

REPORT ON MEDIA-RELATED MATTERS:

I. INDEPENDENT MEDIA COMMISSION (IMC):

- 1. Aims:
To level the media playing fields during elections with particular reference to broadcasting and
- 2. Composition and
Made up of 7 people
and conduct hearings
- 3. Direct Broadcast
Provides for part
this on TV. Cont
parties.
- 4. Virtually all elements
- 4.1. Only judges
chair.
- 4.2. TBVC territories:
 - * as part of the broader problem;
 - * ensuring that those stations which have the express purpose of directing broadcasts into "RSA" automatically become part of the arrangement.

Albie!

RE: GERMAN RADIO - ARD

- WED 10:00 a.m. is fine

- confirm by 9:00 a.m.

- SPEAK TO USA

704 3170/2682

Essentially, Bill is satisfactory and contains our original perspectives on this issue.

II. INDEPENDENT BROADCASTING AUTHORITY (IBA):

- 1. Aims:
Introduction of new licensing dispensation based on three categories of broadcasters: public, community and private. Our preference had been that the IBA should have limited powers pending the setting up of a new parliament; but the approach was challenged on the basis that:
 - * Codesa WGI had already agreed on the framework of the Bill;
 - * created the impression that the ANC sought to delay this until it is in

REPORT ON MEDIA-RELATED MATTERS:**I. INDEPENDENT MEDIA COMMISSION (IMC):**

1. **Aims:**
To level the media playing fields during elections, with particular reference to broadcasting and state media.
2. **Composition and tasks:**
Made up of 7 persons. Primarily to monitor these media, review complaints and conduct hearings operating through relevant sub-committees.

It will have power to impose penalties, including ordering retractions, imposing fines and, in consultation with IBA suspend or even revoke licences.
3. **Direct Broadcasts:**
Provides for party political broadcasts and adverts on radio and precludes this on TV. Contains code to ensure equitable treatment of all political parties.
4. **Virtually all elements of Bill finalised, with the following weaknesses:**
 - 4.1. Only judge/retired judge or advocate of 10 years' experience can be chair.
 - 4.2. TBVC territories:
 - * as part of the broader problem;
 - * ensuring that those stations which have the express purpose of directing broadcasts into "RSA" automatically become of part of the arrangement.

Essentially, Bill is satisfactory and contains our original perspectives on this issue.

II. INDEPENDENT BROADCASTING AUTHORITY (IBA):

1. **Aims:**
Introduction of new licensing dispensation based on three categories of broadcasters: public, community and private. Our preference had been that the IBA should have limited powers pending the setting up of a new parliament; but the approach was challenged on the basis that:
 - * Codesa WGI had already agreed on the framework of the Bill;
 - * created the impression that the ANC sought to delay this until it is in

power to impose its own policies;

- * some of our allies in the community broadcasting initiatives were impatient for the new dispensation, and an approach that sought to single them out for preferential treatment was illogical given that allocation of all licenses needed an overall plan; etc.

2. Framework:

One of our major concerns were that the regime, DP and other parties would challenge the principles of limitations on monopolies, foreign involvement and cross-ownership. In the event, the proposals accepted by the NC on the new dispensation contains such limitations as accord with our own policy. This also includes issue of local content.

3. Legislation also states that on three areas:

- * cross-ownership;
- * local content; and
- * resource base for the public broadcaster;

the IBA should conduct a public inquiry, and make its determinations. With cross-ownership, the IBA's findings will have to be approved by TEC/interim legislature/new parliament.

4. Areas needing resolution:

4.1. Co-chairpersons

4.2. Whether cross-ownership should be defined now or be subject to IBA inquiry as above.

4.3. Procedure for appointing IBA: essentially same as SABC Board process, except that compromise proposal was that the panel should be a sub-committee of the MPF and its final list should be approved the MPF/TEC.

Both Bills are to be finalised on 30/31 August.

NB: If the IBA Bill cannot be finalised, we can afford to go ahead without it.