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04 June 1993

Multi-Party Negotiating Process
P O Box 307
ISANDO

Fax No: 011 - 3972211

Dear Sir

RE: CISKEI GOVERNMENTS FURTHER SUBMISSION TO THE TECHNICAL COMMITTEE ON INDEPENDENT MEDIA

We enclose herewith a further submission for the Technical Committee on Independent Media for your attention.

Yours faithfully

M B WEBB
CISKEI GOVERNMENT
MULTI-PARTY NEGOTIATING PROCESS

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Section 3 (1) and (2) of the draft Act sets out the object of the Commission as to contribute towards the promotion and creation of a climate favourable to free political participation and a free and fair election.

The powers and Functions of the Commission are contained in section 14. Of particular interest are subsections (1) and (2).

In Section 15 (1) to (5) the Act controls the content of political broadcasts.

Section 16 (1) to (3) regulates political advertising.

Section 17 prohibits political broadcasts and advertisements on television.

Section 18 enforces equitable treatment of political parties should the coverage extend to the field of elections.

It is clear that the Act provides for an **INDEPENDENT MEDIA COMMISSION** and not a commission for an **INDEPENDENT MEDIA**. The only independence envisaged here is that of the commission.

The Act particularly disfavors Public Service Broadcasters such as the SABC and Broadcasters of the TBVC states.

These broadcasters will stand increasingly alone as providers of quality prime time information as commercial pressures pull the values of information broadcasting of the so called independent stations apart.

The Act does little to protect the interest of minority groups. Effective stewardship of the public interest will only be achieved through a clear separation between a regulatory authority and those responsible for the day to day management.

The provisions of the Act will in practice achieve a reciprocal object.

Firstly the act does not control broadcasts from outside the country's borders such as Radio Freedom, the BBC World Service and many others. It also makes no mention of CNN's newscasts. However, section 17 completely silences our own television broadcasting services.

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One must bear in mind that political events in South Africa, particularly during a possible election period, will be prime news to the international media.

Only the major parties such as the NP, ANC and others with international links will be in a position to benefit from exposure via the international media.

Locally, a lack of funding will limit the smaller parties from making full use of advertising and airtime. For instance, national figures representing parties such as the NP and ANC will have the benefit of using national broadcasters to get their messages across throughout the country. At the same time they also have the resources to use the regional stations to the full.

In contrast, a party like the ADM for instance, may only afford a limited use of their local station. Their coverage in the area will thus be only a fraction of that of the opposing parties.

Also, Parties like the ANC and NP could afford to bring experts to the area for political debate, ie. They will be able to use big cannons against local muskets.

The line between proper complaint about content of a programme and improper pressure on broadcasters is also a thin one.

For instance, The covering of political violence, church services, funerals of members of political parties or victims of political violence may all lead to violations of the Act.

One must also bear in mind interviews with civic, business and community leaders whose views on mundane issues may be construed as political.

It is my view that the political control proposed by the Act will not only stifle liberty, but can also create a farce. For example, when the German government was pressing for diplomatic recognition of Croatia, Croatian television authorities banned all films about the First and Second World Wars in which Germany was shown in a bad light.

In essence, I believe the Act will effectively silence the public service broadcasters.

Bearing in mind that the mandate of a public service broadcaster is to serve the public, which consist of a multicultural, multiracial society, it will also effectively deny the many ethnic and political minorities the opportunity to be heard.

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The Act also clashes directly with the mandate by which CBC is licensed to broadcast at present. It also deletes the authority of the Board of the Ciskei Broadcasting Corporation, who - as a regulatory authority - is empowered specifically to ensure that CBC is achieving its public purposes.

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