



Campaign Strategy Meeting

All Shall Call! (sms, data)

A Right2Know Campaign strategy consultation to develop a campaign for free basic and affordable telecommunications that will offer everyone living in South Africa the ability to use our cell phones to access and share information – enabling our right to know.

- DATE:** Tuesday 31 July 2012
- TIME:** 09h00 - 13h00
- VENUE:** CIVICUS House, 24 Gwigwi Mrwebi St, Newtown, Jozi.
- RSVP:** Places are limited please contact Mark Weinberg on 0214475770 or email mark@aidc.org.za to secure a seat
- AGENDA:** The programme will be sent to participants shortly.

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INTRODUCTION & WELCOME

Jane Duncan chaired the strategy session. She gave some background to the R2K and the purpose of the meeting and welcomed participants (See **APPENDIX 1: Campaign concept Note**)

Organizations represented included Alternative Information Development Centre (AIDC), Association of Progressive Communicators (APC), Benchmarks Foundation, Cell-Life, Everton West Crisis Committee, Freedom of Expression Institute (FXI), Freedom of Expression Network (FXN), Gauteng Concern Residents, HighwayAfrica/Rhodes, Kliptown Concerned Residents, Landless People Movement, Mokuwuse Concern Forum, Mostwaledi Concern Resident, National Union of Metal Workers (NUMSA), Open Society Foundation (South Africa), Open Society Foundation of Southern Africa, Orange Farm Water Crisis Committee, SA Soccer Legends, South African NGO Network (SANGONeT), Soweto Concern Resident, Soweto Electricity Crisis Committee (SECC), Thembelihle Crisis Committee, Thembisa Residents Association, Voice of the poor concern resident, WomensNet, Workers World Media Productions (WWMP), Wynburg Concerned Residents and various right2know activists and supporters.

We received apologies from Media Workers Association of South Africa (MWASA), Congress of South African Trade Unions (COSATU), South African Municipal Workers Union (SAMWU), Equal Education, and Communications Workers Union (CWU).

After a round of introductions Mark Weinberg (R2K National Working group) presented an overview of the three legs of the Right2Know Campaign strategy adopted at the 2011 National Summit in Cape Town: secrecy, access to information, and media freedom and diversity. Regarding the third leg of the Campaign, while community activists understood the need to defend and advance media freedom and diversity, they had little enthusiasm for taking up active struggles. However the 'right to communicate' – to use telecommunications – had evoked a lot of interest in R2K consultations as many activists use cell phones to exchange information and organize - and are frustrated with the high cost of access.

February's Right2Know 2012 National Summit in Jo'burg had thus adopted a resolution that the Right2Know should campaign for free basic and affordable airtime, sms and data.

This workshop is tasked with unpacking this resolution and exploring the feasibility of a focused campaign.

The following is a summary of the substantive inputs made to the strategy session.

SUBSTANTIVE INPUTS

Peter Benjamin

Peter Benjamin of Cell-Life gave a very brief overview of the history of telecommunications in South Africa. In the early 1990s there was only Telkom, a state parasitical. And there were no cell phones. From 1980s in US and elsewhere there was move to privatize state owned telecommunications companies. In South Africa in the early 1990s Telkom was re-structured to prepare for privatization (corporatization).

In 1993 cell phones began operating in South Africa. They were seen as small elite service. Companies projected that at most 1 million people would have cell phones. Telecoms remained focused on fix lines.

The 1994 Reconstruction & Development Programme (RDP) included an entire section on the developmental potential of ensuring access to telecommunications and ICTs.

The new democratic government set up a regulator (today called the Independent Communications Authority of South Africa, ICASA) to give telecommunications license to use electromagnetic spectrum (needed to carry radio signals). ICASA is funded by Government, but is independent from the Executive of Government and industry players.

ICASA gives companies 'universal service obligations' with their licenses - to force companies to give services to poor 'under serviced areas'. Much smaller obligations are given to cell phone companies - because it was predicted that cell phone would be for the elite.

Govt also set up Universal Service Agency (USA, now USSASA) with mandate to make internet accessible to all. USSASA has been quite unsuccessful but does control Universal Service Fund (currently 0.5% of turnover of the telecoms operators). In the early years USA funded Telecentres (public access online computers) but financial and technical sustainability made most Telecentres fail.

At first you needed contract to get a cell phone. This required a proof of a job, bank account, etc. The introduction of 'pay - as -you - go' has transformed industry dramatically expanding the number of people using cell phones. To the surprise of cell companies users doubled in 6 months.

Many of these new clients did not buy airtime, so companies introduced the 'please call me' to get poor people to make calls. There are now about 55 million 'please call me' sent a day.

In the early 2000s ICASA was born to regulate telecoms and broadcast (as both distribute signals using electromagnetic bandwidth.)

Meanwhile Telkom went from 100% govt owned to selling shares to others. More than 50% is still owned by government.

The telecommunications industry is massively profitable. Competition between VODACOM and MTN was very 'sweetheart' - they did not really fight each other. Telkom was protected from much competition 1990s. VODACOM and MTN also arose as cell phone 'duopolies'. In 2000s there were efforts to break monopolies without much success. Costs are high because of this 'cartel'. And they structure their products so that it is very difficult to compare the costs, packages are too complicated. It is only in the past few months that there has been some competition on price from Cell C - basically because Cell-C was going out of business and had to do something.

South African cell phone costs are very high. About ten times that of India for example.

One of the big problems with attempting to regulate these companies is that they have more money and thus research, experts, lawyers that ICASA. Skill and capacity within ICASA is undermined by operations. If they do not want something they can tie something up for years in legal process.

The Competition Commission can also be used to challenge collusion between large companies (as in the example of the bread companies). The Competition Commission could be more effective than ICASA. Last year the 'interconnect' fee was brought down by operator agreement because they did not want to go to the Competition Commission.

11% of people in South Africa use the Internet on landline, 22% on a cell phone. 25% use MXIT. 93%+ use a cell phone - that is very close to all youth over 10 years and all adults. This is very high.

There are different types of phones in use: Basic phone 25% (voice, SMS, USSD), Feature phone 5% (voice, SMS, USSD), Smart phone 65% (voice, SMS, USSD, Java, MXIT, wap), Smart phone 10% (run different apps like GIS – basically full computers). By 2015 50%+ will have smart phones.

If we want to campaign to expand access to telecommunications we can refer to the Bill of Rights. Article 16.1b (Freedom Of Expression) gives us the right to exchange information. Under Section 27 (access to services like health and education) it is arguable that we need communication technologies.

Currently there are 4 cell phones for every landline. Government has not focused on the roll-out of landlines.

While the government through USSASA was failing to get telecommunications into the hands of poor people the cellophane companies have succeeded. Can we put rights and duties on companies to make better services more affordable. Do we need subsidies? Do we need more regulations.

Already emergency services (like fire, police) have to be free in all networks. We could campaign to extend this to other services, or call for free basic airtime on every sim card.

We could focus on data. If we say 75% can use data then we could focus on that? Cell C already makes data free. Currently it is more expensive to use SMS and voice than data, and the rich use more data while the poor use SMS.

Cell phones have massively expanded in last 20 years. Cell phones are the way to be full part of society. WE must campaign for greater access.

Anreiette Esterhuisen

Anreiette Esterhuisen From Association of Progressive Communicators (APC) continued unpacking the telecommunications landscape.

Telecommunications is different from water and electricity. The global trend in water and electricity is that privatization has always led to worse and more expensive service. In telecommunications when governments have trend to hold onto control – even with good intentions – the results have been bad, both in terms of access and freedom of expression. This is because technology changes so fast that for government to keep up requires so much resources.

On infrastructure, South Africa underestimated demand for telecommunications. In the US they overestimated demand and had too much infrastructure. Demand is increasing all the time and infrastructure needs to expand all of the time. SA Government know that investing in infrastructure is very important. SA Government should be responsible for ensuring sufficient infrastructure – irrespective of whether it is private or publically owned.

Currently the backbone “cables underground” are publically owned. Long distance was carried by TELCOM. From 2008 cell phones (NTN, VODACOM) have been building their own network long distance network. New 2010 policy says government must be responsible for developing broadband infrastructure. This is now the case and has brought down the cost of broadband.

Municipalities are also building infrastructure. So is the private sector.

With digital TV we will be able to use spectrum for broadband.

But overall there is enough infrastructure. We should not be made to feel guilty. We should demand better services.

Cell phone calls in South Africa are the 30th most expensive in Africa (comparing the cheapest possible packages). 29 are cheaper – including much poorer countries. Only 9 are in more expensive – including Angola (with little infrastructure in place).

Like most things there is cost and there is profit. We want the prices to be cost based. The problem is not that the companies are making profit, but that they are making too much profit because they can get away with it. This campaign should stop them getting away with it.

ICASA can make a big difference. ICASA has “recommended” interconnect rate should be 40c between networks. ICASA can make a ruling or recommendation. It has done both. In 2009 it forced everyone to reduce costs. Lately it has only been a recommendation. ICASA has more power than they exercise. We must look at that as a campaign.

The interconnect rate is still very high. Cell C is currently the cheapest at 99c. Only cell – c is charging 40c interconnect. Others are charging more.

40 cents is too much. The global ‘cost based’ interconnect rate is estimated to be around 25 cents.

Companies are not bringing the rate down despite ICASA recommendation. Only Cell-C and 8ta brought down their actual rates.

Other costs include overheads, building infrastructure, advertising, marketing, etc. We need to keep track of what costs are and what profit is being made.

We must talk about SMS. SMS is where companies are really stealing our money. They do not pay interconnect fees for SMS. SMS cost close to nothing. Operations do not publish cost, but an SMS is estimated to cost close to R0,007. Companies charge some NGOs 17c/SMS then they charge 25c upwards.

Regarding alleged price fixing, the introduction of Cell C did improve the situation. There is no doubt that there was price fixing before that. It has now improved – but VODACOM and MTN are so big that they have considerable advantage. It is not clear if there is a secret agreement anymore.

We have seen costs going down a lot in last 3 years. More competition does bring prices down.

Landlines do matter. Landline infrastructure (ideally fiber optic cables today) is very cheap to use once it is in place. Terrestrial cables that connect areas can bring down the costs of communication. No matter how smart our cell phones are organizations, for example will want to have a landline in their offices.

There is a tendency to blame ICASA. We will have to work with ICASA as a Chapter 9 institution. They are getting mixed messages from government.

ICASA is funded by government and reports to parliament. In some countries the regulator is funded by license fees. Parliament appoints ICASA Councilors. It is very party political. Critical voices tend not to get appointed. There are political rather than ‘capacity’ appointments.

Right2Know should look at high level policy. Government have never put ICTs at heart of development. The Fear of information in current government is concerning. It was not in the National Planning Commission. There is a perception that SA economy is dominated by commodities. ICTs are not seen as economic driver. Compare this to India – an information society that has ensured ICTs are at the centre of the economy.

TAKING UP THE RIGHT TO COMMUNICATE

Participants were invited to respond to the following questions:

1. Are these issues relevant to you? In light of the struggles we are all engaged in, if yes, should R2K take it up?
2. If yes, what should be our demands and campaign strategy?
3. How should we campaign?
4. Does R2K have the capacity to take up another campaign in light of ongoing Secrecy Bill struggles? Could it bring new energy?

Relevance of Proposed Campaign

Participants felt the issue of cell phone access and the right to communicate were overwhelmingly in support of the Right2Know taking a campaign on the issue.

Some participants stressed that without communication our struggles will fall off. We need to communicate to organize. Cell phones are affecting everyone – employed and unemployed. Even free SMS would make a big difference.

Members of Parliament and other officials say they put information on the internet – but citizens cannot check the internet without air time. We need internet to be a citizen.

The poor of our land are always subjected to injustices.

Denying people's right to call is like oppressing them. We use cell phones to organize so cell phones are important for our organizations. As an organizer I always get "please call me" from comrades with something to say - and no money! The proposed campaign is very relevant to poor communities. People need cell phones to run their lives – landlines are also important for this.

Campaign strategies and tactics

It was argued that Right2Know's starting point is public access to human rights. The notion that there can be market solutions is historically disproved. We must maintain that we do not want to make the capitalists better capitalists. We want public access to communications. We are not only interested in lowering prices for more efficient capitalism. We want to discommodify basic services.

The discussion referenced is the Treatment Action Campaign who had very focused demands that they won. However the TAC campaign began as a movement for public health care. Tactics spoke to people's needs. This campaign must be about the right to know. We have a set of principles. SMS etc are only tactics – movements get co-opted on tactical demand – so it must be located within the broader campaign and its basic principles.

We must distinguish between strategy and tactics – we must make our maximum demand and negotiate from there. We should demand de-commodifying the airwaves. We can negotiate from there. We should not demand free SMS alone.

The campaign must be located within a human rights framework and draw on our right to communicate (Section 16 of the Bill of Rights).

A question was raised regarding the timing given the currently price war: We should bear in mind that the price war has not yet impacted on most people. Also bear in mind the price of SMS is coming down.

There is currently a broadcast policy review that raises critical issues, so this is a good time to take up a campaign. A discussion document at the recent ANC policy conference also put access to ICTs as a policy priority.

There was some discussion about where Right2Know should be calling for the public ownership of the telecoms industry - drawing a parallel with the state provision of free water. It was noted that in many countries effective competition had managed to bring prices very low.

Landlines are also an important issue. Cell phones bring crime - especially for women. They are attached and even raped. A landline is a back-up. You know it is there. It is at home. It is also important to old people who stay at home - when younger ones take out the cell phone.

Women are more affected by barriers to communication. They tend to own less than men and are more likely to be employed. They have less money and thus less ability to communicate. Women also need a phone to make contact in an emergency. Conversely, cell phones also enable harassment. It is important that women are there to lead this campaign.

We must also consider the environmental and health concerns around cell phones that some Right2Know supporters may hold. Likewise, we must consider the deaths on the DRC that are relating to mining stuff to make cell phones. This is at great human economic environmental cost to Africa.

A concern was raised that the campaign could negatively impact on workers and job creation. It was argued that that more equal access to communications would stimulate the economy and create jobs.

Research suggests that people spend up to 2% of their income on airtime. They choose airtime over food in the hope that airtime could unlock a job. This is the kind of trade off people should never have to make.

We must also look at the cultural benefits. Cheaper communication can allow artist to share their own work. We need to be critical of mass private consumer culture. People's culture and popular production must be liberated. This campaign can take us out of our apartheid ghettos.

We must look at the entire regulatory environment. ICASA, Competition Commission, SAHRC, are critical institution to engage with. We must demand that government intervene. There must be transformative policy and regulation. But we must also expose the profiteering of companies and how the companies work to frustrate progressive policy and regulation.

There was a strongly expressed need for popular education on the issues and ongoing consultation on the campaign: This campaign is relevant, but people will battle to understand the issues discussed here. We must first workshop these issues in our communities. We must consult and not push things on communities. We must not do what government do.

R2K enjoys media support and this will also be a campaign that can get a lot of media coverage. We should also be using mobile to self organize - collecting support and engaging supporters through SMS, etc.

We must tap into people's anger and frustration at phone companies. We can pressure companies brands and organize actions in their shops to highlight issues.

We must ensure this is a popular mass based campaign. So the issues we highlight must have mass appeal.

Possible Issues/Demands to take up include:

- SMS price are key. Price of SMS is 50 - 80c, but actual cost is close to nothing.

- The cost of airtime, and contract vs pre-paid airtime.
- Make data free (Cell-c already does this)
- We must pressure Government to communicate their information proactively.
- Should people pay for SMSing government departments?
- Increase the range of numbers that are free to call (like your child's school).
- ¼ billion sitting in Universals Services Fund that should be used to enable access. The Fund is meant to go to 'needy people'. But the funds have never been spent because no agreement on what is 'needy people'.
- Roll out and affordability of landlines
- There are also successes we can win with quality of services (when a call is dropped). Operators have targets that they are not meeting. Previous struggles have forced ICASA to do a survey of quality and resulted in more towers being put up.
- Data will become increasingly important as people move on-line for information services and communication.
- Free basic access to the Internet in physical spaces that people can go to like libraries and schools.
- Consumer activism: Information the existing rights we have as clients of the companies (eg how billing/pricing works)
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CONCLUSION

It closing Mark Weinberg noted that his is an issue close to peoples' hearts that there is a stomach for taking on this campaign under the Right2Know. Must locate this with a broader demand for the right to know – and the right to communicate beyond what the capitalist market can cater for.

We must take up popular issues as tactics (like cost of airtime and free SMS) but not be so fixated on these demands that we loose sight of the broader campaign to decommodification telecommunications so all have the right to communicate.

Right2Know is well placed to drive this campaign as an activist network and coalition with structures and supporters around the country. Critically, we must not take a ready-made campaign to our networks. We must take this discussion to our organizations and let organizations and Right2Know provinces shape and take ownership of difference articulations of the campaign.

Popular education will be critical as very few of us understand the dynamics of telecommunications. The Right2Know Media Freedom & Diversity Working Group is already conducting research and developing an Activist Handbook to support popular education.

We have to make this an activist campaign and take information out to the streets and mobilize so that people can make demands on their democratic government.

ENDS

APPENDIX 1: CAMPAIGN COCEPT NOTE



"All Shall Call!"

A Right2Know Campaign plan to fight for 'free basic' and affordable air time that will offer everyone living in South Africa the ability to use our cell phones to access and share information – enabling our right to know.

Today South Africa can boast a very high level of mobile phone penetration as – in a population of close to 50 million - it is estimated that 42 million have a mobile phone, and that 5 million use the normal Web, 10 million use the Web through mobile phones and 22 million use Mxit¹.

However, profiteering of mobile phone companies – an effective duopoly - makes extensive use of cell phones to access the Internet prohibitively expensive for the majority of people who use prepaid airtime is more expensive than contract airtime. Differentiated airtime costs strongly implying that mobile phone networks are upwardly redistributive in that poor users cross subsidise rich users. If airtime is unaffordable, cell phone penetration merely creates a mirage of connectivity.

A study of telephone usage in townships around Grahamstown undertaken by Rhodes Universities' Highway Africa Chair of Media and Information Society² revealed that people spend food money to buy airtime and that respondents spent, on average, 26% of their income on airtime. This figure contrasts sharply with the ITU's benchmark that not more than 3% of income should be spent on information and communication technologies.

The study also affirms how important telecommunication services are to poor people. As a result of the cost of air time respondents reported being unable to phone for assistance and losing family members to illness and missing important study or work opportunities. The study found that high communications costs also have a gender dimension the example of Grandmothers tasked with caring for small children complained about being unable to communicate when crises emerge.

The Department of Communications and Parliamentary Portfolio Committee on Communications and ICASA have all made efforts to bring down telecommunication costs. These efforts have not yielded a costs structure that is affordable. Public pressure is needed to ensure that reduced interconnections rates and other legislative/regulatory interventions actually results in reduced retail costs.

At the February 2011 Right2Know National Summit the Campaign identified the Protection of Information Bill as a symptom of a broader threat to the free flow of information in South Africa and resolved to campaign on three legs: stopping the Secrecy Bill, ensuring access to information, and fighting for media freedom and diversity. We adopted the following vision statement:

"We seek a country and a world where we all have the right to know – that is to be free to access and to share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation a society and an international community can be built in which we all live free from want, in equality and in dignity."

¹ MOBILE IN SUPPORT OF SOCIAL JUSTICE, 2011, unpublished paper, by Peter Benjamin, Cell-Life (www.celllife.org.za)

² Highway Africa Submission to Portfolio Committee on Communications on the costs of communications, November 2009

At the 2012 National Summit the campaign resolved to “Demand basic free, and affordable, air time and internet access”

This resolution was informed by the following section of the Campaign’s Policy Statement on Media Freedom, Diversity, and the Right to Communicate:

Technology is changing how media is practiced and received. These changes are exciting as they have the potential to make an unprecedented diversity of media much more accessible, to democratise communication and make it more interactive, given that they encourage more horizontal forms of communication. Potentially, they can blur the distinction between information producers and information consumers; they can also make the right to know easier to realize as these media can make information more accessible.

Yet at the same time, new media are being deployed in ways that are increasing rather than decreasing social and information inequalities. Conditional access threatens to reduce accessibility of media. Proprietary control of information through trademarks, patents and copyright is eroding the information commons. Indigenous knowledge and language diversity is under threat. Curtailment of rights through surveillance and censorship is prevalent. All these trends threaten to make it more difficult for the right to know to be realised.

- a. Communications must be universal. Everyone has a right to communications that are available, affordable and accessible. While great strides have been made in ensuring the availability of communications, especially mobile communications, many users cannot afford to access the network to the extent that they need to, leading to an illusion of universality being created. Universality will be realized only once people can access the network whenever they want to.
- b. Communication must be ubiquitous: that is, users should be able to access information anytime, anywhere, anyhow, depending on the choice of the user. Currently, users are restricted in their choice of how to access information they need, either at home or on the move.
- c. Communications must also be dialogic: that is, users should have the ability both to receive and impart information. They should not simply reproduce old methods of communication where a few talk, and the majority listen.
- d. Everyone has the right to privacy and anonymous communications, which includes the right to encrypt their communications
- e. We must protect and advance net neutrality, to ensure that the internet does not fragment into different components run by competing public or private interests. The internet must remain open and interoperable.
- f. We must protect and advance internet freedom from governmental and corporate control
- g. We must promote access to internet by ensuring affordable broadband access – including on cell phone networks
- h. A free basic service for communications, cross-subsidised by the network operators, must be available to poor users.
- i. Pre-paid communications users, who are overwhelmingly from the poor and working class, should not cross subsidise post-paid users. We oppose a communications system where the poor cross-subsidises the rich.
- j. Free Facebook (Facebook Zero) should be made available in South Africa
- k. Intellectual property arrangements in communications tend to favour the wealthy. Information as a rule should be free, and not treated as a commodity and subject to proprietary control, and should be part of a commons that everyone has access to by right.

Within this mandate and policy the Right2Know will focus on the affordability of mobile airtime as this is currently the most critical limitation to the majority of people using cell phones to exchange information.

ENDS