

SUBMISSION OF THE AFRICAN NATIONAL CONGRESS TO CODESA WORKING
GROUP 1: SUB-GROUP 3

1. The African National Congress is desirous of contributing towards the creation of a climate conducive to free political activity and active political participation, in which all individuals and organisations can participate freely and on an equal footing in all political activity, particularly in the process leading up to the adoption and introduction of a new constitution.
2. To this end, the African National Congress wishes to make the following proposals, in the firm belief that broad consensus will enhance our joint effort to level the playing field.
3. With regard to items (f), (l) and (o) of the Working Group's Terms of Reference, paragraph 1.14: the ANC states the following:

(f) State-owned or state-controlled or statutorily instituted media in South Africa and in the TBVC territories, fall under the direct or indirect control of a few parties only here at CODESA. Undoubtedly, these media being the largest single medium of communicating information, the parties exercising such control have a monopoly on reaching millions of South Africans who are the recipients of their services. The end result is that the people unavoidably receive distorted and skewed information, see and hear only that which has been selected for them by these parties directly or indirectly. Besides seriously restricting the free flow of information and opinion, this has seriously eroded public confidence in the reliability and impartiality of the information doled out by the public media. The capacity of the citizen to make informed choices and participate actively in society's decision-making process, is also by and large heavily hamstrung.

This untenable situation has to change. The public media, the property of the people of South Africa, should be placed in the hands of an independent authority in the interim. The ANC recommends that CODESA should consider establishing such an interim, independent authority which will regulate broadcasting during the period of transition and ensure fairness, neutrality and impartiality in this regard. Such an authority will also ensure fair and reasonable access of all parties and organisations to the public media. It will remove the public media from partisan control and help ensure that basic decisions regarding what issues confronting our society should be debated by the public are not made only by a few parties or by beneficiaries of their largesse and patronage.

The ANC stresses that the proposed interim independent authority is not the same as the one envisaged in the Viljoen

Task Group report. On the contrary, the ANC is advocating joint action (as opposed to the unilateral action envisaged in the said report) in the creation of an independent authority the activities of which will cover the entire territory of South Africa, including the TBVC territories. The powers to control and regulate broadcasting will have to be transferred from current authorities to the proposed independent broadcasting authority.

The existing broadcasting boards of control have to be scrutinized by the proposed independent authority with the view to creating a new, democratic and representative one. For this purpose, the laws governing the existing boards of control will have to be amended on the basis of suggestions and recommendations of the proposed interim independent broadcasting authority.

To achieve neutrality and impartiality, the proposed interim independent broadcasting authority will have to draw up guidelines for the equal access of all political parties to airtime on the public broadcasting services during the period of transition. Furthermore, the proposed interim independent authority will have to draw up guidelines to help ensure neutrality and impartiality in newscasts and the presentation of current affairs on the air.

To sum up, the ANC believes that the process of negotiations will suffer if the people of South Africa and their organisations are not assured equal access to the awesome public broadcasting media. This, we believe, can be obviated through the transfer of control and regulation of public broadcasting to a jointly appointed interim independent authority. Such an authority, we suggest, should be responsible for the regulation of broadcasting for the duration of the period of transition, till a democratically elected government establishes an appropriate broadcasting authority.

(1) This item to us means, among other things, the freedom of the airwaves and the principle that there should, at least, be three broadcasting sectors: public, commercial and community. The monopoly enjoyed by the state in South Africa as well as in the TBVC territories in this regard severely limits the options available to the individual as what to hear and see on radio and television.

A necessary corollary of this is that the interim independent authority we propose under (f) above has to look into the laws that restrict free access to the airwaves and make recommendations regarding the amendment thereof. Repeal or amendment of the relevant laws will indeed help guarantee equal opportunity for all parties to establish and maintain their own means of mass communication. It will help ensure a free and unrestricted flow of full and accurate information and opinion,

a prerequisite for the creation of a climate for free political activity.

(o) With regard to this item, the ANC reaffirms its commitment to paragraph 2.2 of the National Peace Accord in terms of which it, together with its co-signatories to the National Peace Accord, undertook to publicly and repeatedly condemn political violence and encourage among its followers an understanding of the importance of democratic pluralism and a culture of political tolerance.

4. With regard to items (j) and (n), the ANC has the following to say:

(j) The state is not be allowed to fund the activities of any political party or organisation, or, in any way whatever, assist or prejudice any party. To the extent that there are allegations and perceptions that the state has done this in the past, and may still be doing it even today, the ANC recommends that CODESA should establish an interim independent mechanism to investigate such allegations as well as the existing covert operations of the state. Such a mechanism, and not the one set up unilaterally by President F. W. de Klerk at the end of July 1991, will help reassure all of us that the alleged nefarious activities of the state have stopped and that no political party or organisation shall be placed in jeopardy by state activities. It will also place under independent control all existing covert projects of the state and determine whether or not they are in the public interest.

(n) Regarding the fostering of a spirit of tolerance amongst political parties, the ANC hereby reiterates its commitment to paragraphs 2.3 and 2.4 of the National Peace Accord. The ANC believes that a strict adherence by all parties and organisations to the noble principles enunciated in the said paragraphs will contribute tremendously towards the achievement of maximum political tolerance and foster understanding among followers of the various political entities.

5. With regard to items (k) and (p), the ANC has the following to say:

(k) The ANC believes that all public facilities and meeting venues should be easily accessible to all political parties and organisations. There should be no public facilities that are inaccessible to people or parties or organisations of certain political persuasions. The laws and bye-laws restricting such access should be looked into by a CODESA-established independent entity which will make recommendations regarding their repeal or amendment. Such an entity will also have to deal with bureaucratic obstructionism in this regard in the interim, till an appropriate transitional or interim government has been established

Furthermore, in this regard, the ANC believes that a strict conformity by all parties and organisations with the principles spelt out in paragraph 2.5 of the National Peace Accord will help foster good relations among all relevant entities.

(p) The ANC fully subscribes to the principle that all political parties and organisations should, without any undue interference, enjoy the right to have reasonable freedom of access to their members, followers, supporters and all potential voters in the rural and urban areas, whether they be housed on public or private property. In this regard, the ANC believes that the interests of democracy should take precedence over the right to private property.

The South African and TBVC laws, as well as tendencies that deny access to certain areas and people to certain organisations should be repealed, or, as the case may be, brought to an end.