
Broadcasting Reforms in Southern Africa: Continuity and Change in the Era of Globalisation

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Abstract

This paper looks at the influence of globalisation forces on the nature and dynamics of broadcasting policy-making in Southern Africa. Based on a comparative analysis of policy formulation processes and outcomes in South Africa, Zambia and Zimbabwe, the paper argues that despite global pressures for broadcasting reform, broadcasting policy-making continues to be nationally driven, guided by historical legacies and domestic political factors. Contrary to claims by some globalisation theorists that the state is becoming less important in a globalizing world, the Southern African states remain the centre of policy formulation and have since adopted varied adaptive policy responses to global and domestic pressures.

Introduction

The broadcasting sector has in past years faced great challenges under the pressures of globalisation and its associated neo-liberal paradigm. The aim of this paper is to discuss the mixture of ways in which three Southern African states (South Africa, Zambia and Zimbabwe), occupying different positions within the global political and economic system, and having different political stances, have attempted to influence their national broadcasting policies in response to globalisation forces. Global pressures for political and economic liberalisation in the 1990s put on the agenda the liberalisation of public utilities, including broadcasting. A three-tier broadcasting structure was advocated on the basis that it could contribute to the enhancement of democracy in the region. This structure entails the transformation of state broadcasters into genuine public service broadcasters, the introduction of private commercial broadcasters and the establishment of community broadcasters. Complementary to this model would be the establishment of independent broadcasting regulators and the reduction of the state's role in the broadcasting sector. The pressures for broadcasting reform brought together the agendas of the external global actors promoting neo-liberalism and local groups campaigning for more communicative spaces during the democratic transformations.

The Broadcasting Context

The dominant system of broadcasting in Southern Africa is what is often conveniently referred to as public broadcasting. As Article 19 observes, 'the only broadcasting entity to regulate was the "public" broadcaster operating under the ambit of government' (Article 19 2003, 2). Public broadcasting is an inherited model introduced to Africa during the colonial era. The broadcasting model in three countries analysed is basically an application of a model used in Britain, which emerged in the 1920s and 1930s. In South Africa, the South African Broadcasting Corporation (SABC) was established in 1936 under Reithian principles following the findings in 1934 of the Commission of Inquiry led by then Director General of the British Broadcasting Corporation (BBC), Lord Reith (Golding-Duffy and Vilakazi 1998, Teer-Tomaselli and Tomaselli 1996). In Zimbabwe and Zambia broadcasting was introduced under the same principles and is defined in traditional public service broadcasting terms serving central functions of educating, informing and entertaining the masses (see Ndlela 2003; Banda 2006; Moyo 2006). Common to the three countries is that 'public' broadcasting institutions were introduced by colonial or settler governments, and were government monopolies catering mostly for the white populations

At the core of the public service broadcasting model was a cultural mission: to facilitate nation-building efforts, to build a common culture, to provide information, education and entertainment to the citizens. Although based on the Reithian principles associated with the BBC, the model had to be adapted to African realities and conditions. In South Africa, Reithian principles were soon set aside as SABC assumed a prominent role as the mouthpiece of government, more so during the apartheid era. The apartheid system in South Africa undermined any public service pretences by SABC and thus in essence the institution has been a state broadcaster. In Zimbabwe and Zambia, the realities of colonial and post-colonial administrations meant that in the absence of democracy the ideals of public service broadcasting were unattainable. What emerged over the course of years were therefore variants of public service broadcasting with an inclination towards state broadcasting. Nevertheless, these broadcasters cling to the term 'public service broadcasting', either due to historical legacies or because of the positive connotations associated with the term (Moyo and Ndlela 2006). The 'public broadcasters' in the three countries analysed are members of the Southern African Broadcasting Association, a body that represents public service broadcasters in the region.

Public service broadcasting carries positive characteristics which include general geographical availability, concern for national identity and culture, independence from both state and commercial interests, impartiality of programmes, range, and substantial financing by a general charge on users (Barendt 1995, 52). The cultural and political implications of the public service broadcasting model are the

nurturing of a democratic society. In its ideal form, public service broadcasting in Southern Africa is not yet socially embedded, since it was transplanted into an environment that lacked the necessary political and economic conditions that made this type of broadcasting possible in Western Europe. The environment in the region lacks the necessary culture, and political and economic structures. Not surprisingly there has been general misconception and misunderstanding about the mission, mandate and role of public service broadcasters in the region. One such misconception is the interchangeable and synonymous use of public service broadcasting and state broadcasting. Broadcasters may officially be known as public service broadcasters when in fact they are state broadcasters. Terms such as public service, national broadcasters, state broadcasters, non-commercial, all refer to publicly funded broadcasters in the region.

The public broadcasting model in Southern Africa, though modelled on public service principles, was never intended to serve the general public interest. Indeed much of the weakness of the system stems from its structure and role in society. Partisanship was built into the structures of public broadcasters since their inception in the region. In one party state Zambia, the public service broadcasters formed part of a government ministry of information and served the needs of the government. In Zimbabwe, the dominance of one party resembled the one party states scenario elsewhere in Africa and the Zimbabwe Broadcasting Corporation (ZBC) has mainly been the preserve of the ruling party and narrowly defined elite interests. In South Africa, the public broadcasters were the purveyors of apartheid policies, promoting the interests of the white minority.

Consequentially, broadcasting media have been used as mouthpieces for government or ruling parties. The political lives of the ruling parties have resonated around broadcasting media and as such the institutions have in some instances existed as part of the national security infrastructure guarded by heavily armed soldiers or manned by sympathisers. The political significance of broadcasting cannot be ignored, as this is one of the main reasons why governments in the region have been reluctant to liberalise broadcasting in spite of pressures, both internal and external. There has been a belief that if control was not exercised, these powerful institutions would fall into wrong hands bent on undermining the political establishments and promoting sectarian interests. This line of thought is discernible in the words of Zimbabwean President, Robert Mugabe, who has steadfastly opposed private broadcasting: 'you don't know what a non-state radio station might broadcast' (Article 19 1995, 123).

The monopoly in broadcasting has also been handled on the pretext of serving the public interest. There are obviously many merits associated with public service ideals, such as the contribution to the creation of national identity, and programming which takes into account the educational needs of the continent.

The broadcasting media have indeed been extensively used in diverse areas such as health, education and family planning. Governments have argued for control of public broadcasters in order to use them purposefully. They argue that commercial broadcasters would be driven by profit and ignore the needs of the poor majority. Indeed it is highly unlikely that commercial broadcasters would be interested in areas outside the commercial zones sought by advertisers. Even in wealthier countries such as South Africa, commercial broadcasters are skewed towards commercial hubs.

Broadcasting policy-making has therefore been contested, with governments pointing at the limitations of commercial broadcasting in Africa, and the advocacy groups citing the abuse of public broadcasters on behalf of narrowly defined public interests. The central issues in the pressure for broadcasting reforms have been on how to transform these institutions into genuine 'public service broadcasters'. The term public service broadcasting is used in the paper to connote 'a genre rather than as an institution' as Pieter Fourie (2003) has suggested. In this way commercial broadcasters can aspire to the genre of public service broadcasting.

Global Challenges and Local Responses

Broadcasters in Southern Africa as elsewhere in the world face multifaceted challenges from the process of globalisation, which impinges on national and regional broadcasting policies, and questions the viability of models such as public service broadcasting as well as alternative models anchored in the market. The early 1990s witnessed intense debates on the nature of broadcasting across the world and a major shift in approaches to broadcasting regulation. The dynamics of the global political economy raised new imperatives for deregulation. Public service broadcasting, which had been the most dominant broadcasting model, was challenged everywhere in the world by political and economic interests, by increasing competition from commercial broadcasting, media concentration and general challenges of adapting to globalisation.

These globalisation processes have brought many challenges to broadcasting policy formulation in Southern Africa. Some of these challenges are not unfamiliar to Western broadcasters but they have a certain element of uniqueness to the region. Forces informing broadcasting policy reforms in the region can be discussed in relation to three main challenges faced by broadcasters in the context of globalisation: namely the unprecedented global democratic transitions following the demise of the Soviet Union; the ascendance of neo-liberal economic policies; and rapid changes in technology. All these factors converged with national realities and local demands, making it imperative for states to reform the broadcasting sector.

Ndela, 'Broadcasting Reforms in Southern Africa...'

Global Geo-politics and Democratisation in Africa

The challenges to broadcasting reform have a strong association with the global political dynamics which dramatically shifted in the late 1980s and after the end of the Cold War. Like other regions in the world African politics has been greatly influenced by the interests and ambitions of dominant external powers in the global political system. Daniele Archibugi, David Held and Martin Köhler (1998) contend that the processes of globalization are connected to the end of the Cold War. The demise of the Soviet Union in the late 1980s ignited a series of changes in the global political and economic order. These global political dynamics witnessed an ascendance of Western liberalism as a dominant ideology in the world, and an assertion of democracy as the sole legitimate system of governance. The democratisation processes transformed the operational environment and the mandate of the public broadcasters. The broadcasting sector in Southern Africa is rooted in the basis of non-plural and non-democratic political structures. The main challenge faced by broadcasters in the region was thus to redefine their new role within the contested democratisation process. The contested environment involved not only local but also global actors.

The promotion of democracy as a global political ideology created policy challenges for existing public broadcasters whose roles were incongruent with democratisation. The promotion of media reforms in Southern Africa has therefore focused mainly on the role of the media in the democratisation processes. There was hence a need to revisit the broadcasting policies of the past and to re-evaluate them in the light of the new democratic dispensation. Policy discussion became focused mostly around the democratic potential of the media.

The 1990s witnessed intense debates about the future role of broadcasting media in the democratisation processes – with the pro-democracy movements advocating full liberalisation of the broadcasting sector. They argued that state broadcasters alone could not fulfil the new functions expected of them in the new democratic dispensation and therefore their role should be complimented through the introduction of commercial and community broadcasters. Scepticism could be registered across the region on the capabilities of public broadcasters, given their history of abuse by incumbent governments, ruling parties and states.

Economic Liberalization and Broadcasting Policy

Broadcasting policy-makers were also faced with the challenges associated with the major shift in global economics in the 1980s and 1990s. As Peter Dicken notes, 'the most significant development in the world economy during the past decades has been the increasing internationalisation – and, arguably, the increasing globalisation – of economic activities (Dicken 1998, 1). Economic interconnection is not something new, but it is the intensity of these connections and the

increasingly complex ways in which economic activities more and more transcend national boundaries. Economically, all countries in the region have willingly or unwillingly embarked on economic reforms moving towards economic liberalization. However Africa's position in the world economy is marked by controversy. The dominant argument has been that the global economic interactions with Africa are adverse, and that African economies are impeded by forces outside the region (Chazan *et al.* 1999, 244).

The contemporary globalisation of economic processes is often presented as undermining the ability of national governments to manage and regulate the economic activities located within their territorial jurisdiction (Barnett 1998, 551). Some theorists have propounded the idea that 'globalisation is redefining the role of the state as regulator of the national economy' (Boye and Drache 1996 quoted in Dicken, 1998, 80). However, while some states' capabilities have been reduced in the new globalised economy, the nation states in Southern Africa remain the most important players in shaping the domestic market, filtering the entry of foreign firms into the national economy in line with national political and economical objectives. The degree of openness varies considerably in the region.

The economic structural adjustment programmes (SAPs) championed by the World Bank and the IMF became the most important policy framework reluctantly pursued by most African countries in the 1990s. The programmes' emphasis on privatisation of public enterprises and deregulation also brought questions about the structural organization of the broadcasting sector. The market-based model challenges the traditional model of public service broadcasting – with its emphasis on equitable distribution of information. William Rowland and Michael Tracey (1990, 14) have noted that 'economic factors have long played a key role in public policy toward broadcasting, not only where private commercial systems dominate but also where there is a public funding mechanism'. Because most of the public broadcasters in the region depended on state funding for their operation, they could not be run autonomously in the true sense of the word. The potential of the public broadcasters had to be realised through two main policy reforms, either through privatisation or commercialisation. These policy choices presented dilemmas for both policy-makers and public broadcasters. Privatisation undermines the public broadcasters' quest to reach non-commercial geographical areas, thus alienating the disadvantaged groups in society. Commercialisation of public broadcasters raises a number of questions on the viability of the new broadcasting policies. As Ruth Teer-Tomaselli has argued,

Broadcasting driven by a purely commercial logic cannot ensure that a rich diversity of programming is available to audiences who are not considered to be profitable. In this respect, commercial media are less concerned with wide public access than they are with profit. Thus, for the purposes of

commercial broadcasters, universality is not important (Teer-Tomaselli 1996)

Universal access continues to elude not only newly introduced commercial broadcasters but also the government-funded public broadcasters. The economic environment in Southern Africa reduces the competitiveness of commercial broadcasters thus leaving public broadcasters as the dominant players. Some economies are too weak to sustain the commercial activities of broadcasting, either private or public. There has also been a general economic decline in most of the countries, with Zimbabwe representing the fastest shrinking economy in the region. The small size of the market in countries like Botswana, Swaziland, Lesotho Malawi, Zambia, Zimbabwe and Namibia means that competition is not feasible in certain sectors and therefore a number remain natural monopolies. The commercial potential of broadcasting is minimal in nearly all the countries, with the exception of South Africa.

Technological Challenges

Technologically, policy-makers and public broadcasters in the region have to cope with fast changing information and communication technologies. Technological development is the main driver of globalisation. Dicken (1998) has described technology as the 'great growling engine of change', and several other theorists have described technological change as the prime motor of capitalism, the fundamental forces in shaping the patterns of transformation of the economy. Technology is therefore, without doubt, one of the key drivers of internationalisation and globalisation, affecting several branches of society. Communication technologies, referred by Dicken as 'space shrinking technologies', have fundamentally transformed the international communication landscape, giving rise to global multimedia giants such as Time Warner, Disney, Viacom, and Bertelsmann. These media conglomerates have raised a number of challenges for developing countries, which lack the necessary technical and economical infrastructure to counteract the globalisation of American and European culture. As Thomas McPhail (2006) has observed, these US media conglomerates can compete aggressively internationally with an arsenal of video and audio products that collectively can swamp any foreign network or production house through sheer volume. Satellite technology is perhaps the most important catalyst of enhanced global communications, given that it has expanded the carrying capacity and global reach.

Technological convergence of broadcasting, telecommunications and computers has fundamentally altered the way in which broadcasting services are distributed to the consumers. These changes have increased the speed of delivery, created new formats, made multi-channel distribution possible. Convergence and digitalisation

have added a new dimension to the policies and regulatory frameworks that have previously been separate entities. These developments have precipitated the necessity to rationalise telecommunication and broadcasting policies, which are often guided by a different logic. In Western Europe, it became apparent in the 1980s that while the emphasis in telecommunications was on liberalisation and deregulation, this policy collided with the broadcasting sector's policy which has often bordered on protectionist principles such as national identity, culture and sovereignty.

Policy-makers in Southern Africa find themselves on the horns of a dilemma. On one hand they have to reconcile national telecommunication realities with the unique demands of their stakeholders. On the other, they have to face the reality of accelerated globalisation, driven by technological innovations. While in the industrialised world new technologies and new forms of distribution via cable, satellite and video were fragmenting the public audience, thereby necessitating policy changes as early as the 1980s which resulted in the dissolution of public service broadcasting monopolies, in Southern Africa the broadcasting sector was still in the process of changing their obsolete technologies. New technologies remain inaccessible to many African countries.

While all the countries in the region have embarked on a process of liberalisation, from a political economic perspective there are huge differences between South Africa and the rest of the region, in terms of the pace of reform. All the countries besides South Africa, have adopted what James Hodge (2002) has called 'managed liberalisation', with deliberate limitations placed on competition. In Zambia, the pace of policy reforms has been consciously slow, with the final draft of the Zambian ICT policy only signed off in 2005. In Zimbabwe, the government has resisted pressures to genuinely liberalise the telecommunications sector. In South Africa, policy reforms have been faster and better coordinated than in other countries in the region. The formation of the Independent Communications Authority of South Africa (ICASA) as a merger of two regulatory agencies, the South African Telecommunications Regulatory Authority (SATRA) and the Independent Broadcasting Authority (IBA), was intended to capture the converging nature of technology. These three countries have thus responded in different ways to the convergence of different media modalities.

Comparative Analysis of Policy Outcomes

Each of the challenges presented above necessitates a reassessment of broadcasting policies in the region. The following section of this paper aims at highlighting the similarities and differences in the broadcasting policy reforms in South Africa, Zambia and Zimbabwe. Coming under immense pressures from a

multiplicity of globalisation processes the questions confronting broadcasting in the region come almost simultaneously.

Broadcasting policy has developed under the bureaucratic guidance of the national governments who have at their disposal an extensive kit of regulatory tools with which to respond to globalisation processes. While the state has played a constitutive role in shaping broadcasting policies, globalisation processes have also been in play at the regional level through Regional Bodies such as the African Union, Southern Africa Development Community (SADC), and Non-Governmental Organisations such as the Media Institute of Southern Africa and Article 19.

The General Regulatory Principles contained in the African Charter on Broadcasting state that 'the legal framework for broadcasting should include a clear statement of principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as well as a three-tier system for broadcasting, public service, commercial and community'. The main argument is that a three-tier system would enhance diversity and pluralism in the media, elements which are central to the democratic process.

The dominant neo-liberal ideas are also reflected in SADC policy documents. In relation to communication, in the SADC document, the Regional Indicative Strategic Development Plan (RISDP) the challenges of globalisation to various sectors are highlighted as well as the need to constantly develop policies and strategies to withstand these challenges. Some of the policies developed seem to yield to the dominant global views. The Protocol on Culture, Information and Sport which was signed in 2001 highlights the need to promote pluralistic media systems, and the SADC Parliamentary Forum Conference in April 2006 agreed that state broadcasters should be transformed into public broadcasters.

Due to the state of the economies in the region, public service broadcasting remains indispensable in catering for diverse interests including those of poor and marginalized groups. Therefore in spite of the shortcomings of the public service broadcasting model, there is an agreement by various actors that the goal of broadcasting policy reforms should be the transformation of state broadcasters into genuine public service broadcasters which will serve the public interest and compliment the efforts of commercially driven private as well as community broadcasters. This assumption presupposes that there is a three-tier structural system in the broadcasting sector. The liberalisation of broadcasting in the region has therefore mainly resonated around the establishment of a three-tier broadcasting structure comprising public service broadcasting, commercial broadcasting and community broadcasting.

Broadcasting Reforms in South Africa

In South Africa, broadcasting reforms began prior to the first democratic elections in 1994 and the broadcasting media was one of the central issues in the political negotiation settlement which ended apartheid. The intense debate on the future of the broadcasting media in South Africa was necessitated by a number of factors. Given the political history of the country it was impossible for South African political parties and civic groups to ignore the external and internal pressures for democratising the broadcasting sector. Transitional countries in Eastern Europe, Latin America and Africa provided ample case studies where ruling parties had simply taken over the broadcasting institutions for their own use. Such a scenario had to be prevented in the new South Africa. Hence the formation of a Task Group on Broadcasting in South and Southern Africa by the apartheid regime in 1990 attached the importance of comparative policy analysis in the development of future broadcasting policy in South Africa.

According to Jacquie Golding-Duffy and Amos Vilakazi (1998), this move was seen by many analysts as the most coherent and organised attempt during the 1990s to influence National Party (NP) politicians to adopt a more liberal media policy. However, anti-apartheid groups dismissed the Task Group as a one-sided approach due to its composition of only white Afrikaner males. The Task Group was not representative of the new political stratum in South Africa and to the anti-apartheid movement this reform was yet another ploy by the National Party to reform broadcasting in a way that suited its agenda for the post transition period. It was seen as an attempt by the NP to retain control of broadcasting by imposing structural barriers that would bind the hands of any future government (Ndlela 2003). The anti-apartheid movement rejected this approach to policy reform and held its own conference in the Netherlands in August 1991. The conference, *Jabulani: Freedom of the Airwaves*, rejected the one-sided approach to broadcasting reforms and called for a democratically elected commission of enquiry appointed by an all-party conference. The *Jabulani* conference took a pluralist position on broadcasting, thus reflecting the influence of global actors participating in different capacities such as conference sponsors, civil society groups and media experts.

Several other conferences advocating broadcasting pluralism were held in South Africa. The intensity of the debate on the future of broadcasting in South Africa elevated broadcasting reform into one of the main constitutional issues. Consequently, one of the first laws which emerged out of the constitutional negotiation process was the Independent Broadcasting Authority Act No 153 of 1993. The Act explicitly provided for the development of an independent regulator and a three-tier system of broadcasting. It also mandated that the independent regulator should within a specific time develop a comprehensive broadcasting policy guided by the constitutional principles. Hence one of the major tasks

undertaken by the Independent Broadcasting Authority (IBA) was to develop a national broadcasting policy.

The scope of the broadcasting policy reforms in South Africa was no doubt the most extensive in Africa and addressed several issues in the local and global nexus. IBA's *Triple Inquiry Report* adopted by parliament in 1996 laid a blueprint for the future development of broadcasting policy in South Africa, by providing vital information in the three areas of inquiry: (a) the viability of public service broadcasting; (b) cross-media control of broadcasting services; and (c) local content quotas on South African broadcasting. As Teer-Tomaselli (1996) notes, the reform process dealt with some of the issues such as the globalisation of the market versus local content imperatives; plural access versus centralised control; market-driven forces versus a public service ethos; modernity versus post-modernity. These issues are captured in the *Green Paper on Broadcasting Policy* (1997) and the *White Paper on Broadcasting Policy* (1998). The principles upon which the South African broadcasting policy framework are anchored derive from the South African Constitution and include values such as access, diversity, fair competition, choice and equality (Ndlela 2003).

The reforms yielded three major classes of broadcasting, namely public service, private, and community broadcasting. The South African Broadcasting Corporation (SABC) is South Africa's flagship public service broadcaster, but it also has a commercial arm. SABC is the largest and most influential player in the region, but it has faced the mammoth task of dispensing with its apartheid history and embracing the new democratic dispensation. The private stable includes the terrestrial E-TV, the subscription service television M-Net and satellite broadcaster Multichoice. Commercial broadcasting has been allowed to expand into the international market, with Multichoice International being listed on both the Dutch and USA stock exchanges (Berger 2001). Community broadcasting is a developing sector in South Africa with more than 78 radio stations in the National Community Radio Forum.

The broadcasting policy reforms have been marked by a developmental reconstruction perspective and an aggressive internationalisation that would secure South Africa's place in the global economic and political system (Banda 2006). The South Africa broadcasting policy reforms influenced reforms in Southern Africa and, as Dumisani Moyo (2006) has noted, the three-tier system introduced in South Africa was taken as a blueprint for the region, though without much interrogation of its implications for the particular member countries.

Zambia's Partial Liberalisation

The Zambian approach to broadcasting policy reforms has been mainly ad-hoc – characterised by inconsistency and in some cases incoherence (Moyo 2006). Contrary to the South African approach, policy-making in Zambia has been executive-driven with little public input. Until 1987 broadcasting services were an integral part of the state, being placed directly under government control through the Ministry of Information. In 1987 there was a major policy shift through the enactment of the Zambia National Broadcasting Corporation (ZNBC) Act. The Act transformed the Zambia Broadcasting Services into a nominally autonomous corporation. The stated intention was to minimize the role of the state and enable ZNBC to be self-sufficient relying less on state capitalisation. However Fackson Banda (2003) and Francis Kasoma (1994) argue that these reforms were mainly cosmetic as the broadcaster remained firmly in the hands of government in every essence. The reforms were also carried out within the one-party state establishment. In the absence of political liberalisation these reforms of broadcasting achieved very little in transforming the broadcasting media. Broadcasting services remained the preserve of the ruling party, much to the discontentment of opposition forces.

The run up to the first democratic elections brought the issue of broadcasting reform back to the table, albeit through the courts, where opposition forces demanded equal access to the airwaves. The courts therefore assumed a principal role in initiating policy reform in the context of contests over communicative spaces between the incumbent government of President Kenneth Kaunda and the main opposition, the Movement for Multiparty Democracy (MMD) led by Fredrik Chiluba. Through its proclamations in the disputes over access, the judiciary created an enabling environment for the future reform of broadcasting media. Broadcasting reform became one of the main issues in the MMD campaign for democracy in Zambia.

The process of broadcasting reform continued immediately after the political transition which saw the opposition assuming power after decades of one party rule. The MMD had promised in its election manifesto to liberalise the airwaves as well as embark on extensive liberal economic reforms. However, upon assuming power the MMD began backtracking on a number of policy issues and showed less willingness to relinquish state control over the broadcasting media thereby perpetuating the old policies of government control. In 1991 the new government introduced new broadcasting regulations to end the monopoly of ZNBC and to open the broadcasting sector for private investment.

However, as Banda (2006) argues, this was a cautious deregulation as licences were issued mostly to Christian applicants, whose stated interests were religious broadcasting. Other licences to private broadcasters were issued to an

entertainment and subscription-based player, MultiChoice Africa from South Africa. The new licence was issued on government terms with the government holding a 30% shareholding in the Multichoice's subsidiary company, Digital Satellite Television (DStv). The paradox was that the new MMD government which had just replaced the United National Independence Party (UNIP) of Kenneth Kaunda, on a new multi-party democratic reformist platform, was not willing to reform the public broadcaster into a genuine public service broadcaster catering for diverse political viewpoints. The reforms carried out were merely meant to hoodwink the international community into believing that Zambia was deregulating its broadcasting sector. As Banda (2006, 2) further argues 'in embracing a cautious deregulation of the broadcasting market, the MMD wanted to be seen to be reformist, while at the same time remaining firmly in command of broadcasting'.

The broadcasting reforms in Zambia have nevertheless yielded a three-tier system of broadcasting comprised of public service, commercial and community broadcasting. Whilst at a structural level Zambia has a three-tier system, a closer look shows a high degree of unwillingness to liberalise the broadcasting media. The liberalisation of the airwaves has not fully democratised the broadcasting media. Most of the community radio stations licensed have a religious inclination. As noted by the Zambia Community Media Forum (ZaCoMeF), 'community media are those interests or faith-based initiatives which serve a specific group or geographical area'¹. As of June 2006, there were 15 community media initiatives, most of these started by the Roman Catholic Church. One of the licence conditions is that they could not air political broadcasts. In the television sector three new private players were licensed in 2003. One of these is South African satellite provider, Multichoice Africa, the second one is Cable and Satellite Technologies (CASAT), a private free-to-air transmission. CASAT relies mainly on foreign programming and does not carry news. The third station is Trinity Broadcasting Network (TBN) owned by a former deputy minister in the MMD government. TBN specialises in religious broadcasting.

Zambia's unsatisfactory liberalisation of the broadcasting media can be explained through an examination of the policy formulation process. There has been lack of political will by the governments of Kaunda and Chiluba. Legislation on liberalising the broadcasting media was not guided by a communication policy. Private broadcasters were issued licences in the absence of written policy documents. In this way the MMD government retained control of the state broadcasters, and awarded licences to less threatening actors like religious groups and political allies. Even though the government finally came out with an Information and Media Policy document in 1996, after increasing pressure from local NGOs and the international community, the new document remained evasive on the issue of broadcasting autonomy. Moyo (2006, 152) noted that,

despite the changes taking place around the world which had brought an end to the state ownership and control of broadcasting, the Zambian government did nothing by the way of media reform. The Zambian government has thus been insincere in its reform of the broadcasting institutions. The government retains control of the public broadcaster, which has commercialised some of its units in a bid to raise revenue.

Control of Airwaves in Zimbabwe

For Zimbabwe, reversals have been registered in the country's democratisation process in spite of all the pressures placed on the regime by both internal and external forces. Without any articulate broadcasting policy, the post-independence course has been marked by continuity and deception. The government led by President Mugabe has since independence in 1980 perpetuated the colonial broadcasting policies articulated mainly in the form of legislation. The inherited structure of thinking, to see the media first and foremost as political instruments serving the ruling party, determined the approaches to the media adopted by the ruling ZANU (PF) at independence (Ndlela 2003, 262). Changes in broadcasting were done mainly to advance the interests of the ruling party. Reforms in neighbouring South Africa in the early 1990s had little influence on the pace of the country's reform process.

After sustained pressures from advocacy groups, measures to deregulate the broadcasting sector were announced in August 1995, but it took another five years of dillydallying to come up with a new broadcasting law. The announcement followed a successful legal challenge against the telecommunications monopoly by a private company in 1995². The challenge brought questions over the broadcasting monopoly since broadcasting fell under the same legal domain. It was only logical then that the broadcasting policy would be reviewed within the telecommunications restructuring as a whole. Indeed in 1997 a Communications Bill catering for both broadcasting and telecommunications was introduced. After two years of progress and submissions on the Bill, the government backed down and announced that broadcasting was no longer part of the Communications Bill which was then streamlined to cater for the telecommunication sector only, thus leaving the broadcasting monopoly intact. At the same time the government partially opened up broadcasting to private companies like JoyTV, Munhumutapa African Broadcasting Corporation (MABC) and LDM by renting out airtime in ZBC's second channel. The legal status of the new players was not spelt out and the legislation in place maintained that there should be a monopoly in broadcasting.

The lack of legal clarity compelled MABC to challenge the broadcasting monopoly in court in February 2000. MABC however lacked financial resources to sustain

the legal challenge and the government was able to persuade the company to withdraw its challenge with a promise that it would get the first licence upon liberalisation (Moyo 2006, 258). Another legal challenge was launched by a consortium of business people keen to enter the radio market³. Again the government promised that it would soon appoint an advisory panel to look into the broadcasting issue prompting the High Court to dismiss the legal challenges on the grounds that a review process was already in place. The court however maintained that it would look into the claim that broadcasting monopoly infringed on the constitutional provisions on freedom of expression. Barely two months after the dismissal of the case the government backtracked again, announcing in a press conference in August 2000 that it was not considering opening the airwaves, instead it was looking at the best ways of ensuring that ZBC was fully empowered to carry out its public service mandate.

In September 2000 the Supreme Court ruled that the monopoly was indeed an infringement of constitutional guarantees on freedom of expression. The significance of this ruling is that it set the reform process back on the agenda, for it was the judiciary which broke down the monopoly in telecommunications and was bound to do the same with broadcasting. For private companies this ruling had finally opened the airwaves and created a regulatory vacuum. Thus Capital Radio began broadcasting a week after the ruling prompting a crackdown by government security agents. The government reaction to this ruling and the private companies reflected the tension which had been growing between the judiciary and the executive.

Instead of pursuing normal reform processes the government resorted to the Presidential Powers (Temporary Measures) Act [Chapter 10:20], which allows the president to legislate without going through parliament. In this way a new broadcasting law was unveiled without any consultative process. This temporary law paved the way to the Broadcasting Services Act 2001 [Chapter 2:06]. The new law abolished monopoly and established a three-tier system of broadcasting. It also provides for a regulatory authority. The stated objective of the new law captured the main liberal principles of broadcasting reforms such as plurality in the broadcasting sector and a regulatory authority. However, the law carries a number of claw-back measures which undermine the three-tier structure it seeks to establish in Zimbabwe. Through its stringent licensing conditions and uncertainties it makes the broadcasting sector the least attractive area for investors. As such six years after its promulgation no commercial licence has been issued, neither have invitations been sent. The same applies to community broadcasting where applicants have been denied licences. Regulatory powers are still concentrated in the Minister of Information, with the regulatory authority being reduced to a secretariat function. In essence the new broadcasting law has effectively reinstated a broadcasting monopoly situation.

The optimism of the 1990s turned into disillusionment as the country has virtually failed to deregulate its broadcasting sector. President Mugabe has steadfastly refused to allow commercial and community broadcasters. Attempts to introduce legal reforms in the late 1990s were foiled as the country became embroiled in a political and economic crisis due to its controversial land seizures from 1999 and the disputed parliamentary (2000) and presidential (2002) elections. The broadcasting media have been crucial to the survival of the ruling party. The little space given for private broadcasters was closed as the country embarked on an anti-Western, anti-globalisation programme.

Consequently, the Zimbabwe Broadcasting Holding (ZBH), formerly Zimbabwe Broadcasting Corporation, has a broadcasting monopoly in the country, even though the legal framework permits commercial and community broadcasters. The share of commercial broadcasters is restricted mainly to satellite broadcasting received by few elites. The licensing procedures have made it impossible for private players to come into the field and the political crisis has eroded whatever little freedom ZBH had, as it is now firmly in the hands of the ruling party. Commercialisation has not shifted the financial fortunes of ZBH, and its business units are failing to break even though ZBH is the sole broadcaster in the country. Reforms in Zimbabwe thus resulted in an even more restrictive broadcasting framework.

Concluding Remarks

In the current age, broadcasting regulators are faced with a host of challenges and policy options due to the global trends in the broadcasting sector set forth by the new global political dispensation, a new economic order and developments in technology. African responses to these global challenges – the slow pace of democratisation, the declining economies, the increasing digital divide – highlight the practical dilemmas faced by policymakers in the region. As the Southern African policy environment meshes with global interests mixed policy reactions emerge in the region. Responses to globalisation challenges have varied immensely ranging from more liberal policies in South Africa to radical responses in Zimbabwe, from market regulation to state re-regulation. How can we explain the different policy outcomes in the region?

Several factors can be drawn upon to explain the different routes the countries have taken to reform the broadcasting sector. One most significant observation is that policy-making in Africa is a much more complex process and does not follow Western classical approaches or models. The main explanatory factors accounting for the different policy outcomes are socio-economic, most particularly the nature of political transitions and each country's position in the global economic system.

Political transitions induced by dramatic changes in the geo-political order set broadcasting reforms in motion.

The broadcasting policy reform process in South Africa should be understood within the context of South Africa's political transition from apartheid to democracy. The transitional negotiation brought under scrutiny virtually all the apartheid institutions. Broadcasting became an integral part of the political reform processes. Its centrality meant that it became one of the apartheid institutions to be reformed as a prerequisite for holding the first democratic elections in 1994. Despite the controversies, the reform process was recognised as a legitimate process by the key powerful groups negotiating the nature of post-apartheid South Africa. The reform was achieved through a process of consensus building in much the same way as constitutional making process, where stakeholders representing different interests were directly involved in policy formulation. The scope of stakeholder involvement ensured that reform was carried out in a more transparent and democratic manner. Reforms in broadcasting thus occurred along a deliberative and participatory route.

Another determining factor in the broadcasting formulation in South Africa is the conglomerate nature of its media industries. As Banda (2006) has argued, South Africa's implementation of the policy of liberalisation has been very aggressive, underpinned by a nationalist-reconstructionist project and an expansionist-capitalist agenda. Lobbying by the South African communication industries, keen to expand into the African market after years of isolation, ensured that international models of regulation were adopted. The transformation of the broadcasting sector more or less conformed to acceptable international models.

In Zambia, although there has been a higher level of deliberation and civil society engagement than in the past, the reform process remained exclusively in the hands of incumbent ruling parties, unwilling to relinquish control of the broadcasting institutions. Despite the change of government in Zambia, the same old political culture prevailed, as the new government led by President Chiluba was composed of the same actors that had sustained President Kaunda's one party state. The first multiparty elections replaced a parliament composed of a single party (UNIP) by one dominated by a single party (MMD). Writing on the politics of change in relation to the former Soviet Union, Carol Barner-Barry and Cynthia Hody (1995, 34) discuss how through political socialization certain values are inculcated into individuals, and these values place implicit limits on the alternatives people consider. Political culture conditions people to think of fewer options than are logically possible. While the Zambian government recognised the need to demonopolise the broadcasting media, it would not relinquish its control over the public broadcaster as the *status quo* served the incumbents very well. Zambia had a number of international models of regulation to emulate, but instead it maintained

a model that prevails throughout the SADC, where national broadcasters remain firmly under government control.

Another explanatory factor for Zambia's cautious reforms is the apparent lack of conglomerate media actors lobbying for market-based models, as was the case in South Africa. Reforms have thus been marked by a protectionist agenda, not because of the perceived onslaught by global media conglomerates, but due to political reasons. As Banda (2006) has argued, Zambia deliberately avoided privatization as an option for capitalizing state broadcasting for reasons of political expediency, because doing so would entail loss of state control. An audit by the Media Institute of Southern Africa and its partners, showed that not a single country (outside South Africa) has yet relinquished control of the state broadcasters to make them genuine public broadcasters (see Ramadi and Kandjii 2006).

The political crisis in Zimbabwe since 2000 has not been conducive to permit democratic policy reform processes and liberalisation of the broadcasting media. Zimbabwe has been embroiled in a multifaceted crisis since 1999. The rejection of the constitutional referendum in 1999, the formation of the main opposition party with the support of Western nations, compulsory acquisition of land from white commercial farmers, and the disputed election outcomes in 2000 and 2002 cut a fissure between the government and Western countries. The international actors, mainly the US, EU and the Commonwealth have expressed their displeasure with the government through punitive measures including travel sanctions on senior government officials. The international pressure for regime change and the resistance by the incumbent government defending 'national sovereignty' created an unfavourable environment for broadcasting reforms. The Zimbabwean government has played the anti-imperialist card, and used it to justify the introduction of restrictive broadcasting laws. It argues that foreign interests are using the media in order to effect regime change, and consequently the government cannot open broadcasting for foreign interests. The different policy-making route taken by Zimbabwe is thus a result of a concerted policy to de-westernize the mainstream media.

The comparative policy analysis above show that contrary to claims by some globalisation theorists that the state is becoming less important, the states in Southern Africa continue to play a constitutive role in shaping the broadcasting policies. Political considerations seem to be the greatest factor determining the nature of broadcasting policies found in the three countries.

Notes

¹ ZaCoMeF, Community Media in Zambia, available at www.researchsea.com/html/article.php/aid/865/cid/5/research/community_media (accessed on 24 July 2007).

² *PTC v Retrofit (Pvt) Ltd 1994 (2) ZLR 71 (S)*.

³ These included Mike Auret Jnr and Gerry Jackson.

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