



Attention: Ms Jesse Duarte
ANC – Communications Policy

Email: Jessie@opensbs.co.za

26 June 2012

Dear Ms Duarte

SOS: SUPPORT PUBLIC BROADCASTING COALITION SUBMISSIONS IN RESPONSE TO THE ANC'S COMMUNICATIONS POLICY DISCUSSION DOCUMENT

1. INTRODUCTION

1.1. In March 2012, the ANC released its Communications Policy Discussion Document (“the Discussion Document”). The SOS Coalition is pleased to be able to give feedback as a civil society voice to the ANC on this document which will doubtless be central to the development of new ICT policy going forward. The SOS Coalition trusts that the ANC will view this submission as a genuine attempt to find constructive solutions to the challenges facing the majority of South Africans in accessing quality broadcasting and ICT services.

1.2. The SOS Coalition is focused on broadcasting hence these submissions likewise focus on commenting on those aspects of the Discussion Document that deal with broadcasting. We will not comment on every aspect of the Discussion Document made but only on those where we feel we can add value to the national debate.

2. INTRODUCTION TO SOS

2.1. The SOS Coalition represents a number of trade unions including COSATU, CWU, BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); and a host of NGOs and CBOs including the Freedom of Expression Institute (FXI) and Media Monitoring Africa (MMA); as well as a number of academics and freedom of expression activists. (Please see Annexure 1).

3. OVERALL IMPRESSIONS

3.1. The SOS Coalition wishes to congratulate the ANC on a detailed, comprehensive and progressive Discussion Document. The Coalition is of the view that the Discussion Document contains an honest and critical assessment of where we are and the challenges that we face. The Coalition is also of the view that many of the ANC's suggestions for how to meet these



challenges are forward-looking and progressive and hopes that a number of these will find their way into the National ICT Policy Review Process.

3.2. The SOS Coalition is discontented by the fact that Community Media was not substantially dealt with by the Discussion Document. The Coalition believes that these are critical issues and that the community media sector is faced by a number of governance and funding challenges. As to a way forward the SOS Coalition supports the view that “community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit”¹. The SOS Coalition believes that the community broadcasting sector must be representative of real geographic communities or communities of interest, and ought not to be beholden to commercial, state or government imperatives and interests. The Coalition hopes that the ANC will discuss these important issues further with a view to putting forward concrete resolutions.

1. SOS SUPPORTS THE FOLLOWING BROADCASTING-RELATED ASPECTS OF THE DISCUSSION DOCUMENT AND HOPES THEY WILL BE REFLECTED IN THE NATIONAL ICT POLICY

1.1. The SOS Coalition strongly agrees with the ANC’s recognition in clause 20 that South Africa has not maintained its continental leadership position with regards to the rollout of ICT services. SOS notes that growth in the broadcasting sector has also been stagnant for a number of years.

1.2. The SOS Coalition strongly agrees with the ANC’s assessment in clause 26 that the pay television market has been characterised by a lack of competition which has resulted in a lack of diversity in that sector. We would point out however that there is also a lack of competition in the commercial free-to-air television sector which further limits the diversity of services available to the majority who are unable to afford subscription television.

1.3. The SOS Coalition congratulates the ANC on its clear and honest assessment of the current state of the ICT sector in clause 27 and agrees fully therewith.

1.4. The SOS Coalition agrees with the criticism levelled by the ANC against the Department of Communications in clause 32 and hopes that this will lead to renewed vigour in addressing institutional problems with governmental performance in regard to the ICT sector in general and broadcasting in particular.

¹ “Article 1 of Part III of the African Charter on Broadcasting”



- 1.5. The SOS Coalition strongly agrees with the ANC's suggestion made in clause 33 regarding the creation of a National ICT Forum. However we are concerned that civil society participation appears to be a bit of an afterthought and we would urge the ANC to make civil society participation a central aspect of such a forum. In this regard we would urge the ANC to include local content producers as well as freedom of expression and public broadcasting-related organisations such as our own. Further, we would urge that ICASA be represented on such a forum as it is a critical organ of the ICT regulatory landscape.

- 1.6. The SOS Coalition strongly agrees with the ANC's suggestions made under the heading "Transformation of the Industry" although it would point out that the broadcasting sector is generally more transformed than the rest of the ICT sector as a result of licensing.

- 1.7. While the SOS Coalition agrees with the ANC' statement in clause 47.iii to the effect that barriers to entry must be reduced, the SOS Coalition believes that social transformation issues must be at the forefront of a democratic broadcasting policy and that these cannot be left to market forces. Consequently, the SOS Coalition would urge the ANC to include the following areas as being central to the broadcasting aspects of the ICT review:
 - 1.7.1. the development of quality local content in all languages and reflecting regional diversity;
 - 1.7.2. the deepening of indigenous language use, particularly on the public broadcaster, and
 - 1.7.3. the importance of deepening democracy through ensuring public participation and debate in discussions on political and social issues of public concern.

- 1.8. The SOS Coalition welcomes the suggestion of the merging of the USAASA and the MDDA made by the ANC in clause 47.vi. However we are of the view that the ANC's suggestions around the appropriate contributions to such merged entity are vague. It is not clear what "uncapped" would mean in this context. The SOS Coalition is not opposed to increasing the contribution made by the public broadcaster and commercial broadcasters although this must be subject to a market study to ensure sustainability and the fee must be clear, equitable and prescribed in regulation.

- 1.9. The SOS Coalition strongly agrees with the ANC's suggestions on the funding of ICASA made in clause 47.vii. We trust that this suggestion will find its way into the National ICT Policy Review.

- 1.10. The SOS Coalition strongly agrees with the ANC's critique of the SABC and its funding model contained in paragraphs 81 and 82 of the Discussion Document. We are of the view that Government must embark on a detailed study of how best to fund the SABC sustainably while preserving its specific character as a public as opposed to a commercial broadcaster.
 - 1.11. The SOS Coalition strongly agrees with many of the critiques of the SABC, specifically those mentioned in clauses 83, 84, 85, 88 and 89 of the Discussion Document, subject to our comments contained in paragraph 2.2 below.
 - 1.12. The SOS Coalition strongly agrees with the critiques of the functioning of the SABC's oversight bodies, namely Parliament and ICASA, made in clauses 84 and 95 of the Discussion Document. The SOS Coalition believes that political will is essential to ensuring that these bodies are capacitated to perform their legal and Constitutional functions *vis a vis* the SABC, effectively.
 - 1.13. Subject to our comments in paragraph 2.3, the SOS Coalition welcomes the ANC's proposed policy statements on local content contained in clauses 91, 92 and 93 and agrees the local content production and broadcasts are critical not only to the development of our local cultural industries but also to our understanding of who we are as a nation.
2. SOS DISAGREES WITH THE FOLLOWING BROADCASTING-RELATED ASPECTS OF THE DISCUSSION DOCUMENT
- 2.1. The SOS Coalition disagrees with the ANC's assertion that all official languages are reflected on television made in clause 79 of the Discussion Document. The SOS Coalition believes that many marginalised indigenous languages, including: Sepedi, TshiVenda and Xitsonga do not appear on our television screens in a consistent manner. A language which cannot be accessed consistently is not properly catered for and the SABC has a great deal of work to do in ensuring these languages consistently appear on public television.
 - 2.2. The SOS Coalition disagrees with the ANC's assertion that the SABC must be accountable to, among others, the Government as the shareholder, made in clause 89 of the Discussion Document. The SOS Coalition believes that such a view undermines the SABC's position as a public as opposed to a state broadcaster. While the SOS Coalition recognises the state is the sole shareholder it does this on behalf of the public and not in its own right. Consequently the SABC's accountability to the public ought to be exercised with respect to Parliament and, to a more limited extent, to ICASA in respect of adherence to broadcasting laws, regulations and licence conditions.

2.3. The SOS Coalition disagrees with the ANC's position on local content as set out in clause 92 of the Discussion Document. The SOS Coalition notes that the ANC's statement that the local content quota for commercial and public commercial free to air television services is 30% is incorrect as the prescribed quota is 35%. The SOS Coalition, which includes a number of organisations active in local content production, is of the view that the problem is not with the quotas themselves but with the broadcasters' actual compliance therewith. The SOS Coalition has repeatedly noted and challenged ICASA's inability to monitor and enforce compliance with local content regulations and licence conditions and trusts that the final ANC Policy Document will reflect the need for ICASA to robustly ensure such compliance.

3. CONCLUSION

3.1. SOS thanks the ANC for the opportunity of making these written submissions.

3.2. SOS trusts that the ANC will find these submissions helpful.

3.3. Please do not hesitate to contact us if SOS can be of any assistance to the ANC or if you have any queries or require any additional information.

Thank you

Kind Regards,



**Carol Mohlala,
SOS Coordinator**



Annexure 1

Members of the “SOS: Support of Public Broadcasting Coalition”:

Organisations:

- Alternative Information Development Centre (AIDC)
- The Broadcast, Electronic Media and Allied Workers Union (BEMAWU)
- Congress of South African Trade Unions (COSATU)
- Communication Workers Union (CWU)
- Creative Workers Union of South Africa (CWUSA)
- Ecumenical Services for Social and Economic Transformation (ESSET)
- Federation of South African Unions (FEDUSA)
- Freedom of Expression Institute (FXI)
- Freedom of Expression Network (FXN)
- Gender and Media Southern Africa (Gemsa)
- Genderlinks
- IDASA, an African Democracy Institute
- Institute for the Advancement of Journalism (IAJ)

- Link Centre
- Media Monitoring Africa (MMA)
- MISA South Africa (The South African National Chapter of the Media Institute of Southern Africa)
- Media Workers Association of South Africa (MWASA)
- National Community Radio Forum (NCRF)
- South African Non-Governmental Organisation Network (SANGONET)
- South African History Archives (SAHA)
- South African Screen Federation (SASFED):
 - Documentary Filmmakers Association (DFA)
 - Independent Producers Association (IPO)
 - The Official South African Casting Association (OSCA SA)
 - Personal Managers Association (PMA)
 - South African Guild of Actors (SAGA)
 - South African Guild of Editors (SAGE)
 - Writers Guild of South Africa (WGSA)
 - Women in Film and Television, SA (WIFTSA)
 - Women of the Sun (WOS)
- Workers World Media Productions

Individuals:

- Ms. Ingrid Bruynse – Bright Media, independent producers
- Ms. Jayshree Pather – Independent Media Consultant
- Mr. Raymond Louw – South African National Editors Forum (in his private capacity)
- Prof. Anton Harber – Caxton Professor of Journalism, University of the Witwatersrand (in his private capacity)
- Prof. Devan Pillay – Head of Sociology Department, University of the Witwatersrand (in his private capacity)
- Prof. Tawana Kupe – Associate Professor of Media Studies and Dean of the Faculty of Humanities, University of the Witwatersrand (in his private capacity)
- Prof. Jane Duncan – Chair of the Information Society, Rhodes University (in her personal capacity)
- Ms. Justine Limpitlaw – broadcasting lawyer (in her private capacity)
- Ms. Jeanette Minnie of Zambezi FoX – international Freedom of Expression and Media Consultant
- Prof. William Gumede – writer, journalist, academic and freedom of expression activist, Development Bank of Southern Africa
- Mr. Jay Naidoo – ex-General Secretary of Cosatu, ex-Minister of Communications, international human rights activist
- Mr. Martin Dolny – Director of the Joe Slovo Foundation (in his personal capacity)