

SABC's Sport Broadcasting Rights Conundrum and Opportunities: Public's Interest Versus Commercial Interest

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Abstract: The focus of this paper is on the South African Broadcasting Cooperation (SABC)'s management of sport broadcasting rights. Globally, the television broadcasting rights of football matches have moved from a matter of the public's interest to exorbitant deals that benefit the few. The pay per view television companies have infiltrated the sport broadcasting rights market. Undoubtedly, the recent television blackout of South African's senior national male football team popularly known as Bafana Bafana left many football followers fuming and frustrated in the country. The television blackout was as a result of SABC's failure to buy the television broadcasting rights from the South African Football Association (SAFA). Thus, the South African public cannot watch their national team on the public broadcaster's television platforms. Football is a number one sport in South Africa, which makes Bafana Bafana a national asset. Their decision to prioritise cricket and the English Premier League's (EPL) broadcasting rights for commercial interest goes against their mandate to operate in the public's interests. Yes, a public broadcaster is mandated to serve the public for the benefit of the public. According to South African's Broadcasting Act 4 of 1999, the public broadcaster is mandated to broadcast the national sport teams both on television and radio. SABC and SAFA had a good relationship before, where SABC was able to reach an agreement with SAFA during sports broadcasting rights deals. This discourse analysis paper interrogates the manner in which the public broadcaster handles Bafana Bafana's television rights.

Keywords: Bafana Bafana, Broadcasting rights, Public broadcaster, Public interest, Television

1. Introduction

The broadcasting rights conundrum and opportunities at the public broadcaster has largely deprived the public of their right to access sport events of national interest on free-to-air television. The challenge faced by the SABC as far as securing the Bafana Bafana matches is concerned emanated from their financial constraints (Independent Communications of South Africa, 2020). The SABC's financial crisis is well document, and to a large extent it contributes to the manner in which the broadcasting rights are managed (Breakfast, 2019). According to the Broadcasting Act 4 of 1999, the public broadcaster under its public service mandate is obliged to broadcast sport events of national interest. Therefore, the public should conveniently access Bafana Bafana matches live on free-to-air public service platforms. Additionally, the public should not be forced to watch the matches on pay-per-view platforms. Denis McQuail's social responsibility theory magnifies that the media should deliver content of public interest ahead of any other interest (Fourie, 2007). It is a primary responsibility of the public broadcaster to

serve the interests of the masses (Independent Communications of South Africa, 2020). In contrast, SABC could use the sport broadcasting rights to eradicate its financial crisis.

On a number of occasions, SABC failed to televise important events such as 2019 AFCON Qualifiers, 2019 FIFA Women's World Cup, 2019 ICC Cricket World Cup and 2019 IRB Rugby World Cup to mention just a few (SABC, 2019). Accordingly, the SABC has failed in its mandate as enshrined in the Broadcasting Act 4 of 1999 to ensure that the public watch these important events of national interest on a free-to-air platform. The SABC as the public broadcaster in South Africa and has 19 radio stations as well as five television (TV) channels (Fourie 2018; SABC, 2020). According to Daily Maverick (2018), although TV licence fees contributed to generating revenue for the SABC, as TV began to be broadcast for most of the day, advertising became the main source of income. Sports broadcasting rights refer to a permission secured or bought by a broadcasting company to air specific events on radio and/or television (Solberg, 2007; Baoshan & Xuetao, 2010; Papaloukas, 2011; Zhang, 2013).

Globally, these rights are exorbitantly expensive in a highly competitive market between free-to-air and pay-per-view broadcasters (Rumphorst, 2001; Tonazzi, 2003; Dietl & Hasan, 2007; Evens & Lefever, 2011). According to Bratt (2018), there are three types of sports broadcasting rights. Firstly, full rights which means that the broadcaster completely shows a tournament or a league without other broadcasters having access to it. The second kind is delayed sports broadcasting rights, one broadcaster will be able to broadcast the sports event live, while another broadcaster shows it later as a delayed live. Furthermore, Nevil (2018) states that, sub-type of full rights, sub-licensed sports broadcasting rights. A broadcaster will buy full rights and sell them to the other broadcasters, and based on their agreement between them, both will broadcast live without any delays, or the sub-licensed holder will have to delay it (Evens & Lefever, 2011).

The Parliamentary Monitoring Group (2001) reveals that the sports broadcasting rights regulations is making sure that sporting events of national interest, like matches played by South African national teams both local and international competitions such as World Cup are made available to free to air broadcasters. The SABC is mandated by regulations such as Broadcasting Act 4 of 1999 to cover certain tournaments or competitions identified as national sporting events (Independent Communications of South Africa, 2020).

Ntloko (2018) reports that the broadcasting regulatory body in South Africa which is the Independent Communications Authority of South African (ICASA), classifies matches involving the men's and women's senior national soccer sides as national-interest events that must be broadcast on free-to-air TV (ICASA, 2020). Ntloko (2018) further explains that SAFA is taking the matter to parliament and will request ICASA to free Bafana Bafana and Banyana Banyana from the stipulation that binds the two national teams to be broadcast on the public broadcaster. According to Lewis (2018), SABC and SAFA negotiated that all Bafana Bafana matches be televised live on SABC.

The SABC has a clear mandate as a public broadcaster to ensure that people who cannot afford to pay DStv's subscription fee should have access to their programmes, including Bafana Bafana matches (USAASA, 2020); (ICASA, 2020). The SABC has now failed on several occasions to broadcast

Bafana Bafana matches, while it has a clear mandate from ICASA and the Broadcasting Act 4 of 1999 to say that, all the nation sports should be broadcast on free to air television. The Broadcasting Act 4 of 1999 states that the SABC must broadcast all national sports programmes or matches as well as development and minority sports (Government Gazette, 1999). Therefore, this paper interrogates how the SABC handles the sports rights deals with SAFA.

2. Review of Existing Literature

In the context of this paper, the existing literature is thin. Thus, the researchers resorted to synthesising the press reports from SABC, media houses and ICASA. According to Nyembezi, Rootman and Tait (2019), the SABC faces financial difficulties to broadcast Bafana Bafana matches but seems to have money for the English Premier League (EPL); the SABC has managed to buy the EPL sports rights with which it has started broadcasting the matches on 21 August 2018. The SABC has decided to broadcast EPL matches because the public broadcaster is in a difficult financial state and unable to meet certain obligations (Nyembezi *et al.*, 2019). The EPL broadcasting deal was not renewed after ten months. Updating the Portfolio Committee on Sports in Parliament' the SABC board chairman reveals that predictions for the end of August are that the public broadcaster will only have R26 million in the bank while it owes creditors over R694 million (Malepe, 2018).

Furthermore, Malepe (2018) states that SAFA reveals that the SABC 'which reported a net loss of almost R1 billion in the 2016/2017 financial year' has failed to honour its financial obligations for several months and owes SAFA more than R50 million. The SABC is in negotiations with relevant parties to certify that national team games are televised live on a free-to-air platform. The SABC states that they need to continue competitive and therefore bring programming that will enable them to appeal viewers and offer services to the South African public, one that they really deserve (Nyembezi *et al.*, 2019). The SABC TV channels General Manager, David Mabubane highlights that, EPL has a strong brand that will contribute towards building the SABC 3 brand. SABC 3 will provide South Africans who love sports, in particular soccer, the opportunity to access of the EPL matches for free (Darmalingum, 2018). The public broadcaster attempted to use the

EPL TV rights to commercialise SABC. However, the deal was not fruitful at all. This proves that SABC should prioritise Bafana Bafana broadcasting rights ahead of any other interest. Bafana Bafana broadcasting rights are likely to generate profit for the public broadcaster, because multitudes in South African follow football.

2.1 Implementation of Public Interest Mandate

The Broadcasting Act 4 of 1999 states that the SABC must broadcast all national sports programmes or matches as well as development and minority sports (Government Gazette 1999; Electronic Communications Act, 2005). Mothowagae (2019) posits that the SABC remains committed to engaging SAFA on fair terms to broadcast Bafana Bafana games. SAFA is looking at other ways to raise revenue after SABC's 'insulting' R10 million rights offer. The impasse between SAFA and the SABC has forced the football governing body to explore other avenues to raise revenue. Motwane and Sibanyoni (2018) explicate that two organisations have failed to conclude a proposed broadcast deal. SAFA wants R110 million from the public broadcaster while the latter is offering R10 million for the rights to broadcast all national matches, including Bafana Bafana and Banyana Banyana, SAFA dismissed this offer as an insult. However, at the later stage the impasse was broken, the two parties reached an agreement.

SAFA also registered concerns about new regulations being proposed by the broadcasting regulator, ICASA, on sports broadcasting rights (Smith, Evens & Iosifidis, 2015). ICASA issues draft regulations in the Government Gazette, aimed at making sports events free to the South Africa public and strike a balance between audience and revenue. If the new rules are adopted it will cut off what has been SAFA's income. SAFA continued to engage the SABC hoping that they may reach an agreement to ensure that the nation will have an opportunity to watch Bafana Bafana match live on SABC. In this regard, SAFA took an initiative to reduce Bafana Bafana sports broadcasting rights fee request from original R10 million to 7,5 million, again the SABC declined this gesture made by SAFA (Mothowagae, 2018).

Strydom (2018) points out that the SABC wanted to broadcast the match, but it did not have funds available. SAFA again conceded that the SABC was willing to negotiate a payment plan, in the interest

of ensuring that the nation would be able to watch the match. On a day of the match, the Ministry of Communication approaches SAFA requesting that they allow the SABC to broadcast the match, and that operationally SAFA and SABC will resolve the payment structure post the match. Again, SAFA agreed to the request, and immediately authorised SuperSport to release the feed to the SABC.

Gabara (2012) elucidates that on May 2012 SABC and SAFA signed a three-year contract which makes the SABC the exclusive free-to-air broadcaster of national football senior teams Bafana Bafana, Banyana Banyana and the under-23. Since the ending of the last agreement, SABC is negotiating on a match to match basis, which poses challenges in their ability to plan effectively for broadcast.

2.2 Context of Bafana Bafana Blackout on SABC Television

According to Lefever (2011), it is frequently recognised that sport brings people together, irrespective of their age or social origin, due to its capacity to reach out to everybody and sport can accomplish an educational purpose giving a view of values in life, such as competitiveness and fair play. Furthermore, Lefever (2011) highlights that sport also offers an opportunity to improve people's health and it is an effective means of combating certain illnesses and sport is also a tool to combat racism, discrimination, violence and to promote a more open and tolerant society.

There is no sports team in South Africa with as big followers as Bafana Bafana and is not acceptable for the SABC not to broadcast Bafana Bafana matches, as the audience for the national team is twice that of all sporting codes combined on television (Becker & Felsher, 1998). Mumble revealed that SAFA and the SABC were due to negotiate an extension of the deal that was struck in 2015 and expired in 2016 (Motswane & Sibanyoni, 2018). In that agreement, the SABC agreed that all content regarding Bafana Bafana would be televised and would also feature on the public broadcaster's radio and digital platforms (Molefe, 2017).

2.3 Theoretical Framework

In the context of this paper, two theories are used as lenses, namely social responsibility theory and contingency theory.

2.3.1 Social Responsibility Theory

According to Fourie (2018), the social responsibility theory enforces that the media should support democratic political ideologies and that the independence of the media should be emphasised in relation to their responsibility towards the public. Mass media should serve the interests of the public (Fourie, 2007). According to Fourie (2007:195), "Be free of commercial pressures (advertising) and therefore address audiences first and foremost as citizens and not as potential consumers". Thus, this statement resonates with the key element of this paper. In other words, the public broadcaster (SABC) should serve the public first and ahead of any other interest. Fourie (2018) illuminates that social responsibility theory allows free press without any censorship, but at the same time, the content of the press should be discussed in public panels and media should accept any obligation from public interference or professional self-regulations or both (Macdonald, 2003). The theory is relevant to this subject because SABC is struggling to broadcast the national senior team matches both Bafana Bafana and Banyana Banyana while the theory support that the media house should be free to publish or broadcast without any external control. Social responsibility theory gives the media total freedom on one hand, but external controls on the other.

2.3.2 Contingency Theory

Contingency theory is an organisational theory that claims that there is no ideal approach to arrange a partnership, to lead an organisation, or to decide. The critical element in this theory is that the SABC should consider revising the current model of managing Bafana Bafana television rights. Accordingly, the ideal strategy is unexpected (subordinate) upon the inside and outer circumstance (Reid & Smith, 2000). Before clarifying the games broadcasting rights bargains among SABC and SAFA, the outside and inner circumstance impact the present circumstance.

Contingency theory is a way to deal with the investigation of hierarchical conduct where clarifications are offered regarding how unexpected factors, for example, innovation, culture and the outside conditions are impacting on the plan and capacity of associations. The supposition basic possibility hypothesis is that no single sort of authoritative structure is similarly pertinent to all associations or maybe, authoritative viability is reliant on a fit or match between the sort of innovation, ecological

unpredictability, the size of the association, the highlights of the hierarchical structure and its data framework. Contingency theory was created from the sociological functionalist hypotheses of association structure, for example, auxiliary ways to deal with hierarchical investigations (Reid & Smith, 2000).

3. Research Design and Methods

The research design is a master plan of any scientific inquiry (Bitsch, 2005; Creswell, 2014). Explanatory research design is apt in a study of this nature. This design allows the research to critique a phenomenon by explaining the different dynamics in a qualitative research method (Du Plooy, 2002; Flick, 2011; Creswell, 2014). Qualitative research inculcates that the inquirer should investigate a subject in its natural form, but it is not limited to ontology (Bryman, 2004; Bless, Higson-Smith & Kagee, 2006; Wimmer & Dominick, 2014). Qualitative research method is relevant in this study because it captures the essence of a phenomenon in its natural form. Thus, this paper highlights the need to interrogate the manner in which SABC manage the Bafana Bafana's broadcasting rights. Accordingly, a phenomenon is studied as it is (Denzin, 2005). Purposive sampling technique within non-probability sampling method was used in this research. This technique is apt because it allows the researchers to exploit on their expertise about the subject matter. The data were drawn through the relevant documents, reports, articles, and press responses from SABC, SAFA, and ICASA. Critical discourse analysis (CDA) is employed in this study to critically analyse how SABC handles the sport broadcasting rights conundrum and opportunities.

According to Van Dijk, Tannen, Hamilton and Schiffrin (2015), "CDA is not a specific method of discourse studies but makes use of all relevant methods of the humanities and social sciences in the study of important social problems". CDA is appropriate for studies which are focusing on textual, linguistic and social analysis (Fairclough, 1995; Wodak, 2013; Van Leeuwen, 2015; Dunn & Neumann, 2016). According to Fairclough (1995), there are three types of critical discourse analysis i.e. text analysis, processing analysis and social analysis. In the interest of this paper, social analysis is used because it is relevant to the identified research design. It is clear that the issue of sport broadcasting rights of the football national team in South Africa is a matter of significant social problem. This is because the society should not be

deprived of a right to access a sport of national significance. The universal service and free access of Bafana Bafana matches to the public on the public broadcaster's platforms is a cornerstone of this paper (USAASA, 2020). The critical discourse analysis in this study critiques, documents, reports, articles, and press responses from SABC, SAFA, and ICASA.

4. Results and Discussions

The public broadcaster is mandated to ensure that the public has access to all events of national interests. The Broadcasting Act of 1999 as amended in 2002 emphasises that SABC as a public broadcaster should prioritise securing the important broadcasting rights. The public is also expected to play an integral role towards helping SABC to be in good financial position to secure the broadcasting rights. This assertion is in line with social responsibility theory. Thus, the public should pay their television licenses fees. The television license revenue helps the public broadcaster to secure the rights. It is detrimental for the public broadcaster to fail to secure the broadcasting rights of the senior national football team. The SABC is compelled to ensure that the South African public accesses the Bafana Bafana matches on their free-to-air broadcasting platforms i.e. television and radio services respectively. However, the SABC is facing financial difficulties hence they struggled to secure the Premier Soccer League broadcasting rights at the beginning of the 2019/2020 season. This aspect highlights the assumptions of contingency theory. The public broadcaster has been struggling to generate revenue. The sustainability of any media organisation is determined by its ability to generate profit. SABC always ask for financial bailout from the government. It is therefore clear that the public broadcaster does not have an effective strategy to address its financial problems. Due to these financial problems, the SABC struggled to secure the broadcasting rights of important events including the 2019 International Rugby Board (IRB) World Cup. This matter illuminated the financial crisis at the SABC.

To some extent, public broadcaster retrenched some of their sports journalists because they did not have rights to cover some of the important events. In the past, it was easy for SABC to secure the senior football national team broadcasting rights from SAFA. Nevertheless, the sports broadcasting rights market has evolved over years particularly with the emergence of pay-per-view television companies

such as Dstv, SiyayaTV, and eMedia. As a result the sports broadcasting rights market is highly competitive. The stiff competition saw SABC failing to secure the PSL broadcasting rights for the first time since the inception of the league in 2007. The PSL was established by National Soccer League (NSL) in 1996. The PSL's first season was in 1996/1997, and SABC monopolised the broadcasting rights for more than ten years. As far as Bafana Bafana broadcasting rights are concerned, SABC used to enjoy a good relationship with SAFA to secure the rights. Some few years ago SiyayaTV secured the Bafana Bafana's broadcasting rights ahead of the SABC. This meant that SABC lost the broadcasting rights for the first time since 1992. Bafana Bafana played their first international match against Cameroon after re-admission in 1992. Since 1992, SABC monopolised the Bafana Bafana's broadcasting rights. However, the South African public has been struggling to watch Bafana Bafana's away matches. The common rule with the broadcasting rights is that the home team decides what to do with the rights. They are always likely to sell them to a local broadcaster. However, that does not stop the away team's national broadcaster to secure the secondary rights from the foreign broadcaster. SABC has been struggling to secure the Bafana Bafana's away matches because the broadcasting rights holders would always make things difficult for their South African encounter to secure the rights. Consequently, the South African public has been deprived of their right to watch the national team on free-to-air television. The crux of the matter is that Bafana Bafana does not only belong to those who can afford to pay a monthly television subscription fee with Dstv.

The other important match that SABC did not televise for the South African public was between Bafana Bafana and the Super Eagles of Nigeria. This is a huge embarrassment for those running the public broadcaster because Nigeria versus South Africa is more than a football match, in fact, it is a prestigious African rivalry. There is a huge rivalry between the two nations but SABC did not allow many South Africans to witness it. There are those who blame the cooperation's financial woes for Bafana Bafana matches blackout. Whilst they were still struggling to strike a deal with SAFA, SABC went to buy the relatively costly English Premier League (EPL) rights to televise a single match on a Saturday. Subsequently, SABC bought the Mzansi Super League' cricket rights to televise an annual cricket tournament. These two deals surely did not come

cheap for the SABC that is in financial quagmire. South African media asked questions about SABC priorities when it comes to securing Bafana Bafana television rights versus the secured cricket and EPL rights. The SABC stated that the cricket rights and EPL deals make financial sense. Their decision to prioritise cricket and EPL rights for commercial interest goes against their mandate to operate in the public's interests. According to South African's Broadcasting Act 4 of 1999, the public broadcaster is mandated to broadcast the national sport teams both on television and radio for free. In 2019, SABC and SAFA managed to break the impasse by agreeing that the former will now broadcast all Bafana Bafana's home matches. Despite the importance of this new deal, the SABC still had a mammoth task of ensuring that they maintain a good relationship with SAFA in the interest of the public.

5. Conclusion and Recommendations

In conclusion, the sports broadcasting rights conundrum faced by the public broadcaster suggests that the current model should change. The recent impasse between SABC and SAFA indicates that the current model is not working in the interest of the public. According to SAFA (2020), there are over three million football followers in South Africa and this makes football the most popular sport. The new model should put the interest of the public first. The remodelling of the sport broadcasting rights should prioritise the universal service access as advocated by the Universal Service and Access Agency of South Africa (USAASA, 2020). As much as the public broadcaster struck the deal with the national football mother body, the crux of the matter should be ensuring that the televised sports events are accessible to everyone in the country. Generally, the majority of football followers are the lower class which means they cannot afford to subscribe with pay per view television companies. We therefore suggest that the Broadcasting Act should ensure that the SABC is mandated to carry all national sports on free to air platforms. The universal access should be at the forefront of sports broadcasting rights negotiations. The financial crisis unfolding at the public broadcaster is well documented. This therefore shows that the government through the Departments of Sports, Arts and Culture, and Communications needs to help the public broadcaster to secure the rights without an impasse. The Department of Sports, Arts and Culture is expected to discuss the importance of

sports broadcasting rights with SAFA. The department can also financially support SAFA to avoid over reliance on television rights fees to generate revenue. On the other hand, the Department of Communications should find a way to financially boost the public broadcaster as far as securing the rights is concerned. The government should play an integral role to promote the universal access for sports of national interest. All Bafana Bafana matches should be accessible to the public on free to air platforms. The black out of the 2019 IRB World Cup, the International Cricket Council (ICC) World Cup and some of Bafana Bafana's important matches on SABC television encapsulated the financial crisis on the public broadcaster. The South African public has a right to access information and important national events including national sports tournaments. Thus, SABC failed the public by not broadcasting two world cups including FIFA women's world cup albeit showing final rounds of the 2019 rugby world cup. This conundrum should be addressed and resolved, and the policies should be revised to ensure that the public broadcaster does not fail to fulfil its mandate. Lastly, the public broadcaster should exploit all opportunities of owning the broadcasting rights of Bafana Bafana matches.

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