

THESE ARE DRAFT MINUTES. THEY ARE CONFIDENTIAL AND RESTRICTED TO THE MEMBERS OF THE WORKING GROUP, THE DAILY MANAGEMENT COMMITTEE AND THE MANAGEMENT COMMITTEE. THEY ARE STILL SUBJECT TO APPROVAL OF THE CHAIRPERSON OF THE WORKING GROUP SUB-GROUP AND TO RATIFICATION BY THE WORKING GROUP SUB-GROUP AT ITS NEXT MEETING.

MINUTES OF THE FOURTH MEETING OF THE WORKING GROUP 1 SUB-GROUP 3 HELD AT THE WORLD TRADE CENTRE ON MONDAY 2 MARCH 1992 AT 08H00.

PRESENT: SEE ADDENDUM A

M Webb (Chair)
A Schoeman (Minute taker)
T Motumi (Secretary)

Apologies from NM Mtsetwene (Ximoko Progressive Party)

1. Convenors opening remarks.

In the absence of the Reverend Mohapi who had sent apologies the Mr Webb the chair of WG1SC took the chair.

2. Adoption of Agenda.

2.1 The meeting agreed that Point 5 of the agenda would not be discussed at this meeting. The ANC would put forward a motion after the South African Government has submitted its proposal.

3. Ratification of minutes of the previous meeting.

3.1 The press statement should be included in the minutes. It reads as follows: It was agreed that the members of the sub-group would investigate if there are any statutory provisions within South Africa (including the TBVC states) which prevent any political party or any other agency from establishing and continuing its own means of mass communication and from exercising press freedom and enjoying access to established printed media. The five government/administration representatives and other delegations will make submissions at the next meeting when we will discuss if these laws should be repealed or amended.

It was further felt that members of the sub-group would present suggestions next week to promote the role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of CODESA.

4. The meeting agreed to allow the South African Government to substitute Mr. Smuts, for Mr Colyn, as advisor to Minister Coetsee.

5. Matters arising from the minutes.

5.1 The meeting agreed to discuss points 3.4, 4.3 and 4.4 as separate items.

5.2 The meeting requested the South African Government to investigate the repeal of the Registration of Newspapers Amendment Act of 1982, in which provision is made for the minister of Home Affairs to cancel the registration of a newspaper.

5.3 The South African Government made an oral submission in response to point 3 of the

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minutes of the 25 February. A written report would be forwarded to delegates shortly.

- 5.4 The meeting agreed that there is a need for an independent body to regulate all forms of telecommunication including electronic media.
- 5.5 The meeting agreed that the discussions in future need to focus on the detail of the implementation of the regulation.

6. Media Release.

- 6.1 There was consensus in SUBGROUP 3 that there is a need for an independent authority to regulate all forms of telecommunication, including radio and television, and to exploit and supervise the utilisation of the electromagnetic frequency spectrum and relevant technologies.

ADDENDUM A

The following people signed the register:

AFRICAN NATIONAL CONGRESS	K Asmal
BOPHUTHATSWANA GOVERNMENT	P Maduna
CISKEI GOVERNMENT	MZ Masilo
DEMOCRATIC PARTY	J Esterhuizen
DIKWANKWETLA PARTY	MB Webb
INKATHA FREEDOM PARTY	GM Ndzondo
INTANDO YESISWE PARTY	P Soal
INYANDZA NATIONAL MOVEMENT	D Smuts
LABOUR PARTY	MM Maekane
NIC/TIC	I Mars
NATIONAL PARTY	AM Mmawango
NATIONAL PEOPLE'S PARTY	SL Mthimunya
SOLIDARITY PARTY	DP Mahlangu
SOUTH AFRICAN COMMUNIST PARTY	MS Gininda
SOUTH AFRICAN GOVERNMENT	MJ Mahlalela
TRANSKEI GOVERNMENT	I Kruger
UNITED PEOPLE'S FRONT	P Waagenaar
VENDA GOVERNMENT	M Moola
XIMOKO PROGRESSIVE PARTY	M Shaik
	GB Myburgh
	AJG Oosthuizen
	AK Beesham
	B Jayraj
	PI Devan
	AS Kahn
	E Pahad
	F Baleni
	HJ Coetsee
	P Colyn
	MA Ntshinga
	MP Tladi
	LL Mpya
	ZC Nevutalu
	PJ Nembambula
	BM Tlakula

ADDENDUM B

7. Summary of discussion.

- 7.1 The South African Government indicated that in their input, on Point 3.3 of the minutes, they find it necessary that technical data be submitted, by Mr. Smuts from the SABC, in addition to their submission.
- 7.2 The SACP pointed out that any oral submissions by any person must first be submitted in writing to the Steering Committee. The SC would decide on the suitability of the submission. The SACP therefore concluded that the SA Government's request was not in line with the above procedure.
- 7.3 The chair pointed out that briefings are acceptable in terms of CODESA procedure, if required to brief the house.
- 7.4 The ANC argued that technical briefings cannot be separated from political issues. The questions of the technical briefing can therefore not be allowed.
- 7.5 The Democratic Party agreed that the briefing should not be allowed at that moment and that the South African Government should proceed with their submission. If the meeting finds that they require the technical input after the SA Government submission the issue should be re-examined.
- 7.6 The meeting moved on to discuss matters arising out of the minutes.
- 7.7 The SACP requested the right to make their submission on the print media, at any time that was assessed to be suitable.
- 7.7 Response to point 4.4 of the minutes:
 - 7.7.1 The South African Government stated that there are no laws that prevent political parties from distributing or publishing media and that licenses to publish was granted to everybody. Several laws militating against this have been repealed.
 - 7.7.2 The Bophuthatswana delegation pointed out that the laws are the same in South Africa. A R 20 000 rand deposit is however required. The editor further does not need to be a South African citizen.
 - 7.7.3 The Venda Government are still investigating the issue of press freedom.
 - 7.7.4 The laws in the Ciskei are the same as the laws in South Africa, the deposits have been waved as well.
- 7.8 The S A Government argued that the issue under discussion was not general press freedom but press freedom in relation to political parties.
- 7.9 The Democratic Party argued that we need to look at press freedom as a whole for example the Electoral Act of 1975.
- 5.6 7.10 The ANC argued we have to be flexible on issues like this.
- 7.11 Several Acts were listed that could offend against press freedom, the meeting agreed however that there is a list available from the Campaign for Open media and this should be examined and debated at a later state.
- 7.12 The South African government submitted a paper dealing with issues such as the creation of free and equitable access to mass media for political organisations and free and neutral broadcasting. Mr Smuts presented a paper explaining the technical aspects of the electromagnetic media.
- 7.13 The DP welcomed the government presentation but requested that the documents be made available.
- 7.14 The ANC argued that the discussion on the governments submissions need to be held in the context of discussions already held.
- 7.15 ANC points for discussion:
 - 7.15.1 The subgroup has to examine the commissions suggested by the government and the functions thereof.
 - 7.15.2 The subgroup has to examine the submissions by the Media Conference.
- 7.16 The ANC argued that the independent communications authority should have a broad terms

- of reference and these should be spelt out.
- 7.17 The ANC argued that the government proposal does not restructure the SABC and the ANC believes that the SABC should be restructured, and that no unilateral decision can be made in the interim period.
- 7.18 The ANC stated that the basic human right to receive and impart information should form the basis for the discussions held on restructuring.
- 7.19 The ANC rejected, in both the interim and the long term, that the government of the day should be responsible for unilateral restructuring.
- 7.20 The ANC expressed interest in information about the complaints machinery, acceptable board of governors with common jurisdiction in the whole of South Africa.
- 7.21 In the interim period the principles of impartiality and neutrality and the structures of the media must be examined in relation to the transitional period.
- 7.22 The ANC argued that we need a coherent supervisory board of control who will look at more than complaints, for that is only one aspect and leaves untouched all the other issues.
- 7.23 The NPP agreed with the general principles mentioned by the government, but that the composition of the commissions be examined in greater detail and that the broadening of representation on these boards be discussed.
- 7.24 The South African government made an unedited version of the paper available.
- 7.25 The SACP argued that they need time to study the government submission. They requested clarity on:
- 7.25.1 The features of the independent regulatory board, its role, terms of reference, functions and accountability.
- 7.25.2 The relationship between the independent body and complaint mechanisms.
- 7.25.3 The relationship in the immediate sense, if we accept that we are in a transitional period, of such a commission already set up with the structures of the SABC.
- 7.26 The South African Government argued that the theme of the discussions need to be related to the theme of CODESA. The main question should therefore be does political parties have a voice and would restructuring provide them with a voice ?
- 7.27 The SA Government stated that there is overwhelming evidence for the need for a regulatory body for telecommunication. They cannot however provide an exhaustive list of functions.
- 7.28 The SA Government stated that South Africa should have a charter as in the British System.
- 7.29 The SACP questioned the preference given to the South African Media Council by the government's argument for extending the Media Council's powers to the electronic media.
- 7.30 The NIC/TIC delegation welcomed the governments attempt in this regard, but felt that this is only small scale reforms and that CODESA needs to examine the whole question of the SABC, including resources.
- 7.31 The SA Government stated that they favour the free market atmosphere that will be created by their proposed commission.
- 7.32 The SACP stated that we need an independent commission with a wide brief to regulate media.
- 7.33 The SACP stated that there is grave suspicion of the present SABC structures and reservations about its neutrality. CODESA needs to find a solution to this suspicion.
- 7.34 The IFP raised three issues that they felt needed to be considered:
- 7.34.1 Technical aspects of media.
- 7.34.2 Administrative aspects.
- 7.34.3 Editorial policy.
- 7.35 The IFP suggested that a smaller body of experts collects evidence from all participants on the issue in question.
- 7.36 The ANC requested:
- 7.36.1 More precise information on commissions.
- 7.36.2 A clearer statement on the relationship between the independent commission and existing bodies in the whole of South Africa.
- 7.36.3 Clarity on the commissions ability to look at the SABC.
- 7.36.4 Clarity on the complaints machinery in relation to terms of reference, power and

authority.

7.36.5 Clarity on the code of conduct.

- 7.37 The DP submitted a document at the previous meeting detailing how an independent authority would operate. Delegates are requested to examine this document.
- 7.38 The DP distributed a document produced by lawyers Cheadle, Thompson and Haysom.
- 7.39 The meeting agreed on the press release.

ADDENDUM C

Submissions were tabled by the following organisations:

**The South African Government
The Democratic Party**