



RIGHT2KNOW

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To: Acting Director-General

Mr Collin Mashile

Department of Communications

Email: pbs@doc.gov.za

Dear Mr Mashile

WRITTEN SUBMISSION ON THE REVIEW OF THE PUBLIC BROADCASTING POLICY BY THE RIGHT2KNOW CAMPAIGN

Introduction

The majority of people in South Africa rely on our public broadcaster, the SABC, for their access to information. In recent years we have witnessed the SABC increasingly becoming a mouthpiece of the state and ruling party; wilfully underplaying the state's illegitimate use of violence against the people of this country, censoring programming that asks why our public representatives have failed us and wilfully misinterpreting its editorial policies and regulations to silence opposition parties and the public from airing their grievances and opinions. Free media is a public good – a constitutional right that is key to the realization and defense of other rights. If media consumption and production opportunities are mainly distributed by a market mechanism, with a limited public service top up, they will continue to be enjoyed disproportionately by economically powerful sections of the population and ownership will continue to move towards greater concentration. In a country with such high levels of poverty, unemployment and inequality, it is untenable that the production and distribution of media goods should be dominated so overwhelmingly by market forces. There must be less concentrated ownership and control of the media and a greater diversity

of commercial and non-commercial media, and forms of journalism, that can serve all sections of the population and enable a greater diversity of voices.

The Right2Know Campaign

The Right2Know Campaign (“R2K”) is a nation-wide coalition of people and organisations concerned with promoting openness and the free flow of information, particular in terms of the right to access information and freedom of expression. Our Campaign is coordinated through voluntary working groups in the Western Cape, Gauteng, KwaZulu-Natal, as well as an elected national working group consisting of representatives from key civil society organisations, community groups and social movements across the country. The Right2Know Campaign's vision is to “seek a country and a world where we all have the right to know – that is to be free to access and to share information. This right is fundamental to any democracy that is open, accountable, participatory and responsive; able to deliver the social, economic and environmental justice we need. On this foundation a society and an international community can be built in which we all live free from want, in equality and in dignity”

SABC Public Broadcasting

1. Mandate

- I. The Campaign believes the mandate of the SABC should be primarily to be a public broadcaster representative of all the demographics of the country. This is especially with the working-class and poor, rural, underserved and marginalised sectors of our society.
- II. The mandate should speak to the entertainment, educational and information needs of the public.
- III. The mandate should be accessible and widely publicised. The mandate should speak to the focus highlighted in the Broadcasting Act of 1999 and what role the SABC should play as a public broadcaster.
- IV. The mandate must be reflected in a charter that emphasise community participation as a strict mandate to include communities within the public broadcaster. Thus a mandate that allows for joint functioning of the SABC between the public and the SABC.
- V. We support the SOS vision of a clear and simplified SABC mandate.
- VI. There must be less concentrated ownership and control of the media and a greater diversity of commercial and non-commercial media, and forms of journalism, that can serve all sections of the population and enable a greater diversity of voices.

2. Funding Model

- I. The Campaign supports the proposal within the issues paper for a public fund that would as part of its mandate/duty allocate funds to community broadcasters.
- II. The R2K does not support any privatization of the SABC in any form.

- III. The R2K Campaign supports the mixed funding model however the SABC needs to explore a funding model that is less reliant on advertising and government funding. This will ensure there is no chance of political or commercial interference or the control of the public broadcaster by those with vested interests and therefore catering to the needs of politicians and wealthy individuals rather than the public.
- IV. A simpler and more efficient way to collect licence fees needs to be developed.
- V. New legislation must emphasise transparent SABC accounting (for example, reporting on percentage spending on programming in terms of genre, language, regional coverage etc.).

3. Governance Framework

- I. At the root of the governance crisis plaguing the SABC for many years are political and commercial interests that have sought to undermine the Broadcaster's independence. Successive Communication Ministers have exploited contradictions in legislation to undermine the SABC Board and claim powers to directly appoint senior executives.
- II. R2K believes that the governing board of the public broadcaster must be pluralistic and free from state interference – accountable to Parliament and not the Executive.
- III. The governance and management structures of the SABC and community media should be independent of the executive of government nationally, of municipalities, and private sector interests.
- IV. The Campaign calls for a protective governance framework for SABC staff. Journalists at the public broadcaster face a unique threat to their privacy, in that they are also civil servants working for a public institution. We have observed a repeated pattern of management 'inviting' state intelligence structures into the affairs of the public broadcasting inappropriately and without protections for media workers, under the guise of the SSA's mandate to offer various support services to other organs of state – especially to do 'vetting' of staff and contractors¹².
- V. The Campaign rejects the vetting of SABC journalists and believes there should be explicit protection against this. We believe this is extremely intrusive and a blatant abuse of the National Key Points Act, which continues to be applied to SABC buildings. Media workers play an important role in keeping those in power in check and should not be treated like potential criminals or spies. This form of surveillance is constitutionally questionable as it violates several rights connected to privacy, media freedom and freedom of expression, and access to information.

4. Accountability Measures

¹ Right2Know Campaign, Supplementary Submission to SABC inquiry: Concerns of Communications Surveillance and State Security Abuses at the Public Broadcaster, 16 January 2017: <https://www.r2k.org.za/2017/01/16/r2k-supplementary-submission-to-sabc-inquiry-surveillance-and-state-security-abuses/>

² Right2Know Campaign, *Spooked: Surveillance of Journalists in South Africa*, 2018: <https://r2k.org.za/spooked>

- I. The accountability measures should first identify the SABC as an institution that accounts to the public first as it is a public broadcaster.
- II. The Campaign believes this can be better done by an inclusion of the public into the SABC. The Campaign therefore supports the call that has been made repeatedly over the years by the SOS for a public editor.
- III. The Campaign believes Parliamentarians must be better capacitated to understand the SABC and the sector of media and communication especially with regard to freedom and diversity. This will assist in better decision making by the parliament when engaging on the SABC.
- IV. The Campaign believes ICASA should strengthen its monitoring and evaluation mechanisms toward the SABC to ensure freedom, diversity and a public focus from the public broadcaster.

5. Community media proposals

- I. There is a need from communities to be heard on the SABC platforms and the R2K Campaign supports the endeavour toward realising more community media within the SABC. An important way to ensure public engagement and accountability is through the inclusion of the public through community media. There has been a decline in the efforts first adopted with in the constitution of the country in ensuring the commitment to community media is met. A coherent framework for community broadcasting is required that is an alternative to the mainstream media; embraces interactive communication tools; promotes local, bottom-up development; and addresses local conditions.
- II. The Campaign recognises that the geographically-based community broadcasters are largely financially unsustainable. This particular sector is plagued by high transmissions costs and few sources of funding, particularly those in rural or impoverished areas.
- III. Parliament and the minister of communications must investigate, through an economic modelling exercise, an appropriate for an appropriate public funding model. This is especially with community media, a key aspect to investigate is the unsustainably high transmission costs for the community broadcasting sector.

Conclusion

The Right2Know Campaign contends the public broadcaster plays an important role in representing the different cultural, class and ideological dynamics that exist within South Africa as an ever changing democratic country. The R2K Campaign therefore does not support any form of privatization of the SABC. The public broadcaster being the largest broadcaster needs to do more to reach its public and including its public. The SABC should

make more use of civil society, trade unions, community organizations and community social movements along with institutions of learning as think tank and 'experts' to better balance the views transmitted via the public broadcaster. The SABC should do better at managing its funds to prevent emergency loans from the government. R2K cares greatly for the well-being of the public broadcaster as millions of South Africans depend solely on it for access to information. We will continue to fight with our allies for a robust, well-resourced and independent public broadcaster – a broadcaster that puts the interests of the public first, and promotes a plurality of views, producing hard-hitting news and journalism that exposes corruption, abuse of power and any other wrongdoing.

For more information, please contact:

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