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The Accidental Centralisation of South African TV, 1990 to 2011:

Policymaking Confuses the Regional/Local Question and Undermines the Public Interest

PhD Thesis

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Declaration

I declare that this thesis is my own unaided work and it has not been previously submitted for a degree or diploma at any other university.

This thesis is submitted in fulfilment of the requirements for award of the degree of Doctor of Philosophy in Media Studies, Faculty of Humanities, University of the Witwatersrand, Johannesburg.

Signed



Chris Armstrong
August 2012

Dedication

This thesis is dedicated to Merlyn Van Voore, Matthew Armstrong and Adam Armstrong in Nairobi, William and Barbara Armstrong in Vancouver, and Patricia Van Voore in Cape Town.

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Abstract

This thesis analyses the processes and content of South African television policymaking between 1990 and 2011 in relation to the regional/local (sub-national) TV question. Analysis is provided of the possible reasons for the gaps between policy intent and policy implementation on regional/local television matters, and the possible impact of these gaps on pursuit and realisation of public interest objectives.

The thesis is based on a research case study of a single case: the regional/local question in South African TV policymaking in the early democratic era. Data were extracted from primary South African TV policy documents produced in the period 1990 to 2011 and from semi-structured interviews with stakeholders directly involved in TV policymaking. The collected data were qualitatively analysed across four periods: 1990 to October 1996; November 1996 to 2001; 2002 to 2006; and 2007 to 2011. Two theoretical frameworks were deployed in the data analysis. An adapted form of Kingdon's (1995) "policy streams" framework – a framework for analysing deliberative public policymaking in democratic states – was used to organise the data collected for each of the four periods of study and to analyse the patterns, and potential causalities, in TV policymaking in each period in relation to the various South African regional/local TV policy matters. A second framework, a social responsibility-oriented, democratic citizenship-focussed public interest media policy framework derived from the work of Feintuck and Varney (2006), was used to evaluate the degree to which public interest objectives were achieved via South African TV policymaking in relation to the regional/local question.

The research found that South African television policymaking between 1990 and 2011 failed to adequately answer the regional/local TV question. Via the research project's application of the adapted Kingdon (1995) framework to the data collected, evidence was found of ruptures in deliberation in the TV policymaking space – instances which steered policymaking activity away from full, multi-stakeholder deliberation, narrowed the scope of consideration of policy options, and led to *ad hoc* policymaking, policy confusion and policy missteps. Via application to the data of the public interest framework derived from Feintuck and Varney (2006), the research found that sub-national TV delivery on the key public interest objectives of access, diversity and stewardship was not effectively pursued in TV policymaking, and

that pursuit of the central public interest principle of democratic citizenship was not adhered to. The research also found that there were apparent causal links between non-deliberative, *ad hoc* policymaking and failure to effectively pursue the public interest.

The value of the research project, and of this thesis, lies to some extent in the application of an innovative political science-oriented framework (adapted from Kingdon, 1995) to uncover the patterns and some of the potential causalities in TV policymaking in relation to a specific subset of TV policy matters (sub-national TV deliverables). Also of value is the application of a second conceptual framework to the data – a social responsibility-oriented public interest framework based on the work of Feintuck and Varney (2006) – to the outcomes of the policymaking. Third, this thesis offers a longitudinal perspective on early-democratic-era South African policymaking on a matter (television) central to the democratic transformation project, thus providing insights into several of the political, socio-cultural and economic discourses/arguments (and the tensions within and among the discourses/arguments) which were prominent in the first two decades of South Africa's democratisation.

Acronyms and Abbreviations

AGM – annual general meeting
AM – amplitude modulation
AMB – AMB Recordings and Transcriptions
ANC – African National Congress
ANCYL – African National Congress Youth League
ANC DIP – African National Congress Department of Information and Publicity
APC – Association for Progressive Communications
BBC – British Broadcasting Corporation
BDM – broadcasting digital migration
BEE – black economic empowerment
BEMAWU – Broadcasting Electronic Media and Allied Workers Union
Bop BC – Bophuthatswana Broadcasting Corporation (*or* Bop Broadcasting)
Bop Broadcasting – *see* Bop BC
BPAB – Broadcast Production Advisory Body
BASIC – Brazil, South Africa, India, China
CASE – Community Agency for Social Enquiry
CBC – Community Broadcast Channel (South Africa), *or* Canadian Broadcasting Corporation
CBO – community-based organisation
CCC – Complaints and Compliance Committee
CCV – Contemporary Community Values
CCMS – Centre for Cultural and Media Studies, *formerly* Contemporary Cultural Studies Unit
CDC – Centre for Democratic Communications
CEO – Chief Executive Officer
CGH – Content Generation Hub
CIB – Campaign for Independent Broadcasting
CIS – Content Industries Strategy
CEM – Community Electronic Multimedia
CMS – Community Multimedia Services
C-PEG – Commercial, Public access, Education, Government
CODESA – Congress for a Democratic South Africa
COM – Campaign for Open Media
COO – Chief Operating Officer
Comtask – Task Group on Government Communications
COSATU – Congress of South African Trade Unions
CRTC - Canadian Radio-television and Telecommunications Commission
CTN – Community Television Network Holdings
CTV – community television, (*or, in Canada, the name of one of the national private TV networks)*
CTVC – Community Television Collective
CVET – Community Video Education Trust
CWU – Communication Workers Union
DAC – Department of Arts and Culture
DBAB – Digital Broadcasting Advisory Body

DCMS – Department for Culture, Media and Sport (UK), *formerly* Department of National Heritage (DNH)
DIFF – Durban International Film Festival
DG – Director-General
DDG – Deputy Director-General
DoC – Department of Communications
DP – Democratic Party
DPE – Department of Public Enterprises
DTH – direct-to-home
DTI – Department of Trade and Industry
DTT – digital terrestrial television
DVB-H – Digital Video Broadcasting-Handheld
DVB-S – Digital Video Broadcasting-Satellite
DVB-T – Digital Video Broadcasting-Terrestrial
DVB-T2 – Digital Video Broadcasting-Terrestrial Second Generation
ECA – Electronic Communications Act
ECCTV – Eastern Cape Community Television
ECDC – Eastern Cape Development Corporation
ECNS – Electronic Communications Network Service
FAWO – Film and Allied Workers Organisation
FCC – Federal Communications Commission (US)
FISR – Financial Interest and Syndication Rules (US)
FM – frequency modulation
FXI – Freedom of Expression Institute
GCIS – Government Communication and Information System
GDTV – Greater Durban Television
GEAR – Growth Employment and Redistribution Programme
GNU – Government of National Unity
G13 – Group of Thirteen civil society organisations
HCI – Hosken Consolidated Investments
HDI – historically disadvantaged individual
HSRC – Human Sciences Research Council
IAJ – Institute for the Advancement of Journalism
IBA – Independent Broadcasting Authority (South Africa)
ICASA – Independent Communications Authority of South Africa
IDASA – Institute for a Democratic Alternative in South Africa, *later* Institute for Democracy in South Africa
IFP – Inkatha Freedom Party
IMC – Independent Media Commission
IPO – Independent Producers' Organisation
IPPR – Institute for Public Policy Research (UK)
ITC – Independent Television Commission (UK), *formerly* Independent Broadcasting Authority (IBA)
ITU – International Telecommunication Union
ITV – Independent Television (UK)
KZN – KwaZulu-Natal
LTV – local television
MBC – Media and Broadcasting Consultants
MDA – Media Development Agency, *eventually established as the* MDDA

MDDA – Media Development and Diversity Agency
MEC – Member of Executive Council
Ministry – Ministry of Communications, *also* MoC
MISA-SA –Media Institute of Southern Africa-South Africa Chapter
MMA – Media Monitoring Africa, *previously* MMP
MMP – Media Monitoring Project, *now* MMA
MoC – Ministry of Communications, *formerly* Ministry of Posts, Telecommunications and Broadcasting
MP – Member of Parliament
MPNF – Multi-Party Negotiating Forum
MPTB – Ministry of Posts, Telecommunications and Broadcasting, *now* Ministry of Communications (MoC)
MoC – Ministry of Communications
MTEF - Medium Term Expenditure Framework
MW – medium wave
MUX - multiplex
NAB – National Association of Broadcasters (SA *or* US)
NCRF – National Community Radio Forum
NCMF – National Community Media Forum
NEMISA – National Electronic Media Institute of South Africa
NFVF – National Film and Video Foundation
NGO – non-governmental organisation
NNTV – National Network Television
NP – National Party
NTVA – National Television and Video Association
NUM – National Union of Mineworkers
Ofcom – Office of Communications (UK)
OSF-SA – Open Society Foundation for South Africa
OWN – Open Window Network
PANSALB – Pan South African Language Board
PEG – Public Access, Education, Government
PTAR – Prime-Time-Access Rules (US)
PBS – Public Broadcasting Service (US)
PSB – public service broadcasting *or* public service broadcaster
Portfolio Committee – Parliamentary Portfolio Committee on Communications
PMG – Parliamentary Monitoring Project
PPP – public-private partnership
PwC – PricewaterhouseCoopers
RAC –Regional Advisory Council (UK), *later* Regional Audience Council
RDP – Reconstruction and Development Programme
RRC – Regional Radiocommunication Conference
RSA – Republic of South Africa
RTV – regional television
RWC TV – Rugby World Cup TV
SABC – South African Broadcasting Corporation
SABS – South African Bureau of Standards
SACC – South African Council of Churches
SACP – South African Communist Party
SACTWU – South African Clothing and Textile Workers Union

SADC – Southern African Development Community
SAPA – South African Press Association
SARS – South African Revenue Service
SASFED – South African Screen Federation
SATRA – South African Telecommunications Regulatory Authority
SCI – Society, Culture and Identity Research Programme
SFTN – Station for the Nation
SMP – significant market power, *or (in one case, in Chapter Seven)* strategic management partner
SOS – Save Our SABC Coalition, *later* SOS: Support Public Broadcasting Coalition, *or* SOS Coalition
SPI – Sol Plaatje Institute for Media Leadership
STB – set-top box
TBVC states – Transkei, Bophuthatswana, Venda, Ciskei
TBN – Trinity Broadcasting Network
TDR – Trusted Digital Repository
TEC – Transitional Executive Council
TTT – Broadcasting Policy Technical Task Team
UND – University of Natal-Durban, *later* University of KwaZulu-Natal, Durban campus
UKZN – University of KwaZulu-Natal, *formerly* University of Natal
USA – Universal Service Agency (US), *later* USAASA
USAASA – Universal Service and Access Agency of South Africa
USAF – Universal Service and Access Fund
USAO – universal service and access obligations
USD – United States Dollars
WG – Broadcasting Digital Migration Working Group
ZAR – South African Rands

PART ONE: INTRODUCTION AND CONTEXT

Chapter 1: Seeking the Patterns and Outcomes of South African TV Policymaking

The Regional/Local Question, Policy Streams, the Public Interest

**

The primary object of this Act is to provide for the regulation of broadcasting activities in the Republic in the public interest through the Independent Broadcasting Authority established by section 3, and for that purpose to—[…] promote the provision of a diverse range of sound and television broadcasting services on a national, regional and local level which, when viewed collectively, cater for all language and cultural groups and provide entertainment, education and information; […] – ***Independent Broadcasting Authority Act (IBA Act) of 1993***

The primary object of this Act is to provide for the regulation of electronic communications in the Republic in the public interest and for that purpose to— [...] promote the provision and development of a diverse range of sound and television broadcasting services on a national, regional and local level, that cater for all language and cultural groups and provide entertainment, education and information; [...] – ***Electronic Communications Act (ECA) of 2005***

**

The aim of the research detailed in this thesis was to analyse the path of South African TV policymaking between 1990 and 2011 in relation to delivery on regional/local (i.e. sub-national) TV objectives. The aim was also to try to solve a puzzle – the puzzle generated by the fact that while there were repeated South African policy statements between 1990 and 2011 in support of regional/local TV deliverables, there was, for most of this two-decade period, only minimal effective implementation of these policy intentions. Why was there such a dearth of delivery on sub-national TV intentions during a two-decade period when policy consistently called for such delivery? Why was there such a disjuncture between policy intent and policy implementation when it came to South African TV policy's "regional/local question"? And what impact did this prolonged disjuncture have on South Africa's aspirations to have a "public interest" TV dispensation in support of its new democratic dispensation? These are the questions to which the research outlined in this thesis attempted answers.

The call for TV deliverables to cater to the perceived needs and realities of sub-national segments of a nation's population (e.g. regions, provinces, cities, communities) is a prominent TV policy element not only in South Africa but also in many other democratic

nations, including countries such as Canada, Australia, the UK and Germany on which elements of South Africa's democratic-era broadcast policies have been based. Elements of sub-national TV, or what Moragas Spa *et al.* (1999, p. 5) have called "proximity television", can be positioned as relevant to any of several different political, socio-cultural and economic objectives commonly found in public interest approaches to TV policy.[1] Sub-national TV elements can be positioned as necessary for ensuring representation/support of sub-national socio-cultural (e.g. linguistic, ethnic) identities/realities, and/or building/supporting an informed citizenry able to participate effectively in sub-national democratic political realities, and/or stimulating decentralisation of economic power (e.g. the power of nationally configured, big/capital-city-concentrated media conglomerates/firms/networks, advertisers and/or independent producers).

At present in the early 21st Century, levels of societal heterogeneity/diversity (in all but the smallest, most homogeneous countries) are such that if a country is seeking to build/protect pluralistic, democratic practices and values, then it is likely that the country's TV sector, as a force of widely acknowledged power in many facets of society, will be expected to promote – or at least not to undermine – pluralistic, democratic societal dynamics. And a potent pluralising, diversity paradigm in modern societies (increasingly so, argue some theorists) is allegiance to sub-national spaces, be they long-established linguistically, ethnically and/or politically defined regions, provinces, states or enclaves, or more-recently-formed localised allegiances based on participation in cosmopolitan urban collectivities with high proportions of recent arrivals and diasporic linkages. Robertson (1995) argues that one of the myriad products of what has come to be known as "globalisation" is the increased ability, and desire, by individuals to simultaneously hold allegiances to several collectivities, at national, supra-national and sub-national levels – with supra-national and sub-national linkages seemingly growing in potency via globalisation's dislocating economic, technological and socio-cultural forces. For Robertson (1995), these dynamics can be characterised as global-local "glocalisation" (Robertson, 1995). It is the local element of this twin-faceted, global-local

[1] In this thesis (as in the research conducted for this thesis), "policy" is any statement of intent (regardless of whether or not the intent is acted upon) generated by a branch of government, a regulator, a government-mandated agency or an industry player. Laws, regulations, procedures, White Papers, position papers, memoranda, speeches, written submissions, oral submissions and media releases are all considered instances of policy when produced by the aforementioned entities. And, in some cases, an action or inaction by one of the aforementioned entities (even if the action or inaction is not articulated/documented) can also be policy.

pull away from the primacy of national allegiances which makes television policy's sub-national elements increasingly important, and potentially fraught, in this new millennium.

The first two decades of democratic-era South Africa, between the beginnings of the democratic transition in the early 1990s and the end of this research study in 2011 – saw elements of the regional/local question in TV policy linked to many of the contestations central to the country's democratisation project. As will be seen in the data analysis chapters of this thesis (Chapters Six to Ten), the regional/local question in South African TV policy in the period 1990 to 2011 comprised calls for three sectors of sub-national TV – (1) public, (2) private and (3) community – and, in addition, TV policy statements frequently called for prioritisation (by broadcasting support agencies, the regulator, and national and sub-national TV services) of six cross-cutting sub-national TV elements: (1) catering to localised language needs; (2) decentralising TV production away from the main urban centres; (3) building the sub-national accountability of TV services; (4) financing sub-national TV; (5) growing TV access in remote rural localities; and (6) ensuring availability of frequency allocations for sub-national TV services.

As demonstrated by the two passages cited at the top of this chapter, the "primary object" of broadcasting/electronic communications policy in South Africa did not change between the time of the drafting of the Independent Broadcasting Authority Act (IBA Act) No. 153 of 1993 and the Electronic Communications Act (ECA) No. 36 of 2005 (which repealed the IBA Act but carried forward many of the IBA Act's provisions on broadcasting matters). The primary object cited in both Acts is the "public interest" (RSA, 1993a, 2005). And also unchanged between the 1993 and 2005 Acts was the specification that, as part of a public interest broadcasting dispensation, there should be "services on a national, regional and local level [...]" (RSA, 1993a, 2005). For this thesis, and for the research conducted to generate this thesis, the key words in both Acts are the words "regional and local". These are the words that lie at the heart of the puzzle which this research project tried to solve – the puzzle posed by the fact that in spite of the clear mandates provided by the IBA Act of 1993 and the ECA of 2005 (and by dozens of other policy statements between 1990 and 2011) for there to be important decentralised, sub-national elements in South Africa's TV sector, implementation of such elements was scarce, and at times practically non-existent, between 1990 and 2011. (In contrast, the South African radio sector experienced significant growth in decentralised,

sub-national elements during the same two-decade period.) This thesis describes the attempt made by this author to make sense of this apparent disjuncture between policy intent and policy implementation on sub-national TV matters – or, put another way, this author's attempt to make sense of how the "regional/local question" in South African TV policymaking proved so difficult to answer (in a manner conducive to implementation) between 1990 and 2011.

There were three main reasons for this author's choice of South Africa's regional/local TV policy question for investigation. First, the author was of the view that examination of South African democratic-era policy contestation on matters of television would – given the medium's widely acknowledged pervasive societal role – be bound to yield insights into the nature of some of the political, socio-cultural and economic values/arguments/discourses central to the country's democratisation project. Second, the author felt that by tightly focussing on one element of TV policy – the regional/local question – findings of significant depth could be generated, and that such in-depth findings could to some extent serve as proxy findings for understanding some of the patterns/content of TV policymaking in general in the newly democratic South Africa. Third, there was the author's sense that there was an interesting puzzle to be solved through focus on regional/local TV policy matters. In search of a research topic in 2005, the author had conducted an initial scan of democratic-era TV policy documents, and had found that sub-national TV elements were consistently cited, from the early 1990s onwards, as being necessary to the country's pursuit of the public interest in the TV sector. But in spite of the thousands of words written and spoken by South African policymakers in favour of sub-national TV deliverables, it seemed clear, based on initial examination of the sector, that there had been very little actual, systematic delivery on these oft-repeated sub-national TV policy intentions. This was the puzzle that caught this author's attention.

1.1 Research Problem and Questions

This thesis is an account of an attempt to identify the patterns and causalities in TV policymaking in South Africa between 1990 and 2011 which generated the substantial disjuncture between policy intent and policy implementation on sub-national TV matters. The issue of sub-national TV provision first surfaced in the 1980s, when sub-nationally

differentiated services were provided by the apartheid-era South African Broadcasting Corporation (SABC) TV channels. But these SABC TV "transmitter splits" were done away with in the early 1990s as the democratic transition began. At the onset of formal democracy in 1994, there were, however, still two sub-national TV services left over from the apartheid era: the American Christian Trinity Broadcasting Network (TBN) channel in the Eastern Cape Province, and the Bop-TV channel in North-West Province (also available in parts of Gauteng Province). TBN had been licensed by the apartheid-era Ciskei and Transkei Bantustans ("Bantu homelands") in the 1980s, and TBN's licence had then been "grandfathered" into the democratic era (as a community TV licence) upon the dissolution of the Bantustans in 1994. But TBN was, and still is, not a South African service in any meaningful sense, as it re-transmits almost entirely foreign-produced content. The other Bantustan-era holdover channel, Bop-TV, established by the Bophuthatswana Bantustan in the 1980s, was handed over to the SABC (and then later to the government) in the democratic era, but the channel never carried any significant amounts of South African programming and went off-air in mid-2003.

The only "real"(i.e. immersed in sub-national realities) full-time South African sub-national TV of the early democratic years were SABC TV's 30-minute evening provincial window slots, two of which were on-air from 1996 to 2001 and a third which lasted from 1996 to 2003. (There were also a handful of 30-day temporary broadcasts by community TV groups). Between late 2003 and mid-2007, there were no full-time sub-national TV services at all in South Africa (save for the aforementioned Bantustan-era legacy station TBN in the Eastern Cape). In 2007, the first community TV licence of longer than 30 days was issued to any station other than TBN, with Soweto TV getting a one-year temporary licence in that year from the Independent Communications Authority of South Africa (ICASA). In 2010, ICASA awarded long-term community TV licences, of seven years in duration, to five stations, and by the end of 2011, all five of these new licensees were on-air.

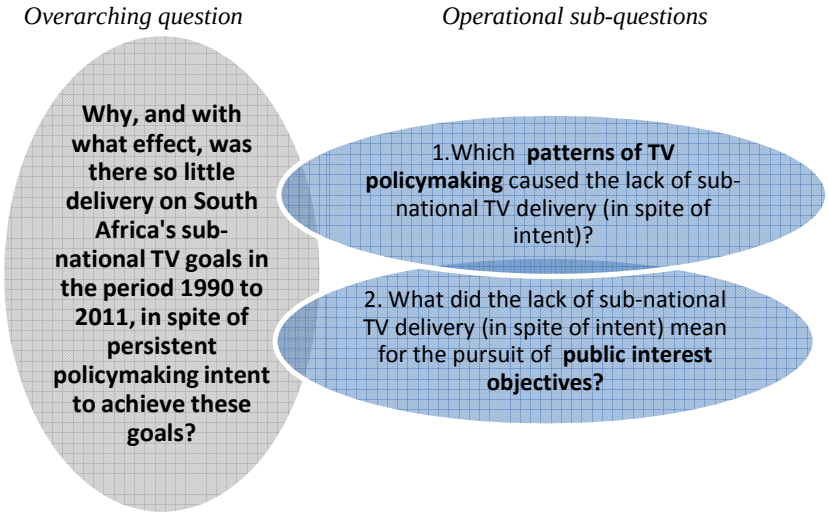
Thus, at the end of 2011, there were six long-term-licensed community TV stations on-air – TBN and the five new entrants. Sub-national TV seemed finally to have decisively arrived. But had it? In reality, the rise of community TV in 2010-11 was flawed and controversial from a policy perspective, because there was evidence to suggest that only one station (Cape Town TV) among the six was strictly adhering to the legislation and regulations for the

community TV sector. The TBN station was flouting local content and local language rules with its almost exclusively English-language, foreign-originated content, and four other stations (Soweto TV, 1KZN TV, Bay TV and Tshwane TV) were skirting the sector's non-profit rules through management/profit-sharing agreements with private firms. Even the one "pure" station, Cape Town TV, was a cause for concern because of its uncertain finances.

Apart from these six precariously positioned community TV operations, the only South African terrestrial free-to-air TV channels at the end of 2011 were national-only (three SABC TV channels and one e.tv channel). These SABC and e.tv channels provided almost entirely nationally oriented programming; procured most of their content from the main metropolitan areas (Gauteng (Johannesburg/Pretoria), Cape Town and to a lesser extent Durban); provided signal coverage which failed to reach roughly 10 per cent of the population living in remote rural localities; and had only limited sub-national accountability mechanisms. This predominantly centrist TV dispensation was in spite of the repeated calls since 1990 for South African TV to provide a range of sub-national TV deliverables. In addition to the calls for sub-national TV elements, cited above, in the IBA Act of 1993 and the ECA of 2005, there were calls for delivery on various sub-national TV elements in the IBA's Triple Inquiry Report of 1995, the Triple Inquiry decisions of the Parliamentary Portfolio Committee on Communications in 1996, the IBA Private Free-to-Air Television Position Paper of 1998, the Department of Communications (DoC) Broadcasting Policy White Paper of 1998, the Broadcasting Act No. 4 of 1999, the Government Communication and Information System (GCIS) Media Development and Diversity Agency (MDDA) Position Paper of 2001, the MDDA Act No. 14 of 2002, the Broadcasting Amendment Act No. 64 of 2002, the ICASA Regional TV Position Paper of 2003, the ICASA Community TV Position Paper of 2004, the DoC Broadcasting Digital Migration (BDM) Policy of 2008 (under amendment in late 2011), the DoC Draft Local and Digital Content Development Strategy of 2009, the DoC draft Public Service Broadcasting (PSB) Bill of 2009 (withdrawn in 2010), and the ICASA Digital Migration Regulations of 2010 (under amendment in late 2011). The regional/local TV question was clearly integral to South African TV policymakers' public interest aspirations between 1990 and 2011, yet at the same time the question had clearly proved difficult to answer in a manner amenable to actual/effective implementation. The problem investigated by this research project was thus as follows: there had been a multitude of policy statements between 1990 and 2011 in support of various sub-national TV elements to be pursued in

order to ensure a public interest TV dispensation for the democratic South Africa, and yet very few of these intended sub-national TV deliverables had actually manifested themselves during those two decades of policymaking. The overarching research question which emerged was thus: why, and with what effect, was there so little delivery on South Africa's sub-national TV goals in the period 1990 to 2011, in spite of persistent policymaking intent to achieve these goals? Two operational sub-questions were then devised with a view to obtaining answers to the overarching question. Those two operational questions were: (1) which *patterns of TV policymaking* caused the lack of sub-national TV delivery (in spite of intent), and (2) what did the lack of sub-national TV delivery (in spite of intent) mean for the pursuit of *public interest objectives*? The overarching question and the two operational sub-questions are represented in Figure 1.1 below.

Figure 1.1 Research questions



Source: author's preliminary scan of South African TV policy and implementation.

1.2 Research Rationale

The author chose to examine the regional/local question in South African early-democratic-era TV policy because examination of the question appeared to have the potential to provide a useful entry point for examination of some of the key dynamics of South African democratic-era TV policymaking -- and of the country's democratisation project more generally. The broadcasting policy terrain is, in many countries, an important one for attempts to realise a range of political, socio-cultural and economic objectives. In many

democracies, broadcasting policies, including TV policies, are seen as central to pursuit of a functioning democratic dispensation. Democratic-era South African broadcast policymaking is no exception.

The South African democratic project

As in other democratic states, the policy issues central to broadcasting in South Africa tended, between 1990 and 2011, to connect to broader political, socio-cultural and economic matters. For instance, as will be explained in this thesis, the regional/local question in South African TV policymaking between 1990 and 2011 connected directly to matters of language rights, provincial rights, regional/provincial economic development, rural development, and regional/provincial/local building of participatory citizenship. All of these matters were central to the country's broader developmental, democratisation project. Also embedded in the South African regional/local TV policy question between 1990 and 2011, as will be seen later in this thesis, was the matter of how to undo the harm caused by the country's apartheid-era, segregationist promotion of diversity constructs, while at the same time celebrating the country's diversity, i.e. the matter of how to recognise/celebrate diversity without reinforcing the deeply negative and harmful apartheid-era diversity constructs. Thus, central to South Africa's regional/local TV question between 1990 and 2011 – resonating with its broader quest for participatory democracy – were the quests for "nation-building", "national unity" and, at the same time, positive/enabling recognitions of diversity. Attempts to limit the potential dissonance between unity and diversity values/objectives resulted in frequent adoption of "unity-in-diversity" discourses/arguments. Thus, it became clear in the course of this research project, and in the writing-up of this thesis, that South African TV policymaking – and specifically policymaking in relation to possible sub-national TV deliverables – was a useful lens through which to get a view into some of the central values, objectives, discourses and arguments at play in the public policy space during the first two decades of South Africa's democratisation.

Existing literature

Also making the examination of South Africa's regional/local TV policy question compelling was the existence of international literature touching on the question of sub-national TV in the context of public interest broadcast policymaking, and literature focussed on South

African broadcast policy which includes mention (though often only peripherally) of TV policy's regional/local question.

Particularly useful in the international literature are the studies of TV policy principles and practice in the UK and Western Europe, where all countries save Luxembourg began their TV eras with dominant state- and/or publicly-funded broadcasting monopolies. This thesis's use of the term regional/local "question" was inspired by the work of Harvey and Robins (1993), who, writing at the time of a review of the British Broadcasting Corporation's (BBC's) Royal Charter, write of the importance of the "regional question" to notions of the public interest in broadcasting in the UK (1993, p. 6). Harvey and Robins (1993) argue that, in the UK, the regional question in broadcasting is as old as broadcasting itself (1993, p. 6). First radio and then television were introduced in the UK as centrally driven, national projects, led by the London-based public service broadcaster (PSB), the BBC. The London/Southeast-England-centric nature of the BBC has consistently led to accusations from other UK regions that the BBC is susceptible to what Harvey and Robins (1993) refer to as "centrist paternalism" (1993, p. 6). Murdock (2005), meanwhile, writes of the BBC's "openly paternalistic" nation-building project and the "devaluation" of local "vernacular forms of creativity and expression" (2005, p. 180). Scannell (1993) charts the tensions between the London-based BBC and the regions from the very beginnings of the broadcaster in the radio era, arguing that BBC radio's attempts to serve the regions via its Regional Programme of the 1930s was a highly centralised policy framework "imposed from the centre on the margins in a strikingly insensitive way" (1993, p. 33).

Also relevant in the international literature are examinations of the US case. In the US, the sub-national TV policy question has primarily revolved around regulation of commercial relations between the four national networks (CBS, NBC, ABC, Fox) and their local affiliate stations based in dozens of cities – relations which, as Klinenberg (2007) has outlined, the US regulator, the Federal Communications Commission (FCC), has attempted to regulate based on the public interest objectives of competition, diversity and what is known in US broadcast policy parlance as "localism" (Klinenberg, 2007). Localism in the US context, written about extensively by Napoli (2001a, 2001b, 2007), refers, among other things, to FCC attempts to force local broadcast stations to ensure, and demonstrate, representation of local realities/concerns in the stations' programming and operations. (References to "localism" can

also be found in Australian broadcast policymaking.) The US (and Canadian) experiences with local "public access" TV, while also relevant, have not been given the same degree of rigorous academic treatment in the available literature as the concept of localism.

Sub-national TV elements, as pursued by policymakers in democratic states, typically link to one or more of the three public service objectives (as outlined in Chapter Three) which this research deployed from the work of Feintuck and Varney (2006) – the objectives of access, diversity and stewardship. Sub-national TV elements are also typically linked in policy to the guiding principle which Feintuck and Varney posit as essential to coherent pursuit of the public interest: citizenship (Feintuck and Varney, 2006). In terms of the diversity objective, McQuail (2005, 2010) argues for a multi-layered notion of diversity which includes consideration of industry/channel structure, ownership structure and content output. As regards channels and forms, McQuail (2010) writes of the call for citizens to "have access as senders and receivers to media that reflect their ideas and meet their interests and needs" (2010, p. 166). In terms of content diversity, McQuail's (2010) definition calls for a

> [...] range of output that reflects the diversity of the society, especially in the key dimensions of region, politics, religion, ethnicity, culture, and so on. Media channels should be open to new movements and ideas and give reasonable access to small minorities (2010, p. 166).

McQuail's (2010) definition of diversity thus demonstrates how the regional/local question can sit squarely within the diversity objective. McQuail's call for citizens to "have access as senders and receivers to media that reflect their interests and needs" points clearly to the idea of locally run media outlets, and his reference to the need for content that reflects, among other things, the dimension of "region", points to the desirability of sub-nationally focussed, and/or sub-nationally originated, media content. The other two public interest objectives drawn from the work of Feintuck and Varney (2006) for this research project – access and stewardship – also (as will be shown in Chapter Three) have strong connections to calls for regional/local TV deliverables.

A relatively recent public interest element of the regional/local TV question – connected to the global/local "glocalisation" discussion above in relation to the work of Robertson (1995) – is what Robins and Cornford (1993) call "new regionalism" (1993, p. 8). These authors argue that whereas the original push for sub-national TV in many countries was to a great

extent a reaction against the centralised monopolies of public service broadcasters (PSBs), the liberalisation of Western TV markets (mostly since the 1980s) and the proliferation of commercialised, digitally distributed services have engendered new localisation approaches focussed on development of sub-national creative industries (1993, p. 8). Robins and Cornford (1993) write that among the myriad phenomena connected to the notion of globalisation, and via a "complex interplay of economic, technological and regulatory change [...] [a]udiovisual geographies are becoming detached from the symbolic spaces of national cultures" (1993, pp. 9-10). Robins and Cornford (1993) add that "weakening of the nation-state and of national sovereignty has made way for a challenge 'from below,' associated with the assertion, or reassertion, of localist and regionalist agendas" (1993, p. 13). It is this "reassertion" of local/regional agendas which Robins and Cornford label new regionalism. Moragas Spa *et al.* (1999), in their Europe-wide survey of the dynamics of regional/local TV, echo Robins and Cornford in discussing TV's "decentralisation and localisation" within many European nations in the 1980s and 1990s as a countervailing response, among other things, to supra-national European Union forces and globalisation forces.

There are frequent, if only peripheral, references to the regional/local question in the literature on South African broadcasting. Hayman and R. Tomaselli (1989) provide insights into how the apartheid-era SABC sought, in the radio-only era, to sub-nationally segregate its transmission and programming in support of white supremacist, separate development ideology. Segregated transmission and programming were also deployed by the SABC in the TV era, which began in 1976 in South Africa. Writings by Van Zyl (1994), Hamm (1991) and Krabill (2002) give insights into the apartheid-era SABC's attempts to harness television in support of apartheid ideology in the 1980s, which marked the beginning of South Africa's regional/local question in relation to TV. In writing about the transitional-democratic period of the early 1990s, Currie (1993), Currie and Markovitz (1993) and Fokane (2005) show how the push for decentralised, sub-national forms of TV emerged and was then codified in the IBA Act of late 1993 (on the eve of the first democratic elections in 1994). As we saw above, the IBA Act formalised the push for broadcasting to operate at national, regional and local levels (RSA, 1993a). Also in the IBA Act was a provision for three broadcasting sectors: public, private, and community (RSA, 1993a).

The post-1994 evolution of South Africa's regional/local TV policy question is touched upon, briefly, in general accounts of democratic-era broadcasting policy by Barnett (1998, 1999a, 2000a), Duncan (2001, 2006), Duncan and Glenn (2010), Horwitz (2001), Teer-Tomaselli (1998, 2005, 2008) and Tleane and Duncan (2003). The mentions of sub-national TV in these analyses are primarily in relation to possible regional/provincial offerings by the public broadcaster (the SABC) and the private sector, with only Duncan and Glenn (2010) also extending the sub-national discussion to the local community-run sector. The unpublished Master's thesis by Robinson (2006) is comprehensive in its discussion of the SABC's attempts at regional/provincial TV, but Robinson does not give focus to the private and community sectors. With the exception of the Duncan and Glenn (2010) piece, sub-national community TV elements are covered by a separate set of literature from that which touches on public and private sub-national TV. Focussing on community TV matters are Aldridge (1996a, 1996b, 1997a, 1997b), Chiumbu (2010), Della Togna and Dullaart (2010), Hadland and Thorne (2004), Hadland *et al*. (2006), and Thorne (1995, 1997, 1998, 2005). This thesis represents the first comprehensive attempt (of which this author is aware) to focus tightly on policymaking in relation to both regional/provincial *and* local TV elements in South Africa across *all three possible sectors* (public, private, community) and across the whole span of the first two decades of South African democratic-era TV policymaking. It was this author's view that a gap existed in the literature, and this research project attempted to fill the gap.

Relevance

The continuing relevance of the regional/local question in TV policymaking, both internationally and in South Africa, was repeatedly reinforced during the six years of this research project between 2005 and 2011. This thesis's data analysis chapters (Chapters Six to Ten) make clear the ongoing currency of the regional/local TV question in South Africa, right through to the end of the study at the close of 2011. At the same time, outside South Africa the regional/local question also continued to be potent in myriad countries, including countries – e.g. the UK, Canada, the US and Australia – to which South Africa's early-democratic-era broadcast policymakers had looked for models and precedents. As this research began in 2005-06, the BBC Charter Review (conducted every 10 years) was underway in the UK, and as part of this review the BBC was promising to increase its regional presence through, among other things, moving hundreds of staff and key operations

from London to Manchester (the largest city in northern England). The BBC was using this promised regionalisation as one of its justifications for requesting above-inflation licence-fee increases for the succeeding years (*Guardian*, 2005a). Meanwhile, a British House of Lords Select Committee mandated to input on the BBC Charter Review held several public hearings in 2005 with representatives of the "national regions" (Scotland, Wales, Northern Ireland) to get views on the beyond-England delivery of the public broadcaster (UK House of Lords, 2005). For its part, the UK regulator, the Office of Communications (Ofcom), issued a June 2005 Statement on Programming for the Nations and Regions (Ofcom, 2005) and, in 2006, Ofcom wrote that

> [w]ithout intervention, Ofcom does not consider that production outside London is likely to be self-sustaining in the longer term. Intervention will therefore continue to be needed to deliver the diversity benefits associated with out of London production. Ofcom recognises that an input-based quota for production outside London is a blunt instrument but appears to be a necessary intervention at the present time. The TPSR [Television Production Sector Review] Consultation also proposed that the BBC should play a more significant role in ensuring a diversity of production outside London (Ofcom, 2006).

In 2008, Sir Michael Lyons, Chairman of the new BBC Trust (which replaced the previous BBC Board of Governors in 2006), was quoted in a Trust press release as saying that

> [a]verage levels of affection for the BBC are noticeably lower the further people live from London. This is partly because the BBC is seen to be too preoccupied with the interests and experiences of London. People living elsewhere in the UK simply do not see their lives adequately reflected on the BBC. The BBC is paid for by licence fee payers across the UK and we have approved a strategy that signals the start of some big changes to increase the volume of network television production across Scotland, Wales and Northern Ireland. The BBC is planning sustainable centres of innovation and creativity across the UK, including all parts of England (Lyons, 2008, quoted in BBC Trust, 2008).

In Canada, another country to which South African TV policymakers have looked for policy ideas, the currency of local community TV matters was demonstrated in August 2010 when the broadcast regulator, the Canadian Radio-television and Telecommunications Commission (CRTC), published a new Community TV Policy which, according to the CRTC,

> [...] will give Canadians more opportunities to participate in their community television channels. The CRTC's policy will also ensure that these channels better reflect the realities and interests of local citizens (CRTC, 2010a).

Also in 2010, the UK's Ofcom released its Emphasising Localness in the PSB System report, spurred by the Culture Secretary's call in 2010 for licensing of new stand-alone local

commercial TV franchises. Ofcom's Emphasising Localness document stated, among other things, that

> [t]he Government has set out its vision for local TV as part of its wider policy goal of decentralising power across the UK. The Government is seeking to create a strong local media sector, both to ensure plurality and democratic accountability at a local level and because of the potential for new businesses and innovation to emerge. […] The evolution of local TV in the UK can provide public value if a sustainable model can be found. This public value will not be limited to wholly economic value, but also has the potential to provide social, cultural and democratic benefit (Ofcom, 2010b).

Meanwhile, in US TV policy, the aforementioned issue of localism obligations for local TV stations received renewed prominence in November 2011 when the US regulator, the FCC, published a Notice of Inquiry seeking comment on its proposed new local TV reporting system – a system which would require stations to provide their reports, on compliance with localised programming requirements, via a publicly-accessible online filing platform. In the words of the FCC Notice,

> [o]ur goal is to make it easier for members of the public to learn about how television stations serve their communities, and to make broadcasters more accountable to the public, by requiring stations to provide easily accessible programming information in a standardized format. This standardized disclosure will also assist the Commission and researchers to study and analyze how broadcasters respond to the needs and interests of their communities of license (FCC, 2011).

In Australia in 2010, one of the focus areas in TV policymaking was an effort to ensure that the country's migration from analogue to digital transmission of TV signals did not disadvantage audiences living in remote regions of the country, i.e. that migration did not disadvantage remote communities in terms of either TV signal reception or local TV news availability. In a Parliamentary brief prepared to accompany Australia's 2010 Amendment Bill dealing with digital television, it was stated that

> [a] [...] crucial issue in the Bill is that of the provision of local content for regional and remote audiences. "Localism" has long been an objective of broadcasting regulation in Australia and providing local content to communities is an important object of the BSA [Broadcast Services Act]. However, since the 1980s, concerns have been raised at various times about the decline in local content in regional markets and government has been forced to intervene to ensure viewers in the bush are informed about local events and news (Parliament of Australia, 2010).

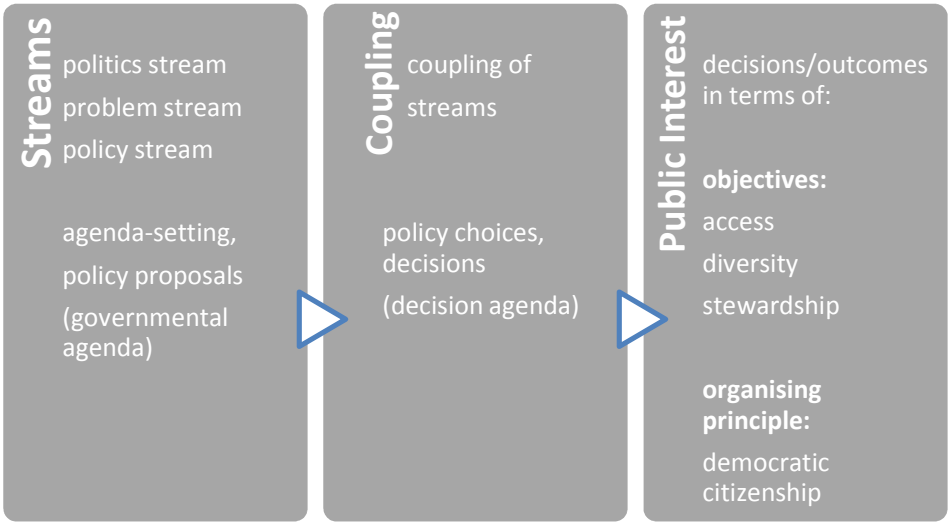
1.3 Research Design

Two theoretical frameworks were chosen to interrogate this research project's two operational sub-questions (as outlined above in Figure 1.1). First, a public policymaking theoretical model was identified through which to seek out the dynamics and patterns in South African TV policymaking. The framework chosen was an adapted version of the "policy streams" framework devised by Kingdon (1995). From Kingdon's policy streams approach, several concepts were taken. The first concept used was that of there being three "streams" (processes) of policymaking in operation in any given public policy sector: a politics stream, a problem stream, and a policy stream. Also adopted from Kingdon was the notion that these three streams will at times "couple" (link) in order for policy matters to move from a policy sector's "governmental agenda" to its "decision agenda" (where a binding policy decision can be taken on a policy proposal) (Kingdon, 1995, p. 178). Kingdon's framework is what is known as a "pre-decision" framework, in that its focus is on how policy matters become identified as pressing issues (problems), thus finding their way onto the governmental agenda, and then how a particular policy proposal, in response to a policy problem on the governmental agenda, finds its way onto the decision agenda (Kingdon, 1995, p. 178). According to Kingdon's framework, the dynamics and content of the three streams – the politics, problem, policy streams – in any given policy sector contain patterns (1995, pp. 206-8), and these patterns reveal themselves in the dynamics within each stream and in the dynamics present when the streams couple (1995, pp. 206-8). Kingdon argues that it is by identifying such patterns that a researcher can analyse what is happening in a particular public policy sector, and can attempt to explain why certain policy proposals gain ascendance while others fall away. As will be explained in Chapter Four, this author decided to extend application of the Kingdon framework beyond policy *pre-decision* processes to, in addition, policy *decision* processes.

The second theoretical framework deployed by this research, a public interest media objectives/values framework, was extracted from the ideas of Feintuck and Varney (2006), who propose an approach to public interest media regulation which falls within what are known as "social responsibility" approaches to media policymaking. Among the public interest objectives identified by Feintuck and Varney (2006), this author chose three to focus on in this research project: access, diversity and stewardship (which are explained in detail in

Chapter Three). In addition, this author adopted and deployed the Feintuck and Varney (2006) conception that the "central organising principle for the democratic endeavour of media regulation" should be "citizenship" (2006, p. 27). This author opted to call this organising principle *democratic citizenship*, because of the close linkage made, in the work of Feintuck and Varney (2006) and other writers favouring social responsibility approaches, between participatory citizenship and achievement of deliberative democracy. This author chose to base this research project's conception of the public interest on Feintuck and Varney's ideas (which are also captured to a great extent in Feintuck (1999)) because of the ideas' lucidity and because the ideas are based to a great extent on examination of media policy in the UK – a country whose broadcasting policy and practice contain elements to which South African policymakers have made reference. In addition, Feintuck and Varney's (2006) normative, social responsibility emphasis was seen by this author as linking well to the normative approach to public interest objectives and values articulated (if not always implemented) in the South African TV policymaking space between 1990 and 2011. Figure 1.2 below provides a visual representation of the two theoretical frameworks as they were combined for deployment in this research project.

Figure 1.2 Theoretical frameworks



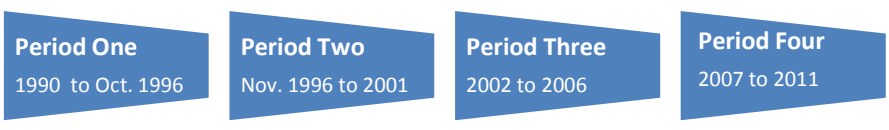
Sources: Kingdon (1995); Feintuck and Varney (2006).

The Kingdon (1995) policy streams framework was used to seek answers to the first operational sub-question (see Figure 1.1): the question asking which patterns of TV policymaking caused the lack of sub-national TV delivery. This first operational sub-question was central to trying to tackle the "how?" and "why?" elements of the overarching research

question, i.e. the matter of how and why so much policy intent in relation to sub-national TV deliverables resulted in so little actual delivery between 1990 and 2011. The second operational sub-question, approached via the framework based on the ideas of Feintuck and Varney (2006), was aimed at answering the "with what effect?" element of the overarching question, i.e. the matter of what effect the unfulfilled sub-national TV policy ambitions had on realisation of public interest objectives.

In order to try to capture changes and continuities over time in South African policymaking on regional/local TV elements, the research incorporated a longitudinal element. The data – obtained from primary documents and formal research interviews – were qualitatively analysed according to four periods: 1990 to October 1996; November 1996 to 2001; 2002 to 2006; and 2007 to 2011. The four periods are represented below in Figure 1.3. Period one was demarcated as beginning in 1990 because that was when the ANC was unbanned (and its leader Nelson Mandela released from prison), allowing for the beginning of transitional democratic policymaking in several spheres, including broadcasting. The opening point for period two was designated as November 1996 because that is when the regulator the IBA launched its process (via a Discussion Paper) towards licensing a free-to-air TV competitor to SABC TV (a process which included pronounced interrogation of sub-national TV goals). The year 2002 was chosen as the beginning of period because that was the year of the Broadcasting Amendment Bill/Act process, which had regional TV as one of its foci. Period four was demarcated as beginning in 2007 because that was the year when broadcasting digital migration policymaking began in earnest and also the year in which long-term licensing of community TV stations began (before 2007, only TBN had been awarded a community TV licence of greater than 30 days in duration and, as explained above, TBN was not a substantively South African broadcaster but rather an apartheid-era-legacy American Christian service.)

Figure 1.3 Four periods of study



Source: author's initial data analysis.

Findings

By posing the two operational sub-questions listed above in Figure 1.1 in relation to the data collected across the four periods listed in Figure 1.3, this research project was able to identify several patterns and potential causal elements in South African TV policymaking in relation to attempts to answer the regional/local policy question, and the project was also able to generate several findings in respect of the degree to which public interest objectives connected to proposed sub-national TV deliverables were affected. Thus, the research succeeded – via the two operational sub-questions – in generating some answers to the "how?", "why?" and "with what effect?" elements of the overarching research question.

Regarding the first of the two operational research questions – *which patterns of TV policymaking caused the lack of sub-national TV delivery (in spite of intent)?* – it was found that in period one, there was a faulty coupling of the TV sector's policy streams by the Portfolio Committee in February 1996, with negative consequences for pursuit of sub-national TV deliverables. In the second period of study, it was found that the level of deliberation in each of the three streams was generally low, and that the regulator IBA and the government, during the moments of coupling among the streams in relation to sub-national TV matters, adhered to the centrist orientation that had been established for the TV sector by the Portfolio Committee decisions near the end of the first period of study. In the third period of study, all three streams of policymaking were found to have received a shock from the DoC's unilateralist decision to include public sub-national TV provisions in the Broadcasting Amendment Bill/Act of 2002. The 2002 Act's call for new SABC public regional channels (implicitly to be rolled out in analogue) was faulty and proved unworkable. Somewhat ironically, however, the over-hasty and unilateral inclusion of the regional TV provisions in the 2002 Act, while ultimately a confused and failed policy decision, had some positive effects on the agenda prominence of other elements of the regional/local TV question – such that by the end of the third period of study, scrutiny of TV sector delivery on sub-national elements had intensified. However, the overriding outcome found in the third period of study was policy confusion and dysfunction, as exemplified by the protracted and fruitless efforts expended by numerous stakeholders between 2003 and 2006 towards realisation of the flawed public regional TV prescriptions forced into the Act of 2002 by the DoC. In the fourth period of study, it was found that there was healthier deliberation in all three of the TV

sector's streams in relation to sub-national deliverables than there had been in the previous two periods of study and at the end of the first period of study (i.e. healthier deliberation than had been present at any time since the Portfolio Committee's rupture of deliberation in early 1996). However, in this fourth period, it was found that the government failed to provide the necessary high-quality inputs into the policy stream, thus limiting the potential for binding policy decisions in relation to sub-national TV elements. Compounding the effects of the government's sub-standard policy inputs was sub-standard policy/regulatory behaviour by ICASA, which in this fourth period of study licensed five new full-time community TV stations but was apparently unable or unwilling to monitor and/or enforce these new stations' compliance (and compliance by the longstanding TBN apartheid-legacy station) with station licence conditions and the laws/regulations governing community TV licensees. The outcome, as already mentioned above, was that of the six community TV stations on-air at the end of 2011, there was evidence that only one was adhering to its licence conditions and to the legal and regulatory rules for the sector, thus undermining the potential of the now-emergent community TV sector to provide a coherent answer to the regional/local question.

Regarding the second of the two operational sub-questions – *what did the lack of sub-national TV delivery (in spite of intent) mean for the pursuit of public interest objectives?* – the finding was that South African TV policymakers failed, in relation to the regional/local TV policy question between 1990 and 2011, to optimally balance the three public interest objectives (access, diversity, stewardship) and organising public interest principle (democratic citizenship) chosen for this research study from the work of Feintuck and Varney (2006). For instance, the emergence of five new community TV stations in 2010-11 provided potential for significantly improved sub-national TV delivery on public interest objectives, but the *ad hoc* evolution of community TV (in the absence of adherence by the policymakers, and five of the stations, to the organising principle of democratic citizenship and to the objectives of access, diversity and stewardship) was threatening to undermine the sector's public interest potential. This finding corresponded with Feintuck and Varney's (2006) argument that media policymaking which lacks a clear, coherent embrace of a core, foundational ideal will be largely *ad hoc* in nature. Accordingly, at the end of the research in 2011, the free-to-air TV reality in South Africa was still dominated (as it had been for most of the democratic era) by a commercially oriented, nationally configured, Gauteng/Cape Town-

centric duopoly in the hands of the public SABC (with three TV channels) and the private e.tv (one channel).

In terms of the whether the two sets of findings from the research's two operational sub-questions could be linked – i.e. whether dysfunctions in the patterns of policymaking between 1990 and 2011 were to some extent responsible for failures in pursuit of the public interest – the finding of this research was that yes, there did seem to be a relationship at certain points during the two decades studied between dysfunctions in policymaking patterns and dysfunctions in policy outcomes. One example of this apparent linkage was in the late 1995/early 1996 period when the Portfolio Committee was lobbied, and persuaded, by the SABC to allow the SABC to keep all three of its TV channels – instead of being reduced to two channels as per the multi-stakeholder-consensus recommendation made by the IBA's Triple Inquiry Report of 1995. The Portfolio Committee's disruption of the consensus that had developed in the policy stream was a disruption of the practice of democratic deliberative policymaking as modelled by the Kingdon (1995) framework, i.e. the Portfolio Committee decisions represented a non-fully-deliberative coupling of the streams (a coupling engineered bilaterally by the Portfolio Committee and the SABC and resulting in the Portfolio Committee decision that the SABC could retain its three national TV channels). At the same time that the Portfolio Committee decision-making was a breach of deliberative policymaking principles, the Committee's decision-making was also a disruption of pursuit of the public interest objectives of access, diversity and stewardship, and a disruption of the pursuit of the organising public interest principle of democratic citizenship. By allowing the SABC to move forward as a three-channel TV broadcaster, while at the same time not ensuring strong state funding of the SABC, the Portfolio Committee put the SABC on a path to becoming an advertiser-funded, three-channel service dominant in the South African free-to-air TV sector in both audience and advertising terms and, by extension, a service with reduced ability/inclination to prioritise costly non-commercially-lucrative public interest-oriented deliverables, including sub-national TV deliverables.

1.4 The "Local Specificity" of the South African "Case"

A question which can legitimately be asked of this author is whether the "case" examined by this research project – the case of the regional/local question in democratic-era South African

TV policymaking – has unique features when compared to, for instance, TV policymaking on the same matters in other democratic countries – such as the countries from which early-democratic-era South African policymakers took some of their TV policy ideas and models, e.g. Canada, the UK, Australia and Germany. Duncan and Glenn (2010) refer to "[t]he twists and turns of regional and local television" in South Africa (2010, p. 53), but to what extent were these "twists and turns" uniquely South African between 1990 and 2011? Jacobs (2003), writing on South Africa's democratic transition (and media's role in it), warns that

> [...] any theory that deals with post-apartheid South Africa would have to be rooted first of all in local specificity, while simultaneously locating change and transformation in a global and continental setting (2003, p. 29).

Jacobs (2003) seems to be arguing for the need to take into consideration both the similarities and differences between democratic-era South African experiences of change and transformation and the change/transformation experiences in other countries elsewhere in Africa and globally. Jacobs's argument is, in this author's view, valid. What, then, might have been the nature of the "global and continental setting", as Jacobs (2003) puts it, in relation to regional/local TV policymaking in early-democratic-era South Africa? In this author's view, the continental setting was not particularly illuminating for this research's particular case study because the TV policymaking experiences in other African countries have not shown the same reliance that South African TV policymakers have on non-African broadcast policy precedents. (However, it does need to be said that there is evidence that other African states have, at times, looked to South African democratic-era broadcast policymaking for models (see D. Moyo, 2006).) In this author's view, it is beyond the African setting, in the global setting, that one must look for international influences relevant to the case of South African democratic-era TV policymaking on regional/local matters.

South African early-democratic-era TV policymakers looked to policy models in the UK, in South Africa's fellow former British "white Dominions" of Canada and Australia, in continental Western Europe (e.g. Germany), and in the US. (A key linkage between early-democratic-era South African TV policymaking and TV policymaking in the UK, Canada, Australia and Western Europe was the emphasis in all of these jurisdictions on having, as part of the national broadcasting dispensation, a public service broadcaster (PSB) drawing to

some extent on the PSB tradition established in the early days of radio by the BBC in the UK.)

And among the models referenced by South African policymakers in these other jurisdictions were models for managing sub-national TV elements. To give but one example, ICASA's August 2003 Regional TV (RTV) Discussion Paper states that

> [i]n approaching the introduction of public RTV services it is perhaps useful to consider the following quote from a study on "Television in the Nations and Regions" conducted by the United Kingdom's Independent Television Commission [ITC]. The report states that *"broadcasters must recognise their special relationship to our sense of community and national identity. One of the most effective ways in which they can do this is by enabling more programmes to be made both by the regions and – equally important – by companies within the regions for network transmission."*
>
> This quote highlights the critical need in South Africa for programming that is not solely driven by national interests or by […] broadcasting services situated in the capital cities, but programming that is reflective of regional interests and which captures the diverse views of broadcasting services located in different cultural centres within South Africa (ICASA, 2003a, p.13, italics in original).

This passage is but one of many possible examples of South African early-democratic-era TV policymakers referencing the work of TV policymakers elsewhere – in this case the UK ITC's imposition of regional production obligations on the regional, advertiser-funded Independent Television (ITV) franchises licensed from the mid-1950s onwards in the UK (licensed to compete with the publicly funded (and not advertiser-funded) BBC TV's two national channels).

On the matter of ensuring that this study was "rooted" in "local specificity", as Jacobs (2003) puts it, it was this author's view that a specifically South African feature of the regional/local TV policy question in the early democratic era (a feature touched upon in the work of Barnett (1999a), Duncan (2001), Horwitz (2001), and Teer-Tomaselli (2008)) was the degree to which discourses of diversity (discourses central to the regional/local TV policy question) were fraught in early-democratic-era South Africa (and fraught in ways quite specific to South Africa because of the country's specific experiences with diversity arguments/constructs/discourses during the apartheid era). For example, as will be seen in Chapter Nine, the data analysis for this thesis found a situation – via the 2002 Broadcasting Amendment Act's provision for geographically/linguistically segregated public TV channels – whereby the DoC, though seeking to celebrate/support the country's linguistic diversity,

was seen by some observers as pushing forward a policy model which resonated potentially harmfully with the SABC's apartheid-era segregation of TV signals (Mistry, 2003; Markovitz, 2006 and Warren, 2006 – interviews with author).

In seeking to address the view from Jacobs (2003) that there is a necessity for consideration of *both* international influences and local specificities when interrogating South African post-apartheid experiences of change/transformation, this author found Horwitz's (2001) analysis quite useful. Horwitz (2001) combines, in relation to South African early-democratic-era broadcasting policy, consideration of both local and global elements. Horwitz (2001) draws to some extent on the aforementioned notion of globalisation's global/local ("glocalisation" to Robertson (1995)) dynamics in his analysis of a written submission by South Africa's Group of Thirteen (G13) civil society grouping to the IBA Triple Inquiry of 1994-95. Horwitz (2001) writes that the G13 submission

> [...] argued that the international dynamic of media globalisation could not be wished away, but that national broadcasting systems could prove resilient – especially in South Africa where broadcasting was expected to participate in nation-building and the construction of norms of citizenship – particularly if they countered globalisation by allying with an emerging regionalist countertrend (Horwitz, 2001, p. 154).

This sub-national "regionalist countertrend" to globalisation referred to by Horwitz (2001) resonates with the global/local dynamics discussed earlier in this chapter in relation to the work of Moragas Spa *et al.* (1999), Robertson (1995) and Robins and Cornford (1993). Horwitz (2001) states that

> [t]hough "regionalism" in South Africa can conjure the old apartheid group areas and separate development, the Group of Thirteen [G13] document argued that the trend of regionalism must be addressed (2001, p. 155).

But Horwitz (2001) goes on to suggest, somewhat in opposition to the G13 view, that South African early-democratic-era TV policymakers needed, to some extent because of the negative apartheid inheritance in relation to diversity discourses, to prioritise nation-building above all else. Horwitz writes that

> South Africa found itself post-February 1990 in the unique situation of engaging in what appears to be an old-fashioned, nineteenth-century nation-building exercise. While so many societies seem engulfed by issues of difference, identity politics, and the centripetal forces of ethnic mobilization, South Africa, which experienced a particularly corrupt version of these,

> found itself in the anomalous position of striving to create a national polity, identity, and culture (Horwitz, 2001, p. 153).

Thus, in Horwitz's (2001) view – which this author finds persuasive – a local *specificity* in the case of South African early-democratic-era broadcast policy change/transformation was the need for South African broadcast policymakers to (to some extent) go against the emerging global/local "centripetal" paradigms of the 1990s, i.e. to take on the somewhat "anomalous" (anomalous in the emergent globalising, global/local era) task of prioritising national values, discourses and argument over sub-national ones. Here, Horwitz is pointing to the specificity of the South African experience of diversity discourses and practices – specific due to what Horwitz calls the "particularly corrupt" approaches to diversity adopted by the apartheid-era "separate development" constructs. Teer-Tomaselli (2008) seems to share Horwitz's view that South African early-democratic-era broadcast policymakers' national unity discourses, while made necessary by the apartheid past, also had to contend with the reality that, in the 1990s and the beginning of the new millennium, national unity paradigms were, internationally, becoming less potent. Teer-Tomaselli (2008) writes that

> […] in complex modern societies, people are less likely to think of themselves in the first instance as "national citizens", and are more likely to position themselves within a matrix of multiple and often conflicting identities and loyalties based on such disparate considerations as locality, belief or religion, occupation or class, ethnicity and language, and even gender (2008, p. 90).

Here, then, Teer-Tomaselli usefully posits a tension between the pull of allegiances to elements such as "locality" and the efforts by early-democratic-era South African policymakers to push forward national paradigms. Duncan (2001), in writing about what she calls the "national question" in democratic-era South Africa, also argues that the question of how to build national unity was fraught in South Africa's early-democratic period. According to Duncan (2001), a key complicating factor for South Africa's national unity project was the global rise in the 1990s of neo-liberalism. For Duncan (2001), the ruling ANC's apparent acceptance of this neo-liberal consensus, via its Growth Employment and Redistribution (GEAR) macro-economic strategy of 1996, was fateful. In Duncan's (2001) view, the ANC and the government it led, after adoption of GEAR, put the country on a course whereby room to manoeuvre on social expenditure, including expenditure on the public broadcaster the SABC, was fundamentally constrained by the cost-recovery logic at the heart of neo-liberal economics. The cost-recovery logic, argues Duncan (2001), was directly applied to the

SABC – as evidenced by the lack of core state funding of the SABC, and by SABC/state acceptance of the cost-cutting strategies proposed by the McKinsey consultancy in the mid-1990s when the SABC fell into financial difficulty. Duncan (2001) contends that the belief that the SABC, heavily reliant on commercial revenues, could play a nation-building role was "profoundly naive", because

> [t]he material conditions of the SABC over the past 10 years [the 1990s] have made the resolution of the national question on the level of culture, information and ideas, less, rather than more, possible (2001, p. 161).

The SABC's declining ability to deliver on national unity objectives, argues Duncan (2001), was a product of broadcast policymakers' often contradictory answers to the national question, e.g. Duncan (2001) cites as contradictory the calls by policymakers for the public broadcaster to help build a new *inclusive* national democratic consensus, while at the same time policymakers were consistently allowing, particularly in TV, for commercialisation to rule the day – a commercialisation which Duncan argues tended to have *exclusive* tendencies.

There seems to be little doubt that seeking to craft national unity – while at the same time recognising/respecting and even promoting diversity – was a highly complex and delicate media/culture public policy exercise in the newly democratic South Africa. According to Barnett (1999a),

> [...] inherited economic, institutional, and cultural conditions continue to impose limitations on the practical implementation of a progressive conceptualisation of the mass media as a vehicle for nation-building and democratic communication (1999a, p. 274).

For instance, argues Barnett (1999a), South African "official cultural policies" in the mid- to late 1990s

> [...] are characterised by a tension between the commitment to recognise and promote cultural diversity on the one hand and a strong commitment by the ANC to depoliticise ethnicity on the other. The tension turns upon the fact that realising the former goal involves the politically contested redistribution of resources between communities, interests, and institutions. Hence, efforts to redress past inequalities in resource allocation tend to exacerbate tendencies towards the politicisation of cultural identities (1999a, p. 275).

And thus, this author is of the view that this research project's investigation of the case of South Africa's early-democratic-era policymaking on regional/local TV matters – because the

case had both a meaningful international policy context as well as a strong link to some uniquely South African tensions in relation to unity and diversity values/objectives/discourses – provided a lens through which to consider both internationally resonant and locally specific elements of South African public policymaking.

1.5 Structural Outline of the Thesis

This thesis is divided into three parts. Part One, entitled "Introduction and Context", consists of this introductory chapter and the next chapter, Chapter Two, which looks at the origins and evolution of the regional/local TV question in South Africa. Chapter Two, in order to properly contextualise the regional/local question in television (TV arrived late to South Africa, in January 1976), discusses historical elements from before the arrival of TV, at the beginnings of broadcasting in South Africa, starting with the onset of publicly consumed radio broadcasts in 1924.

Part Two of this thesis, entitled "Theoretical Frameworks and Methodology", consists of Chapters Three to Five. Chapter Three contextualises and sets out one of the two theoretical frameworks adopted by this research – the public interest framework extracted from the ideas of Feintuck and Varney (2006) – and outlines the place of this framework within "social responsibility" approaches to the public interest in media policy. Also explained in Chapter Three is the place occupied by the regional/local TV question within social responsibility-oriented public interest media frameworks, including the framework extracted for this research from the work of Feintuck and Varney (2006). Chapter Four sets out this research's other theoretical framework – the adapted version of Kingdon's (1995) policy streams theory of deliberative public policymaking – and explains both how Kingdon's framework fits within the field of public policy theory and how this author adapted Kingdon's framework in accordance with the needs of this particular research endeavour. Chapter Five, the final chapter of Part Two, outlines, and defends, the design of the research project, which was a single-case, qualitative case study across four periods of South African TV policymaking.

Part Three, entitled "Data Analysis and Conclusions", consists of five chapters – Chapters Six to Ten – and provides this research project's original contribution to the literature on South African broadcasting policy. Chapters Six to Nine analyse the data collected for each

of the four periods of the case study: the period 1990 to October 1996 (in Chapter Six); the period November 1996 to 2001 (Chapter Seven); the period 2002 to 2006 (Chapter Eight); and the period 2007 to 2011 (Chapter Nine). The final chapter, Chapter Ten, draws conclusions across the four periods of study – i.e. across the findings analysed in Chapters Six to Nine – and then concludes the thesis with examination of the potential paths forward for the South African regional/local TV policy question in 2012 and beyond.

Chapter 2: From Broederbond Interests to Public Interest

The Emergence of South Africa's Regional/Local TV Question, 1924 to 2011

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[…] when television came at last to South Africa it did so with the most advanced technology of the time and an impact that was all the greater because of the long delay. It became the apartheid system's most powerful propaganda weapon – ***Sparks (2003)***

[…] the government is not so much interested in reaching as fragmenting […] – ***Phelan (1987)***

The apartheid division of South Africa was entrenched in the structures of the TV channels themselves. TV1 addressed whites in English and Afrikaans. TV2 addressed blacks in Zulu. TV3 addressed blacks in Sotho. […] A white person watching TV1 would imagine that he or she lived in an almost white world, while a black person watching TV2/3 would feel that he or she lived in a primarily black world, a citizen of one of the homelands – ***Currie and Markovitz (1993)***

[...] there's the historical challenge: a regional television model catering to the specific needs of linguistic and ethnic groups resurrects some profoundly disturbing skeletons from the apartheid closet. Clearly, asserting market segmentation around language and ethnic differences would imply revisiting the scheduling format from the apartheid era. It would mean alienating groups and making assumptions about cultural and language insulation. In such a scenario, fulfilling one constitutional mandate could become antithetical to the ideals of the Constitution itself – ***Mistry (2003)***

**

The regional/local TV question in South African broadcasting policy could only truly begin to emerge once publicly available TV transmissions had begun in the country, which was in January 1976. But as this chapter shows, the regional/local question *did* begin to emerge before the arrival of TV, in relation to radio, as the state-run SABC made efforts to sub-nationally segregate its radio audiences in line with white supremacist apartheid ideology. And then when TV arrived, the SABC also made efforts to have this new medium serve segregationist ideology. Later, in the transitional-democratic and democratic eras between 1990 and 2011, the regional/local TV question was turned upside down from its apartheid-era character. Now the overriding aim of TV policymaking was not to segregate but to build a new, unified nation. Sub-national services were, in the transitional-democratic and democratic eras, increasingly positioned as necessary to build "unity in diversity" – an entirely different emphasis from the segregationist intent of apartheid-era approaches to diversity.

The unity-in-diversity logic was codified in the DoC Broadcasting Policy White Paper of 1998, which set out five "public interest values" that the democratic government, led by the African National Congress (ANC), had decided upon for broadcasting: "access, diversity

within the framework of national unity, equality, independence and unity" (DoC, 1998, sect. 1.3.3). This framing of the public interest in terms of these five values left ample room for the regional/local TV question to be pursued – provided, however that its pursuit did not undermine "national unity". Thus, the regional/local TV question was to some extent inherently fraught in the democratic South Africa, due to its potential resonance, if mishandled, with the negative, divisive sub-national strategies deployed in radio and TV by the apartheid-era, strongly state-controlled, SABC.

This chapter first looks at the literature on pre-TV South African broadcasting, and then at the apartheid-era years of TV between 1976 and 1989. Then there is a section divided into four periods – 1990 to October 1996, November 1996 to 2001, 2002 to 2006, and 2007 to 2011 – which looks at how the existing literature captures the evolution of public interest policymaking, including policymaking on regional/local TV matters, during the transitional-democratic and democratic eras. The final section offers some conclusions from the review of the literature.

2.1 Radio for the (White) Nation, 1924 to 1975

The years 1924 to the end of 1975 were the pre-TV years in South African broadcasting. According to Rosenthal (1974), South Africa's "first programme of regular broadcasting" was a radio broadcast transmitted from a studio in downtown Johannesburg on 1 July 1924 by a station called JB (Rosenthal, 1974, p. 1). Hayman and R. Tomaselli (1989) provide an account of the directions that radio broadcasting took between its introduction in 1924 and the early 1970s on the eve of the introduction of TV. As Hayman and Tomaselli (1989) point out, radio in South Africa started out in the 1920s as a set of three localised private commercial stations in the main metropoles of Johannesburg, Cape Town and Durban (1989, pp. 24-30). In the 1930s, the South African Government turned its attention to developing a national, state-funded broadcasting system, and the SABC was founded in 1936 (Hayman and Tomaselli, 1989, p. 31). In keeping with its status as a former British colony, South Africa took advice on the setting up of its national broadcaster from the UK's British Broadcasting Corporation (BBC) founder, John Reith, who visited South Africa in 1934 and submitted his report to the South African Government in 1935. Adhering to the path he had charted for the BBC in the UK, Reith recommended that South Africa establish a state-funded national

public service broadcaster (PSB), and that the service's chief aims should be nation-building and reinforcing national consensus. Hayman and Tomaselli (1989) argue that Reith was naive in his assumption that a national consensus could exist in the country, as "he was unaware of the degree of conflict between the two groups in the hegemonic alliance" (1989, p. 31). The "hegemonic alliance" to which Hayman and Tomaselli refer was that between the English and Afrikaner segments of the white South African population of that time. Neither Reith, nor the South African Government of the day, saw the majority black population as party to the nation-building, consensus-building project. The "nation" was implicitly seen as a nation of white people (so-called "Europeans") while non-white people ("non-Europeans") were not seen as full citizens. Reith recommended that the language of programming on the national public radio service be differentiated between English and Afrikaans, depending on the region of the country, i.e. Afrikaans-language programming in regions of apparent Afrikaner majority, and English-language programming in traditionally white Anglo-Saxon areas. Here, then, were the beginnings of the regional/local question in South African broadcasting. Hayman and Tomaselli (1989) argue that Reith misunderstood

> […] the degree to which each language group was informed by different ideological, economic and political perspectives, and had access to different kinds of power. These differences could not be accommodated by a simple translation of content from one language into another (1989, p. 32).

Horwitz (2001) concurs with Hayman and Tomaselli's (1989) characterisation of the deep rivalry between English and Afrikaner South Africans, writing that

> [t]he early history of South African broadcasting, like most of white South African history, was rooted in and around the conflicts between Afrikaans and English speakers. Broadcasting, an important site for the production of culture, identity and nation building – and entailing often zero-sum decisions on language choice – was therefore a major terrain of struggle (Horwitz, 2001, p. 55).

Horwitz also argues that

> [b]roadcasting's crucial role in constructing an appeal to the nation, in helping define the very idea of the relevant collective, and as an agent of social control was clearly not lost on either of the white partners (2001, pp. 55-6).

Another example of the regional/local question being raised in the early years of SABC radio broadcasting was the call in the 1937 SABC Annual Report for a greater degree of information-sourcing from sub-national localities. This Annual Report, according to Hayman

and Tomaselli (1989), called for "as many centres as possible" to "be called on to provide material for its [the SABC's] programmes, as by this method the life of the nation can best be reflected" (SABC, 1937, quoted in Hayman and Tomaselli, 1989, p. 35). Here the SABC was apparently embracing the notion that (white) "national" unity would be best achieved by recognising/representing the diversity of (white) realities in the (white) nation. At the same time, it is likely that the SABC still saw its nation-building role through a centrist, paternalistic Reithian lens, i.e. the producers and managers at headquarters were to be the arbiters of what constituted appropriate national culture and national consensus. In the 1940s, the SABC began to turn its attention to black listeners, and its first step in this direction was to deploy a loudspeaker system in black worker compounds and hostels (Hayman and Tomaselli, 1989, p. 39). The programming provided through the loudspeakers was either taken directly from the English and Afrikaans SABC radio services or was translated into Zulu, Xhosa or a Sotho dialect, depending, as the 1940 SABC Annual Report put it, "on the linguistic needs of the territory served" (SABC, 1940, quoted in Hayman and Tomaselli, 1989, p. 51).[2] Here, then, were the beginnings of the SABC's framing of the regional/local question in relation to its black listeners, with the framing based on the assumption that black South Africans could be geographically delineated according to language usage. Another iteration of the regional/local question in the early days of SABC radio was contained in the 1948 report of the Schoch Commission, which, in the words of Hayman and Tomaselli, advised the SABC to pursue "a degree of decentralisation", whereby "regional managers" would play "a more active role, rather than referring most decisions to Johannesburg" (1989, p. 43). Among other things, the Schoch report suggested that SABC regional managers should meet frequently with local councils in order to source information (1989, p. 43).

The SABC's efforts to differentially target black radio listeners continued in the mid-1950s with implementation of the Schoch report's recommended "cable rediffusion" system of delivery (Hayman and Tomaselli, 1989, pp. 45-46). This system consisted of audio lines linked directly to the homes of black people in order to deliver programming developed by the SABC specifically for black audiences. The system was implemented in the townships

[2] In this thesis's coverage of the pre-democratic era, pre-democratic-era naming conventions are used for the country's indigenous languages, i.e. Northern Sotho, Southern Sotho, SeTswana, SiSwati, LuVenda, Tsonga, Ndebele, Xhosa, Zulu (as documented in Hamm, 1991, p. 168). In coverage of the formally democratic era from 1994 onwards, the namings used are those as adopted by the 1996 Constitution, i.e. Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, isiNdebele, isiXhosa and isiZulu.

around Johannesburg by a firm called Orlando Rediffusion, with around 14,000 homes connected by 1956 (Hayman and Tomaselli, 1989, p. 52). Then, in 1959, when the South African Post Office completed installation of land-line telephony links between the SABC's various transmitter sites – allowing programming to be fed between transmitters – it became possible, for the first time, for a radio channel to be broadcast nationally and simultaneously on every SABC transmitter. According to Hayman and Tomaselli (1989), this development of a national broadcast footprint allowed SABC programmers to rely less on generating local content to fill local programming slots, meaning

> [l]isteners were deprived of the ability to hear their own local or regional elements on the radio, which would presumably have reinforced a regionalism which would have compromised the centralised power of the ruling group (1989, p. 48).

However, during the same period, the SABC built many additional local studios, allowing for more local production (Hayman and Tomaselli, 1989, p. 49). Thus it would appear that the National Party (NP), in power from 1948 onwards and gradually developing and imposing its apartheid ideology on the country – and on the SABC (Horwitz, 2001; Van Zyl, 1994) – was grappling in the 1960s to find what it regarded as the appropriate mix of national and sub-national elements in broadcasting, i.e. the NP was grappling with its own particular version of the regional/local question in broadcasting.

FM technology and Radio Bantu

In the 1960s, the arrival of FM (frequency modulation) radio technology apparently provided the Nationalists with the balance they had been seeking – the balance, in radio content production/distribution, between centralised control and sub-national segregation. As Hayman and Tomaselli (1989) write, FM transmission allowed the SABC to "segregate the audience according to the categorisations of race, ethnic group and language which characterised the apartheid ideology" (1989, p. 65). FM radio was a more targeted audio transmission technology than AM (amplitude modulation) or medium wave (MW), and thus FM transmission allowed for delivery to smaller, more precise broadcast footprints. In addition, it was felt that if the SABC could get black listeners to consume *only* FM radio, then, as Hayman and Tomaselli (1989) put it, this would "automatically tend to isolate most of the black population from foreign broadcasts" – broadcasts which were available on medium wave and which the apartheid government did not want black listeners to consume

(1989, p. 66). FM technology allowed the SABC to create, in the 1960s, the apartheid-infused Radio Bantu service, which eventually had a multitude of different FM channels, each targeted in terms of language, content and reception footprint at different Bantu[3] "population groups" (SABC 1963, quoted in Hamm, 1991, p. 156) in their "Bantustans" ("Bantu homelands"). Hamm (1991) argues that Radio Bantu aligned perfectly with the intensive "separate development" phase of apartheid initiated by President Hendrik Verwoerd and pursued by the NP government from 1958 onwards (Hamm, 1991, p. 152). According to Hamm (1991),

> [t]his new mythology [separate development] of course ignored much: that black cultural, political and linguistic identity was infinitely more complex than a simple classification into a small number of "tribes" or "tribal languages" could suggest; that blacks had in fact formerly occupied much of the land now claimed by whites; that "tribal" boundaries had constantly shifted over the years and centuries; that cultural interaction among "tribes" had been common before and during European colonisation and conquest" (1991, p. 153).

Setting up Radio Bantu on FM consisted of expanding the existing Zulu- and Xhosa-language channels and adding five more channels, in the Northern Sotho, Southern Sotho, SeTswana, LuVenda and Tsonga languages (Hamm, 1991, p. 156). In the 1980s, two more services, Radio Swazi and Radio Ndebele, were added, making a total of nine ethnically divided services, allowing each of the 10 Bantustan states to be targeted (with the two Xhosa Bantustans, Transkei and Ciskei, both served by Radio Xhosa) (Hamm, 1991, p. 167). Once Radio Bantu was fully established, writes Van Zyl (1994),

> […] each of the indigenous language channels was headed by a white man and each contributed to the concept of separate ethnic groups, speaking a pure form of the language and maintaining their separate identities. In principle this seemed to be quite acceptable – all the cultural minorities had a voice. But in the perverted ethnicity of apartheid what was ignored was the migration of cultures throughout South Africa, the multilingual capacities of most South African blacks, the evolving nature of black languages, and the lack of consultation (at worst) or black control of their own channels (at best) (Van Zyl, 1994).

Apartheid's Bantustan policy, which by 1980 had resulted in the forced relocation of more than 4 million black South Africans (with 2 million more people still targeted for removal (Rogers, 1980, pp. 58-59)), dictated that the only black South Africans who could live in an urban black township were those employed in the adjacent whites-only city. All other black

[3] The word Bantu refers to certain African ethnic groups, in Central, East and Southern Africa, who speak languages in the Bantu language grouping (languages in which "bantu" means "people"). The term is pejorative in the South African context because of its use by the apartheid authorities as a label for black South Africans.

South Africans were required to live in one of the 10 ethnically defined rural Bantustans.The SABC's attempts during the apartheid era to reinforce the apartheid ideology's vision of ethnic separateness/distinctiveness through emphasis upon ethnic groups' (often illusory) geographical/linguistic separateness is covered by Krabill (2002), who shows how the SABC persisted in, among other things, disingenuously characterising black South Africans as monolingual. Of Radio Bantu, Krabill (2002) writes as follows:

> This structure of separate channels for each language fit nicely with apartheid's ideology of separate development, which attempted to subvert African nationalism by claiming that the divisions between various groups of Black South Africans (e.g. Zulu, Xhosa, Sotho, etc.) were more significant than their similarities. There was no room in Radio Bantu for the fact that many if not most South Africans actually speak a mixture of two or more languages during the course of their day, and often during the course of a single sentence (2002, pp. 15-16).

However, both Gunner (2002) and Lekgoathi (2009) have conducted research which reveals that black South Africans were able to appropriate and subvert elements of Radio Bantu services in such a manner that the services were not solely vehicles for discourses of distorted ethnicity and white supremacy.

2.2 Broederbond TV

In the 1950s and 1960s, while most industrialised countries, and several African countries, were introducing television, the South African Nationalist government refused to allow it. The reasons for the delay had nothing to do with economics or the availability of technology; the delay was entirely ideologically motivated. National Party conservatives were gravely concerned about the effect television might have on the tightly controlled society their apartheid regime had created. As Van Zyl (1994) puts it,

> [t]he main arguments [by the National Party] against television were that: (a) it would dilute Afrikaner culture, (b) it would introduce communist ideology into South Africa, and (c) it would give blacks revolutionary ideas (Van Zyl, 1994).

Several authors have written about this pre-TV period, when many white South Africans were hungering for TV (and even buying TV sets in preparation) while the NP government remained steadfast in its opposition. The Nationalists' fear of TV was reflected in the apocalyptic predictions of Posts and Telegraphs Minister Albert Hertzog in the 1960s and early 1970s. Hertzog was reported as saying, among other things, that the arrival of TV could begin "the destruction of white South Africa" (*Time,* 1964). Accordingly, Hertzog's strategy

was as follows: “As far as I am concerned, we will never have television” (*Time*, 1964). According to Cros (1996),

> [...] television became the arch-enemy of Afrikaner interests and nationalist politics. On the other hand, most of the government’s liberal opponents were in favour of television, so that TV became a violent political battlefield for the two major ideological forces in white South Africa (Cros, 1996).

South African academic Nixon (1999) has written of his childhood memory, in Johannesburg, of the Apollo Moon landing of 1969, when, in the absence of television, he and other white South Africans waited in line at a planetarium where a taped version of foreign TV coverage of the Moon landing was shown:

> For fifteen minutes I witnessed a lunar landing that seemed no stranger than the unearthly presence of that black box in the room. Then the curtain was closed again and we filed out, abandoning our seats to the next twenty people in line (Nixon, 1999).

Nixon (1999) recalls that some wealthy white South Africans, determined to see the Moon landing live, flew all the way to the UK to watch it on TV. According to Nixon, the popularity of the Moon landing as global TV spectacle, and white South Africans’ embarrassment that their country was so “primitive” as to not have TV while the US was putting a man on the Moon, contributed to the National Party’s realisation that it could not hold back TV much longer (Nixon, 1999). However, according to Sparks (2003), the NP and the SABC were still extremely cautious in their introduction of the new medium:

> Not until [SABC Board Chairman Piet] Meyer and his fellow directors of the SABC were satisfied that they could control this feared medium – indeed more than that, until they knew they could turn it to their powerful political advantage – did they introduce it (2003, p. 100).

In January 1976, television transmissions first arrived into the homes of South Africans – via a single SABC TV channel broadcasting for five hours a day, in a mix of English and Afrikaans (Cros, 1996). The NP government was determined that TV’s power be used not as a liberating medium but as a propagandising tool which could reinforce apartheid ideology. According to Van Zyl (1994), SABC TV

> [...] became one of the most rigidly controlled state broadcasting systems in the world. There were strict (unwritten) rules about who may and who may not appear in the news and who may or may not be accessed (Van Zyl, 1994).

According to Sparks (2003),

> […] when television came at last to South Africa it did so with the most advanced technology of the time and an impact that was all the greater because of the long delay. It became the apartheid system's most powerful propaganda weapon (2003, p. 98).

Time magazine in the US found the arrival of TV in South Africa worthy of comment, writing on 19 January 1976 that

> [m]any whites […] for the first time saw what South Africa's black regions and their leaders looked like when Zululand's Chief Gatsha Buthelezi and the Transkei's Kaiser Matanzima appeared on news programmes (*Time*, 1976).

This *Time* piece implicitly legitimises Bantustan rulers Buthelezi [of the KwaZulu Bantustan] and Matanzima [of the Transkei Bantustan] as authentic black leaders – a view not shared by the banned, and often exiled or imprisoned, members of the ANC with which both Buthelezi and Matanzima were in conflict. The *Time* writer was thus inadvertently hinting at the propagandising potential of SABC TV under the tight control of the Afrikaner NP government. The extent of Afrikaner control of the SABC was such that in 1978, it was calculated by journalists Wilkins and Strydom that 49 members of the Afrikaner secret society, the Broederbond, were working, mostly at senior levels, in the SABC (Wilkins and Strydom, 1978, cited in Horwitz, 2001, p. 60, footnote). Broederbonder Piet Meyer, one of the most powerful figures at the SABC for several decades, and who served for a time as Chair of the SABC Board, was Broederbond Chairman from 1960 to 1972 (Sparks, 2003, p. 98; Wilkins and Strydom, 1978, cited in Horwitz, 2001, p. 60, footnote). All top members of the National Party were Broederbond members, and thus both the government and the SABC were, from the 1960s to the end of the 1980s, infused with the ultra-conservative white supremacist ideology of the Broederbond. P.W. Botha, the Broederbond member who ruled South Africa from 1978 to 1989, first as Prime Minister and then as President, was in the habit of directly intervening in the activities at SABC TV when he saw fit (Van Zyl, 1994). As Van Zyl (1994) writes,

> [c]ontrol of broadcasting resided in the President's office and there are documented cases of PW Botha telephoning the news office to order that an item be changed or dropped. This culminated in the firing of the Chief Executive of the SABC, [Riaan] Eksteen, in 1988 when he incurred the wrath of PW Botha (Van Zyl, 1994).

For the first five years of TV on the SABC, the service remained a single channel, TV1, broadcasting for five hours a day and alternating between English-language and Afrikaans-language programming (Horwitz, 2001; K. Tomaselli and R. Tomaselli, 1989). In December 1981, a second channel, TV2, was introduced, targeted at black South Africans.

Attempts to segregate the black TV audience

It was in 1983 that the regional/local question entered into the South Africa's TV context. This was the year when the SABC split TV2 into two services, TV2 and TV3, which were linguistically and geographically segregated from each other. The two services were offered over the same transmitter network, but on a "transmitter split" basis, such that depending on where one lived in the country, one either received TV2 (the Nguni service) or TV3 (the Sotho service). On TV2, the programming was in Nguni languages (e.g. Zulu, Xhosa, SiSwati, Ndebele) and the channel was only transmitted to parts of the country where Nguni-speaking peoples were thought to predominate. TV3 programming, meanwhile, was in Sotho languages (e.g. Northern Sotho, Southern Sotho, SeTswana) and was only transmitted in areas where Sotho-speaking peoples were thought to be in the majority (Teer-Tomaselli, 2005, p. 559). Each service broadcast around 27 hours of programming per week (Horwitz, 2001, p. 68). A fourth service, TV4, was introduced in 1985, consisting of sports programming and foreign entertainment shows. TV4 used the same frequencies as TV2 and TV3 but only came on-air at 21h30 each evening after the split TV2/TV3 programming had come to an end for the day (Horwitz, 2001, pp. 68-69). As Currie and Markovitz (1993) put it,

> [t]he apartheid division of South Africa was entrenched in the structures of the TV channels themselves. TV1 addressed whites in English and Afrikaans. TV2 addressed blacks in Zulu. TV3 addressed blacks in Sotho (1993, p. 92).

Currie and Markovitz (1993) argue that the TV2 and TV3 drama programming was also closely aligned to segregationist objectives, because

> TV2/3 dramas reinforced the apartheid notion that blacks belonged in their rural homelands with narratives that showed black people coming to the city and, after realising that urban society was corrupt, returning to their homelands. A white person watching TV1 would imagine that he or she lived in an almost white world, while a black person watching TV2/3 would feel that he or she lived in a primarily black world, a citizen of one of the homelands (1993, p. 92).

However, even with all of the NP efforts to reinforce its apartheid ideology through television, black South Africans could, it must be remembered, still choose *not* to watch "their" channels. Phelan (1987) has argued that black South Africans were in fact drawn more towards English-language programming, on TV1, thus posing a problem for the apartheid authorities:

> From watching the programs [TV1, TV2, TV3] on television myself and talking with whites and blacks, my impression is that few are interested in the solemn amateurism of the black television news […] (Phelan, 1987, p. 59).

And, Phelan (1987) wrote, "English would certainly be the medium preferred by advertisers for reaching blacks; but the government is not so much interested in reaching as fragmenting […]" (1987, p. 59). Meanwhile, white TV viewers could also confound the apartheid engineers, by choosing to watch programming not intended for them. Krabill (2010) conducted research into white South Africans' consumption, however superficial, of TV2 and TV3, and found that these services may have, to some extent, undermined the apartheid government's intentions by engendering an increased sense, among white South Africans, of their shared humanity with black South Africans.

Another manifestation of the regional/local TV question which arrived during the apartheid era was Bop-TV, the television arm of the Bop Broadcasting Corporation (Bop BC, sometimes abbreviated as the "BBC", no less). Bop BC, run by the government of the nominally "independent" Bantustan of Bophuthatswana, went on-air in 1984, and by the end of apartheid there were three Bop BC TV services: the regional channel called Bop-TV; a small-footprint, Tswana-language service called Mmabatho TV; and a satellite-distributed educational service called Edutel. The best-known of the three was Bop-TV, which, in the pre-democratic era, proved controversial both in its content and distribution. Its news programming was mostly propaganda aimed at bolstering the image of Bophuthatswana's President, Chief Lucas Mangope. (Even in the early 1990s, with the transition to democracy underway, Bop-TV was, according to P.E. Louw (1993b) "a mouth-piece of the still pro-apartheid ultra-conservative homeland government of Bophuthatswana (i.e. this government even refused to go along with the De Klerk reforms)" (P.E. Louw, 1993b, p. 14).)

But for all if its slavishness to the personality cult of Chief Mangope and the whims of the apartheid government in Pretoria, Bop-TV still saw fit to occasionally undermine Pretoria. In 1984, the channel broadcast interviews with leaders Oliver Tambo and Winnie Mandela of the banned ANC, and at one point it also ran an interview with Joe Slovo, the much-feared-by-Afrikanerdom leader of the banned South African Communist Party (SACP) (Horwitz 2001, p. 123, based on G13, 1994). These Bop-TV interviews with people from banned organisations were only legal because Bophuthatswana was technically not part of South Africa, having been granted "independence" in December 1977 – via an independence ceremony at which the only "foreign" dignitaries in attendance were representatives of the apartheid government in Pretoria and other Bantustans (Rogers, 1980, p. 28).

Bop-TV also caused a stir with its signal transmission, which spilled over into parts of the "neighbouring country" of South Africa. This signal spillage was inevitable because Bophuthatswana was not a contiguous territory, but was actually six chunks of territory – an inland archipelago – with five of these territorial pieces completely surrounded by South Africa. Even Bophuthatswana's President Mangope, Pretoria's client leader, acknowledged, in one of his first speeches to the people of his "nation", that their new state had been saddled with a "territorial credibility gap" (Mangope, quoted in Rogers 1980, p. 29). When Mangope's government established Bop-TV, the broadcaster was permitted, in addition to transmitting to the main Bophuthatswana territories in what is today the North-West Province, to acquire transmitter capacity from SABC transmitter sites in Pretoria, Johannesburg and Krugersdorp – in order to broadcast to Tswana people living in the large black urban townships (not all part of Bophuthatswana) next to these three cities. The Bop-TV signal from the SABC's main transmitter site in Johannesburg (the Brixton Tower, next to SABC headquarters) was subsequently available in some of the wealthy white neighbourhoods of Johannesburg and, writes Horwitz (2001), "quickly attracted a large audience" (Horwitz, 2001, p. 123, based on G13, 1994). Bop-TV's popularity in white Johannesburg was apparently due to its broadcasting of imported entertainment programming. The SABC thus made technical modifications to the Brixton Tower site, in order to try (not entirely successfully) to limit the spillage of the signal into the "white areas" of Johannesburg (Horwitz, 2001, p. 123, based on G13, 1994), i.e. white areas in terms of the apartheid-era Group Areas Act. As is covered in the first three data analysis chapters of this thesis (Chapters Six to Eight), Bop-TV remained on-air in the democratic era and only went

off-air in 2003, but the channel spent most of the post-1994 years as a neglected outpost of the SABC.

Another sub-national TV iteration during the apartheid era was TBN, an American Christian Evangelical service licensed in the mid-1980s by the Ciskei and Transkei Bantustans. As with the other Bantustans, Ciskei and Transkei were reincorporated back into South Africa in 1994, with Ciskei and Transkei becoming part of the new Eastern Cape Province. Unlike Bop-TV, TBN never closed down, and was still on-air at the end of this research project in 2011. TBN received a "grandfathered" licence at the beginning of formal democracy in 1994 and was categorised as community TV station. However, TBN has never been a South African service in any meaningful sense, given that its programming is almost exclusively foreign-produced content fed to it via satellite from TBN headquarters in the US. But as will be seen in Chapter Nine, the existence of TBN was, for most of the 2007 to 2011 period, a potentially significant element of South Africa's regional/local TV question – because there were, for a time, provisions by the DoC and the regulator ICASA for TBN to be the only community TV channel carried on a digital multiplex (MUX) during analogue/digital dual illumination (i.e. the period of simulcasting in analogue and digital during digital migration).

2.3 The Regional/Local TV Question in the Transitional-Democratic and Early Democratic Eras

In the transitional-democratic and early democratic eras, the regional/local TV question emerged in several ways.

The period 1990 to October 1996

This author agrees with Ndlela's (2007) view that "[t]he broadcasting policy reform process in South Africa should be understood within the context of South Africa's political transition from apartheid to democracy" (2007, p. 82). According to Ndlela,

> [t]he transitional negotiation brought under scrutiny virtually all the apartheid institutions. Broadcasting became an integral part of the political reform processes. Its centrality meant that it became one of the apartheid institutions to be reformed as a prerequisite for holding the first democratic elections in 1994 (Ndlela, 2007, p. 82).

As will be seen in the rest of this chapter, while broadcasting matters were a sub-set within a broader set of political transformation matters, the regional/local TV matters were a sub-sub-set (i.e. a sub-set within the set of broadcasting matters). The transitional-democratic era began on 2 February 1990 when NP President F.W. de Klerk, in his speech to Parliament, lifted the ban on the ANC, the SACP and other anti-apartheid parties. In the same month, De Klerk made official the government's decision to release ANC leader Nelson Mandela from prison. Four days prior to De Klerk's 2 February speech to Parliament, the Campaign for Open Media (COM) was launched in Johannesburg (Fokane, 2003; FXI, 2008). COM was composed of a range of civil society groups and chaired by Raymond Louw, former editor of the by-then-defunct liberal newspaper, the *Rand Daily Mail.* During the 1990-93 transition, COM, among other things, gave inputs on media matters at the Convention for a Democratic South Africa (CODESA) power-sharing talks and joined with the Congress of South African Trade Unions (COSATU) and the South African Council of Churches (SACC) to launch the Campaign for Independent Broadcasting (CIB). The CIB, launched on 14 November 1992 in Johannesburg, initially focussed on securing a democratically appointed SABC Board and an independent regulator for broadcasting (Fokane, 2003; FXI, 2008; R. Louw, 1993). COM and then the CIB convened and/or participated in several conferences, meetings and workshops during the transition period, including the Rhodes University Media Policy Workshop of 1990, the Jabulani! Freedom of the Airwaves Conference in The Netherlands in 1991, the University of Bophuthatswana Media Policy Workshop in 1991, the COM/IDASA conference in 1991, and the Free, Fair and Open Conference of 1992 (Fokane, 2003; FXI, 2008). There was also a COM-coordinated public protest, in August 1990, at SABC headquarters in Johannesburg (P.E. Louw, 1993b, p. 11; Currie, 1993, p. 40).

Calls for decentralisation and diversification of broadcasting emerged in the early 1990s from each of the two main political forces, which P.E. Louw (1993b) has categorised as the "ANC-oriented camp" and the "NP-oriented camp" (P.E. Louw, 1993b, p. 10). Central to the ANC-aligned camp's policy activities in this period was the August 1991 Jabulani! Freedom of the Airwaves Conference in The Netherlands, as organised by the Dutch Anti-Apartheid Movement in cooperation with South African democratic media proponents including the ANC, COSATU and the Film and Allied Workers Organisation (FAWO). As Currie (1993) writes, a key recommendation from the Jabulani meeting was that South African broadcasting should have "three sectors" – public, commercial, community – each with "different forms of

ownership and control [...]" (1993, p. 51). (It was implicit that a community sector would need to include sub-national, localised elements.) From the NP-oriented camp, a push for decentralisation and diversification in the early 1990s came from the Viljoen Task Group Report, which was the report in late 1991 of a state-appointed Task Group led by SABC Board Chairman Christo Viljoen. P.E. Louw (1993b) has argued that while the Viljoen Task Group process was rightly castigated for being insufficiently consultative and overly SABC/NP-driven, the Task Group Report "introduced a number of sound communicative principles into the media debate […]" (P.E. Louw, 1993b, p. 22). Among those principles was the call for broadcasting access for multiple voices (1993b, p. 21) – which would seem to have implicitly included consideration of decentralised, sub-national voices.

Another voice favouring consideration of TV decentralisation in this period was that of UK academic Richard Collins, Visiting Professor in 1993 at the University of Natal-Durban (UND, today the Durban campus of the University of KwaZulu-Natal (UKZN)). Collins writes in 1993 that South Africa should consider a three-layer (national, regional, local) TV dispensation, with one national TV channel, four regional TV franchises on another channel, and a set of local TV outlets on a third channel (Collins, 1993, pp. 94-96). In addition, each of the three levels of TV could have its own accountability structure (Collins, 1993, p. 96). Collins (1993) writes that his proposal is intended as an "ideal type" in order to stimulate "reflection and critique" that might assist policy stakeholders in devising a "workable model of a democratic, pluralistic, responsive, economically viable and universal broadcasting system […]" (1993, p. 98). The SABC engaged in several restructuring moves in the period running up to the April 1994 elections, including abandonment in early 1992 of what P.E. Louw calls "the two black-ethnic 'apartheid' TV-channels (TV2 and TV3)", and replacement of TV2/3 with a new channel called Contemporary Community Values (CCV), which, according to P.E. Louw, predominantly consisted of "American soapies and old US movies" (1993b, p. 21). However, as Collins (1993) points out, CCV also continued to broadcast, but now on a national basis, the aforementioned differentiated African-language programming previously targeted in a split fashion to presumed TV2 (Nguni) and TV3 (Sotho) audiences (Collins, 1993, p. 87).

Two victories in the early 1990s for the activist groupings COM and the CIB were the May 1993 appointment of a new SABC Board (chosen through a largely public process), and the

October 1993 promulgation by the Transitional Executive Council (TEC) of the IBA Act. The IBA Act, in terms of which the IBA was established at the end of March 1994, was seen as necessary to ensure that broadcasting reform could begin immediately, even before the April 1994 elections. The establishment of the independent broadcast regulator on the eve of the first democratic elections was a powerful recognition, both symbolic and practical, of the importance placed on broadcasting policy as a component of building democracy. As mentioned in Chapter One, the IBA Act of 1993 provided for the IBA to "promote the provision of a diverse range of sound and television broadcasting services on a national, regional and local level [...]" (RSA, 1993a, sect. 2). The IBA Act thus ensured that the regional/local TV question would be an important feature of broadcast policymaking in the democratic South Africa. According to Horwitz (2001), the 1993 drafters of the IBA Act had drawn, in crafting the Act, on existing legislation and sectoral makeup in Canada, Australia, the US and Germany (2001, p. 146). As Horwitz (2001) writes, based on his research interview with IBA Act drafter Michael Markovitz (also an interviewee for this research, in 2006), the IBA Act incorporated, among other things,

> [...] the treatment of local music from the Canadian broadcast law; the categorization of licensing from Australian law; procedural safeguards from the U.S. Federal Communications Commission; and the concept of provincial public broadcasting from the German system (2001, p. 146).

Indeed, it seems unmistakable in the wording of the IBA Act's Chapter One that the Act's drafters were enamoured of the strong sub-national elements of broadcasting in places such as Australia and Germany. Australia has a wide range of sub-national TV outlets, at community, metropolitan and regional levels, with the Australian Broadcasting Services Act (BSA) of 1992, placing strong emphasis on broadcast service provision to local communities (Government of Australia, 1992). In Germany, much of television, and television regulation, has been configured, since the end of World War II, in terms of *Lander* (state) demarcations. The IBA Act drafters would also have been aware of the significant sub-national TV policy elements in Canada, the UK, and other Western European dispensations. For instance, Canada's Broadcasting Act of 1991 (promulgated just two years before the IBA Act of 1993) contained provisions stating that broadcast programming in Canada should "be drawn from local, regional, national and international sources", and that the programming of the Canadian PSB, the Canadian Broadcasting Corporation (CBC), should "reflect Canada and its regions

to national and regional audiences, while serving the special needs of those regions [...]" (Government of Canada, 1991, sect. 3(1)(i)(ii) and 3(1)(m)(ii)).

South Africa's interim Constitution of 1993, finalised shortly after the IBA Act, added weight to the push for consideration of sub-nationally configured broadcasting by providing for "provincial public media" to be an area of provincial legislative control (RSA, 1993b, sched. 6). (However, the final Constitution of 1996 subsequently did away with this provision for provincial public media to be under provincial jurisdiction (RSA, 1996b).) The first post-election instances of policy contestation on the regional/local TV question were during the 1994-96 Triple Inquiry process – a process primarily conducted by the newly-created regulator, the IBA, in 1994-95, with final decisions taken in early 1996 by the Parliamentary Portfolio Committee on Communications. The Inquiry, required in terms of the IBA Act of 1993, focussed on the issues of public broadcasting, cross-media control, and South African content. For several writers, the Triple Inquiry process, specifically the role played by the Portfolio Committee in altering the recommendations of the IBA, was a defining South African broadcast policymaking moment in the democratic era (Barnett, 1999a; Duncan, 2001; Duncan and Glenn, 2010; Horwitz, 2001). For the Triple Inquiry, the IBA conducted numerous public hearings in 1994-95 and received dozens of written and oral submissions from a range of groups. Several of the submissions touched on the regional/local question in TV, most prominently the submissions from a coalition of civil society organisations that came to be known as the Group of Thirteen (G13). The G13 recommended that the SABC, which had three TV channels and was largely dependent on advertising revenue to fund the channels, be compelled to sell off the third channel, reduce the commercialisation of the remaining two channels, and receive significant public/state funding (G13, 1994). The G13 also proposed that one of the deliverables of the two remaining SABC TV channels should be provincially focussed news programming slots. Another G13 recommendation relevant to the regional/local question was its submission that when commercial TV competition to the SABC was introduced, it should be in the form of a set of regional commercial TV franchises, perhaps networked together, similar to the original ITV franchises licensed in the UK in the late 1950s and 1960s (G13, 1994). Robinson (2006) writes that regional commercial TV was proposed on the grounds that it "would widen ownership and establish regional centres of production and infrastructure", and "[i]n this way regional culture, character and identity could also be advanced" (2006, p. 2).

As Horwitz (2001) explains, the 1995 IBA Triple Inquiry Report to the Minister "reflected much of the logic of the Group of Thirteen submissions" (2001, p. 161). In its Report, the IBA recommended, in line with G13 views, that the SABC be forced to sell off its third TV channel; that the SABC follow a strong public service programming mandate on its remaining two TV channels, including provincially targeted programming via daily provincial programming windows; and that consideration be given to a regional model for licensing of commercial TV competition to the SABC (IBA, 1995c). However, the Portfolio Committee decided in February 1996 that the SABC could keep its three TV channels, and at the same time did not compel the state to provide core operational funding to the SABC. Horwitz (2001) writes that the Portfolio Committee's Triple Inquiry decisions of February 1996 "had the potential to create a commercializing juggernaut in South African television the consequence of which will severely test the public service nature of the system" (2001, p. 169). Duncan and Glenn (2010) write that the Portfolio Committee decisions "set the television system on an overwhelmingly commercial path" (2010, p. 45). Also significant for the regional/local TV question was, as Horwitz points out, the Portfolio Committee's decision to excise the IBA Triple Inquiry Report's stated preference for a regional configuration for licensing of commercial competition to the SABC. The Portfolio Committee decided that no preference should be stated for regional commercial TV (Horwitz, 2001, p. 169; Portfolio Committee, 1996). The Portfolio Committee Triple Inquiry decisions did, however, leave in place the IBA's recommendation that SABC TV should offer provincial programming windows.

Also at issue during this period was the fate of the broadcasting services and infrastructure established during the apartheid era by the four nominally independent Bantustans of Transkei, Bophuthatswana, Venda and Ciskei (the "TBVC states"). The newly created, ANC-led North-West Province Government for a time supported turning the aforementioned Bop BC into a provincial public broadcaster for the North-West, and representatives of Bop BC argued for the same in submissions to the IBA Triple Inquiry. As Horwitz (2001) writes, Bop BC's hope to become a strong sub-national broadcaster in the democratic era "at one time could claim the support of several provincial authorities" (2001, p. 157, footnote). But a National Colloquium on broadcasting policy, convened in January 1995 by the Minister of Posts, Telecommunications and Broadcasting, subsequently set up a Task Group which drove

forward plans for integration of the TBVC broadcasters into the SABC (Duncan, 2001, p. 154) and made recommendations to the Minister on how the integration should proceed (recommendations which were accepted by the Minister and later endorsed by the IBA Triple Inquiry Report and the Portfolio Committee's Triple Inquiry decisions). All of the broadcasting facilities from the former TBVC states were thus to be absorbed into the SABC and the SABC's signal distribution arm Sentech, with the result that the idea of provincial television, according to Duncan and Glenn, "receded into the background" (2010, p. 53). Duncan and Glenn have argued that the SABC and IBA viewed the idea of provincial broadcasting "with some suspicion" in the mid-1990s, because they "felt that it might undermine the building of a common national identity" (2010, p. 53). According to Jones (1999), writing about the SABC takeover of Bop-TV,

> Bop TV's proposed incorporation was most probably motivated by the central government's concerns about the potential influence that broadcasting could have for regional governments, with Inkatha in control of KwaZulu/Natal and the NP victory in the Western Cape (1999, p. 527).

Here, then, in Jones's (1999) statement, we see the view – which other writers also appear to share (Barnett, 1999a; Duncan and Glenn, 2010; Horwitz, 2001) and which was discussed in Chapter One – that consideration of sub-national TV had the potential to run up against centrist, national unity agendas. Such agendas were particularly powerful in early-democratic South Africa because the previous, intensely divisive, segregationist apartheid era was still fresh in the minds of policymakers.

In early 1996, the SABC launched, with "project" funding from the state (not core operational funding), three provincial TV news and current affairs windows: a slot serving the Western Cape Province, another one for KwaZulu-Natal (KZN), and a third window targeting the two provinces of Mpumalanga and Northern Province (which has since been re-named Limpopo Province). These "transmitter split" slots allowed audiences in the these four provinces to view news and current affairs programming feeds targeted at their provinces and in languages determined to be the most-used in those provinces. However, the state funding ended for these windows in 2000-01, and the SABC, under pressure to cut costs, cancelled the Western Cape and KZN splits in 2001 and the Mpumalanga/Northern Province split in 2003 (Robinson, 2006).

In mid-1996, the ruling ANC adopted the neo-liberal Growth, Employment and Redistribution (GEAR) strategy, an implied abandonment, to some extent, of its more leftist Reconstruction and Development Programme (RDP) of 1994. In Duncan's (2001) view, the adoption of GEAR contributed to the ANC and the state adopting an approach to broadcasting that was driven by self-reinforcing tendencies towards state cost-cutting and centralised control. Duncan (2001) has argued that, among other things, the cost-cutting emphasis of GEAR made the SABC ripe for the cost-cutting recommendations it received from the McKinsey consultancy in the mid-1990s – recommendations which included cancellation of the provincial window TV slots (2001, pp. 131-33) because the windows were unable to satisfy neo-liberal cost-recovery criteria.

South Africa's community TV sector emerged in 1995, with two temporary community TV broadcasts via 30-day licences issued by the IBA. There was the Greater Durban Television (GDTV) special event broadcast, driven by community groups in cooperation with the University of Natal-Durban's (UND's) Centre for Cultural and Media Studies (CCMS), and broadcast from the UND campus. This broadcast included local newsgathering and production of a daily news slot (Aldridge 1997a, p. 14). There was also Rugby World Cup TV (RWC TV) in Cape Town, a community broadcast organised by rugby enthusiasts to coincide with the 1995 Rugby World Cup in South Africa. Also included in this special event initiative was non-sports content produced and provided by the aforementioned FAWO civil society grouping which had been prominent in the democratic media movement of the 1990 to 1993 period and whose leaders had helped draft the IBA Act (Horwitz, 2001). According to Thorne (2005), FAWO "piggy-backed radical, activist programming on the back of" the rugby content (Thorne, 2005, p. 48). Hadland and Thorne (2004) trace the roots of South African community TV back to Cape Town's Community Video Education Trust (CVET) of the 1970s and other audio-visual training programmes established in Cape Town, Durban and Johannesburg in the 1980s (2004, p. 9). In 1995, the sector took on a national advocacy presence through set-up of the Open Window Network (OWN), which was launched with a membership of 22 community TV/video initiatives (Thorne, 1995). Aldridge (1997a) wrote in 1997 that community TV stations had the potential to contribute to the objectives of the ANC's RDP strategy, which had been the party's policy blueprint in the run-up to, and immediately after, the 1994 elections:

> If the station is able to develop a wide base of programming contributors through ongoing training of community-based independent producers, as well as bringing work to independent professional production houses through commissions from the business and educational sectors, the station will succeed in contributing to the expansion of the local video industry. In these ways the station can make a concrete contribution to the RDP and to the local economy (Aldridge, 1997a, p. 15).

The period November 1996 to 2001

Between November 1996 and May 1997, the IBA developed its policy framework and regulations for licensing private free-to-air TV competition to the SABC. The IBA announced, in its May 1997 Position Paper (IBA, 1997a), that it would license a single national operator, not the set of regional operators that some stakeholders, including the IBA, had sought consideration of during the Triple Inquiry process. In early 1998, after receiving seven applications and holding public hearings on the applications, the IBA awarded the licence to the Midi TV group, broadcasting as e.tv. In e.tv's broadcast licence conditions from the IBA, there were only two mentions of sub-national delivery: (1) a provision requiring e.tv's news and current affairs programming output to "reflect" sub-national occurrences; and (2) a requirement that the station commission programming from all provinces (IBA, 1998). According to Duncan and Glenn (2010), "the one area where it [e.tv] has fallen down is meeting its licence condition on provincial diversity, given that the bulk of its commissioned programmes comes from the Western Cape and Gauteng" (2010, p. 60). In analysing the IBA's seeming reluctance during this period to license sub-national commercial channels, Barnett (2000a) has speculated that there was resistance within the ANC-led government to the pressure from private capital in Cape Town for liberalisation of the Western Cape TV market – resistance based on concern to avoid "mobilisation of regionally-based ethnic identities" (2000a, p. 61). In the same line of argument, Horwitz (2001) speculates that the ANC-run government's reluctance to see a decentralised TV dispensation at this time was partly a result of a desire not to provide potential fuel for the conflict centred in KwaZulu-Natal Province between Inkatha and the ANC, a conflict between what Horwitz called "the ethnically mobilized nationalism of the Inkatha Freedom Party and the ANC's Enlightenment-based, politically centralized non-racialism" (2001, p. 169, footnote). Here again, in Horwitz's statement, we see the view expressed that calls for sub-national TV, though clearly provided for in policy, may have clashed with other (stronger, centrist) currents of thought in early-democratic-era South Africa.

The next major broadcast policymaking process was the DoC's Broadcast Policy Green Paper (November 1997) and White Paper (June 1998), leading to the Broadcasting Act of 1999. The White Paper of 1998 sought to provide a definition of the public interest for pursuit in South African broadcasting policy, stating that the IBA Act had not defined the public interest and that this was "an important omission in the development of public policy" (DoC, 1998, sect. 1.3.3). The White Paper stated that "[i]t is vital that our emerging broadcasting system is imbued with a strong sense of public interest", and that five public interest values were "pervasive". The five values were "access, diversity within the framework of national unity, equality, independence and unity" (DoC, 1998, sect. 1.3.3). On the matter of the first value – access – the White Paper called for

> […] universal access, that is, the availability of broadcasting services to all citizens. In South Africa it is also desirable to expand the concept of access from the right to receive information to include greater access to the means of production in broadcasting (DoC, 1998, sect. 1.3.3).

The second value – diversity within the framework of national unity – was positioned as connecting directly to access, because

> [a]ccess to choice and diversity of choice includes access to a diverse range of language, cultural, religious and regional programming. The real significance of diversity within the framework of national unity is that it secures other benefits for society such as a substantial degree of media pluralism. At least five dimensions of diversity are:
> - Media functions
> - Content
> - Representation of different groups and people
> - Geography or locale
> - Media ownership limitations (DoC, 1998, sect. 1.3.3).

Here in the government White Paper's statements on the diversity value we see the Paper's drafters seeking a path whereby the diversity construct could be harnessed so as to serve, rather than undermine, the national unity construct. The third value – equality – was positioned as a "further expansion" of access and diversity, and as a value "which is impossible to realize in practice in absolute terms", and

> [t]hus the concept of proportionality is often used whereby media should reflect the different groups in society in relation to their size. This extends to encouraging new entrants through affirmative action and fair employment practices (DoC, 1998, sect. 1.3.3).

The fourth value – independence – was positioned as being directly connected to opinion diversity and as being "central to ensure editorial freedom, particularly on broadcasting services" (DoC, 1998, sect. 1.3.3). The fifth value – unity – was to be built by a broadcasting system which, "in contributing to unity should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of South Africa" (DoC, 1998, sect. 1.3.3). The White Paper's section on the public interest concluded by saying that "all broadcasters" – i.e. public, private, community – would be expected to "contribute to meeting the public interest" and that among these broadcasters there needed to be "a strong and committed Public Broadcasting Service" which

> […] should cater for the needs and aspirations of all sections of our society, particularly the underprivileged and historically disadvantaged. It should ensure universal availability and access and should meet the education, information and entertainment needs of all of the people of South Africa. It should also meet the needs for children's programming and human resource development. Above all it should contribute to nation building […] (DoC, 1998, sect. 1.3.3).

The public interest conceptions in South Africa's White Paper of 1998 have many commonalities with the objectives – access, diversity, stewardship – and organising principle – democratic citizenship – extracted by this research project from the work of Feintuck and Varney (2006) (outlined in Chapter Three of this thesis). And the White Paper's public interest conceptions included connections to the regional/local TV question, thus supporting this author's contention that the regional/local question was important to democratic South Africa's conception of public interest broadcasting. For instance, we just saw that, as part of its discussion of the access value within the public interest, the White Paper referred to the need for "access to the means of production in broadcasting", an implicit link to the idea of localised, community-run TV. And we saw above in the White Paper's discussion of the diversity value within the public interest that "regional programming" was cited as necessary for diversity, and "[g]eography or locale" was listed as one of the "dimensions of diversity". Moreover, the White Paper's calls for "universal access" to broadcasting services contained an implicit sub-national, decentralising element because there were, at the time of the White Paper in 1998, still millions of South African households in remote rural localities not covered by the signals of any of the three SABC TV channels. And the White Paper's call, in relation to the equality value, for "new entrants", could be expected to potentially include, going forward, measures to license regional/local TV channels and measures to increase TV

production sector capacity outside the main production centres of Johannesburg and Cape Town.

Also significant for this research project were the White Paper's clear calls, in the sections just cited, for "nation-building" and "unity" while at the same time calling for "diversity within the framework of national unity" – evidence of government's efforts (implicitly fraught, so soon after apartheid) to find a balance (as discussed in Chapter One with reference to the work of Barnett (1999a), Horwitz (2001) and Teer-Tomaselli (2008)) between discourses celebrating diversity and discourses calling for national unity. In Chapter One, we saw that both Barnett (1999a) and Horwitz (2001) allude to the fraught nature of the balancing act between unity and diversity in early democratic era broadcasting policy. But neither offers prescriptions for how the balance might be found. It thus becomes potentially useful to look beyond the literature on South African broadcasting policy to more general literature on South African identity formation and nation-building in the democratic era. A useful work in this area is that by Alexander (2003) who argues that "as far as identity politics is concerned, South Africa is at a historical crossroads", and that "the core issue is the relationship between unity and diversity within a democratic framework" (2003, p. 103). For Alexander,

> [w]e can choose between opting for an ethnically defined, so-called rainbow society in which the primary identity is the "own" ethnic group (however this is described), or […] for what I call a Garieb nation – the word "Garieb" is Nama for "Great River" – in which the primary identity is the national, South African identity (2003 , p. 103).

Alexander goes on to make clear his view that the Garieb nation is the only workable goal, because the Garieb, as a large river,

> […] represents the decisive notion […] that the mainstream is constituted by the confluence of all the tributaries, that is, that no single current dominates, that all the tributaries in their ever-changing forms continue to exist as such, even as they continue to constitute and reconstitute the mainstream. (2003, p. 107).

Alexander advocates for the Garieb river as a metaphor for the way forward in pursuit of unity in diversity because it is a metaphor that does away with the "the notion of discrete 'cultures', by which apartheid was justified" (2003, p. 107). For Alexander, the notion of discrete cultures

> […] is a reactionary notion which cuts people off from one another, undermines any sense of national unity, and deepens the prejudices and negative stereotypes we have inherited from our colonial and apartheid past (2003, p. 107).

In line with his call for a Garieb river approach, Alexander argues that

> [i]t is vital in the present stage of our national development that we allow the flux of history to prevail, that we open up the channels of communication and interaction and allow the waters to find there level, as it were. Anything else will spell disaster. In concrete terms, this means, for example, promoting multilingualism, bi- or multilingual education, as much social and cultural mixing as possible [...] (2003, p. 108).

Alexander (2003) also contends that South Africa is "a multicultural society of a special kind" (2003, p. 108), and that what is needed in South Africa is

> [...] very different from the notions of multicultural societies prevalent in Europe, North America and Australia where a *main* stream (the Anglo-Saxon or the German, etc.) dominates while it "tolerates" the coexistence of other (minority) cultures (2003, p. 107, emphasis in original).

Thus Alexander persuasively (in this author's view) argues that, in the newly democratic South Africa, the quest for unity-in-diversity is both essential and highly fraught, and he provides a prescription, via the Garieb metaphor, for how unity can be fed by diversity while not being overwhelmed by it. Alexander's nuanced analysis provides useful context for some of the confused, *ad hoc* TV policymaking this research uncovered (as outlined in Chapters Six to Ten) in relation to the regional/local question – a question touching directly on the matter of how to combine unity and diversity objectives.

In relation to community TV, the White Paper of 1998 stated that the IBA would "be asked to investigate the viability and impact of community television in a public process" (DoC, 1998, Executive Summary). But the regulator did not conduct a full local TV inquiry until 2003 and, to the frustration of the aforementioned community TV lobby group OWN, the IBA's 1996 Private TV Discussion Paper of November 1996 had positioned community TV as potentially negatively impacting on availability of frequencies and on the audiences and revenues of private and public broadcasters (IBA, 1996). This IBA hesitancy towards community TV prompted Aldridge (1997a) to write of "a remarkably restrictive attitude on the part of the IBA towards community broadcasters", and "a marked tendency towards

protectionism of the economic interests of the SABC and private, commercial television broadcasters" (1997a, p. 3). Another sub-national TV issue which emerged in this period was concern about the over-centralisation of the independent TV production sector. According to Duncan (2001), a survey done in 1998 found that 80 per cent of independent TV production firms were based in Gauteng Province, 9 per cent in Western Cape Province (mainly in Cape Town) and 7 per cent in KwaZulu-Natal Province (mainly in Durban) (Duncan, 2001, pp. 143-44). Outside of these three largest metropolitan areas in the country, the number of independent producers was insignificant, prompting Duncan (2001) to write:

> [t]he spatial distribution of these companies, which mirrors the geographic disparities in the country, leads to serious questions about the ability of the independent production sector to produce representative programming. Clearly, production houses would need to be based in areas that they are making programmes about in order to reflect local needs accurately (2001, p. 144).

The period 2002 to 2006

The regional/local question in TV policymaking received significantly increased prominence in 2002, during contestation around the Broadcasting Amendment Bill and Act of that year. The Act, among other things, included provision for the SABC to roll out two new regionally configured TV services which were to provide programming in under-served languages (i.e. the other 10 official languages besides English). The contestation around the Act is covered to some extent in the writings of Duncan (2006), Duncan and Glenn (2010), Robinson (2006), Teer-Tomaselli (2005, p. 567) and Tleane and Duncan (2003, pp. 169-79). According to most accounts, the DoC's push for additional channels focussing on languages other than English was prompted both by (1) the DoC's need to find a use for the under-utilised Bop-TV facilities and staff in the North-West Province, and (2) mounting criticism from language-rights groups about the predominance of English-language programming on the SABC's three channels (made unacceptable by the 1996 Constitution's provision for the promotion of all 11 official languages) (Duncan and Glenn, 2010, p. 54; Tleane and Duncan, 2003, p. 172). According to Tleane and Duncan (2003), the DoC was of the view that it was "duty bound in terms of the Constitution to ensure that television served the country's language needs, which clearly the SABC was not doing at that stage" (2003, p. 172).

The SABC, forced to do so by the provisions of the 2002 Amendment Act, applied in December 2003 to the now-converged regulator, ICASA, for two regional TV licences: for a

northern/western channel to be called SABC 4, with a production centre at Bop-TV facilities in the North-West Province and making use of non-English official languages predominant in the north and west of the country; and for a southern/eastern service to be called SABC 5, with a production centre at the existing SABC studios in Cape Town and using non-English languages predominant in the south and east of the country.

In 2005, ICASA announced its decision to "grant" the two licences to the SABC, but at the same time ruled that it could not "issue" the licences until state funding for the channels was secured. As Duncan and Glenn (2010) have written, "[i]t would appear that, in hatching the idea of the stations, the DoC did not lobby the Ministry of Finance sufficiently for funding" (2010, p. 55). The DoC then decided to investigate a public-private partnership (PPP) for the channels, but this plan stalled, even though, according to Duncan and Glenn (2010), "some political observers" have said "that the call for SABC 4 and SABC 5 enjoyed ANC support and was likely, as ANC policy, to obtain funding in due course" (2010, p. 55). (By the end of this research project in 2011, the two channels still did not exist.) Of the government's push for public regional TV channels, South African filmmaker and University of the Witwatersrand academic Mistry (2003) writes that the state's approach risked perpetuation of apartheid-era segregationist TV practices:

> [...] there's the historical challenge: a regional television model catering to the specific needs of linguistic and ethnic groups resurrects some profoundly disturbing skeletons from the apartheid closet. Clearly, asserting market segmentation around language and ethnic differences would imply revisiting the scheduling format from the apartheid era. It would mean alienating groups and making assumptions about cultural and language insulation. In such a scenario, fulfilling one constitutional mandate could become antithetical to the ideals of the Constitution itself (Mistry, 2003).

Mistry (2003) argues that South African policymakers, in order to answer the sub-national TV question in a manner beneficial to the country, need to "stretch the horizon of our definitions of 'regional, linguistic and ethnic' " (Mistry, 2003). Mistry is of the view that sub-national TV needs to be deployed in a manner which promotes "a regional identity that can transcend language/ethnic divisions and create an environment for promoting the production of local content" (Mistry, 2003). If this can be done, Mistry writes, "[t]he implications for socio-political empowerment and economic development for the region are immense" (Mistry, 2003). Linked to Mistry's perspective were views expressed during this period that the important matters to be addressed by sub-national TV were not linguistic matters but

rather matters of sub-national production of content, regardless of the language of the content – e.g. the need for sub-nationally produced, independently produced drama, documentaries and current affairs programming and, particularly important in the eyes of some, the need for SABC/e.tv-produced, locally sourced, locally relevant news content from all parts of the country. Evidence and views started to emerge during this period that across all media, it was the three provinces of the country containing the largest metropoles – Gauteng (containing Johannesburg and Pretoria), the Western Cape (containing Cape Town) and KwaZulu-Natal (containing Durban) – which were dominating news coverage (MMP, 2003; Kupe, 2005).

This author agrees with Mistry's (2003) view (quoted above) that the proposed splitting of the country into two linguistic (and by extension, ethnic) zones for the purposes of SABC 4 and 5 – a plan forced upon the SABC by the 2002 Act's implicit call for the new regional channels to be transmitted in analogue – was problematic. The approach was reminiscent of the apartheid-era SABC TV "splits" outlined earlier in this chapter, thus going against the calls, at the aforementioned 1991 Jabulani conference (which is discussed again in Chapter Six) and in other fora, for the SABC, in service to the quest for unity in diversity, to encourage a national ethos of multilingualism. An SABC 4 and 5 split of the country into two linguistic zones would also seem to have gone against the aforementioned Garieb model put forward persuasively by Alexander (2003), in which South Africa's particular dynamics of multilingualism and multiculturalism should be primarily harnessed/expressed via national paradigms.

In this author's view, in South Africa's early-democratic-era, the necessary unity-in-diversity dynamic would have been best-served by the SABC – as the national public service broadcaster (PSB) – producing regionally focussed/originated TV programmes (in the languages most spoken in those regions) but making the programmes available to all viewers nationally, including viewers not from the region of the programmes' focus or origin. In this author's view, the only appropriate sub-national splitting of TV viewers in early-democratic-era South Africa, if the country's stated quest for unity-in-diversity was to be achieved, was not to be performed by the national PSB and not at broad regional or even provincial level, but rather by private and community TV outlets at very localised city/community levels – with a primary role for community-based/run/owned TV outlets with a clear mandate to target/serve a particular community's stated needs, including its language preferences. This

author's view of local community TV outlets as being more appropriate than the national SABC as vehicles for sub-national programming/language differentiation to some extent links with the view (as will be seen in Chapter Six) expressed by author and academic (with University of the Witwatersrand at the time) Njabulo Ndebele, with reference to TV language delivery, at the pioneering 1991 Jabulani conference.

The period 2007 to 2011

The regional/local TV policy question received momentum in this period through ICASA's licensing in 2010 of five new community TV stations, all with long-term, seven-year licences. By the end of 2011, six full-time community stations were on-air – the longstanding TBN station plus the five new ones: Soweto TV, Cape Town TV, 1KZN TV in Richards Bay (KwaZulu-Natal Province), Tshwane TV in Pretoria, and Bay TV in Port Elizabeth. However, there were concerns expressed in the literature that certain stations, such as Soweto TV, were overly commercial, because of partnerships with commercial firms (Chiumbu, 2010; Duncan and Glenn, 2010). There were also concerns about the sustainability of community TV due to lack of state funding support and the high signal transmission fees being charged to stations by state-owned signal provider Sentech (Della Togna and Dullaart, 2010).

Also in this period, broadcasting digital migration planning became a prominent policy item, and TV digital migration issues began to touch directly on regional/local TV matters. The initial DoC and ICASA policy positions on digital migration in 2007-08 stated that there would not be sufficient space on either of the two planned national digital multiplexes (MUXs) for accommodation of any community TV stations other than the long-standing TBN channel in digital spectrum during analogue/digital dual illumination (simulcasting). It was only in 2011, after Cabinet adopted a revised and more spectrum-efficient transmission standard (DVB-T2) for digital terrestrial television (DTT), that DoC and ICASA draft policy amendments emerged whereby all six of the community TV stations with licences in 2011 would be offered digital carriage during dual illumination. There was, however, considerable uncertainty at the end of this research study in 2011 as to when analogue/digital dual illumination would officially begin, and when analogue switch-off (the end of dual illumination) would occur.

Conclusions

This chapter has shown that South Africa's regional/local TV question had its origins in the pre-TV era when SABC radio services, in line with apartheid, sought to geographically and linguistically/ethnically segregate radio audiences. Such efforts by the SABC continued into TV era, with (starting in the 1980s) coverage footprints, programming content and programming language delivery differentiated between the TV2 and TV3 channels in accordance with the NP government's desire to promote difference and separation among black South Africans.

In the transitional-democratic and democratic eras, the official discourses in relation to sub-national TV shifted to unity-in-diversity arguments, whereby sub-national diversity (geographic, cultural, linguistic, ethnic) was to be celebrated in a manner which increased, rather than decreased, national cohesion. However, as some writers have pointed out (e.g. Barnett, 1999a; Horwitz, 2001), diversity discourses and objectives in the broadcasting policy space were potentially fraught in the newly democratic South Africa, because of the recency of the apartheid era's intensely negative diversity constructs – constructs deployed by the apartheid-era policymakers via a wide range of political, socio-cultural and economic tools including (via the SABC) television.

PART TWO: THEORETICAL FRAMEWORKS AND METHODOLOGY

Chapter 3: The Place of the Regional/Local Question in Public Interest TV Policy

Sub-National Deliverables in Support of Democratic Citizenship

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As [...] symbolic horizons beyond the State-nation reference are opened out to the world, people look for their own genuine signs of identity in their most immediate communities to help them cope with greater complexity and hybridisation. [...] In short, as many analysts have pointed out, the opposite side of the economic, political and cultural globalisation coin is decentralisation and localisation – ***Moragas Spa et al. (1999)***

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The regional/local question in TV policymaking – the question of how to ensure the existence of certain sub-national elements in a nation's TV dispensation – has traditionally been, and continues to be, an important one in many democratic countries seeking to foster a TV sector operating in the public interest. Notions of what constitute public interest goals to be pursued in TV policymaking – and notions of which sub-national TV elements can contribute to pursuit of these goals, and how – are the focus of this chapter. A central aim of this chapter is to provide the theoretical context for the social responsibility-oriented public interest framework extracted by this research project (and used in the data analysis) from the ideas of Feintuck and Varney (2006). A second main aim is to show how the regional/local question fits within social responsibility approaches to the public interest. Accomplishing these two aims is necessary because the framework extracted for this research project from Feintuck and Varney (2006) was one of the two core analytical frameworks deployed in the research – along with the Kingdon (1995) policy streams framework (which is outlined in Chapter Four).

The organising principle for successful public interest-oriented media regulation should be, according to Feintuck and Varney (2006), the principle of citizenship (2006, pp. 124-25). Feintuck and Varney posit that it is only through emphasis, as a guiding value, on enabling citizen participation in deliberative democratic life, that media regulators in democratic states can effectively balance the sometimes-competing demands arising from pursuit of public interest objectives. Three of the public interest objectives posited by Feintuck and Varney (2006), as chosen by this author for deployment in the research, are (1) access, (2) diversity

and (3) stewardship, all of which, according to the Feintuck and Varney (2006) framework, need to be pursued with reference to the guiding principle of participatory citizenship if the objectives are to truly be public interest objectives.

In order to contextualise the ideas of Feintuck and Varney (2006), and to establish the relevance and appropriateness of the Feintuck and Varney (2006) approach for this research project, the next section of this chapter outlines the origins of, and main approaches to, attempts to cater to the public interest via television policymaking. The market liberal approach – and the critical political economy and social responsibility perspectives which counter market liberal arguments – are covered. The second section narrows in on normative, social responsibility-oriented, citizenship-oriented policy approaches to the public interest in TV, in order to provide context for the ideas of Feintuck and Varney (2006). The ideas adopted by this research project from the work of Feintuck and Varney (2006) are then covered in detail in the third section. The fourth section connects the regional/local TV question to the social responsibility orientation in public interest media policy theory, and in particular to the three public interest objectives and the core public interest principle extracted by this author from Feintuck and Varney (2006) for deployment in this research project. The concluding section reflects back on the importance of sub-national TV elements to public interest TV policymaking.

3.1 Public Interest Values in TV Policymaking

Origins

Many of today's prevalent notions, in democratic societies, of public interest TV policy can be traced to the beginnings of radio in the 1920s in the US and UK, two countries which grappled early on with the political, socio-cultural and economic implications of broadcasting as a mass force in society. Addressing a radio industry conference in 1922, then-US Commerce Secretary Herbert Hoover stated that "it becomes of primary public interest who is going to do the broadcasting, under what circumstances, and with what type of material", because "[i]t is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter" (Hoover, 1952, p. 140). Hoover's reference to the need to avoid dominance by "advertising chatter" may strike some readers as ironic given the advertising-heavy model subsequently pursued by American TV firms. But the important

point here was Hoover's framing of the public interest in terms of the role that commercial interests should be allowed, or not allowed, to play in determining the structure and content of broadcasting output. Many theories of the public interest in broadcasting share Hoover's view that commercial objectives cannot be allowed to overwhelm other objectives if a broadcasting dispensation is to be a public interest dispensation. Later in the same speech in 1922, Hoover highlighted another central paradigm in public interest broadcasting theorisations: the conception of broadcasting frequency spectrum as a scarce public resource to be managed in trust for a nation's citizens:

> There is in all of this a necessity to establish public right over the ether roads. [...] There must be no national regret that we have parted with a great national asset (Hoover, 1952, p. 141).

Referencing Hoover provides two important themes in public interest broadcast policymaking – themes which still persist today in many countries in one form or another: (1) tempering commercialisation, and (2) management of broadcast frequency spectrum as a public asset. Klinenberg (2007) writes about three core public interest values in US broadcast policymaking, arrived at gradually by the Federal Communications Commission (FCC) since the FCC's creation in 1934: diversity, localism and competition (2007, pp. 18-19). Klinenberg argues that a pro-commercial, pro-market logic has waxed and waned at the FCC because, as Klinenberg puts it, "[t]he FCC's political will to live up to its stated ideals has varied depending on the values of its commissioners and the goals of the political party in charge" (Klinenberg, 2007, p. 19).

In the UK, meanwhile, influential notions of the public interest in broadcasting tend to be traced to the 1920s, when the British Broadcasting Company's first Managing Director, John Reith, propounded certain conceptions which were to prove extremely durable. Writing about radio in 1924, Reith argued for establishment of a largely non-commercial, state/publicly funded public service broadcaster (PSB) which would "inform, educate and entertain" and be universally accessible (Reith, 1924). Reith called for a universal, information/education-oriented service because, as he wrote,

> [t]ill the advent of this universal and extraordinarily cheap medium of communication, a very large proportion of the people were shut off from first-hand knowledge of the events which make history. They did not share in the interests and diversions of those with Fortune's twin-keys: Leisure and Money (Reith, 1924, p. 16).

Reith's framing of the public interest was primarily socio-cultural and political; he did not appear to be overly concerned with the commercial potential of broadcasting, and with the potential interests/contributions of advertisers. Thus, Reith advocated for creation of an advertising-free, monopoly radio provider, which became the British Broadcasting Corporation (BBC). Reith's view of broadcasting in almost purely socio-cultural/political terms would seem naive to some today, but in fact elements of Reith's vision still exist, in the form of advertising-free, state/publicly funded radio and TV channels in the UK, former British colonies (e.g. Canada) and parts of Western Europe.

Most Western European countries entered the TV age in the 1950s with a single, national, state/publicly funded monopoly PSB. This public service monopoly was, in most Western European states, left intact for several decades (Raboy, 1995a; Brants and De Bens, 2000). However, in the US, which began the TV age with private commercial firms controlling the airwaves, a public service-oriented TV service (with corporate foundation sponsors but no advertising), called PBS, was only launched in the 1960s (Ouellette and Lewis, 2004). The approaches in other democratic countries fell somewhere between the American and Western European models, adopting mixed systems with strong public *and* private operators. The UK, for instance, introduced private TV competition to the advertising-free, publicly funded (via a licence fee) BBC TV from the mid-1950s onwards via awarding licences to a set of advertising-funded ITV private regional franchises (Seymour-Ure, 1996). In Canada, meanwhile, the public TV monopoly was broken in 1960 with the licensing of private TV operators in large cities, and from 1961 onwards a national private network, CTV, began to compete at national level with the primarily state-funded Canadian Broadcasting Corporation (CBC) (Raboy, 1995b, p. 108).

"Marketisation" of the public interest

In the 1980s and 1990s, most Western European countries introduced private-sector competition to their monopoly, state/publicly funded TV broadcasters. By the year 2000, the balance in Western Europe between public and private forces in TV had shifted significantly towards the private sector, with all countries save Luxembourg (a private-only dispensation from the start) having mixed public/private systems (Brants and De Bens, 2000; Murdock, 2005). And by the end of the first decade of the new millennium, in 2010, the private players in many Western European nations commanded greater combined audience share than the

former-monopoly public broadcasters, and state/publicly funded TV outlets had in many cases seen their state/public funding contributions decline, forcing these still-public-service-mandated stations to commercialise and become more (or newly) dependent on advertising revenue. The ascendance of privately owned TV and advertiser-funded free-to-air TV from the 1980s onwards in many Western European countries which had previously had strong non-commercial, public service broadcasting traditions – a shift termed "marketisation" by Murdock (2005, p. 190) – had some of its origins in the international rise, in the Western world, of the market liberal deregulation/privatisation paradigm from the 1980s onwards. The market liberal paradigm holds that broadcast audiences (positioned primarily as "consumers" rather than as "citizens" in their relationship to broadcasting) are best-served by a dispensation shaped primarily by the relatively unfettered operation of market forces.

The "neo-liberal" market-centric view contends that traditional arguments in favour of interventionist broadcast policy have become less and less valid. According to the market liberal approach, digital transmission systems (first satellites, then wired platforms and, more recently, digital terrestrial over-the-air) are gradually eliminating TV spectrum scarcity, lowering barriers to market entry, and facilitating arrival of the "multi-channel" dispensation in which realisation of public interest objectives can, according to the market liberals, be achieved through consumers exercising choice, i.e. content favoured by consumers (and thus apparently in the "public interest" as viewed through a consumer choice lens) will flourish because it draws advertiser revenue and/or subscription fees. Increasingly unnecessary, the market liberals say, are efforts to tightly control TV market entry by private players, or efforts to provide significant amounts of state/public money for Reithian PSB channels. The former monopoly PSB channels, according to market liberals, need to compete for audience share – and thus advertiser share – alongside the private channels. For market liberals, one of the few areas requiring regulation in broadcast markets is competition, i.e. they hold that steps should be taken to prevent monopolies, duopolies, and abuse of market power. The roots of the ascendance in the West of the market liberal approach to public policy, including broadcast policy, can be traced to the push in the early 1980s by US President Ronald Reagan and UK Prime Minister Margaret Thatcher for reduced regulation, and increased privatisation and commercialisation, in a wide range of sectors (Brants and De Bens, 2000).

In the view of US writers McChesney (2004, 2005), Bagdikian (2004) and Klinenberg (2007), the American TV sector – which never had a strong state/publicly funded TV operator to start with – became completely overwhelmed by private corporate imperatives in the 1980s and 1990s, with the US Telecommunications Act of 1996 codifying the deregulatory trends. Republican Party-appointed FCC Chairman Mark Fowler, a strong proponent of deregulation of broadcast markets, memorably stated his view that television was merely a household appliance, "a toaster with pictures" (Fowler, 1983 quoted in Mayer, 1983). This remark by Fowler was probably, at the time, the second-most-famous utterance by a head of the FCC, second only to FCC Chairman Newton Minow's assertion two decades earlier, in the early 1960s, that US television programming had become a "vast wasteland" (Minow, 1961, quoted in Minow, 2011). Minow marked the 50th anniversary, in 2011, of his oft-quoted statement with an article for the *The Atlantic* magazine, in which he wrote that the words he had hoped would be coined from his 1961 speech were the words "public interest", *not* the words "vast wasteland" (Minow, 2011). Regardless, it was clear that Minow saw in 1961, and still saw 50 years later in 2011, roles for TV more complex, and far more central to US political and socio-cultural life, than those of a kitchen appliance (i.e. a toaster) (Minow, 2011). Minow's calls, in both 1960 and 2011, for TV to serve clear social goals provides a useful segue into the next section of this chapter – a section on approaches to broadcasting policy which emphasise social responsibility and the need for TV, as a mass medium, to encourage and facilitate citizen participation in the deliberative, democratic life of the countries in which they live.

3.2 Social Responsibility Approaches to the Public Interest

While the Fowler TV-as-toaster deregulation approach to the public interest in broadcasting policy held sway in the US for much of the 1980s and 1990s and into the new millennium, in 2003-04 a more nuanced, normative notion of the public interest began to emerge in the US. The counter-discourse surfaced in response to what was seen as the *over*-liberalisation of broadcasting by the FCC, with a key policy flashpoint being the move by the FCC in 2003 to relax media ownership concentration limits, i.e. to allow greater ownership concentration, including concentration in local markets, by national media firms with extensive TV, radio and print media holdings across the country. As McChesney (2004, 2005) has outlined, the FCC's move to weaken the concentration curbs prompted "a spectacular and wholly

unanticipated backlash from the general public" (McChesney, 2005, p. 19), with opposition coming from across the US political spectrum and a consensus emerging that the public interest would not be served by increased deregulation of an already only loosely regulated media market. The ascendance of the market liberal paradigm had thus come under significant challenge. A key strand of this backlash written about by McChesney (2005) was a concern among some US broadcast policy stakeholders that increased ownership/control concentration in the hands of a few large national firms would limit the degree to which a particular local broadcast outlet could be expected (with its owners and many key programme decision-makers sitting hundreds or thousands of miles away) to adhere to the aforementioned principle of *localism* (Klinenberg, 2007; Napoli, 2001a, 2001b, 2007), i.e. to cover local events, represent local realties, listen to local feedback, and hold local political and economic actors accountable for their actions (Klinenberg, 2007). The backlash was thus a push to see the public interest in broadcasting positioned not in market liberal terms but rather in social responsibility terms – and, as shall be discussed further in the fourth section of this chapter, we can see here that the regional/local question (in the form of the reassertion of the longstanding but somewhat neglected US broadcast policy principle of localism) was at the heart of the social responsibility-oriented appeal by US broadcast policy stakeholders for protection of public interest values.

Citizenship in a democratic state

In the literature on media and the public interest in democratic nations, there is frequent reference to the need for media to, as one of their varied functions, build – or at least not undermine – democratic, deliberative, citizenship-oriented spaces and paradigms. The democratic citizenship ideal is one whereby citizens see the value in, and aspire to, participating in shaping the society in which they live. Among social responsibility-oriented media theorists, there is a presumption that people, as individuals or as part of communities, are more likely to be active, engaged citizens if they can see the realities (political, socio-cultural, economic) they experience depicted/explored in the media they consume – and if there are modalities in the media they consume whereby there is deliberation in relation to the realities which they face. The social responsibility argument extends to the notion that TV and other mass media ideally provide a space where, as Curran writes, "different individuals and groups come together to engage in a reciprocal debate about the management of society"

(Curran, 2005, p. 139). Contemporary writings on media's potential roles in building/supporting deliberative citizen participation in democracy often make reference to the ideal of a democratic, participatory "public sphere" – a notion popularised by Habermas (1989). From the time that Habermas's work, *The Structural Transformation of the Public Sphere*, became available in English translation in 1989, many prominent media scholars (e.g. Calhoun ed., 1992; Curran, 2005; Dahlgren, 1995; Garnham, 1992; McQuail, 2005, 2010) have devoted considerable attention to Habermas's public sphere concept. As Habermas conceptualises it, the public sphere is a deliberative space, which opens up in democratic societies under certain conditions, in which free and constructive debate among citizens about the future direction of their society can occur. Habermas argues for the importance to democracy of private citizens' deliberative interactions with each other and with state structures – assisted/facilitated by the media – in a "bourgeois public sphere" (Habermas, 1989). Habermas argues that the first instances of public spheres occurred in Europe and Britain during the emergence of capitalist and mercantilist economic structures which broke down some of the traditional social/political/economic hierarchies which had persisted in earlier centuries (Habermas, 1989).

Habermas's notion of the public sphere has become a focal point for media theorists unwilling to abandon TV policymaking to a market-centric, consumer-oriented approach, because, as Dahlgren (1995) argues, television is "for better or worse, the major institution of the public sphere in modern society" (1995, p. x). Curran (2005) has devised what he calls a "working model" for a media-facilitated public sphere, with the model placing "public service TV" at its heart (2005, p. 139). By public service TV, Curran does not necessarily mean a single, dominant, state/publicly funded broadcaster, but rather a potentially diverse set of services/channels supported by a mix of commercial and state/public funding sources – with all channels, regardless of their funding models, required to fulfil public service obligations. Feintuck and Varney (2006) also see the value of Habermas's public sphere concept, writing that one of the tasks of contemporary media regulators pursuing the public interest is to engage in "reclamation of the public sphere, and the relegitimation of public intervention in matters of democratic concern" (2006, p. 30). McQuail (2005, 2010) points out that the call for TV to contribute to democratisation, and the building of an informed citizenry able to engage with the public sphere, can lead to both positive and negative obligations being placed on broadcasters by policymakers. Positive obligations, McQuail

writes, are obligations to *do* certain things, such as representing diversity (McQuail, 2005, p. 185). Negative obligations, meanwhile, are obligations to *not do* certain things, such as obligations to not show inaccurate or indecent content.

Market liberal theories of TV's role are concerned with ensuring a basic minimum of *negative* obligations, while social responsibility theory is concerned to ensure there are both negative *and positive* obligations on media (McQuail, 2010, p. 184). The social responsibility school sees market forces (and negative obligations) as insufficient to engender a media dispensation that is in the democratic public interest. McQuail traces the beginnings of social responsibility media theory to the 1947 US Commission on Freedom of the Press and similar investigations in the UK and Western Europe at around the same time (2010, pp. 170-73). McQuail argues that these investigations found that it was important to enlarge the notion of a free press to a notion of a press that was not only free but also responsible, i.e. of good quality and of value to society.

Social responsibility school writers Croteau and Hoynes (2001, 2006) accuse the market liberals of taking too narrow a view of the public interest in regarding TV viewers only as consumers and not also as citizens. According to Croteau and Hoynes (2001),

> [b]y confining the discussion to costs and benefits for consumers – a useful, but limited, approach – broader questions about community, power, participation, and the public interest are either neglected or reframed so consumers and citizens are defined as one and the same (2001, p. 207).

A citizen-oriented, social responsibility conception of TV holds that there are types of services and content which, while they may not have the wide popularity necessary for their survival in a purely market-determined system, are necessary for pursuit of public interest values (Dahlgren, 1995; Raboy, 1995a; Murdock, 2005), i.e. the argument that TV must deliver not just what people *want*, but also what they *need*. Contained within this analysis is the idea that just because consumers favour particular types of TV programming does not mean that they are necessarily fully satisfied with the programming they have access to and do not want a greater diversity of offerings (Harvey, 2005).

Also countering the market liberal perspective are critical political economists. Coming from a Marxist orientation, these theorists are concerned with how, as Garnham (2000) puts it, "the capitalist mode of production 'structures' the overall distribution of social resources to and across the communication sector" (2000, pp. 45-46). Among other things, critical political economists have argued that a lightly regulated, multi-channel TV environment encourages homogenisation; encourages centralisation of ownership, control and production; and neglects marginal and minority tastes. Among other things, these theorists argue that in a market-oriented environment, commercially driven channels tend to take a more-of-the-same approach to programming: the channels, in order to maximise profit, seek tried-and-tested formats that have already proven their market value among audience segments sought by advertisers and subscription-sellers (Siune, 1998; Harvey, 2005). Curran has described this TV reality as "market censorship" (Curran, 2004, p. 21).

The critical political economy approach is different from, but still shares commonalities with, social responsibility approaches. Both sets of theorists reject purely market liberal approaches to defining the public interest. For instance, the work of Murdock (2005) appears to this author to straddle critical political economic and social responsibility elements. In warning of what he sees as the dangers of reliance on subscriber models for delivery of multi-channel TV, Murdock (2005) points out that even with a subscription model which offers a somewhat diverse menu of programming, there is the problem that "[a]ccess to a full range of cultural resources for citizenship becomes inextricably tied to the ability to pay" (2005, p. 195). During the two-decade South African policymaking timeframe covered by this thesis – from the early 1990s through to the end of the first decade of the new millennium – there were some notable efforts to find approaches to broadcast policymaking which could balance elements of the market liberal approach with elements of the more interventionist approaches favoured by critical political economists and social responsibility adherents. Collins and Murroni (1996), for instance, have argued for such a mixed approach, advocating, among other things, for "competition policy where competition can thrive in the public interest and regulation where it cannot" (1996, p. 12).

3.3 The Feintuck and Varney (2006) Framework

As stated above, the public interest conceptual framework chosen for deployment in this research project was extracted from the ideas of Feintuck and Varney (2006). These authors

provide a nuanced social responsibility approach to determining and pursuing public interest objectives via media policy. Feintuck and Varney (2006) persuasively argue that, in the UK and other broadcast markets with strong PSB traditions, the emphasis in broadcast policy/regulation in recent decades has tilted significantly towards libertarian, market-oriented definitions of the public interest, with citizenship-oriented conceptions losing out (Feintuck and Varney, 2006). According to these authors, media regulation has in recent times become "unfocused and essentially reactive to technological change and commercial development, resulting in uncertainty and *ad hoc* responses which confirm rather than challenge the hegemony of market forces" (Feintuck and Varney, 2006, p. 277). Feintuck and Varney (2006) argue that the unfocussed nature of media regulation in the UK – and by implication other markets with PSB traditions – arises from policymakers' uncertain handling of "competing underlying rationales for state intervention in the media" (2006, p. 64). The competing "justifications for regulation", argue Feintuck and Varney (2006),

> […] can be reduced, in essence, to four rationales:
> (1) effective communication;
> (2) diversity, both political and cultural;
> (3) economic justifications; and
> (4) public service (2006, pp. 58-59).

For Feintuck and Varney (2006), the first rationale – effective communication – "appears to imply not only unobstructed communication, but also, in the interests of democracy, diverse communication" (2006, p. 59). The second rationale – diversity – is, for Feintuck and Varney, "clearly related" to the first, "but may also be presented as a separate, free-standing justification which in itself contains two strands" – two strands which Feintuck and Varney (2006) call "political diversity" and "cultural diversity" (2006, pp. 59-61). Regarding the political diversity strand, Feintuck and Varney state that "[p]olitical debate, supposedly the lifeblood of democracy, appears to need a free flow of ideas via which informed participation can take place", and that this "free flow of ideas" requires "a range of perspectives reflected in media output as a whole" (2006, pp. 59-60). The diversity rationale can also, Feintuck and Varney state, be applied to ownership and control of media outlets, given that, as Feintuck and Varney put it, there is some (uncertain) evidence to suggest that

> [...] there *may* be contingent relationships between diversity of ownership and diversity of output, or between monopoly of ownership and homogeneity of product, in terms of political perspective or lack of diversity of programme range (2006, p. 60, emphasis in original).

When Feintuck and Varney speak of cultural diversity, they state that they are referring to "the provision of programming relevant to varying groups, based on race, gender, age, sexual orientation or other social variants [...]" (2006, p. 61). They add that

> "[a]lternative" or non-mainstream television is thought to serve a particular function in reducing social exclusion, [...] Proponents of "choice" would presumably support variety as an end in itself, while others would identify the underlying objective as being the reduction of social exclusion. From whatever perspective, diversity in media output appears to be a positive objective (2006, p. 61).

Within this cultural diversity rationale, Feintuck and Varney (2006) also argue for the place of diversity of language provision in multilingual countries, based on "the high priority attached by linguistic minorities to the existence of media in their language" (2006, p. 61). The third set of prevailing, and competing, regulatory rationales identified by Feintuck and Varney – the economic justifications – revolve around the "perceived benefits that accrue from the operation of competitive markets" (2006, p. 63). The fourth rationale – public service – is, as Feintuck and Varney (2006) point out (citing Price and Raboy, 2003), the subject of "ongoing debate and a wide range of alternative understandings and emphases" in relation to models of PSB. The "lowest common denominator across these various [PSB] models", argue Feintuck and Varney, is a universally accessible, comprehensive, high-quality service (2006, p. 64).

Feintuck and Varney (2006) do not discount the potential merit of elements of each one of the four prevailing justifications/rationales for media regulation, but they argue that "there are inherent tensions both between and within the four basic rationales for media regulation", and that "[i]n particular, conflict exists between economic imperatives and the important public service objective of diversity" (2006, p. 65). Because of the inherent tensions among the four prevailing rationales, argue Feintuck and Varney (2006), media policymaking has tended in recent decades in the UK to be *ad hoc* and reactive, lacking an "organising principle for the regulatory endeavour" (2006, p. 125). In the absence of an organising principle, state Feintuck and Varney,

> [...] tensions between competing rationales for media regulation have not been articulated or resolved, but rather have been absorbed, ignored or one preferred over the other on a pragmatic, *ad hoc* basis (2006, p. 125).

The organising public interest principle which Feintuck and Varney propose (2006) is that of the aforementioned idea of participatory citizenship (2006, p. 124). As Feintuck and Varney (2006) put it,

> [p]ursuit of a developed concept of public interest which emphasises citizenship values appears to offer a constant and meaningful objective in itself, and a standard against which policies could be judged (2006, p. 125).

Feintuck and Varney (2006) argue that conceptualising the public interest as linked to citizenship has at least three attractions. One, "in making explicit the connections between law and the full set of values inherent in the political philosophy of liberal-democracy [...]" the citizenship emphasis serves to strengthen the linking of liberal-democratic values with development of law (2006, p. 124). Second, a citizenship-oriented conception of the public interest "gives due prominence to the marginalised values of community [...]" as a counter-weight to the "political trend to give absolute prominence to the values of individualism and capital [...]" (2006, p. 124). Third, the focus on citizenship "provides a coherent justification for social regulation that is clearly and unashamedly independent of reliance on justification for intervention based on market economics" (2006, p. 124).

Having established citizenship as their recommended organising principle, Feintuck and Varney are quick to state that "acknowledgement and adoption of citizenship as the logical, legitimate, central organising principle" does not require "abandonment of all existing regulation, but merely a refocusing [...]" (2006, p. 277).

In their prescription for refocussing towards citizenship objectives, the authors advocate "imposition on regulators of a primary and predominant duty to act in pursuit of, and justify their actions in terms of, the furtherance of universal access to a diverse range of media output" (2006, p. 277). Here, then, we see prioritisation of the *access* and *diversity* objectives within pursuit of the public interest – two of the three public interest objectives this author chose to extract from the ideas of Feintuck and Varney (2006) for deployment in this research. The third objective taken by this research project from Feintuck and Varney (2006) is the objective which Feintuck and Varney call "stewardship", an objective which "emphasises the media's function as a public resource [...]", and which Feintuck and Varney

(2006) explain via a comparison between regulating the media and "managing a public asset considered unique, or at least finite and non-renewable, such as a National Park" (2006, p. 273). Feintuck and Varney (2006) point to the fact that in the UK

> [...] landowners in National Parks are placed under what amounts to a limited duty of stewardship, supervised by a planning authority whose explicit duty is to manage the potential conflicts of interest between those who own land in the area, those who want recreational access to the area and the conservation of the area's outstanding natural features for future generations (2006, p. 273).

Feintuck and Varney (2006) continue their explication of the stewardship concept by pointing out that

> National Park planning authorities in Britain are not granted ownership of all land in the area, but rather, in the interests of those of present and future generations who wish to use the area for recreation, powers to restrict the activities of those who do own the land, [...] Thus planning controls on building and industry are strictly enforced in such areas, while efforts will also be made to prevent or repair damage done to the area by the many visitors who will come each year (2006, pp. 273-74).

The "explicit objective" of a National Park planning authority, argue Feintuck and Varney (2006), is to "resolve the conflicts" between the "competing interests" that arise in matters where a there is a mix of public and private ownership/objectives (2006, p. 274). Making the link between their park management example and media regulation, Feintuck and Varney write that

> [a]s the mixed media economy appears to tend to privilege unduly the commercial and marginalise the public interest elements, it therefore seems necessary to reclaim some of this territory for the legitimate public interest (2006, p. 274).

Ultimately, the authors argue, "the media form a unique democratic resource in which public interest as well as private property rights deserve recognition" (2006, p. 274). Feintuck and Varney (2006) go on to explain that for them, the notion of stewardship in public interest media regulation could be applied to both operators and regulators, i.e. both the participants in the sector and those generating/enforcing policy for the sector need to be obliged to ensure a balancing of public and private needs/interests. Feintuck and Varney (2006) argue that their conception of the role of the stewardship principle in media regulation "reflects closely the social responsibility model of Siebert *et al.* (1956)" (Siebert *et al.,* 1956, cited in Feintuck and Varney, 2006, p. 275), because

> [i]t simultaneously acknowledges the rights of media owners to make profits, thereby avoiding any significant blight on entrepreneurship, while limiting their rights of ownership in pursuit of citizenship-related objectives such as universal access and diversity of output (Feintuck and Varney, 2006, p. 275).

Persuaded by the approach advocated by Feintuck and Varney (2006), this author decided to adopt *access*, *diversity* and *stewardship* as the three public interest objectives against which to evaluate early-democratic-era South African TV policy outcomes in relation to sub-national TV deliverables. In addition, this author decided to adopt, as part of the theoretical framework for evaluating pursuit of the public interest, the organising principle of *democratic citizenship*, based on Feintuck and Varney's (2006) call, outlined above, for participatory citizenship as a core principle to guide pursuit of public interest objectives in democratic states.

Feintuck and Varney's (2006) approach to citizenship emerges to some extent from a *public sphere* orientation – as per the aforementioned work of Habermas (1989) – and also from a "social justice" orientation, for which Feintuck and Varney (2006) draw on the work of Collins and Murroni (1996) that was cited above. In research conducted for the Media Programme of the Institute for Public Policy Research (IPPR), Collins and Murroni (1996) frame their discussion of citizenship in terms of the work of the IPPR's Commission on Social Justice, which, Collins and Murroni (1996) write, "argues that the conditions to meet basic human needs are a right of citizenship and that self-respect and personal autonomy depend on the widest possible range of opportunities" (1996, p. 13). With these "basic human needs" of citizenship, self-respect and personal autonomy regarded as central to a "social justice" approach to the public interest, the IPPR Commission on Social Justice outlined, according to Collins and Murroni (1996), four fundamental objectives against which the public interest value of a public policy could be judged – "security, opportunity, democracy and fairness" (IPPR, 1993, summarised in Collins and Murroni, 1996, pp. 13-14). On the IPPR's *democracy* objective, Collins and Murroni (1996) write that

> [t]he objective of *democracy* points towards policies designed to ensure diffusion of power within government and between government and people. Accountability of service providers, ensuring that distinct interest groups and regions are adequately served and that the media are democratically controlled, are practical implementations of this principle in media (1996, pp. 13-14, emphasis in original).

In this passage from Collins and Murroni (1996), we see the call for "regions" to be served, which usefully links to the next task of this chapter: the task of showing why, and how, sub-national TV delivery is often positioned by broadcast policymakers in democratic countries as an important element of delivery on public interest values and objectives.

3.4 Sub-National TV Delivery on Public Interest Objectives

All three of the public interest objectives extracted for this research from the work of Feintuck and Varney (2006) – access, diversity and stewardship – as well as the Feintuck and Varney (2006) public interest organising principle adopted by this research project – democratic citizenship – can be positioned as requiring pursuit by TV policymakers of certain sub-national TV deliverables. For instance, the access objective can said to be served by extending national channel signal coverage into unserved/underserved remote rural regions/localities, through ensuring that aspirant broadcasters in various regions/localities have access to TV spectrum, through providing for non-profit community groupings to own and control localised TV, and/or through ensuring that regional/local private operators are responsive to, and actively seek to find, the programming needs/priorities of viewers. Meanwhile, pursuit of the diversity objective can be served by policies which compel national TV channels to have slots ("windows") of sub-nationally focussed programming, or which compel national stations to make demonstrable efforts to reflect a wide variety of local, provincial/regional and national realities in national programming and to procure content from all parts of the country, or which compel national channels to make use of all the official languages of the country, even when some languages are only predominantly spoken in certain sub-national regions/localities. And pursuit of the stewardship objective could lead to policymakers monitoring the performance of national, regional and local TV outlets, whether they be public, private or community-run, in relation to the sub-national access and diversity requirements the outlets accepted (typically as part of licence conditions) in return for the right to make use of a finite resource (broadcast frequency spectrum).

As for the organising principle democratic citizenship, as adopted by this research project from the work of Feintuck and Varney (2006), this principle can be connected directly to policy provisions for sub-national TV policy deliverables. To give but one example, from the UK context, of the connection between the principle of democratic citizenship and sub-

national TV deliverables, the BBC Trust (the BBC governing body which replaced the former Board of Governors) in December 2007 published, as part of its review of the BBC's public interest obligations, a BBC Public Purpose Remit document entitled Representing the UK, its Nations, Regions and Communities (BBC Trust, 2007). In seeking to articulate the ideals to be pursued by the BBC in accordance with this Remit – a Remit to serve local communities, English regions, and the UK's nations (Wales, Scotland, Northern Ireland) – the Trust's Remit document says the public could expect the BBC

> [...] to reflect the many communities that exist in the UK.These communities may be based on geography, on faith, on language, or on a shared interest such as sport. You can expect the BBC to stimulate debate within and between the communities of the UK, and to encourage people to get involved with their local communities (BBC Trust, 2007).

The document goes on to compel the BBC to, among other things, "[r]epresent" and "cater for" the UK's nations, regions and communities, "[b]ring people together for shared experiences", and "[e]ncourage interest in, and conversation about local communities", through provision of

> [...] engaging output that gives an accurate picture of the many communities that make up the UK and that informs understanding and stimulates discussion about their concerns. The BBC should provide forums in which these communities can debate among themselves and with other UK communities (BBC Trust, 2007).

In the Annex to this 2007 BBC Public Service Remit document, an Annex entitled Purpose Remit Measurement, the document sets out the things the Trust will seek to measure in evaluating the BBC's delivery on the Remit. Among the elements the Trust states it will measure are "[a]udience perceptions of the BBC helping them to feel more involved in their local communities" (BBC Trust, 2007). It is also notable that, as part of its measurement exercises in relation to BBC Remits, the BBC Trust consults with Regional Audience Councils (RACs) – one for each of the 12 English regions, with London treated as one region– as well as three additional audience councils drawn from the three non-English nations of Wales, Scotland and Northern Ireland (BBC Trust, 2011).

To this author's mind, the BBC Trust's framing of the BBC Public Purpose Remit for delivery to nations, regions and communities is thoroughly infused with a social responsibility-oriented, citizenship-oriented approach to the public interest akin to the one

Feintuck and Varney (2006) espouse (and which this research project adopted). And thus, the BBC Trust's framing of the objectives of the just-cited BBC Public Purpose Remit provides strong support to this author's view (which was fundamental to the author's research and to development of this written thesis) that policymaking in democratic states regarding sub-national TV deliverables fits squarely within a public interest broadcast policy approach which adopts participatory democratic citizenship as a guiding principle.

Another relatively recent statement of the close linkage between sub-national TV and the public interest policy principle of democratic citizenship appears in a legal briefing note, published by the European Audiovisual Observatory, entitled *Cultural and Regional Remits in Broadcasting* (Ader, 2006). In this piece, the author, Ader (2006), states that

> [t]he need for regional coverage has sometimes been questioned on the grounds that digitisation has spawned a huge number of specialist channels covering virtually all fields of interest. The counter-argument here, however, is the significant way in which regional coverage promotes people's awareness of their democratic rights. It makes sense to hold municipal or regional elections (in the German *Lander* for example) only if voters are in a position to inform themselves adequately about matters of regional interest and the performance of the representatives they are to elect. No matter how wide the range of fishing, cooking or shopping channels, they can never perform this particular regional-coverage function (Ader, 2006, p. 2).

Here, then, we see Ader positing a clear link between broadcasters' sub-national coverage and effective citizen participation in democratic life, i.e. democratic citizenship. It is this link, between broadcasters' catering to and reflecting a country's sub-national realities/needs and health of deliberative democracy in that country, which underpins this author's conviction that examination of South African TV policymakers' handling of the regional/local TV question during the country's early democratic era would provide valuable insights not just into the nature of TV policymaking during the periods studied but also valuable insights into some of objectives, discourses, arguments (and, as it turns out, dilemmas) central to South Africa's democratisation project.

Origins of TV policy's regional/local question

In the UK, TV began, as did radio, as primarily a centrally driven phenomenon, driven from London by the public broadcaster BBC. In those early days of UK TV, the regional/local question, to the limited extent that it was asked, was left to the BBC to answer. This situation changed in the 1950s and 1960s, however, with the introduction of commercial TV

competition to the BBC via licensing of a network of Independent Television (ITV) regional franchises. From that point onward, the regional/local question in UK TV policymaking was much more prominent. In the UK case, the introduction in the 1950s of regional TV was intertwined, among other things, with policymakers' desire to introduce competition to the BBC, to introduce commercial dynamics (i.e. advertiser-funded TV) into the sector, and to decentralise TV content sourcing/production away from London as a counter-balance to the political/socio-cultural/economic power of the London-based BBC. Fifty years later, in the new millennium as this research project was being undertaken, the regional/local question continued to be potent in UK TV policymaking. We saw above the BBC Trust's emphasis on the issue in 2007. Three years later in 2010, the UK regional/local TV question took on an added dimension with UK Culture Secretary Jeremy Hunt's call for introduction of new local, independent TV stations – stations with no connection to the existing national operators the BBC, Channel 4, Channel 5 and the mixed national/regional ITV network (*BBC News*, 2011). The arguments put forward in 2010-11 by Hunt and other local TV proponents focussed on the potential for enhanced local information-gathering, local economic development and decentralisation of societal/political/economic power – arguments not unlike those made by the UK's policymakers in the 1950s at the time of the awarding of the first ITV regional franchises.

As in the UK, US TV began as a centrally driven enterprise, but it was commercially funded national networks that drove the beginnings of American TV. The initial TV networks, eventually to become the "big three" of NBC, CBS and ABC, set up the first US TV stations in the late 1930s and early 1940s in major urban centres such as New York, Philadelphia, Chicago and Los Angeles (MacDonald, 1994). The US national networks were, from the beginnings of TV, involved in establishing affiliate relationships with local stations, distributing networked programming to and from the local stations, and taking the bulk of the stations' profits (MacDonald, 1994, pp. 31-42). Accordingly, the regional/local question in US TV policymaking was largely born of efforts by the US communications regulator, the FCC, to protect local TV affiliates from exploitation and domination by the national networks. Efforts by the FCC to ensure a measure of local, non-network control over the affiliate stations' management and profits, and to ensure a degree of what came to be called *localism* in local affiliates' operations and content (i.e. some local control over programming, and coverage of local realities and perspectives) continued right into the period of this

research project. The US broadcast policy concept of localism, written about extensively by US academic Napoli (2001a, 2001b, ed. 2007) and also touched upon usefully by Klinenberg (2007), was one of the key policy buzzwords in the aforementioned protests in 2003 (analysed by McChesney (2004, 2005)) against FCC moves to relax broadcast ownership and control concentration rules. The FCC sought to respond to the renewed interest in localism with its set-up in 2003 of a Localism Task Force and its announcement in 2004 of an Inquiry into Broadcast Localism. Also in 2004, there was what appeared to be a moment of success for localism proponents when the US Federal Appeals Court struck down the FCC's decision to relax ownership concentration limits (including limits on concentration of ownership of local TV outlets) (McChesney, 2004, 2005; Horwitz, 2007).

A wide variety of arguments and discourses can be attached to the localism concept in US broadcast policymaking, as illustrated by the opening remarks of pro-localism FCC Commissioner Michael Copps to the FCC public hearing on Localism in Washington, DC in 2007. Copps, a Democratic Party appointee to the FCC, and an opponent of the TV-as-toaster deregulatory ethos of former (Republican Party-appointed) FCC Chairman Mark Fowler (and of Fowler's (also-Republican-appointed) successor Michael Powell), told the Localism hearing, in October 2007,

> [y]ou're going to hear a lot of nice words today about localism, about how localism is one of the core values of broadcast regulation, about how from the earliest days of broadcasting we've required licensees to serve the needs and interests of their local communities, about how localism is good for viewers, good for business and good for the future of our democracy and it's all true. But my greatest fear is that all those nice words will float into the ether and we'll walk away and congratulate ourselves that we've struck a blow for localism, meanwhile consolidation continues to choke the life blood out of localism with its outsourced news, homogenized playlists and distant ownership and meanwhile consolidation denigrates diversity, denies minorities and women and diminishes our already distorted democratic dialogue. It seems to get worse with almost each passing week (Copps, 2007).

In Copps's words we see a clear framing of localised, sub-national delivery of broadcasting in terms of the public interest principle of democratic citizenship as adopted by this research project – and also in terms of the diversity objective which is part of the public interest framework adopted for this research. The US academic who has written most often on the US broadcast policy topic of localism, Napoli (2001a, 2001b, ed. 2007), argues that the concept, while a central public interest value in US broadcasting, has never actually been conclusively defined by the FCC (Napoli, 2001b). Napoli argues that ill-defined public interest objectives/values are less likely than clearly defined objectives/values to be robustly pursued,

thus linking to the Feintuck and Varney (2006) view, outlined above, that meaningful pursuit of the public interest in media policymaking requires strong, unambiguous statements of core principles which allow, in turn, for clearly defined objectives and systematic policy decisions.

In keeping with the contrasting origins in the UK and US of sub-national TV provision, the two countries adopted different respective emphases in regional/local TV policymaking. In the US, policymaking on sub-national TV, as pursued by the FCC, has tended to focus on economic objectives, such as limiting the monopoly power and cross-media power of the national broadcast networks in local markets. In the UK, broadcast regulatory bodies (merged into the Office of Communications (Ofcom) in 2003) have tended, with regard to the regional/local question, to focus more on the balancing of political/socio-cultural objectives with economic objectives.

The concept of diversity

The one objective present in all iterations of the regional/local TV question – whether in the US, the UK, Western Europe, Canada or Australia – is the call for sub-nationally configured diversity. We saw in Chapter One, with reference to the work of McQuail, the different potential elements of the notion of diversity (McQuail, 2010), and in Chapter Two we saw the complex treatment of the diversity idea provided by South Africa's 1998 White Paper on Broadcasting Policy (DoC, 1998). In addition, earlier in this Chapter Three, we saw Feintuck and Varney's (2006) distinction between political and cultural elements of diversity.

Some of the most powerful appeals to the diversity objective made in relation to the regional/local TV question are appeals based on language rights – with many regional/local TV policy actors framing sub-national TV as essential for preservation/promotion of a sub-national language, i.e. protecting a country's linguistic diversity. The potency of the linguistic element in the regional/local question is covered by Howell (1992), Williams (1993), Cormack (1999) and Medhurst (2005) in their writings on the experiences of Welsh-language TV in the UK. Also focussing on the UK, Cormack gives consideration to attempts in Scotland, via the Gaelic Broadcasting Committee and the Gaelic TV Fund, to promote programming in the Scottish minority language of Scottish Gaelic on both the BBC (BBC Scotland) and ITV (Scottish Television and Grampian) (1999, pp. 431-39). These writings on

the linguistic element of the diversity construct reveal that issues of linguistic representation are not merely socio-cultural but also political. Howell (1992) illustrates just how far the politics of linguistic representation on TV can go in his account of the events which culminated in Welsh nationalists bombing TV transmitters in 1980 – after it appeared that a new Conservative government was going to overturn the previous Labour government's pledge to establish a Welsh-language TV service (1992, p. 225). According to Howell, "to be alive in today's world is to want relevant entertainment and credible news in one's own language" (1992, p. 241). As mentioned in the previous chapter, and as will be seen in the data analysis chapters of this thesis (Chapters Six to Ten), the language rights issue was central to the regional/local question in South African TV policymaking across the four periods studied, and (in line with Howell's conception of language rights as deeply emotive), the language diversity issue proved fraught for South African TV policymakers between 1990 and 2011, to the extent that the issue provoked confused policy responses (particularly, as will be seen in Chapter Eight, at the time of the 2002 Broadcasting Amendment Act).

The regional/local TV question's diversity component, in both its political and socio-cultural elements, is ultimately premised on a call to ensure that the dynamics/realities of potentially peripheral (e.g. non-capital-city, non-metropolitan, secondary city minority or rural,) spatial zones – are reflected back to sub-national audiences for their own consumption/edification and (ideally in this author's view) oftentimes showcased to the rest of the nation for the national consumption/edification, i.e. the ideas, perspectives, cultures, identities, languages and information that predominate in certain sub-national spaces/zones/localities is reflected back towards the people living in those spaces/zones and is also transmitted outwards to the people in rest of the country.

Often, including in South Africa, this sub-national diversity call is made in the context of the aforementioned unity-in-diversity nation-building discourse. The phrases "unity in diversity" and "unity through diversity" are frequently used official phrases in countries such as Canada and Australia, and such phrases seek to encapsulate the need to foster cross-cultural understanding and tolerance in countries in a manner which ultimately builds unity. South African policymakers have made ample use of such phrases in the democratic era, and not just in broadcasting policy (e.g. the White Paper of 1998) but also in other fora, and the expression "unity in diversity" was chosen by South African's ruling ANC as the theme of its

centenary celebrations in 2012 (ANC, 2011). But as Alexander (2003) has persuasively argued (see Chapter Two), newly democratic South Africa's quest for unity-in-diversity was "of a special type" due to South Africa's particular history, and particularly harsh experience of negative diversity constructs, and should not be glibly equated with the unity-in-diversity ambitions of other nations.

Another point of interest with the unity-in-diversity narrative is its contrast from the national-consensus-oriented nation-building calls typical of the beginnings of broadcasting, e.g. Reith's 1920s call for a centrist nation-building project for broadcasting. The Reithian nation-building project for broadcasting assumed, among other things, that there could be a national canon or corpus of worthy informational/educational/entertainment content (which could, in the case of the BBC, be decided in London and consumed happily by all the other regions and nations of the UK). This author does not, however, wish to minimise the achievements and thinking of Reith, because it is this author's view that Reith was correct, in the 1920s, to feel that the most important potential political/socio-cultural use for broadcasting (at its inception in the UK) was as a tool for building a sense of democratic national unity among the many peoples and regions of the UK. But nearly 100 years later, now that the world has learned from harsh experience how dangerous broadcasting technology can become when monopolised by undemocratic visions of national unity (e.g. Nazi Germany in the 1930s, Rwanda in 1994), and now that we have come to see that most nation-states are at best "imagined communities" (Anderson, 1991), the unity-in-diversity mantra has become more appropriate than a national unity mantra for broadcasting systems seeking to be organised according to the public interest principle of democratic citizenship. It fits with the principle of democratic citizenship that a country's media policymakers should aim to foster the conditions whereby the various communities and collectivities within a nation-state become increasingly aware of each other and engage in democratic dialogue with each other.

The economics of sub-national TV

In addition to pronounced political and socio-cultural strands (as just discussed), the regional/local question in TV policy has strong economic elements. However, many sub-national TV deliverables, while appearing somewhat obvious and inevitable from political and socio-cultural standpoints, are often far from obvious and inevitable when viewed from a

market economic standpoint. Sub-national TV deliverables sought by policymakers in the name of the public interest often go against the prevailing economic dynamics of television production and distribution. Advertiser-funded and subscription-funded television production and distribution benefit greatly from the economies of scale and scope provided by national and international audience footprints. Sub-national footprints, in contrast – except when focussed on large, wealthy urban areas – are not as potentially lucrative (Caves, 2006; Collins *et al.,* 1988; Hoskins, *et al.,* 2004; Napoli, 2001b). Thus, sub-national television is, in almost all cases around the world where it still exists, primarily a product of policy, not an unfettered market. Even in the US, with its large and wealthy secondary cities (i.e. secondary to the largest city, New York), the continued existence of a degree of autonomy and local control exercised by local urban TV stations affiliated to the aforementioned four national New York-based broadcast networks, is largely a function of decades of FCC regulation of the economic terms of the relationship between network headquarters in New York and the local stations. US TV has, since its beginnings in late 1930s and early 1940s, been a national network-driven enterprise, and one of the main reasons local affiliate stations have been able to keep a measure of local control and independence has been FCC regulation. For instance, the FCC has tended to award TV licences and spectrum locally rather than nationally and, coupled with these licence spectrum awards, the FCC has compelled each local network-affiliated station to have a certain amount of local (i.e. non-network-provided) programming (as well as to adhere to the aforementioned (primarily political/socio-cultural) localism requirements for local input into decision-making).

The FCC has made several clear attempts over the years to limit the economic domination of local affiliates by their national networks (and by extension to ensure that the stations are actually local in some real sense, rather than just localised re-broadcasters of national content). For example, the FCC at various points introduced Prime-Time-Access Rules (PTAR) (which limited the amount of network content a local TV station could carry), Main Studio and Program Origination Rules compelling local TV stations to demonstrate certain minimum percentages of locally sourced and locally produced programming, "must-carry" rules forcing cable distributors to carry local channels, and limits on the number of local TV stations a single firm could own (Croteau and Hoynes, 2006; Horwitz, 2007; MacDonald, 1994; McChesney, 2004, 2005; Napoli, 2001a, 2001b, ed. 2007).

And the continued existence of local community (non-network) "public access" TV channels on American (and Canadian) cable subscription channel bouquets is a result of regulations forcing cable distributors to fund and provide airtime to these channels. Elsewhere, provision of sub-nationally focussed programming, and/or procuring programming from a wide range of sub-national zones, is a requirement in public broadcaster charters and in licence conditions for public/state-funded, private and community stations. Were national TV markets left to operate entirely according to market forces, it is likely there would be much less sub-nationally configured TV provision/programming around the world than there is today.

The UK experience with regional/local TV began in the late 1950s and early 1960s, via the aforementioned awarding of several regional commercial Independent Television (ITV) licences – a policy move aimed not only at increasing sub-national TV content and operations, but also at introducing competition to the BBC and introducing advertiser-funded TV. (The domestic BBC was, and is, advertising-free and primarily funded through annual licence fees charged to UK owners of TV sets.) But the ITV regional TV experience in the UK has been decidedly mixed. It had some great successes – e.g. the high-quality output of some of the regional operators – but ultimately the regional franchise model failed, with most of the franchises being absorbed by ITV headquarters in London, turning ITV into a primarily London-based national service not unlike its competitors. Johnson and Turnock (2005a, 2005b) have outlined many of the tensions that were inherent in the initial ITV system – between economic and socio-political goals, between national and local audiences, and between local, national and global markets for production. Johnson and Turnock (2005a) point to the 1962 Pilkington Report's finding that not enough of the ITV franchises' programming was truly regional in its character and content, and that "the decentralised structure has not resulted in an essentially regional or local service" (Pilkington 1962, cited in Johnson and Turnock, 2005a, p. 22). At the same time, there are accounts in the available literature of the pioneering and valuable work of one of the aforementioned ITV franchises, Granada TV (Potter, 1990, pp. 41-53). Potter writes that Granada managed to develop "programmes for the network reflecting the region" as a tool "to establish a northern counter-balance to the dominance of London" (Potter, 1990, p. 44). Thus, Granada aimed not only to reflect northern realities back to northerners, but also to provide the whole of the UK, and even an international audience in some cases, with exposure to Northern England's realities

and viewpoints. However, as Johnson and Turnock (2005a, p. 29) have written, the 15 ITV companies that existed in the early 1960s were by 2005 consolidated into just four media groups. By 2005, the only distinctly regional/local programming on the national ITVchannel consisted of short regional news bulletins, weather reports and sporadic current affairs slots – a greatly reduced regional/local output when compared to the local drama, documentary and current affairs programming produced by the regional ITV franchises in the 1960s and 1970s. However, as this research project was coming to a close in 2010-11, a new era of sub-national TV seemed possible in UK, via the Conservative-led coalition government announcing plans to award local private commercial licences to digital-only channels using a combination of over-the-air and wired digital platforms. The UK regulator Ofcom's aforementioned Emphasising Localness document of December 2010 was in response to the government's call for local commercial TV (Ofcom, 2010b).

Models

Moragas Spa *et al.* (1999) outline seven different models of regional/local TV programming provision which had emerged by the late 1990s in EU states. Writing in 1999, Moragas Spa *et al.* pointed to strong growth in sub-national TV in Europe, as part of what they saw as a broader trend towards decentralisation of political/economic power in EU states. The seven models outlined by Moragas Spa *et al.* (1999) are as follows:

- regional production centres (e.g. ERT in Greece, RTP in Portugal) which produce programming for a national network but do not broadcast locally;
- regional centres contributing primarily to a national network, with only short 15- to 30-minute news programmes for local audiences (e.g. TVE in Spain, TV2 in Denmark, ORF in Austria, the BBC and ITV "opt-outs" in the UK);
- regional centres contributing to a national channel but also broadcasting significant amounts of programming to local audiences (e.g. BBC Scotland and BBC Wales in the UK, TVE Catalunya and TVE Canarias in Spain);
- "federated television" in which independent regional stations share programming but also broadcast locally (e.g. the UK ITV franchises before their consolidation, the public broadcasting stations of the German states (*Länder*));
- independent sub-national stations not contributing to a network (e.g. the "autonomic" networks in Spain, and Omrop Fryslan in Holland);

- independent regional stations with supra-regional distribution (e.g. S4C in Wales); and
- small-footprint local TV stations, usually city-based, often with distribution beyond the city (e.g. Lyon Metropole in France, Rete 7 in Bologna, Italy, and Puls TV in Berlin) (Moragas Spa *et al.*, 1999, pp. 9-11).

Most of the types of sub-national TV in existence around the world as this thesis was being written would seem to roughly correspond to one of these seven models outlined by Moragas Spa *et al.* (1999). (For instance, the aforementioned public access channels of the US and Canada would appear to fit within the seventh ("small-footprint local") model outlined.) And the final two models listed above were, during the course of this research project, becoming more and more common around the world, due to technological change: regional and local stations were increasingly becoming available beyond their focus areas, via the internet and via satellite, wired and terrestrial over-the-air digital TV platforms. Thus, in the new millennium, after the time when Moragas Spa *et al*. (1999) were writing, the ubiquitousness and variety of digital platforms were beginning to alter the regional/local TV question. Frequency scarcity was beginning to become a less prominent consideration, and the distinction between sub-national slots viewed nationally and sub-national programming only viewed locally was starting to fall away. Increasingly, via internet and other digital means, formerly sub-national-only TV slots and stations were viewable nationally and even internationally. (The impact of digitisation on South African TV's regional/local question is covered in Chapter Nine of this thesis – the chapter devoted to data analysis for the period 2007 to 2011).

Conclusions

This chapter has provided the context for this research project's choice of a public interest media policymaking framework based on the ideas of Feintuck and Varney (2006) for deployment in examining the outcomes of South Africa's regional/local TV policymaking. The Feintuck and Varney (2006) framework was shown in this chapter to be an example of a normative, social responsibility-oriented approach to defining public interest objectives and values for media industries. Such a framework was judged by this author to be appropriate to examination of TV policymaking in South Africa because South African democratic-era

broadcast policy statements feature many normative, social responsibility-oriented values, discourses and arguments.

Also discussed in this chapter were the ways in which the regional/local TV policy question has links to the three public interest objectives – access, diversity and stewardship – and the public interest organising principle – democratic citizenship – which this author chose to extract from the work of Feintuck and Varney (2006) for deployment in this research project. This framework extracted from Feintuck and Varney (2006) was used, as will be shown in the data analysis chapters Six to Ten, to evaluate the outcomes – in terms of pursuit of public interest objectives – of South African TV policymaking between 1990 and 2011 in relation to regional/local elements.

Now, with this research project's public interest theoretical framework established, it is time to turn, in the next chapter, to contextualisation and explanation of the other core theoretical framework deployed by this research: the adapted Kingdon (1995) policy streams framework used by this author to analyse the patterns and potential causalities in South African TV policymaking in the early democratic era in relation to sub-national deliverables.

Chapter 4: Theorising the Patterns of Public Policymaking

Kingdon's (1995) "Policy Streams" Framework in Context

**

*Readers need to be sceptical about writing that takes it for granted that a policy-making process is organised and has specific goals. It may be desirable that it should be like this, but whether it actually is or not must be an issue for research – **Hill (2009)***

*At points along the way, there are partial couplings: solutions to problems, but without a receptive political climate; politics to proposals, but without a sense that a compelling problem is being solved; politics and problems both calling for action, but without an available alternative to advocate. But the complete joining of all three streams [problems, politics, policy proposals] dramatically enhances the odds that a subject will become firmly fixed on a decision agenda – **Kingdon (1995)***

*[...] argumentation does not aim at gaining purely intellectual agreement but at inciting action, or at least at creating a disposition to act at the appropriate moment – **Majone (1989)***

*The various theories [...] tend to skew research findings. Not surprisingly, pluralists find groups in control, elite theorists detect dominance by an elite, and rational-choice theorists find that self-interest dominates. These theories are therefore not merely neutral alternatives for guiding analysis. What one finds in policy research depends in important part on what one is looking for, just as those who go about town "looking for trouble" are more apt to find it than are more peaceful citizens – **Anderson (2011)***

**

This chapter contextualises and explains this author's choice of the Kingdon (1995) theoretical framework for analysing how TV policymaking operated in South Africa between 1990 and 2011. Kingdon's "policy streams" framework was chosen because it provides conceptual tools through which patterns and causal factors can be identified within a particular policymaking sector in a democratic state. It is through use of elements of the Kingdon (1995), in conjunction with the Feintuck and Varney (2006) public interest framework outlined in Chapter Three, that this research project's data are organised and analysed in Chapters Six to Nine. Cognisance is given in this chapter of the fact that the Kingdon theoretical framework was developed based on Kingdon's examination of deliberative policymaking dynamics in the setting of a long-standing democracy, the United States. Thus, application of this framework in the South African context – i.e. the context of a young democracy – had to be conducted in a manner which was sensitive to the newness, and emerging nature, of the South African democratic experience.

4.1 Theoretical Approaches to Public Policymaking

The choice of the work of Kingdon's framework was not a simple one, as there is a wide array of frameworks to choose from in the available literature. Several survey volumes, by

Anderson (2011), Hill (2009), Howlett *et al.* (2009), John (1998), Moran *et al.* (2006), and Parsons (1995), were consulted in order to obtain an overview of the most influential approaches and the points of difference between them. The starting point in such volumes is typically an effort to define what is to be meant by the term "policy". (For the purposes of this thesis, no distinction is made between "policy" and "regulation". Thus, regardless of whether this thesis is discussing the decisions of government (the Ministry/DoC and Parliament and government-funded agencies), or of the regulator (the IBA, ICASA), the decisions are, in this thesis, called "policy", and the processes building up to and generating such decisions are called "policymaking".) For Anderson (2011), policy can be understood as "a relatively stable, purposive course of action or inaction followed by an actor or set of actors in dealing with a problem or matter of concern" (2011, p. 6). This initial definition from Anderson seems straightforward enough, but then he adds, in the very next sentence, that:

> This definition focuses on what is actually done instead of what is only proposed or intended; differentiates a policy from a decision, which is essentially a specific choice among alternatives; and views policy as something that unfolds over time (Anderson, 2011, pp. 6-7).

Anderson's specification that his definition of policy is focussed on "what is actually done" is, in this author's view, too restrictive. The data collection and analysis for this thesis found that the policymaking in relation to the regional/local TV question in democratic-era South Africa between the early 1990s and 2011 often consisted of intentions and decisions which had *not* been successfully implemented, and since such non-implemented intentions/decisions were central to the research questions for this project, it was decided that clearly articulated intentions and decisions, whether or not something was "actually done" to implement, would all be treated as *policy*. The non-implemented policy intentions and decisions analysed by this thesis were ones that were concretised via government/regulator-convened policy processes and/or government/regulator-sanctioned policy documents and legislation, thus clearly, in this author's view, constituting policy, even if in some cases few if any tangible implementations resulted.

Anderson (2011) argues that "inaction" on an issue that is widely deemed to require policy attention *also* constitutes policy (2011, p. 9), i.e. to take *no* action on something that is widely viewed as requiring action is a kind of *implementation* of a policy decision, with the policy

decision being the decision to not take action. This author accepts Anderson's view that inaction can be a kind of policy, and similarly, it is this author's view that impracticable policy ideas, and half-hearted policy ideas, and even failed policy ideas, constitute policy if they have been adopted in some kind of authoritative manner by government, the regulator, an industry player or an industry agency. As will be argued in relation to some of the data analysed in Chapters Six to Nine, policy impracticality, policy half-heartedness and policy failure can all, when "implemented" over a long period of time, become what Anderson calls a "stable, purposive course of action or inaction", i.e. policy. As Hill (2009) explains, "the concept of policy is vague and elusive", and yet

> [...] it [the concept of policy] is nevertheless widely used to suggest a rational process. Readers need to be sceptical about writing that takes it for granted that a policy-making process is organised and has specific goals. It may be desirable that it should be like this, but whether it actually is or not must be an issue for research (Hill, 2009, p. 19).

Another important definitional issue for academic accounts of how public policymaking functions is the issue of what is meant by the term *public policy* as distinct from *policy*, i.e. where does one delineate the public realms of society appropriate for policy interventions generated by government or government-appointed/mandated agencies? To answer this question, Parsons (1995) goes back to the concepts of public and private as they existed in ancient Greece and Rome, and then comes back through to the conceptions of political economists such as Adam Smith in the 18th Century, who, in the words of Parsons, saw the public "as essentially a space which did not involve the interference in economic and business activities" (1995, p. 5). Parsons then brings the discussion through to notions of an expanded public space (in comparison to Smith's conception) and thus a reduced private space, in the work of J.S. Mill in the 19th Century. Mill emphasised the criterion of "harm", and viewed the private sphere as "that sphere which did no harm to others" (Mill, paraphrased in Parsons, 1995, p. 5). For Parsons, the decisive period in the birth of the study of public policy came after World War II, in the United States, when President F.D. Roosevelt based his New Deal policies on the work of Keynes. Keynes saw public policy's role as being "to deal with those aspects of social and economic life which markets were no longer capable of solving" (Keynes, paraphrased in Parsons, 1995, p. 6). It was during this period that the modern academic study of public policymaking in the US was begun by Lasswell, author of a pioneering academic article in 1951 entitled "The Policy Orientation"

(Lasswell, 1951).

In this author's view, conceptions of what constitutes the actual, or appropriate, sphere of public (government) policy can still to a great extent be seen in the Keynesian terms outlined by Parsons (1995), i.e. to define which matters are suitable for public policy, one must decide which social/economic problems/issues should be left to the market to solve; and then the public sector needs to engage with everything else. In making this determination between which matters should be in the private or public policy spheres, one can then choose to either agree with Keynes that government and its appointed/funded agencies must intervene to a great extent in many social and economic affairs so as to solve problems that the market cannot solve (or which the market *generates*), or one can side with a market theorist such as Friedman (as paraphrased in Parsons, 1995, p. 6), who argued that non-government actors should be given the primary responsibility for determining social and economic policy matters (Friedman, 1953). Or, one may find oneself, depending on the particular policy matter at hand, seeking a boundary lying somewhere in between the line drawn by Keynes's interventionist logic and the line drawn by Friedman's *laissez faire* logic. In broadcasting sectors, it is this author's view that many contemporary national (and multinational) government and non-government actors seek a balance between Keynesian and Friedmanite logics, with the relative emphasis on intervention versus *laissez faire* shifting in response to myriad factors. The passage quoted in Chapter Three, from Collins and Murroni (1996), seems to this author to be a useful wording of the middle ground often required of broadcasting policymakers, with Collins and Murroni (1996) calling for "competition policy where competition can thrive in the public interest and regulation where it cannot" (1996, p. 12). Anderson (2011) proposes that the best way to separate between public and private matters is through an emphasis on "collective goods", with the idea that "only collective goods should be the subject of public policy" (2011, p. 17). According to this definition, it would seem fair to say that during the period examined in this thesis, the South African government viewed broadcasting as a collective good, i.e. as a social/economic sphere which, when not operating in an optimal manner, should be subjected to policy decided by government, a government-appointed/mandated agency, or the regulator.

Deciding what was to be meant by the expressions *policy* and *public policy*, while a somewhat fraught exercise, was relatively simple in comparison with the quest to identify, as

this research needed to, a theoretical framework through which to analyse *how* public policy is made, i.e. a framework for analysing public policy*making*. Reading through the surveys of the myriad contemporary approaches available, the author began to feel somewhat envious of the much-less-crowded academic field enjoyed by the founding figures in the field of political philosophy. Plato, it seems, had the latitude to be decidedly idealistic and prescriptive in his writings, because the study of governance was to a great extent his alone during his era in ancient Greece. Nearly two millennia after Plato's time, in Italy, Machiavelli also enjoyed great latitude, as a pioneer of political philosophy, when, in seeking to curry favour with the prince, he wrote his brash treatise on the art of politics. Machiavelli had the latitude to be rather bold in his conceptual framing, giving his chapters titles such as "On Avoiding Being Despised and Hated", and "On How to Avoid Flatterers", and so on (Machiavelli, 1513). Since the time of Machiavelli in the 16th Century, frameworks for analysing political reality have taken multiple directions, moving far beyond political philosophy into "modern" academic disciplines such as political science, economics, psychology and sociology, and more recently into "post-modern" disciplines such as structuralism and post-structuralism. Anderson (2011), Hill (2009), John (1998) and Parsons (1995) scan across the main groupings of contemporary approaches. Anderson (2011) identifies the existence of five broad "theoretical approaches", which he calls *political systems theory*; *group theory*; *elite theory*; *institutionalism*; and *rational-choice theory* (2011, pp. 18-26). After describing the five approaches, Anderson concludes with the somewhat ominous (and almost certainly accurate) statement that

> [t]he various theories [...] tend to skew research findings. Not surprisingly, pluralists find groups in control, elite theorists detect dominance by an elite, and rational-choice theorists find that self-interest dominates. These theories are therefore not merely neutral alternatives for guiding analysis. What one finds in policy research depends in important part on what one is looking for, just as those who go about town "looking for trouble" are more apt to find it than are more peaceful citizens (Anderson, 2011, p. 27).

These statements by Anderson served as a prod to this author to remain cognisant that whichever framework was chosen would likely have the potential to skew the research findings to some extent towards the elements focussed on by the framework. Anderson adds that:

> A person should avoid becoming too dogmatically or rigidly bound to one model or approach. As a rule, it is desirable to be eclectic and flexible, using those theories and concepts that seem most useful for the satisfactory and fair-minded description and explanation of political

> inquiry. The goal should be the objective explanation of political behaviour rather than the validation of a preferred theoretical approach (Anderson, 2011, pp. 28-29).

A useful piece of guidance, it seemed, in this passage from Anderson, was that a researcher should be "eclectic and flexible", provided the researcher remains "fair-minded" and sincerely strives towards something akin to an "objective explanation of political behaviour." (It was somewhat surprising to see Anderson use the word "objective" – given that the idea of objectivity is no longer given much credence in qualitative social science research – but it is likely that Anderson is holding up the idea of objectivity as a worthy but unattainable goal, a goal made no less worthy of pursuit on account of its unattainability.) As with Anderson, Hill (2009), John (1998) and Parsons (1995) also provide taxonomies of the various theoretical approaches that one can adopt when studying public policymaking. This author found John's (1998) survey particularly useful because, in addition to surveying the main approaches, John also makes it clear which kinds of approaches he thinks are most valuable, and why.

John (1998) begins by breaking the available theoretical frameworks down into five kinds of approaches: institutional models; group and network approaches; socioeconomic approaches; rational-choice; and ideas-based models. This taxonomy is not significantly different from the one put forward by Anderson (2011) or by Hill (2009) and Parsons (1995). The greater value that John provides is his frankness about what he sees as the strengths and weaknesses in each type of approach. John (1998) applauds institutionalists' emphasis on "policy communities" as connecting together state institutions with other actors, but ultimately John (1998) is of the view that a tight focus on institutional dynamics is limiting because, for him, institutions "constrain but don't shape" public policymaking (1998, p. 65). With "group and network approaches", John (1998) expresses concern that they are "too all-encompassing" (1998, p. 85). Meanwhile, socioeconomic approaches – as exemplified by the work of Marx, Weber and Durkheim – get a reasonably favourable judgement from John, but John (1998) concludes that these approaches do not provide all of the necessary analytical tools. As for rational-choice theory, which is the influential microeconomic approach that emphasises the rational decisions of policymaking actors based on their rational perceptions of interests/constraints, John (1998) criticises this framework on the grounds that while it is suitable for "explaining action", it does not concern itself adequately with "where policy ideas come from" (1998, p. 142). John (1998) then moves onto his fifth category, the ideas-

based models. Here John (1998) finds much more to commend, particularly in relation to the emphasis this category of approaches places on elements such as "agenda-setting" (1998, p. 147), the "issue-attention cycle" (1998, p. 147), the "hegemony of certain ideas" (1998, p. 149), and "ideologies" controlling the "exercise of power" (1998, p. 149). John clearly has an affinity for ideas-based research, but he also has some concerns about ideas-based approaches. His concern is that by focussing so strongly on ideas, such approaches may neglect other important elements.

John's (1998) ultimate preference is for what he calls "evolutionary" frameworks (1998, p. 168), which, he writes, avoid being "over-determined" (1998, p. 168), are able to capture both "constraints on action" and "causes of action" (1998, p. 168), are able to establish some "causal relationships" but not in an overly deterministic fashion (1998, p. 181), and are able to account for the influence of ideas, interests *and* institutions (1998, p. 195). John argues that the most successful approaches, the *evolutionary* ones, are those which in fact combine elements of two or more of the five broad orientations he has outlined (1998, p. 19). For John, *non*-evolutionary approaches place too much emphasis either on ideas or the interests of human actors. Evolutionary approaches, he writes, attempt to cater to the influence of both ideas and interests. The three evolutionary approaches which John cites, and applauds, are three of what he calls "synthetic" approaches: (1) the "policy advocacy coalition (PAC)" framework developed by Sabatier; (2) the "punctuated equilibrium" model of Baumgartner and Jones; and (3) the approach adopted for this thesis, Kingdon's "policy streams" approach (John, 1998, pp. 168-87). John sees Kingdon's policy streams framework as being potentially the most useful among these three synthetic approaches, because it

> [...] is one of the few treatments of public policy that examines the political system as a whole, and embraces the relative importance of individual agents, ideas, institutions and external processes (John, 1998, p. 173).

4.2 The Kingdon (1995) Framework

Kingdon first published his framework in 1984, based on a series of case studies, in a book entitled *Agendas, Alternatives and Public Policies* (Kingdon, 1984). He then refined the framework, based on feedback received on the 1984 book and after conducting an additional round of case studies, in a second edition, in 1995, and it is this second edition that is relied upon by this thesis (Kingdon, 1995). John is not alone in holding the work of Kingdon in

high regard. Parsons (1995) also cites Kingdon's policy streams approach as an important one, in that it

> [...] is concerned with how issues come to be issues; how they come to the attention of public officials and policy-makers; how agendas are set and why ideas "have their time" (Parsons, 1995, p. 192).

Hill (2009) devotes considerable attention to Kingdon's framework – or "model", as Hill calls it – as an important example of an "agenda-setting" approach (Hill, 2009, pp. 156-70). As for Kingdon (1995) himself, he positions his framework as an *agenda-setting* or *pre-decision* model – a model which tries, as its starting point, to "consider not how issues are authoritatively decided [...] but rather how they come to be issues in the first place" (1995, p. 2). Kingdon writes that, among other things, his framework aims to

> [...] try to understand why important people pay attention to one subject rather than another, how their agendas change from one time to another, and how they narrow their choices from a large set of alternatives to a very few (1995, p. 2).

Kingdon's (1995) agenda-setting/pre-decision approach is to some extent a *process*-oriented approach, but not an approach that sees policymaking as linear or operating in "stages". The issue of whether policymaking should be spoken about in terms of stages is a difficult one. Stage-based, sequential approaches view policymaking as moving from policy *formation* to *adoption* to *implementation* and then to *evaluation*, and such models are often critiqued in the contemporary literature as being unrealistically linear and tidy. Yet there is still a tendency – a *need* perhaps – felt by authors of volumes on public policymaking to break up policymaking into somewhat discrete phases in their discussions of various theories and approaches. Anderson (2011), for instance, talks in terms of stages, while at the same time discounting the empirical validity of stages. This can be a fine line to walk, as evidenced when Anderson (2011) explains that in order "[t]o provide a conceptual framework to guide the examination of the policy process", his book treats public policymaking "as a sequential pattern of activities or functions that can readily be distinguished analytically although they may be empirically more difficult to pull apart" (Anderson, 2011, p. 3). Anderson argues that a stages approach to interpreting public policymaking is useful because, among other things, "[i]ts sequential nature [...] helps one capture and comprehend the flow of action in the actual policy process" (2011, p. 5). But Anderson is quick to add that "in actuality the formulation and adoption stages may blend together, [...]" (2011, p. 5).

John (1998) is highly critical of stages models and avoids them almost entirely, while Parsons (1995) and Hill (2009) seem to share Anderson's (2011) view that there are both advantages and dangers to be encountered when adopting a stages model. After presenting their cautions to the effect that they are writing about public policymaking in sequential terms only for conceptual convenience, *not* because of any basis in empirical reality, Anderson (2011) and Hill (2009), in their respective volumes, outline what they see as the "stages" that need to be interrogated. Anderson (2011) writes of what he calls five "categories or stages" (thus bringing in the temporally generic term "categories" as a further indication of his ambivalence towards sequencing): (1) problem identification and agenda-setting; (2) policy formulation; (3) policy adoption; (4) policy implementation; (5) policy evaluation (2011, pp. 3-4). Meanwhile, Hill's (2009) conception of the "stages" – only made explicit in his chapter headings – follows this sequence: (1) agenda setting; (2) policy formulation; (3) implementation (Hill, 2009). Thus, Anderson distinguishes between "formulation" and "adoption" as separate categories/stages, while Hill groups them together under "formulation". (But Anderson is quick to point out that the distinction between formulation and adoption is fuzzy at best and often indecipherable – yet another reminder that the labelling of stages is more of an organisational tool than anything else.)

For both Anderson (2011) and Hill (2009), Kingdon's (1995) policy streams framework is primarily an agenda-setting and policy formulation model. As for Kingdon's (1995) view of where his own work fits, he too provides a caveat – stating that his labelling is a "drastic oversimplification" – before outlining his view that there are "at least" four main "processes" which are present in public policymaking:

> (1) the setting of the agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice among those specified alternatives, as in a legislative vote or a presidential decision, and (4) the implementation of the decision (1995, p. 3).

Kingdon (1995) then states that his policy streams framework

> [...] concentrates on the first two processes. [...] why some subjects become prominent on the policy agenda and others do not, and why some alternatives for choice are seriously considered while others are neglected (1995, p. 3).

Thus Kingdon (1995) quite explicitly puts his framework into the agenda-setting and policy formulation/formation categories, i.e. the pre-decision categories. Kingdon (1995) defines the policymaking "agenda" as "the list of subjects or problems to which government officials, and people outside government closely associated with those officials, are paying some serious attention to at any given time" (1995, p. 3). Later in this chapter, it will be argued that Kingdon's framework can be applied to more than just the two pre-decision processes he claims to interrogate – agenda-setting and alternative specification – and that *decision* processes (what he calls the "authoritative choice among those specified alternatives") can *also* be analysed according to his framework – as can, to some extent, "the implementation of the decision" (1995, p. 3). The components of Kingdon's (1995) model adopted for this particular research project were Kingdon's (1995) conceptions of: (1) the three "streams" (processes) of policymaking, the "politics stream", the "problem stream" and the "policy stream"; and (2) "coupling" (linking) among the streams, which moves policy items from the "governmental agenda" to the "decision agenda".

The three streams: politics, problems, policy proposals

Kingdon developed his theoretical framework/model through case studies in the US health and transport sectors, building on what is known as the "garbage can model of organisational choice" as developed by Cohen *et al.* (1972). The garbage can model, according to Kingdon (1995), sees policymaking not as methodical and incremental but as more accidental, and based on a complex mix of factors (1995, p. 4). The first main building block of Kingdon's (1995) framework is his notion of three parallel policy processes, the *streams*, in existence at any given time in a policy sector: the politics stream, problem stream, and policy stream. Kingdon tends to speak, in his writing, first of the problem stream, then of the policy stream, and then of the politics stream, but it is this author's view that the framework is clearer if one speaks of the contents of the streams in this order: politics, problems, policy proposals.

The *politics stream*, writes Kingdon (1995), often flows according to impulses that are quite separate from what is happening in the problem and policy streams (1995, p. 145). The dynamics of the politics stream can be impacted by national mood (1995, pp. 146-49), and/or various organised political forces, and/or the internal workings of government, including personnel turnover (via elections or re-shuffles) and jurisdictional tensions ("turf battles")

(1995, pp. 150-53). It is here in the politics stream, according to Kingdon, that consensus-building, via bargaining, takes place (1995, pp. 159-60) – consensus-building in relation to determinations as to which policy issues should be on the *governmental agenda* or *decision agenda*, and then, once an issue reaches the decision agenda, consensus-building regarding which problem definition available in the problem stream, and which policy proposal present in the policy stream, would most suitably *couple* with the current dynamics in the politics stream and allow for the taking of a binding policy decision.

The *problem stream*, postulates Kingdon (1995), is the process stream where issues requiring policy attention find their way into the minds of policy actors and are rhetorically framed. Problem identification is typically driven by indicators (1995, pp. 90-94), or focussing events and crises (1995, pp. 94-100), or by formal and informal feedback on, for instance, failure to meet previous policy goals (1995, pp. 100-3). Kingdon contends that "values" are central to problem stream (p. 110), and that it is in this stream that the agenda status of a problem can potentially be affected by many factors, including the ambitions of bureaucrats and/or pressure from an interest group (1995, p. 114). Also in this stream, Kingdon says, one can find the beginnings of the process by which policy problems in the problem stream begin to become linked to policy proposals in the policy stream, thus providing the beginnings of a bridge between these two streams.

The *policy stream* is, for Kingdon (1995), where stakeholders in a policy sector generate policy alternatives and proposals – i.e. engage in "alterative specification" (1995, pp. 16-18) – in a process Kingdon likens to biological natural selection (1995, p. 116). Kingdon refers to a policy "primeval soup", which is his update on the aforementioned "garbage can" of Cohen *et al.* (1972), in which ideas confront each other, combine, and recombine (1995, pp. 116-17, p. 124). The main players in this stream, according to Kingdon, are a "policy community" of specialists, inside and outside government, who share concerns and who interact with each other to some extent (1995, p. 117). Kingdon writes that there is sometimes a high level of fragmentation among these specialists (1995, pp. 118-19), with what he calls "policy entrepreneurs" pushing their favoured ideas, trying out their ideas on other members of the community and trying to "soften up" the policy community in relation to certain policy options (1995, pp. 122-24, p. 128). Kingdon emphasises that the activity in the policy primeval soup is not necessarily dominated by rational/orderly decision-making but rather

tends to be "evolutionary", driven via combinations and re-combinations of elements (1995, p. 124). Kingdon cites the distinction made among theorists of evolution between mutation and recombination, with many theorists arguing that it is the latter, "recombination of old elements", which is the stronger of the two factors. Kingdon writes that as public policy ideas evolve, "[w]holly new ideas do not suddenly appear. Instead, people recombine familiar elements into a new structure or a new proposal" (1995, p. 124). And, argues Kingdon, if one chooses, as he does, to view the development of public policy ideas in evolutionary terms, "the order [in which] ideas are tried out sometimes approaches randomness, and the key to understanding the process is knowing the conditions under which ideas survive" (1995, p. 124).

Kingdon (1995) is of the belief that it is often ideas, not rational calculations of advantage or disadvantage, that dominate outcomes in this policy stream, and in support of his view, Kingdon provides a quote from Keynes, who wrote in 1936: "I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas" (Keynes, 1936, quoted in Kingdon 1995, p. 125). Kingdon also references the work of Heclo (1974) on "politics as learning" and the importance of "argumentation" in policymaking (Heclo, 1974, quoted in Kingdon, 1995, pp. 126-27). In the policy stream, writes Kingdon, a range of factors will impact on the ultimate acceptability of a policy proposal, including technical feasibility, cost, budget availability, likely public acceptance, and the chances of its success among elected decision-makers (1995, pp. 131-37). Kingdon asserts that there can also be influence exerted in this stream by particular national ideologies and political cultures, which can affect the "value acceptability" of a policy idea (1995, p. 133). Kingdon also refers to the phenomenon of the "tipping point" – a notion which has been popularised in recent years by Gladwell (2000). In Kingdon's use of the term, a tipping point for a policy idea can occur in any number of ways, including achievement of true consensus or via what Kingdon calls "bandwagons" (1995, p. 135).

Kingdon (1995) writes that often the activity in one of the three streams is driven by the aforementioned policy entrepreneurs, who can be found in a wide range of places, both within government and outside it, both in formal organisations and informal ones (1995, pp. 179-80). They can be elected representatives, or bureaucrats, or academics, or researchers, or

civil society activists. What primarily defines the policy entrepreneurs for Kingdon is that they are

> [...] advocates who are willing to invest their resources – time, energy, reputation, money – to promote a position in return for anticipated future gain in the form of material, purposive, or solidarity benefits (1995, p. 179).

Kingdon (1995) writes that policy entrepreneurs often help to open up "policy windows", which Kingdon characterises as moments when coupling among the streams can occur. For Kingdon,

> [...] it [the idea of the policy entrepreneur] makes sense of the dispute over personality versus structure…The window opens because of some factor beyond the realm of the individual entrepreneur, but the individual takes advantage of the opportunity (1995, p. 182).

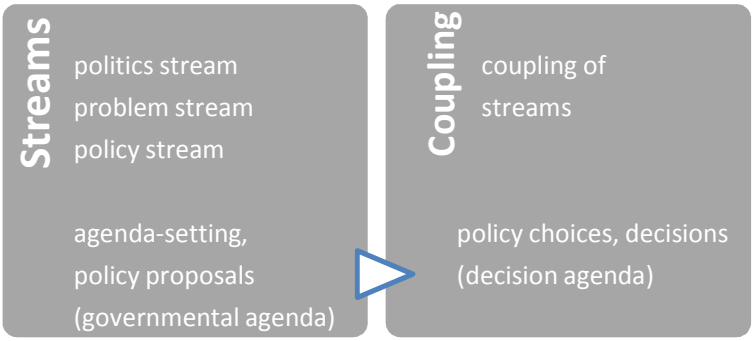
For reasons explained below, this author did not find Kingdon's notion of policy entrepreneurs useful for examining the streams of democratic-era South African TV policymaking. In addition, this author found that the notion of *coupling* among the streams (discussed next) was sufficient for understanding how the streams link, and that seeking to identify the opening of the aforementioned *policy windows* during which coupling occurs was unnecessary and risked, for this research study, conceptual overload. This author found that it was sufficient to look at when and how the three streams operated internally, how the streams drove policy matters from the governmental agenda to the decision agenda, and then how the streams coupled to allow binding policy decisions to occur.

Coupling of the streams

Kingdon (1995) writes that "[o]nce we understand [the] streams taken separately, the key to understanding agenda and policy change is their coupling", which is when "[t]he separate streams come together at critical times" (1995, p. 88). Kingdon describes coupling as the policymaking phenomenon whereby "[a] problem is recognized, a solution is available, the political climate makes the time right for change, and the constraints do not prohibit action" (1995, p. 88). Later in his 1995 book, he defines the notion of coupling even more succinctly, as the process by which "solutions come to be coupled with problems, proposals linked with political exigencies" (p. 173) , and as "[a] complete linkage" that "combines all three streams – problems, policies, and politics – into a single package" (1995, p. 201). During these

moments of coupling, "[a]dvocates of a new policy initiative not only take advantage of politically propitious moments but also claim that their proposal is a solution to a pressing problem" (1995, pp. 201-2). When coupling of the three streams occurs, Kingdon writes, there is a strong likelihood that the policy item in question will move from the sector's governmental agenda to the decision agenda, and an actual policy binding policy decision can then be made. Figure 4.1 below provides a visual representation of the conceptual items drawn from Kingdon's framework for deployment in this research project.

Figure 4.1 Elements adopted from Kingdon's framework



Source: Kingdon (1995).

Governmental agenda, decision agenda

The *governmental agenda* in a policy sector, writes Kingdon, is a list "of subjects to which governmental officials are paying serious attention" (1995, p. 202) and this agenda can be determined by either the problem stream or the politics stream, because

> [o]fficials can pay attention to an important problem, for instance, without having a solution to it. Or politics may highlight a subject, even in the absence of either problem or solution (1995, p. 202).

Meanwhile, the *decision agenda* is "a list of subjects that is moving into position for an authoritative decision, such as a legislative enactment [...]" (1995. p. 202). The setting of a sector's decision agenda is based on couplings among the streams. Sometimes "partial couplings" will also get an item onto the decision agenda, but usually a "complete joining of all three streams" is required (1995, p, 202). As Kingdon puts it,

> [a]t points along the way, there are partial couplings: solutions to problems, but without a receptive political climate; politics to proposals, but without a sense that a compelling

> problem is being solved; politics and problems both calling for action, but without an available alternative to advocate. But the complete joining of all three streams [problems, politics, policy proposals] dramatically enhances the odds that a subject will become firmly fixed on a decision agenda. [...] Conversely, partial couplings are less likely to rise on decision agendas (1995, p. 202).

Kingdon's framework was chosen by this researcher for the research project because the framework appeared to be well-suited to capturing the patterns of policymaking in South Africa's at-times-highly-contested, emotive, TV policy space in the period 1990 to 2011. To identify patterns in policymaking in such a contested policy sector – during periods of such fundamental, and often rapid, social, cultural, political and economic transformation – required, in this author's view, a conceptual framework such as Kingdon's which could account for *ideas* and *values* at play in the sector as well as for patterns and causalities in the *processes* (streams) of opportunity and constraint at play in relation to the ideas and values. However, this author also found it necessary to adapt Kingdon's model to some extent to the needs of this research project.

4.3 Adapting Kingdon's Framework

Kingdon's approach is an influential one in the field of public policy research. According to another highly regarded theorist, Sabatier, Kingdon's framework was deployed frequently in policy research in the late 1990s, and was being cited roughly 80 times per year in the Social Science Citation Index (Sabatier, 1999, p. 9). According to Blankenau (2001), who has deployed the Kingdon model, it "provides a useful description of the complexity of policymaking, pointing out critical elements in the process that are often overlooked" (2001, p. 38). However, the Kingdon framework is not without potential deficiencies. Even those who applaud the model, and use it in their research, point to its possible weaknesses.

Potential weaknesses

According to Zahariadis (1999), the literature scrutinising Kingdon's model has identified five areas of concern with the framework. One concern is Kingdon's attribution of a high degree of independence between the operations of the three streams – politics, problems, policy proposals. Some authors argue (and this author agrees) that there is often greater *inter*dependence between the three streams than Kingdon proposes. (Indeed, the data analysis for this research found instances where it appeared that the three streams of South African

TV policymaking were in a coupled or near-coupled state for extended periods – see Chapter Eight.)

Second, according to Zahariadis (1999), there is concern in the literature with Kingdon's potentially ambiguous account of the role of policy windows in the process of coupling among the streams. This author shares this concern, after initially seeking to apply Kingdon's window conception to the collected data and finding the concept too fuzzy to implement effectively. This author thus abandoned use of Kingdon's window conceptualisation. Third, there are concerns about Kingdon's strong emphasis on the role of policy entrepreneurs in the process of coupling – a concern this author shares. This author found the concept of policy entrepreneurs too individualistic a conception to be useful in explaining democratic-era TV policymaking in South Africa between 1990 and 2011, a period during which the author found that most of the main actors operated from within collective or institutional structures which would have militated against overly individualistic, entrepreneurial policymaking behaviour.

Fourth, according to Zahariadis (1999), is the concern with Kingdon's emphasis on incrementalism in the policy stream, with some researchers arguing that policy proposal generation and specification are a mix of both incrementalism and major shifts (with the "punctuated equilibrium" model of Baumgartner and Jones (1993), which seeks to take account of both incrementalism and major shifts, seen as perhaps being a more accurate conceptual framework than Kingdon's incrementalism-focussed framework). This author does not share this concern with Kingdon's incrementalist orientation, because this author found that Kingdon's notion of "coupling" among streams was sufficient to capture moments of heightened policy decisiveness.

Fifth, concerns have been expressed that Kingdon's framework is ultimately only a heuristic device, with strong descriptive power but little or no predictive power (Zahariadis, 1999, p. 81) – a concern which Zahariadis (1999) does not completely agree with (and neither does this author entirely agree with this criticism). This author supports Zahariadis's (1999) argument that while Kingdon's framework is indeed more strongly descriptive than it is predictive, the framework does still have predictive elements, through its predictions, for instance, that internal stream dynamics, coupling opportunities and general systemic

constraints will all, as Zahariadis (1999) puts it, "systematically affect outcomes" (1999, pp. 86-87).

Linked to the concerns in the literature that Kingdon's model is perhaps too descriptive, it can also be argued that Kingdon's model is perhaps overly focussed on transparent, rational deliberation processes, and perhaps does not cater enough to the less transparent, less rational power dynamics affecting/constraining the deliberative space in which the policy streams interact. This author took the view that while it was true that application of the Kingdon framework would not be able to uncover *all* the macro- and micro-forces and factors at play, the framework could still offer significant insights regarding the policymaking path and provide a useful contribution to the literature on South African early-democratic-era TV policymaking as a complement to existing accounts in the work of Barnett (1998, 1999a, 2000a), Duncan (2001), Duncan and Glenn (2010), Horwitz (2001) and Tleane and Duncan (2003). The author finds much of value in these accounts, which offer nuanced insights into the political economy within which South African broadcast policymaking has had to operate. One caveat this author has, however, is that at times, perhaps too much is made in some of this literature of the ANC Government's neo-liberal turn, via its 1996 adoption of the GEAR macro-economic strategy, as a determinant of broadcasting policy. This author's view, generated through application of the Kingdon model, is that ruptures in deliberation, instances of confused, *ad hoc* policymaking, and "accident" (as per the word "accidental" in the title of this thesis) were likely just as important, and perhaps more important, than the forces of global/national neo-liberalism in shaping South African public policymaking in the early-democratic era.

For this researcher, in addition to sharing the concerns raised above – around the high degree of independence accorded by Kingdon to the three streams, the ambiguousness of Kingdon's policy windows idea, and the seeming over-emphasis on the role played by policy entrepreneurs in coupling of streams – there were three other concerns. First, this author wondered whether the Kingdon framework would work well when applied outside the US context, given that the framework is based exclusively on findings from case studies of US policymaking. Second, there was the concern as to whether the framework was appropriate for a wide range of sectors, beyond the transport and health sectors in which Kingdon's case studies were based. Third, there was the question of whether the framework would be

appropriate for examining not only *pre-decision* (agenda-setting and alternative specification) components of public policymaking (which are Kingdon's stated focus), but also *decision* components (to which this author also wanted to apply Kingdon's framework).

Applying Kingdon beyond the US, and beyond transport and health

With regard to the first concern – applicability of Kingdon's framework outside the US and applicability across various policy sectors – the author was reassured to find that the framework had, since its publication in 1984 and 1995, been deployed by researchers in a wide range of national contexts, including Canada, the UK, Germany, France, and the African countries of Burkina Faso (Ridde, 2009) and South Africa (Ndlovu, 2007). The second concern – applicability of Kingdon's framework beyond the transport and health sectors – was alleviated by Sabatier's (1999) statement that Kingdon's streams framework "appears to be applicable to a wide variety of policy arenas" (1999, p. 9), and evidence of use of the framework across a range of sectors, including energy, foreign aid, local government finance and telecommunications (Blankenau, 2001; John, 1999; Ndlovu, 2007; Ridde, 2009; Travis and Zahariadis, 2002; Zahariadis, 1998; Zahariadis and Allen, 1995).

Extending beyond "pre-decision" analysis

With regard to this author's desire to apply the Kingdon framework beyond policy *pre-decision* processes to policy *decision* and *implementation* processes, it was heartening to find that Zahariadis had done precisely that on at least two occasions, including his 2003 book examining policy across several countries (Zahariadis, 2003). Zahariadis (1999, 2003) argues persuasively for the applicability of elements of Kingdon's approach to all components of the policymaking process. Zahariadis (1995) is of the view that the "alternative specification" element of Kingdon's streams framework, in particular, can be applied to any of the components of a public policymaking process.

It was important to find examples of Kingdon's framework being successfully extended beyond pre-decision processes because this research project sought to do the same. The decision to extend application of Kingdon's framework into analysis of policy decision and implementation processes was a relatively straightforward one for this author because the author found, during the data analysis, that Kingdon's conceptions – the three streams and

coupling of streams – were well suited to understanding not just how items got onto the governmental agenda and then the decision agenda, but also how and why decisions were made, on the decision agenda, in favour of certain policy proposals.

This author could not see why the dynamics of the final decision-making should be significantly different from the dynamics of the agenda-setting: if a policy idea finds its way from the governmental agenda onto the decision agenda, then, according to Kingdon, the three streams have "coupled". So, to this author's mind, the question of whether or not a particular proposal would be adopted as a binding "decision" for intended implementation was likely to be a function of the strength of the coupling – just as the strength of the coupling, according to Kingdon, is what determines whether an item gets onto the decision agenda in the first place.

4.4 Accounting for the "Argumentative Turn"

Kingdon's framework, with its emphasis on the roles of ideas and values in the shaping of the content and dynamics of the three streams, lends itself well to appreciation of the role of *argumentation* in public policymaking. In recent decades, there has been an "argumentative turn" in public policy analysis, as surveyed in the Fischer and Forester eds. (1993) volume. In their introductory piece to the volume they edited, Fischer and Forester (1993) analyse the shift, or "turn", in the study of public policymaking towards a focus on arguments made by policymaking actors, and the values and language inherent in the arguments. These authors posit that the argumentative turn hinges on a central question, which they phrase as follows: "What if our language does not simply mirror or picture the world but instead profoundly shapes our view of it in the first place?" (1993, p. 1). Fischer and Forester (1993) have put this question forward as central to "controversies in contemporary social science between phenomenologists and behaviourists, objectivists and relativists, and symbolic interactionists and institutionalists" (1993, p. 1), and they suggest that the argumentative question is also at the heart of the terms "postmodern, postempiricist, poststructuralist, postpositivist, and so on" (1993, p. 1). These two theorists trace a link to the argumentative turn from "British ordinary language analysis to French poststructuralism, from the Frankfurt school of critical social theory to a renewed appropriation of American pragmatism" (1993, p. 2). For Fischer and Forester (1993), the argument-based approach has followed a theoretical trajectory generated

by thinkers such as Wittgenstein, Austin, Gadamer, Habermas, Foucault and Derrida (1993, p. 1). One of the more influential of contemporary argument-based public policy theorists is Majone, and Majone's work, in this author's view, complements Kingdon's framework.

Majone's work on argumentation in public policymaking

In his 1989 work, *Evidence, Argument and Persuasion in the Policy Process*, Majone specifies that "argumentation", as a *values*-based exercise, is quite different from "formal demonstration", which aims to try to *prove* something to be true:

> Argumentation differs from formal demonstration in three important respects. First, demonstration is possible only within a formalised system of axioms and rules of inference. Argumentation does not start from axioms but from opinions, values or contestable viewpoints; it makes use of logical inferences but is not exhausted in deductive systems of formal statements. Second, a demonstration is designed to convince anybody who has the requisite technical knowledge, while argumentation is always directed to a particular audience and attempts to elicit or increase the adherence of the members of the audience to the theses that are presented for their consent. Finally argumentation does not aim at gaining purely intellectual agreement but at inciting action, or at least at creating a disposition to act at the appropriate moment (Majone, 1989, pp. 22-23).

Majone's (1989) book focusses on the work of what he calls "policy analysts": people who evaluate public policies, develop policy proposals, and engage with other policy stakeholders. Majone argues that the job of the policy analyst is not to be merely a "'number cruncher'" but also to be "a producer of arguments, capable of distinguishing between good and bad rhetoric" (1989, p. xii). Majone writes that he is not denying "the usefulness of the traditional analytical skills", because, he says, "[m]odelling, mathematical programming, simulation, cost-benefit analysis, and decision analysis will always remain important tools" (1989, p. xii). But, he writes:

> […] if the purpose of policy analysis is not simply to find what is a good or satisfactory policy but to ensure that the policy will actually be chosen and implemented, the traditional skills are not sufficient. The analyst must also learn rhetorical and dialectic skills – the ability to define a problem according to various points of view, to draw an argument from many different sources, to adapt the argument to the audience, and to educate public opinion (1989, p. xii).

Majone's (1989) framework is, ultimately, founded on the dialectical techniques developed in ancient Greece:

> The starting point of a dialectic argument is not abstract assumptions but points of view already present in the community; its conclusion is not a formal proof, but a shared understanding of the issue under discussion; and while scientific disciplines are specialised

> forms of knowledge, available only to the experts, dialectic can be used by everyone since, as Aristotle put it, we all have occasion to criticise or defend an argument (1989, p. 6).

Majone (1989) makes a compelling case for the need to pay close attention not just to the content, but also to the nature (the values, the inferences, the incitements to action), of the arguments put forward in a policymaking space. This thesis, in the course of applying Kingdon's model (based on policy streams and coupling of streams) to the data, also sought to be mindful, in line with Majone's work, of the nature of the policy arguments being put forward in the streams. The link between the work of Majone (1989) and the work of Kingdon (1984, 1995) is made directly in Majone's 1989 book, which was written five years after Kingdon first published his policy streams framework in the 1984 first edition of his *Agendas, Alternatives and Public Policies*. In the opening chapter of his book, Majone references Kingdon when making the claim for the importance of examining the role of argument in public policymaking. Majone states that "[w]e miss a great deal if we try to understand policy-making solely in terms of power, influence, and bargaining, to the exclusion of debate and argument" (1989, p. 2), and then writes, with a footnote to Kingdon (1984), that

> [e]very politician understands that arguments are needed not only to clarify his position with respect to an issue, but to bring other people around to this position. Even when a policy is best explained by the actions of groups seeking selfish goals, those who seek to justify the policy must appeal to the public interest and the intellectual merits of the case (Majone, 1989, p. 2).

Majone and Kingdon's shared emphasis on the importance of argument reveals that the two theorists are, at times, approaching the examination of policymaking from similar vantage points. They both favour models that account for the roles not just of actors' (individuals' and institutions') actions, motivations and constraints within a particular policymaking space/sector in democratic society, but also the actual ideas, values – and arguments – at play in that policymaking space/sector.

Post-structuralist policy studies

Majone's work, within the *argumentative turn*, has links to the "post-structuralist" approaches to policy mentioned above in one of the passages from Fischer and Forester (1993). Two post-structuralist theorists in particular, Foucault and Habermas, have produced work which helps to provide context to the subject matter of this thesis. Among the wide

range of concerns addressed in Foucault's writings and lectures, he had a concern with the nature of governance. In his 1978 essay "Governmentality", Foucault writes that

> [i]t is possible to suppose that if the state is what it is today, this is precisely so thanks to this governmentality, which is at once internal and external to the state – since it is the tactics of government that make possible the continual definition and redefinition of what is within the competence of the state and what is not, the public versus the private, and so on. Thus, the state can only be understood in its survival and its limits on the basis of the general tactics of governmentality (1978, p. 221).

Foucault's (1978) essay goes on to posit that the modern state, through engagement in the practices of *governmentality* – i.e. through its focus on its own survival – tends to generate societies "controlled by apparatuses of security" (1978, p. 221). In his discussion of modern governments' tendencies towards domination by security orientations, Foucault is, of course, operating well beyond the scope of this thesis, but in the passage just quoted, in which he treats the manifestations of governance as being both "internal" and "external" to the state – and speaks of the "continual definition and redefinition" of the "public versus the private" – we see Foucault pointing attention (usefully for this research project) to the complexity of the dynamics between state and non-state actors, and the contested boundary between state-generated governance/policy and private, non-state realities. More generally, Foucault's work has a strong *argumentative* focus because of the strict attention paid in all of his work, across a vast range of societal phenomena, to discourses and discursive practices.

The work of Habermas also provides context to this thesis because the two central theoretical concerns of this research project – the public interest roles of a modern mass medium (i.e. television) and the deliberative dynamics of modern, democratic public policymaking – are theoretical areas where the ideas of Habermas are influential. Already, in Chapter Three, we saw how Habermas's ideas on the deliberative public sphere (1989), and the media's potential role in facilitating this sphere, are used by many theorists (including Feintuck and Varney (2006)) to bolster their social responsibility-oriented, citizenship-focussed approaches to public interest media policy. The second fundamental connection between the work of Habermas and the context of this research project is in Habermas's ideas on public policymaking – a link demonstrated by the fact that one of the chapters in the aforementioned Fischer and Forester eds. (1993) volume on the argumentative turn is a contribution by Healy (1993) which makes substantial reference to Habermas's "theory of communicative action"

(Habermas, 1981, cited in Healy, 1993). In her piece on citizen participation in environmental planning, Healy argues that Habermas's communicative action concept offers a potential way forward for civil society-focussed public policymaking. In Healy's words, the value in Habermas's approach is in its emphasis on "deliberate efforts in mutual understanding through argument" (1993, p. 249). Healy (1993) ends her piece, written shortly after the fall of the Soviet Union in 1991, with a statement of a vision for citizen participation in governance based on Habermas's notion of communicative action:

> As the opposition of capitalism versus communism collapses, perhaps there is a hope that, through dynamically critical communicative processes, the democratic project of "making sense together while living differently" can develop as a progressive force (1993, p. 249).

The ideas of Foucault and Habermas on the nature of modern governance, and the nature of citizen engagement with governance, are not brought directly to bear on the data analysis in this thesis, but their ideas have been mentioned here in order to give further context to the argumentative turn in the analysis of public policymaking – a turn which Majone is part of, and which even to some extent Kingdon is part of (though he is not cited in the 1993 Fischer and Forester volume). For this author, it was helpful in analysing the data described in Chapters Six and Nine of this thesis to be mindful of the potentially determinative power of the nature of argumentation – and of deliberation – within the three streams of South African TV policymaking.

Conclusions

This chapter has briefly outlined some of the intellectual context from which the field of public policy studies, and Kingdon's conceptual framework, have emerged. Also provided was an outline of the components of the Kingdon framework deployed by this research project – as well as the ways in which the framework was adapted. This chapter has also pointed to the need, with a framework such as Kingdon's, to pay close attention to the role of argumentation within the dynamics of the policymaking processes (streams) under study. That is why Majone's ideas were brought into this chapter, and even, for further context on matters of argumentation and deliberation in public policymaking in democratic societies, some of the thinking of Foucault and Habermas.

The final point that needs to be made here is that this author's choice of Kingdon's policy streams framework (a framework emphasising ideas and values just as much as actors and constraints), and the referencing of the work of Majone in support of the argumentative elements implicit in Kingdon's framework, was based on this author's sense of the particularities of the South African TV policy case. The author's view, based on personal experience participating in South Africa's community media sector between 1998 and 2003 and based on initial reading of TV policy documents of the 1990s and the early years of the new millennium, was that an ideas/values-oriented framework, with appreciation of argumentative elements, would be well-suited to analysing policymaking patterns in the South African early-democratic-era TV policy space. The author felt that it was inevitable, given the dramatic nature of the transformations sought in myriad sectors of South African governance – including governance of the TV sector – in the years studied by the research, that close attention to the ideas, values, and arguments at play during these years would be of great importance to understanding the patterns, causalities and implementation outcomes of South African TV policy decision-making. The next chapter, Chapter Five, outlines the manner in which this research case study was designed and implemented, i.e. the manner in which the research's theoretical framework (adapted from Kingdon (1995)) for analysing public policymaking, along with the research's framework for analysing the operation of public interest objectives in media policy (as drawn from the work of Feintuck and Varney (2006)), were brought to bear on the data collected across four South African TV policymaking periods between 1990 and 2011.

Chapter 5: The "Case" of South African TV Policy's Regional/Local Question

A Single-Case, Qualitative Case Study, Across Four Periods

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[...] policy is an analytic category constructed by the analyst rather than a directly observable phenomenon. Any rational reconstruction of human affairs is open to a number of potential pitfalls – hindsight, bias, oversimplification. But this is not to say that a clever analyst can transform any collection of pieces of legislation and administration into a policy, any more than the historian is free to discover in past events the unfolding of his preferred philosophy – ***Majone (1989)***

[...] case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study, like the experiment, does not represent a "sample," and in doing a case study, your goal will be to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization) – ***Yin (2009)***

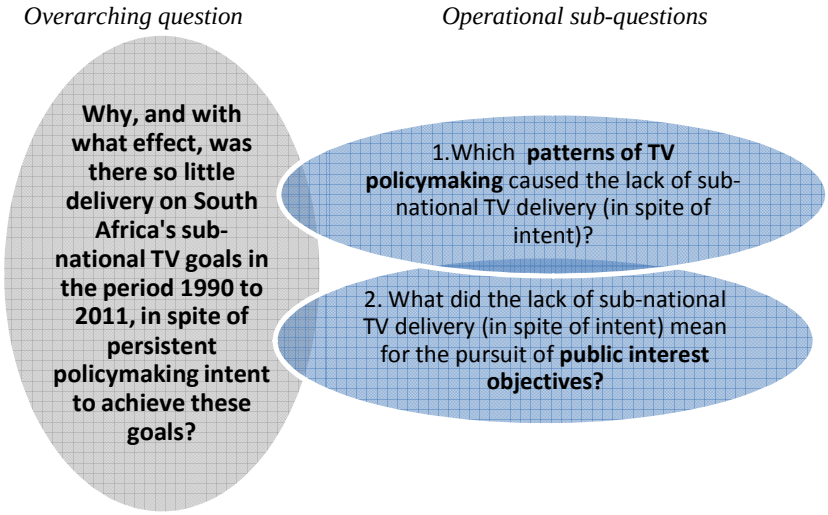
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As the passage above from Majone (1989) attests, neither the policy analyst, nor the historian, (nor this researcher), "is free to discover in past events the unfolding of his preferred philosophy" (1989, p. 153). This chapter provides an account of the decisions made during the design of this research project, with the aim being to allow this researcher to discover realities with a reasonable degree of detachment from notions of what, due to the choices already made in terms of theoretical frameworks (as outlined in Chapters Three and Four), the researcher might have wished to "discover" in order to see, as Majone puts it, "the unfolding of his preferred philosophy" (1989, p. 153). De Vaus (2001) asserts that research design, or "the structure of an enquiry", should primarily be dictated by the researcher's choices of theoretical framework(s) and choices of object(s) of study (2001, p.16). The choice of methods for data collection and data analysis should then flow, in a logical fashion, from the research design. The ultimate aim of the research design should be, according to De Vaus, to create conditions whereby the researcher is able to engage to some extent in both "theory-testing" and "theory-building" (2001, p. 5). Through both testing theory and trying to build upon it, the researcher is, according to De Vaus, able to move beyond mere descriptive research and provide exploratory and explanatory dimensions (2001, p. 1). This research project, following De Vaus's guidance, sought to engage in elements of both theory-testing and theory-building, and to provide elements of description, exploration and explanation.

5.1 Research Questions, Theoretical Frameworks

As explained in Chapter One, this research project had one overarching research question and two operational research questions aimed at generating answers to the overarching question. The overarching question was: *why, and with what effect,* was there so little delivery on South Africa's sub-national TV goals in the period 1990 to 2011, in spite of persistent policymaking intent to achieve these goals? The two operational questions were: (1) which *patterns of TV policymaking* caused the lack of sub-national TV delivery (in spite of intent), and (2) what did the lack of sub-national TV delivery (in spite of intent) mean for the pursuit of *public interest objectives?* The overarching question and the two operational questions are represented in Figure 5.1 below.

Figure 5.1 Research questions

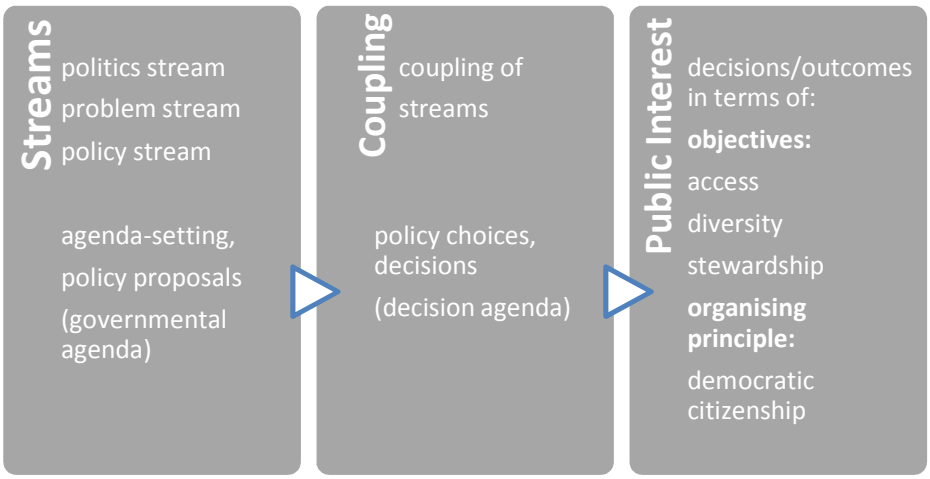


Source: author's preliminary scan of South African TV policy and implementation.

In order to seek answers to the two operational research questions, it was necessary for the dynamics of South African policymaking in the democratic era in relation to the regional/local TV policy question to be looked at through two theoretical frameworks: a theory of how deliberative public policymaking functions in democratic societies; and a theory of how broadcast policymakers in democratic societies should conceptualise and pursue the public interest. As outlined in Chapter Four, this research project's chosen theoretical framework for analysing the dynamics of public policymaking in democratic societies was drawn from the work of Kingdon (1995). As outlined in Chapter Three, the theoretical framework chosen for analysis of policymakers' pursuit of public interest

objectives was drawn from the ideas of Feintuck and Varney (2006). These frameworks, and the ways in which they were combined, are visually represented in Figure 5.2 below.

Figure 5.2 Theoretical frameworks



Sources: Kingdon (1995); Feintuck and Varney (2006).

Following the guidance of case study methodologist Yin (2009, p. 40), the design of this case study – i.e. the choice of its unit of analysis (the case) and the choices of its data collection/analysis methods – aimed to correspond to the requirements of the Kingdon (1995) and Feintuck and Varney (2006) theoretical frameworks being deployed. Staying true, via research design, to the research's "theoretical orientation", writes Yin (2009), is necessary to ensure that the theoretical frameworks can be deployed in a way that allows for "generalizing the results of the case study" (2009, p. 40). It is this task, of "generalizing the results" – via what Yin calls "analytic generalization" (2009, p. 15, pp. 38-39) – that is attempted to some extent at the conclusion of this thesis, in Chapter Ten.

5.2 The Case Study

It was determined that, in order to achieve the depth of data necessary to adequately explore the research question and deploy the chosen theoretical frameworks, a qualitative case study research method was required.

A qualitative, single-case, case study

The unit of analysis identified for the *qualitative, single-case, case study* was: the regional/local question in public interest-oriented, early-democratic-era South African television policymaking between 1990 and 2011. In designing this case study, the researcher had to be cognisant of the criticisms sometimes made against the qualitative case study method, particularly where the study is of a single case. According to Yin (2009), a "common concern" about single-case studies is

> [...] that they provide little basis for scientific generalization. "How can you generalize from a single case?" is a frequently heard question. The answer is not simple [...]. However, consider for a moment that the same question had been asked about an experiment. "How can you generalize from a single experiment?" [...] The short answer is that case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study, like the experiment, does not represent a "sample," and in doing a case study, your goal will be to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization) (Yin, 2009, p. 15).

There is also the question of what precisely the term "case study" means in methodological terms. According to Yin (2009), a case study "is an empirical inquiry" which has as its purpose to investigate "a contemporary phenomenon in depth and within its real-life context" (2009, p. 18). Yin (2009) adds that this kind of inquiry is particularly pertinent when "the boundaries between phenomenon and context are not clearly evident" (2009, p. 18). Extrapolating further, Yin (2009) writes as follows:

> In other words, you would use the case study method because you wanted to understand a real-life phenomenon in depth, but such understanding encompassed important contextual conditions – because they were highly pertinent to your phenomenon of study (2009, p. 18).

Yin (2009) continues by stating that "because phenomenon and context are not always distinguishable in real-life situations", there are "other technical characteristics" that form part of the definition of the case study method. According to Yin,

> [t]he case study inquiry
> - copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result
> - relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result
> - benefits from the prior development of theoretical propositions to guide data collection and analysis (2009, p. 18).

In Yin's view (2009), the case study approach "comprises an all-encompassing method – covering the logic of design, data collection techniques, and specific approaches to data analysis" (2009, p.18).

The longitudinal dimension

For this case study, the unit of analysis (the regional/local question in South African TV policymaking between 1990 and 2011) was given a *longitudinal* dimension – a dimension which Yin (2009) recommends where it is possible (2009, p. 49) – through division of the 21 years of the study into four TV policymaking periods: period one from 1990 to October 1996; period two from November 1996 to 2001; period three from 2002 to 2006; and period four from 2007 to 2011. The four periods are represented in Figure 5.3 below.

Figure 5.3 Four periods of study



Source: author's initial data analysis.

Breaking the case's unit of analysis into four periods offered the potential for comparison and contrasting of the findings between periods and across all four periods. However, this study was not *primarily* longitudinal in orientation, because the theories being explored in this thesis did not require a comparative longitudinal element. The focus of the research – on the dynamics of the regional/local question in the TV policymaking space, through analysing the findings from the data against a public policymaking theoretical framework and a public interest media policy theoretical framework – did not implicitly require a longitudinal dimension. However, it was assumed from the beginning of this project that there would be differences in the policymaking dynamics between and across the four periods, and that analysis of such differences would provide the study with additional levels of value beyond the analysis of the dynamics and activities in each of the four periods in isolation. The demarcation of the four periods was based on the following logic:

Period one (1990 to October 1996)

This first period of early-democratic-era South African TV policymaking was demarcated as beginning in 1990 because it was in February 1990 that the African National Congress (ANC) and other pro-democracy parties were unbanned and ANC leader Nelson Mandela was released from prison. These events of February 1990 launched the transitional-democratic period during which negotiations occurred between the ruling National Party (NP) and the unbanned parties (led by the ANC) on a democratic transformation, including transformation of the broadcasting sector. October 1996 was chosen as the end-point for this first period of study because by then the IBA Act drafting process of 1993, the Minister's Task Team process of 1995 regarding the former Bantustan broadcasters, the IBA and Portfolio Committee's Triple Inquiry processes of 1994-96, and the key Constitution-writing processes of 1993 to 1996 – all of which had a bearing on the regional/local TV question – had come to an end, and a shift in focus in the TV policy sector (to the licensing of private free-to-air TV and a Green Paper/White Paper/Act process) was about to occur (in November 1997). The author acknowledges that an important formal condition of "democracy", rule by a democratically elected government, was not present until May 1994 (after the April 1994 elections), and thus the TV policymaking between February 1990 and April 1994 was occurring during a transitional-democratic phase. It was necessary, however, to demarcate this first period as beginning in 1990 because a great deal of fundamental, democratisation-oriented TV policymaking activity occurred before, and right up into, the election period of mid-1994.

Period two (November 1996 to 2001)

Study period two was demarcated as beginning in November 1996 because it was on 1 November 1996 that the regulator, the IBA, issued its Private Television Discussion Paper, beginning the process which resulted in licensing in early 1998 of e.tv, the first private free-to-air competitor to the SABC. The regional/local TV question was prominent during this private free-to-air TV policy and licensing process. Other TV policymaking processes in this period with relevance to the regional/local question were the Broadcasting Policy Green Paper/White Paper process of 1997-98 (which underpinned the eventual Broadcasting Act of 1999); the creation of a new regulator, the Independent Communications Authority of South Africa (ICASA), in 2000; the development of the GCIS 2001 Position Paper on the MDDA;

and ICASA's 2001-01 Review of South African Content Quotas. The end-point for this policymaking period was chosen as the end of 2001 (even though the MDDA and South African Content Quota processes were still incomplete) because it was in 2002 that a significant new dimension to the regional/local question in South African TV policymaking, the push for public regional TV channels, arose via the Broadcasting Amendment Act of 2002.

Period three (2002 to 2006)

Study period three was demarcated as beginning in 2002, the year of the controversial Broadcasting Amendment Act. This Act, by mandating the creation of new SABC regional TV channels, set off a chain of policy activity on sub-national TV matters. In addition to the Broadcasting Amendment Act, this period also saw establishment of the MDDA with a mandate to support community TV; a new set of South African Content quotas for TV with relevance to provincial production capacity; ICASA Inquiries into Regional TV (RTV) and Local TV (LTV); ICASA issuing of licence conditions for the planned SABC 4 and SABC 5 regional channels; and promulgation of the Electronic Communications Act (ECA) of 2005 (which repealed the IBA Act of 1993), which introduced new provisions important for community TV. Also in this period with relevance to regional/local TV policy were the 2006 work of the Broadcasting Digital Migration Working Group (WG) and e.tv licence renewal application in 2006 by e.tv parent company Midi TV. This period's end-point was chosen as end-2006 because it was in late 2006 that the push for public regional TV (SABC 4 and SABC 5) in analogue had apparently exhausted itself, and a significant change in TV policy focus with relevance to sub-national TV was about to occur (as it did in March 2007) via the release of draft digital migration policy documents by the Department of Communications (DoC).

Period four (2007 to 2011)

The beginning point for this fourth period of study was the March 2007 release of the DoC's Draft Broadcasting Digital Migration (BDM) Strategy for public and stakeholder input. Digital migration (gradually moving from analogue to digital transmission of terrestrial TV) was one of two prominent TV policymaking processes in this period with relevance to the regional/local TV question. The second prominent process in relation to the regional/local TV

question was the full-time licensing of new community TV stations, which saw five new full-time stations go on-air with seven-year class licences awarded by ICASA. Other processes relevant to the regional/local TV policy question, but less prominent, were the DoC's Public Service Broadcasting (PSB) Discussion Paper and draft Bill of 2009, the DoC's Draft Local and Digital Content Development Strategy and Local Content Summit of 2009-10, the DoC's Community TV Policy Workshop and "business model" consultancy of 2010-11, ICASA's multiple drafts of its Digital Terrestrial Television (DTT) Regulations, and ICASA's review of the Broadcasting Transmission Services Regulatory Framework. This period's end-point of 2011 was necessitated by the requirement that the author complete the research project, begun in 2006, in 2011 in order to adhere to the university's procedures for PhD completion. (When data collection began in 2006, it was anticipated that this study would have only three periods, between the early 1990s and 2006. However, a three-year hiatus from the research, between 2007 to 2009, made it possible for the author, upon returning to the project in 2010-11, to add a fourth study period covering the years 2007 to 2011.)

5.3 Data Collection

Yin (2009) asserts that there are six main categories of "evidence" that should typically be considered as sources for case study data: "documentation, archival records, interviews, direct observations, participant-observation, and physical artifacts" (2009, p. 101). For this case study, data from five of these six possible sources of evidence were available. Figure 5.4 below details the degree of availability, and degree of usefulness to this study, of each of the five types of evidence which were used:

Figure 5.4 Evidence: types, availability, usefulness

Type of Evidence	Availability	Usefulness
Documentation: Acts, Bills, regulations, policy documents, discussion documents, minutes of Parliament, audio of Parliament's	Most of the documentation relevant to the case study was readily available via the internet on the websites of the Parliamentary Monitoring Group (PMG), ICASA, the DoC, the Freedom of Expression Institute (FXI) and the SOS: Support Public Broadcasting Coalition; some items that were only temporarily available online were downloaded and saved by the researcher before going offline; some documents were located in hard-copy (and then scanned for digital storage by	Useful due to their primary/authoritative (and often official/public) nature, for generating reliable data for triangulation with data from interviews – though, warns Yin, care is needed due to potential "(unknown) bias" of the authors of such documents (Yin, 2009, p. 102).

proceedings, transcripts of regulator hearings	the researcher) at the ICASA Resource Centre in Johannesburg, the FXI office in Johannesburg and the Resource Centre of the University of Witwatersrand LINK Centre in Johannesburg; some non-publicly-available hard-copy documents were sourced from the personal archive of interviewee Dimitri Martinis; and some non-publicly-available electronic documents were provided to the researcher by interviewees.	
Interviews	The researcher, between August 2006 and January 2012, conducted lengthy, audio-recorded, semi-structured interviews with 28 people who had been direct, high-level participants in TV policy matters in one or more of the four demarcated TV policymaking periods between 1990 and 2011.	Useful, for generating data for triangulation with data from documentation, because of the high-level positions occupied by the interviewees and their willingness to speak (for the most part) on-the-record with attribution – though, warns Yin, care is needed with such interview data due to potential biases, inaccurate recall, and reflexivity between the interviewer and interviewees (Yin, 2009, p. 102).
Direct observations	The researcher was present, as a non-participant, at several DoC and ICASA policy/regulatory processes/events in study periods two, three and four.	Useful for understanding the "context" of the case (Yin 2009, p. 102), for collecting unpublished policy documents and agendas, for observing actions of policymaking actors in the South African television sector policy community, for making contact with potential interviewees, and for taking notes during, and/or making audio recordings of, proceedings not officially documented – though, warns Yin, when the researcher observes such events the "event may occur differently because it is being observed" (Yin, 2009, p. 102).
Participant-observation	The researcher participated, as a representative of the National Community Radio Forum (NCRF), in certain policy activities of the NCRF and FXI in study periods one and two, including the DoC's Community Electronic Multimedia (CEM) Indaba of 2001 and the DoC's Convergence Colloquium in 2003. The researcher also participated, as a representative of the University of the Witwatersrand LINK Centre, in the Community Multimedia Services (CMS) Summit in 2003, in the Greater Durban Television (GDTV) community TV special event broadcast and workshop in 2004, in the Community TV and Video Scoping Workshop in 2004, in the ICASA public release of the ICASA Community TV Position Paper in 2004, in the ICASA public announcement of the SABC 4 and 5 regional TV licence decisions in 2005, and in the DoC Local Content Summit and Community TV Policy Workshop in 2010.	Useful for helping the researcher to get direct exposure to the perspectives of government, regulatory, broadcast industry and civil society members of the South African TV sector policy community, for understanding the "context" of the case (Yin, 2009, p. 102), for collecting unpublished policy documents and agendas, for making contact with potential interviewees, and for making notes on, and/or audio recordings of, proceedings never documented in official minutes (e.g. DoC Community TV Policy Workshop in May 2010) – though, warns Yin, participation in such processes/events can lead to "[b]ias due to participant-observer's manipulation of events" (Yin, 2009, p. 102).
Physical artifacts	The researcher has viewed the programming of South Africa's two national free-to-air TV broadcasters, the SABC and e.tv, and the programming of five community TV channels	Useful for understanding the implementation context of the policy case study, i.e. the nature of the content on South Africa's free-to-air television.

	past and present: Cue-TV, Greater Durban Television (GDTV), Soweto TV, Cape Town TV and Trinity Broadcasting Network (TBN). Of these five community channels, three were on-air at the end of 2011 (Soweto TV, Cape Town TV and TBN).	

As has just been outlined in Figure 5.4, the researcher had the benefit of five kinds of evidence pertinent to the case study. The most useful categories of evidence were found to be the first four listed in the Figure: documentation, interviews, direct observations and participant-observation. From each of these four sources of evidence, data were extracted with sufficient reliability to allow for the triangulation (agreement between at least two different findings from the data) necessary to arrive at reliable inferences regarding the dynamics and causalities in the TV policymaking space between 1990 and 2011. The triangulation sought in this study was of the kind that Yin (2009) calls "data triangulation" – as distinct from three other kinds of triangulation (not attempted by this thesis) that Yin (2009) cites, which are investigator triangulation, theory triangulation and methodological triangulation (2009, p. 116). When engaging in *data triangulation*, Yin (2009) warns against making the mistake of confusing "multiple sources" with "triangulation":

> When you have really triangulated the data, the events or facts of the case study have been supported by more than a single source of evidence; when you have used multiple sources but not actually triangulated the data, you typically have analyzed each source of evidence separately and have compared the conclusions from the different analyses – but not triangulated the data (Yin, 2009, p. 116).

Guided by this important distinction from Yin, Chapters Six to Ten of this thesis only seek to draw firm conclusions, or make what Yin calls "analytic generalizations", when true data triangulation has been achieved. Figure 5.5 below summarises the data collection process for this research project.

Figure 5.5 Data collection

Periods	**Data**	**Data collection foci**
Democratic-era South African TV policymaking period 1: **1990 to Oct. 1996**	**Documentation:** official policy documents, minutes of Parliamentary hearings, minutes of regulatory hearings. **Interviews:** transcripts of audio-recorded semi-	**Streams, governmental agenda** • Politics stream: intervening factors, events, dynamics relevant to the regional/local TV question; building of the TV policy governmental agenda • Problem stream: policy problem definitions/discourses with relevance to the regional/local TV question; building of the TV sector governmental agenda
Democratic-era South African TV policymaking		

period 2: **Nov. 1996 to 2001**	structured qualitative interviews. **Direct observations:** of South African broadcast policymaking events/processes **Participant-observation:** during South African broadcast policymaking events/processes. **Artifacts:** viewing of South African free-to-air TV programming.	• Policy stream: policy proposals/arguments relevant to regional/local TV matters on the TV sector governmental agenda **Coupling of streams, decision agenda** • coupling of streams in relation to regional/local TV matters on the TV sector governmental agenda; movement of regional/local TV policy proposals onto the TV sector decision agenda; binding decisions on regional/local TV policy proposals **The public interest** Objectives: • access • diversity • stewardship Organising principle: • democratic citizenship
Democratic-era South African TV policymaking period 3: **2002 to 2006**		
Democratic-era South African TV policymaking period 4: **2007 to 2011**		

Documentation

As outlined in Figure 5.4 above, there was an abundance of primary documentation available, much of it online, in relation to South African TV policymaking between 1990 and 2011. A full listing of all the primary documents consulted is provided in the Bibliography, in the "Primary Documents (1990 to 2011)" section of the Bibliography. The key sources of primary documents were:

- the website, and hard-copy Resource Centre (in Johannesburg), of the broadcast regulator ICASA (formerly the IBA);
- the website of South Africa's Parliamentary Monitoring Group (PMG);
- the website of the DoC;
- the website, and hard-copy Resource Centre (in Johannesburg), of the FXI;
- the website of the Government Communication and Information System (GCIS);
- the hard-copy archive at the LINK Centre, University of the Witwatersrand, Johannesburg;
- the researcher's personal electronic and hard-copy document archive generated in the course of observations of, and participation-observation in, DoC and ICASA policy/regulatory processes/events between 1998 and 2010;
- the personal electronic and hard-copy document archives of some of the interview subjects for this research; and
- the personal electronic and hard-copy document archives of other non-interviewee contacts in the South African broadcasting sector.

In working with these documents, attention was given to the important overlapping issues that research methodologist Scott (1990) has outlined in his work on document research: authenticity, credibility, representativeness and meaning (1990, p. 6). An advantage with most of the documentary evidence outlined above was that these documents were "fixed" representations established without researcher intervention which contained what Scott calls "intentional messages" (1990, pp. 4-5). However, attention had to be given to the potential for unintended or insincere messages to emerge in these documents, and the potential for what Yin (2009) calls "reporting bias" generated by the often "unknown" bias of the person or people preparing a document (2009, p. 102). Also important to remember was Majone's (1989) characterisation of policy processes (and thus policy documents) as exercises in "argument", thus containing a mixture of messages, including messages aimed at normative shaping of the environment and others aimed more towards achieving tactical goals (1989, p. 1). All the primary documents collected during this research project were stored digitally by the researcher – divided into four computer folders, one folder for each of the four time periods demarcated for the study – in a digital Case Study Database that can be made available to any future researchers wishing to validate or augment this research project. This researcher's keeping of an orderly Case Study Database was done on the basis of Yin's (2009) recommendation that the presence of such a database is necessary to increase the *reliability* of the research:

> [...] so that in principle, other investigators can view the evidence directly and not be limited to the written case study reports. In this manner, a case study database markedly increases the reliability of the entire case study (2009, p. 119).

At the completion of the research, there were approximately 2,500 primary documents in the Case Study Database. Due to this large quantity of documentation collected, only the documents directly consulted during the data analysis and writing-up of the thesis are included in the "Primary Documents" section of the Bibliography at the end of this thesis.

Interviews

The interviewing for this project consisted of pre-interviews and formal research interviews, as detailed in Appendix 1 and Appendix 2 of this thesis. Pre-interviews, during conceptualisation and writing-up of the research proposal, were conducted in the period 2004-05. Research interviews, including formal interviews with 28 key TV policy

stakeholders were conducted between 2006 and January 2012. According to Yin (2009), when conducting in-depth interviews for a case study, the interviewer has "two jobs":

> (a) to follow your own line of inquiry, as reflected by your case study protocol, and (b) to ask your actual (conversational) questions in an unbiased manner that also serves the needs of your line of inquiry [...] (2009, p. 106).

Yin (2009) usefully distinguishes, in the interviewing process, between what he calls "Level 1" questions, which are the "questions asked of specific interviewees", and "Level 2" questions, which are "the questions in the case study protocol to be answered by the investigator [...]" (2009, p. 87). This research project did not have a discrete "case study protocol", but instead, an "Interview Guide" which was sent out to each interview subject in advance of the interview. This one-page Guide provided the interviewee with the title of the research project – "The Regional/Local Question in Public Interest TV Policy: A South African Case Study" – and an outline of the three themes to be covered in the interview, which were listed as:

- SA Regional/Local TV Policy and Implementation Path;
- Moments of Policy Opportunity for SA Regional/Local TV; and
- The SA Regional/Local TV Players.

The contents of that 2006 Interview Guide are in Appendix 3 of this thesis. The three themes of the Interview Guide – policy and implementation path, moments of policy opportunity, players – were written up in such a way that they would correspond to, without explicitly indicating, the main analytical categories in the Kingdon (1995) and Feintuck and Varney (2006) frameworks that were being tested by the research. For instance, by asking interviewees, under the first theme, about the "policy and implementation path", it was assumed that data relevant to understanding the dynamics of content in the three streams (politics, problems, policy proposals) deployed from the Kingdon (1995) framework, and of coupling between the streams, would, where relevant, emerge. In addition, under the first theme there were also references to "overt arguments" and "underlying motivations", which, it was assumed, would bring out some of the rhetorical and argumentative elements sought by the researcher. And it was assumed (correctly, as it turned out) that most of the interviewees would inevitably end up discussing policy/regulatory objectives in relation to regional/local TV, including *public interest* objectives, in the course of the interviews, thus providing data

relevant to interrogation of the public interest theoretical framework drawn from Feintuck and Varney (2006).

For the interviewer, the Interview Guide also served as "case study protocol", ensuring that the researcher stayed focussed, during the data collection, on the elements required by the design of the case. Using Yin's terminology, the Interview Guide provided the basis for both the "Level 1" questions (questions asked of the interviewees) and the "Level 2" questions (the questions being asked by the interviewer "of the case"). The Level 2 questions were implied, for the researcher, by the Level 1 questions. It is necessary to note, however, that even though most of project's key theoretical terms (streams, coupling, windows: i.e. elements of the "Level 2" questions) do not appear in the Interview Guide, the researcher did on occasion introduce such terms in the course of an interview, even explaining how some terms were used by Kingdon, in order to get a truer sense of how useful the Kingdon framework was in understanding the South African TV policymaking context. Yin (2009) distinguishes, in the interview process, between "focussed" interviews, which adhere to factual questions and remain very closely tied to the case study protocol (or, in this case, the Interview Guide), and "in-depth" interviews which seek both factual information and the interviewee's "opinions about events" (2009, p. 107). Based on this distinction by Yin, all but two of the formal interviews conducted were "in-depth" interviews, where both fact and opinion were sought. The only exceptions (the only "focussed" interviews) were the interview with Kogan Pillay of the Public-Private Partnership (PPP) Unit at National Treasury, and the interview with Norman Gidi of the ICASA Licensing Department. Both of these interviews were tightly-focussed, and briefer than most of the other interviews. Apart from the Pillay and Gidi interviews, most of the interviews were more than an hour in length, and several stretched to two hours or longer. In all interviews besides the Pillay and Gidi interviews, the interview respondents were asked for a wide range of opinions and were asked to suggest other interview subjects and other lines of inquiry, and were even, in a few cases (as mentioned above), informed of aspects of Kingdon's theoretical framework. Yin (2009) argues that certain subjects of in-depth interviews, when they begin to assist the researcher in interrogating the evidence, cease to be merely "respondents" and become "key informants", which Yin characterises as follows:

> Key informants are often critical to the success of a case study. Such persons provide the case study investigator with insights into a matter and also can initiate access to corroboratory or contrary sources of evidence [...] Of course, you need to be cautious about becoming overly dependent on a key informant, especially because of the interpersonal influence – frequently subtle – that the informant may have over you" (2009, p. 107).

Several of the interviewees played the *key informant* role as characterised by Yin in the passage just quoted. These key informants pointed the researcher to both "corroboratory" and "contrary" evidence and realities that the researcher needed to consider, thus playing a significant role in this researcher's exploration of the case. In several cases, these key informants were people the author had known for several years through the researcher's participation in, and research on, the South African broadcasting sector, and thus the danger Yin describes above – the danger of "interpersonal influence" – was very real. However, in this author's view, the dangers created by the potential influence of these key informants over the author were greatly outweighed by the value inherent in the depth, analytical sophistication and frankness of the data acquired from the interviews with these key informants. It may have been partly *because of* the interpersonal connection between the interviewer and these key informants – and thus a degree of trust and mutual understanding – that the key informants were able to provide such illuminating inputs to the research. However, it is this author's view that the most significant reason for the high quality of the inputs received through the interviews was independent of anything to do with this researcher or this research project. The high quality of the interview inputs was ultimately, in this authors' view, a function of the high calibre, and deep experience and integrity, of the interviewees themselves.

It is necessary to note here that the timeframe covered by the study was initially conceived as being from 1994 and 2006, and that is why the Interview Guide in Appendix 3 (on which the August-September 2006 interviews were based) specified examination of the years 1994 to 2006. When the author returned to this project in 2010-12 and conducted additional document collection and interviews, the Interview Guide had to be revised (see Appendix 4) to include elements for the period 2007 to 2011. At the same time, based on the author's increased understanding of the dynamics of the case – increased understanding gained through the original round of document collection and interviews in 2006 – it was realised that processes in the transitional-democratic period 1990 to 1993, and additional processes in the periods 1994 to 2006, needed be included in the revised Interview Guide used in 2011-12. By the

time of the interviews in 2011-12, it had also been decided that the case study timeline should be broken into four periods, including a break between periods one and two of 1 November 1996 – a break which only become clear to the author during document collection and interviews of 2006. Appendix 4 shows the revised Interview Guide that was used in 2011-12, with a revised study timeframe (1990 to 2011), a splitting of the "moments of policy opportunity" into four periods, with revised content in the "moments of policy opportunity" and "players" sections so as to include moments/players for the years 1990 to 1993 and 2007 to 2011, and with additional/augmented moments/players for the years 1994 to 2006.

The formal interviews conducted with 28 people in 2006 and 2011-12 were audio-recorded and transcribed, and the audio files and written transcripts have been stored digitally in the author's aforementioned Case Study Database – meaning they can be made available to any other researcher wishing to consult the same sources or verify the content of the sources (with the *proviso* that for access to certain audio files and transcripts, permission would have to be granted by the interviewee because the interviewee specified that certain of her/his statements were "non-attributable" or "off-the-record").

In conducting the interviews, the author was mindful of the work of Arksey and Knight (1999) on qualitative interviewing for the social sciences, and of the strengths and weaknesses of the semi-structured interview as a research methodology. The strength of qualitative semi-structured interviews, particularly when many of the interview subjects are influential actors in the context being researched, is that they allow for a "thickness" of examination, with the interviews ideally, in the words of Arksey and Knight (1999), "helping people to make explicit things that have hitherto been implicit" (1999, p. 32). Given that this is a single-case case study, it has been particularly necessary that there be depth/thickness in the interview findings. There are, however, several dangers that need to be avoided in doing qualitative interview work. Some of the dangers have to do with the actual mechanics of interviewing people, particularly people from what Arksey and Knight (1999) refer to as "the elite sector" (1999, p. 122). As Arksey and Knight (1999) point out, elite individuals can be difficult to keep on-topic, can seek to test the credibility and knowledge of the interviewer, can seek to sabotage or mislead the research project, and can make onerous requests for anonymity. (However, if each of these potential constraints is anticipated and managed, individuals from the elite sector can also provide crucially important data.) Other dangers

with qualitative interviewing flow more generally from the nature of qualitative interview data. While such data are potentially rich, they are also, by their very nature, somewhat unreliable, based as they are on individuals' recollections of events and processes. As Arksey and Knight point out, it is crucially important that the researcher does not at any point overstate the generalisability of qualitative interview data, and that all interview data that find their way into research findings/conclusions have been triangulated (1999, pp. 21-25). It was in order to minimise some of the inherent risks (as outlined by Arksey and Knight (1999)) in conducting interviews with individuals from the elite sector that the researcher sought to ensure that the interview subjects were properly briefed about the nature of the research, were furnished with the Interview Guide in advance of the interview, and were made aware of the procedures to be followed for non-attributable and/or off-the-record statements.

Direct observations, participant-observation, artifacts

As outlined earlier in Figure 5.4, the author was a direct observer of several events/processes relevant to this research, and the researcher was a participant-observer in several events/processes relevant to this research. In addition, as also covered in Figure 5.4, the author viewed TV programming (i.e. "artifacts") of South Africa's two national free-to-air TV broadcasters, the SABC and e.tv, and programming of five community TV channels: Cue-TV, Greater Durban Television (GDTV), Soweto TV, Cape Town TV and Trinity Broadcasting Network (TBN).

5.4 Data Analysis

As explained in the previous section, while the researcher was privy to five sources of evidence for this case study, the four most useful sources, because of their depth ("thickness") and relatively high reliability for the purposes of triangulation, were the first four listed in Figure 5.1 – documentation, interviews, direct observations and participant-observation. From each of these four sources, data were extracted with sufficient reliability to allow for triangulation (agreement between at least two different pieces of data) in order to arrive at analysis of the dynamics and outcomes of South African TV policymaking on the regional/local question between 1990 and 2011.

Thus, the data analysis in Chapters Six to Nine is largely based on data drawn from the primary documentation collected and from transcripts of the formal interviews, with other data sources (pre-interviews, direct observations, participant-observation, artifacts) used for triangulation, where necessary. In most cases, triangulation could be established between the primary documents and the formal interviews. The data were first grouped into the four demarcated TV policymaking periods as explained above: period one from 1990 to October 1996; period two from November 1996 to 2001; period three from 2002 to 2006; and period four from 2007 to 2011, i.e. where some data were determined, qualitatively, to be in some way addressing, or connected to, policymaking/policy on sub-national TV, the data (from a primary document or an interview transcript) were typed or pasted into one of the four MS Word period-of-study files. The data for each period of study were, at the same time, qualitatively separated further, within each of the four periods of study, according to whether the data were qualitatively judged by the author to have primary relevance to "politics" (i.e. activity in the politics stream), or "problems" (activity in the problem stream), or "proposals in the policy stream" or "decisions" (binding policy decisions).

Once the data had been broken up into these four sections for each of the four periods, then the various gradations and permutations of the "regional/local TV question" were scrutinised qualitatively for each period of study, with data in each period that approached the regional/local question in a similar manner or from a similar perspective grouped together. Gradually, as this sorting continued in each of the four periods, and as the author began to write up the four core sections of each chapter – the sections entitled "Politics", "Problems", "Proposals in the Policy Stream" and "Decisions" – nine problem definitions connected to sub-national TV deliverables were identified as being present on the TV sector governmental agenda – eight of them present in all four periods of study and one present in three of the four periods of study. The problems identified consisted of three "sector problems" – (1) the lack of public sub-national TV, (2) the lack of private sub-national TV, and (3) the lack of community sub-national TV – and six "cross-cutting problems" (cutting across all three of the sector problems and also relating in some cases to national TV): (1) the lack of sub-national TV finance, (2) the lack of sub-national TV frequency allocations, (3) the lack of decentralised TV production, (4) the lack of TV access in remote rural areas, (5) the lack of localised TV language provision, and (6) the lack of sub-national TV accountability. These nine problems are summarised in the two "problem codes" columns in Figure 5.6 below.

Figure 5.6 Data analysis layer one

Periods	Data groupings	Problem codes	
Period one: 1990 to Oct. 1996	**Politics**	**3 "sector problems"**	**6 "cross-cutting problems"**
Period two: Nov. 1996 to 2001	**Problems** (governmental agenda)	The lack of: 1. public sub-national TV 2. private sub-national TV 3. community sub-national TV	The lack of: 1. sub-national TV finance 2. sub-national TV frequency allocations 3. decentralised TV production 4. remote rural TV access 5. localised TV language provision 6. sub-national TV accountability
Period three: 2002 to 2006	**Proposals in the Policy Stream**		
Period four: 2007 to 2011	**Decisions** (decision agenda)		

It was found that the only policy problem *not* present on the governmental agenda in all four periods of study was the *private sub-national TV* sector problem, which, in this author's view, was not meaningfully present on the governmental agenda in the fourth period of study (see Chapter Nine). (But this private sub-national TV sector problem *was* found to be present on the governmental agenda in the first three periods of study, as outlined in Chapters Six to Eight.)

Eventually, for each of the four study periods, the author was able to reduce the data to roughly 30,000 words for each of the four periods, with the data for each period grouped according to four "data groupings" (see Figure 5.6) within each period (politics, problems, proposals in the policy stream, decisions), and the nine "problem codes" (see Figure 5.6) impacting on the four data groupings. That was the *layer-one* data analysis. The *layer-two* analysis, which occurred during the writing-up of the layer-one analysis into Chapters Six to Nine (one chapter for each of the four periods of study) was the author's qualitative analysis of the findings from the layer-one analysis against the research's two theoretical frameworks as adapted/extracted from Kingdon (1995) and Feintuck and Varney (2006). Thus, while writing-up the findings of the layer-one analysis, the author qualitatively analysed (1) the degree to which the policymaking in each of the four periods of study conformed with, or

deviated from, the deliberative, democratic policymaking assumptions inherent in the adapted Kingdon framework deployed by the research; and (2) the degree to which the policy decisions and outcomes in each of the four periods were aligned with, or diverged from, pursuit of the public interest objectives extracted for this research from the work of Feintuck and Varney (2006). This layer-two analysis is represented in Figure 5.7 below.

Figure 5.7 Data analysis layer two

<table>
<tr><th>Periods</th><th>Data groupings</th><th colspan="2">Analysis</th></tr>
<tr><td>Period one:
1990 to Oct. 1996</td><td rowspan="4">Politics

Problems
(governmental agenda)

Proposals in the Policy Stream

Decisions
(decision agenda)</td><td rowspan="4">Patterns of policymaking in relation to the adapted Kingdon (1995) deliberative, democratic policymaking framework</td><td rowspan="4">Public interest orientation/outcomes of policy decisions in relation to the public interest framework extracted from the ideas of Feintuck and Varney (2006)</td></tr>
<tr><td>Period two:
Nov. 1996 to 2001</td></tr>
<tr><td>Period three:
2002 to 2006</td></tr>
<tr><td>Period four:
2007 to 2011</td></tr>
</table>

The final data analysis for each of the four periods of study, as written up in Chapters Six to Nine of this thesis, and the longitudinal analysis across all four periods provided in Chapter Ten of this thesis, were thus based on the two layers of analysis just outlined. The analysis employed a mix of "interpretational" analysis (the search for patterns, commonalities), "reflective" analysis (the author's judgements, based on close scrutiny of the data) (Leedy, 1997; Gall, *et al.*, 1996), and "hermeneutic" analysis of both the documents and interviews, through which data groupings and codes described above were arrived at (Kvale, 1996). In addition, given that this author was at times peripherally linked to the policymaking space through work in Johannesburg for the Centre for Democratic Communications (CDC) in 1998-2000, the National Community Radio Forum (NCRF) in 2000-03, and the University of the Witwatersrand LINK Centre in 2003-11, the author was able to engage to some extent in what Burawoy (1998) has called "reflective science" – as opposed to "positive science" – because this author/researcher was not entirely external to the policymaking space examined in this thesis.

Conclusions

This chapter has outlined the design of the research project – a design which, this author believes, was successful in generating the data and data analysis necessary to produce a worthwhile and original contribution to the scholarship on South African democratic-era TV policymaking. The outputs generated by the design are outlined in Chapters Six to Ten of this thesis. It would be dishonest, however, to suggest that the research design was always entirely clear during the course of the research project. At the outset of the study, particularly just prior to, and during, the data collection of 2006, the author grappled for clarity on a number of elements of the research design, particularly the matter of how to demarcate periods within the study. As mentioned earlier in this chapter, it was only when extracting the data from the primary documents, and from the transcripts of the interviews conducted in 2006, that the author came to the realisation that the first democratic-era South African TV policymaking period needed to be treated as beginning in 1990, and not in 1994 as originally thought (even though it was not until May 1994 that formal democracy, via a democratically elected government taking office, was established).

Another change made along the way was the addition of the fourth period of study, the period from 2007 to 2011. This addition of a fourth period was made necessary by this author's inability to complete the writing-up of the thesis in 2006-07 as originally planned. Had the thesis been completed then, it would only have analysed three periods, between 1990 and 2006, and much of what was emerging from the interviews in 2006 – particularly the speculations about the role that digital migration policymaking was likely to play in the regional/local TV question in 2007 and beyond – would have remained as speculation. As it happened, the regional/local TV policy question took on several significant elements in the period 2007 to 2011, due to several factors which were somewhat detectable, but highly uncertain, in 2006 when the first round of data collection was drawing to a close. And thus, the addition of the fourth study period helped, in this author's view, to strengthen the research project, and this thesis, considerably.

PART THREE: DATA ANALYSIS AND CONCLUSIONS

Chapter 6: SABC Interests Trump the Public Interest

Regional/Local TV Policymaking from 1990 to October 1996

**

New voices at national, regional and local levels, and genuine competition rather than a monopoly of ideas, must be encouraged – ***ANC Reconstruction and Development Programme (RDP), 1994***

Our view is that the best guarantor of media freedom may be to ensure that the media are as decentralised as possible – ***NP Minister Roelf Meyer, 1992***

The national broadcaster's practice of segregating languages on separate channels in a regional manner should cease – ***Jabulani conference recommendation, 1991***

Take for instance the weather forecast reports on TV2 and 3, which do not show the weather forecast in all languages; and the SABC doesn't show all parts of the map when speaking about the weather in a certain language. The weather only seems to occur in the entire nation on TV1 – ***Njabulo Ndebele, University of the Witwatersrand, 1991***

**

In the period 1990 to October 1996, there were three main couplings among the process streams of South African TV policy which resulted in decisions relevant to sub-national TV matters. In the first two instances of binding decision-making – the IBA Act of 1993 and the Minister's acceptance in 1995 of the report of his Task Group on the Integration of Public Broadcasting Services – the couplings occurred in a manner which, in this author's view, was favourable to orderly pursuit of sub-national TV deliverables. In the third instance, however, in early 1996, the dynamics of the politics stream overwhelmed the dynamics of the other two streams (the problem and policy streams), producing a set of decisions unfavourable to several kinds of public interest deliverables, including sub-national TV deliverables. The unfavourable decisions of early February 1996 were those of the Parliamentary Portfolio Committee on Communications, which decided in February 1996 that the SABC should keep all three of its television channels and, at the same time, not be guaranteed large-scale core state/public funding. These Portfolio Committee decisions set the SABC on a path whereby it became a commercially oriented, market-dominant broadcaster not compelled to provide a substantial range of public interest deliverables, including sub-national TV deliverables.

The first three sections of this chapter look at the dynamics and content of the three streams of South African policymaking in the period 1990 to October 1996 in relation to sub-national TV, with the three sections entitled "Politics" (for the *politics stream*), "Problems" (for the *problem stream*), and "Proposals in the Policy Stream" (for the *policy stream*). These three sections reveal which sub-national TV problem definitions found their way onto the TV sector *governmental agenda* and were subjected to proposal activity. The fourth section, entitled "Decisions", looks at instances where *coupling* among the three streams occurred in relation to sub-national TV matters in such a way that sub-national TV problem definitions on the governmental agenda moved onto the TV policy *decision agenda* where binding policy decisions in relation to the problem were possible. Here, on the decision agenda, was where the three sets of policy decisions referred to at the beginning of this chapter – which impacted on implementation against sub-national TV problems – were taken. The final "Conclusions" section of this chapter analyses the patterns, causalities and outcomes of policymaking in this period of study, in relation to sub-national TV, via this research project's two theoretical frameworks: the adapted Kingdon (1995) policy streams framework and the public interest framework extracted from Feintuck and Varney (2006).

6.1 Politics

The high-level TV policy sector *politics stream* dynamics between 1990 and October 1996 with relevance to sub-national TV questions were the dynamics generated by relations between the National Party (NP) and the African National Congress (ANC), and the dynamics of national-provincial relations. The governance structure produced from the 1991-93 power-sharing negotiations between the apartheid-era governing party (the NP), and the largest liberation movement party (the ANC) – a structure codified in the interim Constitution of 1993 and the final Constitution of 1996 – was broadly federal, with national, regional and local levels of government, but with the vast majority of the financial decision-making, and policymaking, power sitting at the national level (Lodge, 1999). There were political forces during the 1991-93 power-sharing talks at the Convention for a Democratic South Africa (CODESA) and the Multi-Party Negotiating Forum (MPNF) which advocated for a more decentralised dispensation, and the tension between centralised and decentralised visions of the state found its way into the politics of broadcast policymaking.

One component of the centralisation/decentralisation tension that found its way into broadcast policymaking in the early 1990s was the push by certain Bantustan administrations (reincorporated back into South Africa, via new provincial structures, in 1994) for strong provincial powers, and there was even, in the case of the Bophuthatswana Bantustan, a brief push to remain independent of South Africa heading into the democratic era (Jones, 1999). Thus, the process of reincorporation of the Bantustans back into South Africa, particularly the four nominally independent "TBVC states" of Transkei, Bophuthatswana, Venda and Ciskei, was one of the more fraught issues of politics in general, and broadcast policy politics more specifically, in the period prior to, and immediately after, the first democratic elections of April 1994. The Bantustan territories were duly dissolved and incorporated into the nine new provinces which came into being after the elections of April 1994, but tensions remained between centralised and decentralised visions of national/provincial government powers/relations.

Among the new provinces established in May 1994, some were less enamoured than others of the centralised federal system instituted by the 1993 interim Constitution. In particular, the two provinces *not* controlled by the ANC were anxious to establish strong provincial government control of matters in their provinces. In the April 1994 elections, the ANC won control of the national Government of National Unity (GNU, with the NP and the Inkatha Freedom Party (IFP)) and of seven of the nine provincial governments. The two provincial governments not controlled by the ANC were the Western Cape, which was controlled by the NP, and KwaZulu-Natal (KZN), which was controlled by the IFP. And even in some ANC-controlled provinces there was an apparent eagerness for substantial provincial power, and one of these provinces was the North-West Province, home to the Bophuthatswana Broadcasting Corporation (Bop BC), the former Bantustan broadcaster which included the Bop-TV sub-national channel. Both the ANC-led North-West Province Government and Bop BC management were of the view that Bop BC assets should become assets of the North-West Province and that Bop BC should remain as regional, or provincial, broadcaster.

Also relevant to the regional/local question in TV policy's politics stream of this period was an apparent shift in the policymaking style of the ANC. Between its unbanning in1990 and the elections of April 1994, the ANC's approach to policymaking had been based, of necessity, on a spirit of negotiated settlement and compromise. Once in power, however,

from mid-1994 onwards, the ANC began to place its policy stamp more forcefully on several sectors, including broadcasting (Currie, 2006, Markovitz, 2006 and Martinis, 2006 – interviews with author). According to interviewees for this research, the shift in ANC policymaking style in the broadcasting sector began in early 1996 around the time when the Posts, Telecommunications and Broadcasting Minister, Pallo Jordan, was removed from Cabinet and replaced by Jay Naidoo (Currie, 2006 and Martinis, 2006 – interviews with author). According to interviewee Dimitri Martinis, who was working in the broadcast industry at the time,

> Pallo [Jordan] was kicked out […] he was kicked out of Cabinet. And he was relegated to the backbenches as an ANC person. Jay Naidoo became the new Minister, and took a very different kind of approach, much more businesslike, much more, as opposed to Pallo, who was "don't touch the public broadcaster, and independence of the broadcaster" and stuff like that. So, there, another interesting dynamic, if you are looking at that high level of policymaking (Martinis, 2006 – interview with author).

According to interviewee Willie Currie, who served as Special Advisor to Minister Jordan in late 1995 and early 1996, and then as Special Advisor to Minister Naidoo for part of 1996,

> […] you have Jordan given his marching orders, and you have [DoC Director-General] Andile Ngcaba fully in control of the Department of Communications with a Minister [Naidoo] who's just fired from the RDP office, who's in a weakened position, doesn't know the area, and he has to restore his credibility. So, essentially you have the executive of government flexing its muscles around all of this stuff (Currie, 2006 – interview with author).

Naidoo, in his 2010 autobiography, portrays himself as an unwilling force of centralising control when appointed Minister. Naidoo's previous Ministry, the Office of the Reconstruction and Development Programme (RDP), had been closed down at the same time that he was moved to Posts, Telecommunications and Broadcasting. Of the climate within the ANC government in 1996, Naidoo (2010) writes, that

> Madiba [President Nelson Mandela] was increasingly handing executive power to [Deputy President Thabo] Mbeki and I began to experience, along with many other activists, a steady reduction in the room for democratic debate and difference. […] we operated in silos – losing the heady space of frank and open discussions that had characterised the early Mandela period. […] We were falling back on the old construct of an all-knowing and powerful executive government in which people were passive and uniformity of opinion would be the norm (2010, pp. 250-51).

Boosting the apparent centralisation of ANC policy control was the May 1996 announcement by Deputy President F.W. De Klerk that his NP would quit the GNU at the end of June 1996,

only two years into the GNU's five-year term. The NP's departure from the GNU left only the relatively small IFP as the ANC's partner in the power-sharing government, giving the ANC much more scope for pushing forward its policy visions. According to interviewee Mashilo Boloka, who was in the broadcasting industry at the time:

> [...] where did we see the sudden shift [from] consensus-based negotiations? [...] The dissolution of the Government of National Unity, that actually, for me, that was the beginning. That was the beginning, because it meant, now, it was clear who was in charge now. [...] The political party that was the majority in Parliament became the one that was in control, even from the policy point of view, then it was reflective of that. [...] And I don't think it's unique to South Africa, it's always the case, throughout the world, whether, even in highly democratic societies. So I think the shift started then [...] (Boloka, 2011 – interview with author).

Also significant, according to the existing literature on the broadcast policymaking of this time, was the June 1996 announcement by the ANC of a new neo-liberal macro-economic programme, the Growth, Employment and Redistribution (GEAR) policy, which had been crafted in secrecy by a small ANC inner circle and was at odds with the party's left-leaning RDP of 1994 (Barnett, 2000a; Horwitz, 2001; Duncan, 2001).

6.2 Problems

From the very beginnings of the broadcast policy talks in the early 1990s, there was evidence of elements of the regional/local question in broadcast policy's *problem stream*. At the ANC-aligned September 1990 Rhodes University Media Workshop in Grahamstown, academic P.E. Louw presented a paper in which he argued, among other things, that "a centralised media system is inherently undemocratic" (P.E. Louw, 1990, p. 107). In August 1991, the ANC-aligned Jabulani! Freedom of the Airwaves conference in The Netherlands raised the regional/local broadcasting question in several ways. At Jabulani, the introduction of community broadcasting was called for repeatedly, with the implicit assumption that such services would need to be sub-nationally configured. According to the conference minutes, one Jabulani delegate, University of Natal-Durban (UND) academic Ruth Tomaselli (who would later become a two-term member of the SABC Board), stated that "[s]tarting at the national level, then going to the regional then local levels misses the point" and that delegates should consider "the idea of a radio station in every community" (R. Tomaselli, quoted in African-European Institute, 1991, p. 32). In a presentation to the Jabulani conference, lawyer Michael Markovitz of the Film and Allied Workers Organisation (FAWO) called for three

sectors of licensing: “There will be a national public broadcaster, commercial broadcasters and community/local broadcasters; [...]” (Markovitz, 1991, p. 41). Markovitz’s presentation also called for new broadcasting/communications legislation to “possibly” incorporate elements of “the German model of broadcasting” (Markovitz, 1991, p. 41). This reference to the “German model” apparently referred to Germany’s provision, post-World War II, for broadcasting to be configured to a great extent on sub-national lines. Interest in the German model had likely been reinforced by a “fact-finding” visit by four Jabulani delegates, before the Jabulani conference in the Netherlands, to broadcasters in three German states. Dutch, Danish and UK broadcasters were also visited by delegates (African-European Institute, 1991, p. 65). Also at the Jabulani conference was NP-aligned SABC Chairman Christo Viljoen, and the conference minutes record Viljoen raising the possibility of having “regional broadcasters, so more people can have access to the airwaves” (African-European Institute 1991, p. 56). The official recommendations issued by the Jabulani conference on 17 August 1991 called for South Africa’s new broadcasting system to “be conceptualised on three levels”: public service, commercial and community (African-European Institute, 1991, p. 67).

Later in August of 1991, the Report of the Viljoen Task Group on broadcasting, chaired by the aforementioned SABC Board Chairman Christo Viljoen, was submitted to the Minister of Home Affairs. The Report included several recommendations favouring broadcasting decentralisation. For instance, the Viljoen Report proposed that “further national, regional and local television and radio services should be allowed, depending on availability of frequency spectrum, affordability and viability” (Viljoen Task Group, 1991, recommendation 10.6.1). According to Roelf Meyer, the NP’s then-Minister of Constitutional Development and Minister of Communication,

> [o]ur view is that the best guarantor of media freedom may be to ensure that the media are as decentralised as possible. The approach should perhaps be to encourage a thousand flowers to blossom and to be wary of anyone who peddles the attractions of large bouquets and [...] ranks of flower beds (Meyer, 1992, p. 364).

In November 1991, the ANC Department of Information and Publicity (DIP) convened a National Media Seminar in Johannesburg. The Seminar produced a resolutions document, entitled Towards a Media Charter, which included a Draft Media Charter. This Draft Media Charter called for “forms and methods of media” to “take account of the diversity of

communities in respect of geography, language and interests" (ANC, 1991b, pp. 330-31). The ANC's National Executive Committee (NEC) adopted the Media Charter in January 1992 (Teer-Tomaselli, 1993, p. 227). In early 1994, in the run-up to the April 1994 elections, the ANC released its election manifesto, the RDP Base Document, which, in its Section 5, entitled A Democratic Information Programme, stated that

> [t]he democratic government must encourage the development of all three tiers of media – public, community and private. […] New voices at national, regional and local levels, and genuine competition rather than a monopoly of ideas, must be encouraged (ANC, 1994, clause 5.14.3).

The somewhat marginal Democratic Party (DP) in May 1991 issued a Policy Discussion Paper on telecommunications and broadcasting stating that "priority should be placed on licensing media which will demonstrate a unique capability to serve local needs over efforts to create dominant national broadcasters" (DP, 1991, pp. 371-72). At the same time, however, there were some voices warning against over-emphasis on sub-national broadcasting. In July 1991, the Centre for Cultural and Media Studies (CCMS) at the University of Natal-Durban (UND) convened a seminar to engage with the DP's media policy ideas. At the seminar, American academic Tom Krattenmaker, based at the time at UND, provided a critique of "localism". ("Localism", as we saw in Chapters One and Three, is a prominent concept in US broadcast policymaking and regulation.) The record of the seminar quotes Krattenmaker as saying that

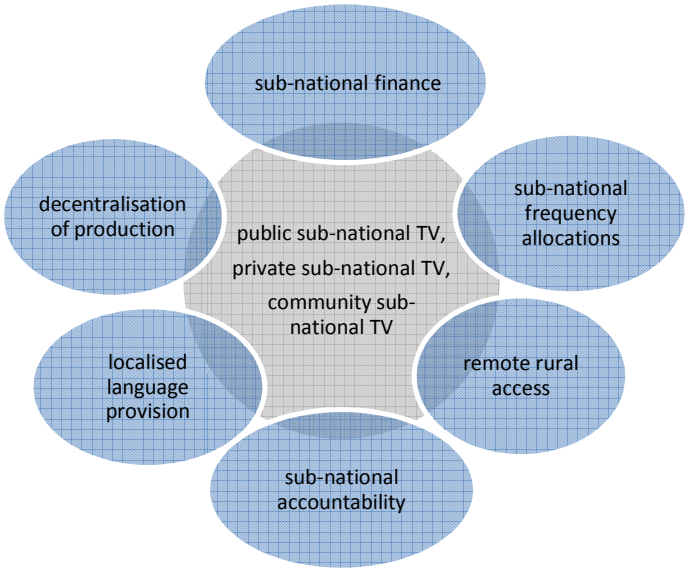
> [w]hen you introduce a concept like localism you seem to be saying that you will only be broadcasting a programme that only 10,000 people want to hear. I doubt that South Africa is locally fragmented in that way. It may be that in the Durban area there are a lot of local interest groups. But I'm not sure that the people in the townships around Durban have interests that are much different from the people in the townships around Johannesburg and Pretoria (Krattenmaker, 1991, quoted in K. Tomaselli, ed., 1993, p. 194).

But scepticism was the exception, not the rule, regarding the idea of regional/local broadcast delivery. The issue achieved heightened problem status on the governmental agenda in 1993 with the unlicensed ("pirate") broadcasts of community-based radio stations in Cape Town (Bush Radio, Radio Zibonele) and Pretoria (Radio Pretoria). By the end of 1993, several additional community radio initiatives had emerged, and in December 1993, a lobbying umbrella group, the National Community Radio Forum (NCRF), was launched in Soweto. By late 1993, the regional/local question was firmly on the broadcast policy decision agenda, and

subjected to a binding policy decision, and codification, in the IBA Act of 1993, which was promulgated in October 1993 and came into effect in early 1994. The IBA Act provided for three tiers (public, private, community) and three geographical levels (national, regional, local) of broadcasting (RSA, 1993a).

Via the IBA Triple Inquiry processes of 1994-95, the regional/local problem in *television,* as distinct from radio, became firmly established on the governmental agenda. Three possible sub-national TV sectors – *public*, *private* and *community* – achieved problem status on the governmental agenda. And in relation to these three sub-national TV *sector problems,* a further six *cross-cutting* sub-national TV *problems* began to be articulated on the governmental agenda: (1) the lack of reliable finance mechanisms for sub-national TV; (2) the lack of guaranteed sub-national TV frequency allocations; (3) the need to decentralise TV production away from its concentration in Gauteng and Western Cape Provinces; (4) the TV access shortfall in remote rural localities; (5) the need for localised language provision in TV; and (6) the need for greater sub-national TV accountability. Figure 6.1 shows the nine sub-national TV problems identified by the research as being on the TV policy governmental agenda of this period: the three sector problems (in the middle circle) and the six cross-cutting problems (in the outer circles).

Figure 6.1 Sub-national TV problems on the TV sector governmental agenda, 1994 to 1996: three sector problems, six cross-cutting problems



Source: author's qualitative interpretation of primary document and interview transcript data.

Public sub-national TV

The notion that the lack of *public* sub-national TV was a gap that needed filling by TV policy emerged in part as a response to the aforementioned uncertainty around the future of Bop-TV, which was now sitting in the new North-West Province. The North-West Province Government and Bop BC management encouraged problem status for the public sub-national TV notion in their initial submissions to the IBA Triple Inquiry in 1994, calling in these submissions for consideration of conversion of Bop-TV into a provincial public TV broadcaster serving the North-West Province. Also backing, but only partially, the North-West Province/Bop BC call for provincially based public TV was the newly-elected KZN Provincial Government controlled by the IFP. The Office of KZN Premier Frank Mdlalose wrote in a June 1994 submission to the IBA that

> [t]he Central Government which controls the SABC through the appointment of its Board, currently overshadows the South African broadcasting scene with its 3 television channels and 25 radio stations. […] The Provincial Government of KwaZulu-Natal support[s] the notion of a multiplicity of voices and plurality of ownership as was the intention of the legislation in passing the IBA Act (Mdlalose, 1994).

Private sub-national TV

Pushing the *private* sub-national TV problem onto the governmental agenda in this period were submissions to the IBA Triple Inquiry by Cape Town-based private commercial interests – including the Channel 6 Broadcasting consortium and the Citytv Cape grouping linked to Canadian commercial metropolitan channel Citytv in Toronto. Also pushing the idea of regional private operators at the Triple Inquiry was the coalition of 13 ANC-aligned civil society groups which came to be known as the Group of Thirteen (G13). The G13's submissions were drafted by lawyers Willie Currie, David Dison and the aforementioned Michael Markovitz, all of the firm Media and Broadcasting Consultants (MBC) (G13, 1994). These three had been central to the aforementioned FAWO in the early 1990s, and had participated in the ANC-aligned camp's broadcasting submissions to CODESA 2. Markovitz and Dison had also served on the MPNF Technical Committee which drafted the IBA Act of 1993. The push for consideration of private sub-national TV was also given traction in the IBA's Triple Inquiry Report of August 1995 (IBA, 1995c), and by a fallback strategy devised by the North-West Province and Bop BC (whereby Bop BC could become a *private* sub-national broadcaster if the push for *public* status, or *public/private* status, was not successful).

Community sub-national TV

The community TV movement entered the policy arena in 1994-95, initially via FAWO. In 1994, FAWO established a Community Television Consortium working out of FAWO's national office in Johannesburg and linked to FAWO community TV "organisers" in Cape Town and Durban. In early 1995, this Consortium was re-named the National Community Television Network, and in a 1995 submission to the IBA on behalf of this Network, FAWO wrote that

> FAWO took up the development of community television in the belief that this is an ideal tool for redressing imbalances in the sector in a way that is community driven and provides local entry level access points to facilities and training in the broadcast medium (FAWO, 1995).

The FAWO submission stated that "fifteen community based groups have expressed an interest in developing video/television projects in their communities"; that FAWO had conducted workshops for these groups; and that community TV was "the RDP of the broadcasting sector" because it could redress "the imbalance of power within the electronic media, focusing on and drawing attention to localised issues [...] (FAWO, 1995). For FAWO, community TV was implicitly a local form of broadcasting, directly linking into localised development imperatives in primarily geographically defined communities (as opposed to communities of interest). FAWO called for the National Community Television Network to have "a strong partnership with the SABC", which had "an obligation towards the community broadcasting sector in that the community sector can deliver public service obligations that the SABC cannot fulfil" (FAWO, 1995). FAWO argued that "[c]ommunity broadcasting goes a step further than public broadcasting in that it recognises the central role of communities, at the local level, in owning and controlling the broadcast medium [...]" (FAWO, 1995).

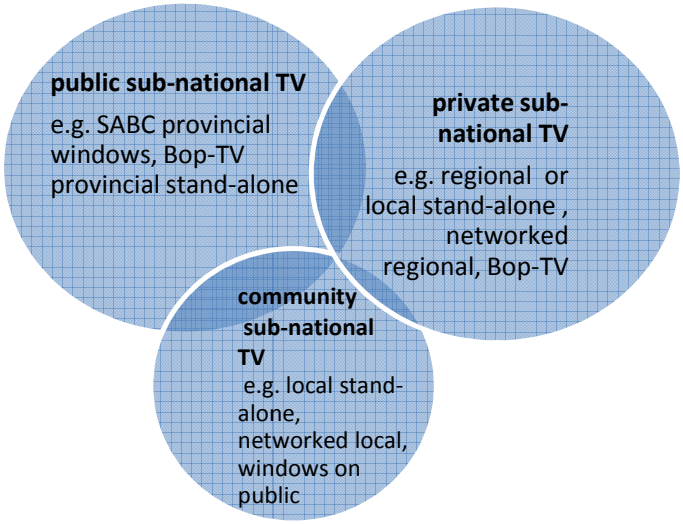
Solidifying community TV's problem status on the governmental agenda were two temporary community TV broadcasts in mid-1995. A Durban volunteer collective based at the Centre for Cultural and Media Studies (CCMS) at the University of Natal-Durban (UND), and calling itself Greater Durban Television (GDTV), staged a three-week "experimental" broadcast in June 1995, with a temporary licence from the IBA (Aldridge, 1996a, 1996b; Peppas, 2003). In the same month, a mix of commercial and FAWO-aligned non-profit interests in Cape Town staged a temporary broadcast, also with a temporary (30-day maximum) licence from the IBA. This Cape Town broadcast was called Rugby World Cup

(RWC) TV, because it provided coverage of events linked to the international rugby tournament held in South Africa that year (IBA, 1995a; Thorne, 2005). Further entrenching governmental agenda status for community TV was the formation in 1995 of a national lobby group for the sector, the Open Window Network (OWN). OWN was an offshoot of FAWO, and it launched itself at the Community Media 2000 conference in Cape Town in mid-1995.

Another nominally "community TV" element during this period was the apartheid-era holdover channel, the American Christian Trinity Broadcasting Network (TBN) service, which the IBA had licensed as a community TV station in the democratic era as part of the "grandfathering" of all the apartheid-era broadcasting licensees. Like Bop-TV in the North-West Province, TBN was a product of the Bantustan era, having been awarded broadcasting licences in the mid-1980s by the governments of the Ciskei and Transkei Bantustans. With the dissolution of the Bantustans, TBN's broadcast footprint was now contained within the new Eastern Cape Province.

By the end of this period of study, the *public* and *private* sub-national TV sector problems were more prominent than the *community* sector problem on the governmental agenda, and thus the public and private sector problems are given the two large circles of prominence in Figure 6.2 below. The prominence of the public sector problem was due to the strong attention paid to this possible sector at the IBA Triple Inquiry and by a Minister's Colloquium convened in January 1995 to propose a way forward for the broadcasting assets of the former Bantustans, including Bop-TV. The prominence of the private sector problem was generated by this possible sector's frequent mention during the Triple Inquiry processes. Least prominent in terms of problem definition, among the three possible sectors, was community sub-national TV (given the small circle of prominence in Figure 6.2).

Figure 6.2 Relative prominence, on the TV policy sector governmental agenda, among the three sub-national TV sector problems, 1994 to 1996

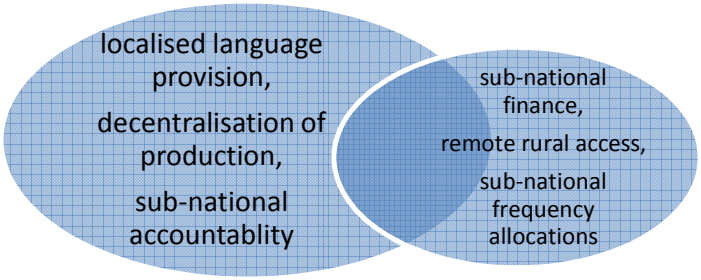


Source: author's qualitative interpretation of primary document and interview transcript data.

Cross-cutting sub-national TV problems

All six cross-cutting sub-national TV problems identified by this research featured in the TV policy problem stream between mid-1994 and October 1996. The three most prominent, according to this author's interpretation of the data, were: the issue of what role sub-national TV could play in catering to localised language needs; the question of how to decentralise TV production away from the largest urban centres in Gauteng and Western Cape Provinces; and the need for TV channels to be sub-nationally accountable. These three problems are thus featured in the larger of the two circles of agenda prominence in Figure 6.3 below. Of less prominence in this period were the three other cross-cutting problems: the question of how to finance sub-national TV; the lack of TV access in remote rural localities; and the lack of sub-national TV frequency allocations. These three problems are featured in the smaller of the two circles of issue prominence in Figure 6.3.

Figure 6.3 Relative prominence, on the governmental agenda, of the six cross-cutting sub-national TV problems, 1994 to 1996



Source: author's qualitative interpretation of primary document and interview transcript data.

Localised language provision

An early hint of the eventual importance of TV policy's localised language provision issue emerged in a presentation to the 1991 Jabulani conference by writer and academic Njabulo Ndebele of the University of the Witwatersrand. Ndebele mocked the SABC's fusing, in the 1980s and early 1990s, of linguistic and spatial differentiation on its TV2 (Nguni) and TV3 (Sotho) regional split services. According to Ndebele,

> [t]ake for instance the weather forecast reports on TV2 and 3, which do not show the weather forecast in all languages; and the SABC doesn't show all parts of the map when speaking about the weather in a certain language. The weather only seems to occur in the entire nation on TV1 (Ndebele, 1991, p. 35).

Ndebele was criticising the apartheid-era SABC's false dividing-up of the country into two large, supposedly distinct linguistic regions, an Nguni region and a Sotho region, as the SABC TV2 and TV3 transmitter splits were doing at the time. Ndebele argued that, in order to accommodate linguistic diversity in a less divisive way, small-scale, local media could be a means by which linguistically differentiated services could be produced – with language provision based on actual usage patterns in small specific localities:

> The idea of community media specifically in the predominant local language should be explored. Although the predominant language should be used in any particular broadcasting area, other specified languages should be allocated time, particularly where there are minority speakers of other languages (Ndebele, 1991, p. 35).

As mentioned in Chapter Two, this author shares Ndebele's conception that in South Africa's early democratic era, given the need to ensure a unity-in-diversity approach with unity as the overriding value, targeted language deployment in broadcasting was only really appropriate at very localised levels, not in terms of broad spatial/linguistic bifurcations of the country at regional or provincial level. At broader levels, in this author's view – and in line with the Jabulani conference resolutions, the ideas of Ndebele, and the Garieb model of Alexander (2003) (see Chapter Two) – the national level, national institutions (e.g. the national SABC) should be vehicles of multilingualism via use of all official languages.

The final Jabulani conference resolutions of 1991 called for "a culture of multilingualism" to be "encouraged" and recommended that "[t]he national broadcaster's practice of segregating

languages on separate channels in a regional manner should cease" (African-European Institute, 1991, p. 71). Both the interim Constitution of 1993 and the final Constitution of 1996 provided for "development and promotion" of 11 "official languages at national level" – Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu – and stated that "provision shall be made by an Act of Parliament for rights relating to language and the status of languages existing only at regional level, to be extended nationally" (RSA, 1993b, 1996b). But the Constitution (in both its interim and final versions) also specified that "[r]egional differentiation in relation to language policy and practice shall be permissible" (RSA, 1993b, 1996b), and that

> [a] provincial legislature may, by a resolution adopted by a majority of at least two-thirds of all its members, declare any language referred to in subsection (1) to be an official language for the whole or any part of the province and for any or all powers and functions within the competence of that legislature, save that neither the rights relating to language nor the status of an official language as existing in any area or in relation to any function at the time of the commencement of this Constitution, shall be diminished (RSA, 1993b, 1996b).

The Constitution thus provided for two potential problem discourses on the issue of official-language use on TV. One could argue that all 11 languages needed to be available nationally, and one could also argue for localised prioritisation of certain languages at provincial or sub-provincial level. In its Triple Inquiry Report of August 1995, the IBA put the localised language provision issue firmly on the radio and TV policy governmental agendas by cautioning against repetition of the apartheid-era SABC's approach to language:

> An isolationist approach was taken [under apartheid] in the treatment of languages where the concept of home language was used to direct and target particular ethnic groups and communities, thereby presenting South Africans as monolingual. […] The reality, however, was, and still is, different. South Africa is a highly multilingual country with the majority of the population conversant in more than one language. […] The Authority is also aware of the changing political, societal and geographical dynamics. People's mobility in search of work and other opportunities will inevitably influence languages and their everyday use. It is incumbent upon broadcasters to reflect these changes (IBA, 1995c).

Appendix B of the IBA Triple Inquiry Report made it clear that it was in TV policy, more than in radio policy, that the localised language provision problem would need to be a prominent governmental agenda item. Appendix B summarised the results of an audience research project, called Listening to the Audience, which the IBA had commissioned from the Community Agency for Social Enquiry (CASE) (Everatt and Samuels, 1995). The CASE researchers had conducted focus groups in each of the nine provinces, engaging speakers of

all 11 official languages via the groups. The CASE findings on language preferences included the following:

> The issue of language for radio broadcasting was less contentious than TV, since all eleven official languages are currently accessible on radio. […] Language for television was a much more emotive and contentious issue. Although participants were aware of, and to some extent sympathetic over the difficulties of accommodating all language groups in South Africa, most [people's] first language choice was their home language. English emerged quite clearly as the second main language, among all race groups (Everatt and Samuels, 1995, p. 105).

Decentralisation of production

The call for greater decentralisation of TV production was pushed onto the governmental agenda by the IBA Triple Inquiry processes. The IBA wrote in its August 1995 Triple Inquiry Report that

> [i]n South Africa today, Gauteng and the Western Cape are the only two provinces that have substantial television production bases. Producers tend to gravitate to these centres because that is where the infrastructure and work opportunities are (IBA, 1995c, sect.7.3.16).

According to the IBA, submissions to the Triple Inquiry's "provincial hearings" had included calls for "programme production [to] be encouraged in all the provinces of the country" (IBA, 1995c, Appendix K). The IBA went on to say in its Report that stimulating "the development of production centres and infrastructure throughout the country" would "make an important contribution to promoting and developing regional identity, culture and character and to providing programming in a number of South African languages" (IBA, 1995c, sect. 7.3.16). The IBA cited research showing that of the 1,699 independent production companies in South Africa in 1995, only 33 were black-owned or black-controlled, and "79% of those companies operate in the Gauteng province, 13% in the Western Cape and a negligible number or none in the other provinces" (1995c, sect. 16.7.4). The IBA Report went on to state that

> [m]any more television programmes will need to be produced outside Gauteng if the different provincial/regional characters, cultures and identities are to be fully reflected and if the economic opportunity promised by the [planned South African content] quota is to be spread around the country (IBA, 1995c, sect. 16.7.4).

The IBA wrote that once a South African content quota was introduced, the Authority would encourage "broadcasters to commission independent production companies which are owned/controlled by black South Africans and women, companies which are based in a range

of different provinces and in non-metropolitan areas [...]" (1995a, p. 94). Also giving problem status to the production over-centralisation issue was Bop BC, which, in its July 1994 written submission to the IBA, argued that if Bop BC's operations in Mmabatho in the North-West Province were to be closed down or downscaled via incorporation into the SABC, it would lead to a "decline in economic activity within this decentralised metropole" (Bop BC, 1994, p. 48).

Taking an opposing view on the matter of building decentralised production capacity was the TBN channel in the Eastern Cape, which was essentially a local re-transmission service for American Evangelical Christian programming. Writing from what TBN referred to as its "African Headquarters" in the town of Bisho (former capital of the Ciskei Bantustan), TBN's Bernard Roebert, whose job title was Director of Operations, African Continent, sent a lengthy written submission to the Portfolio Committee after the release of the IBA's Triple Inquiry Report, stating that while TBN had "a worldwide policy of introducing and developing local content", the station had experienced "a number of problems" in trying to produce such content in the Eastern Cape (Roebert, 1995). The problems Roebert cited included the high cost of local production, the "bad roads" not suitable for movement of outside broadcast vehicles, the security risks caused by "[a]buse and interference with staff" in townships, and the lack of electrical power at churches (Roebert, 1995). Roebert argued that if the IBA's proposed approach to local content regulation went into law, the "total broadcasting industry will be in a state of disarray and potential collapse" (Roebert, 1995). Roebert's key aim was, clearly, for TBN to be allowed to continue its existing low-cost practice of broadcasting almost exclusively American-originated content provided by TBN headquarters in the United States. The Roebert submission stated, under the heading "Local Versus Foreign Programmes", that

> Trinity Broadcasting Network (TBN) has for the past nine years broadcast mainly overseas programmes and these have had an excellent effect on the enrichment of the viewers. The overseas programmes have certainly NOT had any adverse effect on the cultural position nor has it [sic] had any negative effect on their thinking or development. In fact just the opposite was noticed. Many were greatly enriched and we have thousands of letters to support the fact that these programmes only improved the position and perspective of our viewers (Roebert, 1995).

In support of his submission on behalf of TBN to the Portfolio Committee, Roebert provided a letter from the CEO of Swazi TV, the state broadcaster in South Africa's neighbouring

country Swaziland, stating that Swazi TV had been receiving programming since 1988 from TBN, and Swazi TV "considered TBN as a constant source of supply of outstanding Christian broadcast material" (Swazi TV, in Roebert, 1995). The TBN letterhead on which Roebert wrote promoted the fact that TBN supplied "Wholesome Christian Television Programmes" to, among others, Lesotho TV, Kenya TV, Namibia TV, Swazi TV and TBN Zambia, Bop-TV and SABC. The letterhead thus made it clear that TBN's main focus was on international distribution of American content, not South African community broadcasting.

Sub-national accountability

Early hints of the sub-national accountability problem were in evidence in the1991 Jabulani conference recommendations, which stated that any community broadcast station "should be owned and controlled by the community itself, and the broadcasting content of the station should be determined by the needs of the community as perceived by that community" (African-European Institute, 1991, p. 68). Another hint of the local accountability issue was contained in the DP's proposals to CODESA 2 in 1992 – proposals which were modelled to a great extent on the "localism" tools developed by the FCC in the US for measuring/monitoring American local broadcast stations' accountability to their local communities (see Chapter Three). The DP submission to CODESA 2 stated that South African community stations should be required "to keep a public file with key documents regarding the ownership and management of the station as well as its record of community service throughout its licensing term" (DP, 1992, p. 348). This idea of a "file" on community service was similar to the file local TV stations in the US are required to keep. In addition, the DP called for broadcast licences to include a "Public Interest Standard" in terms of which stations would have to "demonstrate awareness of the important problems or issues in the communities their stations serve and to foster public understanding by presenting some programmes and/or announcements about local issues" (DP, 1992, p. 349). This "Public Interest Standard" recommendation was also drawn from the US context. (We saw, in Chapter One, that the FCC was, in late 2011, moving to have US local TV stations make their public interest compliance information available online (FCC, 2011)).

A key push to ensure that the sub-national accountability problem got onto the democratic-era radio and TV governmental agendas came from the Freedom of Expression Institute

(FXI) which, in a submission in 1995 to the Triple Inquiry, proposed sub-national representation on the SABC Board, writing that

> [...] when the independent selection panel receives nominations from the public for appointment to the SABC Board, it will have to ensure that it includes persons from all nine provinces of South Africa, and that such people are suitably qualified to represent their provinces. Each province could further establish a Commission or regional Board consisting of persons to advise their SABC regional representatives [...] (FXI, 1995).

The FXI's proposals resonated with the practice in the UK, where the BBC is advised by regional bodies, previously known as Regional Advisory Councils and, since 2007, known as Regional Audience Councils (RACs) (BBC Trust, 2011) (see Chapter Three).

Sub-national finance

The beginnings of focus on the sub-national broadcaster finance issue can be traced to 1990, when the Rhodes Policy Workshop's "study commissions" on "Media Models and Systems" recommended establishment of an "Independent Media Council" to support "grassroots media", as well as establishment of "Community Media Centres [...] to give a voice to people with few resources" (Pinnock, 1990, p. 142). The problem was lodged securely on the governmental agenda by the ANC's RDP Base Document of 1994, which called for establishment of an "Information Development Trust […] to work out detailed criteria and mechanisms for assisting relevant media enterprises" (ANC, 1994, sect. 5.14.11.1). This push for consideration of the problem of sub-national finance continued in October 1996 via the report of the Task Group on Government Communications (Comtask), which recommended that "[s]upport for the community media sector, on a matching finance basis with the industry and foreign donors, should be provided by government", via a "scheme [...] delivered through a statutorily recognised media development agency" (Comtask, 1996). On the matter of financing private sub-national TV, Cape Town broadcasting interests put forward the view that a regional/local private TV station serving a populous market such as Cape Town and its environs could sustain itself through growing the advertising market – by drawing in new regional advertisers who wanted regionally focussed channels to advertise on (Channel 6 Broadcasting, 1995; Citytv Cape, 1995).

Remote rural access

The 1995 IBA Triple Inquiry Report put remote rural TV access squarely onto the governmental agenda by pointing to the TV signal distribution coverage of the three existing SABC channels at the time. TV1 had the largest footprint, reaching 90 per cent of the population, while CCV-TV reached 72.5 per cent of the population and the third channel, NNTV, was "[r]eceived in few areas of the country" (IBA, 1995c, Appendix E). Thus, 10 per cent of the population, in remote rural areas, received no terrestrial free-to-air TV signal, and another roughly 17 per cent of the population only received one channel, TV1. In response to this, the IBA Report stated, under the heading "Universality", that the SABC "should strive to provide a truly national coverage, reaching all South Africans, even in the more remote areas of the country" (IBA, 1995c, sect. 8.5). Also in the Triple Inquiry Report, the IBA argued that the remote rural TV access problem was more than just about signal distribution – it was also a content matter:

> Millions of South Africans, young and old, who do not have the spending power to attract advertisers, who lack basic education, who have been marginalised and the millions more who lack running water and electricity at home are still rarely seen or heard on the airwaves, or addressed by them. This point was reinforced in the provincial and sectoral hearings held for the Inquiry and in the audience research focus groups conducted for the Authority, where several viewers said they did not find their lives and localities sufficiently reflected [...] (IBA, 1995c, sect. 8.5).

Also included in the IBA's framing of the remote rural TV access issue was the language localisation dimension. The Authority wrote that if the SABC "consistently fails to attract significant sections of the public because programmes are irrelevant or not accessible in terms of language", then the SABC "will lose one of [its] justifications for existing – that of providing a universal service funded by all, whether directly or indirectly, for programming for all" (IBA 1995c, sect. 8.5). The IBA also suggested that private broadcasters would likely be expected to help solve the rural TV access problem: "In licensing private television stations, the Authority may require of broadcasters to serve the sparsely populated as well as the densely populated areas" (IBA, 1995c, sect. 7.3.17).

Sub-national frequency allocations

An early hint of the importance of the sub-national frequency allocation issue was the 1991 Viljoen Task Group's recommendation that"[c]onsideration should be given to creating an independent signal distribution organisation serving present and future broadcasters for local,

regional and national services" (Viljoen Task Group, 1991, recommendation 4.7.1). Implicit in this Viljoen Task Group statement was a call for sub-national frequency allocations. The DP's 1991 Policy Discussion Paper struck a similar note in calling for transmission infrastructure, and implicitly frequencies, to be made easily available to local broadcasters, in order to "reduce the barriers to entry in the South African media business, leading to an earlier proliferation of local radio and TV" (DP, 1991, p. 376).

The matter of the absence of sub-national frequency allocations was then pushed onto the radio and TV governmental agendas by the IBA Triple Inquiry process. TV frequency allocations during the apartheid era had, as with the building out of transmission infrastructure, been managed in the interests of the SABC – and also, from the mid-1980s onwards, in the interests of the M-Net terrestrial pay-TV platform established by newspaper interests. In its Triple Inquiry Report, the IBA stated that "the current frequency plan was drawn to meet specific policies in line with what were government priorities in the previous dispensation" and thus "the new democratic dispensation" required a revised frequency plan (IBA, 1995c, sect. 12.3). In generating a new frequency plan, the IBA said it would be mindful of, among other things "the need to reserve frequencies on all bands for the different categories of broadcasting licences" and "the country's individual geographical, socio-political and multilingual requirements" (IBA, 1995c, sect. 12.2). It was implicit in this IBA statement that such frequency reservations would need to include provision for sub-national services, in line with the IBA Act.

6.3 Proposals in the Policy Stream

Several policy proposals in relation to each of the three sub-national TV sector problems, and touching on the six cross-cutting problems, were present in the *policy stream* of this period. Before beginning this policy stream discussion, it must be noted that the drafting of the IBA Act does not fit easily within the Kingdon streams framework because it was such a rapid and compressed process, as is outlined in the "Decisions" section below, because of the urgency created in mid-1993 by the multi-party agreement that the first democratic elections would take place in April 1994. This created a remarkably compressed policymaking period, during which, in this author's view (and as explained below in the "Decisions" section), the broadcast policy problem definitions that emerged (often in somewhat vague form) from the

ANC-aligned media/broadcast policy fora of 1990-91 and the CODESA talks of 1991-92, had to be pushed directly into legislative form, without an extended period of multi-stakeholder deliberation, proposal-making in the policy stream, and coupling of streams. The IBA Act was thus, to some extent, a function of *ad hoc* policymaking, but it was *ad hoc* policymaking made necessary by events rather than resulting (as was the case in other instances identified by this research of *ad hoc* policymaking, e.g. the Portfolio Committee decisions of early 1996 and the Broadcasting Amendment Act of 2002) from policymaking unilateralism/bilateralism or policy confusion.

Proposals for public sub-national TV

The most frequent proposal for solving the public sub-national TV problem was a "window model", whereby the national public broadcaster, the SABC, would be required to break away from its national programming each day to broadcast slots produced in, and for, various provinces. The G13 civil society coalition argued during the IBA Triple Inquiry for "regional windows for provincial news or other programmes" on SABC national public channels (G13, 1994). There were also calls in this period for integration of Bop-TV into the SABC for use by the SABC to produce regional programming; or for Bop-TV to continue as a non-SABC station, serving as a North-West Province-based provincial/regional public (or public-private) TV broadcaster, perhaps networked with other provincial/regional, non-SABC TV stations. The KZN Provincial Government, meanwhile, not possessing any legacy TV facilities from the Bantustan era, was not disposed to creating a fully fledged provincial public TV in KZN. Instead, the KZN Government supported the window model for its province, with locally based production in KZN of provincial programme slots to be carried on an SABC national channel. As the KZN Premier wrote to the IBA "[p]rovincial Governments without regional television stations […] should have access to local windows on the television stations operated by the SABC" (Mdlalose, 1994).

Countering the sub-national TV ambitions of Bop BC and the North-West Provincial Government was the push at the Triple Inquiry for all the TBVC broadcasting assets to be absorbed by the SABC and SABC signal transmission arm Sentech. The FXI, in a 1995 written submission to the IBA, called for the SABC to be the country's sole public

broadcaster (i.e. via absorption of Bop-TV facilities and all the other TBVC broadcasting facilities), but with strong regional/provincial operations:

> We have referred to the SABC as the public broadcaster. We regard the other public broadcasting services developed under the former 'homeland' system as services which in future should be included in the national broadcaster's operations, enabling it to meet its obligations for the provision of regional stations.[...] from a financial point of view, we cannot see where provincial governments would obtain funds to fund provincial public broadcasters (FXI, 1995).

The SABC, meanwhile, also called for Bop-TV to be integrated into the SABC's TV operations, and for the SABC to cater for regional/provincial TV programming needs through regional windows on its national channels (IBA, 1995c). The IBA's August 1995 Triple Inquiry Report concurred that sub-national public TV programming should be provided by a nationally configured SABC:

> Having explored the high cost of television, skills and the capacity needed to successfully operate a television station, the Authority recommends that at this stage the needs of provinces for relevant provincial informational, educational and cultural programming should be met by the national public broadcaster (IBA, 1995c, sect. 8.7.6).

The IBA even put a pricetag on its proposal, thus touching on the thorny, but fundamentally important, issue (cited above as a cross-cutting problem) of how to finance sub-national TV:

> The Authority proposes splits of an hour a day [on the SABC], which will cost R222 million a year. However, initially this may begin with at least half hour splits which will cost R115 million, because of the costing of distribution tariffs. This should be provided for the provinces during prime viewing times in the morning and the evening. This will mean that the national service will at certain times of the day split into nine services, which will cover provincial events and air material produced in the provinces in the predominant languages of the various provinces (IBA, 1995c, sect. 8.7.6).

The IBA's preferred window option was thus via "splits", whereby, at certain times of each day, the national transmitter network would be split in such a way that, simultaneously, viewers in the various provinces would receive separate feeds of provincially targeted programming. The IBA's proposal for SABC provincial programming windows also sought to address the production decentralisation problem (also identified above as cross-cutting):

> "[...] the national public broadcaster will need to act hastily on its public commitment to developing decentralised [production] centres in the provinces. Centres with the capacity currently to operate provincial windows include Bloemfontein, Cape Town, Durban, Gauteng, Mmabatho and Port Elizabeth. Kimberly, Nelspruit, Pietersburg and Bisho all require considerable development and infrastructure to function effectively (IBA, 1995c, sect. 8.7.6).

The IBA's reference to "Mmabatho" in this listing of production centres was a reference to Bop-TV's facilities and personnel in the small city (since reincorporated back into its neighbouring city Mafikeng) which had been the capital of the former Bophuthatswana Bantustan. The IBA also proposed that the SABC's national channels, in addition to the provincial splits, should give "national attention" to provincial matters. Speaking of what it called "regionality", the IBA wrote that at its Triple Inquiry provincial hearings, participants had said that "when the PBS covers provincial matters it needs to reflect the regionality and focus on each province according to the need for national attention of the province" (IBA, 1995c). The SABC did not oppose the IBA's provincial TV window slots proposals, but the SABC argued that it would need to retain all three of its TV channels if it was to deliver on both its provincial obligations and its national language obligations. In contrast, the IBA, in line with proposals from G13, called for the SABC to have only *two* TV channels, with strong public service remits and presumably with substantial core state funding (though the IBA did not make this point as strongly as it could have) in order to finance the public service mandate (IBA, 1995c).

Proposals for private sub-national TV

There was also extensive proposal activity in the policy stream in this period on how to address the private sub-national TV policy problem. The strongest advocates, private commercial interests Channel 6 Broadcasting and Citytv Cape, were focussed on trying to tap into the potentially lucrative Cape Town/Western Cape market. The G13, meanwhile, urged the IBA to licence several regional private commercial operators, either as stand-alone stations or, as per the UK's ITV model (see Chapter Three), as part of a network of regional franchises sharing certain programming and facilities on a national basis (G13, 1994). The G13 push for licensing of regional commercial TV was premised on the SABC only being allowed to keep two channels, and with those two channels being extensively, if not entirely, state/publicly-funded (again similar to the UK model, where BBC TV's domestic free-to-air channels are advert-free and publicly-funded via a TV licence fee on TV owners). The G13's logic was that if the SABC were kept out of the advertising market, several new private TV players, including sub-national players, could be introduced (G13, 1994). For its part, the IBA was equivocal on the matter of private commercial TV. It agreed with the G13 and other stakeholders that private commercial competition to the SABC was an urgent priority (to be introduced in 1998 at the latest, said the IBA), but the Authority seemed unable to make up

its mind on whether the competition to the SABC should be national, sub-national, or both. Parts of the IBA Triple Inquiry Report of August 1995 seemed to be clearly bullish on the idea of sub-national private commercial TV. For instance, the Report's "Summary of Recommendations" stated that:

> This [new private TV channel] could take the form of two or three regional television stations sharing a single national channel or one national private television channel. […] the Authority would prefer that the new private channel consist of a network of regional stations rather than a single national licence. This would depend on further financial consideration of the viability of a regional network (IBA, 1995c, sect. 4.5).

The IBA thus seemed to be advocating for "a network of regional stations", with the caveat that "further financial consideration of the viability" was needed. But later in the same Report, in a section entitled "Approach to Broadcasting Regulation", the IBA's statements suggested it might have already decided that regional private stations would not be viable:

> Financial analysis done for the Authority suggests the new private channel to come on line in 1998 could not profitably be divided into two or three regional stations, even with extensive networking and sharing of costs. Financial viability will determine whether the new channel will be a single national service or regionalised (IBA, 1995c, sect. 7).

Thus, in contrast to the seeming bullishness towards regional commercial TV displayed earlier in the Report (in Section 4), the IBA had now, by Section 7, apparently made up its mind against the idea of private regional TV franchises. More confusingly, in that same Section 7, the IBA once again provided forceful public interest arguments for the existence of private regional TV, writing that, "[f]rom a public interest point of view", regional commercial stations were favoured, in order to increase ownership diversity by bringing in "a diverse range of new owners", to contribute to industry growth by drawing "on a whole layer of advertising that has not been and will not be available to national television", and to diversify programming production centres (IBA, 1995c, sect. 7.3.16).

Proposals for community sub-national TV

FAWO's proposal to the IBA Triple Inquiry, on behalf of its National Community Television Network, was that in the short-term, while stand-alone community TV stations were gradually being set up, the SABC should broadcast windows of community-produced programming. FAWO argued that such SABC windows would contribute to "regionalism" of

SABC TV programming, while at the same time building localised production capacity and localised language delivery:

> Community television will provide a platform for regional and local programme making thus promoting increased regionalism and a diversity of views on the public broadcaster. Increased diversity through regional programming will bring with it increased language diversity on the public broadcaster (FAWO, 1995).

FAWO proposed to the IBA that the National Community Television Network would "meet with the SABC to negotiate an agreement on the showing of community-originated programming", and that

> [i]n the event of the Network negotiating a window on the SABC [...] such a window should be controlled by the Network in its entirety. This would include continuity presenters, advertising, commissioning and scheduling; thus beginning to train participants to run their own TV stations; [...] (FAWO, 1995).

FAWO called for community-produced programming to be aired on broad spectrum TV channels which appealed to all demographics, so that

> [...] the principle will be advanced that all communities and income groups have a right and indeed an interest to hear what ordinary South Africans wish to communicate to their fellow citizen. In the interest of nation building and the promotion of cultural tolerance community programming should not be sidelined onto a predominantly black, rural, women Channel; [...] (FAWO, 1995).

The IBA Triple Inquiry Report stated that "[t]he Authority recognises the importance of community television and will endeavour to licence as many of these as technological and financial capability permits" (IBA, 1995c, sect. 7.3.18). The IBA also backed the idea of cooperation between the SABC and community TV:

> The SABC[,] in their second submission to the Inquiry, recognised the need for community broadcasting to reflect South Africans to themselves and each other in the local environment, just as the PBS must reflect the country to itself at national and regional level. They argued therefore that a natural partnership and a shared approach will assist in the development of a viable and vibrant community broadcasting sector. The SABC is committed to material support, training, making available airtime for public access programmes, and establishing a fund for the development of the sector (IBA, 1995c, Appendix I).

This IBA call for a "natural partnership" between the SABC and community TV subsequently became a focus for the community TV movement. In mid-1995, when community TV activists broke away from FAWO and launched the aforementioned OWN,

the OWN founders were confident that they had already secured, via their engagements with the IBA and the SABC during the Triple Inquiry, commitment from the SABC to the national partnership which would give community TV an important starting point. This envisioned partnership took a step closer to reality in May 1996 when representatives of OWN and the SABC jointly drafted a Declaration of Intent entitled SABC and Community Television: The Natural Partnership (SABC and OWN, 1996). However, this Declaration was never signed by the SABC, and noticeably absent from the wording of the unsigned Declaration was any commitment from the SABC to allow for the community-controlled/produced "open windows" that the Open Window Network, as per its name, was explicitly seeking.

6.4 Decisions

There were, in this period of study, three sets of broadcast policy decisions – instances of binding policy formation – with direct bearing on the regional/local TV question: (1) the IBA Act of 1993; (2) the 1995 recommendations (accepted by the Minister) of the Minister's Task Group on the Integration of Public Broadcasting Services; and (3) the February 1996 Portfolio Committee Triple Inquiry decisions.

The IBA Act of 1993

The Negotiating Council of the Multi-Party Negotiating Forum (MPNF) finalised the wording of the IBA Act in September 1993, and the Act was assented to by the outgoing NP government on 18 October 1993 as the IBA Act No. 153 of 1993. The Act, in Section 2, provided for three sectors of broadcast licensees – "public, private and community" – and for three levels of broadcasting – "a national, regional and local level" (RSA, 1993a, sect. 2). In support of the community sector, the Act made provision for the Authority to issue "temporary community broadcasting licences" (RSA 1993a, sect. 47A). In its "Definitions" section, the Act defined a "community broadcasting service" as:

> […] a broadcasting service which—
> (a) is fully controlled by a non-profit entity and carried on for non-profitable purposes;
> (b) serves a particular community;
> (c) encourages members of the community served by it or persons associated with or promoting the interests of such community to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service; and
> (d) may be funded by donations, grants, sponsorships or advertising or membership fees, or by any combination of the aforementioned; […] (RSA, 1993a, sect. 1).

The Act also mandated the Authority to ensure that, "in the provision of public broadcasting services – […] the needs of the constituent regions of the Republic and local communities […] are duly taken into account" (RSA, 1993a, sect. 2). Specifically in relation to TV, the Act, in its section on local content, stipulated that:

> [...] (2) The Authority shall in respect of a television broadcasting licence impose and specify therein such conditions, as prescribed, regarding local television content […] which […] may include any condition requiring the broadcasting licensee— […] (d) in the case where he or she has a regional or local licence area, to allocate a specified minimum percentage of broadcasting time to local television programmes which have been produced in the relevant region or locality; […] (RSA, 1993a, sect. 53).

The IBA Act thus sought to address many of the sub-national TV problems on the governmental agenda of this period – proof that these problems had reached the decision agenda at the time of the drafting of the Act. However, it must be pointed out that the "governmental agenda" of this period was not the agenda of the still-in-power but outgoing NP government, but rather the agenda of the MPNF Negotiating Council, which was in charge of policymaking during this period. While it was the NP government that officially assented to the Act, the development of the Act was by a small Technical Team of ANC-aligned experts reporting to the MPNF Negotiating Council. Thus, as mentioned above at the beginning of this chapters "Proposals in the Policy Stream" section, it cannot be said that the IBA Act was the result of an extended deliberative process of the kind implied by the Kingdon (1995) policy streams model, but rather a highly compressed one whereby the problem definitions put into the problem stream by the aforementioned ANC-aligned media/broadcast policy events of 1990-91 – the Rhodes Policy Workshop, the 1991 Jabulani conference, the 1991 ANC DIP National Media Seminar – were rapidly converted into legislative provisions. As stated above, however, this author is of the view that this instance of somewhat *ad hoc* policymaking to produce the IBA Act was forced upon the MPNF by the imminence of the historic April 1994 elections, and should not be confused with the *ad hoc* policymaking engaged in by the Portfiolio Committee in early 1996 and by the DoC at the time of the Broadcasting Amendment Bill of 2002. The latter two instances of *ad hoc* policymaking with relevance to the regional/local question – both of which receive substantial treatment in this thesis – were not as clearly forced on the policymakers by the rapid tide of events, and had just as much or more to do with a failure of deliberative intent, and with policy confusion, than with the rapidity of events.

The IBA Act's sub-national discourses were bolstered later in 1993 by the interim Constitution, finalised in November 1993 by the MPNF Negotiating Council, which in its schedule on "Legislative Competences of Provinces", listed "Provincial public media" as a provincial competence (RSA, 1993b, sched. 6). Also supporting the IBA Act's sub-national elements was the IBA Council's decision, during its first sitting at the beginning of April 1994, to provide a temporary licensing framework for community broadcasters, with these regulations gazetted on 30 September 1994 (IBA, 1994a).

The report of the Minister's Task Group of 1995

In January 1995, the Minister of Posts, Telecommunications and Broadcasting, Pallo Jordan, convened a National Colloquium for Stakeholders in the Future of Public Broadcasting in South Africa. Held near Johannesburg, the Colloquium was held to develop a way forward for the broadcasting assets of the former TBVC states. The meeting brought together representatives of the TBVC broadcasters, the SABC, broadcasting workers' unions, provincial governments and national government. The Colloquium decided that the TBVC broadcast assets should be integrated into the SABC, and a Task Group on the Integration of Public Broadcasting Services was established, with a mandate to

> [...] investigate and formulate proposals on the establishment of a single national public broadcasting service and on the integration of the services in the former TBVC territories and the SABC to form this single entity (MPTB, 1995).

The Task Group, which included representatives of the SABC, the unions and the TBVC broadcasters, made its recommendations to the Minister at the end of March 1995. The recommendations called for immediate integration, starting in April 1995, of the five TBVC-based broadcasters (Bop Broadcasting Corp., Ciskei Broadcasting Corp., Capital Radio, Transkei Broadcasting Corp. and Radio Thohoyandou) into the SABC/Sentech, in order to form a single national public broadcasting service. The only concession the Task Group report made to provincial ambitions/sensitivities was a proposal that the new, integrated national public broadcaster (i.e. the SABC) would be "accountable at both national and provincial levels" via a "charter" and "provincial advisory boards" (Task Group, 1995). Here we can see that the sub-national accountability idea had made it to the decision agenda. The Task Group recommendations were approved by the Minister, and subsequently included in the IBA Triple Inquiry Report of August 1995, which was eventually endorsed by Parliament

in March 1996. The matter was thus effectively settled: Bop-TV, along with the rest of Bop BC, was to become part of the national public service broadcaster, the SABC – and all of Bop BC's transmission infrastructure was to fall under the SABC's signal distribution unit, Sentech.

However, in spite of the Minister's and IBA's approval of the Task Group findings, Bop BC and the North-West Provincial Government continued through to the end of 1995 with their push for provincial control of Bop BC. At an IBA Triple Inquiry public hearing in Johannesburg in May 1995, Bop BC called on the SABC to give up one of its three TV channels so that a national set of frequencies could be freed up and designated for use by nine provincial public broadcasting services – with the hub for these nine provincial TV services to be at Bop BC's Broadcast Centre in Mmabatho, which would produce a "core service to be broadcast to the nine provinces" (SAPA, 1995a). Bop BC even called, at this point, for the SABC's licence fee revenue (estimated at ZAR300 million per annum at the time) to go towards funding non-SABC provincial services (SAPA, 1995a). Bop BC's submission to the IBA stated that

> [...] we should strive for pluralism within the public broadcasting framework whereby South Africa has national and provincial public service broadcasters. In this regard, we wish to draw the attention of the IBA to certain provisions contained in the Constitution of the Republic of South Africa, 1993 (Bop BC, 1994).

The North-West Province's ANC Premier, Popo Molefe, appointed a "technical team" to investigate the future of Bop BC (*Mail and Guardian*, 1995), and one member of that team, academic Graeme Addison, at the University of North-West, made a presentation in favour of provincial TV at a May 1995 IBA Triple Inquiry hearing. Both Addison and then-Bop BC Director-General Solly Kotane expressed concern, after this appearance at the Triple Inquiry, that the IBA did not appear inclined to alter the centralised TV dispensation. Addison was quoted in the media as saying:

> The IBA has failed to make a clear statement on the need for regional broadcasting identity [...] The SABC has shown that from the metropolitan centre it is incapable of reflecting the interests of the regions. It will also mean that capacity will not be built in the regions (*Mail and Guardian*, 1995).

In September 1995, the North-West Government promulgated the North-West Broadcasting Corporation Act No. 9 of 1995, which made Bop BC a North-West Province asset (North-West Government, 1995). Meanwhile, as Bop BC continued at this time to be pushed by the national Ministry towards integration into the SABC (as per the Minister's Task Group recommendations), Bop BC staff members heard speculation that the SABC only anticipated employing 200 of the existing 1,000 employees from the various TBVC broadcasters – meaning that most of the 700 Bop BC staffers would lose their jobs. The Bop BC staffers thus began to negotiate their retrenchment conditions with the North-West Province and with Bop BC Director-General Kotane (SAPA, 1995a, 1995b). But then Kotane was suspended by the North-West Government, which accused Kotane of unilaterally and un-procedurally negotiating a retrenchment agreement with Bop BC workers (SAPA, 1995c). By November 1995, when the Portfolio Committee held hearings in Pretoria on the IBA's Triple Inquiry recommendations, the Bop BC situation had become deeply dysfunctional – as made clear by the contents of separate submissions made to the Portfolio Committee by the North-West Government and Bop BC staff respectively. The submission by the North-West Province's "acting MEC for public media, broadcasting and information services",[4] Molefe Sefularo, referred to Bop BC as the "North-West Broadcasting Corporation, known as the BBC", and spoke of the recent North-West Broadcasting Corporation Act through which the North-West Government had taken over Bop BC's assets. According to the official text of Sefularo's input to the Portfolio Committee,

> […] we are not happy with the way in which negotiations have proceeded with the SABC, because we do not believe that the SABC has been sensitive, during the integration negotiations, to the practical realities of broadcasting in our province. We find the IBA's recommendations in respect of the BBC somewhat contradictory to the notion of provinces being able to retain public broadcasting capacity. The IBA Report appears to require that the BBC close down and lose all its provincial public broadcasting capacity, by a process of integration with the SABC […] this is not only impractical, but it also fails to take into account the concurrent nature of public broadcasting powers between province and national state (Sefularo, 1995).

Sefularo went on to propose to the Portfolio Committee that Bop-TV facilities be leased by the province to the SABC, with monies generated to be used by Bop BC to engage in provincial public broadcasting, primarily radio. In direct contradiction to Sefularo's submission, Bop BC staff and management made a presentation to the same Portfolio Committee hearing which said:

[4] MEC stands for Member of Executive Council, i.e. a member of Provincial Cabinet.

> We are aware that you have heard the views of the North West Government concerning the future of the BBC. We wish to make it clear that we do not align ourselves in any way with that presentation, even though there are some aspects of their presentation with which we agree (Bop BC, 1995).

The statement by Bop BC staff and management explained that there was litigation under way between Bop BC staff/management and the North-West Government over retrenchment packages, and disputes between staff/management and the North-West Government around integration into SABC/Sentech. The statement said that Bop BC staff/management initially were in support of integration with the SABC, but then embarked on retrenchment negotiations with the province after becoming aware of "serious implications for the BBC employees", i.e. the fact that "the vast majority of the 700+ BBC employees would automatically be rendered redundant" (Bop BC, 1995). The staff and management now wanted to proceed with the retrenchment proceedings, not with the latest North-West Provincial Government plan to keep Bop BC alive. The Statement ended as follows:

> In conclusion, we are of the opinion that provincial public broadcasting is not feasible in the near future throughout the country, and specifically as presently envisaged by the North West Government (Bop BC, 1995).

Parliament in March 1996 approved the integration of Bop BC and the other TBVC broadcasting assets into the SABC and Sentech. In May 1996, a new draft version of the Constitution was agreed by the Constitutional Assembly in which the provision for "provincial public media" to be a provincial "competence" had now been removed (RSA, 1996b). The future of Bop BC was now officially beyond the jurisdiction of the North-West Government.

The Portfolio Committee decisions of February 1996

The recommendations in the IBA's August 1995 Triple Inquiry Report were non-binding, as the final decisions rested with Parliament. To that end, the Portfolio Committee held hearings in November 1995, at which a number of the stakeholders from the Triple Inquiry made submissions, including the IBA itself. In February 1996, the Portfolio Committee presented its revised Triple Inquiry recommendations to Parliament, and the revised recommendations were adopted by Parliament in March 1996. These revised recommendations made by the Portfolio Committee contained changes which were to have far-reaching implications for

sub-national TV, and for the TV sector in general. Among other things, the Portfolio Committee amended the IBA recommendation on the number of TV channels that the SABC would retain, deciding that the SABC would keep all three of its channels rather than be limited (as the IBA had recommended) to two. At the same time, the Portfolio Committee did not alter the IBA's tentative language on state/public funding of the SABC, leaving unchanged the IBA's wording of an indeterminate recommendation that

> [...] public broadcasting services be funded through a mix of advertising and sponsorship, licence fees, government grant and other income such as merchandising their products and leasing facilities (Portfolio Committee, 1996).

Also, while leaving intact the IBA's recommendation that the planned private free-to-air competitor to the SABC "could" be either a network of regional stations or a single national station, the Portfolio Committee deleted the IBA statement that "the Authority would prefer that the new private channel consist of a network of regional stations rather than a single national licence" (IBA, 1995c; Portfolio Committee, 1996). On the matter of public sub-national TV, the Portfolio Committee left intact the IBA's call for only radio to be considered in relation to "provincial public broadcasting", with provincial public TV services to be the SABC's responsibility and provided via daily SABC provincial slots, transmitted on a provincialised transmitter split basis (IBA, 1995c; Portfolio Committee, 1996). Interviewee Lara Kantor, who was with the SABC at the time of these Portfolio Committee decisions, recalls the SABC's influence on the process:

> I distinctly remember the SABC's lobbying effort. […] And it literally, as I recall it, obviously there had been a lot of work going behind the scenes and that, but, literally came down to, like, one presentation, where, you know, everyone, all the executives, zooted up to Pretoria, and they were meeting Saki [Macozoma] and that, I think he was chair of the Portfolio Committee at that stage. They'd put together a presentation about how some of the Triple Inquiry Report recommendations would be very bad for the SABC, and it was, you know, sorted out, like, immediately. I don't think SABC's ever had it that good since. [...] I just remember there was a real sense of "well this can't happen to us, and, you know, like, our friends on the other side will understand this" (Kantor, 2006 – interview with author).

According to interviewee Nadia Bulbulia, in the IBA's Policy Department at the time,

> The IBA had clearly proposed that we downsize, if you will, the SABC, that we actually reduce it into two channels, and that the third channel would become a commercial service, and that the SABC 1 and 2 would have a very specific public service remit. The third channel would be commercial but also have a public service remit. And we had made a huge proposal on that, a huge, a great, we thought, very cogent argument supporting that. The SABC managed to, in its own lobbying of Parliament, which, you know, everyone's entitled to doing, to persuade, to influence, on that, on that proposal, and to suggest that there was no way this

> country, you know, was in a position at the time to have two SABC television services and then this commercial one [...] (Bulbulia, 2006 – interview with author).

The effect of the Portfolio decisions was that, going forward, the SABC became the country's over-dominant player in TV broadcasting, and with no guarantees of core state funding, the dominant, largely advertiser-funded SABC had limited ability, or inclination, to prioritise public interest delivery, including delivery on sub-national TV objectives. The only support for sub-national TV in the Portfolio Committee's decisions was its decision to leave intact the IBA recommendations that there be "triennial" special project funding to the SABC to fund provincial TV windows. (The IBA bore partial responsibility for the path the Portfolio Committee's decisions pointed the SABC in, because the IBA's Triple Inquiry Report had been weak in its stance on state funding.)

SABC launches provincial windows

In February 1996 (the same month as the Portfolio Committee decisions), SABC TV began to air provincial window programming. Between February and June 1996, the SABC launched three provincial transmitter-split news/current affairs feeds, airing for 30 minutes each weekday evening from 18h00 to 18h30 on SABC 2. The window slots were *KZN-2-Nite* for KwaZulu-Natal Province, *Cape at Six* for Western Cape Province, and *Mopani* serving two provinces, Mpumalanga and the Northern Province (later re-named Limpopo Province). These splits received an initial three-year funding commitment from government, as per the Triple Inquiry resolutions calling for "triennial" funding, to cover the period 1996 to 1999. According to *KZN-2-Nite's* website home page in 1997,

> [a]ll those stories, events, characters and quirks of our province, KwaZulu-Natal that could never find a space on national television, have found a home in KZN 2 NITE. Hear the languages, see the sights, feel the rhythm, touch the texture of KZN; [its] people, places, beaches, mountains, valleys, churches, temples and mosques, [its] sporting heroes, artists, politicians, business people and YOU! (KZN-2-Nite,1997).

But the SABC 2 provincial windows never expanded beyond the three slots launched in 1996. Thus, only four provinces (not nine provinces, as had been the Triple Inquiry recommendation) received targeted programming. And the three windows which were launched were taken off-air between 2001 and 2003 after state funding of the slots was discontinued in 1999-2000 (Robinson, 2006).

Conclusions

This research project's two operational research questions now need to be examined in relation to the data analysis just provided for this period of study. The operational questions are: (1) which patterns of TV policymaking caused the lack of sub-national TV delivery (in spite of intent) in this period of study, and (2) what did the lack of sub-national TV delivery (in spite of intent) mean for the pursuit of public interest objectives?

Patterns of TV policymaking

Kingdon's (1995) framework posits that the content and dynamics of the three policy process streams – the politics, problem and policy streams – operate largely independently of each other until the moments when they couple. But it was this author's finding that, in this period of study, the South African TV policy sector's streams were largely *inter*dependent when it came to sub-national TV matters. The politics of the democratic transition and national-provincial relations/powers appeared to directly influence the sub-national TV problem definitions in the TV policy problem stream of this period, thus allowing a rapid push of sub-national TV problem definitions onto the governmental agenda. Meanwhile, the content and dynamics of the policy stream seemed to be working largely in synchronisation with the politics and problem streams, producing policy proposals which allowed for frequent coupling and movement of most of the sub-national TV governmental agenda items onto the decision agenda. And the workings of the decision agenda, via the IBA Act and the recommendations of the Minister's Task Group on the TBVC broadcaster assets, produced policy outcomes which appeared to be largely a result of consensual policy positions generated by deliberative activity (though, as mentioned above, the compressed nature of the IBA Act deliberation/drafting process was such that clear and extended policy stream activity could not be identified in relation to the provisions that found their way into the Act, thus making the IBA Act process (a somewhat anomalous, compressed, *ad hoc* policy moment forced by the extremely rapid tide of history) not readily analysable via the Kingdon framework).

There was, however, another instance of *ad hoc* broadcast policy decision-making (in early 1996) with relevance to the regional/local TV question which was less defensible (because it was not forced by the rapid tide of history) than the IBA Act decision agenda process, and

which was more alarming when viewed through this research project's chosen model (Kingdon (1995)) of deliberative policymaking (because it hinged on a bilateral SABC-Portfolio Committee engagement). The decision agenda was clearly not, in this author's view, functioning in optimal deliberative fashion in February 1996 at the point when the Portfolio Committee made its changes to the IBA's deliberatively developed Triple Inquiry recommendations. There is evidence that the Portfolio Committee acted in terms of a bilateral consensus between itself and the SABC, not in terms of the broader consensus represented by the IBA Triple Inquiry Report. For its part, the IBA failed itself to some extent by being tentative in its Triple Inquiry recommendations on state funding for the SABC, and in failing to lobby the Portfolio Committee as effectively as the SABC did.

The Portfolio Committee's decision-making went against the tide of TV policymaking in this period of study. There was, from the aftermath of the April 1994 elections up until the Portfolio Committee process of late 1995 and early 1996, a high degree of pluralist, deliberative contestation on sub-national TV matters in each of the three streams of the policymaking space: the politics stream, the problem stream, the policy stream. The example held up by interviewees as indicative of democratic, deliberative policymaking was the IBA's Triple Inquiry process of 1994-95, which was an extended public process with inputs from dozens of stakeholders (Thorne, 2011 – interview with author). The secondary literature also tends to regard the general patterns of South African broadcast policymaking of the early to mid-1990s as being highly democratic and deliberative. As Ndlela (2007) writes,

> […] the reform process was recognised as a legitimate process by the key powerful groups negotiating the nature of post-apartheid South Africa. The reform was achieved through a process of consensus building in much the same way as [the constitution-] making process, where stakeholders representing different interests were directly involved in policy formulation. The scope of stakeholder involvement ensured that reform was carried out in a more transparent and democratic manner. Reforms in broadcasting thus occurred along a deliberative and participatory route (Ndlela, 2007, pp. 82-83).

However, as this research found, near the end of this period of study, during the decision-making of the Portfolio Committee, the breadth of deliberation narrowed, with the SABC and the Portfolio Committee apparently sitting down to develop a bilateral position (Bulbulia, 2006 and Kantor, 2006 – interviews with author). Using the terminology of Kingdon's framework, when the streams *coupled* in late 1995 and early 1996 and the Portfolio Committee had to make binding decisions, it seems correct to say that narrow, non-

deliberative dynamics in the TV policy sector *politics stream* – i.e. SABC-Portfolio Committee bilateralism – managed to trump several years multi-stakeholder deliberative activity in all three streams (politics, problems and policy proposals).

For Duncan and Glenn (2010), the Portfolio Committee's imposition of a commercialised dynamic for South African TV represented a "collapse of will" in the face of the ruling party's neo-liberal turn as evidenced by its Growth Employment and Redistribution (GEAR) programme of the same year (2010, p. 45). In this author's view, the Portfolio Committee's flawed stewardship of the public interest could just as easily been the result of lack of commitment to deliberative policymaking, and of policy confusion regarding how to marry centrist/unity and decentralising/diversity policy arguments, discourses and objectives.

The public interest

As is outlined in the next four sub-sections, there was lack of delivery in this period in relation to the majority of the nine sub-national TV policy problems on the TV policy governmental agenda, and this lack of delivery undermined pursuit of the three public interest objectives (access, diversity, stewardship) and guiding public interest principle (democratic citizenship) adopted by this research from the work of Feintuck and Varney (2006).

Access (to signals, to the means to produce/transmit)

In terms of access to TV signals, there was nothing in the Portfolio Committee's Triple Inquiry recommendations requiring expansion of TV signal coverage to the 10 per cent of the population still not covered by terrestrial TV signals. In terms of access to the means to produce/transmit television programming, there was no delivery on this objective beyond the two temporary, one-month community TV broadcasts staged in 1995 by Greater Durban Television (GDTV) and Cape Town's Rugby World Cup TV (RWC TV).

Diversity (political, socio-cultural, ownership/control)

In terms of the political diversity objective – what Feintuck and Varney (2006) describe as a "free flow of ideas" and a "range of perspectives" on offer – sub-national TV's contribution was scant in this period of study. Apart from the negligible impact of the two temporary community broadcasts in June 1995 – GDTV and RWC TV – the only substantive sub-

national delivery on the political diversity objective was via the three SABC 2 provincial window slots. And only two of the provincial window slots, *KZN-2-Nite* and *Cape at Six*, produced in Durban and Cape Town respectively, had a strong presence on the ground in the provinces being served. The *Mopani* slot, while serving Mpumalanga Province and Northern Province, was produced at SABC national headquarters in Johannesburg, thus lacking a true connection to the provinces it was meant to serve/reflect. Sub-national TV's contribution to providing socio-cultural diversity in programming was only via the three SABC provincial window slots, which provided both news and current affairs (including arts programming), and which provided programming in a mix of the languages most spoken in the target provinces. In terms of ownership and control diversity, all full-time free-to-air TV, with the negligible exception of the American-backed TBN Christian re-transmission service in the Eastern Cape, was in the hands of the SABC at the end of this period (now that Bop-TV had been incorporated into the SABC).

Stewardship (balancing public and private interests)

Neither the TV broadcasters (SABC, TBN) nor the policymakers (the DoC, the Portfolio Committee, the IBA) exercised effective stewardship of free-to-air TV's potential to provide sub-national deliverables in support of the public interest in this period. The starkest stewardship failure was that of the Portfolio Committee, which altered the IBA's Triple Inquiry recommendations in such a way that the TV sector was put on a path whereby the SABC would remain a strongly dominant TV broadcaster, with three national channels, for the foreseeable future. And by not fixing the IBA's tepid language on state funding of the SABC (uncertain language which represented a failure of stewardship on behalf of the IBA), the Portfolio Committee made it inevitable that the SABC would be a commercially oriented, advertising-hungry broadcaster, thus shrinking the potential, going forward, for new advertiser-funded TV players, including sub-national players, to be viable.

The IBA Triple Inquiry Report of August 1995 had set out clearly what the IBA regarded as its mandate:

> Firstly, the Authority must encourage and create the conditions for public, private and community radio and television stations to be licensed and to thrive at both national and regional level. In doing so, the Authority must ensure that in shaping the broadcasting environment, the integrity and viability of public broadcasting is protected (IBA, 1995c).

In the very next sentence, the Authority had described what it would regard as failure to meet the mandate it saw for itself:

> The Authority would equally[,] however, have failed in its task if it creates an environment in which private and community broadcasters do not have the incentive to enter the industry or provide reasonable conditions for their success; [...] (IBA, 1995c).

The data analysis covered in this chapter has revealed that South African TV policymaking in the period 1990 to October 1996, though laudably plural and deliberative for a period of time (during the 1994-95 IBA Triple Inquiry), was charactersied at the end of the period of study by narrowed deliberation (i.e. at the time of the SABC-lobbied Portfolio Committee decisions of early 1996) and the kind of failure which the IBA had been seeking to avoid. The TV sector was not, by the end of this policymaking period, one structured in such a way as to allow for new TV stations to, as the IBA had put it, "thrive at both national and regional level". Via over-prioritisation of SABC interests during a crucial decision-making moment (when the Portfolio Committee made its Triple Inquiry decisions), a TV environment had been created which risked becoming the kind the IBA had warned against: "an environment in which private and community broadcasters do not have the incentive to enter the industry or provide reasonable conditions for their success; […]" (IBA, 1995a, para. 7.2). The IBA had, in this period, been trumped within the decision agenda by the SABC, which had successfully lobbied the Portfolio Committee to ensure maximisation of SABC interests. The TV dispensation that was emerging by the end of this period was one not primarily serving the public interest but rather serving, instead, the SABC's interests.

Enabling democratic citizenship

With the public interest objectives of access, diversity and stewardship all undermined in this period of study, it was inevitable that adherence to the principle of democratic citizenship was also weak. At the end of this period, potentially meaningful TV delivery of sub-nationally focussed information that could help facilitate viewers' participatory citizenship was confined to three nightly half-hour provincial slots on SABC 2 (one of which was not based in either of the provinces it sought to serve) and the existence of two largely experimental community TV groupings which had each only been on-air once with 30-day licences.

Chapter 7: TV for South Africans "United in Our Diversity"

Regional/Local TV Policymaking from November 1996 to 2001

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We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic […] – ***Constitution of South Africa, 1996***

It is vital that our emerging broadcasting system is imbued with a strong sense of public interest. These public interest values of access, diversity within the framework of national unity, equality, independence and unity are pervasive. […] This brings into focus the need for a strong and committed Public Broadcasting Service. Such a service should cater for the needs and aspirations of all sections of our society, particularly the underprivileged and historically disadvantaged. It should ensure universal availability and access and should meet the education, information and entertainment needs of all of the people of South Africa. It should also meet the needs for children's programming and human resource development. Above all it should contribute to nation building – ***White Paper on Broadcasting Policy, 1998***

There is […] concern over the seriousness with which consultation is regarded, whether government does not already have its mind made up and is simply using the consultation process to create a false legitimacy for the policy. […] If the Green Paper process were to become something of a meaningless charade, the call for comments on the White Paper would also sound bogus – ***Guy Berger, Rhodes University, 1998***

The SABC's regional infrastructures have never enjoyed much largesse of the Corporation's highveld [Johannesburg] headquarters, and the latter has also maintained rigorous editorial and cybernetic control over regional inputs – ***Aldridge (1997a)***

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In this period from November 1996 to the end of 2001, the regional/local TV question began to feel the effects of the decisions made by the Portfolio Committee near the end of the previous study period. Sub-national TV's role in public interest TV delivery had not been appropriately stewarded in the previous period and, accordingly, in this period all three sub-national TV sector policy problem definitions (public, private, community) declined in prominence. In relation to public sub-national TV, the SABC announced that it was to discontinue its nightly SABC 2 provincial window slots focussed on four provinces. In terms of private sub-national TV, the regulator IBA in this period licensed a single private commercial competitor to the SABC – the e.tv channel, which went on-air in 1998 – as a *national* channel with only minimal sub-national obligations. For community TV, the IBA convened a workshop to investigate sustainability options for the sector, but (unlike for

community radio) the Authority did not in this period produce a long-term licensing framework to enable community TV to move beyond the existing 30-day temporary licence regime. (In contrast, the number of long-term sub-national radio services, both private and community-run, grew substantially in this period, joining the public SABC sub-national radio channels already in existence.) It was also found in this period, in addition to the lack of implementation in relation to the three sub-national TV sector problems, that the cross-cutting sub-national TV problems also suffered: independent production outside Gauteng and Western Cape Provinces remained scarce; signal coverage expansion to remote rural localities was minimal; financing mechanisms for sub-national TV were uncertain; and sub-national TV frequency allocations were jeopardised by the national frequency needs of licensing of a new national channel, e.tv.

The two main drivers of TV policy at the beginning of this period of study were the IBA and the DoC. But the IBA's policymaking role was greatly weakened, in both practical and legislative terms, during this period, such that the central policy player for most of this period was the DoC (Markovitz, 2006 and Martinis, 2006 – interviews with author). The weakening of the IBA's policy power was a function of, among other things: an IBA financial scandal forcing the resignation of several Councillors; state policy incursions into the IBA's powers; state imposition of direct control over the IBA's funding; and, near the end of this period, merger of the IBA with the telecommunications regulator SATRA to form a converged authority, ICASA (Duncan, 2001; Kantor, 2006 and Lishivha, 2006 – interviews with author).

Meanwhile, the DoC became increasingly forceful and unilateralist in its patterns of policymaking in this period (Berger, 1998; Currie, 2006 and Markovitz, 2006, Martinis, 2006 – interviews with author). By allowing only short periods for stakeholder engagement and relying on the views of a relatively small group of experts and stakeholder representatives, the DoC was able to push through a broadcasting policy Green Paper and White Paper, and a Broadcasting Bill and Act, in just over 18 months, between late 1997 and mid-1999. The rapidity of these processes sparked concerns that the DoC was only going through the motions of stakeholder consultation and taking forward largely pre-determined policy decisions (Berger, 1998).

The adapted policy streams framework (Kingdon, 1995) deployed by this research for identifying the patterns and causalities in democratic, deliberative public policymaking is premised on there being a degree of pluralist contestation and deliberation within and among the three policymaking process streams (politics, problems, policy proposals). By extension, a variety of actors, both state and non-state, are assumed, in terms of the framework, to have the ability to influence the dynamics and content of the three streams and the dynamics involved in the moments when the streams couple – with this coupling often being the means through which policy issues move from the governmental agenda to the decision agenda where binding policy decisions can be made. In this period, however, the research evidence suggests that the scope for stakeholder participation was quite narrow – in terms of participation in both the dynamics *within* the streams and the dynamics *among* the streams (including coupling dynamics). This narrowing of scope for policymaking participation was evident, according to interviewee Dimitri Martinis, in an increase in broadcast policy processes in which "you have a public process, but you have no public participation" (Martinis, 2006 – interview with author).

The view expressed by several interviewees for this research, and contained in at least one policy participant's public statements during this period (i.e. Berger, 1998), is that the DoC's main aim in this period was to put the new democratic government's stamp on broadcasting policy. This intensification of the DoC's exercise of policy power was a continuation of the trend identified at the end of the previous period of study. We saw in the previous period of study that, in addition to the non-deliberative Triple Inquiry decision-making of the ANC-dominated Portfolio Committee, there was the early-1996 replacement of Pallo Jordan with Jay Naidoo as Minister, the NP exit from the GNU, and the non-deliberative adoption of the neo-liberal GEAR programme, all of which were signals, according to interviewees for this research, that the often-compromise-oriented policymaking of the transitional-democratic and early-democratic periods between 1990 and early 1996 had been cast aside.

The apparent low agenda status of sub-national TV deliverables in this period can be seen as to some extent symptomatic of a general decline in the status of sub-national-focus arguments and discourses in the TV policy space. Diversity discourses, which (as we saw in Chapters Two and Three) are fundamental to calls for sub-national TV, were to a great extent subsumed by national unity discourses in this period of study. When diversity was cited in the

central policy statements of this period, it was typically as part of unity-in-diversity statements (statements which ultimately prize unity over diversity) – as exemplified by the quotations at the top of this chapter from the 1996 Constitution and the 1998 Broadcasting Policy White Paper. The 1998 White Paper emphasises, to a much greater degree than the IBA Act of 1993 did, national unity elements, via its calls for "nation-building" and "diversity within the framework of national unity" (DoC, 1998, sect. 1.3.3). These discourses in the White Paper resonate, as shown at the top of this chapter, with the 1996 Constitution's invocation, in its Preamble, of a country of South Africans "united in our diversity" (RSA, 1996b). The national unity and nation-building discourses in the 1998 White Paper were subsequently given an intensified articulation in the 1999 Broadcasting Act, which made repeated references to "South African identity" (RSA, 1999) and featured an almost complete absence of references to regional or provincial broadcasting – in sharp contrast to the frequent regional and provincial references in the IBA Act of 1993. Given the elevation of nation-building discourses in the broadcasting policy space in this period of study, it would seem to have been inevitable that there would be a decline in prominence, on the TV policy sector's governmental agenda of this period, of the three sub-national TV sector problems and the six cross-cutting sub-national TV problems.

The next three sections of this chapter (following the same structure as the previous chapter) outline the dynamics and content of policymaking in relation to sub-national TV matters in each of the TV sector's three policymaking process streams: the politics, problem and policy streams. The fourth section then looks at the actual binding policy decisions taken in this period in relation to sub-national TV deliverables. The final section draws conclusions from the data in terms of this research project's two theoretical frameworks – the adapted Kingdon (1995) policy streams framework and the public interest media policy framework extracted from the ideas of Feintuck and Varney (2006).

7.1 Politics

As mentioned above, the government's growing policymaking confidence and unilateralism, identified as emergent at the end of the first period of this study, showed signs of becoming more entrenched in the TV sector's *politics stream* of this second period. We saw, in the previous chapter, the view from interviewee Currie (a Special Advisor to the Minister for part

of this period) that from early 1996 onwards, the government's executive branch was increasingly "flexing its muscles" (Currie, 2006 – interview with author). This centralised approach to policymaking is generally attributed, in the available literature, to the political style of Thabo Mbeki, who was the country's Deputy President from mid-1994 to mid-1999 and then State President from June 1999 through to his resignation in September 2008. Mbeki's influence on the government's policymaking style is said to have begun while he was Deputy President under President Nelson Mandela between 1994 and 1999 – with his imprint on government policymaking seen as coming to the fore in the early 1996 period, at the time of the crafting and adoption of the GEAR policy (of which Mbeki was a drafter), and then staying at the fore until his loss of the ANC leadership, and then leadership of the country, in the 2007-08 period (Gumede, 2007; Marais, 2011). Mbeki's supremacy in the ANC was formalised in 1997, when he was elected ANC President at the party's 50th National Conference in Mafikeng. Mbeki then became President of the country via the elections of April 1999. The available literature argues that under Mbeki, power was centralised in the Office of the President in Pretoria, with Mbeki's political party masters at ANC headquarters in Johannesburg often sidelined (Gumede, 2007; Marais, 2011).

There is evidence to suggest that in this period of study, as with the final months of the previous period, President Mbeki's centralised, tightly-controlled policymaking style permeated the broadcast policymaking's politics stream to some extent, via the behaviour of the DoC. The key policy processes for the DoC in this period were its broadcast policy Green Paper and White Paper process of 1997-98 and its Broadcasting Bill and Act process of 1998-99. The available literature argues that the DoC was superficial in its approach to stakeholder deliberation during these processes (Duncan, 2001; Horwitz, 2001). A piece of primary documentary evidence showing that the state was perceived as not allowing for truly deliberative policymaking was the1998 submission, by prominent academic Guy Berger of Rhodes University, to a DoC Broadcasting Policy Colloquium in Johannesburg. The Colloquium was convened in March 1998 for deliberations on the Green Paper, and Berger was a member of the Stakeholders Committee appointed by the Minister to advise the DoC during the Green Paper and White Paper processes.

In Berger's presentation to the Colloquium, he argued that the Green Paper/White Paper process was in danger of losing validity due to perceptions that government was taking steps

to "bypass" or "pre-empt the Green Paper" (Berger, 1998). Berger cited four "cases" which he felt were cause for concern, i.e. instances where the DoC appeared to be pushing ahead with implementation of policy ideas that were in the Green Paper and thus were supposed to be open to multi-stakeholder deliberation before implementation decisions were taken. One of the instances cited by Berger was the Minister's tabling of legislation in Parliament that would "make Government, represented by the Minister of Communication[s], the sole shareholder in a corporatised SABC" – an idea which was in the Green Paper and was thus supposed to be up for discussion and deliberation (Berger, 1998). A second cause for concern cited by Berger was the fact that "draft legislation already existed which would see a merger of the IBA and Satra, under the Satra formulation which makes it accountable to the Minister rather than parliament" (Berger, 1998). This second instance of apparent DoC unilateralism would have been doubly concerning to TV policy stakeholders at the time, because not only was it apparent evidence of the state pushing ahead unilaterally with a policy idea (the merger of the IBA and SATRA) and thus sidestepping/negating policy deliberation. It was also seemingly evidence of a desire by the state to increase IBA accountability to it (and thus potentially limit the IBA's independence) – a point of great sensitivity because the IBA, unlike the telecommunications regulator SATRA, had Constitutionally protected independence, via Section 192 of the 1996 Constitution which provided for "an independent authority to regulate broadcasting […]" (RSA, 1996b, sect. 192). Berger's presentation to the Colloquium warned that

> [t]here is […] concern over the seriousness with which consultation is regarded, whether government does not already have its mind made up and is simply using the consultation process to create a false legitimacy for the policy. […] If the Green Paper process were to become something of a meaningless charade, the call for comments on the White Paper would also sound bogus (Berger, 1998).

In tandem with the evidence of growing DoC unilateralism, there was also, in this period, evidence of the waning power of the IBA (Duncan, 2001; Duncan and Glenn, 2010). In May 1997, five of the seven IBA Councillors resigned amid allegations of financial irregularity – a scandal which, according to interviewee Martinis, was a "wound" from which the IBA and its successor ICASA "never actually recovered" (Martinis, 2006 – interview with author). Meanwhile, there is evidence to suggest that the IBA's difficulties suited the DoC. As implied above by Berger in his submission to the Broadcasting Policy Colloquium (Berger,

1998), it was becoming clear in this period that the state wanted to decrease the policymaking powers of the IBA. According to interviewee Currie,

> I think the climate [...] is the Department of Communications starting to begin its process of removing the policy role of the IBA, or limiting the policy role of the IBA, which they weren't particularly happy with, which they regarded as one of the compromises of the negotiations process [...] (Currie, 2006 – interview with author).

According to interviewee Martinis, the crisis atmosphere at the IBA – created by the resignations of the Councillors – played into the hands of the DoC, allowing the state to, as Martinis puts it, "encroach". In the words of Martinis,

> [Minister] Jay Naidoo, at the time, of course took the gap, and asserted his control over the regulator, not to mention hiring [resigned IBA Councillors] Peter De Klerk and Sebiletso [Mokone-Matabane] and putting them into his office in Pretoria (Martinis, 2006 – interview with author).

The "gap" taken by the Minister, according to Martinis, occurred via the Green Paper/White Paper and Bill/Act, through which the scope of the IBA's policymaking functions was narrowed. The November 1997 Green Paper made clear the DoC concern with what it saw as the IBA's overbroad policy powers:

> In other countries around the world, independent regulators are given a more prescriptive directive by Parliaments, and by responsible Ministers, than that which has been given to the IBA. They have also been given access to the government policies of the day and have been subject to ministerial direction regarding certain issues, without loss of independence. In this policy process, it is vital to define, in clear terms, the nature of the relationship between Government, Parliament, the IBA, and Broadcasting organisations (MPTB, 1997).

The White Paper of June 1998 continued the theme, stating that

> […] the IBA Act is totally silent on the issue of development of policy. It asserts the primary object of the Act as the regulation of broadcasting activities in the public interest. As such, national policy formulation has been treated as a sub-task of the IBA's regulatory functions (DoC, 1998, sect. 1.3.5).

The White Paper went on to state that the government, via the Minister, would henceforth "have the right to issue policy directives to the IBA" (DoC, 1998, sect. 1.3.5.2), and that "[t]he perception that the IBA is not accountable to anyone in its activities regarding the implementation of public policy is wide spread and a source of concern" (DoC, 1998, sect. 1.3.5.3). Furthermore, the White Paper stated that the IBA "will be funded directly by

government, and not be allowed to retain funds obtained from any other source" (i.e. funds generated through operator licence fee payments), and

> [t]he Minister will have statutory responsibilities for, and the authority to direct the regulator about, matters relating to broadcasting that are of significant economic, cultural and social importance to the people of South Africa (DoC, 1998, sect. 11.1.3).

Also formalised in the White Paper was the state's intent to merge the IBA and SATRA into a converged regulator (the eventual ICASA) – a merger portrayed in the White Paper as merely an efficiency measure through which "the high costs associated with maintaining separate regulatory structures requiring virtually the same scarce technical skills and facilities will be minimised" (DoC, 1998, sect. 11.3). However, it seemed likely (and this did end up being the case) that a merged regulator would be less able to devote as much time to broadcasting matters (including policy matters) as the broadcasting-only IBA was. The shrinking of IBA power was codified in the Broadcasting Act No. 4 of 1999, which stated that one of the Act's objects was to "clarify the powers of the Minister in regard to policy formulation and the Authority's powers with respect to the regulation and licensing of the broadcasting system" (RSA, 1999). The Act went on to stipulate that "the Minister is ultimately responsible to develop policy that is required from time to time" (RSA, 1999, sect. 3(2)). According to one interviewee for this research, speaking on a non-attribution basis on this particular point,

> I always believed that there was a moment of opportunity in the country's history for independent regulation. It came because of the transition to democracy, where the protagonists in that struggle, the key players in the struggle for and against, the National Party and the ANC, there was a convergence around the concept of independence, precisely because the ANC did not want the National Party or its interests to control public broadcaster or any regulator during the transition to democracy and maybe in the first years post-democracy, and the National Party didn't want the ANC to control it has it had done for years, after democracy.
>
> So what you had was this moment of [...] convergence around the concept of independence, and my gut feel is there wasn't true policy buy-in, or ideological buy-in, for the concept, it was just a moment in history. [...] and I think to me the [...] Broadcasting Act of 1999, okay, to me, is the classic response of a government that is uncomfortable with independent regulation. In other words, if you look at that Act, it almost doesn't even recognise that the

> IBA Act is existing. [...] it was almost a feeling from elements in the Department [of Communications] that '93 was a compromise, because it was a negotiated settlement, therefore, one had to, it was a question of authorship, and therefore a democratically elected government had to put its stamp on the industry (interviewee – interview with author, 2006).

At the same time as the Green Paper/White Paper process, the IBA went through a significant downsizing – a further blow to the power of the IBA. In the words of interviewee Kantor, in the IBA's Policy Department at the time:

> I started '97, [in] '98 [there] was, you know, there was the whole scandal, the Council resigned *en masse*, etcetera. At that stage the IBA's budget was cut by a third, literally a third, we had to let go of a third of our staff. I mean, enormous impact on the organisation. [...] Very rough, having to retrench people. I mean, we had no technical department. I was made head of technical, I had one engineer, who was just put into the policy department and we had to run like that (Kantor, 2006 – interview with author).

The already weakened IBA merged with SATRA to form ICASA in June 2000, in terms of the ICASA Act No. 13 of 2000 (RSA, 2000).

Also significant in TV policy's politics stream of this period were the dynamics of the SABC. The SABC announced in 1997 that it had a large financial shortfall for the 1996-97 financial year (SABC, 1997), and the public broadcaster subsequently contracted management consultants McKinsey to develop financial turnaround recommendations. According to Duncan (2001), the McKinsey turnaround strategy entrenched a cost-recovery logic – i.e. a commercialised orientation – which was acceptable to the DoC because it tallied with the neo-liberal orientation of the GEAR macro-economic strategy (Duncan, 2001). Among the items identified by McKinsey as expendable were SABC TV's provincial window slots (Duncan, 2001; Matlare, 2006 – interview with author). The SABC duly announced that the windows were to be cut.

As alluded to in the introduction to this chapter, TV policymaking's politics stream of this period also experienced a shift, with relevance to the regional/local TV question, at the level of general values and discourses. It was in this period that the DoC apparently not only sought to put its stamp on broadcast policymaking, but also to align broadcasting policy with the values of the 1996 Constitution – which, as shown in the quotation at the top of chapter, invoked the notion of a country "united in our diversity" (RSA, 1996b). There is evidence to suggest that the DoC's emphasis leaned towards the nation-building and national unity

elements of the Constitution, with less emphasis on the diversity aspects. As seen in the quotation at the beginning of this chapter from the Broadcasting Policy White Paper of 1998, the unity-in-diversity discourse of the 1996 Constitution found its way into the White Paper, via the specification in the White Paper that one of the five "public interest values" to guide broadcast policymaking was "diversity within the framework of national unity" (DoC, 1998, sect. 1.3.3). Another public interest value cited in the White Paper was "unity" as a stand-alone value, and later in the passage from the White Paper quoted at the top of this chapter, we see the statement that the public service broadcaster, the SABC should, "[a]bove all […] contribute to nation building" (DoC, 1998, sect. 1.3.3).

This rise in prominence of the nation-building discourse in the TV sector's politics stream of this period may have made the cancellation of the SABC 2 provincial window slots a welcome development for some in government. According to interviewee Solly Mokoetle, who was a top SABC executive when the decision was made in the late 1990s to cancel the SABC 2 provincial window programmes, the cancellation of these windows, while done primarily for financial reasons, was also convenient for those in government who were concerned about what Mokoetle calls "Balkanisation" in the country (Mokoetle, 2006 – interview with author). There was concern from some, said Mokoetle, that the provincial programming slots, particularly the ones produced in and for the Western Cape and KZN (the two provinces with provincial governments not controlled by the ANC) might be undermining the government's nation-building efforts:

> Politically it became clear that these things are really a problem, but again you are sustaining them financially, and you are actually sustaining a political problem, so why don't, why don't you let the obvious happen, which is financial reasons take their course, which means you have to close them because financially they are not viable, but one of the reasons, clearly is that politically they are a problem, they are, they are promoting sectarianism, which is not consistent with the nation-building mandate of the SABC (Mokoetle, 2006 – interview with author).

Barnett (1999a), Duncan and Glenn (2010), Jones (1999) and Horwitz (2001) have all argued that there was reticence among some in government (and perhaps the regulator) during this period towards regional/provincial TV, because of such TV services' potential to dilute the nation-building project. It also seems reasonable to conclude that there was a certain degree of linkage between policymaking centralisation and the ascendance of nation-building discourses. Potentially implicit in a nation-building-via-broadcasting discourse is a notion

that the national government of the day will be required, and should be allowed – as the guardian of the nation-building project – to be the clear and unobstructed driver of policymaking. (The policy style of the Mbeki era, centralised in the Office of the President, also seemed to be to some extent born of this logic.) Meanwhile, the weakening of the policymaking voice of the regulator – a weakening which, as we have seen, was apparently both self-inflicted and government-inflicted – seems to have bolstered the primacy, and in turn the tendency to centrism/unilateralism, of government in its handling of broadcasting policy matters.

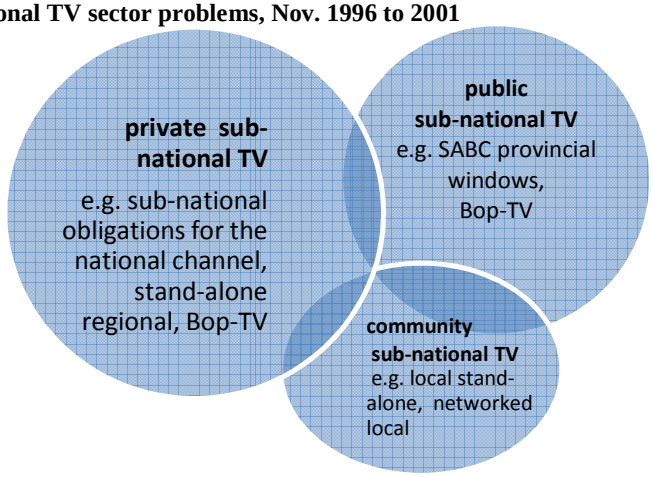
Accordingly, sub-national TV problem discourses – particularly regional/provincial TV discourses pertinent to provinces with non-ANC-led provincial governments – could not expect to easily achieve momentum in the TV policy politics stream of this period, and thus could not expect to readily achieve prominence on the TV policy sector's governmental agenda – let alone find their way onto the decision agenda. Indeed, as will be shown in the next two sections of this chapter, which look at the problem stream and the policy stream, sub-national TV problem definitions failed to achieve the same governmental agenda presence, or decision agenda presence, as in the previous period of study.

7.2 Problems

As with the previous period of study, it was this author's finding that TV sector policymaking in this period was characterised by largely *inter*dependent rather than *in*dependent streams – again suggesting that Kingdon's (1995) emphasis on a great degree of stream independence (see Chapter Four) does not apply very well in the case of South African early-democratic-era TV policy. In this period of study, the sub-national TV discourses in the *problem stream* seemed to a great extent to be directly informed and guided by the discourses in the politics stream. For instance, the problem stream in this period – in line with the politics stream – was characterised by national problem discourses getting better traction than sub-national ones. All three sub-national TV sector problems – public, private, community – were found to have less prominence on the TV policy governmental agenda in this period of study than in the previous period. However, as shown in Figure 7.1 below, all three sector problems *did* still manage to remain, at least to some extent, present on the TV policy governmental agenda. The private sub-national TV sector policy problem was the most prominent among the three

sector problems, and thus its circle of prominence is largest in Figure 7.1. Next in prominence was the public sub-national TV sector problem. Community TV, meanwhile, continued to be the least prominent of the three sectors, and thus its circle of prominence is smallest in Figure 7.1.

Figure 7.1 Relative prominence, on the TV policy governmental agenda, among the three sub-national TV sector problems, Nov. 1996 to 2001



Source: author's qualitative interpretation of primary document and interview transcript data.

Private sub-national TV

We saw in Chapter Six that the idea of licensing stand-alone or networked private sub-national stations was relatively strong in the previous period, particularly during the IBA Triple Inquiry process of 1994-95. In this second period of study, however, the private sub-national TV problem definition lost traction. The IBA, in its Private Television Discussion Paper of 1 November 1996, proposed "that the first free-to-air private terrestrial service be a national service with provincial obligations, rather than regional stations that may be networked" (IBA, 1996). The IBA document said the Authority "welcomes comment on the proposal", but aspirant regional private TV broadcasters took the view that the IBA had already (and prematurely, in their view) made up its mind that private sub-national TV was not up for consideration. The IBA wrote that it had assessed the feasibility of three different private free-to-air TV scenarios in relation to the capacity of the market – "a national service, a network of three regional stations and a national service with provincial windows" – before leaning towards a national-only model:

> The Authority's recent analysis indicates that the current advertising market and economic base of the television industry in the different provinces, even if they are combined into "regions" around some of the larger metropolitan centres, are not likely[...] to be sufficient to

> sustain the cost of operating television stations of sufficiently high quality for a meaningful number of hours a day (IBA, 1996).

The IBA further argued that licensing a network of regional private commercial stations could, among other things, "result in" a "*de facto* national service with a concentration of production and decision-making in Gauteng" which would be "a weak competitor to the SABC and [terrestrial pay-TV operator] M-Net with high costs and income thinly spread between the different regional stations" and would consist of "regional stations which serve only limited sections of the country centring around the major metropolitan centres" (IBA,1996). In an apparent effort to compensate for its seeming rejection of the idea of regional private TV channels, the IBA Discussion Paper went on to state that "[…] the question of regional and, more specifically, provincial representation" could "be addressed through the private broadcaster which will be required to contribute to the provision of provincial services" (IBA, 1996). Many submissions in early 1997 to the IBA on this Private TV Discussion Paper expressed open disappointment that licensing of regional private TV players had been rejected by the IBA at even the Discussion Paper stage. Most irked were commercial TV interests in Cape Town, with the Cape Chamber of Commerce writing that

> [t]he Chamber does not see regional television to be in opposition to the national service but rather as a complementary partner. […] we recommend that there be a network of regional television channels, with at least one each in the metropolitan areas of Cape Town, Johannesburg and Durban (Cape Chamber of Commerce, 1997).

The Channel 6 Broadcasting consortium, a grouping of Cape Town production firms hoping to apply for a private regional licence, stated as follows in its submission to the IBA Discussion Paper:

> Channel 6 wishes to record its grave reservations concerning many of the key proposals outlined in that document, to question both the research and reasoning on which those proposals are based and to present a comprehensive argument in favour of licensing of private, regional television broadcasters in South Africa (Channel 6 Broadcasting, 1997).

The Channel 6 group argued that the seriousness of its ambitions had been demonstrated by its participation in the June 1995 Rugby World Cup (RWC TV) temporary community broadcast (see Chapter Six). One of the firms in the Channel 6 consortium, Longkloof Studios, had been the production centre for RWC TV. Channel 6 argued that

> [i]f the IBA proposes to issue only one private television licence in the foreseeable future, then we would argue that this should be issued to a network of regional television broadcasters. If, on the other hand, the IBA is prepared to issue more than one private television licence in the foreseeable future, then we would argue that, in the private sphere, regional television broadcasting is not incompatible with national television broadcasting, but represents a complementary service to the viewing public (Channel 6 Broadcasting, 1997).

Also pushing the IBA to give greater consideration to regional elements for private TV was the National Television and Video Association of South Africa (NTVA), which said it had "1200 corporate and individual members" with "chapters" in five of the nine provinces (NTVA, 1997). The NTVA's arguments were similar to those of the Channel 6 consortium (which included members of the NTVA), with the NTVA writing to the IBA that

> [...] we do not see regional and national commercial television channels as being incompatible with one another. We believe that both have an important role to play in the creation of a mature and democratic broadcasting environment in South Africa, side-by-side with PBS and community-based broadcasting ventures (NTVA, 1997).

Another voice in favour of private regional TV was Cape Town's Nick Taylor Studio, which had links to Canada's successful Citytv private station in Toronto and was pushing for set-up of a station to be called Citytv Cape (Nick Taylor Studio, 1997a, 1997b).

Public sub-national TV

When this period of study began in November 1996, it appeared that the *public* sub-national TV problem had already, to some extent, been "solved". As we saw in the previous chapter, the SABC had launched, between February and June of 1996, three provincial programming windows on SABC 2: *KZN-2-Nite* for KZN Province, *Cape at Six* for the Western Cape, and *Mopani* for Mpumalanga and Northern Province (later re-named Limpopo Province). These three slots (each 30 minutes long, from 18h00 to 18h30 on weekday evenings) fell far short of the requirement, stated in the IBA's Triple Inquiry Report of 1995 and reaffirmed by the Portfolio Committee in February 1996, that the SABC should have *nine* such provincial TV windows (one for each province, split twice a day, for a total of 60 minutes of provincial window programming per day). Nevertheless, the three slots aired on SABC 2 were a substantial effort by the SABC to address the public sub-national TV policy problem.

In 1997, however, the SABC made it known that it was considering discontinuing the windows (which it eventually did, in the period 2001-03), as part of a cost-cutting exercise

designed by the McKinsey consulting firm. In the April 1997 edition of the Durban Arts Association magazine, *D'ARTS*, an item entitled "Save KZN-2-Nite!" stated that

> [t]he SABC has announced that it must cut back in the region of 1400 employees and one of the proposals is to drop KZN-2-Nite completely or to replace it with a five minute news item. [...] This is of great concern not only from an arts and culture viewpoint but from a provincial one. At the moment KZN has a daily half-hour programme dedicated to the province. It is questionable whether this amount of exposure would be afforded through national television. Therefore the proposed curtailing of the station will directly impact on KZN both [socially] and economically (Durban Arts Association, 1997).

In a submission to the IBA in 1997, the SABC stated that it had incurred a 15 per cent increase in costs in 1996, and that "[c]ommencement of regional broadcasting" had been one of the causes of this cost escalation (SABC, 1997). The provincial window slots were at this point being supported by "triennial" government "project" funding, as per the recommendations of the IBA and Portfolio Committee in 1995-96. But according to the SABC, the government had in early 1997 begun to point out that "no statutory provision is in existence to ensure continued funding of the SABC", and to tell the SABC "that in the medium to long term, it [the SABC] has to be economically self-sustainable, i.e. not rely on Government funding" (SABC, 1997). Thus, the SABC was being told by government as early as 1997 that funding of the provincial windows was a short-term provision. Meanwhile, research by Blaauw on the SABC 2 provincial windows – as cited in Robinson (2006) – has concluded that the SABC used "the wrong model" for the nightly breakaways. Robinson (2006) outlines Blaauw's finding that a different breakaway model, like the one used in countries such as Germany and Canada, would have been better – i.e. a model

> where one national channel would have regional break-aways for all states [or provinces/regions] in a specific window. In that timeframe no national service would remain. All viewers who would tune in to the national grid at that time would only receive their regional service. In contrast, the SABC continued to broadcast the national service in the rest of the country outside of the regional break-away regions. This meant for example that Afrikaans speaking people in the Western Cape who wanted to watch the Afrikaans soapie on SABC2 at 18:00 could not do so. Their only choice was the regional service – and that they could only receive in Afrikaans on Tuesdays and Thursdays. This led to many complaints (findings of Blaauw, described by Robinson, 2006, p. 33).

Another difficulty with the SABC 2 windows, Robinson (2006) found (via a research interview with an SABC editor based in KZN), was that the job of producing the programming for the *KZN-2-Nite* window "was mainly shouldered by the news department [...]" meaning that

> [t]here were never specific people appointed as part of a separate unit to produce the material. [...] some journalists were initially allocated to deliver for the regional service but resentment developed as they perceived their nominations as indicative that they were not good enough to deliver for national bulletins (Robinson, 2006, pp. 33-34, citing findings from an interview with Jooste).

According to Aldridge (1997a), the resources provided by the SABC to the provincial splits were insufficient, leading to a situation in Durban, for instance – where the KZN window was produced – where "independent producers are not able to sell their material" (Aldridge, 1997a). Aldridge (1997a), writing in 1997 during the second year of the *KZN-2-Nite* window slot produced in Durban, argued that the lack of funding for the slot "has led to the perception in independent producer circles that the regional windows have failed to contribute towards the development of regional video industries" (Aldridge 1997a, p. 2, citing personal communication with independent producer Theys). Aldridge, himself an independent producer in Durban at the time, wrote that the provincial splits were "severely constrained bottlenecks for communicating local issues" and that "[t]he SABC's regional infrastructures have never enjoyed much largesse of the Corporation's highveld [Johannesburg] headquarters, and the latter has also maintained rigorous editorial and cybernetic control over regional inputs" (Aldridge, 1997a, p. 2).

Robinson's (2006) research found that the audience ratings were generally good for the SABC 2 provincial windows. But based on the recommendations of the McKinsey consultancy (Duncan 2001, p. 129; Tleane and Duncan, 2003, pp. 61-62; Matlare, 2006 – interview with author), and spurred by government's announcement that the slots would not receive funding support beyond 2000-01 (Robinson, 2006), the slots were duly killed off between 2001 and 2003. (The Western Cape and KZN slots went off-air in 2001, and the Mpumalanga/Northern Province slot went off-air in 2003 (Robinson, 2006)). No documented evidence was found by this research of significant efforts, in the general public or among TV policymakers, to prevent cancellation of the SABC's provincial window slots. (The aforementioned "save KZN-2-Nite" appeal from the Durban Arts Association apparently failed to gain traction.) And thus the impending demise of the SABC 2 provincial windows does not seem to have registered to any great extent in the problem stream. The only significant efforts to keep the windows alive, according to Robinson (2006), were relatively non-public, internal efforts at the SABC to find private partners for public-private

partnerships (PPPs) with the SABC in certain regions. According to Robinson, the SABC set up a Regional TV Task Team which reported back in October 1998 (Robinson, 2006). The Task Team apparently found that "viable services could be delivered but only in the Western Cape, KwaZulu-Natal and Gauteng with the involvement of partners in the private sector" (Robinson, 2006, p. 35). The Task Team was then told, according to Robinson (2006) "to explore such possibilities with private television industry stakeholders in the Western Cape and KwaZulu-Natal" but not in Gauteng, as it was argued that Gauteng was already served by Bop-TV, still on-air at the time (Robinson, 2006). Private-sector players were then found who were willing to bid to run the regional services in KZN and the Western Cape in a PPP arrangement with the SABC, and there was even a suggestion within the SABC that a successful bidder could be asked to partner with the SABC in provision to further provinces. Assessment of the bidders was completed in July 1999, but then the process stalled (Robinson, 2006). According to Robinson's (2006) research, the SABC's internal advertising sales unit, Action Stations, worried that PPP prime-time provincial slots, presumably with significant advertising in order to generate a payoff for the private-sector participants, would jeopardise SABC TV's prime-time ad sales for national channels (Robinson, 2006). The idea of the provincial PPP slots was shelved. Instead, it was decided that regional content should be included via inserts in the *AM-2-Day* morning programme, which at the time was produced for the SABC by a private company (Robinson, 2006, pp. 36-37, citing Minnaar, 2000). But the outsourced *AM-2-Day* was soon discontinued and replaced by an internal SABC production, *Morning Live*. According to Robinson,

> [t]he joint venture proposal had died a quiet death. After the [announcement of] termination of government funding in 1999/2000 the regional breakaway services in the Western Cape and KwaZulu-Natal were ended and the *Mopani* service in 2003....By the end of 2003 there was no television regional service on air. That remains the situation today [...] (Robinson, 2006, p. 37).

Also on the governmental agenda of this period in relation to the policy problem of how to ensure public sub-national TV was the issue of what to do about Bop-TV. This former TV arm of Bop BC was now part of the SABC, but it was languishing. One of the Bop BC radio stations, Radio Mmabatho, was now merged into the SABC national Setswana-language radio station, Motsweding FM, and Bop BC's nascent, small-footprint Mmabatho TV operation was closed down. The remaining Bop BC broadcasting assets to be dealt with, therefore, were its Christian-focussed Radio Sunshine station, the Radio Bop station, and

Bop-TV, all now under the SABC. Bop-TV was the prize asset of this trio, and also by far the most expensive of the three to operate. As the FXI stated during this period of study, none of the former Bop BC assets, now under the SABC, had "a clear programme of action" (FXI, n.d.). According to interviewee Joe Mjwara, a senior broadcasting policy official at the DoC during this period of study, the central problem was that the SABC did not make sufficient effort to incorporate the Bop BC assets into its operations. In the words of Mjwara, the state's view, put to the SABC when Bop BC became part of the SABC, was that

> [...] you [the SABC] can't just integrate Bop and continue to operate like you operated before. [...] the sum of the two ought to give us a greater thing than actually what we were having as two being separate. [...] you can't have Bop being part of SABC but also stay cut off as something actually which is basically a black sheep of the SABC stable. So you need to replan, you need to reintegrate (Mjwara, 2006 – interview with author).

Directionless, yet still on-air at significant cost to the SABC, Bop-TV became more and more of a crisis with every passing month in this period. The FXI reported that Bop-TV's finances had "deteriorated" significantly, with the channel apparently losing close to ZAR5 million per month (FXI, n.d.). There were protracted negotiations between Bop BC and the DoC over retrenchment packages and other matters related to the uncertain future of Bop BC staff and facilities, and Bop BC increasingly came to be viewed as what Teer-Tomaselli (2008) calls an "apartheid white elephant" (2008, p. 92). Bop BC was a member of the National Association of Broadcasters (NAB) and, accordingly, the NAB advocated on Bop BC's behalf during the IBA's Private Television Discussion Paper process of 1996-97, with the NAB writing in a submission to the IBA that

> [t]he NAB is [...] concerned to note that Bop Broadcasting Corporation is not reflected as part of the current environment. Was this an oversight or is there another reason for exclusion of Bop Broadcasting Corporation? We suggest the Authority deal with this issue in its position paper and clearly spell out its stand [...] (NAB, 1997).

The NAB was seeking a clearer future for Bop BC not only in the interests of Bop BC, but also in the interests of the aspirant private commercial TV broadcasters in the NAB membership. These private TV interests wanted to know whether Bop-TV would be part of the free-to-air TV market in the years to come and, if so, what its programming, revenue model, frequency usage and geographical coverage would be. Bop-TV's free-to-air footprint, particularly where it included parts of Gauteng Province in and around Johannesburg, was potentially lucrative if the SABC were to provide the station with management, marketing

and programming support. One consortium, Station for the Nation (SFTN), which applied unsuccessfully to the IBA in 1997 for the available national private free-to-air licence, wrote to the IBA in 1997 that "[t]he non-resolution of BOP TV before the licensing of a private broadcaster" would be "unfair" because it would "make investment in the new service uncertain, and therefore, high risk" (SFTN, 1997).

Community sub-national TV

The *community* sub-national TV sector problem was low on the TV policy governmental agenda of this period. As with private TV, much of the loss of momentum for community TV was caused by the IBA. The IBA's November 1996 Private Television Discussion Paper, in Section 25, cast the community TV sector as a potential threat to other sectors:

> To the extent that community television broadcasters are licensed, they will have an impact on the audience and revenue bases of private and public broadcasters and on available frequency. Although community television broadcasters point out that they will target an advertising base different to that of the private broadcasters, until such policy determinations are made community stations could cream-skim in metropolitan areas and through a national network compete with the private and public broadcasters (IBA, 1996, sect. 25).

However, in the very next paragraph, the IBA appeared slightly less skittish towards community TV:

> It is the intention of the Authority to hold a national workshop on Community Television Broadcasting early next year [1997] to consider questions such as the nature of community television services in South Africa. In the light of experiences elsewhere in the world, it will explore whether the community sector is ready to operate a national network or whether at this point guaranteeing community broadcasters access to the airwaves through obligatory "community access" slots on existing services might be more feasible (IBA, 1996, sect. 25).

Community TV's national lobby group OWN made clear its displeasure with the IBA's stance. In its submission to the IBA on the Discussion Paper, OWN wrote:

> The underlying tone of Section 25 of the document is that community television threatens private and public television by impacting on revenue sources and limited frequency. This makes a mockery of the IBA Act which places a responsibility on the IBA to ensure that all three tiers of broadcasting are realised. This gives community broadcasters just as much *right* to limited frequency as private broadcasters (OWN, 1997, emphasis in original).

The IBA's promise to investigate community television (seen above in the passage from the Private TV Discussion Paper), was fulfilled in May 1997 when the Authority convened a community television workshop in Johannesburg. But the IBA apparently came away from

this workshop unconvinced of the sustainability of community TV (ICASA, 2003), and it was not until six years later, in 2003, that the regulator conducted a full inquiry into local TV. Meanwhile, aspirant community TV groups sought in this period to work within the temporary licensing dispensation, which was their only route for getting on-air. In 1998, a Cape Town initiative calling itself the Community Broadcast Channel (CBC) staged a 15-day special event broadcast using a spare SABC frequency (Armstrong, 2005). And at Rhodes University's School of Journalism and Media Studies in Grahamstown, a collective called Cue-TV staged a series of temporary community TV broadcasts, between 1997 and 1999, linked to Grahamstown's annual National Arts Festival (Smith, 1998; Sterkowicz, 1999; Armstrong, 2005).

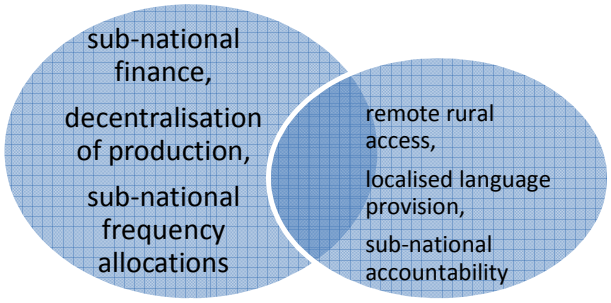
But by the end of this period of study in 2001, OWN and another community TV advocate, the National Community Media Forum (NCMF), had both collapsed due to administrative and funding problems. The community TV sector's lobbying now had to be done by proxy via entities such as the aforementioned FXI and NCRF. The community TV policy problem was, by the end of 2001, very low on the TV sector's governmental agenda. Illustrative of this fallow period for the community TV movement was the fact that when the DoC convened a Community Electronic Multimedia (CEM) Indaba in November 2001 and set up a Community Multimedia Services (CMS) Task Team, there was no community TV organisation present to lobby for a community TV representative to the Task Team. The community TV sector was only able to keep a foot in the door when former OWN National Coordinator Karen Thorne, now working for a community print/radio-focussed NGO in Cape Town called Mediaworks, was given a seat on CMS Task Team as a community print sector representative.

Cross-cutting sub-national TV problems

As with the three sector problems just discussed, the agenda status of the six *cross-cutting* sub-national TV problems was lower on the TV policy governmental agenda in this period than in the previous period. But all six cross-cutting problems did still manage to remain present on the governmental agenda. Figure 7.2 below shows the relative prominence, in this period, among the six cross-cutting problems. There were some shifts. The three problems found to be most prominent among the six – sub-national finance, decentralisation of production, and sub-national frequency allocations – are featured in the larger of the two

circles of prominence in Figure 7.2. The other three cross-cutting problems – remote rural access, localised language provision, and sub-national accountability – were found to be in the second tier of prominence on the governmental agenda, and thus are given a smaller circle in Figure 7.2. Thus, both localised language provision and sub-national accountability had dropped from the first tier (where they were in the previous period) to the second tier of relative prominence, while sub-national finance and sub-national frequency allocations had moved up from the second tier to the first tier.

Figure 7.2 Comparative prominence, on the TV sector governmental agenda, among the six cross-cutting sub-national TV problems, Nov. 1996 to 2001



Source: author's qualitative interpretation of primary document and interview transcript data.

Sub-national finance

The sub-national finance issue achieved some prominence on the TV policy governmental agenda in this period because the IBA cited an apparent lack of financial viability of private sub-national TV in most provinces as one of its reasons not to license it. Opposing this IBA stance were Cape Town-based private TV interests and their supporters, who argued that, as the country's second-largest metropolis, Cape Town (and the Western Cape Province centred around Cape Town) would have a strong enough sub-national advertising market to support a private station. In the words of the Cape Chamber of Commerce, writing to the IBA in early 1997 in response to the IBA Private TV Discussion Paper of November 1996, there was "plenty of adspend to go round" because "[r]egional television appeals to a different sector of the advertising pool" (Cape Chamber of Commerce, 1997). Also pushing forward the idea that sub-national advertising could be an enabler of private sub-national TV was the Cape Town-based firm Nick Taylor Studio, which wrote to the IBA in March 1997 that "market realities" would make regional stations viable because

> [a] provincial station catering directly to smaller niche markets at substantially lower rates than a national broadcaster is in a position to develop an entirely new market. For example, if

> you were a Durban based motor vehicle fitment centre with branches all over KwaZulu Natal, would you not welcome the chance to compete fairly with nationally branded fitment centres in your province[?] This a regional station would provide (Nick Taylor Studio, 1997a).

Finance issues were also central to the public sub-national sector problem in this period. Lack of regional advertising spend, the SABC's financial crisis, government's unwillingness to continue to fund provincial TV windows, and cost-cutting recommendations from the McKinsey consultancy, were all cited by the SABC as reasons for its decision to axe its three SABC 2 provincial slots. And to the extent that Bop-TV received TV policy governmental agenda attention in this period, it was on the agenda largely because of finance, i.e. because of the losses being faced by SABC from keeping the directionless Bop BC (including Bop-TV) afloat. Meanwhile, the IBA contributed to the agenda status of the sub-national TV finance problem in two ways. First, as outlined above, the IBA framed much of its rejection of sub-national private TV in financial terms. Second, the IBA stated that its main concerns about community TV were also financial, i.e. the IBA was concerned about the community TV sector's potential lack of financial viability, and/or its potential negative financial impact on public and private operators.

The Ministry's Green Paper of November 1997 offered another angle on the sub-national TV finance problem, citing the high cost of community TV when compared with radio, and concluding that "radio offers more cost-effective options to community groups than television [...]" (MPTB, 1997, chap. 4). For its part, the White Paper of 1998 brought the cost issue of signal distribution into the equation, calling for "flexible tariffs" for signal distribution where "public interest imperatives apply" and for signal distribution to be "affordable" – an apparent push for state-owned signal provider Sentech to lower its tariff levels for community broadcasters (DoC, 1998, sect. 6.1). This Sentech tariffing issue was helped onto the governmental agenda by the difficulties many community radio stations were having in this period in paying their transmission bills from Sentech.

Community TV activist (and interviewee for this research) Mike Aldridge, who had been involved in the 1995 Greater Durban Television (GDTV) temporary broadcast, sought to broaden the discussion of community TV finance with a 1997 research paper, commissioned by OWN, on a community TV sustainability model Aldridge dubbed "C-PEG" (Aldridge, 1997b). Aldridge's paper proposed an adapted version of the "PEG" model popularised in the

community access television movement in the United States (where PEG was an acronym denoting a mix of "Public access", "Educational", and "Government" content/participation). Aldridge was proposing, for the South African context, the addition of a "C" to the acronym, to stand for "Commercial", i.e. to incorporate the commercial elements already allowed by the IBA Act of 1993, which provided for community stations to generate revenue through donations, sponsorships and advertising (RSA, 1993a). Aldridge was emphasising the need for South African community TV stations to adopt certain commercial approaches to content and income generation, but without undermining non-profit principles or community ownership and control (i.e. all profits, once station costs were covered, would be ploughed back into the community, as per the non-profit stipulations of the IBA Act (Aldridge, 1997b; Armstrong, 2005). (However, there was no evidence of this OWN research finding its way into the policy stream of this period, and that is why it is detailed here in the problem stream section of this chapter.)

Also boosting the agenda status of the sub-national TV finance problem discourse in this period was the release in 2000, by the Government Communication and Information System (GCIS), of a Draft Position Paper on formation of a Media Development and Diversity Agency (MDDA). The MDDA was to be an independent agency, funded by government and levies on existing media players, to financially support emergent small-scale media, including community radio and TV (GCIS, 2000). The MDDA idea had its roots in the proposals of the 1990 Rhodes Media Policy Workshop, the 1994 ANC RDP Base Document, the 1996 report of Comtask, and the 1997 Green Paper, all of which had called for some version of a community/alternative media trust or what had for a time been called a Media Development Agency (MDA) (ANC, 1994; Comtask, 1996; MPTB, 1997; Pinnock, 1990).

Decentralisation of production

The production decentralisation problem discourse was kept on the TV policy governmental agenda of this period by calls, during the IBA Private TV Discussion Paper process, for diversification of production away from the Gauteng and Western Cape Provinces. The IBA wrote in the Discussion Paper that

> […] the economic opportunities of the television production industry should be spread across the country. The Authority, therefore, proposes that the new private broadcaster be required to ensure that its programming across the schedule as a whole and at prime time reflects the

> diversity of South African provincial identities, cultures and characters and that its programming is sourced (produced, commissioned or acquired) from all provinces (IBA, 1996).

The aforementioned submission to the IBA Private TV Discussion Paper from Johannesburg's Station for the Nation (SFTN) consortium (an eventually unsuccessful applicant for the national private commercial licence), stated that private TV needed to play a role in "nurturing the growth of regional and provincial private broadcasting and independent production" (SFTN, 1997). SFTN argued that "[d]ue to historical and economic reasons, the development of production and training facilities [is] not evenly spread throughout the Republic" (SFTN, 1997). The National Television and Video Association (NTVA) submission (cited earlier) on the IBA Discussion Paper advocated for sub-national commercial TV as necessary to develop "the film and television industry on a decentralised basis" and to encourage "decentralisation of training and empowerment opportunities, particularly for the disadvantaged sector" (NTVA, 1997). According to the NTVA,

> [w]e believe that, while the current national channels in existence provide a limited market for those of our members who are located in Gauteng, the market for those NTVA members who are located elsewhere in South Africa is artificially minimised as a result of the highly centralised nature of the programme commissioning component of the industry to date (NTVA, 1997).

Also boosting the agenda status of the TV production decentralisation problem was ICASA's December 2000 South African Content Discussion Paper, which suggested a need to encourage broadcasters "to commission independent production companies which are controlled by previously disadvantaged individuals and are in a range of different provinces; […]" (ICASA, 2000, sect. 2.2). ICASA cited a 2000 report by PricewaterhouseCoopers (PwC), commissioned by the state-funded National Film and Video Foundation (NFVF), which estimated that roughly 15 production firms were producing "more than 90% of all feature films and television productions in South Africa" in spite of there being "more than 150 registered producers" – and 82 per cent of producers identified by the PwC study were based in Johannesburg (PwC, 2000, cited in ICASA, 2000, sect. 6.2).

Sub-national frequency allocations

Above, we saw OWN's frustration that community TV's potential impact on "available frequency" was being cited as a concern by the regulator (IBA, 1996). The IBA's Private TV Discussion Paper had outlined the issue as follows:

> The VHF channels in all urban areas are currently all used by either the SABC, or to a lesser extent by M-Net. In most of the major urban areas there are between two and four UHF television channels still available for assignment. These channels have to be distributed among the three categories of broadcasting licences envisaged in the Act (IBA, 1996, sect. 3).

OWN's submission to the IBA stated the community TV sector's presumption that, in cases where only one frequency would be left over after licensing of the national private channel, "this remaining frequency has been allocated for the use of community broadcasters" (OWN, 1997). OWN stated that "[c]larity around the availability of frequency is required […] prior to the granting of a frequency to a private television service" (OWN, 1997).

The growing prominence of the sub-national frequency allocation issue was also signalled in this period by the 1998 White Paper, which cited the country's digital migration imperatives, in line with international norms set by the International Telecommunication Union (ITU) (DoC, 1998). South Africa was to be compelled, via its commitments within the ITU, to migrate its terrestrial television transmissions from analogue to digital signals. This migration would, once complete, potentially substantially reduce frequency scarcity problems for terrestrial television because of digital transmission's ability to compress and "multiplex" (bundle) several channels for carriages over a single frequency. But during the years of the migration process, there would be a period of heightened frequency scarcity, because of the need for dual illumination (simulcasting in both analogue and digital) during migration – necessary so that both analogue and digital households/users would be served until the point of analogue switch-off, i.e. until it was determined that a sufficient percentage of the country's TV users had migrated over to digital reception.

Remote rural access

The remote rural TV access problem received attention in both the Green Paper of 1997 and White Paper of 1998. The Green Paper explained that

> [t]he status of broadcasting services […] reflects the historical patterns where the spread of technologies and broadcasting services have been provided according to the notion of commercially viable (urban and rich) and commercially non-viable (poor and rural) consumers and communities. The aim of universal service in broadcasting is to satisfy all viable demands and needs, but also ensure that commercially non-viable consumers also obtain an adequate level of supply of broadcasting services (MPTB, 1997, chap. 8).

The White Paper stated that "[a] majority of South Africans rely on a single service, usually radio, to meet their broadcasting needs. This is very unsatisfactory", and that "[i]n rural areas, a single radio station and a single television service might, at best, define the choice of services" (DoC, 1998, sect. 1.2). The White Paper went on to state that "[i]n the area of signal distribution, the network and infrastructure must be extended to cover the entire country" (DoC, 1998, sect. 1.3.9).

Localised language provision

The NTVA wrote, in its aforementioned submission to the IBA Private TV Discussion Paper, that regional commercial TV was necessary in order to, among other things, include "many more official languages of South Africa in daily usage in the electronic media" (NTVA, 1997). This localised language provision problem discourse also found its way into the Green Paper and White Paper. According to the White Paper:

> South Africa now has eleven official languages. Many people who speak these languages are clearly not adequately served by the broadcasting system. The situation is compounded by the fact that while services in English increase, a major part of the South African society does not use English as a language of communication and interaction in daily life (DoC, 1998, sect. 1.2).

The White Paper went on to say that "[f]or television the IBA recommended the inclusion of all eleven South African languages", but that "SABC's television is structured along national lines and some language groups are concentrated in discreet parts of the country" (DoC, 1998, sect. 1.2).

Sub-national accountability

The sub-national TV accountability problem discourse was to some extent kept on the governmental agenda in this period by OWN, which stated in its submission on the IBA Private TV Discussion Paper of 1996 that

> [c]ommunity media is owned and run by and for the community it serves and is participatory, premised on the belief that the airwaves are a public resource and that all citizens have the right to freedom of expression. Ordinary people are offered access to media to express their concerns, needs and desires at a local level (OWN, 1997).

Also raising sub-national accountability questions was the Green Paper of 1997, which raised concern about the possible negative influence of partnerships between community broadcasters and "other sectors of broadcasting (public/private)" (MPTB, 1997, chap. 4). The Ministry and DoC were concerned by the commercial orientation they saw being pursued by some community radio stations:

> A number of community broadcasting licensees have proved to be financially viable by operating in a very commercial fashion. In some cases the need to attract advertising revenues has led inevitably to a decrease in community programming. In some cases there has been insufficient accountability in terms of changes to programming objectives and how surplus is made and spent. The IBA license regulation requires that such surplus should be ploughed back into community projects (MPTB, 1997, chap. 4).

7.3 Proposals in the Policy Stream

In the *policy stream* of this period, two matters relevant to sub-national TV attracted a considerable number of policy proposals: (1) the future of Bop-TV, and (2) the extent of sub-national requirements to be imposed on the new private national competitor to the SABC.

The future of Bop-TV

The 1998 White Paper directed that "[t]he former BOP broadcasting shall be re-organised under the SABC as a separate for-profit business unit" and that "[a] public hearing shall deal with the possible extension of the [Bop-TV] service to other regions via Sentech's distribution network" (DoC, 1998, sect. 2.2). According to the FXI (1998), however, the SABC's efforts to extend Bop-TV's free-to-air transmission footprint beyond North-West Province and parts of Gauteng Province were opposed in mid-1998 by e.tv, which was about to go on-air:

> E.tv argued that to extend Bop TV's footprint would have an impact on e.tv's ability to attract advertisers. […] In response to that, the SABC rejected the idea that the changes to Bop TV transmitter would be at the expense of e.tv, saying that it is "incorrect" and that the revenue was identified "as coming from a potentially new source, namely the metropolitan/regional television adspend" (FXI, 1998).

Another proposal for the future of Bop-TV emerged during the 1998 public hearings on the Broadcasting Bill. At those hearings, the Independent Producers' Organisation (IPO) proposed, according to Parliamentary Monitoring Group (PMG) minutes, that "Bop TV be transferred to the Department of Education for redeployment as a national Education and

Youth TV channel with private equity partners" (PMG, 1998). In mid-1999, yet another scenario was floated for Bop BC, via a media statement from the Department of Public Enterprises (DPE) announcing that

> [a]n agreement has been reached about the future of Bop Broadcasting after lengthy discussion between the SABC, Bop Broadcasting and the Development [sic] of Communication[s]. In just over a month, the Minister of Communications will call for proposals for a strategic management partner (SMP) for the Bophuthatswana Broadcasting Corporation. The successful SMP will be a combination of local and international technical skills. The objective of the strategic management partnership is to establish and maintain a world class broadcasting and business management standards [sic] at Bop Broadcasting (DPE, 1999).

This strategic management partner (SMP) never materialised, and in late 1999, the Communications Minister, Ivy Matsepe-Casaburri, was reported as saying that Bop-TV might be sold off entirely to a private entity (*The Namibian*, 1999). This sell-off plan also never came to be. In late 2001, the SABC and DoC agreed that Bop-TV was to become, in 2002, sole property of the DoC, with the DoC funding the station for a few more years before it had to fend for itself. At around this time, the DoC appointed consultants to investigate options whereby Bop-TV could, separate from the SABC, become a regional-public, or regional-public-private, or regional-private station (Lloyd, 2006 – interview with author).

Proposals for sub-national elements on national private TV

As outlined by its Private TV Dicussion Paper of November 1996, the IBA was of the view that private regional TV (whether stand-alone, or in a network, or via windows on a national private channel) was not viable at this point in the TV sector's development. The IBA's stance prompted several counter-proposals from private TV stakeholders. Cape Town's Nick Taylor Studio urged the Authority to take a second look at the idea of "substantial 'window' opportunities within the context of the national licence" (Nick Taylor Studio, 1997b). Durban-based production/distribution firm Videovision Entertainment, headed by prominent producer Anant Singh and later to be part of the unsuccessful Free-to-Air consortium bid for the national private licence, also pushed the window idea:

> The authority could possibly regulate that a portion of programming can be networked into the national service. i.e. the national channel will air each day, a half hour program on each province, generated from that province (Videovision Entertainment, 1997).

The IPO made a similar proposal, calling for a scenario whereby, on the new private national channel "[a] daily regional break-away (to a minimum of a half hour) will carry local news and current affairs or [a] magazine programme, in those regions where production capacity allows" (IPO, 1997). An opposing view, from Gauteng-based private TV interests and the NAB, was that the new national private channel should not be burdened with sub-national obligations. Gauteng's SFTN consortium argued that "as a national service with population coverage obligations, the new service will naturally aspire to, and need to reflect South Africa to itself", and thus "[t]he service must be given the latitude and flexibility to do this", meaning "there should be no provincial production obligations set by the Authority" (SFTN, 1997).

7.4 Decisions

There were four instances in this period of study when the three TV policymaking streams coupled in a manner which generated policy decisions with significance for the regional/local TV question: (1) the IBA licensing of e.tv in March 1998; (2) the DoC's White Paper on Broadcasting Policy of June 1998; (3) the Broadcasting Act of 1999; and (4) the GCIS MDDA Position Paper of November 2001.

The IBA licensing of e.tv, 1998

As foreshadowed in the IBA Private TV Discussion Paper of November 1996, the Authority's Position Paper of May 1997 did indeed mandate that the first private free-to-air TV licence would go to an entirely *national* broadcaster, not to regional operators, or to a regionalised network of operators, or even to a national channel with compulsory sub-national windows (IBA, 1997a). The Position Paper's one substantive provision for sub-national TV was its statement that the IBA would consider licence applicants' "additional undertakings" regarding sub-national programming commitments as part of the selection process for awarding of the licence (IBA, 1997). This provision was in the Position Paper section entitled "Promise of Performance", which stated that "[t]he objective of these regulations is to develop, protect and promote a national and provincial identity, culture and character", and that "Provincial Diversity" would be among the "issues which will form part of the Promise of Performance" (IBA, 1997, sect. 9). In addition, aspirant private regional operators could take some encouragement from the Position Paper's pledge that "the

Authority will consider publishing a time frame for licensing regional television stations", and that "the Authority expects to introduce regional players in the year 2000" (IBA, 1997). The Authority said it would look "at the most viable mix for dividing the country into regions", and would "[i]n due course [...] provide further policy guidelines on the requirements for regional television services" (IBA, 1997). (This IBA pledge regarding "regional players in the year 2000" did not materialise, and still had not materialised by the end of this research project in 2011.)

Seven bids were submitted to the IBA in 1997 for the national free-to-air licence. One bid was from the Free-to-Air consortium driven by former SABC head of TV Quentin Green. Another came from a grouping called Afrimedia led by Bop BC's acting Chief Executive Officer Cawe Mahlati. A third bid was from New Channel TV, led by a South African print journalist partnered with the private foreign broadcaster Television France One. A fourth bid, led by former exiles and political prisoners, was called Island Television (so-named in order to resonate with the name of the prison (Robben Island) where many anti-apartheid activists had served time) (Haffajee and Smith, 1998). Two other bids, both with strong sub-national emphasis, were the Station for the Nation (SFTN) bid and the application from the Community Television Network (CTN) Holdings grouping. The SFTN bid pledged to include significant amounts of independently-produced sub-national programming, while CTN, the most sub-nationally focussed of the seven bids, proposed nine regional windows and as many as 30 local windows (Haffajee and Smith, 1998). A seventh bidder, the one IBA awarded the licence to in March 1998, was Midi TV, in which the investment arms of the National Union of Mineworkers (NUM) and the South African Clothing and Textile Workers Union (SACTWU) had a shared one-quarter stake via a SACTWU-NUM-formed entity called Hosken Consolidated Investments (HCI). The Midi bid also included a 20 per cent stake held by American-based media multinational Time Warner, and participation by several former Bop-TV personnel, including former head of Bop-TV Jonathan Procter (Kobokoane, 1998; Haffajee and Smith, 1998).

Midi TV, broadcasting as e.tv, did not promise substantial sub-national elements in its application or in its appearance at the public licence hearings. Accordingly, the IBA, needing to base the conditions of the eight-year renewable licence on Midi's promises of performance, included only two sub-national delivery obligations in e.tv's license conditions

as issued in October 1998 when the channel began broadcasting. In Section 13 of the licence conditions, entitled "News", required e.tv to "broadcast, nationally, news and current affairs programming that reflect local, regional and provincial events and developments" (IBA, 1998). Section 9, entitled "Provincial Diversity", required the channel to "commission programming from the different provinces and which reflects the diversity of South African provincial diversity, cultures and characters" (IBA, 1998). E.tv began broadcasting for six hours per day in October 1998, launched its news service in January 1999, and became a 24-hour service in February 1999 (Midi TV, 2006). E.tv was initially based in Cape Town, an encouraging sign for those wanting to see Johannesburg's (Gauteng's) dominance of TV production diluted. But e.tv relocated its core operations to Johannesburg after a few years.

In analysing the IBA's seeming reluctance to license sub-national private channels during this policymaking period, Barnett (2000a) speculates that there was concern to avoid "mobilisation of regionally-based ethnic identities" (2000a, p. 61). In a similar line of argument, Horwitz (2001) posits that the government's reluctance to see a decentralised TV dispensation at this time was partly a result of the government's desire not to provide potential fuel for the conflict centred in KZN between Inkatha and the ANC: a conflict between what Horwitz called "the ethnically mobilised nationalism of the Inkatha Freedom Party and the ANC's Enlightenment-based, politically centralised non-racialism" (2001, p. 169, footnote). But if the IBA and DoC were reluctant to see private regional TV come into being, that did not stop them from promising that it would soon exist. We saw above that the IBA, in its 1997 Private Free-to-Air TV Position Paper, stated that it expected "to introduce regional players in the year 2000" (IBA, 1997). The DoC also kept private regional TV aspirants' hopes alive in this period, writing in the 1998 Broadcasting Policy White Paper that there was a "need to grow investment in the broadcasting industry" and "increase the role played by the private sector in broadcasting in the context of its contribution to diversity, access and economic and social empowerment", and that, as one of the steps to be taken in order to "achieve these objectives", "[r]egional television operations will be licensed" (DoC, 1998, sect. 3.4). Later in the White Paper, it was stated that

> [r]egional television services are not yet a reality but as already recommended the grant of regional television licenses will be considered in the next round of expanding the broadcasting system (DoC, 1998, sect. 9.3).

The Broadcasting Policy White Paper of 1998

While many of the provisions of the White Paper were framed at the level of values and principles (and thus have been cited in earlier parts of this chapter), the White Paper was at the same time the highest-level, non-legislation policy document for the sector, and thus contained several specifics, including sub-national TV specifics, which were meant to be binding policy decisions compelling implementation via legislation or action by the Minister or regulator. And thus elements of the White Paper need to be discussed here in this "Decisions" section of this chapter. We have just seen, in the previous sub-section on the licensing of e.tv, the White Paper's insistence that regional private TV channels would be licensed in the future. Also in the White Paper was a provision requiring the IBA to conduct a public probe into the viability of community TV:

> Whilst community radio has expanded considerably over the past three years, community television has not yet been introduced to this sector. A number of interests [sic] groups have made submissions [to the Green Paper] about community television. These include various models but no in-depth study has been conducted to support the viability of the different proposals. The IBA will be asked to investigate the viability and impact of community television in a public process (DoC, 1998, sect. 4.8).

Also relevant to sub-national TV matters was the White Paper's call, in its Section 2.2, for legislation to "enact a statutory charter for the SABC", which would "relate to public broadcasting and not to the commercial arm of the SABC" (DoC, 1998, sect. 2.2). Among the elements stipulated for the Charter was "an obligation to be a comprehensive broadcaster, offering services to the whole country" (DoC, 1998). This provision connected to the sub-national remote rural TV access problem, because "offering services to the whole country" would require getting TV signal coverage to the 10 per cent of the population in remote rural areas still without terrestrial signals. The need for digital migration planning was also codified in the White Paper, via provision for a "Digital Broadcasting Advisory Council" to advise the Minister, with members of the Council to include a representative nominated by "[t]he community broadcasting industry" (DoC, 1998, sect. 7.6.9). In 2001, the Minister duly appointed a Digital Broadcasting Advisory Body (DBAB), chaired by University of the Witwatersrand LINK Centre Director Alison Gillwald, former head of the IBA Policy Department and a former Councillor with the pre-merger telecommunications regulator

SATRA. Representing community TV on DBAB was Tshepo Rantho, formerly of FAWO and one of the founders in the mid-1990s of the by-this-time-defunct OWN.

Also significant for this thesis, in the White Paper, was its attempt to provide a definition of the "public interest" to be pursued by South African broadcast policymaking. As quoted at the top of this chapter, the White Paper declared that there were "five public interest values" to be pursued by South African broadcasting: "access, diversity within the framework of national unity, equality, independence and unity" (DoC, 1998, sect. 1.3.3). In relation to the second-listed public interest value, *diversity within the framework of national unity*, there was a call for "a diverse range of language, cultural, religious and regional programming" and for catering to diversity of "[g]eography or locale" (DoC, 1998, sect. 1.3.3). Thus, sub-national dimensions were clearly present within the White Paper's conception of the public interest. However, the White Paper's overriding public interest discourse, in this author's interpretation, was *national unity*. Diversity was not posited by the drafters of the White Paper as a stand-alone diversity objective, but rather as "diversity within a framework of national unity", with the national unity discourse given further emphasis by the fifth public interest value being, simply, "unity". Moreover, in amplifying its call for prioritisation of national unity, the White Paper stated: that unity was to be built by a broadcasting system which, "in contributing to unity should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of South Africa" (DoC, 1998, sect. 1.3.3); and that "all broadcasters" – public, private, community – would be expected to "contribute" to realisation of public interest values. Later in the same Section 1.3.3, the White Paper stressed the importance of the SABC to delivery on public interest values, and in listing the SABC roles, concluded with the statement that "[a]bove all it [the SABC] should contribute to nation building" (DoC, 1998, sect. 1.3.3).

The Broadcasting Act of 1999

This 1999 Broadcasting Act, which replaced the apartheid-era 1976 Broadcasting Act, was dubbed by some as the "SABC Act", as it was primarily concerned with the SABC and left many parts of the 1993 IBA Act in force. The Act of 1999 contained elements relevant to most of the sub-national TV sector problems and cross-cutting problems which were outlined earlier in this chapter. The Act reaffirmed the need for three broadcast sectors, but called the three sectors "public, commercial and community" instead of public, *private* and community

(RSA, 1999, sect. 2(k)), i.e. "commercial" had now replaced "private" as the name of the second sector. This change was necessary because of the Act's provision for the SABC to be split into two units, a public service unit and a *public commercial* unit, with the SABC public commercial unit to have the same local content obligations as *private commercial* broadcasters. (The Act needed to allow for there to be both private commercial and public commercial strands of commercial broadcasting.) Interestingly, however, in contrast to the relatively strong emphasis in the White Paper of 1998 on broadcasting's three levels – national, regional and local – the 1999 Act made scant reference to regional delivery. For instance, instead of calls – as seen in the IBA Act of 1993 and in the White Paper of 1998 – for broadcasters to reflect, support and build regional and provincial realities and identities, the Act of 1999 simply stated that "programming provided by the South African broadcasting system must [...] be drawn from local, regional, national and international sources" (RSA, 1999, sect. 5(c)). And there were only four other references to regional delivery in the entire 1999 Act, much fewer than in the White Paper of 1998 or the IBA Act of 1993.

Section 30(2)(c) of the 1999 Act called for *commercial* broadcasters to "include news and information programmes on a regular basis, including discussion on matters of national and regional, and, where appropriate local, significance; […]" (RSA, 1999, sect. 30(2)(c)). Yet no similar provision was specified for the SABC, not even in the statutory Charter for the SABC that was contained in the Act. The closest the Act came to talking about sub-national delivery in relation to the SABC was in a section outlining the mandates of the two SABC units provided for in the Act: the public service unit and the public commercial unit. In relation to the functions of the SABC public service unit, the Act stated that this unit would be expected to

> […] (a) make services available to South Africans in all the official languages;
> (b) reflect both the unity and diverse cultural and multilingual nature of South Africa and all of its cultures and regions to audiences; [...] (RSA, 1999, sect. 10).

The requirement here, in the Act's Section 10, was for the SABC public services to merely "reflect" the regions to national audiences, and also to "reflect both the unity and the diverse cultural and multilingual nature of South Africa […]". Gone was the push (seen in the IBA Act of 1993, the IBA Triple Inquiry Report of 1995, and even the Portfolio Committee Triple Inquiry decisions of 1996), for the SABC to build regional/provincial identity through

programming sourced from, and targeted at, each of the nine provinces. Evidently, the waning of the regional/provincial broadcasting discourse – hinted at the year before in the White Paper's "diversity within the framework of national unity" phrasing and its emphasis on national unity and nation-building – had progressed even further by the time of the drafting of the 1999 Act.

The Preamble to the 1999 Act stated that the South African broadcasting system was "a public service necessary for the maintenance of a South African identity, universal access, equality, unity and diversity; […]" (RSA, 1999). This was a slight shift in wording of the five public interest values articulated just a year earlier in the 1998 White Paper. The White Paper had specified "access, diversity within the framework of national unity, equality, independence and unity" as the five "pervasive" values (DoC, 1998, sect. 1.3.3). In the Act, "unity and diversity" were still being offered as paired notions, though with a slightly looser pairing than the White Paper's call for diversity within the framework of national unity. More notable was that the White Paper's call for "independence" as a public interest value had been put aside, replaced by "maintenance of a South African identity". The same replacement, of "independence" with "maintenance of a South African identity", was made in the Act's Chapter I, entitled "Fundamental Principles and Interpretation" (RSA, 1999, chap. I). Some readers might see the dropping of "independence" as a significant change, but given the Constitution's clear protection of free expression, media freedom and freedom to receive and impart information, this author's view is that independence did not require protection in the Act, and the significant change lay not in the dropping of the word "independence" but rather in its replacement by the notion of "maintenance of a South African identity". The Act was putting forward two clear national unity/nation-building discourses among its five "fundamental principles".

It is this author's guess that the 1999 Act's downgrading of the regional/provincial discourse was seeking to accomplish two things simultaneously, on two different levels (a practical level and a conceptual/values level). On the practical level, the Act's scant reference to regional/provincial matters seemed to be designed to relieve the state of any burden to fund dedicated sub-national TV services such as the SABC 2 provincial windows – a necessary practical step given that the DoC had been informed, or had come to understand, that Treasury money was not going to be forthcoming in the years to come for the SABC 2

windows (as illustrated by the SABC's submission to the IBA in 1997, cited earlier, that the state was telling the SABC in 1997 that the SABC was going to need to be self-sufficient) (SABC, 1997). On the level of concepts/values, the Act's sublimation of the regional/provincial discourse seemed to be in support of centralised, nation-building approaches to broadcasting and broadcasting policy. The question then emerges: was the national unity/nation-building discourse merely a convoluted by-product of the government's adoption of a neo-liberal economic strategy – a strategy which did not allow for significant funding of the SABC and thus did not allow for the state to impose strong public service commitments, including sub-national commitments, on the SABC? Or was the supplanting of regional/provincial discourses with nation-building/national unity discourses in broadcasting policy during this period of study the product of sincere concern among those in government to build a new unified nation and not to allow space for forces of Balkanisation so soon after the country's emergence from apartheid? The truth is probably a combination of the two propositions, i.e. cost-cutting, neo-liberal motivations played a role in the elevation of nation-building/national unity discourses, but so too did concerns about Balkanisation. Regardless of why it was so, it does seem clear that regional/provincial discourses, problem definitions and policy proposals did not fare well in any of the three streams of TV policymaking in this period of study, with the result that regional/provincial TV matters were low on the TV policy governmental agenda and were not able to find strong articulation in the Broadcasting Act of 1999.

At the same time, however, the Act of 1999 was not nearly as reticent in its treatment of the notion of broadcasting below the regional/provincial level, at the level of local community broadcasting. The Act reiterated the IBA Act's provision for community broadcasting to be "fully controlled by a non-profit entity and carried on or to be carried on for non-profit purposes [...]" (RSA, 1999, sect. 1), and later specified that a community broadcasting licence (in radio or TV) "must be managed and controlled by a board which must be democratically elected, from members of the community in the licensed geographic area" (RSA, 1999, sect. 32(3)). In addition, in an Act that had so little to say about regional/provincial broadcasting, there was this lengthy reiteration of the provisions of the IBA Act on community broadcasting:

> The programming provided by a community broadcasting service must reflect the needs of the people in the community which must include amongst others cultural, religious, language and demographic needs and must—
> (a) provide a distinct broadcasting service dealing specifically with community issues which are not normally dealt with by the broadcasting service covering the same area;
> (b) be informational, educational and entertaining;
> (c) focus on the provision of programmes that highlight grassroots community issues, including, but not limited to, developmental issues, health care, basic information and general education, environmental affairs, local and international, and the reflection of local culture; and
> (d) promote the development of a sense of common purpose with democracy and improve quality of life (RSA, 1999, sect. 32(4)).

Later in this same Section 32, the Act stipulated that "[a]ll surplus funds derived from the running of a community broadcasting station must be invested for the benefit of the particular community" and that use of surplus funds would be "monitored by the Authority, which has the power to audit the financial records of the services" (RSA 1999, sect. 32(5)).The existing dearth of community television was also addressed in the Act's Section 32, which, as we saw in the previous section of this chapter, compelled the regulator to conduct an investigation into the viability and impact of community television (RSA, 1999, sect. 32(7)). The Act also called on the regulator to conduct a signal distribution inquiry to determine, among other things, a suitable tariff structure for broadcaster payments to Sentech for signal transmission – an inquiry which could be expected to lead to lower Sentech tariffs for community broadcasters (RSA., 1999, sect. 33). Thus, it seemed from the provisions in Sections 30 and 32-33 of the Act that the state was determined to make sure that community broadcasting, including community TV, stayed squarely on the governmental agenda and even to some extent on the decision agenda. Perhaps government, having decided (for a mix of reasons, as speculated on above) to downgrade the regional/provincial discourse, realised that its only hope for delivering on some of the IBA Act and White Paper provisions for sub-national TV was to realise them through the community sector.

The GCIS MDDA Position Paper of 2001

The GCIS published the finalised MDDA Position Paper in November 2001, and in the same month Cabinet approved a draft MDDA Act based on the Position Paper. The Position Paper repeated the call from the Broadcasting Act of 1999 for the regulator (now the converged ICASA) to conduct an inquiry into Sentech's transmission tariffs for small-scale broadcasters "because of concern that the tariffs charged by Sentech prohibit small stations from using this service" (GCIS, 2001, p. 22). The Position Paper stated that the MDDA would support

"[c]ommunity media enterprises" (GCIS, 2001, p. 35), and that the Agency would "negotiate with public utilities such as Sentech, Telkom and the Post Office to provide indirect support" including possible "discounts for signal distribution, postal rates, telephone tariffs and so forth" (GCIS, 2001, p. 36). In a section entitled "Media research", the Position Paper stated that the Agency's research topics could include "sustainability of community media, and the potential development of community television" (GCIS, 2001, p. 39). The MDDA Position Paper went on to set out a list of "priority groups amongst the disadvantaged and marginalised" to be served by the Agency. Among the groups listed were "[p]eople living in rural areas" and "[m]arginalised language groups" (GCIS, 2001, p. 12). The MDDA Position Paper also identified, among the "obstacles to development and diversity" in the media sector, "[t]he concentration of media in metropolitan areas", the "[l]ack of resources to support the growth of community and small commercial media enterprises", and "[t]he media's failure to adequately use and promote indigenous languages" (GCIS, 2001, p. 27). Also in the Position Paper, the MDDA was mandated to

> [i]ncrease access to media for all citizens, as consumers and producers, and, in particular, ensure that the voices, aspirations and images of marginalised sectors such as women, people who are illiterate, rural people and people with disabilities, are heard and seen (GCIS, 2001, p. 33).

Thus, the MDDA, once operational, could be expected to address several sub-national TV elements.

Conclusions

Patterns of TV policymaking

There was evidence in this period of increased DoC control over, and unilateralism in respect of, the content of TV policymaking (Berger, 1998). Viewed through the lens of the adapted Kingdon (1995) framework deployed by this research, there was a lack of true deliberation on sub-national TV matters in the three process streams of this period. There was meaningful content in relation to sub-national TV in each of the streams, but the prioritisations within the streams were mostly quite firmly in the control of the DoC.

In this author's view, this growing lack of deliberative spirit on the part of the DoC was probably to some extent symptomatic of the DoC's realisation that, based on the SABC-dominated, commercialised dispensation now entrenching itself (because of the Portfolio

Committee decisions of 1996, near the end of the previous period of study, and Treasury's apparent desire for the SABC to be self-sustaining), the government's room for manoeuvre on public interest obligations was narrow. We saw in this period that the DoC began to pursue convoluted policy paths – e.g. splitting of the SABC into public and commercial units – apparently in order to try to make the best of a difficult situation. Some may argue that the DoC was quite contentedly adhering to the prevailing neo-liberal logic in government at the time, whereby the SABC was expected to obey the logic of cost-recovery (and thus commercial) principles. But as we will see in the next chapter (Chapter Eight), there were clearly some at the DoC who wanted a more public interest-oriented, increasingly state-funded broadcasting sector.

The public interest

The lack of delivery on sub-national TV goals in this period of study undermined pursuit of the public interest in respect of all four elements of the public interest framework extracted by this research project from the work Feintuck and Varney (2006): the objectives of access, diversity and stewardship, and the principle of democratic citizenship.

Access (to signals, to the means to produce/transmit)

Delivery of sub-national elements towards achievement of the TV access objective was arguably even more neglected in this period of study than in the previous one. There was still little progress being made on extension of TV signal access to the 10 per cent of the population without coverage, and the newly licensed e.tv was not required to prioritise this marginalised 10 per cent. In terms of access to the means to produce programming, again the only community-based TV opportunities were the negligible opportunities provided by a small handful of community TV temporary broadcasts, in Grahamstown and Cape Town.

Diversity (political, socio-cultural, ownership/control)

In terms of sub-national TV contribution to political and socio-cultural diversity, the cancellation of the SABC provincial windows was announced in this period of study, and the KZN and Western Cape windows went off-air in 2001, leaving only the *Mopani* slot, serving Mpumalanga and the Northern Province, in existence (until 2003). The termination of these SABC provincial window slots cut off a vehicle through which viewers in some parts of the

country had been able to receive locally relevant TV portrayals of reality, if not the public access that community TV could provide.

The new private commercial channel e.tv was not obliged to significantly prioritise sub-nationally sourced/oriented programming. One positive was e.tv's initial establishment of its head office in Cape Town, resulting in (anecdotal) perceptions among residents of that city, the country's second most populous after Johannesburg, that e.tv's newsgathering was stronger in Cape Town than the SABC's. (But during the next period of study, e.tv moved its headquarters to Johannesburg, thus largely negating whatever newsgathering decentralisation (away from Johannesburg) that e.tv may have been providing in this period of study). Ownership and control diversity improved in this period at national level, via licensing of the private national e.tv channel, but the only TV channel at sub-national level remained the largely foreign-controlled/funded Bantustan-era-holdover station TBN Christian station in the Eastern Cape Province.

Stewardship (balancing public and private interests)

As in the previous period, neither the TV broadcasters (now comprised of SABC, e.tv and TBN) nor the policymakers exercised effective stewardship of free-to-air TV's potential to provide sub-national deliverables in support of the public interest. The IBA's decision that a national-only private competitor to the SABC would be licensed (the eventual e.tv) served to perpetuate the TV sector's national orientation. But it is probably not be fair to place the blame for this decision on the IBA, as the IBA was constrained by the path generated by the Portfolio Committee's Triple Inquiry decisions of February 1996, i.e. the IBA was probably correct to conclude that the only way to introduce effective competition to a commercially oriented, primarily advertiser-funded, market-dominant, three-channel SABC TV was to licence a national channel with minimal sub-national obligations, so that the new channel could try to compete head-on with the SABC for a share of the most lucrative (i.e. national) advertising contracts. However, the IBA can be faulted for not forcing e.tv to do more substantially adhere to its limited sub-national obligations. As we saw in the work of Duncan and Glenn (2010) cited in Chapter Two, e.tv's sub-national deliverables have been poor.

Enabling democratic citizenship

Sub-national TV's potential contributions to delivery on the principle of democratic citizenship continued to be neglected in this period of study. With only one of the three SABC 2 provincial window slots still on-air as this period came to a close (the *Mopani* slot produced in Johannesburg rather than in one of the slot's two focus provinces), and with myriad potential sub-national TV deliverables not receiving implementation, the trend at the end of this period was clearly towards a national orientation for TV's political, socio-cultural and economic power. TV's potential as an enabler of citizen participation in local affairs was not being harnessed.

Chapter 8: Beware the "Bantustan Way of Approaching It"

Regional/Local TV Policymaking from 2002 to 2006

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Way back in the heady post-1994 days, when we began drafting new broadcasting and telecommunications laws, it was the IFP who called for provincial public broadcasting funded from the public purse. At that time we were accused of wanting apartheid and homeland broadcasting. Now, my, have times changed! ***– IFP MP Suzanne Vos, 2002***

You don't want, necessarily, a Bold and the Beautiful in Tshivenda, you want something of quality, and even if it's fictional, something that reflects some element of South Africanness, so you have to have that pipeline of talent, and that base of expertise, who can write effectively in Tshivenda or Xitsonga – ***Herman Warren, 2006***

I come from one of those villages that have never seen television. No, our television sets are dusty in the sitting room because there is no signal – ***ICASA Councillor Lumko Mtimde, 2003***

There are sort of perfect policy – and policy implementation – environments, and they are never real – ***Libby Lloyd, 2006***

**

At the beginning of this third period of study, there was evidence of somewhat stark DoC avoidance of deliberative policymaking in respect of broadcast matters. This deliberation deficit, already in evidence to some extend in the Portfolio Committe's decisions near the end of the first period of study and in the state's approach to the Green Paper/White Paper and Bill/Act processes during the second period, reached a peak at the beginning of this third period, in 2002, when, to the surprise of many TV policy stakeholders, the state inserted provision for new public regional TV channels (to be focussed on programming in under-served official languages) into the Broadcasting Amendment Bill of 2002. The state's inclusion of regional TV provisions in the Bill, and resulting Act, came as a surprise because there had not been significant activity in relation to the idea of public regional TV in the policy stream of the previous period. Apart from the occasional mention in the context of policy options floated for the future of Bop-TV, the *public* sub-national TV issue had not been highly prominent in the policy stream since the 1994-96 period (the period of the IBA Triple Inquiry and the Portfolio Committee Triple Inquiry decisions). By including public regional TV provisions in the Act of 2002, the DoC forced a particular model of sub-national TV delivery *directly* onto the *decision agenda,* without any substantial "softening up" (as per the Kingdon (1995) framework pp. 122-24, p. 128) for the proposal in the policy stream. The model pushed onto the decision agenda by the DoC – two new public regional channels with

regionalised language obligations – was, in fact, responding to a number of the sub-national TV problem definitions identified in the previous two periods of study, but because the policy proposal had not been floated significantly in advance in the policy stream, the passage of the proposal into law, via Parliament, was a fraught process – with the regulator ICASA, the SABC, the NAB and opposition party MPs questioning the proposal's financial planning, its viability, and even its constitutionality. Once the Act was passed into law in late 2002, a protracted period ensued, from 2003 to 2006, during which fruitless efforts were made to bring the channels to fruition. This lengthy effort by a number of stakeholders to deliver on what was ultimately an ill-considered policy decision (as will be explained in this chapter) was the core sub-national TV policy activity in this period of study, and it was perhaps the most dysfunctional of the policy processes investigated by this research project.

Quite paradoxically, however, while the regional TV provisions in the Amendment Act of 2002 were deeply flawed, there is evidence to suggest that the Act's radical, unexpected approach to the public sub-national TV policy problem, and (at the same time) its emphasis on the localised TV language provision policy problem, had some (somewhat positive) effects. In respect of sub-national TV problem definition and agenda status, the Act kept these two policy problems (public sub-national TV sector problem and the cross-cutting localised TV language provision problem) high on the TV policy governmental agenda for much of this period of study, along with all five of the other cross-cutting sub-national TV problem definitions: sub-national finance, sub-national frequency allocations, decentralisation of production, remote rural access and sub-national accountability. And (again to some extent because of the Amendment Act of 2002), the sub-national *community* TV sector problem at long last received, in this period, the full-scale public inquiry by the regulator which had been required by the White Paper of 1998 and the Broadcasting Act of 1999.

Also favouring community TV in this period of study were: the rise of the MDDA, from its establishment in 2003, as a potential policy champion and funder of the sector; the legislating of provisions, in the Electronic Communications Act (ECA) of 2005, for long-term "class" licences (awarded based on minimal administrative requirements) for community broadcasters; and an ECA provision mandating ICASA investigation of state-owned signal carrier Sentech's pricing of terrestrial broadcast transmission.

8.1 Politics

Events at the highest level of South African politics – events bound to have an impact on the content and dynamics of the TV sector's *politics stream* – were characterised in this period, initially, by a continued tight grip on policymaking power by the Office of the President under President Thabo Mbeki (Marais, 2011). By the end of this period of study, however, the country's high-level politics were beginning to turn against President Mbeki, and, as will become clear in the next period of study, Mbeki's Deputy President Jacob Zuma was positioning himself (and being positioned by others) in this period to rise to the Presidency of both the ANC and the country, at Mbeki's expense.

During the key TV policy decision agenda process in this period of study in relation to sub-national TV matters – the Amendment Bill/Act processes of August to October 2002 – the conduct of the DoC appeared to resonate with, and was presumably influenced by, the centrist, unilateralist tendencies of the Mbeki Presidency. However, the alignment between the policymaking of the DoC and the policymaking of the Mbeki Presidency seems only to have been an alignment of policymaking style. In matters of content, there was in this period of study a distinct *lack* of alignment between the DoC and the Mbeki-loyal Treasury headed by Finance Minister Trevor Manuel. The disjuncture between the thinking of the DoC and the thinking of Treasury became apparent near the end of this period of study when the key sub-national TV deliverable provided for by Broadcasting Amendment Act of 2002 – SABC rollout of two new regional public TV channels – failed to secure funding from Treasury.

Several of the interviewees for this research said that the DoC actions in relation to the 2002 Bill and Act were unilateralist and impulsive (Lloyd, 2006, White, 2006 – interviews with author). Possible reasons cited for the DoC's unexpected inclusion of language-focussed regional public TV into the Act of 2002 include: pressure from the language-rights lobby to ensure better representation on TV of all 11 Constitutionally protected languages; pressure to find a long-term use for Bop-TV's facilities; desire to force a public interest orientation onto the SABC, which was operating in a highly commercialised fashion; and/or DoC need to take an opportunity while it presented itself, via the Broadcasting Amendment Bill, to place two of what the DoC clearly saw as important policy problems – sub-national TV language

provision and the future of Bop-TV – directly onto the decision agenda. The DoC certainly did succeed in getting the aforementioned matters directly onto the decision agenda via the Amendment Bill/Act, and one interviewee for this research, Joe Mjwara (who was a Deputy Director-General (DDG) responsible for broadcasting policy at the DoC during this period) said that even though the SABC regional channels did not come into being in this period, getting provision for the channels included in the Broadcasting Amendment Act was still a valuable policy move for the DoC (Mjwara, 2006 – interview with author).

As to why the DoC failed to get Treasury funding support for the channels, again several possible explanations were offered by the interviewees for this research, including: the normal cycle of government Medium-Term Expenditure Framework (MTEF) planning, for which the Act's funding requirements were ill-timed; Treasury reluctance to commit substantial funds to the broadcasting sector at a time when there were even more urgent funding needs in several social service sectors; and/or a degree of bureaucratic bungling by the DoC , with the DoC not communicating effectively/timeously with Treasury.

Treasury's rejection of the DoC's calls for funding of public regional channels came in spite of open support for the idea from the ruling ANC at its 51st National Conference in Stellenbosch in December 2002. An ANC Discussion Document in advance of the Stellenbosch Conference argued that both public and community sub-national broadcast channels were needed in order to "enable the citizens to interact with government at all levels and not only at national level as is the case now" (ANC, 2002a). The Discussion Document went on to state that "[p]ublic and community services in languages spoken in localities should reflect the political organization of the country and move away from the Johannesburg centric deployment of infrastructure" (ANC, 2002a). The ANC was thus articulating some of the key sub-national TV problem definitions identified by this research. At the Stellenbosch Conference itself, the Conference's Communications Resolutions No. 34 and 35, resolved as follows:

> 34. That government must move towards establishing a public funded model of the public broadcaster characterised by cross-subsidisation, including parastatal sponsorship of local content and investment from different departments.
> 35. That in order to reduce dependence on advertising, government must increase its funding of the public broadcaster (ANC, 2002c).

And in a "Benchmarking" section for the Communications resolutions, it was resolved that

> [t]he publicly funded model for the public broadcaster must be in place by 2012. [...] In the next budget, funds should be allocated to establish the regional TV stations of the public broadcaster in line with the MTEF (ANC, 2002c).

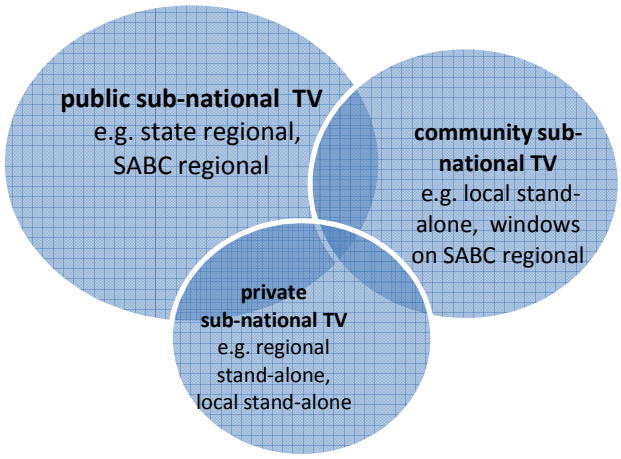
Here, then, the ANC was calling for a "public funded model" via increased state funding – a clear reference to the fact that, in the democratic era, the SABC has typically been around 80 per cent advertiser-funded, with another roughly 15 per cent coming from annual public television licence fees (payable by all TV set owners) and less than 5 per cent coming from the state (via government grants for specific projects, not core operational costs). In the 2004-05 financial year, for instance, the SABC received 78 per cent of its income, or ZAR2.6 billion, from advertising, and 15 per cent of income, or ZAR395 million, from TV licence fees (Mkonza, 2006). At the same time the Stellenbosch resolutions were pushing for state funding of regional TV channels.

But these ANC Stellenbosch Conference Resolutions did not result in any state pledges of funding to the SABC in this period of study. Thus, it seems clear that the Mbeki-loyal Treasury and the ANC/DoC were on different policy tracks – perhaps symptomatic of a broader disjuncture between the Mbeki Presidency and the party, a disjuncture which would eventually manifest itself in a push by the party, in cooperation with its alliance partners the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), to remove Mbeki from the Presidency of the party and of the country, to be replaced by Jacob Zuma.

8.2 Problems

In the *problem stream* during this period of study from 2002 to 2006, the relative prominence among the three sub-national TV sector problems – the public, private and community sectors – shifted substantially. Whereas in the previous period the public and private sector problems had received roughly equal attention while the community sector was somewhat neglected, in this period the call for there to be a public sub-national TV sector achieved the greatest prominence among the three sectors (as represented in Figure 8.1 below), with the community sector being next in prominence. Least prominent, and thus represented by the smallest of the three circles in Figure 8.1, were calls for private sub-national TV.

Figure 8.1 Relative prominence, on the TV policy governmental agenda, among the three sub-national TV sector problems, 2002 to 2006



Source: author's qualitative interpretation of primary document and interview transcript data.

Public sub-national TV

The rise of the *public* sub-national TV sector problem to great prominence on the TV sector governmental agenda of this period was not a gradually, deliberatively generated rise within the problem stream. Rather, the problem was thrust to agenda prominence by the DoC (with the DoC apparently acting on the basis of its own sense of what the politics stream and policy stream required or were ready for) via the aforementioned Broadcasting Amendment Bill/Act process of 2002. By the end of the previous period of study in 2001, the problem discourse in relation to calls for public sub-national TV had petered out. The demise of the SABC 2 provincial slots seemed not to be generating any great amount of concern among TV policy stakeholders, and only one of the original three windows, *Mopani*, stayed on-air into this period of study, before going off-air in 2003 (Robinson, 2006). And the calls for a future for the nominally public regional channel Bop-TV had also seemed, at the end of the previous period in 2001, to be a spent force, with Bop-TV's days of existence clearly numbered. According to media market survey firm AC Nielsen, Bop-TV's share of the country's TV advertising market had dropped by 29 percent between 1997 and 2001 (AC Nielsen, cited in Z-coms, 2003, p. 86). In 2002, at the beginning of this period of study, the number of Bop-TV free-to-air viewers in the North-West Province and Gauteng, totalled roughly 800,000, representing 1.2 per cent national audience share (SAARF, cited in Z-coms, 2003, pp. 82-83). By comparison, the country's most-watched TV channel, SABC 1, had 20 million viewers in early 2002, for a national audience share of 33 per cent (SAARF, cited in Z-coms, 2003, p. 74, p. 83).

The reality, however, was that the Bop-TV issue had *not* fallen off the government agenda in the previous period, because the financial problems of Bop-TV's parent entity, Bop BC, had been a growing concern in 2001, when the previous period of study ended, at both the DoC and SABC. Control of Bop BC was transferred from the SABC to the DoC in 2002, but prior to that transfer, there had been a conflict between the DoC and the SABC over who should cover the bill for Bop BC's financial losses while it was under the SABC. According to interviewees for this research, the DoC had at one point pledged to the SABC that the state would cover the SABC's costs for running Bop, but Treasury had later rejected the idea, meaning that the SABC was now having to absorb the accumulated debt from running Bop BC for several years, a debt amounting to roughly ZAR115 million (Kantor, 2006, Matlare, 2006 – interviews with author). According to interviewee Peter Matlare, Group CEO of the SABC during this period,

> [w]e had been requested, as the SABC, by the Department to continue to fund Bop Broadcasting until such time as they [the DoC] had got the money from Treasury. We had been funding Bop Broadcasting as a result of previous requirements. [...] What we should have done at the time is simply said, "we will fund provided we have a written agreement between yourselves the Department of Communications, and ourselves, and indeed possibly even the Treasury", but we didn't [...] (Matlare, 2006 – interview with author).

According to Matlare, when the SABC met with Treasury to seek the ZAR115 million to cover the costs of running Bop, Treasury refused (Matlare, 2006 – interview with author). In the words of interviewee Justine White, a broadcast industry lawyer during this period,

> [...] you've got a big clash between the DoC and the SABC, around Bop, around the DoC basically just saying to the SABC "you will take over this service and run it", the SABC saying "only if you pay for it, because we do not have the money to pay for it", the DoC apparently agreeing to that and then reneging, and the SABC just pulling the plug, and the DoC actually being unable to deal with that […] (White, 2006 – interview with author).

Thus, in 2002, the DoC was anxious to find a way to make Bop BC, and particularly the costly Bop-TV operation useful. And at the same time, the DoC was getting increasing pressure from language rights groups over the under-servicing of many of the 11 official languages on TV. Unbeknownst to all but the best-informed broadcast policy watchers, the public sub-national TV policy problem was, at the beginning of this period of study in 2002, about to spring directly onto the TV policy decision agenda, via inclusion of public regional TV provisions in the Broadcasting Amendment Bill/Act process of 2002 – a process which

the DoC apparently saw as an opportunity to both tidy up the Bop-TV mess and respond to the language-rights lobby.

Community sub-national TV

The *community* sub-national TV sector policy problem lacked prominence on the governmental agenda at the beginning of this period of study, but the problem eventually acquired prominence as a by-product of the aforementioned Amendment Act of 2002. As a result of the Act's call for new regional public channels, the regulator ICASA felt compelled in 2003 to launch a public inquiry into regional television, and ICASA decided it made sense to conduct the long-awaited local TV inquiry at the same time. And thus ICASA's Inquiries into Regional TV (RTV) and into Local TV (LTV) were launched simultaneously in late August 2003. Also driving the prominence of the sub-national community TV problem discourse in this period were the MDDA, the Human Sciences Research Council (HSRC), the University of the Witwatersrand LINK Centre, and the South African Chapter of the Media Institute of Southern Africa (MISA-SA). The MDDA, which began operations in 2003, helped fund an HSRC study, in that same year, of South African "small media" – conducted by the HSRC's Society, Culture and Identity (SCI) Research Programme. This study generated a 2004 report entitled *The People's Voice*, which included extensive information on the South African community TV sector's history, aims and objectives, (Hadland and Thorne, 2004).

Community TV's agenda status was also boosted in June-July 2004 when Greater Durban Television (GDTV) staged a temporary 30-day community TV broadcast connected to the Durban International Film Festival (DIFF). This was the GDTV group's first broadcast since its pioneering broadcast in 1995. The University of the Witwatersrand LINK Centre hosted a Community TV and Video Scoping Workshop in Johannesburg in October 2004, a meeting which brought together community TV activists from KZN, the Western Cape and Gauteng. GDTV representatives were present, as were Cape Town-based participants (who used the opportunity to establish a Cape Town Community Television Collective (CTVC)) (Armstrong, 2005). Efforts were also made at this LINK Centre workshop to initiate community TV collectives for Durban and Gauteng. GDTV staged another special event broadcast over the December-January 2004-05 holiday season, and in 2005, the MDDA and HSRC jointly supported another research project, this time a project investigating "policy,

strategy and models for the sustainable development of community television (CTV) in South Africa", which resulted in a 2006 report, *Re-Visioning Television* (Hadland *et al.*, 2006). This research included a community TV stakeholder workshop in Pretoria in late October 2005, hosted by the MDDA, HSRC and MISA-SA at the HSRC offices. Thus, the community sub-national TV policy problem was steadily gaining prominence, and the MDDA was emerging as a potentially important ally. The MDDA, in a presentation of its 2006-07 strategic plan to the Parliamentary Portfolio Committee on Communications in March 2006, said the Agency planned to "develop approaches for support for community television" (MDDA, 2006).

Also boosting the community TV problem profile on the governmental agenda in this period was Soweto Community Television's first temporary broadcast, in November-December 2005, using studio equipment provided and installed by the SABC (I-Net Bridge, 2005; Bizcommunity.com, 2005: Timberg, 2005). In August-September 2006, the Cape Town Community TV Collective held "sector meetings" with representatives of local CBOs, NGOs, and community bodies involved in sports, labour, arts, culture, community media and education. The Cape Town Collective then held its first annual general meeting (AGM) in September 2006, at which a Board was elected by representatives of the various sectors which had been consulted. The Cape Town TV station initiative was thus officially launched at this AGM, in which roughly 200 community organisations participated (COSATU, 2006; Cape Town TV, 2007).

Continuing into this period was the DoC's Community Multimedia Services (CMS) Task Team process established in 2001.The Task Team, composed of representatives of government and community media, met several times and drafted, and re-drafted, a report which was ultimately presented at a DoC-convened CMS Indaba in November 2003 in Johannesburg. The CMS Task Team recommendations were discussed at the summit, and later finalised and submitted to the DoC, but the Task Team Report was never made public by the DoC, thus rendering the CMS process largely ineffectual. The only discussion of the CMS process which this author has been able to locate is in the aforementioned MDDA/HSRC publication, *The People's Voice* (Hadland and Thorne, 2004).

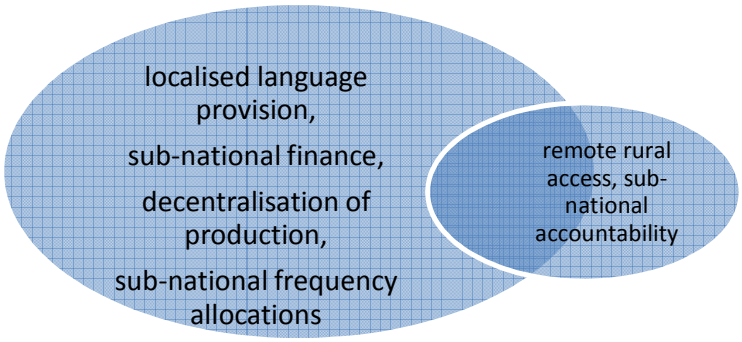
Private sub-national TV

The *private* sub-national TV policy problem declined in prominence on the governmental agenda in this period because attention in the private TV sector was now primarily focussed on the fortunes of the national private channel, e.tv, which did not turn a profit until 2004, six years after going on-air in 1998 (Midi TV, 2006, p. 1). (E.tv had only minimal sub-national conditions in its licence from the IBA.) Meanwhile, ICASA in this period continued to maintain that sub-national private commercial TV was not economically viable, basing its view on research commissioned from a private consultancy in 2003 (Z-coms, 2003; Booi, 2006 – interview with author). E.tv parent company Midi TV, seeking in 2003 to protect its gradual rise to profitability, supported ICASA's rejection of private regional TV in this period. Midi TV CEO Marcel Golding argued at a 2003 ICASA hearing that private regional channels "would rely on the ad spend of the urban centres [...] Johannesburg, Durban and Cape Town, possibly Port Elizabeth and Bloemfontein", and that "this will effectively allow a new channel to cherry pick high revenue generating areas in the absence of costly obligations to serve [...] national and lower income areas" (Golding, 2003, quoted in AMB, 2003, p. 73).

Cross-cutting sub-national TV problems

There was continued evidence on the governmental agenda of this period of the six cross-cutting sub-national TV policy problems identified in the previous two periods of study. Figure 8.2 below captures the relative prominence among these six cross-cutting problems. Significant in this period of study was the fact that the localised language provision problem moved up from the second tier of relative prominence (where it sat in the previous period of study) to the first tier of prominence (the larger of the two circles in Figure 8.2). Remaining in the top tier of prominence in this period (i.e. in the same tier as the previous period) were sub-national TV finance, decentralisation of production and sub-national TV frequency allocation. Meanwhile, the remote rural access and sub-national accountability problems remained in the same second tier of prominence which they occupied in the previous period.

Figure 8.2 Relative prominence, on the TV policy governmental agenda, among the six cross-cutting sub-national TV problems, 2002 to 2006



Source: author's interpretation of qualitative document and interview transcript data.

Localised language provision

The localised language provision policy problem got a substantial increase in prominence in this period via the aforementioned Broadcasting Amendment Act of 2002, which called for new non-English-language-focussed public regional channels. The Act framed the localised language provision problem as one to be solved by breaking the country into two large linguistically differentiated regions – a Sotho (Sepedi, Sesotho, Setswana)-speaking and Tshivenda/Xitsonga-speaking north and west, and an Nguni (isiNdebele, siSwati, isiZulu, isiXhosa)-speaking and Afrikaans-speaking east and south, with only Gauteng Province being considered part of both these "regions". For many TV policy players, the characterisation of the localised language provision as one to be solved through this kind of bifurcation of the country into two linguistic zones was problematic. According to interviewee Herman Warren, Head of Group Strategy at the SABC during this period, the act of viewing the country as two large linguistic regions is problematic, because

> [...] it assumes that people who speak a certain language live in a certain place and that's clearly not the case; you will find people who speak every language in this country in every nook and cranny of the country, right, but if they happen to live in another cranny, they may not get the channel or the service that they're looking for (Warren, 2006 – interview with author).

Warren argues that dividing the country into two language blocs risks being "a Bantustan way of approaching it" (Warren, 2006 – interview with author), i.e. an approach reminiscent of the separate development approaches of the apartheid era. The SABC's Universal Service and Access Policy, finalised in late 2003, also cautioned against adoption of apartheid-style discourses around language usage:

> […] in implementing this policy the SABC does not mean to replicate apartheid's social and geographical segregation patterns. [...] This means that in implementing the policy we should not assume speakers of any of South Africa's official languages who still reside in the former homelands would choose to remain there, or would not commute. In fact, the current urbanisation trends demonstrate shifts in the demographic profile of people living in various parts of the country, and confirm the movement of people from rural to urban environments in search of improved economic prospects (SABC, 2003a, p. 38).

According to interviewee Michael Markovitz, Special Advisor to ICASA Chairperson Mandla Langa during this period, "there was one view expressed by one [ICASA] Councillor who basically said 'listen, aren't we falling into apartheid thinking' [...] there was a concern about compartmentalising or institutionalising where people spoke certain languages" (Markovitz, 2006 – interview with author). It could indeed be argued that the government, via the Amendment Act of 2002, was in effect pushing TV policy in a direction somewhat reminiscent of the apartheid era – a direction which the 1991 Jabulani conference had specifically advised against with its statement that "[t]he national broadcaster's practice of segregating languages on separate channels in a regional manner should cease" (African-European Institute, 1991, p. 71). In the words of interviewee Markovitz,

> [...] according to people that I spoke to, a lot of the impetus from the government had come from a disappointment about the treatment of indigenous languages, and, rather than necessarily a policy commitment to regional broadcasting *per se*, the way they [government] understood regional broadcasting was more indigenous-language broadcasting, which I think is a different thing (Markovitz, 2006 – interview with author).

The prominence of the localised TV language provision problem in this period of study is revealed in the minutes of the Portfolio Committee debates of September 2002 on the Broadcasting Amendment Bill. During one of the debates, ANC Member of Parliament (MP) George Phadagi is quoted as saying:

> […] it has been eight years since the new dispensation has been introduced, yet there are South African languages that are still not heard on television at all. Instead languages and programmes from foreign countries are broadcast. The public does from time to time ask Members of Parliament why their language is not broadcast on television, and it appears that the SABC does not really consider it a priority to balance the use of all eleven official South African languages. The majority of the programming is in English, […] (Phadagi, quoted in PMG, 2002b).

Also boosting the profile of the localised TV language provision problem in this period were the country's language lobby groups, particularly the Constitutionally mandated Pan South African Language Board (PANSALB) and the Afrikaans-language lobby group Tabema

(Taalsekretariaat and Tabema, 2002). According to interviewee Libby Lloyd, a broadcast industry consultant during this period,

> [...] language was a very emotive issue, and there'd been a lot of accusations against the SABC by all sorts of groups, that they weren't dealing with all languages properly. And there was a lot of anger, you know, that emerged from ordinary sort of people and groups like PANSALB [Pan South African Language Board] […] it sort of merged into being, like, a real area of anger against the SABC from [people] I call broad members of the public but it's beyond just the usual sort of [...] people who comment on acts, it was a very emotive issue (Lloyd, 2006, interview with author).

According to the Parliamentary Monitoring Group (PMG) minutes of the Portfolio Committee public hearing of 16 September 2002, the head of PANSALB, Cynthia Marivate "commented that since 1997 she had tried to meet with the SABC", but that PANSALB's "efforts were ignored until the SABC had a meeting with [Tabema]" (PMG, 2002a). Only after Afrikaans-language lobby group Tabema had lobbied that SABC was there "a multi-language workshop" held by the SABC, with PANSALB invited, but at the workshop, apparently "the only accepted languages were Afrikaans and English" (PMG, 2002a). Marivate told the Portfolio Committee "she was kicked out of the meeting for insisting to speak in her own language" (PMG, 2002a). Marivate had then, in 2001, secured a meeting with the new SABC CEO, Peter Matlare, and "[t]hey had a good meeting with an implementation plan – of which nothing has come so far. PANSALB has lost faith in the SABC" (PMG, 2002a).

Sub-national finance

Also given prominence by the Broadcasting Amendment Act of 2002 was the sub-national TV finance policy problem – because the Act's provision for new, stand-alone SABC regional channels raised the question of where the money was going to come from to fund such channels. The Act suggested the funding would come primarily from the state. But as mentioned earlier in this chapter, the DoC was unable, in this period, to secure funding from Treasury for the two channels. Also boosting the agenda status of sub-national TV finance problem in this period of study was the ICASA Local TV (LTV) Inquiry of 2003. In a submission to that Inquiry by the NCRF community radio grouping, lobbying on behalf of the community TV movement (which no longer had an advocacy organisation), the NCRF wrote that "community television should strive towards a mixed economy where no one

source of income dominates and thus exerts undue influence on programme content" (NCRF, 2003).

Community TV activist Mike Aldridge, speaking as part of the NCRF delegation to the ICASA public hearing on regional and local TV in October 2003, said sustainable community-run stations would need to adopt "a hybrid model, which combines the commercial aspects of a local commercial television station with the public service aspects of a community broadcaster" (Aldridge, quoted in AMB, 2003, p. 140). Here, Aldridge was referencing his own proposed hybrid C-PEG model, as outlined in Chapter Seven (Aldridge, 1997b). Aldridge told the 2003 ICASA hearing as follows:

> I am in favour of developing a practical and workable model of local community television and as I see it in the situation in South Africa, there [are] not going to be enough funds from Government. There [are] not going to be enough funds from educational institutions and NGOs. So somehow we need to look at ways of getting income in from commercial processes, advertising and sponsorship that will both empower the stations through providing a source of revenue and also empower local businesses that otherwise cannot advertise on television (Aldridge, quoted in AMB, 2003, p. 143).

Researcher Jack Fine of the Media Monitoring Project (MMP), an NGO, told the same ICASA hearing that the MDDA, established that same year, could "provide a fair degree of funding" for community TV, but "it is recognised that the agency is not a bottomless pit of money" and "[a]dditional sources of funding are thus required" (Fine, quoted in AMB, 2003, p. 17). The MDDA began making grant disbursements in late January 2004, but its direct grants to community TV station projects only began during the next period of study between 2007 and 2011.

Sub-national frequency allocations

The sub-national TV frequency allocations problem was prominent in this period for two main reasons. First, the new regional channels provided for by the Act of 2002 (if implemented) would require the SABC to use an additional set of frequencies (in addition to the three national sets of TV frequencies it already used) throughout the country (including two frequencies in Gauteng, where the channels would overlap). Thus, the SABC regional channels, if they went ahead in analogue, would put a squeeze on analogue frequency availability for any other operators, including sub-national TV aspirants. Adding to the potential spectrum squeeze were the country's commitments at the ITU Regional

Radiocommunication Conference (RRC) of 2004, where the South African government representatives had agreed to begin to set aside frequencies for use during the dual illumination (analogue/digital simulcasting) phase of migration to digital terrestrial television (DTT). (During dual illumination, free-to-air channels would be available on both analogue and digital channels, so that both the early adopters of digital and the slow-to-migrate users could consume the free-to-air channels. In many countries, dual illumination had been necessary for in excess of five years (see Armstrong and Collins, 2004, 2011)).

The sub-national TV frequency spectrum problem came to a head during ICASA's Inquiries into RTV and LTV between August and October 2003. Several submissions to these inquiries argued that if the two planned SABC regional channels were to use analogue frequencies, then in some parts of the country there would be insufficient spare frequencies to allow for dual illumination during digital migration, let alone to allow for additional operators in analogue, including community TV, in the short-term leading up to digital migration. The SABC, for its part, argued that it had no choice but to propose to roll out the channels (eventually known as SABC 4 and SABC 5) in analogue because the SABC had been given a deadline, in the Act of 2002, to submit licence applications for the two stations to ICASA by December 2003. Sentech's national rollout of DTT infrastructure had not yet begun, and thus the December 2003 application deadline for the channel licences gave the SABC no option but to propose analogue rollout (Mokoetle, quoted in AMB 2003). Sentech, for its part, seemed to be equivocal during this period on the matter of analogue versus digital for the new SABC regional channels. According to interviewee Gerhard Petrick, a broadcast transmission engineer who was an ICASA Councillor during this period, trying to force the channels into existence in analogue was a grave mistake:

> [...] you could immediately launch these channels at virtually no network cost if you would launch a public digital multiplex to start migration, or as the means of introduction to digital, and it would immediately be able to carry those channels at virtually no additional transmission cost. That's a fundamental failure, I think, in the whole approach. [...] if one would have considered the digital context – I just think it was just not considered, it, and that you can put down to policy failure, but it just was not considered. I think the answers were not grey or totally uncertain (Petrick, 2006 – interview with author).

The transcript of the ICASA RTV/LTV public hearing of 17 October 2003 records then-Councillor Petrick saying to the SABC representatives in attendance:

> [...] both regional networks will be on air in Gauteng according to what you have submitted. Your signal distribution company or your signal distributor [Sentech] rather I'd say it like that, indicates that there are only two frequencies available in this area. If one would move to going analogue, that would mean you have closed the door. There is no frequency to ever start digital on (Petrick, quoted in AMB 2003b, p. 135).

Regardless, the plans for SABC 4 and SABC 5 still went ahead based on analogue transmission. And the potential squeeze on frequencies became clear a year later, in November 2004, when ICASA published community TV regulations which specified that, due to frequency scarcity, no full-time community TV licences would be allowed in analogue in the Cape Town area (where frequencies were scarcest), and the maximum duration of a temporary community TV licence would be one year (ICASA, 2004). Meanwhile, the DoC, which had pushed via the Act of 2002 for rapid deployment of the two new SABC channels (and thus, implicitly, had pushed for the channels to be in analogue), seemed by late 2004 to be having second thoughts on the matter of analogue v. digital. The DoC distributed a document to industry representatives in late 2004 called Digital Migration of Broadcasting Systems: Policy Issue Paper: Draft 1, and one of the questions posed by the Issue Paper was: "Should the Regional and local television services including language services be conceived in the context of analogue or digital broadcasting?" (DoC, 2004).

Decentralisation of production

The production decentralisation policy problem was also given agenda strength in this period by the Broadcasting Amendment Act of 2002. The Act's call for two new regional channels focussing on improved official language delivery – i.e. languages other than English, particularly the "under-served" languages Sepedi, Tshivenda, Xitsonga, isiNdebele and siSwati – raised the question of how this content was going to be produced. Of particular concern was how the channels would source drama programming in the marginal languages, given the wide range of skills required by this genre. In its submission to the ICASA RTV Inquiry of 2003, e.tv argued that the programming for the SABC regional channels "should be sourced entirely from independent production companies resident in the relevant regions, […]" (e.tv, 2003). But according to interviewee Hermann Warren, who was at the SABC during this period,

> [...] one of the challenges, particularly in producing local content in languages that haven't had the sort of exposure they've had before, is to get culturally relevant scripts, right, in the various genres, so you're not just having, for instance, you just, you don't want, necessarily, a

> *Bold and the Beautiful* in Tshivenda. You want something that's of quality, and even if it's fictional, reflects some element of South Africanness. So you have to have that pipeline of talent, or that base of expertise, who can, who can write effectively in Tshivenda or Tsonga etcetera (Warren, 2006 – interview with author).

For its part, the community TV sector, represented by the NCRF at the ICASA LTV Inquiry of 2003, stated that one of its functions would be to build localised production capacity:

> In the South African context CTV [community TV] is expected to play an important role in job creation and skills development as an entry-level training ground for a new generation of media producers and broadcasters. The financial realities require CTV to operate as a lean and mean, cost efficient organisation with a small, highly skilled staff. While the CTV station would be a small operation, it would rely on the "decentralized network" of community producers. In this way, CTV provides more opportunities for "community" producers, whether independent or NGOs [...] (NCRF, 2003).

Greater Durban Television (GDTV) coordinator Mikhail Peppas, in his oral presentation to ICASA's RTV/LTV hearings, also highlighted the potential for community TV to build production capacity, stating that "[...] people involved in the [GDTV] programme in 1995, some of them, particularly those from previously excluded communities are now even running their own production companies [...] and we have got letters of support from them as well" (Peppas, 2003, quoted in AMB, 2003a, pp. 109-10). Terry Volkwyn of private media firm Primedia argued before the same ICASA RTV/LTV hearing that "laying down policies and drafting regulations is not enough", because "[g]overnment must spend money on training and seed capital towards the establishment of independent production companies in non-metropolitan areas" (Volkwyn 2003, quoted in AMB, 2003a, p. 162). ICASA Chairperson Mandla Langa told the ICASA RTV/LTV hearings he was "interested in the issue of the independent production sector", and Langa added:

> I am also in a sense a bit surprised if not a little disappointed that we do not have any submission from the....let's say the IPO [Independent Producer's Organisation] or any sector representatives because it is a very, very important issue (Langa, 2003, quoted in AMB, 2003a, p. 169).

As Langa's remarks suggest, the main producer lobby group, the Independent Producers' Organisation (IPO), was not present at the hearing, and was somewhat dormant in this period of study. It was not until the launch of a new, broader coalition, the South African Screen Federation (SASFED) – launched at an NFVF Indaba in mid-2005 – that the independent TV production sector began to have a stronger voice in TV policy processes. For its part, the

SABC showed cognisance of the production decentralisation policy problem when, in an August 2004 SABC Board presentation at Rhodes University, a presentation slide on "Board priorities" cited the need to "[e]ncourage regional skills development and regional productions" (SABC Board, 2004).

The DoC attempted in this period of study to boost the agenda status of the production decentralisation problem narrative (and the localised language provision narrative at the same time) by convening of a series of nine provincial Broadcast Content and Language Summits in 2003. These Summits also attempted to breathe life into the work already done (but not made public) by the Broadcast Production Advisory Body (BPAB) of 2001-02. The Broadcast Content and Language Summits also seemed designed, in this author's view to retroactively populate the problem stream and the policy stream with the kinds of arguments and proposals which would make the government's push for public regional channels via the Amendment Act of 2002 appear less disconnected from deliberative policymaking. Nine Broadcast Content and Language provincial "Mini Summits" were held, bringing together producers, community media representatives, language lobby groups and government representatives. Finally, there was a National Summit in late 2003 in Johannesburg, at which a Task Team was appointed to finalise a report for the DoC. The Task Team finalised its report in July 2004 and, in a presentation to Portfolio Committee in November 2004, cited "[r]egional programming and production" as one of its "action points", adding that "[c]ommissioning editors for the regional channels must ensure that preference is given to service providers within that specific region" (Broadcast Content and Languages Summit National Task Team, 2004).

The production decentralisation policy problem also got energy in this period of study from e.tv, which, in anticipation of applying in June 2006 for renewal of its eight-year licence (as awarded in 1998), began in this period to intensify its efforts to comply with Clause 9 of its licence conditions. This Clause 9 requires e.tv to procure independent productions from multiple provinces. In its licence renewal application to ICASA of 22 June 2006, e.tv's parent company, Midi TV, included a section entitled "Provincial Diversity", in which it reported on e.tv's provincial procurement efforts (Midi TV, 2006). Midi cited the situation it had faced in 2003, when it issued a call for drama production proposals and "[o]f the 162 proposals which met the formal requirements of the invitation, all but 14 were from the Western Cape or

Gauteng" (Midi TV, 2006). After short-listing 19 of the proposals, including one from KZN, two firms were commissioned, one each from Gauteng and the Western Cape (Midi TV, 2006). Also feeding into the decentralisation of production problem narrative was Midi TV's reporting to ICASA on its compliance with Clause 13.1 of its licence conditions requiring e.tv to cover "local, regional and provincial events and developments" (IBA, 1998) in its news and current affairs slots. Midi TV wrote that:

> In order to ensure that it obtains news from around the country, it [e.tv] has established bureaux in Port Elizabeth, Bloemfontein and KwaZulu Natal. It has two large regional offices in Cape Town and Johannesburg. The Bloemfontein bureau covers the Free State and Northern Cape, while the Johannesburg office covers Limpopo, Mpumalanga and North West [...] News bulletins are broadcast out of both Johannesburg and Cape Town as both centres have fully equipped studios and control rooms as well as full technical crew (Midi TV, 2006).

While it was useful to the agenda prominence of the production decentralisation policy problem to have Midi TV reporting to ICASA on its sub-national newsgathering and news production capacity, the reality was that the scenario sketched out by Midi TV was not particularly auspicious from a decentralisation perspective. For example, it was doubtful that non-Gauteng/Western Cape "events and developments" could be covered meaningfully when four provinces – Gauteng, Limpopo, Mpumalanga and North-West – were all being covered from e.tv head office in Johannesburg, and all of the Free State and the Northern Cape were being attended to by a unit based in Bloemfontein.

This element of the decentralisation of production problem narrative – the decentralisation broadcaster in-house news/current affairs production, as opposed to independent production aspect – seemed in this period of study to gain momentum. The Media Monitoring Project (MMP), for instance, in its appearance at the ICASA RTV/LTV public hearings, cited findings from its own research – in 1994, 1995, 1999 and 2000 – which had found clear bias during election coverage, across all media, towards the metropolitan areas of just three provinces: Gauteng, the Western Cape and KZN (Fine, 2003, cited in AMB, 2003, p. 37). In a similar vein, media academic Tawana Kupe, Dean of Humanities at the University of the Witwatersrand, wrote as follows in the prepared remarks for his Harold Wolpe Memorial Seminar address in 2005:

> With regard to geography the news bulletins have an urban bias that does not give one a sense of South Africa [...] it is too much of Pretoria and Johannesburg [...] Is Cape Town just

> Parliament, burning shacks, whales and accidents on Table Mountain and shenanigans at the city offices? What do the regional bureaus really contribute? (Kupe, 2005).

The SABC claimed in this period that its TV news coverage served all corners of the country. The Corporation cited, in its 2004 licence amendment application to ICASA, research by Media Tenor which showed that "[o]f the South African stories covered by SABC television news, an average of 25% are regional, or from the provinces – again highlighting diversity in coverage" (Media Tenor, 2003, cited in SABC, 2004, p. 118). Presumably by "regional, or from provinces", the SABC meant "outside Gauteng". If so, that meant that 75 per cent of the SABC items in the surveyed period were Gauteng-based items, which would seem to be at odds with the SABC's claim to be reflecting events throughout the country.

Remote rural access

As with the other cross-cutting sub-national policy problem definitions in this period, it was the Amendment Act of 2002 which gave strength to the remote rural access problem. The Act compelled the SABC to develop a set of Editorial Policies, including a "universal service and access policy" (RSA, 2002, sect. 6(5)(a)(v)). In its Universal Service and Access Policy, produced in 2003, the SABC quoted Section 34(2)(b) of the Broadcasting Policy White Paper of 1998, which stated that "the signal distribution sector must provide universal access for all South Africans to broadcast services" (DoC, 1998, quoted in SABC, 2003b, p. 39). (Roughly 10 per cent of the population still did not have access to any terrestrial free-to-air SABC TV signal in 2003.) The SABC's Universal Service and Access Policy also showed cognisance of the potential exacerbation of the remote rural access problem during digital migration. The Policy warned that, when it came to digital migration,

> [f]rom the point of view of universal service, the key question is whether these advances in digital technology will help us to deliver affordable public broadcasting services, or merely add to the inequality in provision of services and widen the digital divide (SABC, 2003b, p. 36).

The FXI, in commenting on the SABC's draft Universal Service and Access Policy in 2003, wrote that "[d]igital switch must not take place until there is universal service in relation to receivers" (FXI, 2003). Here we see FXI using the expression "universal service", a higher threshold than universal access because universal service implies service available to everyone in their homes (whereas access can be said to be achieved if a people/households

can make use of a service at a location near their homes, e.g. in community facilities). Meanwhile, the DoC, in its aforementioned November 2004 digital migration Issue Paper: Draft 1, stated that "[t]he critical success [criterion] for digital migration will be the percentage of the South African households across class, race and gender with digital broadcast receiving devices" (DoC, 2004).

Another boost for the agenda status of the remote rural access problem came from the Broadcast Content and Languages Summit National Task Team Report to the Portfolio Committee in November 2004 – a Report which outlined the existing access shortfall for SABC's three TV channels:

> [...] SABC 1's footprint currently reaches 83% of the population and SABC 2 stands at 85.6% with SABC 3 at 77%, with expansion plans to bring SABC 1's footprint to 90% and SABC 2 to 91% of the population. The SABC must continue with its expansion in all services, [...] so as to reach all South Africans especially, in under-serviced, rural and remote areas of the country (Broadcast Content and Languages Summit National Task Team, 2004).

E.tv's licence conditions, issued in 1998 by the IBA, required that the channel "achieve 77% population coverage by the beginning of its third year on air", i.e. October 2000. According to e.tv's parent company, Midi TV, by 2006, e.tv had "exceeded this requirement" by 2006 and had reached 80.4 per cent population coverage (Midi TV, 2006). The emotive potential of the remote rural TV access problem was highlighted in 2003 when ICASA Councillor Lumko Mtimde, while questioning the SABC during the ICASA RTV/LTV hearings, stated, as an aside, that "I come from one of those villages that have never seen television. No, our television sets are dusty in the sitting room because there is no signal" (Mtimde, quoted in AMB 2003b, p. 130).

Sub-national accountability

The TV sector sub-national accountability problem was given some momentum in this period by the ICASA LTV Inquiry of 2003. The NCRF submission to this Inquiry stated that applicants for community TV licences "should illustrate that they have conducted broad consultation within the community, and have the support of a diverse range of interest groups", and "[w]hen viewed collectively the board should represent these interest groups as well as possess the expertise necessary to run a television station" (NCRF, 2003). The NCRF submission went on to state that local TV, in order to maximise accountability, should only

be community-owned/run, not public or private. The NCRF submission was particularly set against public local TV:

> The public broadcasting service is already an over-dominant player in the broadcasting field. To broaden out its mandate to include local television would, arguably, subject local television to the top-down, inaccessible, bureaucratic regime that characterizes public broadcasting and will serve to take CTV further away from the community it seeks to serve (NCRF, 2003).

The SABC, meanwhile, sought to position itself as sub-nationally accountable in this period during development of its Editorial Policies. The introduction to the SABC's December 2003 Editorial Policies document stated that the Policies were "the outcome of many months of consultation", including "public meetings on the draft policies in each of South Africa's provinces" (SABC, 2003b). The document went on to state that "[e]very member of the editorial staff, in the regions, at head office and overseas, is therefore required to study, understand and observe these policies" (SABC, 2003b). Also ensuring agenda status for the sub-national TV accountability policy problem was the Broadcast Content and Languages Summit National Task Team. In engaging with a DoC proposal that there should be a content hub for each of the two new SABC regional channels, the Task Team stated in its November 2004 presentation to the Portfolio Committee that "structures should be created whereby the listening and viewing public can exert direct influence on broadcast content by being incorporated into the newly established content hub [...]" (Broadcast Content and Languages Summit National Task Team, 2004b).

8.3 Proposals in the Policy Stream

Most of the key proposals in relation to sub-national TV have already been mentioned in the preceding "Problems" section – because in this period of study the problem stream and *policy stream* were very closely linked. This finding of closely linked streams runs contrary to Kingdon's (1995) conception of the three policymaking streams – the politics, problem policy streams – running independently of each other for extended periods of time and only coupling infrequently. The finding in this period of study was that the problem and policy streams were in a coupled or near-coupled state (i.e. linked or nearly linked) for most of the period. In this author's view, the most reasonable explanation for the interdependence among the streams in this period is that the Broadcasting Amendment Act of 2002, via its somewhat radical and unexpected provision for two new SABC public regional channels (in addition to

the SABC's existing three channels), stimulated such a rush of activity in the problem and policy streams that it becomes difficult to distinguish between the activity of the two streams (the problem definition in the problem stream and the proposal-making in the policy stream).

The Broadcasting Amendment Act of 2002 had the effect of thrusting the public and community sub-national TV sector policy problems directly onto the decision agenda, and thus these processes are covered in the "Decisions" section below. However, there was one proposal-making process in this period with relevance to sub-national TV which did not flow from Broadcasting Amendment Act's forcing of matters onto the decision agenda. That process, which operated in the policy stream during this period of study and only moved to the decision agenda in the next period, was the work of the Broadcasting Digital Migration Working Group (WG).

The Broadcasting Digital Migration Working Group (WG), 2005-06

The establishment of the WG was announced by Communications Minister Ivy Matsepe-Casaburri in her Communications Budget Vote Speech of May 2005 (Matsepe-Casaburri, 2005). The WG held its first meeting in August 2005, and included representatives from industry, the regulator and civil society, with a mandate to advise the Minister on a national strategy for South Africa's migration from analogue to digital broadcasting (WG, 2006). The WG was launched without any substantive reference by the Minister or the DoC to the work of the Digital Broadcasting Advisory Body (DBAB) of 2001-02, which had also been established by the Minister and had submitted an extensive reported in 2002 (DBAB, 2002). The digital migration issue was directly linked to the sub-national TV frequency allocation policy problem because digital migration would potentially create TV frequency scarcity during the dual illumination (analogue/digital simulcast) period. The importance of the WG's work was amplified by the South African Government's signing, in 2006, of the ITU RRC-06 Agreement, in which South Africa had agreed, along with other ITU Region One countries in Europe, Africa and the Middle East, to switch off analogue terrestrial TV transmission by June 2015.

In its final report to the Minister of November 2006, the WG reiterated the fact, already stated by ICASA in its Community TV Position Paper of November 2004, that, assuming the two

new public regional channels (the SABC regional channels SABC 4 and SABC 5) were to be rolled out in analogue, there was now a dearth of available frequencies in the Cape Town area for digital use during dual illumination. The WG pointed to ICASA's decision, in its 2004 Position Paper, that analogue community TV licences in Cape Town could only be temporary (not long-term, four-year licences), and only for a maximum of one year in duration (thus allowing the frequency to be rapidly freed up for digital use, if necessary, for use during dual illumination) (WG, 2006). The majority WG view was that, in order to ensure no digital frequency allocation problems during dual illumination, ICASA's temporary-only, one-year-only analogue licensing rules for community TV in Cape Town should be extended to cover the entire country, rather than allowing, as ICASA's 2004 Position Paper did, long-term, four-year community TV licences to be issued in all areas apart from Cape Town. According to the WG report, however, the WG majority view on this matter had to be adjusted because ICASA representatives on the WG argued that community TV groups had "been waiting for more than 12 years to start operating", and thus "any further delays would be perceived as negatively impacting on CTV operators and also result in public protest (WG, 2006). The WG thus wrote in its final report to the Minister of November 2006 that, bowing to ICASA's input, the WG had decided that "where spectrum is available without impacting on the switchover, they [ICASA] can issue 4 year analogue community television licences" (WG, 2006, p. 69). Also potentially significant for sub-national TV in the WG report of November 2006 was the WG's suggested migration timeline, which called for dual illumination to begin in late 2008, and an analogue "area-to-area switch-off" to occur between 2012 and 2015 (WG, 2006, pp. 150-51) – meaning that the WG was expecting dual illumination to last for about seven years (i.e. digital switch-on in 2008, and the final analogue switch-off, in some parts of the country, in 2015).

8.4 Decisions

As mentioned repeatedly in the preceding sections of this chapter, the key TV policy decision agenda process in relation to sub-national TV in this period of study was the Broadcasting Amendment Act of 2002. But as is outlined in this section, there were also other policy decisions with relevance to sub-national TV in this period. Some of those processes were connected to, directly or indirectly, the Amendment Act and its aftermath, while others were largely separate from the Act and the dynamics created by the Act.

The Broadcasting Amendment Act of 2002

The Broadcasting Amendment Bill, tabled in Parliament in August 2002, contained provisions for the creation of two new public sub-national TV channels. One channel would serve the north of the country and the other would serve the south, and each channel would provide programming in the languages most spoken in its respective region. These regional TV provisions in the Bill caught most TV policy stakeholders by surprise. The Bill's main purpose was to convert the SABC into a state-owned limited liability corporation, as per the provisions of the Broadcasting Act of 1999, and to attend to matters related to this conversion. The SABC conversion conditions had been expected, as they were required by the Act of 1999. The regional TV provisions in the Bill had *not* been expected. The first version of the Bill stated, in a proposed new Section 32A to be inserted into the Broadcasting Act of 1999, that there would be "two regional television services" consisting of a "northern region television service" and a "southern region television service" and

> […] (2) The northern region television service covers North West, Limpopo Province, Gauteng and Free State and must broadcast programmes primarily in the official languages of Setswana, Sesotho, Sepedi, Xitsonga and Tshivenda.
> (3) The southern region television service covers the Northern Cape, the Western Cape, the Eastern Cape, Mpumalanga and KwaZulu-Natal and must broadcast programming primarily in the official languages of isiXhosa, isiZulu, Setswana, siSwati, Afrikaans and isiNdebele (MoC, 2002a, sect. 32A).

In addition, the Bill's proposed new Section 32A stated that

> [t]he Minister must [...] establish one or more corporate entities, which must be licensed to conduct either the northern region television service or the southern region television service. [...] with the State initially as the sole shareholder and the Minister may thereafter invite public and private investor participation in the regional television services [...] (MoC, 2002a, sect. 32A).

Interviewee Lloyd, a broadcasting industry consultant at this time, recalls that "everyone was opposed" to the regional TV provision in the Bill, because of the "method" by which it got into the draft legislation:

> [...] there hadn't been any negotiations; you know, it came as a surprise to people. There hadn't been a process leading up [...] it sort of came with people not really understanding where it had come from (Lloyd, 2006 – interview with author).

According to the minutes of the 16 September 2002 Portfolio Committee hearing on the Bill, Committee member and IFP Member of Parliament (MP) Suzanne Vos asked for "an indication of the costs involved in setting up the regional television services" (PMG, 2002a).

According to the minutes, DoC Director-General (DG) Andile Ngcaba replied to Vos's question by saying that

> [...] a comprehensive business plan and strategy has been devised, and it has to be considered in terms of the MTEF [Medium Term Expenditure Framework] before it is submitted to the National Treasury (PMG, 2002a).

According to the minutes, Ngcaba told the Portfolio Committee that the necessary branches of government were "in support of the business plan, business strategy and MTEF strategy which covers the infrastructure, rolling out, content etc" (PMG, 2002a).

For several stakeholders, of even greater concern than the potential lack of secured financing for the channels was the fact that the Bill appeared to be unconstitutional. At the Portfolio Committee hearing of 17 September 2002, SABC legal advisor Matthew Chaskalson argued, according to the PMG minutes, that the regional TV provisions in the Bill concerned "regulatory questions which the Constitution stipulates Parliament cannot decide […]", because "those matters fall exclusively within the jurisdiction of ICASA" (PMG, 2002b). The SABC legal argument regarding the jurisdiction of ICASA was based on the provisions of Section 192 of the Constitution, which specify the independence of the broadcast regulator (RSA, 1996). At this same 17 September 2002 Portfolio Committee session, Committee Chairperson Nkenke Kekana of the ANC is recorded in the minutes as asking the SABC legal team to propose ways to "get out of this", i.e. to ensure the Bill was not potentially in violation of the constitution (PMG, 2002c). The NAB shared the SABC view that the Bill was unconstitutional, and the NAB also raised concerns with the Bill's provision for the two new channels to be separate from the SABC and under the authority of the Minister. The NAB wrote that "as currently formulated", the Bill provided for "the regional television services [...] to operate outside of the SABC and every aspect thereof, from ownership to programming, including news and current affairs programming, is under the direct control of the Minister" (NAB, 2002). The NAB argued that:

> [...] it is inappropriate for a Minister to control a broadcasting service, particularly when there is specific legislation setting up the SABC as the public broadcaster. Further, the NAB is concerned that [...] the Bill makes provision for the Minister to invite potential public and private investor participation in the proposed service without there being any limits on her discretion in this regard [...] (NAB, 2002).

The request by Portfolio Committee Chairperson Kekana for proposals on how to fix the Bill was apparently heeded, as an all-night session among representatives of the DoC, SABC and ICASA was convened for this purpose (interviewee, 2006 – interview with author). An amended version of the Bill was subsequently put before the Portfolio Committee in October 2002, in which it was now specified that "the Corporation [the SABC] must, within nine months of the commencement of the Broadcasting Amendment Act, 2002, apply to the Authority [ICASA]" for licences for "additional television services", and that the services would broadcast "regionally" and "in such official languages as are appropriate, having regard to language usage within respective regions served by the proposed services" (MoC, 2002b).

Thus, in the new version of the Bill, the regional channels were to be SABC channels, not Minister-established channels, and the SABC would have to apply to ICASA for the licences, thus (barely, some would say) protecting ICASA's independence. The revised Bill retained provision for the channels to broadcast in the 10 official languages other than English, specifying that the SABC would "ensure that between these regional services, broadcasting in the languages of Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu is provided on an equitable basis" (MoC, 2002b). Regarding the financing of the new regional services, the revised Bill stated that

> [t]e regional services provided by the Corporation must be funded by money appropriated by Parliament and may draw revenues from grants, donations and sponsorship. [...] The Authority must determine the extent to which these services may draw revenues from advertising (MoC, 2002b).

The revised provisions passed into law, in the Broadcasting Amendment Act No. 64 of 2002 (RSA, 2002). In relation to the Act, IFP MP Vos said the following in the National Assembly on 23 October 2002:

> The IFP has long championed the principle of regional television and radio broadcasting services. It is a cornerstone of IFP policy. We have long argued that only they can really cater for the various language and cultural needs, as well as the imperatives of the people of South Africa. Way back in the heady post-1994 days, when we began drafting new broadcasting and telecommunications laws, it was the IFP who called for provincial public broadcasting funded from the public purse. At that time we were accused of wanting apartheid and homeland broadcasting. Now, my, have times changed! (Vos, 2002, quoted in Hansard, 2002).

The SABC was now compelled, in terms of the Act, to apply to ICASA for regional public TV licences, and ICASA would be compelled to rule on the applications. The Act came into effect on 7 March 2003, and the SABC was obliged by the Act to apply for the regional licences within nine months, i.e. on or before 8 December 2003. The DoC issued a media statement in July 2003 stating that it would soon be establishing "a project office to work towards the establishment and functioning of the two regional broadcasting services towards the end of the first quarter of next year" (DoC, 2003). ICASA, meanwhile, in order to prepare for the SABC's regional TV licence applications due to be submitted to the regulator in late 2003, announced, on 23 August 2003, an Inquiry into Regional TV (RTV), which was to be a probe into the viability of all three potential types of regional TV (public, private, community). To launch the RTV Inquiry, ICASA released an RTV Discussion Paper (as well as a Local TV (LTV) Discussion Paper, discussed later in this chapter), calling for written submissions by 29 September in advance of public hearings (ICASA, 2003a). ICASA received 12 written submissions on the Discussion Paper in September 2003, and eight of these stakeholders opted to make oral submissions at ICASA RTV/LTV public hearings in mid-October 2003 in Johannesburg. Also, on 16 October, the first day of the two-day set of hearings, ICASA made public a market study it had commissioned on the feasibility of commercial RTV/LTV – a study by the Z-coms consultancy based in Johannesburg. The Z-coms report came to the conclusion that *private* RTV or LTV should *not* be licensed. Z-coms wrote that

> [t]he Authority is advised not to licence [private] commercial regional broadcasters, as this would not be commercially viable and not sustainable in long term. It would also fragment the FTA television market, which is already struggling for sustainability. […] Local TV could be licensed as community channels where profit is not the main focus (Z-coms, 2003, p. 153).

The RTV Inquiry written submissions to ICASA in September 2003, and oral submissions to the hearings in October, revealed reservations among stakeholders about a number of elements of the plan for the SABC regional channels. There was concern about increasing the "monopoly effect" of the SABC in the free-to-air TV landscape (Midi TV, 2003), and concern that licensing SABC regional channels in analogue would take up frequencies needed for digital migration and community TV (consultant Linden Petzer, quoted in AMB 2003a, p. 61). There were also suggestions that ICASA was not compelled to rule quickly, and thus should *not* rule quickly, on the SABC regional TV applications to be submitted in

early December 2003 (NAB's Johann Koster, quoted in AMB 2003a, p. 87). And there was input to the effect that a window approach to SABC regional delivery – regional windows on existing SABC national channels, similar to the now-defunct SABC 2 windows of 1996 to 2003 – would be more viable than rolling out two additional channels (Primedia's Pheladi Gwangwa, quoted in AMB 2003a, p. 165). There was also a reminder made at the hearings that, in fact, the SABC had been "quite a reluctant partner" in the whole regional channels idea (ICASA's Michael Markovitz, quoted in AMB 2003b, pp. 91-92). The SABC's signal provider, Sentech, was seen by some as giving contradictory inputs to ICASA's RTV Inquiry. The Sentech written submission said that, provided certain spectrum planning issues were clarified, SABC regional channels *could* be accommodated in analogue. However, a few weeks later, at the public hearings, Sentech's view seemed to have changed on the issue of analogue versus digital. Sentech representative Dingane Dube's inputs at one of the hearings suggested that waiting to roll the channels out in digital could be preferable (Dube, quoted in AMB 2003b).

On 26 November 2003 – only a few days before the 8 December deadline for the SABC regional licence applications – ICASA released its Regional TV Position Paper and regulations. Among other things, the Position Paper said that public regional services would *not* be allowed to carry advertising, could *not* have any programming in English, and would require substantial government funding (ICASA, 2003d). Two weeks late, on 8 December 2003, the SABC duly submitted its regional TV channel licence application to ICASA, in which the proposed channels were called "SABC 4" (the northern/western channel) and "SABC 5" (the southern/eastern channel). In October 2004, ICASA held public hearings on the applications in Polokwane (capital of the Limpopo Province, one of the areas to be served by the proposed SABC 4) and in Cape Town (to be served by the proposed SABC 5). At the Polokwane hearing, SABC Group CEO Peter Matlare made it clear that state funding for the channels was essential, because "without sustainable funding from Government, given the rulings you [ICASA] have made about advertising, we know we do not have the base to fund these particular channels" (Matlare, quoted in AMB, 2004, p. 9). Matlare told the ICASA hearing that the SABC and DoC were, at present, working together with National Treasury in a process towards trying to secure a public-private partnership (PPP) to run the two channels – a PPP plan which, according to Matlare, the Minister had made public in June 2004:

> In our discussions with government it has become clear that one of the options they are looking at is something called a private public partnership, which is part of certainly the thrust that Treasury has driven in a number of areas. […] We form part of a task team together with the Department of Communications and Treasury that is now looking at how this might work (Matlare, quoted in AMB, 2004, p. 10).

In June 2005, ICASA *granted*, but did not *issue*, the SABC two regional TV channel licences, for SABC 4 and SABC 5. ICASA ruled that it could only actually *issue* the licences once the SABC had secured state funding for the channels. In the licence conditions, ICASA overturned its earlier no-advertising ruling (in the RTV Position Paper) and it was now specified that the channels *would* be allowed to carry advertising.

The DoC pushed ahead with the aforementioned PPP plan for the channels by, as required, registering an SABC regional TV PPP feasibility request with National Treasury's PPP Unit. Together with Treasury, the SABC and Sentech, the DoC drew up terms of reference for the PPP feasibility study, sought expressions of interest, and appointed a private consultancy to develop a PPP plan and determine whether there was private sector interest. However, according to interviewees who participated in this feasibility process (both at the SABC and in government), this PPP investigation did not go well. Problems cited by interviewees included: lack of cooperation by the SABC and Sentech with the process; the consultants' lack of broadcasting sector experience; an insufficient budget for the feasibility study; shifting personnel at Treasury; and the view among some that a PPP model was actually a non-starter because the services, given their language mandates, were never going to be lucrative enough, in advertising terms (advertisers favour the viewer demographics of English-language programming) to be worthwhile investments for private players.

The consultants submitted a PPP "options analysis" report to the DoC in February 2006, with several possible ways forward punted for the two channels, including both PPP and fully privatised options. But then, in mid-2006, the DoC "de-registered" the PPP project with the Treasury's PPP Unit, and the initiative was thus halted before a formal call for expressions of interest could be made to the private sector players who had apparently expressed interest to the PPP consultants. According to interviewee Sithembiso Manzini, a Deputy-Director in the DoC Policy Unit at the time, the Department had decided to halt efforts to make the channels a reality in analogue, and would instead wait and try to make the channels happen in the digital environment (Manzini, 2006 – interview with author).

Another process (again sparked by the Broadcasting Amendment Act of 2002) which also, as with the PPP feasibility study, eventually lost traction, was the process of implementing the 2004 recommendations of the Broadcast Content and Languages Summit National Task Team. The Broadcast Content and Languages Summit process, outlined earlier in the "Problems" section of this chapter, was a curious one in that, in this author's view, while the process emerged from the decision agenda (the Act of 2002) it was to some extent initiated by the DoC in order to *retroactively* populate the policies stream with deliberation of the sort which the Department had notably *not* had time to initiate in advance of the Act of 2002, i.e. instead of the policy stream feeding into the decision agenda, here the decision agenda (the Act of 2002) was feeding the policy stream. (This author had difficulty deciding whether to discuss the Task Team Report in the earlier "Proposals in the Policy Stream" section of this chapter or here in the "Decisions" section, but eventually decided to discuss it here in the "Decisions" section mainly because the Task Team's recommendations would be more comprehensible to readers once the content of the Act had been outlined.) Regardless of whether it should be seen as policies stream process or a decision agenda process, the Broadcast Content and Languages Summit National Task Team process produced pertinent provision for how the SABC regional channels, if they ever came into being, should handle matters of sub-national content. For instance, in its report to the Portfolio Committee of November 2004, the Task Team stated that each of the two SABC regional channels "should aim for 60% programmes being commissioned from regionally based service providers", and

> [n]o individual production company [should] be commissioned for more than 20% of the total programmes commissioned [and] [t]he SABC should also publish annually how much work, and to whom, it has commissioned from independent producers. This must be audited independently from the SABC (Broadcast Content and Languages Summit National Task Team, 2004b).

The End of Bop-TV

One of the motivations behind the DoC's initially hurried push for two new public regional channels to be rolled out in the analogue dispensation was the DoC's increasingly urgent quest – because of the aforementioned financial problems at Bop BC, which was now under the DoC – to find a use for Bop-TV's facilities and staff in the North-West Province provincial capital Mafikeng, i.e. Bop-TV's headquarters in Mmabatho (now part of

Mafikeng) was to be converted into the production hub for the SABC's new northern/western regional channel. Accordingly the DoC, in July 2003, three months after the Amendment Act of 2002 had come into force in March 2003, issued a media statement announcing that "[a]fter careful consideration of various options, the Department of Communications has come to the conclusion that due to financial constraints, BOP TV, in its current form, will have to be closed down" (DoC, 2003). The statement went on to state that "[t]he [Bop-TV] facility will be closed down pending finalisation of the planning and rollout of the Regional Service Programme, which will be used to rollout north and south regional language television services" and that "[i]t is envisaged that BOP TV infrastructure will be utilised to establish and launch the northern regional service" (DoC, 2003). Indeed, in line with the DoC's wishes, the SABC, in its December 2003 application to ICASA for the regional TV licences, specified that the facilities of the former Bop-TV in Mafikeng were to become the regional "manufacturing" centre for the SABC 4 northern/western channel (SABC, 2003, p. 54). However, ICASA's decision in 2005 to grant but not issue the SABC 4/SABC 5 licences, and the DoC's freezing in mid-2006 of the PPP plan for the channels, had the effect of putting the reincarnation of Bop-TV facilities/staff as SABC 4's regional hub on hold. Nothing much has been said about Bop BC or Bop-TV since.

SABC national TV news in 11 languages

In 2004-05, while the SABC's forced application for regional TV channels was being considered by ICASA, the SABC took steps to address the other major motivation (in addition to the aforementioned push to find a purpose for Bop-TV) behind the DoC's push for public regional TV: providing enhanced TV presence for under-served (i.e. non-English) South African official languages). To this end, the SABC in 2004-05, implemented a system of multiple national TV news slots each day, across all 11 official languages (English, Afrikaans and nine indigenous African languages) and across an array of time slots on SABC 1, 2 and 3 (SABC, 2004). "Cognate" (i.e. mutually understandable) languages were either mixed together in one slot, or alternated from night to night, i.e. cognate languages siSwati and isiNdebele were used together each night within a single newscast, while isiZulu and isiXhosa were alternated from night to night in one time slot. The result was that there were in 2005 (and still were in December 2011, at the end of the study period) roughly six different news bulletins each evening across the three SABC TV channels. In December 2011, the slots were as follows:

- SABC1: 17h30: mixed siSwati/isiNdebele news; 19h30: isiZulu news (Sunday, Monday, Wednesday and Friday) or isiXhosa news (Saturday, Tuesday and Thursday);
- SABC 2 (Monday to Saturday): 17h30: mixed Xitsonga/Tshivenda news; 19h00: Afrikaans news; 20h30: mixed Sesotho/Sepedi/Setswana news;
- SABC 2 (Sunday): 18h00: Afrikaans news; 19h30: mixed Sesotho/Sepedi/Setswana news; and
- SABC 3: 05h00: Afrikaans news (except Sunday mornings); 19h00: English news.

This author's viewing of the news bulletins found that the content, apart from the language(s) used, typically did not differ substantially between the slots. Typically, the multiple bulletins on a single evening were composed of a nearly identical menu of news items, with the items re-fashioned into the various languages – via frequent use of subtitling; over-dubbing of languages, re-voicing by reporters of pre-recorded on-camera "stand ups", and (true to South Africans' multilingualism, and somewhat remarkably) interview subjects providing their voice clips in two different languages, for insertion into two different language versions of the same news item. According to the SABC, "[t]o support these bulletins, the SABC runs one of the biggest television news departments in the world" (SABC, 2004). During ICASA's October 2004 hearing in Polokwane on the SABC's regional channel applications, SABC Group CEO Peter Matlare retold a story he had previously related to the regulator about the impact of the SABC providing its TV news bulletins in all 11 official languages:

> In our earlier application [...] I told you the story of walking into the SABC on the day after we had put news on television in Xitsonga and Tshivenda. And the security guard saying "Thank you Mr. Matlare for taking our language seriously; thank you for making us also feel we are part of the society." And that has reverberated not just for myself but for a number of people at the SABC [...] (Matlare, quoted in AMB, 2004, p. 7).

It is this author's view that the SABC, by offering news in all 11 official languages on national channels, and by combining cognate languages, was taking a less potentially divisive, and less essentialising approach to language provision than the approach envisioned by the bifurcated SABC 4/SABC 5 split northwestern/southeastern approach to language delivery (the approach that the DoC was implicitly seeking to force into existence via the Broadcasting Amendment Act of 2002). By offering all 11 languages nationally, and mixing cognate languages, the SABC was acknowledging and catering to multilingualism and to the

reality that South Africans were not living, and in fact had never lived, according to the clear spatial/ethnic/linguistic demarcations attempted during through the essentialising apartheid experiment. Also catering to the spirit of multilingualism in this period of study was the national SABC channels' continued production and broadcasting of multilingual drama programmes (with mixing of languages in the dialogues, supplemented by English-language subtitles). By comparison, on private national channel e.tv, the news bulletins were – during this period of study and at the end of the final period of study in late 2011 – primarily in English, with the exception of some very-early-morning and early-evening bulletins in other official languages.

E.tv's documentary procurement policies, 2005-06

National private channel e.tv, in preparation for its mid-2006 licence renewal application, sought in this period of study to improve the provincial diversity of its documentary programming procurement. The channel was seeking to show efforts to meet the condition of its 1998 licence (see Chapter Seven) requiring it to procure independent productions from a variety of provinces. According to Midi TV, e.tv's parent company, the channel adopted, in 2005, "a documentary commissioning process which invited proposals only from producers outside of Gauteng and the Western Cape" (Midi TV, 2006, p. 30). This strategy, according to Midi TV, yielded 21 documentary proposals from KZN, 21 from the Eastern Cape, 19 from Limpopo, 11 from the North-West, eight from Mpumalanga, eight from the Free State and two from the Northern Cape. One documentary per province was then commissioned from four of the provinces – Eastern Cape, Free State, Limpopo and KZN – and the four documentaries were broadcast, in prime time, in early 2006. In 2006, e.tv adopted the same approach, restricting its call for documentary proposals to non-Gauteng/Western Cape firms, and, according to Midi TV:

> [...] recognising the extent of the lack of capacity and resources in the provinces outside of Gauteng and the Western Cape and particularly in the Northern Cape, Mpumalanga and North West, e.tv has decided that it will undertake training workshops in these provinces to develop skills and capacity and, where necessary, supply an experienced producer to work with local producers in developing the documentaries (Midi TV, 2006, p. 32).

ICASA's South African Content Regulations of 2002 and 2006

ICASA sought to boost production decentralisation in 2002 when it ruled, in its South African Content Position Paper and Regulations, that TV broadcasters would get additional

points towards their local content quota scores, via assignment of higher "Format Factors", when they sourced independent TV productions from non-Gauteng/Western Cape firms. In the words of the Position Paper:

> Regarding the identified need to ensure the development of new talent and to showcase stories from South Africa's different provinces, the Authority has decided to incentivise the production of South African programming by independent production companies based in provinces other than Gauteng and Western Cape. [...] The Format Factors for commissioning independent production companies based in provinces other than Gauteng and the Western Cape will be:
>
> - 3 for programming produced by independent production companies based in Mpumalanga, the Northern Province, the North West, the Northern Cape, the Free State, and the Eastern Cape;
> - 2 for independent production companies based in Kwazulu-Natal;
> - 3 for independent production companies controlled by historically disadvantaged persons;
>
> The formula will be: Independent Production Company Score = Format Factor (unit) x Duration (hours weekly) (ICASA, 2002, pp. 37-38).

We can see here that ICASA's regulations awarded a Format Factor of "2" for KwaZulu-Natal, while five other provinces got a Format Factor of "3". ICASA had thus decided that there were two tiers of production capacity below the top tier of capacity in Gauteng/Western Cape. KwaZulu-Natal was seen as being on a second tier, having weaker production capacity than Gauteng/Western Cape but greater capacity than the next-to-nil capacity of the five most marginalised provinces on the third (bottom) tier of capacity: Mpumalanga, Northern Province (since re-named Limpopo), North-West Province, the Northern Cape, the Free State, and the Eastern Cape (ICASA, 2002). ICASA kept this same three-tier scoring system for independent productions in its revised South African Television Content Regulations in 2006 (ICASA, 2006).

ICASA's Community TV (CTV) Position Paper of 2004

In August 2003, at the same time as launching the Regional TV (RTV) Inquiry described above, ICASA opened up a parallel Inquiry into Local TV (LTV). Thus, it can be argued that the Broadcasting Amendment Act of 2002, by pushing ICASA to generate a regulatory dispensation for regional TV, had also forced ICASA to finally deliver on its duty (as set out in the White Paper of 1998 and the Broadcasting Act of 1999 – see Chapter Seven) to conduct a full public inquiry into the community TV sector, i.e. deciding the rules for

regional TV could not be done in isolation of rules for local TV, and integral to regulating local TV was making decisions on how to regulate community TV.

The key inputs ICASA received during this LTV Inquiry process were in support of *community*-owned/controlled local TV, with no significant support emerging for *public* or *private* local TV options. With the community TV sector's lobby groups, OWN and the National Community Media Forum (NCMF), now defunct, former OWN National Coordinator Karen Thorne linked up with the NCRF community radio association to make a written submission to the ICASA LTV Inquiry in support of community TV (NCRF, 2003). Community TV activist Mike Aldridge, who had been part of Greater Durban Television (GDTV) broadcast in 1995, participated in the NCRF's oral submission at the ICASA RTV/LTV hearing in Johannesburg on 16 October. Also lobbying for community TV in this process was Mikhail Peppas, head of the Greater Durban Television (GDTV) project, who made a written submission and teamed up with another GDTV member to make an oral submission on 16 October.

Submissions to this ICASA LTV Inquiry focussed on calls for the MDDA to fund community TV and for community TV to be an engine of decentralised production. The Inquiry also heard concerns that aspirant community TV groups could be shut out of certain parts of the country due to the aforementioned frequency scarcity during analogue/digital dual illumination (simulcasting). Following reflection on the inputs at this Inquiry, ICASA published a Community TV Position Paper and regulations a year later, in late November 2004. The Position Paper ruled that provision would only be made for community local TV, not public or private local TV, but that sub-national frequency availability was a problem, as there were no community TV frequencies available in Johannesburg, Pretoria, Cape Town, Durban, and Port Elizabeth. ICASA ruled that it would do some "re-categorisation of the spare commercial television frequencies in Johannesburg, Durban and Port Elizabeth, and the spare public television frequency in Durban North" so as to allocate frequencies for community TV use in these cities (ICASA, 2004, p. 13). For Cape Town, however, ICASA ruled that frequency scarcity was so acute – due to frequency planning (eventually unnecessary) for SABC regional channels in analogue, and planning for analogue/digital dual illumination. ICASA thus decided it would allow only temporary community TV licences of up to one year in duration for analogue community TV in Cape Town – while in the rest of

the country, long-term, four-year licences could be awarded to community TVs (ICASA, 2004, p. 13).

Later in the Community TV Position Paper, ICASA set out the "Principles of Community Television" which the Authority would "demand compliance with", and the four key principles were: "public access", primarily "local origination" of content, strong "community participation" in all aspects of the station, and a "non-profit" structure whereby "all surplus funds derived from the running of a community broadcasting station must be invested for the benefit of the particular community" (with ICASA to "audit the financial records of all community television services" to ensure compliance with non-profit rules) (ICASA, 2004, pp. 16-17). In addition, the Position Paper stated that the MDDA should be a source of funding for community TV, and that stations would be "required to broadcast in languages used in the relevant communities" (ICASA, 2004, p. 19). Notwithstanding the frequency squeeze (and thus uncertain community TV prospects in Cape Town), and the collapse of the movement's national advocacy structures OWN and the NCMF, the community TV movement now finally, 10 years into the democratic era, had a regulatory framework within which to seek permanent licences. (In contrast, the regulator published the community *radio* sector's framework for full-time, four-year licences in 1998, six years earlier.)

The Electronic Communications Act (ECA) of 2005

The final significant binding policy decision of this period of study with relevance to sub-national TV was the ECA of 2005, which came into effect in July 2006 (RSA, 2005). The ECA was "convergence" legislation, in that it governed (and still governed at the end of this research project) telecommunications, broadcasting and the increasing number of activities which are a mix (a convergence) of telecommunications and broadcasting, e.g. telecommunications services being offered over traditionally broadcast-only platforms and *vice versa*. The ECA repealed the IBA Act of 1993 and brought broadcasting provisions from the former IBA Act into the ECA. As well, elements were taken from the Broadcasting Act of 1999 and brought into the ECA, but the Broadcasting Act was not repealed, leaving in place, in the Broadcasting Act, several of the Broadcasting Act's provisions pertaining to the SABC. The ECA did not substantively alter the provisions on the three broadcast sectors (public, commercial, community), or the requirement that national, regional/provincial and

local levels of broadcasting should be catered for (ECA, 2005). There were, however, two provisions in the ECA that had not been in previous legislation and were potentially significant for sub-national TV. First, there was a provision in the ECA for class licensing of community broadcasters, whereby community radio or TV outlets would be able to acquire licences of up to 10 years in duration based on minimal application requirements (RSA, 2005, sect. 5(5)). Second, the ECA's chapter entitled "Competition Matters" stipulated that ICASA "must prescribe regulations defining the relevant markets and market segments" in which "pro-competitive conditions may be imposed upon licensees having significant market power where the Authority determines such markets or market segments have ineffective competition" (RSA, 2005, sect. 67(4)). The effect of this provision was that Sentech, the state-owned monopoly terrestrial broadcast signal carrier would have its tariff structure subjected to regulation by ICASA, based on Sentech's significant market power (SMP) in the terrestrial broadcast transmission market segment. Thus the ECA added significant weight to the calls, made in the White Paper of 1998 and the Broadcasting Act of 1999, for an inquiry into Sentech's tariffs, and it could reasonably be expected that when this inquiry happened, Sentech would be required, on both competition grounds and public interest grounds, to reduce its signal distribution tariffs for non-profit community radio and community TV outlets.

Conclusions

Patterns of TV policymaking

The patterns of TV sector policymaking in this period of study in relation to sub-national TV deliverables, when viewed through the lens of Kingdon's (1995) policy streams framework, were characterised by different stream dynamics than the dynamics detected in the first two periods of study. In the previous two periods, it was relatively straightforward to see how discourses in the politics stream were influencing problem definitions in the problem stream. And it was somewhat clear, in the first two periods of study, how the content and dynamics of the politics and problem streams were influencing policy proposals in the policy stream. Also reasonably easy to detect in the first two periods were coupling dynamics and movements of items from the governmental agenda to the decision agenda. Thus, for the first two periods of this study, notwithstanding the finding that the evidence did not appear to support the Kingdon framework's characterisation of the streams as operating largely

independently of each other, this author found it relatively straightforward to deploy the Kingdon framework in relation to the collected data.

In this third period of study, however, the stream dynamics were less straightforward, making application of Kingdon's framework more challenging – but still, ultimately, useful and revealing. In this period of study, the data analysis found that the central organising dynamic was the fact of the state's somewhat radical, unexpected placement of a proposal for sub-national public TV *directly* onto the decision agenda via the Broadcasting Amendment Bill, and then managing to achieve the state's desired decision via promulgation of the subsequent Broadcasting Amendment Act. Instead of the governmental agenda largely dictating the decision agenda, the process was to a great extent reversed, and instead of the streams coupling to allow for decision agenda activity (and a decision to be made), a decision was made in the absence of deliberative coupling among the streams, with the result that the streams were, to some extent, required to adjust their content and dynamics to correspond to what had found its way onto the decision agenda and been decided.

These findings take us back to the theoretical discussion in Chapter Four – the discussion in relation to theories of how public policymaking operates – where it was explained that *stages* or *sequential* theories of public policymaking processes tend to be dismissed in most of the contemporary literature. The findings from this period of study seem to decisively confirm the view that a stages/sequential approach is of limited value, i.e. that changes in the content and dynamics of the decision agenda cannot always be viewed as coming *after* certain things have happened in or among the streams, or on the governmental agenda. Sometimes the content and dynamics of the decision agenda can, as was the case in South African TV policy in 2002 via the Amendment Act, in some respects *lead* everything else, forcing the content and dynamics of the streams and the governmental agenda to play catch-up with the decision agenda. Fortunately, Kingdon's (1995) framework is *not* a stages/sequential framework, and this author found the framework to have the flexibility necessary to analyse both the somewhat orderly content and dynamics within and among the streams in the first two study periods *and* the less orderly content and dynamics within and among the streams in this third period of study.

It would appear that the decision taken on the decision agenda in 2002 via the Broadcasting Amendment Act (two new SABC regional, language-oriented channels, implicitly in analogue because a digital migration plan had not yet been developed) was a decision that – because it had not clearly emerged via streams activity and coupling of streams – *forced* a set of problem definitions and policy proposals into the problem and policy streams. The result, in process terms, was that the problem and policy streams became extremely active in relation to sub-national TV matters, particularly so because these two streams were seeking to accommodate occurrences in the decision agenda. In more fundamental terms, the result was dysfunctional policymaking, which could not, because of its dysfunctional nature, be conducive to public interest outcomes. For instance, the protracted effort to make SABC 4 and SABC 5 viable within the analogue environment was at best flawed, and at worst farcical. The farcical element was provided by the fact that the main players expected to implement the plan for the two new regional public channels – the SABC, ICASA, and all the stakeholders who inputted into the ICASA RTV Inquiry of 2003 and the ICASA SABC 4/5 hearings of 2004 – expended, all told, hundreds of hours and tens of thousands of words in examination of how SABC regional TV *might, almost (but more than likely not)* make sense and be workable in analogue, at a time when in fact personnel at most of these stakeholders, including the SABC, were apparently well aware that seeking to execute the SABC 4/5 regional TV channel plan in analogue was an almost-certainly doomed policy initiative. According to interviewee Gerhard Petrick, an ICASA Councillor during this tumultuous period,

> [...] the overall feeling one had during that whole process was that one was busy with a process that no one really believed in at that point, and being pushed by a political deadline, or a deadline written into legislation, whilst one, whilst I think there was a problem buying into the policy direction (Petrick, 2006 – interview with author).

Petrick adds:

> [...] no one wrote it in [...] capital letters on the front page of their submissions, but one was just looking at this and saying "This just hasn't been properly thought through, the timelines don't make sense. This process in itself would make sense if you one were to have a few other things in place, but rushing this and doing this now, we are not doing it in the right way" (Petrick, 2006 – interview with author).

According to interviewee Lloyd, broadcasting industry consultant, and then founding CEO of the MDDA, during this policy period:

> I think it all emerged very fast, and often, unfortunately, that happens with laws. I mean, you can't propose amendments to a law every year, you know. Parliament doesn't have the time, don't have resources, it takes a while to get things through Cabinet. You know, it's a lengthy process. So, I get the sense – I mean it mightn't be true – that it's almost as if these things emerged and there was already this process of this law, so this is your opportunity to take something on [...] yes, it helps if you've got something in law that the SABC and DoC can say to Treasury "but, you need to give us the money because, you know, this has been approved by Parliament, you know, we have to do it but we can't" [...] but without all the proper thinking-through and proper viability studies looking at what would be the most viable (Lloyd, 2006 – interview with author).

One of Lloyd's conclusions, looking back on the confusing policy path of this period, is that public policymaking environments are, by their very nature, imperfect environments: "there are sort of perfect policy – and policy implementation – environments, and they are never real" (Lloyd, 2006 – interview with author).

The public interest

Access (to signals, to the means to produce/transmit)

Viewed in terms of access objectives, this period's outcomes in relation to sub-national TV deliverables were poor. While there was welcome focus on TV population coverage levels in the SABC Universal Service and Access Policy of 2003 and the Broadcast Content and Languages Summit National Task Team Report of 2004, and the beginnings of consideration of population coverage targets for digital terrestrial television, the largest terrestrial TV footprint, that of SABC 2, still, in 2006, only reached roughly 91 per cent of the population (SABC, 2006). On the matter of managing spectrum in a manner favourable to aspirant sub-national TV operators, there were worrying developments in this period of study. The DoC, by pushing through the idea of two new regional public channels at a time when only analogue signal distribution was possible, was potentially jeopardising frequency allocations for sub-national TV.

Diversity (political, socio-cultural, ownership/control)

The diversity objective was for the most part also extremely poorly served at sub-national level in this period of study. In terms of diversity's political and socio-cultural elements, the sum total of sub-nationally focussed content and perspectives were those provided only minimially by the SABC 2 *Mopani* provincial window slot in its final days before dying off in 2003, and provided, again only minimially, by the brief temporary broadcasts, with 30-day licences of GDTV (two brodacsts) and Soweto TV (one broadast) in 2004-05. Sub-national

TV ownership and control were unchanged in this period, with the only full-time sub-national channel being the foreign-funded TBN American Christian TV service in the Eastern Cape Province.

One bright spot on the matter of diversity in this period of study was in the area of language provision, and – ironically, given the DoC's push, via the Broadcasting Amendment Act, for a bifurcated, two-region approach to language delivery – it was actually the national SABC channels which began to make some progress on this matter. SABC TV, correctly in this author's view, adopted a national approach to language diversity on TV via its introduction of nightly news bulletins in all 11 official languages, available on national SABC channels with mixing of cognate languages. Here, then, the SABC seemed to be taking the TV language delivery issue back to the nuanced language diversity ideas put forward at the Jabulani conference of 1991, where, as we saw in Chapter Six, it was recommended that the SABC should "cease" its "practice of segregating languages on separate channels in a regional manner [...]" and that "multilingualism" should be the guiding principle (African-European Institute, p. 171). We also saw in Chapter Six the call by author and academic Ndebele, at the Jabulani conference, for the only targeting of language delivery to be at very localised levels, by "community media" (Ndebele, 1991, p. 35). As stated in Chapter Six, this approach to broadcast language delivery – multilingual provision in 11 official languages at national level, and targeted language delivery only practiced by community-run outlets directly accountable to their audiences for their language policies – is one in which, in this author's view, linguistic diversity can be catered for in South African TV in a manner which avoids apartheid-era essentialist/segregationist logic while at the same time allowing for sub-national differentiation when it is deemed a necessity by the owners/controllers of a local community-run station. Thus, in this period of study, the SABC national TV channels were moving, in this author's view, in an appropriate direction on language delivery, but what was still missing/needed was a full-time community TV sector able to provide, as and when deemed appropriate by community-based station owners/controllers/programmers, locally targeted approaches to language delivery.

Stewardship (balancing public and private interests)

The South African TV sector of 2006 was still living, 10 years later, with the ramifications of the Portfolio Committee's decisions of 1996, i.e. the decisions to let the SABC keep three TV channels and not be assured of the substantial public/state funding necessary to ensure a wide range of public service deliverables, including sub-national deliverables. While at national level it could be said that both public and private interests were being catered for to a great degree in the TV sector (via the SABC and e.tv channels), the almost entirely national character of TV of SABC/e.t.v provision, with only the faintest degree of dilution via the marginal efforts of community TV groupings in Durban and Soweto, meant that at sub-national level in 2006 there was scant evidence of successful stewardship (by policymakers, by the regulator, and by the dominant operators SABC and e.tv), of either public or private interests.

Enabling democratic citizenship

Given the access, diversity and stewardship shortfalls (as just outlined) in respect of sub-national TV goals at the end of this period of study, it is clear that the potential for sub-national TV deliverables to contribute to enabling democratic citizenship was not being harnessed to any meaningful extent.

Chapter 9: The Rise – and Confusion – of Community TV

Regional/Local TV Policymaking from 2007 to 2011

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This strategic framework does not allow for the licensing of any additional analogue community television broadcasters, as this may compromise the digital migration in South Africa – ***Department of Communications, 2007***

The Independent Communications Authority of South Africa ("The Authority") hereby gives notice of a moratorium to consider and grant community television broadcasting frequencies and licences until the finalization of the dual illumination period – ***ICASA, 2010***

Government is committed to the development of the three tier broadcasting system. In particular, government intends to use the opportunity brought by DTT to facilitate the development of Community TV. Accordingly, community TV should be accommodated in the existing DTT multiplexes – ***Department of Communications, 2011***

The introduction of DVB-T2 as the standard for DTT changes the logic of the regulations because it doubles the available capacity of the multiplexes and enables the inclusion of new terrestrial television broadcasting services such as community television broadcasting services – ***ICASA, 2011***

Sentech has almost single-handedly distorted the broadcasting dispensation by forcing community broadcasters to shift into a commercial mode to ensure financial sustainability through advertising and sponsorship – ***Cape Town TV and Tshwane TV, 2011***

**

In this fourth and final period of study, all three streams of TV policymaking in relation to sub-national TV continued to be active. But in this period there was very little evidence of coupling among the streams. The three streams seemed in this period to operate in a fashion quite close to that posited in Kingdon's (1995) framework, whereby the streams are largely independent of each other for long periods of time, seldom coupling. One cause of the increasing independence of the streams was, in this author's analysis, the instability, and capacity deficits during this period at the DoC and, to a lesser extent, at the regulator ICASA. The DoC apparently found it difficult, at crucial moments in this period of study, to perform coherently and authoritatively in relation to the streams of TV policymaking. The result was that while the DoC introduced a number of policy proposals into the TV sector policy stream with relevance to sub-national TV, there were very few instances where the proposals were able to find their way to the decision agenda. ICASA, meanwhile, appeared rudderless in this period of study in its treatment of the emergent community TV sector.

More positively, some relatively new TV policy actors emerged strongly in this period, and in several cases they were actors who positioned sub-national TV elements as necessary to pursuit of public interest objectives and principles. The emergent TV policy stakeholders with an interest in regional/local TV policy questions were the MDDA, the SOS: Support Public Broadcasting Coalition, and Cape Town TV. All three of these actors, and the MDDA and Cape Town TV in particular, sought to influence the policy streams in relation to sub-national TV.

And, somewhat ironically given the dearth of conclusive policymaking in this period, there was, at the same time, a burst of long-term community TV licensing by ICASA. Five community TV stations received seven-year class licences in 2010, and by the end of 2011, all five of these stations were on-air, joining the already-on-air apartheid-holdover TBN channel to make a six-station community TV sector at the end of this fourth period of study. The five community stations given long-term licences in 2010 were Tshwane TV (Pretoria), Soweto TV (Johannesburg), Bay TV (Port Elizabeth), Cape Town TV and 1KZN TV (Richards Bay).

Thus, there was the appearance of a community TV "boom" by the end of this fourth period of study, with the sector growing from one full-time station to six full-time stations. But did this mean that South Africa's regional/local TV policy question was finally starting to receive appropriate answers at the local communtiy level? The answer to this question, in this author's view, is a mix of "yes" and "no". The "yes" emerges from the fact that it was certainly in the public interest – in terms of this research project's chosen public interest framework premised on the need for access, diversity, stewardship and democratic citizenship – for there to be several new, sub-nationally based/focussed non-SABC/e.tv-owned/controlled stations. The "no" part of the answer emerges from the fact that the public interest contribution of the community TV sector was being fundamentally undermined by five of six on-air stations operating in apparent violation of their licence conditions and the legal and regulatory rules for community TV.

9.1 Politics

At the highest level of South African politics in this period of study, the most significant occurrences were the fall of President Thabo Mbeki and the rise of Mbeki's former Deputy, Jacob Zuma, to replace Mbeki as State President. The decisive moment in this transition was the December 2007 ANC 52nd National Conference in the Limpopo Province capital city Polokwane. At this ANC National Conference, Zuma succeeded Mbeki as party President, and other top positions in the party went to Zuma loyalists. Several months later, in mid-2008, Mbeki was compelled by his falling support in the party to step aside as the country's President, before the end his second five-year term (which was due to end in mid-2009). A caretaker President, Zuma loyalist Kgalema Motlanthe, served as President until the general elections of April 2009, through which Zuma became State President.

The years of the Zuma Presidency covered by this period of study – Zuma's first 2.5 years in office, from mid-2009 to the end of 2011 – were difficult to interpret. Zuma's rise to the head of the ANC and the country had been cast as a reassertion of the power of the ruling party and its alliance partners COSATU and the SACP, i.e. Zuma's rise had been cast by his supporters as a shift away from the concentrated state (as opposed to party) power built up during Mbeki's Presidency. This much seemed to be accurate, with Zuma apparently more in tune with the politics at ANC headquarters (and COSATU and SACP headquarters) in Johannesburg than Mbeki had been. But Zuma's rise had also been cast by many as a shift to the left, away from the neo-liberal, capital-friendly, GEAR-oriented politics often associated with the Mbeki era. The analytical difficulty arises from the fact that, in the view of some writers, such as Marais (2011), Mbeki's presidency was not as neo-liberal as it was sometimes made out to be, and Zuma's Presidency was not proving, during its first two years, to be as left-of-centre as some had expected (Marais, 2011). Instead, there was evidence to suggest that policymaking in the first 2.5 years of the Zuma Presidency tended to lack a clear ideological direction or orientation, with Zuma and his allies apparently primarily concerned with the maintenance of power via placation of a wide range of interests and ideologies (Marais, 2011).

Similarly lacking in discernible focus or orientation in this period were the politics of TV policymaking, i.e. the content and dynamics of the TV sector *politics stream*. A key source of

this uncertain policy focus in the TV sector was instability at the DoC, which was led by four different Ministers of Communications between 2007 and 2011. The long-serving (and widely viewed as not particularly effective) Minister Ivy Matsepe-Casaburri died in office in 2007. Matsepe-Casaburri's replacement as Minister, drawn from a military and Foreign Affairs background, was Gen. (Ret.) Siphiwe Nyanda. Nyanda's tenure was characterised by a sloppily drafted Public Service Broadcasting (PSB) Discussion Paper and draft PSB Bill in 2009; a highly disruptive and fruitless decision in 2010 to review the transmission standard for DTT transmission; allegations of corruption against Nyanda; and then Nyanda's counter-allegations of mismanagement against (and the eventual firing of) the DoC Director-General (DG), Mamodupi Mohlala. (Mohlala, a lawyer and former ICASA Councillor, was fired as DG in mid-2010). Soon after firing Mohlala, Nyanda was removed from his position as Minister.

Nyanda's replacement as Minister was former Deputy Minister Roy Padayachie, who initially seemed to bring some stability and direction to broadcast sector politics. (One of Padayachie's first announcements as Minister, in November 2010, was that the flawed PSB Bill of 2009 was being withdrawn, and that a full broadcast policy review would be conducted (including a Green Paper/White Paper to update the White Paper of 1998) before a new Bill was drafted (Padayachie, 2010).) In early 2011, Padayachie again brought some welcome increased certainty to the sector by announcing a Cabinet decision that the government had ceased consideration of switching away from the DVB-T standard for DTT transmission (the standard Cabinet had adopted in 2007, and for which industry had been preparing), and that an improved version of DVB-T, called DVB-T2 (Digital Video Broadcasting-Terrestrial Second Generation) was to be deployed (Padayachie, 2011). As well as bringing some stability to digital migration planning, Padayachie's announcement of the adoption of DVB-T2 was important for community TV because DVB-T2 transmissions have twice the carriage capacity of first-generation DVB-T.

But in late 2011, Padayachie became embroiled in accusations of Ministerial interference in the governance of the SABC, and was moved out of the job, to be replaced by his former Deputy, Dina Pule. Shortly after taking office, Pule pledged to carry through with Padayachie's promise of a full broadcast policy review in 2012-13 (Benjamin, 2011), raising

hopes that the TV sector's policy stream was maintaining its tentative path back to coherence (begun by Padayachie) after the disorder of the Nyanda 2007-09 period.

In addition to the aforementioned matter of the DTT transmission standard, a key TV policy politics stream issue with relevance to the regional/local question was the call by the ANC for increased state funding for the SABC, via a resolution at the ANC's National Conference in Polokwane in December 2007. The National Conference's Resolution No. 32 called for the state to

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> [...] substantially and urgently increase its funding of the public broadcaster from the current 2% to a minimum of 60% by 2010, so that the SABC can properly fulfil its public mandate. This is in accordance with the 51st Conference resolution which has not yet been implemented (ANC, 2007b).

This Resolution calling for 60 per cent state funding of the SABC by 2010 was a reiteration of the similar resolution (see Chapter Eight) made at the previous ANC National Conference in Stellenbosch in December 2002. However, this Polokwane resolution, like the Stellenbosch one before it, went unfulfilled by National Treasury in this period of study. Another attempt to generate increased funding for the SABC in this period of study was the DoC's push, via the aforementioned PSB Discussion Paper and draft PSB Bill of 2009 (since withdrawn), for an income tax levy through which a PSB Fund would be created to fund both the SABC and community broadcasters. But both the PSB Discussion Paper and draft Bill were widely seen as containing numerous conceptual flaws and drafting errors, and were also viewed as premature given the absence of a Green Paper/White Paper review to underpin such a Bill – thus leading to the aforementioned withdrawal of the draft Bill by Minister Padayachie during his brief tenure.

More promising in the politics stream of this period was the arrival of a new policy player, a civil society grouping calling itself the SOS Coalition. Founded in 2008, the Coalition's acronym stood for Save Our SABC (SOS), and the grouping first made its mark through inputting on the Broadcasting Amendment Act of 2009 which, against opposition from SOS and others, increased Ministerial power in relation to appointment and monitoring of the SABC Board. From 2009 through to the end of this period of study in 2011, the SOS Coalition developed a strong TV policy sector presence, offline via its participation in Portfolio Committee and ICASA policy processes, and online via its active Listserv, website

and frequent media releases in response to crises and controversial matters at the SABC and the Ministry/DoC. Funded by the Open Society Foundation for South Africa (OSF-SA) and coordinated by longtime civil society media practitioner Kate Skinner (an interviewee for this research), the Coalition included trade unions, independent TV producers led by the South African Screen Federation (SASFED), Cape Town TV, and NGOs/CBOs such as the FXI, Media Monitoring Africa (MMA) and the South African Chapter of the Media Institute of Southern Africa (MISA-SA). Also participating in the Coalition's deliberations were prominent South African media academics from the University of the Witwatersrand (Tawana Kupe, Anton Harber, Indra de Lanerolle, Lesley Cowling, Franz Kruger) and Rhodes University (Guy Berger, Jane Duncan). The Coalition also received frequent inputs, via its Listserv, from Canada-based broadcasting policy expert Toby Mendel. Key participants in formulation of SOS's collectively generated positions and written submissions were Skinner, Kupe, Duncan, William Bird of MMA, Melissa Moore of the FXI, and South African media lawyer and consultant Justine Limpitlaw (nee White, an interviewee for this research in 2006). The SOS Coalition became sufficiently prominent and active in this period that a decision was taken by its members to broaden its mandate beyond the SABC to public broadcasting matters in general (including community broadcasting), with a change in the Coalition's name to SOS: Support Public Broadcasting.

The SOS Coalition's prominence in the TV policy politics stream was made clear in September 2011 when then-Minister Padayachie called the Coalition to a meeting at the DoC offices in Pretoria, at which the Minister pledged a full Green Paper/White Paper process in 2012-13 in support of a new draft Bill to replace the withdrawn PSB Bill of 2009 (SOS, 2011). And when Padayachie was replaced as Minister in late 2011 by Dina Pule, Pule was quick to engage with SOS to reassure the Coalition that the full policy review promised by her predecessor would indeed go ahead in 2012-13 (Benjamin, 2011). The SOS Coalition's work as a civil society voice in TV policy matters was to some extent a continuation of the work in the early 1990s of the Campaign for Open Media (COM) and the Campaign for Independent Broadcasting (CIB), and the work of the COM/CIB successor, the FXI, in the mid- to late-1990s and the new millennium (Skinner, 2011 – interview with author).

Also establishing itself as a force in the politics stream of TV policy in this period was Cape Town TV. Active in the SOS Coalition, Cape Town TV also achieved prominence in its own

right in the politics stream via frequent submissions to DoC and ICASA policy processes and via skilful media engagement and protests.

Particularly notable was Cape Town TV's march on Parliament in November 2009 to draw attention to the community TV sector's vulnerability in the face of unpredictable ICASA regulatory practices, commercial-level Sentech tariffs, and lack of DoC funding support. On-air since September 2008 when it was awarded a one-year temporary licence (later renewed), Cape Town TV was forced off-air in late September 2009 when Sentech stopped the station's transmission because of unpaid bills amounting to roughly ZAR550,000 (approximately USD69,000). The station sought relief, to no avail, from Sentech and the DoC (Sikita da Silva, 2009), and only managed to get back on-air when a large private donation was secured by its Station Manager Karen Thorne (former National Coordinator of the by-now-defunct OWN community TV advocacy group) (Thorne, 2011 – interview with author).

Later in 2009, Cape Town TV was told by ICASA's licensing department that the station might have to give up its analogue frequency in 2010 to make way for mobile TV frequency allocations, and apparently two other community TV licensees not yet on-air would also be affected (MISA-SA, 2009). Cape Town TV responded with its "Free-the-Airwaves" march on Parliament on 25 November 2009, at which the station's Board Chairperson presented a memorandum of "grievances and demands" to the Secretary of Parliament (Cape Town TV, 2009b). The march received prominent media coverage, and Station Manager Thorne was then contacted by the office of the DoC's then-DG, Mohlala, who convened a meeting of leaders of all the country's community TV groups in Pretoria in January 2010. After hearing the concerns of the sector, Mohlala promised that the DoC would convene a community TV national policy workshop, which did indeed take place (in late May 2010) in Johannesburg (Thorne, 2011 – interview with author). Cape Town TV continued to influence the TV sector's politics stream in September 2010, this time in response to ICASA's ruling that the station could not be awarded a seven-year class licence because of a March 2010 ICASA moratorium on community TV licensing. (The ICASA moratorium, Cape Town TV's response, and ICASA's lifting of the moratorium, are covered in the"Decisions" section later in this chapter). Cape Town TV's protest tactics and media engagement managed in this period of study, in the TV sector politics stream, to keep the community TV licensing matter on the TV sector governmental agenda and to get community TV licensing onto the decision

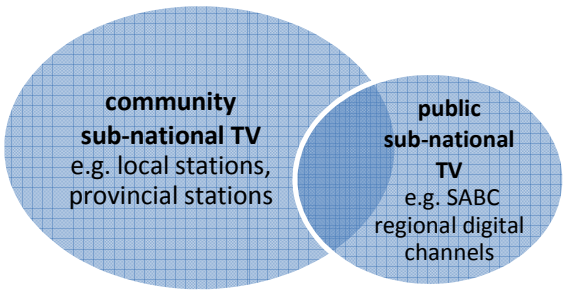
agenda (see “Decisions” section below) where binding decisions favourable to the sector were taken by ICASA.

Also active in the TV sector politics stream on community TV matters in this period was the MDDA, which had been set up in the previous period of study (in 2003) but had not had a significant policy presence in that period. In this period of study, the MDDA convened two community TV stakeholder meetings, and both these meetings included attendance by ICASA Councillors (with the second meeting also attended by a top DoC broadcasting policy official). In addition, the MDDA became, in this period, an active participant, via written submissions, in DoC and ICASA broadcast policy processes. The MDDA’s ability to achieve a somewhat strong presence in the politics stream of TV policymaking was bolstered by the Agency’s status as a partially state-funded entity reporting to GCIS which, in turn, reported to the Office of the President.

9.2 Problems

Whereas in the previous period of study it was the *public* sub-national TV sector problem which received the most governmental agenda attention among the three sector problems, in this period of study it was the *community* sub-national TV sector which was most prominent (and thus is represented by the larger of the two circles of prominence in Figure 9.1 below). The public sub-national TV problem (in the smaller of the two circles) was still somewhat prominent on the governmental agenda, but its confused status moderated its prominence. The *private* sub-national TV problem was found to have fallen off the governmental agenda entirely, and thus is not represented in Figure 9.1.

Figure 9.1 Comparative prominence, on the TV policy governmental agenda, of two sub-national TV sector problems, 2007 to 2011



Source: author’s interpretation of qualitative document and interview transcript data.

Community sub-national TV

The rise in prominence of the community sub-national TV policy problem in this period had several causes. Initially, the problem arose in a negative way, when the DoC's March 2007 Draft BDM Strategy stated that there could be *no* full-time licensing of community TV (only temporary licensing) until after the completion of digital migration. The DoC was seeking, with this provision, to ensure that there would be sufficient frequencies available for analogue/digital dual illumination during the digital migration process. This Draft BDM Strategy of March 2007 thus presented a precarious future for community TV. More helpfully for community TV were efforts by the MDDA, starting in 2007, to increase the community TV sector's involvement with policy matters. The first of the MDDA's policy-oriented inputs in this period was the convening, in April 2007 in Durban, of a Community TV Summit, because, according to an MDDA report on the event,

> [...] ICASA had not yet gazetted a proposal to re-categorise spare commercial television frequencies in cities [as required by the 2004 Community TV Position Paper] and has yet to issue an Invitation to Apply (ITA) and community television had not been adequately considered in the Department of Communication's (DoC) digital migration strategy (MDDA, 2007, p. 5).

This Community TV Summit brought together community TV groupings from several provinces as well as two ICASA Councillors, Robert Nkuna and Brenda Ntombela, to strategise a way forward for the sector. Also at the meeting was MDDA CEO Lumko Mtimde (himself a former Councillor with both the IBA and ICASA) and MDDA Board member Khanyi Mkonza, who was then also on the SABC Board. The Summit engaged with matters of licensing, funding and frequency spectrum availability, and drafted a submission on the DoC's Draft BDM Strategy. The submission to the DoC stated as follows:

> The Draft Digital Migration Strategy makes provision for the usage of 16 national channels for different service providers with the exception of community broadcasting, which does not seem in accordance with the three tier provisions for broadcasting services in terms of Chapter 9 of the ECA (MDDA Community Television Summit, 2007).

The MDDA convened another community TV meeting, in February 2009 in Cape Town, which it called a Community Television Indaba. The meeting was hosted by Cape Town TV, which was at the time on-air with a one-year temporary licence. (Soweto TV and Cape Town TV were the first two one-year temporary licensees, first licensed in 2007 and 2008

respectively.) As with the Durban Summit of 2007, the 2009 Cape Town Indaba was attended by ICASA Councillor Robert Nkuna. Another attendee at this Cape Town meeting was Mashilo Boloka, the DoC's Director of Broadcasting Policy. This Cape Town meeting focussed on the matter of community TV groups' access to operational grants from the MDDA, and on how community TV stations could move beyond one-year temporary licences and get the seven-year, full-time class licences provided for in the ECA of 2005 (RSA, 2005) and ICASA's class licensing regulations of early 2008 (ICASA, 2008a).

In September 2008, in between the two MDDA-convened community TV meetings, the DoC gazetted a finalised BDM Policy, and this version of the policy was only slightly more enabling of community TV than the 2007 draft version. The 2008 BDM Policy stated that, during dual illumination, "regional television services offered by the public broadcaster will be required to provide an open window for community television services" (DoC, 2008, p. 20). This "open window" commitment to community TV was largely hollow given that the SABC regional channels did not yet exist and were showing no sign of coming into existence in the near future. Also making policy on digital migration in the second half of 2008 was the regulator ICASA, which gazetted its Draft Digital Migration Framework Regulations in October 2008. These ICASA regulations were also bleak for community TV, stating that only one digital channel could be used by community TV during digital migration, and that only long-term-licensed stations (not one-year temporary licensees) could use that digital channel. The effect of these draft ICASA provisions, if formalised, would be that among the community TV stations in existence, only the long-term-licensed TBN station would be guaranteed digital carriage during migration.

The DoC and ICASA official policy stances on provision for community TV during analogue/digital dual illumination remained essentially unchanged right through to the end of 2010, with only TBN being guaranteed capacity on one of the digital multiplexes (MUXs). Thus, while the policy problem of community TV was clearly on the governmental agenda throughout this entire period of study, the sector's prospects were uncertain through to late 2010 – through to the aforementioned ICASA media release of September 2010 announcing the regulator's intention to seek solutions to the sector's licensing and frequency allocation deficits.

Cape Town TV registered its displeasure with the tide of decisions going against community TV via its aforementioned march on Parliament in November 2009. The Cape Town TV memorandum submitted to Parliament at the end of that march demanded that a frequency be "allocated to carry the channel" if its frequency were to be relocated to mobile cellular TV (Cape Town TV, 2009b). The station's memorandum also called for an "interim support fund for existing community TV stations", to fund stations until a long-term state funding programme could be developed (Cape Town TV, 2009b). In addition, the memorandum demanded

> [t]hat Sentech provides CTV with a good quality signal and transmission for free or at a significantly reduced rate [and] [t]hat community TV is protected during and after the migration to digital terrestrial television (Cape Town TV, 2009b).

The most confused point for community TV – confusion caused by ICASA – in this period of study came four months after the Cape Town TV march on Parliament, when, at the end of March 2010, ICASA issued the aforementioned moratorium on community TV licensing (ICASA, 2010c) – while at the same ICASA had just, unknown to other stations, issued seven-year licences to Tshwane TV and Soweto TV (ICASA, 2010a, 2010b). The mood of the sector was fractious in May 2010 when station representatives attended the DoC's promised Community TV Policy Workshop in Johannesburg in May 2010, which the DoC said was partially aimed at getting inputs for development of a community TV "business model" that the DoC could used to develope a sector funding support programme (DoC, 2010).

Public sub-national TV

We saw that in 2006, at the end of the previous period, the DoC had decided to put its push for SABC public regional channels on hold until the emergence of a new digital dispensation. Accordingly, when the DoC began to publish its digital migration policy thinking in 2007, public regional TV was put back on the governmental agenda. Initially, in the DoC's Draft BDM Strategy of 2007, the call was for *three* SABC regional channels, not the two for which ICASA had issued (but not granted) licences in 2005. According to the March 2007 Draft Strategy,

> [t]wo multiplexers [sic] of eight standard definition channels each will be assigned during the double illumination period, [with] specific allocations proposed to SABC, e-TV, M-Net and 3 new regional channel licensees.
>
> By 2007, ICASA subject to criteria promulgated in consultation with the Minister, will develop fair and transparent processes for selection of such regional channel licensees and the terms and conditions on which they will be licensed. Selection by mid-2007 will allow such licensees to launch when the digital television platform is ready in November 2008 (DoC, 2007a, p. vi).

The DoC seemed to be (once again, as it had done with the first draft of the Broadcasting Amendment Bill in 2002) leaving open the possibility that the channels might be *non*-SABC channels, because there was no mention of the SABC in its outline of the possible channels in the March 2007 Draft Strategy:

> Three Public Regional Language Channels which are aimed at assisting government to address language coverage disparity will be regionally based (Durban/Cape Town, Limpopo/Mpumalanga, Gauteng/North West) although nationally accessible to all television viewers throughout the country. [...] The new regional channel allocations (which may be networked) have been supported given the two major factors namely: (i) the localisation which they facilitate in terms of identity, content, language and style and (ii) the need to support economic growth by providing the means by which regional businesses, entities and organizations can successfully reach their target markets (DoC, 2007a, p. 14).

Subsequently, the DoC's finalised BDM Policy finalised 17 months later in August 2008, and gazetted in September 2008, retained the idea of *three* new regional public channels, stating that "[…] this Policy proposes that the public broadcaster, on its own or in partnership, cater for three public regional television channels […]" (DoC, 2008, p. 20). Here we see the DoC was now making it clear that "the public broadcaster" (i.e. the SABC) was to be the entity expected to roll out the three regional channels, but we also see in this passage that the DoC still seemed to be trying to maintain some flexibility on the set-up of the channels, by saying the SABC would provide the channels "on its own or in partnership". A month later, ICASA, in its Draft Digital Migration Framework Regulations of early October 2008, duly specified that DTT multiplex 1 (MUX 1) would cater for SABC "public service programming, including regional broadcasting" (ICASA, 2008, p. 12). But the next version of ICASA's DTT Regulations, in March 2009, spoke of the SABC, on MUX 1, providing "two regional channels for the purposes of meeting regional and language programming; [...]"(ICASA, 2009, p. 9). Thus, the public regional TV thinking had shifted, according to ICASA, from *three* public regional channels back to the original *two* channels applied for by the SABC in 2003 in line with the Broadcasting Amendment Act of 2002 (see Chapter Eight). Adding

further potential confusion to problem definition for public regional TV was the next draft of ICASA's DTT regulations, gazetted in July 2009, in which ICASA began to cast doubt on whether there would ever be any public regional channels at all:

> The Authority is [...] mindful of the financial implications of introducing additional regional services. Over the last few years the SABC had indicated to the Authority that it was not in a position to introduce two regional television services due to financial constraints (ICASA, 2009b, p. 19).

Three weeks after ICASA's release of these latest DTT regulations, the DoC on 20 July 2009 gazetted its Public Service Broadcasting (PSB) Discussion Paper, and according to this Discussion Paper,

> Broadcasting Digital Migration does not only provide opportunities for the public broadcaster. It further imposes additional obligations relating to the provision of new developmental channels, including three regional ones (DoC, 2009, pp. 19-20).

So it seemed the DoC was still pushing the three-channel version of the public regional TV policy problem. This DoC PSB Discussion Paper managed to provide additional potentially confusing elements to an already confused problem definition by floating, as part of a list of questions to be addressed by respondents to the Discussion Paper, a suggestion that "provincial funding" could be the way to fund public regional TV (DoC, 2009d). This idea of provincial government funding for SABC public regional channels was floated again in the draft PSB Bill three months later in October 2009, which stated, in its draft Section 12(3)(b), that

> [a]s public service channels, the regional services provided by the Corporation must be funded by [the] Public Service Broadcasting Fund, money appropriated by provincial government through provincial legislatures, donations and sponsorship (DoC, 2009e, sect. 12(3)(b).

The SABC, meanwhile, in spite of an ongoing financial crisis in this period of study, continued to give the appearance of adhering to the DoC push for public sub-national TV – with the SABC presumably adopting the logic that the problem of funding the services was a DoC problem, not an SABC problem, and thus it did the SABC little harm to continue to state its intention to roll out the channels. In a September 2011 public seminar presentation by Richard Waghorn the SABC's head of digital TV, Waghorn (who had been recruited from the UK) stated that the SABC's offerings in DTT would include a

> Regional North channel (available to all households within DTT coverage) – content designed to meet the language needs of SesSotho [sic], SePedi, SeTswana, TshiVenda, XiTsonga, Afrikaans [and a] Regional South channel (available to all households within DTT coverage) – content designed to meet the language needs of IsiXhosa, IsiZulu, Ndebele, Seswati [sic] (Waghorn, 2011).

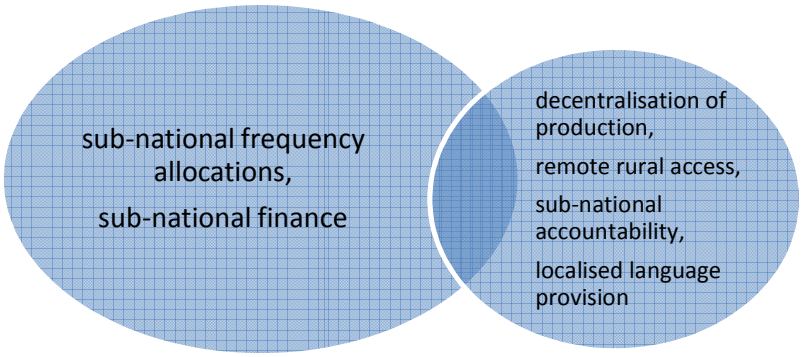
One clear positive in the Waghorn presentation, according to this author, was the presentation's suggestion that *all* DTT households – all terrestrial TV households on a national basis in the digital dispensation – would have access to the regional, underserved-language-focussed channels. This suggested that the SABC sought to make the regional channels regionally focussed but nationally available, a laudably much less divisive model than the bifurcated regional split model (see Chapter Eight) implicit in the Broadcasting Amendment Act of 2002 and given expression in the SABC proposals for SABC 4 and 5 in analogue.

At the end of this period of study in 2011, policy problem definition in relation to the public sub-national TV problem was still fluid and uncertain. There was no clarity on: where the funding would come from for SABC regional channels; whether the SABC would be expected to collaborate on the channels with the private sector or perhaps provincial governments; and whether the plan was for *two* such channels (as the just-cited presentation by the SABC's Waghorn suggested), or for *three* channels (as the DoC's BDM Policy of 2008 suggested).

Cross-cutting problems

There was evidence on the TV policy governmental agenda of this period of study of continuation of all six of the cross-cutting sub-national TV policy problems identified in the previous three periods. As illustrated in Figure 9.2 below, two of the six cross-cutting sub-national TV policy problems – sub-national frequency allocations and sub-national finance – enjoyed the greatest prominence in this period among the six problems, and thus are featured in the larger of the two circles of prominence in the Figure. The four other cross-cutting problems – decentralisation of production, remote rural access, localised language provision and sub-national accountability – were in the second tier of relative prominence among the six cross-cutting problems, and are thus listed in the smaller of the two circles in Figure 9.2.

Figure 9.2 Comparative prominence, on the TV policy governmental agenda, among the six cross-cutting sub-national TV problems, 2007 to 2011



Source: author's interpretation of qualitative document and interview transcript data.

Sub-national frequency allocations

We saw above, in the discussion of the community sub-national TV sector policy problem, the importance of the sub-national frequency allocation issue in this period of study. The DoC's Draft BDM Strategy of 2007 stated that

> [t]his strategic framework does not allow for the licensing of any additional analogue community television broadcasters, as this may compromise the digital migration in South Africa. However, given evidence of unmet demand for community television licenses, ICASA will issue temporary community television licenses to the extent that they do not compromise frequencies reserved for the digital migration process outline at ITU RRC-06 (DoC, 2007a, p. xi, p. 38).

Thus, the DoC was saying that only the existing permanent community-licensed station, TBN, would be given capacity on a DTT MUX, and that only temporary licences (implicitly in analogue and with a maximum duration of one year), could be issued to other community groups until the end of digital migration (which at that point was projected by the DoC as being complete on 1 November 2011). In addition, the implication of the Draft BDM Strategy wording just cited was that renewal of a one-year temporary community TV licence in analogue would be refused at any point, before or during migration, when a temporary community station's analogue frequency was needed for use by one of the digital MUXs during dual illumination. (Analogue/digital dual illumination was initially scheduled to run from 1 November 2008 to 1 November 2011, but a revised timeline was adopted by Cabinet in 2011 whereby dual illumination was to occur between April 2012 and December 2013.

Few stakeholders believed that it was realistic to expect dual illumination to be complete (i.e for analogue to be switched off) in December 2013.)

Meanwhile, ICASA's message to community TV from 2008 to 2010 was the same as the DoC's: only TBN would be accommodated in a digital MUX during dual illumination. It was not until January 2011 that the frequency allocation possibilities suddenly became much more positive for community TV. The reason for this change in fortunes for community TV in digital migration planning was the Minister's aforementioned announcement, made on 14 January 2011, of Cabinet's choice of the next-generation DVB-T standard for DTT transmission, known as DVB-T2. The DoC's August 2011 draft Amendment to the BDM Policy duly proposed that DVB-T2 would be the DTT transmission standard, and that, because of DVB-T2's superior compression capabilities (allowing approximately 16 channels, instead of eight, per MUX), community TV would be given space on a DTT multiplex (DoC, 2011). Accordingly, in the following month (September 2011), ICASA proposed, in revised Draft DTT Regulations, that all full-time community TV stations would be accommodated on the public TV MUX via a 10 per cent community TV set-aside (ICASA, 2011).

Sub-national finance

We saw above that central to the uncertainty of the public sub-national TV sector problem was the absence of clarity around where funding would come from for such channels. One possible partial solution to the problem of funding public regional TV, as floated by the DoC in this period in its PSB Discussion Paper and draft PSB Bill of 2009, was to seek funding from provincial government coffers. But the draft PSB Bill was withdrawn by the Minister in late 2010, leaving the financial feasibility of SABC regional TV highly uncertain.

The finance issue was also prominent in relation to community TV in this period of study. One of the aims of Cape Town TV's aforementioned march on Parliament in November 2009 was to draw attention to the lack of financial support for community TV. The sector's financial difficulties were a result of the MDDA's meagre grant coffers, the lack of a dedicated DoC community TV support programme, and the ongoing problem of state-run Sentech charging commercial-level tariffs for community TV signal transmission. Cape

Town TV's transmission bill from Sentech in 2009, for transmission via only one transmitter, was ZAR65,000 per month (approximately USD8,000 per month). That meant a yearly transmission bill of ZAR780,000 (approximately USD96,000) (Thorne, 2011 and Aldridge, 2012 – interviews with author). Several stakeholders, including Cape Town TV and the MDDA, advocated during this period of study for ICASA to conduct a review of Sentech's tariff structure for community broadcasters – a review compelled by both the Broadcasting Policy White Paper of 1998 and Broadcasting Act of 1999 (MDDA, 2010, p. 24) and given added impetus by the provisions in the ECA of 2005 on regulation of anti-competitive behaviour (RSA, 2005) (see Chapter Eight). Seeking to ensure agenda prominence for this Sentech tariffs issue, the aforementioned September 2010 media release by Cape Town TV stated, among other things, that

> [a]n aggravating factor that continues to plague CTV, along with all other community broadcasters, is the fact that it is forced to pay the same signal distribution tariffs as commercial and public service broadcasters. This is despite the non-profit status and developmental mandate of community broadcasters. […] CTV has managed to pay about R700 000 to Sentech for signal distribution costs over the past two years, which is an achievement for a non-profit broadcaster in the early stages of development. But the channel is still in arrears and is consequently under threat of disconnection for this reason (Cape Town TV, 2010).

The aforementioned community/commercial hybrid models pursued by four of the six community TV stations on-air at the end of 2011 were viewed by some interviewees for this research as being to some extent a symptom of the lack of financial support mechanisms for the sector (Mtimde, 2011, Thorne, 2011, Aldridge, 2012 and Viljoen, 2012 – interviews with author). In 2009-10, two stations – Cape Town TV and the original Bay-TV in Richards Bay (since re-named 1KZN TV) – had been taken off-air by Sentech due to unpaid transmission bills. Cape Town TV had managed to get back on-air via a private donation towards its Sentech bill, while Bay-TV had collapsed completely, only returning to air under a new name (1KZN TV) about a year later after signing a commercial management/profit-sharing arrangement with a private TV production firm, Urban Brew Studios. It was Urban Brew Studios (part of the large Kagiso Media group of companies) which also had management/profit-sharing partnerships with Soweto TV and the new Bay-TV (in Port Elizabeth) at the end of 2011 (Aldridge, 2012 and Viljoen, 2012 – interviews with author). Meanwhile, at the end of the 2011, the Board of Tshwane TV in Pretoria was in a protracted

dispute with the commercial firm the Board had partnered with and which had taken control of the station's operations (Thomas, 2011 – interview with author).

The MDDA's grants to the community TV sector between 2008 and 2010 were as follows: two grants (of ZAR833,652 and ZAR1.078 million) to Cape Town TV; one grant (of ZAR358,900) to Bay TV (since re-named 1KZN TV); one grant (of ZAR360,600) to the Eastern Cape Development Corporation for work on an Eastern Cape Community TV initiative; and one grant (of ZAR997,500) to Tshwane TV (MDDA, 2009, 2010, 2011). The MDDA is supported by a combination of state grants (via the GCIS) and contributions from print and broadcast licensees.

Decentralisation of production

The production decentralisation problem was given agenda prominence in September 2009 by the DoC's gazetting of a Draft Local and Digital Content Development Strategy. This Draft Strategy pointed to "concentration of content creation and production activities occurring in the major cities, specifically, Johannesburg […] and Cape Town" and "a growing fear that the migration to digital broadcasting could exacerbate the stark differences in resources between the metropolitan and rural areas, thus not assisting in rural development" (DoC, 2009d, p. 10). The DoC convened a national Local Content Summit in Johannesburg in May 2010 to try to take the Draft Strategy forward. At the Summit, then-Minister Nyanda stated in his opening remarks that the "South African content industry" is "[…] concentrated on content development activities located in urban centres" and that "[s]ome provinces such as Limpopo and Mpumalanga, which we all know possess rich cultural content, do not feature significantly in our broadcasting industry" (Nyanda, 2010). Also giving agenda prominence to the production decentralisation policy problem in this period was the SOS Coalition, whose Coordinator Kate Skinner was quoted, in a June 2011 media article, as saying that

> [i]f most material [on the SABC] is being made in Jo'burg and Cape Town, this means the rest of the country is not being covered as it should be – and yet this is the public broadcaster and it is mandated [...] to cover all areas, particularly those that are not covered by other broadcasters (Skinner, 2011, quoted in Stephen, 2011).

Remote rural access

The remote rural TV access problem was to a great extent kept on the governmental agenda during this period by the digital migration issue. One of the central matters in digital migration policymaking was deciding what percentage of population coverage should be achieved by DTT transmissions before analogue switch-off. Put differently, it was a matter of deciding on the appropriate number of remote rural localities which could still be *unserved* by digital terrestrial signals at the time of analogue switch-off. There were myriad attempts in this period of study, by the DoC and ICASA, to formalise a population coverage timeline for digital rollout (see the "Proposals in the Policy Stream" section below).

Another element of the remote rural TV access issue in this period of study was the matter of the affordability of DTT set-top boxes (STBs) – the boxes which TV users would require, along with aerials, to receive/convert the DTT signal for viewing on analogue television sets. According to the DoC's August 2011 draft Amendment to its BDM Policy,

> [t]he total TV-owning households in SA are estimated at 10 million, of which approximately 94 percent rely exclusively on free-to-air broadcasting services. Of these 10 million TV households, about 4.5 million are poor households who would find it very difficult to afford STBs by December 2013. […] (DoC, 2011, pp. 5-6).

It could be assumed that many of the 4.5 million TV households requiring STB subsidisation were in rural areas, thus introducing a significant rural TV access dimension to digital migration policymaking. Also in this period of study, ICASA in 2010 launched a Review of the Universal Service and Access Obligations (USAO) Framework, with ICASA seeking to define USAO for both telecommunications and broadcasting services. In its submission to ICASA for this Review, the SABC wrote that

> [i]n the case of the SABC, there are still 3,6m [3.6 million] people without access to a television service […] the SABC services currently reach 92.5% of the population with about 200 transmitters. Reaching the other 7.5% would require the addition of between 300 and 500 low power transmitters due to geographical constraints (SABC, 2010, pp. 3-4).

The MDDA also sought to contribute to the agenda prominence of the rural TV access policy problem when it wrote, in a submission to ICASA's 2011 inquiry into Sentech's market power in signal transmission, that "it is unacceptable that 15 years post democracy [...] some rural areas cannot access television services [...]" (MDDA, 2011, p. 10). The community TV sector was drawn into the remote rural access problem definition when Universal Service and

Access Agency of South Africa (USAASA) issued its Universal Service and Access Obligations Position Paper and Recommendations to the Minister in 2009, in which USAASA included a call for access targets for broadcasting service provision to include "[f]or each province, access to at least one community television […]" (USAASA, 2009, p. 71). And in early 2011, then-Minister Padayachie said the DoC had developed an internal ICT Rural Development Strategic Framework, in which "[c]ommunity radio and television" were to be "viewed as public infrastructure and assets belonging to communities, both to improve economic and social security, including providing the basis for economic engagement in the long run" (Padayachie, 2011).

Sub-national accountability

The sub-national accountability problem was kept on the governmental agenda by the DoC's July 2009 PSB Discussion Paper, which outlined a draft "Community Broadcasting Charter" to be adhered to by community radio and TV stations. In the same Discussion Paper, the DoC asked "[w]hat mechanisms should be put in place to improve Board appointment at community broadcasting services?" (DoC, 2009, p. 33). Cape Town TV's submission on this PSB Discussion Paper raised concerns with the current status of community ownership and control in the sector:

> Instances where licensed community broadcasters do not adhere to the spirit of the legislation include Soweto TV, […]. Soweto TV is firstly operated by a board that appears to have been appointed by the station's management, and any claims the board may have to being democratically elected should be subject to rigorous scrutiny. […] Moreover, the organisation is effectively controlled by a commercial production company, Urban Brew Studios. […] Soweto TV's revenues are controlled by Urban Brew, which reportedly takes 50% of the advertising revenue and allocates the rest to the station. If these funds are controlled by Urban Brew and not by the board of Soweto TV, then the board does not have fiduciary control over the organisation and cannot then be said to control it (Cape Town TV, 2009).

Cape Town TV's submission on the PSB Discussion Paper also raised concerns about the accountability of the TBN channel in the Eastern Cape Province:

> TBN professes to serve a community of interest rather than a geographic community, that being the so-called "Christian community". However the channel firstly only serves a particular sub-section of that community, that being the Protestant, evangelical sector, rather than Christians as a whole; and further it seeks to do so primarily through the provision of programming that is produced by the international TBN network rather than local production. The degree of involvement of the local Christian community is extremely limited; […] (Cape Town TV, 2009).

Guy Berger, Head of Journalism and Media Studies at Rhodes University and a frequent participant in the policy processes of the DoC, Parliament and ICASA (see Chapter Seven), proposed, during this period, a radical reconfiguration of the SABC in order to decrease its centralisation and increase its accountability. In response to the DoC's draft PSB Bill of 2009, Berger made a written submission calling for a decentralised SABC to have "autonomous stations" and for these stations to be governed "by means of provincial and national stakeholder constituencies (*eg*, nominees from churches, unions, universities, etc.)" (Berger, 2010b). Berger had made similar proposals to the Portfolio Committee during its hearing in 2008 (on the Broadcasting Amendment Bill of that year which increased Ministerial powers over SABC Board selection), and to an SOS Coalition workshop in Johannesburg in January 2009. In his August 2008 submission to the Portfolio Committee, Berger (2008) proposed the following:

> Drawing from the German model, SABC should be unbundled into separately governed bodies [which] would make for more autonomous and locally accountable institutions of public service broadcasting:
>
> 1. SABC National (consisting of SAFM, Metro, RSG, TV 1, 2 and 3, and their web sites);
> 2. Nine provincially-oriented stations (but networked in various ways) (consisting of African language radio stations, TV 4 and 5, and web sites);
> 3. SABC International (TV and web). [...]
>
> Each of the nine provincially-oriented stations should have boards appointed via provincial parliaments, governments and presidency. Combined appointments (perhaps via the House of Provinces) would bring in the relevant provincial parliaments and governments for TV 4 and again for the case of TV 5 (Berger, 2008).

Localised language provision

The localised language provision problem lost prominence on the TV policy governmental agenda of this period, but there was a call to harness digital TV's multiple-track capability for language purposes. According to the March 2007 DoC Draft BDM Strategy,

> [d]igital technologies enable multiple audio services to be provided over a single video feed, enabling operators to facilitate a range of language options. […] The Government acknowledges that subtitles may represent a cost effective means to support multiple language options for South Africa compared with dubbing services provided over additional audio channels (DoC, 2007a, p. vii).

ICASA, meanwhile, in the March 2009 version – later replaced – of its DTT Regulations, sought to compel SABC usage of extensive subtitling in its digital channel offerings. ICASA provided in the Regulations for the SABC to

> [...] within sixty (60) days of the coming into effect of these regulations, submit a promise of performance regarding the inclusion of sub-titles in at least two official languages, including marginalised languages, in all its public channels (ICASA, 2009, pp. 15-16).

Such a subtitling provision would potentially have been an extraordinarily onerous and expensive requirement. In its broadest interpretation, the provision would seem to have been seeking to require every programme on every SABC public TV channel (SABC 1 and 2, and SABC 4 and 5 if they came into existence) to have two subtitle tracks linked to each programme transmission.

9.3 Proposals in the Policy Stream

In contrast to the previous period of study when certain sub-national TV policy options were prematurely pushed onto the decision agenda without the *policy stream* being utilised for engagement with the policy proposals, in this period of study the situation was to some extent reversed. In this period, the policy stream contained several policy proposals in relation to sub-national TV, but with only a few of the proposals achieving the momentum necessary to couple with the two other streams and get onto the decision agenda.

Digital migration proposals

The elements of BDM policy proposal development in this period of study with direct relevance to sub-national TV were: (1) catering for community TV in digital during analogue/digital dual illumination; (2) establishing the dual illumination timeframe; (3) establishing DTT population coverage targets; and (4) ensuring affordable digital STBs for impoverished TV households. The four sub-sections which follow cover each of these four proposal areas in turn.

Catering for community TV digital during dual illumination

From 2007 to 2010, neither the DoC nor ICASA generated a BDM policy proposal to enable community TV stations (apart from TBN) to transmit in digital during analogue/digital dual illumination. (The DoC's 2008 BDM Policy proposal for community TV to be given "open

windows" on SABC regional digital channels remained a hollow proposal as long as the SABC regional channels failed to materialise.) It was only in early 2011, when Cabinet approved DVB-T2 as the transmission standard for DTT in South Africa, that the DoC and ICASA were able to amend their BDM policy proposals to make provision in digital for community TV during dual illumination. (DVB-T2's superior compression capabilities allow carriage of roughly 16 channels in one MUX, instead of the roughly eight channels per MUX with first-generation DVB-T, and thus adoption of DVB-T2 made it easier for community TV channels to be included in planning for the public TV MUX.) The DoC provided for DVB-T2 in its draft Amendment of its BDM Policy (an Amendment gazetted in August 2011, but not yet law at the end of 2011). This draft Amendment stated as follows:

> Government is committed to the development of the three tier broadcasting system. In particular, government intends to use the opportunity brought by DTT to facilitate the development of Community TV. Accordingly, community TV should be accommodated in the existing DTT multiplexes (DoC, 2011, p. 7).

In line with the DoC's gazetting of this draft Amendment to the BDM Policy in August 2011, ICASA's DTT regulations were able to also start to cater for all the existing full-time community TV stations. ICASA duly gazetted, in September 2011, Draft DTT Regulations (not yet finalised at the end of 2011) which would provide community TV stations with access to 10 percent of MUX 1 (the public broadcasting MUX) – which on a 16-channel MUX would represent sufficient capacity for at least one community channel anywhere in the coverage of the MUX. This meant that each of the six community stations on-air at the end of 2011 (the long-standing TBN and the five new stations awarded long-term licences in 2010) would be able broadcast in digital during digital migration. (One possible complication, however, would be in Gauteng Province, where Soweto TV in mid-2011 had expanded its analogue transmission footprint to cover nearly the entire province (City of Johannesburg, 2011). Soweto TV's footprint thus potentially overlapped in places with the coverage area assigned to Tshwane TV in Pretoria (also in Gauteng Province). It was not yet clear at the completion of this research whether, during dual illumination, the 10 per cent digital set-aside in MUX 1 for community TV would be sufficient to allow community station footprints to overlap.)

The dual illumination timeframe

Also of importance to community TV were the attempts, made in the DoC and ICASA policy documents of this period, to establish a fixed dual illumination period, because it would be during this period that community stations would need to migrate their audiences over from analogue to digital reception. Confusingly, the dual illumination timeframe kept being revised throughout this period of study – chiefly because of delays in policymaking on STB specifications and on the DTT transmission standard. The original dual illumination timeframe announced by Cabinet in February 2007 called for a digital switch-*on* date of 1 November 2008 and analogue switch-*off* on 1 November 2011, thus allowing a three-year period of dual illumination (a short timeframe given the experience in many other countries where dual illumination had lasted in excess of five years) (Cabinet, 2007). The Minister reaffirmed this dual illumination timeline in her May 2007 Budget Vote Speech (Matsepe-Casaburri, 2007), and the timeline was subsequently codified in the DoC's BDM Policy of August 2008 as gazetted in September 2008.

The ICASA digital migration document of 2008 aligned with the DoC's plan that the dual illumination was to be from 1 November 2008 to 1 November 2011(ICASA, 2008). But in 2009, ICASA started changing the dual illumination parameters. In its March 2009 DTT Regulations, ICASA called for dual illumination to end on 30 November 2011, instead of 1 November 2011 (ICASA, 2009a). In July 2009, ICASA gazetted a new version of its DTT Regulations in which dual illumination was to be from 1 November 2008 until 30 April 2012 – an increase of six months in the deadline for analogue switch-off. (Curiously, ICASA was at this point still using 1 November 2008 as the digital switch-on date, even though that date had already passed without there being a public digital switch-on.) ICASA revised its DTT Regulations again (its third version of the DTT Regulations in 2009 alone), in September 2009, this time providing for a "performance period", of 1 April 2010 to 30 March 2012, in which dual illumination would occur – even though, officially, the DoC had not changed its analogue switch-off date of 1 November 2011 (ICASA, 2009c). In 2010, the DoC began to publicly acknowledge that the analogue switch-off date would need review (Ensor, 2010; McLeod, 2010c). Meanwhile ICASA, in its Digital Migration Regulations of 15 February 2010 (the fifth version of these regulations in only 16 months), abandoned its efforts to set firm starting and ending dates for dual illumination, and now began to provide for the

performance period for dual illumination to be calculated as running for 36 months from a date to be gazetted by ICASA when the timing was right (ICASA, 2010b). However, Cabinet decided in 2011 that digital switch-on would be in April 2012 and digital switch-off would be in December 2013 (a remarkably rapid 21-month dual illumination), and these dates were subsequently captured in the DoC's August 2011 draft Amendment to the BDM Strategy (DoC, 2011).

In this author's view, the government could not realistically expect the December 2013 analogue switch-off deadline to be met – given that public DTT STB sales and rollout were only to begin in April 2012. It would seem that the government was seeking to give urgency to the process in the short-term via an over-ambitious timeframe, knowing it could (and would) in the future postpone the analogue switch-off. In line with the DoC adjustment of the dual illumination timeframe, ICASA's September 2011 Draft DTT Regulations duly called for analogue switch-off in December 2013. However it was significant that ICASA warned, in an Explanatory Memorandum attached to these new Draft DTT Regulations, that there was still "the possibility that analogue switch-off will not take place in December 2013 as envisaged in the policy amendment" (ICASA, 2011). Here we see that BDM policymaking had, by the end of this period of study, reached a highly confused state, with the DoC and ICASA seemingly offering two different versions of reality.

DTT population coverage targets

Another digital migration element in the policy stream of this period of study with relevance to sub-national TV – in this case, relating to the cross-cutting sub-national TV problem of remote rural TV access – was the timeline for DTT transmission's gradual rollout to a certain level of population coverage deemed sufficient to allow analogue transmission to be switched off. The DoC's 2007 Draft BDM Strategy stated that "[a] progressive rollout for digital television will begin in 2008 with a target coverage of 70 percent of South Africa's population by the end of 2010; [...]" (DoC, 2007a). ICASA's Draft Digital Migration Framework Regulations of October 2008 called for Sentech's DTT population coverage rollout targets to be 50 per cent population coverage by 2009, 80 per cent by 2010, and 100 per cent by 2011 (ICASA, 2008, p. 16).

However, ICASA, in the next draft of its DTT Regulations in March 2009, altered the rollout targets so that the targets now were: 50 per cent population coverage at the end (instead of the beginning) of 2009; 60 per cent (instead of 80 per cent) coverage by the end (instead of at the beginning) of 2010; and 95 per cent (instead of 100 per cent) coverage by the end (instead of the beginning) of 2011 (ICASA, 2009a). These quite significant milestone changes, made only six months after gazetting of the initial targets, again revealed the high degree of uncertainty around digital migration policy in this period of study, and the changing of targets continued into the second half of 2009 when ICASA changed the draft DTT population coverage milestones once again in July 2009, and yet again in September 2009. In ICASA's September 2009 Draft Regulations, the ultimate rollout target was now 95 per cent population coverage by 31 March 2012 (ICASA, 2009c), a significant shift from the target, stated only 11 months earlier, of 100 per cent DTT coverage by 2011 (i.e. by the end of 2010).

ICASA changed the rollout targets yet again in February 2010, when its new Digital Migration Regulations specified a 36-month performance period for DTT population coverage, to begin on a date to be gazetted by the Authority 60 days in advance. (The same performance period we saw above for dual illumination). The population coverage target was now, according to the February 2010 ICASA Regulations, 90 per cent population coverage within three years of the start of the performance period. (Since the performance period had not yet started when ICASA gazetted the regulations in February 2010, the effect of the regulations was that the 90 per cent population coverage was now to be required in mid-2013 at the earliest (ICASA, 2010a).)

The DoC's draft BDM Policy Amendment of August 2011 called for population coverage of "close to 100 percent by late 2013" (DoC, 2011), and ICASA's subsequent Draft DTT Regulations of September 2011 duly performed yet another shifting of the parameters, now calling for coverage of "95 per cent of population of the Republic at the end of 2013" (ICASA, 2011, p. 18). Neither the DoC BDM Policy Amendment nor the ICASA Draft Regulations had been finalised by the end of this research project at the close of 2011.

Set-top boxes (STBs) for impoverished households

Also uncertain throughout this study period was another digital migration matter with relevance to remote rural TV: planning for subsidisation of the DTT STBs which households would require to watch digital TV on analogue TV sets. It was estimated in this period of study that there were 4.5 million South African TV households, many of them in rural areas, who would not be able to afford purchase of a DTT STB. The DoC in 2011 provided, in its draft Amendments to the BDM Policy, that the funds needed to subsidise STBs for poor households (a funding requirement expected to run into the billions of Rands) would come from the Universal Service and Access Fund (USAF) (DoC, 2011). The USAF is the fund generated through annual levies (0.2 per cent of turnover) paid by communications licensees to USAASA. It was not clear how involved USAASA would be in the actual distribution of STBs to impoverished households, which was an important question given USAASA's dismal record of service delivery since its establishment (originally called the Universal Service Agency (USA)) – in the late 1990s.

The DoC's Draft Local and Digital Content Development Strategy

Seeking to provide a policy response to the policy problem of lack of decentralised TV production, the DoC gazetted a Draft Local and Digital Content Development Strategy in September 2009. This Draft Strategy contained a strong emphasis on policy tools to break up the concentration of South African content production (including TV content) – in the major cities of Johannesburg, Cape Town and (to a lesser extent) Durban. The Draft Strategy also sought to address the urban/rural divide in production. The document included provision for set-up of a Digital Content Fund (DCF) in support of Content Generation Hubs (CGHs) in each province. The proposal was for the Hubs to focus on, among other things, building rural content development capacity (with funding received from the DCF), with the MDDA to serve as the disbursement institution for getting DCF funds to the Hubs. There was also a call in this Draft Strategy for South Africa's local content regulations to include a differentiation between "metro content" and "out-of-metro content":

> Broadcasting services licencees operating at regional and community level should be made to carry more out-of-metro content. These initiatives will encourage the development of content in the regions (DoC, 2009d, p. 11).

"Out-of-metro content" was defined in the Draft Strategy as "[c]ontent conceptualised, produced and packaged in areas other than Johannesburg, Cape Town and Durban" (DoC, 2009d, p. vi). Monitoring of the Local and Digital Content Development Strategy was to be by a Local Content Advisory Body which would "build and expand on the work of the South African [Broadcast] Production Advisory Body [BPAB]" (DoC, 2009d, p. 14) – thus signalling another attempted resuscitation of the work of the ineffectual BPAB of 2001-02 (the first attempted resuscitation having been via the Broadcast Content and Languages Summit processes of 2003-04).

Stakeholder inputs on the DoC's Draft Local and Digital Content Development Strategy were for the most part unfavourable. An SOS Coalition member, MMA, stated in its submission that

> [f]rom the outset in the document there is a lack of clarity as to what the core focus areas are. It is unclear as to whether or not the strategy's main focus is eradicating poverty through socio-economic development, growing the industry or producing appealing exports (MMA, 2009, p. 4).

The NFVF, an agency funded by the Department of Arts and Culture (DAC) to support film/video/TV industry development, wrote of the Draft Strategy that it ignored previous strategic efforts of a similar nature. The NFVF submission to the DoC stated that the NFVF was "disappointed by the approach the DOC adopted in the development of the strategy", because, according to the NFVF, the Draft Strategy did not link with the 2003 Content Industries Strategy (CIS) which the DoC had been part of drafting, along with the DAC, the NFVF, the Department of Trade and Industry (DTI) and the South African Revenue Service (SARS). The NFVF accused the DoC of "rehashing what is already in the public domain", adding that

> […] it does not seem like there is any new research done to justify the positions adopted in the strategy, except for a ploy to entrench the already existing criticism of the competitive nature of government departments and the creation of parallel structures to those that already exist […] It is the NFVF's belief that the DOC should have had consultations at the least with other government institutions involved in the development of content (NFVF, 2009, p. 3).

Meanwhile, the SOS Coalition's written submission to the DoC on the Draft Strategy questioned the logic behind the linking of digital content production to rural development:

> A particular focus of the strategy is on encouraging new entrants to the industry including historically disadvantaged people, rural people and people with disabilities. […] we believe

> that, although poverty alleviation and rural development may be a secondary goal, it [cannot] be the strategy's primary goal (SOS, 2009, pp. 1-2).

The SOS Coalition submission went on to state that

> [...] although the concept of Content Generation Hubs (CGHs) is certainly positive we feel that the Department has not done sufficient research as regards their establishment, geographic location, operations etc. For instance one of the big questions is how will they be sustainable if they are located in areas removed from the industry (SOS, 2009, pp. 3-4).

The DoC convened a Local Content Summit in May 2010 in Johannesburg in order to "refine and finalise" the Draft Strategy and to discuss, among other things, "[d]e-centralising content production to boost economic activities in predominantly rural provinces" (DoC, 2010a). The aforementioned DoC Director of Broadcasting Policy, Boloka, made a presentation to this Summit, in which it was proposed that the CGHs would be "a joint responsibility of both national and provincial governments throughout the country's provinces" (Boloka, 2010). Boloka's presentation also stated that "[e]ncouraging development of content outside the Urban Centres" via the "[d]istinction between metro and out-of-metro content for local content quotas" was similar to the "out of London" provisions found in the UK (Boloka, 2010).

One province, the Eastern Cape, dutifully attempted to take forward the intent of the Draft Strategy. The Eastern Cape Provincial Government and the DoC convened an Eastern Cape Local and Digital Content Summit in August 2010, with the aim of establishing a CGH in the province and, linked to the CGH, a "provincial community TV" station to be called Eastern Cape Community Television (ECCTV). Initial feasibility work for the station was done by the province's economic development agency, the Eastern Cape Development Corporation (ECDC), and a brochure produced by the ECDC in September 2010 stated that

> [t]he Eastern Cape Provincial Government views the predominantly rural character of the Eastern Cape as an untapped lever for economic growth and prosperity. […] The Eastern Cape Province's decision to invest in the innovative Provincial Consortium Television Model and the associated Provincial Content Generation Hub will make a positive contribution towards stimulating the growth of the film, television, creative and related local content driven industries. This will in turn boost economic development in the Eastern Cape (ECDC, 2010).

The MDDA gave a grant to the ECDC in 2011 for investigation of the provincial community TV model, but at the end of this research project in 2011, the status of the Eastern Cape Province's plans was not clear (Mtimde, 2011 – interview with author). The vision of a

provincially configured community TV station had apparently lost momentum, with no licence application made to ICASA and with, as a blow to the ECCTV idea, a city-based community TV station (Bay TV) in the Eastern Cape's largest city Port Elizabeth going on-air (Gidi, 2012 – interview with author).

The DoC's proposed PSB Fund and community TV "support strategy"

The DoC's draft PSB Bill of October 2009 called for set-up of a PSB Fund, to be accumulated via abolition of the TV licence fee (collected by the SABC from all TV set owners), and introduction of an income tax levy to be collected by SARS. The funds were to go towards PSB delivery at both the SABC and community broadcasters (DoC, 2009e). (The PSB Fund was also conceptualised as providing funds to the aforementioned Digital Content Fund (DCF) sought by the Draft Digital and Local Content Development Strategy.) The draft PSB Bill was, however, withdrawn by the Minister in 2010, pending a full broadcasting/ICT policy review scheduled to take place in 2012-13, meaning that both the PSB Fund and the DCF ideas stalled.

Another policy stream initiative by the DoC in relation to sub-national TV finance was its effort to develop a community TV "support strategy" (DoC, 2010c), i.e. a programme of direct DoC support for community TV (similar to the programme that had been in existence for community radio since the late 1990s). The idea of a programme of financial support for community TV was mooted at the aforementioned DoC-convened Community TV Policy Workshop in late May 2010 in Johannesburg. The invitation to that Workshop stated that among the issues up for discussion would be development of "[a] viable business model eligible for public funding" (DoC, 2010c). Another item for discussion, according to the invitation, was

> [c]ommunity TV as a vehicle to unlock the potential of the local content industry, by providing a window for emerging content creators, and decentralisation of content production activities in predominantly rural provinces (DoC, 2010c).

The DoC was thus not only seeking a path towards funding community TV, but also seeking to link community TV to the DoC's push towards decentralised, rural digital content hubs. (There was no mention – before, during, or after this Community TV Policy Workshop – of the extensive deliberations and recommendations of the DoC-convened, but seemingly

disregarded, Community Multimedia Services (CMS) Task Team of 2001-03 (see Chapter Eight)). Following the Workshop, the DoC commissioned Rhodes University's Sol Plaatje Institute (SPI) for Media Leadership to conduct research into a community TV business model and to make recommendations for how the DoC could put money into the sector (Thomas, 2011 – interview with author). According to interviewee Boloka of the DoC, the Department was interested in potentially funding both localised and provincial community TV stations – with the view that community TV could, if supported correctly by the DoC, simultaneously solve both the regional/provincial TV problem and the local TV problem – and take the sub-national "burden", as Boloka put it, away from the SABC (Boloka, 2011 – interview with author). At the end of this period of study in 2011, the Rhodes SPI business model report to the DoC was still being finalised (Thomas, 2011, interview with author).

Meanwhile, in line with the DoC's mooting of a provincialised community TV model, ICASA showed apparent willingness, in this period, to consider larger footprints for community TV. In its September 2010 media release clarifying its approach to community TV licensing, ICASA said it was considering

> […] possible review of the current definition of class licences, which confines community TV to local and district municipalities. The Authority will investigate the feasibility of extending the geographic scope of community TV to provide wide coverage […] To address the policy issues that may arise from this engagement, the Authority will accordingly advise the Minister of Communications to amend the relevant sections in the Electronic Communications Act; […] (ICASA, 2010f).

In addition to the DoC/ICASA mooting of provincialised community TV, we saw above that the DoC pushed, via its BDM Policy documents of 2007-08 and draft PSB Bill of 2009, for policy stream consideration of provincial government funding of SABC regional channels. Thus there seemed to be a convergence, from above and below (from the regional level and the local level) towards the provincial level, with both local community TV and regional public TV being pushed towards linkages with provincial government. The growing provincial emphasis sparked concern at Cape Town TV, which wrote, in response to the draft PSB Bill, that

> [w]e note that Section 13 of the Bill provides that funding for the SABC's regional channels will come from the PSB Fund, provincial government, donations and sponsorships. Some advertising may also be allowed. This funding model will put these regional channels into direct conflict with the funding efforts of community broadcasters, serving locales within these regions and attempting to access funding from these self-same sources (Cape Town TV, 2010, p. 4)

Review of Sentech's signal transmission charges

Another policy stream matter in this period with relevance to sub-national TV was ICASA's launching, in 2010-11, of a review of Sentech's market position and tariff structure in the terrestrial broadcast signal distribution market. ICASA in June 2011 released a Discussion Paper on the matter, and this Discussion Paper made clear the Authority's initial assumption that Sentech tariffs would require regulation on the grounds of Sentech's significant market power (SMP). ICASA wrote that its "preliminary view" was that the market for transmission services for terrestrial broadcasting "may not be effectively competitive […]" (ICASA, 2011, p. 13). The MDDA, in its submission to ICASA on the Discussion Paper, wrote of its concern that "Sentech's market power has already impacted negatively on the community broadcasting sector due to its seemingly high tariffs" (MDDA, 2011b). The MDDA went on to say that "[t]his issue has been widely reported on and the Authority is aware of the ongoing challenges in this regard" (MDDA, 2011). A joint submission to ICASA by Cape Town TV and Tshwane TV adopted a similar stance to that taken by the MDDA. Cape Town TV and Tshwane TV wrote that "Sentech has almost single-handedly distorted the broadcasting dispensation by forcing community broadcasters to shift into a commercial mode to ensure financial sustainability through advertising and sponsorship" (Cape Town TV and Tshwane TV, 2011).

9.4 Decisions

There were two significant binding policy decisions relevant to sub-national TV in this period of study: (1) ICASA's decision in 2010 to award long-term seven-year class licences to five new community TV stations; and (2) Cabinet's decision, announced by then-Minister Padayachie in January 2011, that South Africa would adopt the DVB-T2 transmission standard for digital terrestrial television transmission.

Seven-year licences for new community TVs

In June 2007, ICASA issued South Africa's first-ever community TV licence of greater than 30 days in duration (apart from the licence awarded to the grandfathered apartheid-era holdover American Christian TBN station). That first-ever longer licence, one-year temporary licence, was awarded to Soweto Community Television (ICASA, 2007). Soweto

TV had struggled with capacity issues when staging its temporary broadcast in late 2005 with a 30-day licence, but the station was now, in 2007, more sustainable via its collaboration with a commercial advertising sales firm and with the private TV production firm Urban Brew Studios. A second station, Cape Town TV – which held its founding AGM in September 2006 (see Chapter Eight) – also applied to ICASA for a one-year temporary licence in this period of study and received the licence, going on-air in September 2008. Soon two more stations had been awarded one-year temporary licences, in Pretoria (Tshwane TV) and in Richards Bay (Bay TV, since re-named 1KZN TV), but these two stations struggled to get on-air.

In 2008, ICASA gazetted its regulations, in terms of the ECA of 2005, for full-time class licences for community broadcasters, whereby community radio and TV stations could, via minimal registration requirements, receive seven-year class licences. TBN got its seven-year class licence in late 2008, and Tshwane TV and Soweto TV were awarded long-term licences in January 2010.

But then, in March 2010, ICASA gazetted a moratorium on analogue community TV channel licensing, on the grounds that the regulator needed to ensure availability of spare frequencies for digital use during the period of analogue/digital dual illumination (simulcasting). Thus, in March 2010, only TBN, Tshwane TV and Soweto TV, as seven-year licensees, were being guaranteed continued access to analogue frequencies up to digital migration and access to both analogue and digital frequencies/carriage during migration. The ICASA moratorium notice stated that

> [t]he Independent Communications Authority of South Africa ("The Authority") hereby gives notice of a moratorium to consider and grant community television broadcasting frequencies and licences until the finalization of the dual illumination period (ICASA, 2010c).

This moratorium was gazetted just a few weeks after ICASA's awarding, in January 2010, of full-time seven-year licences to two stations, Tshwane TV and Soweto TV, which had both, like Cape Town TV, only had temporary one-year licences up to that point. Tshwane TV and Soweto TV had thus managed to secure full-time seven-year licences at the 11th hour, just before the moratorium was announced by ICASA, and with no ICASA notification to the sector that it had issued the licences to these two stations. The other full-time licensee at the

time of the ICASA moratorium was TBN in the Eastern Cape, which had received the first seven-year community TV licence awarded by ICASA, in December 2008.

The ICASA moratorium put the future of the two remaining temporary one-year licensees, Cape Town TV and Bay TV (since re-named 1KZN TV), in grave doubt. Depending on how one interpreted the vaguely worded ICASA moratorium of March 2010 – i.e. it was not clear in the wording whether further one-year temporary community TV licences would be issued – it was possible that ICASA was consigning Cape Town TV and Bay TV to a long stay off-air (once their existing one-year temporary licences expired), i.e. they might have to stay off-air until the end of analogue/digital dual illumination, which was likely to be a three- to five-year period (regardless of the DoC's over-optimistic calls for a more rapid migration). According to a Cape Town TV press release issued on 2 September 2010:

> [...] in terms of frequency issues, ICASA's Technology and Engineering Department has established a plan for CTV. So there appears to be no good reason why ICASA should refuse CTV a license based on frequency issues, which the moratorium was expressly designed to address.
>
> There even appears to be confusion within ICASA on this matter. Some ICASA personnel were under the impression that the moratorium would not apply to existing licensees, while others believed that no further licenses would be granted to any community TV applicants.
>
> Even after the moratorium was instituted, broadcasting licenses have been granted to other community television initiatives (Cape Town TV, 2010b).

Cape Town TV got strong media coverage via this press release, which apparently had the desired effect when, a week later on 8 September 2010, ICASA issued a media release stating that

> [c]ontrary to the media reports, the Authority wishes to reiterate its commitment to the development of community television broadcasting […] stations will be allowed to either reapply or renew their licences when they expire, as a way of protecting community investments in these services. […] However, given the scarcity of frequency spectrum due to the migration of existing broadcasting from analogue to digital, the Authority will not receive and consider any new registrations or applications from any community or entity (ICASA, 2010d).

The ICASA media release went on to state that the Authority would "undertake a review of the community TV licensing framework" which would address "issues" including "identification of temporary frequencies to accommodate community TV during the digital migration process" and "inclusion of community TV in the digital broadcasting environment, which will include setting aside dedicated multiplexes for community broadcasting" (ICASA,

2010d). With just this one media statement from ICASA, community TV went from being marginalised in analogue and unwelcome during digital migration to being potentially catered for in analogue as well as digital during migration. Nine days later, on 17 September 2010, ICASA issued Soweto TV a Broadcasting Frequency Spectrum Licence (to accompany the station's Class Broadcasting Service Licence of February 2010), and on 15 October 2010, a letter to Soweto TV from the Office of the ICASA Chairperson informed the station that an alternate analogue frequency had been identified for the station's use once digital migration began (ICASA, 2010e; 2010f). Three days later, on 18 October, ICASA issued a seven-year class licence to Nelson Mandela Bay TV (i.e. Bay TV), and in November and December, Cape Town TV and Bay TV (since re-named 1KZN TV) also received seven-year licences.

Confusingly (but helpfully for community TV), ICASA had apparently decided (but not explicitly announced) that there was no longer an analogue frequency scarcity problem for community TV during digital migration; that there could also be space found for community TVs on one of the digital multiplexes (MUXs) during dual illumination; and that the moratorium of March 2010 could now be ignored. (No official notice of lifting of the moratorium was issued by ICASA).

In addition to going against its own moratorium, ICASA's media statement of 8 September 2010 was actually in contradiction to its own, and the DoC's, digital migration documents. From early 2007 to the end of 2010, the consistent message, in all the DoC and ICASA policy statements on digital migration, had been that the only community TV station to be guaranteed digital carriage during dual illumination would be TBN. It was not until 2011 that the DoC and ICASA digital migration policies started to align with the ICASA media statement of 8 September 2010 (see "Adoption of DVB-T2" section below).

By the end of 2010, three more stations had been awarded seven-year class licences: Nelson Mandela Bay TV in Port Elizabeth (broadcasting as Bay TV), Cape Town TV, and Bay TV in Richards Bay (broadcasting as 1KZN TV). All five of the newly long-term-licensed stations were on-air by the end of 2011, making a total of six (including the longstanding TBN) on-air community-licensed stations. However, as was alluded to in the opening chapters of this thesis and at the beginning of this chapter, there was evidence in 2011 that only one of the six community TV stations on-air was strictly abiding by the rules of the sector. At the end of

2011, four of the six on-air stations – Soweto TV, 1KZN TV, Bay TV and Tshwane TV – had profit-sharing arrangements in place with private firms. Thus, it was unlikely that these stations were in full compliance with the ECA of 2005, the ICASA Community TV Position Paper of 2004, or the stations' licence conditions issued by ICASA. According to the ECA of 2005, the regulator ICASA, when considering an application for a community broadcasting licence, must, among other things, "take into account whether [...] the applicant is fully controlled by a non-profit entity and carried on or is to be carried on for non-profit purposes [...]" (RSA, 2005, sect. 50). In addition, ICASA's Community TV Position Paper of 2004 specifies that stations must be not-for-profit (ICASA, 2004, p. 17). Meanwhile the TBN station in the Eastern Cape, broadcasting almost entirely foreign programming and using almost exclusively English as its programming language, seemed clearly to be operating in a manner contrary to its licence conditions – which required substantial South African content and a mix of English-, Afrikaans- and isiXhosa-language programming (ICASA, 2009, 2010b).

Adoption of DVB-T2

The first-generation DVB-T standard for DTT transmission had been approved by the South African Bureau of Standards (SABS) in 2005 and adopted by South African government delegates to the ITU Regional Radiocommunication Conference (RRC-6) in Geneva in 2006. DVB-T was the standard adopted at RRC-6 by all countries from ITU Region 1 (comprised of Europe, Africa, and parts of the Middle East). Use of DVB-T then became official South African policy via its adoption by Cabinet in February 2007, and from that point onward was thus built into all DoC and ICASA digital migration documents. But then, in mid-2010, the DoC announced it was reviewing South Africa's adoption of the DVB-T technical standard – a review being carried out by all Southern African Development Community (SADC) countries based on Brazilian lobbying in favour of a rival standard, developed in Japan and deployed in Brazil, called ISDB-T. Then-Minister Nyanda stated in June 2010 that the review was only likely to delay digital migration by "a few months" (Ensor, 2010). One of the apparent reasons for the government's consideration of ISDB-T was that it was being punted by Brazil, with which South Africa was, in 2010, growing closer relations through the BASIC (Brazil, South Africa, India, China) international grouping (Armstrong and Collins, 2011) and also the BRICS grouping (Brazil, Russia, India, China and South Africa).

South African broadcast industry representatives strongly opposed the DVB-T review, estimating in 2010 that adoption of a new standard would potentially delay migration by as many as five years and would result in huge wastage of the existing investments that had been made in DVB –T deployment. In terms of the potential cost of changing the standard, e.tv's Lara Kantor (also an interviewee for this research in 2006) was quoted as saying that South African manufacturers and broadcasters had invested more than "a quarter of a billion Rand" in DVB-T and that a great deal of this investment would be lost if there was a change to the standard (McLeod, 2010b). The controversial review came to an end in late 2011 and, to the relief of South African broadcast industry players, on 14 January 2011, Nyanda's replacement as Communications Minister, Roy Padayachie, announced that the DVB transmission standard would be kept, and that the second-generation version of the standard, DVB-T2 (offering improved compression and thus carriage of a greater number of channels) would be used (Padayachie, 2011a).

After the state's decision to adopt DVB-T2, the DoC and ICASA were able to propose, in late 2011, that all full-time-licensed community TV stations would be accommodated on the public TV digital multiplex (MUX) during the dual illumination (analogue/digital simulcast) period of digital migration, a significant shift from the previous DoC and ICASA digital migration policy documents which had only guaranteed digital carriage to one community TV station, TBN (DoC, 2011; ICASA, 2011). The adoption of DVB-T2 was incorporated into the DoC's draft BDM Policy Amendment gazetted in August 2011 (still not law by the end of 2011), and into ICASA's Draft DTT Regulations of September 2011 (not yet approved at the end of 2011). ICASA wrote in the Draft DTT Regulations document that

> [t]he introduction of DVB-T2 as the standard for DTT changes the logic of the regulations because it doubles the available capacity of the multiplexes and enables the inclusion of new terrestrial television broadcasting services such as community television broadcasting services in the multiplexes without prejudicing the existing "incumbent television broadcasting licensees" (ICASA, 2011).

Thus, based on the DVB-T2 standard, ICASA was able to provide, in the Draft Regulations, for community TV stations to be allocated a 10 per cent share of digital MUX 1 during digital migration, potentially allowing all six of the community stations on-air in analogue in 2011 to broadcast in digital during analogue/digital dual illumination.

Moreover, via the DoC draft BDM Policy Amendment of August 2011 and ICASA's Draft DTT Regulations in September 2011, the DoC and ICASA were finally bringing their DTT policy statements in line with the policy that had been (implicitly, not overtly) adopted 12 months earlier by ICASA, in September 2010, when ICASA (implicitly, not overtly) lifted – via a media release in response to Cape Town TV's media release – the ICASA moratorium on community TV licensing.

Conclusions

Patterns of TV policymaking

The first thing that must be acknowledged is that in this fourth period of study, the "lack" of sub-national TV delivery referred to in this research project's two operational research questions had in some respects been alleviated – through the emergence of five new stations in the community sub-national sector. However, at the same time, the public and private TV sectors were largely devoid of delivery on sub-national policy goals, and thus it is still valid to speak of a *lack* of delivery on sub-national TV goals in this final period of study

In terms of the patterns of policymaking, as viewed through the lens of Kingdon's policy streams approach, this fourth period of study was the one which seemed to correspond most closely to Kingdon's conception of how the three streams of public policymaking – the politics, problem and policy streams – tend to operate in democratic, deliberative public policy sectors. In this period, there seemed clearly to be a TV policy politics stream with very real deliberation present in that stream (e.g. around matters such as the future of community TV, the future of the SABC, whether to fund the SABC via an income tax levy, whether to adopt a Brazilian-backed DTT standard). There was also very real deliberation detected in the problem stream, around, for instance, how sub-national TV policy problems should be defined (e.g. community TV as local or provincial? decentralised TV production as urban or rural?). And there was ample deliberative activity in TV policy's policy stream, with a plethora of policy proposals put forward by the DoC and ICASA for public scrutiny (e.g. versions of BDM) Policy, the draft PSB Bill, the Draft Local and Digital Content Development Strategy, ICASA's various versions of the DTT Regulations, and ICASA's review of Sentech's market power in signal transmission provision). And all of these policy

proposals in the policy stream were subjected to sometimes withering inputs from a plurality of players, including industry, government-funded agencies (the MDDA and NFVF) and strong civil society voices such as the SOS Coalition, Cape Town TV and MMA. Also in line with Kingdon's framework, many of these sub-national TV policy matters found their way onto the governmental agenda, and very few got onto the decision agenda to be subjected to binding policy decisions. Thus, to the extent that one accepts, as this author does, that Kingdon's framework is a valid framework (though by no means the only valid framework) for analysing deliberative policymaking in a democratic state, then it can be argued that deliberative democracy was operating in a robust fashion in the South African TV policymaking space of this period of study.

However, the one respect in which the policymaking of this period did not, in this author's view, fit with the Kingdon (1995) policy streams model was in the undermining of policymaking coherence by poor inputs from the DoC and ICASA. Particularly guilty of sowing policymaking confusion was the DoC. Unlike in the Kingdon (1995) model where a policy item moves, or does not move, from the governmental agenda to the decision agenda based on timing and the dynamics of the streams, it seemed that in South African TV policymaking in this fourth period of study the key barrier to movement of policy matters onto the decision agenda was sloppy conceptualisation and drafting by the DoC. For example, the draft PSB Bill of October 2009 was so sloppily drafted that stakeholders inputting on the draft Bill found themselves having to interact both with the substantive content *and* with basic drafting errors. In the words of the MDDA, in its submission to the DoC,

> [t]he draft Bill's intentions in respect of transforming broadcasting in S.A., promoting media diversity, promoting South African content and culture, ensuring a developmental broadcasting system, strengthening the broadcasting system, etc. are noble. The Ministry should therefore deal with the unfortunate provisions in the draft Bill (drafting errors) that may appear to compromise noble principles of editorial independence, independent broadcasting system and vibrant community broadcasting sector (MDDA, 2010, p. 31).

The other inadequate element of the draft PSB Bill process was that the process was proposing fundamental changes to the Broadcasting Act of 1999 without first subjecting the 1998 Broadcasting Policy White Paper (on which the 1999 Act is based) to a review. According to Rhodes University academic Berger (2010), in his input on the draft PSB Bill,

> [...] it is strongly recommended that the Department of Communications (DoC) does NOT take the current consultation as a substitute for participatory policy development that should take place PRIOR to legislative development (Berger, 2010c, p. 1).

Sounding a similar note to the one he had sounded in early 1998 at the time of the Broadcasting Policy Green Paper (another moment when there was concern that the DoC was not engaging in sincere policymaking deliberation), Berger (2010) wrote in relation to the draft PSB Bill process of 2009 that

> [...] the Department should be careful to avoid any impression arising that this particular legislative consultation is a mere formality. Therefore it is advisable that there emerge a public and elaborated response by the Department to the range of submissions on the Draft Bill, so that confidence in the whole process is underlined and that consultation can have meaningful consequences towards a better dispensation for broadcasting in South Africa (Berger, 2010c, p. 5).

The draft PSB Bill was withdrawn in late 2010 by Minister Padayachie, and Padayachie's successor as Minister, Dina Pule, pledged in late 2011 that she would fulfil Padayachie's pledge that there would be a full Green Paper/White Paper process in 2012-13 in support of drafting a new Bill. Other DoC processes which seemed to primarily generate policy confusion, rather than progress, in this period of study were its aforementioned Draft Local and Digital Content Development Strategy and its review of the DVB-T digital TV transmission standard.

For its part, ICASA sowed significant confusion in TV policymaking in this period of study with its vague and sudden "moratorium" on community TV licensing in March 2010, followed only a few months later, in September 2010, by an apparent (i.e. not explicitly unacknowledged) *lifting* of the moratorium. In neither case – in neither the imposition of the moratorium nor the lifting of it – did ICASA make sufficient effort to explain the context and reasoning behind its policy positions. This author was unable to determine with any degree of certainty the dynamics behind ICASA's confusing behaviour towards communtiy TV in 2010, but it does seem clear that ICASA was behaving in an *ad hoc*, confused manner in relation to community TV, and that one of the factors at play was a lack of policymaking coherence (as outlined above) at the DoC.

On a more positive note, it can be argued that the voices of concern that entered the policy stream of this period had the necessary democratic, deliberative effect: compelling the DoC

to put a halt to the PSB Bill process, to abandon its Draft Local and Digital Content Development Strategy document, and to abandon its flirtation with the digital TV standard being pushed by Brazil. And it would seem that something similar happened at ICASA in relation to its approach to community TV, with ICASA backing away in September 2010, almost certainly to some extent because of stakeholder (e.g. Cape Town TV) pressure, from its March 2010 moratorium on community TV licensing. Thus, while the DoC and ICASA should not be absolved from blame for not inputting into, and managing, certain policy processes more effectively in this period of study, it must be seen as positive that ill-considered policy approaches and content were rejected once faced with substantive stakeholder criticism – in contrast with some of the policy processes identified in the previous three periods of study, in which binding policy decisions occurred in spite of concerns over lack of policy deliberation and/or ill-considered policy content .

The public interest

In spite of the generally unsettled state of policy in relation to sub-national TV deliverables in this fourth period of study, there was, somewhat ironically (and as detailed above), an apparent "boom" in the community TV sector in this period of study, with a total of six community TV stations with long-term licences broadcasting at the end of 2011. However, as we have also seen in this chapter, five of the six stations were operating in apparent violation of the rules of the sector, and the one "pure" station, Cape Town TV, was struggling financially.

The primary destabilising factor in the community TV sector was finance. Five of the community stations on-air at the end of 2011 – i.e. all except TBN, which continued to be backed by American Christian money – were seeking to manage annual operating budgets of roughly ZAR10 million with no state funding, minimal to no MDDA funding, and no tariff discounts from state-owned signal transmission provider Sentech. The state/industry-funded MDDA continued to have only minimal resources to contribute to community TV, the DoC had yet to roll out a community TV funding strategy, and Sentech was charging community TV stations for signal distribution at commercial tariff levels (which did not make allowance for the stations' non-profit status).

Presumably to some extent as a result of the lack of MDDA/state/Sentech support, four of the new community TV stations on-air at the end of 2011 – Soweto TV, 1KZN TV, Bay TV and Tshwane TV – were not operating in a fully non-profit fashion. Despite the clear non-profit rules for the sector, as stated in the ECA of 2005, these four stations were engagaged in management/profit-sharing arrangements with private firms. Meanwhile, TBN in the Eastern Cape, stably financed as part of the international network of TBN Christian stations headquartered in the United States, was continuing to broadcast almost entirely English-language foreign content, in spite of its licence condition requiring a mix of English, isiXhosa and Afrikaans and its licence condition (and ICASA local content policy) requiring significant amounts of locally generated content (ICASA, 2006b, 2008b).

Meanwhile, Cape Town TV was strictly adhering to the sector's regulations and legal provisions regarding full community ownership/control and non-profit operation, and was seeking to obey the local content rules and content/language stipulations in its licence from ICASA. But, by obeying the sector's non-profit rules and rejecting offers of a commercial profit-sharing partnership of the sort entered into by four of the other stations, Cape Town TV had put itself in a position where its financial sustainability was persistently uncertain – an uncertainty exacerbated by the aforementioned low levels of MDDA finance, dearth of state finance, and high Sentech tariffs. An illustration of Cape Town TV's precariousness occurred in 2009 when the station was taken off-air by Sentech for a period of time due to unpaid signal distribution fees (Cape Town TV, 2009), and only got back on-air after the Station Manager was able to secure a large private donation to pay Sentech (Thorne, 2011 – interview with author).

Interviews for this research expressed concern about the level and nature of private commercial participation in the community sector, via the four aforementioned stations' profit-sharing with commercial firms (Mtimde, 2011, Thomas, 2011, Thorne, 2011 and Aldridge, 2012 – interviews with author). At the same time, however, there was acknowledgement of the fact that the community/commercial hybrid model that these four staions were following in 2011 was to some extent a product of the non-enabling financial environment for non-profit operation (Della Togna and Dullaart, 2010) and of policymakers' failure in the preceding 17 years, since the IBA Act of 1993, to provide sufficient entry points into the TV sector for private commercial interests (i.e. only one private channel, e.tv, had

been allowed entry into the sector, leaving untapped considerable pent-up private sector ambition which was now expressing itself, against the rules of the sector, via community TV licensees). This author supports the view that the confused state of the community TV sector at the end of 2011 was most correctly viewed as the result of the policy confusion and missteps of the preceding 17 years in relation to sub-national TV deliverables.

However, at the same time, notwithstanding the dysfunctional state of the community TV sector, there were signs of slight progress (by that very same community TV sector) towards delivery of sub-national contributions to public interest objectives (the public interest objectives extracted for this research from the work of Feintuck and Varney (2006)).

Access (to signals, to the means to produce/transmit)

In terms of access to the means to produce and transmit sub-national TV, it was positive that in 2011, DoC and ICASA draft documents were promising spectrum access to the six community TV stations for both analogue and digital carriage. In addition, the five new community TV stations were providing people in the stations' five respective localities – Soweto, Cape Town, Pretoria, Richards Bay and Port Elizabeth – with the means to produce TV content for consumption by their communities and to consume content produced by others in their communities.

Diversity (political, socio-cultural, ownership/control)

In terms of political diversity of output, the five new community TV stations were, by broadcasting programming produced locally, potentially providing alternate narratives and perspectives, however amateurish in their execution, from those narratives and perspectives programmed by the four nationally configured/oriented channels of SABC and e.tv. And even where programming broadcast on the community stations was not locally produced, it was typically material which was not available on the SABC or e.tv, thus again potentially providing alternative narratives and perspectives.

In terms of socio-cultural diversity, the five new stations were prioritising use of the languages most spoken in their coverage areas, and making efforts to give representation to the distinctive, local societal realities. Meanwhile, the SABC's emergent new vision for its

regional digital channels (though their rollout was highly uncertain because of a lack of state funding) now embraced, as per Waghorn's (2011) presentation cited above, a model whereby the channels could be regionally focussed channels, in non-English languages sent to be most-used in the focus regions, but still viewable nationally (rather than with segregated broadcast footprints), thus potentially becoming vehicles for support of national multiculturalism rather than apartheid-era-reminiscent linguistic segregation (in line with the SABC TV's existing nightly news bulletins in all 11 official languages and available on a national base). In this author's view, the cross-cutting localised language provision problem was now, at the end of this period of study, finally beginning to receive appropriate definition and policy answers. As per the ideas put forward (and outlined earlier in this thesis) by the Jabulani conference of 1991, and speaker Ndebele at that gathering, and in the work of Alexander (2003), the unity-in-diversity construct as it relates to official-language use on TV would seem to be best-served in the newly democratic South Africa by two-pronged approach based on 11-language multilingualism at national level on the SABC (as the national PBS) combined with elements of language targeting (as deemed appropriate by the communities served) at local level by community-owned/controlled outlets. It was this kind of two-pronged approach to the localised language problem that appeared to be emerging at the end of this fourth period of study.

In terms of ownership and control diversity, the situation was difficult to characterise. Cape Town TV was clearly contributing to diversification of TV ownership/control with its non-profit structure and community control via the roughly 200 local organisations who participated in its founding annual general meeting (AGM) in 2006. The other four new stations, however, because of their profit-sharing relationships with private firms, were diversifying ownership/control in a manner not intended by policy. And TBN continued to be an apartheid-holdover anomaly, for all intents and purposes an American TV station broadcasting with a South African community TV licence via a structure run by a small team of South African Protestant Evangelical Christians.

Stewardship (balancing public and private interests)

Multiple failures of stewardship were in evidence at the end of 2011 in relation to regional/local TV. The government and ICASA had failed in their stewardship roles by

neglecting to ensure meaningful sub-national TV delivery in the public and private TV sectors. And the dysfunctions of the community sector indicated failures of stewardship by the government, ICASA, and, in the case of TBN and the four community/commercial hybrid stations, the station licence-holders themselves.

Enabling democratic citizenship

Notwithstanding the dysfunctions present in the community sector, each of the five new community TV stations had the potential to contribute to improvement of the South African TV sector's enablement of democratic citizenship dynamics. Of particular potential citizenship-supporting value were the 1KZN TV and Bay TV stations, both serving cities (Richards Bay and Port Elizabeth respectively) outside the country's three most powerful urban areas of Gauteng, Cape Town and Durban – and thus, both potentially beginning to fill some of the information/accountability holes generated by the paltry SABC TV/e.tv programme sourcing from secondary cities. And even the stations in Gauteng (Soweto TV, Tshwane TV) and Cape Town (Cape Town TV), while broadcasting to already relatively well-served localities, offered potential information/accountability improvements to those localities. It was thus regrettable that four of these five new stations (i.e. all except Cape Town TV) were undermining their citizenship-building potential by operating in a manner not in compliance with the legal and regulatory requirements for community ownership and control.

Chapter 10: Confused Answers to the Regional/Local Question

Patterns of TV Policymaking and Public Interest Outcomes

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[...] if those charged with regulating the media do not wish to end up at the market-driven destination [...] with broadcast media simply a buttress to social hierarchy and furthering "social exclusion", offering choice only to those who can afford it, then they must consider the way forward carefully [...] – ***Feintuck and Varney (2006)***

**

The preceding four chapters, Chapters Six to Nine, showed that between 1990 and 2011, South African broadcast policy statements consistently called for pursuit of sub-national TV services in all three sectors of broadcasting provided for by law: public, private, community. In addition, there were persistent calls for delivery, by both national and regional/local TV outlets, of other sub-national elements: decentralised production, localised language provision, remote rural access, and sub-national accountability. And in support of development of the three sub-national sectors and pursuit of sub-national elements across both national and sub-national outlets, there were persistent calls for establishment of appropriate financing conditions and frequency allocations for sub-national deliverables. The wider context for all of this policy intent in relation to sub-national TV deliverables was a belief that sub-national TV elements were integral to pursuit of a public interest-oriented TV dispensation.

At the same time, however, the preceding four chapters showed that actual outcomes in relation to pursuit of stated sub-national TV goals were scarce between 1990 and 2011. It was found that in the first three periods of study between 1990 and 2006, there was only one substantive, full-time attempt to deliver TV services grounded in sub-national realities: the SABC 2 provincial window slots (two slots which ran from 1996 to 2001, and a third slot which lasted from 1996 to 2003). Meanwhile, little progress was made in these first three periods of study on the stated calls in policy for decentralisation of TV production, localisation of TV language provision, improving remote rural TV access, building TV channels' sub-national accountability, establishing sustainable financing measures for sub-national TV or ensuring frequency allocations for sub-national TV.

It was only in the final period of study, from 2007 to 2011, that implementation on sub-national TV policy objectives began to improve. In this fourth period, five new community TV stations went on-air with long-term licences. While public and private sub-national TV services still did not exist, the rollout of community TV began to generate the beginnings of delivery on stated sub-national TV goals, such as decentralisation of production, localised language provision, sub-national TV frequency allocations, sub-national TV accountability and attempts at financially sustainable sub-national TV. The period 2007 to 2011 also saw the emergence of digital migration policymaking as a core driver of TV policy – a driver which, though mishandled in certain respects by policymakers, still managed to become a positive policy force in relation to sub-national TV objectives, by prompting strengthened focus on the remote rural TV access issue and on frequency allocations for community channels (and even allowing for revival of plans for the SABC regional channels (in digital) which had initially, in 2002, been problematically conceptualised in analogue).

Thus, when this study came to a close at the end of 2011, there was reason for a small measure of optimism regarding the regional/local TV question. The question seemed to be receiving some new answers. However, at the same time, there was evidence to suggest that the answers were plagued, and would continue to be plagued going forward, by the legacy of the confused answers given to the question in the preceding two decades. For instance, it seemed clear in 2011 that the predominant dispensation produced by the Triple Inquiry decisions of the Portfolio Committee in 1996 – the nationally configured, four-channel, advertiser-funded SABC/e.tv dispensation – would continue, going forward, to limit the scope for viable introduction of sub-national TV elements, and would continue to skew the behaviour of any sub-national TV players which did manage to enter the sector.

One example of the skewing of sub-national TV delivery on public interest goals – a skewing produced to a great extent by the dominant, commercialised SABC/e.tv paradigm at national level as bequeathed by the Portfolio Committee decisions of 15 years ago – was the community/commercial hybrid model being pursued in 2011, at the time of completion of this research, by four of the six on-air community TV stations. In the absence of private TV licensing at sub-national level and with the dearth of secure funding sources for community channels, private firms and community TV licensees were combining forces for delivery of local, community TV – and, in the process, increasing the financial viability of the stations

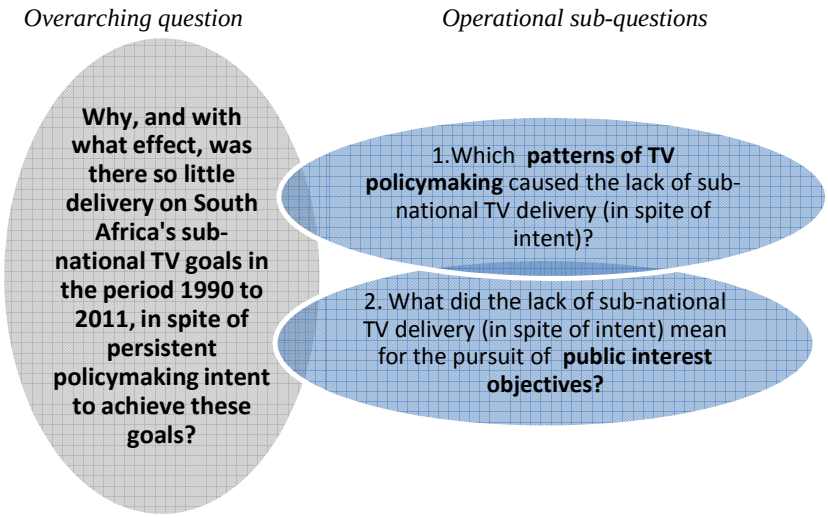
but also, at the same time, skirting certain elements of the community TV sector's policy framework and, in turn, skirting certain public interest objectives. It could thus be convincingly argued, at the end of 2011 when this research project came to a close, that only one of the six sub-national community TV stations, Cape Town TV, was operating in a manner consistent with the policies articulated by TV policymakers between 1990 and 2011 – and the public interest potential of that one "pure" station, Cape Town TV, was, as we saw in Chapter Nine, being undermined by the dearth of financial support from the DoC, high Sentech tariffs and low levels of available funding from the MDDA.

More positive at the end of 2011, however, were steps being taken to find ways to make community stations more viable as non-community/commercial hybrids – via ICASA's inquiry into Sentech's tariff practices for signal distribution, and via the DoC investigation of the possibility of a community TV support programme. Also positive in late 2011 was the manner in which digital migration planning was breathing life into the sub-national TV issues of remote rural TV access, public regional TV, and sub-national frequency allocations. Each of these three policy processes – (1) ICASA's inquiry into Sentech tariffs, (2) the DoC's efforts to devise a community TV support programme, and (3) digital migration planning – had the potential to contribute to a *purer* community TV sector, a renewed effort towards public (SABC) sub-national TV delivery, and improved implementation against the cross-cutting sub-national TV goals of decentralised TV production, localised TV language provision, remote rural TV access and sub-national TV accountability.

One job of this chapter is to reveal why the title of this thesis, arrived at during the course of analysing the data and writing it up, refers to the "accidental" centralisation of South African TV via confused policymaking. Why the word *accidental*, and why the notion of *confusion*, as explanations for the regional/local question being answered in a way which, as the title of the thesis says, *undermined* the public interest? To make sense of the title (i.e. the central contention) of this thesis, this chapter returns to the overarching research question for this research project (see Figure 10.1 below): why, and with what effect, was there so little delivery on South Africa's sub-national TV goals in the period 1990 to 2011, in spite of persistent policymaking intent to achieve these goals? Specifically, this chapter returns to the two operational sub-questions which were devised for use in getting answers to the overarching question, namely: (1) which *patterns of TV policymaking* caused the lack of sub-

national TV delivery (in spite of intent), and (2) what did the lack of sub-national TV delivery (in spite of intent) mean for the pursuit of *public interest objectives*?

Figure 10.1 Research questions



Also discussed in this chapter is the degree to which there may have been causal linkages between the answers to the two operational sub-questions, i.e. linkages between the dysfunctions found in the patterns of deliberative policymaking and the dysfunctions in pursuit of public interest objectives.

This chapter's first section, entitled "Patterns of Policymaking", identifies the moments of breakdown in deliberative policymaking found among the four periods of study in relation to regional/local TV matters. The second section, on "Outcomes in Relation to the Public Interest", summarises the manner in which the absence of delivery on sub-national TV goals across the four periods undermined pursuit of public interest objectives. These two sections, on "Patterns" and "Outcomes", thus summarise the findings in response to the project's two operational research questions as per Figure 10.1 above. The third section of this chapter brings the two sets of findings together – the findings on policymaking patterns and the findings on outcomes – and discusses the degree to which breakdowns in deliberation (i.e. pattern breakdowns) were found to be linked to failed pursuit of sub-national TV delivery on public interest objectives (i.e. public interest breakdowns). The final section of this chapter (and of the thesis) is entitled "The Future: Regional/Local TV in 2012 and Beyond", and it

speculates as to the future directions South African policymaking in relation to regional/local TV deliverables might take in the years to come.

10.1 Policymaking Patterns, 1990 to 2011

In the first period of study, 1990 to October 1996, some of the policymaking in relation to regional/local TV matters – e.g. at the IBA Triple Inquiry – was characterised by deliberative, multi-stakeholder activity. However, at one important moment of coupling among the streams, the February 1996 decisions of the Portfolio Committee in relation to the findings of the Triple Inquiry of 1994-95, policymaking did not function in a fully deliberative fashion. In making its changes to the IBA's recommendations, the Portfolio Committee acted on the basis of a position lobbied directly to the Committee by the SABC in bilateral talks between the SABC and the Committee – rather than on the basis of the broader consensus represented by the IBA Triple Inquiry Report (interviewees, 2006). One of the results of these Portfolio Committee decisions was that the apparent receptiveness to regional/local TV elements in evidence in the 1993-95 period – in the IBA Act, the IBA Triple Inquiry and (less directly) the interim Constitution – was undermined, and the balance was tipped towards a centrist/national TV orientation. The SABC was allowed by the Portfolio Committee to keep three TV channels and at the same mandated by the Portfolio Committee to deliver sub-national TV, but the SABC was not guaranteed the long-term core funding necessary to deliver on costly sub-national objectives. The SABC was thus put squarely on the path to becoming a nationally oriented, advertiser-funded TV service, and a dominant one (because of its three national channels and its hunger for advertising revenue) which would make it difficult for policymakers to introduce viable private-sector entrants and to impose sub-national obligations on entrants.

In the second period of study, from November 1996 to 2001, there was evidence of increased centralisation of TV policymaking in the hands of the state, as evidenced by the state-engineered 1997-99 Broadcasting Green Paper/White Paper/Act processes (Berger, 1998; DoC, 1998; MPTB, 1997; RSA, 1999). Also apparent in this period was increased emphasis on centrist nation-building and national unity discourses, as evidenced by the White Paper of 1998 and the Act of 1999. The decreasing quality of deliberation was found to be due to growing unilateralism on the part of the DoC and the declining power of the regulator IBA

(later ICASA). When the streams coupled in this period in relation to sub-national TV matters, the decisions did not serve to break with the direction set in the previous period: a commercialised TV sector, dominated by the SABC, with sub-optimal sub-national TV delivery.

In the third period of study, from 2002 to 2006, it was found that the state took a starkly unilateralist approach towards TV's regional/local question, by including provision for two new public regional TV channels in the Broadcasting Amendment Bill of 2002. This appearance of public regional TV provisions in the *policy stream* via the 2002 Bill occurred despite the absence of any meaningful activity in relation to this policy idea in the policy stream of the preceding period of study. And the TV sector's *politics stream* and *problem stream* during the previous period had also not carried particularly strong hints of this policy direction. Parliament's passing of the Broadcasting Amendment Act in late 2002 formalised the state's unilateralist decision, with it now specified that the regional public channels were to be provided by the SABC (RSA, 2002). But it transpired that Treasury was reluctant to fund the channels (i.e. the DoC had not generated sufficient support for the idea in the Cabinet centrally/tightly managed by then-President Thabo Mbeki), and analogue TV frequencies were scarce, making the channels problematic to ICASA from a spectrum-planning perspective (interviewees, 2006). Also problematic was the channels' almost-apartheid-reminiscent logic, whereby the nation would be separated into linguistic zones – in spite of the growing ethnic/linguistic diversity across all parts of the country. By the end of this research project, the channels still had not been implemented.

In the fourth period of study, from 2007 to 2011, it was found that the three streams largely operated according to the deliberative patterns posited by Kingdon's framework and which had been seen in the first period of study and near the end of the third period of study. Contributing significantly to the democratic, deliberative character of activity in the three streams of TV policy were the rise to prominence of the MDDA and several civil society organisations with an interest in shaping TV policy. It was found, however, that the DoC detracted from the potential value of policy stream deliberations by, on several occasions during this fourth period, putting forth sub-standard and seemingly ill-considered policy proposals with relevance to sub-national TV deliverables. The result of this placement by the state of several sub-standard offerings into the policy stream was an abundance of policy

stream activity relevant to sub-national TV resulting in very few proposals worthy of placement on the decision agenda. The other key TV sector policy player, ICASA, also performed sub-optimally in this fourth period of study, via its confused interactions with, and inadequate monitoring of station compliance in, the community TV sector.

10.2 Outcomes in Relation to the Public Interest, 1990 to 2011

There was very little change across the four periods studied in the degree to which the TV sector was providing sub-nationally oriented contributions to the public interest goals of access, diversity, stewardship and democratic citizenship. The dearth of delivery on sub-nationally oriented TV policy goals which we saw in period one (improved only slightly by the launch of SABC 2 provincial split window slots in 1996) persisted into period two, and grew even more dire in period three (when the last of three SABC 2 windows went off-air in 2003). Even in period four, which near its end saw the rise of the community TV sector, delivery on sub-nationally focussed public interest deliverables was at best uncertain because of the dysfunctional state of the sector.

The dominant TV reality in relation to pursuit of sub-nationally oriented public interest goals was, at the end of the fourth period of study in 2011, little different from how it had been at the beginning of the third period of study in the early 1990s. It was a TV reality dominated by national channels characterised by lack of signal coverage in remote rural audiences, minimal production outside the main metropolitan areas, programming predominantly in English, and minimal sub-national accountability was still minimal. In 2011, both the SABC and e.tv were providing predominantly nationally oriented programming selected in, transmitted from, and largely produced in, Johannesburg and to a much lesser extent Cape Town. And thus, the output of the four SABC/e.tv channels was not harnessing the potential of sub-nationally oriented deliverables to contribute to the TV's sector's pursuit of the access, diversity, stewardship and democratic citizenship objectives adopted from the work of Feintuck and Varney (2006) as this research project's public interest framework. The community TV sector, emergent in 2010-11, carried some potential to dilute the country's overwhelmingly national orientation, but the confused state of the community TV sector was fundamentally jeopardising its potential public interest contributions.

We saw in this thesis that South Africa's Broadcasting Policy White Paper of 1998 (still the binding policy blueprint for the broadcasting sector at the end of the final period of study in 2011) adopts public interest conceptions not dissimilar to the public interest framework adopted for this research. The White Paper of 1998 sets out five "public interest values" for broadcasting: "access, diversity within the framework of national unity, equality, independence and unity" (DoC, 1998, sect. 1.3.3). The White Paper thus seeks to give priority to both access and diversity: two of the key objectives in the Feintuck and Varney (2006) framework. It seems fair, then, to evaluate South African sub-national TV policy's outcomes in terms of Feintuck and Varney's (2006) framework (based on four criteria: access, diversity, stewardship and democratic citizenship). However, at the same time, the White Paper of 1998 is ultimately characterised by centrist national unity and nation-building discourses. These discourses are clearly detectable in the framing of the five *public interest values* just quoted from the White Paper. Two of the five values – *diversity within the framework of national unity* and *unity* – emphasise unity and suggest that diversity is not to be pursued in a manner that will undermine unity. There is nothing particularly surprising in this careful stipulation that diversity must be framed by (and somewhat secondary to) unity as a public interest value, because South African early-democratic-era policymakers understandably felt a primary duty to build unity in their nation so fractured by its experience of apartheid segregation. Thus, while this author is still of the view that it is fair that this thesis has evaluated South African TV policy implementation in terms of the four objectives extracted from the work of Feintuck and Varney (2006) – *access*, *diversity*, *stewardship* and *enabling democratic citizenship* – at the same time this author acknowledges that the diversity construct was an extremely fraught one in the early-democratic South African context.

The arrival of five new long-term-licensed community stations into the TV sector at the end of the fourth period of study was offering some potential improvement of sub-nationally oriented delivery on the access and diversity objectives, but the adoption of a community/commercial hybrid model by four of the new stations, coupled with the apartheid-era-holdover station TBN's continued skirting of its local content and language requirements, represented a failure of stewardship on the part of these stations. The dysfunctional state of community TV (five stations not adhering to the rules of the sector, and the sixth station,

Cape Town TV, in a precarious financial position) also represented a failure of stewardship on the part of ICASA and the DoC.

In terms of the overarching public interest principle of democratic citizenship, as adopted by this research project from the ideas of Feintuck and Varney (2006), it could be said that in late 2011, as this study came to a close, all five of the new community TV stations (in spite of questionable approach to the sector's non-profit rules displayed by four of the new stations) had some potential (however limited) to improve the South African TV sector's delivery on the democratic citizenship-building objective. In particular, the 1KZN TV and Bay TV stations had the potential to fill some of the hole left by SABC TV's and e.tv's paltry provision of localised TV news and information content sourced from beyond the major metropolitan areas of Gauteng (Johannesburg/Pretoria), Cape Town and Durban. Based in Richards Bay and Port Elizabeth respectively (cities not well-covered by SABC TV or e.tv), 1KZN TV and Bay TV had the potential to increase citizen engagement via increased information flows on local realities. And even the stations in Gauteng (Soweto TV and Tshwane TV) and Cape Town (Cape Town TV) had the potential to contribute to the ideal of democratic citizenship by providing counter-discourses, and information-gathering competition, to the discourses/information generated by SABC TV and e.tv in Gauteng and Cape Town.

However, recognition of the potential public interest value of the five new community TV stations must not distract attention from the numerous and fundamental public interest shortfalls in the South African TV sector circa 2011 – including numerous public interest shortfalls directly connected to the regional/local TV question. In addition to the public interest shortfalls evidenced in the dysfunctions (in both practical and policy terms) of the community TV sector (as detailed above and in Chapter Nine), cognisance must be given to the public interest shortfalls inherent in the dominant free-to-air TV reality in South Africa at the end of 2011. That dominant reality, in terms of audiences and advertising revenues, was still an entrenched, commercially oriented, nationally configured, metropolitan (Gauteng/Cape Town)-centric duopoly in the hands of the SABC and e.tv. As this study came to a close in 2011, it was only the community sector which showed signs of delivering (in a dysfunctional fashion) on public interest sub-national TV objectives. The public and private TV sectors, constituted by the SABC and e.tv respectively, were delivering very little in

support of public interest sub-national goals. SABC's and e.tv's signals were still not accessible to remote rural audiences; their independent production procurements from outside Johannesburg and the Cape Town were still minimal; their programming was predominantly in English; and their sub-national accountability was minimal. Delivery of sub-national TV elements in pursuit of the public interest objectives of access, diversity and stewardship – and in pursuit of the organising principle of democratic citizenship – was being fundamentally undermined at the end of 2011 by SABC/e.tv dominance of the TV sector.

The SABC/e.tv nationally configured TV duopoly, largely unchallenged until 2010 and only minimally challenged in 2010-11 by the full-time licensing of new community stations, was fundamentally undermining the TV sector's potential to build and support participatory democratic citizenship. Most damaging, in this author's view, to the pursuit of democratic citizenship, was the lack of SABC/e.tv information programming sourced from or focussed on parts of the country beyond the main metropolitan areas of Gauteng (Johannesburg/Pretoria), Cape Town and (to a lesser extent) Durban (as discussed in Chapter Eight). Even if KZN TV and Bay TV had been operating according to the rules of the community TV sector (i.e. not undermining their community ownership/control mandates through commercial partnerships), the presence of these stations would not be sufficient to compensate for the TV information programming deficits in the two secondary cities (Richards Bay and Port Elizabeth respectively) to which the stations were licensed to broadcast. Low-budget community TV news/current affairs operations cannot, and should not, be expected to entirely fill sub-national TV information programming holes caused by the big-city-centricity of the well-financed, professionalised news-gathering structures at the SABC and e.tv. In this author's view, pursuit of public interest objectives requires a range of TV information-gathering/programming in several of South Africa's sub-national localities, with information-gathering/programming conducted by public, commercial *and* (truly) community-run outlets. At the end of 2011, it was only in South Africa's two largest urban centres, Gauteng and Cape Town, where public, commercial and community-run TV information programming was available, and even in those two places the potential pubic-interest value of community channels was being substantically undermined by financial insecurity and (in Gauteng) non-compliance with community ownership/control rules. Thus, at the end of 2011 in South Africa, it seemed to this author that there was no part of the country receiving the sustainable, three-sector, citizenship-building local TV output

repeatedly called for in South African TV policymaking since the early 1990s. And it was these substantial holes in localised TV information-gathering/programming which, in this author's view, constituted the most damaging among the several persistent shortfalls present in 2011 in the South African TV sector's contribution to sub-nationally oriented public interest goals.

10.3 Links between Policymaking Patterns and Public Interest Outcomes

The preceding two sections of this chapter have summarised the findings across the four periods of study in relation to *form* ("policymaking patterns") and *content* ("outcomes in relation to the public interest"). Sub-optimal elements were identified in each. This author has also sought to arrive at some conclusions regarding the degree to which the *form* of South African TV policymaking on sub-national TV matters between 1990 and 2011 can be linked to the *content*, and *vice versa*, i.e. in this case study, when policymaking was found to be sub-optimal in terms of deliberation, were the outcomes of that policymaking more or less likely to be sub-optimal in relation to pursuit of public interest objectives? Put another way, to what extent did instances of non-deliberative policymaking (as viewed through the Kingdon (1995) lens) result in non-public-interest-oriented policy outcomes (as viewed in terms of the Feintuck and Varney (2006) framework)? Two of the decision moments analysed in this study provide evidence that there was indeed a correspondence between faulty policymaking and faulty pursuit of the public interest in relation to the regional/local TV question.

The first such moment came at the time of the Portfolio Committee's Triple Inquiry decision-making in early 1996. A lengthy multi-stakeholder deliberative process (the IBA Triple Inquiry of 1994-95) shrank down to a bilateral process of direct lobbying of the ANC-led Portfolio Committee by the SABC. The result was a set of Portfolio Committee decisions which reflected the SABC's and ANC government's preferred policy options rather than a consensus from the Triple Inquiry deliberations. Among the by-products of this rupture in deliberative policymaking was a rupture in pursuit of sub-national TV's contribution to the public interest. As explained earlier in this article, the Portfolio Committee decisions put the TV sector onto a path whereby SABC TV would become a dominant, advertiser-funded, nationally configured broadcaster with little inclination or ability to pursue the not-

commercially lucrative deliverables necessary to give its TV output substantial public interest regional/local elements.

The second instance where non-deliberative policymaking resulted in decisions which undermined pursuit of sub-national TV deliverables was the Broadcasting Amendment Bill/Act process of 2002. In this instance, the Ministry/DoC, in the absence of deliberative exploration of the relevant policy options, forced into existence an unworkable plan for two new regional, linguistically focussed public channels, implicitly in analogue, with segregated transmission/programming akin to the SABC's apartheid-era transmission/programming segregations. Ironically, given that the state's objectives were in this instance clearly public interest-oriented, pursuit of the objectives in such a unilateral/flawed manner took pursuit of public interest sub-national TV objectives backwards rather than forward. The regional TV provisions in the Act of 2002 forced the SABC, ICASA and other key TV policy stakeholders to engage in lengthy deliberations and planning for a regional TV model that only the Ministry/DoC was committed to.

And so it does seem reasonable to conclude that, had there been less disruption by government of deliberative policymaking processes in relation to regional/local TV policy between 1990 and 2011, the policy decisions in relation to regional/local TV, and in turn the implementations, would have been better aligned to the public interest. This finding is, of course, reliant on this author's assumption that deliberative policymaking is more likely than non-deliberative policymaking to generate optimal, rational policy decisions. To the extent that deliberative deficits were found by this author to have contributed to public interest deficits in the period 1990 to 2011, the findings support the argument made by Feintuck and Varney (2006), covered in Chapter Three, that where media policymakers fail to identify and adhere to an "organising principle for the regulatory endeavour" (2006, p. 125), then a situation can develop whereby

> [...] tensions between competing rationales for media regulation have not been articulated or resolved, but rather have been absorbed, ignored or one preferred over the other on a pragmatic, *ad hoc* basis (2006, p.125).

In such a situation, argue Feintuck and Varney (2006), media policymaking can become "unfocused and essentially reactive to technological change and commercial development, resulting in uncertainty and *ad hoc* responses which confirm rather than challenge the

hegemony of market forces" (Feintuck and Varney, 2006. p. 277). South African policymaking in relation to the regional/local TV question would seem to have fallen into this confused, *ad hoc* trap for extended periods of time following the fateful Portfolio Committee decisions of February 1996.

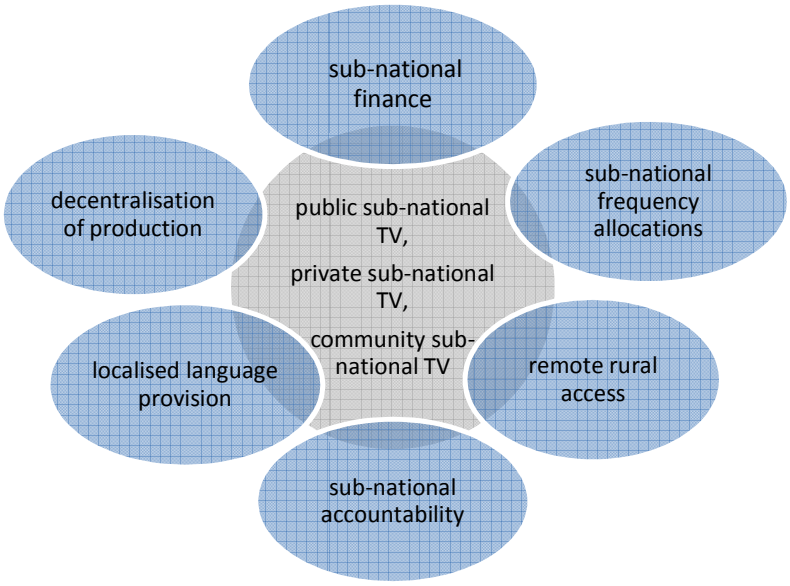
It is this author's view, after conducting this research project, that elements of *ad hoc* policymaking were to some extent inevitable in many South African public policy spheres (not only broadcasting) in the early years of the country's democratisation endeavour – because of the rapidity and complexity of the policy transformation set in motion in early 1990 and given extreme urgency by the first democratic elections just four years later in 1994. And it is also this author's view that *ad hoc* policymaking and deliberative policymaking are often incompatible – or to put it another way, non-deliberation and *ad hoc* policymaking will tend to be *mutually reinforcing*. And protracted periods of *ad hoc* policymaking on a set of policy matters can lead (as was the case with South African policymakers' attempts to deal with TV's regional/local question between 1990 to 2011) to somewhat unintended, "accidental" outcomes (and thus the use of the word "accidental" in the title of this thesis).

The regional/local question in the first two decades of democratic-era South African TV policymaking was also found, by this research project, to be linked to some of the contestations central to the country's broader democratisation project. In particular, TV policy's regional/local question was found, in the early-democratic era, to be intimately linked to the highly fraught matter of how to combine the need for unity/nation-building with the need for acceptance/respect for diversity, i.e. how to achieve unity-in-diversity paradigms workable for South Africa's unique requirements in the immediate post-apartheid years. Because of the connections between South African TV policy's regional/local question and this particularly fraught element of the country's democratisation project, the regional/local question was, in this author's analysis, particularly susceptible, among the range of early-democratic-era TV policy matters, to the *ad hoc* policymaking style made to some extent necessary by the aforementioned rapid, complex transformation exercise begun in early 1990 and intensified in 1994.

10.4 The Future: Regional/Local TV in 2012 and Beyond

It is likely that the regional/local question will continue to be present in the streams of South African TV policymaking for many years and decades to come. At the end of 2011, there was clear evidence of regional/local question was being carried forward into 2012 and beyond as part of several processes and dynamics. All nine of the sub-national TV problems found on the TV sector's governmental agenda between 1990 and 2011 were likely to remain on the governmental agenda, and at times on the decision agenda, in 2012 and beyond (see Figure 10.2 below).

Figure 10.2 Continuing sub-national TV problems, 2012 and beyond



The three sector problems (public, private, community)

In terms of the *public* sub-national TV sector, SABC TV was likely to aspire to provide a Northern-focussed service and a Southern-focussed service, with both prioritising provision of under-served languages and with (as per the presentation by the SABC's Waghorn (2011) cited in Chapter Nine) both channels available to all SABC viewers on a national basis, thus avoiding the potential problems of segregated SABC 4/5 model that emerged from the Broadcasting Amendment Act of 2002. Aspirant *private* sub-national TV operators were likely to get an opportunity to enter the sector after completion of digital migration – when an

absence of frequency scarcity would give ICASA greater latitude to consider licensing of new TV operators. In relation to *community* TV, the DoC and/or ICASA would almost certainly be compelled to take a position on whether non-profit community TV stations would be allowed to enter into profit-sharing arrangements with private commercial firms.

The six cross-cutting problems

The *sub-national finance* problem was likely to be kept alive via several processes. The ICASA inquiry into Sentech's tariffs, for which a Discussion Paper was published in June 2011, was likely to lead to reduced transmission payments by community TV stations in the future. Also likely to keep sub-national TV finance issue alive was the DoC's planned community support programme based on the community TV "business model" consultancy the DoC procured in 2011. Meanwhile, the SABC's regional channel plan would continue to be contingent on DoC securing Treasury funds to support these channels as SABC, thus keeping the sub-national TV finance problem at the heart of the more general question of what level of core state funding the SABC should receive – a question likely to receive consideration by the ANC at its 53rd National Conference in December 2012 in Mangaung (Bloemfontein). The issue of the funding of the SABC was also assumed to be central to the Minister's promised ICT Policy Green Paper and White Paper processes of 2012-13 in support of legislative amendments to the ECA of 2005 and the Broadcasting Act of 1999.

The *sub-national frequency allocation* problem was clearly on the decision agenda heading into 2012 because of the DoC's August 2011 draft Amendment to its BDM Policy and ICASA's linked Draft DTT Regulations of September 2011. Both of these processes were likely to be concluded in 2012, and if finalised without significant changes, these policies would guarantee community TV stations carriage on a DTT MUX during digital migration. Also on the frequency allocation issue, it was likely the DoC would in the future give consideration to an amendment to the ECA of 2005 to allow community TV licensees to have terrestrial broadcast footprints covering an entire province.

The *remote rural access* issue was likely to become increasingly prominent during digital migration, as there would be steadily increasing focus, in order to determine the analogue switch-off deadline, on the percentage of the population not covered by digital coverage

and/or not yet in possession of a subsidised DTT STB. Remote rural localities would be the most difficult to reach with DTT coverage and DTT STB distribution. The *sub-national accountability* issue was likely to get its strongest push going forward from the aforementioned issue of whether community TV's should be allowed profit-sharing arrangements with commercial partners. If the DoC and/or ICASA were to decide to make room for such partnerships, one of the main areas of concern would be station accountability to the communities licensed to own/control the stations.

The *localised language provision* issue was likely to continue to be prominent in relation to community TV (e.g. TBN's lack of programming in Afrikaans and isiXhosa, in apparent contravention of its licence conditions), and in relation to the SABC if and when it rolled out its proposed digital regionally focussed channels. The *production decentralisation* issue was likely to remain prominent in 2012 and beyond, in respect of e.tv's efforts to procure from independent producers outside Gauteng and the Western Cape, and in respect of SABC programming (particularly if and when regionally focussed SABC channels emerged), and in respect of community TV's local content procurement levels. It was unclear how much traction the DoC would get with its proposed rurally oriented Content Generation Hubs and proposed "Out-of-Metro Content" designation for non-Johannesburg/Cape Town/Durban content.

And the countries to which South African TV policymakers typically looked for models and ideas were also likely to be frequently engaged with the regional/local TV question in 2012 and beyond. In the closing years of this study, in 2010-11, both the UK and Canada were refining their approaches to sub-national TV. The UK regulator Ofcom, in its December 2010 Emphasising Localness in the PSB System report, stated that:

> The Government has set out its vision for local TV as part of its wider policy goal of decentralising power across the UK. The Government is seeking to create a strong local media sector, both to ensure plurality and democratic accountability at a local level and because of the potential for new businesses and innovation to emerge. […] Digital Terrestrial Television (DTT) remains a significant way of reaching large audiences, but […] in the longer term IPTV may provide a more cost effective solution for local TV. […] Online local video services and hyper-local websites are also making a contribution to an increasingly diverse local media environment. Such services can be created at much lower cost than broadcast services and can be more targeted and interactive. As broadband availability and take up grows, so the potential for such sites to have a significant impact becomes greater (Ofcom, 2010b, pp. 2-3).

Ofcom's foregrounding, in this passage just quoted, of broadband internet applications (IPTV and web-based services) for local TV/video delivery provides a glimpse into some of the longer-term issues for sub-national TV. (In South Africa, however, low levels of broadband penetration were likely to mean that most users would continue to receive television via broadcast platforms for many years to follow. Even in the UK, with much higher broadband penetration than South Africa, Ofcom wrote in its 2010 report that while internet-based TV "is the future", the UK Government "believes that local TV delivered over existing broadcast platforms is necessary today to ensure high levels of reach" (Ofcom, 2010b, p. 3). Meanwhile, in Canada, the country's regulator, the CRTC, released a new community TV policy in August 2010 which, according to a CRTC media release, would "give Canadians more opportunities to participate in their community television channels" and "also ensure that these channels better reflect the realities and interests of local citizens" (CRTC, 2010a). The CRTC media release went on to say that

> [u]nder the new policy, the CRTC will require that community members must be involved in the creation of at least half of a community channel's programming. This means that the original idea for a program must come from members of the community, who must also be involved in some aspect of the production, whether in front or behind the camera.
>
> Additionally, at least half of a channel's programming expenditures will have to be devoted to this type of programming, as well as to community outreach initiatives and the training and development of volunteers. […] The CRTC has also introduced measures to improve the accountability and transparency of the funds cable companies allocate to the operation of their community television channels. Cable companies will have to provide this information on a yearly basis starting in 2012 (CRTC, 2010a).

As these excerpts from Ofcom and CRTC documents of 2010 reveal, South African TV policymakers would not be alone in the succeeding years in grappling with the myriad policy issues that emerge from efforts to foster television services which provide sub-national deliverables in pursuit of the public interest.

Appendices

Appendix 1: Pre-Interviews

Initial contact was made with several broadcast industry experts in Johannesburg in 2004 during research for a University of the Witwatersrand LINK Centre public policy research paper, authored with Visiting Professor Richard Collins of Open University, UK, on the issue of broadcasting digital migration, i.e. migration from analogue to digital transmission of terrestrial TV signals in South Africa (Armstrong and Collins, 2004). The experts consulted during this research in 2004 included Aynon Doyle, Frank Awuah and Pfanani Lishivha of ICASA, Dimitri Martinis of the National Film and Video Foundation (NFVF), Johann Koster of the National Association of Broadcasters (NAB), Carl Ferreira and Nqaba Nqandela of Orbicom; Frans Lindeque of Sentech; Alison Gillwald of the LINK Centre (previously a SATRA Councillor, and before that Head of Research at the IBA, a member of the Independent Media Commission (IMC), and a Lecturer at the Durban Institute of Technology (DIT)); Leo van Audenhove of Free University, Brussels; broadcast engineering consultant Linden Petzer; and the SABC's Lara Kantor, Lynn Mansfield and Oren Fuchs. Later in 2004, the author convened a Community TV and Video Scoping Workshop at the University of the Witwatersrand LINK Centre, which led to a published report (Armstrong, 2005). That study brought the author into contact with community TV sector workers in Cape Town, Durban and Gauteng, including Karen Thorne, Shareef Cullis, Mike Aldridge, Mikhail Peppas, Josh Ogada, Christo Doherty and Tshepo Thafeng, as well as with UK community media consultant Simon Batchelor of Gamos Ltd. In June-July 2005, during development of the proposal for this research, informal discussions were held in Johannesburg with broadcast industry experts Julia Nzimande of the NFVF; Nadia Bulbulia of ICASA; Johann Koster of the NAB; Lynn Mansfield of the SABC; William Bird of the Media Monitoring Project (MMP); Jane Duncan of the Freedom of Expression Institute (FXI); Libby Lloyd of the MDDA; and Alison Gillwald of the University of the Witwatersrand LINK Centre.

Appendix 2: Formal Research Interviews

In August-September 2006, 18 formal, semi-structured interviews were conducted in Johannesburg and Pretoria with present or former stakeholders/actors in early-democratic-era South African TV policymaking. Listed in alphabetical order, these interviewees were:

- Mlamli Booi, CEO, Z-Coms broadcast sector consultancy; previously an Independent Broadcasting Authority (IBA) Councillor and a broadcast engineer with MultiChoice, M-Net and Orbicom.
- Nadia Bulbulia, Independent Communications Authority of South Africa (ICASA) Councillor; previously a Board Member of the Media Development and Diversity Agency (MDDA), an IBA Councillor, and a staff member in the IBA Policy Department.
- Brian Commerford, Head of Broadcasting Transmission Engineering, Sentech;
- Aynon Doyle, Regulatory Affairs Manager, MIH Group; previously Senior Manager, Broadcasting Policy, ICASA.
- Lara Kantor, General Manager, Policy and Regulatory Affairs, South African Broadcasting Corporation (SABC); previously CEO of the National Association of Broadcasters (NAB), Head of the Policy Department of the IBA, and a staff member of the Broadcast Monitoring Project.
- Nkenke Kekana of Mowana Investments; previously African National Congress (ANC) Member of Parliament (MP) and Chair of the Parliamentary Portfolio Committee on Communications.
- Pfanani Lishivha, Acting Senior Manager, Broadcasting Policy, ICASA; previously a Senior Researcher at the IBA.
- Libby Lloyd, broadcasting sector consultant; previously CEO of the MDDA, an ICASA Councillor, an IBA Councillor, a member of the Independent Media Commission (IMC), a consultant to the Institute for the Advancement of Journalism (IAJ), a consultant to the National Community Radio Forum (NCRF), a participant in the Campaign for Independent Broadcasting (CIB), and participant in the Jabulani! Freedom of the Airwaves conference.
- Sithembiso Manzini, Deputy Director-General, Policy Unit, DoC; previously Researcher, Broadcast Policy, at the IBA.
- Michael Markovitz of Primedia; previously Special Advisor to the Chairperson of ICASA, a consultant with Media and Broadcasting Consultants (MBC), an office bearer at the Film and Allied Workers Organisation (FAWO), a participant in the Convention for a Democratic South Africa (CODESA) negotiations, a drafter of the Independent Broadcasting Authority Act (IBA Act), a participant in the CIB and Campaign for Open Media (COM), and a participant in the Jabulani! Freedom of the Airwaves conference.
- Dimitri Martinis, broadcasting industry consultant; previously Head of Policy at the National Film and Video Foundation (NFVF), a consultant in the Department of Communications (DoC) Broadcasting Policy section, and a member of the management of the Bophuthatswana Broadcasting Corp. (Bop BC).
- Peter Matlare, Group CEO of Vodacom; previously Group CEO at the SABC, and before that Chief Operating Officer (COO) of Primedia.
- Joe Mjwara of Business Connexion; previously Deputy Director-General (DDG), Policy Development, DoC; previously DDG, Multimedia at the DoC, Special Advisor to the Minister for Posts, Telecommunications and Broadcasting, and Manager, Strategy Unit, at the SABC.

- Solly Mokoetle, Chief Operating Officer (COO), SABC; previously Senior General Manager, Regional Enterprises, at the SABC, and a participant in the Jabulani! Freedom of the Airwaves conference.
- Gerhard Petrick, Head of Technology, National Electronic Media Institute of South Africa (NEMISA); previously an ICASA Councillor and a broadcasting transmission engineer at Sentech.
- Kogan Pillay, Director, Business Development, Public-Private Partnership (PPP) Unit, National Treasury.
- Herman Warren, consultant; previously Head of Group Strategy, SABC.
- Justine White, broadcasting/media industry lawyer.

In addition, in August 2006 in Johannesburg, the author held an informal discussion with e.tv Station Manager Bronwyn Keene-Young on the sidelines of a Digital Migration Working Group (WG) Policy Subcommittee meeting.

In December 2006 in New York City, the author interviewed:

- Willie Currie, Communications and Information Policy Programme Manager, Association for Progressive Communications (APC); previously an ICASA Councillor, a South African Telecommunications Regulatory Authority (SATRA) Councillor, a consultant with Media and Broadcasting Consultants (MBC), a Special Advisor to the Minister for Posts, Telecommunications and Broadcasting, General Secretary of FAWO, a participant in the CODESA negotiations, a participant in COM and the CIB, and a participant in the Jabulani! Freedom of the Airwaves conference.

In 2007, the author conducted an informal phone interview with Meril Rasmussen, Programme and Fundraising Manager at Soweto TV during its special event broadcast in late 2005. From 2007 to 2009, as convenor of the University of the Witwatersrand LINK Centre's Broadcasting Policy and Regulatory Trends course, the author engaged in informal broadcasting policy discussions with course presenters Johann Koster (NAB CEO), Robert Nkuna (ICASA Councillor), Zolisa Masiza (ICASA Councillor), Jane Duncan (FXI Executive Director), Aynon Doyle (MIH Group Regulatory Affairs Manager), Nadia Bulbulia (ICASA Councillor) and Libby Lloyd (broadcast industry consultant). Informal broadcasting policy discussions were also held during this period with LINK Centre course participants Themba Phiri (DoC) and Lynn Mansfield (SABC). In May 2010 at the DoC's Local Content Summit and its Community TV Policy Workshop, pre-interviews were conducted with Cape Town TV Station Manager Karen Thorne.

Between August 2011 and January 2012, additional formal semi-structured interviews were conducted in Cape Town, Johannesburg and Pretoria, and via Skype, with, in alphabetical order:

- Mike Aldridge, Broadcast Manager, Cape Town TV and author of research studies on South African community television for the HSRC, OWN and the University of Natal Durban (UND); previously a participant in the Greater Durban Television (GDTV) special event broadcasts of 1995 and 2004, a freelance producer for the SABC TV, and a staff producer for SABC TV.
- Dr. Mashilo Boloka, Director, Broadcasting Policy, Department of Communications (DoC); previously Researcher, Media Institute of Southern Africa (MISA), Senior

Lecturer, Durban Institute of Technology (DIT) and a Programme Manager, SABC Radio.

- Willie Currie, ICASA Councillor (a follow-up interview on the interview of December 2006; see above, in the information on the 2006 interviews, the listing of Currie's previous broadcast sector involvement).
- Norman Gidi, Senior Manager, Licensing, ICASA.
- Lumko Mtimde (via Skype), CEO of the MDDA; previously an ICASA Councillor, a Chief Director of Broadcasting Policy at the DoC, an IBA Councillor, CEO of the National Community Radio Forum (NCRF), a participant in the CIB, and a participant in the Jabulani! Freedom of the Airwaves conference.
- Howard Thomas, broadcasting industry researcher and consultant conducting research for the DoC on a community TV; previously consultant to the DoC Broadcast Production Advisory Body (BPAB), and a long-time participant in the South African film/TV production and training sectors.
- Karen Thorne, Station Manager, Cape Town TV; previously on the staff of the Arts and Media Alliance (AMAC), and on the staff of Mediaworks, and a member of the DoC's Community Multimedia Services (CMS) Task Team, a member of the DoC's Broadcast Production Advisory Body (BPAB), National Coordinator of the Open Window Network (OWN), and a National Coordinator of FAWO.
- Kate Skinner (via Skype), Coordinator of the SOS: Save Public Broadcasting coalition; previously a producer with the Kagiso TV production company, a member of the Board of the Freedom of Expression Institute (FXI), national spokesperson for the Mvula Trust, and national spokesperson for the South African Democratic Teachers Union (SADTU).
- Elize Viljoen (Manager) and Bonita Koff (finance and regulatory affairs) in the community TV unit of Urban Brew Studios/Kagiso Media.

In September 2011 in Nairobi, during the UN Internet Governance Forum (IGF), the author had informal broadcasting policy discussions with Prof. Alison Gillwald (of the Research ICT Africa (RIA) Network and the University of Cape Town (UCT)) and Willie Currie (ICASA Councillor). In January 2012, the author conducted a brief, informal phone interview with a Board Member of Tshwane TV in order to receive an update on the station's Board/management relations.

The 28 individuals interviewed formally were selected via a combination of: the author's existing knowledge of, and contacts in, the South African broadcasting sector; initial scrutiny of primary documents, and the "snowballing" technique whereby interviewees were asked to recommend other interviewees knowledgeable on the matters covered by the research. Table A1 below provides each formal interviewee's name, the year of the interview, and the interviewee's institutional/employment affiliation(s) during the study periods discussed in the interview.

Table A1 Interviewees and interviewee affiliations across the four study periods

Period 1 = 1990 to Oct. 1996; Period 2 = Nov. 1996 to 2001;
Period 3 = 2002 to 2006; Period 4 = 2007 to 2011.

Interviewee name, in alphabetical order, and (year(s) of interview(s)	Gov't (DoC, Ministry, Portfolio Committee)	Regulator (IBA, ICASA)*	Broadcast Industry	Civil Society, Academia	Consultant to Broadcast Sector	Agency (MDDA, NFVF)**
1. Mike Aldridge (2012)			Periods 1, 2, 3, 4	Periods 1, 2, 3, 4		
2. Dr. Mashilo Boloka (2011)	Period 4	Period 2	Period 1	Period 3		
3. Mlamli Booi (2006)		Period 2	Period 1		Period 3	
4. Nadia Bulbulia (2006)		Periods 1,2,3		Period 2		
5. Brian Commerford (2006)			Periods 1, 2, 3			
6. Willie Currie (2006, 2012)	Periods 1, 2	Periods 2,4		Period 1	Periods 1, 2	
7. Aynon Doyle (2006)		Period 3	Period 3			
8. Norman Gidi (2012)	Period 4					
9. Lara Kantor (2006)		Period 2	Period 3	Period 1		
10. Nkenke Kekana (2006)	Periods 1, 2, 3			Period 1		
11. Bonita Koff (2012)			Period 4			
12. Pfanani Lishivha (2006)		Periods 1, 2, 3				
13. Libby Lloyd (2006)		Periods 2, 3		Period 1	Period 3	Period 3
14. Sithembiso Manzini (2006)	Period 3	Periods 1, 2				
15. Michael Markovitz (2006)		Period 3			Periods 1, 2	
16. Dimitri Martinis (2006)			Period 1		Periods 2, 3	Period 3
17. Peter Matlare (2006)			Periods 1, 2, 3			
18. Joe Mjwara (2006)	Periods 2, 3		Periods 1, 2	Period 1	Period 2	
19. Solly Mokoetle (2006)			Periods 1, 2, 3	Period 1		

20. Lumko Mtimde (2011)	Period 2	Period 2, 3	Period 4	Period 1		Period 4
21. Gerhard Petrick (2006)		Period 3	Periods 1, 2	Period 3		
22. Kogan Pillay (2006)	Period 3					
23. Kate Skinner (2011)			Period 2	Periods 1, 2, 3, 4		
24. Howard Thomas (2011)			Periods 1, 2, 3, 4		Periods 2, 3, 4	
25. Karen Thorne (2011)			Period 4	Periods 1, 2, 3, 4		
26. Elize Viljoen (2012)			Period 4			
27. Herman Warren (2006)			Periods 1, 2			
28. Justine White (2006)					Periods 2, 3	

* **IBA** is the Independent Broadcasting Authority; **ICASA** is the Independent Communications Authority of South Africa, established in 2000 through the merger of the IBA and the telecommunications regulator (the South African Telecommunications Regulatory Authority (SATRA)).
** **MDDA** is the Media Development and Diversity Agency, established in 2002.
*** **NFVF** is the National Film and Video Foundation, established in 2001.

Most of the interviews lasted for one hour or longer, preceded by 10 to 15 minutes of unrecorded conversion in which the researcher:

- reminded the interviewee that the focus of the study was on the regional/local dimension in South African TV policy;
- went through the Interview Guide (see Appendix 3 and Appendix 4) briefly to set out the three themes in the Guide: (1) the policy and implementation path, (2) the moments of policy opportunity, (3) the players;
- (in some cases) briefly explained the nature and key components of Kingdon's policy streams framework, while emphasising that the interviewee was not expected to speak in terms of Kingdon's model;
- Stated that the interviewee was not expected to comment on processes or time periods of which she/he was not directly aware, and that the purpose of the interview was to focus on elements and periods of the South African democratic-era TV policymaking process of which the interviewee had direct, in-depth knowledge;
- explained that unless the interviewee specified otherwise, it would be assumed that her/his remarks were "on the record" and could be attributed to her/him directly, by name, in the thesis;
- explained that where the interviewee specified that something was "not-for-attribution", the researcher would still be able to use, and even quote, the input, provided it was not attributed in a manner that would allow it to be identified as coming from the interviewee;
- explained that where the interviewee specified that a piece of information, or an opinion, was "off-the-record", it became information/opinion that would not be used in the thesis unless it was also provided by another data source; and
- explained that the interview would be audio-recorded so as to allow for accurate transcription of the interviewee's inputs – and also to serve as proof that the interview

did indeed take place in the event of a situation, albeit unlikely, where such proof might be requested by thesis examiners or the university as part of the examination process for the thesis.

Appendix 3: Interview Guide (2006)

The SA Regional/Local TV Policy & Implementation Path, 1994-2006

- the policy path, the implementation path
- the players who have influenced, or tried to influence, the course of policy and implementation on regional and local TV
- the overt arguments for and against regional and local TV
- the underlying motivations for and against regional and local TV
- the regional/local TV models put into practice
- the regional/local TV models adopted but not implemented
- the models put forward but not adopted
- the models not put forward but used in other countries

Moments of Policy Opportunity for SA Regional/Local TV, 1994-2006

- 1994-1996: IBA Triple Inquiry
- 1996-1998: Broadcasting Colloquium, IBA Private Free-to-Air TV Process & e.tv Licensing & + DoC Green & White Paper Processes
- 2002-06: DoC/Parliament Broadcasting Amendment Bill/Act & ICASA RTV/LTV & SABC 4/5 Processes

The SA Regional/Local TV Players, 1994-2006:

- SABC & Consultants to SABC
- Midi/e.tv
- Bop BC
- IBA/ICASA
- Ministry/DoC
- Parliamentary Portfolio Committee
- NAB
- Sentech
- M-NET/MultiChoice
- Cape Town commercial TV interests
- Opposition parties (DA, IFP)
- Languages lobby
- Public interest broadcasting lobby
- Regional/independent producer lobby
- Community TV lobby
- Greater Durban TV
- Cape Town TV groupings (Rugby TV, CCTV)
- Soweto Community TV

Appendix 4: Revised Interview Guide (2011-12)

The SA Regional/Local TV Policy & Implementation Path, 1990-2011

- the policy path, the implementation path
- the players who have influenced, or tried to influence, the course of policy and implementation on regional and local TV
- the overt arguments for and against regional and local TV
- the underlying (sometimes hidden) motivations for and against regional and local TV
- the regional/local TV models put into practice
- the regional/local TV models adopted but not implemented
- the models put forward but not adopted
- the models not put forward but used in other countries

Moments of Policy Opportunity for SA Regional/Local TV, 1990-2011

- 1990 to Oct 1996: Jabulani, CODESA, ANC DIP Conference, Interim Constitution, IBA Act, IBA Triple Inquiry, formation of OWN
- Nov 1996 to 2001: Broadcasting Colloquium Outcomes, IBA Community TV Workshop, OWN "Natural Partnership" MoU with SABC; IBA Private Free-to-Air TV process and e.tv Licensing, DoC Green Paper, White Paper and Broadcasting Act processes, ICASA Local Content Regulations process
- 2002-06: DoC/Parliament Broadcasting Amendment Bill/Act & ICASA RTV/LTV & SABC 4/5 processes, DoC Digital Migration Working Group (WG) process, ICASA Subscription TV process, e.tv licence renewal application, ICASA Local Content Regulation amendments, ICASA Community TV ITA, BPAB process, CMS Task Team process
- 2007-2011: Licensing of Soweto TV, licensing of Cape Town TV, Tshwane TV, Bay TV/1KZN, PSB Bill, Digital Migration, DoC Digital and Local Content Strategy and Summit, DoC Community TV Summit

The SA Regional/Local TV Players, 1990-2011

- SABC & Consultants to SABC
- Midi/eTV
- Bop BC
- IBA/ICASA
- DoC & Consultants to DoC
- Parliamentary Portfolio Committee on Communications (PPCC)
- Treasury & Treasury PPP Unit
- NAB
- Sentech
- M-NET/MultiChoice
- Free-to-Air TV, CTN, Channel 6 Cape Town
- Opposition parties (NP/NNP, DA/ID, IFP)
- Provincial governments (KZN, North-West, Eastern Cape)
- Languages lobby (PANSALB)
- Public interest broadcasting lobby (COM, CIM, FXI, MISA, Group of 13, SOS)
- Regional/independent producer lobby (IPO/SASFED)
- Community TV lobby (NCRF, OWN, NCMF, Cape Town TV)
- Trinity BN, Greater Durban TV, Cape Town TV, Soweto TV, Tshwane TV, Bay TV/1KZN, Eastern Cape Provincial Television Station

The Interview Guide was adjusted very slightly in January 2012 for the final few interviews in that month, in order to reflect the presence in the sector of Bay TV in Port Elizabeth, which went on-air on 1 October 2011.

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