



Physical Address: 1st Floor, Richmond Forum Building, 18 Cedar Avenue, Richmond, 2092

Postal Address: P.O. Box 30668, Braamfontein, 2017, South Africa

T: +27 (0)11 482 1913

F: +27 (0)11 482 1906

E: fxi@fxi.org.za

W: www.fxi.org.za

28 March, 2014

Att: Ms Mameetse Mphahlele

ICT Policy Review Project

Department of Communications

Private Bag X860

Pretoria

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SUBMISSION BY THE FREEDOM OF EXPRESSION INSTITUTE ON THE NATIONAL INTEGRATED ICT POLICY GREEN PAPER

1. INTRODUCTION

1.1 These submissions are made by the Freedom of Expression Institute (FXI) upon the request for comment on the National Integrated ICT Policy Green Paper (2014) by the Department of Communications (DoC).

1.1.1 FXI welcomes this opportunity availed by the DoC to make written submissions towards the review of ICT policies. We further request the opportunity to make oral submissions in the public hearings on the issues raised herein.

1.2 The FXI fully supports the submissions made by the SOS: Support Public Broadcasting Coalition and Right2Know Campaign. However, the Institute takes this opportunity to highlight specific issues which have not been expressed definitively.

1.3 The FXI is a not for profit non-governmental organisation which was established in January 1994 primarily to assist in the repeal and

amendment of the South African laws inhibiting the freedoms of expression and association.

1.3.1 The Institute was formed from a merger of three organisations; Campaign for Open Media, Anti-Censorship Action Group, and the Media Defence Trust.

1.3.2 The FXI envisions a society where everyone enjoys freedom of expression and the right to access and disseminate information and knowledge.

1.3.3 Our mission is to fight for freedom of expression and eliminate inequalities in accessing and disseminating information and knowledge in South Africa and beyond.

2. BACKGROUND TO FXI SUBMISSION

2.1 The on-going process of review focuses on the existing fragmented ICT policy framework which includes; the White Paper on Telecommunications Policy (1996), White Paper on Postal Policy (1998), White Paper on Broadcasting Policy (1998), Green Paper on e-Commerce (1999). A significant proportion of these instruments address issues that have an impact on the South African media.

2.2 The FXI is committed to advancing freedom of the media in all its forms. The objectives of the Institute include, among others, the promotion of access to media and a free press. The FXI advocates for media freedom which is held as an essential tool in the advancement of open, accountable and transparent institutions. The Institute maintains that media freedom is vital for the enhancement of the Constitutional right to freedom of expression and protection of sustainable democracy.

2.3 The comments made by the FXI are limited to two specific issues affecting the promotion of media freedom and development through ICT policy;

- 2.3.1 The first relates to the importance of accurately defining media diversity, and
- 2.3.2 The second focuses on the need to highlight concerns on small commercial/community print media.

3. MEDIA DIVERSITY

3.1 Defining media diversity

Media diversity has generally been defined broadly in the various statutory instruments and policy documents including the 1998 White Paper on Broadcasting.

- 3.1.1 Media diversity has also been broadly established in the Green Paper (p. 54) as “having access to diverse information that illustrates the diversity and views represented throughout the country. The Green Paper further posits that media diversity should represent demographic components of society which highlight existing inequalities including class, race, gender, and language” (p. 54).
- 3.1.2 While media diversity should encompass the above elements, it is critical that media diversity be narrowly defined and specific attention be drawn to the distinction between *content diversity* and *source diversity*.
- 3.1.3 A clear definition of media diversity will allow for policy and legislation that can effect positive development on specific elements such as the measurement and monitoring of diversity.

3.2 Source diversity

The Green Paper refers to diversity of ownership, content offering and services as being critical considerations in licensing (p. 54). However, that the Green Paper does not adequately highlight the importance of source diversity.

- 3.2.1 Source diversity is the plurality of media outlets in any segment that caters to a defined audience. Source diversity is essential for the propulsion of a multiplicity of views, information and ideas as well as the avoidance of media uniformity (FXI, 2013)¹.
- 3.2.2 The most immediate measure of source diversity is the number of players in a segment of the media particularly; commercial and community media across the various mediums of distribution (television, radio, print etc.). To illustrate this, commercial media sector in South Africa has been predisposed to concentration with the segment dominated by a four major print media corporations. This is a clear example of limited source diversity which threatens media freedom.
- 3.2.3 Media concentration reduces plurality which, in a country with a much disparity as South Africa, is vital for fair representation of information, views and ideas which is critical for the promotion of an active citizenry.

3.3 Content diversity

The Green paper (p.54) points out that technological changes will enrich diversity and allow South Africans to access news, information and entertainment programming from a range of different sources (local and international).

- 3.3.1 It further points out that one of South Africa's cornerstones in broadcasting-related policies is diversity of content; this being different types of content in different languages, from different sources, at a national, provincial and local level. However, content diversity is not limited to this.

¹ Mavindidze, Z. and Gondwe, T. (2013). *Developing tools to measure diversity in the South African print media market*. Media Development Series: Working Paper 02. Freedom of Expression Institute, Johannesburg.

3.3.2 Content diversity is determined by the match between media users' characteristics and preferences in media content, that is, the extent to which existing population characteristics and preferences are proportionally represented in the media (FXI, 2013).

3.3.3 It is also the extent to which a variety of preferences, opinions and ideas in society are equally represented in media content. Media content is diverse when there are many ways through which it can be accessed such as through programming, the type of content, the format, genre, or demographics of the programs.

4. PROMOTING COMMUNITY PRINT MEDIA

4.1 Legislation and policy affecting community media

The ICT Green Paper highlights the various statutory instruments that have shaped the establishment and development of community media in South Africa noting specifically the 1998 White Paper on Broadcasting, Electronic Communications Act (2005), Electronic Communications Amendment Act (2007) and Media Development and Diversity Agency Act (2002).

4.2 Role of MDDA

The ICT Green Paper credits the Media Development and Diversity Agency (MDDA) for the success it has had over the past 10 years. The MDDA has contributed to the development of small and community media, with notable success in the establishment of community radio stations across all 9 provinces and 6 community television stations.

4.3 Support for small commercial/community print media in ICT policy

According to the MDDA Act, the agency is also mandated to provide support to small commercial print and community print media. The

noticeable absence of analysis on the significance and performance of community print media in the Green Paper is concerning.

4.3.1 The MDDA has traditionally supported small commercial print and community newspapers. However, a cursory review of the MDDA annual reports indicates that the greater proportion of resources channelled through the agency has gone towards development of community radio segment. If not adequately addressed, a continuation of this trend will only serve to widen gaps in community media development.

4.3.2 Small commercial print includes not only community newspapers but also localized publications in the form of newsletters, pamphlets, brochures and fliers. In addition to providing a forum for expression, these publications boost the local economy, both through advertising and in news coverage. They help businesses and invest in the local economies by promoting local opportunities, information and ideas.

4.3.3 With the convergence of ICTs in the media sector, more traditional media content will increasingly become available online (including small commercial/community print media) and hence this should further strengthen the relevance of the inclusion of these media in the ICT policy framework. The Green Paper should therefore provide the allowance of policy which will support the development of this critical segment in community media.

4.4 General comment on small commercial/community print media

The small commercial and community print media segment has over the years provided a critical medium for low income and mostly rural communities to access and share information affecting their daily lives. As the country plans towards a fully integrated ICT policy framework, this

component should be addressed adequately as it falls within the scope of ICT policy framework through the MDDA.

5. CONCLUSION

5.1 FXI appreciates the opportunity to submit comments to the DoC and reiterates that the remarks above are made in the spirit of contributing to the strengthening of the right to freedom of expression and in turn to the growth of our democracy.

FXI once again expresses its desire to make oral representation at any hearing or to further explain its position if there are any additional questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Zororo Mavindidze', written in a cursive style.

Zororo Mavindidze

Researcher

On behalf of the Freedom of Expression Institute