KEY ISSUES IN PUBLIC SERVICE BROADCASTING (PSB) IN SUB-SAHARAN AFRICA

By Prof. Fackson Banda

1. Introduction

This background paper discusses some of the key issues associated with the phenomenon of public service broadcasting (PBS) in selected sub-Saharan African countries. These issues include (i) the conceptualisation of PSB (ii) the international politico-juridical context for PSB (iii) the regulatory-cum-policy models for PSB and (iv) the funding models for PSB.

2. Conceptualisation of PSB

The philosophical basis of PSB is still associated with the Reithian conceptualisation of British broadcasting. It has come to mean ‘quality programming’ that will: (i) provide citizens with information that will allow them to participate fully in their societies; (ii) foster their development, curiosity and education; (iii) tap the best of a nation’s cultural resources in literature, art, drama, science, history, etc.; and (iv) express national and regional cultural identity (in Fourie [Sa]).

Although PSB is inherited from the BBC model, it is increasingly being reinterpreted to accommodate national specificities. In South Africa, it is associated with the task of national unity and reconciliation (cf. Fourie [Sa]). In Malawi, PSB is seen as representing Malawi ‘to the World and to observe the principles and norms of a democratic society’ (Ministry of Information 1998: 18). In Ghana, it seems to echo the state’s concern about ‘shaping national identity’ (Financing a public good… 2005). PSB is thus shaped by the political circumstances within which it has evolved, especially the objectives of the nationalist regimes.

However, there is debate about how one can characterise or define the broadcasting systems inherited by most nationalist regimes from the colonial period. Article 19 (2006) identifies four types of broadcasting in this regard:

---

1 This discussion paper, commissioned by the Open Society Institute (OSI), was presented at a meeting in London, UK, on the 31st of October 2006, as part of the organisation’s proposed research project on public service broadcasting in sub-Saharan Africa. The paper has been slightly adjusted to reflect some of the comments made during the meeting.
- **state broadcasting** is controlled by the state and represents state interests. It is funded (at least in part) out of public money.
- **Government broadcasting** is controlled by the government of the day and represents the viewpoint of the executive. It too is at least partly funded out of public money.
- **Public broadcasting** is owned by the public and is accountable to it. It is also funded, at least partly, out of public money.
- **Public service broadcasting** has a specific remit to broadcast material in the public interest. A public service broadcaster need not be publicly owned – privately owned broadcasters may have such a role – but a public broadcaster should **always** have a public service remit (Article 19 2006: 37; cf. Rumphorst 2003:1-3).

The last point allows for PSB to be viewed as a *genre* of ‘public interest’ content that any tier of broadcasting can aspire to – this accords with some PSB revisionists who call for the *de-institutionalisation* of PSB (Fourie [Sa]). Most of sub-Saharan Africa answers to state or government broadcasting. Marc Raboy observes that PSB in Africa is a ‘distant ideal, not a working reality’ (in Heath 2001). While there are efforts towards transforming state/government broadcasting into public/public service broadcasting, the reality is something else. In Zambia, Parliament enacted the Zambia National Broadcasting Corporation (ZNBC) (Amendment) Act in 2002 to turn the hitherto state broadcaster into a proper PSB operator. That law is being partially fulfilled, as the state has blocked its full implementation through the courts of law (Banda 2006). An exception is the South African Broadcasting Corporation (SABC) which has seen some radical transformation from the apartheid state broadcaster to a public broadcaster.

Nevertheless, it is important to recognise the conceptual problems presented by Article 19’s classification above. Some commentators argue that state ownership of PSB does not necessarily translate into state control of PSB. The example given is that of the SABC of which the state is the only shareholder. Other commentators argue that state ownership is sometimes desirable to ensure that PSB serves the developmental interests of the nation i.e. nation-building, rural development, etc. As suggested elsewhere above, this view seems consistent with the way PSB has evolved in Africa, reflecting the varying ideological-developmental agendas of the nationalist elites.
Other criticisms of Article 19’s typology can be summarised as follows:

- State and government interests are so conflated that it is sometimes difficult to isolate them from each other. The government of the day (i.e. political party in power) tends to enjoy incumbency and thus use the instruments of the state to realise its political interests. Therefore, the ‘government broadcasting’ classification seems superfluous.

- Public ownership is not clearly distinguished. Is it, for example, determined by financing, the governance structure, content, etc?

- There is less emphasis on the performance of PSB. The defining features of Article 19’s classifications seem to be ‘ownership’ and ‘funding’, to the exclusion of the behavioural (content) regulation of PSB.

It can be concluded, therefore, that conceptualising PSB is the very first step in developing any intervention in the transformation of postcolonial national broadcasting systems.

3. International politico-juridical context for PSB

The ideal of PSB is reflected, and implicitly supported by, a variety of mostly ‘political’ documents. The use of the term ‘political’ suggests that such documents are not necessarily legally enforceable within the national context of PSB. At the international level, one can cite, firstly, the Universal Declaration of Human Rights (UDHR) generally considered to be the flagship statement of international human rights, binding on all States as a matter of customary international law. It guarantees the right to freedom of opinion and expression (Mendel 2000). There is, secondly, the International Covenant on Civil and Political Rights (ICCPR), a treaty ratified by over 145 States. It imposes legally binding obligations on States party to it to respect a number of the human rights set out in the UDHR. Article 19 of the ICCPR also guarantees the right to freedom of expression (Mendel 2000).

Thirdly, and perhaps more relevant to PSB, is the UNESCO World Commission on Culture and Development, particularly its Action Plan on Cultural Policies for Development adopted at the Intergovernmental Conference on Cultural Policies for Development, Stockholm, 2 April 1998 (UNESCO 1998; cf. Fourie [Sa]). Another relevant international document is the UNESCO Universal Declaration on Cultural Diversity which recognises the link between cultural and
media policies and makes it clear that media pluralism is one of the essential guarantees for cultural diversity (UNESCO 2003).

At the continental level, there are several ‘political’ documents recognising the need for PSB. The general continental human rights system within which these documents can be cited is the African Charter on Human and Peoples’ Rights (ACHPR) which, at Article 9, guarantees freedom of expression. The promulgation of the 1991 Windhoek Declaration on Promoting an Independent and Pluralistic African Press, which precedes several other documents supportive of PSB in Africa, was inspired and reinforced by Articles 19 of the UDHR and 9 of the ACHPR.

A successor document to the Windhoek Declaration, focusing on broadcasting, was the African Charter on Broadcasting, adopted on the tenth anniversary of the Windhoek Declaration. The Charter specifies that ‘the legal framework for broadcasting should include a clear statement of the 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 which includes public service, commercial and community broadcasting (MISA 2004).

Then there is the Declaration of Principles on Freedom of Expression in Africa, adopted by the Ordinary Session of the African Commission on Human and Peoples’ Rights. The Declaration highlights inter alia the need for transforming state or government broadcasters into authentic public broadcasters (Article 19 2006). These documents, drawing upon international legal instruments, spell out goals to which PSB in Africa must aspire.

Regionally, the Southern African Broadcasting Association (SABA), made up largely of state/public broadcasters, adopted in 2005 Guidelines & Principles on Election Coverage. SABA is also committed to acting ‘as a regional lobby on common broadcasting interests including the transformation of state/national broadcasters to genuine public service broadcasters’ (SABA 2006).

It can be concluded that adherence to the provisions set out in each of the above documents can serve as one of the performance criteria for PSB in Africa.
4. Regulatory and policy models for PSB in Africa

Regulation of PSB in Africa is typified by the three different regulatory systems suggested by Betzel and Ward for monitoring European PSB (Betzel & Ward 2004: 52). These are:

- Reporting to, and sometimes also control by, media authorities

In Malawi, the state set up the Malawi Communications Regulatory Authority (MACRA) to regulate the converged sectors of ‘telecommunications, posts and broadcasting’ (Ministry of Information 1998). The MACRA is a state-centred regulatory agency, with little or no independence, given its structural reliance on the state through the appointment of MACRA board members by the President. The same can be said of Mozambican PSB which is heavily reliant on multiple state media authorities, each responsible for a specific aspect of media regulation – the High Council for Social Communication, the Office of the Prime Minister, the National Institute of Communications and the Ministry of Transport and Communications (Banda 2003). In Uganda, PSB is subject to the regulation of the Broadcasting Council, under the Electronic Media Act (Chibita 2006). The Broadcasting Council is thus responsible for regulating the Ugandan Broadcasting Corporation (UBC).

It can be concluded that such media authorities tend to be dependent on, rather than independent of, the state machinery.

- Direct reporting to the state

A classic case of this regulatory model is the Zambia National Broadcasting Corporation (ZNBC) which reports to the Ministry of Information and Broadcasting Services (MIBS). This is due to the fact that the IBA Act of 2002 is not yet operational. Another example is the Kenya Broadcasting Corporation (KBC) which is governed by a board of directors whose chair is appointed by the President and other members by the minister responsible for broadcasting. Clearly, this board is directly controlled by the state apparatus (Odhiambo 2003). One could also cite the Broadcasting Authority of Zimbabwe (BAZ) as constituting a case of direct reporting to the state.
Another case is the Botswana National Broadcasting Board, housed within the Botswana Telecommunications Authority (BTA), which has structural-functional links to the Office of the President and the Ministry of Communications, Science and Technology (MCST) (BTA [Sa]).

- Self-regulation

The best example of a self-regulatory model for PSB in Africa is the SABC. ‘Self-regulation’ is understood here as a form of state-delegated regulation of PSB. For example, the Independent Communications Authority of South Africa (ICASA), set up in terms of the Independent Communications Authority of South Africa Act of 2000 (Fourie 2003), has delegated its regulatory functions to the industry-based Broadcasting Complaints Commission of South Africa (BCCSA). Another example could be Ghana’s National Media Commission (NMC) which is ‘so constituted as to make it quite difficult for any government to have undue influence over its decisions’ (Alhassan 2005: 224). The NMC has the power to appoint Chief Executive Officers of state-owned media and their board of governing directors (Alhassan 2005: 224). The NMC does not, however, issue broadcast licences – that task is left to the National Communications Authority (Heath 1999). To the extent that civic organisations, including media professional associations, are empowered to nominate 10 of the 15 members of the NMC\(^2\), it can be argued that the NMC serves as a ‘self-regulatory’ organ.

It can be concluded that regulatory and policy models for PSB are varied across Africa. The value of a regulatory-cum-policy model lies in the extent to which it can promote or inhibit the attainment of PSB principles.

5. Funding models for PSB

Several funding mechanisms for PSB are evident in Africa. These include the following:

- Licence fee (SABC, ZNBC, GBC, etc.). Given the small number of people in formal employment, and the problems associated with collecting the fee, the amounts thus raised are not enough to sustain PSB.

\(^2\) Note that Heath (1999: 513) states that the Ghanaian Constitution provides for 18 members of the NMC, 13 of whom are nominated by civic associations.
- Direct government or state funding (all state/public broadcasters in Africa). This raises the question of autonomy from the political influences associated with government/state funding.
- A mixed formula, that draws on commercial revenues and public funds (SABC, GBC, ZNBC, Malawi Broadcasting Corporation [MBC], Radio Maputo, etc.). The over-reliance on commercial advertising by most PSB operators is riling commercial media *par excellence* who think that PSB should not compete for advertising.
- Deficit financing from government, with an over-reliance on advertising revenue (SABC, ZNBC, etc.). The same argument can be made that such financing leaves the PSB operator too open to the vagaries of the advertising market.
- Sales of non-core services, e.g. music recordings (SABC, ZNBC, etc.). Amounts thus raised are obviously insufficient to finance PSB.

In terms of configuring funding for PSB in Africa, it would be prudent to raise the following questions:

- How realistic is the funding? Is it multiyear funding, for example?
- Is the funding substantive enough to enable the PSB operator to compete successfully?
- Does the funding enable the PSB operator to be distinct from commercial and other media services?
- Does the funding guarantee the independence and accountability of the PSB operator?
- How predictable is the funding? (in Fourie 2003: 168-169)

Clearly, these questions can serve as indices of the efficacy of PSB funding.

6. Conclusion

A number of general conclusions can be drawn. First, PSB in Africa is not a fully developed sector, not least because it defies traditional definitions of PSB. This is resulting in some scholars calling for a reinterpretation of PSB as a genre for all broadcasters to implement in their programming. Second, there is an increasing body of political-legal documentation, particularly at the international and continental levels, that supports the ideal of PSB. However, there is no domestic appropriation of such documentation. Third, there are country-level
campaign efforts, most of them initiated by civil society, such as the Media Institute of Southern Africa (MISA) chapters, to transform national broadcasting systems into genuine PSB systems. This is proving difficult, even in those countries where there is already pro-PSB legislation, such as Zambia. This suggests a lack of political will.

In those countries where PSB *par excellence* seems to be stronger, such as Ghana and South Africa, the commercial imperatives seem to be driving the sector. This has invited resentment from commercial media operators. It is evident that the growth of the PSB sector in Africa is set to encounter much difficulty in the areas discussed in this paper.

References


