



AL ANSAAR PIETERMARITZBURG ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT FOR AL ANSAAR MEDIA NETWORK BROADCASTING AS RADIO AL-ANSAAR - PIETERMARITZBURG

Licence Period: 23 May 2014 to 22 May 2019

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ ("ECA") and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to ensure compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is intended to give account of Radio Al Ansaar Pietermaritzburg performance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Radio Al Ansaar Pietermaritzburg holds a Class Sound broadcasting service Licence⁵. The radio station's mandate is to provide a sound broadcasting service to the Muslim community of Pietermaritzburg in the KwaZulu Natal Province as set out in the Licensee's frequency spectrum licence⁶.

¹ The Constitution of the Republic of South Africa, No 108 of 1996.

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005.

⁴ Act No. 4 of 1999.

⁵ Appendix A: Radio Al-Ansaar Pietermaritzburg's broadcasting service licence.

⁶ Ibid.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

According to clause 1 of the licence, the the Licensee is a Section 21 company known as Al-Ansaar Media Network. The entity broadcasts as Radio Al-Ansaar Pietermaritzburg and its control is vested in the Board of Directors of the company.

There were no changes reported by the Licensee to its control structure, name of the station as well as its Board.

The following are the names of the 13 Board of Trustees as elected on 08 April 2015⁷.

Mr MAG Joosab – Chairperson;
Mr Sayed Mohamed Shabir Basha - Board Member;
Mr Bilal Zikhali - Board Member - Board Member;
Mr Abdul Latweef Makweya Mponda - Board Member;
Mr Mahomed Iqbal Aboobaker Ganie - Board Member;
Mr Khan - Board Member;
Ms Riyazunnisa Mia Ahmed Shaik- Board Member;
Ms Toleni Khethiwe Dladla - Board Member;
Ms Mubele Sarah Nghanya - Board Member;
Mrs Iran Osman - Board Member;
Mr A Alkburally - Board Member;
Mr E S Ally – Board Member; and
Mr Irfan Bux - Board Member.

From this list, although it appears at face value that there is equitable gender representation there is still room for improvement. Currently males constitute 69% and females 31% .

Based on the requirements of clause 1 of the licence, the Licensee was found to be compliant thereto.

⁷ Appendix D: Radio Al Ansaar's 2015 – 2016 Compliance Report.

3.2 Geographic Coverage Area

In terms of clause 3, the Licensee is required to provide services to Pietermaritzburg in KwaZulu-Natal Province as set out in the Licensee's frequency spectrum licence. The issue of geographic coverage cannot be treated in isolation with the technical compliance as these are intertwined. In granting the licence to any Licensee, the Authority takes into account the technical quality of the proposed service amongst other things to ensure that there would be no interference with other services.

For the period under review, the radio station confirmed that its coverage area is as defined in the spectrum licence. The Authority confirms that there were no complaints or reports of non-compliance with technical specifications received against the radio station by the Authority. Consequently, the **Licensee was found to be compliant with clause 3 of the schedule to its licence.**

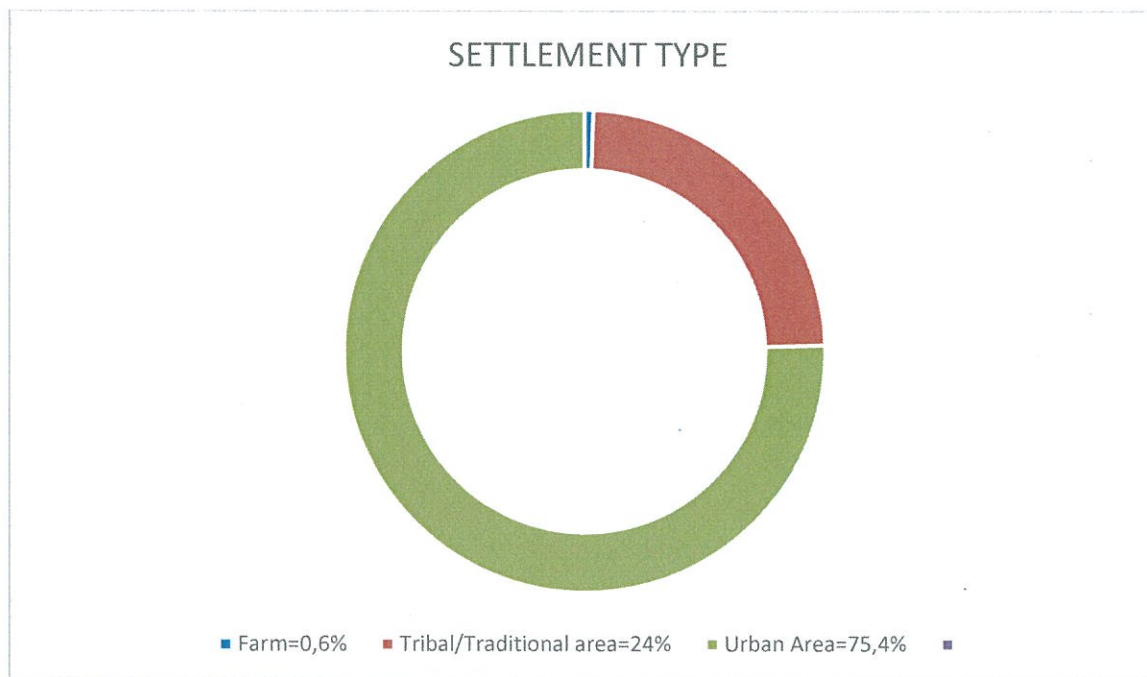
3.3 Community

According to Statistics South Africa (Stats SA) Censuses 2011, Pietermaritzburg is the second largest city in KwaZulu-Natal and falls within the boundaries of Msunduzi municipality. The entire city is both the administrative and legislative capital of the province, boosting investor confidence, as a consequence, its economy growing appreciably. The total population in the Msunduzi Local Municipality as at 2011 was 163 993 households with an average of 3,6 persons per household (Censuses, 2011)

Living conditions

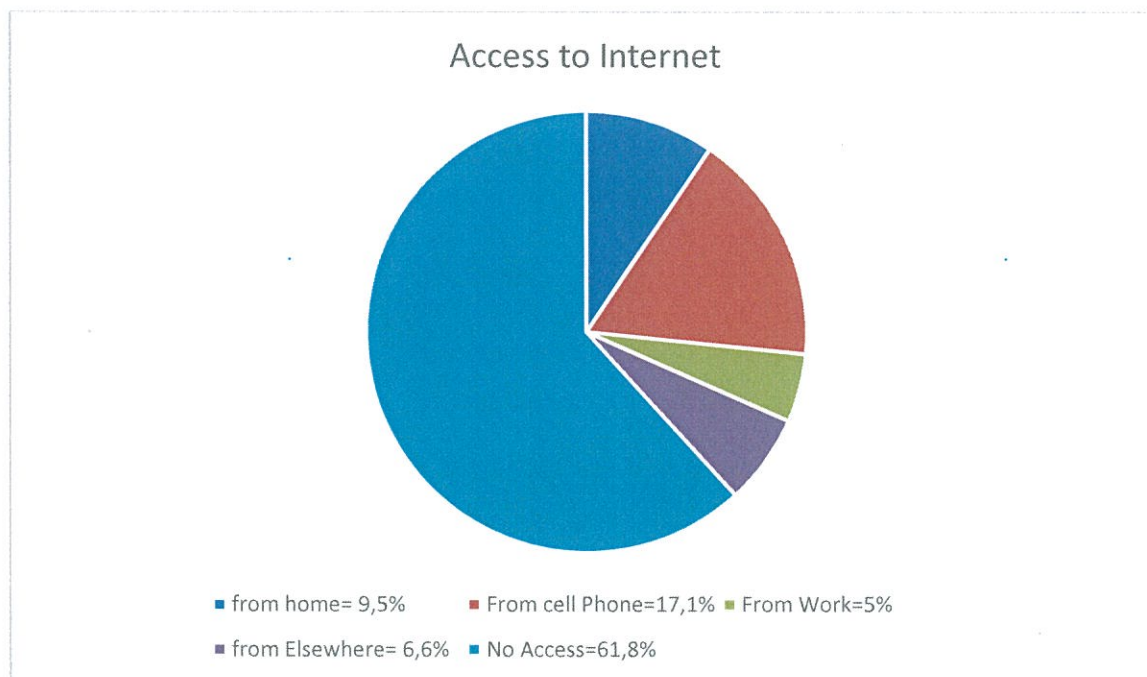
The figures for the 2011 censuses indicated that 45,2% of households were headed by females. The percentage of households residing in formal dwellings was at 73,7%, with 47,9% of households having access to piped water inside the houses and 51,6% of households having access to a flush toilet. Access to electricity was reportedly high, with 91,9% of households using electricity for lighting. Figure 1 below shows the settlement type in the Msunduzi area.

Figure1: Settlement Type



Source: Stats SA, 2011

The above information indicates that there is dense population in the urban area. Access to Internet from home was at 9,5%; 17,1% from cell phone; 5% from work; 6,6% from elsewhere and a bulk of population, 61,8% had no access as graphically represented below:



Source: Stats SA, 2011

With these statistics in the background, clause 2 requires the Licensee to provide services to a Muslim community residing within the geographic coverage area.

Of the 163 993 households as per censuses 2011, the radio station has confirmed that it provides sound broadcasting to the 100 000 Muslims that reside in the Pietermaritzburg region.

The Licensee was found to be compliant with clause 4.1 of the schedule to its licence.

Clause 4.2 of the schedule to the licence stipulates that:

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

4.2.1 The Licensee shall hold at least two (2) general meetings annually with its community on programming and programme-related matters for the selection and provision of programmes;

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community.

4.2.3 The Licensee shall hold Annual General Meetings (AGM) for the following purposes:

4.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,

4.2.3.2 To provide feedback on the Licensee's operational and financial performance, and

4.2.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

During the year under review, the Licensee held two meetings with the community focusing on programming and programming policies on 12 March 2016 and 31 May 2016. Proof of the meetings were duly submitted to the Authority.

The AGM was held on 23 April 2016. At the AGM, the community members were provided with feedback on the Licensee's compliance with licence terms conditions, its operational and financial performance.⁸

The founding documents provide for a two year term for the Board of Trustees. Clause 12.1 of Al Ansaar Radio's memorandum of association provides for Directors to be elected every two years. Therefore, the next election of Board of Trustees will be in 2017.⁹

The Licensee was found to be compliant with clause 3.2 and its sub-clauses of the schedule to the licence.

3.4 Programming

One of the programming requirements as contemplated in clause 5.1.1 of the radio station's schedule to the licence is for the Licensee to broadcast a total of 70 minutes of news per day of which 60% shall be local news, 25% national and 15% international news

The Licensee submits that during the year under review it broadcasts fifteen (15) news bulletins per day on weekdays. The news bulletins are between 5 - 7 minutes in length. The monitoring confirmed that 15 news bulletins are broadcast on weekdays the duration of which is 5 to 6 minutes, totalling 75 minutes of news per day. The split is in line with clause 5.1.1.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"KZN's MEC of Finance, Belinda Scotts feels government must constantly improve service delivery in the province";*

⁸ Appendix E: Radio Al Ansaar Pietermaritzburg's 2015 – 2016 Compliance Report.

⁹ Ibid.

- *"KZN Police have launched the manhunt for the suspect who gunned down the man in Durban, Umlazi over weekend"*
- *"An Anglican Archbishop Emeritus Desmond Tutu will remain in hospital under observation for the next few days, but is of intensive antibiotic treatment, this is doctor's report said in a statement";*
- *"IFP says the new Head of the KZN Health Department, Dr Sifiso Mtshali will have to work hard to sort out the affairs of the Department"; and*
- *"Former CIA contractor, Steven Kelley says United State wants to pacify Israel after Secretary of Defence, Ashton Carter stated that the Israel-US nuclear conclusion will not prevent the US from using military forces if necessary ".*

The Licensee was found to be compliant with clause 4.1.2.1 of the schedule to the licence.

Clause 5.1.2 of the schedule to the licence provides that the Licensee shall broadcast 45% South African music content :

The Licensee submits that its music is sourced from South Africa in various languages, which include English, Arabic, Zulu, Xhosa and Urdu.

The monitoring confirmed that the radio station broadcasts local music as required by clause 4.1.3.1 of the schedule to its licence. The artists whose music is played by the radio station include Mishary Rashid Alafasy, Raashid Kazi, Waahid, Zain Bhikha, Unity, Taariq, Owais Malinga, Naeem Shaik Hameed, Faisal Khan, Waleed Bata, Owais Qadri, Maher Zain, Ahmad Bukhatir, Benammi, Dawud Wharnsby Ali, Yusuf Islam, Raihan, Native Deen.

The Licensee was found to be compliant with clause 4.1.3.1 of the schedule to its licence.

Clause 5.1.3 of the schedule to the licence states that the Licensee's format is 80% talk and 20% music.

The monitoring exercise revealed that Al-Ansaar Pietermaritzburg broadcasts 20% music and 80% talk. This in line with clause 4.1.1 of the schedule to its licence conditions.

The Licensee was found to be compliant with clause 4.1.1 of the schedule to its licence.

Clause 5.1.4 of the schedule to the licence stipulates that Language(s) of broadcast are as follows:

"5.1.4.1 English – 84%;

5.1.4.2 isiZulu – 9%; and

5.1.4.3 Urdu – 5%; and

5.1.4.4 Other African languages – 2%".

According to the Licensee, it broadcasts in 85% English; two hours of daily broadcast is in isiZulu, which is equivalent to 9%. Further, the radio station broadcasts 3 Urdu shows such as "Urdu Khazana", "Saan e Muhammed" and "Bazme Adab" which is equivalent to 5%. The radio station broadcasts 2 programmes in Chichewa and Swahili which translates to 2%.

The Authority's monitoring confirmed that the radio station adheres to its language requirements.

The Licensee was found to be non-compliant with clause 4.1.4 of the schedule to its licence conditions.

Clause 5.2 of the schedule to the licence stipulates that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".

The Licensee states that monthly logs are submitted to the Authority via email and a collection of audio is posted to the Authority.

The Compliance Unit can confirm that Al Ansaar Radio – Pietermaritzburg does submit programme logs monthly without fail. According to the regulations,

recordings can be submitted to the Authority upon request. Al Ansaar submits its recordings on monthly basis to make it easy for the Authority to monitor its content.

The Licensee was found to be compliant with clause 5.1.3 of the schedule to its licence.

4. REGULATIONS

4.1 REGULATIONS ON A CODE ON PEOPLE WITH DISSABILITIES

Clause 3.1(a) of Regulations on a Code on People With Disabilities states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

The Licensee provides accessibility to people with disabilities by networking partnership and consultations to organisations of people with disabilities. One of the organisations that the radio station works closely with is based in Pietermaritzburg called "Madrassa An Noor for the Blind". This organisation assists blind people with online classes for the reciting of the Holy Quran. For example, blind computer users are now able to use 'Refreshable Braille' to read the Holy Quran. Madrassa An Noor for the Blind also assist with the development of the first mobile app for blind muslims. Further, the radio station broadcasts programme called **Medical Files**, featuring psychologists and psychiatrists and focusing on mental disabilities. The radio station has a programme called **Counselling on Air** which deals with mental disabilities such as depression, acute stress disorders, mood disorder, etc. Further, the radio has a programme called Yadul Ansaar which focuses on raising funds in order to assist NGOs like "Madrassa An-Noor for the Blind".

The radio station submitted pictures as proof of its involment in the projects of people with disabilities in the Pietermaritzburg and the surrounding area.

The Licensee was found to be compliant with clause 3.1(a) of Regulations on a Code on People With Disabilities.

Clause 3.1(c) of Regulations on a Code on People With Disabilities states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

The Licensee submitted letters from community members and other organisations thanking the role that the radio station has played in assisting people with disabilities. The letters include letter from Blind and Deaf Society, Ethekwini Municipality, Association For Persons with Physical Disabilities and Mr R Khan.

The Licensee was found to be compliant with clause 3.1(c) of Regulations on a Code on People With Disabilities.

4.2 South African Music Content Regulations¹⁰

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period".

The monitoring confirmed that Al Ansaar Pietermaritzburg broadcasts above 45% of local music per day. This music is sourced from South Africa in various languages, which include English, Arabic, Zulu, Xhosa and Urdu.

The Licensee was found to be compliant with the Regulations on South African Music Content.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences¹¹

¹⁰ Appendix B: South African Music Content Regulations.

¹¹ Appendix C: Regulations regarding Standard Terms and Conditions for Class licences

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the standard terms and conditions for class licences.

The Licensee was found to be compliant with the Regulations on South African Music Content.

5. CONCLUSION

Community radio if used for what it is intended can contribute to community development and improve people's livelihood. The Licensee was found to be compliant with all provisions of its licence conditions and applicable regulations.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Radio Al-Ansaar Pietermaritzburg's broadcasting service licence;
- 6.2 Appendix B: South African Music Content Regulations; and
- 6.3 Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees
- 6.4 Appendix D: Regulations on a Code on People with Dissabilities
- 6.5 Appendix E: Radio Al Ansaar Pietermaritzburg's 2015 – 2016 Compliance Report