

**DISCUSSION PAPER OF THE
AFRICAN NATIONAL CONGRESS**

(This document is aimed at discussion within the ranks of the ANC, the Alliance, the Patriotic Front and Media Workers)

Bilateral negotiations on broadcasting in the transition

1. Background

The South African Broadcasting Corporation is the country's major information provider with a larger audience than the rest of the media, print and broadcast, combined.

It is also, by tradition, strongly partisan towards the National Party government which exercises a strong influence over its content and over its control structures (through the appointment of the SABC board of control by the state president). In its current form, the SABC is thus in a position to significantly skew public perceptions ahead of South Africa's first democratic, non-racial elections.

To prevent this the ANC and its allies proposed at Codesa the replacement of the mechanisms of direct government control over SABC with structures to guarantee the independence of SABC from any party political influence.

It also proposed the integration of the TBVC broadcast services into a single national public broadcasting service under the SABC board.

The ANC proposals won significant support, particularly in the media and in the political middle-ground, by insisting on independence rather than the replacement of NP influence by ANC influence. Independence remains the most powerful weapon to end SABC bias.

It was originally envisaged that the independent control and regulatory mechanisms would be in place by August, 1992, at the latest. But even ahead of the Codesa II deadlock, progress was slow. Since Codesa II there

has been no progress at all.

ANC proposals at Codesa relied on new legislation to achieve broadcasting independence. However, continued reliance on this route will immobilise the process until at least February 1993 and probably significantly later.

The country cannot afford to wait that long. It is therefore necessary to seek alternative means of ending SABC bias.

2. Objectives

Our main objective in bilateral negotiations on broadcasting remain unchanged: ending SABC and TBVC broadcasting bias by establishing independent control and regulatory structures.

The essential elements of our original proposals also remain unchanged:

2.1 that the board be appointed by an independent panel of "eminent persons" or "South Africans of standing" who are not office-bearers of any political organisation. This panel in turn should be established by a process as distant as possible from the political organisations - the original proposals envisaged that it should be established by the independent media commission (IMC).

2.2 the integration of the TBVC broadcasting services

2.3 the establishment of an independent broadcasting authority (IBA) to take over from the government the responsibility for regulating the broadcasting industry.

Of these, only 2.3 - the establishment of an IBA - requires enabling legislation.

The five-year term of the current SABC board ends in March 1993. This offers an opportunity to appoint a new and independent board without changes to legislation. Formal appointment of new members would have to be made by FW de Klerk in terms of existing legislation. But he does not have to make the decision on who he appoints. Instead, using the

appointments of Richard Goldstone, of members of the Police Board, and of other structures arising from negotiations as precedent he can concur with and act upon decisions taken in such fora.

3. Appointment panel

Drawing on the original proposals to Codesa, the body which actually decides who should be appointed should be as distant as possible from the political organisations.

The options are to structure such a body informally and, by agreement, ensure appointments to the board as recommended, or to establish it as a formal advisory body to De Klerk or the Cabinet.

Either way it is important that the members of the body are as visibly independent of the major political players as possible.

An informally structured panel could be established, for example, through one of the universities or through specific agencies.

4. Appointment process

Once established, the appointment panel can operate in much the same way as envisaged under the Codesa proposals: this involves inviting nominations from the public, identifying potential candidates in terms of agreed criteria, interviewing short-listed candidates, and, finally, making its recommendations to De Klerk who would, in turn, rubber-stamp the appointments.

There is significant benefit to be gained from making this process as public and as nationally accessible as possible - generating public support, enthusiasm and heightened expectations at the possibility of a change to the SABC. It would also provide a practical demonstration of what the ANC means by transparent government, popular participation and independence from political influence.

Public hearings of candidates rather than private interviews is preferable, and the panel should hold these in throughout the country, rather than only

in one centre.

Similarly, integrating the TBVC broadcasting services does not require immediate legislation. Licencing responsibility rests technically with the Post Office and, in practice, with the Signal Distribution Division of the SABC. Central government functionaries could thus renegotiate the terms of the licences granted to the TBVC broadcasters to oblige them to operate within guidelines set down by the new SABC board.

5. Criteria for a new SABC board

5.1 ANC proposals already on the table envisage the appointment of an SABC board "representative of the broad range of South African society". Individual members would be South Africans on national standing, without direct financial interest in the media and who are not office-bearers of any political organisation. Appropriate experience in the range of activities undertaken by SABC would obviously be a factor.

The immediate need to address the issue of SABC bias adds an additional consideration.

The bias is reflected mainly in news and current affairs programmes. The SABC board in place during the transition will therefore need to include a more substantial journalistic presence than public broadcast service governing structures usually do.

The mandate given to the appointment panel should take account of this.

6. Accountability

Under existing legislation, the SABC board is accountable to parliament and to the Department of Home Affairs. This is clearly an issue to be addressed in negotiations on broadcasting, although not one which should be allowed to block progress towards fair and impartial broadcasting.

7. Limited mandate

An SABC board of control appointed by the process outlined above would

clearly enjoy greater public legitimacy than its predecessors. It will, nevertheless, be a child of a transitional process lacking the legitimacy to be afforded a board appointed under a fully democratic dispensation. Its mandate should thus be limited to addressing the priority of ending the bias in broadcasting; as far as possible its activities on other issues conventionally addressed by an SABC board should be limited to that of a care-taker administration. It should, in addition, be explicitly mandated to end unilateral restructuring and reregulation already being undertaken by SABC.

For discussions and input please contact your local DIP
offices or DIP HQ.

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