellite service to be launched in the country of Lesotho, making South Africa the only country in Southern Africa without an estimated activation date for Starlink’s services. For perspective, out of 54 African countries, only 15 do not have an estimated Starlink availability time frame. Starlink has already

launched in four of South Africa's six neighbours: Eswatini, Mozambique, Botswana and Zimbabwe. Namibia is set to receive coverage in 2024, as well as Lesotho. South Africa is therefore falling behind, not only globally and on the African continent, but specifically also in the Southern African region when it comes to access to these new, beneficial technologies. It is widely reported that the strict race-criteria employed by ICASA are the key obstacle to Starlink entering South Africa.

The improved communication capabilities because of Starlink's presence in South Africa would greatly assist in crime prevention and crime response times. South Africa is facing a serious crime problem, especially in rural areas where people often live more isolated. In rural South Africa, cellphone cover is often unreliable or completely absent, and as a result, millions of South Africans have no reliable access to internet. Improved internet access through technology that Starlink can offer would therefore enable better response times in emergency situations. Moreover, this would improve the communication capabilities of community safety structures, which would facilitate improved crime prevention. A stable internet connection, for example, is crucial for farm security in the form of emergency communication and security cameras. During power outages, cell phone towers are also prone to weaker or even no signal.

AfriForum believes that by blocking Starlink from operating in South Africa on racial grounds, ICASA is depriving rural communities of an alternative path to reliable resources that could save lives, as well as denying South African consumers an additional, very effective, internet service provider option.

4. ORAL SUBMISSIONS

Seeing as ICASA has indicated that oral presentations will also be accepted, AfriForum kindly requests the opportunity to present its submission as an oral presentation as well.

5. CONCLUSION

Racially discriminatory policies are wrong, hurt consumers and hold South Africa back, with the blocking of Starlink from operating in South Africa on these race-based grounds being the latest example. Our neighbouring countries are racing ahead and will soon be picking the fruits of welcoming Starlink, while South Africa remains stuck due to unjustifiable and damaging racially discriminatory policies.

It is on these grounds that AfriForum rejects the inclusion of race criteria in ICASA's approval process for satellite services.