

SABC

Revamping our public broadcaster

The SABC has long been in crisis. **Kate Skinner** explains how it could be changed into a healthy, vibrant and independent broadcaster that serves its audience and not its masters.

The SABC has been lurching from crisis to crisis for years. Think back to 2006 when the infamous 'blacklisting case' was unfolding. Allegations were made then that the SABC was purposefully excluding political commentators critical of government.

This was followed by political interference in the Board appointments in 2007. Then came Parliament's vote of no confidence in the Board in 2008. This was followed by the battles between the Board and management with the suspension and re-suspension of the CEO, Dali Mpofu. And now, 2009, we have the staggering R784 million (or more) debt, amassed in less than a year!

However, all is not lost. The 'Save our SABC' (SOS) Campaign representing trade unions and trade union federations, social movements, community-based organisations, media NGOs and television producers, believes we need to get back to basics.

First, we need a clear vision of the kind of broadcaster we want. Second, we need clear steps to get there.

In terms of vision most people would agree that we want an editorially independent, accountable to the public, sustainable, publically funded broadcaster producing high quality programming. And we also

need a broadcaster that supports and promotes a robust local television production sector.

MINISTER'S ROLE

Campaign members have become keenly aware that there is a deep confusion in the broadcasting sector about the roles of the different players. This is partly because the laws are unclear. A key starting point is therefore to clarify these.

So first up is the minister. Some say, since it is critical that a public broadcaster is independent from political (as well as commercial) influence, the minister should have no role to play. SOS Campaign members would disagree. The minister should have a role but at a 'high level' not involved in the day-to-day running of the institution. His or her role is to draft important broadcasting policy and new SABC laws and to ensure that the SABC has sufficient, secure and ongoing funding.

Basically the minister's role is to create an enabling environment for a thriving independent public broadcaster. However, appointment battles as regards senior management such as the chief executive officer and chief operating officer should not be

his/her business. The Board should be appointing senior management.

Nor should the minister be involved in sorting out the 'on the ground' crises between the Board and management. In terms of those issues, two other structures should be playing this role. They are the Regulator, the Independent Communications Regulator of South Africa (Icasa), and Parliament.

ROLE OF REGULATOR

It is the role of the Regulator to ensure, among a number of issues, that the SABC adheres to all relevant broadcasting laws. In particular it must adhere to the SABC's Charter which sets out the Corporation's vision and mission.

Further, the Regulator should be setting out, and ensuring the SABC adheres to, its license conditions. So given these powers, Icasa should have called the SABC to account on the blacklisting saga. Also, it should have called Parliament to account on the Board appointments as the appointment process was clearly illegal in terms of the Broadcasting Act, 1999 governing the SABC. And Icasa should have called the SABC Board and management to account in terms of the corporations' financial crisis. Sadly, Icasa has played a completely 'hands-off' role.



The back room technicians and the faces the public see: some of SABC's presenters.

PARLIAMENT'S ROLE

And as for Parliament, its Portfolio Committee on Communications needs to oversee the passage of broadcasting laws.

The Portfolio Committee also has a key oversight role in terms of monitoring the SABC's programming, Board and management functioning, and the SABC's strategic plans and finances. So Parliament is a second key 'oversight' structure. Board/management battles and financial woes should fall squarely within the Portfolio Committee's oversight role.

Of course Parliament also has to appoint the SABC Board, which is now a seriously controversial issue, given the political interference in the last process. It was alleged that members of parliament after interviewing and short-listing candidates for the Board, allowed the presidency to impose a set of new names. This was illegal in terms of the Broadcasting Act, making the Board immediately illegitimate. Further, the Board's composition was shifted so as to emphasise business interests and to exclude labour and community interests.

During the public outcry that ensued people started asking the question: "Should Parliament be the body who appoints the SABC Board or should it be an independent panel?"

Many commentators called for an independent panel. They looked back to the appointment of the first democratically appointed SABC Board in 1993, appointed by an independent body. On first thoughts an independent panel *is* appealing but it too has its problems. Firstly, the possibilities of political interference are certainly not excluded. Secondly, minimum requirements in terms of transparency and public participation are built into parliamentary processes which may be more difficult to safeguard in the long term with an independent panel.

One possibility is to create a special parliamentary committee dealing with appointments. This would allow for greater debate by balancing the power of the ruling party with more say from opposition parties in the proceedings.

SOS members are debating these issues furiously. But one issue that has been concluded is that whatever the decision we need maximum public participation and maximum transparency. So we need the names of the nominators and the nominees (the people who have been nominated) to be public. Also, we need the detailed CVs of all those shortlisted for interviews to be made public.

Further, it should be mandatory that interviews for Board membership must be held live on SABC radio and television. And finally, the parliamentary committee selecting the Board should give written reasons for why they have selected a particular shortlist of candidates. Then they should allow a reasonable period for public objections.

Finally, in terms of Board membership the criteria need to be tightened. The present Broadcasting Act talks about members of the Board needing to be people who are suited to serve on the Board by virtue of their "qualifications, expertise and experience in the fields of broadcasting policy and technology, broadcasting regulation, media law, business practice and finance, marketing, journalism, entertainment and education, social and labour issues".

Lawyers have commented that the wording of the present law makes it relatively easy to exclude people from particular constituencies such as labour. If you can prove that at least one of the Board members has some background or experience even in the distant past in labour issues then that is enough. The clauses need to be redrafted to ensure that there is greater

imperative to include people who represent labour and civil society interests.

So these are the oversight structures.

ROLE OF SABC BOARD

What then should be the role of the SABC Board and what should its relationship be to management?

But before we talk about the SABC Board's role let's touch on the vision.

Ideally we would want a representative Board selected transparently, made up of members that have the integrity and skills to lead an independent public broadcaster. And in terms of what they should be doing, their key role would include ensuring compliance with all broadcasting legislation and compliance with the Corporation's Charter.

The Board should also focus on strategic issues and monitor performance including financial performance. It should not interfere in day-to-day management.

Further, and most importantly the Board needs to ensure the appointment of a competent professional, independent and publically-minded management team. And on a day-to-day basis these people need to be left alone to get on with their jobs. SABC management should then implement the Board's strategic and financial plans and appoint respected, professional journalists and commissioning editors who should also be left to get on with their jobs.

SABC FINANCES

Now finally onto the difficult issue of finances... So what exactly is to be done here?

Firstly, the Board and management need to ensure proper adherence to financial controls. That is critical. Without these in place it is

impossible to call for public funds. And given the SABC's huge public mandate in terms of delivering programming in 11 official languages and so forth, we can't get away from it, some form of public funding is a necessity.

License fees are obviously ideal as they protect the institution from political and commercial pressures. However consumer bodies are strongly opposing increases and the SABC itself keeps pointing to the problems of non-payment and the costs of collection. So possibly we have to look at some form of direct National Treasury grant with independence assured.

Treasury grants could fund certain key personnel costs and critical public service programming including news and current affairs, programming on development issues and programming in the 11 official languages. With strategic public funding in place, the argument is that the power of advertisers to influence programme content would be significantly reduced. This would also cut down on the many advertising breaks.

But the model above is not the only one being debated. A completely different model has also been put forward.

Here the suggestion is that certain of SABC's more commercial television stations and radio stations (such as SABC 3 and Metro FM) should be sold off and that the proceeds from these should be kept by the SABC. The remaining SABC

channels would then play a purely public service role and receive no advertising. Commercial broadcasters would benefit because large shares of advertising would be freed up. In return for this extra revenue the state would tax commercial media and this revenue would go to the SABC.

NEW POLICY AND LEGISLATION

The exciting issue is that our previous Minister of Communications, in 2008, promised a policy and legislative review of the SABC's governing laws. So now is the time to start debating these substantive issues.

The 'Save our SABC' Campaign, has started to draft its own civil society paper and it hopes to substantially influence new SABC laws.

Civil society is looking at a new Charter for the SABC, a new legal structure, clarification as regards the roles of all the key players, a new (or improved) appointments process and a sustainable funding model.

The campaign will be circulating drafts of this paper for comment. We hope that the trade unions will actively engage with us. We have a golden opportunity now to turn the crisis at the SABC around. We need to start debating these important issues now. LB

For more information on the campaign please contact the Save our SABC campaign coordinator, Kate Skinner on kate.skinner@mweb.co.za.

