

## **SUBMISSION ON SABC EDITORIAL POLICY REVIEW**

The Democratic Alliance (DA), the Official Opposition, appreciates the opportunity to give its comment on the SABC's inquiry into interference in the public broadcaster's editorial departments.

This submission will focus primarily on the SABC's editorial policies, specifically as far as equitable coverage given to political parties contesting the election is concerned, as well as the influence of political interference by the ruling party in this regard.

This has been an area that has been enormously vulnerable in the past.

### **1. Introduction**

We must upfront state that we commend the new SABC board for its speedy implementation of the recommendations of the Parliament's Ad Hoc Committee on the SABC Inquiry, relating to the revised SABC Editorial Policy adopted in February 2016.

The Ad Hoc Committee recommended that:

- The revised editorial policy should be withdrawn and thorough public consultation conducted.
- Although the policy does not require approval by Parliament, the Portfolio Committee should monitor the Interim Board's progress in this regard.

The DA has already submitted its comments on the SABC's Editorial Policy and looks forward to making further submissions on the first draft of the new policy. We trust this will be published soon.

Imperative in the Editorial Policy is that the SABC must ensure that the independence of the SABC is protected, and the values, principles and legislative provisions that govern the public broadcaster, are respected.

Crucially, equitable coverage must be given to parties contesting the election, and during election time, as per the dictates of ICASA regulations in that regard, as well as the Electronic Communications Act.

### **2. Editorial Code of the SABC**

The DA fully supports the SABC's Editorial Code, which lists the values that underpin all the SABC's programming and commits the public broadcaster to *inter alia*, editorial independence, fairness, journalistic freedom, open dialogue and quality programming.

It is common cause that these noble and commendable values were being infringed upon with some regularity at the SABC, especially with regard to news programming.

During the SABC inquiry, we heard testimony of regular political interference at the SABC.

To date, there has been no real consequence for the staff members who enforced editorial decisions they were ordered to implement by government, ANC-linked politicians and their captured apparatchiks at the SABC.

The regular violations of the Editorial Code point to either a lack of knowledge of its contents, or a dismissive attitude towards it.

The lack of consequences for violations of the Editorial Code no doubt contributes to this.

In order to ensure that the values contained in the Editorial Code are not merely lofty ideals, but rather central to how the SABC makes editorial decisions, a section should be included in the Editorial Code, which deals with consequences for staff who do not adhere to those values when making editorial decisions.

It is also advisable that the SABC conducts extensive training sessions with all staff about the Editorial Code to ensure that it is engrained into the culture of the public broadcaster.

### **3. Editorial Responsibility and Upward Referral**

The Editorial Policy made the public broadcaster's Group Chief Executive Officer (GCEO) the SABC's editor-in-chief, to whom newsroom decisions may be upwardly referred to "should any difficulty arise"

While it was stated that this upward referral is voluntary, and it is not the GCEO's role to make day-to-day programming or newsroom decisions, the opening of a channel for involvement of top management in making news decisions could be dangerous, if in the wrong hands.

The full independence of SABC's news decisions must be protected. It is imperative that the SABC's news programming, in particular, is insulated from any commercial or political pressures that management often take into consideration.

With the principle of journalistic, creative and programming independence of the staff, as a guiding factor, news decisions should be made on the newsroom floor, and left entirely to news editors.

If there are contentious issues, these can be consulted with the SABC's legal department. There is no need for involvement of top management in news content decisions.

The DA therefore proposes the removal of both the provisions related to Upward Referral as well as the establishment of the GCEO as editor-in-chief in the Editorial

Policy. The SABC's Head of News, a journalist, should be made editor-in-chief, and not the GCEO.

#### **4. Complaints about contravention of the SABC's Editorial Policy**

The DA supports the suggestion by the "SABC 8" for the establishment of an Internal Ombudsman at the SABC.

The Internal Ombudsman could be the first port of call for editorial complaints, before the Broadcasting Complaints Commission of South Africa (BCCSA) and ICASA are called on to intervene.

The establishment of the Internal Ombudsman would demonstrate the SABC's commitment to self-correction when issues arise and open the channels of dialogue with its various stakeholders and the public. An Internal Ombudsman would also insulate the SABC's board from political and commercial pressures, as complaints would be directed to the Ombudsman, and not the board.

The DA would support the appointment of an Internal Ombudsman as long as the person is truly committed to Editorial Independence, freedom of speech, and the values enshrined in the SABC's various policies and legislation.

#### **5. Broadcasting of events of National Importance**

An area where there has been significant abuse and political interference is in the editorial decisions is the granting of live coverage to events of national importance.

In terms of the 2004 Editorial Policy, the SABC is required to give "full, or extended live television and/or radio coverage of events of national importance"

Over the last few years, we have seen the SABC's programming interrupted for speeches by various leaders of the ANC; ANC study groups given live coverage; and opposition parties denied live coverage despite their events fitting the requirement of an event of national importance. This was no doubt due to the interference of top management in deciding which events get live coverage.

In 2015 the DA had to approach the courts to force the SABC to give live broadcast of our Federal Congress, because the COO during the period didn't deem this as being important enough. This is a clear illustration of an abuse of power at the Public Broadcaster, which should be addressed and prohibited in the new editorial policy.

Before the 2016 local government elections, we had to return to court as the SABC refused to air an advertisement of the DA, delaying our campaign advertising on this platform by at least five days.

As such, in line with our proposal for editorial decisions to be made on the newsroom floor without the interference of top management, the same should apply to the editorial decisions about live coverage.

Decisions to grant live coverage should be made by the Head of News based on an exhaustive list in the Editorial Policy defining which events are of national importance.

The DA would suggest that events of national importance be limited to:

- The State of the Nation Address;
- The Budget Speech;
- State Funerals;
- State commemorative events;
- Significant conferences of major political parties;
- Major announcements by the State President.

## **6. Equitable coverage**

The DA believes that the SABC has failed in its mandate to allocate fair and equitable coverage to opposition parties.

A report by the group Media Monitoring Africa after the 2016 local government elections found that about 10% of the stories on SABC overall were clearly biased.

This figure was as high as in excess of a third of the stories on SABC 2's Xitsonga/Tshivenda news and almost a quarter of the stories on SABC 2 Morning Live.<sup>1</sup>

Analysis of the coverage of political parties also demonstrated that on some platforms the DA received substantially less coverage than what its voter footprint would suggest is appropriate – for eg. on SABC 2's Sesotho/Setswana news the DA received about 14% of the coverage, the same amount as the EFF which is a far smaller party; while on Motswedding FM the DA received 17% of the coverage compared to 19% for the EFF. On Thobela FM the DA only received 15% of the coverage, compared to 52% of the coverage dedicated to the ANC.

Our own analysis of coverage granted to respectively the DA, the ANC and the EFF in the period between 5 June 2016 and 20 June 2016, in the lead-up to the 2016 local government elections, revealed that the ANC received 5 hours 16 minutes and 17 seconds of coverage, compared to the DA's 1 hour, 19 minutes and 18 seconds and the EFF's 50 minutes and 2 seconds. This means the ANC received about five times more coverage than the DA during this period.<sup>2</sup>

The provisions in sections 56 to 58 of the ECA is of key importance here.

Section 57 is especially important (own emphasis added)

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<sup>1</sup> <https://www.mediamonitoringafrica.org/wp-content/uploads/2016/11/SABC-Elections-Report-final.pdf.pdf>

<sup>2</sup> <http://www.politicsweb.co.za/comment/the-sabc-owes-sa-the-whole-truth-and-nothing-but-t>

## ***Broadcasting of party election broadcasts on public broadcasting services***

*(...)*

*(2) The Authority must determine the time to be made available to political parties for the purposes of subsection (1), including the duration and scheduling of party election broadcasts, taking into account the financial and programming implications for the broadcasting services in question.*

*(3) The Authority must consult with the relevant public broadcasting service licensee and all the political parties prior to making any determination in terms of subsection (2).*

*(4) In making any determination in terms of subsection (2), the Authority may impose such conditions on a public broadcasting service licensee with respect to party election broadcasts as it considers necessary, having due regard to the fundamental principle that all political parties are to be treated equitably.*

The Democratic Alliance appreciates that “equitable” means that the public broadcaster must ensure that the public has adequate knowledge of the issues surrounding an election and the position of political parties on these.

We further believe equal treatment must be applied to the duration of broadcasts and scheduling. If the SABC issues coverage of an entire party manifesto launch for example, then this should apply for all political parties. A failure to do this would be against the public interest.

### **7. Conclusion**

The SABC has lurched from crisis to crisis over the last few of years.

Sound editorial policies presents a unique opportunity to protect itself from these crises through the adoption of policies that are truly independent and committed to the values of journalistic independence and creativity, freedom of speech, advance the public interest.

Of key importance in this regard is the way in which the public broadcaster chooses to cover political parties during election periods.

It is the DA’s contention that due to political interference at the SABC, the broadcaster had in the past failed in their duty to ensure that time allocated to party political broadcasts were equitable.

Proper editorial policies and checks and balances have to be put in place in order to prevent this from happening again in the future.