

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO THE APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP SUB-GROUP AND TO THE RATIFICATION BY THE WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE MEETING OF WORKING GROUP 1 SUBGROUP 3 HELD AT THE WORLD TRADE CENTRE ON MONDAY 17 FEBRUARY 1992 AT 8AM.

PRESENT: Delegates and Advisers (see Addendum A)

Chair: Rev TJ Mohapi

Secretary: A Feinstein

Minutes: K Morgan

1. Conveners Opening remarks

1. The Convenor apologised for the minutes not being circulated timeously due to the fact that he was unavailable to ratify the minutes as well as the unavailability of the fax machines at the time.

2. Press Report

2.1 Mr Coetsee informed the delegations that:

2.1.1 A newspaper report carrying alleged decisions of WG1 Subgroup 3, was issued over the weekend;

2.1.2 that the report was carried prior to the minutes being circulated;

2.1.3 that the report was distorted;

2.1.4 that in terms of an MC decision on press releases, the report was unauthorised;

2.2 The meeting agreed:

2.2.1 That the matter be referred to the WGSC1;

2.2.2 that the WGSC1 re-examine the principle of issuing press statements ;

2.2.3 that the WGSC1 make recommendations on the content of the said statement;

2.2.4 that there was a need for monitoring the media;

2.2.5 that there needs to be a mechanism to ensure that delegates don't leak information to the press.

3. **Adoption of Agenda**

The agenda was adopted with the following amendment:

That "Submissions" be added on to the agenda as point 4.1.

4. **Ratification of Minutes**

The minutes were adopted with the following amendments:

4.1 The header was amended to state that: Draft Minutes of WG1 SubGroup 3 held at the WTC on 10 February at 13h30.

4.2 That point 8.2 read: SG3 discuss the recommendations that may be made to other Working Groups on the amending/repealing of media legislation.

4.3 That point 9 read: Monday 17/02: SubGroup 3, 08h00-12h30.

4.4 That 4.5.7 be amended to read: Inyandza National Movement:

4.5 That 4.5.13 read: SACP:

4.6 That 6.1 read: That in the absence of consensus, SG3, on the question of the electronic media, including those in the TVBC states, agree to discuss the following points at it's next meeting

4.7 That 8.1 read: That SG3 refer the issue of refugees to SG1 or SG2.

5. **Matters Arising**

Resolved:

5.1 That the WGSC1 make recommendations on how addendum to minutes should be treated.

5.2 That the meeting will continue to concentrate on Items F,L and O

(It should be noted that the IFP was requested to withdraw one of its Delegates after Dr Madide made a late appearance at the meeting. Mr Bernard left the meeting.

6. **Submissions**

The following delegations submitted written submissions:

- 6.1 Democratic Party
- 6.2 African National Congress
- 6.3 National Party
- 6.4 United People's Front
- 6.5 SA Communist Party
- 6.6 Solidarity Party
- 6.7 Dikwankwetla Party

- 6.8 Inyandza National Movement
- 6.9 Venda Government

7. The need for political neutrality and impartiality of the electronic media during the transition

7.1 With the exception of the NP, the South African Government, the Ciskei Government and the Bophuthatswana Government, all delegations agreed with the principle of political neutrality and impartiality of the electronic media to be embodied in an Independent Broadcasting Authority.

7.2 It was agreed that the question of a Code of Conduct for the electronic media be added to the agenda.

7.3 **The following general points were put forward by delegations:(See ADDENDUM B)**

8. Next Meeting

Resolved:

- 8.1 That the ANC will circulate a motion of neutrality and impartiality before the next meeting.
- 8.2 That since the government can only come to a conclusion in a fortnight the delegations agreed to wait for the governments submission before reaching final conclusions.
- 8.3 That the next meeting will be on Tuesday 25: 8h00-12h00

ADDENDUM B

- 7.3.1 National Party: Reported that they were presently studying the report of the task group on Broadcasting and are awaiting further inputs to facilitate their own final conclusions on the items being discussed.
- 7.3.2 That the National Party was satisfied that the SABC's code of conduct, values and present editorial policy meet the requirements for political neutrality
- 7.3.3 That the SABC is free from government intervention
- 7.3.4 That the SABC is not funded by Government
- 7.3.5 That inferences about the SABC's bias towards government cannot be drawn on the basis that government appoints members of the SABC's Board
- 7.3.6 That in regard to the distribution of time slots to various political slots, this should be dealt with on an advisory basis.
- 7.3.7 That the National Party is satisfied that the SABC's neutrality and impartiality can be achieved without any modification to the present structures.
- 7.3.8 That the status quo should be maintained as an interim measure.
- 7.4 Labour Party: The LP agrees with the broad principle of an Independent Broadcasting Authority
- 7.4.1 The LP referred the NP to a paper delivered by Mr Johan Pretorius in the Western Cape, in which he conceded that the SABC is biased
- 7.5 SA Government: The government reported that they were not as yet prepared to make a submission and that they first intended to study inputs made by other delegations before making their own submission.
- 7.6 ANC: The ANC pointed out that the work of SG3 will be held up indefinitely if they have to await submissions from every Party.
- 7.6.1 That SG3 needed to come to a consensus as to whether the present situation, where government administers control over broadcasting, does not establish the basis for impartial administration.
- 7.6.2 That SG3 needed to examine whether there was a role for CODESA in the general establishment of an Independent Communications Authority.
- 7.7 Transkei: The Transkei government reported that they got the impression that government was attempting to delay the process and work of SG3.
- 7.8 Dikwankwetla: Believed that members of the SABC Board must be independent
- 7.8.1 That legal provision must be made for all Parties to have fair access to the mass media.
- 7.8.2 That there should be fair access to public venues and facilities which should be acquired in an orderly manner

- 7.8.3 That there should be continuous education and informative campaigns in respect of political tolerance, the working of democracy and the process of CODESA which must be addressed at grassroots level.
- 7.9 Ciskei Government: The government reported that they could not accept the principle of an independent Authority.
- 7.9.1 That since such an independent authority would be seen to be encompassing the whole of South Africa, including the TBVC states and that since this could be regarded as a first step towards a unitary dispensation, the Ciskei could therefore hardly agree to such a notion.
- 7.9.2 Based on this premise the Ciskei government could not be party to a consensus decision in which its authority is taken away with regard to the electronic media.
- 7.10 Solidarity: Believes that the SABC is biased.
- 7.10.1 That the state controlled media must be restructured
- 7.10.2 That it is necessary to institute an independent service where fair access must be given to all Parties
- 7.10.3 That the media must be employed to educate people on the new political situation.
- 7.11 DP: Brought to the attention of Mr Webb that at present the Ciskein government accepts the authority of another agency in that it is the South African post office which provides them with a licence to operate Ciskei radio and that they therefore do not operate altogether independently and thus could accept the need for another agency to regulate Broadcasting within the greater South African area.
- 7.11.1 That the FCC in the USA be seen as a good example of a single broadcasting authority managing an enormous country with many states.
- 7.11.2 That they believe that the role of the Independent Authority is not to interfere in content and editorial policy of radio and TV stations but to regulate the issue of licences for people to broadcast.
- 7.12 Ciskei: Pointed out that they had had a different conception of a Broadcasting Authority and that if its only role was to regulate licensing it will accept the notion of an independent authority.
- 7.13 Bophuthatswana Government: Reported that they have the same views as the Ciskei government on the question of an Independent Broadcasting Authority.
- 7.14 The Independent Broadcasting Authority should control licensing and neutrality of the media.
- 7.14.1 That there was a need to discuss the possibility of whether non-government bodies establishing their own broadcasting services will be subjected to the same rules of neutrality.
- 7.14.2 A legally binding Code of Conduct for the electronic media needs to be established for the electronic media.
- 7.15 ANC: Agrees with the need for a Code of Conduct and the fact that the SABC published its own code of conduct is an admission that it is not conducive to impartiality or even handedness.
- 7.15.1 That such a code of conduct must be established on a multilateral basis in the context of a climate for free political activity.
- 7.15.2 That the idea of having one independent South African broadcasting authority is not to stifle other regional and constitutional developments.

- 7.15.3 That highly federal governments like Germany have a National Broadcasting Authority with local regions having large amounts of autonomy.
- 7.15.4 That the present local broadcasting authority does not encourage and develop local and regional contact.
- 7.15.5 An Independent Broadcasting Authority must essentially deal with issues of ownership, regulation and broadcasting research, and must be an overall body for the whole of South Africa.
- 7.15.6 That it is unacceptable that one Party dominates the Broadcasting arena, that all Parties must be treated with on an equal basis with fair access.
- 7.15.7 That the issue is not one of control but rather an organisational and administrative one to ensure that there is an even handed application to policy.
- 7.15.8 That a government appointed Board could never be independent.
- 7.15.9 That there must be community wide participation in the way a communications authority is established.
- 7.15.10 The ANC does not envisage a government of the future appointing a communications board. In the interim period this policy must apply throughout the whole of South Africa for a climate for free political activity to prevail.
- 7.16 Public broadcasting must be fair and unbiased while commercial broadcasting may be fair but not necessarily unbiased.
- 7.17 IFP: The principle of neutrality must apply to both commercial and public broadcasting.
- 7.18 ANC: The issue of broadcasting is related to people's perceptions and that if one authority has control it cannot be unbiased.
- 7.19 SA Government: That editorial policy and application of the SABC is monitored by the media council.
- 7.19.1 That the structure of the present broadcasting authority is adequately structured and therefore cannot accept the need for an Independent Broadcasting authority.
- 7.20 SACP: The government's claim that the SABC is neutral and impartial is debatable and that they cannot accept that the status quo should remain.
- 7.21 If consensus is reached on the need for an Independent Broadcasting authority SG3 needs to discuss how CODESA would proceed to institute such a body.
- 7.22 SA Government: if there are weaknesses in the present broadcasting system, these could be adjusted and the position of the government could be influenced after studying other inputs on the issue.
- 7.23 Venda: There is a need to define the pace of progress on this issue and that government should be sensitive to the fact that what is on the agenda is the liberation of the disenfranchised people.
- 7.24 Intando Ye Sizwe: Believes that since the majority of delegations are in favour of an Independent Board there is sufficient consensus on the issue.
- 7.25 Inyandza: In the past the government had fair access to media and they have a vested interest in maintaining the status quo. Further, the media council is not effective.
- 7.26 Transkei: Need an independent body that can transform the SABC. The Transkei is also concerned

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WGSG3/MINUTES/FEBRUARY

about the government delaying the process. It is dangerous to ignore the perceptions of the people that the SABC is not neutral.

ADDENDUM A

The following people signed the registration form:

| Party/Organisation/ Administration | Delegate | Adviser |
|---------------------------------------|-----------------------------------|---------------|
| ANC | Kader Asmal | P.M. Maduna |
| Bophuthatswana Govt. | MZ Masilo | J Esterhuizen |
| Ciskei Govt. | M.B. Webb | MG Ndzondo |
| Democratic Party | P. Soal | D. Smuts |
| Dikwankwetla Party | T.J. Mohapi | MM Maekane |
| Intando Yesizwe Party | S.L. Mthimunye | D.P. Mahlangu |
| SA Government | HJ Coetsee | PJ Colyn |
| IFP | Dr Madide / Mr Bernard | Mrs Mars |
| Inyandza Party | Ms Gininda | MJ Mahlalela |
| Labour Party | E Samuels | IJ Kruger |
| TIC/NIC | R.M. Shaik | M Moola |
| National Party | G.B. Myburgh | |
| NPP | A.K. Beesham | D. Chetty |
| Solidarity Party | P.I. Devan | C.A. Naguran |
| SACP | E. Pahad | F. Baleni |
| Transkei Govt. | L.V. Ntsubane | M. Mphalwa |
| Venda Govt. | R.C. Nevhutalu | J. Nembambula |
| United People's Front | | L Mpya |
| XPP | Z.M. Tlakula | N.M. Msetwene |