

**WRITTEN REPRESENTATIONS BY THE CIVIL SOCIETY COALITION: SAVE OUR SABC –  
RECLAIMING OUR PUBLIC BROADCASTER, ON THE DRAFT BROADCASTING ACT  
AMENDMENT BILL [2008]**

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**1. INTRODUCTION**

1.1. In Notice 831 published in Government Gazette 31215 dated 4 July 2008 ('the Notice'), the Portfolio Committee on Communications ('the Committee') invited interested persons and institutions to make written representations on the Draft Broadcasting Act Amendment Bill ('the Bill') by 25 July 2008.

1.2. We, the Civil Society Coalition: **Save our SABC – Reclaiming Our Public Broadcaster** ('the Coalition') thank the Committee for the opportunity to make these written representations and request that we be allocated time to make oral representations as well.

1.3. The Coalition is a large grouping of organisations and individuals working together to address the crisis in public broadcasting in South Africa. It includes non-governmental and civil society organisations, trade unions and academics (see Appendix A for full list of members).

1.4. Key organisations and individuals include:

- The Broadcast, Electronic Media and Allied Workers Union
- Institute for Democratic Alternatives in South Africa
- The Congress of South African Trade Unions
- The Freedom of Expression Institute
- The Institute for the Advancement of Journalism
- MISA South Africa (The South African National Chapter of the Media Institute of Southern Africa)
- The Media Monitoring Project
- The National Consumer Forum
- The Independent Producers Organisation
- The South African History Archives
- SANGONET

- Prof. Anton Harber – Caxton Professor of Journalism, University of the Witwatersrand (in his private capacity)
- Prof. Tawana Kupe – Associate Professor of Media Studies and Dean of the Faculty of Humanities, University of the Witwatersrand (in his private capacity)
- Ms. Justine Limpitlaw – broadcasting lawyer and academic at the University of Pretoria (in her private capacity)
- Ms. Jeanette Minnie of Zambezi FoX – international Freedom of Expression and Media Consultant

## 2. **BACKGROUND TO THE BILL**

2.1. The Bill arises out of Parliament's concern with the on-going crises at the SABC and we applaud the Committee's desire to find solutions to these crises.

2.2. The Coalition is of the view that the current crises plaguing the public broadcaster are deep rooted and arise as a result of a number of serious problems with:

2.2.1. the provisions of the Broadcasting Act, 1999, the Memorandum and Articles of Association of the SABC and the Shareholder Compact between the SABC and the Minister of Communications;

2.2.2. the unlawful and direct interference in Parliament's process of appointing the current Board;

2.2.3. the on-going politicization of the SABC board and the failure by the SABC's leadership (including board members and senior management) to represent the public interest effectively in the carrying out of their respective duties; and

2.2.4. The silence by the Independent Communications Authority of South Africa (ICASA) about the crises and its failure therefore to fulfil its legislative responsibility to monitor compliance by the SABC with its Charter and the Broadcasting Act, 1999.

2.3. The Coalition respectfully requests Parliament to recognise that the issues at the SABC cannot be addressed by piecemeal amendments to the legislative framework – but in the long term require a holistic review of the challenges facing public broadcasting in South Africa. This includes:

- 2.3.1. An assessment of the root causes of problems plaguing the SABC;
  - 2.3.2. A review of the White Paper on Broadcasting (developed close to ten years ago) in order both to evaluate the effectiveness of the framework developed in the policy and to craft policies in the light of the changing broadcasting environment given, for example, convergence and digital migration; and
  - 2.3.3. The promulgation of an SABC Act to replace the current Broadcasting Act, taking into account the problems identified above and the policy developed as a result of the proposed policy review process.
- 2.4. Some of the challenges impacting on public broadcasting which need review through this process include:
- the vague wording in the SABC Charter which has resulted in a lack of clarity about the public broadcaster's real mandate;
  - the on-going funding crises at the SABC, resulting in an over-reliance on commercial activities, to the detriment of public interest programming;
  - the structural dysfunction at the SABC between its public and commercial divisions. The stated motivation of such division was to relieve the public wing's reliance on commercial revenue. The separation, however, has not achieved this;
  - a lack of clarity on the role of the Board;
  - the appointment/ disqualification and removal criteria and processes for both executive and non-executive members of the Board;
  - the lack of clarity around the role of the Minister with regard to the SABC;
  - the fact that the Memorandum and Articles of Association of the SABC and the Shareholder Compact are in many respects, *ultra vires* the provisions of the Broadcasting Act;

- the fact that public stakeholders have no formal way of inputting their concerns to the Board; and
- the failure of the SABC to abide by its own editorial policies, particularly with regard to the recent “blacklisting crisis”.

*(Note this is not an exhaustive list)*

2.5. The Coalition strongly believes that the current crises can in no way be addressed by a piecemeal approach to *one* of the problems identified above, namely by only addressing limitations to the Broadcasting Act. The proposed amendments suggested by the Committee, in fact raise additional concerns with, for example, the disqualification clauses.

2.6. The Coalition is in the process of drafting an alternative Bill, in the interests of assisting the Committee to pass a workable Bill in the shortest possible time. This will be submitted to Parliament as soon as possible and will be discussed as part of our oral submission. We set out below, the considerations guiding our review of the Bill.

2.7. In addition, recognising that the integrity of the appointment process has been damaged, we have outlined practices and principles that need to be adhered to in any new appointment process in order to ensure its credibility and have attached this as Annexure B.

### **3. INCORRECT FOCUS ON REMOVAL PROCEDURE ONLY**

3.1. The Coalition understands the Committee’s recognition that the appointment process of the current Board was defective and that this has negatively affected the latter’s credibility.

3.2. The Coalition further notes concerns raised by members of the Committee regarding the effectiveness of the Board’s fulfilment of its responsibilities expressed in a vote of no confidence adopted by the Committee.

3.3. However, the Coalition is of the view that there is a need for a thorough review of appointment procedures – based on a policy decision on the role of the Board. This can only be achieved through the Green Paper/ White Paper process outlined above as the current amendment procedure is in no way comprehensive enough. To emphasise this

point we have attached an Annexure C outlining some of the many variations of appointment processes currently being utilised internationally.

3.4. Nevertheless, we have made submissions on enhancing in the immediate term the appointment, qualification and disqualification provisions in the existing Broadcasting Act to assist in avoiding similar crises in the short term.

3.5. As a result, the Coalition is of the view that not only the removals provisions of the Broadcasting Act require to be amended, but that, in the short-term, the appointment and disqualification provisions also need to be amended to avoid a repeat of the current crises.

#### **4. SHORT TERM BUT COMPREHENSIVE SOLUTIONS TO BOARD APPOINTMENT PROCEDURES, QUALIFICATIONS, DISQUALIFICATIONS AND CONFLICTS OF INTERESTS; REMOVAL CRITERIA AND PROCEDURES, AND THE APPOINTMENT OF AN INTERIM BOARD**

4.1. The Coalition proposes amendments to section 13: Members of the Board. The Coalition wishes to emphasise that the amendments proposed here are short term. As emphasised above we believe there needs to be a comprehensive review of the Board's appointment criteria and processes. The following immediate temporary amendments are proposed:

4.1.1. to improve the appointments process provided for in section 13(2) by providing for

- the barring of nominations by senior public officials;

Other issues in terms of appointments have been dealt with in terms of "practice" and we have included these stipulations in Annexure B.

4.1.2. to improve the qualification criteria of Board members by proposing that the current clause in the Broadcasting Act be deleted and replaced by the original criteria agreed on by the negotiating parties (between the African National Congress on behalf of the Campaign for Independent Broadcasting and the then National Party Government<sup>1</sup>) for appointment of the first democratic Board of the SABC in 1993. The Coalition is of the view that the current clause in the

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<sup>1</sup> Memorandum of Understanding between the ANC and the South African Government on the appointment of a new SABC Board by 31 March 1993. (Paragraphs 6.1, 6.2 and 6.3 of the memorandum).

Broadcasting Act, 1999 is unworkable and impossible for the Committee to apply. The 1993 criteria stipulated rather that the appointing body should appoint a board:

- which enjoys the confidence and trust of the broad spectrum of South African society;
- is broadly representative of South African society; and
- will act as a trustee of the public interest.

The 1993 Memorandum of Understanding further stipulated that the appointing authority should:

- Pay due regard to the racial, gender, regional, and social composition of South African society, so as to ensure that the new SABC Board broadly reflected this composition; and
- Without derogating the above considerations called for the appointment of at least one member with experience in the field of business and finance and one or more members with experience and knowledge of broadcasting related issues.

The Coalition wishes to slightly amend these two points by stating that the appointing authority should pay due regard to the racial, gender, regional, **economic** and social composition of South African society. We believe that the addition of the word “economic” emphasises the need to ensure labour representation. And in terms of point two the Coalition feels that at least one member should “be qualified and have experience in corporate governance and broadcasting finance issues” and further that one or more members should be “qualified in and have experience in **journalism** and broadcasting related issues”. However, we have not as yet finalised our discussions on these additions. The process will be concluded shortly and our final resolutions will be included in our Draft Amendment Bill and will be presented at the oral hearings.

4.1.3. to improve the functioning and coherence of the Board and senior management by:

- ensuring non-executive members of the Board are solely responsible for appointment of the three executive members; and
- ensuring the appointment of the members of the executive committee of the SABC (other than the executive directors) by the Group Chief Executive Officer after consultation with the Board;

4.1.4. to improve the removal provisions of the Broadcasting Act by replacing section 15 and providing for:

- transparent and objective grounds for removal;
- transparent and administratively just processes for the removal of the non-executive members of the Board, including the participation of the National Assembly and the appropriate role of the President;
- the appointment of an interim board in the extraordinary event of all of the non-executive members of the Board being removed at the same time. Note that in this regard, the Coalition has a number of key concerns about the possibility of appointment of an interim Board given the upcoming elections and the potential for an interim Board to be in place over such period. We therefore want to emphasise that Parliament should act with extreme caution before removing all Board members:

§ That an interim board should exist for no longer than three months;

§ That the responsibilities of an interim board be limited. The Coalition would like to explore this issue further before the scheduled oral submissions take place and to expand on this issue during oral submission;

§ the Coalition reluctantly recognises the need for an interim board to be appointed quickly and therefore reluctantly recognises that in such exceptional circumstances, public participation in that process may be done away with, and that the President may in such instance appoint an independent interim board (of no more than three months

duration) of five non-executive members based on their expertise in corporate governance.

4.1.5. to improve the disqualification and disclosure of conflict of interest provisions in the Broadcasting Act by deleting section 17 in its entirety and replacing section 16 and, in so doing, provide for:

- a much more detailed list of disqualifications for SABC Board members, which the Coalition felt would ensure the appropriate levels of independence of the Board from political and commercial interference and protect the public interest mandate of the Board, including new disqualifications such that a person may not be appointed as a non-executive member if he or she:

§ is a public servant or the holder of any other remunerated position under the State;

§ is a member of Parliament, any provincial legislature or any municipal council;

§ is an office-bearer or employee of any political party, movement or organisation of a party-political nature;

§ is an employee of any broadcasting licensee

§ or his or her family member holds a major financial or controlling interest in the broadcasting industry;

§ is an unrehabilitated insolvent;

§ has been sentenced, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), to a period of imprisonment of not less than one year without the option of a fine; or

§ has at any time been removed from an office of trust on account of misconduct; and

- appropriate conflict of interest provisions to protect the SABC.

## 5. THE WAY FORWARD

5.1. The Coalition reiterates that this Bill could play a helpful role if it is seen as being only one immediate step as part of a much longer and in-depth process to identify and rectify the myriad problems facing the public broadcaster.

5.2. The Coalition reiterates the need for a comprehensive, transparent, inclusive and thorough process to identify all problems at the root of the current SABC crises, some of which have been identified in paragraph 2.2 above.

5.3. The Coalition calls upon Parliament to ensure that Government, particularly the Department of Communications, undertakes a thorough Green and White Paper policy review process to develop lasting and in-depth solutions to the SABC's problems; and

5.4. The Coalition calls upon Parliament to institute legislative processes to enact an SABC Act to replace the current Broadcasting Act, taking into account the problems identified above and the policy developed as a result of the proposed policy review process.

## **6. CONCLUSION**

6.1. The Coalition thanks the Committee for the opportunity to make these representations and looks forward to appearing before it during the oral hearings on the Bill.

6.2. Please do not hesitate to contact Ms Kate Skinner, the Coalition's campaign coordinator, (contact details provided below) should the Committee have any queries or require any further information with regard to the Coalition's submission.

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## ANNEXURE A – ORGANISATIONAL AND INDIVIDUAL PROFILES<sup>2</sup>

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<sup>2</sup> Please note that not all the organizational and individual profiles had been received by the Friday 25 July 2008 deadline. The comprehensive list of profiles will be included when we participate in the oral submission process.



## **BROADCASTING, ELECTRONIC MEDIA & ALLIED WORKERS UNION**

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The Broadcast, Electronic, Media & Allied Workers Union (BEMAWU) is a registered trade union in terms of the Labour Relations Act, No 66 of 1995. BEMAWU is an independent specialist trade union primarily organized in the Broadcast and Media sector, with the majority of its members employed by the SABC. We are not affiliated with any federation and we do not support any political party or ideology.

BEMAWU has approximately 1000 members at the SABC which includes journalist, camerapersons, technical staff and administrative staff. We also have members in the print media, private radio stations, Sentech, Multichoice and freelancers.

All our office bearers are, or have been employed in the broadcast industry and we have specialist knowledge of broadcasting and the SABC.

We exist to serve the interest of our members and the citizens of our country as best possible. Our members employed by the SABC deserves a stable, professional, fair, properly managed and non-discriminatory workplace free of political interference on board, executive and management level by any political party and/or its members. Our citizens a democratic broadcaster that is free of political bias, blacklisting, control by the state and/or political party and interference for political gain by any person or party. A broadcaster that complies with the relevant legislation.

A broadcaster committed to free and fair reporting on issues that has an impact on the lives of our people.

## **FREEDOM OF EXPRESSION INSTITUTE (FXI)**

### **Introduction**

The FXI is a not for profit non-governmental organisation which was established in 1994 to protect and foster the rights to freedom of expression and access to information, and to oppose censorship. The FXI's primary objectives are to promote and defend freedom of expression; to oppose censorship; to advocate the right of equal access to information and knowledge; and to promote access to media and a free press.

The FXI undertakes a wide range of activities in support of these objectives, including lobbying, education, monitoring, research, publicity, litigation and the funding of legal cases that advance these rights.

The FXI is registered in terms of the Non-Profit Organisation (NPO) Act. The NPO registration number is 034887.

### **Background**

The Freedom of Expression Institute (FXI) was established in 1994 to protect and foster the rights to freedom of expression and access to information, and to oppose all forms of censorship. The Institute was formed from a merger of three organisations: The Campaign for Open Media, the Anti Censorship Action Group and the Media Defence Trust.

### **Affiliations**

The FXI is linked to a number of regional, continental and international networks. The Institute is a member of the International Freedom of Expression Exchange (IFEX), which monitors freedom of the media and freedom of expression on a global scale, and chairs its editorial committee. Through the IFEX Action Alert system, FXI publicises freedom of expression violations in South Africa and draws in other organisations to support its campaigns.

The FXI is also a founder member of the Network of African Freedom of Expression Organisations.

The FXI has an affiliation agreement with the Faculty of Humanities, University of the Witwatersrand.

### **Vision of FXI**

A society where everyone enjoys freedom of expression and the right to access and disseminate information and knowledge.

### **Mission of FXI**

To fight for freedom of expression and eliminate inequalities in accessing and disseminating information and knowledge in South Africa and beyond.

## **Idasa – building democratic societies in Africa**

### **Our Mission**

We describe ourselves as ‘an independent public interest organization committed to promoting sustainable democracy based on active citizenship, democratic institutions and social justice.’

### **Our Main Tasks**

As an organization with roots in South Africa, we draw from this experience and expertise but work with colleagues and partners in various countries across the continent to build, deepen and strengthen democracy. This work is based on an assumption that ‘democracy must grow country by country (and) its procedures and practices will differ from country to country.’ What is common are the values, necessity, basic norms and standards of democracy. In South Africa, these are the values of constitutional democracy, with a bill of rights containing basic socio-economic rights to be enjoyed by all citizens, and a commitment to representative and participatory democracy. We believe this provides an inspiration to citizens in many countries, even if the institutional forms contained in the South African constitution are not relevant and applicable within their contexts.

The three pillars of our work are (1) Active Citizenship, (2) Democratic Institutions, and (3) Social Justice. The core strengths of the organization are the following:

- Social research and analysis
- Training and public education
- Coalition and network building
- Political facilitation
- Monitoring and information dissemination

## **Independent Producers Organisation**

*The Independent Producers Organisation represents over 100 production companies responsible for producing approximately 80% of all local film and TV content in South Africa.*

Members of the IPO's Executive are:

Desiree Markgraaff (The Bomb Shelter) (Chairperson)  
Shirley Green (Film Lab) (Treasurer)  
Genevieve Hofmeyr (Moonlighting) (Convenor: Film Committee)  
David Wicht (Film Afrika) (Film Committee)  
Roberta Durrant (Penguin Films) (Co-Convenor: Skills and Training Committee;  
Broadcast Committee member)  
Dumi Gumbi (AnAmazing) (Co-Convenor: Skills and Training Committee)  
Mariki van der Walt (Curious Pictures) (Convenor: Broadcast Committee)  
Bridget Olen (DO Productions) (Film Committee)  
Helena Spring (Videovision) (Film committee)  
Indra de Lanerolle (Ochre Media) (Film Committee)  
Marvin Saven (Moonlighting) (Film Committee)  
Zaheer Goodman-Bhyat (Light and Dark Films) (Film Committee)  
Mfundu Vundla (Morula)

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## Introduction

The Institute for the Advancement of Journalism (IAJ) is a media training institute which provides short professional upgrade and refresher courses to working journalists from print and broadcast media. IAJ programmes are held at its Parktown, Johannesburg site and at the premises of media organisations. It also provides broader performance consultancy for mentorship, through yearly IAJ-based and newsroom-based 'Training, Coaching and Mentoring' programmes; as well as training services to people working with the media in government departments, NGOs and private companies.

Since 1995 the IAJ has been running children media training projects. In 2006 these projects were merged into Kidz Media Zone programme (with Kidz Radio and School Newspaper projects) in working relationships with the likes of Nelson Mandela Children Fund and the Media Development and Diversity Agency (MDDA).

## Background

The IAJ was founded in 1992 by ex-Rand Daily Mail editor Allister Sparks to provide the kind of practical, ethical, media training that could help journalists build and sustain democracy in Africa. Sparks chose the dawn of South African democracy for this initiative.

## Vision

To contribute to the establishment of independent and vigorous media and to ensure that democratic rights to freedom of information are recognised and respected throughout the southern Africa region

## Mission

*The IAJ's Mission Statement emphasizes:*

- delivering effective training
- facilitating African media networking
- assisting journalists from disadvantaged backgrounds
- stimulating sound news values
- raising professional standards - particularly integrity and truth-telling - and supporting freedom of speech and information
- combating racism, and gender and other forms of discrimination.

Over the past 16 years, the IAJ has established itself as a leading South African provider of short-course training for working journalists in the print and broadcasting sectors. We remain the training body with the strongest orientation towards current newsroom practice and dilemmas in our teaching programmes.



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Monitoring the media since 1993

## About MMP

### Introduction

The Media Monitoring Project (MMP) is a human rights driven non-governmental organisation specialising in media monitoring with the goal of advancing a media culture, in South Africa and the rest of the continent that is critical and fair, free, diverse and ethical.

The role of the media is key in influencing social, historical and political perceptions. For these reasons, the MMP carefully examines and critiques the South African media's representation of the events of the world.

#### a. Mission

The MMP aims to promote the development of a free, fair, ethical and critical media culture in South Africa and the rest of the continent.

#### b. Objectives

The core objectives of the organisation are as follows:

- To be the pre-eminent media "watchdog" in Africa.
- To inform and engage media professionals and other key stakeholders in order to improve the quality and ethics of news reporting in Africa.
- To influence the development of robust and effective communication legislation and media codes of conduct in Africa.

#### c. Activities

The MMP offers a wide range of services to civil society organisations (CSOs), media, government, and NGOs in South Africa, and other African countries, including:

- Reviewing and analysing the content, selection process and presentation of news reporting to monitor the quality and ethical practices of broadcast, print, and online media;
- Distributing regular reports on research findings and highlighting infringements of media duties and responsibilities;
- Conducting in-depth research on specific issues (commissioned reports);
- Developing training materials, tools and best practices on ethical and fair media reporting;
- Submitting proposals and other material for the development or amendment of policies and laws.

The MMP applies internationally recognised, state of the art monitoring and research methodologies. The MMP is the only independent organisation in South Africa that monitors the representation of

human rights issues in the media, and the only organisation that conducts in-depth qualitative and comparative research in this field. The organisation's expertise is widely acknowledged by media stakeholders, and the MMP is regularly invited to provide comments and presentations on a wide range of subjects within the media.



MISA South Africa – A Chapter of the Media Institute of Southern Africa  
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MISA-SA Chapter profile:

The Media Institute of Southern Africa (MISA) is a non-governmental organisation with members in 11 of the Southern Africa Development Community (SADC) countries. Officially launched in September 1992, MISA focuses primarily on the need to promote free, independent and pluralistic media, as envisaged in the 1991 Windhoek Declaration. The MISA-SA Chapter is based in Johannesburg, South Africa.

MISA seeks ways in which to promote the free flow of information and co-operation between media workers, as a principal means of nurturing democracy and human rights in Africa. The organisation aims to achieve a free, independent, pluralistic, sustainable media environment.

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Manana Stone

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## Profile of the National Consumer Forum (NCF)



The National Consumer Forum (NCF) is a non-governmental organization that protects and promotes the rights and interests of consumers in South Africa.

In the context of the Civil Society Coalition on the Draft Broadcasting Act Amendment Bill, the NCF is concerned with consumers' right to information; we therefore support the Civil Society Coalition.

### The NCF works to:

- Monitor and raise vital consumer issues
- Focus on the consumption of goods and services, their motives and consequences, and the consumers' potential to positively influence them
- Inform, generate opinion and coordinate campaigns and
- Increase consumers' influence on the market place

### What we do

- Consumer education
- Consumer Fair newspaper
- Town Meetings
- Advocacy / lobbying for pro-consumer policies
- Establishment of the Office of the Ombudsman for the Credit Industry
- Campaign against high food prices
- Food safety
- Late Payment Act for small businesses

The NCF is an affiliate member of Consumers International (CI). For more information on CI, visit [www.consumersinternational.org](http://www.consumersinternational.org).

Contact person: Thami Bolani (Chairman)

### Contact details:

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The South African History Archive (SAHA) is an independent human rights archive dedicated to documenting and providing access to archival holdings that relate to past and contemporary struggles for justice in South Africa.

SAHA's central mission is to recapture lost and neglected histories and to record aspects of South African history in the making. This informs our continued focus on documenting past struggles against apartheid, as well as ongoing struggles in the making of democracy.

SAHA currently organizes its activities into two core programmes:

- The **[Freedom of Information Programme \(FOIP\)](#)** is dedicated to using South Africa's Promotion of Access to Information Act 2 of 2000 in order to extend the boundaries of freedom of information and to build up an archive of materials released under the Act for public use.
- The **[Struggles for Justice \(SFJ\) Programme](#)** focuses on collecting, preserving and creating access to archival materials held by SAHA, and promoting related archival collections across the region.

The relationship between 'freedom of information' and 'matters of justice' to the presence of an independent national broadcaster are self evident. It is with this link in mind that SAHA fully support and endorse both the 'Save our SABC' campaign as a whole, as well as their submission on the 'Broadcasting Act Amendment Bill'.

## **Vision and Mission**

SANGONeT is a South African non-governmental organisation which celebrated its 20<sup>th</sup> year in 2007. It is one of very few NGOs in Africa involved in the field of information communication technologies (ICTs) and serves civil society with a wide range of ICT products and services. Our work in both services and products respond to the challenge of strengthening the capacity of NGOs in finding long-term and sustainable solutions to Southern Africa's development problems.

SANGONeT's vision is to be a strategic leadership organisation influencing social transformation through ICTs. We strive to contribute to a just, equitable and prosperous Southern African society, where the impact and contribution of sustainable development programmes are supported by appropriate, relevant and affordable ICT solutions.

SANGONeT's mission is to support the effective use of ICTs in Southern African civil society organisations by providing quality services and initiatives. We exist for the purpose of facilitating access, sharing information, building capacity, raising awareness, enhancing reach and impact, and linking people and organisations through the use of ICTs in Southern Africa.

Contact information:

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## ANNEXURE B – PRACTICES TO BE ADOPTED IN INTERIM BOARD APPOINTMENT PROCESSES

The following practices are proposed in order to protect the Committee from any allegations of interference or malpractice in the appointment of SABC Board members. It is highlighted that this is critical given that the integrity of the process has been damaged due to alleged political interference.

- The Committee should appoint a person/s to provide assurance to the public of the integrity of the process. Such person or panel should include the necessary expertise to assist in the process.
- The Committee should publish the profiles of all nominees and make easily available the full CV's of any nominees and the motivations by their nominators.
- The Committee should publish their reasons for decision for the determination of the shortlist of candidates to be interviewed.
- In their recommendation to parliament on who should be appointed, the Committee should include a full motivation for the proposed appointment of each Board member as well as reasons for decision for rejecting others. Such motivation and reasons for decision should also be made available to the public.

The Coalition is debating a number of these principles above and will be further substantiating on them at the oral hearings.

Finally, the Coalition would like to emphasise that, given the identified need to review public broadcasting policies and legislation, as well as the composition of the Board and appointment procedures, any new Board appointed should have a limited term of office. Parliament it is suggested should therefore recommend to the President that such new terms of office not exceed three years.

## ANNEXURE C – BOARD APPOINTMENT OPTIONS

There are a number of appointment options. These include the following:

- Board members are selected from a public nomination process (status quo situation in South Africa). The Portfolio Committee on Communications shortlists candidates, interviews, and selects. The National Assembly approves the list. The President appoints the list.
- Board members are selected by a Broadcasting Services Panel and appointed by the President. (The Broadcasting Services Panel also selects ICASA and Sentech council members.) The Commission is chaired by a Constitutional Court Judge and consists of two practising editors nominated by SANEF, two teachers of journalism, one representative of the film-making industry, the Minister of Communications, four MPs (at least two representing opposition parties) and two trade unionists. Proposal put forward by veteran South African journalist Allister Sparks.
- Several members appointed by Parliament, and others appointed by civil society and representative bodies (these organisations may or may not be named in the law). Examples include Germany, Lithuania, Portugal and Hungary.
- Several members appointed directly by Parliament and government with civil society proposing that the remaining candidates for appointment by Parliament. Examples include Latvia and the Slovak Republic.
- Direct selection of staff elected directors (formerly in Australia, Germany and several other countries). In Australia the Australian Electoral Commission has supervised the election of the Director. In Macedonia, four of the Board's eleven members are proposed by the staff and then appointed by Parliament. The rest are appointed by Parliament.
- The Judiciary appoints Board members. An example of this can be found in Portugal.