GLOBAL INFORMATION SOCIETY WATCH 2007

Focus on **Participation**

Global Information Society Watch

2007

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SOUTH AFRICA

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Introduction

The year 2006 marked the twelfth anniversary of South Africa's formal transition from the racially based oppressive apartheid regime that ruled the country from 1948, to the fully democratic dispensation that was inaugurated in 1994. The twelve years were marked by considerable progress, including economic growth and social development, as well as significant developments in respect of information society issues – although major challenges remain.

South Africa is mid-way into the third term of office of a popularly elected African National Congress (ANC) government. The country is governed by one of the more progressive constitutions in the world, premised on the need to "heal the divisions of the past," containing firm commitments toward a "society based on democratic values, social justice and fundamental human rights," and governed by "the will of the people" (RSA, 1996a).

This report provides a bird's eye view of the status of South Africa's information and communications technology (ICT) sector and of progress made toward the development of the country's information society. In order to do this, a brief overview of the country is given. The status and level of development of the various ICT sectors are then described, before an overview of policy, legislation and institutional frameworks governing the sector is provided. The final section of the report offers an overview of some of the institutions in the country with a specific information society/ICT focus, together with a summary of some of the issues and campaigns they have taken up recently. Their effectiveness is briefly assessed.

Map 1: South Africa, GINI coefficient by district

Legend:
- <0.223
- 0.224 - 0.597
- 0.598 - 0.669
- 0.670 - 0.725
- 0.726 - 0.819

Source: Human Sciences Research Council (HSRC)

Country overview

South Africa has a population of some 47 million (Stats SA, 2006) spread across 1.2 million square km. The country has nine provinces, and eleven official languages are spoken.

The economy is of medium size, with a gross domestic product (GDP) of USD 200 billion (CIA, 2007). South Africa ranks as a middle-income country in terms of GDP per capita, estimated at USD 4,230 in 2006 – or, adjusted for "purchasing power parity" to more accurately reflect the real cost of living, USD 13,000 (CIA, 2007) – but the society remains characterised by extreme income inequality, with high levels of structural unemployment and a large percentage of the population living in poverty. In recent years economic growth has moved steadily above 4%, although unemployment continues to hover around 25%.

The UN Development Programme (UNDP) currently ranks South Africa a lowly 121st out of 177 countries, with a GINI co-efficient of 57.8, on its Human Development Index (UNDP, 2006, p. 337). This represents a decline from 94th out of 162 countries in 2001, suggesting the considerable challenges facing the country in improving the quality of life of its citizens.

South Africa is characterised by a strong and vibrant civil society, partly inherited from the upswell of opposition to apartheid in the 1980s. Organisations such as the powerful Congress of South African Trade Unions (COSATU), under whose umbrella over 1.8 million workers are unionised, and the South African NGO Coalition (SANGOCO), a national umbrella body for some 4,000 non-governmental organisations (NGOs), are powerful and vocal on a range of issues that affect workers and civil society. There is also a range of NGOs with a greater or lesser degree of specific focus on ICT issues. The issues and campaigns taken up by some of these bodies will be discussed below.

Prior to 1990, ICT services in South Africa were the sole responsibility of the state. Beginning with broadcasting, which was seen as key to the success of the incipient democratic transformation, a process of sector reform, including liberalisation, privatisation and the creation of independent regulation began, albeit somewhat piecemeal, from about 1993. The broadcasting sector has probably seen the greatest degree of change, with the transformation of the South African Broadcasting Corporation (SABC) from a government mouthpiece into a public broadcaster, the privatisation of numerous of its radio stations, and the licensing of many more, mainly in the community broadcasting sector. The pace has probably been slowest in fixed telecommunications, where the partially-privatised incumbent, Telkom, remains a de facto monopoly. Mobile telecommunications has seen rather more progress, with two mobile operators licensed in 1993 and a third in 2001. The internet was, from its inception, fully liberalised in South Africa, despite attempts by Telkom to roll back the tide (Lewis, 2006).

Regulation of the sector was initially undertaken by the Independent Broadcasting Authority (IBA), constitutionally entrenched to protect democracy, and later also by the South African Telecommunications Regulatory Authority, both of which were merged in 2001 to form the Independent Communications Authority of South Africa

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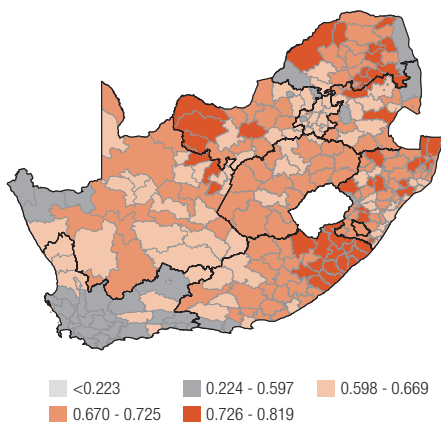
1 <link.wits.ac.za>.

(ICASA). After the initial, rather rushed broadcasting reforms, telecommunications reform was completed in a highly contested process around 1996, with a second wave of reform following in 2001 (Gillwald, 2002), and a third, which will be discussed in more detail below, in 2006.

South Africa has been involved in a wide range of global information society processes over the last decade, often in a leadership role. This can partly be attributed to the legacy of the struggle against apartheid, and the consequent commitment to enabling development, including through the use of ICTs and through the provision of universal access to ICT services to all citizens. Following interventions by the then Deputy President Thabo Mbeki, South Africa hosted the 1996 Information Society and Development (ISAD) conference, and participated in both the Global Knowledge (GK) processes of the World Bank and the various iterations of the World Summit on the Information Society (WSIS) of the International Telecommunication Union (ITU).

Country situation

It is worth looking at the various aspects of the ICT environment in South Africa in more detail.

Indicators and statistics

Summary of national indicators

Table 1 presents a snapshot of indicators benchmarking South Africa's ICT sector. Figures, as far as possible, present the picture in 2006.

Telephony

South Africa's telephony market has historically been separated into fixed line and mobile cellular – although this is likely to change in the future as the impact of new legislation filters through.

The fixed-line telecommunications sector in South Africa is in transition to competition, subject to a process of "managed liberalisation" (Esselaar and Gillwald, 2005). A single fixed-line incumbent operator, Telkom, was licensed in 1997, with a legislated five-year exclusivity period. Despite the formal lapse of this monopoly in 2002, a protracted and complex licensing process has seen the second network operator, NeoTel, only receiving its licence in December 2005 (Stones, 2005). NeoTel is first entering the wholesale market, and is unlikely to serve any retail customers before mid-2007 (iAfrica, 2007). Telkom's latest annual report (Telkom, 2006) lists its customer base as comprising a total of 4,708,000 lines. Of these only some 52% are identifiably residential customers, a very low proportion by global standards (ITU, 2006). It is important to note that, for a range of reasons, probably related to lack of affordability and poor customer focus, the fixed-line market has shown a slight but steady decline (of about 0.4% per year) since around 2000.

The mobile telephony market in South Africa is substantially larger than that for fixed-line services. There are currently three providers of mobile communications services operating in the South African market, two of which have been in operation since 1993 (Vodacom and MTN), with the third (Cell C) having been in operation since 2001. Their combined customer base is some 32,299,000 subscribers (Esselaar and Gillwald, 2007; Vodacom, 2006; MTN, 2006; Cell C, 2006), of which Vodacom and MTN have the largest market shares of 59% and 32% respectively, leaving Cell C a relatively distant – and weakening – third with 8%. In contrast to the fixed-line market, where the overwhelming majority of customers (82%) are on postpaid contracts, the overwhelming majority of mobile customers (85%) use prepaid services, which target the poorer sections of the community.

Table 1: South Africa - ICT indicators

Indicators	Number
Population	47,390,900
GDP	USD 200.5 billion
GDP per capita	USD 4,230
GINI co-efficient	57.8
Main (fixed) telephone lines	4,708,000
Teledensity (fixed)	9.9%
No. of fixed line operators	2
Mobile telephone subscribers	32,299,000
Teledensity (mobile)	68.2%
No. of mobile operators	3
Internet subscribers (estimated)	3,665,707 (2005)
Broadband internet subscribers	283,839
No. of personal computers	5,300,000
No. of internet service providers	355 (2005)
No. of television sets	7,000,000
No. of radio sets	10,000,000
No. of television stations	6
No. of radio stations	130

Sources: **Stats SA (2006), CIA (2007), UNDP (2006), Telkom (2006), Esselaar and Gillwald (2007), Goldstuck (2006), Laschinger and Goldstuck (2006), Mochiko and Khuzwayo (2006), Alexander (2006), GCIS (2006).**

Graph 1: Telephony market (1999-2006)
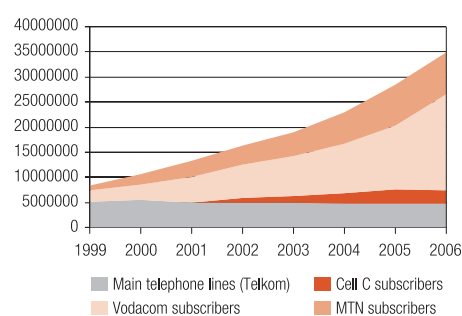
Source: **International Telecommunication Union (ITU)**

In further contrast to the fixed-line telecommunications sector, the mobile telephony market has enjoyed exponential levels of growth over the last several years, with Vodacom and MTN reporting subscriber growth of 32% and 28% respectively between 2004 and 2005.

There are some suggestions that the mobile subscriber data overstate the actual numbers of mobile customers. This is inherent in the very nature of mobile prepaid services, where the customer base is

relatively fluid due to the cheap availability of "starter packs" – Vodacom, for example, reports a churn rate of just over 30% of its prepaid subscribers (Vodacom, 2005) – and where significant numbers of customers may be inactive or lapsed at any given point in time. The subscriber figures probably therefore overstate the number of customers, possibly by as much as 30% (Goldstuck, 2005).

Finally, it is important to note that there is likely to be a considerable overlap between fixed and mobile telephony subscribers. A significant proportion of fixed-line customers also have mobile access; although there are no recent figures, in 2001 nearly 60% of fixed-line telephony subscribers also had mobile phones (Stats SA, 2001).

Following the 2001 changes to the telecommunications policy and legislative framework (RSA, 2001), a new category of telecommunications providers, Under-Serviced Area Licensees (USALs), was introduced. Most analysts are sceptical about their viability, with the few that have come to market doing so as resellers of mobile services (Esselaar and Gillwald, 2007). No subscriber figures are available from them, and their impact on the market is likely to be negligible.

Internet

Despite rapid and impressive growth in the mid-1990s, the internet sector has in recent years shown signs of reaching a plateau, with growth having "slowed to a crawl" (Goldstuck, 2006, p. 47), and an estimated total user base at the end of 2005 of only some 3.6 million. Of these, a growing majority (52%) are corporate users, accessing e-mail and the internet from their places of work, with under a third (30%) getting access through dial-up connectivity. These figures would suggest that some 7.5% of South Africans have access to the cornucopia of the internet, but that only a little over 2% of the population can do this from the comfort of home.

Graph 2: Internet users (1996-2005)

Source: **Goldstuck (2005)**
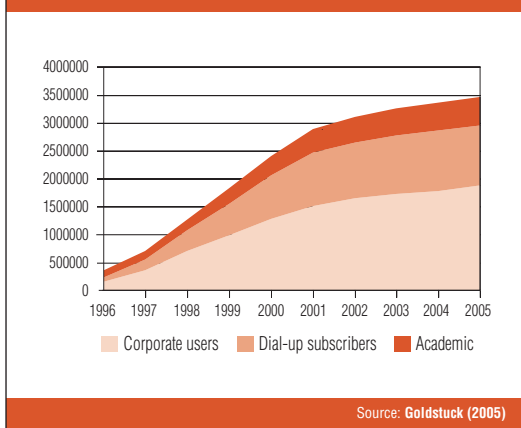
A variety of reasons have been suggested for the slowdown in internet access, including pricing and policy uncertainty. Goldstuck (2006) argues that "accelerated growth in [i]nternet usage is heavily dependent on the timely and effective roll-out of the [second fixed-line operator]." He also points to the relative failure of a number of high-profile school connectivity projects, such as Gauteng Online, designed to provide access to all public school learners, describing them as a "damp squib" (Goldstuck, 2006). The decline in dial-up subscribers can largely be attributed to the migration to broadband, which now accounts for just over 4% of users, having grown six-fold since 2003 (Goldstuck, 2006).

The internet market is serviced by 355 internet service providers (ISPs), the majority of which are "corporate ISPs" (Goldstuck, 2006). The largest provider of dial-up access remains M-Web (accounting for about 29% of dial-up consumers), with Telkom Internet (21%) hot on its heels (Goldstuck, 2006). As with fixed-line telephony access, it is important to note that the actual number of users exceeds the number of subscribers by a considerable margin (estimates range from 100% upwards) due to the sharing of accounts by both domestic and business users (Goldstuck, 2006).

Broadcasting

The television market in South Africa remains dominated by the state-owned SABC, which provides three free-to-air TV channels and enjoys 65% of the national viewership (OMD, 2006) of some seven million households (Mochiko and Khuzwayo, 2006). The balance of viewership is split between e-tv, a private free-to-air station with 21%, and the terrestrial and digital satellite subscription services provided by MultiChoice through its M-Net and DSTV channels, with 14% (OMD, 2006). There is also a religious free-to-air TV station targeting the Eastern Cape, called Trinity TV, as well as two part-time community TV station projects in existence; but the latter broadcast infrequently, with special event licences. A third community TV project is currently at the formation stage.

The television landscape is likely to see significant changes in coming years. Two regional television licences, covering respectively the north and south of the country and broadcasting primarily in indigenous languages, are in the process of being awarded to the SABC; applications are open for an unspecified number of subscription television licences likely to be awarded during 2007; and a migration to digital terrestrial television is very much on the cards (Mochiko, 2006; Mochiko and Khuzwayo, 2006; Glazier, 2007). In addition, the two largest mobile operators are already offering TV broadcasts to mobile handsets on a trial basis. Much of the impetus behind many of these developments is the anticipated media demand and opportunities linked to South Africa's hosting of the 2010 Soccer World Cup.

Perhaps less glamorous, but with greater popular reach, is radio, with some 10 million radio sets in use and nearly 92% of South Africans having listened to the radio in the last seven days (OMD, 2006). The number of radio stations serving this market is about 130, with some monthly fluctuation in the number of active community radio stations (OMD, 2006; GCIS, 2006).

As with the television market, the state-owned SABC is a leading player, operating eighteen stations, of which five have national coverage, with the remaining thirteen serving regional and local audiences. The content of these stations is a mix of public service and commercial broadcasting. The three most popular radio stations, each with national listenership figures above 15%, are Metro FM, which broadcasts nationwide in English to "trendy, sophisticated black" audiences, and Ukhozi FM and Umhlobo Wenene FM, broadcasting across several regions in isiZulu and isiXhosa respectively (OMD, 2006).

South Africa has a further thirteen private commercial radio stations, mostly serving regional audiences. The most popular station is Radio Jacaranda, which broadcasts mainly music to the populous Gauteng province and enjoys a national listenership of some 8%. ICASA is expected to award additional regional private commercial radio licences during the course of 2007.

South Africa also has a relatively vibrant community broadcasting sector, with some 100 community radio stations currently licensed. Most of these are geographically based, serving local communities,

Table 2: Comparative ICT indicators, selected SADC countries									
Country	GDP per capita (USD)	Fixed line teledensity (%)	Mobile teledensity (%)	DSL subscribers	PC density (%)	Internet density[2] (%)	Internet hosts	TV density[3] (%)	Radio density[4] (%)
South Africa	**2,293**	**10.4**	**43.1**	**60,000**	**8.3**	**7.9**	**609,284**	**19.7**	**24.8**
Botswana	4,124	8.0	32.9	-	4.7	3.5	1,734	4.4	75.6
Kenya	474	0.9	7.9	-	1.4	4.6	11,706	4.8	21.8
Lesotho	524	2.1	8.8	-	-	2.4	-	3.7	6.2
Mozambique	217	0.4	3.7	-	0.6	0.7	7,234	2.1	-
Namibia	1,523	6.4	14.2	-	10.9	3.7	3,553	8.1	21.2
Swaziland	1,871	4.4	10.4	-	3.3	3.3	2,437	3.6	17.2
Tanzania	282	0.4	4.4	-	0.7	0.9	-	4.2	41.8
Zambia	338	0.8	4.3	1,000	1.0	2.1	3,927	6.5	14.8
Zimbabwe	-	2.7	3.6	4,000	8.4	6.9	6,705	5.1	14.4
Africa	708	3.1	9.1	224,900	1.7	2.6	-	-	-

Sources: **ITU (2006), Goldstuck (2006).**

with many affiliated to the National Community Radio Forum, but there are also several "community of interest" stations, mostly religious in character.

Regional indicators

Compared to its neighbours, South Africa ranks highly on most ICT indicators, reflecting the sophisticated level of development of its ICT infrastructure, as well as its considerably greater wealth – notwithstanding the great internal disparities that remain the legacy of apartheid. Only Botswana has a higher GDP per capita, reflective of a smaller population and that country's diamond wealth. It is also the only country in the region to come close to South Africa in respect of any of the indicators.

Global rankings

Globally, South Africa is generally ranked in the middle levels of many of the international indices that attempt to measure ICT access, availability and resources, although many commentators make the point that the country is being out-performed by many of its competitors and continues to slide down a number of the indices (Esselaar and Gillwald, 2007):

- The latest Orbicom Infostates Index ranks South Africa 78th out of 180 countries, noting that the country has experienced very low rates of growth since 1995 (Sciadas, 2005).

- The ITU ranks South Africa 78th out of 182 countries in terms of its composite Digital Access Index (ITU, 2003).

- The ITU describes its most recent index, the ICT Opportunity Index, as a "merger of the ITU's Digital Access Index (DAI) and Orbicom's… Infostates conceptual framework." It characterises it as an "inclusive index [providing] measurement across 183 economies [and relying] on ten indicators that help measure ICT networks, education and skills, uptake and intensity of the use of ICT." The index ranks South Africa 90th out of 183 countries with a score of 96.78. This is below the global average of 147.56, suggesting even further slippage down global rankings (ITU, 2007).

- The World Economic Forum (WEF) ranks South Africa in 2006 at 45th out of 125 countries in terms of global competitiveness, down from 40th in 2005 (WEF, 2006a).

- The WEF also ranks South Africa in 2005 at 37th out of 115 countries in terms of networked readiness, down from 34th in 2004 (WEF, 2006b).

- The UN Conference on Trade and Development (UNCTAD) ranks South Africa 84th out of 180 countries in terms of its ICT Diffusion Index, down from 79th in 1997 (UNCTAD, 2006).

- The Economist's Intelligence Unit (EIU) ranks South Africa at 32nd out of 68 countries in terms of its e-Readiness Index, unchanged from 2004 (EIU, 2005).

- Arthur Goldstuck ranks South Africa at 34th worldwide (but 1st in Africa by a considerable margin) in terms of internet hosts as of July 2005, down from 25th in 2000 (Goldstuck, 2006, p. 97).

This slippage has been noted by a number of analysts. In their recent review of the performance of the South African telecommunications sector, Esselaar and Gillwald (2007) point to a number of contributory factors including increased state involvement in service provision, lack of effective competition in telephony services, high pricing (both wholesale and retail, often at monopoly levels), and a lack of effective regulation of interconnection.

ICT policy development: policy, legislation and institutions

South Africa has frequently been criticised for a lack of policy clarity, coherence and integration (Gillwald, 2005). As far back as 1996, the now-defunct National IT Forum (NITF), a national body bringing together sector representation, including civil society and labour,

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2 Percentage of inhabitants using the internet.

3 Percentage of inhabitants with TV sets.

4 Percentage of inhabitants with radio sets. The figure for South Africa appears far too low and contradicts OMD (2006).

had called for an overall national ICT policy framework at the highest level. To date none exists.

Policy specific to the ICT sector, including telecommunications, broadcasting and the internet, falls under the less than effectual Ministry of Communications. Other ministries, such as those of Science and Technology, and Trade and Industry, also have an active interest in the sector, leading to occasional disagreements. For example, the 2001 review of telecommunications policy saw government see-sawing between introducing one or two additional fixed-line operators, positions seen as being advocated by the Ministries of Communications and Trade and Industry respectively

Consequently the only policy framework governing the sector has been the 1996 White Paper on Telecommunications Policy (RSA, 1996b).

Legislation

A number of disparate pieces of legislation, many of which have undergone subsequent amendment, govern the sector, including:

- The Broadcasting Act (RSA, 1999), which deals with broadcasting policy and regulation, as well as with the public broadcaster.

- The Telecommunications Act – recently repealed – which dealt with policy and regulation for the telecommunications sector, defined its market structure, and established a sector regulator and a body to oversee universal service (RSA, 1996c).

- Promotion of Access to Information Act 2 of 2000;

- The IBA Act (RSA, 1993), which set up a constitutionally entrenched broadcasting regulator in the run-up to the country's first democratic election.

- The ICASA Act (RSA, 2000), which created a unified regulator for both broadcasting and telecommunications.

- The Electronic Communications and Transactions (ECT) Act (RSA, 2002a), which provided a legal framework for electronic transactions, dealt with cryptography, cybercrime and the protection of privacy, and provided for the development of a national e-strategy, which has yet to see the light of day.

- The Interception and Monitoring Act (RSA, 2002b), which dealt with the circumstances under which electronic surveillance and interception are permitted, as well as related procedures and responsibilities.

The year 2006 saw the final promulgation of the Electronic Communications Act (RSA, 2005b), along with amendments to the ICASA Act (RSA, 2006), which are set to fundamentally realign both the regulation and market structure of the ICT sector.

The process that culminated in this substantial revamp of the sector first saw the light of day in a Convergence Colloquium called by the Department of Communications in mid-2003, to which stakeholders were invited, and which led to the publication of a Draft Convergence Bill in late 2003 (RSA, 2003). Strong public criticism of the poor quality of this draft led to the tabling of a revised Convergence Bill (RSA, 2005a) early in 2005. This was conceptually very similar to the draft bill, although with much of the poor drafting revised, and with much of the constitutionally controversial changes to the regulation of the sector removed.

The Bill was criticised on the grounds of both process and content. Despite the fundamental changes it proposed, specifically to the licensing framework and hence by implication to the market structure, it was felt by some not to go far enough in embracing the phe-

nomenon of ICT convergence. At the same time the lack of a Green and White Paper[5] process of the kind that had preceded the 1996 Telecommunications Act, together with the behind-closed-doors nature of the drafting, was seen to be a cardinal flaw in legislation with the potential to fundamentally alter the landscape of the sector.

The final stages of the new legislation took place in parliament, with submissions from stakeholders called for, and a series of public hearings undertaken, during which the legislation was renamed the Electronic Communications Act. Promulgation was held up when the legal advisers to the state president pointed out that the accompanying ICASA Amendment Act might well have been unconstitutional with respect to the Chapter 9 protections (RSA, 1996a) afforded to the regulation of broadcasting. Once a revised version of the latter had been passed, both Acts were promulgated on 20 April 2006.

As pointed out above, the most fundamental impact of the new Act is likely to be in the market structure of the sector (Esselaar and Gillwald, 2007, p. 12), where the historical separation of operator licences and spheres of operation into technology-specific compartments is replaced by licensing on the basis of cross-cutting technology-neutral layers of the kind identified in the analytical literature on convergence, and adopted in jurisdictions such as Malaysia. This is likely to promote increased competition in the sector and to stimulate the provision of innovative new IP[6]-enabled services such as mobile television.

The new Act also provides for increased independence of the regulator, whose authority is considerably less constrained except in the licensing of infrastructure (electronic communications network services), which remain subject to the issuance of policy directions by the minister. On the other hand, the appointment process for the governing council of the regulator is somewhat less subject to publicly accountable checks and balances. Much of the impact of the new legislation will depend on the regulatory capacity of ICASA, and on its ability to stamp its policy imprint and authority on the sector, which is seen by many commentators as dubious (Esselaar and Gillwald, 2007).

Institutions

A number of institutions are created by the above legislation to regulate or provide policy intervention in the sector.

The **Independent Communications Authority of South Africa** (ICASA), as suggested, is the overall sector regulator, created to unify the formerly separate regulation of broadcasting and telecommunications. It is tasked with regulating electronic communications "in the public interest" and to "ensure fairness and a diversity of views" (RSA, 2000). Concerns have repeatedly been raised about its effectiveness in doing this, given the degree to which it has historically been constrained by legislation. Questions have also been raised about the calibre of both councillors and senior line management.

The recently renamed **Universal Service and Access Agency of South Africa** (USAASA)[7] is unique as a demonstration of national commitment to redress historical racial disparities in the provision of communications services. USAASA is tasked with promoting "universal access and universal service" (RSA, 2006), along with administering a Universal Service and Access Fund, through which a levy on the

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5 In the Westminster parliamentary model, a Green Paper sets out policy options relating to a major legislative revamp for public debate, while a White Paper sets out the government's final policy choice.

6 Internet protocol.

7 Formerly known as the Universal Service Agency (USA).

revenues of ICT sector licensees is aggregated and disbursed to support increased ICT access (including the under-serviced area licensees).

The track record of the Agency has unfortunately been poor, with most funding having gone to telecentres, few of which have been able to demonstrate any degree of sustainability. No funding has yet been given to "needy persons", who await a formally gazetted definition of their status, and although the new under-serviced area licensees have received subsidies, the lack of viability of these companies suggests this will make little if any impact on the provision of communications access to disadvantaged communities. A recent process of introspection and strategic planning at USAASA may, however, give some hope for improved performance.

The management of the internet is undertaken by the **.za Domain Name Authority**, established under the 2002 ECT Act to "administer and manage the .za domain name space," as well as the relevant registrars and registries of domain names (RSA, 2002a). An elected stakeholder body, it has recently undertaken a review of how the .za domain is structured and administered.

A further government-established body with an interest in information society policy is the **Presidential National Commission on the Information Society and Development** (PNC on ISAD). The PNC on ISAD was launched in 2002 as a South African counterpart to the Presidential International Advisory Council, a high-profile body of international IT experts invited to advise the president on ICT policy and development matters. The Council consists of 31 individuals drawn largely from government and business, with a smattering of academics and a lone NGO representative. It has an advisory mandate relating *inter alia* to "bridging the digital divide" and "overall government policy framework on ICTs" (PNC on ISAD, 2007a).

However, the PNC on ISAD has little to show for this beyond announcing the February 2007 Cabinet approval of its National Information Society and Development Plan, which is based on ten unsurprising information society pillars including: Policy and Regulatory Environment; ICT Infrastructure and Universal Access; Local Content; Digital Inclusion and e-Awareness; Human Capital; and ICT Capacity Development and R&D (PNC on ISAD, 2007a). Unfortunately no copy of the plan is available for assessment. It does, however, claim five priority focus areas which seem to mirror those from its website: e-Government, e-Health, e-Education, SMMEs (small, medium and micro enterprises), and Local Content (PNC on ISAD, 2007b). The PNC on ISAD has made little contribution to ICT policy, and is widely regarded as ineffectual.

Participation

In the absence of a coherent national ICT policy framework, and given an ICT sector governed largely by fragmented legislation and with a multiplicity of sometimes overlapping institutions, it is not surprising then to find an NGO sector that is both vibrant and marginalised.

Some of the NGOs active in the sector include:

- **SANGONeT**,[8] originally established as a civil society internet service provider, is the local Association for Progressive Communications (APC) partner, and frequently the lead organisation in a range of ICT initiatives.
- **Freedom of Expression Institute (FXI)**,[9] a freedom of speech NGO of long standing, focused on "fighting for and defending freedom of expression, opposing censorship, fighting for the right of equal access to information and knowledge [and] proactively developing policy to ensure the free flow of information…".
- **WomensNet**,[10] originally a SANGONeT project, but now a robust organisation in its own right, which sets out to "empower South African women to use cyberspace as a tool for information and mobilisation" (WomensNet, 2006).
- **Media Monitoring Project (MMP)**[11] analyses and comments on the media from a human rights perspective, and builds media monitoring capacity among NGOs and other groups.

Less frequently, organisations such as COSATU and SANGOCO, as well as a range of smaller NGOs, become involved in ICT policy issues, but this is not their core work. Aside from the NGOs specifically identified above, SANGONeT (n.d. a) notes that the "involvement of NGOs in national ICT policy and advocacy processes" is "limited," partly because "many NGOs have very limited ICT capacity," and partly because most are focused more on other development issues.

There are also a range of individually based consumer activist websites, vibrant and crusading, that often target specific companies, or are focused on specific ICT services. The better examples include Hellkom (<www.hellkom.co.za>) and MyADSL (<www.myadsl.co.za>) (Southwood *et al*, 2006).

The remainder of this section of the report will examine some of the issues and policy areas in which civil society organisations have intervened.

World Summit on the Information Society (WSIS)

The participation of South African NGOs and broader civil society in both the lead-up to the November 2005 WSIS and its aftermath has been somewhat erratic. SANGONeT led a civil society process, including several *Thetha* discussion forums (see below), that culminated in the adoption of a South African Civil Society Statement (SANGONeT, 2005) shortly before the Summit. This identified sixteen critical areas of concern to civil society, including freedom of expression, telecommunications costs, open source and open content and gender. The September 2005 Highway Africa conference of journalists, held in Grahamstown, also issued a statement calling for the WSIS to move from statements to action (APC, 2005).

From the government side, the PNC on ISAD ran a preparatory process, which included workshops around gender, disability and youth, and was tasked with driving a follow-up process which since seems to have stalled. There were also a few Department of Communications events, including an International Women's Mutingati[12] on the Information Society in August 2005.

Beyond this, the formal South African delegation, led by Director General Lyndall Shope-Mafole, whose own participation was less than effective, appears to have had little participation from civil society. Only a few individuals from outside government were included in the official delegation to Tunis (and none in the preparatory committees), and only a small handful of NGOs were present at the Summit.

Consequently, despite a few attempts at interaction, there was no consistent involvement of South African civil society in either the

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8 <www.sangonet.org.za>.

9 <www.fxi.org.za>.

10 <www.womensnet.org.za>.

11 <www.mediamonitoring.org.za>.

12 The word Mutingati comes from the South African indigenous language of the Tshivenda people and means "a joining of hands, minds and forces to solve problems and improve the life situation of the community." See: <www.pnc.gov.za/content/view/43/44>.

formulation of positions or in ensuring their adoption in the WSIS Plan of Action. Civil society itself is partly to blame in this regard for not being more insistent regarding its inclusion. Worse, no formal assessment of civil society participation from a South African perspective, and the success of the civil society agenda, has been made.

Open source

The campaign to promote open source software and open access to content is one that can claim considerably more success. With funding and impetus from billionaire astronaut Mark Shuttleworth, a Go Open Source campaign ran from 2004 to 2006, which distributed open source software on CD, ran a 13-part television series, and signed up 5,000 members to its Geek Freedom League. The campaign was well supported by civil society organisations, for whom open source and open access had long been important issues. In late 2006 SANGONeT ran a workshop on the issue, culminating in a petition signed by over 50 NGOs, which was presented to the government (SANGONeT, 2006).

In late February 2007 the campaign was able to claim success with the adoption by Cabinet of an open source policy and strategy (Vecchiatto, 2007). While a breakthrough, its implementation needs to be monitored by civil society.

ICTs and gender

WomensNet continues to engage around the issue of ICTs and gender. Its core activity remains the provision of ICT training to women's NGOs and the promotion of ICT literacy and skills through a range of innovative approaches, such as storytelling. WomensNet is also engaged in content development, including a recent funky "Take Back the Tech" campaign, and undertakes policy advocacy (WomensNet, 2006).

Raising awareness

SANGONeT runs a project under the title *Thetha*, an Nguni verb which means to "talk, discuss, debate and share opinions" and which focuses on the "role and relevance of ICTs to the NGO sector" in Southern Africa (SANGONeT, n. d. b). Structured around a series of one-day discussion forums, *Thetha* was initially based only in South Africa, but later ran forums in two neighbouring countries, Namibia and Swaziland, with further forums planned for Botswana, Lesotho and Angola. A regular *Thetha* newsletter is issued, and the project has commissioned a study into the state of ICTs in the NGO sector, due for completion in 2007.[13]

Communications costs

The high pricing of both fixed and mobile telecommunications remains a key issue for both NGOs and civil society. SANGONeT sees pricing as one of its ICT advocacy issues, as does the FXI, which has run workshops, made submissions to ICASA, and undertaken pickets on the issue. Consumer activist websites such as Hellkom and MyADSL have also given the issue high priority. Recently a group calling itself the Telkom Action Group (TAG) launched a media campaign against Telkom, blaming it for keeping access costs artificially high. A full-page advert was paid for by hundreds of concerned consumers. ICASA has also engaged in some sabre rattling, and the matter has even made the annual presidential state of the nation address.

However, despite slight downward trends, possibly driven by the public furore, communications prices remain high and inadequately regulated (Esselaar and Gillwald, 2007), and therefore an issue that civil society will have to continue to address.

Freedom of information

The FXI runs a number of programmes, including ones on anti-censorship, media and ICTs, and access to information, which have a direct bearing on information society issues. It undertakes research, comments frequently in the press, and is even able to fund legal battles. While many of its interventions involve public protests, it has also supported a local newspaper's (Mail & Guardian) right to protect its sources in reporting on the Oilgate[14] scandal, and intervened to protect whistle-blowers. It has also been highly critical of the editorial policies of the public broadcaster, for instance, by protesting against its blacklisting of certain sources through media statements and pickets. The FXI also opposed the axing of a late-night gay rights programme.

Policy engagement

Few NGOs have had the resources to intervene directly in the policy processes relating to the information society and ICTs. Apart from the interventions discussed above, the FXI and the MMP are possibly the only NGOs to have made regular submissions into formal policy processes. These include input into the Broadcasting Act and SABC licensing conditions, participation in local content hearings, support for the independence of ICASA, opposition to the Monitoring and Interception Act, and activities in relation to the ECT Act.

In fairness, much of the current policy formulation environment does not facilitate NGO intervention. Regulation is largely through formal notice-and-comment procedures, and submissions to parliament on legislative processes require substantial resources. Open consultative processes tend now to be something of a rarity. However, NGOs could do considerably more to exploit the spaces available to them, by monitoring opportunities more closely and by working together to exploit those that are available.

Conclusions

While South Africa represents a relatively advanced ICT environment compared to many other developing countries, it is of concern that the growth of infrastructure and capacity has been less than optimal. The continued slide down so many of the global ICT indices, including those that focus more on the softer, information society issues, is of particular concern for the development of a inclusive, ICT-empowered society.

While civil society and its ICT NGOs remain vibrant and active – raising issues, mounting campaigns, building awareness – their lack of concrete impact on either formal policy and legislation, or on South Africa's input into global information society processes such as the WSIS, is something that needs to be addressed. Greater capacity and greater cooperation will be necessary to achieve a more substantial impact. ∎

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13 Interview with David Barnard, CEO SANGONeT, 1 March 2007.

14 A petrol company was accused of paying ZAR 11 million (USD 1.5 million) of state money to the ANC.

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