



SOS: Support Public Broadcasting Coalition

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1. INTRODUCTION

1.1. In Notice 429 published in the Government Gazette No. 36408 dated 24 April 2013, the ICT Policy Review Panel published the Information Communication Technology Policy Review Framing Paper (“Framing Paper”), 2013 and invited comments thereon

1.2. These written submissions are made by SOS Support Public Broadcasting Coalition (“SOS”). The SOS Coalition represents a number of trade unions including COSATU,, BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); and a host of NGOs and CBOs including the Freedom of Expression Institute (FXI), Media Monitoring Africa (MMA), and the Media Institute of Southern Africa (MISA-SA); as well as a number of academics and freedom of expression activists.

1.3. The SOS Coalition has considered the Framing Paper produced by the ICT Policy Review Panel carefully and welcomes the opportunity to comment on the Framing Paper as part of the public participation process. SOS further encourages the Minister and her Panel to ensure that the ICT Policy Review continues to be as open, inclusive and participatory as possible.

1.4. SOS commits to participating in the on-going dialogue on ICT Policy development in South Africa because it is of the view that ICT is critical to the future development of the country.

1.5. The Coalition wishes to emphasise the importance of ensuring that broadcasting and content issues are not side-lined during the review process and that they are accorded due prominence they deserve.

2. OVERVIEW

2.1. The Coalition wishes to congratulate the Minister and her panel on a comprehensive and progressive Framing Paper. The Coalition is of the view that the Framing Paper has asked the necessary questions that may lead to progressive solutions towards the improvement of the ICT policy and regulatory framework.

2.2. The Coalition is also pleased that the Framing Paper seeks to understand what key stakeholders in the ICT Industry consider as the fundamental principles/objectives that need to underpin the new policy framework. The Coalition believes this is a useful and necessary exercise that will form a solid foundation for a renewed ICT policy outlook.

2.3. The Coalition concurs with the broad principles proposed in the Framing Paper. However SOS does believe that not enough attention was given to how these principles would and, perhaps even should, apply to the broadcasting sector in particular.

2.4. The Coalition has serious concerns with, and addresses, the following critical issues in the following order:

2.4.1. Inadequate emphasis on the importance of diversity of broadcasting services;

2.4.2. Insufficient attention paid to local content and the development of our own cultural industry;

2.4.3. A lack of clear emphasis on the significance, role and mandate of public broadcasting in South Africa;

2.4.4. The Framing paper is not clear on issues around the three tier system; and

2.4.5. The Framing paper is not clear on Digital Terrestrial Television (DTT) and the Digital Dividend.

3. THE IMPORTANCE OF DIVERSITY AND OWNERSHIP

3.1. Section 3.5.2 discusses the issue of diversity provided for by different service providers.

3.2. The Coalition agrees that the issues of access and diversity should remain a separate and specific consideration in the policy environment. The Coalition proposes that more emphasis on the diversity of ownership should be placed in the Framing Paper, particularly as it pertains to the broadcasting sector.

3.3. In order to reflect this, the Coalition proposes that the last bullet point to read as follows:
There must be an enabling environment that will encourage the diversity of ownership in the means to communicate.

4. ACCESS TO INFORMATION

4.1. The Coalition agrees with Section 3.5.3 that all South African citizens have the right to access a broad range of news, information and opinions, as this ensures that all South Africans can actively participate in our democracy.

4.2. The Coalition proposes the addition of the following position to the principles: *An Obligation by the public broadcaster to play an integral role in realising South African's right to access to information and communications technologies.*

4.3. This addition will ensure that the role of the public broadcaster plays in enhancing our democracy is not overlooked.

5. EVERYONE'S HAS A RIGHT TO CELEBRATE THEIR CULTURAL HERITAGE IN THE LANGUAGE(S) OF THEIR CHOICE

5.1. The Coalition understands the importance of the promotion and protection of marginalised languages and the diversity of cultural heritage in South Africa.

5.2. However, the Coalition is concerned that this principle is assumed to subsume and adequately encapsulate significant and contested issues in the broadcasting and related sectors including: language, local content, Intellectual property etc. which may be lost along the way as the Review unfolds.

To this effect, the Coalition proposes the addition of separate sections that speak to and emphasise the importance of these issues;

5.2.1. The Coalition proposes the following principles for local content:

- 5.2.1.1. Local content must reflect as comprehensively as possible the range of realities and views held in South Africa, In particular, it must also promote those lived realities and views which have been historically marginalised.
- 5.2.1.2. Local content must be credible, reliable and offer variety and balance.
- 5.2.1.3. The public broadcasting sector must lead the way in local content production.
- 5.2.1.4. In terms of Intellectual Property; the development of an intellectual property regime that is fair, equitable and will promote quality and sustainability in the creative industries

6. CLEAR AND CONSISE PRINCIPLES FOR PUBLIC BROADCASTING

- 6.1. The Coalition broadly concurs with those principles which seek to promote the significance and sustainability of public broadcasting in South Africa. These include section 3.5.11 that proposes the need for government to fund the public mandate from the public purse.
- 6.2. However, the Coalition proposes the addition of a section that specifically addresses public broadcasting issues. This section must focus specifically on the mandate, independence and funding of public broadcasting.
- 6.3. The Coalition proposes the following principles for public broadcasting:
 - 6.3.1. The goals reflected in the Constitution must be strengthened through public broadcasting, especially the Bill of Rights including, in particular, socio-economic rights.
 - 6.3.2. The vision for public broadcasting in South Africa must be one which calls for a focus on all three tiers of broadcasting to ensure a broadcasting system dedicated to the broadcasting of quality, diverse, citizen-orientated public programming committed to the values of the Constitution.
 - 6.3.3. All three tiers of broadcasting – public, commercial and community – must be strengthened, and all should have public service obligations (appropriate to their respective tiers) such as language, news and local content requirements.
 - 6.3.4. Universal service must be ensured whereby every person in South Africa is entitled to receive both radio and TV programming in one or more of South Africa's official languages in his or her home.
 - 6.3.5. Institutional autonomy must be ensured whereby the public broadcaster, community media and the broadcasting regulator are independent of direct commercial, government and party political interests, particularly in respect of programming.
 - 6.3.6. SABC programming must be of a high standard and reflect a diversity of political, economic and cultural perspectives, including programming aimed at a range of grouping such as children, the elderly, women, the disabled etc.; and must be undertaken in all official languages.

6.3.7. Public accountability must be ensured whereby the public broadcaster, community media and the broadcasting regulator are governed by structures that protect and enhance public accountability and best serve the public interest.

7. THE THREE TIER BROADCASTING SYSTEM

7.1. The Coalition is extremely concerned that the three-tier broadcasting system received only one mention throughout the Framing Paper, no clearly articulated principles for public, commercial and community broadcasting.

7.2. The Coalition urges the panel to consider, to the extent that it is necessary, the inclusion of clear principles applicable to each broadcasting tier, recognising that the environment under which they operate and challenges they face are varied.

8. DTT AND THE DIGITAL DIVIDEND

8.1. There is insufficient emphasis on the principles underlying the move to DTT and on the digital dividend.

8.2. The coalition proposes the following principles for DTT and the Digital Dividend:

- 8.2.1. Public broadcasting and public information and communication needs must be prioritised.
- 8.2.2. Spectrum must not be sold off to the highest bidder if this will be to the detriment of the needs of all South Africans.
- 8.2.3. Spare frequency capacity must be made available to all three tiers of broadcasting i.e. public, commercial and community broadcasting, and sufficient frequency capacity must be set-aside for future use.
- 8.2.4. License new commercial and community operators both free-to-air and subscription to ensure that a wide range of television services, broadcasting a variety of content including news, current affairs, education and entertainment, is available to the public.

SOS thanks ICT Policy Review Panel for the opportunity to make these representations and reiterates its desire to make oral representation at any hearings held. Please do not hesitate to contact the writer should SOS be able to be of any further assistance to ICT Policy Review Panel.

Yours faithfully

Carol Mohlala



SOS Coordinator

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