CHAPTER THREE

THE BROADCASTING LANDSCAPE

Radio listeners and television viewers in South Africa are being offered a variety of services by public, commercial and community broadcasters. This three-tier system is based on section 192 of the Constitution of South Africa (Act No 108 of 1995), which establishes an independent authority to regulate the broadcasting sector as a whole in the public interest and to ensure fairness and diversity of views broadly representing South African society. Legislation and policies are aimed at providing all South Africans with access to broadcasting services and a diverse range of information, education and entertainment.

1. The public broadcaster

The South African Broadcasting Corporation (SABC) is established as a public company (SABC Ltd) with the state as the sole shareholder in terms of the Broadcasting Act, no 4 of 1999 (Sec 8A). This Act (in line with the White Paper on Broadcasting Policy) determined new policies for public broadcasting – repealing the previous Broadcasting Act (Act no 73 of 1976) and extending and reinforcing principles determined in the IBA’s Triple Inquiry Report dealing with public broadcasting. The Act also reorganised the broadcaster into two separate entities – a public broadcasting service and a public commercial wing (Sec 9), with the latter supposed to cross-subsidise the former (more details in chapters 6 and 7).

The SABC public wing comprises

- fifteen radio stations (including 11 full-spectrum services broadcasting in each of the official languages, a station broadcasting in the Northern Cape in !Xu and Khwe, a service for the Indian community and one targeting the Eastern Cape), and
- two existing national television channels. A further two regional television channels have been licensed, but are not yet on air pending finalisation of funding. (For more details see chapter six.)

The SABC’s public commercial services are subject to the same terms and conditions as private commercial stations and channels – but in terms of the Act they still have to adhere to the values of public broadcasting (Sec 11 Broadcasting Act).

There are three public commercial music radio stations and one designated public commercial television channel. (For more details see chapter six.)

2. Commercial broadcasters

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1 Department of Communications, White Paper on Broadcasting Policy, May 1998
There are a range of commercial radio and television services in South Africa. These include both free-to-air channels and subscription services (terrestrial and satellite). Government and regulatory policies emphasise that they should fulfil certain public service responsibilities — though these are less onerous than those imposed on public and community broadcasters.\(^2\) Free-to-air broadcasters in turn have greater public service obligations than subscription services.

To date, licences have been awarded through a competitive process and the regulator has made decisions based on which applicant/s best meet the objectives of broadcasting legislation in deciding between applicants. Thus, although ICASA’s position papers and regulations dealing with commercial broadcasting set certain minimum public service obligations which must be met, those awarded licences generally exceed these minimum requirements.

All free-to-air services have to air regular news bulletins according to ICASA regulations. The Position Papers on Private Sound Broadcasting Services and on Private Television emphasise the importance of the diversity of news and news formats.\(^3\)

In terms of the requirements, commercial radio stations have to broadcast at least 30 minutes of news each day and private free to air television has to provide at least one hour of news per day, including at least half an hour of news packaged as a single programme during prime time.

As highlighted in the previous chapter, broadcasters also adhere to a Code of Conduct developed through a public process. This stipulates that broadcasters must “report news truthfully, accurately and fairly”.\(^4\)

There is no evidence of undue interference in the editorial independence of any of the commercial services from either owners or politicians. Although there have been a range of complaints in terms of the Code of Conduct against broadcasters (from competitors and listeners/viewers over the years), none of these have specifically dealt with breaches relating to editorial independence. Executive Director of the National Association of Broadcasters of South Africa (NAB), Johann Koster, confirmed this in an interview.\(^5\)

Whilst e.tv prides itself on its news, it is unclear whether radio stations (with the exception of the talk and news focused services) are producing their own news (rather than just sourcing them from a national news agency such as the South African Press Agency, SAPA) as no study on diversity of news sources has been conducted.

### 2.1 Television

There is only one licensed commercial free-to-air television station – e.tv (Midi TV (Pty) Ltd). e.tv provides a national service and in terms of its licence has to reach at least 77 per cent of

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\(^2\) The White Paper on Broadcasting for example states that private broadcasters must, amongst other things, air predominantly South African content, provide news and commentary and increase diversity of programme content and ownership in broadcasting (Chapter Three).


\(^4\) Broadcasting Complaints Commission of South Africa (BCCSA), Code of the BCCSA, applicable from March 2003 accessed from [http://www.bccsa.co.za/](http://www.bccsa.co.za/)

\(^5\) Interview Johann Koster, March 2008
the population of South Africa. It is licensed as a broad spectrum channel and has to include children’s programmes, news and current affairs, documentaries and South African drama, amongst other things.

_E.tv_ is owned by Sabido Investments. The majority shareholder in Sabido is Hoskins Consolidated Investments – which in turn is controlled by, amongst others, the South African Clothing and Textile Workers Union’s investment company.

There are two subscription services currently on air – both owned by Nasionale Pers (National Press) which also owns a number of newspapers and magazines (see chapter 2). These subscription television services are:

- M-Net – a terrestrial subscription service; and
- DSTV/Multi-Choice – a multi-channel satellite subscription service.

Another four subscription services were awarded licences after a competitive bidding process towards the end of 2007. Three of these were due to go on air early in 2009, but had not done so by the end of the year, as their licences had not been granted yet:

- E-sat – an application by the owners of _e.tv_. _E.tv_ has subsequently turned down the licence and opted for a 24-hour news channel to be broadcast via the DSTV/Multi-Choice platform instead.
- On Digital Media (ODM) – a multi-channel subscription service. ODM has a range of shareholders including a black economic empowerment (BEE) investment company, a women’s group, the investment wing of the Congress of South African Trade Unions (COSATU) and a 20 per cent shareholding from European satellite company, SES Astra.
- Telkom Media – a multi-channel subscription service which promised to also offer Internet Protocol TV and include a South African based 24-hour news channel. The majority shareholder, the incumbent telecommunications operator, Telkom Pty Ltd, has since sold its stake to a Chinese company, and the company has been re-launched as Super 5 Media. At the time of writing, the sale still had to be approved by ICASA.
- Walking on Water – a single channel Christian focused subscription service aimed at a niche audience. The two largest shareholders are WindsObey (Pty) Ltd and Cornerstone Technology Holdings.

2.2 Radio

At present there are 16 commercial radio stations in South Africa. These include regional and city-wide stations. There is no national commercial radio station. Most of these stations broadcast in English.

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6 [www.ondigitalmedia.co.za](http://www.ondigitalmedia.co.za)
8 Independent Communications Authority of South Africa, Applications for Commercial Satellite and Cable Subscription Broadcasting Licences: Reasons for Decision, November 2007, p. 163.
As outlined in chapter 1, six of the SABC’s existing services were sold to private entities in 1996. These stations all have a regional profile (covering provinces rather than just cities) and are still the biggest money spinners:

**Algoa FM** is an adult contemporary station in the Eastern Cape based in Port Elizabeth and broadcasting in English. It is controlled by African Media Entertainment (AME) – which also controls OFM and has a stake in M-Power FM. AME is listed on the Johannesburg Stock Exchange (JSE) and also owns a radio advertising sales house.

**East Coast Radio** is a hit music station broadcasting in English in KwaZulu Natal. It is owned by Kagiso Media (100 per cent). Kagiso Media also controls Jacaranda FM and has minority stakes in Heart FM, Gagasi FM, OFM and Kaya FM. Kagiso Media’s key shareholder is Kagiso Trust Investments – the investment wing of a developmental trust established in the 1980s.

**Highveld Stereo** covers Southern Gauteng (including Johannesburg and Pretoria). It is an “all hits” station broadcasting in English and is owned by Primedia (which also controls Cape Talk, Radio 702 and KFM). Primedia is owned by the Kirsch family and the Mineworkers Investment Company.

**Jacaranda FM** broadcasts in English and Afrikaans and covers Gauteng as well as parts of the North West province, Limpopo and Mpumalanga. It is a “hits station” format. The major shareholder is Kagiso Media (80 per cent) which also owns East Coast Radio and has minority stakes in other stations around the country.

**K-FM** covers the Southern Cape including Cape Town and surrounding areas and is an adult contemporary station broadcasting in English. It is owned by Primedia (which also owns Cape Talk in Cape Town as well as Radio 702 and Highveld Stereo).

**OFM** broadcasts from Bloemfontein and covers the Free State province as well as parts of the Northern Cape and North West provinces. It is controlled by African Media Entertainment (AME), which also has stakes in Algoa FM and M-Power. It is an adult contemporary/greatest hits station broadcasting in English and Afrikaans. Kagiso Media has a non controlling interest in OFM (24.9 per cent).

A talk and news radio station broadcasting in English, **Radio 702** (broadcasting in the Gauteng and North West provinces), was “grandfathered” with the introduction of the IBA Act (as it had been broadcasting prior to the introduction of the legislation it was guaranteed a licence under the Act). **Radio 702** is owned by Primedia (which also owns Highveld Stereo).

In 1997 the IBA licensed eight new commercial radio services. These stations focus on cities rather than provinces. Two of these, broadcasting on medium wave in Afrikaans in Cape Town and Johannesburg, have subsequently closed down.

**Johannesburg:** **Classic FM:** which focuses on classical music and broadcasts in English. There is no shareholder with over 25 per cent of shares (the legislative determination of control). The largest shareholders are Classic FM PLC (the owners of Classic FM in London which owns 20 per cent of shares), Liberty Life Foundation (a South African foundation), Ingoma Trust (a
trust made up of musicians) and Moneyweb Holdings (which produces a
business programme called Moneyweb).\textsuperscript{10}

\textit{Kaya FM} is an African focused urban adult contemporary station
broadcasting in English. It provides 60 per cent music and 40 per cent
talk.\textsuperscript{11} The controlling shareholder is Thebe Convergent Technologies
(made up of a number of BEE groups). A number of other companies
hold shares including Kagiso Media (see above), Makana Investment
Company (an investment company representing ex political prisoners)
and Tiso Radio (a BEE investment company). These three have joint
stakes in other stations in Cape Town and Durban (see below).

\textit{Y-fm} is the station for the youth and broadcasts both music and talk radio
predominantly in English. The major shareholder is HCI – which also
owns e.tv.

Cape Town: \textit{Cape Talk} is a news and talk station that broadcasts on MW and FM in
English. It is owned by Primedia (which also owns K-fm, Radio 702 and
Highveld Stereo). It shares some programming with Radio 702.

\textit{Heart FM} is an urban adult contemporary station (including soul music)
which broadcasts in English. It is controlled by Makana Radio
Investments which is made up of Makana Investments Corporation,
Kagiso Media and Tiso Radio. The consortium also owns Gagasi in
Durban and has a stake in Kaya FM in Johannesburg.

Durban: \textit{Gagasi 99.5} covering Durban and Pietermaritzburg is an R&B Afro pop
station which broadcasts in both English and IsiZulu. It is owned by
Makana Radio Investments (see details under Heart FM above).

ICASA issued new licences to stations in what are called secondary towns (not the major cities)
at the beginning of 2007. These licences are provincial rather than just limited to towns in order
to increase their viability. ICASA had advertised the licences in four provinces (Limpopo, North-
West, Mpumalanga and Northern Cape), however there were no applicants for the Northern
Cape frequencies. Those awarded licences are:

Polokwane \textit{Capricorn FM} broadcasts from Polokwane (the provincial capital) to the
Limpopo Province. It is a music driven station (70 per cent music and 30
per cent talk) broadcasting predominantly in English with a young adult
contemporary format. Capricorn is owned by MSG Afrika Investment
Holdings (37.5 per cent) – a new black empowered media company,
Safika, a major BEE investment company in South Africa and Limpopo

\textsuperscript{10} Independent Communications Authority of South Africa, \textit{Reasons for Decision, Application for a
Renewal of a Commercial Sound Broadcasting Licence}, 30 June 2004
\textsuperscript{11} Independent Communications Authority of South Africa, \textit{Reasons for Decision, Application for a
Renewal of a Commercial Sound Broadcasting Licence, Kaya FM (Pty) (Ltd)}, 8 July 2005,
based business people. Capricorn FM went on air in the last quarter of 2007.

North-West

*Radio North West* broadcasts from Rustenburg to the North West province. It broadcasts in SeTswana (80 per cent) and in English and other languages spoken in the province (20 per cent). There is no majority shareholder. The two largest shareholders are Direng Investments (a black economic empowerment company involving a number of individuals with a background in radio) and the South African Democratic Teachers Union Investment Company. The station is a predominantly gospel music service with 80 per cent music and 20 per cent talk and has pledged to provide educational programmes in the evenings. The station commenced broadcasting in February 2008.

Mpumalanga

*M-Power Pty Ltd* is an adult contemporary music station broadcasting primarily in English. It airs 70 per cent music and 30 per cent talk. It is owned by African Media Entertainment Ltd (AME), Direng Investment Holdings, and a Mpumalanga based consortium - Mbombela Investment Holdings.

ICASA has issued invitations to apply for commercial licences in the three primary markets (Gauteng, KwaZulu-Natal and Western Cape, and at the time of writing the applications were still being processed.

### 2.3 Limitations on media ownership

The re-regulation of broadcasting which commenced in 1995 has resulted in the growth of a range of new media companies and owners in line with the legislation’s requirements of diversity and ensuring ownership by historically disadvantaged groups. In addition, requirements in legislation dealing with cross media control and limiting foreign control have assisted in limiting any monopolies.

In terms of current legislative requirements:

- No foreign person or entity may own or control more than 20 per cent of any broadcasting licence (Sec 54 Electronic Communications (EC) Act).

- No person may control more than one commercial television channel or more than two FM or two AM commercial radio stations. Such stations should not have similar licence areas. ICASA has the power to exempt any person from these clauses “on good cause” (Sec 55 EC Act).

- No person who controls a newspaper may have financial control of any broadcasting licensee. In addition, no person who controls a newspaper may have control (more than 20 per cent) of any broadcasting licensee that broadcasts in a similar area to that in which the newspaper “has an average ABC circulation of twenty percent (20%) or more of the total newspaper readership in the area”.\(^\text{12}\) Again the regulator has the power to deviate from the law on good cause (Sec 56 EC Act).

\(^\text{12}\) This clause, it has been argued, is void for vagueness as it alternately uses two distinct concepts – circulation and readership.
In response to concerns raised by the industry that the ownership limitations potentially stifle growth in the sector and limit the development of new black companies, ICASA held a review of the legislative provisions in 2003 and published a Position Paper in January 2004.\textsuperscript{13} The document highlighted concerns raised by commercial broadcasters over the dominance of the public broadcaster in the commercial broadcasting market (in terms of both audience and advertising share).

The regulator, after considering all submissions made to it, decided that it would be important to change the ownership restrictions and suggested the following amendments to legislation:\textsuperscript{14}

- The limit on foreign shareholding in a broadcasting licensee should be increased to 25 per cent.
- The cap on the number of commercial radio stations which can be controlled by one entity should be converted to a limit on the proportion of the total number of stations, rather than limiting it to a set number. Diversity, ICASA noted, is dependent on the size of the industry. The Authority suggested therefore that the law be changed to state that no one entity can control more than 35 per cent of the number of radio stations. The regulator proposed however that limitations on the ownership of stations with overlapping licence areas should continue, though the number of stations which any one entity can own in one area should be increased to two services.
- The limit of one television channel should remain.\textsuperscript{15}

The proposals on cross media control do not amend the substance of initial clauses, but do address loopholes in the original law.

ICASA submitted these recommendations to the Minister of Communications, as required by legislation, in 2004. To date, the Minister has not forwarded the recommendations to Parliament and therefore the original legislative requirements remain in place.\textsuperscript{16}

3. Community broadcasting

The Electronic Communications (EC) Act defines a community broadcaster as an entity which:

- is fully controlled by a non-profit entity and carried on for non-profit purposes;
- serves a particular community;

\textsuperscript{14} This is an abridged version of the actual proposed amendments which detail clauses to close loopholes in existing legislation, and outline specific grounds for exemptions to requirements.
\textsuperscript{15} Independent Communications Authority of South Africa, *Final Recommendations to the Minister to Amend Certain Provisions of the Independent Broadcasting Authority Act (Act No 193 of 1993)*, undated
\textsuperscript{16} Broadcasting was still governed by the IBA Act in 2004 and the suggested amendments were proposed on this legislation. The new amendments were not tabled or discussed by Parliament when the EC Act replaced the IBA Act in 2005. It is unclear why the proposed amendments were not discussed – or why the original clauses were transcribed exactly into the new legislation without even addressing obvious loopholes.
• encourages members of the community served by it or persons associated with or promoting the interests of the community, to participate in the selection and provision of programmes ...
• may be funded by donations, grants, sponsorships or advertising or membership fees or any combination of the aforementioned.  

A community can be either geographically based or share a common interest (for example, religion). Community broadcasters have developed different mechanisms for ensuring participation by their communities including programming committees open to all members of the community and structures enabling communities to vote for governing boards.

All stations are, according to the ICASA frequency plan, local. Obviously, the actual coverage area is more extensive in rural areas than in cities.

The EC Act has considerably simplified the application process for community broadcasters. Whereas before 2005 stations had to wait for invitations to apply to be issued by the regulator\(^{18}\), under the new legislation community stations and channels just require class licences\(^{19}\). This means that they merely have to apply for registration rather than go through an application process (Sec 5(b) EC Act).

The Government has made a further commitment to community broadcasting by establishing the Media Development and Diversity Agency (MDDA). From its establishment in 2003 until April 2009, the MDDA has provided support for 239 projects.

In an interview for this research, CEO of the Agency Lumko Mtimde stated that this support has ranged from mentoring and training to assist stations to develop strong management and governance practices, to financial contributions for up to three years to cover administration costs. According to Mtimde, the MDDA has also assisted fledgling stations to develop applications for ICASA and supported the community television movement by assisting channels to develop models for sustainability and impact on the overall broadcasting policy framework.\(^{20}\)

3.1 Radio

In January 2009, ICASA confirmed that it had licenced 96 community radio stations and a further three low power sound stations.\(^{21}\) Whilst initially stations were predominantly based in cities and towns, ICASA has made a concerted effort to expand the community radio network by issuing specific invitations for licensees in what are termed “nodal points” – determined by government as the most disadvantaged and poor areas in the country.

Sixty-four of these stations target geographic communities (specific areas), and the others cater for particular language groups (such as Chinese and Greek), students, religious or cultural communities. They broadcast in a range of languages and dialects.

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\(^{17}\) EC Act, Section 1, Definitions

\(^{18}\) There have been two invitations to apply for four year licences issued by the regulator since its establishment in 1994.

\(^{19}\) The Act differentiates between class and individual licences.

\(^{20}\) Lumko Mtimde responded in writing on 24 April 2008 to a set of questions submitted by the researcher.

ICASA has set minimum requirements for community radio stations. The exact formats are defined in licence conditions and vary from station to station. Applicants have to show that their proposed programming line-up is relevant to their defined communities.

In its Position Paper on community radio, the regulator states that the majority of programmes – and in particular news and current affairs – must be sourced from within the target community. All stations are required to broadcast news including local news. The policy further states that community stations must:

(P)rovide a distinct broadcasting service dealing specifically with community issues which are not normally dealt with by the broadcasting service covering the same area … (and) focus on … programmes that highlight grassroots community issues …

3.2 Television

South Africa has a fledgling community television sector. One community of interest television service was grandfathered at the time of promulgation of the IBA Act in 1994 (Trinity Broadcasting Network – a Christian station in the Eastern Cape). Three others have been granted one-year licences (in Cape Town, Soweto and Richards Bay). The sector is too young to assess its long term effect and sustainability.

ICASA’s Position Paper on community television outlines several minimum standards for community channels. It states that the majority of programmes must be sourced and produced locally and that there must be community access to the channel. Community television channels are also expected to air news, actuality programmes and children’s programmes.

3.3 Challenges

As with all other broadcasters, community stations and channels have to abide by a set Code of Conduct which specifically provides for editorial independence. Community media however face differing challenges in implementing this:

- A lack of journalistic skills could affect the quality of editorial content. Whilst there has been ongoing training of community radio staff over the years by a range of institutions (including the Institute for the Advancement of Journalism, Bush Radio training school, ABC Ulwazi, Rhodes University Sol Plaatje Institute, etc), skilled staff are regularly recruited by commercial and public broadcasters – continuously depleting the pool of trained members of community stations.
- Concerns have also been raised about the relationships between municipalities and local media (including community radio). According to a report by the Democracy Radio Project of the Institute for Democracy in South Africa (IDASA), this relationship is often

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22 ICASA, Community Sound Broadcasting Policy Position Paper, 5 June 2006, p. 23, Section 11
23 Ibid, p. 27
24 Independent Communications Authority of South Africa, Community Television Broadcasting Services: Position Paper, 30 November 2004
25 Ibid, p. 17. The policy document emphasises that the management of community television channels “act as responsible civic custodians”.
26 Ibid, Section 7, pp. 19-21
“difficult” and community media (including radio) battle to get access to local government officials. This inevitably affects reporting on local issues.

4. Audiences of all three sectors

The latest All Media Product Survey (AMPS) information released in June 2009 (AMPS 2009A) shows an increase in overall media consumption.

Television viewership figures are generally up. As can be seen from the graph below, SABC 1 has the largest audience, followed by SABC 2 and e.tv.

Figure 3: Television viewership in South Africa

Radio listenership has been relatively stable, although there have been recent indications of a slight decline in numbers. In the second half of 2007, 93.5 per cent of South Africans listened to

radio over a seven day period.\textsuperscript{28} By the first half of 2009, this figure had decreased to 90 percent.\textsuperscript{29}

Radio stations are too numerous for all of their listenership figures to be reflected here. The top ten are mostly SABC services – as is to be expected because they have wider coverage than the others. Those with provincial coverage also obviously score higher figures – though a Durban commercial radio station, Gagasi, is amongst the ten most popular services.

Table 4: Favourite radio stations - National Top 10

<table>
<thead>
<tr>
<th>Station</th>
<th>Percentage (15 + yrs old)</th>
<th>Number of listeners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukhozi FM</td>
<td>12.0</td>
<td>4 168 000</td>
</tr>
<tr>
<td>Umhlobo Wenene FM</td>
<td>10.9</td>
<td>3 530 000</td>
</tr>
<tr>
<td>Lesedi FM</td>
<td>6.7</td>
<td>2 191 000</td>
</tr>
<tr>
<td>Thobela FM</td>
<td>6.0</td>
<td>1 947 000</td>
</tr>
<tr>
<td>Metro FM</td>
<td>5.3</td>
<td>1 722 000</td>
</tr>
<tr>
<td>Motsweding FM</td>
<td>4.9</td>
<td>1 608 000</td>
</tr>
<tr>
<td>Radio Sonder Grense</td>
<td>3.5</td>
<td>1 149 000</td>
</tr>
<tr>
<td>East Coast Radio</td>
<td>2.8</td>
<td>911 000</td>
</tr>
<tr>
<td>Gagasi 99.5</td>
<td>2.7</td>
<td>888 000</td>
</tr>
<tr>
<td>94.2 Jacaranda</td>
<td>2.7</td>
<td>887 000</td>
</tr>
</tbody>
</table>

Source: SAARF December 2009

5. Accessibility of broadcasting services

The public broadcaster, the SABC, is the only broadcaster tasked in terms of law with making its services available throughout South Africa. Other broadcasters have their respective coverage areas prescribed through their licence conditions.

Commercial radio stations are generally licensed to cover individual major cities and towns and do not broadcast into rural areas located far from urban centres. Many community radios, on the other hand, have been licensed in rural areas, with their coverage confined to specific villages and/or defined communities.

There is only one licensed free-to-air commercial television channel – e.tv. Its licence conditions stipulate that it should cover at least 77 per cent of the population. E.tv states that it exceeds this requirement and is in fact accessible to 80.5 per cent of all South Africans.\textsuperscript{30}

The SABC has special obligations as regards universal service and access. The Broadcasting Act of 1999 stipulates that the SABC has to “make its services available throughout the Republic” (Section 8(a)) and in all official languages (Section 10(1)). The definition of universal

\textsuperscript{28} SAARF AMPS 2007B
\textsuperscript{29} SAARF AMPS 2009A
\textsuperscript{30} E.tv, About Us, accessed from http://www.etv.co.za/pages/about_us in July 2008
access to broadcasting as formulated by the then newly established broadcasting regulator, the
Independent Broadcasting Authority (IBA)\textsuperscript{31}, in 1995 is quite broad:

\begin{quote}
(Access) refers to the availability of services to all citizens. ..... The concept ..... extends the notion
from simply who receives information to what kind of information, to what degree and on what
terms. ..... Genuine access depends ..... not only on the existence of channels, but on their
effective distribution, availability and affordability. ..... 

Access to choice ..... relates not only to the range of information, education and entertainment
available but also ..... to access to a diverse range of language, cultural, religious and regional
programmes.\textsuperscript{32}
\end{quote}

In its Triple Inquiry Report (on the protection and viability of public broadcasting, cross media
control of the media and local television content and South African music), the Authority also
set out targets for the SABC.\textsuperscript{33}

The SABC has made strides in meeting these goals – though it has not as yet achieved full
terrestrial access. In an interview in August 2008, the SABC General Manager in charge of
facilitating universal access (now General Manager of Strategic Planning), Lynn Mansfield,
stated that about 3.6 million South African households did not at that time have access to
television and a further 5.4 million did not have access to a radio service.\textsuperscript{34}

\begin{quote}
We are about to turn on television transmitters that will bring television to about 600 000 of
these people. We have also developed a plan to use low power radio and television
transmitters to ensure that as many people as possible can have access to television and radio
by 2010 when the soccer World Cup is held in South Africa. By 2011 all South Africans should
be able to tune into all three SABC television channels via a low power transmitter and listen to
a radio station in the language most spoken in the area.
\end{quote}

This innovative plan, using both low power transmitters and exploiting the cellular phone
networks, has been confirmed by Robin Nicholson, the Chief Financial Officer (who has since
been suspended pending a disciplinary enquiry). The SABC, he said, has set aside the funds
necessary to purchase these transmitters for the signal distributor Sentech.\textsuperscript{35}

Radio stations are web-cast and television channels are available via satellite subscription
broadcasters, thus technically reaching all parts of the country. But this comes at a price which
many cannot afford and does not make these services accessible in terms of the above
definitions. Access to computers and broadband determines the availability of radio services
over the web, and one has to have a set top box to view the television channels beamed over
satellite.

\textsuperscript{31} Now the Independent Communications Authority of South Africa
\textsuperscript{32} Triple Inquiry Report, p. 16, point 7.1.3
\textsuperscript{33} The contents of the Triple Inquiry Report are dealt with more fully in Chapter 5.
\textsuperscript{34} Telephone Interview, Lynn Mansfield, SABC General Manager Special Projects in the Policy and
Regulatory Affairs Department, on 1 August 2008. Note that the figures differ from AMPS data on
television and radio listenership as these measure listenership and viewership over the past seven days –
regardless of whether or not this was in the home or, for example, at work.
\textsuperscript{35} Interview, Robin Nicholson, Chief Financial Officer of the SABC, on 25 June 2008
Television

As regards television, the Triple Inquiry Report stated that the SABC’s services must be extended across South Africa. The Corporation’s licence conditions (renewed in 2005) do not however set specific targets to be met. They merely require the service to “cover the Republic”. However, as ICASA has not released a report on compliance by SABC television with this licence condition, it is not possible to say with any certainty what percentage of the population has been covered.

Radio

The situation in relation to radio is more complex. The SABC inherited an apartheid driven system where English and Afrikaans language services were well resourced and covered most of the country, whilst African language stations were under-resourced and targeted primarily areas designated by the then government for particular African language speakers as part of the policies of separate development.

This was recognised in the 1995 Triple Inquiry Report and the Authority ruled that the existing nine “black language stations be dramatically upgraded” and that full spectrum language services should “reach at least 80% (per cent) of people who speak the principle language of the station within 18 months, and 90% (per cent) within five years.”

These targets appear ambitious in retrospect. There are insufficient frequencies in cities such as Cape Town and Johannesburg to accommodate all African language stations, community radio services and new commercial players. At the same time, rural populations are migrating to cities and thus potentially population coverage by a radio service could drop even with expanded transmitter networks.

It seems, however, as if these targets have been modified (although not officially retracted), as licence conditions for the individual services are vague about targets to be met as the conditions refer to coverage maps rather than progressive percentages which increase over a period.

The table below gives some indication of achievements in expanding coverage by SABC language services to speakers of official languages.

Table 5: Growth in coverage of SABC public radio language services

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<table>
<thead>
<tr>
<th>SERVICE</th>
<th>Language of broadcast</th>
<th>1995 % of population whose home language is that of the station</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ikwekwezi FM</td>
<td>isiNdebele</td>
<td>37%</td>
<td>82.5%</td>
</tr>
<tr>
<td>Lesedi FM</td>
<td>SeSotho</td>
<td>73%</td>
<td>78%</td>
</tr>
<tr>
<td>Ligwalagwala FM</td>
<td>SiSwati</td>
<td>34%</td>
<td>71%</td>
</tr>
<tr>
<td>Motsweding FM</td>
<td>Setswana</td>
<td>86%</td>
<td>87%</td>
</tr>
<tr>
<td>Munghana Lonene FM</td>
<td>xiTsonga</td>
<td>84%</td>
<td>84%</td>
</tr>
<tr>
<td>Phalaphala FM</td>
<td>TshiVenda</td>
<td>79%</td>
<td>79%</td>
</tr>
<tr>
<td>RSG</td>
<td>Afrikaans</td>
<td>87%</td>
<td>87%</td>
</tr>
<tr>
<td>SA FM</td>
<td>English</td>
<td>95%</td>
<td>95%</td>
</tr>
<tr>
<td>Thobela FM</td>
<td>Sepedi</td>
<td>73%</td>
<td>78%</td>
</tr>
<tr>
<td>Ukhozi FM</td>
<td>isiZulu</td>
<td>69%</td>
<td>81%</td>
</tr>
<tr>
<td>Umhlobo Wenene FM</td>
<td>isiXhosa</td>
<td>79%</td>
<td>83.61%</td>
</tr>
</tbody>
</table>

Sources: These figures have been compiled from IBA’s Triple Inquiry Report, SABC documents, applications to the broadcasting regulator by the SABC and from information gathered from SABC staff.

Signal distribution

Part of the process of re-regulating the broadcasting environment with the advent of democracy was the establishment of a separate signal distributor. Signal distribution had previously been controlled from within the SABC, which fell under the Postmaster General.

In 1996, all units of the SABC dealing with signal distribution were incorporated into a new public company – Sentech (Ltd). The Sentech Act (no 63 of 1996) was promulgated and the company was licensed in terms of the then IBA Act as a “common carrier” signal distributor. Sentech was given all existing signal distribution equipment and granted exclusivity over transmitter high sites critical for effective transmission. In exchange the signal distributor was obligated to provide equitable signal distribution to those that required it.

Whilst broadcasting legislation allows for other privately owned signal distributors, as well as for services to provide their own signal distribution, only one private signal distributor, Orbicom, is licensed. This commercial service is linked to subscription television provider, Multichoice, and does not generally provide signal distribution services to other broadcasters. In effect, therefore, Sentech operates as a monopoly and currently all commercial and public broadcasting services are transmitted via their facilities. Many community stations however provide their own signal distribution as their coverage is often limited.

6. Technical standards
South Africa's broadcasters are generally well equipped. Technical resources and capacity are two of the criteria assessed by the regulator in deciding on the grant of licences.\(^{38}\)

The SABC has set aside R1.3 billion (US$ 167 million as of August 2008, including R400 million from government) to upgrade all its production facilities to digital technology by 2010. Plans include upgrading all television and radio studios, outside broadcasting facilities and production and news facilities around the country. In its 2006/2007 annual report (ending 30 June 2007), the Corporation stated that it had completed 40 per cent of the plan, but it is unclear from the latest annual report what the progress is on this plan.

The public broadcaster in 2008 had 13 regional studios around the country and eight foreign bureaus (in Senegal, Democratic Republic of Congo, Kenya, Nigeria, the UK, Belgium, and two in the US).

Radio studios and production facilities at the public broadcaster are currently fully computerised – and computer programmes are in the process of being upgraded as part of the technology plan. Broadcast studios are not only utilised by SABC stations but are rented out – and therefore a source of revenue.

Radio facilities include drama studios in all provinces, a symphony studio to record orchestras in Johannesburg (and facilities to record orchestras in Cape Town, Durban and Port Elizabeth), and music recording studios around the country (many of which have been upgraded to international standards).\(^{39}\)

As regards television, SABC has a range of outside mobile broadcast units (OBUs) – including a high definition television unit. SABC plans to upgrade all its OBUs to high definition television – in preparation for the 2010 Soccer World Cup to be held in South Africa. The Corporation has a range of digital satellite news gathering (DSNG) units and facilities to broadcast using microwave links from mobile units.\(^{40}\)

Commercial broadcasters (which were mostly licensed from the late 1990s) have generally had the advantage of being able to start up with newer computerised and digital equipment and have not faced the same challenges as the SABC associated with upgrading outdated studios.

There are no national commercial radio stations and owners of these services are thus only faced with equipping one or two centres (depending on the coverage area of the station). The free-to-air commercial television service e.tv is national and has studios in Cape Town, Johannesburg, Durban and Bloemfontein.

Even community radio – traditionally the most under-resourced sector – has access to good professional equipment thanks to support from organisations such as the Open Society Foundation of South Africa, the British High Commission, the Friedrich Ebert Stiftung, the Department of Communications in government and the Media Development and Diversity

\(^{38}\) See ICASA Position Papers on private sound broadcasting, free-to-air television and community sound broadcasting.

\(^{39}\) [http://www.rpstudios.co.za/RBF_EasternCape/studios.asp](http://www.rpstudios.co.za/RBF_EasternCape/studios.asp)

\(^{40}\) [http://www.airtime.co.za/portal/site/airtime/](http://www.airtime.co.za/portal/site/airtime/)
Agency. One of the challenges however facing community broadcasters — particularly those in rural areas — is capacity and skill to maintain and utilise equipment fully.⁴¹

7. Conclusions and recommendations

The African Commission on Human and Peoples Rights’ Declaration of Principles on Freedom of Expression in Africa states that:

- States shall encourage a diverse, independent private broadcasting sector (Article 5 (1));
- Community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves (Article 5 (2) bullet 4), and
- States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole. (Article 14 (3))

South African legislation, policy and practice do encourage a diverse commercial and community sector. Amongst other things:

- Legislation provides for three broadcasting sectors: public, commercial and community.
- The government has taken positive steps to promote media diversity. The establishment of the MDDA shows a commitment not only to creating an enabling framework for development of diverse media, but also to ensuring that communities and individuals have the means to realise their right to freedom of expression.
- The public broadcaster has plans in place to strive to reach all parts of the country.
- Legislation limits ownership concentration and puts in place cross-media controls.

However, there are still too few stations broadcasting in languages other than English, and whilst there are a range of services available to people within the bigger cities, there is little choice of content for those in other towns and in rural areas.

Although the regulator has proactively encouraged the development of community radio stations in the most disadvantaged areas, it has delayed licensing more commercial radio services. This has limited the growth of new broadcasting companies essential to ensuring a level playing field given the SABC’s size and reach and concomitant dominance of available broadcasting advertising spend.

Recommendations

Diversity and universal access are fluid and complex principles, and policies, laws and regulations seeking to achieve these aims need to be continuously and progressively revised. It requires more than just an enabling environment to ensure that all citizens have access to a

diverse range of broadcasting services and programmes in their preferred language/s. The following should be considered in order to continuously enhance access for all South Africans:

- The MDDA Act should be reviewed to enable the Agency to commit more resources to research into media diversity issues\(^{42}\) and to facilitate the development not only of community radio but also the development of other broadcasting services in what are seen as unviable markets. This would require more resources to be allocated to the MDDA.

- Amendments to the EC Act on ownership and control of broadcasting services should be considered by Parliament. Debate should not only centre on the recommendations made by ICASA to existing clauses limiting ownership, but should also explore other ways to increase diversity of ownership in what are seen as non-viable markets/areas. For example, ownership limitations could be relaxed in order to lure existing media companies to assist in establishing stations outside of the cities. This could also encourage the growth of new black media companies. Specific attention should be paid to the dominance of the SABC in the commercial broadcasting arena (given the Corporation’s division into public and commercial wings). This is dealt with in more detail in Chapter 6.

- ICASA as well as civil society organisations should review the diversity of news across the different stations to assess whether or not current measures are ensuring access to diverse and original news on radio, or if there is an over-reliance on news agencies for content.

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\(^{42}\) The law and linked regulations limit the spending on research into media diversity. The MDDA however could play a key role in monitoring media diversity in South Africa.