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Introduction

The Media Monitoring Project (MMP) welcomes the draft licence conditions for the South African Broadcasting Corporation (SABC)'s radio and television-broadcasting services, as provided in a notice document by the Independent Communications Authority of South Africa (ICASA).

The MMP would like to present some comments and concerns surrounding certain clauses contained within the draft licence conditions, as well as provide possible solutions, in an effort to standardise, expand, and clarify certain potentially problematic aspects of the amended licence conditions as they currently appear. The MMP works closely with Save the Children Sweden, an international, non-governmental donor organisation, which is politically and religiously unaffiliated. Save the Children Sweden draws attention to problems and influences society's institutions at national, local and regional levels. Save the Children Sweden has endorsed those sections of the MMP's submission that are applicable to children.

The draft licence conditions follow the SABC's application for the amendment of its broadcasting licence into public service and commercial public service divisions, in terms of section 22 of the Broadcasting Act, Act 4 of 1999. In some public discourses, the licence conditions applied to broadcasters are often understood to be restrictive and onerous. The MMP submits that the regulatory framework outlined in the draft licence conditions for the three television channels and eighteen radio services of the SABC is not to be viewed as limiting the operation of the SABC, but rather as providing an opportunity for the broadcaster to reflect on, clarify, and advance its public service ideals.

In keeping with the ethos of public service broadcasting, the amendments to the licence conditions for each of the individual stations, as well as for the SABC as a whole, present a valuable mechanism through which to encourage and promote human rights and diversity within the corporation.

For greater readability, the MMP's response to the document follows the order of the draft licence conditions, and the comments are intended to apply to all of the licence conditions, unless otherwise stipulated. Discussions surrounding individual clauses and sections in Schedule A and Schedule C of the licence conditions follow sequentially in the order that they originally appeared in the notice document. The MMP has also generally adopted the same terms and definitions utilised in the draft licence conditions; the "Licensee" is, therefore, understood to be the SABC, and the "Authority" is ICASA.

General Comments

Regulating the performance period

As it currently stands, it would appear that the licence conditions seek to regulate well over 50% of the programming broadcast during the performance period available to the SABC. While this situation may be encouraged on some level, given the role and status of the SABC as the public service broadcaster, it may be argued that the levels suggested in the licence conditions limit the SABC's scope for greater freedom and scheduling. Taking these factors into consideration, the MMP has endeavoured to ensure that in its submission the levels of genres regulated comprise roughly 50% of the available performance period per week. A summary table of the MMP's suggestions, as well as the suggestions outlined in the licence conditions can be seen below. All of the figures in the tables are calculated and represented as hours per week.

Summary Table 1: Television

Programming Genres	SABC 1		SABC 2		SABC 3		Notes
	Licence	MMP	Licence	MMP	Licence	MMP	
News Programming	7	11	7	11	7	11	1
Current Affairs Programming	7	7	7	7	7	7	
Educational Programming	6	6	6	6	0	4	
Drama Programming	24	8.5	24	8.5	18	4.5	2
Informal Knowledge Building	14	8	14	8	12	12	
Documentary Programming	7	7	7	7	5	5	
Children's Programming	12	18	12	18	12	16	3
Total Regulated hours	77	65.5	77	65.5	61	59.5	
Total Hours in Performance Period	126	126	126	126	126	126	
% Hours Regulated	61	52	61	52	48	47	

Notes:

1. The 11 hours of news programming is comprised of 2 hours per day on weekdays and 30 minutes per day on weekends.
2. The MMP assumes that the SABC will provide at least the required 24 hours of drama programming per week. The MMP figures represent the required 35% local content drama programming.
3. The higher figures for the MMP include an additional 4 – 6 hours of programming targeted at children between 13 and 18 years old.

Summary Table 2: Radio

Programming Genres	SAFM		Public Service		Lotus FM		Radio 2000	
	Licence	MMP	Licence	MMP	Licence	MMP	Licence	MMP
News Programming	10.5	14	7	7	7	7	0	0
Current Affairs Programming	28	29	7	6	10.5	10.5	0	7
Educational Programming	4	5	5	5	0	5	0	5
Drama Programming	2.5	2.5	2.5	2.5	10	10	0	2.5
Informal Knowledge Building	6	4	3	3	4	4	0	3
Documentary Programming	0	2	0	2	0	2	0	2
Children's Programming	2	7	7	7	0	7	0	14
Total Regulated hours	53	63.5	31.5	32.5	31.5	45.5	0	33.5
Total Hours in Performance Period	126	126	126	126	126	126	126	126
% Hours Regulated	42	50	25	26	25	36	0	27

Summary Table 2: Radio (continued)

Programming Genres	Commercial		XK FM		CKI FM	
	Licence	MMP	Licence	MMP	Licence	MMP
News Programming	3.5	3.5	3.5	7	7	7
Current Affairs Programming	0	0	3.5	7	3.5	7
Educational Programming	0	2.5	5	5	2	5
Drama Programming	0	0	1.25	2.5	0	2.5
Informal Knowledge Building	0	0	3	3	1	3
Documentary Programming	0	0	0	2	0	2
Children's Programming	0	0	0.25	7	0.5	7
Total Regulated hours	3.5	6	16.5	33.5	14	33.5
Total Hours in Performance Period	126	126	126	126	126	126
% Hours Regulated	3	5	13	27	11	27

Note:

The public service column represents the following public service radio stations: RSG, Umhlobo Wenene FM, Ukhozi FM, Lesedi FM, Motsweding FM, Thobela FM, Ligwalagwala FM, Ikwezikwezi FM, Munghana Lonene FM, Phalaphala FM, while the column for commercial radio represents the commercial public service stations 5FM, Metro FM, and Good Hope FM.

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The SABC raised some concerns over the source of the hourly levels determined by the Authority for the different programming genres in the draft licence conditions. In a letter submitted to the Authority by the Licensee, dated the 22nd of February, the Licensee stated:

There is no indication in the Authority's reasons as to the source of the figures proposed in the draft licence conditions. The SABC wishes to understand whether these figures arise from any financial or programming model, and if so, respectfully request sight of such model/s (Letter from Ms Kantor, SABC General Manager: Policy & Regulatory Affairs).

Given the Authority's status as national regulator, which includes the task of overseeing all communications regulatory functions, it can be assumed that ICASA is in the best possible position to determine the hourly levels of the different programming genres for the Licensee. The MMP views the Authority's stipulations as reasonable. Within this submission, the MMP used the Authority's stipulations as guidance, the MMP's own schedule analysis (of programming on SABC television during 2004), and comparisons with other broadcasters' licences, to determine the suggested programming quotas, as shown in the tables above.

For television, the MMP has suggested regulations for 52% of the total programming broadcast on SABC 1 and SABC 2, and 47% of the total programming broadcast on SABC 3, per week. The MMP's suggestions for the amount of programming on SABC television to be regulated by the Authority is slightly lower than the levels stipulated in the licence conditions, which ensures that the SABC has ample room to innovate and excel. Comparison with e-tv's licence conditions reveals that 41% of the commercial, free-to-air broadcaster's programming is regulated per week. Obviously hourly conditions need to be reasonable and practical, but the SABC's position as the public service broadcaster must also be considered. The MMP's suggestions for the SABC's programming regulations are only 6% higher than those required of e-tv. The MMP believes that the conditions set for SABC 3, as the commercial public broadcaster, with more responsibility than a commercial free-to-air station like e-tv, are reasonable. Similarly, the regulations for the public service stations SABC 1 and 2, at just above half of the total programming broadcast per week, can be viewed as reasonable.

The MMP's suggested levels regulate 25 - 27% of the total programming broadcast on all public service radio stations, with the exception of SAFM and Lotus FM, and 5% of the commercial public radio stations. The draft licence conditions require Lotus FM to broadcast significantly higher quotas for some genres (such as current affairs and drama programming) than those required of the other public service stations. In order to encourage the station to maintain the levels of programming that it is currently achieving, the MMP did not reduce any of the genre quotas on Lotus FM. The balance of the requirements is comprised of quotas for genres such as children's and educational programming, which were not included in the draft licence conditions. Similar considerations apply to SAFM, where the MMP has provided suggested regulations for 50% of the station's programming content.

Making monitoring measurable

One of the key elements of monitoring is the necessity for clear time periods to be defined. With few exceptions, the current draft licence conditions do not stipulate the time periods to be used as a basis for measuring compliance with these conditions. While many of the clauses stipulate the number of hours of programming genres on a weekly basis, no indication is given to indicate whether such times will be measured as an average over the week, or strictly defined as per the literal condition stated. Taken literally, the requirement to broadcast at least 7 hours of documentary programming per week means that at least 7 hours of documentary programming would need to be broadcast on the relevant station in any one week during the year. Such a literal interpretation seems reasonable. In practice, however, it may serve to seriously undermine and prevent the broadcast of important national issues and events. Understood differently, in compliance with the conditions, as they currently appear, may result in the SABC failing to satisfy its requirements for documentary programming. This violation would occur when such programming is sacrificed in order to broadcast important events such as the opening of parliament or the budget speech. Similarly, if the SABC were to abide by the literal definition of the genre conditions, it would not be able to devote a number of hours of coverage per day to unexpected events of international importance, such as the tsunami disaster of 2004.

The MMP submits that unless exceptional circumstances dictate, and to prevent the re-writing of most of the clauses, the licence conditions should include a specific measurement clause, which would enable the measurement to be based on a weekly average. This would then bring the SABC in line with other broadcasters, such as e-tv. e-tv's licence, for example, makes specific reference to the fact that compliance with such regulations is to be assessed on an average basis, over the period of a year:

Compliance with this obligation shall be measured as a weekly average over the period of each successive licence year (Clause 15.4, Private Television Broadcasting Licence Conditions, 2000)

The MMP submits that a similar clause in the SABC's licence conditions state:

Compliance with the hourly requirements of each programme genre, specified on a weekly or daily basis, are to be measured as an average over 12 months.

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Another element of the draft licence conditions that necessitates clarification is the reference to both the South African performance period and the licensed service. A letter submitted to the Authority by the Licensee, dated the 22nd of February 2005, acknowledges some confusion on the Licensee's part surrounding the term "licensed service":

The SABC is unsure how it is to understand the "licensed service". Does this constitute the 18-hour performance period, or the full 24-hour broadcast period? (Letter from Ms Kantor, SABC General Manager: Policy & Regulatory Affairs)

The Authority's response, dated the 10th of March 2005, notes:

The "licensed service" refers to the 24-hour broadcast service unless specified otherwise (Letter from Ms De Souza, SM: Licensing, Monitoring and Complaints, ICASA).

Given the specific reference to a "South African performance period", which can be understood as those times of the day that most people are available to watch television or listen to the radio, that is, between 05h00 and 23h00, the MMP sees no reason for the Licensee to abide by a different time period. By ensuring that the SABC broadcasts during the 18-hour South African performance period, the Authority would be able to calculate the Licensee's compliance with its programming requirements over the same number of hours as those required of other broadcasters, such as e-tv. While e-tv's licence conditions make reference to both the "broadcast period" and the "South African performance period", only the South African performance period is referred to within the individual clauses (Clauses 11, 12, and 13) as a means of establishing the required time period over which programming genre quotas are to be measured.

If the Licensee were required to comply with a broadcast period that consisted of the full 24-hour broadcast service, it can be assumed that the Licensee's audience numbers would be significantly lower over the 6 hours that do not form part of the South African performance period. The MMP submits, therefore, that the Licensee's programming be required to comply with levels that are calculated across the South African performance period.

The MMP also submits that the licence conditions state clearly when each of the proposed requirements come into effect. While this is stated for some of the requirements, such as for children's programming on SABC, which requires the SABC to broadcast a minimum of 12 hours per week of children's programming after 36 months (clause 2.6.2), it is important that the Licensee is given reasonable time period to meet the various other requirements stipulated.



Getting the best out of the SABC's facilities

The format for Radio 2000 is identified in the licence conditions as,

A facility service including education, sports and religious programming as well as music in a range of genres in all official languages (Schedule C, clause 2).

As a public service broadcasting station, it is striking that Radio 2000 has been allocated no genre programming conditions. While the format of Radio 2000 is quite different to that of other public service stations, this does not seem to be an adequate justification for the abdication of its public service responsibilities. Rather than Radio 2000 being dominated by sports programming, which stands to benefit major sports sponsors, the MMP has, throughout this submission, made particular reference to Radio 2000 and allocated reasonable genre programming requirements. It seems a great pity for a station with a footprint as significant as that of Radio 2000 not to be used to its full capacity to inform and educate the citizens of South Africa. It must, however, be borne in mind that as a facility service Radio 2000 is not responsible for producing its own content. The MMP suggests that agreements are reached between some of the other SABC public service stations for programme sharing with Radio 2000. Not only will this method be cost effective, it will also ensure that SABC's programmes are broadcast to a wider range of South Africans.



Schedule A

General conditions

While the MMP follows the licence conditions and refers to the Licensee as the SABC in general terms, it should be noted that in certain instances in the conditions, such general reference might lead to confusion. These instances might also result in the assumption that the individual stations have little or no distinct authority over what they broadcast, and that content is determined by the SABC in general. The Licensee has extensive managerial processes and lines of authority, and it is submitted that these should be noted (possibly in the definition section), so as to ensure that the current lines of management and responsibility continue to apply, without confusion. An initial reading of the news clause may, for example, be understood to suggest that final editorial control remains with the broader SABC:

The Licensee shall in the provision of the licensed service: ...exercise full editorial control in respect of the contents of such programming (Clause 2.2.3.1, SABC 1).

The MMP understands that current editorial practice at the SABC assigns editorial control to SABC News. The MMP submits that the role of SABC News should be clarified in the licence conditions, especially in those clauses specifically related to news and current affairs programming.

5. Station identification

From the conditions, it is evident that all of the SABC stations, including television and radio, are required to identify themselves not more than every 45 minutes. Clause 5.3 of Schedule A, which is included in the licence conditions for all SABC stations, maintains:

The Licensee must clearly identify itself, by means of its station identification, at intervals of not more than 45 minutes throughout the broadcast period.

This stipulation, at first glance, appears to be in line with the regulations set out for commercial, free-to-air broadcast media entities, such as e-tv. Closer inspection, particularly, comparison with e-tv's licence conditions, reveals a small but critical difference that suggests that there is an error in the current formulation of the SABC conditions. e-tv's conditions state:

The licensee must clearly identify itself, by its station identification, at least hourly during the broadcast period, preferably within the period from five minutes before to five minutes after the hour (Clause 6.3, Private Television Broadcasting Licence Conditions, 2000)

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The key difference between the two clauses lies in the use of the terms “at least” and “not more than.” The current wording for the SABC licence conditions would mean that all of the SABC stations are already in violation of their licence conditions. A brief glance at the television, at any time of day, will reveal that not only does each station identify itself before and after each advertising interval, but almost continuously throughout the period with the use of its station logo in the corner of the screen. Clearly, given current practice throughout the broadcasting sector, the suggested wording of “not more than 45 minutes” in the SABC licence conditions needs to be reconsidered, and should probably read, “not *less* than 45minutes”.

Further, the application of the current clause across all of the SABC radio and television services presents a matter of concern, as it fails to recognise the inherent differences between television and radio broadcasting. For radio, such station identification is only possible through verbal communication. For television, station identification is possible both visually and verbally.

Given the value and importance of branding it seems difficult to foresee a situation where the Licensee would not identify itself almost continuously. The precise reasons for the time limit on the identification clause are not clear. Given the financial value of branding, the question then becomes one of determining whether stations can identify themselves too frequently and too often, and the implications thereof. The MMP would, therefore, like to request the Authority to clarify this matter as it pertains to SABC, and to include such clarification for SABC 1, 2 and 3 as an additional clause under section 5 of Schedule A.

8. Religion

Clause 8 of Schedule A reveals a clear distinction between the new commercial stations of the SABC and their public service counterparts' obligations with regards to religion. According to the public service stations' licence conditions, clause 8 states:

The Licensee must ensure that its programming adequately reflects the diversity of South Africa's religion.

Such wording implies that it is the duty of the Licensee to monitor every programme broadcast over its airwaves for religious diversity, as opposed to monitoring only those programmes specifically of a religious nature. In such a reading, the clause becomes far too broad to be of any practical applicability, and would seem to place an unreasonable expectation on the SABC.

In comparison, clause 8 under the licence conditions stated for commercial stations states:

To the extent that the Licensee provides programming of a religious nature, the Licensee shall ensure that such programming adequately reflects the diversity of South Africa's religions.



By limiting the applicability of clause 8 only to “programming of a religious nature,” which clarifies the intention of the clause, the relevant stations are left with a more manageable task and a clearer understanding of what the Authority expects.

The MMP recommends that the licence conditions be standardised with regards to all SABC stations’ adherence to religious diversity. This could be achieved by extending the applicability of clause 8, as it is outlined for the commercial stations, to all SABC stations.

Control and management

12.1 Informing the Authority

Under the control and management section of the licence conditions, the Licensee is required to inform the Authority of the details of any person to whom the Licensee is indebted, without specifying the nature of such indebtedness. According to clause 12.1.6:

The licensee must inform the Authority of the name, nationality, and physical residential and business addresses, or any changes thereto, of...any person to whom the Licensee is indebted, whether by virtue of a loan account, or in any other manner.

The MMP is concerned about the lack of clarity on to what such indebtedness could refer. The requirement, as it is currently stated, could be understood to include forms of indebtedness other than financial. It would appear that the intention of this particular clause was to enable the Authority to have information only in relation to financial indebtedness. However, in order to clarify the matter in a manner that removes all ambiguity, the MMP recommends that the Authority add the word “financially” to clause 12.1.6. The new clause 12.1.6, as proposed, would read as follows:

The Licensee must inform the Authority of the name, nationality, and physical residential and business addresses, or any changes thereto, of...any person to whom the Licensee is financially indebted, whether by virtue of a loan account, or in any other manner.

Programming

12.5. Written records

The licence conditions state that the Licensee is required to submit certain written records to the Authority, on a regular basis, which relate to the broadcaster's performance. For television stations, within 30 days of the end of each quarter, the Licensee is required to submit written records that indicate the extent of:

- 12.5.1. The different genres
- 12.5.2. South African television content
- 12.5.3. The use of each official language

Public service radio stations are similarly tasked with providing the Authority with quarterly reports that indicate:

- 12.5.1. The different genres
- 12.5.2. South African music content

The MMP notes that the third clause cited for television, which concerns the usage of official languages, has been excluded from the conditions for radio stations. In the interests of fairness and parity across the SABC, the MMP strongly advocates that this clause is applied and included for all SABC stations, both radio and television. These public service stations are expected to broadcast predominantly in a single language, which reflects the target audience of the stations. However, within the context of the broader aims and objectives of the SABC as the public service broadcaster, which necessarily include considerations of multilingualism, it would be appropriate for each individual station's licence conditions to reflect this clause.

It should also be noted that clauses 12.5.1 and 12.5.2, as outlined above, are absent from the licence conditions of those commercial radio stations with a broad music format: Good Hope FM, 5FM, and Metro FM, as well as from the public service-oriented Radio 2000, CKI FM, Lotus FM and XK FM. While clause 12.5.1 might not be relevant to music-focused commercial stations, as the licence conditions outlined for these stations do not obligate the stations to include the same range of genres outlined for the public service stations, the stations are still obligated to commit themselves to the local content regulations set by the Authority. Consequently, it is difficult to understand why clause 12.5.2 is not included for such commercial stations. It would appear as if the regulations underpinning this clause are as applicable to the commercial stations as they are to the public service stations. The MMP suggests the inclusion of this clause as a necessary component of the licence conditions across all SABC stations.



The MMP welcomes the establishment of practices of reporting back to the Authority on a regular basis. There are, however, a few concerns, particularly with regards to the requirement for such records to be in a written format. According to clause 12.5 of Schedule A:

In each year, the Licensee shall, within 30 days of the end of each quarter, submit to the Authority written records

The emphasis on written documentation could be seen as placing too rigid an obligation on the SABC. In line with the latest principles of e-governance and sustainable development, and with due consideration of international best practice with regards to communications, the MMP would like to suggest that the Authority consider allowing the Licensee to supply the relevant information in an electronic format. The implementation of such an electronic means of reporting would not only prevent wasteful usage of natural resources, but would have the added advantage of ensuring the timely provision of the regulated information, as well as providing greater opportunities for the analysis and verification of the information.

Clause 12.5 also refers to the reporting period to be adhered to by the SABC in submitting the necessary information to the Authority. The requirement of quarterly reports would seem to be consistent with the requirements delineated for e-tv. e-tv is required to submit quarterly reports to the Authority on the station's compliance with local content regulations and quotas, as well as on the amount of advertising broadcast. However, as the SABC will be reporting on the different genres, local content, and the use of official languages, and due to the number of stations under the control of the SABC, the submission of such reports on a quarterly basis may be considered excessive. The MMP, therefore, suggests a report back period for the SABC that falls once every six months.

12.6 Advertising

The issue of advertising and advertisements is a vital aspect of any discussion surrounding the development and maintenance of a comprehensive, fair, and balanced regulatory regime for a country's public service media. The impact of advertisements on the quality and quantity of coverage across the spectrum of radio and television broadcast by the SABC should not be overestimated, especially given the corporation's reliance on advertising for funds. However, with the exception of the television stations, the draft licence conditions do not seem to have paid the requisite levels of attention to the issue of advertising content, quantity, and reporting requirements. It would appear as if clause 12.6, which directly relates to advertising, is only included for the three SABC television stations, with the same or similar measures seemingly absent for radio. No explanation is provided as to why this omission has been made. It is imperative for both the public service and the commercial public service stations, both radio and television, to be held accountable for the advertisements that they broadcast. In addition, the conditions outlined do not make any direct



reference to the maximum levels of advertisements that each station within the SABC is permitted to carry. According to the provision in clause 12.6:

In each licence year, the Licensee shall, within 30 days of the end of each quarter, submit to the Authority written records indicating the extent of advertisements broadcast on the licensed service during that quarter, including:

12.6.1. The extent, expressed as a number of minutes, to which advertisements were broadcast in every hour during that quarter; and

12.6.2. The extent, expressed as an average number of minutes per hour, to which advertisements were broadcast during that quarter.

e-tv is bound by similar guidelines, which require the station to inform the Authority on the quantity and nature of the advertisements that it has broadcast during the period. e-tv's licence conditions explicitly state that the commercial, free-to-air broadcaster must engage in quarterly submissions of "records of advertisements broadcast by the licensee during the preceding quarter" (Clause 21.3, Private Television Broadcasting Licence Conditions, 2000).

The establishment of advertising limitations is to be welcomed, and the MMP would like to advocate for such standards to be added to the licence conditions of every radio and television station within the SABC, both public service and commercial stations. Commercial interference presents a major impediment in ensuring balanced, fair, and unbiased coverage across the media, and as such, it is necessary for the Authority to encourage the public service broadcaster to guarantee its independence from the potential influence of the commercial advertisers. Given the current funding structure of the SABC, it is deeply concerning that advertising, an important aspect of broadcasting, is largely ignored for SABC radio stations. The MMP would, therefore, like to suggest that clauses 12.6.1 and 12.6.2, as they currently appear in the conditions outlined for SABC 1, 2, and 3, to be included for radio as well. In addition, while the advertising quota limits for the SABC might be outlined elsewhere, the MMP suggests that the details pertaining to advertising percentages should be included in each broadcast licence that falls within the SABC's reorganisation into public and commercial divisions.

14. Equal opportunity employment practices and human resources development

While the principles outlined in clause 14 are to be regarded as admirable as a means of ensuring a more balanced representation in the staffing of the public service broadcaster, the clause does not adequately deal with HIV/AIDS and gender concerns, especially gender-based violence. Both gender-based violence and HIV/AIDS are key social issues that are highly prevalent and impact on all people in South Africa.



A human rights-oriented labour regime, in line with Constitutional and international human rights practices, necessitates that the SABC implement clear and coherent policies for HIV/AIDS and gender, especially sexual harassment, in the workplace. It could be assumed that the SABC has already made provision for such policies; the licence conditions procedure presents a perfect opportunity for the SABC to make these policies widely known. Given the value of these policies, the MMP would, therefore, suggest that the policies be clearly included under clause 14.

15: Complaints

Clause 15.3 requires the broadcaster to provide the general public with information about the complaints procedure to be followed in those instances where the public feels that there are grounds for legitimate claims against the broadcaster. Clause 15.3 states:

The Licensee shall regularly broadcast on the licensed service information about the manner in which members of the public may lodge complaints in respect of any aspect of the licensed service.

The MMP believes that as it currently stands, this clause does not go far enough in mandating the Licensee to provide the public with enough information to enable them to lodge any necessary complaints. Given that two of the key functions of the of the Licensee are to educate and inform the public, it is critical that this includes information on how to lodge complaints, and the basis on which they may be lodged. The MMP, therefore, proposes that the phrase "clear, practical, and useful information" be added to clause 15.3:

The Licensee shall regularly broadcast on the licensed service clear, practical, and informative information about the manner in which members of the public may lodge complaints in respect of any aspect of the licensed service.

Schedule C

2.1 General

It is clear from the draft licence conditions that the nature and amount of programme content across the broadcasting services of the SABC is to be predicated on the general principles charted in the Broadcasting Act, particularly sections 8 (d), 8 (e), 10(1)(f) and 10(1)(i), which require the SABC to:

Provide, in its public broadcasting services, radio and television programming that informs, educates and entertains [Section 8(d)]

Be responsive to audience needs and account on how to meet these needs [Section 8(e)]

Enrich the cultural heritage of South Africa by providing support for traditional and contemporary artistic expression [Section 10(1)(f)].

The SABC is also tasked with the inclusion of national sports programming, as well as developmental and minority sports (Section 10(1)(i), Broadcasting Act, Act 4, 1999). Viewed together, these clauses provide the basis for the public service mandate of the public service broadcaster. The broad licence conditions require the SABC to be cognisant of these broad principles in setting and monitoring the specific programming requirements to be met by the corporation in general. It is apparent that the primary accountability of the SABC is to the South African public. The corporation's primary function is to serve the diverse needs of all South Africans, through prioritising a diverse range of programming that in the first instance educates and informs the public, and as a secondary function, entertains.

2.1.1. Local content

A discussion of the nature of programming licensed to the SABC must be framed by an understanding of the SABC's local content mandate. The SABC, as a service in general, is bound by the local content regulations established by ICASA, and by the six programme genres identified by the Authority.

Prior to the separation into public and commercial service divisions, in terms of the regulations established by the Authority in February 2002, the SABC television stations were required to provide local content to the following values, across the three channels:

Table 3: Public Service Television Stations

Programme Type	Local Content Quota
South African Drama	35%
Children's Programming	55%
Documentary Programming	50%
Informal Knowledge Building	50%
Current Affairs Programming	80%
Educational Programming	60%

The local content figures for other broadcasters, including public, private, and commercial, free-to-air television services are outlined in Table 4.

Table 4: Commercial Service Television Stations

Programme Type	Local Content Quota
South African Drama	20%
Documentary Programming	30%
Informal Knowledge-Building	30%
Children's Programming	25%
Current Affairs Programming	50%
No mention is made of Educational Programming	

In addition to the above stipulations, under the local content regulations, the SABC, as the public service broadcaster, is mandated to devote 55% of its airtime on television to local programmes. With respect to radio, public service radio stations were expected to include 40% local content in their programming

An MMP schedule analysis of SABC television programming for April and June 2004 revealed that SABC 1 and 2 exceeded their local content quotas for children's, documentary, educational, drama, current affairs, and informal knowledge building programming for these months. In categorising SABC 3 as a public service broadcaster, it is clear that the station failed to meet its local content requirements for documentary programming and drama programming by 10% for each genre. If, however, SABC 3 is categorised as a commercial, free-to-air service, the analysis reveals that the station exceeded the regulations for drama and documentary programming during April and June 2004. As compliance with local content requirements is measured on an annual average, it is difficult to state with any certainty whether similar trends were followed throughout the year.

The current process of reorganisation at the SABC would appear to have had some impact on the local content quotas to be met by the individual media, particularly as far as television is concerned. It could be expected that the newly commercialised SABC 3 would be authorised to reduce the amount of local content it broadcasts, while the other two public service stations could be expected to increase the amount of local content broadcast. However, no mention of these changes is forthcoming in the draft licence conditions. Indeed

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there is a clear dilemma in relation to which local content quotas the SABC public commercial division should adhere to. On one hand, it seems that given much of the wording of the licence conditions for services like SABC 3, 5FM, Metro FM and Good Hope FM, the stations may be viewed as commercial, free-to-air services. They should, therefore, adhere to the local content regulations, as stipulated for commercial free-to-air television services in Table 4 above. On the other hand, the Broadcasting Act 4 of 1999 defines a public broadcasting service as:

Any broadcasting service provided by the South African Broadcasting Corporation ... and must include a commercially operated broadcasting service provided by a person referred to in this definition (Chapter 1 Fundamental Principles and Interpretation, Broadcasting Act 4, 1999).

The question that then arises is that even if public commercial services such as SABC 3 are viewed as commercial, given the greater resources and responsibilities of the SABC and given that even the commercial services are bound by the SABC mandate and editorial policies, surely the local content quotas that apply to the SABC commercial services should be greater than those of standard free-to-air services, such as e-tv. Currently, the licence conditions do not clarify this distinction and the MMP submits that the quotas be clearly stipulated and included in the licence conditions. The MMP suggests that SABC 3, as a commercial public service station, be required to adhere to local content programming levels less stringent than those required of public service stations like SABC 1 and 2, but with more responsibility than that required of commercial, free-to-air services like e-tv. Given that the findings of the MMP schedule analysis show that SABC 3 is already achieving levels above those required of commercial, free-to-air services, but below those required of public service broadcasters, such a stipulation would seem reasonable and line with current practice.

Currently, the conditions for television appear to impose contradicting levels of local content on the SABC. Irrespective of the levels of the quotas that are to be applied to SABC television services, as noted above, the current language requirements for SABC 1 and SABC 2 being 80% Nguni, and Afrikaans, Sesotho, xiTshonga, and tshiVenda languages respectively, would appear to necessitate similarly high local content quotas. It is not clear which clause will take precedence; the language requirements as stipulated in the conditions, or the local content regulations. (The high levels of the language clauses are addressed later in this submission) In the interests of greater clarity and accessibility, the MMP would like to suggest that the licence conditions clarify the quotas and resolve the issues relating to the local content regulations and language use.

Similarly, the draft licence conditions do not indicate the extent to which repeat broadcasting of various programming genres contributes towards the SABC's local content requirements.

e-tv's licence in this regard states:

With effect from the commencement of the third licence year, 45% of broadcast time shall consist of local television content, a maximum of 15% of whereof shall be re-broadcast, measured over the period of a year (Clause 12.3, Private Television Broadcasting Licence Conditions, 2000).

The MMP submits that a similar clause, which explains how much of the local content quota per station can consist of repeat broadcasting, be applied to the SABC. The exact requirement is to be decided by the Authority and the SABC, where the SABC's status as the public service broadcaster needs to be taken into consideration. In this regard, the MMP submits that the percentage of local content programming that is comprised of re-broadcast programming be fixed at a percentage rate of no higher than the 15% level allocated to e-tv.

2.1.2. SABC editorial policies

The SABC is expected to act within the broad parameters set by the corporation's current editorial policies, which were devised in 2003. There is no doubt that these policies are aimed at moving the SABC in a progressive direction, however, the draft licence conditions make no mention of the broad policy directives contained in the editorial policies. The inclusion of these policies within the context of the draft licence conditions would enhance the human rights dimension of the programmes broadcast by the public service broadcaster, as for example, is suggested under the news and current affairs section. The MMP would, therefore, like to suggest the inclusion of these policies in the conditions currently being developed, as a reminder of the public service and human rights focus that governs the operation of the SABC. The MMP recommends the necessity of a direct and explicit statement that requires all journalists in the employ of the SABC to adhere to the documented editorial policies, as well as to the existing codes of conduct.

2.1.3. General responsibilities

In assessing the general responsibilities outlined for the individual stations, it is clear that there are significant differences in the programming conditions outlined for television (clause 2.1) and those for radio (clause 4.1). The first difference occurs in the leading clause, which relates to language utilisation and programming diversity. In clause 2.1, the three television licence conditions note that the Licensee shall take reasonable steps to:

Provide a wide range of programming, in the official languages, that satisfies the requirements of section 6(4) of the Broadcasting Act.

However, the same commitment to diversity in programming and language is not expected from the SABC radio stations. This is particularly problematic for those stations (the majority) that are to remain as public service entities. While the

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issue of language on these stations is covered under clause 3 of Schedule C, the MMP believes that in line with a public service ethos and with due consideration that the SABC is tasked with meeting the needs of all South African citizens, the above clause should form part of the licence conditions of every station of the SABC, both public and commercial public service.

The second part of the clause is equally problematic in distinguishing the responsibilities expected from television and radio, respectively, in catering for diversity and unity in programming. In clause 2.1.1.2, the television licence conditions state:

Without derogating from the specific obligations set out below, the Licensee shall, in the provision of the licensed service, take reasonable steps to...provide programming that reflects both the unity and the diverse cultural and multilingual nature of the Republic and all of its cultures and regions to audiences.

In contrast, the same clause for public radio stations maintains that:

Without derogating from the specific obligations set out below, the Licensee shall, in the provision of the licensed service, take reasonable steps to provide programming that reflects both the cultural and traditional needs of its audience.

This clause appears in the licences of SAFM, RSG, Umhlobo Wenene FM, Ukhozi FM, Lesedi FM, Motswedding FM, Thobela FM, Ligwalagwala FM, Ikwekwezi FM, Munghana Lonene FM, Phalaphala FM, XK FM, CKI FM, and Lotus FM. As far as Radio 2000 is concerned, the lack of concrete provisions has meant that regulations in this regard have not been included in the licence conditions.

In the interests of a standardised programming policy across the corporation, it is difficult to sustain an argument in favour of the differentiation between television and public service radio in this particular regard. With due recognition of the fact that each station might have its own target audiences, with the resultant need to cater for those audiences, there would appear to be little justification for neglecting the SABC's role, as a whole, to reflect the unity and the diversity of the country.

The clause is further complicated with the implication that SABC public service radio stations must meet:

Both the cultural and traditional needs of its audience (Clause 4.1.1).

This would suggest that SABC public service radio is not expected to deliver on the SABC's mandate of ensuring a diversity of views and opinions, or take steps to ensure that the SABC becomes a voice for all South Africans. The MMP suggests that the Authority extend the clause, as it currently exists for the SABC television stations (SABC 1,2 and 3), to all public service radio stations, including Radio 2000.

As far as the SABC commercial radio stations (5FM, Good Hope FM and Metro FM) are concerned, no mention is made of the overarching programme content requirements, except in clause 2.1, which states:

The Licensee is encouraged to exceed the requirements imposed upon it by the applicable provisions of the Music Content Regulations.

The local content regulations state that commercial radio stations must provide a minimum of 25% local content, including music, interviews with South African musicians and the promotion of new musicians, across the stations' total broadcasting (South African Content on Television and Radio Position Paper and Regulations, 2002, p. 42). Again, as noted above under the local content clause 2.1.1, the MMP requests clarity on the precise quotas to be applied to the public commercial stations of the Licensee.

2.1.2. Minimum standards

Throughout the draft licence conditions it is clear that the SABC is required to meet only minimum standards. The conditions do not place a positive responsibility on the Licensee to, where possible, exceed these basic measures. Clause 4.1.2 (radio) and clause 2.1.2 (television) present a useful case in point concerning the levels to be met in relation to specific programming genres. According to clauses 2.1.2 and 4.1.2:

If, at the date of issue of this licence, the Licensee is providing a higher quantity of programming in a specific genre than required below in relation to that genre, and the Licensee subsequently wishes to reduce such higher quantity, the Licensee shall notify the Authority of the proposed reduction and obtain the Authority's prior consent before implementing such reduction, provided that such quantity may not be reduced below the minimum requirements set out below in relation to the relevant genre.

The MMP believes that the current wording of this clause, in addition to failing to encourage higher levels of commitment, provides the Licensee with the possible means to reduce the amounts of programming and still meet the new minimum set by the conditions in clauses 2 and 4 respectively of Schedule C. In the interests of encouraging the Licensee to carry more programming, in line with their public service mandate, especially in relation to children's programmes, news, current affairs, educational, and documentary programming, it is believed that those stations currently doing better than the proposed regulations, should be encouraged to continue with the high standards that have already been set, rather than encouraged to reduce the extent of such programming. The MMP advocates for this clause to be amended to state that if the current programming quantities are in excess of the minimum amounts mandated in the draft licence conditions, the stations concerned should be encouraged to maintain the same standards.

2.2.1/4. News, information, and current affairs programming News programming

The discussion surrounding news, information, and current affairs programming presents an interesting point of departure in an assessment of the guidance offered in the draft licence conditions about the minimum targets set for each programming genre across the television and radio stations. In relation to news, clause 2.2.1 of the draft licence conditions state that the television stations, including the two public service channels, SABC 1 and SABC 2, and SABC 3, which is part of the new commercial division of the SABC, should each

Broadcast at least one hour of news programming each day within the South African television performance period, of which at least 30 minutes shall be packaged as a single programme broadcast during prime time.

When compared with the licence conditions applicable to the private, free-to-air television channel, e-tv, it would appear as if the conditions stated for SABC television are less stringent than those that bind e-tv. e-tv's licence conditions state:

With effect from 1 February 1999 and for the remainder of the licence period, the licensee shall broadcast at least 2 hours of news programming during the performance period, of which at least 30 minutes, packaged as a single programme, shall be broadcast during prime time (Clause 13.3, Private Television Broadcasting Licence Conditions, 2000).

It is reasonable to expect that the public service broadcaster at least match, if not surpass, the time devoted to the broadcasting of news by other channels. As such, the MMP strongly believes that the current prescriptions for news on the two public service television stations, SABC 1 and SABC 2, are too low. The MMP would like to suggest that the SABC meet the standards set by e-tv and broadcast a minimum of two hours of news a day each weekday and 30 minutes each day over weekends, and for SABC 3 to carry at least 30 minutes of news packaged as a single programme, aired during prime time. The MMP would also suggest that given the SABC's role as the public service broadcaster, and taking into consideration the diverse needs of the people of South Africa, that SABC 1 and SABC 2 carry two hours of news per day on weekdays, with at least 30 minutes of news programming per day on weekends, and at least 60 minutes of news programming packaged in not more than three programmes during prime time on weekdays.

In addition, the commercialisation of SABC 3 should not be used as an opportunity to renege on the SABC's public service ideals and principles. There is every reason to anticipate that SABC 3 could include at least the same proportion of news, if not a higher percentage, than its e-tv counterpart, especially given the substantially greater resources of SABC News. The MMP suggests that SABC 3 be regulated in much the same manner as e-tv. As a commercial public service channel, the conditions present SABC 3 with the opportunity to exceed the standards achieved by e-tv.



With regards to news programming on radio, it would appear that virtually all of the public service stations have their minimum news-programming requirements set at one hour per day. An exception is SAFM, the station that brands itself "South Africa's news and information leader". SAFM's licence conditions bind the station to 90 minutes of news per day, just 30 minutes more than the other public service radio stations. Another exception is XK FM, which as a result of the station's limited resources, is limited to 30 minutes of news programming per day. Radio 2000 has not been mandated with any specific programming requirements, including news programming.

The MMP is convinced that all public service radio stations, with the exception of SAFM, but including XK FM, should be licensed to include a minimum of one hour of news programming per day, despite the problems that XK FM may face. It seems that the 90 minutes of news programming, or roughly 8% of their performance period, outlined in the licence conditions for SAFM, is insufficient to justify the station's tagline: "South Africa's news and information leader". As a station dedicated to the provision of news and information programming, the MMP calls on the Authority to increase the minimum level of news programming broadcast on SAFM to two hours per day.

As principally music-oriented, the 30 minutes of news programming per day expected of those radio stations that fall under the commercial division of the SABC, including 5FM, Good Hope FM and Metro FM, appear reasonable and need not be altered.

Children's news programming

One of the key findings of the MMP's Empowering Children & Media (ECM) project, which was conducted with children and funded by Save the Children Sweden and Unicef, as well as the MMP's latest research conducted with children for the purposes of this submission, proved that children are interested and want to know what is going on in the world. SABC is to be commended for launching its own children's news programme KNR (Kids' News Room). The programme, while still in its early stages of development, has already gained positive feedback from children. In the MMP's latest children's research, a number of children cited KNR as one of their favourite programmes. Overall, out of 147 children aged between 9 and 13, 33% wanted more news and current affairs programmes aimed specifically at children. This taken into consideration, and in light of the clear need for children's news programming, the MMP would like to suggest that the broad news programming requirement that applies across all of the SABC's stations includes the broadcasting of children's news.

Information and current affairs programming

With regards to information and current affairs programming, clause 2.2.2 of the draft licence conditions states that each television channel must:

Broadcast at least seven hours of information and current affairs programming per week within the South African television performance period, of which a minimum of two hours per week shall be broadcast during prime time.

In comparison, e-tv is required to include 19 hours of information programming per week, with a similar stipulation that at least two hours of this programming be broadcast during prime time. On the surface it appears that e-tv is expected to include almost triple the amount of information programming than that expected of each individual SABC television channel. Given recent debates concerning the use and understanding of the term "information programming" as opposed to "informal knowledge building programming", and given the importance and emphasis on news and current affairs within this section, the MMP submits that the term information programming be removed. This would appear to be in line with the Authority's own views on the term, as stated in the letter to the SABC regarding the SABC's queries on a number of issues in the draft licence conditions. The letter states:

Paragraph 2.2 in the licence conditions for SABC 1, 2, and 3 should be read as referring to news and current affairs only. The SABC is requested to ignore any reference to information programming in these paragraphs (Letter from Ms De Souza, SM: Licensing, Monitoring and Complaints, ICASA).

Following this response, and in line with the MMP's own suggestion, this submission ignores any reference to information programming. Clause 2.2.2 is, therefore, understood as referring to current affairs programming. The MMP also submits that a similar amendment is made to the licence conditions for SABC radio.

The public service principles, as outlined in both the Broadcasting Act and in the SABC's own editorial policies, create an environment which requires the SABC to adhere to educating and informing the South African public, to a far greater extent than is the case for e-tv. For this reason, the MMP suggests that despite the removal of the term information programming, the level of current affairs programming remain at 7 hours per week.

While the conditions set for current affairs programming broadly across the public service radio stations appear reasonable, there are some concerns about the amount of time allocated for this type of programming on some individual radio stations. Most of the public service radio stations are licensed to a minimum of one hour a day for current affairs programming. The MMP submits that this clause be amended to read a minimum of one hour of current affairs

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programming per day on weekdays, and a minimum of 30 minutes of current affairs programming per day over weekends.

The MMP further argues that the conditions pertaining to CKI FM, XK FM and Radio 2000 need to be addressed. The current licence structure of the current affairs programming on these three stations appears to indicate a degree of imbalance in comparison to the requirements of the other public service radio stations. CKI FM and XK FM, for example, are required to assign a minimum of 30 minutes per day to current affairs programming, half the amount required of the other stations in the public service division of the SABC. As XK FM is the only public service radio station to cater for the San community, it is concerning that only 30 minutes of current affairs programming per day must satisfy the needs of this community.

It can be argued that the low levels of current affairs programming (and many other genres) are primarily the consequence of the lack of resources and capacity at the relevant stations. The apparent lack of resources that currently hampers the effective and efficient operation of these stations should not and cannot be presented in mitigation of the failure to meet the educational and information needs of the relevant stations' audiences. If these stations do suffer from a severe lack of resources, it should be within the capacity of the SABC to implement the necessary remedial measures to ensure that these audiences are not subjected to differential and adverse treatment.

In the interests of the standardisation of the conditions imposed on the various SABC stations, the MMP advocates that most public service radio stations' licences reflect a minimum requirement of one hour of current affairs programming per day on weekdays and a minimum of 30 minutes of current affairs programming per day over weekends. From the licence conditions, it would appear that Lotus FM has been given a broader responsibility to carry current affairs programming. The MMP submits that should the high level stipulated be deemed reasonable by the Licensee and the Authority, the requirement for current affairs programming on this station remain at 90 minutes per day. As outlined above, given SAFM's status as "South Africa's news and information leader," it seems reasonable to submit that current affairs programming is raised from the suggested minimum level of 4 hours per day to 5 hours per day on weekdays, and a minimum of two hours per day on weekends.

The MMP believes that the lack of conditions outlined for Radio 2000 in this regard is problematic. As Radio 2000 does not broadcast news programming, and as it is a facility service, the MMP proposes that Radio 2000 be required to include at least one hour of current affairs programming per day.

2.2.3.1 Editorial control

Discussions surrounding the broadcasting of news and current affairs programming also raise issues of editorial control. The licence conditions, as outlined for television in clause 2.2.3.1, state:

The Licensee shall in the provision of the licensed service, exercise full editorial control in respect of the contents of such programming.

As referred to in the Schedule A General Conditions section, the Licensee is defined as the South African Broadcasting Corporation Limited; the corporation as a whole, rather than the individual stations. Clause 2.2.3.1 would seem to imply that full control rests with the head of news at the SABC, a situation seemingly at odds with the precepts of public service policy. Within the context of the upward referral system favoured by the SABC, it is clear that such a scenario could set a dangerous precedent. Such conditions invalidate editorial independence and greater diversity of news within the broad parameters of the SABC editorial policies and the framework established by the Broadcasting Act. The MMP requests that the licence conditions clearly indicate that full editorial control lies with the editor of news at every station, with matters only being referred to the head of news at the SABC if and when problems arise.

2.2.3.3/4 Professionalism and independence

The section of the licence conditions that deals with news and current affairs programming on radio presents a notable omission of clauses 2.2.3.3 and 2.2.3.4, which are, however, prominently included for the television stations' conditions. Clause 2.2.3.3 states that the SABC, as the Licensee, must:

Meet the highest standards of journalistic professionalism

Clause 2.2.3.4 states the need for the Licensee to:

Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference.

The significance of the sentiments in favour of professionalism and independence expressed in these clauses cannot be overestimated. There is no doubt that such notions should form an integral part of all journalistic endeavours undertaken at the SABC, on both television and radio stations. The exclusion of these clauses from the licence conditions for the SABC radio stations is, thus, extremely puzzling.

The MMP is of the opinion that the above clauses are as applicable for radio as they are for television, and that they should be explicitly recorded as additional clauses governing programme content under clause 4 of Schedule C, for all SABC radio stations.



In addition, the Authority would do well to expand clause 2.2.3.4, so that it accounts for the need for the news provided to be accurate and informative, in addition to those provisions already stated. The amended clause 2.2.3.4, to be extended to all stations that carry news would, therefore, read as follows:

The Licensee shall, in the provision of the licensed service, provide fair, unbiased, impartial, balanced, accurate and informative coverage independent from governmental, commercial or other interference.

As previously outlined in the section on editorial policies, clause 2.1.2, the MMP submits that clause 2.2.3.6 is added to this clause, and includes direct reference and adherence to SABC's editorial policies.

2.3 Educational programming

It is evident that the role played by the public service broadcaster in educating the public on a number of issues is second only to the broadcaster's role of providing the country's populace with clear and accurate information. This matter is patently dealt with in section 10(1)(e) of the Broadcasting Act. The clause states that it is imperative for the public service broadcaster to:

Include significant amounts of educational programmes, both curriculum based and informal educative topics from a wide range of social, political and economic issues, including, but not limited to, human rights, health, early childhood development, agriculture, culture, justice and commerce and contributing to a shared South African consciousness and identity (Section 10(1)(e), Broadcasting Act 4, Act 4, 1999).

The MMP believes that these sentiments should serve as the overarching framework that governs the new SABC licence conditions, as far as educational programming is concerned. However, the attention afforded to the issue of educational programming across all channels in the draft licence conditions is highly uneven. From the draft licence conditions, it can be concluded that the public service radio stations, with the exception of Lotus FM, Radio 2000, CKI FM and SAFM, are mandated to include 5 hours of educational programming per week in their schedule, SABC 1 and 2 are expected to broadcast 6 hours per week, and it would appear that SABC 3 is not required to include any educational programming at all.

CKI FM is only required to broadcast 2 hours of educational programming per week. No requirements for the broadcast of educational programming on Lotus FM and Radio 2000 are provided within the draft licence conditions. Unless these stations are severely hindered by financial and resource impediments, there does not seem to be a valid reason preventing the stations from meeting the standards required of the other public service radio stations.

Interestingly, SAFM is only required to broadcast 4 hours of educational programming per week. It is unclear why SAFM should be mandated with less

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educational programming than the other public service radio and television stations. The MMP proposes that the levels of educational programming on SAFM, Lotus FM, CKI FM, and Radio 2000 correspond to the figures set for the other public service radio stations, that is, 5 hours per week. The MMP further submits that, given the responsibility placed on the public commercial radio stations, they be required to broadcast 2.5 hours of educational programming per week.

The complete lack of educational programming guidelines for SABC 3 is extremely concerning. The licence conditions do not even provide the rationale as to why it was deemed appropriate for the channel not to receive any educational programming requirements. While no such standards are set for the channel's commercial, free-to-air counterpart, e-tv, the newly commercialised SABC 3 is still operational within the domain of the public service broadcaster. As such, the MMP believes that the station should be compelled to include similar amounts of educational programming to those mandated for the other television channels. The MMP proposes, therefore, that SABC 3 be required to broadcast a minimum of 4 hours of educational programming per week. Educational programming on SABC 1 and SABC 2 should remain at a minimum of 6 hours a week, as outlined in the licence conditions.

2.4 Drama programming

The value of drama programming lies in its ability to provide fictionalised narratives and diverse representations of people's experiences. It is through drama that some of the greatest moral, ethical and social lessons can be expounded, interrogated and learned. It is no surprise, therefore, that drama is one of the most popular forms of programming. To this extent, it is somewhat surprising that such high levels have been regulated, given that the SABC is almost certain to exceed these levels. Given the current high levels of drama programming on SABC television, it seems reasonable to expect that future levels will be no different. The MMP suggests that rather than the regulation of a minimum hourly drama-programming quota (as, for example, is the case with current affairs programming), that the Authority instead emphasise and clarify the levels of local content drama programming required by the Local Content Regulations. Clause 2.4.1 for SABC 1, for example, would read:

The Licensee shall, in the provision of the licensed service, ensure that within its wide range of drama programming, and in line with the Local Content Regulations, broadcast a minimum of 35% local drama within the South African television performance period. A minimum of 20% of all drama programming shall be broadcast during prime time.

In this instance, the removal of the fixed hourly programming requirements for the Licensee would give the SABC greater scheduling freedom and would also, critically, ensure that local content requirements are always met.

Given its popularity, the low levels of drama programming on radio are worrying. The exception is Lotus FM, which has been required to broadcast 10 hours of drama programming per week. Should the Licensee and the Authority deem the requirement reasonable, the MMP would support the stipulated level. The MMP welcomes the addition of drama clauses for the majority of public service radio stations, which stipulate a minimum of 30 minutes of drama programming per day each weekday. Given the popularity of drama, but considering its high production costs, the MMP submits that an additional clause be added to this section. This additional clause would stipulate that after 36 months, the levels of drama programming across all public service stations, including Radio 2000, be increased to a minimum of 60 minutes per day on weekdays.

2.5 Informal knowledge building programming

According to the draft licence conditions, SABC 1, 2 and 3 are each mandated to broadcast a minimum of 14 hours of informal knowledge building programmes per week, 2 hours of which must be aired during prime time. SAFM is required to include a minimum of 6 hours per week, and Lotus FM, a minimum of 4 hours per week. The African language public service stations and RSG are required to broadcast a minimum of 3 hours per week, and CKI FM is mandated to broadcast informal knowledge building programmes for only one hour per week. Again, the licence conditions for Radio 2000 do not specify any requirements for the station's programming content.

Overall, the informal knowledge building programming requirements for public service radio appear promising. However, the MMP hopes that those stations currently expected to provide less than the average amount of informal knowledge building programming (3 hours per week), will be brought in line with the other stations. As a consequence, the MMP would like to suggest that both CKI FM and Radio 2000 be legislated to increase the amount of informal knowledge building broadcast weekly to a minimum of 3 hours, in order to place the stations on a par with the other SABC public service radio stations. In contrast, the MMP submits that given SAFM's extensive news and current affairs regulations, that the station's quota for informal knowledge building be reduced to a minimum of 4 hours per week.

The MMP believes that the current quotas for informal knowledge building programming on the television channels are too high. The MMP suggests that the amount of informal knowledge building on television stations be reduced, so that some of the extra time could be devoted to documentary programming, and the remainder would give the SABC free reign. The MMP would like to submit that the quota for informal knowledge building programming on SABC 1 and 2 be reduced by four hours each per week, which would leave the channels with a minimum of 10 hours of informal knowledge building programming per week, per channel. The MMP submits that SABC 3's informal knowledge building programming requirements remain at a minimum of 12 hours per week.



The SABC is also required to comply with the Broadcasting Act, which states that the broadcaster must:

Enrich the cultural heritage of South Africa by providing support for traditional and contemporary artistic expression [Section 10(1)(f)],

Issues of art, and artistic expression are frequently marginalised. A review of the current schedules for broadcasters in South Africa highlights the scarcity of arts and artistic programming. These are issues that organisations such as Business Arts South Africa (BASA) have been drawing attention to, highlighting that not only is such programming culturally enriching, but that it also makes good business sense to broadcast. The MMP, therefore, submits that in order to address the marginalisation of arts and arts programming, a minimum of 33% of all informal knowledge building programming be devoted to arts and arts programming.

2.6 Documentary programming

The licence conditions for the SABC public service television stations set documentary broadcasting at a minimum of 7 hours per week, with a minimum of two hours per week broadcast during prime time. The licence conditions for the commercial channel, SABC 3, are established at 5 hours, with two hours broadcast during prime time. No mention is made, however, of the requirements pertaining to this genre on SABC public service radio stations.

In light of the vital function played by documentaries in enlightening and educating the public, and with due cognisance of the fact that radio is the most widely accessed medium in South Africa, it is crucial for all public service radio channels, including Radio 2000, to work towards the inclusion of a minimum of 2 hours per week of documentary programming, within a period of 24 months from the date at which the licence becomes effective.

2.7 Children's programming

The MMP's Empowering Children & Media (ECM) project, funded by Save the Children Sweden and Unicef, and conducted with children, found that children are consistently presented in the media as the most disadvantaged, marginalised and most poorly represented sectors of South African society (Please see attached booklet *Children: Dying to make the news*). One of the key findings about news programming was that children only feature in 6% of all news stories. This finding is especially worrying considering that children comprise 44% of the population. Children are marginalised in the media, both in the ways in which they tend to be represented, but critically, by the fact that their voices and opinions are seldom heard. The MMP, therefore, welcomes the inclusion of the section in the draft licence conditions that addresses children's programming on the SABC.

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According to the licence conditions, the SABC is required to take its lead from the Broadcasting Act, section 10 (1)(g), which states:

The public service provided by the corporation must strive to offer a broad range of services, targeting, particularly, children, women, the youth and the disabled

From the draft licence conditions, it is evident that most of the public service radio stations are required to broadcast a minimum of one hour per day of children's programming. Some stations, including CKI FM, XK FM, Lotus FM and Radio 2000, are required to provide less children's programming per week. Children's programming on CKI FM is limited to 30 minutes per week, 15 minutes on XK FM, and Lotus FM and Radio 2000 appear not to have to cater for children's programming at all.

No reasons are provided as to why these stations have such limited children's programming requirements. The apparent lack of concern for children's issues appears in stark contradiction to the Broadcasting Act, as quoted above. One possible explanation for these stations' limited (or non-existent) children's programming requirements is the lack of resources and capacity to provide programming that meets the interests and needs of children. It would, however, be inherently unfair and unjust to cite lack of resources and capacity as reasons for providing fewer services to children.

In order to remedy such imbalances between the public service radio stations, the MMP suggests that the Authority set a minimum standard of one hour per day of children's programming across all public service radio stations. Where no provision is currently made for children's programming, the MMP suggests a time frame of 18 months to enable the relevant station to reach the Authority's required targets.

For Radio 2000, the MMP suggests a minimum of two hours of children's programming per day. The MMP believes that as Radio 2000 is not currently mandated to include any news programming, and given the size of the station's footprint, and the station's position as a facility service, Radio 2000 should at least be required to provide programming that addresses 44% of the population.

For commercial public service radio stations, the MMP believes that while the stations are not governed by any specific target in terms of children's programming, the stations could commit themselves to including programming for children as part of their broadcast content.

As far as television is concerned, it would appear as if the public service division of SABC television is required to broadcast less children's programming than e-tv. While SABC 1 and 2 are mandated to broadcast at least 12 hours per week each, e-tv is required to provide a minimum of 16 hours of children's programming per week, with at least 2 hours during prime time.

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It could be expected of SABC 1 and 2 to each include more than the 16 hours per week required of e-tv, especially given that the two stations form part of the public service broadcaster. The 12 hours of children's programming currently required of the stations seem insufficient to meet the varied and diverse needs of all of the children in South Africa. It should also be noted, however, that the ages specified for children in the SABC licence conditions apply to children aged 0 – 6 and 7 – 12. No mention is made of programming aimed at children between 13 and 18 years old. The South African Constitution defines a child as any person under the age of 18. While the definition of a child is broad, the developmental, educational, and programming needs of children of different ages vary substantially. The MMP welcomes the inclusion of children's programming that takes these developmental phases into account, but notes, with some concern, that there is no mention in the licence conditions of programming aimed at children 13 – 18 years of age.

A reading of e-tv's licence conditions shows that programming aimed at this group of teenagers is included in the station's children's programming requirements. Clause 15.7 commits the channel to one and a half hours of youth programming per day. The exclusion of this grouping from SABC 1 and 2's licence conditions may go some way to explain the substantial difference in the hours of children's programming for e-tv and the public service television stations of the SABC. The MMP suggests that an additional clause be added to the children's programming requirements. This additional clause would deal with programming specifically addressed at teenagers aged between 13 and 18. The MMP submits that SABC 1 and 2 include a minimum of 6 hours per week to programming aimed at children aged between 13 and 18. The addition of such a stipulation would enable the SABC to surpass e-tv's children's programming quota.

The 6 hours of children's programming per week currently expected of SABC 3 falls far short of public service ideals, a feature that is recognised in the licence conditions. SABC 3 is given a 36-month period in which to increase its levels of children's programming to 12 hours per week. Such requirements result in a situation similar to that in SABC 1 and 2's licence conditions, where the children's programming requirements are still below those of e-tv. The MMP, therefore, envisages a similar solution to that proposed for SABC 1 and 2, where SABC 3 would carry an additional 4 hours of programming aimed at children aged between 13 and 18. Such a stipulation would then place the SABC 3 in line with the levels of children's programming required of e-tv, which, given the station's status as a commercial public service broadcaster, appears reasonable.

The MMP supports a phased approach for these conditions to come into effect, as is currently outlined in the draft licence conditions.

2.7.2.1 Broadcast time of children's programming

According to clause 2.7.2.1 of the draft licence conditions, the Licensee must ensure that children's programming is:

Broadcast at times of day when children are available to watch.

The MMP believes that this clause is unduly vague and does not adequately explain what "times of the day when children are available" would constitute. A similar clause in e-tv's licence conditions, in contrast, appears to be much more specific and detailed. In clause 15.5.1, the e-tv licence conditions state:

The licensee shall broadcast...children's programming...between the hours of 13h00 and 18h00 on weekdays and between the hours of 07h00 and 13h00 on weekends, provided that:

15.5.1 The licensee shall endeavour to ensure that children's programming is broadcast at times when large numbers of children are likely to be watching television.

15.5.2 In exceptional circumstances, and then, only to the extent reasonable necessary, the licensee may broadcast other programming during the above mentioned time periods ordinarily allocated to children's programming if a particular broadcast event of considerable importance necessitates that the children's programming be interrupted (Private Television Broadcasting Licence Conditions, 2000).

In comparison, it is clear that the requirements for children's programming set out in the draft SABC licence conditions are inadequate. The current wording does not present clear guidelines for the SABC to meet the needs of children, specifically the times at which the programming aimed at children is to be broadcast. In order to clarify and improve the clause on children's programming, the MMP recommends that the Authority draw extensively on the e-tv licence conditions and amend the SABC clause to read as follows:

2.7.2 In the production and presentation of its children's programming, the Licensee shall ensure that:

2.7.2.1 children's programming is broadcast at times when large numbers of children are likely to be watching television, taking into consideration the different time periods, levels of maturity, and children's needs across the age groups specified.

2.7.2.2 in exceptional circumstances, and then, only to the extent reasonable necessary, the Licensee may broadcast other programming during the above mentioned time periods ordinarily allocated to children's programming if a particular broadcast event of considerable importance necessitates that the children's programming be interrupted.

As highlighted under the section on editorial policies, the MMP suggests the inclusion of a clause 2.7.3, which would refer directly to the SABC's editorial policies, specifically the sections that deal with children.

Including children

In the interests of children's participation and as a way of establishing when children themselves would like to watch those programmes specifically devoted to them and their issues, the MMP conducted a research project that involved 147 children from Gauteng and the Free State, between 9 and 13 years of age. Child participants, both male and female, were from a diverse range of socio-economic, provincial, and racial backgrounds.

Drawing on the MMP's recent experiences in the ECM project, the value of children's participation and their views is considered to form an essential part of the MMP's submission. To ensure that children's voices were heard, the MMP designed a questionnaire-based research methodology, which sought to establish children's views in three key areas:

1. What genres/types of programmes children wanted to see/hear more of on SABC television and radio
2. What times of the day children usually watched, and when they preferred to watch, television programmes
3. Their opinions on current levels of advertising

The key findings of this research can be found within the different sections of the children's programming (For more information on this research, please contact the MMP directly). The research identified the times that children would like their favourite programmes to be aired, as well as the times that they tended to watch television. Although a number of children's programmes are broadcast early in the morning, (based on the MMP's schedule analysis, many of these appear to be repeat broadcasts) judging from the children's responses, less than 1% of the children interviewed watch television during this period.

A number of child participants stated that they watched television between 4 and 6pm daily. This is the time period allocated to the broadcast of many soap operas, thus the times that children are available to watch and actually do watch television are not necessarily the times that the programming specifically directed at them is broadcast. Children's lives and the times that they are available to watch television have changed substantially in the twenty-first century; many children are not at home during the afternoons. Extra-curricular activities and sports ensure that many children do not arrive home until late afternoon, or early evening. In addition, given the high number of dual-income families, many children spend their afternoons at aftercare facilities, and only have access to television in the evenings. In order to adequately cater for children's programming needs, the SABC needs to take the current context into consideration and come up with alternatives for children's programming times.

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The results of the MMP's research with children showed that an average of 40% of children aged between 9 and 12 watch television from 4pm – 6pm. A review of SABC television's current scheduling during this period displays some worrying trends. It would appear that at least 50% of this time, across all three stations, is devoted to adult programming. This includes adult news programming, adult magazine programmes, and soap operas.

The MMP's research also showed that a number of the children cited soap opera programmes as the kinds of programming that they watched, or cited the hours usually reserved for the broadcast of soap operas as the times when they were usually available to watch television. The basic storylines that tend to drive soap operas revolve around adult sexual relationships, betrayal, infidelity, incest, lies and deceit, and the inability of most of the characters to communicate with one another. While overt violence is rarely broadcast, with the exception of certain South African soap operas, such as *Isidingo*, gender-based violence is seldom challenged, and is instead, often condoned and stereotypically represented in soap opera narratives.

While children, like adults, are often able to distinguish between fantasy and reality, the morals, value judgements, escapist nature and types of family values inherent in soap opera programmes, provide concerning, disturbing, and (frequently) grossly irresponsible role models for children. Given the high levels of domestic violence, child abuse, and broken families in South Africa, the value of such programming, while not explicitly condoning child, woman, or gender abuse, needs to be questioned in relation to its representation of fathers, mothers, sisters, and other family members. It would appear extraordinarily difficult to argue in favour of the positive values that children may glean from watching *The Young and the Restless*, *Days of Our Lives*, and *The Bold and the Beautiful*. Aside from this, these soap operas are not intended as children's programmes.

It must be acknowledged that *Days of Our Lives* and *The Bold and the Beautiful* in particular, remain amongst the most popular programmes on SABC television, and given the SABC's funding structure, the corporation's decision to schedule the programmes at these times is understandable. The SABC's mandate and core editorial values, however, emphasise the SABC's commitment to the citizens of South Africa, and guarantee diversity in programming, human dignity, equality, and editorial independence, free from both government and, in this instance, commercial considerations.

The MMP's research showed that 35% of children aged 13 preferred watching television in the hours between 6 and 8pm (23% during 4 and 6pm). Again, a cursory review of the programming across the SABC television stations between this time reveals that at least a quarter of this time consists of soap operas, across all three stations. Taking into account the programming available on the other television broadcast services (e-tv and M-NET) the review indicates a distinct lack of diversity in programming, both for adults and children. While the programmes are popular, given the responsibility of the SABC in providing

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diversity of programming and in meeting their mandate. The MMP submits that the Authority stipulate that during the period when children are most likely to be available in large numbers to watch television, no more than one soap opera may be broadcast across any of the SABC's three television stations.

Clause 2.7.2.3 of the licence conditions requires that the children's programming broadcast on SABC must be:

Educational and is made from children's point of view.

The MMP welcomes the inclusion of the endorsement of the value of children's programming, but as the clause currently reads, this would necessarily exclude all other forms of children's programming. There is a common perception that the only types of programmes that children are interested in are cartoons and entertainment programmes. The MMP's research indicates that, like adults, children enjoy a diverse range of programmes. One of the key findings of the MMP's research was the wide variety of programming choices that the children selected. This finding disproved the myth about children's simplistic programming choices. While the findings showed typically high percentages of entertainment programming, 49% of all of the children interviewed expressed the need for drama programmes where children are the major focus. These research results suggest that there is a clear gap and opportunity for the SABC to fulfil drama-programming requirements for children.

One solution for the SABC to help the stations across the broadcaster meet their public service mandate and their children's programming quotas, would be for the station to introduce a children's drama programme, in response to the clear need expressed by the child participants in the MMP's research. This drama could be broadcast in one of the slots currently filled by a soap opera. Obviously the MMP is aware of the large viewing audience of the daily soap operas and is not suggesting that the SABC remove such programming from its airwaves, but rather, that the broadcaster needs to take the relevant context into consideration and find ways of broadcasting programming that is beneficial and of interest to children at times when they are available in large numbers to watch television.

Other interesting choices and preferences highlighted by the child participants reflected that more than a third of all of the child participants chose programmes that focus on children's issues as an important component of children's programming on the SABC, while a further third of all participants expressed an interest in and a need for children's news and current affairs programming. A number of the child participants particularly expressed appreciation for the children's news programme, KNR (Kids' News Room), which is broadcast weekly on SABC 2. The SABC is to be commended for taking the initiative in broadcasting this programme. However, an analysis of the sources accessed within the broadcast of KNR shows that adults still dominate. While there are some instances that necessitate adult expert opinion and commentary, stories that focus on children's experiences of measles, as was the case, for example, in the broadcast of the 10th of March 2005, would be strengthened if the children

themselves were accessed for their comments. Another concrete example of how the SABC could ensure children's participation would be to include children in the production of KNR.

The MMP submits that given the importance of educational programming for children, that clause 2.7.2.3 be amended to reflect that 60% of children's programming is devoted to educational, news, current affairs programming, and programmes that deal with issues that are of direct importance to children.

2.7.2.3 Programming made from a children's point of view

The second part of clause 2.7.2.3, as discussed above, requires that children's programming is educational and made from children's point of view. The basic meaning of a "children's point of view" is confusing at best, and at worst, can be viewed as representing a patronising notion of children and their needs. The clause raises a number of questions. To begin with, who determines what a "children's point of view" constitutes? Does this mean that children are to be consulted in the content development and scheduling of the programmes? Does it mean that all characters that are featured in children's programming must be children so as to represent a child's point of view? Which children's perspectives are to be included in the programming? The MMP welcomes the licence conditions' intention to ensure that children's perspectives/points of view are included in the SABC's licence conditions, however, in its current format, the clause is unclear. In addition, critical to the licence conditions, the question arises as to how compliance with this requirement is to be determined and measured. As the licence conditions are currently phrased, this would appear to be almost impossible.

The MMP suggests, instead, drawing on growing international precedent, the MMP's recent research experience (the ECM project), the 2002 Opinion Poll (commissioned by Save the Children Sweden), and the SABC's editorial policies (Programming, p. 15), that the clause be reformulated to focus on children's participation. It would seem bizarre to make a programme about the police and not access, consult, or feature any members of the police in that programme. This, however, is, in many instances, common practice with children's programming. The concept of children's participation and involvement in matters that affect them is more than merely a good idea; it is linked to children's human right to participate meaningfully in matters that affect and impact on them. Both the United Nations Convention on the Rights of the Child (UNCRC) and the South African Constitution make special provision for children's rights, especially the right to participation. The UNCRC states:

The right of children, including adolescents, to express themselves freely must be respected and promoted and their views taken into account in all matters affecting them... We will strive to promote meaningful participation by children, including adolescents, in decision-making processes.



In "A World Fit For Us: The Children's Statement" of 2002, children themselves noted:

We are children whose voices are not being heard: it is time we are taken into account" (*A World Fit For Children*, p. 9, 2002).

The 2002 Opinion Poll, which was conducted with 1200 South African children, commissioned by Save the Children Sweden, investigated children's rights. After the rights to a safe environment and protection from abuse, the child participants cited the right to be heard and to participate in decisions affecting them within their families, the community, and at national level, as the right most often violated in their lives.

The Children's Statement of 2002 further notes the active participation of children

In all decision-making at all levels and in planning, implementing, monitoring and evaluating all matters affecting the rights of the child (p. 11).

The South African Constitution states:

Everyone has the right to freedom of expression, which includes...freedom to receive or impart information or ideas (Chapter 2: Section 16).

Again, the South African Constitution presents a broad-ranging principle and right that directly addresses children:

A child's best interests are of paramount importance in every matter concerning the child [section 28(2)].

It is clear from the above codes, laws and governing structures, that in order for the SABC to fulfil its mandate and responsibilities, not only is it in the best interests of the child to be involved and play a meaningful role in all of the elements related to children's programming, but that a failure to do so would constitute a violation of children's rights to participation, particularly, meaningful participation.

The UNCRC requirement of "meaningful participation" would mean that the SABC would have to be able to clearly demonstrate children's participation in all phases of the programming process. It is imperative for children to be involved and seen to be involved in the design, production and formatting of the content of those programmes aimed at children. The MMP strongly submits that the Authority encourage such meaningful participation in all aspects of children's programming across the SABC stations. The value of ensuring such participation, in line with the UN millennium goals, and South Africa's status as a signatory to the UN Rights of the Child, cannot be overemphasised in the context of the most progressive Constitution concerning children in the world.

Children's participation makes excellent "rights" sense, as well as adding quality, diversity, and originality to programmes. There are a number of misconceptions about the ability and value of the contributions that children are able to make. Such misconceptions are easily dismissed, however, the moment children are given the opportunity to contribute meaningfully. In addition, there are a growing number of innovative and exciting methods that enable children to participate in all areas of media. The MMP's own experiences working with children showed the value added by the child participants conducting their own research projects. A recent example of the value of children's participation is children's presence in a major newsroom in Paris. *Mon Quotidien*, a leading French newspaper, invites children from all over France to its editorial meetings twice a week, and takes the children's opinions, interests, and preferences into consideration, so as to ensure that the paper reflects children's issues and concerns (see Appendix I).

The MMP suggests, that in order to ensure children's participation, the amended clause 2.7.2.3 focus on the diversity of children's programming issues, as suggested above, and that a further clause 2.7.2.4 be added. This clause 2.7.2.4 would read:

Developed, designed, and produced in a manner that ensures that all elements of such programming enable the meaningful participation of children.

2.9 Programming for people with disabilities

As a human rights organisation, dedicated to a more human rights-oriented media sector in South Africa, the MMP welcomes the inclusion of programming geared towards people with disabilities in the licence conditions. Clause 2.9, however, is noteworthy for what it excludes, rather than what it includes. While meeting the needs of people with disabilities is to be seen as a crucial aspect of the SABC's broadcasting policy, questions arise as to why it was felt necessary to single out this particular aspect, while excluding a number of other social issues.

Human rights concerns necessitate an interest in and direct reference to a number of other problems of inequality and inequity in South Africa. Just as people with disabilities are often marginalised within the media, and their views and perspectives not represented, the same is the case for women, children and impoverished people. Similarly, while race and racism, gender, and HIV/AIDS may be addressed within the SABC's employment and human resources policies, it is essential that these also be considered in the SABC's programming requirements. Thus, while clause 2.9 is useful in locating SABC programming within the context of the national action plan on disability, it fails to situate such programming needs within the context of issues surrounding gender, race, HIV/AIDS, children, and poverty.



The MMP, therefore, calls for the adoption of additional clauses in this section, which specifically address:

- Programming on discrimination and racism, within the context of the national plan of action on racism,
- Programming on gender, within the context of the national plan of action on gender,
- Programming on HIV, within the context of the national plan of action on HIV/AIDS,
- Programming on children, within the context of the national plan of action on children.
- Programming on poverty, within the context of the national plan of action on poverty.

Many of these issues are highlighted within the SABC's editorial policies, but the MMP submits that these clauses be added to the SABC's licence conditions, so as to provide greater encouragement and guidance in the SABC's programming. This would provide the SABC with a platform on which to demonstrate how it has endeavoured to address these key social issues, both within the corporation, and within each station's programming.

In the same way that the Licensee is required to achieve fair and reasonable participation by historical disadvantaged persons (clause 14), in their implementation of meaningful participation conditions, the Licensee should also endeavour to ensure fair and reasonable representation of both girl and boy children.

3. Language

The penultimate section of the draft licence conditions addresses the issue of language broadcast on each individual station and on the SABC as a whole. In this respect, the SABC has the dual role of catering for both the unity and diversity of South African society, through the encouragement of multilingualism and the promotion of all of the official languages of South Africa. The licence conditions imposed on the various individual stations of the SABC need to be understood against the backdrop of these broader duties and responsibilities. It should be noted that fulfilling such responsibilities is an extraordinarily important, complex, and difficult task. Consequently, most efforts to achieve a positive balance between the representation of all of the official languages, as well as unity, necessarily require compromise.

Public service radio stations, representing the 11 official languages of South Africa, as well as the public commercial SABC 3 television station, are virtually all regulated to broadcast "predominantly" in the language utilised and understood by the respective target audiences. For example, Ukhozi FM is expected to broadcast "predominantly" in isiZulu, Motswedding FM is expected to broadcast "predominantly" in SeSotho and RSG, "predominantly" in Afrikaans.

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Radio 2000, Lotus FM and CKI FM are exceptional cases:

- Radio 2000 is required to broadcast programming in a range of all official languages
- Lotus FM is required to broadcast “predominantly” in English, with specialist programmes presented in a variety of Indian languages, and
- CKI FM is required to divide its programming in a 60:40% split between English and Xhosa.

The explanation provided for the languages broadcast on the above stations would seem to be in line with existing audience needs.

The term “predominantly” presents a problem, as it is extremely difficult, if not impossible, to measure what “predominantly” constitutes. “Predominantly” may mean 51% of languages, or it may mean above 80%. Given the SABC’s mandate to cover all of the official languages, and given the SABC’s responsibility to ensure and promote multilingualism, the MMP suggests that instead of the term “predominantly”, a percentage or a range thereof is provided in each instance. The precise range of the percentage that determines “predominantly” should be set taking into consideration the nature of the station, its audience needs, the dominant languages prevalent in its broadcast footprint, as well as other services provided to citizens with the station’s footprint. Thus, for example, rather than SABC 3 broadcasting “predominantly” in English, clause 3 would be amended to read:

The licensed service shall provide a minimum of 70 - 80% of its programming per week in English, with the remaining 20 - 30% of programming being broadcast in a range of the other official South African languages.

Given the Authority’s envisaged high levels of African language programming on SABC 1 and SABC 2, with respect to SABC 3, interests of diversity and multilingualism would appear to preclude the possibility of the predominant language on the station, English, being utilised 80% of the time. The MMP advocates that the amount of English language programming on this particular station be set at a lower range. In addition, the language clause for SABC 3 should also include a positive obligation on the SABC to take reasonable measures to ensure that programming in other languages is encouraged.

Like SABC 3, e-tv is mandated to broadcast primarily in English. However, e-tv’s licence conditions specify that the broadcaster be encouraged to broadcast in official languages other than English. The Authority has, moreover, set specific targets for e-tv on the minimum amounts of coverage expected in official South African languages other than English, in a range of specific genres. No indication is provided, however, of which languages these should be, or of the percentage of broadcast time required for each language. However, e-tv’s licence conditions state that non-English language programmes should appear in a broad range of official languages, with the added provision that they shall not make excessive use of a single language other than English, to the exclusion of the other official



languages. Clause 11 of e-tv's licence conditions maintains that e-tv must broadcast:

A minimum of 2 hours of news and information programming per week in a broad range of official languages other than English,

Four hours per week of programming other than news and information programming in a broad range of official languages other than English, measured as a weekly average.

10% of aggregate broadcasting time of SA drama in a broad range of official languages other than English (Private Television Broadcasting Licence Conditions, 2000).

With the exception of drama, similar benchmarks have not been set for SABC 3, or for SABC 1 and 2. This is possibly explained by the fact that e-tv is only one station, while the SABC has a range of services at its disposal. Nevertheless, the MMP would encourage the addition of a clause similar to clause 3.1 (for SABC 1 and 2), which would ensure balanced and reasonable spread of the languages specified in clause 3.2 throughout the various programme genres. Failing this, the MMP submits that similar specifications to those stated in e-tv's licence conditions should be included in the SABC's licence conditions.

Subtitles and dubbing

The MMP also foresees a problem in the draft licence conditions as they currently stand, with regards to the use of subtitling and dubbing. The conditions omit to provide guidance on the issues of subtitling and dubbing of programmes into the official languages. This issue was raised in the Licensee's letter to the Authority:

The SABC also has further questions regarding the language requirement.

2.1 Does the requirement that a percentage of programming be made up of particular languages mean that no other language broadcast during the course of multilingual programmes may be counted towards this quota?

2.2 Would programming that is dubbed into the languages required count towards the language quota?

2.3 Would programming containing sub-titles in the languages required count towards the language quota? (Letter from Ms Kantor, SABC General Manager: Policy & Regulatory Affairs)



In response to 2.1, the Authority wrote:

2.1 Other languages are permitted within multilingual programmes, provided they are subtitled (Letter from Ms De Souza, SM: Licensing, Monitoring and Complaints, ICASA).

The Authority also stated that programming that is dubbed into the required languages would actually count towards the Licensee's language quota, while programming that contained subtitles in the required language would not be counted towards the language quotas per station.

As a point of comparison, e-tv's licence conditions do not refer to subtitling at all, and only mention dubbing in relation to children's programming:

The licensee shall endeavour to dub some of the children's programming required from abroad and broadcast by the licensee into official languages other than English (Clause 11.8, Private Television Broadcasting Licence Conditions, 2000).

From the clause above, it is clear that e-tv's licence conditions do not offer guidance in this matter. The MMP submits that a clause that explains when and how dubbing and subtitling can be used, as well as to what degree programming that contains either dubbing or subtitles would count towards the language quotas, needs to be included in the SABC's licence conditions.

There are some key differences between subtitling and dubbing and these broadcast techniques' resultant effects. The MMP's concern with dubbing is that it merely substitutes another language over a particular programme context, and, more importantly, it does not allow for multilingualism. Subtitling, on the other hand, promotes and encourages multilingualism to a far greater degree. As the SABC is licensed to strive towards multilingualism in its programming, the MMP submits that the Authority and the SABC decide upon a reasonable language subtitling and dubbing clause, to be included under the language clause 3 of Schedule C of the licence conditions. However, the MMP submits that this clause state clearly that programming that makes use of dubbing or subtitles only count a maximum of 50% towards the Licensee's language quotas.

Spread of official languages

The current language stipulations in the licence conditions for SABC 1 and 2 (Clause 3.2), in contrast to that of their radio counterparts, establish quantifiable rates of language usage that have to be met within eighteen months. The SABC 1 licence conditions state that the station must reach a target of 80% Nguni language programming within 18 months of the licence being passed. SABC 2 must provide 80% of its programming in Afrikaans, the SeSotho languages, XiTsonga and TshiVenda. There are three striking elements to these clauses. Firstly, as noted earlier under the local content section, the 80% requirement

would appear to be in contradiction to the local content requirements for SABC 1 and 2. There can be no doubt of the critical need to address the historical under-representation of the Nguni, SeSotho, xiTsonga, and tshiVenda languages, which these clauses clearly aim to achieve. In practical terms, however, the achievement of such levels within an 18-month period, given the SABC's current levels of programming in these languages, as well as their heavy reliance on advertising for programmes such as The Bold and the Beautiful and Days of Our Lives, would appear to be impossible to achieve. The MMP submits that the 80% level stipulated be set as a long-term goal to be achieved over a practical time period, to be decided on by the Authority and the SABC. In the interim, the MMP suggests that the increase and use of these languages is encouraged in the licence conditions, and that the levels set ensure that the long-term goal of 80% usages of these languages can be met.

Secondly, the licence conditions fail to mention in what proportion each language needs to be broadcast. Ostensibly the conditions endeavour to ensure better and more diverse representation of these languages. However, without defining or providing clear guidance on exactly how these languages should be distributed, or allowing the SABC to set up their own language allocations in line with their existing editorial policies, in all probability, the clause may fail. In addition, given that SABC 1 and 2 are being expected to cover a range of African languages, it would appear unnecessarily restrictive to allocate particular languages to particular stations. Considering the SABC's mandate to strive towards the development of multilingualism, and in order for the SABC to develop a balanced and reasonable spread of African languages across these stations, the MMP submits that clause 3 be amended to encourage diversity of African languages across these two stations. The MMP also submits that this clause include the provision that the SABC be able to present clear and detailed language policy guidelines to the Authority, which detail the spread of African languages, within 12 months of the licence coming into effect.

Thirdly, the draft licence conditions do not seem to have taken the imminent establishment of the regional SABC stations into consideration. These regional stations are being specifically developed in order to address the significant disparity in the treatment of African languages. When the Authority and the Licensee are determining a reasonable spread of African languages on SABC 1 and SABC 2, the MMP submits that the impact of the regional stations be considered in determining what constitutes such a reasonable level. The MMP submits that these conditions are clarified, especially with regards to the methodology/policies to be applied in the determination of the spread of languages on the SABC 1 and SABC 2, as well as the breakdown of languages on the regional stations.

4. Advertisements

Advertising, as mentioned above in clause 12.6, presents a subject that warrants significant attention with regards to the SABC's draft licence conditions. Interestingly, save for the brief mention this subject has received in the licence conditions for the three television stations, the establishment of limitations surrounding the amount of advertising permissible per station does not seem to have been included in the draft licence conditions for the SABC.

When advertising concerns are raised within the draft licence conditions (clause 4), the limitations imposed on each of the three television stations appear to be identical to the conditions applicable to e-tv. There also appears to be no differentiation between the two public service television channels and the newly commercialised SABC 3. SABC 1, 2, 3 and e-tv are each permitted to include an average of no more than 10 minutes of advertisements per hour, with the additional stipulation that the stations may not broadcast advertisements in excess of 12 minutes in any one hour.

The SABC and e-tv licence conditions contain some differences in the time periods used to calculate the advertising limits per hour. For e-tv, the advertising limits are calculated as an average on a yearly basis. e-tv is also explicitly mandated to comply with the rules outlined by the Advertising Standards Authority (ASA) and other relevant regulations. While it could be assumed that the same set of standards apply to the SABC, the draft licence conditions do not specifically include any reference to the ASA, or any other laws. Again, as mentioned under the editorial policies section earlier in this submission, reference could be made to the SABC's mandate and editorial policies.

The fact that a public service broadcaster like the SABC has been given identical advertising specifications to those provided to a commercial, free-to-air broadcaster concerns the MMP, and raises other concerns about the public service ethos and the funding structure of the SABC. As a result of the SABC's public service ethos and funding structure, it could reasonably be expected of the public service broadcaster to abide by more stringent limitations on advertising than is the case with private commercial entities. This would appear to be the case with other respected international public service broadcasters, which are allowed considerably less levels of advertising than their commercial counterparts. Given, however, the SABC's funding reality and limited resources, in the short-term, it may be necessary to maintain the same advertising levels across public service and public commercial stations. The MMP submits that the levels indicated in the licence conditions should be applied, on two conditions.

Firstly, the MMP has, in previous submissions to the Authority, requested that an alternative funding mechanism for the SABC be developed. The MMP is not alone in this request; media analysts and senior SABC management alike also share these views. Should an alternative funding structure linked, for example, to the South African Revenue Service, be devised, the MMP submits that the proposed levels of advertising on public service stations be dramatically reduced. The second condition is dependent on the levels of responsibility, as

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set out by the Authority in the genre stipulations. The Authority and the SABC may decide, based on convincing argument, that all of the conditions stipulated in the draft licence conditions are too onerous, and together agree to impose substantially less stringent conditions. In this instance, the MMP submits that the Authority limit advertising levels on the public service stations SABC 1 and SABC 2 to an average of 8 minutes per hour, and to an average of 10 minutes per hour on the commercial public service station, SABC 3. In addition, the MMP submits that the advertisements broadcast should not to exceed 10 minutes per hour in any one hour on SABC 1 and 2, and 12 minutes per hour in any one hour on SABC 3.

Alternatively, should the Authority and the SABC agree that the SABC is making substantial efforts to meet its public service mandate, as stipulated in the licence conditions, then the MMP submits that the advertising limits, as currently outlined for SABC 1 and SABC 2, remain the same as those set out for SABC 3. After all, given SABC's current funding structure, it would seem unfair to expect considerably more public service responsibilities while simultaneously removing some of the necessary resources that would enable the SABC to fulfil these added responsibilities.

Given the SABC's funding structure, the absence of any clauses applicable to advertising in the licence conditions for both public service and commercial radio stations appears to constitute a grave omission. The MMP asserts that the amount of advertising broadcast on radio needs to be set at manageable levels, which would differ between the public commercial and the public service stations. As such, the MMP would like to recommend more stringent regulations than those that are currently applied, especially to commercial radio stations. The MMP also believes that such limitations should appear within the licence conditions for each radio station. The MMP understands that it is common practice not to limit the amounts of advertising across commercial radio services, but views the drafting of the SABC's licence conditions as an excellent opportunity to start to set limits on advertising on commercial radio services.

A further gap in the licence conditions (which may be partly rectified by adherence to the ASA Code of Conduct) is that the conditions ignore the need to regulate the types and content of the products being advertised. This is particularly worrisome in relation to products that could be of potential harm to children, including the advertisement of alcohol, junk and snack foods, and soft drinks. The MMP would consequently like to suggest the possibility of including a further clause, which would detail, regulate, and limit the types of advertisements broadcast during children's programming and at other times during the broadcast period where large proportion of children are likely to be watching and listening.

Advertisements targeted at children

From the MMP's research, it is clear that 75% of the child participants clearly expressed that they wanted less advertising to be broadcast on television, which highlighted not only the need for reduced advertising on public service stations, but also the need for advertising aimed at children, or advertising broadcast when children are available in large numbers to watch television, to be regulated. Some of the responses that the child participants gave in relation to the questions about advertising were:

I don't like adverts because they take the time up (aged 9)

I don't like adverts because they stop the programme (aged 9)

The advertisements make me craze [crazy] (aged 10)

I can't stand any advertisements (aged 11)

I don't like them all (aged 13)

The Canadian Broadcasting Code provides an example of how to regulate advertising aimed at children. Clause 6 of the code states:

(b) No station or network may carry more than four minutes of commercial messages in any one half-hour of children's programming or more than an average of eight minutes per hour in children's programmes of longer duration.

The MMP submits that similar stipulations are incorporated into the SABC's licence conditions.

The MMP's arguments in favour of regulating such advertising clearly address a broader issue, which applies to the SABC, as well as other broadcasters. As the public service broadcaster, it is appropriate that the SABC introduce and implement regulations for advertising that is aimed at children, or advertising broadcast when children are available in large numbers to watch television, within its licence conditions. There is growing international precedence for the regulation of types and forms of advertising. Given South Africa's progressive Constitution, especially with regard to children, it would seem highly appropriate for regulations for advertising targeted at children to be included in the SABC's licence conditions.

During 2004, there was extensive media coverage of obesity in children. This obesity was direct attributed to changes in eating habits, much of which are linked to the growth in the fast-food industry, but also to the increase in fast-food advertising. A recent article published on the Young People's Media Network led with the headline: "PepsiCo admits curbing adverts to children" (see Appendix II). While the article focused primarily on a large soft drink and fast food supplier's attempt to tackle obesity in the USA, it suggested some interesting solutions to

the problem of repeated fast food advertising to children. The article raised issues surrounding the exploitation of children as vulnerable consumers, especially of products like fast foods and beverages. Young children's developing knowledge of the world makes them particularly vulnerable to commercial practices, especially the approximations of reality portrayed in advertisements. The article noted that the voluntary restrictions on advertising aimed at children introduced by PepsiCo were not the first of its kind; Kraft, another US food group made headlines in January when it announced new preventative measures against fast food advertising aimed at children. Sadly, such companies in South Africa do not appear to be enforcing the same measures.

The MMP's own research for this submission highlighted similarly worrying trends about the impact of fast food advertising on children. Particular advertisements cited as examples by the child participants included advertisements for South African fast food chains and fizzy cold drinks. Some of the participants' comments in relation to these advertisements were:

I think the Fanta ad where they burp "hello" is cool (aged 12)

I like the Wimpy ad (aged 10)

I dislike the KFC ads (aged 9)

I like the Lays chips one (aged 11)

Poverty and malnutrition continue to plague South Africa. Efforts to reduce these problems require multifaceted approaches that involve both government and civil society. The SABC, as the public service broadcaster, also has a significant role to play in efforts to combat these social problems. While this role may be partly achieved through its programming, the SABC has the responsibility to ensure that none of its content undermines these efforts.

Current advertising practice during children's programming across the SABC's television stations shows that a number of snack food, soft drink, and junk food advertisements are regularly broadcast on the SABC at times when large numbers of children are available to watch.

Another disturbing trend in the MMP's findings was the number of child participants who cited alcoholic beverages among their favourite advertisements:

I hate the Hansa one coz [because] it shows more people to drink (aged 11)

I like the Castle Lager ad where he goes to different places (aged 13)

I hate [the] Hansa [advertisement] because he hates being black or white, [I like the] Castle [advertisement] because it is my favourite (aged 10)

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Given the well-documented negative impact of underage drinking, as well as the serious problems of alcoholism, alcohol-related violence, and other social and health problems, it is critical that both the Authority and the SABC do everything in their power to discourage irresponsible and underage drinking. The MMP, therefore, submits that a clause for children's advertising be created, with the following sub-clause:

The Licensee may not permit the broadcast of fast-food, snacks, soft drinks, junk food, and alcoholic beverage advertisements during, and no less than 30 minutes before and 30 minutes after children's programmes, or at times when large numbers of children are likely to be watching television or listening to the radio.

While these suggestions may cause levels of frustration among advertisers and the above-mentioned clients, and while the full negative impact of such products have only recently (with the exception of alcohol) come to light, the regulations are similar to those that have been implemented for tobacco, and as such, present the Authority and the SABC with an opportunity to lead the way in the welfare and protection of South Africa's children.

As an alternative to the outright restriction of fast food, snacks, and soft drinks advertisements, the MMP proposes that such advertisements be permissible within strict guidelines. The Canadian Broadcasting Code contains a guideline that is intended to provide assistance regarding the interpretation of clause 11 of the Code, which is useful in this regard. The guideline notes that advertisements must represent mealtimes clearly, and must adequately

Depict the role of the [fast-food] product within the framework of a balanced diet, and [ensure that] snack foods are clearly represented as such, not as substitutes of meals.

The MMP, therefore, submits that the following clause, as an alternative to the clause for the total restriction of these types of advertisements, as stated above, be included in the SABC's licence conditions. This clause for the SABC would read:

The Licensee must ensure that advertisements promoting fast-foods, snacks, or fizzy soft drinks, which are targeted at children or broadcast when children are likely to make up large numbers of the viewing audience, may only be broadcast when the advertisement depicts the role of the product within the framework of a balanced diet, and snack foods, and fizzy soft drinks are clearly represented as such, and not as substitutes for meals.

The Authority's position in relation to alcoholic beverages, however, must be stringent, and the MMP submits that alcoholic beverage advertisements not be broadcast either during, or a minimum of 30 minutes before or 30 minutes after children's programming, or when children are likely to be watching or listening to television and the radio in large numbers.

Advertising propaganda

In addition to limiting the advertising of particular foods and beverages, it is also necessary to limit the frequency of the broadcast of particular advertisements. A significant number of the child participants commented on the repeated broadcast of some advertisements:

I dislike [the] KFC [advertisement] because it repeats. It drives me mad (aged 10)

I hate Outsurance because they say the same things over and over (aged 12)

Rather than bombarding children with advertisements for a range and diversity of products, a growing trend in advertising aimed at children would appear to be the repeated broadcast of limited products. Clearly it is not by accident that such advertisements are regularly repeated. Rather, this is a clear advertising strategy that employs some of the classic principles of propaganda, of which the infamous Nazi war criminal Joseph Goebbels would be proud. Such a comparison may appear extreme, but in light of an advertising strategy that so clearly targets children, it is a fair comparison. Goebbels' Principles of Propaganda state:

Propaganda must be repeated [13(c)]

Propaganda must label events of people with distinctive phrases and slogans...they must be utilised again and again [14 (c)] (see Appendix III).

Other international broadcasters have also identified the emphasis in the principles on repetition and the resulting advertising strategies as a significant problem that requires urgent attention. The Canadian Broadcasting Code is again useful in relation to the broadcast of advertisements aimed at children. Clause 6 (a) of the Code states:

- (a) The same commercial message or more than one commercial message promoting the same product cannot be aired more than once in a half-hour children's programme. In children's programmes of longer duration, the same commercial message or more than one commercial message promoting the same product must not appear more than once in any half-hour period.

The MMP submits that similar limits on repeat advertising broadcast during children's programmes, or at times when a large number of children are likely to be watching television, be included in the SABC's licence conditions.



Another area of children's advertising that should be regulated within the SABC's licence conditions addresses methods of encouraging children to purchase particular products. The Canadian Broadcasting Code provides an interesting example of such regulations. Clause 5(a) of the Code states:

Children's advertising must not directly urge children to purchase or urge them to ask their parents to make inquiries or purchases

As one child participant noted:

The advertisements made me mad because they think about nothing but spending (aged 10)

Positively, the European Union is currently in the final stages of adopting a similar clause as an example of unfair commercial practice. The Final European Parliament Legislative Resolution (2004) notes in amendment 4, article 3, paragraph 5(18):

It is appropriate to protect all consumers from unfair commercial practices. [...] Where a commercial practice is specifically aimed at a particular group of consumers, such as children, it is desirable that the impact of the commercial practice be assessed from the perspective of the average member of that group. It is therefore appropriate to include in the list of practices, which are in all circumstances unfair a provision, which without imposing an outright ban on advertising directed at children, protects them from direct exhortations to purchase.

The MMP submits that a similar clause be incorporated into the clause that address children's advertising in the SABC's licence conditions.

Conclusion

The MMP would like to thank the Authority and the SABC for providing the opportunity for the MMP to contribute to the SABC's licence conditions. Should there be hearings for these licence conditions, the MMP hereby requests the opportunity to make an oral presentation to the Authority on its submission.

If there are any comments, questions, or suggestions regarding this submission, please do not hesitate to contact the MMP.

Appendices

Appendix I: All the news that's kid friendly

At this Paris newspaper, 10-year-olds take part in the editorial meetings; and choose the stories.

By Emilie Boyer King (contributor to The Christian Science Monitor).
(<http://www.csmonitor.com/2005/0301/p11s02-legn.html>)

PARIS - It's early morning in the Paris headquarters of leading French Newspaper, *Mon Quotidien*, and the news team is busy discussing a story on the annual pilgrimage to Mecca. "Do you know where Mecca is?" asks an editor to the news team. "I've never heard of it," replies Kajetan, the "editor in chief." "Neither have I," add two other editors. That might sound surprising, but you can't blame Kajetan for his apparent lack of knowledge. He is only 10 years old, and along with two other primary school kids, Juliette and Francois, he has been invited to be editor-in-chief for the day at one of the world's only daily newspapers for children.

Aimed at 10- to 14-year-old readers, *Mon Quotidien* marks its 10th anniversary this month and it has a lot to celebrate. In 10 years readership has steadily grown. The newspaper is so successful, it now has three sister publications for ages ranging from 5 to 18-year-olds, edited by Play Bac Presse. Those who thought children didn't like reading newspapers can think again. "Children love the newspaper, but so do parents and teachers," says the founder and editor in chief, Francois Dufour. "Children like to read it because it's written for them. Parents like their kids to read, and teachers are happy because anything that encourages pupils to read is good. It's what I call a virtuous triangle."

Mr. Dufour started *Mon Quotidien* with money he made from educational quiz cards, sold as Brainquest in the United States. He set off with a basic principle that the newspaper should take no longer than 10 minutes to read, a realistic amount of time for a child to concentrate after a long day at school. The result is a colourful read, with illustrations and graphics on every page and a good dose of humour. Regular topics include animals and the environment, science, and stories about children.

While the format is fun and lively, *Mon Quotidien* doesn't shy away from hard news. Topics discussed at this morning's editorial meeting included stories about the European Union proposing a ban on the display of Nazi symbols, and prisoner abuse in Iraq. While the three young editors did not like the pictures of Iraqi prisons, they all agreed the news was important and should be mentioned. "There are a lot of misconceptions about kids," says Jeff Mignon, a US-based media consultant. "In fact, they are very open at this age. You can talk about most things, as long as you do it in a way that's adapted to them. If *Mon Quotidien* works as well as it does, it's because it has the courage to look at its readers' interests," adds Mignon, who helped launch the newspaper.

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To make sure the newspaper reflects children's interests, kids from schools around the country take part in the editorial meetings twice a week, on Wednesday and Sunday, when they are off from school. These youthful editors apply for the jobs by calling a phone number printed in each issue of the newspaper. They are then chosen on a "first come, first served" basis. During an hour-long session, they choose which news stories will appear in the next edition. Adult journalists write and edit the stories, but the children are always the ones who pick what to publish. "We always go with what the children want," says Olivier Gasselín, deputy editor in chief. "There are no vetoes."

Francois, age 10, woke up at 4:30 this morning in his home in central France to attend the editorial meeting in Paris. He thinks getting kids to decide the editorial agenda is a great idea. "If it was [adults] who chose, it wouldn't be the same." The team of journalists sits around a table in the morning editorial meeting with the children. A wide sample of stories has been selected by the journalists beforehand. The children then choose which ones they prefer or think are most important - or funny, depending on the section in which the stories will appear. The children are there for only three hours, leaving the paper by noon. For grown-up journalists, going with a 10-year-old's choice of news isn't always easy. "One day there was a very important European Union election, but there was also this story about a bear in a zoo," remembers Mr. Mignon. "The children chose to lead with the story about the bear! The journalists found it extremely difficult to go with that choice, but they did."

More than 200,000 copies of *Mon Quotidien* and its sister publications make their way into French households and schools daily. The newspapers are sold through subscriptions only and, at under 70 cents a copy; the cost is half the price of a national newspaper in France. Kids, it turns out, aren't the only ones to keep an eye out for their paper in the post. According to Dufour, many parents also read it -including some who do not subscribe to any other paper. As most other national dailies in France lose readers in droves, Play Bac Presse is a welcome success story. Competition from the Internet, free-sheets, and an aging readership have plunged the industry into one of the worst crises in recent history. But as others struggle to keep afloat, *Mon Quotidien* and its sister publications are turning a modest profit of about \$1.3 million annually. It's just as well for Play Bac Presse, which has many more projects in store. The group is in the final stages of testing a US version of *Mon Quotidien* with *The Miami Herald* and has reached an accord with the Associated Press to syndicate the newspaper's formula. "We have found that the older you get, the less you read. So we want to target the younger generation to get them to read later," says Mignon, who is in charge of the US project. "Investing in kids is worth it." Play Bac Presse has something to say about that.

<http://news.ft.com/cms/s/c739f21c-892c-11d9-b7ed-00000e2511c8>, 1/3/2005)

Appendix II: PepsiCo admits curbing adverts to children

By Andrew Ward in New York and Jeremy Grant in Phoenix

PepsiCo, one of the world's largest makers of soft drinks and snack foods, has introduced voluntary restrictions on its advertising to children, in response to rising levels of obesity in the US and western Europe.

The company, responsible for brands such as Pepsi-Cola and Doritos chips has also placed limits on the portion sizes of products sold in US schools. The measures are the latest in a series of efforts by food and drink producers to prove they can be trusted to regulate themselves, amid mounting pressure on governments to curb obesity. The European Commission has threatened to outlaw advertising of food and drink to children if the industry does not change its behaviour and the UK government is considering red warning labels on fattening products.

PepsiCo executives and officials told the FT that the company was no longer advertising its flagship cola to children under 12 or its Cheetos chips brand to under-eights. The policy has been in place for several months but the company decided against announcing it publicly - in contrast to Kraft, another US food group that grabbed headlines in January by saying it would reduce its advertising to children. "Our intent is not to just beat our chests and try to take credit for what we're doing," said Irene Rosenfeld, the chief executive of Frito-Lay North America, PepsiCo's snacks unit. "We're just quietly doing it because it's the right thing to do."

She said the company had replaced its fried Cheetos with a lower fat baked alternative in elementary schools and limited serving sizes for all snacks to 150 calories, rising to 300 calories in middle schools. But critics say food and drinks companies can still target children via indirect marketing, such as endorsements by sports or pop stars and product placement in films and TV.

In a series of interviews, PepsiCo executives rejected calls for a blanket ban on advertising to children, arguing it would reduce the industry's ability to help tackle obesity by promoting healthy products and lifestyles. "We don't think banning things is the right way to go because that removes a channel through which we can be part of the solution," said Steve Reinemund, chairman and chief executive. Indeed, Frito-Lay said it would be increasing its overall advertising to young people through the promotion of its healthier products category, known as "Smart Spot".

Mike White, chief executive of PepsiCo's international division, said the most effective ways to reduce obesity were to reduce time spent by children in front of TVs and computer screens and provide them with more opportunities for exercise.

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http://news.ft.com/cms/s/c739f21c-892c-11d9-b7ed-00000e2511c8.ft_acl)

Appendix III: Goebbels' Principles of Propaganda

[...] Whether or when parts of it should be utilized in a democratic society are profound and disturbing problems of a political and ethical nature.[...]

1. Propagandist must have access to intelligence concerning events and public opinion.
2. Propaganda must be planned and executed by only one authority.
 - a. It must issue all the propaganda directives
 - b. It must explain propaganda directives to important officials and maintain their morale
 - c. It must oversee other agencies' activities which have propaganda consequences
3. The propaganda consequences of an action must be considered in planning that action.
4. Propaganda must affect the enemy's policy and action.
 - a. By suppressing propagandistically desirable material which can provide the enemy with useful intelligence
 - b. By openly disseminating propaganda whose content or tone causes the enemy to draw the desired conclusions
 - c. By goading the enemy into revealing vital information about himself
 - d. By making no reference to a desired enemy activity when any reference would discredit that activity
5. Declassified, operational information must be available to implement a propaganda campaign
6. To be perceived, propaganda must evoke the interest of an audience and must be transmitted through an attention-getting communications medium.
7. Credibility alone must determine whether propaganda output should be true or false.
8. The purpose, content and effectiveness of enemy propaganda; the strength and effects of an expose; and the nature of current propaganda campaigns determine whether enemy propaganda should be ignored or refuted.
9. Credibility, intelligence, and the possible effects of communicating determine whether propaganda materials should be censored.
10. Material from enemy propaganda may be utilized in operations when it helps diminish that enemy's prestige or lends support to the propagandist's own objective.
11. Black rather than white propaganda may be employed when the latter is less credible or produces undesirable effects.

12. Propaganda may be facilitated by leaders with prestige.
13. Propaganda must be carefully timed.
 - a. The communication must reach the audience ahead of competing propaganda.
 - b. A propaganda campaign must begin at the optimum moment
 - c. A propaganda theme must be repeated, but not beyond some point of diminishing effectiveness
14. Propaganda must label events and people with distinctive phrases or slogans.
 - a. They must evoke desired responses which the audience previously possesses
 - b. They must be capable of being easily learned
 - c. They must be utilized again and again, but only in appropriate situations
 - d. They must be boomerang-proof
15. Propaganda to the home front must prevent the raising of false hopes which can be blasted by future events.
16. Propaganda to the home front must create an optimum anxiety level.
 - a. Propaganda must reinforce anxiety concerning the consequences of defeat
 - b. Propaganda must diminish anxiety (other than concerning the consequences of defeat) which is too high and which cannot be reduced by people themselves
17. Propaganda to the home front must diminish the impact of frustration.
 - a. Inevitable frustrations must be anticipated
 - b. Inevitable frustrations must be placed in perspective
18. Propaganda must facilitate the displacement of aggression by specifying the targets for hatred.
19. Propaganda cannot immediately affect strong counter-tendencies; instead it must offer some form of action or diversion, or both.

"Goebbels' Principles of Propaganda" by Leonard W. Doob published in *Public Opinion and Propaganda: A Book of Readings edited for The Society for the Psychological Study of Social Issues*.

<http://claudia.va.com.au/slipofthetongue/pages/propagandist.htm>