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## **SOS SUPPORT PUBLIC BROADCASTING COALITION – SUBMISSIONS ON THE COLLAPSE OF ETHICAL INTEGRITY AT THE SABC**

### **1. INTRODUCTION**

1.1. On 24 June 2019, the South African National Editors' Forum (SANEF) launched an independent Inquiry into Media Credibility and Ethics. SANEF launched the Inquiry to investigate issues of editorial integrity, ethical breaches and capture of journalists across the media industry.

1.2. This submission is made by the SOS Support Public Broadcasting Coalition (SOS Coalition).

1.3. The SOS Coalition:

1.3.1. The SOS Support Public Broadcasting Coalition (SOS) is a civil society coalition that advocates for the presence of robust public broadcasting in the public interest to deepen our constitutional democracy. The coalition represents trade unions, non-governmental organisations (NGOs), community-based organisations (CBOs), community media, independent film and TV production sector organisations, academics, freedom of expression activists and concerned individuals.

1.3.2. SOS campaigns for an independent and effective public broadcaster. We engage with policymakers, regulators, and lawmakers to secure changes that will

promote citizen-friendly policy, legislative and regulatory changes to broadcasting and its associated sectors.

1.4. The Coalition campaigns for the above by:

- a) Lobbying for transparency and accountability by all institutions governing public and community broadcasting, viz: Parliament, the Ministry and Department of Communications, the Independent Communications Authority of South Africa (ICASA), the Media Development and Diversity Agency (MDDA), the SABC, the Universal Service and Access Agency of South Africa (USAASA), and also the Competition Commission;
- b) Promoting a constructive, engaged role with all stakeholders, including local industry bodies such as the National Association of Broadcasters (NAB) and the National Community Radio Forum (NCRF), as well as a range of NGOs, CBOs, campaigns and others; and
- c) Researching international best practices to inform all aspects of our work and supporting evidence-based policy-making and regulatory practice by Parliament, the Executive and the various regulatory authorities and state agencies mentioned above.

1.5. As part of its lobbying work the Coalition writes submissions, commissions research, engages the media, organises public meetings and, where appropriate, mounts pickets and protests. Our contributions in advocating for a public-interest-focused public broadcaster have been recognised by the broadcasting sector, the media, the courts, and Parliament as being immensely valuable.

1.6. Overall, the work that SOS does has helped to contribute to the growing public understanding of the SABC as “our” public broadcaster – one that must not be captured by commercial or special interests, the state or by a particular faction of the ruling party, and one that must service the information and entertainment needs of the citizens of the country.

## **2. NATURE OF THIS SUBMISSION**

2.1. SOS has extensive experience in acting in the public interest on matters of freedom of expression and specifically public service broadcasting. Accordingly, SOS makes these submissions to assist the SANEF Inquiry Panel to assess ethical breaches, capture of journalists and ways to safeguard the independence and integrity of the public broadcaster.

2.2. In this submission, SOS shares its views with regards to issues that the SABC could address to strengthen its own editorial independence and integrity. The following issues are addressed:

- a) The SABC Editorial Process
- b) Editorial accountability and role of the Editor in Chief

- c) Ministerial interference in SABC Newsrooms
- d) Funding the public mandate: Editorial and local content
- e) Proposal of additions to SABC Editorial Policies
  - (i) Protection of Journalists
  - (ii) A Public Editor
  - (iii) A new SABC Charter

### **3. The SABC EDITORIAL POLICIES**

- 3.1. To support the assessment of editorial independence and ethical breaches at the SABC, the Coalition believes it is useful to begin with SABC's own Editorial policies and look into how they enable or limit journalistic integrity and public accountability.
- 3.2. The SABC's editorial policies were developed in terms of the Broadcasting Act No. 4 of 1999, as amended. The policies came into effect on 1 April 2004.
- 3.3. The policies are meant to ensure compliance with the SABC's license conditions and the Broadcasting Act's objectives.
- 3.4. The policies contain the following: the SABC's mandate, powers, functions, rights and obligations in terms of editorial issues; a programming policy; news: current affairs and information programming policy; language policy; universal service access policy; local content policy; religious policy; and education policy.
- 3.5. Between June 2013 and February 2016, the SABC embarked on a process to amend its 2004 editorial policies. The process involved engagement with stakeholders and interest groups from across the country. However, at no point in the process did the SABC *publish* the proposed draft revisions to the editorial policies for comment by the public.
- 3.6. The Coalition notes the withdrawal of the 2016 editorial policies and that the original 2004 policies thus continue to be the policies in force.
- 3.7. The Coalition notes the commencement of the new 2017 editorial policy review process. The SABC published a new set of editorial policies dated July 2018. However, the above policies are, for the most part, a verbatim copy of the 2004 policies.

#### **Recommendations**

- 3.8. The Coalition believes that the current process needs to be significantly strengthened to avoid the potentially crippling effects of a poorly conducted policy review process such as the July 2017 process. The Coalition still proposes the following for the next draft of the policies:

- 3.8.1. That the SABC makes public the research it has conducted in terms of the review process.
- 3.8.2. That the draft editorial policies, summary document and questions are translated into a number of South African languages.
- 3.8.3. That the SABC increases its use of its multiple platforms including radio, TV channels and online (websites, Twitter and Facebook) to inform the public about the policies review and encourages citizens to participate in the process until its conclusion.
- 3.8.4. That the SABC ensures maximum transparency and public participation in the review process by uploading all research related to the review and all public submissions onto the SABC website, and by explaining its decision-making processes every step of the way.

#### **4. EDITORIAL ACCOUNTABILITY: THE EDITOR IN CHIEF AND UPWARD REFERRAL**

- 4.1. The Coalition is concerned with the issues of lines of editorial accountability including the role of the editor-in-chief and the principle of “upward referral” of editorial decisions in the editorial policies, as they are currently set out in both the SABC’s Editorial Policies as well as in the recommendations made by the Commission of Inquiry into Interference in the Decision-making in the Newsroom of the SABC.
  - 4.1.1. The present SABC editorial policies call for the Group Chief Executive Officer (GCEO) of the SABC to play the role of editor-in-chief. Coalition members have debated this issue in-depth and find it to be an inappropriate arrangement.
  - 4.1.2. The Commission’s recommendation is that “the Group Executive: News should be designated as Chair of the Editorial Policy and Ethics Committee of the Group Executive... The committee would be the highest point of upward referral by editorial line managers...Structurally the chair would report to the GCEO.<sup>1</sup>” The Coalition’s main argument against this unnecessarily complex structure however, is that the SABC’s editorial policies do not include only news and current affairs programming, but also other programming including drama, sport etc.

##### **Recommendation**

- 4.2. As a matter of principle, SOS believes in separating editorial from financial and organisational responsibilities and makes the following recommendation in this regard:
  - 4.2.1. that a new Executive position of Editor-in-Chief be created, to which the heads of SABC TV, SABC Radio and SABC Online report, and which, in turn, reports to, but is not instructed by, the COO, such that editorial decision-making rests with

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<sup>1</sup> Thloloe and Tawana. 2019. Report of Commission of Inquiry into Interference in the Decision-making in the Newsroom of the South African Broadcasting Corporation.pg 61 par 271

the Editor-in-Chief. All content departments across all platforms ought to report to the Editor-in-Chief on editorial matters<sup>2</sup>.

4.2.2. The Coalition believes strongly that the current role of Group Chief Operating Officer (GCOO) should be clearly defined in terms of its emphasis on operations and that the GCOO should thus play no role in editorial decisions, and all remaining structures put in place under Mr H. Motsoeneng to give the GCOO these powers must be immediately disbanded.

#### 4.3. Upward Referral

4.3.1. The Coalition notes the controversies around the SABC's editorial policy of "upward referral". The current version of the editorial policies state that individual producers and commissioning editors have editorial control but that, if difficulties arise, they should "consult" their direct supervisor. This process of upward referral can extend as far as the GCEO.

4.3.2. The Commission's report effectively retains the GCEO as the highest point of upward referral by editorial line managers because "structurally the chair [of the Editorial Policy and Ethics Committee of the Group Executive] would report to the GCEO<sup>3</sup>"

4.3.3. SOS would like to alert the inquiry to the serious problems with these policies given the fact that the GCEO is effectively (through the SABC's Memorandum of Incorporation) appointed by the Minister of Communications. This arrangement has continued to undermine the independence of the SABC.

4.3.4. According to Frantz Kruger in his 2018 submission on the SABC's Editorial Policy review process, while "upward referral is used by a number of public broadcasters" globally, we should take note that in some of these broadcasters, "the most senior manager of the relevant organisation (identified in different ways) is often identified as the editor-in-chief." In instances where further consultation is required, operational management is consulted last, after all the editorial management avenues have been exhausted. Global best practice, therefore, provides further support for the separation of editorial and operational obligations in media entities. Please see Annexure 1: FKruger Input on Editorial Policies.

#### **Recommendation**

4.3.5. In this regard, SOS reiterates that a new Executive role of Editor in Chief be created to act as the final editorial decision maker for all content, even in the process of upward referral. This role in turn, reports to, but is not instructed by, the COO.

4.3.6. The Group Chief Operating Officer's (GCOO) role in turn should be revised and strengthened to clearly focus on Operational matters and have no role in Editorial matters.

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<sup>2</sup> SOS Support Public Broadcasting Coalition, 2019. Vision for Broadcasting in South Africa. Section 9. pg15

<sup>3</sup> Thloloe and Tawana. 2019. Report of Commission of Inquiry into Interference in the Decision-making in the Newsroom of the South African Broadcasting Corporation. pg 61 par 271

4.3.7. In the interim, while the new role is being created, the SABC should ensure that the GE: Head of News is the final supervisor to be consulted in the process of upward referral related to news content.

## 5. MINISTERIAL INTERFERENCE AT THE SABC

5.1. The SABC has had 3 boards in ten years, (excluding Interim boards) and 12 CEO's since 2008<sup>4</sup>, resulting in a decade of instability characterised by political, editorial and commercial interference.

5.2. These collapses in corporate governance have been driven by amongst other things, the lack of clarity around the Minister's role with regards to the operations of the SABC as well the appointments and removals of SABC board members. At the expense of the SABC's credibility, some Ministers<sup>5</sup> have exploited the legislative loopholes set out below:

5.2.1. Firstly, the Broadcasting Act emphasises that the state is the sole shareholder of the SABC – but unfortunately does not stipulate that this role is exercised on behalf of the public.

5.2.2. Secondly, the Broadcasting Act provides that the Minister is responsible for determining the SABC's Memorandum and Articles of Association (now Memorandum of Incorporation). However, Broadcasting Act is silent on a Shareholders' Compact.

5.3. Currently the Minister of Communications and Telecommunications determines and amends the Memorandum of Incorporation without public involvement or approval by a body such as Parliament. Further, the Minister signs an annual Shareholder's Compact with the SABC. This, too, is not subject to a public process and, in any event, is not required by the Broadcasting Act.

5.3.1. These documents (the Memorandum of Incorporation and the Shareholders' Compact) give the Minister significant powers in terms of appointments of executive directors to the Board, input in terms of corporate plans etc. This ultimately compromises the SABC's independence as has been held in the case of *SOS Support Public Broadcasting Coalition and Others v the SABC and Others* (81056/14) [2017] ZAGPJHC 289 (17 October 2017) in which the Judge held that "the executive members of the Board are to be appointed solely by the non-executive members of the Board and without any requirement of approval by the Minister"<sup>6</sup>. Please see Annexure 2: Judgement SOS and Others v SABC and Others.

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<sup>4</sup> <https://www.news24.com/SouthAfrica/News/unstable-sabc-has-had-12-ceos-since-2008-inquiry-hears-20161214>

<sup>5</sup> <https://ewn.co.za/2016/12/14/watch-live-communications-minister-to-face-sabc-inquiry-today>

<sup>6</sup> At paragraph 3 of the Order.

5.4. The High Court has since instructed the Minister of Communications to develop a new Memorandum of Incorporation (MOI) for the SABC in terms of section 8A(3) of the Broadcasting Act. Please see Annexure 3: Memorandum of Incorporation SABC. SOS has urged the Minister of Communications to ensure that the MOI evidences the High Court's insistence that the SABC plays a *sui generis* role as the nation's public broadcaster and that it cannot be treated as yet another State-Owned Entity (SOE). In this regard, the Coalition is of the view that:

5.4.1. The new MOI must reflect that the state, as sole shareholder in terms of section 8A(2) of the Broadcasting Act, represents the public and not the government of the day.

5.4.2. An up-to-date copy of the MOI must be publicly available on the DOC's and SABC's websites.

5.4.3. The MOI must stipulate that the Board of the SABC is entirely responsible for the appointment of the executive directors of the SABC and that such appointments must happen without any executive involvement.

5.5. The Coalition hopes that the SABC will be emboldened by the amendments to the MOI that ensure that the Minister has no role to play in the appointment of SABC executives; and in turn, that the SABC will seize the opportunity to strengthening its editorial independence by making amending these editorial policies to create clearer distinctions between editorial and operational roles at both group and board levels.

## **6. FUNDING THE PUBLIC MANDATE: Editorial Independence and local content**

6.1. The Coalition notes the problems that have arisen at the SABC due to the Corporation's commercial funding model and how these have negatively impacted the SABC's programming. The SABC relies on approximately 80% advertising (and 18% from license fees and 2% from government). Further, the Coalition notes problems with the division of the SABC into public and public-commercial divisions to ensure cross-subsidisation of public TV and radio. The Coalition notes the fact that (ironically) the public division makes more money than the public-commercial division, ultimately making a mockery of this cross-subsidisation model. A key outcome of this funding model has been the intense commercialisation of all SABC programming, both public and public-commercial.

6.2. Further, the Coalition notes the major financial problems the SABC has experienced over the last few years including a significant financial crisis in its 2008/9 financial year and, most recently, in 2016/17 under the leadership of then GCOO, Mr Hlaudi Motsoeneng, and then GCFO, Mr James Aguma, when the corporation lost millions of rand. To date, that SABC has not been able to turn this situation around even after having been granted the first tranche of its second government bailout in less than 10 years<sup>7</sup>.

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<sup>7</sup> <https://www.businesslive.co.za/bd/national/2019-10-04-sabc-to-get-r21bn-portion-of-bailout/>

- 6.3. Currently, SABC programming budgets have once again been placed under significant pressure due to this crisis, and producers in the independent production sector have been forced to produce programming on shoe-string budgets, with obvious impact on the quality of programming. Many in the production sector will continue to be at the risk of bankruptcy unless a robust, research driven, public consultative process can be undertaken to develop a more stable funding model that is fit for the purpose of supporting the public mandate.
- 6.4. SOS believes the SABC's ongoing (often self-imposed) financial crises have exacerbated editorial problems such as:
  - 6.4.1. Pursuing advertiser-funded programming and product placements at the expense of the public interest;
  - 6.4.2. Cutting back on local content and encouraging repeats;
  - 6.4.3. Cutting back on the production of more expensive public programming, including drama, documentaries, educational and children's programming;
  - 6.4.4. Insufficiently prioritising African-language programming, particularly more marginalised languages such as Tshivenda and Kora.
- 6.5. SOS believes that the SABC must lead the broadcasting sector on local content and African language programming. Every person in South Africa should be able to enjoy both radio and television programming in all official languages.
- 6.6. The Coalition is of the view that particularly advertiser- and certain donor-funded programming potentially undermine the SABC's editorial independence. The Coalition believes strongly that the SABC should receive a certain percentage of public funds to pursue its public mandate.
- 6.7. Although the Coalition realises that this is not the focus of this submission, SOS recommends that the Department of Communications and Telecommunications be called upon to urgently resolve (in consultation with civil society and other key stakeholder groupings) the issue of the SABC's funding model, and to craft a new funding model for the SABC.
- 6.8. Consequently, SOS supports the following key funding and market regulation principles:
  - 6.8.1. A mixed funding model for the SABC including advertising, sponsorships, licence fees (which ought to be renamed Public Broadcasting Fees), access to a Local Content Fund and Parliamentary appropriations.
  - 6.8.2. A Local Content Fund must be established and financed from a range of sources to ensure the production of good quality local public service content across a range of platforms: commercial, public and community.



6.8.3. The SABC must be required by Parliament to make transparent its accounting, including reporting on the percentage of spending on administration, as well as on programming in terms of genre, language and regional coverage.

6.8.4. The SABC must spend the majority of its funds on programming (as opposed to the present practice where the major portion of the SABC budget is spent on management and overheads).

6.8.5. Pro-competition and pro-public broadcasting mechanisms need to be specifically introduced with regard to DStv. This is because DStv has a dominant position, not just in the subscription television market, but in the entire television sector. This negatively affects the viability of all other television operators, whether public or commercial. Therefore, policy, law and regulation must ensure that DStv:

- a) Pays commercial rates for the SABC channels it carries as part of its “must carry” obligations;
- b) Carries the SABC channels such that they appear as channels 1, 2, 3 on the EPG
- c) Collects the public broadcasting fee from each of its subscribers and pays this over (monthly or annually as the case may be) to the SABC
- d) Has a sliding scale of allowable advertising revenue to protect the viability of FTA television broadcasters without a subscriber revenue stream;
- e) Treat its decoder platform as an essential facility, and make it interoperable, and available to other subscription broadcasters at a reasonable, cost-based access fee in order to facilitate competition.
- f) Is subject to regularly reviewed policy and regulation on access to sports rights of national interest that takes into account international best practice, and deals with access to events of national significance;
- g) Is not able to, without certain limitations, enter into exclusive long-term rights agreements over premium content.

6.9. Ultimately, the Coalition is of the view that Parliament must ensure that the SABC has sufficient public funding to pursue its public service mandate in respect of public-interest programming so that editorial independence is safeguarded.

## **7. The SOS Coalition’s Vision for Public Broadcasting in South Africa**

7.1. As part of its work to support public broadcasting in South Africa, SOS has drafted a document to articulate the vision of the SOS Support Public Broadcasting Coalition (SOS) for broadcasting and, in particular, public service broadcasting, with the specific aim of lobbying government, regulatory authorities, industry and other stakeholders to promote and implement this vision. Please see Annexure 4: The SOS Vision Document.

7.2. While the SOS Coalition's Vision for Public Broadcasting Document<sup>8</sup> sets out fundamental principles for public broadcasting, of relevance to this inquiry are three new issues which the Coalition believes the SABC needs to address in its upcoming policies:

7.2.1. Ensuring the Protection of Journalists

7.2.2. Increasing accountability to the public through the Public editor

7.2.3. Adoption of a new SABC Charter

7.3. SOS believes these three additions will strengthen the SABC's editorial independence, increase transparency and make it more accountable to the publics it serves.

## 8. Protection of Journalists

8.1. Over the years, Journalists in the SABC have been subject to serious intimidation and death threats. In 2016, an SABC journalist lost her life to Cardiac Myopathy that was due to the severity of the intimidation she experienced for speaking out and resisting the culture of censorship at the SABC. Many other journalists were also subject to ongoing threats that affected their ability to carrying out their responsibilities in an independent, ethical and unbiased way. These working conditions helped create the culture of secrecy and self-censorship that was also noted by the Commission of Inquiry into Interference in the Decision-making in the Newsroom at the SABC<sup>9</sup>.

8.2. The Coalition is deeply concerned about this culture of secrecy and censorship that had tightened its grip at the SABC during the reign of Mr Motsoeneng. While things may have begun to change since the appointments of the new board and executive in 2018 and 2019, SOS believes the SABC must continue to fight for open and transparent newsrooms where journalists are protected from political, commercial and other interests so that they can play their key information gathering and dissemination roles in the interests of citizens and audiences".

8.3. To begin to reverse this culture of secrecy, fear and censorship, SOS recommends<sup>10</sup>that,

8.3.1. that a multi- stakeholder summit should be urgently convened including SABC journalists; senior editorial staff and leadership; ICASA councillors and relevant staff; Members of Parliament; civil society, labour and business stakeholders; and journalists from international public broadcasters. This should be held before the beginning of 2020 (i.e. before the upcoming 2021 local elections and perhaps within the first six months of the new SABC board's term). The summit should be action and recommendation focused.

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<sup>8</sup> SOS Support Public Broadcasting Coalition, 2019. Vision for Broadcasting in South Africa. Section 6. pgs 8-10

<sup>9</sup> Thloloe and Tawana. 2019. Report of Commission of Inquiry into Interference in the Decision-making in the Newsroom of the South African Broadcasting Corporation. Pg60. para 266

<sup>10</sup> SOS Support Public Broadcasting Coalition, 2019. Vision for Broadcasting in South Africa.pg16

8.3.2. That the SABC's editorial policies, specifically, be updated to include a clear set of policies in the SABC that ensures the protection of journalists. These policies need to be overseen and implemented by the editor-in-chief. Further, journalists should be encouraged to create their own editorial forum to ensure further collegial support.

## 9. Public Oversight structure to ensure accountability of the SABC

9.1. The SOS Coalition is of the view that the SABC, as the public's broadcaster, needs to be accountable to the public in the first instance. SOS believes the ability of the public to hold the SABC accountable must be significantly strengthened to ensure active public engagement and an ability to significantly influence all aspects of public broadcasting.

9.2. The Coalition notes that there are a number of existing opportunities for consultation with the public. These include opportunities for the public to debate broadcasting legislation, make nominations to the SABC Board, and debate the SABC's editorial policies. The cyclical crisis's and ongoing impunity related to editorial breaches at the SABC indicate that these public participation mechanisms are insufficient for public accountability.

9.3. The SOS Coalition therefore proposes, in addition to existing opportunities, the appointment of a Public Editor/, which incumbent would be:

- a) An experienced journalist who has held a senior editorial position for at least five years in the print or broadcast media;
- b) Appointed by the Board;
- c) Accountable to the Board;
- d) Consulted on all editorial-related complaints involving the SABC that are laid with the Broadcasting Complaints Commission of South Africa (BCCSA).

9.4. Further, the Office of the Public Editor would be required to:

- a) Adjudicate complaints regarding editorial content or conduct of the SABC that are laid with the SABC directly;
- b) Be consulted by the Editor-in-Chief of the SABC on a regular basis regarding the SABC's editorial policy and direction;
- c) Ensure that the SABC's editorial policies and practices uphold the BCCSA's Broadcasting Code of Conduct and SABC Charter, and promote the values of high quality programming and ethical standards of journalism;
- d) Promote dialogue between the public broadcaster and its audience(s), including through:

- e) Consulting SABC audiences through the SABC's various channels and platforms (including digital); Publication of on-line opinions; Focus groups.
- f) Submit an annual report to the Board, as well as to the audience participation forums, which report is to be included in the Annual Report of the SABC.

## **10. SABC'S PUBLIC BROADCASTING MANDATE:**

10.1. The SABC has a constitutional duty to uphold freedom of expression. The current mandate of the public broadcaster is scattered throughout the 1999 Broadcasting Act, for example, in sections: 2, 3, 6, 8, 10 and 11. The SABC's Editorial Code, Editorial Values and the Broadcasting Complaints Commission's standards and Code of Conduct provide additional guidance in the delivery of the public service mandate. Other regulatory obligations related to the mandate include ICASA's local content quotas and language services requirements.

10.2. Notwithstanding all the above provisions, the SABC has continued to experience lapses in corporate governance and editorial interference that has affected its delivery of the public service mandate. The lack of coherency in policies and regulations related to the public service mandate has contributed to the loss of integrity and credibility at the SABC.

10.3. The SOS Coalition is of the view that what is needed is a single, consolidated Charter that sets out the public mandate of the SABC and which focuses on the following three key issues:

- a) Promoting the values and goals of the Constitution;
- b) Providing the public with programming of the highest quality;
- c) Contributing to the development of the country's cultures, languages and local cultural industries.

10.4. In terms of the above, the SOS Coalition has crafted a proposed Charter that commits the broadcaster to the provision of cutting-edge, citizen-orientated television and radio programming, and other public service media content. This proposed Charter should be extensively and publicly debated, between Parliament and the public and a consensus version drafted into law<sup>11</sup>. It should be reviewed and updated regularly.

## **Proposed Charter for the SABC**

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<sup>11</sup> SOS Support Public Broadcasting Coalition, 2019. Vision for Broadcasting in South Africa.pg14

10.5. The Charter of the Corporation sets out the public mandate of the SABC, which public mandate is to<sup>12</sup>:

**10.5.1. Promote the values of the Constitution** and for this purpose to:

- a) Contribute to building democracy.
- b) Promote respect for freedom of expression.
- c) Offer a forum for democratic debate.
- d) Reflect a range of opinions and of social, political, philosophical, religious, scientific and artistic trends.
- e) Reflect regional diversity.
- f) Give a voice to the poor and marginalised.
- g) Contribute to the development of an equal society, where all reach their full potential regardless of race, social status, gender, ethnicity, age, culture, political belief, religion and sexual orientation.
- h) Safeguard, enrich and strengthen the cultural, political, social and economic fabric of the country.
- i) Reflect both the unity and diverse cultural, political, social and economic fabric of the country.
- j) Develop a strong and committed public broadcasting service that will service the needs of society.
- k) Ensure that public broadcasting services that meet the highest international technical standards are available to all.

**10.5.2. Provide the public with programming of the highest quality** and for this purpose to:

- a) Set industry standards for innovation, excellence, and creativity.
- b) Provide, in its public broadcasting services, radio and television programming that informs, educates and entertains.
- c) Provide a plurality of news and public affairs programming that:
  - i. Meets the highest standards of journalism.
  - ii. Provides fair, unbiased and explanatory analysis that is independent of those wielding public power.
  - iii. Covers events in the country, Africa and the world.

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<sup>12</sup> SOS Support Public Broadcasting Coalition, 2019. Vision for Broadcasting in South Africa.pg30

- iv. Gives voice to the disempowered and the marginalised.
- d) Ensure that public broadcasting services provide a reasonable, balanced opportunity for the public to receive a variety of points of view on matters of public concern, including through citizen-generated content.
- e) Cater for a broad range of programming, including drama and documentaries that cater specifically for the programming needs of children, women, the youth and the disabled.
- f) Include significant amounts of educational programming that contributes to a shared consciousness and identity. It must be both curriculum-based and informal. Topics from a wide range of social, political and economic issues must include, but not be limited to, human rights, health, early childhood development, agriculture, culture, justice and commerce.
- g) Include national sports' programming.
- h) Ensure programming is drawn from local, regional, national, continental and international sources.
- i) Ensure that public broadcasting services comply with the code of conduct for broadcasting.
- j) Be responsive to audience needs and account to the public on how to meet these needs.

**10.5.3. Contribute to the development of the country's cultures, languages and local cultural industries** and for that purpose to:

- a) Encourage the development of original local programming content.
- b) Enrich the cultural heritage of the country by providing support for traditional and contemporary artistic expression.
- c) Ensure that public broadcasting services provide a range of high-quality programming in all of the country's official languages to all citizens.
- d) Encourage the development of local content production throughout the country, particularly in marginalised regions.
- e) Nurture the country's talent and carry out research and development for the benefit of audiences.

## **Conclusion**

The SABC has made significant strides over the past few years to rectify some of the most egregious abuses of power and editorial breaches that occurred over the past decade. There have been flagrant editorial violations and unethical conduct that nearly collapsed the public

broadcaster, threatened our democracy and contributed to the untimely death of a young journalist.

The SOS Coalition has focused on the above issues and recommendations with the express intent of assisting both this inquiry and the SABC to put into place, further mechanisms that will protect the public broadcaster from political, commercial and editorial interference. We hope to contribute to rebuilding the editorial integrity and ethics of the SABC to ensure that South Africa has a Public broadcaster that acts in the broad public interest and strengthens the goals of our Constitution, especially the Bill of Rights, including socio-economic rights.

The Coalition thanks the SANEF Inquiry into Media Credibility and Ethics for the opportunity to comment on editorial integrity and independence at the SABC.

Your Sincerely



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**Duduetsang Makuse**  
National Coordinator