



MEDIA LANDSCAPE 2012

REFLECTIONS
ON SOUTH AFRICA'S
MEDIA ENVIRONMENT



FOREWORD



Post-apartheid South Africa was a time of significant change – with all sectors of society undergoing rapid transformation. Alternative ways of ruling and running the country were being explored, discussed and debated.

The new democratic government's approach was a participatory one –ordinary citizens should be engaged and contribute to discussions and debates that would ultimately feed into the decision making processes that would affect their lives.

For citizens to be better able to participate actively requires that they receive information around a range of issues, from different viewpoints and opinions. The media was seen as having a critical role to play in creating and sharing information, for educating and building knowledge among citizens – and for facilitating public debate.

Newspapers, television broadcasts and digital media could together provide the platform for the sharing of diverse ideas, in different languages and in the written and spoken word, opening up access to a world of information and knowledge needed by citizens to build a democratic country. The government as a regulator and facilitator of change has played an active role in transformation of the media landscape. The culture of secrecy, disinformation, and restrictions on press freedom, a feature of National Party rule, changed almost overnight.

The new democratic government introduced freedom of expression as a constitutional right, a diversity of views was encouraged, an independent press emerged, and a host of laws were enacted that incorporated the principles of universal access, diversity, nation building and education.

Government Communication and Information System (GCIS) has initiated the writing of this annual review of the media landscape to not only consider the changes that have taken place but to contribute towards improving understanding, stimulating discussion and triggering debates that might result in the positive growth of this powerful and critical sector. This book is firstly an educational tool for those entering the media environment. More importantly though the book provides a platform for constructive discussion through reflecting the key issues and presenting viewpoints on a range of relevant topics that have emerged within the media environment.

The book *Media Landscape 2012: Reflections on South Africa's media environment* is for government communicators, media students, politicians, journalists and others who are interested and involved in the media sector. Different writers who work within the media environment have contributed chapters that bring you up-to-date information on developments and dialogues from within this ever-changing and complex environment.

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Minister in the Presidency
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Media Landscape 2012: Reflections on South Africa's media environment

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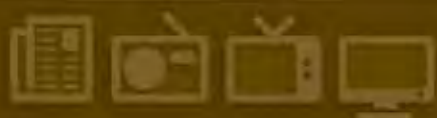
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INTRODUCTION

The media landscape is vibrant, dynamic, and ever-changing. The transition in South Africa from apartheid to democracy prompted many radical shifts in this environment. Technology – with Internet and social media platforms – has taken this even further, with a communications revolution that is citizen-driven, instant and increasingly interactive.

All positive change is to be celebrated. Change is never static though, and the media environment is unlikely to stay the same for long.

In South Africa, journalists, media owners, broadcasters, politicians and other key players grapple daily with unresolved issues such as media ownership, control, content, diversity, and language policy. Challenges that emerge are there to be addressed. Discussions, debates and struggles continue to resonate within the news, broadcast, magazine and digital environments, reflecting an industry alive and alert to emerging issues.

A TRANSFORMING MEDIA

Under apartheid, the media was severely restricted, controlled by a myriad laws that made it difficult to publish information on anything political without authorisation. The Publications Act of 1974, for example, gave the then government the power to censor books, movies and plays – effectively deciding what citizens could or could not consume.

National security laws were also a means by which the apartheid government kept information secret and away from public scrutiny. The National Defence Act of 1957 restricted the right of people to publish 'statements, comments

or rumours relating to any member or activity of the South African Defence Force' while the Criminal Procedures Act of 1977 made it possible for journalists to be prosecuted if they did not reveal their confidential sources.¹

The National Party government clampdown on the press was relentless, and became increasingly so as nationally and internationally, apartheid began to be reviled as a political system. In October 1977, the apartheid government arrested, detained and banned Black Consciousness Movement (BCM) aligned activists and 18 organisations involved in anti-apartheid activism. Three newspaper publications – *Pro Veritate*, a Christian publication; The World newspaper; and Weekend World, the paper's weekly magazine, were also shut down because the ruling party felt that the views expressed in them were not in line with its thinking. This one-day crackdown came to be known as 'Black Wednesday'.

In the mid- to late-1980s, a national State of Emergency was declared. This had a significant impact on news media, as journalists found it increasingly difficult to work effectively. They were harassed and restricted from entering townships to report on the unfolding civil and political struggles. With political leaders banned, limitations were placed on who could be interviewed or quoted in emerging stories. TV and radio also remained in state hands and there was little media diversity. In this period, independent alternative media emerged with the Weekly Mail, the Vrye Weekblad, New Nation, New African and others attempting to present an alternative point of view and to continue to build an anti-apartheid and democratic consciousness.

¹ Quoted in <http://themedialonline.co.za/2013/02/scrap-apartheid-era-laws/>



Things began to shift in the early 1990s. The National Party was under increasing pressure to change, owing to resistance within the country and opposition elsewhere. In 1990, the African National Congress (ANC), the South African Communist Party (SACP) and the Pan Africanist Congress (PAC) were unbanned and the long process towards a negotiated settlement began. In 1994, the first democratic election ushered in a new period in South African history. This was to affect every aspect of society, and the media environment was no different.

In 1996, the Constitution was introduced as the framework for the young democracy. After the state control of the media during the apartheid era, the democratic government was determined to open up the media to allow for discussion and debate. Freedom of expression was upheld and protected as one of the fundamental rights of all citizens.


With this freedom came freedom of the press and media, the freedom to receive or impart information or ideas, the freedom of artistic creativity, academic freedom and freedom of scientific research, as an intrinsic part of the 'New South Africa'. The view of how the media would operate was visionary – it would reflect the broad views of all South Africans and include a diversity of voices independent of government and outside state control. Press freedom would be limited in cases where war or violence was incited, and when hatred was being advocated against anyone based on race, gender or ethnicity.

While the Constitution provided the framework for change within the media environment, a number of laws were also enacted. These laws (such as the Independent Broadcasting Authority Act 153 of 1993), the Broadcasting Act 4 of 1999, the Independent Communications Authority of South Africa

Act (ICASA Act,) of 2000, the Electronic Communications Act of 2005, and the Media Development and Diversity Agency (MDDA) Act of 2002) were important in that they created an enabling environment in which the public, private and community media could operate.

This has had a profound influence on the transformation of the media in South Africa which has been seen especially in the broadcast and community media environment. In the fact sheet '*A short history of broadcasting*', broadcast laws from the early 1990s are summarised and their influence explored. The government from the outset established the principles relating to media that included issues of universal access, diversity, nation building and education. Then Independent Broadcast Authority (IBA), a regulator operating within a public interest framework was established through the Independent Broadcasting Authority Act of 1993. Later, with the amalgamation of the IBA and the South African Telecommunications Regulatory Authority (SATRA) in line with the convergence of technologies, the Independent Communications Authority of South Africa (Icasa) emerged as the independent regulator, free from party political control and responsible for the issuing of broadcasting licenses for commercial, public and community media. In broadcasting, through the licensing of these free-to-air channels, subscription services, and 218 community radio stations, media players previously excluded from the industry begin to emerge and a diversity of voices starts to be heard on the airwaves. Access to radio and TV stations by the majority of South African citizens is also made possible.

The South African Broadcasting Corporation (SABC) has also been deeply affected by the democratic transition. The history of the corporation is one in which radio and TV services were used as a propaganda tool for the National Party to promote the



apartheid agenda. The democratic Constitution and additional legislation reversed this and the SABC has since been transformed from a state to a public broadcaster. The SABC was restructured to better serve and reflect the interests of all South African citizens – and a broader range of programmes and languages is now heard on TV and radio.

In the print media environment, although some shifts in the landscape have been seen, there are still a number of challenges. Newspapers and journalists have been given a greater degree of freedom to publish stories that at times are heavily critical of the government of the day – a situation seldom seen in the heyday of apartheid. A few new titles such as the *Daily Sun* and *Isolezwe* have appeared on the market, reflecting just how much the environment has indeed changed in terms of audiences targeted and audiences born..


One of the key concerns, however (and a hangover of the apartheid past), relates to the traditional ownership structures of the print media where four major companies dominate: Media24, Times Media, Caxton and the Independent Group. Increasingly, these and other media entities have also expanded into the broadcast and digital media space.

The setting up of the Print and Digital Transformation Task Team (PDMTTT) to assist the industry to develop a common vision and strategy for transformation has been welcomed. The PDMTTT was set up in 2012 in response to calls within broader society and Parliament for the need for transformation of the industry. Public hearings were planned and issues that were to be deliberated on included: ownership; management; control and employment equity; skills development; preferential procurement; socio-economic development and enterprise development.

Some smaller commercial entities who attended the public hearings of the PDMTTT in the first quarter of 2013 indicated that they have found the barriers to entry in the print media environment so stringent that they are unable to sustain their businesses. This is discussed extensively in *‘Competition Commission cases in the media: Print media’*. This chapter focuses on anti-competitive behavior in the print media environment and barriers to entry such as ownership concentration, creeping acquisition and access to print. In ‘A case for community media’, the government’s recognition of the need for transformation in the industry resulted in the setting up of the Media Development and Diversity Agency (MDDA). MDDA was to drive growth in the community media sector across a range of media platforms. The idea was that the MDDA would work to create an enabling environment for community media, to provide funds, and to introduce diverse voices so as to ensure that the voice of those previously excluded is heard.

There have been a number of successes in the community media environment although there are newly-emerging challenges ranging from skills and capacity in the sector, to access to advertising, to support for financial sustainability. The government has demonstrated its support through advocating for the growth of the sector and placing adverts in a variety of community media.

In the chapter *‘Why the South African government needs its own media’* the question as to whether there is diversity and plurality within our media space is also tackled. The author suggests that the commercial print media is driven by the profit motive and is structured in such a way that it simply cannot play an effective role in facilitating government’s engagement with citizens. As the public sector has a lot of messages to get out to citizens, and



because this is not satisfactorily done by commercially oriented media for whom the dissemination of information as a public service is not an imperative, an argument is made that government needs to look at producing and expanding its own media – something that it has started to do.

The print media has more recently also come under scrutiny from the ruling party, the African National Congress (ANC) because of what is perceived as its poor and inaccurate reporting. In 2011, the ANC suggested that a media appeals tribunal reporting to Parliament be established to oversee the press. This was met with strong resistance from those wanting to maintain self-regulation of the press. The Press Freedom Commission (PFC) was established to debate these and other issues of concern and to suggest a regulatory system and a press code that could address these.

In *'The South African regulatory regime in print, broadcasting and online'*, the author considers media regulation. While the chapter is informative and deals with the regulatory authorities and codes that control the different media, the debate on self-regulation of the print environment presents as an underlying theme. The Press Council retains the view that state involvement of any kind in regulation is incompatible with media freedom – a core constitutional right. However, at its Mangaung conference of December 2012, the ANC resolved that Parliament should continue to conduct an inquiry into the feasibility of a media appeals tribunal. In *Media accountability mechanisms: self-regulation, independent and statutory regulation* a case is made for independent statutory regulation to encourage professionalism in journalism and to strengthen democracy. How the press will finally be regulated will obviously be part of a continuing debate in 2013 and years to come.

Another issue fiercely contested in 2012 and likely to be picked up in 2013 relates to what constitutes freedom of expression. The Protection of Information Bill was first introduced in 2010 and has been the subject of ongoing hearings and debates within and between government and civil society. Government introduced the draft legislation with the aim of regulating the classification, protection and dissemination of state information. While government has reiterated its approach as part of a robust public discussion, civil society organisations and media representatives have argued that this Bill limits the right to freedom of expression as it gives wide powers to the state to classify information, and that whistleblowers are not afforded enough protection if they are in possession of, or publish, classified information they perceive to be in the public interest.

In April 2013, this bill was finally passed by the National Assembly and while many are in agreement that the final form is an improvement on the initial version, civil society and opposition parties have still a number of concerns. Due to the ongoing discussions, debates and revisions that the bill has been through, it has been difficult to include this as a chapter in this review but it is likely to be a topic in a future edition.

Freedom of expression (and the rights that flow from it) is critical if a democracy is to grow and flourish yet many countries throughout the world are reporting a decline in these rights. *'Freedom of expression: International and regional commitments and Africa's response'* explores the charters, protocols and covenants that have been signed by South Africa and other African countries. Although many countries are committed to the principles of freedom of expression, their practice lags far behind, and in some instances initial gains have been reversed. The African Com-



mission on Human and People's rights was set up to oversee progress on the promotion of human and people's rights and to ensure their protection in Africa. The Commission has an important role to play, not only in ensuring that countries uphold all freedoms that affect human rights, but also, and more specifically, that freedom of expression is not eroded, as it is the key to democracy.

Innovations in information and communication technology are driving change and have started to have a major impact on how people access, interact and receive information from the media. News stories, opinion pieces, ideas, images, and photographs are now easily available on a range of platforms – from the TV in our lounges, through to the tablets and mobile phones that we carry around. The Internet and social media platforms such as Twitter and Facebook give instant and immediate access to news and information, with this interaction happening in a much more equal way as more and more people own at least one or more of these technologies. In light of these advances, freedom of expression and access to information is becoming more real, and the unfolding debates about freedom of expression will have to take these technologies into account. In *'We, the Tweeple'*, government is urged to begin engaging with citizens in this real-time environment.

While allowing more citizen interaction is positive in a democratic society, the technology is also resulting in the decline in print media specifically. With the rise of the Internet, newspapers nationally and internationally have also been faced with a declining readership and much time has been dedicated to ensuring that circulation figures are stabilised. In South Africa, while this is happening to a degree, limited broadband has hamstrung the full impact. In *'Connecting Africa: Internet and the role of the media'* these issues

are discussed and a strong case is made for the media industry to 'adapt or die'.

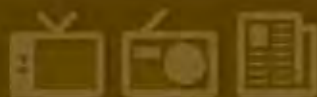
Government has also been forced to respond to technological changes, and where convergence of technologies has had an impact on the broadcasting and telecommunications environment, laws have been repealed or enacted. The Broadcasting Digital Migration Project that outlines the process of migrating the country's broadcasting from analogue to digital platforms has been discussed and debated.. More recently, the Department of Communications has also called for a full policy review of the communications environment with a view to putting in place a national integrated Information and Communication Technology (ICT) policy. This will be something to look forward to in 2013.

CONCLUSION

It is clear that there have been, and will continue to be, major changes in the media environment. Within this space, journalists, academics, media industry players, politicians and ordinary South Africans discuss, debate and deliver opinions on how they see the fourth estate unfolding. While gains are celebrated, serious problems remain or are emerging, as the newly democratic South Africa begins to evolve.

This book is a collection of views on the post-1994 media landscape and serves as a snapshot of the developments and debates that define the sector. This is by no means a comprehensive look at the media environment and does not claim to encompass or capture all the discussions that are taking place. Rather, it is the first in an annual review and other issues are likely to be picked up and explored in subsequent editions.

CHAPTER BY CHAPTER



In *Media Landscape 2013: Reflections on South Africa's media environment*, the authors explore technological innovations and the impact these have had on the media; look at how competition is being addressed; analyse why there is a need for government-owned and community media; introduce South Africa's media currencies and outline the regulatory environment. All chapters reflect the radical changes that have taken place and give the reader a glimpse into current issues within the media landscape. Fact sheets on broadcasting, foreign media presence in South Africa and international and regional protocols relating to freedom of expression provide important information and an overview of different aspects of the media environment.

CHAPTER 1: CONNECTING AFRICA: INTERNET AND THE ROLE OF THE MEDIA

by Koos Bekker

The Internet has revolutionised the way in which content and information are exchanged. The media has been particularly affected – and there is a pressing need for the newspaper industry to adapt to this new technology – or die. We have already seen a decline in newspaper circulation. In South Africa this has not yet reached a peak as broadband penetration is poor and access to Internet limited. This is likely to change in the next few years as the challenges of broadband penetration are addressed and more mobile and smartphone technology becomes accessible to the general population. Once this happens, the way of the world and of doing business, including within a media en-

vironment, will be markedly transformed. As information increasingly becomes the driving force of human development and economic growth, South Africa will need to make the transition to the new world – there is simply no other option.

CHAPTER 2: WE, THE TWEETLE


by Gus Silber

The social media revolution is changing the way journalists source, distribute and publish the news. In this fast-changing media landscape, there are greater opportunities than ever for government to join the conversation and engage with citizens. Twitter as a social media platform is explained and explored – and government is encouraged to use this medium to tell its stories, to engage with citizens and to share its views. Social media cannot be wished away. It is a necessity for all cabinet ministers, premiers, MECs, and government communicators to use these social networks to make their voices heard!

CHAPTER 3: WHY SOUTH AFRICA NEEDS GOVERNMENT OWNED MEDIA: A PRINT MEDIA FOCUS

by Vusi Mona

Communication and information-sharing is a key function of government. Government departments are constantly generating information when formulating policy, developing programmes and implementing projects. The question the chapter raises is how effectively the commercial media, particularly print, can communicate and disseminate government information. Commercial media is a business, is driven by a profit motive, and must maintain



circulation figures and appeal to advertisers – all of which places limitations on what they communicate and to whom. The limitations faced by the commercial print media system are introduced and an argument is presented as to why government needs to publish its own media. Examples of where this is already being done, nationally and internationally, are also included.

CHAPTER 4: A CASE FOR COMMUNITY MEDIA

by Nkopane Maphiri

Community media has been around since before 1994, when it acted as an alternative press responsible for building an anti-apartheid consciousness. After 1994, the government supported this sector so as to create diversity in the media and to encourage ownership, control and access by historically disadvantaged communities. This was done through creating an enabling environment, setting up support organisations and providing limited funding to community newspapers, radio and TV through the Media Development and Diversity Agency (MDDA). There has been growth in the sector with over 218 community radio stations and approximately 30 community and small commercial newspapers available. The sector has not been without its challenges though. These relate to issues of continued ownership of the print media by four major companies, which creates barriers to entry for small commercial publications. In addition, limited resources for community media have affected the sustainability of the sector. All these issues are discussed – and a case made for why community media should exist and what is being done and needs to be done in order to ensure that this sector survives.

CHAPTER 5: COMPETITION COMMISSION CASES IN THE MEDIA: PRINT MEDIA

by Tamara Paremoer


The print media industry in this country is dominated by four main players:– Media24, Times Media Group (previously Avusa), Caxton and Independent Newspapers. Control of the newspaper publishing process – from content generation through to printing and distribution – is mainly concentrated in the hands of these four giants. Smaller independent newspaper publishers wishing to enter this market have come up against a number of barriers to entry, barriers which include factors such as ownership concentration, creeping acquisition, predatory prices and limited access to printing, publishing and distribution channels.

The Competition Commission, responsible for investigating anti-competitive behavior and regulating mergers in South Africa, has seen a considerable increase in the number of competition cases in the print media sector. Potential anti-competitive behavior that exists in this industry is explored and the effect that this has on the ability of new entrants to grow and develop into sustainable businesses and effective competitors is considered.

CHAPTER 6: SOUTH AFRICA'S MEDIA CURRENCIES: SHAPING THE UNDERSTANDING OF THE LOCAL MEDIA ENVIRONMENT

by Megan Chronis

South Africa has a vibrant and diverse media environment in which people have a range of choices about where they get their information, entertainment or education. Different TV and



radio stations, newspaper and magazine titles, digital and online media sites, all jostle to attract valuable consumers. For marketers, this provides myriad opportunities to reach out and make a connection with these target markets.

Media audience researchers are responsible for providing data that quantifies opportunities for the media, marketing and advertising industries who might wish to buy and sell media space and time. The data that they gather is important in that it gives the industry some idea of how many people are engaging with the media and what they are reading, watching and listening to – and how they can use it to make business decisions such as where to advertise and what media is bringing the biggest returns.

Within a media environment, there are many different surveys that are carried out. Some surveys have become accepted by the industry as being an official information source or currency for the industry. The All Media and Products Survey (AMPS), the Radio Audience Measurement Survey (RAMS) and the Television Audience Measurement Survey (TAMS) are all accepted media audience currencies. What these focus on, and how they are conducted, are explained in detail in the chapter.

CHAPTER 7: THE SOUTH AFRICAN REGULATORY REGIME IN PRINT, BROADCASTING AND ONLINE

by Joe Thloloe

The media in South Africa – print, broadcast and online – are regulated, first by the Constitution of the country, and then by the codes that they have voluntarily drawn up to regulate themselves. Different codes exist for the different media platforms – but there


are many similarities, particularly relating to news and the reporting of news. The regulatory environment in respect of the different media platforms is considered in this chapter, and the codes, institutions, structures and complaints procedures are presented. What is argued is that self-regulation by the media in South Africa is in line with best practice internationally, and freedom of expression is maintained precisely because of self rather than statutory regulation.

CHAPTER 8: MEDIA ACCOUNTABILITY MECHANISMS: SELF-REGULATION, INDEPENDENT AND STATUTORY REGULATION

by Lumko Mtimde

In the past year there has been intense debate on how best to regulate the print media to ensure accountability, professionalism and to avoid irresponsible reporting that impacts negatively on human dignity and the right to privacy.

The Press Freedom Commission (PFC) set up by Print Media South Africa (PMSA) and the South African National Editors Forum (Sanef) have argued strongly for a system of independent co-regulation that is independent of government and made up primarily of citizens outside the media environment. Independent statutory regulation is suggested as another mechanism that could help to strengthen and complement the self-regulatory system. An independent statutory regulator – independent from industry, affected parties, government, commercial and political interference but recognised in law is suggested as a body that could ensure ethical and professional journalism within a print media envi-



ronment. As South Africa continues to review accountability mechanisms including regulatory frameworks and systems, best practice that will contribute to good journalism, an informed society and the deepening of democracy will need to be considered and agreed.

FACT SHEET 1: FREEDOM OF EXPRESSION: INTERNATIONAL AND REGIONAL COMMITMENTS AND AFRICA'S RESPONSE

Freedom of expression is recognised as key for democracy to flourish and is written into many country constitutions as an inalienable right. In Africa, all countries have signed the African Charter on Human and People's Rights that gives the people the right to receive information and to express their views. For some this Charter did not go far enough in protecting the right to freedom of expression, and other declarations such as the Declaration of Principles on Freedom of Expression in Africa, and the Windhoek Declaration, were adopted. Despite the in-principle support for freedom of expression, many problems remain on the African continent. Progress has been made within some countries but in others journalists are still harassed, and media reporting is clamped down on. The right to freedom of expression as a site of struggle is explored in this fact sheet, which reports on successes and challenges.

FACT SHEET 2: A SHORT HISTORY OF BROADCASTING

Broadcasting during apartheid was used to propagate the views of the National Party. Since the democratic transition there have been fundamental changes. An independent authority, the Independent Communications

Authority of South Africa (Icasa), outside of party political control has been introduced through the ICASA Act of 2002. This authority now regulates the public, private and community broadcasting sphere and issues licenses to broadcasters. Other laws, such as the Broadcasting Act of 1999 and the Electronic Communications Act of 2005, reflect government policy on universality, diversity and ownership – and the increasing convergence of telecommunications and broadcasting technologies is recognised. The broadcasting environment has grown substantially, and there are many more people than before accessing both public and private radio and TV. The changes within broadcasting are reflected upon.

FACT SHEET 3: FOREIGN MEDIA PRESENCE IN SOUTH AFRICA

The foreign media presence in South Africa grew after 1994, and many organisations have now established offices in the country. This fact sheet provides the contact details of some of them.

