

Icasa to hear FXI complaint against SABC

Tuesday, 24 July 2007

Tomorrow, the Complaints Compliance Committee of the Independent Communications Authority of South Africa (Icasa) is to hold a hearing to listen to arguments made by the Freedom of Expression Institute (FXI) in a detailed complaint accusing the South African Broadcasting Corporation (SABC) of having violated its licence conditions, the Broadcasting Act and the South African Constitution, in relation to its handling of the blacklisting of political commentators.

However, earlier today, the SABC applied for a postponement of the hearing, on the basis that they needed more time to respond to the substantives of the arguments. The FXI has responded by arguing that Icasa should reject the application, as the SABC has had five months to respond properly, and has failed to do so. In its 20-page complaint, the FXI argued that the SABC had violated its founding statute, the Broadcasting Act, eleven times, its licence conditions five times and the South African Constitution three times in the recent past. The complaint referred to the findings of the Commission of Enquiry into blacklisting and related matters which concluded its work late last year, as well as subsequent events. (The full version of the complaint can be found on the FXI's website at <http://www.fxio.org.za/>.) The FXI submitted its complaint on the 20th February 2007. The SABC responded, saying the complaints could not be raised because too long a period had elapsed from the time of the alleged offences. The FXI countered that the offences were ongoing. In the complaint the FXI noted that it waited for the SABC to implement the Commission's findings. However, as the weeks went by the FXI became increasingly concerned at what appeared to be the SABC's lack of appropriate response, especially its failure to act decisively against the person responsible for the blacklisting of political commentators, the Managing Director of News and Current Affairs, Dr. Snuki Zikalala. The FXI said its "loss of confidence in the ability of the SABC to address the report's findings precipitated the complaint to Icasa". The complaint alleges that, by excluding certain commentators, Zikalala's actions have violated the Broadcasting Act's requirement for its public services to "provide significant news and current affairs programming which meets the highest standards of journalism, as well as fair and unbiased coverage, impartiality, balance, and independence from government, commercial and other interests". By limiting the diversity of opinion the public has access to, the SABC also violated the provision of its licence conditions that requires it to "provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern". Zikalala's conduct in giving express or inferred instructions to exclude certain political commentators also does not meet the highest standards of journalistic professionalism, as the SABC is required to do in terms of the Broadcasting Act and its licence conditions. The FXI requested Icasa to enforce the licence conditions and underlying statutes of the SABC, by investigating, hearing and making a finding on the complaint. It also requested Icasa to ensure that the SABC provides it and the public with a full report on the actions it has taken on the Commission's findings. The FXI has called on Icasa to provide the public with a full report on the remedial actions it has taken. The regulator should also direct the SABC to desist from any further contraventions, and direct the SABC to take remedial steps to ensure the Commission's findings are addressed adequately. These points will be argued by the FXI and its lawyers on Wednesday and, finally, the public will get an opportunity to hear the SABC responding to various criticisms about its conduct and to accusations of its various violations. The date set for the hearing is loaded with symbolism; the 25th July is also the closing date for nominations for a new SABC Board. The FXI believes that the problems at the SABC – the various violations referred to in the complaint, the lack of morale among staffers, the exodus of people from the newsroom – are not only the responsibility of the management but also of the board. In order to restore the public's confidence in the SABC and in order to work towards the transformation of the SABC into a true public broadcaster, the Board needs to be changed. The FXI, together with a number of other civil society organisations, is drawing up a list of nominees that will - if elected to the Board - work towards realising these objectives.