The limits of media democratization in South Africa: politics, privatization, and regulation

The limits of media democratization in South Africa:

politics, privatization, and regulation

FORTHCOMING IN: *MEDIA, CULTURE AND SOCIETY*

CLIVE BARNETT

Department of Geography

The University of Reading

Whiteknights PO Box 227

Reading RG6 2AB

United Kingdom

Correspondence address Oct. 1997 - Sept. 1998:

Department of Geography

Ohio State University

1036 Derby Hall

154 North Oval Mall

Columbus OH 43210

USA

Acknowledgments: I wish to thank The University of Reading for financial support in undertaking research in South Africa, Robert Horwitz for kindly providing me with copies of unpublished papers, and the members of the Department of Geography at Ohio State University for their hospitality.

ABSTRACT

This paper critically examines the processes that have limited the development of a democratic media system in post-apartheid South Africa. After a brief overview of the formation of the Independent Broadcasting Authority, the evolution of the ANC's economic policies and approach to privatization is discussed. This provides the context in which the transformation of the broadcasting system since 1994 Africa can be understood. The privatization of radio stations in 1996 indicates the political tensions that shape media reform. It is argued that the progress of democratic broadcasting reform is increasingly being dictated by the state's programme for restructuring the telecommunications sector. In conclusion, it is suggested that the post-1994 period has witnessed a diminution in the influence of independent civil society organizations over media policies, consequent upon an increasingly centralized and bureaucratic emphasis in policy formulation and implementation.

The limits of media democratization in South Africa:

politics, privatization, and regulation

Re-regulating South African broadcasting

The role officially envisaged for the mass media in post-apartheid South Africa is to act as the medium of national unification and democratic citizenship. However, there are deep, structural limitations that inhibit the re-constitution of South African broadcasting as a medium of inclusive democratic communication. In this respect, the cultural, economic, and technological legacies of apartheid are intertwined. Media audiences are highly fragmented, both in terms of unequal access to material resources, and in terms of the different cultural tastes, interests, and competencies which distinguish social groups. While less than 5% of all South Africans read a daily newspaper, 89.5% of households own a radio, and 61.7% a television. Ownership of televisions shows a marked disparity between black South Africans (49.2%) and Colored, Indians, and Whites (91.3%) (SAARF 1997). Access to radio and television signals is highly uneven geographically. Rural areas in particular are poorly served, and to a considerable extent television can be characterised as mainly an urban media form. The current material and technological framework of broadcasting in South Africa is the result of apartheid policies of differential investment in infrastructure and services for different groups. In broadcasting as in other sectors, disproportionate amounts of money were invested in the radio and television services aimed at white audiences. The effects of this were bolstered by the organization of programming itself. Official language policy under apartheid codified and institutionalised nine African languages, each of which was conceived of as corresponding to a separate and distinct 'ethnic' population. Accordingly, radio services were organised along the lines of separate language broadcasts for separate audiences in discrete territorial units. The extension of television services followed the same pattern. Television programming sharply differentiated between channels on the basis of 'race', with one channel explicitly directed at white Afrikaans and English speaking audiences, while another was targeted at non-white audiences. Historically then, broadcasting in South Africa has not been organized either culturally or technologically to provide a common space of communication, but has instead worked to reproduce notions of separate and distinct populations with their own separate cultures.[1]

The three and a half years since the 'liberation election' of 1994 have seen a dramatic upheaval of the broadcasting environment, involving the transformation of the South African Broadcasting Corporation (SABC) from a state-controlled broadcaster into an independent public service broadcaster, the establishment of a new independent regulatory body, the Independent Broadcasting Authority (IBA), and the entry into this field of a number of new private sector interests. There have been rapid changes in programming formats on both radio and televison (Maingard 1997). In an era when the principles of positive, affirmative regulation of media industries in the interests of democracy and cultural diversity are under intense pressure, the South African case stands as an interesting test-bed for the possibilities of imagining and implementing new forms of institutional arrangements that escape both state-control and capture by private capital (Keane 1990). In this paper, I will examine the ways in which attempts to institutionalize independent forms of broadcasting regulation have faired in the changing political and economic context of the post-election transition period up until the end of 1997. The reform and restructuring of a broadcasting and telecommunications sector previously tightly controlled by the apartheid state necessarily implies an increased role for private capital and the market. The central policy question arising from this scenario is how this liberalization can be regulated and made consistent with the promotion of nation-building, reconciliation, democratization, and cultural diversity. The mediation of these aims and objectives has been the task undertaken by the IBA since 1994. The IBA is the product of a series of campaigns in the early 1990s which centered around ensuring the independence of broadcasting leading up to, during, and after the 1994 elections (see Currie and Markovitz 1993; Jabulani 1991; Louw 1993; Teer-Tomaselli 1995). These civil society-led campaigns set the agenda with respect to media issues when formal negotiations between the main political parties began in late 1991. Agreement to the principle of an independent regulatory authority for broadcasting *and* telecommunications was one of the few concrete issues settled at CODESA (Conference for a Democratic South Africa) in 1992 (Friedman 1993, pp. 52-54). There was, however, disagreement about the permanence of such a body, with the ANC's suspicions of any agreements made at CODESA becoming permanence being countered with the argument that, given the capital intensive nature of the media industries, the body needed to be put on a secure footing to mitigate against uncertainty for investors.

When multi-party negotiations resumed in 1993, telecommunications was immediately separated from broadcasting and put to one side, because of the urgency of establishing a level playing field for all political parties before the impending elections. In October 1993, the IBA Act was passed (RSA 1993). The IBA's mandate is to 'open the airwaves' to previously excluded voices and opinions and to establish viable market conditions for a diverse and independent broadcasting system. The primary objective of the IBA Act is to establish an authority which will provide for the regulation of broadcasting to "promote the provision of a diverse range of sound and television services on a national, regional and local level which, when viewed collectively, cater for all languages and cultural groups and provide entertainment, education and information" (IBA Act, 2(d)). The Act also mandates the authority to encourage ownership of broadcasting services by "persons from historically disadvantaged groups" (IBA Act, 2(f)), and to "impose limitations on cross-media control of private broadcasting services" (IBA Act, 2(j).

On paper, the IBA Act is quite radical in its commitment to regulation in the interests of democracy, diversity, and development (Horwitz 1996). In particular, it acknowledges that unfettered market forces in the media sector are a threat to diversity of ownership and opinion, and thus justifies regulation as essential for the reconstruction of the broadcasting system as a democratic public sphere. The IBA's mission might be characterized as a concrete example of "regulated pluralism", an institutional framework which secures a plurality of independent broadcasters, implying both the deconcentration of media industries and the separation of media form the state (Thompson 1995, pp. 240-241).[2] In the South African case, both of these aims refer in particular to the transformation of the SABC, which under apartheid had an effective monopoly over free-to-air terrestrial broadcasting, and was widely perceived to be the mouthpiece for the NP government. The IBA Act recognizes that the operations of the market cannot guarantee, and might indeed run counter to, the maintenance of pluralism in the media sector.

However, the IBA needs also to be understood as a product of the political compromises of the period of negotiated transition which bought apartheid to an end. One of the principle authors[3] of the IBA Act suggests that the principle of independent broadcasting and regulation had little positive support from either of the two main parties to negotiations, the NP and the ANC, although the ANC's *Media Charter* (1992) had belatedly acknowledged the principle of independent broadcasting.[4] There was a process of what one might call negative convergence around the idea of independent broadcasting and independent regulation of broadcasting, with the NP not wanting the ANC to have unfettered control of the airwaves after the elections, and the ANC not wanting the NP to maintain control over broadcasting during the elections. In the space of this impasse, the principle of independent broadcasting regulation was established. The origins of the IBA have carried considerable weight in shaping its subsequent operations.

In particular, the insistence of the NP on the new body having Co-Chairpersons has led to a lack of clear and decisive leadership for the IBA since its establishment. This has been identified as one cause of the IBA's relative lack of political influence when compared to other media players, especially the SABC, and also as one underlying cause of the crisis of mismanagement that engulfed the IBA in major financial scandals in 1997. Furthermore, the IBA Act entrenched the rights of existing broadcasters, grandfathering the license of M-Net, the private terrestrial pay-televison station set up by the major press groups with government collusion in the 1980s. And finally, the IBA is bound by the Act to "protect the integrity and viability of public service broadcasting services" (IBA Act, 2(d).[5] This clause is open to much interpretation, but it means that the IBA has to some extent operated as a 'captured' agency forced to protect the position of the SABC more than might otherwise have been the case. On the other hand, as it's financial woes deepen, the SABC has tended to accuse the IBA of jeopardising its financial stability, and of therefore contravening it's legislated mandate.

The IBA's first task was to undertake a public inquiry into three issues of pressing concern: the future of public service broadcasting; cross-media ownership; and local content quotas. The IBA was given final authority in setting policy only with respect to the last of these issues. Its recommendations with regard to the other two issues would have to be approved, and could be amended, by Parliament. The so-called "Triple Inquiry" was the most extensive and thorough policy review process in South African broadcasting history, undertaken in the new spirit of participation and consultation, and as a consequence marked by extensive delays.[6] After more than a year of hearings and submissions, *Triple Inquiry Report* was published in August 1995. Amongst its wide-ranging recommendations, the most important proposals were that the public broadcaster be obliged to sell eight of its commercial regional radio stations, and be limited to only two television channels after 1998. The IBA also proposed to license further private metropolitan radio stations, and that the SABC's third television channel be re-licenced as a new commercial station with significant publicservice obligations (IBA 1995, pp. 9-12).

The *Triple Inquiry Report's* recommendation that the SABC be reduced to two television stations and sell-off eight of its commercial regional radio stations was revised by Parliament at the beginning of 1996, in response to powerful lobbying from the SABC, allowing it to retain two of the original eight radio stations ear-marked for sale, and all three of its television channels (*Government Gazette* 27 March 1996). This represented a significant rebuff for the IBA, and revealed a lack of political clout that has become clearer as time has proceeded. In the period since the publication of the *Triple Inquiry Report*, the practical implementation of policies by the IBA has become inextricably caught up in the political machinations which follow from the adoption of a neo-liberal macro-economic agenda by the government, and in the related policies for the privatization/restructuring of state assets. The next section looks at the general context of economic policies which have shaped the practical transformation of broadcasting since 1995, and is followed by discussions of the reform of radio broadcasting and the restructuring of telecommunications and their implications for the future of independent communications regulation in South Africa.

Privatization, unbundling, and black economic empowerment

The peaceful transfer of power from the National Party (NP) to a government led by the African National Congress (ANC) has precipitated a period of adjustment in which old certainties and established positions have been subjected to dramatic revision. There has been an uneasy re-alignment of business with the new political regime and organized labor, and the economic ideology of the ANC has undergone significant revisions (Lazar 1996; Nattrass 1994). The

Reconstruction and Development Programme (RDP), which formed the basis for the election campaign in 1994, established a broad commitment to redistribution within a broadly Keynesian framework which premised economic growth and development upon reconstruction and redistribution. Since the election, there has been a slow movement away from the original RDP blueprint, culminating in the release in June 1996 of a new economic policy framework document, *Growth, Employment and Redistribution* (GEAR). Prioritizing fiscal prudence, GEAR posits redistribution as an outcome rather than condition of economic growth, and implies a clear commitment to reducing state involvement in the economy in order to reduce public expenditure (Adelzadeh 1996; Fine and Van Wyk 1996).

The most dramatic and visible change in the South African economy since 1994 is the rapid emergence of black-owned corporations, which has taken place at such a rate that it is estimated that almost 10% of the Johannesburg Stock Exchange is now in the hands of black-controlled companies, with a total market capitalization of R33 billion. Although this amounts to less than twenty companies out of more than 600, it certainly represents a significant rate of growth from effectively zero in 1994 (*Business Times* December 15 1996). The emergence of black-owned capital was dramatically illustrated during 1996, by two pivotal black economic empowerment deals which illustrate the convergence of the interests of new black-capital and established white-capital in the re-fashioning of a multi-racial capitalism. In August 1996 the National Empowerment Consortium (NEC) secured a controlling stake in Johnnic, an industrial holdings group unbundled by the mighty Anglo-American Corporation from Johannesburg Consolidated Investments (JCI). The NEC was made up of over 50 black investment groups, many of them the newly established investment arms of trade unions. The consortium was led by New Africa Investments Limited (NAIL), set up in 1995 by Nthato Motlana, associated with the inner circles of the ANC since the 1940s. The NEC's chief negotiator during the Johnnic deal was Cyril Ramaphosa, the former leader in the 1980s of the National Union of Mineworkers (NUM), Secretary-General of the ANC, and the ANC's constitutional negotiator both during and after the 1994 elections. In late 1996, Ramaphosa announced his intention to leave government and become Chairman of Johnnic. The Johnnic deal was followed in November 1996 by the acquisition of a controlling stake in JCI, now composed only of its mining interests, by the African Mining Group (MIG). MIG was a consortium comprising the financial services group Capital Alliance, the investment company of the clothing and textile workers union SACTWU, and the NUM's investment arm, the Mineworkers Investment Company (MIC). This is the first time in history that a South African mining-house has been owned by black South Africans.

A feature of both deals was the involvement of trade union investment groups, which have been able to leverage the savings and pension funds of their memberships in order to secure strategic equity stakes in companies and representation on their boards: "Virtually every major trade union grouping in the country has set up an investment arm to claim its share of the economy" (*Enterprise 200* 1997, p. 12). The mobilization of the capital accumulated by trade unions during apartheid (estimated at over R7 billion) in the interests of facilitating black economic empowerment has been described as a form of "labor capitalism" (Gevisser 1997). It is a process that promises future conflicts of interest for union leaderships, and corporate investment is just one of the sources of growing tension between the leadership and rank-and-file memberships of organized labor unions (Gall 1997; Uys 1997).

Doubts remain regarding the extent to which the politically inspired unbundling by white corporations represents any significant alteration in the patters of control that characterize the South African economy. This model of black economic empowerment remains limited by the still relatively low levels of capital accumulated by black communities, and following from this, still highly dependent on white-owned financial institutions for the advancement of capital and credit. More generally, the phenomenon of black economic empowerment deals has given rise to concern over the creation of a new black elite. The nationalist rhetoric of the anti-apartheid struggle has been easily transformed into a strategy for the creation of a “patriotic bourgeoisie” (*Sunday Independent* 23 March 1997). Ramaphosa’s journey from union-leader to corporate-boss has been seen as symbolic of “the successful embourgeoisement of a liberation movement” (Adam *et al* 1997, p. 167). While capitalism has been embraced as the route to black empowerment by centrists within the ANC, others have expressed concern that the current processes of unbundling and privatization promise only the enrichment of a few, rather than genuine economic empowerment for the majority of South Africans.

Compared to unbundling, privatization, or the “restructuring of state asssets”, is a much more explosive issue politically, one which cuts to the heart of the political alliances upon which the ANC-led alliance won power in 1994 and hopes to retain it 1999. The rapid embrace of privatization by the ANC gave rise to explicit disagreement between the government and the alliance partners in COSATU (The Congress of South African Trade Unions) at the end of 1995. These tensions were eased by the signing by government and national trade union organizations of a National Framework Agreement in early 1996. This acknowledged the trade unions position that any restructuring of state assets should enhance employment and economic growth, and that in those sectors central to the infrastructural programs of the RDP (such as health, water, transport, housing, telecommunications, electricity), service delivery should take priority over profit-making. However, a renewed period of debate was triggered by the declaration by President Nelson Mandela, during a visit to Bonn, that privatization “is the fundamental policy of the ANC and will be implemented” (*Financial Mail* 7 June 1996).

The example of corporate unbundling has offered a way out of the political impasse over the restructuring of state assets. Johnnic's *Ikageng* share scheme reserved 2.7 million shares for black business and employees, while M-Net's *Phutuma* scheme offered 10% of the shares in the international pay-TV company to black empowerment groups to increase share ownership amongst black population. Such schemes have been seen by the financial press as heralding a new era in which the enlightened benovolence of corporations and the power of the free market are challenging collectivist values and pioneering “the creation of a shareholding democracy” (*Financial Mail* 6 September 1996). From this perspective at least, privatization, unbundling, and black economic empowerment testify to the “bonding power of capitalism” (*Financial Mail* 7 February 1997). Such schemes have become the model through which the partial privatization of state assets has been legitimized. The model involves the formation of partnerships with private corporations in which the state retains a controlling stake. By reserving a proportion of the shares in any state-owned company for black businesses and for employees, this is presented as a means of increasing the opportunities for black South Africans to participate in the economy. Accordingly, in late 1996, the government floated the idea of creating a National Empowerment Fund. Revenues from the sale of parastatals would in part be channeled into this fund to enable easier access to capital for businesses from historically marginalized communities (*Business Day* 22 October 1996). The ‘restructuring of state assets’ is now very firmly tied to a capitalist route to black economic empowerment, with organized labor on board through union investment companies.

The sector in which both unbundling and privatization are most advanced is in the media industry. Ownership of the South African press has been restructured via the entry into this sector of both international capital and domestic black empowerment groups (*Africa Confidential* 31 January 1997). In 1994, Anglo-American unbundled the Argus newspaper group to the Irish tycoon Tony O'Reilly's Independent Group. The Johnnic deal gives NAIL effective control over Times Media Limited, the other main English-speaking newspaper group, adding *The Sunday Times* (the largest circulation newspaper in the country), *Business Day*, and *The Financial Mail* to the groups' other newspaper interests which include the leading black-readership daily newspaper, *The Sowetan*. Afrikaans press and publishing groups have also unbundled in order to strike up new partnerships with black businesses. In 1997, Nasionale Pers sold a controlling stake in the largest black-readership Sunday paper, *City Press*, to a black empowerment consortium led by Durban-based Dynamo Investments for more than R100 million (*Financial Mail* 2 May 1997), and Perskor and National Pers have sought out partnerships with black empowerment investment companies Kagiso Trust Investments and Thebe Investments respectively in order to re-establish a secure position in the publishing sector (*Financial Mail* 6 June 1996; *Enterprise* June 1997). Print capital is also endeavoring to further diversify into the expanding broadcasting sector, but access into this sector is more difficult, both because of the higher levels of capital required for entry, but especially because the transformation of this sector is more tightly regulated. The processes of privatization and black economic empowerment in this sector are mediated by the IBA. The transformation of radio broadcasting during 1996 and 1997 provides an insight into the contradictions and conflicts which have directed the path of media democratization since 1994.

South Africa's "first privatization"

The sell-off of the SABC's commercial radio stations was widely represented as a crucial test of the government's commitment to both privatization and black economic empowerment (*Sunday Independent* 9 June 1996). In line with the *Triple Inquiry Report*, the successful bidders had to have significant representation from 'historically disadvantaged communities'. The regulatory framework for the sales obliged white-owned capital to forge partnerships with black empowerment groups. The sell-off of the SABC's radio stations was the first opportunity for black South Africans to gain access to the broadcasting sector, and given the prospects for profitable investments, the sell-offs attracted bids from all the major black empowerment consortia, as well as established publishing and newspaper groups.

The SABC strongly recommended selling the stations to the highest bidders, which would have reaped more than R600 million.[7] The assumption upon which these recommendations were made was that this sum would be returned to the SABC. The IBA, however, had it's own set of criteria for the regulation of radio broadcasting. These included limitations on cross-media ownership, a concern to ensure a viable market for diverse radio broadcasting, and diversity of both ownership and programming (IBA 1996). Particular scrutiny was paid to the composition of bidders, amidst concern that not all the black empowerment consortia would be able to access sufficient capital, and that this would lead to the dilution of their stakes. In September 1996, all of the stations were sold to groups with significant black empowerment stakes. Highveld Stereo (in Gauteng) was awarded to the Africa On Air Consortium for the highest sum of R320 million. Africa on Air is composed of the rapidly emerging media and entertainment conglomerate Primedia Broadcasting, which has a 40% stake, and MIC, SACTWU, and the Women's Investment Portfolio, which as Zerilda Investments control the remaining 60%. Primedia already owns the talk-radio station 702, and its acquisition of Highveld Stereo makes it the dominant media player in Gauteng province. Jacaranda (also in Gauteng) was sold to the Newshelf 71 consortium, led by NAIL, for R70 million, a decision that stretched the IBA's guidelines on cross-media ownership.[8] Both East Coast Radio (in Kwazulu/Natal) and Radio Oranje (in Free State) were sold to New Radio Consortium, led by Kagiso Trust Investments for R45 million and R11 million respectively. Radio Algoa (in the Eastern Cape) went to Umoya Communications for R10 million; and KFM (in the Western Cape) to the Crescent Consortium of black businesses for R65 million. The IBA did not follow the SABC's recommendtaion of awarding the stations to the highest bidders in the cases of Radio Jacaranda, KFM, and East Coast Radio. The combined total of R521 million from the sales compared to the R606 million which would have been raised had the SABC's favored highest bidders had been successful in each case (*Business Day* 25 September 1996).

The sale of the SABC's radio stations was hailed as "the first privatization deal in South African history" (*Mail and Guardian* 20 September 1996). It marked an unprecedented restructuring of the ownership of radio broadcasting, breaking the SABC's sixty-year monopoly in this field, and allowing the entry of black-owned and controlled groups into broadcasting, in partnership with existing white-owned companies already involved in this sector. The success of the radio sell-off cannot be fully judged until all the newly sold and newly licensed stations are up and running, at which point it will become clearer whether or not the overall amount of advertising expenditure is big enough to sustain the SABC's re-positioned radio stations, the new entrants into radio, and the imminent expansion of television services (*Mail and Guardian* 30 August 1996). The sale heightened the SABC's financial problems and contributed to it's slide into financial uncertainty in the second half of 1996 and into 1997. The sale of its most profitable radio stations combined with the impact of new entrants in both radio and television promised a significant increase in competition for the SABC. This has serious implications for the SABC's financial viability, because although now nominally a public service broadcaster, its funding remains highly dependent on commercial advertising revenue. This dependence has in fact increased since the SABC's transformation began in 1993. In the financial year 1992-3, the balance between license-fee revenue and advertising and sponsorship was 23% and 71% respectively. By 1995-6, this balance had shifted to 18% and 78%. This in large part reflects the continued decline in the number of households who pay their televison license fee. The problem of non-payment has been exacerbated by boycotts amongst Afrikaans-speakers unhappy with the downgrading of their language on the SABC's television stations. In 1996, it was estimated that 57% of households who owned television sets did not have licenses (SABC 1994; SABC 1996).

The radio privatization highlighted two points of political tension which have shaped the restructuring of broadcasting in the period since 1994. Firstly, the radio sell-off is just part of an ongoing campaign by the SABC, which has demanded greater government funding to cover the increased the costs of its transformation into a public service broadcaster. These demands in turn stem from the failure to resolve the central question of the future funding mix for the restructured public broadcaster. From the SABC's perspective, the crucial issue was just who would get the proceeds from the sale? The SABC's position was that it should get the money to offset the loss of revenue (R125 million a year), and to provide for investment in extending its public service activities (*Financial Mail* 3 May 1997). The question of the final destination of the proceeds of the radio sell-off was only settled in the summer of 1997, with the introduction in Parliament of the Broadcasting Amendment Bill which allowed for the transfer of the proceeds of radio sell-offs to the state, rather than the SABC (RSA 1997).

Secondly, the radio sell-off witnessed a growing antagonism between the IBA, which oversaw the sales, and the newly appointed Minister of Posts, Telecommunication, and Broadcasting, Jay Naidoo. Naidoo was reported to be impatient at the excessive time that the IBA took to reach its decisions, and with the fact that the decision lay in the hands of the regulatory body and not his Ministry. Given the previous dominance of the broadcasting market by the SABC, the opening up of radio to competition offered highly lucrative prospects, but their value lay precisely in the licences. Throughout 1996 criticism mounted that the IBA, the licensing authority, was acting too slowly and against the best interests of waiting investors

(*Financial Mail* 28 June 1996; *Mail and Guardian* 28 June 1996). The issue of the length of time that the IBA's procedures have taken has been a constant source of criticism from the start of Triple Inquiry in 1994 to the process of licensing of a new private television station in 1997. The IBA, with procedures and time-scales for applications, recommendations, consultations, and hearings, as well as with a mandate which prioritizes diversity and viability of the broadcasting market, has increasingly been seen by business, government, and the SABC as an encumbrance to their very different interests. This emerging animosity might be best understood as following from the divergence between the IBA's *administrative rationality* on the one hand, and the *economic rationality* of business and also of the government. In line with experience elsewhere, as these forms of rationality diverge, then one would expect to witness a growing move to transform the current regulatory arrangements (cf. Horwitz 1989, p. 19).

The IBA, beholden to its ambiguous mandate to 'protect the viability' of the SABC, delayed the licensing of new commercial radio stations in order to guarantee the success of the sales. In March 1997, the IBA awarded seven new metropolitan radio licenses, 4 in Johannesburg (3 Fm and 1 MW), and 3 in Cape Town (2 FM and 1 MW).[9] In its decisions, the it again ensured that the successful applicants had strong black empowerment credentials, as well as ensuring for programming diversity. With these stations expected to come on air in late 1997 and 1998, the IBA has overseen the successful diversification of radio broadcasting in terms of both ownership and programming, increasing the choice for listeners and facilitating the entry of previously marginalised groups into structures of ownership. When seen also in the light of the IBA's licensing of community radio stations since 1994, more than 70 of which were on the air by the end of 1996 (IBA 1997), thereby creating a whole tier of broadcasting that previously did not exist in South Africa, the sell-off and licensing of new stations can be seen as a strong vindication of the IBA's originally conceived role to oversee the opening up of the airwaves in the interests of democracy (Currie 1996). However, the radio sell-off also reveals the limitations of a strategy aimed at democratizing the media as a public sphere that are imposed by the imperatives of capital accumulation in this sector. The breaking of the SABC's monopoly over broadcasting, a prerequisite for the development of a more open, representative, and accountable broadcasting system, has simultaneously been the opening up of new opportunities for profitability. The IBA obliged white corporations to link up with black empowerment groups in order to successfully bid for stations, and opened opportunities for trade unions investment companies to enter the broadcasting sector (Golding-Duffy 1996). Broadcasting is a more competitive sector now, but even after the unbundling of the print media and the re-regulation of radio, the media sector remains characterized by a highly concentrated structure of ownership. The restructuring of broadcasting has been the basis for the consolidation of the position of new, private sector media conglomerates such as NAIL and Primedia Broadcasting, a trend which is only likely to be extended when a new private television station is finally licensed.[10] This in turn points to the limitations of any conception of 'freedom', 'diversity', and 'democratization' in the media that considers these values to be equivalent to or guaranteed simply by the legal right to ownership in media organizations. In this respect, the ANC-led government's position is highly instrumentalist, equating the entry of black empowerment capital into the print and broadcasting media with democratization (Tomaselli 1997, p. 24). This conflation tends in turn to equate greater numerical choice of channels and programs with diversity, although this would perhaps more accurately be described as representing greater variety (cf. Horwitz 1989, p. 280). The question of the right not only to receive information, but of access to the means of communication in order to produce and distribute information, tends to slide from view in this economistic understanding of diversity. This sort of reduction works to reproduce an already established asymmetrical relationship of access to media and communications systems (Hoffmann-Riem 1996, p. 342).

The assumption that greater diversity of ownership will lead to greater pluralism of opinions and programming is certainy attractive in a South African broadcasting system previously dominated by a monolithic and politicized entity like the SABC of old, but it is severely limited as a vision of the long-term future. A market-driven model of broadcasting reform is limited as a means for the development of broadcasting as a medium for democratic communication and nation-building not least by the relation between the financial imperatives of commercial broadcasting on the one hand, and the structure of the market for broadcasting services in South Africa on the other. More stations does not necessarily equate with more listeners or viewers, but has led to greater competition between stations for existing audiences. The economic dynamics of what remains an overwhelmingly commercial broadcasting system involve the delivery of an audience constituted as consumers to advertisers, rather than the delivery of programming to audiences constituted as citizens. In contemporary South Africa, a relatively narrow segment of socity, the affluent minority, remain the main target audience for advertisers. There is an emerging trend in the radio sector towards the more precise targeting of audience segments. The clearest indication of this trend was the recent move by Radio 702, Primedia's flagship talk-radio station, to abandon the innovative and diverse programming that had made it a pioneer of 'rainbow' radio in the early 1990s, and specifically target affluent audiences instead. The commercial logic behind this decision was starkly revealed by the CEO of Primedia Broadcasting Stan Katz, who freely admitted that "we have never been under any illusion that we are anything but in the business of delivering prospects to advertisers" (*Financial Mail* 13 June 1997). One of the possible effects of the liberalization of South African radio and television is an even greater degree of fragmentation of media audiences as broadcasting is transformed into commercially driven narrow-casting.

The restructuring of the radio sector indicates the political tensions that traverse the broadcasting field in the new South Africa, and also reveals some of the contradictions between the imperatives of capital and the market on the one hand, and the posited ideal of broadcasting as a vehicle for democratic communication and national integration on the other. Nonetheless, the future of broadcasting in South Africa will not finally be decided by conflicts in this field alone. Rather, they are in large part dependent on the politics of restructuring in the related field of telecommunications, a field which “dwarfs broadcasting in terms of its importance to the economy” (Horwitz 1994, p. 379).

The politics of convergence

The ‘convergence’ of telecommunications and mass media technologies is a process that is routinely presented as a phenomenon that renders established modes of communications regulation redundant (Mattelart 1996, p. 204). The South African case illustrates that the institutional implications of this process are not automatic effects of autonomous technological developments, but remain embedded in political processes. It is important to recognize the constitutive role that the state still plays in the shaping of telecommunications and mass media markets (Mosco 1996, pp. 200-205), and indeed the role of conflicts within and between state apparatuses in shaping regulatory regimes for communications.

In South Africa, broadcasting and telecommunications are the responsibility of the Ministry of Posts, Telecommunications, and Broadcasting. The minister appointed in 1994 was Pallo Jordan, a leading ANC member with a reputation for independence, who had been highly influential in the formulation of the ANC’s *Media Charter*. Jordan’s ministry was charged with the task of transforming the telecommunications sector, dominated by the parastatal Telkom, which has a monopoly on fixed-line telecommunications. The restructuring of Telkom is a process that has been caught between trade union fears of the government going too far in its embrace of privatization, and the position of business that the restructuring of state assets has not gone far enough down the road to 'real' privatization. In July 1995, a Green Paper committed the government to providing universal access in telecommunications in the medium term, and universal service in the long run, and floated the possibility of acquiring a private sector partner to strengthen the financial position of Telkom (SAIRR 1996, pp. 378-379).

In March 1996, Jordan was removed from the cabinet. Although he was reported to have clashed with both President Mandela and Deputy President Thabo Mbeki on broadcasting related questions, broadcasting was not the main issue behind the move. Rather, it was the slow pace of telecommunications privatization, and its place in the governments wider economic and industrial development policy, that was at stake (*Sunday Independent* 31 March 1996). Jordan's replacement was Jay Naidoo, who as a former Secretary-General of COSATU had strong connections with the organized labor movement, and had been the Minister responsible for the implementation of the RDP. Naidoo's appointment was clearly intended to speed-dup progress on the restructuring of telecommunications, and not least as an effort to overcome the resistance of the unions to the partial privatization of Telkom.

A Telecommunication Act was passed by November 1996 (RSA 1996b), opening the way for the partial privatization of Telkom, through the establishment of a partnership with private sector capital. In March 1997, Naidoo secured the agreement of the trade unions for the partial privatization of Telkom, paving the way for the final complection of months-old negotiations to secure a strategic equity partner for the telecommunications parastatal (*Business Day* 11 March 1997). A 30% stake was sold jointly to SBC Communications (formerly Southwestern Bell Corporation) and Telekom Malaysia, in a R5.5 billion deal which was heralded as the biggest capital investment in the new South Africa. The deal was also said to guarantee the creation of 50 000 jobs, and would kick-start infrastructure development as part of a capital expenditure plan which promised R53 billion investment over 5 years, involving the rolling-out of 2.8 million new telephone lines by 2002 and the updating of a further 1.25 million updated (*Financial Mail* 20 June 1997). The deal was commended across the political spectrum: by *The Sowetan* (25 March 1997), for balancing business interests with the aims of the RDP, and by *The Sunday Times* (30 March 1997) as “a win-win deal” which sends “a clear signal that the government has finally embraced privatization”. The political credibility of the deal was secured when, in early April 1997, it was announced that a further 10% of Telkom shares would be sold to ‘historically disadvantaged’ interests, and that this scheme would be used to kick-start The National Empowerment Fund (*Mail and Guardian* 4 April 1997).

The Telkom deal is the largest ‘privatization’ in South Africa, but it does not involve a significant increase in competition, since Telkom’s monopoly position remains protected for an unspecified period (SAIRR 1997, p. 776). In contrast to the broadcasting sector, in telecommunications privatization has not yet been accompanied by liberalization. One consequence of this policy difference is that the regulatory body established by the Telecommunications Act, the South African Telecommunications Regulatory Authority (SATRA), lacks the same degree of independence from government that the IBA has. The merger of the IBA and SATRA has become a priority for the government since Naidoo became the minister responsible for this field. The stated intention to merge the two bodies by the end of 1998, in line with the rhetoric of convergence between telecommunications and broadcasting technologies (*Johannesburg Star* 19 February 1997). As soon as taking up his new post, Naidoo made it clear that he saw the future of the IBA solely as a regulatory and licensing body, and that he intended for his department to take-over the formulation of broadcasting policy that has up until now also been the responsibility of the IBA (*Sunday Times* 12 May 1996). This shift of responsibilities would reverse the principle established in the early 1990s, made in the light of the history of government manipulation of broadcasting, that the legitimate interests of the state in formulating policy should be restrained in the broadcasting field because issues of content and programming were involved in this sector. The possibility of the IBA being assimilated into SATRA has become highly contentious because of the exact relation of SATRA to the Ministry. Under Naidoo, the degree of independence of SATRA has been significantly downgraded. In the final Telecommunications Act, SATRA is bought very clearly under the control of the Minister, a move already presaged by Telecommunications White Paper published in May 1996 (*Financial Mail* 5 July 1996). The regulatory framework established by the Act clearly allocates policy-formulation to the ministry, and establishes SATRA solely as a monitoring and licensing body. Most importantly, the new regulatory authority is answerable to the Minister, rather than to Parliament as is the case with the IBA: “The minister also has the right to approve any regulations made by SATRA” (Department of Communications 1997). It is this difference between the extent of independence from government of the two bodies that is central to the debate over the imminent merger between IBA and SATRA. SATRA’s early decisions have only heightened concerns, in so far as they have been seen to be protecting Telkom’s exclusivity over telecommunications services.

The proposed merger is complicated by the constitutionally protected status of an independent regulatory authority for broadcasting. The 1996 constitution makes provision for an independent authority to regulate broadcasting “in the public interest, and to ensure fairness and a diversity of views broadly representing South African society” (RSA 1996a). It remains to be seen how this issue will be resolved, but it is likely that the precise definition of independence will become an issue of political conflict and legal dispute. Many commentators fear that the merger will enable the government to impose greater control over broadcasting than it currently has. (And the concern over the future of independent regulation is not the preserve of idealistic journalists and broadcasters. Business also has an interest in independent regulatory bodies which do not over-protect the established interests in the industry). This concern animated by the persistent criticism that has been directed at the media for its coverage of the new government's performance by leading government figures such as Mandela and Mbeki. The new government has grown increasingly concerned about it's ability to manage news presentation and the flow of communications about its policies (Louw 1995). In December 1995 Deputy President Mbeki established a Task Group on Government Communications (COMTASK) to consider the whole question of the state's communications policies and procedures, and especially the future role of the South African Communications Service (SACS). When it reported a year later, COMTASK re-stated the need for an arms-length relationship between the government and the media (COMTASK 1996). However, in February 1997, Mbeki rejected the central recommendation of COMTASK, that SACS be dismantled, indicating a continued determination on the behalf of the government to assert tighter control over the flow of information and communications (*Johannesburg Star* 20 February 1997).

At the beginning of August 1997, Naidoo announced a thorough broadcasting policy review process, which would consider issues of foreign ownership, black empowerment, diversity of ownership, and the future of the SABC.[11] He also raised the likelihood of amending the IBA Act. This review is envisaged as a year long process. A Green Paper was published in November 1998, and a White Paper and subsequent legislation is planned by the end of 1998. The policy review includes stakeholders from broadcasting, manufacturing industry, unions, academics, civil society groups, the IBA and SATRA, and advertisers. Having successfully completed the Telkom strategic equity partnership, securing union agreement along the way, Naidoo's policy review can be seen as a move to assert greater authority over the management of broadcasting, a move made that much easier to justify given the opportunity presented by the financial scandals that have engulfed and partly paralyzed the IBA in 1997. In May 1997, five of the IBA's seven councillors resigned after a damning report by the Auditor-General had uncovered routine abuses of corporate credit cards. It was a serious blow to the credibility of the IBA, and has been the occasion for a ferocious pillorying of the institutions general performance in the mainstream financial press. The issue highlighted questions about the financial accountability of newly created independent institutions such as the IBA which are meant to "support constitutional democracy", and it is this that has been used to justify a change in the IBA's status.

The review process places broadcasting firmly within the orbit of general macro-economic policy, by "treating broadcasting as a cluster of industrial policy". This contrasts with the predominant emphasis which has so far been accorded to developing and regulating broadcasting to ensure a democratic and diverse system of communications, in the interest of cultivating an independent and vibrant civil society. The emphasis of broadcasting policy will now be firmly upon enhancing manufacturing capacity in this sector, in line with the government's export-driven strategy for creating an internationally competitive manufacturing industry. Naidoo has explicitly argued against premature de-regulation of telecommunications, arguing that this must await the government's program for 'rolling-out' further telecommunications services (*Business Day* 10 July 1997). But there has been a significant change in the legitimization for regulation of broadcasting and telecommunications. The Green Paper on Broadcasting Policy, published in November 1997, confirmed the re-location of broadcasting squarely into the sphere of industrial and competition policy. In place of a political and cultural justification based on a definition of 'national interest' which prioritizes democracy and diversity, the 'national interest' in the communications sector has been clearly redefined primarily in terms of economic development and growth. While these two aims are not necessarily contradictory, the wider political context of macro-economic policy which now seems to govern the restructuring of broadcasting and telecommunications tends to put them in an increasingly antagonistic relationship. Infrastructural development is clearly a prerequisite for a genuinely democratic communications sphere in South Africa, given the vast inequalities in access to the means of communication. While the restructuring of the telecommunications industry is presented as a move towards the realization of equal access to the means of receipt and dissemination of information, it is a process that has been undertaken in an increasingly centralized, statist fashion which circumvents previous processes of consultation and participation (Horwitz 1997).

The rhetoric of convergence between information technologies, telecommunications technologies, and broadcasting technologies justifies placing broadcasting in the wider context of industrial and competition policy, but in the South African context of the 1990s, this has clear political ramifications. These center on the future role of the IBA. The policy review marks the moment at which Naidoo's stated aim to take over policy formulation from the IBA is to be put into practice. The Ministry of Posts, Telecommunications and Broadcasting has already been re-vamped to include a communications policy unit. The explicit aim of the review process is to wrest back control of broadcasting policy for the government. Naidoo has been quoted as complaining that "As a ministry we have no authority over it [the IBA]" (*Sunday Times* 3 August 1997). The argument now advanced is that the IBA had been a necessary step to oversee changes to the broadcasting system, but now that this task is largely completed a new policy regime was required. This easily slides into the claim that the IBA Act should be amended because it is a compromised product of CODESA and the multi-party negotiations (*Mail and Guardian* 8 August 1997). The ambiguity about the precise duration of an independent regulating body for broadcasting, which was intended to be more than merely transitional through the elections, but was also clearly meant at some point to be re-vamped into a combined broadcasting and telecommunications regulator, has been used by the government as a justification for attenuating the degree of independence of any such combined body.

Broadcasting reform and the eclipse of civil society

The IBA has been at the center of the transformation of broadcasting in post-apartheid South Africa. As an institution created in the policy-vacuum regarding broadcasting that existed in the early 1990s, it was always likely to be vulnerable to a change in the balance of political forces that enabled it to be established in the first place. The IBA has thus been caught up in wider political processes: the SABC's tetchy relations with government and its on-going battle with M-Net, which have led the public broadcaster to explicitly call into question the legitimacy of the IBA's operations; in legal challenges by Afrikaner cultural organizations unhappy with the treatment of the Afrikaans language in the re-vamped broadcasting environment; the re-alignments of capital, eager to secure positions in the rapidly expanding and highly profitable media communications industries; and by the ANC's growing determination to assert greater control over communication in order to get its own message across. In the final analysis, the different economic interest between which the IBA has been meant to adjudicate have greater political muscle than a body whose mission is to limit the free-play of market forces in the interests of ensuring diversity and pluralism.

The tension that was temporarily resolved in the early 1990s, between a state-centric treatment of the media as an invaluable manipulative tool for political mobilization and legitimation, and a pluralistic approach which sees the media as independent of the state and as an arena for the cultivation of civil society, has re-emerged since 1994 in the context of the evolution of the ANC's political and economic agenda for transformation. In this respect, while it is possible to over-estimate the importance attached to the "independence" of regulatory authorities, the significance of the changing fortunes of the IBA goes beyond issues of broadcasting *per se.* The process of broadcasting reform reflects the more general waning of civil society organizations which came to the fore in the struggle against apartheid in the 1980s and maintained a considerable influence, especially in broadcasting, in the period from 1990 to 1994.[12] It was suggested above that the principle of indpedent regulation of broadathing was the product of a stand-off between the NP and the ANC. But it is also imortant to recognise the positive impetus for indpedent broadcsting that came from civil soceioty groups aligned with the mass democratic movement. The IBA was the product of a period of intense political campaigning and intellectual debate in the early 1990s, animated by the widely accepted view that there was an urgent imperative to ensure that broadcasting be taken out of control of cabinet ministers, and made independent of direct government interference. It was also acknowledged that this distance between the state and broadcasting would need to be maintained *after* the elections of 1994. These arguments informed the ANC's *Media Charter*, with its vision of the media as a means both for the receipt of information and a means of expression. This vision was extended in the original RDP blue-print, in which democracy is conceptualized as being based in part on participation in decision-making processes, which implied a central role for a transformed media and communications system (ANC 1994, pp. 133-135). The period since 1994 has seen a decline in the influence of civil society groups. Their independence has been diminished and compromised by their inevitable incorporation into state apparatuses, by explicit moves by the state to manage more closely the activities of NGO's, and also by the drying up of international funds following the end of apartheid in 1994 (James and Caliguire 1996). This pattern is clearly witnessed in the broadcasting sector, where the influence of civil society groups has decreased as the reform process has become increasingly and inevitably bureaucratized, through the formation of the IBA and the emergence of industry-based lobbying bodies such as the National Association of Broadcasters and the Independent Producers Organisation (Van Zyl 1994).

One should be wary of an overly media-centric view of the determinants of the democratization of the media in particular, or of democratization in South Africa in general. Amongst defenders of ‘independence’ at all costs, there is a tendency to over-estimate the ability of the media, under present circumstances, to serve as a genuinely inclusive democratic public sphere. This is mirrored by an over-estimation of the ability of the media to shape consensus and ensure consent amongst those with a more statist conception of the future of broadcasting. Broadcasting in and of itself cannot secure the realization of democracy nor succeed in the task of nation-building. Conceptualizing the media as a political and cultural public sphere is not wholly opposed to thinking of the media as an element of economic development policy. In particular, in a country such as South Africa, the aim of reconstituting the media as some sort of public sphere can only be realized once access to the basic technological means of communication has become much more equitable. Without this acknowledgment, any model of the media as public sphere would remain fatally limited. However, the concrete implementation of policies for infrastructural development is increasingly leading to the attenuation of institutionalized forms of participatory decision-making and independent regulation that only very recently were considered a corner-stone of any democratic transformation of the South African media system. We might interpret the limitations to the democratization of the media, especially in so far as they involve the diminution of independent civil society organizations, as indices of the general form of democratization that is emerging in post-apartheid South Africa. Ultimately, the future of broadcasting will be determined by the particular mode of combining economic reform and democracy that is settled upon. Increasingly, as economic policy is represented as a set of imperatives imposed by a monolithic global capitalism, so democracy in turn is subordinated to the rhetoric of nation-building and easily reduced to a set of practices for managing the effects of policy implementation and winning consent (Mamdami 1997). South African history shows that this is a task for which the mass media is only too well suited. Alternatively, a vision of democracy as a process of informed deliberation and participation in the formation of choices about the path of economic reform implies a different, more active and dialogical conceptualization of the media which can only be realized if the distance between state and civil society is maintained, and if the nominal independence of broadcasting is given firm foundations. The current pace of change in South Africa does not allow any easy predictions as to which path will finally win out.

REFERENCES

African National Congress 1992 “The Media Charter of the African National Congress” *Media Development* 2, p. 41.

African National Congress 1994 *The Reconstruction and Development Programme: A Policy Framework*. Johannesburg.

Adam H, Van Zyl Slabbert F, and Moodley K 1997. *Comrades in Business: Post-liberation Politics in South Africa*. Tafelfberg Publishers, Cape Town.

Adelzadeh A 1996 “From the RDP to GEAR: the gradual embracing of neo-liberalism in economic policy” *Transformation* 31

COMTASK 1996 *Communications 2000: A vision for government communications in South Africa. Report of the Task Group on Government Communications to Deputy President Thabo Mbeki*. Pretoria.

Currie W and Markovitz M 1993 “The People Shall Broadcast: The Struggle for a Post-apartheid National Television Culture in South Africa” in T. Dowmunt (ed.) *Channels of Resistance: Global Television and Local Empowerment*, BFI, London.

Currie W 1996 “The IBA is Alive” *IBA Update* Vol. 1, pp. 10-11.

Department of Communications, Ministry of Posts, Telecommunications, Broadcasting 1997 *South African Telecommunications Regulatory Authority: Executive Summary*. Pretoria.

Fine R and Van Wyk G 1996 “South Africa: State, Labor, and the Politics of Reconstruction” *Capital and Class* 58, pp. 19-31.

Friedman S (ed.) *The long journey: South Africa’s quest for a negotiated settlement*. Ravan Press, Johannesburg, pp. 52-54.

Gall G 1997 “Trade Unions and the ANC in the ‘New’ South Africa” *Review of African Political Economy* 72, pp. 203-216.

Gevisser M 1997 “Ending Economic Apartheid” *The Nation* 29 September, pp. 24-25.

Gillwald A 1993 “The public sphere, the media and democracy” *Transformation* 21, pp. 65-77.

Glaser D 1997 “South Africa and the limits of civil society” *Journal of Southern African Studies* 23, pp. 5-27.

Golding-Duffy J “South Africa: black businesses in radio link-up with white corporations” *Intermedia* 24:5, pp. 15-17.

Hoffmann-Riem W 1996 *Regulating Media*. Guildford Press, New York.

Horwitz R B 1989 *The Irony of Regulatory Reform: the deregulation of American telecommunications*. Oxford University Press, Oxford.

Horwitz R B 1994 “The uneasy relation between political and economic reform in South Africa: the case of telecommunications” *African Affairs* 93 pp. 361-385.

Horwitz R B 1996 “The South African Broadcast Sector Reform Process” Chapter forthcoming in authors book on communications in post-apartheid South Africa.

Horwitz R B 1997 “Telecommunications Policy in the New South Africa: Particpatory Politics and Sectoral Reform” *Media, Culture and Society* 19:4

Independent Broadcasting Authority 1995 *Triple Inquiry Report On the Protection and Viability of Public Broadcasting services, Cross-Media Control of Broadcasting services, and Local Television Content and South African Music*. Johannesburg.

Independent Broadcasting Authority 1996 *Discussion Paper on Private Sound Broadcasting*. Johannesburg.

Independent Broadcasting Authority 1997 *Industry Review: Community Radio 1995-1996*. Johannesburg.

Jabulani! Freedom of the Airwaves: Towards Democratic Broadcasting in South Africa 1996 Africa-European Institute. Amsterdam.

James W and Caliguire D 1996 “Renewing Civil Society” *Journal of Democracy* 7:1, pp. 56-66.

Keane J 1990 *Media and Democracy*. Polity Press, Cambridge.

Lazar D 1996 “Competing economic ideologies in South Africa’s economic debate” *British Journal of Sociology* 47, pp. 599-626.

Louw P E (ed). *South African Media Policy: Debates of the 1990s.* Anthropos, Johannesburg.

Louw R 1995 “A government seeks to talk to the people” *The Institute for the Advancement of Journalism Journal* 1(2), pp. 7-10.

Maingard J 1997 “Transforming television broadcasting in a democratic South Africa” *Screen* 38, pp. 260-274.

Mamdami M 1996 *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press.

Mamdami M “Now who will bell the fat black cat” *Mail and Guardian* 17 October 1997, pp. 32-33.

Martinis D 1996 “Democracy and the Media” in *Voices and Visions: Audio-Visual Media in the New South Africa*, Open Window Network, Johannesburg, pp. 10-16.

Mattelart A 1994 *Mapping World Communication: War, Progress, Culture*. University of Minnesota Press, Minneapolis.

Mosco V 1996 *The Political Economy of Communication*. Sage, London.

Nattrass N 1994 “Politics and economics in ANC economic policy” *African Affairs* 93, pp. 343-359.

South African Advertising Research Foundation 1997 *All Media Products Survey*. Johannesburg.

Republic of South Africa 1993 *Independent Broadcasting Authority Act*, *Act No. 153.*

Republic of South Africa 1996a *Independent Telecommunications Act, Act. No. 103.*

Republic of South Africa 1996b *Constitution of the Republic of South Africa, Act 108*.

Republic of South Africa 1997 *Broadcasting Amendment Bill*, *Bill No. 15.*

South African Broadcasting Corporation 1994 *Annual Report and Financial Statements*. Johannesburg.

South African Broadcasting Corporation 1996 *Annual Report and Financial Statements*. Johannesburg.

South African Institute of Race Relations 1996 *South Africa Survey 1995-1995.* Johannesburg.

South African Institute of Race Relations 1997 *South Africa Survey 1996-1997.* Johannesburg.

Teer-Tomaselli R 1993 “Militancy and pragmatism: the genesis of the ANC’s media policy” in Louw, P. E. (ed.) *South African Media Policy: Debates of the 1990s*. Anthropos, Johannesburg, pp. 227-240.

Teer-Tomaselli R 1995 “Moving towards democracy: the South African Broadcasting Corporation and the 1994 election” *Media, Culture and Society* 17, pp. 577-601

Teer-Tomaselli R 1996 “Reconceptualising Public Service Broadcasting” in *Visions and Voices: Audio-Visual Media in the new South Africa*. Open Window Network, Johannesburg, pp. 17-23.

Teer-Tomaselli R and Tomaselli K 1996 “Reconstituing Public Service Broadcasting: Media and Democracy During Transition in South Africa” in M. Bruun Andersen (ed) *Media and Democracy*. University of Oslo, Oslo, pp. 217-299.

Tomaselli K 1997 “Globalisation and Localisation: The Political Economy of Shifting South African Media identities” Mimeograph.

Tomaselli R 1994 “The mediazation of culture: John Thompson and the vision of public service broadcasting” *South African Journal of Philosophy* 13, pp. 124-132.

Tomaselli R, Tomaselli K, and Muller J (eds.) 1989 *Broadcasting in South Africa.* James Currey, London.

Uys S 1997 “South Africa: Churning Currents” *African Affairs* 96, pp. 371-376.

Van Zyl J 1994 “Civil Society and Broadcasting in South Africa: Protecting the Right to Communicate” *Communicatio: South African Journal of Communication Theory and Research*

20(2).

NOTES

1. On the history of South African broadcasting, see Tomaselli *et al* (1989).

2. For discussions of South African broadcasting which broadly share the same theoretical framework, written by academics closely involved in the development of media policy in the 1990s, see Gillwald (1993), Tomaselli (1994), Teer-Tomaselli (1996), and Teer-Tomaselli and Tomaselli 1996).

3. Michael Markovitz, Interview with author, Johannesburg, 14 August 1997.

4. See Tomaselli (1993) for a discussion of the formulation of the ANC's media policy in the early 1990s.

5. David Dison, one of the authors of the Act, describes this as an edict that was handed down from the multi-party negotiations. Interview with author, Johannesburg, 13 March 1997.

6. Horwitz 1996 provides a detailed account of the Triple Inquiry process. For a critical discussion of the issue of participation in media policy formulation during the Triple Inquiry, see Martinis (1996).

7. South African Broadcasting Corporation "Disposal of certain of the SABC's commercial regional radio stations". Press Release, Johannesburg, 21 June 1996.

8. The IBA's decision regarding Radio Jacaranda was immediately challenged by Naledi Media Investments, which had bid R90 million, on procedural grounds that it claimed made the sale invalid. The station was subsequently re-sold to a restructured Newshelf 71 after Naledi secured a stake in the consortium (*Johannesburg Star* 23 July 1997; *Business Day* 7 August 1997). The legal challenge was another incremental blow to the IBA's credibility.

9. The granting of a new license in Durban was delayed.

10. The licensing of a new free-to-air television station has been subject to extensive delays. Hearings to decide the successful bidder finally began in February 1998, and the intention of the IBA was to make its decision by the end of March 1998.

11. Jay Naidoo "Working Towards a Knowledge Society" Carlton Hotel, Johannesburg, 4 August 1997.

12. For critical discussions of the theoretical and practical limits of notions of 'civil society' in South Africa, see Glaser 1997, and Mamdami 1996.