Prospects for Enhancing Media Diversity: The State and Fate of Community Media in South Africa

A Right2Know Campaign Discussion Document

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"Open debate and transparency in government and society are crucial elements of reconstruction and development. This requires an information policy which guarantees active exchange of information and opinion among all members of society. Without the free flow of accurate and comprehensive information, the RDP will lack the mass input necessary for its success."

- *Reconstruction and Development Programme (RDP)*

"Community broadcasting is broadcasting which is for, by and about the community, and whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit."

- *Windhoek Charter on Broadcasting in Africa*

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1. Context for Community Media

South Africa's community media operate in a complex environment and before we can begin to chart a path forward we must examine some of the key trends shaping our terrain.

More that 17 years after the collapse of formal Apartheid, South Africa still faces many challenges of entrenched and structural inequality and poverty. Massive unemployment, an impacting HIV/AIDS epidemic, high levels of rape and other gendered violence, limited agrarian reform leaving Apartheid era land ownership patterns intact, deepening rural poverty, and increased urbanization, under-investment in social services (eg education, health, and the criminal justice system), and environmental degradation are but some of the manifestations of Apartheid's legacy and the democratic state's perusal of neo-liberal economic policies.

Despite these considerable obstacles to South Africa's fight against inequality some gains have been made in the last two decades. The introduction of democratic dispensation has seen a transformation of institutions of governance to include all South Africans with an emphasis on participation and consultation. The 1996 Constitution offers South Africans' a framework to access basic human rights as well as socio-economic rights.

The raft of progressive legislation intended to dismantle apartheid and create greater access to opportunities and forms of participation in governance and the allocation of resources have been undermined by the government's fixation with fiscal austerity and social cohesion. This has posed a challenge to a vast number of South Africans who remain trapped in exploitative gender relations, work relations, or under the rule of undemocratic 'traditional leaders' and conservative economic polices that seek to commodity public and private spaces and limit state expenditure on social services.

The democratic state has demonstrated limited capacity to respond to the demand for socio-economic justice. Attempts to transform and capacitate government have been restricted by fiscal austerity, dependence on apartheid era and private sector technocrats, low moral, and corruption. This has proven particularly true of Local Government who – in many cases – have been given the mandate to deliver key elements of social justice.

The past 17 years have witnessed an erosion of the mass based and participatory traditions that the ANC inherited from the United Democratic Front. An electoral system of proportional representation, party lists, and the ANC's mechanism of List and Deployment Committees results in party power being centralized in the hands of a few.

The post-apartheid era has also seen the demobilization of the organized civil society that where central to the collapse of apartheid. Progressive Civil Society Organizations (CSOs) – exemplified by some NGOs, CBOs, COSATU, and the SACC – have struggled to define their role in the post-apartheid dispensation in relation to the state and private sector. A leadership drain, reduced and constricted donor funding are often sited as reasons for their limited impact. Attempts to promote socio-economic justice though technocratic mechanisms of research, lobbying, and public relations have proved largely ineffectual.

Many organizations seeking a more just social order have prioritized lobbying the state over engaging with those effected by poverty through popular education and mobilization. Programmes that do declare an intention to engage the poor tend to underestimate the scale and complexity of required interventions and resort to piecemeal and small-scale (often unsustainable and symbolic) activities.

Recent years have seen an upsurge of popular 'service delivery' protests and widespread frustration and discontent amongst the majority of South Africans – evidenced perhaps best by the popular anger that the President Jacob Zuma was able to exploit in his bid for the Presidency. Sadly, Zuma's government has inherited the contradictions, limits, temptations, and challenges of its' predecessor.

The extent to which the government can defuse the popular anger will be determined by the extent to which it can address their historical demands for socio-economic justice. These trends confirm our historical lesson that social change requires grass roots and wide spread popular mobilization. A robust community media – independent of the state and commercial interests - has an important role to play in this regard.

2. State of the Sector: Partially Enabled Survival

In this context community media[1], independent of the state and private sector and accountable to marginalized communities, has the potential to play an important role in deepening democracy and advancing socio-economic rights. It is critical link in the democratic system, facilitating a dialogue, and enabling social change to emerge from the grass roots and reach national and international stakeholders. Community media also provides citizens an avenue to exercise their constitutional rights to freedom of expression and access to information, as well as serving as a conduit to hold elected officials and public servants accountable.

Since the democratic breakthrough of 1994 the state has taken various legislative steps to create an enabling environment for a Peoples' Media. The 1996 Constitution provides for the rights to freedom of expression and access to information.

The establishment of the Independent Communication Authority of South Africa (ICASA) has legalized community radio and provided for the allocation of broadcast frequencies – there are now over 100 community owned and controlled radio stations across the country.

However community media project operate in an extremely hostile environment and face many challenges (described below) relating to their financial sustainability, governance, strategic orientation, governance, and programming/editorial.

Despite these challenges some community media projects have through their programming, news, and attention to local language and culture, have established themselves as a unique voice in the South African media.

Media projects have shown remarkable tenacity, sustaining themselves and growing in numbers over the last 17 years, innovating in the areas of governance, management, resource mobilization, and programming.

The following sections paint a more detailed picture of the community media sector.

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[1] Sadly the South African community media sector remains woefully under researched. This discussion document draws largely on the experiences, perceptions, and analysis of those who contributed to its' production. No doubt, given the number of community media projects, for every generalization it contains there are many exceptions.

2.1 The Purpose of Community Media & Financial Survival

The community media sector is South Africa was established with a noble and transformative purpose articulated in the NCRF Charter:

> "the vision of the community radio sector is to advance participatory democracy towards sustainable development in communities. Participatory democracy encourages people to become involved in the decision-making process and to drive development. This means the station plays an active role in creating platforms for debate, discussion and the community is encouraged and empowered to shape their development and express their views freely",

However in practice, in response to the hostile social and economic environment in which they operate, most media project adopt their financial survival as their primary strategic objective.

Projects – print and broadcast - are primarily dependant on advertising for their income. Many projects are located in communities that have limited consumer power and thus do not represent attractive markets to private sector advertisers. Advertising agencies, responsible for the ad-spend of large corporations, perceive community media projects as ineffective vehicles for advertising due to their large number, small footprints, and at times poor administrations. The public sector (while the largest contributor to advertising and programme sponsorship) and civil society either fail to realize the importance of communication to their programmes or choose to spend their communication resources in traditional forms of mass media.

The dependence on the whims of individuals controlling advertising budgets (both private and government) severely impacts on the editorial independence of media projects as they are loath to offend those with money and are prepared to broadcast/publish almost any content that comes with sponsorship.

Because of the general under-funding of media projects, they lack the funds to secure and retain the necessary skills and other resources to produce quality programming and facilitate community participation.

The establishment of the Media Development and Diversity Agency (MDDA) in 2005 has created an conduit to facilitate access to state and private sector resources for media projects. However the MDDA was born within the frame of neo-liberal state policy and the Agency remains woefully under funded (unable to fund core running costs of media projects) and controlled by a Board dominated by representatives of the private media sector and government.

The community print sector remains unprotected from competition with large publishing houses and many print projects that have demonstrated some success are either bought by big media houses or – when they refuse to sell – face unfair competition as the big houses launch competing titles syndicate editorial and advertising, and offering grossly reduced advertising rates. The result is a virtually non-existent community print sector comprising of a handful of niche publications and some struggling community papers that publish intermittently.

2.2 Community Ownership & Control

Community Media was born out of the struggle for a democratic society expressed in the vision outlined in the Freedom Charter with its first clause: "The People Shall Govern!". This clause refers to four inter-related dimensions of popular democracy: electoral democracy, administrative democracy, constitutional democracy, and participatory democracy.

Participatory democracy requires strong institutions outside the state directly controlled by organised communities – institutions that can articulate community perspectives, facilitate democratic processes within the community, and enable the community to engage the state.

There is an emphasis on 'community ownership and control' as a defining criteria for community media in many major policy documents (including the Broadcast Act and MDDA Act) bears testimony to the role that South African's envisage this media playing in giving a voice to sections of the population that have been socially and economically marginalized.

To enable 'community ownership and control' media projects are – by law – registered as non-profit Section 21 Companies or Trusts and are obliged by their ICASA license agreements to conduct an election of their Boards at a public Annual General Meeting (details of the AGM must be announced on air).

While these conditions are necessary to ensure community ownership and control, alone they are inadequate. In the current socio-economic context the model tends to attract opportunists who imagine that participating in the governance of a station could lead to self-advancement. The community radio sector is littered with anecdotes of people who arrive at AGMs with a bus full of children to secure their election to the Board or a group of friends registering a Trust and secure a radio license in the name of a community.

The model has also often lead to a high turn over of Board members, resulting in the loss of institutional memory, and generating tensions between Boards and station staff.

A governance model that mitigates some of these problems has emerged in a few community media projects. Referred to as the 'sectoral ownership model', community ownership of projects is expressed through organised formations of the community (NGOs, CBOs, unions, churches, etc.) who nominate representatives for election at the station's Annual General. Projects determine their own relevant sectors (e.g. youth, women, religion, workers) and sector representatives ensure greater community accountability and stability for projects.

Of course 'community ownership and control' refers to more than just participation at the level of governance. Stations should have a variety of mechanisms to ensure community members can shape the projects programming/editorial. Successful examples of these mechanisms include regular meetings of listener clubs to give feedback, organizational partnerships to co-produce regular shows, individual volunteering to host a regular show, public meetings to get input on a stations schedule, on-air discussions where station staff share their plans and get input, etc.

While these examples of 'good practice' exist in the sector, they are far too few and far between.

2.3 Programming and Editorial Content

Given high levels of illiteracy and the wide rage of languages and dialects used in South Africa, local

media (especially radio) has a key role to play in ensuring participatory democracy and the advancement of socio-economic rights.

Radio stations have assembled functioning studios and remained on the air, many of them in remote locations and with limited technical skills. Media projects have also managed to build and sustain news departments producing numerous daily bulletins – in the case of radio - and reporting local, national, and international events for their audiences.

However, factors outlined above result in weak programming and editorial content. Community radio stations – broadcasting for many hours a day – resort to music (often America pop) and news bulletins are read off the front pages of the commercial print media. There is also a dependence of the Government Information and Communication Service (GCIS) who provide ready packed news and other content. Local content is dominated by parochial stories often with a bias to the concerns and prejudices of rate payers or middle class sections of the community.

While stations are required in terms of their license conditions to dedicate a percentage of their programming to national and international developments, there is very little original programming of this type that can creatively link national/international developments to local impacts or implications.

Content sharing is limited with few media projects exchanging content amongst themselves or forming sustainable partnerships with CSOs.

Generally, analytical and journalism skills are weak. Few editorial staff have receive formal training in journalism and there is little or no investigative reporting.

The shortage of skills in the sector and the recruitment of skilled people from the sector to more lucrative commercial and public broadcast media impacts negatively on the management and sustainability of projects. There is limited comparative information about various training service providers and about the skill needs of media projects. The absence of comprehensive or systematic needs assessments results in capacity building services being delivered in a piecemeal and ad-hoc basis.

Many media projects battle to access and maintain information and communication technologies (ICTs) necessary for effective and enhanced publishing and broadcasting. The National Community Radio Forum (NCRF) estimates that less than 50% of community radio stations have internet access. The rapid migration from analogue to digital broadcast technologies is also a challenge for many stations.

3. Ministerial Policy Review: Opportunity or threat?

The election of President Zuma in 2009 saw the appointment of a new Minister of Communications, Siphiwe Nyanda, who moved swiftly to produce a series of new policy proposals: The Public Service Broadcasting Bill (PSB) in 2009 and the "Independent Communications Authority of South Africa Amendment Bill" in 2010 both contained far reaching implications for the community media sector.

While some proposals in the draft legislation where welcomed, on the whole the community media sector and broader civil society rejected the proposals as an attack on the independence of media projects.

In late 2010, a new Minister of Communications, Roy Padayachie, withdrew the controversial PSB and announced that in 2011 the Department would embark on a thorough review of broadcasting policy. This would include a review of the 1998 White Paper on Broadcasting, an environmental scan of the broadcasting legislation and regulations in place and undertake an economic modeling exercise to look at community media costs and projected costs of digital migration in the sector.

This section of the document presents and critiques the Department of Communications proposals critiques proposals tabled in 2009 and 2010 and points to alternatives that could for the basis for Right2Know campaign positions on these issues.

Depending on the outcome of the Ministerial Policy Review Process, a new regulatory environment will either be full of opportunities or threats for community media.

3.1 Competing Visions & Purpose for Community Media.

In the early 1990s much consensus regarding the purpose of community media was developed. This consensus is expressed in the NCRF Charter, which states "the vision of the community radio sector is to advance participatory democracy towards sustainable development in communities. Participatory democracy encourages people to become involved in the decision-making process and to drive development. This means the station plays an active role in creating platforms for debate, discussion and the community is encouraged and empowered to shape their development and express their views freely".

The NCRF Charter commits community radio stations to (amongst other things):

- Non-profit, non-discriminatory, non-aligned, non-partisan, non-exploitative
- Anti-poverty, anti-racist, anti-discriminatory
- South African, African, Local, Global
- Pro-people, pro-dignity, pro-freedom, pro-security, pro-shelter, pro-peace, pro- democracy, pro-empowerment, pro-redress, pro-solidarity, pro-fairness, pro-humility, pro-humanity.
- Supporting and advocating the role that community media, and community radio in particular, can and must play in ensuring the protection of the rights of all people living in South Africa, as outlined in the Constitutional Bill of Rights.
- Collaborate with communities in ways that support the fight against discriminatory practices that threaten equality, such as discrimination on the basis of race, ethnicity, nationality, religious belief, gender, sexual orientation, age, disability, poverty, HIV-AIDS status, or any other kind of discrimination that curtails a person's right to be treated equally by all other people living in South Africa.

While in practice challenges in the context have lead many community media projects to strayed from the vision, values, and purpose contained in the NCRF Charter, it remains as relevant today as it was when media projects gathered to adopt it.

Compare the purpose/vision outlined in the NCRF Charter with the proposed prescriptions of the Public Service Broadcasting Bill of 2009. The Bill states that the "goal of stations should be aligned to the "development goals of the Republic".

The Bill presents a Government written Charter for Community Broadcasters which prescribes that the primary role of community radio is to provide information about the municipality and Government and

what it is doing – thus suggests a passive role for stations as the vehicle through which information flows to communities that remain the voiceless recipients of government information.

When NCRF member stations met in December 2009 they rejected these draconian proposals and resolved to "Reaffirm the values, and role, and purpose of the Sector contained in the NCRF Charter".

Within current regulation and draft legislation, nothing exists to promote or protect community print or on-line projects.

3.2 Enabling Community Ownership & Control

Despite an emphasis on 'community ownership and control' as a defining criteria for community media in many major policy documents (including the Broadcast Act and MDDA Act) the 2009 Public Service Broadcasting Bill obligates stations to have representative of the local government on their Boards, forge partnerships with municipalities, and relocate their studios to municipal buildings.

The Bill also to gives the Minister of Communications powers to issue directives to the SABC and community media on "any matter connected to public service broadcasting" if the entity is unable to "perform its functions as prescribed in this Act".

Juxtaposed with the Bill, the NCRF Charter calls on media projects to "Set an example for other civil society organizations by working with the community to establish and nurture legitimate and transparent structures for governance, management and operations, including a Board, a Management Team, and clear operational structures."

In response to the Bill, NCRF members resolved that "For community media to fulfill its role in our participatory democracy – facilitating meaningful freedom of expression and access to information - it must be independent of the government and other powerful sections of society and accountable to the broad community that is serves" And Further that "the state and political parties should have no role in the governance of projects. This should include individuals that hold senior or elected positions in the state or political parties."

NCRF members resolved to:

1. Campaign to ensure community media projects are independent of all powerful sectors of society including government and commercial interests and accountable to the broader community they serve.

2. Campaign to ensure resources from the state and other powerful sections of society should be mediated by bodies independent of the Executive arm of government and appointed through a public transparent and participatory process

3. Campaign to limit the prescriptive nature of the Public Service Broadcast Bill regarding the relationship with local government:
    i. Government should not be represented on project Boards/Councils.
    ii. Senior government officials and elected representatives of political parties should be barred from serving on Boards/Councils;

      iii. Station should be free to choose their locations and not be obligated to broadcast from local government offices;

      iv. Stations should be free to negotiate the terms of partnerships with local municipalities if these extend beyond access municipal information.

4. Oppose proposals in the Bill giving the Minister of Communications powers to issue directives to community media on "any matter connected to public service broadcasting" if the entity is unable to "perform its functions as prescribed in this Act".

      i. Campaign to ensure that ICASA has the necessary capacity to monitor compliance with the Act and make necessary corrective interventions when non-compliance occurs

      ii. Work to ensure that NCRF has the necessary capacity to monitor compliance with the NCRF Charter and make necessary corrective interventions when non-compliance occurs

5. Campaign to ensure all government and public institutions comply with the Promotion of Access to Information Act and provide journalists with information to inform communities.

6. Promote and support meaningful community participation in project's governance and programming:

      i. Ensure stations adopt a Sector Based Governance model that enables only civil society organizations to nominate prospective Board/Council to be elected at AGMs to represent agreed sectors in the community.

      ii. Ensure stations are free to develop, and do have, policies and transparent mechanisms to enable community members to shape the overall programming and editorial policy of the station

      iii. Ensure stations are free to - and - develop clear policies and transparent mechanisms to enable community members access the airwaves – including producing and hosting shows.

Note again, within current regulation and drat legislation, nothing exists to promote or protect community print or on-line projects.

3.3 Ensuring the Financial Sustainability of Community Media

Community radio stations are unsustainable in the current regulatory environment as they are dependent on the discretion of advertisers, the limited resources available to the Media Development and Diversity Agency (MDDA), and discretionary funding from the Department of Communications that is tied to specific editorial objectives. As a result stations are compelled to adopt commercial operating models where advertisers and sponsors have an inappropriate influence on programming and stations cannot produce the quality of programming that would serve the developmental needs of their communities or facilitate the meaningful community participation that community media requires.

The Public Service Broadcasting Bill proposes the introduction of a new centralized Public Service Broadcast Fund to fund broadcasting to be administered by the Media Development and Diversity

Agency, with the mandate to finance a wide-ranging set of functions, including the public service division of the SABC (together with regional television and international broadcasting services), content development, community broadcasting services, and signal distribution.

Within this broad scope analysts have suggested that even commercial broadcasters (like Multi Choice or Prime Media) and private companies that produce audio or video material for broadcast could access money from the fund provided their content served the "development goals of the Republic".

It appears that the Department of Communications have not done the necessary research to establish the amount of money that would be required to adequately fund public broadcasting. Nor is clear whereat a section of the Fund would be ring-fenced for community broadcasters or whether they would have to compete with the SABC, commercial broadcasters/producers, and Sentech (the publicly owned signal distributor) for resources.

Progressive civil society have welcomed the proposed Public Service Broadcast Fund noting that community media is a public good and should therefore be publicly funded.

Community media should have access to sufficient resources to produce programming and facilitate participatory process that ensure meaningful freedom of expression, access to information and community ownership and control of projects.

However the details of how large the Fund should be, how it should be financed and administered (including who should have access) remain to be resolved. Clearly the Fund should be administered by a body independent of the Executive arm of government and appointed through a public transparent and participatory process.

Again it should be noted that the proposed Public Service Broadcast Fund would not be accessible to community print or on-line projects.

While the public funding should be the primary means of resourcing community media, a mix of income streams should complement such funding. These could include including partnerships with other non-profit organizations within local communities and beyond, public fundraising, and contributions in-kind. Preferential tariffs with Sentech (the publicly owned signal distributor), Eskom, and Telkom should also be established.

Community broadcasters must not only have resources to stay on air. They must have resources to ensure professional journalism and the production of quality content relevant to the needs of their communities.

3.4 Licensing & Monitoring Community Radio

The Independent Communications Authority of South Africa (ICASA) was established in line with Section 192 of the South African Constitution, which says that 'National legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society'.

ICASA is critical to the functioning of an independent and sustainable community broadcast sector because it is the body that decides which organizations should receive broadcast licenses and is also tasked with monitoring stations to ensure that they comply with the terms of their license agreements.

ICASA, like other state institutions under neo-liberalism, has a massive mandate and very limited resources and capacity with which to implement it. Further ICASA regulates the highly lucrative commercial broadcast (think satellite TV and private radios, etc) and telecommunications industries (including telephone and cell phone companies). These industries demand much of ICASA's resources as their teams of lawyers vie to ensure favorable regulation for the corporations.

As a result ICASA is unable to full assess community broadcaster license agreements or conduct the necessary monitoring to ensure that stations comply with their license agreements.

In this context of an already under resourced and weak regulator, in 2010 the Department of Communications released the "Independent Communications Authority of South Africa Amendment Bill" (the ICASA Amendment Bill). The Bill contains a number of provisions that undermine the independence of the Regulator and see the Minister of Communication usurping functions and responsibilities that are critical to the administrative independence of the Regulator:

- Section 2(d) of the Bill says that ICASA "must implement policy and policy directions made by the Minister in terms of the Electronic Communications Act and Postal Services Act".

- Sub-section 2(h) of the Bill requires the chairperson of the Council to perform any function assigned to him by the Minister irrespective of whether or not the Chairperson considers this to be in the public interest.

- Sub-section 5(a) of the Bill gives the Minister powers to assign primary responsibility for: licensing, monitoring and compliance; markets and competition; technology engineering; economic regulation, postal matters and any other related field, to the Chairperson and to each appointed Councilor.

- Sub- section 6(b) of the Bill proposes that "the Minister or his or her delegate" is to chair the panel to evaluate the performance of the chairperson and other ICASA Councillors.

- Subsection 10(a) of the Bill proposes that the members of ICASA's Complaints and Compliance Committee are no longer appointed solely by ICASA but are now nominated "by the Minister in consultation with the National Assembly" and appointed by ICASA.

These proposed laws usurps critical functions of ICASA by transferring these duties to the Minister of Communications. The Minster is responsible for allocating areas of responsibility to ICASA Councillors and chairing the panel that will be effectively responsible for the tenure and, possibly, removal of Councillors would all but ensure that Councillors are beholden directly to the Minister of Communications. Hearing complaints regarding allegations of non-compliance with applicable legislation is a critical regulatory function and for ICASA to remain independent it must be empowered to appoint the individuals it feels are best placed to serve on the Complaints and Compliance Committee.

Most critically the capacity of ICASA must be strengthened to improve the issuing of licenses and enable proactive monitoring of license compliance. ICASA requires increased capacity including research skills, monitoring systems, and provincial offices. This will require greater funding for the regulator.

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