



LET'S NOT WASTE THIS CRISIS

More and more information is coming to light about the financial and governance meltdown at the SABC. Parliament's enquiry into the operations of the previous board has revealed serious lapses of governance – particularly as regards its attempts at firing group chief executive, Dali Mpofu. Proper procedures were not followed.

But the enquiry has also revealed Parliament's complicity in the problems. Parliament did not stand up to political interference in the board's appointment processes. The board thus lacked legitimacy from the start and was in the invidious position of having limited ability to hold management to account.

And management? Again the enquiry (and SABC annual reports) point clearly to the fact that, over the past few years, costs have escalated dramatically at the broadcaster, far in excess of the modest growth in revenue. It was an inevitability that the SABC would fall into serious debt. Management, it seems, spent wastefully and irresponsibly, stubbornly resisting all the board's austerity plans.

Many people have thrown up their hands in horror, given this level of crisis, and the complicity of all actors. Articles in the *Financial Mail* and the *Media* magazine have called for the privatisation of the SABC, especially of its television assets "with future programming subject only to the law and an independent regulator".

However, although the debates in the Save our SABC Coalition are a long way from conclusion, our thinking is very different. There is a strong sense that we need to reinvigorate our public broadcaster – not sell it off!

The coalition is a large grouping of organisations and individuals working together to address the crisis in public broadcasting in South Africa. It includes non-governmental and civil society organisations, such as the Freedom of Expression Institute, Cosatu-affiliated trade unions, including the Broadcast, Electronic Media and Allied Workers Union, as well as a number of academics and independent experts.

Members have looked back to the optimistic days of the early 1990s with the Campaigns for Independent Broadcasting and Open Media. Activists then called for a broadcaster that could deliver full-spectrum services to all South Africans, in all parts of the country, and in all official languages. They also called for programme content that protected and nurtured "South African culture and creativity and reflected the reality of South Africa to itself and the world" (Teer-Tomaselli and Tomaselli 2001).

The Save our SABC Coalition has been re-assessing that original thinking. We have been examining the charter (that is, the SABC's vision and mission), the SABC's legal structure and its finances. We have called for a thorough review of present outdated policy and legislation and we are lobbying hard for government to launch a Green Paper/White Paper policy process leading to the promulgation of a new SABC Act.

First, we have called for a revamp of the charter. At present, it is made up of sections scattered throughout the Broadcasting Act, 1999. It is hard to distinguish where the charter starts and ends. In fact, a number of sections in the Act that are not labelled "charter" include a number of strong charter-like principles. Taking all these sections together, the coalition has distilled four broad principles that



THE SABC MAY BE MIRED IN DEBT AND DIFFICULTY, BUT WE SHOULDN'T GIVE UP ON DEMANDING THAT SOUTH AFRICA RECEIVES THE PUBLIC BROADCASTER IT DESERVES, ARGUES KATE SKINNER, CO-ORDINATOR OF THE CIVIL SOCIETY COALITION, SAVE OUR SABC

could be included in a new, concise, clearly bounded charter. These principles include:

- nation building;
- a commitment to excellent, up-to-date, informative programming;
- a commitment to programming that contributes to the development of South Africa's culture, languages and local cultural industries; and
- a commitment to providing broadcasting services of the highest technical standards.

Under each principle, we have included a number of sub-points to ensure that the SABC can be better held to account. But this document is just the starting point – we have advised the government to launch a public roadshow to get public buy in and input to the new charter. Our document, hopefully, would be just one contribution to this more mass-based process.

Second, we have called for a revamp of the SABC's legal structure. The SABC became a public company only after the implementation of the Broadcasting Act 1999. Before that it operated as a statutory body governed by the provisions of the Broadcasting Act, 1976.

Although there is some clear public interest benefit to the SABC operating as a public company (such as good access to information provisions) there are also some serious drawbacks – chief among these being the fact that the state is the SABC's sole shareholder.

This allows the Minister of Communications, as representative of the state, to, for instance, play a direct role in the appointment of executive management. This is highly inappropriate as regards an independent broadcaster, particularly when the group chief executive is also editor-in-chief.

Further, the SABC's corporate structure has encouraged the corporation's management to be overly concerned about the attitudes of government – as its sole shareholder – rather than being driven by broader public interest concerns.

The coalition has thus suggested that the SABC be de-corporatised and that it revert to being a statutory body. Further to this it has been suggested that Chapter 9 of the Constitution be amended to ensure that the SABC becomes a Chapter 9 body. Chapter 9 of the Constitution ensures special protections for state institutions "supporting Constitutional democracy". The coalition has argued that the SABC's role in providing ordinary citizens with quality news and pro-

gramming is essential to the wellbeing of our Constitutional democracy and that ultimately only an informed citizenry is fully able to engage in democratic processes.

It is for this reason that the coalition has argued that the SABC should be transformed into a constitutional body that is both protected by the Constitution and protects the Constitution.

Finally, the coalition has been looking at the very vexed issue of SABC finances. Firstly, the immediate financial crises need to be solved. A forensic audit needs to be implemented and, where necessary, criminal charges pressed. New financial controls urgently need to be put in place and a very targeted government bail-out negotiated so that workers and independent producers are paid.

In the longer term, it is critical to examine the SABC's funding model. In many ways the model is unworkable: it splits the SABC into commercial and public stations with the commercial stations supposedly cross-subsidising the public channels. In practice this does not happen. In fact, commercial stations such as SABC 3 have made losses while the public TV channel SABC 1 makes healthy profits.

Further, the SABC is overly reliant on advertising – almost 80% of the latter's funding is derived from this source despite its major public service mandate including local content requirements and language programming in 11 official languages.

The coalition is therefore looking at a mixed funding model including license fees, advertising and direct public grants. Direct public grants could be used for specific public-mandate related budget item lines including specific types of cultural, news and current affairs programming, certain key salaries and infrastructure costs.

Crises can often concentrate the mind. The hope is that the SABC's governance and financial meltdown will force some creative thinking and, ultimately through legislation and other measures, a recommitment to a new and reinvigorated public service vision.

References

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