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Broadcasting Policy for a Post Apartheid South Africa: Some Preliminary Proposals

Richard Collins

This paper should be read with two caveats in mind. First, I have spent only five weeks in South Africa, all in the Province of Natal. There are obvious limitations that attend a temporal and spatial experience of this kind.

Second, there are many issues of substance that this paper does not address. Vital questions, such as content regulation, rules of procedure, conditions of license and monitoring of broadcasters' performance, are not considered. Rather, I attempt to map a possible structure for broadcasting in post-apartheid South Africa. I do not attempt to define detailed rules of procedure for the governance of such structures. To adapt a metaphor used by Erwin Krasnow¹ (who referred to the devising of detailed regulations as a process of slicing off pieces of a large salami and chewing and digesting them one by one rather than choking on an overlarge mouthful), this is an attempt to describe and map the contours of a possible whole salami. Other writers must consider how the salami is to be sliced. It should also be remembered that structure and organisation, though important, are but one of the factors which determine outcomes. No less important are the beliefs of broadcasters and the ethos of the broadcasting system. Here I believe that neither the profit maximising assumptions of US broadcasters (though there is a role for private property and profit in a future South African broadcasting system), nor the platonic guardian role espoused by Reithians (though there is a place for education and public service in post-apartheid broadcasting), still less the *apparatchik* beliefs of a well established South African state/broadcasting nexus, will serve post-apartheid South Africa well. Rather the role defined for professional public

broadcasters in Germany, where the broadcaster sees her/himself as an editor rather than an author (in the publishing rather than censoring sense), may best serve broadcasting in South Africa. But extensive discussion of such matters must await another article and another writer.

This paper is principally concerned with television policy although radio is the most important mass medium in South Africa. Less than half South Africa's population is literate and fewer than 40% of South Africans have access to mains electricity (Escom 1989,1990). Thus neither newspapers nor television have been able to match the penetration of radio into the homes and lives of all South Africans. However there are two reasons for focusing on television. First, many problems of structure and regulation are common to television and radio; a discussion of television is not a bad proxy for discussion of general principles of broadcasting policy. Moreover, television (because of its greater demand on scarce resources of spectrum and funding), poses more exacting policy problems than does radio and therefore requires specific consideration.

Goals

The model developed below is an 'ideal type'. It does not deal with urgent, but second order problems: notably the management of the transition from an apartheid to a post-apartheid South Africa in order to ensure that the inherited institutions and practices of South African broadcasting serve, rather than impede, transition.² It is based on the assumptions that viewers and listeners use broadcasting both as consumers and as citizens, for information and entertainment, and for a variety of other purposes. The most important policy goals for broadcasting in a democratic society are to ensure that broadcasting is:

- Accountable to citizens.
- Pluralistic; to ensure that a tyranny of the majority does not exclude minority views.
- Responsive to consumers' changing needs and desires; so that producers and other elites do not 'capture' organisations and thus ensure that viewer and listener preferences, rather than producer elites, determine outcomes.
- Economically viable and uses scarce resources efficiently and ensures that provision is matched to the ability to pay of the societies served.

CRITICAL ARTS

- Reflect the linguistic and cultural differences of consumers.
- Reinforce social solidarity.
- Provide a universal service.

Such goals are often mutually antagonistic. Broadcasting policy is often, therefore, a matter of trading off the (partial) achievement of one (or more) goal against the (partial) neglect of another(s). Therefore the model outlined below represents only one possible equilibrium of compromise between rival goals.

Accountability

Accountability is required to give citizens control over an important source of information which they require to make informed political choices. Political accountability presumes accountability to an elected authority. Thus establishing a relationship of political accountability between broadcaster and citizens could most easily be contrived by making broadcasting the responsibility of an elected government. However, governments are given to using power to disadvantage political opponents and to circulate information advantageous to incumbents and disadvantageous to aspirants. Thus, for an enduring democratic process to be established, measures are required to ensure that power to control broadcasting is not monopolised by a single centre of political authority, even if elected. Hence the requirement for pluralism in the control, and organisation, of broadcasting.

The principles of political accountability and pluralism can be reconciled either by making broadcasting accountable to more than one elected political structure - such as national and local governments - and/or by making broadcasting accountable to other elected community bodies (which together are representative of the whole polity), such as trades unions, employers associations, co-operatives, women's organisations, churches etc.

Responsiveness

The principles of accountability and responsiveness to users are related but not the same. Viewers and listeners do not use broadcasting services only for political enlightenment and information. Indeed, for many, the most important role of broadcasting is as entertainer. Responsiveness is not therefore to be assessed in terms of the formal accountability of broadcasters (and broadcasting) to elected bodies (the political proxies viewers and listeners appoint to act on their behalf), but rather in terms of how far

the characteristics of programmes, the programme mix and programme schedule are matched to viewers' and listeners' changing needs and desires. However, broadcasting poses particularly difficult problems in respect of responsiveness to consumers. For there is a very attenuated feedback of information from consumers to producers of broadcasting.

Two major methods of establishing a satisfactory feedback channel from consumers to producers exist. First, audience research, polling a representative sample of viewers and listeners to learn their consumption patterns and responses. Second, using the price system, establishing a market³ in broadcasting so that viewers and listeners can signal their preferences and the intensity of their preferences to producers via price. Both these systems of feedback have disadvantages. Using price is to use a signalling system which does not empower all consumers equally. Not all consumers are equally able to enter the market for broadcasting, for not all consumers are equally wealthy. Indeed attempts to equalise the power of signalling by poor black consumers and wealthy white consumers must be a goal of communications policy in post-apartheid South Africa, for without such an equalisation policy a market driven broadcasting system will reproduce and perhaps amplify existing inequalities in wealth and power.

A market in broadcasting, in which signals can be sent via the price system, requires that a system of *exclusion* of consumers be devised. Thus pay television systems are scrambled. Without exclusionary mechanisms (such as the scrambling of broadcasts) all viewers and listeners have an incentive to 'free ride' on services which are paid for by others. However, systems of exclusion are wasteful. They prevent consumers from enjoying services which can be delivered to them at no additional cost and without depriving other consumers - overall welfare is not maximised. Moreover, the process of exclusion is itself costly and wasteful in that it uses resources which would otherwise be available for other purposes.

We therefore reject the price system (and thus pay television) as a means of ensuring the responsiveness of broadcasting supply to consumer demand. Rather, imperfect though it is, we advocate use of audience research in order to convey to producers the preferences and intensity of preferences of the consumers of broadcasting services. Broadcasters can be given an incentive to respond to audience preferences if the funding of broadcasting is linked to audience

response. Ratings can satisfactorily signal audience preferences and appreciation indices the intensity of preferences. And if there is competition between service providers, all service providers will have a further incentive to innovate and vary their service offer and characteristics so as to better satisfy audiences and attract additional funding. Thus allocation of a pool of revenue to broadcasters (from the state budget, license fees or even advertising), in proportion to the aggregate level of consumption and level of appreciation of services can provide a mechanism for ensuring that the providers of broadcasting services respond to consumer preferences.

Economic Viability.

A broadcasting system must be economically viable. Several factors affect viability, notably the cost of providing services, the ability of consumers to pay for services (whether directly or via the taxation system) and the number and type of services provided. Radio is less costly than television, monochrome television is less costly than colour, own country production is likely to be considerably more costly than programmes purchased on the international market and a programme mix which includes high proportions of programmes such as drama and documentary will be more costly than a programme mix which emphasizes sport, game shows and music. The cost of service provision will also reflect the level of incentives to producers to use resources efficiently which in turn is related to the extent to which competition between service providers (whether providers of services to consumers or to the producers of the services destined for final consumption) can be established. How much and what kind of television a particular market can afford will be constrained by all these interacting factors.

A shift from administered to market mechanisms is usually controversial. Particularly so when there has been so long a history of public sector monopoly provision of broadcasting as there has been in South Africa.⁴ Moreover the contemporary reorientation of SABC towards the market is widely perceived as a defensive strategy of the National Party hegemony (which has formerly used its control of state agencies to consolidate its rule), in order to deny its successors the control over the electronic media which it thus far has enjoyed. Nonetheless, we believe that introduction of markets into some areas of South African broadcasting is likely to serve the public interest.⁵ The introduction of markets should be judged in terms of two criteria;

whether they facilitate development of a pluralistic media and whether they foster efficient use of resources.

Cultural Difference and the Cultural Preferences of Consumers

Broadcasting audience research generally suggests that television audiences in most countries prefer television programming which emanates from their own country. However, this preference for domestic production is not unconditional. There is a point at which preferences cross over from endogenous to exogenous programming. This cross-over point lies at the point where the benefits (of comprehensibility, perceived relevance etc) of indigenous production is outweighed by the benefits conferred by higher production values in exogenous programming. Thus an indigenous production costing $2x$ will usually be preferred to an exogenous production costing $2x$; however an indigenous production costing x may not be preferred to an exogenous production costing $10x$. The importance of this pattern of preferences (albeit one which is stated here in a highly abstract form) is that the international television programme market permits the acquisition of programmes costing $10x$ to produce (and which in consequence are endowed with high production values) for, say, $0.25x$. A low cost, high production value, programme mix can be constructed using exogenous programmes acquired on the international television programme market. To construct a programme schedule which is equally attractive to viewers using endogenous programming is likely to be more costly. Therefore broadcasting policy must consider the desired equilibrium between audience satisfaction, endogenous programming and cost. Whilst endogenous programming is generally considered by policy makers to be preferable to exogenous programming, it should be recognised that exogenous programming does confer benefits beyond that of a generally high benefit cost relationship. The presence of exogenous programming in a radio or television schedule may not only provide an increase in the diversity (serving the pluralism goal) and quality of a broadcasting service but may also lead to innovation by indigenous producers and productive adaptation of exogenous models for indigenous production.

Reinforce Social Solidarity

Social solidarity is reinforced when, *inter alia*, consumers share the same cultural and informational environment. This is best achieved when all in a particular community share the same information and

cultural resources - that is, they are subject to a monopoly provider of a single service. Such monopoly provision may be by a single broadcaster transmitting over a single channel, or the monopoly may be confined to one area of programming, for instance, provision of news from a single news organisation to a plurality of channels (which may or may not be provided by a single broadcaster). However, such monopolistic conditions are irreconcilable with the goals of pluralism, responsiveness to consumers' interests and are generally inimical to efficient use of resources (in monopoly conditions there are few incentives to use resources efficiently). Moreover, culture and cultural identities are not fixed. Rather, they are dynamic and synthetic.

The interrelationship between all the policy factors considered above is dynamic - dynamism is introduced to the relationships both by direct human agency and by changing external circumstances (often of course themselves the result of human agency, for example, when technologies change). Indeed many would argue that a goal for broadcasting policy is to create a broadcasting system that is dynamic, so that as viewer and listener needs and desires change, as new technologies develop and new products and services are launched, the broadcasting system is capable of responding to change rather than inhibiting it through institutional inertia.

We have advocated a measure of competition in broadcasting to promote efficient use of resources and to establish a dynamic and transformational broadcasting system. Which - if consumers can be invested with sovereignty and a powerful feedback channel sending signals from consumers to producers contrived - will respond to consumer preferences.

The number of possible concrete policy options is not infinite. They are limited by fundamental factors such as wealth, population, topography and the cultural and linguistic composition of any given society. So too does the inheritance of existing media, and particularly broadcasting, structures. Discussion of concrete choices is difficult in any context, but particularly so in South Africa where fundamental decisions about the shape of South Africa's future are being negotiated. Is South Africa to be a capitalist economy? How many official languages is it to have, and what are they to be? ⁶

What is the political structure of the society to be and, if political power is to be devolved and decentralised, how many regional governments are there to be?

The Inheritance from Apartheid.

The broadcasting and media system which post-apartheid South Africa will inherit from the apartheid state shares a major characteristic with South African society as a whole. Like the economy, South African broadcasting and its newspaper press are dominated by monopolies or quasi-monopolies in both public and private sectors. Whether under public or private control, entrepreneurship and innovation are unlikely in monopolistic conditions. We therefore propose a pluralistic structure for South African broadcasting believing that such arrangements are likely to offer dispersed political control, a more dynamic structure and, (because offering more elements which are open to competitive entry), more efficiency.

However we make no presumptions as to whether enterprises should be privately or publicly owned and established as profit distributing or not for profit entities. But if new enterprises are to be able to enter the broadcasting markets, then it follows that entry cannot be limited to either publicly or privately owned organisations. Moreover if competition between enterprises is to be free and fair it follows that publicly owned organisations should not have privileged access to funding (such as loans on finer terms) nor should they enjoy a more privileged relationship to rule making organisations, whether governmental or regulatory than do rival private enterprises.

In South Africa the long standing public monopoly of broadcasting by the SA Broadcasting Corporation (SABC)⁸ was breached by the licensing of a subscription pay television service, M-Net, and by the initiation of radio and television services (directed to viewers and listeners within South Africa) in the territories of the 'independent' homelands of Transkei and Bophuthatswana. However the SABC is still overwhelmingly the dominant element in South African broadcasting. It provides three television channels and 23 radio services.⁹ Its origins lie in the British public service monopoly, BBC, model (in 1934 Reith advised on establishment of SABC) and, compared to its equivalents in Canada and Australia, SABC has been very successful in maintaining its dominant position. M-Net, the SABC's principal competitor though introducing an element of pluralism in the broadcasting sphere, when looked at in a wider context, entrenches rather than erodes anti-competitive media structures. For M-Net is owned by the four principal South African newspaper publishers.¹⁰ It was established to give them (and the

Cape Afrikaner press in particular) access to the television advertising market so as to preserve the established newspaper oligopolies. The SABC and M-Net services are clearly apartheid structures, yet constitute major factors to be taken into account in the organisation of future broadcasting. Not least because factors of production such as studios and human skills currently embodied in these organisations are mobile only to a limited extent. Moreover, viewer and listener expectations (that certain services are available on particular frequencies at particular times) are well established; if such customary arrangements are changed real costs are incurred by viewers and listeners. Though such costs may be considered worth paying for a new broadcasting order, it should not be forgotten who it is who will foot the bill.

Proposals for Change

By the end of March 1992, proposals for a new broadcasting order in South Africa came from two sides; from a reformist 'insider' perspective (exemplified by the Viljoen Task Group and its Report) and from moderate left 'outsiders' (eg. the Jabulani conference (August 1991), the Rhodes University Policy Conference and the Fair, Free and Open Media Conference held at the University of Western Cape, January 1992). The two perspectives have much in common. Each seeks to establish a more pluralistic broadcasting system with less control exercised by government than has heretofore been the case. Each builds its model for post-apartheid broadcasting on the rocks of a more or less maintained public service SABC and an independent regulator of the Federal Communications Commission (FCC)/CRTC/Independent Broadcasting Authority (IBA) kind.

In broadcasting, as in other areas of political life, the ruling National Party is disaggregating and privatising a hitherto monolithic power bloc to insure against a post-apartheid non-National Party government using an integrated state machine for its own purposes. The SABC has undertaken major internal reorganisation including appointment of blacks to leadership positions. South Africa's decentralisation of broadcasting power was first signalled in January 1991 when the Chairman of the SABC, Christo Viljoen, announced "a greater degree of decentralisation, greater emphasis on the SABC's clients, and preparation of the SABC for a more competitive broadcasting environment".¹¹ The established pattern of 'apartheid' television with two black channels (TV2 and TV3)¹² and a white

channel, TV4 (in addition to the 'national' channel TV1), has been re-organised into a sports/educational channel, TSS, and the single channel TV2/3/4, which uneasily co-scheduled black South African programming and imported entertainment into what was relabelled as Contemporary Community Values Television (CCV-TV) in early 1992. SABC has been divided into separate business units grouped in 5 divisions (Television, Radio, Transmission, Broadcast Centre, Group Functions). These changes have been viewed critically by the left which has commented: "This would make privatising the SABC very easy".¹³

But the most important restructuring initiative was the government's appointment of a Task Group on Broadcasting in South and Southern Africa in 1990, chaired by Christo Viljoen - the Chairman of the SABC. The Task Group submitted its Report - hereafter known as the Viljoen Report - in August 1991. The Task Group was widely criticised; both for the unrepresentative character of its membership and the members' vested interests in broadcasting and communications in South Africa. Essop Pahad (SA Communist Party), for example, stated that "Here the same people who are responsible for the problems are investigating the issue".¹⁴ Comment after completion of the Report has been extensive.¹⁵ The Task Group was described by the South African Council of Churches Consultation on Electronic Media (March 1991) as made up of "mainly of Broederbonders and SADF personnel".

The chairman of the Task Group, Viljoen, is also chairman of the SABC and the fourteen members of the Task Group not only included the SABC Chairman but also employees of the Bureau for Information, National Intelligence, the SA Defence Force (SADF), M-Net, the SABC, SA Posts and Telegraphs (SAPT), the Department of Foreign Affairs and Potchefstroom University. This preponderance of white male officials was leavened by the addition of one black Argus Group newspaper editor, Aggrey Klaaste of *The Sowetan*, and one male English-speaking film producer, Edgar Bold!

The Task Group's deliberations were secret until May 1991 when the Group began two months of 'open' consultation.¹⁶ It opened two of its sessions to invited interest groups and undertook a very limited public consultation before delivering its 130-page Report to Cabinet. The Minister of Home Affairs, to whom Viljoen reported, explained the secrecy in which the Task Group worked stating "It is important to distinguish between a Task Group and a Public Commission of

Inquiry".¹⁷ However, the Task Group commented that critical, left, commentators had boycotted its inquiry and that it was not therefore surprising that the left 'outsider' perspective had not been foregrounded in the Task Group's findings.

The articulation of left 'outsider' proposals can be traced through three events. The Rhodes University Media Policy Conference in 1990 (see *Rhodes University Journalism Review* vol 1 no 1), the Jabulani¹⁸ conference in August 1991, and its follow up in Bophuthatswana in September.¹⁹ Broadly, the left has envisioned a post-apartheid South Africa with three broadcasting sectors; public, commercial and community. It has advocated an independent regulator (an Interim Independent Broadcasting Authority) and a code of conduct binding a maintained SABC to programming impartiality. Performance is to be monitored by an Independent Media Monitoring Commission. It has strongly advocated action to establish community radio services, a media training programme and the use of broadcasting for educational development. These proposals were formulated at the Jabulani conference. The Bophuthatswana conference established national networks to formulate a media policy and to monitor the media in South Africa during the period of transition.

The terrain of policy debate has therefore been demarcated by the rival initiatives of the government and the moderate left opposition. Minor currents in the debate have flowed from the Conservative and Democratic Parties (which may, or may not, be deciding forces in Parliamentary decision-making). Broadly, the Democratic Party has stood for a decentralised media model of mixed public and private ownership administered by a South African Communications Authority.²⁰ The Conservative Party is for a system which guarantees access to minorities.

The Viljoen Task Group

Though far from the only broadcasting policy under discussion, the most important proposals yet to be advanced in detail are those of the Government's stalking horse, the Viljoen Task Group. Viljoen (1991 p12) defined the goals for post-apartheid broadcasting as:

- providing greater access for more voices and to stimulate competition in the broadcasting industry;
- restructuring broadcasting in South Africa, while retaining the extremely important public service broadcasting function of the SABC;

- establishing a broadcasting industry free of political control; and establishing
- an independent regulatory authority to oversee broadcasting in South Africa.

Viljoen (1991 p15) defined the 'mission statement' for post-apartheid South African broadcasting as "To ensure that broadcasting in South Africa serves the public in such a way that the ideals of a democratic, non-racial, non-sexist and prosperous society are pursued and advanced". South African broadcasting's past problems, and the main obstacles to achieving its future mission, were defined (Viljoen 1991 p12) as:

- outdated legislation;
- lack of a comprehensive long-term policy on broadcasting; and
- fragmented control over aspects of broadcasting.

In response to changes in South Africa (and those brought about by the internationalisation of television - not least satellite broadcasting) the Task Group recommended:

- establishment of an independent transmission authority providing signal distribution for all broadcasters (and prohibition of transmissions by non-licensed broadcasters), the use of the PAL standard for any South African direct to home broadcasting satellite (and 5 years of protection from imported receivers for the South African satellite television receiver industry);
- continuation of SABC's responsibilities for two (but not the current three) television channels and twenty three radio stations and continued public funding for SABC. However, Viljoen recommends replacement of the present (widely evaded) license fee system by another funding mechanism and reduction - but not elimination - of the SABC's current dependence on funding by advertisers
- retention of SABC, M-Net, Bop-TV²¹ but not Radio 702 and Capital Radio²² in a future South African broadcasting system
- adoption of a comprehensive broadcasting policy and an independent regulator, the IBA (Independent Broadcasting Authority) to license broadcasters, undertake spectrum management, regulation of programme content and the structural regulation of the industry.

Commentary on Viljoen

It is striking, and welcome, that the Viljoen Report has advocated an explicitly democratic and non-discriminatory mission for broadcasting in South Africa. However, implementation of this mission necessitates more fundamental change to the structure and performance of South African broadcasting than the, largely sensible, pragmatic fine-tuning of the existing system which Viljoen actually recommended. No doubt the divided and changing ministerial responsibility for broadcasting which Viljoen identified has served South Africa and its broadcasting system ill, but the Task Group's recommendations to establish a "comprehensive broadcasting policy and an independent regulator" are insufficiently specific. They amount to little more than conventional pieties without positive measures for new institutional arrangements which are designed to ensure that the "ideals of a democratic, non-racial, non-sexist and prosperous society are pursued and advanced". The goals Viljoen defines for South African broadcasting are unexceptionable but the institutional mechanisms it has proposed are unlikely to be sufficient for the achievement of the desired goals.

Appointment of the IBA by the State President, as the Task Group proposed, is unlikely to make the licensing and regulatory body independent of government. (For the government of the day will be able to ensure that members of the IBA sympathetic to its position are appointed). Whereas the Task Group stated that "regulation of broadcasting ... needs to be depoliticised to the greatest possible extent" (Viljoen 1991, p104). If "greater access for more voices" is to be achieved then barriers to entry to broadcasting in South Africa need to be reduced and the domination of broadcasting by established institutions and interest groups brought to an end.

Viljoen's proposal for an independent transmission authority would be a significant step towards lowering entry barriers. This proposal is a useful step towards the disaggregation of three distinct broadcasting functions - programme production, scheduling and creating a programme mix, and transmission - which have hitherto customarily been carried out by single vertically integrated organisations.

If the three functions (which we will call production, scheduling and transmission) are disaggregated, then any licensed scheduler (broadcaster) will not be required to invest in costly and capital intensive transmission and production infrastructures. Programmes

can be commissioned and purchased from independent producers and signals transmitted by the transmission authority.²³ Barriers to entry will be lowered and opportunities for competition and pluralism introduced. In contrast, the retention of M-Net envisaged by Viljoen will maintain barriers to entry to both the newspaper and broadcasting markets and will ensure that the SABC, and other broadcasters or newspaper publishers, will be disadvantaged in competition with the M-NET/press nexus. New papers or broadcasters will compete on unequal terms against a well established rival (M-NET and its newspaper owners) able to cross-finance and cross-subsidise their activities.

Although the Task Group did propose introduction of media cross-ownership regulations in South Africa, akin to those of the USA, United Kingdom and Australia, it has made no proposals which would challenge the established M-NET/press nexus. Moreover, its proposal to reduce SABC's share of advertising revenue is likely to further advantage M-NET as competition for advertising revenue and for audiences (Viljoen recommends that the SABC should shift the emphasis of its programming towards that appropriate to a Public Service Broadcaster - ie. the SABC should screen programming less attractive to viewers than that it now schedules) is reduced.

However, even if there were to be a thorough disaggregation of broadcasting functions, adequate regulations against media cross-ownership and lower entry barriers to broadcasting (and the press), important roles for regulation and public broadcasting would remain. Improving the operation of markets (what Viljoen named as the stimulation of competition), though desirable, will not be sufficient to achieve the mission for broadcasting in post-apartheid South Africa which the Task Group defined.

The crucial locus for broadcasting policy (in a disaggregated system where programme production and signal transmission are separated from broadcasting/scheduling), is the broadcaster/ scheduler. How is/are such an organisation(s) to be selected? How is it to be accountable to its public(s)? And how can it be ensured that its programming reflects and responds to the different needs and interests of its audiences? On these crucial questions Viljoen is virtually silent.

An Alternative Model. Disaggregation and Competition.

A possible alternative structure for broadcasting in South Africa follows. It has been devised in the recognition that any structure will

be a compromise between rival imperatives, and that the achievement of one goal will usually necessitate trading off that achievement against the abandonment (or at best partial realisation of others). In developing this model we have been particularly mindful of the importance of establishing a pluralistic structure which is politically accountable (but not readily susceptible to capture by one political interest group), responsive to viewer and listener interests and preferences, which recognises the linguistic and cultural pluralism of South Africa and of the need, in a society where there will be irresistible claims on resources for health, education and housing (besides which broadcasting is rather unimportant), for efficient and economical use of resources.

The model is, of necessity, a blue sky scenario. It does not take into account many constraints which will close options that otherwise might seem desirable. We have not considered the costs of services, though since the broadcasting system South Africa has inherited from apartheid has no fewer services than we propose it is reasonable to assume, *prima facie*, that the proposals which follow are affordable. Nor have we considered factors such as the topography of South Africa which affects the propagation of broadcast signals and may mismatch the 'community' addressed by a particular broadcasting service with communities established by other factors; such as language, culture, political jurisdiction and so on. Such matters will be the subject for detailed research by future planners and policy makers.

In devising the model we have been guided by a number of contestable, assumptions. One of the most important is that competition is desirable, both to foster pluralism and to ensure that resources are used efficiently. It follows therefore that we believe the reduction of barriers to entry (and exit) to the South African broadcasting market is desirable and that separation of the functions (currently bundled within the single organisation of the SABC) of transmission, scheduling and programme production, because such measures will make market entry and exit of both broadcasters and programme producers easier, is to be desired.

Viljoen implies that the provision of transmission facilities to broadcasters will be by a monopolistic transmission service provider integrated with the telecommunication infrastructure. However, an alternative structure, which we favour (though we recognise that this aspect of broadcasting policy requires to be considered in conjunction

with the telecommunications policy of a post-apartheid society), would have any of a number of service providers able to contract with broadcasters for signal delivery. But whether monopoly or not, transmission of broadcast signals will require access to the radio frequency spectrum, and spectrum allocation policy therefore becomes an important question for those who will plan broadcasting in the new South Africa.

In order to promote efficient use of spectrum a market²⁴ in spectrum should be established. However, whilst the broadcast transmission entity(ies) will compete with other spectrum users for the right to access to spectrum (to ensure that the spectrum is used efficiently - a market in spectrum will give users an incentive to appropriate no more spectrum than they can use) resources should be guaranteed so that not-for-profit broadcasters have access to spectrum.

The radio frequency spectrum is a public resource which is currently not priced. It is allocated free to profit maximising enterprises (such as M-NET). This principle of allocation leads both to inefficient use of the spectrum resource and windfall profits to privileged 'insiders'. A market in spectrum will thus realise value for the South African state which has hitherto been captured by private-for-profit enterprises. Payment for spectrum by future-not-for-profit, publicly funded, broadcasters is desirable. Although only an accounting exercise, payment (for a public resource with public funds) will demonstrate the value of the spectrum resource employed by not-for-profit broadcasters.

Efficient use of spectrum is not an abstract and 'academic' consideration. Viljoen states²⁵ that whilst there are no overall spectrum shortages in South Africa, in some locations - such as Cape Town, Durban and Pretoria - Witwatersrand - Vereeniging - there are development constraints imposed by spectrum shortages. Moreover, the slow development of mobile communications in South Africa has been attributed by some commentators to the SADF and SA Police having reserved, but not used, large sections of the radio frequency spectrum resource. The security forces have thus denied potential users - such as mobile telephone networks - access to resources which are currently unused and thus wasted.²⁶

Programme production in South Africa is already partly 'privatised'; neither M-NET nor the SABC produce all their programmes in-house. Some are purchased on the international

programme market²⁷ and some from independent producers.²⁸ The advantages of independent production again lie in the lowering of barriers to entry both to programme producers and to broadcasters.

The Regulator

Both 'insiders' and 'outsiders' propose an Independent Communications Authority (ICA)²⁹ for South Africa. The role of the ICA is to license broadcasters, make rules for the conduct of broadcasters and set and enforce standards. It is to adjudicate on variances from authorised practice and on disputed interpretation of rules. Its judgements will be justiciable, ie., subject to challenge and overthrow in the courts, but may not be overturned by Parliament except in cases where there is a 66% majority in favour of doing so.

Michael Markowitz, like Viljoen, proposes that the ten person executive committee of the ICA be appointed by the State President, though he does provide that the members should not be members of a political party and the President's choice should follow "nominations by members of the public and vetting by a multi-party parliamentary subcommittee on broadcasting". Viljoen (1991 p109) proposes that members of the IBA should be "experts in broadcasting, telecommunications and related fields". Both these proposals are open to objection. Markowitz's because his vetting mechanism will ensure that a party holding a parliamentary majority will be able to ensure that only its supporters (though not members) will be appointed to the IBA. Viljoen's for his erroneous assumption that experts are an adequate proxy for the public interest (or the plurality of interests that constitute the polity). Moreover, Viljoen's requirement that only experts may regulate reserves the office of regulation for the already expert. Those South Africans who are already expert are almost certainly both white and male and are therefore unrepresentative of the majority of South Africans.

We support the notion of a regulator but propose a different system of appointment of members of the IBA, (which will be responsible for rule making, licensing and standard setting). An odd number of members should be appointed (so that tied votes are less likely) by different elected governments. There should be about thirteen members who might be appointed in this way. If, as the ANC currently proposes, eleven regional governments are established in South Africa, in addition to the national government, each of the parliaments which appoint these governments (regional and national)

should appoint a member of the IBA. These twelve appointees should elect a chairperson, who is not of their number, by a two thirds majority (ie. a successful candidate must secure at least eight votes). No less than the broadcasting system it is established to regulate must the regulator be flexible and able to change.

Organisation of Television

There will be three television channels. One will be a national channel which will be controlled by a board of governors appointed by the parties represented in the national parliament. Twenty governors will in appointed with each party (or parliamentary grouping) which has secured 5% of votes cast in the last national election will appoint one governor for each 5% of the votes cast which it has secured. Thus a party which secured 20% of the vote would appoint four governors. The twenty governors will elect a chairperson in the same way that the chair of the regulatory authority is elected. No person will be able to hold office in more than one board (regulator, broadcaster) at a time. Governors will be required to act impartially in the public interest. If desired, further criteria for the appointment of governors might be required; half might be required to be men and half women, at least one from each major South African language community might be required etc.

The language of the national television service will be English (though the mother tongue of less than 10% of South Africans English has become the 'lingua franca' in which non-English speaking South Africans communicate with non-members of their own language community and with which South Africans characteristically communicate with the rest of the world). However, linguistic re-presentation³⁰ such as dubbing should be used as budgets permit and audiences justify.

The second channel will be organised on a regional basis. One of a variety of possible organisational structures could be adopted. Each of four broad geographical areas, the Western and Northern Cape, the Eastern Cape, the Eastern Transvaal and Natal and the remaining High Veld areas, might each programme and broadcast a service within and to these areas. Programming for each area would reflect the major linguistic identities of citizens in the reception area (Afrikaans/English and Xhosa in the Western and Northern Cape, Xhosa/English and Afrikaans in the Eastern Cape, Zulu and English in Natal and the Eastern Transvaal, Sotho/Afrikaans and English in

the High Veld). Or a single channel, with programming in Nguni (Xhosa and Zulu), Sotho and Afrikaans in proportion to the numbers of South African native speakers of those languages could be transmitted nationally. However, though transmitted nationally, control of the second channel (if the second, national transmission model was to be adopted) would be exercised through a board of governors elected regionally.

Either of two broad models of elective accountability could be adopted for the second, regional channel. If the administrative structure of post-apartheid South Africa follows a model similar to that canvassed by the ANC (eleven regional administrations) each of these administrations could be given responsibility for the appointment (or election) of a member of a governing body established to control the regional channel (an eleven person board if the channel is transmitted nationally or, if the four separate regional channel model is adopted then the regional administrative authorities in the reception areas of the channel would elect/appoint the members of the governing boards. For example, the Natal/Eastern Transvaal service would draw members from the regional authorities for Natal, KwaZulu and the Eastern Transvaal).

The second model of elective accountability would locate the constituency appointing/electing members of the governing body (bodies) for the regional channel not in the political structure of regional government but in community organisations. Thus organisations represented in the reception areas of the regional service(s), such as churches, trades unions, employers associations, sports and cultural organisations, universities might each appoint/elect a member of the governing body (bodies) of the regional channel.³¹ If the four regional service model is chosen (where radio frequency spectrum availability permits) service should be retransmitted to areas where there is demand for out of area services (eg. to Afrikaans speakers in the Cape and in the High Veld areas who would doubtless wish to have access to the Afrikaans programmes in the programme schedules of the other region's channel). If the four regional service model is adopted there will be many opportunities for programme exchanges and/or co-productions between services.³²

A third television channel should be established on a local basis, broadcast to viewers within a single regional administrative unit (eg. each of the eleven administrative authorities proposed by the ANC), control of the channel should be vested in local structures. If the

second regional channel(s) is (are) controlled by representatives of community organisations then the third, local, channel should be controlled by a board appointed by local political parties in proportion to the share of the vote each secured at the last regional government election (ie. following the method used for the first channel). If the second channel(s) is (are) controlled by board(s) appointed/elected by regional governments then the third, local, channel should be appointed by locally represented community organisations.

Funding

Funding for all services will be drawn from two sources, advertising and government budgets. Both national and regional governmental structures will be authorised to fund broadcasting. All services will receive national funding which will be allocated following two principles; a proportion of funding will be allocated to broadcasters in proportion to the number of potential viewers located in their reception areas and a further proportion will be allocated in proportion to both the ratings and appreciation indices achieved by broadcasters for a particular programme service.³³ Regional governments will be permitted to supplement the funding of the broadcasting services (channels two and three) which are broadcast and accountable to viewers in their areas. All services should be permitted to sell access to audiences to advertisers. We recognise that the flow of advertising revenue is likely to reinforce funding for all channels though there is no doubt that advertising funding flows will be skewed towards the services attracting wealthy viewers and towards those with popular programmes.

Thus far we have outlined a regulated system established on the basis of a national plan. What of the possibilities for entry of other services? Where might M-NET or other similar services fit in? We see no reason to exclude the possibility of for-profit services being established in South Africa. Indeed were they not permitted to develop in South Africa it is likely that they would do so from a base in a neighbouring territory and/or via direct to home satellite broadcasting. Commercial broadcasting services should thus have a right of establishment. They will be able to compete for and purchase access to the orbit/spectrum resource in the same way as do other users (such as telecommunication service providers).

Although there is a theoretical possibility that commercial broadcasters will be denied access to spectrum because of the access

to public funding enjoyed by other orbit/spectrum users we do not believe that this is likely to be more than a theoretical possibility in the foreseeable future. For establishment of a market in spectrum is likely to lead to considerable economies by established state agencies in their use of spectrum and both super high frequencies (used for satellite communication) and ultra high frequencies (used for terrestrial broadcasting in Europe and elsewhere) are not yet in short supply in southern Africa.

However, in the interests of facilitating media pluralism and lowering barriers to entry (and exit) for broadcasters, we propose that the broadcasting and subscription/billing functions of any broadcaster funded (as is M-Net) in whole or part by subscription revenue should be separated. Thus one subscription broadcaster, let us call it P-Net, might be first to establish a subscription service. Its subscription and billing functions will be established on a separate basis from its broadcasting functions and will supply services on an arms length basis and at commercial terms to the associated broadcasting company. Should other subscription broadcasters wish to enter the market they will bid for spectrum against other users and will have the option of purchasing access to the subscriber base and billing services already established on commercial terms similar to those which obtain for established subscription broadcasters.

Thus far our discussion has concerned television. The same general principals that we have outlined should, we believe, apply to radio. There should be a market in spectrum, a division of control between regional and national political structures and a linkage between public resources and the volume and intensity of satisfaction users experience. However, because radio is less resource hungry (both of spectrum and cash) than is television we advocate establishment of an additional level of service provision for radio. Local and community radio stations should be permitted right of establishment subject only to their ability to secure access to spectrum on the same basis as other users and satisfying the regulator of broadcasting that the technical standard of their service is satisfactory. Regulation of content should be no different to the regulation of content for the print media - broadcasters should be no more and no less open to court action than the publisher of a newspaper.

These proposals are just that - proposals. They are published in the hope that they will stimulate a critique and refinement (or even

reasoned rejection) of the ideas advanced here and that they will also stimulate reflection on the structural questions which underlie the problem of devising a broadcasting structure and policy for post-apartheid South Africa. And that from this, collective and collaborative, process of reflection and critique a workable model of a democratic, pluralistic, responsive, economically viable and universal broadcasting system will emerge. This is a first and very faltering step in that direction.

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Endnotes.

1. An American communications lawyer who, in speaking to a small invited group of South African broadcasting reformers at the US Consulate in Durban in October 1991, gave an American view of a possible post-apartheid broadcasting order for South Africa.
2. One pressing question is: how the run up to the first election based on a universal adult franchise is to be reported? The record of South African broadcasting as an instrument, rather than an opponent, of apartheid suggests that comprehensive monitoring of broadcasting during a forthcoming election period and mechanisms to ensure prompt redress of inaccuracies and bias are required. Such monitoring should ideally be performed by an international expert team of academics and broadcasters. However, because of the plurality of South African languages, it seems likely that the participation of South African speakers of languages such as Afrikaans, Xhosa, Zulu and so on will be required.

3. The extent to which a satisfactory broadcasting market can be established is highly contentious. However, there are powerful reasons for establishing markets where possible, notably to promote the efficient use of resources and to establish a signalling system via price between buyers and sellers, consumers and producers. However, the extent to which markets can be established in South African broadcasting is limited. The SA economy is relatively small and the plurality of services which the market has delivered in the US cannot reasonably be expected in South Africa, access to resources is distributed highly unequally among the SA population and thus consumers do not enter the market on equal terms. Moreover, whilst some elements of a broadcasting system can readily be organised on a market basis (eg. programme procurement) others cannot, either for reasons of public policy (even in the US, broadcasters do not bid for spectrum for, it is believed, only the rich in such a system would be broadcasters), or because of the peculiar economic characteristics of broadcasting.
4. The SABC was established in 1936. For a history of the Corporation until 1982, see Tomaselli, R.E., Tomaselli, K.G. and Muller, J. (eds.): **Broadcasting in South Africa**. James Currey, London, 1989.
5. See Tomaselli, R.E. 1989: "Public Service Broadcasting in the Age of Information capitalism", **Communicare**, vol 8 no 2, pp. 27-37.
6. See Louw in this volume. Also see Vosloo, T. 1991: "Afrikaans Media". **Rhodes University Journalism Review**, vol 1 no 2, 19-21.
7. See Tomaselli, K.G., Tomaselli, R.E. and Muller, J. (eds.): **The Press in South Africa**. James Currey, London. Also see Louw, P.E.: *The Growth of monopoly Control of the South African Press*. **Rhodes University Journalism Review** (Discussion Paper 1), Rhodes University Journalism Review, No 2, 1991.
8. The SABC took over the staff and assets of the commercial African Broadcasting Co. Afrikaans services began in 1937 and in 1940, Zulu, Xhosa and Sotho services were provided by cable to selected urban areas. In 1950 a commercial radio channel, Springbok Radio, began and Radio Bantu (transmitting in Zulu, Xhosa, Sotho and Tswana) began transmitting in 1960. In 1976, an Afrikaans/English TV channel started and, in 1981 'independent homeland' radio services in Bophuthatswana, Venda and Transkei opened. TV advertising started in 1978, and Capital Radio (from Transkei) commenced in 1979. In 1982, a second SABC TV channel for Zulu and Xhosa (TV2) and Sotho (TV3) started (See Tomaselli et al 1989). In 1983, BOP-TV (English and Tswana) was established. TV4 - English and Afrikaans commenced in 1984, and in 1986 M-NET was licensed. In 1991, M-NET began satellite distribution of its signal. Radio 702 transmitted from Bophuthatswana. In 1990, the SABC began transmissions on TSS, a sports/educational channel. See

Viljoen, 1991, pp. 27-30.

9. There are an average of 13.7 million listeners of radio daily. Radio Zulu 3.18m; Radio Xhosa 1.51m; Radio Sesotho 1.25m; Radio Lebowa 1.25m; Radio Suid-Afrika .892m; Radio 5 .875m; Radio Setswana .875m; Radio Metro .791m; Radio South Africa .383m (AMPS, Feb 1991, cited in *New Nation*, Oct 4-10, 1991, p. 21.) SABC commands an average of 7m viewers daily, and M-NET has 590 000 subscribers (Viljoen, 1991, p. 85).
10. Nationale Pers 26%, Time media 18%, Argus newspapers 18%, Perskor 12%, Natal witness 2%, Dispatch Media 2%, others 22%. Viljoen, 1991, p. 85.
11. SABC press release, 23 January 1991.
12. TV2 services in Xhosa and Zulu, TV3 services in Sotho.
13. *New Nation*, No 638, 1991, p. 6.
14. *Rhodes Journalism Review*, vol 1 no 1, 1990, p. 53.
15. See McCarney, L.: *Electronic Media deregulation: The Challenge for Marketing Management*". Paper delivered at Marketing Educator's Conference, University of Stellenbosch, Nov. 1991; McCarney, L., *Social and Economic Aspects of Electronic media deregulation: a Management Challenge*. Paper delivered at the SA Institute of Management Scientists, University of Durban Westville, October 1991; Louw, P.E.: "Task Group Recommends Important Changes to SA Broadcasting", *Sunday Tribune*, Sept 22, 1991, p. 24.
16. See report of 2nd meeting: CCMS: "Preliminary Report on the Task group into the Future of Broadcasting", *Resource Document 2*, 1991, Durban: CCMS.
17. Cited in *FAWO NEWS*, September 1991, P. 25.
18. 'Jabulani' is Zulu for peace and joy. representatives of 47 organisations, ranging from the ANC to commercial broadcasters in the 'homelands' met in August 1991 in Doorn, The Netherlands, under the auspices of the Netherlands anti-apartheid movement and the formerly clandestine ANC station, Radio Freedom. The conference repudiated the legitimacy of the present South African government and its proposals for broadcasting and recommended that a commission of inquiry into broadcasting should be established by an all party conference. Jabulani thus explicitly rejected the legitimacy of the Viljoen initiatives. See: **Jabulani! Freedom of the Airwaves: Towards Democratic Broadcasting in South Africa**. African European Institute, Amsterdam, 1991.
19. In September 1991, critical South African academics and media development activists, representatives of the Congress of South African Trade Unions, the ANC and other bodies met at the University of Boputhathswana to carry forward the Jabulani initiative.

20. See CCMS: "A Critique of the Democratic Party's Policy on Telecommunications and Broadcasting", **Resource Document 3**, 1991
21. Boputhathswana TV: a station established in this 'homeland', signals from which can be received in the densely populated PWV area of the Transvaal Province.
22. Radio stations transmitting from the 'homelands' to SA. See Tomaselli et al 1989, pp. 139-143.
23. A similar proposal in respect of the press was made by Harvey Tyson, formerly Editor in Chief of **The Star**, now on the board of directors of the Argus Group. Tyson proposed that new papers should be able to use the presses, training facilities and distribution systems of established papers, thus lowering entry barriers to new publications (**Rhodes University Journalism Review**, no 1, p. 41). However, Tyson's proposals do not seem to have commanded the support of his co-directors.
24. The difficulties of establishing a market in spectrum and reserving portions of spectrum for particular uses is obvious. However, they might be resolved in this way: the market in spectrum will establish a price for spectrum, the not-for-profit broadcasters will have a guaranteed right of access to spectrum at market clearing prices. Such a system will give users of spectrum incentives to use the spectrum resource efficiently but will also ensure that not for profit broadcasters have access to the spectrum.
25. The number of spare frequencies for TV is 432 (Viljoen, 1991, p. 59.)
26. Thus the SADF and other state agencies would receive a budget for their acquisition of spectrum rights in the same way that they receive a budget for their acquisition of vehicles.
27. M-NET is required to spend R12m per annum on production in South Africa (of which 75% is on Afrikaans-language production). Viljoen (1991, p. 85) gives a brief history of the SA content regulations which have governed M-Net's operation. Viljoen's account suggests that the SA content required of M-NET is not exacting; whereas the license is conditional on an expenditure of R12m M-NET spent R23.5m in 1990 on SA programming. (However, Viljoen, 1991, p. 93, was unable to give complete data sets for M-NET's SA program content because "M-NET declined to supply these percentages on the basis of confidentiality"). the SABC transmits 55% local content (excluding sport, news, game shows, advertisements and continuity announcements) on TV1 and 49% on TV2/3/4. In cash terms SABC's local programme content is about 30% of gross revenue and 35% of programme acquisition cost (Viljoen 1991, p.96).
28. SABC "contracts in excess of 40% of its local content in certain categories to independent producers. M-NET contracts most of its local

programming with independents (Viljoen 1991, p. 93).

29. See Viljoen, 1991, pp. 105-121, for an 'insiders' account of the role of the ICA, and Mike Markowitz, "Broadcasting and the Law in South Africa: Transition and Beyond". In *Omroep Voor Radio Freedom, Jabulani! Freedom of the Airwaves*. African European Institute, Amsterdam, 1991, pp. 38-44.
30. An unfortunate neologism devised to signify any of a variety of methods whereby programming in one language is represented to speakers of other languages. These might include programme dubbing (the sound track[s] transmitted simultaneously on another frequency) and may be used for pre-recorded programmes, simultaneous interpretation (for live programmes such as news), and/or teletext sub-titles which can be used for live and pre-recorded programmes (though less than 40% of South Africans are functionally literate.) However, all these methods are costly (dubbing more so than simultaneous interpretation which in turn is more expensive than sub-titling.)
31. These models of accountability is drawn from those established in West Germany by the American and British control commissions after World War II. They remain in place. see Collins, R. and Porter, V. (1981)
32. There will also be opportunities for international joint ventures. Opportunities will undoubtedly be greatest for programmes made in and by companies using English. however, there are also likely to be significant opportunities for Afrikaans co-productions with Dutch and Belgian partners.
33. An extensive programme of reliable audience research will be required. The findings of researchers should be made public and will identify overall levels of consumption (ratings) and levels of audience satisfaction (appreciation indices). funding will be allocated in proportion to an index derived from a combination of rating and appreciation factors.

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