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AIDS HELPLINE: 0800-0123-22 Prevention is the cure



CONTENTS

No.

Page
No. Gazette
No.

GENERAL NOTICE

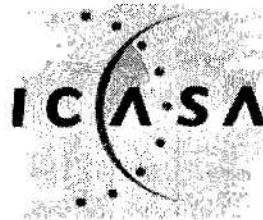
Independent Communications Authority of South Africa

General Notice

3266	Telecommunications Act (103/1996): Findings and Conclusions on Mobile Telephone Blocking Devices enquiry	2	24123
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GENERAL NOTICES

NOTICE 3266 OF 2002



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

Findings and Conclusions on Mobile Telephone Blocking Devices Enquiry

In terms of section 27(8)(a) of the Telecommunications Act (Act No. 103 of 1996), as amended, the Independent Communications Authority of South Africa (ICASA) hereinafter referred to as the Authority, hereby makes known its Findings and Conclusions on the enquiry initiated in terms of Section 27 of the Act, in Government Gazette No. 23350 of 23 April 2002, into the use of Mobile Telephone Blocking Devices in South Africa. This document is also available on our website and is open for public inspection at the office of the Authority, ICASA Library Block D, Pinmill Farm, 164 Katherine Street Sandton.

1. Background

ICASA was inundated with calls from the public about its views regarding Mobile Telephone Blocking Devices (cellular jammers). It is against this background and in the public interest that ICASA issued a notice (Government Gazette Number 23350 dated 23 April 2002) in terms of Section 27 of the Act inviting submissions from the public. A public hearing on the matter was held on the 9th of September 2002 at ICASA's head office in Sandton from 09h00 to 17h00 as per Government Gazette Number 23774 dated 20/08/2002.

ICASA's public process elicited 11 responses. The table below gives a list of all parties that participated in ICASA's public process.

Name	Written submission.	Oral submission.
1.Vodacom	Yes	Yes
2.MTN	Yes	Yes
3.CellC	Yes	Yes
4.Digicore	Yes	Yes
5.Banking Council of S.A.	Yes	Yes
6. Motorola	Yes	No
7.Ellectrix-C cc	Yes	Yes
8.CellBlock S.A.	Yes	Yes
9.Cellsecure	Yes	No
10.Bernie Bowers Pr.Eng	Yes	No
11.Law Enforcement Agencies	Yes	In-Camera

2. Impact analysis of cellular jammers on the industry

The Authority received conflicting views on the use of jammers in South Africa. It is not ICASA's intention to address all the matters raised in the discussion document or the submissions in the oral hearing, but rather address the major critical issues in so far as licensing of cellular jammers is concerned.

Broadly, comments were made around the use of cellular jammers and their impact on licensed rights, personal or individual rights, public safety, and the law enforcement and security agencies.

It was noted that licensed mobile operators use GSM 900 and 1800 spectrum to roll out various services in accordance with their license obligations. The mobile cellular operators contend that not only will cellular jammers interfere with their services, but they also make communication of non-voice (and therefore "non-obtrusive") services such as WAP, GPRS, Multimedia services, and the envisaged e-commerce applications on their GSM networks impossible. In addition they argue that the unacceptably high number of dropped calls that would result from the authorization of jammers may adversely affect their customer base and thus their businesses.

In a similar vein, asset trackers and security companies, who protect their assets/ properties by using various mobile operators' networks, argued that it would not be in their interests to authorize cellular jammers. They indicated that it could result in liabilities running into millions of Rands.

It was further argued that cellular jammers could lead to criminal activity, if in the wrong hands. On the other hand, some parties, in particular the manufacturers of cellular jammers argued that cellular jammers address both safety and security needs, through subverting criminal planning in places such as prisons and personal privacy needs, such as the need for silence in certain public environments such as restaurants, post office and banks etc.

An interesting submission was made to the effect that mobile operators' signals often invade some people's privacy, and that personal choice must also be respected through the authorization of cellular jammers on certain premises.

Looking at the user perspective, ICASA notes that mobile handset users may suffer inconvenience or loss of business if cellular jammers are authorized. Furthermore, customers responsibly using silent features on their mobile handsets, and those using their handsets responsibly, will be disadvantaged.

A major public concern of the Authority, is the resulting no access to the entire range of emergency numbers (112, 10111, 911 etc) within a jammed area.

While the potential and principal markets were identified as public organizations such as restaurants, churches, hotels, banks and institutions of higher learning, and private places like the golf country clubs & various sports clubs, the Authority notes with concern that of all these organizations or institutions only the banks made submissions.

3. Conclusions

ICASA, on the basis of all submissions made and consistent with its mandate to manage the radio-frequency spectrum and protect the public interest, has determined that there appears to be no legitimate radio communications use for cellular jamming devices. ICASA has therefore decided that the use of jamming devices will be not be authorized.

ICASA notes the concern around the use of cellphones in public places and encourages the mobile cellular industry to embark on programmes to promote responsible mobile phone use by consumers.

The National Security Cluster Departments (i.e Defense, Justice, Intelligence, SAPS, Scorpions and Correctional Services) will have alternative legislation to support them in their tireless efforts against organized crime, rehabilitation and State security functions.

ICASA hereby calls on member's of the public who may have been led to believe that cellular jammers are licensed and type approved by ICASA, to remove from their premises and return the same equipment to their vendors. This grace period will be valid for three months from the date of publication of this notice in the Government Gazette.

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