

**MEMO ON THE DRAFT IMC BILL  
SUBMITTED BY THE TECHNICAL COMMITTEE  
(NOTES FOR ANC DELEGATION)**

**I. CRITERIA FOR APPOINTMENT OF IMC MEMBERS:**

1. **Paragraph 5:** Persons qualified to be members of the Commission:

The criteria for membership of the IMC are too technical in orientation. This applies moreso to the Chairperson and Vice-Chairperson: judge, former judge, practising advocate or attorney for not less than ten years. This will have the effect of favouring white males in the establishment. There might be a need for legal expertise at this level; but the qualifications should be relaxed somewhat. Further, for both the Chairperson and Vice-Chairperson, a balance needs to be struck between legal expertise and straight-forward integrity and a track record on human rights issues.

2. **Paragraph 6:** Persons disqualified from being members:

(d) "Is a political party representative" - too vague and could be read to mean that simple membership of a political organisation should disqualify persons of integrity.

**II. GOVERNMENT MEDIA:**

1. **Paragraphs 14 (3) and 19:** State-financed publications:

The definition has been narrowed to include only "state-financed publications", whereas the intention is to ensure that:

- 1.1. all state media should be monitored to ensure that they do not promote or prejudice any party or group of parties;
- 1.2. this applies to all state media including state-owned and financed publications, state communication services such as SACS, research institution such as HSRC, spokes-persons in ministries and the media-related machineries of the security forces; and
- 1.3. powers of the IMC should include capacity to impose appropriate

penalties, such as those against broadcasters: phases culminating in the closure of a publication or a function/section of a relevant institution.

### III. IMC AND CURRENT GOVERNMENT:

1. **Paragraph 4 (2):**

"...appointment by the State President upon the recommendation of the TEC/MPF" - it needs to be made clear that the TEC/MPF recommendation would be binding on the State President.

2. **Paragraph 26 - Regulations:**

State President may make regulations on recommendation of the Commission - this by-passes the TEC/MPF and is therefore irregular.

3. **Paragraph 29 - Short title and commencement:**

State President to determine the date on which the Act comes into effect - this also by-passes the TEC/MPF.

**NB:** Other comments are of a detailed editorial nature and can be pointed out to Technical Committee members.

25 May 1993

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