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Promoting human rights and democracy through the media since 1993

**Submission to the Department of  
Communications (DOC) on the  
  
Local and Digital Content  
Development Strategy for South Africa**

**20 October 2009**

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**Submission by Media Monitoring Africa**

## **Introduction**

Media Monitoring Africa (MMA, formerly Media Monitoring Project) welcomes the opportunity to make a submission to the Department of Communications (DOC) on the Local and Digital Content Strategy for South Africa - October 2009.

This submission will address the following areas:

1. MMA's Constitutional Assumptions.
2. The relationship with the MMA and the Save our SABC (SOS)-Reclaiming our Public Broadcaster Coalition.
3. Areas of concern relating to the Local and Digital Development Strategy.
4. Summary of recommendations.
5. Conclusion.

### **1. MMA's Constitutional Assumptions**

As a human-rights based NGO, MMA views the development of policy within a human rights-based framework. MMA's point of departure therefore includes similar values to those originally contained in the Broadcasting Act, where in the preamble it noted that,

“[T]he South African broadcasting system comprises public, commercial and community elements, and the system makes use of radio frequencies that are public property and provides, through its programming, a public service necessary for the maintenance of a South African identity, universal access, equality, unity and diversity”.

(Broadcasting Act No.4 1999)

Within this rights-based framework, MMA understands the institutional role of the SABC as fundamental not only to fulfilling its role as a public broadcaster but also to realising citizen's constitutional right to receive and impart information. Further, as a key public institution and core component of the media environment in South Africa, the SABC's role in entrenching South Africa's democracy cannot be underestimated.

The current proposed strategy, has immense significance for our broadcasting, ICT environment and digital local content. MMA therefore welcomes the Local and Digital Content Development Strategy as a means of ensuring the application of these principles to local content development in this era of digitalisation.

## **2. MMA and the Save our SABC – Reclaiming Our Public Broadcaster (SOS Coalition)**

MMA is a founding member of a civil society coalition, **Save our SABC – Reclaiming Our Public Broadcaster (SOS Coalition)**. This submission is to be read in conjunction with the SOS Coalition Submission, and MMA fully supports the content and aims of the SOS Submission.

## **3. Areas of concern relating to the Local and Digital Development Strategy**

MMA welcomes the idea that government needs to formulate policy and strategy on digital local content.

MMA also welcomes government's attempts to address key areas including, skills shortages, the provision of funding through a digital content fund, regulating digital content in particular the recognition of public protection and safety of children, as well as encouraging entry by women, youth and people with disabilities.

However MMA regrettably believes that the premise, aims and objectives of the strategy are unclear and fundamentally flawed. The premise, aims and objectives are the foundation of a strategy and from this everything flows, therefore the clear basis of a strategy is vitally important. This line of thinking is substantiated by Harvard Business: "to execute your strategy, first build your foundation"<sup>1</sup> and furthermore highlights the importance of a good foundation for a successful strategy. Also, a strategy can be understood as "the means or the tool by which objectives are consciously and systematically pursued and obtained over time"<sup>2</sup>. Hence, clearly defined objectives are fundamental to a successful strategy.

If we use an analogy, digital local content development can be likened to building a skyscraper. In order for a skyscraper to be built successfully it requires a solid foundation. Building a skyscraper requires a full assessment of the current environment and requires a solid and deeply rooted foundation. If the skyscraper is built on mud and stone, the skyscraper will be doomed to collapse. Similarly, many of the foundational aspects in the strategy are not present or flawed, until this is rectified and until the overall aims are clear, MMA submits that the strategy is "doomed to fail".

MMA submits that the aims and objectives as currently stated in the document are problematic, unclear and fundamentally flawed. For this reason MMA makes no comments as to the challenge and validity of aspects in the document, but rather seeks to address the foundational aspects.

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<sup>1</sup> <http://harvardbusiness.org/product/to-execute-your-strategy-first-build-your-foundati/an/8071BC-PDF-ENG>

<sup>2</sup> <http://www.easy-strategy.com/strategy-definition.html>

### **3.1 Confusion of focus areas- Eradicate poverty or grow industry or appealing exports?**

From the outset in the document there is a lack of clarity as to what the core focus areas are. It is unclear as to whether or not the strategy's main focus is eradicating poverty through socio-economic development, growing the industry or producing appealing exports. MMA notes with concern that the document does not clearly enshrine the main focus areas, which is highly confusing.

At various points in the start of the document, different focus areas are stressed however there is no link made between them, for example whether or not there will be a spin off effect or their relation to one another, they are seemingly dealt with in isolation.

Firstly it is implied that the strategy primarily seeks to use the development of digital local content as a means of socio-economic development and thus eradicate poverty. It is stated that

*“It [the strategy] is formulated with an understanding that as part of the knowledge economy, local content has the potential to enormously contribute to the socio-economic development in South Africa”* (pg. 11) and *“the strategy can be used as an interventionist mechanism to rapidly accelerate socio-economic development”* (pg.18)

However in the same way it is also suggested that the strategy's core focus is also to grow the industry:

*“the local and content development strategy key interventions are made to grow the industry concomitant with the demand anticipated in a digital environment”* (pg. 13)

At the same time it is hinted that the strategy's fundamental focus is also to ensure that digital local content is produced that is appealing for export:

*“The following content areas are prioritised to launch content industry in South Africa: animation, wild-life, documentaries, games and ring tones. Not only are these areas cheaper to produce, they are also South Africa's unique selling point”* (pg.14)

MMA respectfully submits that clarity is urgently needed as to the main focus areas, which is vital to a successful strategy.

### **3.2 The strategy - Doomed to fail**

MMA re-iterates it's a position that a strategy with an unclear and fundamentally flawed foundation will result in an equally unclear and likely unsuccessful strategy. This can be seen in elements of the document, for example, the funding model and the content areas that are prioritised.

### 3.2.1 Unworkable Funding model

The document establishes that one of the sources of funding for the Digital Content fund should be from broadcasters, which given the current economic environment seems to be largely unworkable and unfeasible, primarily because:

- Broadcasting does not generate an excessive amount of money especially with regards to local content;
- Broadcasters are entering the period of dual illumination, which is very costly and expensive; and
- The state of the SABC is in disarray, especially financially.

It is for these primary reasons that MMA believes that the proposed funding model is unattainable. Again MMA submits that it is not necessarily the concept of funding being required being a bad one, rather because the fundamental aims and objectives are not clear, the funding model conceived is flawed.

### 3.2.2 Why these Content areas?

MMA respectfully submits that the content areas prioritised by the strategy appear illogical and based on flawed assumptions. MMA does not understand the rationale for the content areas prioritised as enshrined in section 2.3:

*“The following content areas are prioritised to launch content industry in South Africa: animation, wild-life, documentaries, games and ring tones. Not only are these areas cheaper to produce, they are also South Africa’s unique selling point, and therefore have huge export potential”.*

MMA has the following dilemmas with this approach:

- Wildlife programming is not uniquely South African content, and is commonly produced by many countries;
- Animation is not cheap to produce, it is very expensive and requires much specialised skills, and most importantly it is not uniquely South African content;
- The target market for digital animation generally tends to be children, yet children are noticeably absent from the document, nor are they included in the aims and objectives;
- Gaming is a multi billion dollar industry however there is a major skills shortage in South Africa;
- Ring tones do not necessarily equate to big money for South Africa and are not necessarily cheap to produce; and,
- In the era of digitalisation gaming and ring tones are not a sustainable form of investment because these forms of content are easily available for free download on the internet and thus are difficult to protect.

In addition, clarity is needed as to how to understand the term cheaper, cheaper than what? In particular why have other lucrative and fundamental forms of local content been excluded

and these privileged. For example, the inclusion of ring tones suggests music, and by the emphasis possibly local music, yet the document does not mention local music, which is a lucrative and key form of local content.

Also, Section 2.3 appears confusing as it is not clear whether or not the contents for priority have been chosen primarily to develop content for foreign export or preserve South Africa's history and cultural diversity.

### **3.3 Where is the Diversity in Digitisation?**

At this point MMA would like to draw attention to the fact that the DOC notes in the preamble that the document aims to achieve section 2 of the Broadcasting Act. The primary objectives of the strategy do make provision for most of section 2. However MMA notes with concern that the document fails to substantially address section 2 (a), (d) and (e) of the Act regarding diversity of content and service so that all the needs of South Africans are met for the greater goal of enhanced democracy and nation building:

- 2(a) contribute to democracy, development of society, gender equality, nation building provision of education and strengthening the spiritual and moral fibre of society;*
- (d) ensure plurality of news, views and information and provide a wide range of entertainment and education programmes;*
- (e) cater for a broad range of services and specifically for the programming needs in respect of children, women, the youth and the disabled.*

(Broadcasting Act No.4 1999)

MMA strongly believes that diversity is a concept that should be regarded as fundamental in the development of a quality digital local content industry so that it is reflective of all the needs of South Africans. MMA views digitisation on the basis of the following assumption:

- One of the central purposes behind the digitisation process should be to meet the needs of all South Africans through diversity of content, including through for example language diversity, sports, documentary, news, music, children's programming etc.

Therefore, MMA is of the view that the major issue at hand is ensuring that the digital local content is developed in such a manner that it is reflective of South Africans cultural heritage, languages etc, and therefore meets the needs of South Africa's diverse audiences. Whilst, it is important that previously disadvantaged communities and new players enter the industry, and benefit economically from the knowledge economy, the larger and fundamental issue is developing a local content industry that produces quality and diverse content and not merely a plurality of content.

Therefore diversity and the attainment of it should be enshrined and substantially addressed in the strategy. While the strategy does place some emphasis on involving historically disadvantaged people, women the youth and people with disabilities, because of the lack of clarity around its overall aim, it seems the strategy seeks instead of promoting diversity to

rather attempt to ensure growing the industry in terms of more quantity of digital local content (i.e. plurality). MMA respectfully believes that growing the industry, eradicating poverty, job creation and creating attractive exports should be a secondary goal to developing an industry that is reflective of all the needs of South Africans, and that makes a valuable contribution to nation building and safeguarding as well as promoting cultural heritage etc.

The document does hint at diversity at a few points, however it seems that the document is premised on the belief that encouraging entrance by “*new players, particularly from historically disadvantaged groups, youth, women and people with disabilities*” (pg. 19) will diversify the industry and produce content diversity. MMA respectfully submits that this assumption is flawed and problematic as providing funding and infrastructure to historically disadvantaged to enter the market will by no means guarantee diversity of content. It will rather guarantee increased output of content and plurality.

Regrettably the document does not enshrine the importance of local content to nation building, cultural heritage and democracy, nor does it emphasise the fundamental importance of diversity in this process. Hence, the strategy in its current form ensures that there is increased funding and infrastructure aimed towards the entry of new players, but the failure to substantially address local content in relation to diversity and other key concepts, could result in content production with no emphasis on the importance of local content and its role in society, such as to cultural heritage and reflecting the needs, voices and narratives of all South Africans.

### **3.4 Fundamental Omissions**

In addition to the challenges outlined, MMA submits that the strategy has fundamental omissions, which include:

3.4.1 The absence of children from the document. Not only are children the most likely to take up new technology and utilise digital content products, being 37% of South Africa’s population (See Stats SA Mid Term Review 2008) they are also a significant target market for digital content. Finally children are essential for any long term planning and strategy if the strategy is to be successful and if digital content is to be successfully developed.

3.4.2 Whilst the strategy does mention youth, woman and people with disabilities, it lacks greater detail, in terms of how these groups will be specifically involved. There are no clear strategies to specifically involve women youth of people with disabilities.

3.4.3 Intellectual property rights are key to digital content and while some issues are addressed, the strategy fails to look at relevant intellectual property rights. Significant challenges arise in this area and it would be anticipated that the strategy could provide an opportunity to offer new models of intellectual property rights.

3.4.4 The inclusion of ring tones suggests music, however the document does not mention local music, which is a lucrative and key form of local content.

3.4.5 There is no clear rationale provided on the contents that are prioritised and their privilege over other forms of content.

3.4.6 The document does not take into context the current environment, including failure to mention the Digital Terrestrial Television (DTT) regulations as well as the SABC and its key role in digital local content.

3.4.7 The key concept of diversity is not substantially enshrined and addressed. MMA submits that digitalisation of our media has the ability to enable diversity, facilitate niche audiences and meet popular demands, and local content occupies a significant role in achieving this.

3.4.8 The down sides to developing digital content, including the immense costs involved as well as South Africa's low literacy rate, which is a great barrier to the development of the industry. MMA submits that digital literacy forms a central component of the strategy, especially if it is going to target previously marginalised and disempowered groups, including children. The strategy could offer the additional value of improving literacy.

## **4. Summary of recommendations**

MMA submits the following recommendations which arise from the points raised above and would like to stress that while the overall strategy is to be welcomed, it is essential that its aims and overall objectives are clarified. MMA recommends:

4.1 The premise, aims and primary objectives of the strategy needs to be re-thought and consequently clarified so as to avoid confusion and ambiguity.

4.2 The strategy and its premise should be guided by the Broadcasting Act and take into cognisance the new Broadcasting Bill. MMA recommends the strategy substantially enshrine and make provision for digital local content in relation to nation building and diversity etc, so that the content is reflective of all the needs of South Africans and safeguards and enriches cultural heritage etc. Secondary to this should be issues including growth of the industry, socio-economic development, job creation and entry by new players.

4.3 The content prioritised needs to be re-thought and brought in line with the new strategy.

4.4. The funding model of the Digital Content Fund needs to be adjusted so that the current environments of the broadcasters are taken into account.

4.5. Relevant property rights needs to developed and thus adjusted to the changing environment so that digital local content is adequately protected.

4.6 The strategy should take into context the current environment, including engaging with the Digital Terrestrial Television (DTT) regulations.

4.7 The SABC as the public broadcaster occupies a significant role in the development of digital local content, therefore it needs to be substantially addressed in the strategy.

4.8. The down sides to building digital local content needs to be included in the strategy, especially since South Africa has a low literacy rate and the immense costs involved with producing local content. MMA recommends therefore that digital literacy is included in the revised strategy.

4.9 That if the strategy focuses on historically disadvantaged people that it provides and outlines clear mechanism and strategies to focus on them. In addition it is essential if the strategy is to be successful that children are integrated into the strategy.

## 5. Conclusion

In conclusion, it is perhaps worth considering what the implications would be if the concerns contained in MMA's submission as well as those of the SOS Coalition are not addressed. It is likely that the effective development of digital local content that is reflective of all the needs of South Africans will be hindered. This will likely be the case, as the strategy in its current form is unclear, flawed, ambiguous, and it omits fundamental concepts and key issues.

MMA thanks the Department of Communications (DOC) for the opportunity to make this submission, and hereby requests, that if there are to be public hearings that MMA is allocated time for an oral presentation to expand further on the importance of this submission.

Please do not hesitate to contact me at the numbers below should there be any queries over our submission, or if we can be of assistance in developing any of the recommendations further.

Yours sincerely,



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If we use an analogy, digital local content development can be likened to building a skyscraper. In order for a skyscraper to be built successfully it requires a solid foundation. Building a skyscraper requires a full assessment of the current environment and requires a solid and deeply rooted foundation. If the skyscraper is built on mud and stone, the skyscraper will be doomed to collapse. Similarly, many of the foundational aspects in the strategy are not present or flawed, until this is rectified and until the overall aims are clear, MMA submits that the strategy is "doomed to fail".

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## **4. Summary of recommendations**

MMA submits the following recommendations which arise from the points raised above and would like to stress that while the overall strategy is to be welcomed, it is essential that its aims and overall objectives are clarified. MMA recommends:

4.1 The premise, aims and primary objectives of the strategy needs to be re-thought and consequently clarified so as to avoid confusion and ambiguity.

4.2 The strategy and its premise should be guided by the Broadcasting Act and take into cognisance the new Broadcasting Bill. MMA recommends the strategy substantially enshrine and make provision for digital local content in relation to nation building and diversity etc, so that the content is reflective of all the needs of South Africans and safeguards and enriches cultural heritage etc. Secondary to this should be issues including growth of the industry, socio-economic development, job creation and entry by new players.

4.3 The content prioritised needs to be re-thought and brought in line with the new strategy.

4.4. The funding model of the Digital Content Fund needs to be adjusted so that the current environments of the broadcasters are taken into account.

4.5. Relevant property rights needs to developed and thus adjusted to the changing environment so that digital local content is adequately protected.

4.6 The strategy should take into context the current environment, including engaging with the Digital Terrestrial Television (DTT) regulations.

4.7 The SABC as the public broadcaster occupies a significant role in the development of digital local content, therefore it needs to be substantially addressed in the strategy.

4.8. The down sides to building digital local content needs to be included in the strategy, especially since South Africa has a low literacy rate and the immense costs involved with producing local content. MMA recommends therefore that digital literacy is included in the revised strategy.

4.9 That if the strategy focuses on historically disadvantaged people that it provides and outlines clear mechanism and strategies to focus on them. In addition it is essential if the strategy is to be successful that children are integrated into the strategy.

## 5. Conclusion

In conclusion, it is perhaps worth considering what the implications would be if the concerns contained in MMA's submission as well as those of the SOS Coalition are not addressed. It is likely that the effective development of digital local content that is reflective of all the needs of South Africans will be hindered. This will likely be the case, as the strategy in its current form is unclear, flawed, ambiguous, and it omits fundamental concepts and key issues.

MMA thanks the Department of Communications (DOC) for the opportunity to make this submission, and hereby requests, that if there are to be public hearings that MMA is allocated time for an oral presentation to expand further on the importance of this submission.

Please do not hesitate to contact me at the numbers below should there be any queries over our submission, or if we can be of assistance in developing any of the recommendations further.

Yours sincerely,



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