

Tel: (01 1) 330-7000

Fax: 333-9090

333-4509

Telex: 42-1252

J dmanesburg

PO. Box 61884 .

Marshalltown 2107 ,;

5i Pig; Street KXQ RX?) Ur 33 3 a r; :33

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RESOLUTIONS ADOPTED

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The People Shall Govern!

## TOWARDS A MEDIA CHARTER

### PREFACE:

1. South'Africa is entering a period of transition to democracy. Crucial questions about our society's future are on the agenda of debate and negotiations. Transition entails movement from a closed society into one based on the free flow of information and the culture of open debate.
2. To achieve this requires a fresh look at media freedom and various mechanisms to bring it about. A Media Charter which sets out broad principles to promote these freedoms will contribute immensely to the democratic process. Elements of such a Charter would find expression in a Constitution and Bill of Rights; while others would be realised through relevant legislation. Yet others would serve as social guidelines.
3. The basic principle around which a Media Charter should revolve is maximum openness within the context of a democratic constitution and Bill of Rights. Thus, for instance, it would be erroneous to advocate the setting up of bodies which determine what society should and should not read, hear or watch. Rather, judicial procedures should be effected if and when otherwise ordinary laws of the land are violated. On the other hand, media freedoms should be understood in the context of other citizens' rights such as the right to privacy.
- \_4. In putting forward these draft guidelines for a Media Charter, the ANC seeks to encourage debate as well as public campaigns around society's media rights - without which democracy and liberty would be meaningless. The outcome of negotiations depends on the assertion of these rights. It is crucial, therefore, to strive for these freedoms way ahead of the advent of democracy. An open negotiations process - in which the public is informed about developments and itself participates in the debates - is a necessary prerequisite for a democratic transition.

# DRAFT MEDIA CHARTER

## PREAMBLE:

1.

At the core of democracy lies the recognition of the right of all citizens to take part in society's decision-making process. This requires that individuals are armed with the necessary information and have access to contesting options to make informed choices. An ignorant society cannot be democratic.

South Africa has been a closed society, with a myriad of restrictions on the flow of information. In addition to legislation, the structure of ownership of media resources, skills, language policy and social deprivation have undermined access to information for the majority of the population.

Democracy cannot emerge and flourish without a democratic media. However.

declaration of media freedoms on its own is not enough. It has to be underpinned by an equitable distribution of media resources, development programmes and a deliberate effort to engender the culture of open debate. In our society, this also implies a measure of affirmative action to redress the injustices of apartheid.

We therefore declare the following:

1.

Basic rights and freedoms:

All the people shall have the right to freely publish, broadcast and otherwise disseminate information and opinion, and shall have the right of free access to information and opinion. '

All institutional and legislative measures which restrict the free flow of information or which impose censorship over the media and other information agencies shall be prohibited.

All people shall have the right of access to information held or collected by the state or other social institutions subject to any limitations provided for in the Constitution and Bill of Rights.

11. Democratisation of the media:

1.

The forms and methods of the media shall take account of the diversity of communities in respect of geography, language and interests.

Measures shall be taken to ensure that all communities have access to the technical means for the receipt and dissemination of information, including electricity, telecommunications and other facilities.

All communities shall have access to the skills required to receive and disseminate information, including the skills of reading and writing.

Diversity of ownership of media production and distribution facilities shall be ensured.

Affirmative action shall be implemented to provide financial, technical and other resources to those sectors of society deprived of such means.

III. Public media:

1. Media resources in the hands of the state shall be used to promote and strengthen democracy.
2. The state shall maintain a public broadcasting service which shall serve society as a whole and give a voice to all sectors of the population.
3. Such a public broadcasting service shall be independent of the ruling party and shall be governed by structures representative of all sectors of society.

IV. Media-workers and society:

1. Society and the state shall strive to create the necessary environment in which the gathering, processing and dissemination of information can be conducted without restrictions.
2. Media-workers shall be protected against intimidation and other forms of pressure which inhibit their work.
3. Media-workers shall be protected by law from disclosing their sources of information.
4. Media-workers shall have the right to form or join trade union, political and other organisations of their choice, and they shall enjoy the rights accorded to all other workers.
5. The media shall strive to interact with society as a whole; and organisations, institutions and citizens shall have the right of reply regarding information and opinion published about them.
6. The citizen's right to privacy and any other freedoms entrenched in the Bill of Rights shall not be violated on account of free flow of information.

V. Education and training:

1. The state and media institutions shall provide facilities for the training and upgrading of media-workers.
2. In the provision of skills, account shall be taken of the need for affirmative action in favour of those who, because of racial, gender and other discriminatory practices, are disadvantaged.
3. Training programmes shall include mechanisms aimed at empowering communities in their endeavours to publish and to broadcast.
4. As part of civic education programmes, the state and media institutions shall strive

to inform citizens about their media rights and those of media-workers.

VI. Promotional mechanisms:

1. In order to promote and monitor the realisation of these freedoms, independent Structures shall be set up for defined sectors of the media.

2. These structures shall be representative of media-owners, workers, political parties, civil society, relevant experts and others.

3. Where codes of conduct are necessary to ensure the implementation of the above principles, these shall be drawn up in a democratic process involving the various media role players.

4. An ombudsperson shall be appointed to receive and act on complaints relating to the infringement of the above principles; and such an appointment shall also take place through a democratic process.

5. " Society shall have the right to challenge decisions of all these structures and persons

in a court of law. \_.

Recognising the centrality of these media principles to a democratic process, and recognizing the need for a democratic environment for these principles to be fully realised, we pledge to join hands in the effort to create a society in which the free flow of information and open debate are guaranteed, a society which is at peace with itself.

RESOLUTION ON THE CONTROL AND REGULATION OF  
BROADCASTING IN THE INTERIM PERIOD

NOTING THAT:

1.  
The National Party Government is illegitimate.
2. The National Party Government has a privileged relationship to the South African Broadcasting Corporation (SABC), as regulated by the Radio Act of 1952 and the Broadcasting Act of 1976. because:
  - (a) the government appoints the SABC Board of Control;
  - (b) the SABC is accountable to the tricameral parliament.
3. The SABC has acted as the propaganda arm of the National Party Government to promote apartheid.
4. The SABC has not fulfilled its role as a public broadcaster to serve the South African public as a whole.
5. The TBVC broadcasting services belong to the South African people and not to the homeland administrations.
6. The Jabulani! Freedom of the Airwaves Conference recommended that the issue of broadcasting be placed on the agenda of the All Party Congress.
7. The Patriotic Front declared that state media should be controlled by a sovereign Interim Government/Transitional Authority.

BELIEVING THAT:

1. The National Party Government cannot be player, referee and commentator (through the SABC) during the process of negotiations.
2. The privileged relationship between the National Party Government and the SABC means that SABC programming, coverage and news reporting will not be fair, impartial and balanced during the interim period.
3. impartiality in broadcasts, especially news and current affairs programmes, is a crucial component in ensuring the fairness of the process of negotiations and for democratic elections to take place, particularly as 14 million people listen to radio and 8 million people watch television every day.
4. The current restructuring of the SABC is tantamount to privatisation. The SABC is a public asset and should not be privatised. The TBVC broadcasters are also public assets and should not be privatised.
5. The Nationalist government has no legitimate right or democratic authority to unilaterally re-regulate broadcasting in South Africa, in terms of the Viljoen Task

Group on broadcasting, or any legislation on broadcasting or the media.

The Vlljoen Task Group on broadcasting was appointed undemocratically, was unrepresentative and has operated in secret. It represents the interest of a minority grouping. Not only has consultation not taken place regarding the future of broadcasting but the public debate within the democratic movement around the issue has been ignored.

There is an urgent need to free the airwaves from the domination of the National-Party Government.

THE AFRICAN NATIONAL CONGRESS RESOLVES THAT:

1.

There should be no unilateral restructuring of the broadcasting sector by the Nationalist government or the TBVC administrations.

The control and regulation of broadcasting should be recognised as a priority and placed on the agenda of the All Party Congress.

The All Party Congress should appoint a Commission of inquiry which will conduct a public survey, receive public submissions and produce recommendations within three months on the re-regulation of broadcasting in South Africa during the interim period.

The All Party Congress should appoint an Interim Broadcasting Consultative Committee (IBCC). The IBCC would be responsible for the control and regulation of broadcasting during the interim period. Its tasks should include:

(a) taking responsibility for the SABC during the interim period by:

(i) appointing a representative Board of Control for SABC;

(ii) establishing guidelines concerning the impartiality of all broadcasts especially news and current affairs programmes.

(iii) requiring the new SABC Board to review current staffing and management of the SABC.

(b) establishing guidelines concerning the impartiality of all commercial broadcasters and private religious broadcasters.

(c) receiving the recommendations of the Commission of Inquiry on broadcasting and instituting a limited re-regulation of the airwaves during the interim period.

(d) setting down procedures to remove racist, sexist and ethnically divisive practices from the broadcasting environment.

(e) the TBVC administrations should be required as part of the process of negotiations to place their broadcasting under the direct control of the IBCC.

(f) The IBCC should appoint an Ombudsperson to consider and redress breaches of impartiality through the right of reply and to correct factual inaccuracies accompanied by formal apologies.

An Independent Broadcast Monitoring Group (IBMG) should be established to monitor the broadcasts, especially news and current affairs programmes, of the SABC, the TBVC broadcasters and commercial broadcasters during the interim period and to report its findings publically.

(a) The IBMG should consist of people of high standing in the community, relevant independent research groups, e.g. university Media Studies Departments and the Campaign for Open Media.

A broad-based broadcasting campaign should be developed:

(a) . to oppose the privatisation of the SABC and TBVC broadcasters;

(b) to oppose any unilateral restructuring or re-regulating of the broadcast sector by the National Party Government;

(c) to demand the free, fair and impartial flow of information on broadcast media;

(d) to free the airwaves.

RESOLUTION ON FILM AND VIDEO

NOTING THAT:

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In the medium of film, as with all the state controlled mass communication media, the National Party government has an unfair advantage over the other participants in the negotiation process, through the control that it exercises over film and video; The National Party government misuses public funds to finance propaganda films; Unbiased mass communication is an essential ingredient of a genuine negotiation process;

The majority of the population is subject to media manipulation while excluded from the debate taking place in the audiovisual arena;

THIS WORKSHOP RESOLVES TO:

(8)

Remove the medium of film as a matter of urgency from direct National Party government control and place its administration under an Interim Film Committee (IFC) appointed by the A.P.C. through the relevant mechanisms. The Interim Film Committee would be responsible for the administration of public funds made available to the film industry by the state. In determining the projects that qualify for funding, the priorities of the IFC should include:

(i) Research into the restructuring of the mm and video industry.



(ii) Commissioning of films

(iii) Affirmative-action training programmes, including viability studies for professional training centres.

#### RESOLUTION ON RADIO

##### NOTING THAT:

1.

There will be a need for limited re-regulation during the interim period

2. Radio broadcasting needs to be developed in three sectors: public commercial and community.

3. State broadcasting needs to be democratised.

4. Radio is the only medium which is comparatively easily accessible to the vast majority of the population. ,

5. Radio offers a unique opportunity for grassroots mobilisation, communication and democratisation.

6. There is a need for the ANC to intervene and provide leadership, support and encouragement in the area of radio.

##### RESOLVESTHAT:

1. Political parties should be given equal and adequate air time, on a regular basis, under their own editorial control.

2. Policies and pertinent events concerning political parties, labour and business organisations should be reported fairly. and adequately discussed, by public broadcasters on all radio services.

3. An audio and radio course as an initiative of the broad democratic movement, and incorporating the resources and skills of Radio Freedom, should;

3.1 Provide support and documentation for setting up community radio stations

3.2 Take the initiative in identifying and negotiating with communities who are interested in and able to establish community radio stations

3.3 Initiate and encourage the establishment of training facilities, including production and management on a coordinated basis

3.4 Initiate feasibility studies into different way of using radio in all sectors

## RESOLUTION ON STATE INFORMATION SERVICES

### NOTING THAT:

1. The National Party government uses and/or controls a number of state information services such as the South African Communications Service, the Human Sciences Research Council (HSFiC), the SAP/SADF Media Liaison Services and COMOPS;
2. These state information services gather and collate information which is used as a data resource for the National Party government. They cannot be considered as neutral or impartial bodies;
3. Some of these state information services have produced disinformation and propaganda for the National Party government, most recently during the independence elections in Namibia;
4. All state information and research services are not open for scrutiny and utility.

### 'n-ils WORKSHOP RESOLVES THAT:

1. The All Party Congress must take steps to:
  - (a) place the control of these state information services under appropriate mechanisms of Interim Government with a view to rationalisation and review of their usefulness.
  - (b) ensure that funding, findings and services of these bodies should be open for public scrutiny and utility.
2. Campaigns by bodies such as SASCO and UDUSA on these issues should be encouraged.
3. Particular areas of research on these issues should be identified and coordinated.

### RESOLUTIONS ON PRINT MEDIA

1. National newspaper

### THIS SEMINAR NOTING:

1. Our concern that the government and the dominant elements of the print media will continue to distort the flow of information to influence the negotiating and electoral processes; and
  2. The democratic movement's lack of access to the print media.
- And believing that there is a need for a daily newspaper published from a democratic perspective...

therefore resolves to direct the relevant ANC structure to:

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Finalise its investigations into a daily newspaper, taking account of the political implications, the financial viability, the need for national availability and the question of language; and

Convene a meeting similar to this seminar as a matter of urgency to discuss the findings of this investigation.

## 2. Transitional monitoring and regulating of the media

THIS SEMINAR NOTING:

1.

A free flow of full and accurate information, an essential component of any democratic process, is equally vital during the transitional period and in the run-up to elections;

There are currently no independent structures to monitor the impact of the media and its role in providing full and accurate information during the transition from apartheid to democracy;

There is similarly no broadly agreed standard of journalistic behaviour. nor any generally accepted body to ensure such standards are adhered to.

THEREFORE RESQVES:

1.

That the ANC and its allies in the democratic movement should encourage the establishment of an independent monitoring structure or set of structures to assess the impact of the media during the transition, and to report its findings regularly to the public at large, to the media itself and to whatever forums it considers appropriate;

That the international community should play a role in the monitoring process;

. That an accord of journalistic practice and the necessary mechanisms to ensure a minimum of bias and distortion in the information process be established through negotiations in which journalists, the operators of the media, and representatives of society at large, including political formations, should take part.

That such negotiations take account of the fact that, to ensure confidence in the information process and in the media. the accord and mechanisms enjoy the broadest possible trust of society at large and do not in any way restrict the right of freedom of expression.

## 3. Media development programme

THIS SEMINAR NOTING:

1.

The need for greater coordination of existing media initiatives within the alliance;

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2. The need to develop new media initiatives which will increase our ability to organise effectively.

3. The potential role of media in development;

THEREFORE RESOLVES:

1. To establish a forum of media representatives from within the alliance to discuss and implement a practical media programme of action.

2. That this forum be specifically mandated to draft an Alliance Media Development Programme (AMDP) to increase our ability to use media to inform. educate.

mobilise and organise;

3. That in drafting the AMDP, the forum take account of the following issues:

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3.1 The lack of skills, training facilities and material resources experienced in many communities and sectors;

3.2 Geographic and other factors affecting availability of media, and the capacity to produce it;

3.3 The question of language accessibility;

3.4 The question of illiteracy.

4. That the forum establish and maintain contact with existing development forums.

RESOLUTION ON REGIONAL COOPERATION:

NOTING:

The need to start planning and co-ordination of media and cultural development in South Africa, in co-operation with other countries in the region and on the continent.

FESCLVES:

That the ANC, in co-operation with other democratic organisations should actively pursue co-

ordination through organisations such as UNESCO, SADCC and the Commonwealth, on film, video, television, print and radio production and training.

RESOLUTION ON DOCUMENTARIES AND DRAMA

NOTING:

1 . The legacy of decades of apartheid propaganda on the public broadcasting service;

2. The absence of in-depth documentaries or discussion programmes of public broadcasting;

3. That numerous efforts have already been made to acquire air time on SABC for independently-produced programmes.

FESOLVES:

1. That public broadcasting services must be obliged to broadcast a substantial number of existing drama and documentary programmes on South Africa which have never been widely distributed.

2. That public broadcasting services should commission and broadcast drama and documentary programmes, including documentaries on the interim period. to be made by independent producers.

RESOLUTION ON POLICY RESEARCH AND DEVELOPMENT

FOR THE BROADCAST, FILM AND PRINT MEDIA

NOTING THAT:

1. There is a need to restructure and democratise the broadcast, film and print media and to develop policy in these areas through a democratic process.

2. There has been little research done in these areas from the perspective of the ANC or broad liberation forces.

3. The Viljoen Task Group on Broadcasting was unrepresentative, operated in secret and did not engage the broader public in discussion about the future of broadcasting.

THE AFRICAN NATIONAL CONGRESS RESOLVES TO:

1. encourage and initiate ongoing research, consultation and public debate about the future of the broadcast, film and print media.

2. encourage and empower the broadest range of people to participate in the process of developing policy for broadcast, film and print media.

SUGGESTIONS

TV presentation skills training for leadership

Campaigns:

boycott of TV licenses

marches

public debates

pressure on advertisers