

**WRITTEN SUBMISSION BY  
MEDIA INSTITUTE OF SOUTHERN AFRICA – SOUTH AFRICA**

**[MISA-SA]**



**TO**

**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA [ICASA]  
ON THE REVIEW OF COMMUNITY SOUND BROADCASTING POLICY DISCUSSION  
PAPER**

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#### 1. Respondents Questionnaires

Botlokwa Community Radio (89.3 FM); Chinese Community Radio (835.5 MW);  
 Durban Youth Radio (105.1 FM); Greater Middelburg Radio (89.7 FM);  
 Indosakusa (Icora) (107.7 FM); Imbokodo Community Radio (96.8 MHz);  
 Kangala Community Radio (92.8 FM); Khanya Community Radio Station (106.1 FM);  
 Letlhabile Community Radio (99.5 FM); Maputaland Community Radio (107.6 FM);  
 Mohodi Community Radio (98.8 FM); Moletjie Progressive Community Radio (98.6 FM);  
 Naledi Community Radio (103.9 FM); New Panhellenic Voice (828 MW);  
 Nkqubela Community Radio (97.0 FM); Qwaqwa Radio (100.3 FM);  
 Radio Alpha (97.8 FM); Radio Bushbuckridge (88.4 FM);  
 Radio Graaf Reinet (90.2 FM); Radio Helderberg (95.9 FM);  
 Radio Islam (1548 KHZ); Radio Khwezi (90.5 FM);  
 Radio Kragbron (96.0 FM); Radio Laeveld (100.5 FM);  
 Radio Mafisa (93.4 FM); Radio Riverside FM (98.1);  
 Radio Sunnysouth (97.0 FM); Radio Turf (103.8 FM);  
 Rhodes Music Radio (89.7 FM); Radio Grahamstown (102.1 FM);  
 Setsotso Stereo (101.4 FM); Takalani Community Radio (107.2 FM);  
 Technikon Pretoria/TUT Top Stereo 93.6- (96.8 MHz); UCT Radio (104.5 FM);  
 Univen Radio (99.8 FM); Valley FM (90.2 MHz);  
 Vaaltar FM (93.6 FM); Zibonele Community Radio (92.2 FM);

2. Participating stations to MISA-SA Gauteng/ North West Roundtable on Discussion Paper

UJFM (previously RAU Radio) (95.4 MHZ)

Jozi FM (105.8 MHZ)

Letlhabile Community Radio (99.5 FM)

Moretele Community Radio (106.6 FM)

New Pan Hellenic Voice (828 MW)

Radio Today (1485 KHZ)

Rainbow Community Radio (1305 KHZ)

3. ICASA for inviting MISA-SA to participate in consultative workshops on the Discussion Paper.

## 1. **INTRODUCTION**

- 1.1 The Media Institute of Southern Africa (MISA) is a regional, member-driven, non-governmental organisation with eleven chapters in the SADC region, coordinated by a regional Secretariat. The network of national chapters aim - through monitoring, training, capacity building, research and the distribution of information - to foster free, independent and diverse media throughout southern Africa in the service of democracy and development as stated in the Windhoek Declaration of 1991 and African Charter of Broadcasting of 2001. The South African Chapter of MISA (MISA-SA) is involved in partnerships and consultative networks, in pursuance of the above-mentioned goals.
- 1.2 MISA's programme areas include:
- 1.2.1 Freedom of Expression and Right to Information;
  - 1.2.2 Media Freedom Monitoring;
  - 1.2.3 Campaign for Broadcasting Diversity;
  - 1.2.4 Media Support Activities; and
  - 1.2.5 Legal Support.
- 1.3 On 20 September 2005, ICASA launched its Review on Community Sound Broadcasting Policy Discussion Paper (the Discussion Paper). The much anticipated Review followed almost a year's wait. The launch should have included an apology and an explanation for the delay.
- 1.4 MISA-SA would like to thank the Authority for the opportunity to make a written submission on the Discussion Paper.
- 1.5 As a lobby and advocacy organisation, MISA-SA's primary concern vis-à-vis the Discussion Paper is the promotion of media diversity, pluralism, independence and self-sufficiency, consistent with our mandate. Significantly, independent regulation in the public interest is critical to the realisation thereof.
- 1.6 In response to ICASA's invitation for public input, MISA-SA hereby submits its comments. MISA-SA reserves its rights to amplify these submissions by way of oral representations at the public hearings to be held for this purpose.

## 2. **GUIDING PRINCIPLES**

MISA-SA's submission is guided by the principles contained in the following instruments:

- 2.1 **The Constitution of the Republic of South Africa (1996)**, specifically guarantees vis-à-vis freedom of the media (s16) as well as an independent authority to regulate broadcasting (s192).
- 2.2 **The African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression in Africa (2002)<sup>1</sup>:**
- “Any public authority that exercises powers in the areas of broadcast or telecommunications regulations should be independent and adequately protected against interference, particularly of a political or economic nature.*
- 2.3 **The African Charter on Broadcasting (2001)**
- 2.3.1 Part I - General Regulatory Issues
- 2.3.1.1 *The frequencies allocated to broadcasting should be shared equitably among the three tiers of broadcasting.*
- 2.3.2. Part III - Community Broadcasting
- 2.3.2.1 *Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues social development, and which is non-profit.*
- 2.3.2.2 *There should be a clear recognition, including by the international community, of the difference between decentralised public broadcasting and community broadcasting.*
- 2.3.2.3 *The right of community broadcasters to have access to the Internet, for the benefit of their respective communities, should be promoted.*
- 2.3.3 Part IV - Telecommunications and Convergence
- 2.3.3 *The right to communicate includes access to telephones, e-mails, internet and other telecommunications systems, including through the promotion of community controlled information communication technology centres*

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<sup>1</sup> The Declaration can be found at <http://www.article19.org/docimages/1600.pdf>

### 3. **STRUCTURE OF SUBMISSION**

MISA-SA's submission will not answer specific questions as outlined in the Discussion Paper, but will provide comment categorised under the following headings:

- 3.1 Data Collection
- 3.2 Community Radio: Access, Pluralism and Diversity
- 3.3 Programming
- 3.4 Funding
- 3.5 General Comments

#### **3.1 Data Collection (MISA-SA Survey and Roundtable)**

In developing this submission, MISA-SA is informed by research towards its Community Radio and Advertising Report (2004)<sup>2</sup>, as well as survey research<sup>3</sup> and qualitative data from a roundtable discussion<sup>4</sup> on issues pertaining to the Discussion Paper (October 2005).

In pursuance of a MISA-SA position, we are informed by responses from at least 42 licensed stations – some of which are MISA-SA members. We endeavoured to solicit responses from all stations, and submit that data reflected in our submission be used as a general rather than absolute indicator of responses from stations to specific issues. We will continue to endeavour to ascertain responses from the remaining stations in the hope that our oral submission will reflect a broader representation of the sector's responses to specific issues.

Of the 38 respondents to MISA-SA's questionnaire, at least 60% of the stations interviewed indicated their staff members are paid and women constitute 32.5% of paid staff members. The majority of stations noted their inability to pay volunteers, while 27% of respondents indicated they are able to provide allowances/stipends to their volunteers. In terms of access to basic infrastructure, all stations interviewed have

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<sup>2</sup> MISA-SA. 2004. Community Radio & Advertising Report

<sup>3</sup> See: Appendix 1

<sup>4</sup> See: Appendix 2

access to the telephone while 53% have access to a fax, computer and photocopy machine. Significantly, less than half the number of stations who responded to the questionnaire (47%) have access to Internet and email at their stations.

### **3.2 Community Radio: Promoting Access, Diversity and Pluralism**

It is widely accepted that community radio is a form of broadcasting that is “owned, managed and programmed by the people it serves”<sup>5</sup>. Fundamentally this implies a bottom-up, participatory process, which promotes non-discriminatory access. Community broadcasting is distinguished from other tiers of broadcasting precisely because it speaks to local needs and interests and is non-profit in nature.

Community participation is critical to sustainability. The support of the community can be translated into contributions to programming, fundraising and general assistance to the benefit of the stations and fundamentally, the community that it serves. This is the defining feature of community broadcasting and the emphasis on reflecting local realities is what is meant to distinguish it from the public and commercial counterparts. Accordingly, MISA contends community or participatory broadcasting:

*“[...] is non-profit making and pursues a social development agenda. It is responsive to the community’s expressed needs and priorities and is accountable to community structures. [...] Community broadcasters are not looking for profit but to provide a service to a particular community. Naturally, this is a service that attempts to influence public opinion, create consensus, strengthen democracy and above all, create a tangible sense of community.”*<sup>6</sup>.

Surprisingly, community participation is a critical issue impacting the sustainability of the sector. While stations require proof of community participation when applying for licences and while the regulator stipulates as much in the licence conditions, many stations are the subject of informal and formal complaints and Broadcasting Monitoring and Complaints Committee (BMCC) hearings precisely because of the lack of fulfilment of licence conditions with respect to community participation.

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<sup>5</sup> MISA. 2003a. Open The Waves: Campaign to enable Community Media in Southern Africa. MISA/ SAIMED/ BTI. (pg. 4)

<sup>6</sup> *ibid.*

All respondents (100%) to the MISA-SA questionnaire indicated community members participated in the provision and selection of programming and feedback on programmes aired. However, 15% of the stations bemoaned the interference from some community members in the running of the station. This concern was rearticulated by one of the participating stations to the roundtable: “all stations require some level of protection from the community”. And, was supported by another station: “management needs protection from [interference from] the board and community”. While this issue could potentially be remedied by interventions vis-à-vis governance (e.g. relevant clauses in the stations’ constitutions), community participation needs so be negotiated so as to meet the expectation of both the community and the stations in achieving its goals.

MISA-SA acknowledges attempts being made by sector organisations (e.g. AMARC Africa, ABC Ulwazi) in establishing and developing listener associations for example as means to addressing the crucial principle of community participation. An evaluation of the relationship between community/ participatory broadcasting and the public sphere provides a further interrogation of the developmental potential of the medium and fundamentally, the promotion of democracy.

MISA-SA submits the principles defining community television reflected in the Authority’s Community Television Position Paper (2004)<sup>7</sup> provides sufficient articulation of the defining characteristics for the sector. However, we are of the view *accountability* as implied in the “ownership and control” principles on page 11 must be highlighted as a critical principle *per se*.

The key aspects identified in the Community Television Position Paper<sup>8</sup> include public access, local origination, community participation and non-profit status. This is consistent with MISA’s view that community broadcasting is:

*“**Available** to community residents so that they can participate, express their needs and wants or discuss issues of interest to their own community, it allows people to exercise their rights to communicate through non-discriminatory and participatory content.*

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<sup>7</sup> ICASA Community Television Broadcasting Services Position Paper (30 November 2004)

<sup>8</sup> *ibid*: (pg’s16-17)

**Accessible** so that all community members can easily participate and benefit from it through the utilisation of the languages of that community.

**Affordable** to the community it serves and is not for profit.

**Acceptable** to the community as a cultural medium and tool for development, responsive to the community's expressed needs and priorities and an integral part of the community that it serves.

**Accountable** to the community it serves, through an ongoing process of interaction and consultation – it is about communities doing something for themselves by owning and controlling their own means of communication<sup>9</sup>

### 3.3 Programming

A key principle of community or participatory broadcasting is localisation. Programme localisation refers to both issues affecting and impacting communities, as well as languages that are indigenous to these communities.

MISA-SA supports the use of networks and partnerships. We are however mindful of the need to reflect the diversity of communities and the need to cater to local interests and cultures. We also understand the related copyright concerns and submit that with regards to sound recordings, the different interpretations held by SAMRO and local stations on what constitutes music and sound recordings must be addressed<sup>10</sup>.

It is indeed critical for communities to tell their own stories. Ideally, stations should be capacitated with the necessary skills to develop quality programming, particularly programmes requiring expertise (e.g. news, children's programmes). However, in the absence thereof, stations should be able to utilise networks specialising in these areas. Significantly, all respondents to MISA-SA's questionnaires belong to a network and partnership that allows for the sharing of information or resources.

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<sup>9</sup> MISA. 2003a. Open The Waves: Campaign to enable Community Media in Southern Africa. MISA/ SAIMED/ BTI. (pg. 4)

<sup>10</sup> This was evident in debates between SAMRO and an Islamic station during ICASA's Gauteng/North West Consultative workshop (13 Oct 2005) regarding recitations from the Holy Q'uran. The need to standardise definitions was also raised in the ICASA South African Content Position Paper and Regulations (2002) (pg. 40)

Limitations on syndicated programming should be determined following an audit of current practices. Regard must be had to the potential benefits in the form of skills transfer or exchange agreements emanating from syndication. Similarly, the Authority must consider the extent to which syndication impacts local programming and certainly the implications for indigenous/local language requirements.

MISA-SA proposes that in determining limitations, the Authority should distinguish the dependence on syndication by community of interest stations from that of geographic communities (e.g. Greek or Chinese stations who receive feeds from Greece or China).

### **3.4 Funding**

In keeping with MISA-SA's research on the role of advertising in the sustainability of the sector<sup>11</sup>, the vast majority of respondents rely on advertising as the main source of funding. In addition, 82.5% of the respondents to MISA-SA's questionnaire have someone responsible for marketing the station.

MISA-SA is of the view, that while advertising is an integral part of the funding mix for stations the dependence on advertising should not be to the detriment of the sector's developmental goals. That is, while securing funds to ensure broadcasting for, by and of the people, the sector must not be commercialised.

MISA-SA is of the opinion, the community radio sector - as with the public broadcasting sector - should be free from commercial (and other kinds of) interference. It is common knowledge the country's public broadcaster's survival is largely dependent on advertising revenue (Annual Report 2005). While this scenario is less than ideal, it must be addressed when developing policies pertaining to advertising vis-à-vis the community radio sector. MISA-SA thus proposes the adoption of a process which does not restrict the sector from generating income from advertising, but which rather determines the extent to which this should be done – bearing in mind the significance played by advertising in developing a sustainable sector.

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<sup>11</sup> MISA-SA. 2004. Community Radio & Advertising Report

MISA's Campaign for Broadcasting Diversity advocates a funding model for community radio stations as outlined in its "Open the Waves" publication (2003)<sup>12</sup>. The model is an outcome of research commissioned by the Southern African Media institute for entrepreneurship and development (SAIMED) resulting in the delivery of training in financial sustainability in a partnership between MISA, SAIMED and Bush Radio/Broadcast Training Institute.

In advancing financial sustainability the model includes seven key indicators or components: (1) Environmental Scanning, (2) Strategic Planning, (3) Partnership Establishment, (4) Human Resource Planning, (5) Financial Planning, (6) Project Implementation, (7) Monitoring and Evaluation.

The process of achieving financial sustainability is dependent on the community stations, which includes the community, the Board and management. Partnership between government, donors, business, NGO's and facilitating groups is critical to the model. In this regard seed capital, funding, and sponsored programmes constitute donor community; NGO's provide fundraising support and airtime sales; business and business provides airtimes sales, sponsored programmes and live broadcasts. Facilitating agents include training and monitoring services (amongst others), which government support is seen in terms of legal and logistical support as well as airtime sales for educational programmes, voter education and public announcements. In terms of Human Resource Planning, the marketing function is identified as a critical function that must be assigned to a personnel with the equivalent skills.

### **3.5 General comments**

#### Frequency

During its Convergence Bill submissions, MISA-SA proposed a provision requiring "Icasa to publish a frequency band plan that not only shows the frequencies that are in use, but also those that are available for allocation". This, we argued, "would improve transparency in the process and engender greater confidence in the regulatory regime". This was in keeping with broader principles regarding frequency planning:

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<sup>12</sup> MISA. 2003. Open the Waves: Financial Sustainability for Community Stations in Southern Africa. MISA/ SAIMED/ BTI

**Principle 9 – Frequency Planning**

*9.2 A process should be put in place to develop a frequency plan for those frequencies allocated to broadcasting (broadcasting frequencies) in order to promote their optimal use as a means of ensuring diversity. The process should be open and participatory, and should be overseen by a body that is protected against political and commercial interference. The frequency plan, once adopted, should be published and widely disseminated.*

*9.3 The frequency plan should ensure that the broadcasting frequencies are shared equitably and in the public interest amongst the three tiers of broadcasting (public, commercial and community), the two types of broadcasting (radio and television) and broadcasters of different geographic reach (national, regional and local).*

(Principles on Freedom of Expression and Broadcast Regulation (Article 19) – cf. Access to the Airwaves)

MISA-SA contends this issue is critical in evaluating concerns regarding the closures of stations in the last round of licensing (2004), which must be assessed within the context of media development and diversity.

Digital migration/Equipment rollout

MISA-SA is aware of AMARC Africa, OSF and DoC's contribution to the rollout of equipment towards enabling a digital environment for stations. In order to fulfil licensing criteria, MISA-SA submits the proposed regulatory regime should encourage fair competition by giving the Authority the flexibility to regulate the industry in a technological neutral way in order to promote and encourage a diversity of views.

**4. CONCLUSION**

A distinguishing feature of stations who responded to MISA-SA's questionnaire and who have been in operation for over six years is that while not all are recipients of digital equipment, they are all members of partnerships or networks; all received training and most enjoy a healthy relationship with the regulator, ICASA.

Sustainability concerns a long-term strategy – it is “the ability to get and manage the resources which allow you to fulfil your mission over time” (AMARC, 2000). MISA-SA submits that in addition to this, sustainability also requires continuous dialogue and intervention towards advancing media development and diversity.

5. **ENQUIRIES TO:**

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