

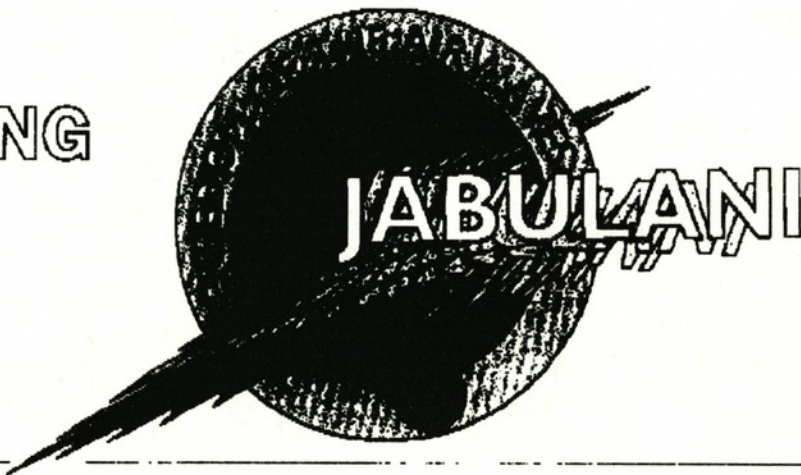
JABULANI BROADCASTING NETWORK

PWV Region

PO Box 16939, Doornfontein 2028

Phone (011) 402-4570

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22 December 1991

Dr Zach De Beer
Chairperson
CODESA Steering Committee

Dear Dr De Beer

The Control and Regulation of Broadcasting in the Interim Period

Here is a copy of the document sent to Mr Gene Louw, Minister of Home Affairs, concerning the report of the Viljoen Task Group on Broadcasting and the question of the control and regulation of broadcasting in the interim period. As it makes explicit proposals relating to CODESA's role with regard to broadcasting, we feel it may usefully be tabled at the first session of the CODESA working group on the creation of a climate for free political participation.

Yours faithfully

W. Currie
Willie Currie
Co-ordinator

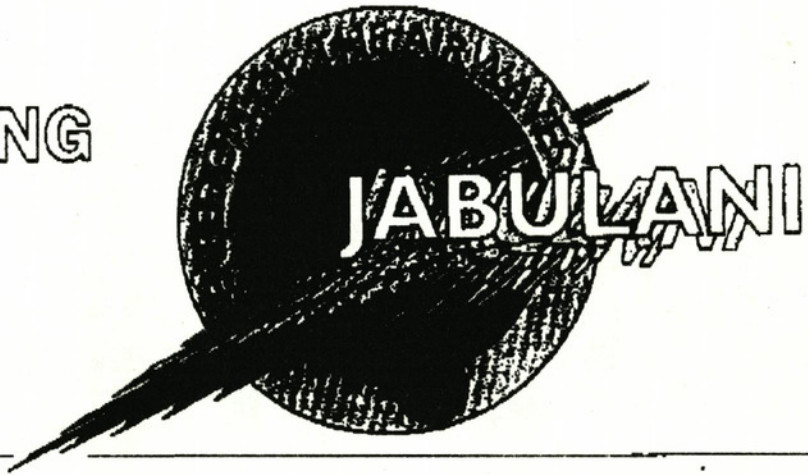
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12 December 1991

Mr Gene Louw
Minister of Home Affairs
Private Bag X741
PRETORIA 0001

Dear Sir

THE REPORT OF THE TASK GROUP ON BROADCASTING IN SOUTH AND SOUTHERN AFRICA

In March 1990, you appointed the Viljoen Task Group to investigate and make recommendations on a range of issues affecting the broadcasting sector. The report of the Task Group was completed in August 1991 and you called for comment on the report by 12 December 1991, after which you plan to introduce new broadcasting legislation into the tricameral parliament in 1992.

We are writing not to comment on the content of the Viljoen Task Group's report but rather to express our concern about a number of points relating to the overall context in which the Viljoen Task Group operated.

A. PROBLEMS WITH THE VILJOEN TASK GROUP

We contend that the Viljoen Task Group's report is an inadequate vehicle for proceeding with legislation aimed at reregulating the broadcasting sector for the following reasons:

1. You appointed a Task Group and not a Public Commission of Inquiry into Broadcasting. The Task Group conducted its sessions in secret, apart from one press conference and one open session. Professor Viljoen claimed that this was done because many submissions carried details of business plans. We feel that this is a poor excuse and that in camera arrangements for the revelation of business plans could have been made without prejudicing the public nature of an enquiry.

In our view, a matter of such public importance as the future of broadcasting needed to be addressed in the open through a body of recognisable impartiality and independence such as a Public Commission of Inquiry. In other words, the public interest has not been served by the secret operations of the Viljoen Task Group. One of the effects of this has been to stifle public debate in the press and broadcast media, which would have been an important public and democratic component to any investigation. The absence of this broad public debate also reflects badly on the value of the Task Group's findings and recommendations.



2. The composition of the Task Group was such that most of the people sitting on the Task Group had a significant material interest in the broadcasting sector and its future. Rather than constituting the ones who sat in judgment over the broadcasting sector, the Chairman of the SABC, the Chairman of M-Net, the leading figures in the film and advertising industries, the representatives of the military and intelligence communities, should have been making submissions to a more neutral body, along with other interested parties. Given the manner in which it was structured, we cannot regard the Task Group's report as the product of disinterested individuals.

3. In our view, the composition and secretive process of the Viljoen Task Group caused the content of the Task Group's Report to reflect the narrow interests of the state, the SABC and sections of the business community and not the broad public interest. This bias in the Task Group can be seen in the way that the SABC and M-Net have their licenses protected by a grandfather clause and in the way in which M-Net escapes local content regulation with a minimal and laughable obligation towards local content in one third of its open time. In addition, there is inadequate discussion of cross-ownership regulations to prevent the monopolistic cross-ownership of broadcast media by press interests as is the case with M-Net. This can only be explained by concluding that the presence of M-Net on the Task Group enabled M-Net to block any question of cross-ownership regulations being applied to it. In addition, the SABC retains its dominance over FM radio frequencies in metropolitan areas and no attempt is made in the report to redesign the FM grid for the distribution of frequencies. The present state will protect its interest by being able to establish the country's first Independent Broadcasting Authority (IBA) unilaterally through the tricameral parliament, if the state accepts the Task Group's IBA proposal. These few examples cast serious doubt on the impartiality of the Task Group to make reasonable recommendations relating to the re-regulation of the broadcast sector. We therefore regard the Task Group's recommendations as the product of a highly partisan process which cannot be allowed to inform any broadcasting legislation.

4. The Viljoen Task Group was appointed very soon after the dramatic political changes introduced by President F W De Klerk's February 2 speech. Yet the Task Group's composition and activities reflected nothing concerning the macro-political changes taking place. It remained a predominantly white Afrikaans male grouping (the token addition of Aggrey Klaaste notwithstanding). One of the effects of this is that the Task Group's report appears as if it were written in a political vacuum. It does not address the changes taking place in the period of negotiations.

5. One consequence of this was that a wide range of organisations representing millions of South Africans did not have confidence in the impartiality or neutrality of the Viljoen Task Group to make any submission to it whatsoever. These organisations included the recently unbanned organisations of the liberation movement, the African National Congress (ANC), the Pan Africanist Congress (PAC), the South African Communist Party (SACP) as well as organisations of the broad democratic movement such as the trade union federations of the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU), the United Democratic Front (UDF), the South African Council of Churches (SACC), the National Education Co-ordinating Committee (NECC), the Azanian Peoples' Organisation (AZAPO), the national movement of civics, media and cultural organisations etc. From our perspective, in a period of negotiations, it means that the Viljoen Task Group has a serious credibility problem and its findings and recommendations can not be considered to reflect the broad views of the South African public.



6. The effects of this lack of credibility and the bias towards the interests of the state, the SABC and the business community mean that the Viljoen Task Group Report is wholly inappropriate for drafting legislation on the control and regulation of broadcasting in South Africa.

B. COUNTER-PROPOSALS ON THE CONTROL AND REGULATION OF THE BROADCASTING SECTOR

We consider that the whole process by which the Viljoen Task Group arrived at its findings and recommendations was unacceptable. This partisan process affected the content of its findings and recommendations in a way that they reflect the interests of the state, the SABC and the business community. We therefore make the following counter-proposals to you:

1. that you refrain from unilaterally introducing any legislation during the next sitting of the tricameral parliament that attempts to restructure or re-regulate the broadcasting sector.
2. that the issue of the control and regulation of broadcasting be placed on the agenda of the Convention for a Democratic South Africa (CODESA) and that your government desists from attempting to act unilaterally with regard to the broadcasting sector.
3. that through CODESA the question of broadcasting be placed before a public and independent Commission of Inquiry, which will have the necessary impartiality and credibility to hear all views on the future of broadcasting in South Africa.
4. that the powers to control and regulate broadcasting as they currently exist be transferred from the Ministry of Home Affairs to an Interim Broadcasting Consultative Committee (IBCC), set up by CODESA.

This IBCC should be responsible for the following:

- a. amending legislation to provide for the appointment of new representative Boards of Control for the SABC and TBVC broadcasters. These new Boards of Control would be accountable to the IBCC.
- b. drawing up guidelines for the equal access of all political parties engaged in CODESA to airtime on all public broadcasting services during the period of negotiations and elections.
- c. producing guidelines for the impartiality of news and current affairs programming on all broadcasters, public and commercial, during the period of negotiations.
- d. receiving the report of the Commission of Inquiry on broadcasting and if there is agreement, the broadcasting sector could be re-regulated during the interim period.

As you can see, the proposal regarding an IBCC looks at issues concerning the actual political context of negotiations which the Viljoen Task Group's report completely ignored.

5. that an extensive public debate concerning broadcasting policy needs to be stimulated. Such a debate should focus, among other things, on the composition, powers and functions of an Independent



Broadcasting Authority in the changing political context of a new South Africa. We recommend that all South Africans engage in an open debate on the freedom of the airwaves and the right to broadcast.

Many of these views were discussed at the Jabulani! Freedom of the Airwaves Conference held in the Netherlands in August 1991. Forty-Seven South African organisations and individuals concerned with broadcasting and critical of the Viljoen Task Group produced a set of recommendations towards the future of broadcasting. We attach the press release of the conference as well as the recommendation on broadcasting in the interim period.

Yours faithfully

A handwritten signature in cursive script that reads "W. Currie".

Willie Currie
Co-ordinator
Jabulani Broadcasting Network (PWV REGION)

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FOR IMMEDIATE RELEASE, SATURDAY AUGUST 17, 1991**SOUTH AFRICAN BROADCASTING CONFERENCE MEETS IN HOLLAND AND
DRAWS UP SOUTH AFRICA'S FIRST UNITED POLICY FOR OPENING THE
AIRWAVES.**

As the government-appointed Task Group on Broadcasting prepares to submit its report to the Cabinet, 47 South African organisations and individuals concerned with broadcasting met in Doorn, The Netherlands, this week, and drew up South Africa's first united policy for freeing the airwaves.

The conference, called "Jabulani! Freedom of the Airwaves", is the largest and most representative grouping yet to examine the issue of a new broadcasting system for South Africa.

The conference consisted of representatives of unions and trade union federations, civic associations, community and commercial broadcasters, film-makers, journalists, media trainers and academics. Participants ranged from mass democratic organisations such as the African National Congress to current independent commercial broadcasters, Radio 702 and Capital Radio.

The delegates all share the belief that the negotiations process will not be free and fair until the people of South Africa are assured equal access to the powerful broadcasting media of radio and television, presently dominated by the SABC. They also believe that before negotiations can begin in earnest, the SABC must, as the public broadcaster, start fulfilling its obligation to be impartial.

The Conference affirmed its support for the freedom of the airwaves, and the principle that there should be three broadcasting sectors: public, commercial and community. But it made it clear that the present government has neither the legitimacy nor the authority unilaterally to re-regulate broadcasting. It believes that an All-Party Conference, should have, as one of its first tasks, the responsibility for appointing a Commission of Inquiry. This commission would survey public opinion and produce recommendations on the re-regulation of broadcasting under a democratic constitution.

The All-Party Conference should also appoint an Interim Broadcasting Consultative Committee (IBCC), which would be responsible for the control and regulation of broadcasting until a democratically-elected government puts an Independent Broadcasting Authority into place.

The IBCC would require the SABC to adhere to a code of conduct to ensure impartiality and would begin limited re-regulation in the interests of fair and open broadcasting.

'Jabulani' is organised by the 'Omroep voor Radio Freedom' foundation and the Anti-Apartheid Movement of the Netherlands in close coordination with the African National Congress / Radio Freedom and the Film and Allied Workers Organisation. The conference will take place from August 11th until August 18th.



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The Conference also recommended that an Independent Media Monitoring Commission be set up immediately to ensure that media reporting is fair, open and impartial during the transition period.

The delegates endorsed the idea that radio and television are important media for facilitating public participation in democracy, and called for a programme of action around the establishment of community radio.

The Conference also dealt with the pressing need to address the education crisis, and the significant contribution the electronic media can make in this area.

The Conference recommended that steps be taken to remove the Christian National religious bias of the SABC. It also called for the speeding up of efforts to formulate a comprehensive national language policy, as this is central to future broadcasting in South Africa.

It also established a development network to investigate all the issues discussed by the conference and to step up training and education for those South Africans disadvantaged by apartheid.

Papers delivered included those by Prof Njabulo Ndebele (University of the Witwatersrand), Mr Jaap Swart (head of Radio Netherlands Training Centre), Prof John van Zyl (University of the Witwatersrand), Mr Willie Currie (general secretary, Film and Allied Workers Organisation) and Mr Stan Katz (managing director, Radio 702)

Although not a delegate to the conference, Prof Christo Viljoen, chairperson of the SABC Board and the government-appointed Task Group on Broadcasting, was present for one session.

FOR FURTHER DETAILS CONTACT:

MR BART LUIRINK in Amsterdam (0931 20) 685-2916
or between 15h00 - 18h30 at (0931 20) 523-7700 on Saturday August 17, 1991.

'Jabulani' is organised by the 'Omroep voor Radio Freedom' foundation and the Anti-Apartheid Movement of the Netherlands in close coordination with the African National Congress / Radio Freedom and the Film and Allied Workers Organisation. The conference will take place from August 11th until August 18th.



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CONFERENCE DELEGATES

African National Congress
 National Interim Civics Committee
 National Education Co-ordinating Committee
 Congress of South African Trade Unions (Cosatu)
 National Council of Trade Unions (Nactu)
 South African Council of Churches
 Institute for a Democratic Alternative for South Africa (Idasa)
 Film and Allied Workers Organisation
 South African Union of Journalists
 Association of Democratic Journalists
 Media Workers' Association of South Africa
 South African Students' Press Union
 Radio Freedom
 Southscan
 Weekly Mail
 Capital Radio
 Radio 702
 Bop TV
 Mmbatho TV
 Transkei Broadcasting Corporation
 Video News Services
 Free Film Makers
 Dynamic Images Video
 RM Productions
 South Africa Now
 Kevan Harris productions
 Durban Media Trainers Group
 Cassette Education Trust
 Community Video Education Trust
 SA Council for Higher Education (Sached)
 Congress of Natal Campus Radio
 Campaign for Open Media
 Media Resource Centre
 Bush Radio, University of the Western Cape
 Media Research and Training Unit, Rhodes University
 Natal Organisation of Video & Allied Workers
 Broadcasting/Telecommunication Working Group, Natal
 Performing Arts Workers' Equity (Pawe)

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BROADCASTING IN THE INTERIM PERIOD**BELIEVING:**

1. that there are no guarantees that SABC news reporting will be fair, impartial and balanced during the interim period,
2. that impartiality in news is a crucial component in ensuring the fairness of the negotiation process and for democratic elections to take place,
3. that the present government has no legitimacy or authority to unilaterally re-regulate broadcasting in South Africa,
4. that the government's Broadcasting Task Group has operated in secret and represents the interests of a minority grouping,
5. that public debate has not taken place regarding the future of broadcasting.

THE CONFERENCE RECOMMENDS THAT

1. The All-Party Conference (APC) should appoint a Commission of Inquiry which will survey public opinion and produce recommendations on the re-regulation of broadcasting in South Africa under a democratic constitution,
2. the APC should appoint an Interim Broadcasting Consultative Committee. The IBCC would take responsibilities for the control and regulation of broadcasting in the interim period. Its tasks should include
 - a) requiring the SABC to adhere to a code of conduct to ensure impartiality throughout the interim period,
 - b) undertaking limited re-regulation in the interests of fair and open broadcasting.
3. to ensure that fair, open and impartial reporting is maintained throughout the interim period, the Campaign for Open Media should be requested to convene an Independent Media Monitoring Commission to monitor all media in South Africa and to report its findings publicly.

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