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Attention: Mr Philly Moilwa

Project Leader: SABC Editorial Policies Review

Email: editorial@sabc.co.za

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Dear Mr Moilwa

RE: WRITTEN SUBMISSION BY THE SOS COALITION ON THE SABC EDITORIAL POLICIES REVIEW

1. Introduction

- 1.1 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.
- 1.2 The policies are meant to ensure compliance with the SABC's license conditions and the Broadcasting Act's objectives.
- 1.3 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.
- 1.4 The Broadcasting Act requires public participation in the development of these policies. The SABC is obligated to release a set of draft editorial policies for public comment and should only adopt the new policies following a period of public inputs in 2017. The Corporation has embarked on a public participation and roadshow process, convening provincial meetings.

1.5 The editorial policies that have been published to date are the 2004 policies. SOS sees this submission as input into the published 2004 policies. The SOS Coalition then expects to make further inputs into the 2017 draft policies when they are released. The Coalition and its civil society partners also expect to be invited to engage in the process until its conclusion, as discussed with Mr Moilwa at the SOS Coalition Roundtable hosted by the Nelson Mandela Foundation on 24 August 2017.

1.6 The Coalition believes that the 2017 editorial policies must give particular emphasis to:

- The SABC's watchdog role in terms of holding those in power in every sector of society accountable.
- The importance of ensuring that all audiences are catered for, but in particular those that are poor and marginalised and, therefore, neglected by commercial broadcasters.
- The implications of the new multi-channel, multi-platform environment.

2. Overall comments

2.1 The SOS: Support Public Broadcasting Coalition welcomes the opportunity to comment on the 2004 editorial policies.

2.2 Further, the Coalition wishes to extend its comments to the editorial review process itself.

2.3 SOS encourages all its individual members to comment on the policies and on the process.

2.4 The SOS Coalition represents a broad spectrum of civil society stakeholders including a number of trade union federations and a number of independent unions including BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); a host of NGOs and CBOs including the Freedom of Expression Institute (FXI) and Media Monitoring Africa (MMA), and a number of academics and freedom of expression activists.

2.5 The SOS Coalition envisages a public broadcaster that strengthens the goals of the South African Constitution, especially the Bill of Rights, including socio-economic rights. The Coalition campaigns for an SABC with institutional autonomy that is independent of commercial, government and party-political interests. The Coalition campaigns for SABC programming to be under-pinned by the principles of credibility, reliability, variety and balance and, further, for programming to be challenging and informative. In addition, the Coalition campaigns for the full range of South African opinions to be reflected including, in particular, those views traditionally marginalised by the commercial media. Finally, the Coalition campaigns for the SABC to lead the broadcasting sector on African language and local content programming.

3. General comments

- 3.1 The Coalition welcomes the editorial policies review process. However, SOS believes that the process could be further strengthened to ensure greater participation. SOS shares its recommendations in this regard.
- 3.2 Overall the Coalition believes that the present 2004 editorial policies are thorough, comprehensive and in line with international good practice. However, the SOS Coalition believes that there have been significant compliance problems. SOS shares its recommendations in this regard.
- 3.3 Although in general the SOS Coalition supports the overall principles under-pinning the 2004 editorial policies, the Coalition makes suggestions to deepen the definitions of balance, diversity and pluralism.
- 3.4 The Coalition comments on 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.
- 3.5 The Coalition comments on the need to ensure that programming briefs are not overly restrictive.
- 3.6 The Coalition comments broadly on funding issues, including the need for sufficient funding for programming and commercial issues related to the editorial policies such as payment for broadcasts and advertiser-funded programming.
- 3.7 Further, due to significant broadcasting technology and broader policy developments, certain sections of the policies are now outdated. The SOS Coalition points out where these policies need updating.

4. Editorial Policies Review Process

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. The Coalition believes that the current process needs to be significantly strengthened to avoid this past omission. The Coalition realises this is very late in the day but still proposes the following:

- 4.1 That a draft of the 2017 editorial policies is published and that the public is allowed enough time to make inputs. The time frame should be no less than 14 working days to allow meaningful engagement with the new draft policies.
- 4.2 That the public and civil society partners continue to be invited to engage at every possible opportunity in the 2017 editorial policies review process until its conclusion, as was discussed

with Mr Moilwa at the SOS Coalition Roundtable hosted by the Nelson Mandela Foundation on 24 August 2017.

- 4.3 That a thorough internal review process is conducted with journalists and editorial staff in terms of the challenges they have experienced in the implementation of the editorial policies since 2004, and that this internal review process is made public.
 - 4.3.1 That the SABC makes public the research it has conducted in terms of the review process.
 - 4.3.2 That in terms of this research, internal review etc. the SABC drafts a set of questions that is distributed with the draft 2017 editorial policies to assist and direct the public with their submissions.
 - 4.3.3 That the draft editorial policies, summary document and questions are translated into a number of South African languages.
 - 4.3.4 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.
 - 4.3.5 That the SABC ensures that the draft policies are discussed on its various talkshows.
 - 4.3.6 That the SABC ensures maximum transparency as regards 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.

5. Lack of compliance

- 5.1 From research produced by Media Monitoring Africa (presented to the Parliamentary Ad Hoc Committee as part of the December 2016/January 2017 Parliamentary Inquiry into the fitness of the SABC Board to hold office) and evidence from programming itself, the Coalition believes that the SABC's editorial policies are frequently not applied. The Coalition believes that this lack of compliance, in the main, is not a technical issue but in fact an issue of political will in the first instance, and and resources in the second.
- 5.2 The Coalition notes that certain of the 2004 editorial policies (e.g. the language policy) include a special compliance section that calls for the SABC to produce action plans and reports on progress made. Further, the editorial policies call for progress reports to be captured in the SABC's annual report. We commend the SABC for including these compliance sections. However, we believe that it is essential that each of the 2017 editorial policies include these sections, and that progress on all policies is included in the annual report. We believe that a standard reporting format needs to be adopted for these policies so that progress can be monitored over time.

5.3 The Coalition notes that, following ICASA's ruling for the SABC to reverse Mr Hlaudi Motsoeneng's 2016 directive banning the broadcasting of violent service delivery protests, the SABC needs to confirm that it has indeed reversed this directive.

5.4 The SABC needs to show that it complies with regulations and licence conditions set by ICASA, the Regulator. ICASA must engage the SABC actively and monitor and enforce the SABC's Charter and licence conditions, and the licence conditions of all community and commercial broadcasters in the public interest.

6. Principles under-pinning the editorial policies of the SABC

6.1 As mentioned above the SOS Coalition supports the following editorial principles – credibility, reliability, variety, balance, and diversity of views including, in particular, those views traditionally marginalised by the mainstream commercial media. SOS believes that the SABC must lead the broadcasting sector on local content and African language programming.

6.2 SOS believes that in the main the SABC's 2004 editorial policies reflect these core editorial values.

6.3 However, the Coalition believes that these principles could be further strengthened. The Coalition calls for the "core editorial value" of "editorial independence" to be strengthened to refer directly to the fact that the SABC should be independent of all vested commercial, government and party-political interests.¹

6.4 The Coalition believes that the "core editorial value" of "diversity" should be extended to include the phrase "and diversity of views" to ensure that the public broadcaster includes a genuine diversity of views and perspectives, and not just a plurality of similar views albeit from different individuals and groupings.²

6.5 In terms of the SABC's "editorial code" – the Coalition believes that the principle of "balance" must be extended to include a "diversity of views". The Coalition believes that a simple "balance of views" will not sufficiently allow the broadcaster to explore all aspects of topics chosen for discussion.³

7. "Good news" versus "public-orientated and user generated news"

7.1 The SOS Coalition wishes to take issue with SABC management's 2016 decision for the SABC to cover "70% good news". The Coalition's understanding is that this decision has been reversed. However, the public needs a written statement to this effect, and a commitment from the SABC

¹ "Core editorial values" are captured on page 3 of the 2004 Editorial Policies.

² Refer to page 3 of the 2004 Editorial Policies.

³ Refer to page 4 "Editorial Code" of the 2004 Editorial Policies.

that it will never return to this policy. As discussed in previous submissions, SOS is extremely worried that directives such as this could be used as a propaganda tool to uncritically “showcase” the work of government and corporates or other bodies that wield public power.

7.2 The Coalition wishes to remind the SABC that the consequences of any amendments that compromise journalistic independence and the public broadcaster’s institutional integrity can be extremely dire, as witnessed in 2016. Some of the negative outcomes of these 2016 amendments came in the form of the July 2016 crisis, during which the now renowned SABC 8 were fired from their jobs for refusing to implement the protest ban.

7.3 The Coalition calls on the SABC to ensure a much stronger “public-emphasis” by ensuring more “user generated content” and content focusing on user / public / audience perspectives.

7.3.1 In terms of user-generated content – the Coalition notes that the Thai public broadcaster, for instance, has pursued user-generated content with much success in its news broadcasts. All news broadcasts include an insert generated by members of the public themselves. Users are given training, and an annual award is given to the best user insert.

7.3.2 In terms of a public / audience focus – the Coalition believes that the SABC should generate – in partnership with civil society, social movements, labour and business organisations – new lists of alternative sources to be used in addition to their present sources. The Coalition believes that the role of the SABC as our public broadcaster is to ensure a greater diversity of views particularly from individuals and groupings that are presently marginalised in the media, including the unemployed, the youth, children, the elderly, the rural poor, LBG TIAQ groupings and so forth.

8. Suitable lines of editorial accountability and protocols: Upward Referral

8.1 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. As a matter of principle SOS believes in separating editorial responsibilities from financial and organisational responsibility.

8.2 The Coalition notes the perspective that it is not appropriate for the GCEO to play this role because s/he is involved in the business and sustainability of the Corporation, and that this could have an adverse effect on the editorial policies of the SABC. One of the suggestions thus put forward was that the appropriate person to play the role of editor-in-chief was the head of news. The argument against this, however, is that the SABC’s editorial policies do not include only news and current affairs programming, but also other programming including drama, soapies, sport etc. Given this issue the Coalition believes that a new group executive position

should be created, that of an editor-in chief, to oversee the editorial direction and policies of the SABC. The role of this position must be clearly defined.

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

8.4 The Coalition notes the controversies around the SABC's editorial policy of "upward referral". Present 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. The Coalition notes 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 undermines the independence of the SABC. The Coalition believes – although this is not a matter for the editorial policies – that the Memorandum of Incorporation should be set aside and the Broadcasting Act should be amended to ensure that the Minister has no role to play in the appointment of SABC executives; this should be the sole prerogative of the SABC Board. In light of the present arrangement the Coalition's suggestion for a new editorial post to be created is all the more critical.

9. Programming briefs

9.1 The Coalition notes that the SABC's editorial control in crafting programming briefs has become too restrictive. The Coalition believes that, although the SABC needs to set clear goals for each channel, it needs to ensure greater room for creativity and for alternative programme production at the level of programming briefs.

10. Funding issues including ensuring sufficient funding for programming and commercial / donor influences on the SABC, including paid for broadcasts and advertiser-funded programming

10.1 The Coalition notes the problems that have arisen at the SABC due to the Corporation's commercial funding model. 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.

- 10.1.1 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 Hludi Motsoeneng, and then GCFO, Mr James Aguma, when the corporation lost millions of rand. As a result the SABC has been forced to request a second government guarantee in less than 10 years to allow the Corporation to borrow from commercial banks. 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 have also been bankrupted.
- 10.1.2 Although the Coalition realises that this is not the focus of this submission, it is critical to note that SOS has called on the Department of Communications 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 as part of its major ICT policy review process. The Coalition believes strongly that the SABC should receive a certain percentage of public funds to pursue its public mandate. The link with this submission is the fact that Mr Moilwa mentioned resource constraints at the SABC consultation of 29 August 2017, and that submissions should take account of that.
- 10.2 Ultimately the Coalition believes that particularly advertiser- and certain donor-funded programming potentially undermine the SABC's editorial independence. The Coalition believes that these policies should be carefully reviewed and possibly phased out over time if more public funding becomes available.
- 10.3 The Coalition notes that present advertiser- and donor-funded programming should strictly adhere to the SABC's editorial policies.
- 10.4 The Coalition notes the anomaly in the religious broadcasting section – the editorial policies speak to the issue of paid-for religious broadcasts. The Coalition believes that ideally, (wealthy) religious groupings should not be allowed to pay for programming. However, the Coalition notes that in present circumstances (given financial constraints) this kind of programming may continue to exist. In these circumstances this programming must strictly adhere to the SABC's editorial policies, and must not prejudice religious groupings who may not be able to afford to pay for their own programming.

11. The influence of DTT and other digital technologies on the editorial policies

- 11.1 The Coalition believes that there are a number of sections in the 2004 editorial policies that will potentially be rendered obsolete if the SABC acquires further television channel capacity. The Coalition thus calls for the updating of the language, religious and education policies to reflect this increased capacity – to be applied as and when channels come on line. The Coalition thus believes that the 2017 policies need to reflect the present constrained reality, but also reflect the possibilities of increased capacity. Increased channel capacity will potentially allow for greater coverage of all languages, including minority languages, and greater coverage of (marginalised) religious, education and sport issues etc. SOS believes the 2017 editorial policies need to be ‘future-proofed’ to guide the public broadcaster into the digital era.
- 11.2 The Coalition believes that the 2017 editorial policies also need to reflect more on the issues of multi-screen and “360 degree programming” i.e. programming that is delivered on traditional radio and TV channels, but also on websites, Twitter and Facebook pages. More and more the SABC should be delivering its content across these platforms and, eventually, create its own on-demand digital platforms within a coherent content strategy. The implications of these new kinds of delivery of content on editorial issues need to be included in the 2017 policies. As a starting point the SABC needs to share its digital plans.
- 11.3 The SABC must be part of the solution to the current digital divide, and not exacerbate the problem:
- 11.3.1 As we move onto digital platforms, the SABC needs to ensure that all its programming remains available for free across its many radio stations, television channels and its multiple websites and social media platforms.
- 11.3.2 The Coalition notes that the current cost of data fees are already significantly too high for the SABC to ensure those who use low-end cell phones can access significant parts of online and digital broadcast media. The SABC must investigate strategies or zero-rate its platforms to ensure that audiences do not carry exorbitant data costs while accessing SABC services.
- 11.4 The SABC must seriously consider maximising existing online revenue streams while investigating the possibility of acquiring its own on-demand platforms (apart from its use of YouTube) to ensure it remains independent from commercial interests.

12. Protection of journalists

- 12.1 Journalists must be 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.

12.2 The Coalition is deeply concerned that a culture of secrecy and censorship has tightened its grip at the SABC. This culture of secrecy must be fought and dismantled. Journalists in the SABC have been subject to serious intimidation and death threats. A journalist lost her life to Cardiac Myopathy that was due to the severity of the intimidation she experienced for resisting the culture of censorship at the SABC.

12.3 To begin to reverse this culture of secrecy, fear and censorship we believe 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 in 2018 (i.e. before the 2019 general elections and perhaps within the first six months of the new SABC board's term). The summit should be action and recommendation focused.

12.4 The 2017 editorial policies, specifically, need to 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.

13. Conclusion

13.1 The Coalition thanks the SABC for the opportunity to comment on these editorial policies.

14. References

Lee-Hunter, M. (2011) Mapping Digital Media: Digital Media and Investigative Reporting, Reference Series No. 2.

Lloyd, L., Duncan, J., Minnie, J. & Bussiek, H. (2010) *South Africa: Public Broadcasting in Africa Series*, Open Society Initiative for Southern Africa: Rosebank.

Kind regards

Duduetsang Makuse

National Coordinator

[SOS: Support Public Broadcasting Coalition](#)