THE TRANSFORMATION OF BROADCASTING IN SOUTH AFRICA

A history of the Campaign for Open Media (COM) and the Campaign for Independent Broadcasting (CIB)

by Tusi Fokane

for the Freedom of Expression Institute (FXI) and the Netherlands Institute for Southern Africa (NIZA)

May 2003 Project number: 1.3.410
TABLE OF CONTENTS

List of Appendices 3
List of Abbreviations 4
Introduction 5

Sections
1. The Campaign for Open Media (COM) 7
2. The People Shall Broadcast: March on the SABC 9
3. The shape and role of the media in a new South Africa 11
4. The Campaign for Independent Broadcasting (CIB) 17
5. The Independent Broadcasting Authority (IBA) 26

Concluding Remarks 31

Endnotes 33
LIST OF APPENDICES

A. **COM Memorandum to SABC**
B. **The Shape and Role of the Media in a new South Africa**
C. **Jabulani! Conference Resolutions**
D. **ANC DIP National Media Seminar Resolutions**
E. **Free, Fair and Open Conference**
F. **Free, Fair and Open Conference Resolutions**
G. **Free, Fair and Open: COM Submission to CODESA**
H. **CIB Declaration**
I. **CIB Draft Proposal on SABC Board Selection Process**
J. **SABC Board Nominations Form**
K. **Guidelines for the appointment of the new SABC Board**
L. **Briefing of Technical Committees (01 June 1993)**
M. **Rapporteurs report on points of consensus and disagreement in Working Group 1 Sub-group 3 (April 1992)**
N. **Broadcasting Archive Database**
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJ</td>
<td>Association of Democratic Journalists</td>
</tr>
<tr>
<td>ACAG</td>
<td>Anti-Censorship Action Group</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
<tr>
<td>APC</td>
<td>All Party Conference</td>
</tr>
<tr>
<td>CIB</td>
<td>Campaign for Independent Broadcasting</td>
</tr>
<tr>
<td>CINE</td>
<td>Conference for Independent Editors</td>
</tr>
<tr>
<td>CODESA</td>
<td>Convention for a Democratic South Africa</td>
</tr>
<tr>
<td>COM</td>
<td>Campaign for Open Media</td>
</tr>
<tr>
<td>COSAG</td>
<td>Congress of South African Writers</td>
</tr>
<tr>
<td>COSATU</td>
<td>Congress of South African Trade Unions</td>
</tr>
<tr>
<td>DIP</td>
<td>Department if Information Policy (ANC)</td>
</tr>
<tr>
<td>FAWO</td>
<td>Film and Allied Workers Organisation</td>
</tr>
<tr>
<td>FXI</td>
<td>Freedom of Expression Institute</td>
</tr>
<tr>
<td>IBA</td>
<td>Independent Broadcasting Authority</td>
</tr>
<tr>
<td>ICASA</td>
<td>Independent Communications Authority of South Africa</td>
</tr>
<tr>
<td>IDASA</td>
<td>Institute for a Democratic Alternative for South Africa</td>
</tr>
<tr>
<td>IMC</td>
<td>Independent Media Committee</td>
</tr>
<tr>
<td>MDM</td>
<td>Mass Democratic Movement</td>
</tr>
<tr>
<td>MWASA</td>
<td>Media workers Association of South Africa</td>
</tr>
<tr>
<td>MPNP</td>
<td>Multi-Party Negotiation Process</td>
</tr>
<tr>
<td>NECC</td>
<td>National Education Co-ordinating Structure</td>
</tr>
<tr>
<td>NP</td>
<td>National Party</td>
</tr>
<tr>
<td>PAC</td>
<td>Pan African Congress</td>
</tr>
<tr>
<td>PAWE</td>
<td>Performing Arts Workers Equity</td>
</tr>
<tr>
<td>SABC</td>
<td>South African Broadcasting Corporation</td>
</tr>
<tr>
<td>SACC</td>
<td>South African Council of Churches</td>
</tr>
<tr>
<td>SAMWU</td>
<td>South African Municipal Workers’ Union</td>
</tr>
<tr>
<td>SAUJ</td>
<td>South African Union of Journalists</td>
</tr>
<tr>
<td>TBVC</td>
<td>Transkei, Bophuthatswana, Venda and Ciskei (the former ‘independent’ homelands)</td>
</tr>
<tr>
<td>UDM</td>
<td>United Democratic Front</td>
</tr>
<tr>
<td>Working Group 1</td>
<td>WG1</td>
</tr>
</tbody>
</table>
INTRODUCTION

The South African media policy reform process came about largely as the result of political changes in the country. The 2nd of February, 1990 (regarded as the turning point in South African history) and the political events that followed, created a space for media activists to initiate discussions around the question of dealing with the media during the transition period. The National Party (NP) government had publicly committed itself to the creation of a new non-racial society promising that the negotiated constitutional reform process would be one that would facilitate the democratic participation of all South African citizens bringing to an end decades of illegitimate rule. The NP’s approach to democratic reform followed what commentators referred to as the ‘reform apartheid’ strategy – government’s attempt to share power without relinquishing total control over the economic and political spheres.

Elements of the NP’s reformist approach were evident in the government’s attempts to uni-laterally ‘restructure’ the South African Broadcasting Corporation (SABC) through the appointment of a government commissioned ‘Task Group on Broadcasting’ in March 1990, a month after former State President de Klerk’s public pledge to constitutional negotiations.

The SABC had been a strategic propaganda tool for the NP since the enactment of the Broadcasting Act of 1936 (later amended by the Broadcasting Act of 1976). The NP had created for itself a monolithic ideological channel through which it could further its policies with little regard for the public interest. The NP had sole jurisdiction over the appointment of Board members and staff of the SABC, licensing of broadcasters (through the Postmaster-General) and controlled editorial content and programming. Administrative control of the Broadcasting Act was not determined within the Act, with the result that various NP ministries such as Foreign Affairs, Education, Home Affairs, Posts and Telegraphs, and Information were, over the years, responsible for the control of the SABC. The net effect was the lack of a policy directive governing the SABC.

The establishment of the Viljoen Task Group, which some analysts regarded as the first coherent attempt by government to define a public broadcasting service for the country, was met with resistance by civil society organisations. Media pressure groups organised themselves to stop any further uni-lateral discussions around the future of broadcasting in the country. The Mass Democratic Movement (MDM), comprised of media activists and the liberation movement, quickly identified the SABC as a site and instrument for transformation. The progressive movement mobilised around campaigns to formulate a media policy position that would bring an end to NP control over the airwaves. Their most immediate challenge was to curtail unilateral NP activity, and concurrently, to ensure that broadcasting matters would be brought within the ambit of the constitutional agenda. Consequently, the SABC was the first state institution to
undergo transformation through a negotiated process facilitated by the Convention for a Democratic South Africa (CODESA).

Civil society began to insert itself into the decision-making process, at times setting the agenda for political parties. There emerged within the civil society movement various schools of thought on how the transformation of broadcasting should take place, under the popular slogan of “democratising the media”. Horwitz (2001) identifies the dominant philosophy behind civil society initiatives as the post-social democratic approach to transforming broadcasting. Advocates of this philosophy advocated a mixed broadcasting system that would cater for a mixed public-private media sector. The African National Congress's (ANC) media policies were, to a large extent, shaped and influenced by the principles espoused by the post-social democrats.

The Campaign for Open Media (COM) and later, the Campaign for Independent Broadcasting (CIB), were instrumental lobby-groups who co-ordinated the progressive movement’s resistance to NP domination of the airwaves. The CIB was an umbrella body that represented more than 40 interest groups. The CIB and its affiliates sought to transform the SABC from a state to a public broadcaster through the establishment of an independently elected and more representative Board that would govern the SABC during the transition period. The campaign’s second objective was to ensure that the regulation of the airwaves and the issuing of licences would be placed under the control of an independent and democratically elected regulatory authority. The CIB and its affiliates agitated for a democratic media through public debates, a phone and fax campaign, workshops, discussion, negotiation and protest action.

These attempts to formulate a civil society-based media policy resulted in a series of conferences that brought together various media stakeholders. The Rhodes University Media Policy Workshop (1990), the Jabulani! Freedom of the Airwaves conference (1991), the University of Bophuthatswana Media Policy Workshop (1991), the COM/IDASA conference (1991), and the Free, Fair and Open Conference (1992) were convened to give direction of focus to the campaign to free the media from party political control.

The intensive three-year campaign to democratise the media resulted in the first independent Board of the SABC being elected to office on 31 May 1993 despite a last-minute intervention by the former State President. The civil society could also count as victory the fact establishment of the Independent Broadcasting Authority Act (153 of 1993) which was assented to by the President on October 18, 1993.  

3
1. THE CAMPAIGN FOR OPEN MEDIA (COM)

The “Campaign for Open Media” (COM) was launched in January 1990 by anti-censorship pressure group, “Save the Press” Committee which was formed in 1986 by a group of journalists that Tomaselli and Louw (1991) identify as the independent social democrat press at that time. The committee was formed with two specific aims that would draw attention to:

1. government restrictions on the press
2. the targeting of journalists during the state of emergency.

The committee had a working alliance with the Anti-censorship Action Group (ACAG) and had successfully challenged the government on proposed legislation that called for the registration of “news agencies” - an attempt by the government to muzzle dissenting voices within the print media.

The latter part of 1989 brought an ease to government pressure on the media; it was rumoured that the National Party government had initiated secret discussions with the, then banned, ANC liberation movement. Despite the positive political indications, anti-media laws were, however, still in place and the harassment of journalist continued to dominate the media landscape. Cognisant of imminent changes in NP policy and in partial response to plans to reconstruct the emergency regulations, the “Save the Press” committee convened a conference to co-ordinate a campaign for press freedom and freedom of information before the opening of Parliament on February 02, 1990.

COM was launched in Johannesburg on 29 January, 1990 and was attended by more than a hundred representatives of various civil society groups. Based on the success of previous “Save the Press” initiatives, the meeting was convened with the aim of “launching a new and intensive campaign with the immediate objective of having the media emergency regulations lifted and the broader objectives of fighting the many other restrictions on the press.” The campaign’s demands were as follows:

- The lifting of the State of Emergency in its entirety, since the freedom of individuals cannot be divorced from freedom of expression;
- The repeal of all censorship laws;
- A moratorium on all prosecutions and the setting aside of all convictions of journalists for actions taken in the course of their work;
- The removal of government control of television and radio and the placing of such control in the hands of the public;
- The opening up of official sources of information.

One of the main items on the agenda was the re-naming of the “Save the Press” campaign as the new campaign would require a more dynamic name that reflected its aims of freeing the media from government control, hence the re-naming of the campaign to the Campaign for Open Media and the adoption of a

---

7 The Transformation of Broadcasting in South Africa
The founding organisations were the Anti-Censorship Action Group (ACAG), the South African Union of Journalists (SAUJ), the Association of Democratic Journalists (ADJ), the Media workers Association of South Africa (MWASA) and the Conference for Independent Editors (CINE). The Film and Allied Workers Organisation (FAWO) \(^9\) and the Congress of South African Writers (COSAG) later joined COM. The organisation that evolved was a non-aligned lobby group that would maintain its independence from both government and commercial interests.

The spirit of the campaign is best summed up by the words of then Interim Chairperson (Save the Press Committee), Raymond Louw:

> But what is new is that we are trying to give form and substance to a campaign to make the public more aware of what they are being deprived of and the government more and more aware of the illegitimacy of its actions in keeping information from the public. We intend to keep the campaign operating at a pitch that will make this government realise that the flow of news, information and opinion is an inalienable human right enjoyed by millions of other people in the world and that to continue to deprive the South African people of that right is not only wrong but that it is counter-productive and hopefully painful to it.\(^{10}\)

Various proposals were put forward with regard to activities that the newly formed anti-censorship campaign could engage in; these ranged from working with theatre groups to public screenings to open defiance campaigns and press campaigns. However it was only in August 1990 that the new campaign’s skills were put to the test.
2. THE PEOPLE SHALL BROADCAST: A CIVIL SOCIETY RESPONSE TO THE VILJOEN TASK GROUP

The Campaign for Open Media’s twelve-person committee spent the next few months engaging in recruiting support for the campaign. The committee made a representation to the South African Media Council regarding a review of legislative restrictions to free media reporting. The Campaign’s most famous activity was the August 25th, “March on the SABC” in which one thousand people marched to the headquarters of the SABC to protest against state-controlled broadcasting. The march, which brought together the progressive cultural organisations was initiated by FAWO but took place under the banner of the Campaign for Open Media. It was supported by organisations such as the Congress of South African Trade Unions (COSATU), the ANC, Black Sash, MWASA, COSAW, ADJ, SAUJ, and the United Democratic Front (UDM) amongst others.

The march was in reaction to the state-appointed Task Group into the future of South African broadcasting. COM presented a comprehensive memorandum to SABC Chairperson and Chairperson of the Task Group, Professor Christo Viljoen, detailing its objections to the aims, composition and processes of the Task Group. The Viljoen report was criticised for its narrow composition and for lack of consultation with all stakeholders. Furthermore, it was pointed out that Professor Viljoen was a member of the Broederbond, a secret Afrikaner organisation and that deliberations which had been taken in secret, were counter-productive to the ideals of creating a new and more open society. The report was further criticised for its slant towards the privatisation and commercialisation of a national asset.

For the MDM, the main critique of the Viljoen process was that:

The appointment of an unrepresentative task force with a hidden agenda to privatise broadcasting goes against the spirit of negotiation politics. Public broadcasting is an institution of national and constitutional importance. Hence decisions on the restructuring of the sector need to be taken democratically.

The Campaign for Open Media presented the following demands to the SABC:

- The dissolution of the government-appointed task force;
- A halt to any unilateral restructuring of broadcasting by the government and the SABC;
- The establishment of an independent board to ensure the impartiality of the SABC during the transitional period;
- The extension of the right to freedom of association for SABC employees;
- The lifting of the ban on ‘political ’ South African films;
- The implementation of affirmative action principles in terms of recruitment policies and;
• Open debate on the future of broadcasting in South Africa.\textsuperscript{16}

The march resulted in an exchange of letters between COM, the SABC and the government. Viljoen’s response to COM on the contentious issue of the Task Group’s lack of representation was that “the Task Group does not comprise of representatives of different organisations, but consists of people who were appointed in their personal capacity.”\textsuperscript{17} Thus the SABC sought to de-politicise the broadcasting restructuring process by emphasising that “This Task Group has to investigate technical and specialised aspects of broadcasting rather than political, constitutional or social issues.”\textsuperscript{18} COM argued in its response several days later that broadcasting was fundamentally a political issue considering that the scope of the work of the Task Group necessitated a recommendation on the future controlling structures of the SABC, as well as a legislative review on broadcasting laws in South Africa.\textsuperscript{19} COM also noted its dissatisfaction with Viljoen’s taciturn response to two of their most central questions, namely the accountability of the public broadcaster during the transition period, and the democratisation of public radio and television.

The government, in turn, refused COM’s repeated requests for a meeting and loftily replied that the Task Group was not an SABC Task Group but a government appointed body to review all aspects of broadcasting in South Africa. The Home Affairs Minister, Gene Louw, would have COM believe that it was par for the course for the government to conduct such a review. The Task Group called for interested parties to make submissions to its panel; the progressive groups declined to do so for fear of legitimising the Task Group’s existence.\textsuperscript{20}

The August 25\textsuperscript{th} was instrumental in putting on the public agenda the question of who would control radio and television services during the transition period. The march also served as confirmation that the broader MDM had accepted the issue of broadcasting as a legitimate site for struggle. For COM, the interaction with the SABC and government gave their fledgling advocacy campaign greater impetus and authority.

Although the Viljoen Task Group refused to compromise on any of the fundamental democratic processes proposed by COM (i.e. an open and public review process), the Task Group responded to some of COM’s criticisms by appointing three additional ‘independent’ members to the Task Group, albeit the new appointees were not without their fair share of controversy.\textsuperscript{21} COM could count as a small victory the press conference and ‘open’ meeting held by the Task Group in November 1990 - an unprecedented move as government agencies had never before held meetings where members of the public were present.
3. THE SHAPE AND ROLE OF THE MEDIA IN A NEW SOUTH AFRICA

The Campaign for Open Media had succeeded in drawing attention to the need to democratize the state broadcaster in line with democratic principles. It had succeeded in mobilizing a broad base of support for its universal demands for a free SABC and ended its inaugural year with a national conference on “The Shape and Role of the Media in a New South Africa.” Co-hosted by the Institute for a Democratic Alternative for South Africa (IDASA), the conference brought together members of political organizations, academics, journalists, members of progressive cultural groupings and invited three speakers from the SADC region. The topics addressed at the conference included media ownership, the notion of an open media, media rights, media ethics, the media’s role in society and control and access of the media.

This conference served as a stock-taking exercise on the deficiencies of the current media system in a democratic landscape. For the campaign, it served to foreground the issue of the SABC and the Task Group and was useful in facilitating various stakeholders’ articulation of their visions for a democratic media in South Africa.

JABULANI! FREEDOM OF THE AIRWAVES

If the COM/IDASA conference was a general expression of the democratic movement’s expectations of the media in a new South Africa, then the next major conference, Jabulani!, formulated principles for achieving the goals of an independent media in the new South Africa.

The Jabulani! Freedom of the Airwaves Conference took place in Doorn, the Netherlands in August 1991. It was organised by the anti-apartheid organisation, Omroep Voor Radio Freedom, the African European Institute, the Dutch Anti-Apartheid movement and the Dutch government and was facilitated by COM, the ANC’s Radio Freedom and FAWO. Conference participants included representatives of major trade unions, cultural organisations, commercial and community media players, journalists and academics.

Jabulani! was the first major attempt at drawing up specific guidelines for freeing the media from party political control. The conference recommended that there should be three tiers of broadcasting in South Africa, public, commercial and community. The conference made explicit recommendations on how the state should surrender control of the airwaves during the transition period:

- Firstly, the proposed All Party Conference (APC) should appoint a Commission of Inquiry into broadcasting; the outcome of which would be a set of recommendations on the re-regulation of broadcasting under a democratic constitution;
Secondly, the APC should simultaneously appoint an Interim Broadcasting Consultative Committee (IBCC) that would draft a code of conduct for the SABC during the transition.

The conference further recommended that COM set up an Independent Media Monitoring Commission to monitor the media and publicise its findings.

The Jabulani! recommendations set the terms of debate for the next rounds of policy discussions and provided a solution to the media policy vacuum that existed at the time. Jabulani! directly addressed the challenge of how to deal with the issue of the control of broadcasting services in the interim period. The ANC, in anticipation of its role in the proposed multi-party negotiation forum, held a National Media Seminar in November that year. The seminar consolidated the ANC’s position on broadcasting policy and culminated in the production of the ANC’s Media Charter. Louw (1993:231) describes the Charter as a “philosophical statement of intent; “ it was a long-term document drafted with the intention of articulating the party’s guiding principles towards an independent media system. The Media Charter prefaced the conference resolutions which dealt more directly with the problematic of broadcasting during the transition period. The proposals were written with a view to highlight the illegitimacy of the NP government and the unfair advantage that it would hold during the transition period if the status quo remained. The ANC’s guidelines for an impartial media followed the Jabulani! Recommendations that the All Party Conference should appoint a Commission of Inquiry that would solicit public input on the re-regulation of broadcasting during the interim period. The conference also agreed on the establishment of an Interim Broadcasting Consultative Committee (clause 4) as well as an Independent Broadcast Monitoring Group (clause 5).

The ANC conference passed a resolution on the development of a broad-based broadcasting campaign that would:

- Oppose the privatisation of the SABC and TBVC broadcasters;
- Oppose any unilateral restructuring or re-regulating if the broadcast sector by the National Party Government;
- Demand the free, fair and impartial flow of information on broadcast media;
- Free the airwaves.

CODESA

1991 brought greater policy clarity on the issue of broadcasting in the transition. The MDM had reached consensus on the need for an independent broadcasting service that would be overseen by an independent regulator. In order to achieve this objective, it became necessary to ensure that discussions around the broadcasting sector be brought into the main of the multi-party negotiation forum.
The highly anticipated multi-party negotiating forum, known as the Convention for a Democratic South Africa (CODESA), assembled on December 20, 1991. Despite the fact that multi-party political discussions were a novel development in South African political history, many political leaders entered the talks with a sense of optimism and the expectation that the forum would provide a prompt resolution to the daunting task of creating a new and democratic South Africa.

The issues under negotiation were entrusted to five working groups:31

Working Group 1 to formulate a plan for the creation of a climate of free political participation;
Working Group 2 to negotiate the principles of the new constitution and the process whereby it would be drafted;
Working Group 3 to negotiate the manner in which the country would be governed during the introduction of a new constitution;
Working Group 4 to negotiate the state of the TBVC states in conformity of the new constitution;
Working Group 5 to give documentary form to the consensus reached in the first four groups.

Broadcasting matters fell under the ambit of Working Group 1: Sub-group 3(WG1SG3), issue 1.1.4(f), “Political neutrality and fair access to State-controlled/statutorily instituted media (particularly the SABC and SATV), including those of TBVC states.” COM made use of the opportunity to present its views on an acceptable broadcasting order to a more representative forum. It submitted a copy of its comments on the Viljoen Task Group to CODESA, stating that:

For these reasons we have decided that the proper forum for instituting an inquiry into broadcasting is not the present government but the Convention for a Democratic South Africa and that whatever decisions are required to implement a new broadcasting structure should be made by the new government.32

By that time the African National Congress was ready for multi-party negotiations on the control of broadcasting services. It had established the illegitimacy of the NP government and its biased influence over the South African media, provided resolutions to the question of how to deal with the media in the short-term and finally, indicated that it would mobilise popular support in order to achieve its stated goals. In a well-articulated presentation to WG1SG3, the ANC states that:

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 African 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.\textsuperscript{33}

The National Party, in responding to issue 1.1.4(f) called for the status quo to be maintained. The NP was of the view that:

The SABC is free from government involvement or interference in any form whatsoever. The SABC is not even funded by the SA Government.

There is no justification whatsoever for any inference to be drawn that there is bias towards the Government solely because the government appoints the members of the SABC Board. The mere fact that the government makes certain public appointments cannot mean that such body is contaminated as a result thereof.

As the National Party is satisfied that the aims with regard to neutrality and impartiality can be achieved without any modification to the present structure the status quo should be maintained as an interim measure. This should not in any way hamper the political processes.\textsuperscript{34}

The NP maintained its ambivalent position throughout the negotiations and was later to cause havoc during a crucial period of the transformation process.

FREE FAIR AND OPEN – South African Media in the Transition to Democracy

COM convened its next major conference, “Free, Fair and Open” to coincide with the opening of Parliament in February 1992. Hosted by the University of the Western Cape’s Centre for Development Studies (CDS), the conference’s major objective was to halt the government’s unilateral restructuring process and to ensure that broadcasting issues would be addressed by the multi-party forum.\textsuperscript{35}

*Free, Fair and Open* was convened specifically to formulate proposals on how the mass media could contribute to a climate of free political activity during the transition period. Its key objectives were to reach agreement on the following issues:

- Legislative and constitutional changes necessary for freedom of information during the transition;
- The depoliticisation of SABC control;
- Monitoring of the media during the transition period.

The conference solicited input from the major political parties on their views on the media in transition. It was decided that the SABC would be invited to address the conference but would not be granted a decision-making position with regard to formulating resolutions. The conference focused on the following themes:

- Political views of the media in transition;
- Legal and constitutional considerations for a free media in the transitional period;
- The role of the electronic and state media during the transitional period;
- Media ethics: mechanisms to prevent bias and distortion and;
- Monitoring of the media during the transitional period.

The conference then passed recommendations on four key areas that would facilitate the adoption of the principles of freedom of information and an accountable broadcasting service by the CODESA forum. These were recommendations on:

1. the independence of the SABC from all political parties;
2. the need for a regulatory structure that would draft legislation on broadcasting;
3. the re-integration of the former TBVC states into the national broadcasting service;
4. a moratorium on unilateral restructuring by the SABC.

COM submitted its proposals to CODESA on February 5, 1992, recommending strongly that the proposals and conference resolutions be implemented by March 31, 1992.

In its submission, COM brought before the convention three matters requiring urgent attention:

1. the existing legal and constitutional restrictions on the free flow of information and opinion;
2. the unrepresentative and non-independent nature of existing structures of regulation and control over broadcasting and;
3. the absence of any broadly accepted processes for ensuring fairness and limiting distortion in media coverage.

COM recommended that point 3., relating to media content, should not be discussed at CODESA as “it would be inappropriate for a body of party-political and state interests, such as CODESA, to play any direct role in implementing the proposals.”

COM followed up on its submission to CODESA with a request for a verbal presentation to the Working Group and received a reply from the Secretary that
the CODESA delegates would consider their request when they had reached a decision on the issues on which they required additional expert advice. COM made another submission to WG1, detailing the existing statutory limitations to media freedom.

Deliberations at “Free, Fair and Open” had created the expectation that CODESA would fast-track discussions on broadcasting but this was not the case. It became evident that multi-party talks were not going to provide an immediate resolution to the problematic issue of broadcasting in the transition period.

Frustrated by the lack of progress, FAWO initiated discussions on holding a picket at the start of CODESA 2 in May. This idea was welcomed by COM in light of the fact that the only agreement that had been reached thus far by Working Group 1 was that it was necessary to establish some form of independent broadcasting authority that would be responsible for the issuing of licences. COM continued in its efforts to influence Working Group 1 and submitted to the forum a report on the results of monitoring exercise of SABC TV1 news coverage; it also voiced its dissatisfaction with meetings that the Group’s representatives had been holding with the SABC.

The suspension of talks the following month caused a hitch in the process according to former COM Co-ordinator, Jeanette Minnie but Horwitz (2001:140) views the break-down as a positive development for the MDM as it provided them with an opportunity to re-organise their strategy around the issues.
4. THE CAMPAIGN FOR INDEPENDENT BROADCASTING (CIB)

With the term of the existing SABC Board due to expire in March 1993, there was increasing concern within the progressive movement that the suspension of talks would pave the way for a new NP appointed board that would serve another five-year term. COM felt that National Party control of the SABC during the elections would jeopardise any chance of free and fair electioneering. The ANC had allegedly entered into bi-lateral discussions with the government over SABC editorial policy in September, a move that was severely criticised by the MDM. COM’s members felt that it was time for a civil-society led initiative that would ensure the integrity of the broadcaster during election-time.

Besides the political fiasco, the campaign had lost some of its energy and it was widely acknowledged that the campaign needed a fresh approach. A workshop was convened on 14 November and was envisaged as a working meeting that would address itself specifically to the issue of the transitional control of broadcasting services.

Thus the Campaign for Independent Broadcasting (CIB) came into existence. It was agreed that the CIB be constituted as a broad coalition consisting of civil society organisations. There was some level of debate around the role and position that political parties (such as the ANC) should assume in the new coalition and it was eventually decided that political parties would be allowed to be join the CIB but could not sit on the steering committee. The participants agreed that the campaign would be launched to:

- oppose the uni-lateral restructuring of the SABC;
- address the issue of control of the SABC;
- call for the appointment of a representative SABC Board;
- call for the establishment for an (Interim) Independent Broadcasting Regulatory Authority;
- call for the re-integration of the TBVC broadcasters into the national public broadcaster.

CAMPAIGN STRATEGY

Participants at the CIB’s first plenary agreed that the campaign should organise itself around the March 31 deadline. The suggested programme of action tabled at the first plenary included:

- the issuing of a common declaration;
- public protests;
- withdrawal of advertising;
- television licence boycott;
- international pressure.
A steering committee was set up consisting of two representatives from the SAUJ, MWASA, COM, COSATU, NECC and SACC. FAWO, PAWE, and COSAW were each allowed one representative.\textsuperscript{45} There was also agreement that the steering committee would report directly to the co-ordinating committee, which was comprised of one representative each from all the organisations willing to sign the declaration. The steering committee was given the mandate to arrange meetings with the SABC management and the Minister of Home Affairs. The CIB was officially launched on 25 November and launched the declaration on independent broadcasting on December 1, 1992.\textsuperscript{46}

The SABC responded to the establishment of the CIB through a rather ironic letter sent to COM. SABC Group Chief Executive, Harmse, writes:\textsuperscript{47}

\begin{quote}
I have heard via the grape-vine that you are planning a COM session on Saturday 14 November, and that certain sensitive issues affecting the SABC directly will be discussed.

In these changing times in South Africa where negotiation and consultation has become the order of the day, we find it strange that COM should contemplate instituting mass action and disruptive activities against the SABC unilaterally without having discussed the issues with the SABC management, not taking into account the many positive changes which the SABC is implementing.

...Therefore I should like to convey the following to you:

1. The SABC should and wishes to be part of any future planning with regard to broadcasting. Closer liaison with COM should therefore be established...
\end{quote}

The proposed SABC/COM meeting took place on December 4, 1992 culminating in the following agreement:

- The SABC would make a public statement in support of a transparent, public process to appoint a new Board along the lines outlined by the Campaign for Independent Broadcasting;
- The SABC would produce a programme to be broadcast, outlining the proposals of all parties and publicising the SABC’s commitment to a transparent appointment process;
- The SABC would provide details on its ‘affirmative action’ strategies.

There was clearly a shift in SABC strategy. The Corporation, fearing the threat of strike action, was at pains to be perceived as a supporting the democratic process.\textsuperscript{48} The Corporation had also taken the initiative to revise its corporate code to align it with democratic sentiments.

The first meeting between the CIB and Home Affairs Minister, Mr Louis Pienaar took place on December 9, 1992. It was agreed at that meeting that a joint
CIB/Home Affairs working committee would be established to discuss CIB proposals on the appointment of a new Board and that the joint working group would meet before the end of January. The next day, December 10, the CIB met with Harmse, outlining the need for an independent and apolitical board and agreeing to hold a follow up meeting.

The CIB’s steering committee then enlisted the assistance of two legal consultants to devise an appointment procedure for the SABC Board. The two consultants, David Dison and Michael Markowitz, based the draft proposal largely on the “Free, Fair and Open” resolutions. The draft procedure was sent to the Home Affairs Minister on December 18. The CIB proposal recommended that:

1. The State President should publicly request the two CODESA Chairpersons, Mr Justice Mohamed and Mr Justice Schabert to inform political parties, political organisations, and other interested parties that a new procedure for the appointment of the SABC Board is to be set in motion.

2. Each political party should then be given a week to nominate ten eminent South Africans to serve on the SABC appointment panel. The proposed closing date for nominations was February 8, 1993.

3. The CODESA Chairs should within a week of the February 8 deadline, select and establish the appointment panel by February 15, 1993.

4. The two judges should concurrently call for nominations for the new SABC Board.

5. The appointment panel should comprise of seven eminent South African who may not have any financial interest in communications related matters, nor should they hold political office in any political party.

6. The panel should continue to receive nominations until February 22, 1993 and should by March 01, 1993, draw up a shortlist of potential Board members. This list should be made public.

7. The panel should then conduct public hearings allowing interested parties the opportunity to make submissions.

8. The hearings should be completed by March 15 and the final selection made by March 22, 1993 and should be formally handed over to the State President to be gazetted.

- The proposal was widely circulated and approved by the ANC who used it as a guide to inform their bi-lateral discussions with the NP over the
proposed issues. The ANC did however recommend that the appointment panel should be established through a university or media agency.

On January 6, 1993, the joint CIB/Home Affairs working group met for the first time in Cape Town to discuss the proposal with government representative Jack van der Merwe. The CIB voiced its dissatisfaction over the fact that the Minister, had in fact, reneged on the initial agreement by unilaterally issuing a call for nominations by January 18. Although the government agreed that (1) it would not would not act on any nominations received but that these nominations would be handed over to the new structure;(2) it would accept the broad outline of the CIB’s proposal subject to Minister Pienaar’s approval and (3) no more public statements would be issued, the transgression was an indication that the government had not entered into discussions with the CIB on good faith. The government cancelled the next meeting (scheduled for January 18) which prompted the CIB to call a press conference on the 27th to draw attention to the fact that the government was deliberately trying to sabotage the process of appointing an independent board.

With just two months left before the term of the current board expired the CIB publicised a meeting with its affiliates on January 30. They also circulated nominations forms to “stimulate critical thought about potential board members.” They sent a letter to the State President, requesting a meeting to discuss the lack of progress. They received an officious reply from the President’s office informing them that the President could not intervene until the Home Affairs Minister, who “is conducting extensive consultations with regard to the appointment of a new board for the South African Broadcasting Corporation,” had made his presentation to government.

ANC BI-LATERALS

The government made it clear that it would no longer discuss the problem of broadcasting with the CIB, this did not necessarily signal an end to the CIB’s campaign as ANC negotiators provided a strategic link between the CIB and the government. The exact nature of the CIB/ANC collaboration remains somewhat of a contested issue. The CIB’s Jeanette Minnie and Raymond Louw maintain that the ANC was mandated by the CIB to act as their representatives. The ANC’s Joel Netshitenzhe, however maintains that the ANC was already a CIB affiliate and reported back on bi-laterals as a matter of courtesy and to gain wider support from civil society movements. Whatever the causal relationship, the ANC made it practice to report back to the CIB’s steering committee on the progress being made in bi-lateral negotiations with the NP. The ANC’s first report-back was that:

- The government was dissatisfied about the two judges kick-starting the process;
The government wanted the judges to play a greater role in defining criteria; The government would not agree to seven panelists and that; It felt that public hearings would be too inquisitorial.\textsuperscript{56}

The CIB meanwhile, continued with its programme of action which was to publicise the campaign and pressurize the government. They held briefings with the diplomatic corps, faxed and phoned the State President demanding an end to apartheid broadcasting, released press statements, participated in radio and television discussions, organized a picket outside the SABC, and set about drafting eligibility criteria for the selection panel and SABC board.\textsuperscript{57} They also made an attempt to ‘nationalise’ the campaign through a series of consultative workshops with regional affiliates.

Bi-lateral negotiations continued, hampered by the fact that ANC and NP could not reach agreement on the identity and numbers of the judges and the issue of public hearings.

On March 01, 1993, the CIB submitted a memorandum and two draft agreements to be presented at the bi-laterals. Draft Agreement A, made provision for the two judges to select an appointment panel of eminent persons. Draft Agreement B excluded an appointment process but the CIB’s legal consultants stipulated that there should be as little deviation from the rest of the proposals as possible, if this was the agreement that the government accepted.\textsuperscript{58} The exclusion of an appointment panel from the process caused an outcry within the coalition. Trade union affiliate, NACTU, felt that, “The ANC is a political and interested party on the matter, and therefore mandating it to negotiate on our behalf betrays our independence from political manipulation and manoeuvring (sic).”\textsuperscript{59} The CIB, in turn, acknowledged that “…we made a tactical error in mandating the ANC to continue to raise our demands in the bilaterals once the gov(t) refused to meet with the CIB. For this reason the steering committee has decided to communicate with the ANC that unless they reach agreement on the package which we mandated them to take to the bilateral today the ANC should simply deadlock on the matter of the SABC Board and refer the matter back to the CIB.”\textsuperscript{60} This threat failed to materialize.

Then the government, on March 09, 1993, made a counter-proposal that it wanted to implement on 10 March 1993. Its demands were as follows:

- The selection panel should be comprised of a total of four judges (the additional two to be appointed by the NP);
- The judges would hold criteria hearings between 17-19 March;
- The composition of the board should be expanded to 21 people;
- Only those organisations that had submitted representations or nominations in the print media would be allowed to attend the hearings.
The following day, the CIB, through the ANC put forward their recommendations to the government. Its bottom-line position was that the two CODESA co-chairs had to be on the selection panel, and that one of the other two judges must be black in order to bring a level of representivity to the panel. The CIB’s second non-negotiable was that the interview process had to be public (even if that only meant that there was a media presence at the interviews). Finally, the CIB insisted that the number of board members could only be increased if it would not require an extensive and time-consuming legislative or multi-party consultative process.

A week later, and with just thirteen days to go before the March 31st deadline, the CIB was forced to make further compromises in an attempt to bring resolution to the appointment process. In a letter to the ANC, the CIB conceded that it would accept the removal of the word “public” regarding the holding of public hearings if the principles of transparency and openness were adhered to.

The CIB’s increasing impatience and desperation with the process (specifically the NP’s delay tactics) was spelt out quite clearly in their correspondence to the ANC:

We believe we have already made extensive compromises on our original proposals to the extent that some members of our committee are disturbed at how far we have gone. What is increasingly apparent to us is that no matter how many times we agree to modify our positions we still are unable to reach agreement...we have delayed too long. The CIB has not pushed ahead with a vigorous campaign as it always seemed to appear as though agreement was imminet (sic). That has been a serious mistake. What we are now proposing is that we publicly announce that we have reached a dead-lock in the negotiations with the State and will now push ahead with a campaign to force the state to accede to the popular demand for a new SABC Board.

The CIB and its affiliates then embarked on a more vigorous campaign to draw attention to the crisis. It organized a rally on March 21 and affiliate, COSATU organized a short protest picket on March 27.

As the March 31st deadline drew closer, the CIB pulled out all the stops to curb the NP’s unilateral activity. The CIB issued a press statement on the day, warning that “[...should the government continue to stall, the CIB and its affiliates will take all actions inside South Africa and internationally to force the government to accept a democratic process.” The government and the ANC embarked on eleventh-hour negotiations during which the ANC threatened a deadlock and mass action to force the government to act reasonably on the matter. The CIB also called on present board members to refuse to accept any uni-lateral extension of their term of office.

The result was an agreement on guidelines for the appointment of the new SABC board concluded on 7 April 1993. The CIB was forced to concede on an
independent selection panel through the intervention of the State President who demanded a judicial panel. The final selection panel was made up of the judges Mr. Justice I. Mohammed and Mr. Justice P.J. Schabort, retired judges, the Hon ex-Justices J.J. Trengrove and G.Viljoen, advocate T.L. Skweyiya SC, and magistrates S.K. Ndlovu and N.C. Erasmus. The agreement made a provision for the State President to refer back any nominees who did not meet with the guidelines criteria.

THE SELECTION PROCESS

The selection panel would hold public hearings to receive submissions on the criteria it should use for appointing board members during May and the 21 board members would be announced by 31 May 1993. It was also agreed that hearings for short-listed candidates would be held in public.

The CIB made its representation to the selection panel on May 5, 1993. The CIB’s submission (prepared by media lawyers David Dison, Michel Markowitz and Amanda Armstrong), went to great lengths to explain that the requirements of independence and non-partisanship should not be construed to mean that the Board is precluded from including members who have strong and principled beliefs (s9). The CIB also argued that only persons with a high political profile of a partisan nature should be disqualified from being Board members. Furthermore, insisted the CIB, the Board should be made up of people who have demonstrated an ability to put aside their personal and political viewpoints in the interests of the common good (s10). The CIB took exception to paragraph 5(e) that made provision for a degree of continuity to be maintained. The CIB opposed the inclusion of this criterion on the basis that the process was set in motion to establish a new and independent SABC Board. The CIB, in order to try and counter any NP claims for nominees that had experience with the previous board and whose inclusion, it could be argued, would provide a sense of continuity, insisted that this specific criterion should be applied without derogating from any of the other criteria.

Under pressure from its trade union affiliates, the CIB’s submission called for a proviso to the disqualifications set out in section 5(f), that would allow at least one member of the Board to be elected by present SABC staff.

THE APPOINTMENT PROCESS

The panel received over 700 nominations for the new SABC Board. The selection panel reduced this number to a short-list of 86 nominees. Members of the public were invited to lodge their objections to the candidates before the hearings were conducted. The 86 selected candidates were then interviewed in public by the panel, marking the first public hearings for public office in the history of South Africa.
Africa. The panel examined the qualifications of candidates by questioning them and raising whatever objections it had received. Certain parts of the hearings were televised by the news media and broadcast on radio and television actuality programmes, and were also reported on by the print media. The panel then made a recommendation on the first democratically constituted 25-member SABC board, whose names were submitted to the State President on May 21 for approval.\textsuperscript{65}

In a meeting called by the government on May 25, 1993, the State President indicated that he was not a rubber stamp and was dissatisfied with the proposed Chairperson and refused to endorse seven of the nominees on the grounds that they did not comply with the guidelines governing the appointment procedure. He suggested alternatives to replace those names. It was widely reported that de Klerk took exception to Professor Ndebele as the proposed Chair because Ndebele was also Principal and Vice-Chancellor of the University of the North, where ANC President, Nelson Mandela was Chancellor.\textsuperscript{66} Two subsequent meetings took place before the SABC Board was finalised. The State President’s intervention resulted in the following candidates being decided upon to replace the ousted seven; de Klerk added Herman Bailey, Leonard Bartell, Gertina Cilliers, Professor Arnold de Beer, Enos Mabuza, Gordon Sibiya and Franklin Sonn.\textsuperscript{67}

\textbf{SABC BOARD AND CRISIS OF LEGITIMACY}

Needless to say, de Klerk’s intervention drew widespread criticism and caused a political fiasco. His actions were regarded by the CIB as a breach of the requirement that “the new board be chosen in a process independent of the government of the day.”\textsuperscript{68} In order to try and resolve the Board’s crisis of legitimacy and credibility, the CIB and ANC called on the ‘second seven’ to resign and called on the remaining eighteen appointees not to take their seats unless the original list was reinstated.

The crisis of legitimacy deepened as the State President appointed Dr Frederick van Zyl Slabbert to the Chair. There were two immediate resignations from the new Board, Franklin Sonn and Enos Mabuza refused to take up their positions. The CIB convened several meetings which were attended by some SABC Board members to formulate a position and plan of action against the State President’s decision. The CIB called upon concerned SABC Board members to exert pressure from within the Board for the reinstatement of Ndebele as chairperson. The CIB also agreed that it would embark on a campaign to gain local and international support for the resolution of the question of the chairmanship and the status of the seven excluded individuals. In its submission to the SABC Board on June 24, the CIB recommended that the board itself would be the most appropriate body to address the issues facing it. The CIB urged the Board to “demonstrate its ability to act independently of the government of the day and of
party political interests, and to reverse the consequences of past party political intervention."

Van Zyl Slabbert’s resignation as chairperson of the board led to the Board’s election of Dr Ivy Matsepe-Casaburri as Chair and Colin Hickling as Deputy on August 4, 1993. The CIB then proposed, in its presentation to the Board, that the seven members be re-instated, necessitating the expansion of the board to 32 members. However, the Board decided to retain its composition and presented its choice of chair to de Klerk, threatening to disband should he not approve its recommendations.

De Klerk accepted their decision and so did the CIB who felt that although the Board remained silent on the issue of the ousted seven it had demonstrated its independence from the State President. With elections campaigns already in progress, it was expedient for all parties involved that the new Board set about the business of restructuring the SABC to ensure an independent, impartial news and current affairs services that would engender free, fair and open election in 1994.

The establishment of an independent board for the SABC was an achievement for independent broadcasting; however, it was not an unqualified success. Members of the CIB were of the view that the principle of public accountability which was an inherent assumption in the setting up of a new board was compromised by the lack of formal procedures that would enable the public access to the new Board. Media freedom organisations such as the FXI have repeatedly called for increased public access to the SABC Board.
5. THE INDEPENDENT BROADCASTING AUTHORITY (IBA)

Proposals for an independent regulator to control broadcasting in South Africa were mooted as far back as Jabulani! and Free, Fair and Open but the MDM regarded an independent SABC as a more worthy campaign because it was a deadline issue that could be addressed without having to embark on a protracted legislative process. With negotiations already underway it was felt that the establishment of a free and impartial public broadcaster (through an independently elected and representative SABC board) would be a better guarantor of free and fair elections.

Initial discussions around an independent broadcasting authority (IBA) came from the NP camp. Chapter 9 of the Viljoen Report made provision for a regulatory body for broadcasting in South Africa whose mission would be to ensure that broadcasting in South Africa serves the public in such a way that the ideals of a democratic, non-racial, non-sexist and prosperous society are advanced. In what some commentators regard as progressive for an apartheid government, the Viljoen Report noted that a potential regulatory body could function properly only if the following basic principles prevailed:

- A new South African constitution should guarantee freedom of speech, specifically with regard to freedom of broadcasting;
- Regulation of broadcasting by an independent depoliticised, impartial body is essential;
- Viewers and listeners should be given a greater choice and a diversity of opinion through fair competition.

The Viljoen Report did to a certain extent indicate progressive and far-sighted thinking (specifically with regard to an independent regulatory authority). Its proposed missions and goals for the IBA (some of which were incorporated into the final IBA Act) included:

- The advancement of a democratic, healthy, dynamic, competitive and prosperous broadcasting system offering good quality programmes;
- Taking into account the development needs of the people with due regard for equal opportunities; fostering of common values and goals; and acknowledgment of the rich diversity of cultures and languages in South Africa;
- Ensuring that the broadcasting industry maximises and foster local content and creates employment.

The MDM’s policy position on an independent regulatory, articulated at the Jabulani! conference in August 1991, exhibited a general agreement in principle with some of the Task Group’s recommendations. The Jabulani! conference proposed that the All Party Conference (APC) should appoint an Interim Broadcasting Consultative Committee (IBCC) that would take responsibility for the control and regulation of broadcasting in the interim period. The IBCC, would be vested with the authority to, inter alia, require the SABC to adhere to a code of
conduct to ensure impartiality of broadcasting during the transitional period and would also undertake limited re-regulation in the interests of fair and open broadcasting. Professor Viljoen had been invited to conference to participate on the last day but failed to provide satisfactory answers on the method and composition of the IBA, its functions and powers, its jurisdiction, structure and licensing policy, which prompted the conference to note the above-mentioned points as an area for further investigation and research.

The Free, Fair and Open conference built on the idea of an IBA as proposed by Jabulani! Free, Fair and Open consolidated the appointment process by drawing on some of the legislative recommendations made by FAWO’s Broadcasting Commission at Jabulani!

Free, Fair and Open proposed the establishment of an Independent Communications Authority (ICA) which would be appointed by the relevant CODESA working group. It was envisaged that the working group would call for nominations for members of the ICA from members of political and civil society according to specific criteria. It was also recommended that CODESA should facilitate new boards of control and advisory boards for all broadcasters by March 1992.

**TOWARDS AN IBA**

The Campaign for Open Media’s response to the Viljoen Report highlighted certain deficiencies related to the scope and authority of the IBA. COM pointed out that the proposed regulator would be acting beyond its mandate if it were to interfere with the programming content of broadcasters. The MDM also took exception to clause 9.6 (Functions of the IBA) that required the IBA to advise government on broadcasting matters and act as a buffer and a channel of communication between the government and broadcasters on the grounds that an independent regulatory authority could not be expected to act as a mechanism for conveying government views. Another point of contention was the recommendation that the IBA should report to Parliament through a cabinet minister responsible for broadcasting (clause 9.6.1.11), this it was felt, would compromise the independence of the regulator. The method of appointment and composition of the IBA was also a moot point; the Task Group recommendation was that the State President should appoint the board (clause 9.7). COM viewed a politically appointed IBA as problematic as it would jeopardise the representivity and independence of the regulatory authority.

As had been the case with the establishment of the SABC Board, the IBA process did not confine itself to recommended deadlines. The FAWO Broadcasting Commission found itself operating de facto as the advisory committee to the ANC DIP with the result that the drafting of the IBA Act was left up to the ‘experts’. The Multi-Party negotiators were engaged with more pressing issues such as the terms of the upcoming elections.
The Multi-Party Negotiating Process, through the Negotiating Council agreed to establish seven Technical Committees that would facilitate discussion and the reaching of agreements in the Negotiating Council. The Committee responsible for broadcasting matters was the Independent Media Commission (IMC) and the Independent Telecommunications Authority.\textsuperscript{84} The basic processes within which the Technical Committees were to operate were outlined in the "Briefing documents of technical committees."\textsuperscript{85} In addition to establishing technical committees, the Negotiating Council was also responsible for electing experts to serve on the committees.

The seven technical committees were appointed on May 7, 1993. The Negotiating Council decided technical committees were not fora for discussing substantive issues; each technical committee was to prepare systematic documentation (which may even take the form of draft legislation) for structured discussion and amendment in the Negotiating Council. If no agreements had been reached on any specific issue on aspects of a technical committee report, the issue would be referred back to the technical committee for further revisions which would take into account comments made by the Negotiating Council. The process would be repeated until participants in the Negotiating Council reached agreement.

The IMC and Independent Telecommunications Authority Technical Committee was made up of nine members who were tasked with the responsibility of drafting legislation for the proposed Independent Broadcasting Authority.\textsuperscript{86} According to David Dison, an advocate who served on the committee, the draft IBA legislation passed through seventeen stages and eight drafts.\textsuperscript{97} Each draft would be presented to the Negotiating Council for comment and discussion. Interested parties were also invited to submit written comments on the drafts and the committee received over 55 submissions on the fourth draft of the Independent Broadcasting Authority Bill. The CIB was one of many external organisations to submit its comments to the drafting committee. Due to time limitations and deadline pressure, the committee did not accommodate oral submissions or public hearings during the process although the obligation of public inquiries was written into the legislation to enable interested parties to input into policy aspects of the IBA Act that would be dealt with once the IBA had been established, such as: the future structure and financing of all public broadcasting services, cross-media ownership limitations and local content obligations.

The “Special Report on the sixth draft of the Independent Broadcasting Authority Bill,” highlights some of the challenges confronting the drafters. Given the alacrity with which the regulatory legislation came into being, the Technical Committee found itself in a position where it was unable to make certain decisions independent of other processes, for example, the meaning of “political party” could only be defined by the Independent Election Commission which had not yet reached agreement on that point. The drafters of the IBA Act were strongly opposed to the proposed co-chairpersonship of the authority, advancing
the argument that it would compromise the constitution and functioning of the
IBA.

The final IBA Bill was completed in a period of just over three months, from the
period of the appointment of the Technical Committee to its being assented to by
the president on 18 October 1993. The drafters incorporated into the Act some
of the best international provisions. The local sound content was based on the
Canadian model, licence categories were derived from the Australian model,
provincial public broadcasting was modelled on German legislation and
procedural safeguards were adopted from the Federal Communications
Commission (FCC). Michael Markowitz, who sat on the drafting committee,
commented on the fact that the IBA Act was the first piece of legislation that
contained an empowerment statute.

The Act makes provision for a diverse range of sound and television broadcast
services on national, regional and local levels. The Act, more importantly, makes
provision for three tiers of broadcasting services in the country: private, public
and community, as a means of fulfilling the policy objective of a pluralistic and
diverse media sector. The IBA Act requires all broadcasters to adhere to public
service obligations through the enforcement of local content quotas. The Act
also contains strong cross-media limitations in order to ensure a diversity of
ownership and a plurality of voices.

The IBA Act set out twenty-one objects for the Authority, which in addition to
those outlined above, include:

- The regulation of broadcasting in the public interest;
- For broadcasters, when viewed collectively to inform, educate and
  entertain;
- The promotion of equal employment practices in the broadcasting
  industry;
- The encouragement of the ownership and control of broadcasting
  services by people from previously disadvantaged backgrounds.
- The refraining from undue interference in the commercial activities of
  licensees, whilst taking into account the public interest;
- Promoting fair competition between broadcasting licensees;
- Promoting investment in the broadcasting industry;
- Promoting the stability of the broadcasting industry;
- Ensuring that licensees adhere to an acceptable code of conduct;
- Ensuring equitable treatment of political parties by licensees during an
  election period and;
- Ensuring an adequate complaints mechanism in relation to broadcasting
  services and broadcasting signal distribution.
The IBA was also required to develop a national broadcasting policy framework which was adopted by Parliament in 1996. The resultant 'Triple Inquiry Report' contained policy proposals on the following matters:

- The protection and viability of the public broadcaster (which dealt with the issue of establishing the SABC as a public broadcaster).
- Local content and South African music.
- Cross-media ownership of broadcasting services.

**IBA COUNCIL**

The election of councillors to serve on the IBA became a controversial matter because of the acknowledgement that the IBA process was fraught with political implications from the start. The appointment of the IBA was facilitated by the Transitional Executive Council (TEC) which came into being a few months before the first general elections. The TEC appointment procedure deviated from the principles of an open and public appointment procedure as had been the case with the establishment of the SABC Board. The selection panel consisted of representatives of the various political parties which opened the process up to political ‘horse-trading.’

According to Michael Markowitz and newspaper reports at the time, the appointment of two co-chairs was a political compromise. It was initially to have only one chair, educationist, Sebelesto Mokone-Matabane, who was unanimously approved by the TEC. Home Affairs Minister, Danie Schutte, who represented the NP, insisted on Viljoen as co-chair. Viljoen was then replaced with advertising executive Peter de Klerk, who the TEC felt was a more appropriate candidate than Viljoen. The other councillors that were appointed were: media lawyer, William Lane, journalist John Matisonn, ex-unionist Frank Meintjies, anthropology professor Harriet Ngubane and ANC telecommunications expert, Lyndall Shope-Mafole. ANC selector, Pallo Jordan was expressed some dissatisfaction with the candidates because he felt the group was not representative in terms of race and gender.

The IBA process was not without its fair share of criticism. Apart from the question of the joint chairs, some critics point to the fact that the IBA’s jurisdiction was limited from the off-set by the inclusion of the grandfather clause protecting the M-NET licence "under the existing conditions" for a period of eight years. The composition of the IBA Council itself was perceived as a weakness as the councillors lacked experience with regard to the issues of broadcasting in the country. Horwitz (2001:148) notes that the creation of a permanent regulatory body exceeded the mandate from COM and CIB, who called for an interim Independent Communications Authority. The creation of a permanent IBA was inappropriate in Horwitz's view because it was not based on a thorough democratic framework.
CONCLUDING REMARKS

The media policy vacuum that existed in the 1990s paved the way for greater interaction between political parties and progressive media organisations. The newly created broadcasting dispensation was the result of a series of compromises between the outgoing Nationalist party and the incoming African National Congress. Discussions were, it could be argued, mediated by the post-social democrat movement that wanted to establish a broadcasting system that was independent from state and commercial interference. The NP, wary of an ANC-dominated SABC after the elections entered into protracted negotiations with a view to maintaining its balance of power. The ANC, fearing an NP-aligned SABC during the elections initially wanted to wrestle control from the government and to create a more ANC-aligned SABC that would serve the party in a similar fashion. The ANC, however, allowed the MDM to guide it towards a more moderate policy position that ignored centralist desires for total control over the airwaves.

This relationship between the ANC and MDM was conducive to participatory decision-making; civil society organisations were able to impact on the policy-making process, either directly through engagement with the relevant power structures or indirectly, through input into the ANC policy formulation. The Campaign for Open Media (COM) and the Campaign for Independent Broadcasting (CIB) became the main fora for discussing the democratisation of South African broadcasting. The progressive civil society movements should be credited for facilitating independent broadcasting in the country through the establishment of the first independently appointed SABC Board and the establishment of an independent regulator to ensure a diversity and plurality of voices. The progressive movement also instituted a practice of holding public hearings for public office in the country. The current nominations process is facilitated by the Parliamentary Portfolio on Communications which receives nominations from the public, holds public hearings and presents the short-list of names to the President for selection. This lends greater credibility to the Boards but limits the participation of working class citizens thereby perpetuating an elitist system of democracy.

Ten years after the democratising of broadcasting in South Africa, several issues remain unresolved. Although the SABC and IBA processes created a space for civil society input, media activists have taken the SABC to task over the public’s lack of access to the Board and have also questioned the Board’s level of accountability to the South African public. Institutionally, the SABC has been transformed from a state to a public broadcaster but the SABC’s current funding model (83% of its revenue is derived from advertising) precludes it from becoming a truly public broadcaster as it finds itself unable to meet its public service obligations. The IBA is in a similar funding conundrum and has had to significantly curtail its operations due to lack of adequate funding.
The present government is exhibiting less tolerance for criticism and is showing signs of wanting to revert to a centralist command doctrine. Recently, there have been two major attempts at increased control and undue external interference in the public broadcaster’s editorial content. In August 2002, the government proposed amendments to the 1999 Broadcasting Act through the Broadcast Amendment Bill. The proposals, inter alia, sought to grant the Ministry of Communications the authority to approve the SABC’s editorial and financial policies, a move that was severely criticised by media stakeholders. The government retracted this particular requirement, the SABC’s policies will now be supervised by the IBA’s successor, the Independent Communications Authority of South Africa (ICASA).

Most recently, the SABC, in accordance with section 6 of the amended Broadcasting Act, has developed Draft Editorial Policies for public comment. The section on ‘Editorial Responsibility and Upward Referral’ has raised the ire of media activists who view the provision for the SABC CEO to exert editorial authority and control over news as undue interference in the normal operations of news production. This section effectively makes the CEO the Editor in Chief of the SABC. This section, when read in conjunction with other sections on ‘Mandatory referral’ raises serious questions of editorial independence and undue interference by the CEO.

The above-mentioned cases illustrate that the ‘independent’ status of the broadcaster and regulator exist as an institutional right but that the process of transforming broadcasting in South Africa is not necessarily a guarantor of freedom of expression nor editorial independence. One of the challenges currently confronting decision-makers and policy-makers is to ensure that the SABC and ICASA are sufficiently resourced in order to meet their stated objectives. The space still exists in the South African broadcasting sector to create a more vibrant and dynamic media industry through the equal participation of its citizens, especially in as far as the public broadcaster is concerned.
ENDNOTES

1 See for example, van Zyl, J. *Civil Society and Broadcasting in South Africa: Protecting the right to communicate*. In Communicatio 20(2). Available online: <http://www.unisa.ac.za>. Van Zyl draws attention to the fact that the Viljoen Commission lacked a clearly stated policy.


3 The IBA Act was one of four statutes enacted by Parliament in order to level the political playing field and create a framework for free and fair electioneering. The three other pieces of legislation promulgated that month were the Independent Electoral Commission Act, 150 of 1993, the Transitional Executive Council Act, 151 of 1993 and the Independent Media Commission Act, 148 of 1993. See also Steynen N., Murphy, J., de Vos P., and Rwelamira, M. (Eds). 1994. *Postscript – The legal framework of South Africa’s first democratic election*. Free and Fair Elections. Cape Town: Jut and Co.

4 Tomaselli and Louw (1991:pp7-13) identify eleven broad categories of the press in the 1980s. The social democrat press titles included the Weekly Mail, Vrye Weekblad, Indicator and Suid-Afrikaan. These journalists were characterized by their political and financial independence. Although situated within the anti-Apartheid media camp, they resisted co-optation by more politically active groups. Their position thus allowed them to pass critique on government activities and policies as well as the liberation movements. Tomaselli and Louw point out that “in the process questions of press autonomy were placed on the agenda as far as a post-apartheid media was to be concerned.”

5 Following the 1976 uprisings, the 1980s marked a period in South Africa’s history that was characterised by a militaristic strategy, referred to as the ‘total strategy.” During President PW Botha’s ‘securocrat era,’ the state sought to mobilise the press in support of what it perceived as an internal war raging in the country. This period was marked by the declaration of several states of emergency and the government’s introduction of restrictive legislation and forms of censorship against the press in an attempt to curb the flow of subversive or anti-government information that posed a security threat to the state. The states of emergency sanctioned the banning of certain newspapers and the intimidation and detention of journalists. (Tomaselli and Louw,1991: pp 77-92). There existed, in total, over a 100 repressive laws against free media activity.

6 The legislation would in effect have sanctioned the state to strike any journalist’s name from the register if that journalist had published information that was deemed to be ‘detrimental’ to the state. The plan back-fired due to the generic definition of news agencies, which included all newspapers in the country as well as some commercial corporations with public relations departments. The ‘establishment’ papers through the Media Council, persuaded the government to withdraw the legislation as it would have unintended consequences.

7 A pressing issue at the time was the threat of a three-month suspension of the New Nation to which members of the “Save the Press Committee” responded by a written request of meet with the then State President, FW de Klerk.

8 Campaign for Open Media, Minutes, January 1990.

9 The Film and Allied Workers Organisation, a progressive organisation representing the interests of the film and television sector, was formed in the late 1980s. It was instrumental in informing the legislative aspects of broadcasting in transition debates and established a Broadcasting Commission to campaign around the issue of the control and regulation of broadcasting in a democratic South Africa. According to Michael Markowitz, former FAWO Broadcasting Committee member, the Broadcasting Commission was set because there was a lack of a legal broadcasting
regulation framework. FAWO often acted as legal advisor to the ANC’s DIP. (Interview, 10 December 2002).

10 Speech delivered by Raymond Louw at the launch of the Campaign for Open Media, 1990. It is instructive to note the emphasis the conference placed on the South African public’s right to access information. In as much as this was linked to journalistic demands to unblock the logical flows of information, it is also indicative of the new ideological space that was being created for public participation in the decision-making process.

11 Official statistics vary from between 1000 to 2000 people. Willie Curry, former FAWO Transvaal Secretary-General, puts the figure closer to 2000 in his insightful analysis of the South African broadcasting transition process - “The People Shall Broadcast!: The Battle for the Airwaves” in Louw. E., South African Media Policy: Debates of the 1990s. Legally the number of marchers was limited to 1000 by magisterial decree.

12 The Viljoen Task Group on Broadcasting in South and Southern Africa was appointed in March 1990 by Home Affairs Minister, Gene Louw. According to its Terms of Reference, the Viljoen Task Group was mandated by the NP government to, inter alia, investigate and make recommendations regarding:

- The entire broadcasting field and a comprehensive broadcasting policy and broadcasting strategy for South and Southern Africa with specific reference to technical aspects of broadcasting. This should serve as a guideline for the orderly development of the broadcasting industry.
- Future broadcasting needs, international trends in broadcasting, the application and effect of new technology, commercialization and regulation, the resources involved in broadcasting such as frequencies, sources of finances, manpower and other relevant aspects;
- A controlling structure for broadcasting matters;
- The evaluation of existing legislation dealing with broadcasting and/or new broadcasting legislation;
- Any other aspect considered relevant by the Task Group.

Some media analysts, such as Horwitz (2001:131) and Louw (1993:21) acknowledge certain parts of the Viljoen report as progressive and far-sighted. The report, which was published more than a year later, in August 1991 made recommendations on the need for local content obligations for all broadcasters, the need to diversify the broadcasting landscape, the need to establish the signal distributor’s independence from the SABC, the need to establish an independent regulator and highlighted the challenge of funding for public service broadcasters. See also South Africa. 1991. Report of the Task Group on Broadcasting in South and Southern Africa: Viljoen Commission Report. (No. ISBN 0621141917). Pretoria: Government Printer.

13 See Appendix A. Campaign for Open Media, March on the SABC. Memorandum on the Broadcast Sector in South Africa. August 1990.

14 The Viljoen Task Group was comprised exclusively white male Afrikaners all of whom were government functionaries with one exception. More than half had links to the national defence force or intelligence agency and were known to be members of the Broederbond.

15 Ibid., Section B (6.1).

16 Ibid., Section C.

17 Viljoen, C. Letter to COM. 29 August 1990.
Ibid.

Louw, R. Letter to SABC. 05 September 1990.

FAWO was the only affiliate to present a submission to the panel.

The appointment of ‘Sowetan’ editor, Aggrey Klaaste, the only black Task Group member was regarded as nothing more than ‘token representation’ by many critics. COM also felt that the inclusion of Professor JP de Lange, Chairman of the Broederbond and Ton Vosloo of M-NET were highly questionable.

Most political organizations sent representatives; the ANC and PAC failed to attend.

See Appendix B. *The Shape and the Role of the Media in a new South Africa.* 1990. COM/IDASA.

SABC Chair, Christo Viljoen was invited to address the conference on the last day; he was subjected to a cross-examination by COM Chair, Raymond Louw and FAWO representatives, Michael Markowitz and Solly Rasebotsa.


Louw (1993) suggests that the articulation of the ANC’s views on an independent media marked a turning point in the party’s approach towards the notion of ‘democratising’ the media. Prior to the conference, policy discussions had centred solely around wresting control of the airwaves from the NP to make broadcasting services more accessible to opposition parties.


Ibid. Clause 6.


The Viljoen Report had been published in August and was due to present its recommendation to Parliament; there was a need to act expeditiously to ensure that broadcasting issues would be included in the multi-lateral discussions around the creation of enabling mechanisms for a new South Africa.
36 The conference was attended by representatives of the major trade union federations, media trade unions, media organisations, media lawyers, academics, and a host of other interested parties.


39 See Appendix G. COM Submission to CODESA Working Group 1. 05 February 1992.

40 See also Appendix M. *Rapporteurs report on points of consensus and disagreement in WG1SG3. WG1SG3 Internal submissions, April 1992, Vol. 4. Source: National Archives of South Africa, Pretoria.*


42 Horwitz maintains that the ANC negotiators were relatively uninformed on media policy and ran the risk of agreeing on issues they did not fully appreciate.

43 COM’s monitoring exercise of SABC news coverage indicated a clear bias towards the National Party government. There was growing confirmation that the NP could not be trusted to honour the commitment to the creation of a ‘new’ South Africa. The NP, for example, was offering to include five ‘democratically’ appointed members to the existing board; an offer that was rejected by the ANC.

44 Although the workshop, ironically enough commenced with a speech delivered by ANC Secretary-General, Cyril Ramaphosa.

45 Raymond Louw and Marcel Golding were elected Co-chairpersons.

46 See Appendix H. *Campaign for Independent Broadcasting Declaration.* 1992. The declaration was widely circulated and signed by representatives from more than 50 organisations.


48 The resort to mass action campaigning was an important tactic employed by the MDM. MWASA had, in May that year, engaged in protest action that resulted in a wage increase.


50 Jeanette Minnie, refers to the eminent persons as the ‘wise and wonderful.’ The CIB wanted the process to be overseen by a group of wise and wonderful respected media and human right practitioners who would uphold the principles of open media irrespective of their political persuasions.

51 Van der Merwe, for example insisted on delaying the appointment of a new board, a suggestion that was dismissed by the CIB.
The Transformation of Broadcasting in South Africa

52 The Minister denied ever having agreed to a meeting on that day. The CIB claimed that Pienaar was trying to cause political dissent around the issue by hinting that the government was negotiating a secret deal with the ANC.

53 See Appendix J. SABC Board Nominations Form.

54 Office of the State President, letter to CIB, 05 February 1993.

55 a.k.a. “Peter Mayibuye”, Netshitzenze was Deputy Head of the ANC’s Department of Information Policy and asserts that the party entered into negotiations with a view to:
  • Ensuring a transparent process of appointing an independent SABC Board and;
  • Establishing legislation with respect to the ownership and control of broadcasting services.

56 Minutes of CIB Steering Committee Meeting, 21 January 1993. The outcome of the ANC/NP bi-lateral was that the closing date for nomination was extended from February 22 to the 26th; the deadline for the shortlist to be made public was extended by a week and the final selection date was extended from March 22 to March 25.

57 The CIB called upon the services of David Niddrie and Michael Markowitz to draft the criteria for the selection panel and SABC board. The proposal made recommendations on the collective character of the panel and Board, individual positive and negative criteria for being a panel and Board member. For example the panel and SABC board were required to be representative of South African society. Individual positive criteria included openness and accountability and a commitment to freedom of expression and the free and unrestricted flow of information. Persons precluded from holding positions as panel members or board members were people who had financial interest in the broadcast media, political representatives or civil servants.

58 The government proposed that a judicial panel be appointed to draw up a short-list from which the President would appoint a board.

59 Maivha, M. Letter to CIB re: Mandating ANC on CIB demands over SABC board. 02 March 1993.

60 CIB response to NACTU, 02 March 1993.

61 CIB correspondence to steering committee members, 12 March 1993.

62 CIB Letter to ANC Secretary-General. 18 March 1993.

63 The board’s term of office was extended by two months, until 31 May 1993, by which time it was envisaged, a new board would be in place.

64 See Appendix K. Guidelines for the appointment of the new SABC board. The final agreement did not differ substantively from the draft CIB agreement except for the powers extended to the President to refer back nominees.

65 The original board was composed as follows:
  Professor Njabulo Ndebele (Chairperson), Vice-Rector of the University of the Western Cape.
  Dr Ivy Matsepe-Casaburri (Deputy-Chairperson), Executive Director of the Education Development Trust.
  Brigalia Bam, SACC assistant Secretary-General.
  Advocate Fikile Bam, Advocate.
  Anna Boshoff, SA Vroue Landbou-unie Vice-President.

37 The Transformation of Broadcasting in South Africa
Johnny Ernstzen, SAMWU General Secretary.
Dr Antoine Gildenhuys, National Peace Secretariat Chairperson.
Professor Jakes Gerwel, Rector of the University of the Western Cape.
Colin Hickling, former SABC Board member and Managing Director of Bloemfontein Board of Executors.
Tsepo Khumbane, a rural development practitioner.
Moeletsi Mbeki, ANC media consultant.
Professor Fatima Meer, University of Natal lecturer.
Khaba Mkhize, former deputy editor of Natal Witness.
Billy Modise, educationist and Executive Director of Matla Trust.
Phila Ndlovu, a rural affairs expert.
Bishop Canon Ndugane, Anglican Church priest.
Professor Abram Nkabinde, Rector and Vice-chancellor of the University of Zululand.
Professor Pieter Potgieter, Ned Geref Kerk moderator.
William Rowland, Chairman of the National Council for the Blind.
Sheila Sisulu, Director of the Joint Enrichment Programme.
Allister Sparks, former Rand Daily Mail editor.
Dr Ruth Tomasseli, University of Natal media academic.
Professor Alex Thembela, Vice-Rector of the University of Zululand.
Dr Frederik van Zyl Slabbert, political consultant and Metropolitan Chamber President.
Professor Christo Viljoen, academic and former SABC Board Chairperson.

66 “Man at the centre of the row,” The Star, June 1, 1993.
According to Louw (1993:67), de Klerk’s official objection to Ndebele was based on the requirement that the Chair needed to be fully bi-lingual and politically neutral.

67 The ousted seven are indicated in bold in 61 above.


69 CIB Submission to the Board of the South African Broadcasting Corporation, 24 June 1993.

70 The CIB did however criticise the new Board for extending CEO, Wynand Harmse’s contract for another year. They said in a press statement that Harmse’s employment at the SABC “sends a disturbing signal to the public and SABC employees who were hoping to see a real break with the SABC’s propagandist past.” CIB Media Statement, 5 August 1993.

71 There was also a fear that lack of certainty around the Board would enable de Klerk to unilaterally appoint a new Board. According to Horwitz (2001:144), the decision not to challenge the Board’s was a politically motivated one on the ANC’s part; broadcasting was but one of many areas under negotiation and it was felt that challenging de Klerk on this issue would jeopardise other deals.

72 See Minnie, J. 1994. In her opinion the new Board seemed not to know or care about the history and processes of the negotiated Board.

It became apparent that the new Board began to view the CIB as imposing and interfering. Former Chair Van Zyl Slabbert was paraphrased in one newspaper as having told the CIB to “go to hell.” Tsedu, M. Focus on SABC Board. Sowetan. 7 June 1993.

Golding M. Addressing the CIB Cape Town Consultative meeting. 17 February 1993. The CIB felt that the question of a regulatory authority was a longer-term issue that would be addressed by an elected government.


Ibid., Section 9.1, *Basic principles.*

Ibid., Section 9.3, *Proposed mission and goals for the IBA.*


Ibid., The resolutions adopted at the ANC DIP National Media Seminar in November that year are indicative of the influential role that cultural organisations such as FAWO and COM played in mainstream broadcasting policy development. The ANC’s recommendations on an IBA mirrored those adopted at Jabulani!


The working group would later become Working Group 1 which was tasked with the responsibility of ensuring the creation of a climate for free political activity.

The nominations criteria were similar to those being proposed for an independent SABC Board.


The IMC’s task was to promote freedom of expression in order to create a favourable climate for free and fair elections. This meant that the IMC set the terms for the election campaign on the broadcast media, ensured that state media reported on events in a fair and unbiased manner, monitored broadcasts and ensured that there was equitable access for all political parties.

See Appendix L. *Briefing of Technical Committees.* Minutes of the Planning Committee. 01 June 1993.

Representatives were: A. Armstrong, M. Markowitz, A. Tredoux, D.C. van Zyl, C.F. Noffke E.J. Mabuza, P. Pretorius, D. Dison and C. Khoza (secretary).


The IBA Act came into legal effect in March 1994 with the appointment of the first Council.


Interview, 10 December 2002. He also notes the fact that the IBA Act, unlike other statutes as the time, was the only draft legislation that was not transitional in nature.

Problems were later to arise in terms of the IBA’s policy-making and regulatory functions which were later limited and curtailed, relegating the Authority to the position of regulator/implementer without the political muscle to influence policy directives. For an analysis of the challenges facing the IBA within the South African economic and political context, see Duncan, J. 2001. *The expansion and contraction of broadcasting: from Independent Broadcasting Authority to South Africa Telecommunications Regulatory Authority.* In Broadcasting and the National Question: South African broadcast media in an age of neo-liberalism.


Section 6 of the Broadcasting Act requires the SABC to develop policies that are intended to ensure compliance with the Authority’s Code of Conduct, the SABC’s licence conditions, and the provisions of the Act. The policies, to be submitted to ICASA, include news editorial policy, and policies on programming, local content, education, universal service and access, language and religion. See also SABC: Draft Editorial Policies, 2003. Available online: <http://www.sabc.co.za>