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Public service broadcasting and the public mandate: a critical analysis of the SABC

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Abstract

Print media reports on the SABC suggest that the public service broadcaster (PSB) is undergoing a crisis in terms of fulfilling its PSB responsibilities. Hence, this study examines whether the SABC is a genuine PSB. In examining the SABC as a PSB, theories of media and democracy and critical political economy of the media are used. However, this study also engages with the corollary theories of the public sphere, the public interest, PSB, and development journalism. The study uses the PSB characteristics of independence, accountability, distinctiveness and finance as themes to ascertain whether the SABC is a genuine PSB. The methodology of this study consists of institutional analysis, document analysis (which is split into a policy analysis and an examination of print media reports on the SABC) and semi-structured interviews. The study finds that firstly, the SABC's independence, both politically and economically, is eroded. Secondly, although the SABC is accountable to the state and ICASA, the institution is not adequately accountable to the public it claims to serve. Thirdly, due to the SABC's reliance on commercial sources of funding, the institution is increasingly shifting towards commercialisation. Fourthly, due to the SABC's increasing shift towards commercialisation, the institution's high-quality content provision is being compromised. Hence, the SABC's distinctiveness in comparison to other broadcasters is eroding. The SABC's violation of the central tenets of PSB is indicative of a governance crisis within the institution, but most importantly, it indicates that the SABC is not a genuine PSB. A core reason for the SABC's inability to fulfil the central tenets of PSB and the governance crisis that has befell the institution, are flaws in legislation. The legislation that governs the SABC does not adequately ensure the institution's independence from the government or its accountability to the public. Consequently, legislation governing the SABC inhibits the institution from fulfilling its PSB responsibilities.

Contents

Chapter 1: Introduction 1
1.1. Introduction 1
1.2. Brief history of the SABC 1
1.3. Aims 4
1.4. Rationale 5
1.5. Research questions and hypothesis 7
1.6. Theoretical framework 7
1.7. Methodology 7
1.8. Research within the field: A review of existing literature 8
1.9. Dissertation structure 9
Chapter 2: Literature review and theoretical framework 11
2.1. Introduction 11
2.2. The media's relationship to democracy 13
2.2.1. The ideal institutional roles of the media 14
2.2.1.1. Watchdog role 14
2.2.1.2. Information role 16
2.2.1.3. The provision of analysis 17
2.2.1.4. Open forum for debate and discussion 17
2.2.1.5. Entertainment and cultural roles 19
2.3. The public sphere 20
2.4. The public interest and citizenship 25
2.4.1. Citizenship 26
2.5. Public service broadcasting 29
2.5.1. Continental shifts 30
2.5.2. Global shifts 31
2.5.3. Key characteristics of public service broadcasting 34
2.5.3.1. Independence 36
2.5.3.2. Accountability 37
2.5.3.3. Distinctiveness 39
2.5.3.4. Financing 40
2.5.4. Commercialisation and market failure 42
2.6. Developmental journalism 44
2.7. Conclusion 46
Chapter 3: Methods 47
3.1. Introduction 47
3.2. Qualitative analysis 47
3.3. Institutional analysis 48
3.4. Document analysis 50
3.5. Policy-oriented analysis 51
3.7. Interviews 52
3.8. Data Collection 53
3.9. Limitations to the study 54
3.10. Conclusion 54
Chapter 4 – The SABC's public service delivery 56
4.1. Introduction 56
4.2. The SABC's Independence 58
4.2.1. The SABC Board 58

4.2.2. SABC Board appointments....59
4.2.3. The SABC's governance crisis....63
4.2.3.1. SABC Commission of Enquiry into Blacklisting and Related Matters....63
4.2.3.2. The blacklisting saga....65
4.2.3.3. Leaked internal audit report....66
4.2.3.4. SABC-SANEF issue....67
4.2.3.5. SABC staff mass exodus....67
4.3. Accountability....67
4.3.1. Editorial values of the SABC....69
4.3.2. SABC Code of Ethics....71
4.3.3. Current SABC Corporate Goals....71
4.3.4. Total citizenship empowerment....72
4.3.5. Relationship between the SABC and other organisations and institutions 73
4.3.5.1. SABC license conditions....74
4.3.5.1.1. SABC 3....77
4.3.5.2. The IBA Act....79
4.3.5.3. The Broadcasting Act....79
4.3.5.4. The ICASA Act....84
4.3.6. Board Committees....88
4.3.7. Fulfilment of SABC objectives for the 2006/2007 financial year....89
4.4. Outputs and performance: the SABC funding model....90
4.4.1. Summary Consolidated Income Statement....91
4.5. Distinctiveness....92
4.5.1. The Premier Soccer League issue....92
4.5.2. SABC international....93
4.5.3. Independent producer issues....93
4.5.4. Circumcision mini-series....94
4.6. Conclusion....94
Chapter 5 – Analysis of findings....96
5.1. Introduction....96
5.2. The SABC's faltering independence....96
5.2.1. Governance arrangements....96
5.2.1.1. SABC Board nomination process....97
5.2.1.2. ANC-aligned Board appointments....98
5.2.1.3. The aptitude of the SABC Board....100
5.2.2. Political influence....102
5.2.3. Economic influence....104
5.3. The SABC's accountability to the state, ICASA and the public....104
5.3.1. Norms and rules....104
5.3.2. The blacklisting debacle....107
5.3.3. Unachieved goals....109
5.3.4. Relationship between the SABC and ICASA....112
5.3.4.1. The ICASA Act....112
5.3.4.2. ICASA's role in protecting PSB....113
5.3.4.3. Challenges facing ICASA....115
5.3.5. Relationship between the SABC and the State....116
5.4. The SABC as a distinctive broadcaster....117
5.5. The SABC's funding mix....120
5.6. Effects on the ideal institutional roles of the media....122
5.7. The effects of the SABC's developmental approach to broadcasting....123

5.8. The SABC's effect on the public sphere....124
5.9. The SABC's effect on the public interest and citizenship....125
5.10. Challenges facing the SABC....125
5.11. Conclusion....129
Chapter 6: Conclusions and recommendations....132
6.1. Introduction....132
6.2. The SABC's fulfilment of the central tenets of PSB....132
6.2.1. Independence....132
6.2.2. Accountability....133
6.2.2.1. ICASA's regulation of the SABC....134
6.2.2.2. Legislation governing the SABC....134
6.3. Consequences of the SABC's violation of the central tenets of PSB....134
6.4. Recommendations....135
6.5. Conclusion....138
Bibliography....140
Appendix A: Interview guides....158
Appendix B – SABC organisational structure....161
Appendix C: SABC Editorial Code of Conduct....162
Appendix D - SABC Funding Model....168

Abbreviations

ANC	African National Congress
BBC	British Broadcasting Corporation
BCCSA	Broadcasting Complaints Commission of South Africa
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CNN	Cable News Network
CODESA	Convention for a Democratic South Africa
Contralesa	Congress of Traditional Leaders of South Africa
COO	Chief Operating Officer
COSATU	Congress of South African Trade Unions
DSTV	Digital Satellite Television
FXI	Freedom of Expression Institute
IBA	Independent Broadcasting Authority
ICASA	Independent Communications Authority of South Africa
ICT	Information Communication Technology
MISA	Media Institute of Southern Africa
MISA-SA	Media Institute of Southern Africa – South Africa
MRC	Medical Research Council
MWASA	Media Workers Association of South Africa
NABSA	National Association of Broadcasters of South Africa
NACTU	National Council of Trade Unions
NEC	National Executive Committee
NEPAD	New Partnership for Africa's Development
NHC	National Heritage Council
PFMA	Public Finance Management Act
PSB	Public Service Broadcasting
PSL	Premier Soccer League
SAARF	South African Advertising Research Foundation
SABC	South African Broadcasting Corporation
SANEF	South African National Editors Forum
Sangoco	Southern African NGO Coalition
SARS	South African Revenue Service

SATRA	South African Telecommunications Regulatory Authority
TAC	Treatment Action Campaign

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Chapter 1: Introduction

1.1. Introduction

South Africa finds itself in a unique position. After several decades of apartheid, the need to reconstruct national identity and a new all-encompassing South African culture has become crucial post-1994. Consequently, broadcasting in South Africa, and in particular public service broadcasting (PSB), is equally important, as broadcasting "is a key medium of the public sphere and hence crucial to the transition to democracy and the ongoing process of democratisation" (Horwitz, 2001: 175). However, even though South Africa has to deal with the aged task of nation building, in terms of broadcasting, it simultaneously has to deal with the current changes in the global broadcasting environment. This two-pronged challenge places PSB in South Africa in an onerous position. Hence, how the South African Broadcasting Corporation (SABC) fulfils its PSB obligations within this unique situation is of key importance to issues of democracy in South Africa.

This chapter provides a breakdown of the study that will be conducted. First, the history of the SABC will be briefly discussed. Second, the aims for this study are articulated. Third, a rationale is provided for the study. Fourth, the research questions and hypothesis for this study are laid down. Fifth, the various areas that make up the theoretical framework are discussed. Sixth, the methods that will be used for this study are discussed. Lastly, a review of the existing literature within the PSB arena is provided.

1.2. Brief history of the SABC

PSB was established in South Africa by Lord John Reith (Director General of the British Broadcasting Corporation – BBC). Reith was invited by Prime Minister J.B.M Hertzhog in 1936 to establish a broadcasting regime in South Africa (Teer-Tomaselli and de Villiers, 1998). Although the South African Broadcasting Corporation (SABC) was established in 1936, its operations consisted solely of radio broadcasting (Draisma, 1999). Television broadcasting was adopted by the SABC much later, only in 1976. One of the reasons for such a delay to the commencement of television was

that, it was met with heavy resistance, like all new technology.[1] It can be seen that, from the moment of commencement, the SABC had strong ties to the BBC model of broadcasting (Orgeret, 2006; Teer-Tomaselli, 2004; Teer-Tomaselli and Tomaselli, 2001; Currie and Markovitz, 1997). The Reithian model of broadcasting suited the ideologies of the apartheid government, as black South Africans were not recognised as being part of the South African radio audience (Teer-Tomaselli and Tomaselli, 1995). Hence, from its inception the SABC ultimately functioned as an appendage of the apartheid government, facilitating and promoting the apartheid government's policies and ideologies, which promoted both "Afrikaans language and culture" (Horwitz, 2001: 121; Orgeret, 2006; Currie and Markovitz, 1997). Another reason for the SABC's pro-government stance was that, the SABC Board was appointed by the apartheid government.

The implications of a state-controlled SABC were far reaching, especially since the SABC monopolised both television and radio. Firstly, the SABC's television channels were segregated. TV1 catered exclusively for whites in Afrikaans and English, TV2 catered for blacks in the Nguni languages, and TV3 catered for blacks in the Sotho languages. Secondly, programming was racist. Thirdly, South African culture and national identity was distorted into a white national identity and culture. Consequently, non-whites were marginalised and suppressed in terms of representation by the SABC, which ultimately culminated in distorted perceptions of the world (Currie and Markovitz, 1997).

South Africa's appalling PSB situation eventually led to attempts to transform the SABC in the 1990s. With democracy taking the reigns in South Africa from 1994, notions of building national reconciliation meant that the role of the SABC had to change to one that was more representative of the entire nation, a role that would serve the public interest of the entire nation (Currie and Markovitz, 1997; Tomaselli, 1998). The transformation process was also about "correcting social and gender imbalances and about change from a non-democratic state to an open, democratic one

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[1] A more comprehensive account for the delay of television to South Africa is provided by Bernard Cros entitled *Why South Africa's Television is only Twenty Years Old: Debating Civilisation, 1958-1969*, and can be accessed from: http://www2.univreunion.fr/~ageof/text/74c21e88-271.html. Retrieved on 29 July 2007.

where all South Africans would be given the same rights as equal citizens" (Orgeret, 2006: 1). The role of the SABC was pivotal, as the institution was presented with the task of promoting and facilitating the government's transformation process. The SABC had the ability to promote national reconciliation and nation building, but more importantly, the SABC had the ability to provide equality to all through equal representation. Hence, from the very beginning of its inception as a PSB in 1936, the SABC has been intrinsic to the development of democracy in South Africa.

The SABC's transformation began foremost by organisational changes, which occurred "parallel to the commercialisation process that had been brought to other parastatals such as the South African Posts and Telecommunications and the South African Transport Services" (Horwitz, 2001: 122). To commence the SABC's organisational transformation, the government created the Viljoen Task Group in 1990, to enquire into the "future of broadcasting in South Africa" (Horwitz, 2001: 127). However, the Task Group was criticised as it consisted solely of white men. Hence, in opposition to the Viljoen Task Group, the Jabulani! Freedom of the Airwaves Conference took place in 1991 in the Netherlands (Horwitz, 2001; Teer-Tomaselli and Tomaselli, 2001; Currie and Markovitz, 1997). At the Conference, the existence of a PSB autonomous of state control and market influences was championed. Hence, the Jabulani! Conference was crucial to discussions of the SABC's transformation, as it generated a number of progressive recommendations, such as:

> … three levels of broadcasting: public service, commercial, and community. The public service broadcaster must cater to all tastes and be independent of the government of the day… Advertising must be cut back and the "Christian National" bias of the SABC must be removed. All indigenous South African languages must have access to broadcasting, and education must become a genuine orientation of South African broadcasting (Horwitz, 2001: 133).

Another key conference in the transformation of broadcasting in South Africa was the Free, Fair and Open Conference of 1992, which was organised by the Campaign for Open Media and the Centre for Development Studies (Horwitz, 2001). The Free, Fair and Open Conference proposed that broadcasting transformation be negotiated at the Convention for a Democratic South Africa (CODESA) in 1993, so as to remove any unilateral decision-making by the government on broadcasting (Horwitz, 2001). Out

of the CODESA phase, the importance of independent broadcasting was recognised, and subsequently the Independent Broadcasting Authority (IBA) Act and the IBA were established in 1993 (Teer-Tomaselli and Tomaselli, 2001).

The IBA was presented with the task of conducting a Triple Enquiry into firstly, the viability of PSB; secondly, cross media ownership; and thirdly, South African content (Barnett, 1999; Horwitz, 2001; Teer-Tomaselli and Tomaselli, 2001). The outcomes of the Enquiry were to reduce the SABC to two terrestrial channels, impose "strong cross-media limitations", impose "substantial local content obligations for all broadcasters"; have a mix of funding; and make sure the SABC focused on its public service obligations (Horwitz, 2001: 161).

However, the problem with the IBA's recommendations was that it did not have the authority to put its recommendations into practice. Hence, the Parliamentary Portfolio Committee on Communications changed the IBA's recommendations, insisting that the SABC have three channels, reduce the government's responsibility in funding the SABC (Horwitz, 2001). The Portfolio Committee also generated "reduced and ambiguous public service obligations" (Horwitz, 2001: 169). Consequently, the changes made by the Portfolio Committee created the danger of the SABC falling into the talons of commercial influences. In 2000, the IBA merged with the South African Telecommunications Regulatory Authority (SATRA), to form the Independent Communications Authority of South Africa (ICASA). ICASA thus regulates the SABC, ensuring that it complies with its public service mandate and obligations.

1.3. Aims

This study aims to critically analyse the SABC as a PSB in South Africa. This analysis will be carried out in order to ascertain whether the SABC is living up to its public service mandate, or whether the SABC is moving away from its public service responsibilities, as imposed by the Broadcasting Act of 2002, towards commercialism. If the SABC is moving away from its public service mandate, this study aims to uncover the causes for this shift. In essence, the aim of this study is to determine whether the SABC is a genuine PSB.

1.4. Rationale

PSB has become a topical and controversial issue both globally and locally, which makes researching this topic quite enticing. Firstly, PSB the world over is undergoing tumultuous transformations. In fact, there has been a vast amount of literature pointing to the fact that PSB is under threat and is thus, on the decline (McChesney, 1999; Blumler, 1992; Held et.al, 1999; Horwitz, 2001; Dahlgreen, 1999; Fourie, 2003; Mpofu, 1996; Hansen et.al, 1998; Tomaselli, 1994). Consequently, it would be engaging to examine the SABC, to explore whether the SABC as a PSB is deteriorating or whether the institution is progressing as a PSB amidst the changing broadcasting environment.

In addition, PSB in South Africa consists of its own separate nuances, which are predominantly attributed to the country's apartheid past. During apartheid the SABC not only promoted and facilitated the agenda of the government of the day, it has also been known to promote a market driven agenda (Currie and Markoviz, 1997). This had detrimental effects on perceptions of PSB in the country. However, post-apartheid, vital steps have been taken to change conceptions of PSB in the country. These changes are embodied in the various policies and regulations pertaining to PSB in South Africa.

With regard to the South African Broadcasting Act of 2002, the SABC is obligated to provide a broadcasting service that speaks of equality and that is representative of all South Africans (Broadcasting Act, 2002). Furthermore, the SABC must comply with its license conditions as imposed by ICASA. Hence, the SABC must provide a broadcasting service, which consists of full-spectrum programming that is representative of all South Africans; programming that is fair, balanced, and honest (ICASA license conditions, 2005). In addition, the core editorial values that underpin the SABC, according to the SABC Editorial Charter, are equality, editorial independence, nation building, diversity, human dignity, accountability, and transparency. However, the extent to which the SABC strives to adhere to and fulfil these editorial values and the regulations stipulated in the Broadcasting Act is of key interest and of crucial importance to issues of democracy in South Africa.

With the SABC's history in mind and the new role given to it in democratic times, it is crucial to look closely at the SABC to make sure that the past does not repeat itself in terms of being controlled by government and market influences. Evaluating whether the SABC is adequately fulfilling its public service responsibilities is thus, crucial to the public interest and democratic practices in South Africa.

Lastly, PSB has become a controversial issue in South Africa, as suggested by print media reports that the SABC has been stumbling from controversy to controversy.[2] Consequently, these controversies have created perceptions in the South African media that the SABC is undergoing a crisis as a PSB. Such controversies consist of, the appointment of Dali Mpofu (a former advocate and member of the ruling ANC) as the CEO of the SABC, the blacklisting saga (where political analysts and commentators were banned from SABC broadcasts), and the Gobodo report on the commissioning of external television productions. These are just a few of the controversies that the SABC has managed to generate. However, they cause the SABC's transparency, accountability, financial position, editorial independence, and role as a PSB to be questioned. Furthermore, these controversies also cause the SABC's internal structure to be questioned. In light of such media reports, it seems crucial that the SABC's service as a PSB be closely examined in order to isolate any problems that the SABC might be experiencing and suggest solutions to these potential problems.

This study is therefore motivated by three aspects simultaneously; the changing international PSB environment, the SABC's post-apartheid obligations embodied in the policies and regulations pertaining to broadcasting, and the recent controversies pertaining to the SABC in the South African media.

[2] Examples of such controversies that have appeared in the print media can be seen with the following headlines: "ICASA to investigate SABC blacklisting. In *Business Day*. 6 March 2007, 2;
"Dumbed-down SABC still its ANC master's voice". In *Business Day*. 19 April 2007, 13;
"It's time for a new board at the SABC". In *Mail and Guardian*. 8 March 2007, 29;
"Time to purge the SABC". In *Sunday Times*. 22 July 2007, 20; and
"Mpofu's tenure looks shaky as SABC bleeds". In *Sunday Independent*. 8 July 2007, 9.

1.5. Research questions and hypothesis

This study will attempt to answer the following questions: firstly, in what ways and to what extent is the SABC a genuine public service broadcaster? Secondly, does the policy and regulatory framework for broadcasting enable or constrain the SABC from fulfilling its public service obligations and responsibilities? This question will also explore whether ICASA enforces PSB policy and holds the SABC accountable for its activities or inactivity. This question is crucial to this study, as, if there is a problem with policy, this problem will immediately affect the SABC's ability to fulfil its public service obligations.

My assumptions to the questions posed above are firstly, the SABC is not fulfilling its public service role adequately. Rather, it is moving towards commercialism. This assumption is made from the apparent financial crisis that the SABC seems to be undergoing. Secondly, my assumption is that the policy and regulatory framework does not create an enabling environment for public service broadcasting to flourish in South Africa.

1.6. Theoretical framework

In answering the questions posed by this study, a theoretical argument was articulated using theories of media and democracy and critical political economy of the media. Within this discussion, the media's relationship to democracy, which includes the ideal institutional roles of the media; the public sphere; and the public interest and citizenship, was discussed. The concept of public service broadcasting and the key characteristics of public service broadcasting were also discussed. The specific PSB characteristics that were examined in this study were independence, accountability, distinctiveness, and funding. Furthermore, this study engaged in a discussion on commercialisation and market failure. Finally, the concept and implications of development journalism were discussed.

1.7. Methodology

This study followed a qualitative research tradition, where primary data was utilised and analysed. Primary data took the form of firstly, newspaper articles. However,

these articles were only used to inform the study, as it provides insight into public opinion. Secondly, a policy-oriented analysis was conducted. Within the policy-oriented analysis the following documents were examined and analysed: the Broadcasting Act of 2002, the SABC's Editorial Charter, the licenses for each of the three SABC television channels, the SABC's annual report for the financial year 2006-2007, the IBA Act of 1995 and the ICASA Act of 2006. In addition, an institutional analysis was conducted, which examined the internal structure of the SABC, in order to determine whether the SABC as an institution was enabling or hindering the fulfilment of its public service obligations. Furthermore, semi-structured interviews were conducted with selected key informants from the SABC, ICASA, FXI, MISA, NABSA, and with former SABC staff members.

1.8. Research within the field: A review of existing literature

The majority of comprehensive studies that have been done on the SABC are historical. These studies deal with the SABC during apartheid or during the transition period from apartheid to democracy (from a state to a public service broadcaster). For instance, the 1996 edited book by Mpofu, Manhando and Tomaselli, *Public Service Broadcasting: Policy Directions Towards 2000.* The book consists of specific studies on public service broadcasting in South Africa by various authors. Although the book deals with the examination of the various programme genres and issues that constitute PSB or that are related to PSB, the book is a dated study. However, it still provides a rare and somewhat thorough and comprehensive examination of the SABC, which provides useful background information to this study.

Other studies include Ruth Teer-Tomaselli's 1998 article, *The Public Broadcaster and Democracy in Transition: The 1996 Spry Memorial Lecture* and Currie and Markovitz's 1997 article, *The People Shall Broadcast: The Struggle for a Post-apartheid National Television Culture in South Africa*. Teer-Tomaselli has particularly written much about the SABC, most of which are historical examinations (Tomaselli, 1987; Tomaselli, 1989; Tomaselli, 1994; Teer-Tomaselli, 1995; Teer-Tomaselli, 1996; Teer-Tomaselli, 1998; Teer-Tomaselli, 2004). Nevertheless, her position on the Board of the SABC has allowed her to provide important insights into the SABC. Although Horwitz's (2001) book, *Communication and Democratic Reform*

in South Africa is more contemporary, the book also has a historical focus, thus the book does not address the current state of the SABC, which is what this study aims to examine.

Recent literature on the SABC includes Orgeret's 2006 thesis *Moments of Nationhood: The SABC News in English – The first decade of democracy*. The thesis only covers the period from April 1994-July 2004, which is fundamentally the period of former President Nelson Mandela's reign over the country. The period covered by Orgeret (2006) leaves a three-year gap, which this study will attempt to fill. Orgeret's study is historically based and its contemporary focus examines the SABC's news and news production. Orgeret's study is located within cultural studies, and thus has a specific focus on content. In contrast, my study focuses on policy and institutional issues, and is located within critical political economy of the media and normative theories of media and democracy. Another contemporary study is Tleane and Duncan (2003), *Public Broadcasting in the era of cost recovery*. The book fundamentally deals with the degree of accountability of SABC radio. Nevertheless, the book does provide insights into accountability that can be applied to television as well.

With the above in mind, it can be seen that there is a lack of comprehensive current studies on the SABC. This study, which will examine the SABC's independence and accountability, the SABC's funding model, and policy and regulation pertaining to the SABC, will provide an important contribution to existing literature on the SABC. This study will examine many of the aspects that make the SABC a PSB, unlike much of the existing literature, which focuses on one specific aspect of the SABC as a PSB or are historically based.

1.9. Dissertation structure

This dissertation consists of six chapters. Chapter 1 is the introduction to the study. Chapter 2 consists of a combined literature review and theoretical framework. The reason for this combination is that, the literature and theories that are engaged with in this study are so tightly interwoven that separating the two would have resulted in repetition. Chapter 3 engages in a discussion on the methods that are used in this study. Chapter 4 lays down the findings of the study. Chapter 5 engages in an analysis

of the findings laid down in chapter four. Finally, chapter 6 forms the conclusion to the study and also provides recommendations to improve PSB in South Africa.

Chapter 2: Literature review and theoretical framework

2.1. Introduction

The media have long since been identified as being vital in the promotion of democracy, thus PSB is tied closely to the facilitation of democracy in a country. The media is deemed to be so crucial as it is recognised as a powerful socialisation agent.[3] Hence, the media influences what society knows and how they know it, that is to say, it gives society ideas and images of things that they do not know. The media's socialisation function, together with the fact that the media has a mass audience makes the promotion of democracy a crucial role of the media.

Consequently, the media's relationship and role in a democracy needs to be sussed out, which is done in this study, through a discussion of the media's relationship to democracy and the ideal institutional roles of the media. Due to the role that democracy plays in discussions of PSB, one of the theories that will be used is the theory of media and democracy. However, the theory of critical political economy of the media is also central to issues of democracy and thus PSB, and will also be used. In this chapter, discussions of the public sphere, the public interest, PSB, market influences, and developmental journalism will also be closely engaged in.

It is important to note that, the ideal institutional roles of the media, the public sphere, the public interest, and the key characteristics of PSB are intricately interwoven. Hence, some aspects, which may apply to all or some of these discussions, may only be discussed in one of these sections to avoid repetition. Many of the issues pertaining to these interwoven aspects are discussed in detail in the discussion of the ideal institutional roles of the media.

In terms of the theoretical framework for this study, firstly, theories of media and democracy will be used, as it provides insights into the ideal institutional roles of the media (Ansah, 1988; Occiti, 1999; Nyamnjoh, 2005; Ronning, 1994; Ngugi, 1995; Curran, 1997; Berger, 2000). Secondly, theories of critical political economy of the

[3] Socialisation refers to "processes by which individuals learn and internalise values, norms and beliefs" (Ritzer, 2000: 98).

media will be used as they also provide insights into the ideal institutional roles of the media (Murdock and Golding, 1997; Gandy, 1997; McChesney, 1998). Hence, the theories of media and democracy and critical political economy of the media provide an important framework for analysing the issue of PSB.

In particular, theories of media and democracy provide an important insight into what constitutes the public interest, and as a result PSB (Occiti, 1999; McQuail, 2002; Keane, 1993; Lichtenberg, 2002; Curran, 1997; Seaton, 1997; Curran and Seaton, 1997). Exploring the issue of democracy is important in trying to understand the rights of citizens and thus, the public interest (Occiti, 1999; Ronning, 1994; Lichtenberg, 2002; Seaton, 1997; Curran and Seaton, 1997). It also allows one to ascertain what constitutes media freedom and the state's relationship to the media and vice versa (Legum, 1971; Ansah, 1988; Nyamnjoh, 2005; Ronning, 1994; Nwanko, 2000, Curran, 1997; Seaton, 1997; Curran and Seaton, 1997). Media freedom and the relationship between the state and a PSB are critical aspects as they affect the autonomy of PSB, and thus its ability to fulfil its public service mandate and responsibilities.

There are two dimensions to critical political economy of the media. Critical political economy of the media, due to its close examination of institutions, provides a way of understanding, as well as analysing, the SABC's operations (Boyd-Barrett, 2002; Gandy, 1997; Garnham, 1997). Critical political economy of the media's close examination of institutions also allows for the examination of regulatory institutions, in this case, ICASA's policies and regulations that are set out for the SABC (Boyd-Barrett, 2002; Golding and Murdock, 2000). Critical political economy of the media is also concerned with the historical, social and political context of the media, and thus plays an important part in examining PSB in South Africa due to the effects that apartheid had on the SABC (Boyd-Barrett, 2002; Garnham, 1990; Golding and Murdock, 2000). What is more, critical political economy of the media is critical of the influence of market forces on the media and is thus crucial to the examination of PSB (Boyd-Barrett, Murdock and Golding, 1997; Gandy, 1997; Williams, 2003; Garnham, 1990). The theory also takes into account globalisation and the influence it has on the media and is thus applicable to current situations in PSB in a global and

local context (Boyd-Barrett, 2002; Mattelart and Mattelart, 1998; Garnham, 1997; McChesney, 1998).

2.2. The media's relationship to democracy

Democracy is "'a particular set of governance relationships or ways of achieving governance objectives' emphasising 'accountability through open competition for authority', 'responsiveness and policy pluralism through participation', and 'respect for human rights'" (Kareithi, 2005: 7). Horwitz (2001) adds that, democracy has clear normative dimensions such as equality, majority rule, the protection of minority rights, adherence to the rule of law, and freedom of expression. Consequently, according to Occiti, "ideally, democracy and media coexist and support each other through a process of negotiation hopefully aimed at developing a consensus about the public interest" (1999: 6). Occiti's explanation illustrates that, media and democracy cannot be separated, as they have a symbiotic relationship. Consequently, a media, which is restricted, will result in the stunted growth of democracy within that particular country. As a result, it is important to critically examine institutions that are designated the task of promoting democratic processes, such as the SABC. The fundamental way in which the media can facilitate democracy is through the fulfilment of its ideal institutional roles. The ideal institutional roles of the media stem from democracy and embody the ideal way in which the media is supposed to function.

The ideal institutional roles of the media stem from democracy theory and embody the ideal way in which the media is supposed to function. The ideal institutional roles of the media are commonly embodied in, and form the fundamental basis of the public sphere, the public interest, citizenship, and the key characteristics of PSB. Hence, the ideal institutional roles of the media are important to this study and thus need to be sussed out. It essentially links the public sphere, public interest, citizenship, and PSB to democratic processes. Consequently, this study engages in an in-depth account of the ideal institutional roles of the media.

2.2.1. The ideal institutional roles of the media

Theories of the media and democracy highlight and emphasise the ideal roles of the media and link these roles to the promotion of democratic processes. These ideal roles of the media operate within normative theory. Rozumilowicz (2002) highlights the importance of a free and independent media system. This type of media system is linked to freedom of expression, which is a human right. According to Scanlon, "to analyze the freedom of expression […] we need to identify the values it seeks to protect" (1990: 335). A free and independent media system is necessary in order to carry out the ideal institutional roles of the media and to facilitate democratic processes in a country. Key to ensuring a free and independent system is to ensure that no single entity dominates media control, be it the government, the market, or any social force (Rozumilowicz, 2002). Habermas argues congruently with Rozumilowicz, in his discussion of the public sphere. Consequently, it is extremely important to evaluate whether PSB's and in specific, the SABC, are fulfilling these ideal institutional roles, as this impacts on democratic processes in South Africa. There are six ideal institutional roles of the media, namely being a watchdog, providing information, analysis, an open forum for debate and discussion, entertainment, and a cultural role.

2.2.1.1. Watchdog role

The media's role as a watchdog allows the media to protect the public interest and democracy by acting as a surveillance mechanism that mediates balances and checks between the government and the public, as well as between private businesses and the market (Allan, 1999; Masmoudi, 1992; Curran, 2002; Baker, 2002). In this way, the media acts as a means of gauging political activities, where by acting as a surveillance mechanism, the media "allows citizens to pay attention to different national activities and, by expressing their opinion, contribute to the progress of the nation, it thus acts as the fourth estate"[4] (Masmoudi, 1992: 34). In this way, the government is again made aware of the faults in its political activities and can then make provisions to correct these faults. Curran argues that, "The principal democratic role of the media […] is to act as a check on the state. The media should monitor the full range of state

[4] Fourth estate refers to the "fourth branch of government" (Lichtenberg, 2002: 174).

activity, and fearlessly expose abuses of official authority" (2000: 121). However, the media needs to be a watchdog of not only the government and its activities, but needs to also act as a watchdog of private businesses (Baker, 2002).

Such abuses are for instance, using official authority to secure the outcomes that the official in question may want. In doing so, the official may be in violation of human and civic rights; laws might be broken; people may be harassed, intimidated, physically harmed or pressured; officials may use their power and authority to make sure certain laws get passed or that certain laws get dropped, which works in their self-interest.

The MacBride Report highlights that "no government should be the sole judge of what people need to know and even less of what they have to say" (Masmoudi, 1992: 37). Media freedom is seen to be the centre of this relationship between the role of the media and democracy, as a free media is able to perform a watchdog role. This watchdog role allows the media to make sure those politicians or any other powerful figures in society are exposed when they abuse their power and are held accountable for their actions. Therefore, the media through its watchdog role, guards against the corruption of those who hold power in society. On the African continent, this corruption is entrenched by one-party political systems or when the military begins to exert power in a particular country (Ansah, 1991).

The fulfilment of the media's watchdog role is achieved through investigative journalism. According to Forbes, investigative journalism:

> … is not just about divulging allegations for the first time (the scoop), but rather the methodical proving of those allegations in the public interest. This often involves the piecing together of complex developments and revealing hidden truths (2005: 6).

Investigative journalism then is concerned with in-depth reporting of issues that are hidden from public knowledge and awareness. Investigative journalism is a crucial aspect for furthering democratic processes, as such reporting exposes government development initiatives when they go wrong, provides the public with reasons for these initiatives being defective, and thus makes the government accountable to the public, as the public is able to put pressure on the government to incite progressive

changes. Due to this public pressure, Forbes highlights that investigative journalism is also called "journalism of 'outrage'" (2005: 5). Thus, the media's watchdog role through investigative journalism is extremely important in democratising countries, as it works in the public interest, makes the government accountable to its people, and brings about progressive changes.

2.2.1.2. Information role

The media is seen to play a pivotal role in informing citizens on the events and processes of the day, on what is happening in society and on daily insights, so that they are able to make informed decisions on "public political choices", for instance who is the best candidate to vote for during elections and so on (Murdock, 1992). In line with this, elections should be reported on as a process from the moment the election period begins to the day it ends. Kellner argues that:

> Democracy requires an informed electorate that can participate in political affairs. Genuine democracy consists of the sovereignty of the people and thus government by, for and of the people. In order for a free people to govern themselves, they must be adequately informed and able to participate in public debate, elections and political activity (1992: 44).

Hence, one of the ways in which the media in Africa can fulfil its information role is by providing a balanced, fair and objective account of election processes, for instance, the implementation of policies and regulations (Murdock, 1992; World Radio and Television Council, 2000).

Other processes can for instance, take the form of the implementation of policies and regulations. The media should also provide general information on the political environment such as the government's activities, so that citizens are aware of how the government functions on a day-to-day basis. Similarly, opposition parties can also access this information to gauge whether the government is operating to the benefit of all. For Murdock (1992) this forms one of the rights that a person is entitled to as a citizen of any country. With a public that is adequately informed, people are able to actively engage in government policies and programmes by expressing their opinions, inviting solutions to problems and aid in the settlement of disputes (Baker, 2002). Consequently, the process of democracy becomes legitimised (Allan, 1999; Chiumbu,

1997; Nyirenda, 1993). Here, the media is also an educator, working to enlighten citizens (Baker, 2002). Due to their active participation, the process of democracy becomes legitimised, as citizens are able to participate in the political process

Furthermore, the media should also inform citizens of their human rights as per the Constitution, this assists in the empowerment of the people. Therefore, the media assists in protecting citizens against human rights abuses (Chiumbu, 1997). Associated with the media's information role, is the provision of analysis

2.2.1.3. The provision of analysis

In providing analysis, the media discusses the implications of the issues and events happening in a country, and solutions to problems that may arise (Allan, 1999). For instance, the analysis of election processes are needed in order to ascertain whether or not a particular election was conducted freely and fairly or whether there was corruption involved. The analysis of election processes can be used to ascertain whether a particular election is legitimate or not. In this way, the media's provision of analysis facilitates democratic processes.

Another instance, where the media's provision of analysis is crucial is in the circumstance where new laws are drawn up and passed into a country's constitution. The media has a responsibility and duty to analyse the new law(s) in order to establish whether it is legitimate and to ensure that it is not flawed or contains any clause that may be detrimental to the public; in doing so the media is serving the public interest (Tettey, 2001).

2.2.1.4. Open forum for debate and discussion

The media's provision of analysis must be accompanied by open debate and discussion, where if for instance, a particular law was deemed illegitimate through analysis and conflict arises around decision-making to change this law, these conflicting views can be discussed and debated to facilitate some form of resolution (Allan, 1999). By providing open debate and discussion, the media is also providing the platform for a public sphere, which will be discussed in detail later in this study.

Two principles are highlighted by Lichtenberg, which also help to facilitate freedom of expression these are:

> the noninterference or no censorship principle: One should not be prevented from thinking, speaking, reading, writing, or listening as one sees fit. The other I call the multiplicity of voices principle: The purposes of freedom of speech are realized when expression and diversity of expression flourish (2002: 176).

The multiplicity of voices, which Lichtenberg (2002) mentions is vital to democratic purposes, where many people express their views. Through this, the issue of discussion or debate can be examined from all angles, facilitating the best solution or decision to the discussion or debate. If all voices are not heard, people may come to the wrong conclusions to important issues and this may result in inequality, marginalisation and domination. In a democracy a voice needs to be given to those that previously did not have a voice, for instance people living in rural areas (Manning, 2001).

Ansah quotes Gorbachev in order to establish the importance of debate and discussion in democratic processes:

> I would like to dwell particularly on the political freedoms that enable a person to express his opinion on any matter. The implementation of these freedoms is a real guarantee that any problem of public interest will be discussed from every angle, and all the pros and cons will be weighed, and that this will help to find optimal solutions with due consideration for all the diverse opinions and actual possibilities. In short, comrades, what we are talking about is a new role of public opinion in the country (1988: 7).

Critical political economy of the media focuses on, “the nature of political debates over communication policy and [works to] establish alternative media, as well as to participate in them” (McChesney, 1998: 8). In doing so, critical political economy of the media, through its analysis and critique seeks to facilitate democratic change.

Debate and discussion directly relates to freedom of expression (Chiumbu, 1997). Lichtenberg (2002) points to the need for the multiplicity of voices, which is vital to democratic purposes, where many people express their views. Through this, the issue of discussion or debate can be examined from all angles, facilitating the best solution or decision to the discussion or debate (Curran, 2002). If all voices are not heard,

people may come to the wrong conclusions to important issues and this may result in inequality, marginalisation and domination (Lichtenberg, 2002).

However, there is much controversy surrounding the ability of the media to represent all voices. This controversy stems from the argument that in a complex society, such as South Africa, the many opinions that society holds cannot be exhausted. In fact, Keane contends that, "The public service claim to representativeness is a defence of *virtual* representation of a fictional whole, a resort to programming which *simulates* the actual opinions and tastes of *some* of those to whom it is directed" (1991: 122). PSB's rarely, if ever, succeed in equal and total representation of the entire population. Keane's (1991) argument correlates to Mamdani's (1996) argument in this study's later discussion of citizenship.

2.2.1.5. Entertainment and cultural roles

Although the entertainment and cultural roles of the media may not explicitly have anything to do with democracy, they can also interlink with the information, analysis, and debate and discussion roles that the media have. The media's provision of entertainment allows for, to a certain extent, social regulation, where understandings of acceptable and unacceptable social behaviour are formed (Curran, 2002). Entertainment can provide "cognitive maps of reality", which facilitates social insights, such insights have political implications (Curran, 2002: 238). In addition, entertainment communicates social values and identities, which assist in the formation of political opinion and allegiances. What is more, entertainment provides a platform for important discussions to take place on issues such as race, gender, sexuality and so on. Furthermore, entertainment provides a platform for minority groups to dissent against the dominant structures and ideologies in society. Although entertainment does benefit the public to a certain extent, excessive entertainment provision leads to "mass passivity and elite control" (Curran, 2002: 238). Hence, entertainment provision should not displace the other information and education genres.

Culturally, the media plays a role in validating culture. Consequently, the media have a role and responsibility to provide news in terms of the culture within that specific country. In this way, the media works to inform and educate those within and outside

of that specific country, on the ways in which to conduct themselves socially (Manning, 2001).

It is important to note that, the ideal roles of the media and subsequently, the media's relationship to democracy coincide with the notion of the public sphere. In essence, the media's fulfilment of its ideal institutional roles facilitates the functioning of the public sphere, which operates on the same premise. Specifically though, the media's role of providing an open forum for debate and discussion provides the platform for a public sphere. Many of the arguments laid down when discussing the ideal roles of the media are reiterated in discussions of the public sphere.

2.3. The public sphere

The concept of the public sphere originates from the concept of publicity (publicness), devised by Immanuel Kant (Splichal, 2006). Publicity according to Kant was a "'transcendental concept of public right' based on citizens' fundamental dignity and moral sovereignty; as a moral principle and legal norm; and as an 'instrument' to achieve both individuals' independent reasoning and legal order in the social realm" (Splichal, 2006: 696). Publicity then, is crucial to notions of citizenship and democracy.

The notion of the public sphere has been pioneered by Jürgen Habermas and has been extremely influential in contributing to a more democratic media system. The public sphere, according to Habermas, is "a realm of our social life in which something approaching public opinion can be formed" (1964: 116). A place that is accessible to all citizens. Hence, the public sphere is essentially a place where "critical-rational discussion" can take place (Habermas, 1992: 423). McChesney adds that a public sphere is, "a place where citizens interact that is controlled by neither business or the state" (1998: 9). Consequently, the public sphere is a place free from vested interests (Corner, 1999). This aspect of the public sphere also comprises one of the characteristics of PSB, which will be discussed later in this study.

Habermas conceptualised the public sphere in the context of the bourgeois civil society, during the rise of capitalism. Habermas provides an account of the transition

of the public sphere from the feudal era, which cultivated a representative public sphere, to the modern era, which cultivated an unrepresentative bourgeois public sphere. During the feudal era, the public and the private were integrated. The advent of capitalism separated the public and the private in the bourgeois era. The modern public sphere then, places the interests of the state and the interests of the bourgeois in conflict (Habermas, 1964). Habermas argues that 'The bourgeois public sphere could be understood as the sphere of private individuals assembled into a public body which almost immediately laid claim to the officially regulated "intellectual newspapers" for use against the public authority itself' (1964: 117). Consequently, in defending their interests against the state, the bourgeois's institutionalised a number of rational-critical practices in which the public could also challenge the state (Duvenage, 2005).

The first rational-critical practice that was institutionalised was an intimate sphere, in which patriarchal values were entrenched within the family. Secondly, a literary public sphere was institutionalised, which "created a form of rational-critical discourse about objects of common concern that could be carried over directly into political discussion" (Duvenage, 2005: 3). Within this literary public sphere, the public was able to criticise everything. Thirdly, as a result of the literary public sphere, the political public sphere emerged. Nevertheless, the bourgeois public sphere was eventually "undermined by historical and economic developments in the nineteenth century" (Duvenage, 2005: 4). Habermas also writes of the decline of the public sphere, where conflicts that where restricted to the private sphere are encroaching into the realm of the public sphere, resulting in the '"refeudalization" of the public sphere' (Habermas, 1964: 118).

Habermas positioned democracy, the media, and the public at the centre of his notion of the public sphere. Within the public sphere, public interest groups can raise awareness on issues of importance, independent of the selfish interests of the government and business. Hence, the public is able to put pressure on the government and any other powerful groups to promote progressive changes in society. The media is at the heart of this public sphere, as it can provide a platform for stimulating and facilitating debate within this sphere (Curran, 2000).

It must be noted that Habermas's early conceptualisation of the public sphere has been widely criticised. Firstly, Habermas has been criticised for his focus on the contradictions in liberal capitalism, instead of a focus on historical developments (Duvenage, 2005). Habermas was largely pessimistic about modern media being "instruments of misinformation and of elite power" (Corner, 1999: 21; Duvenage, 2005; Kellner, 2003). In addition, it has been indicated through historical investigation that Habermas's eighteenth-century bourgeois public sphere did not exist (Curran, 1991; Shudson, 1992; Sparks, 2000). What is more, Habermas does not recognise the marginalisation of women in the bourgeois public sphere (Duvenage, 2005; Thompson, 1995; Calhoun, 1992; Ryan, 1992). Hence, Habermas idealised the bourgeois public sphere when he wrote of the bourgeois public sphere being a forum for rational discussion and debate, as it excluded some groups from participating in the public sphere (Kellner, 2003). Furthermore, Habermas was highly criticised for theorising about a single public sphere, a liberal or democratic public sphere. In doing so, oppositional and any other public spheres that may have existed where ignored. Kellner points out that "it is more productive to theorize a multiplicity of public spheres, sometimes overlapping but also conflicting" (2003: 7). Consequently, Habermas, in a revised version of his original work on the public sphere, acknowledges the coexistence of competing public spheres, but where a dominant public sphere exists (Habermas, 1992).

The notion of the public sphere correlates with participatory democracy. Critical political economy of the media favours a participatory democracy system, where democracy fundamentally consists of an informed citizenry that participates in political processes (McChesney, 1998; Stromback, 2005). Hoynes and Croteau argue that a participating citizenry is also involved in "the process of debate, compromise, and decision making that affects their communities" (2001: 208). Participatory democracy is based on the premise that all citizens have the right to a media that represents their needs. These needs are determined by the citizens that the media are representing and by no other body. Media content should be independent of government and business control. The media should exist primarily to serve audience needs and not commercial or government needs (McQuail, 1987). An informed and participating citizenry is made possible through the provision of analysis by "a

healthy and vibrant media system" (McChesney, 1998: 8). Such a system is one where the media facilitates:

> … a genuine commonwealth of forms of life, tastes and opinions to empower citizens who are governed not by despotic states nor by market forces, that is the necessity of developing a self-organising civil society which is not synonymous with the market … (Ronning, 1994: 14).

Consequently, a vibrant and healthy media system is one that is independent of market or government influences and represents the needs of the people. Furthermore, the media should also inform citizens of their human rights as per the Constitution, which assists in the empowerment of the people. Therefore, the media assists in protecting citizens against human rights abuses (Chiumbu, 1997). It can be seen by the discussion of participatory democracy that it correlates with the ideal institutional roles of the media and with the key characteristics of PSB.

Sparks (2000) further argues that there are two types of public spheres, the local (state) and the global. However, there are no global public spheres in existence yet. Although Sparks (2000) argues that there is no global public sphere, there are others who contend that a global public sphere does exist. McLuhan (1967) contends that the Internet has fostered a global village. A common understanding of the global village is supplied by Ang, "the progressive homogenization – through successful communication – of the world as a whole" (1996: 367). Another description of the 'global village' is that it "is a thoroughly paradoxical place, unified yet multiple, totalized yet deeply unstable, closed and open-ended at the same time" (Ang, 1996: 367). Similarly, globalisation proponents argue for a global public sphere brought into existence by the forces of globalisation. For instance, news-groups and chat sites provide a platform through which individuals are able to discuss important issues (Whittaker, 2001). Furthermore, Hauben (1996) contends that the Internet facilitates a marketplace of ideas, where individuals from various countries are brought into contact with one another, as well as with their experiences and views. Consequently, these people are exposed to multiple views and are able to form their own opinions.

Nevertheless, there is still strong opposition against the existence of a 'global village', which can most clearly be seen with the digital divide. The digital divide refers to "the differential degree to which rich and poor countries benefit from new information and

communications technologies such as the Internet" (James, 2005: 114; Thussu, 2000; Ferguson, 2004; Mansell, 2001; Castells, 2001). Hence, if everyone in the world does not have access to the Internet in a language that they can understand a 'global village' cannot be said to exist.

Conversely, local public spheres do exist in the form of open public discussion. However, most of the local public spheres that do exist are limited and imperfect. Although no global public sphere exists, there are global aspects that are eroding local public spheres, for instance, capitalism and globalisation. These global phenomena thus, place PSB under threat, as PSB functions predominantly within the local public sphere (Sparks, 2000). Consequently, the way in which PSBs work to protect the public interest is of great concern when examining PSB.

Additional problems with the concept of the public sphere are that, it is difficult to prove empirically and difficult to define. Nevertheless, the public sphere contributes vitally to normative theories of the media (Splichal, 2006). Another important problem with the notion of the public sphere is that in reality, existing media do not embody its ideals. Furthermore, due to commercialisation, audiences have become extremely fragmented "in terms of unequal access to material resources, and in terms of the different cultural tastes, interests and competencies which distinguish social groups" (Barnett, 1999: 649; Hoynes and Croteau, 2001; Corner, 1999; Cross, 2001; Curran, 2002b; Siune and Hultén, 1998; Dahlgreen, 1999). Consequently, the public sphere has diminished, which in turn has a detrimental effect on democracy (Curran, 2002b; McChesney, 2000). It is important to recognise that the public sphere and PSB are interlinked on this issue, as the factors that are responsible for the decline of the public sphere are largely the same factors that are responsible for the decline of PSB. Hence, in South Africa a true public sphere can only occur once there is equal access to television. Nevertheless, the public sphere and its ideals are an aspirational notion to which PSBs as well as regulators can endeavour to fully embody (Sparks, 2000). Related closely to the public sphere is the concept of the public interest.

2.4. The public interest and citizenship

There is no explicit definition of the public interest; however the concept has certain principles attached to it. Consequently, the public interest as a concept has remained ambiguous, which is its key flaw (Napoli, 2001; Dennis, 2002). However, Dennis provides the foundation for defining the public interest as:

> a. The free flow of information
> b. Information about public affairs
> c. The publication of newsworthy information
> d. Communications diversity
> e. Government regulation of certain communications activities in the public interest
> f. Matters of public interest or matters in the public interest are usually immune from libel and privacy recovery (2002: 166).

Some of the points presented above, fall into one of the key characteristics of PSB, quality programming, and into the media's information role.

Napoli (2001), highlights that the notion of the public interest consists of three levels namely, the conceptual level, operational level, and application level. Accordingly, any discussion of the public interest needs to indicate which level is being referred to. The conceptual level is concerned with what constitutes the public interest that an institution will need to advance. The operational level is concerned with assigning values and principles to the serving of the public interest. The application level involves generating policy actions and regulatory standards to ensure the public interest is facilitated (Napoli, 2001).

Nevertheless, a contentious issue regarding the notion of the public interest is whether the media should function in the public interest or in the national interest. Kupe (2005) points out that what is in the national interest is not necessarily in the public interest, but what is in the public interest is incontrovertibly in the national interest. Consequently, the public interest is much broader than the national interest, where the public interest "speaks to and reflects the values that no single organization or individual or entity can claim sole ownership of" (Kupe, 2005a: 1). Furthermore, Tleane and Duncan (2003) contend that the national interest, disguised as the public interest, is often nothing more than the state interest. Speaking at the Goedgedacht Forum in 2002, Joel Netshitenzhe argued that the public interest and the national

interest “can and should, in fact, be complementary” (Mak'Ochieng, 2006: 2; Tleane and Duncan, 2003). In the quest for complementarity between the two important but contending concepts, consensus can be found within the South African Constitution, which forms the foundation for both the concepts (Mak'Ochieng, 2006; Tleane and Duncan, 2003). Hence, PSBs should serve both the public and national interests.

Similarly, Teer-Tomaselli argues that the public interest is not always the same as political interest; instead, “it is the chance for ordinary people to receive unbiased information, and be able to give voice to their own concerns, not simply the concerns of the politicians” (2004: 204). Furthermore, Dennis (2002) points out that even public interest and media interest do not always correspond. The media supplying the public with what it wants is not necessarily in the public interest. Instead, the media should acquaint “the public with the broad range of possibilities and then allowing it to make a free choice within that extensive panoply” (Dennis, 2002: 167). Hence, the public interest and media interest can only correspond when there is minuscule interference and the utmost freedom existing in both simultaneously.

Although, what the public interest is and is not has been discussed, much of what can be said to be in the public interest, as well as the factors that hinder the public interest, fall within the concept of citizenship. Hence, the rights of citizenship in a democracy and the public interest are tightly interconnected.

2.4.1. Citizenship

T. H. Marshall (1963) who pioneered the concept of citizenship argues that citizenship is linked to certain rights. Citizenship can be divided into three parts, namely, civil, political and social. The civil component of citizenship consists of the right to “individual freedom…freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice” (Marshall, 1963: 71). The political component consists of “the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body” (Marshall, 1963: 72). Finally, the social component consists of the right to “share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society”

(Marshall, 1963: 72). Murdock (1992) proposes a fourth sphere of citizenship rights, namely, cultural rights. Cultural rights entail "the right to participate in existing patterns of social and cultural life and the right to challenge these configurations and develop alternative identities and forms of expression" (Murdock, 1992: 20). It is important to note, that much of what Marshall proposes citizenship to be, falls within discussions of the ideal institutional roles of the media.

Another aspect of Marshall's thesis, was the emphasis on equal opportunity, where every person has the right to "display and develop differences, or inequalities; the equal right to be recognized as unequal" (Marshall, 1963: 109). Consequently, Marshall's thesis of citizenship correlates directly with notions of democracy and the public interest. Although these rights are supposed to be universal, a major problem with these rights is that urban elites have more citizenship rights than those living in rural areas that are poor (Mamdani, 1996). For instance, access to television in South Africa is mainly an urban phenomenon (Barnett, 1999). Mamdani contends that colonialism caused the state to become bifurcated, consisting of two forms of power, urban power and rural power. According to Mamdani, "Urban power spoke the language of civil society and civil rights, rural power of community and culture. Civil power claimed to protect rights, customary power pledged to enforce tradition" (1996: 18). However, in addressing this inequality, PSB can play a critical role, as it is best placed to deliver on the rights advocated by Marshall (1963). Consequently, it is crucial to evaluate the state of PSB in South Africa, especially from a historical viewpoint, where apartheid created inequalities.

Nevertheless, it must be noted that Mamdani has been widely criticised. Mamdani looks for the commonalities between colonial and post-colonial Africa, however he either does not clearly articulate the differences or does not recognise them (Tignor, 1997). For Mamdani, the consequences of colonialism for both tropical Africa and South Africa are the same, which is incorrect as South Africa's development since colonialism has been different to that of tropical Africa (Austen, 1999). Mamdani's urban-rural argument, applies more to the South African case than to tropical Africa, as South Africa has had a strong migrant labour background (Austen, 1999). Young (1999), argues similarly when he reveals that Mamdani articulates the similarities between social theory and political life, but does not go further than this and articulate

the differences. Even the similarities that Mamdani discusses are not articulated persuasively enough. In addition, Mamdani underplays the significance of religious and racial inequality in South Africa's apartheid era (Young, 1999). Furthermore, Mamdani's discussion of the bifurcated state does not account for the specific nuances of individual societies, instead, Mamdani generalises significantly (George, 2000; Copans, 1998).

Nolan (2006) argues that, the conditions for citizenship and those factors that determine inclusion or exclusion of citizenship are always in existence. The denial of citizenship can be distinguished along two barriers, firstly, along socio-economic barriers such as race, gender, employment and income; and secondly, along barriers to the access of imagery and information. When barriers are set up along these lines, people are excluded from social and cultural processes, as well as democratic life (Golding, 1997). Murdock suggests that deliberations about citizenship should first explore "the kinds of programmes that would provide pleasure and promote the core capacities of citizenship, and then work backwards to the organizational, financial and political conditions that would be required to support and develop them'' (1999: 16).

Even though the capitalist system creates inequalities and imposes subordination, critical political economy of the media identifies that there is a way in which the subordinated can resist capitalist domination. Such resistance can be achieved through public intervention. Critical political economy tries to identify what constitutes public intervention and links this to citizenship rights. One way in which citizenship can be implemented is through a public sphere that is open to all groups in society. Critical political economy of the media identifies that the media could play a pivotal role in promoting this public sphere. In this way, democratic processes are also promoted in society (Golding and Murdock, 2000: 76).

The notion of citizenship can be summarised by asking, "To what degree and in what ways are people denied access to necessary information and imagery to allow full and equal participation in the social order?" (Golding, 1997: 682). It is crucial to note, that citizenship rights are not adequate by itself; there must be policies in place, which allow people to exercise these rights. Such policies should consist of a combination of welfare policies (such as health care) and symbolic resources (a vibrant media system)

(Murdock, 1992). Closely linked to the public interest and the public sphere, is the concept of PSB, which ideally embodies the theses of both the public interest and the public sphere (McChesney, 2000; Murdoch, 1992; Tracey, 1998; Søndergaard, 1999; Syvertsen, 1999; Nolan, 2006).

2.5. Public service broadcasting

The theoretical premise on which PSB in South Africa is based is on John Reith's conceptualisation, and is thus tied to the British Broadcasting Corporation (BBC) model[5] (Banda, 2006a; Tomaselli, 1994; Cross, 2001; McChesney, 2000; Rayner et.al, 2004; Coppens and Saeys, 2006). The notion of PSB exists in highly contested terrain. The reason for this is that the needs, interests, desires, challengers, and opportunities that the public displays are different in different countries. Consequently, different countries tend to have differing models of PSB (Syvertsen, 2001; Teer-Tomaselli, 2004; Mooney, 2004; Collins et.al, 2001). For instance, as Banda points out, in South Africa PSB is about "national unity and reconciliation" (2006a: 1). Hence, there exists no single definition of PSB (McChesney, 1999; Teer-Tomaselli, 2004; Collins et.al, 2001; Banda, 2006a; Mpofu, 1996; Søndergaard, 1999; Hansen et.al, 1998, Syvertsen, 1999; Ramadi, 2006). In view of the fact, that the concepts of public interest and PSB are interlinked, PSBs lack of definition may be attributed to the public interest's lack of definition. Consequently, PSB is suffering from a legitimation crisis, as the role of a PSB remains ambiguous (Keane, 1991). However, the dilemma of providing elucidation to the role of PSBs is that if PSBs are prescribed with a specific definition and role, this specification will not cater for the nuances of individual countries. In addition, such an act would increase the potential for the concept to be too narrowly defined. Hence, although the concept of PSB is vague, this vagueness allows different countries to adapt the broad principles of PSB to suit that country's specific PSB needs, it also allows for the transformation and growth of the concept.

Nevertheless, Teer-Tomaselli (1998) contends that there are two fundamental reasons for the need for PSB. Firstly, PSB plays a crucial role in protecting national identity

[5] John Reith was the first Managing Director of the British Broadcasting Corporation (BBC). Reith wrote a book in 1924 entitled, *Broadcast over Britain*, in which he laid down the first PSB principles (Findahl, 1999).

and culture. Secondly, PSB plays a crucial role in providing important need-to-know content to the public, such as "information, education, and entertainment to those sectors of society which are economically non-profitable" (Teer-Tomaselli, 1998: 6). In fact, Keane advocates that,

> The public service model has legitimized the presence of ordinary citizens in programmes dealing with controversial issues and problems; it has helped to make idiomatic, conversational styles respectable; and, significantly, it has publicized the pleasures of ordinariness, creating entertainment out of citizens playing games, talking about their experiences or taking delight in events as disparate as football and tennis matches, religious ceremonies and dancing to the current top ten (1991: 118).

Hence, PSB is important to examine, as it plays such an important role in democracy and in society in general. PSBs need to do "more than just facilitate individual liberty and provide expressions of difference, but it must also facilitate expressions of unity and provide opportunities for the development of chains of equivalence" (Nolan, 2006: 226). Furthermore, McChesney (2000) argues that the success or failure of a PSB is dependent on the degree of democracy in a country and the degree to which informed public debate underpins the PSB system.

2.5.1. Continental shifts

State broadcasters are the order of the day on the African continent (Article 19, 2003; Ramadi, 2006; Banda, 2006b). Governments on the continent have realised the power and influence of broadcasting and have thus, retained control of broadcasting for "hegemonic purposes" (Mbaine, 2003: 143). Mbaine contends that "What goes for public service broadcasting in most of Africa is really state or government broadcasting, with a tinge of public service broadcasting" (2003: 160). Consequently, the aspiration in the media landscape on the African continent is a shift towards the transformation from state broadcasters to public service broadcasters. South Africa is revered to be the only country on the continent to have transformed its state broadcaster into a public broadcaster. In fact, the SABC is revered as a genuine PSB with an independent Board (Kantumoya, 2006; Banda, 2006b).

The transformation of state broadcasters to public broadcasters has been coerced by certain campaigns and policy guidelines. For instance, the Media Institute of Southern

Africa (MISA) has a three-tier broadcasting campaign. The campaign aims to promote,

> … editorial independence, diversity and regulation of legislation and the promotion of ICT as a tool for national development and a medium of sharing information and to advocate for the transformation of state broadcasters into genuine public service broadcasters (www.misa.org.za).

Policy guidelines consist of the African Charter on Broadcasting. However, broadcasting guidelines also exist, such as those embodied in the Windhoek Declaration on Promoting an Independent and Pluralistic African Press. These campaigns, legislation and guidelines have surfaced due to a need for protocols to drive African countries to adopt a PSB mandate (www.misa.org.za). Despite the efforts being made to transform state broadcasters, state broadcasting remains strong on the continent. Kupe (2005b) argues that the more participation in the transformation of state broadcasters into public broadcasters is required. There needs to be increased participation from "… social and cultural organisations representing broader social and cultural interests, which are not politically partisan, are part of the effort on a sustained basis" (Kupe, 2005b: 83). Nevertheless, global trends are also influencing the broadcasting environment on the African continent. Liberalisation and deregulation are facilitating the move away from state broadcasting towards independent and commercial broadcasting (Kantumoya, 2006).

2.5.2. Global shifts

Despite the importance of PSB, a global shift in conceptions of PSB has emerged from the new conditions that globalisation has created.[6] That is to say liberalisation and deregulation. This shift can particularly be seen in Europe. These conditions have been summarised by Blumler as:

[6] Globalisation refers to the spread of capitalism on a trans-national level through the trade in goods and services, flow of capital and the trade in currencies, the major players being the world's largest private corporations. It is characterised by neo-liberal economic policies, which advocate trade liberalism and works to the benefit of businesses that are able to maximise their profits through the process of globalisation (McChesney, 1998).

> … the termination of the monopoly sway of public service broadcasting bodies; an invasion of transnational forces at corporate, production and distribution levels; a shift from spectrum scarcity to multi-channel abundance; the unleashing of unprecedented competition for revenue and viewing shares; uncertainties about how the programming patterns on offer will be affected; associated uncertainties about likely shifts of audience preferences and tastes in response (1992: 1).

Consequently, globally PSB is under threat, where technological innovations have facilitated the advancement of globalisation and market forces (Held et.al, 1999; Dahlgreen, 1999; McChesney, 2000; Tracey, 1998; Hackett, 2000; Fourie, 2003; Hansen et.al, 1998. Held et.al (1999), bear testimony to the fact that technological advancement is driving globalisation when they argue that "The revolutions in communications and information technology…have increased massively the stretch and intensity of all manner of socio-political networks within and across the borders of states" (1999: 445).

The multi-channel environment that globalisation has produced also challenges the regulatory environment of broadcasting industries, as spectrum scarcity is no longer an issue (Horwitz, 2001; McChesney, 2000; Keane, 1991; Fourie, 2003). Technological advancement, together with the strengthening of market forces, has resulted in a highly commercialised global broadcasting industry. More specifically, globalisation has amplified the processes of liberalisation and deregulation, which includes the process of commercialisation.

The augmented influence of commercialisation means that competition within the media industry has greatly increased (Horwitz, 2001; Collins et.al, 2001). Increased competition means that the SABC is now in a position where it has to compete with other broadcasters, as well as other forms of media to secure advertising revenue. Market influences have enormous power, thus PSBs tend towards not upsetting market influences, where criticism of these influences are self-censored (McChesney, 1999). In fact, advertisers can be more powerful than news media owners and editorial staff. Large businesses have a crucial impact on the economy, thus politicians tend to listen to them (McChesney, 1998). Hence, globalisation, liberalisation, deregulation and commercialisation have made the market such a powerful force; that finding a balance between the market and PSB has become inevitable (Blumler, 1992).

Due to their commercial orientation, PSBs have come to undermine democracy and the public interest that they are supposed to serve. Consequently, broadcasting content has become homogenised, which contradicts the very existence of PSB (Horwitz, 2001; Siune and Hulten, 1998). The trend in Europe to counter the homogenising effects of globalisation on broadcasting is through regional broadcasting (Horwitz, 2001). In South Africa however, the prospect of regional broadcasting brings back issues of segregation that was characteristic of broadcasting during the apartheid era, which compromises its viability. Fourie (2003) argues that the dilemma facing PSB is two fold. Firstly, PSB's have to fulfil their public service obligations; and secondly, PSB's need to keep up with technology and ward of competition in the broadcasting arena or face financial and audience decline. Hence, a key problem with notions of PSB, is finding a way for PSB and the market to co-exist.

McChesney (2000) contends that the commercial inclination of PSBs is more political than technological, as there is nothing inherent in technology that indicates that it must be used commercially. Hence, non-profit competition is possible. Neo-liberals contend that the media is best regulated by the free-market, as this system is the most efficient and democratic regulatory system. However, the free-market does not allow for non-profit competition. Hence, the neo-liberal climate is the root cause of the decline of PSB (McChesney, 2000).

Collins et.al (2001) argues that within this multi-channel broadcasting environment, PSB can potentially be strengthened, as PSBs are associated with the qualities of authoritativeness and trustworthiness. Consequently, PSBs will come to be increasingly valuable to audiences, as they will rely on PSB's to 'select, package, and "authenticate" the flow of products that they consume' (Collins et.al, 2001: 10).

With the new conditions in the broadcasting environment comes new policy challenges. Broadcasting policy now needs to incorporate the new conditions caused by globalisation and in turn liberalisation, deregulation and commercialisation in order to best facilitate the ability of PSB's to fulfil their public service roles (Horwitz, 2001; Craik et.al, 1996). Hence, significant attention needs to be paid to the analysis of government policies and regulations pertaining to broadcasting.

Here government policies and regulations are crucial, as these policies and regulations can either guarantee or undermine media freedom and independence. Nyamnjoh shares this view when he argues that “The media can only play an effective role, in this regard, if the law and its application are democratic” (2005: 20). Subsequently, the examination of the regulations that steer the SABC is crucial to media freedom, independence and as a result, the public interest.

Critical political economy seeks to analyse the relationship between the state and the media within policy-making processes, and how this relationship affects cultural production. Critical political economy of the media thus finds that policies and regulations, because they promote capitalist interests, are only made for one sector of society (the elite in society), while marginalising the majority in society.

However, due to commercial pressures, PSB is needed more now then ever before (McChesney, 1999; Tleane and Duncan, 2003; Fourie, 2003; Cross, 2001; World Radio and Television Council, 2000; McChesney, 2000). In saving PSB from the talons of the market “we need to study, debate, and reconceptualize what we mean by public service broadcasting” (McChesney, 1999: 9).

Although no single definition exists for what public service broadcasting is, there is a common mandate to which a public service broadcaster should adhere. PSB can be defined according to the ideal roles of the media, as well as by its key principles or characteristics. Hence, the way in which PSB is defined is similar to the way in which the public interest is defined.

2.5.3. Key characteristics of public service broadcasting

Mpofu et.al (1996) point out that there are eight basic principles of PSB. These principles are geographic universality, universality of appeal, universality of payment, distance from vested interests, promoting national identity and community, catering for minority interests, quality programming, and independence (Mpofu et.al, 1996; Ramadi, 2006; Tracey, 1998; Mooney, 2004; Teer-Tomaselli, 2004, Hansen et.al, 1998). Albeit, it must be noted that overlapping with these eight principles are accountability, diversity, and distinctiveness. Further overlapping occurs with

Blumler's (1992) seven vulnerable values. These values are programme quality, diversity, cultural identity, independence of programme sources from commercial influences, the integrity of civic communication, welfare of children and juveniles, and maintenance of standards. Blumler (1992) refers to these values as vulnerable, as he contends that market pressures are threatening these specific television values.

However, for the purposes of this study only independence, accountability, distinctiveness, and financing will be examined and discussed in order to keep the study manageable. The institutional framework of a PSB is crucial to whether a PSB can fulfil its public service obligations. Tomaselli (1994) highlights that PSBs tend to narrowly place control of the institution within the hands of a privileged elite. Consequently, it can be argued that, if a PSB institution is unrepresentative in its appointments, this unrepresentativeness will extend into its public service responsibilities. Nevertheless, it is important to note that the principles of PSB embody an ideal and there are contentions to whether these ideals have been completely achieved in reality (Cross, 2001).

Independence and accountability were chosen to be examined, as these two characteristics are among the most important characteristics that define PSB. If a PSB is not truly independent, it cannot correctly serve the public's needs, the same applies to the principle of accountability. If the foundation of independence and accountability are not present in a PSB, the ability of a PSB to fulfil its public service role will immediately be severely hindered. Hence, the independence and accountability of a PSB directly affect its functioning.

Distinctiveness was chosen to be examined, as the programming that a PSB displays to its public forms the core composition of a PSB. The programming of a PSB makes a PSB what it is. Hence, a PSB that is distinct is intrinsic, as it allows the characteristics of universality of appeal, promotion of national identity and community, as well as catering for minority interests to be achieved.

The three characteristics that have been chosen to be examined in this study thus provide direct insights into the health and authenticity of a PSB. However, a fourth characteristic needs to be added to this study's examination, that is to say, the

financing of a PSB. Financing must be added, as the funding model of the SABC will be engaged with in the examination of distinctiveness. Furthermore, financing is crucial to the fulfilment of a PSB's obligations, as it will determine whether the PSB is being dominated by market forces and is able to fulfil its PSB ressponsibilities.

2.5.3.1. Independence

PSBs must be independent, which entails that they be neither state nor commercially controlled (Collins et.al, 2001; Ramadi, 2006; Mooney, 2004; Hoynes and Croteau, 2001; Tomaselli, 1994; Teer-Tomaselli, 2004; Cross, 2001; World Radio and Television Council, 2000; Tleane and Duncan, 2003; Siune and Hulten, 1998). In fact, with regard to non-commercial control, a central premise of PSB was that it was too valuable to be controlled by market forces (McChesney, 2000). Hence, the independence of a PSB needs to be guaranteed, as the fulfilment of the public interest can only be achieved if PSB can operate devoid of the ulterior motives that state and commercial entities project in order to further their own interests (Tleane and Duncan, 2003). Consequently, there must never be only a single contributor to a particular programme (Hoynes and Croteau, 2001). In fact, PSB originates from a mistrust of the ability of state and commercial entities to be able to fulfil the public's interests (World Radio and Television Council, 2000).

There are three requirements for a PSB to be independent from political influence. Firstly, politicians must not "interfere in the day-to-day running" of the PSB (Tomaselli, 1994). Secondly, PSBs must be able to resist political pressure and must maintain control of the provision of news and current affairs. Thirdly, there must be public conviction that the PSB is indeed independent (Tomaselli, 1994). Fourie (2003) adds that in order for PSBs to be independent from political influences, the relationship between the PSB and the government must be made as transparent as possible. Hence, "a clear and legally bounding distinction should be made between the board, the day-to-day management of the organisation, the supervisory bodies and the government" (Fourie, 2003: 165). The roles and functions of the different staff levels and departments of a PSB must be clearly defined (Fourie, 2003).

The World Radio and Television Council (2000) argue that in order to ensure a PSB's independence, its administrative structure must be autonomous. In this way, the public is able to have confidence in the PSB. Collins et.al (2001) contend that independence can only be achieved if a PSB is efficient. In this study, independence will be studied with an examination of the SABC's editorial policies, newspaper articles, an institutional analysis, and through informant interviews. One way in which a PSB can ensure its independence is through accountability.

2.5.3.2. Accountability

According to Tleane and Duncan, accountability can be defined as "fulfilling the requirement or expectation to give an explanation of one's actions, or being responsible to someone or something" (2003: 23). Hence, a PSB should make its relationship with the government transparent to the public. However, a PSB also needs to be accountable to the public that it serves (Ramadi, 2006; Mooney, 2004; Hoynes and Croteau, 2001; Tleane and Duncan, 2003; McChesney, 2000; Siune and Hulten, 1998). Public support of a PSB is the ultimate test of a PSB's independence (Curran, 2002).

Accountability to the public can be achieved directly or indirectly. Directly, PSB's should provide documents that inform the public of its activities, commitments and so on (Mooney, 2004). However, other accountability measures exist such as advisory councils and public meetings. In addition, criteria documents (editorial and programming policies and codes of practice or conduct) are drawn up to guide PSB's. These documents are also used as the foundation for self-assessments, which should be made available to the public (Tleane and Duncan, 2003).

Indirectly, accountability can also be achieved through a broadcasting regulatory body, which can monitor non-compliance and take appropriate action when non-compliance is found (World Radio and Television Council, 2000; Mooney, 2004; Hoynes and Croteau, 2001). For instance, The Independent Communications Authority of South Africa (ICASA) evaluates and keeps the SABC in check. This regulatory body will also be able to evaluate whether the PSB is fulfilling its public

service responsibilities. Furthermore, to ensure accountability, a PSB's board members should be widely publicised (Hoynes and Croteau, 2001).

Coppens and Saeys (2006) highlight four categorisations of performance criteria that are used to ensure that a PSB is accountable. Firstly, there are government-imposed or self-imposed criteria. Self-imposed criteria are common and consist of the responsibilities that the PSB prescribes for itself. An example of self-imposed criteria would be the SABC Editorial Charter. Secondly, performance criteria can be binding or non-binding. While self-imposed criteria are non-binding, government-imposed criteria can be either. However, it must be noted that in the long term all criteria become binding due to the credibility and financial implications of not fulfilling any performance criteria.

The dilemma facing binding criteria is that a PSB's long-term objectives would end up being sidelined, by attempting to primarily fulfil short-term criteria. Thirdly, there are economic or traditional criteria. Economic criteria deal with "audience appreciation, productivity and financial matters", while traditional criteria is concerned with programming and the social role of PSB's (Coppens and Saeys, 2006: 274). Sometimes the distinction between the economic and the traditional are blurred. Performance criteria that combine both the economic and the traditional are more useful to PSBs. Lastly, there are quantitative or qualitative criteria. Economic criteria are usually quantitative and traditional criteria are usually qualitative. Hence, combining quantitative and qualitative criteria is much more valuable.

However, Coppens and Saeys (2006) warn that self-assessments alone are inadequate as no penalties are dispensed to PSBs for violating the performance criteria. The flaws of self-assessments can be accompanied by external assessments for enhanced accountability. A multitude of accountability measures means that the PSB will provide a better public service (McQuail, 1997). Nevertheless, performance analyses are only as good as their validity. These analyses are compromised in their validity, as important concepts within performance analysis are contentious (Coppens and Saeys, 2006). This study, will examine the SABC's accountability by again examining the SABC's editorial policies, conducting informant interviews, an institutional analysis, and through the examination of newspaper articles.

2.5.3.3. Distinctiveness

The service and programming that a PSB provides must be different from that of any other broadcaster. This distinctiveness is necessary, as the public will then be able to distinguish the PSB from other broadcasters (Dahlgreen, 1999; Teer-Tomaselli, 2004; Fourie, 2003; Mooney, 2004, Findahl, 1999). The way in which PSBs can achieve distinctiveness is to strive to provide high-quality content (Teer-Tomaselli, 2004; Mooney, 2004; Heino, 2000, Keane, 1991; Fourie, 2003).

High-quality content provision entails providing "reliable, legitimate news, information programming and education" (Teer-Tomaselli, 2004: 203). A PSB must not restrict its information provision to just news and public affairs, but must also provide programming of "service" or "general interest" (World Radio and Television Council, 2000: 14). For instance, information or programme provision should include "consumer or legal issues, give practical advice, discuss health issues, publicize community services, etc" (World Radio and Television Council, 2000: 14). In doing so, a PSB can provide programming that is relevant to all citizens and which increases the quality of their lives.

Whereas commercial broadcasting refers to the public as consumers, PSB should treat the public as an audience or citizens as opposed to consumers (Teer-Tomaselli, 2004; Kupe, 2005a; Kupe, 2006; Dahlgreen, 1999; Raboy, 1996, Findahl, 1999; Syvertsen, 1999; Mpofu, 2006; Barnett, 1999; Horwitz, 2001). In doing so, a PSB must primarily provide for "the needs and aspirations" of all citizens (Teer-Tomaselli, 2004: 204). Hence, content provision should "make a significant contribution to creative production, favouring original productions, and seek to give value and prominence to national, regional and world cultural heritage" (Teer-Tomaselli, 2004: 204). In other words, a PSB should provide full spectrum programming consisting of a wide variety of programme genres and balanced scheduling (Teer-Tomaselli, 2004; Tomaselli, 1994; MISA, 2002; Keane, 1991). However, Keane (1991) contends that, the problem with discussions of quality is that, the term quality is defined broadly and generally, which leads to ambiguities.

Quality content provision corresponds to the role of information provision that theories of media and democracy and critical political economy of the media propose; and fundamentally reflects the same arguments and propositions. This study will examine the degree to which the SABC is distinct from its competitors through an examination of the SABC's funding model.

2.5.3.4. Financing

The way in which a PSB finances itself is of the utmost importance, as a PSB's financing methods can facilitate or hinder the ability of a PSB to fulfil its public service responsibilities. Funding through license fees is the ideal funding model for PSB's (The World Radio and Television Council, 2000; Mooney, 2004; McChesney, 2000). In South Africa, the public must pay license fees for the ownership of a television. As a result, license fees create a direct relationship between the PSB and its public. However, Banda (2006) argues that often license fees alone are not enough to sustain PSB's. In fact, PSB's funded through license fees alone no longer exist (Siune and Hulten, 1998). Consequently, most countries have a mix of funding sources, a combination between public and commercial funding. Others have a mix between public, commercial and state funding, for instance the SABC (Murdock, 1992).

Commercial and even state sources of funding are acceptable only if they do not hinder the PSB's ability to fulfil its public service mandate and responsibilities (World Radio and Television Council, 2000). Four aspects are central to the funding of a PSB. Firstly, a PSB must be substantially funded so that it is not overshadowed in the broadcasting arena. Secondly, PSB's must be funded predictably so that funding cannot be used to control PSB. Thirdly, PSB funding must be independent from commercial and political influences. Fourthly, PSB must be funded according to the PSB's needs to avoid a deficit in funds (The World Radio and Television Council, 2000).

However, many PSB's the world over, are moving towards commercial methods of funding. The danger of PSB's moving towards commercial methods of funding is that, commercial funding methods jeopardise the public funding rationale of PSB's. Once the rationale for the public funding of PSB's is gone, PSB's will eventually

transform into commercial broadcasters. Hence, it is of crucial importance to prevent PSB's from gravitating extensively towards commercial methods of funding (McChesney, 2000). With regard to resources, since media organisations lack material resources, they are vulnerable to market and government influences, as media organisations become dependent on the government and the market for funding in order to get the resources that they need (Ronning, 1994). Under these circumstances, media organisations do not want to offend the economic and political powers for fear that they may cease funding them. As a result, the economic and political powers put pressure on media organisations to fulfil their specific interests, to which these media organisations respond. This type of self-censorship presents the danger of becoming so pervasive that PSB's work counter to democracy and their public service obligations as the status quo is not challenged in any way (McChesney, 2000).

This resource crisis can be seen in South Africa, where the SABC is undergoing a funding crisis (Tomaselli, 1994; Teer-Tomaselli, 2004). Firstly, Broadcasting equipment has to be imported, thus making operating costs extremely expensive. Secondly, due the SABC's financial problems, it is cheaper to import programme content than it is for the SABC to produce its own. As a result, the SABC provides more foreign content than local content (Tomaselli, 1994; Tleane and Duncan, 2003). Thirdly, as a direct result of the SABC's financial crisis, the broadcaster receives most of its revenue from advertising (Teer-Tomaselli, 2004). Teer-Tomaselli (2004) argues that this crisis in funding is the SABC's largest challenge.

Hence, the media as an institution has become a platform for advertisers; it is no longer a public platform. The implications of this has seen the media lose its credibility and legitimacy as it has come to perpetuate the dominant interests of society at the expense of alternative ideas, views and interests. It is cheaper for owners to produce content filled with advertising that project dominant interests than quality information. Critical political economy in its critique of the media, seeks to establish a media system that is non-profit, non-commercial, decentralised and democratic (McChesney, 1998: 13-14).

2.5.4. Commercialisation and market failure

A central aspect of critical political economy is its identification of capitalism as the dominant system, but critical political economy of the media goes beyond this to say that capitalism " is a process of creating inequality on a worldwide scale" (Mattelart and Mattelart, 1998: 92). This is because globalisation and capitalism work in favour of the interest of businesses and the wealthy in society, thus marginalising all other sectors and groups in society. As a result, globalisation and capitalism are fundamentally antidemocratic (McChesney, 1998: 2). Due to its insights into and critique of capitalism, critical political economy of the media is an influential theory in studies of PSB

The trend of liberalisation that has swept the world over can clearly be seen with the commercial orientation of PSB's (Kupe, 2005a; Blumler, 1997, Hoynes, 1999; Howley, 2004; Banda, 2006b; Curran, 2002). PSB's are becoming more commercialised in endeavours to secure more funding to support their operations. This increasing commercialisation comes in the form of PSB's clamouring to please advertisers in order to secure advertising revenue. As a result, PSB's are generally moving further and further away from their public interest responsibilities (Kupe, 2005a; Teer-Tomaselli, 1998; Collins et.al, 2001; Blumler, 1997; McChesney, 1999; Sondergaard, 1999; Hoynes and Croteau, 2001). Hence, Mooney (2004) contends that, PSB is undergoing an identity crisis, where PSB's are pursuing advertising revenue while trying simultaneously to fulfil its public service obligations.

Consequently, the media loses its credibility and legitimacy as it comes to perpetuate the dominant interests of society, at the expense of alternative ideas, views and interests (Heino, 2000). Since, it is cheaper for owners to produce content filled with advertising that projects dominant interests rather than quality information (Teer-Tomaselli, 1998; Collins et.al, 2001). Consequently, the media has shifted towards a situation where business and economic information gets greater attention and investment. This has occurred at the expense of quality in general news, where before events were seen as symptoms to bigger things, and processes were focused on. Now advertising pushes news towards events rather than processes. It also pushes news

towards sensationalism and dramatisation, where a certain amount of shock value draws attention, as well as advertisers (McChesney, 1998).

What is more, Feltoe (1993) argues that, although the government may not control the media, this does not mean that they are independent and free. Media owners, who have their own political views, are a powerful controlling mechanism of the media. These media owners decide what the editorial line should be and which political party the media organisation should align themselves with. Feltoe further argues that, "The owners are very likely to favour the interests of private enterprise and to influence their editors to support private business and economic structural programmes aimed at allowing market forces to operate freely" (1993: 168). As a result, the media are restrained in their operations. In fact, the media may operate contradictory to that of the government controlled media organisations, in that, although they may be able to criticise the government, they may not be able to criticise "private business practices" (Feltoe, 1993: 168). In fact, Curran (2002) argues that there are more mechanisms in place to ensure that the media, and in particular PSB's, operate unregimented by the state than there are mechanisms to protect the media from commercial pressures.

Neo-liberalism indicates that the commercial aspects of society are far more powerful than society's non-commercial aspects, which is a core reason why PSB is so threatened and is on the decline (McChesney, 2000; Meier and Trappel, 1998). McChesney (2000) argues that PSB the world over is on the defensive, where PSB's lack the confidence to challenge the commercial system. McChesney (2000) is quite pessimistic towards the direction to which PSB is currently heading, arguing that there is no solution to the PSB crisis.

Curran (2002) provides four important points in critique of the market. Firstly, the cost of market entry is extremely high, which inhibits competition. Secondly, the market inhibits the flow of information, where human interest content is favoured. Thirdly, public debate is restricted due to the unequal way in which the market addresses the wealthy and the poor. Lastly, intelligent and rational debate is undermined as the market treats information as a commodity. Consequently, information becomes "simplified, personalized, decontextualised, with a stress on

action rather than process, visualisation rather than abstraction, stereotypicality rather than human complexity" (Curran, 2002: 226).

However, PSB redresses the market, since commercial broadcasters fail to provide content that serves the interest of the citizens of a particular country (Teer-Tomaselli, 2004; Collins et.al, 2001; Ramadi, 2006; Mooney, 2004; Croteau and Hoynes, 2001, Sondergaard, 1999; Murdock, 1992). Redressing the market is thus possible, as PSB's can provide "sufficient quantity or quality of programming in education, research, children's programming (other than cartoons), dramas in minority languages and other specialised programming" (Teer-Tomaselli, 2004: 202). Commercial broadcasters who operate on market logic, which is to make a profit, do not provide this type of programming. Commercial broadcasters are elitist, catering for only those audience members who have a large disposable income, which attracts advertisers and thus increased revenues (Teer-Tomaselli, 2004). Alternatively, PSB endeavours to target the entire nation.

2.6. Developmental journalism

Theories of the media and democracy explore the issue of national development or nation building. According to Ziegler and Asante (1992), the media in nation building assists in promoting government policies, assist in national cohesion and unification, and popularise government leaders. Development journalism is used "(i) to motivate the audience to actively cooperate in development; and (ii) to defend the interests of those concerned" (Banda, 2006a: 5).

In promoting and facilitating national development and nation building, much of the media in Africa after independence have taken to development journalism. For instance, in South Africa, the SABC follows a development journalism approach, and thus emphasises a development perspective (Haffajee, 2006). The notion of development journalism has always been difficult to define, however, Kariithi quotes Aggarwala (1979) in defining developmental journalism as "'the use of all journalistic skills to deport development processes in an interesting fashion'" (Kariithi, 1994: 28). Development journalism is used to serve government development goals and is alternatively called, development support communication (Watson and Hill, 2000). In

addition, development journalism can also be used in an investigative reporting context. Within the latter context, the media's role is to critically examine the government's implementation of its development goals. However, the debate that rages between the Western world and Africa is that, development journalism essentially inhibits freedom of expression (Watson and Hill, 2000; Kariithi, 1994).

Retief (2000) highlights five characteristics of the development approach. Firstly, the media must aid in nation building. Secondly, the media should support and not challenge authority. Thirdly, information belongs to the state. Fourthly, freedom of expression and civil rights are sidelined to the correction of social problems such as poverty and disease. Lastly, countries are given the right to control the flow of information within their borders.

In light of the above, the use of development journalism is often associated with authoritarianism, which can especially be seen within an African context. The problem with development journalism is that, the media becomes partisan to the government, and thus does not critique it (Faringer, 1991). Consequently, development journalism poses a threat to PSB, and has been widely critiqued (Watson and Hill, 2000; Kariithi, 1994; Haffajee, 2006; Kareithi, 2005; Berger, 2000). If developmental journalism poses a threat to PSB and the SABC has adopted a developmental approach, then it is crucial to examine the SABC's contribution to democracy and the public interest.

Banda argues that, notions of development journalism need to be reconceptualised, as the "'demonisation'" of the concept has shifted attention away from debates on how development journalism can contribute to democracy and nation building (2006: 1). Common elements need to be brought together from a development journalism perspective and a public service broadcasting perspective, to ensure the best possible route to broadcasting in Africa in general and South Africa in specific (Shah, 1996; Banda, 2006a). Consequently, if a developmental approach is not efficient enough, then this approach must be altered.

2.7. Conclusion

In this chapter it has been emphasise that, the media plays a crucial role in democracy. This role is articulated by the discussion of the ideal institutional role of the media. Related to the issue of media and democracy is the concept of the public sphere. Key to discussions of the public sphere has been Habermas's formulation of the concept. However, Habermas's notion has been widely critiqued, which has led him to revise his original work. An important argument made is that the public sphere is currently in decline. Related to the public sphere are the concepts of the public interest and citizenship. A key flaw in issues of the public interest is its lack of definition. Citizenship is discussed according to T.H. Marshall's formulation of the concept. However, it is highlighted that the degree of citizenship that people living in rural and urban areas experience, is unequal.

The most important concept discussed in this chapter is the notion of PSB. Although the ideal of PSB brings many benefits such as geographic universality, universality of appeal, universality of payment, distance from vested interests, the promotion of national identity and community, catering for minority interests, quality programming, and independence; PSB is under threat on a global level. This crisis can predominantly be attributed to market forces. Another factor that threatens PSB is the notion of development journalism, which exists counter to notions of PSB. In the next chapter, the methodology needed to conduct this study is explored.

Chapter 3: Methods

3.1. Introduction

There are two broad categories of methodologies that are used when conducting media research, qualitative and quantitative methodologies. Within each of these paradigms, there are various sub-methodologies. However, the distinguishing characteristic between qualitative and quantitative methodologies is as Baxter and Babbie articulate, “numerical and non-numerical data” (2004: 55). Qualitative methodologies are essentially concerned with the examination of non-numerical data, while quantitative methodologies are concerned with the examination of numerical data. This study on Public Service Broadcasting in South Africa engages in a qualitative research approach, where institutional analysis, document analysis, policy analysis, critical reflection, and semi-structured interviews are engaged with. This study utilises primary information sources in the form of policy and regulation documents, as well as newspaper reports.

3.2. Qualitative analysis

A qualitative approach according to Jensen (1991), involves meaning, internal approaches, experience, explanation, process, and locates the object or subject of study within a certain context. Therefore, it examines “production as a process which is contextualised and extremely integrated with wider social and cultural practices” (Jensen, 1991: 4). The media production process is particularly relevant to this study, since the SABC’s production process and in turn, its media products are largely determined by whether the SABC is able to fulfil its public service mandate and responsibilities.

Qualitative analysis takes into account time, history, and context. It allows for the examination of unplanned, as well as unanticipated occurrences (Weiss, 1998). The issue under examination can be investigated in detail and depth. Qualitative analysis accommodates the broader context of the area or issue being examined. As a result, this study is able to engage in a more holistic approach, where the specific nuances, background, and idiosyncrasies can be explored (Patton, 2002). One of the reasons for the achievement of such detail and depth is a result of data collection not being

predetermined by specific categories that need to be used in analysis (Patton, 2002; Baxter and Barbie, 2004). However, the problem with qualitative analysis is that, because it may rely on the interpretation, objectivity, and impressions of the person conducting the research, it can be unscientific (Denzin and Lincoln, 2005).

3.3. Institutional analysis

Before institutional analysis can be discussed, the term institution needs to be sussed out. According to Bertrand and Hughes:

> The term 'institution' applies to both a set of rule-governed practices (abstract concepts, such as 'language', 'law' […], and also the formal organisations which administer the practices within social and physical contexts (universities, courts, government departments, etc) (2005: 109).

The above definition presents a common understanding of institutions. However, institutional analysis and the term institution itself are extremely contentious (Hollingsworth, 2003; Campbell, 2004; Peters, 1999). For instance, some argue that institutions are essentially the rules of a society; others argue that institutions are the behaviour that results from rules (Hollingsworth, 2003). In addition, the distinction between institutions and organisations are not clearly understood. Some contend that institutions and organisations are fundamentally the same, while others contend that institutions and organisations are entirely disparate entities. Consequently, Peters (1999) highlights six institutional theories, Normative Institutionalism, Rational Choice Institutionalism, Historical Institutionalism, Empirical Institutionalism, International Institutionalism, and Societal Institutionalism. The institutional analysis that will be conducted in this study will draw from normative institutionalism, which sets out the ideal way in which institutions are supposed to function and behave (Peters, 1999). Normative institutionalism proposes that institutions change according to the environment in which they are in, "through a process of learning" (Peters, 1999: 33). Institutions change when their institutional base is threatened or when opportunities for growth transpire (Peters, 1999).

Hollingsworth proposes, in descending order, five layers at which institutional analysis occurs. Firstly, and most importantly, there are the "*basic norms, rules, conventions, habits* and *values* of a society" (Hollingsworth, 2003: 131). These norms

and rules are what make institutions essential to society, providing the “cognitive frameworks for coping with complex environments and for reducing uncertainty” (Hollingsworth, 2003: 132; Campbell, 2004). Norms and rules are the most resistant to change, which enables institutions to provide society with the stability needed to endure change. Consequently, institutions essentially play a crucial role in shaping society’s history, which is referred to as path-dependency (Hollingsworth, 2003). However, although norms and rules are enduring, they are susceptible to redefinition. It is important to note that although norms and rules are essentially what institutions are, the examination of norms and rules comprises only one component of institutional analysis.

The second layer of institutional analysis consists of institutional governance arrangements such as “markets, various types of hierarchies and networks, associations, the state, communities and clans” (Hollingsworth, 2003: 132). However, institutions do not always have the same governance arrangements.

The relationships between the institutional sectors of a society comprise the third layer of institutional analysis; such sectors are for instance, “the society’s system of education, its system of research, business system, financial markets, legal system and the state” (Hollingsworth, 2003: 132). However, these sectors may differ in different countries. The institutional analysis that will be conducted in this study will focus on the SABC’s relationship to the state (the government in power) and the legal system (ICASA).

The fourth layer consists of how the organisational structures of a specific institution exist concurrently. The last layer deals with the outputs and performance of the specific institution. The outputs and performance of an institution are transitory (Hollingsworth, 2003)

Hence, it can be seen that institutional analysis allows for the examination of how media products are produced and placed within a wider context. Institutional analysis also allows for the examination of the power relations between the media as an institution and other institutions. Hence, the media’s relationship to the government and vice versa can be examined. Consequently, institutional analysis allows one to

examine the structure and power relations within the SABC, as well as between other institutions and the SABC. Institutional analysis is also fundamentally, what critical political economy of the media is concerned with.

This study critically examines the internal structure of the SABC. The SABC's relationships to other institutions, specifically its relationship to the government and ICASA, are also critically examined. The key objective of conducting an institutional analysis was to determine whether the SABC as an institution is enabling or hindering the fulfilling of its public service obligations.

3.4. Document analysis

Document analysis is "an integrated and conceptually informed method, procedure, and technique for locating, identifying, retrieving and analysing documents for their relevance, significance and meaning" (Boyd-Barrett, 2002: 90). Within document analysis primary and secondary sources must be distinguished. Primary sources consist of "original documents as well as contemporary records, or records in close proximity to some event" (Boyd-Barrett, 2002: 90; Altheide, 1996). On the other hand, secondary sources consist of primary sources that have already been examined and interpreted (Boyd-Barrett, 2002; Becker, 2003; Branston and Stafford, 2003; Altheide, 1996).

In terms of primary sources, newspaper articles were collected from the database Sabinet[7] as it provided insights into the issue areas regarding the SABC as a PSB. The Sabinet articles that were collected were thus, electronic documents (Altheide, 1996. The newspaper articles were collected from 1 January 2007 to 16 November 2007, which according to Sabinet amounts to 507 articles in total. These articles were selected using the keywords "SABC". However, many of the reports were repeated in the various newspapers and thus not all the articles were used. It is important to note that the use of newspaper articles as primary sources of information did not form a large component of this study, and were thus used as auxiliary documents (Altheide, 1996). Instead, the newspaper articles were used to highlight the important and

[7] SABINET Online provides access to a full spectrum of information through its various products. The information is contained in various databases, grouped by category, e.g. Science & Technology and Education. A key word is typed into the search box and the relevant articles are then provided by the database.

sometimes controversial issues regarding the SABC, as well as to provide examples for the arguments made in the study. Moreover, the newspaper articles were used to get an indication of public sentiments about the direction that the SABC is taking or not taking. It must be noted that interviews also constitute primary research (Branston and Stafford, 2003). Furthermore, primary sources were utilised in the form of policy documents, where a policy-oriented analysis was conducted.

3.5. Policy-oriented analysis

In discussions of policy analysis, a distinction must be made between policy analysis and policy-oriented analysis. Policy analysis or policy studies are predominantly concerned with the future. Policy analysis seeks to bring about new policies. Alternatively, policy-oriented analysis is not concerned with generating new policies, but rather critically examines the policies already generated by policy analysis. Hence, policy-oriented analysis is concerned with "questioning the values and claims of the system, applying independent criteria, suggesting alternatives wit regard to both means and ends, exploring the possibility of new forms and structures, and so on" (Bertrand and Hughes, 2005).

Hansen et.al indicates that, policy-oriented analysis is important as "policies can often have unintended consequences", these consequences need to be critically examined as they may be detrimental to the media (1998: 68). In addition, ambiguities and inconsistencies can be exposed through policy-oriented analysis.

In studying PSB, government policy and regulation needs to be examined in order to identify the flaws and strengths within the broadcasting regulatory system. In doing so, policy-oriented research takes on a critical approach. This critical approach, allows for the examination of such things as; what an institution is like, why it is like this and how this can be changed (Bertrand and Hughes, 2005). Furthermore, according to Hansen et.al, policy analysis is employed to "examine the ways in which policies are generated and implemented, as well as the repercussions or implications of these policies for the field of communication as a whole" (1998: 87). However, this study will not examine how policies are generated. An examination of policies and

regulations is essential, as it is through policies and regulations that PSB's are enabled or hindered in fulfilling their public interest responsibilities.

Policy analysis is two fold: firstly, it takes on the form of problem analysis and secondly, solution analysis. Problem analysis is used to ascertain what the problem is, which in this study is the problem of public service broadcasting in South Africa, and the extent of the problem (Weiner and Vining, 1999; Hansen et.al, 1998). Accordingly, policy analysis will assist in establishing whether the policies and regulations pertaining to the media are promoting the PSB ideal in South Africa. Solution analysis is concerned with providing alternatives to the policy problem and making recommendations on how these alternatives can be implemented (Weiner and Vining, 1999).

The policy documents that were examined in this study were; the Broadcasting Act of 2002, the SABC's Editorial Charter, the licenses for each of the three SABC television channels, the SABC's annual report for the financial year 2006-2007, the IBA Act of 1995 and the ICASA Act of 2006.

3.7. Interviews

Interviews were also conducted during this study. Interviews were conducted in order to get an in-depth understanding of what interviewees think and feel about the SABC as a PSB, and how it conducts its operations. The interviews took the form of semi-structured interviews and were predominantly comprised of open-ended questions, so as not to restrict the interviewees in answering the questions. Semi-structured interviews are interviews where the interviewer has a list of questions, which he or she wants the interviewee to answer, however the interview is not restricted to the interview guide. Instead, the interviewer can ask the questions in the order that best suits the flow of the conversation and can phrase the questions differently if he or she desires (Baxter and Babbie, 2004). Furthermore, the interviewer is facilitated through a semi-structured approach, to ask questions that have not been thought of or to delve deeper into an issue of interest or concern (Baxter and Babbie, 2004).

Informants were drawn from the SABC, ICASA, FXI, MISA, and The National Association of Broadcasters of South Africa (NABSA), as well as from staff members who have left the SABC. The interviewees from the SABC consisted of Group Executive of public, international and regulatory affairs, Phumelele Ntombela-Nzimande; as well as an interviewee who prefers to remain anonymous, who is referred to as interviewee A in the study. The interviewees of former SABC employees consisted of Aletta Alberts, former SABC2 General Manager; Sherelle Schmulian, former executive manager in the office of the SABC chief executive; Pippa Green, the former head of radio news and current affairs; Jimmy Matthews, the former head of television news and current affairs; and Nicola Galombik, the SABC's former head of education. The Senior Manager of policy development, Bruce Mkaize; and Broadcasting Manager, Thabo Ndlovu were interviewees from ICASA. The interviewee from FXI consisted of Executive Director, Jane Duncan. The person interviewed from MISA was Raymond Louw, who is institute's Deputy Chairperson. The Executive Director of NABSA, Johann Koster was also interviewed. The majority of the interviews conducted were face-to-face interviews. However, due to the busy schedules of Pippa Green and Raymond Louw, these interviews were conducted telephonically and via e-mail respectively. All face-to-face interviews were voice-recorded and then transcribed.

3.8. Data Collection

Information for this study was gathered from books, newspapers, journals, the Internet, and informant interviews. The institutional analysis consisted of information from all the above sources. The policy documents that have been analysed in this study were gathered from ICASA directly and from government websites on the Internet, as well as from the SABC's website, as the documents are easily accessible here.

Information for this study was collected on firstly a macro level and secondly on a micro level. On a macro-level, information was collected on PSB in general to suss out a deeper understanding of the concept of PSB. This macro information gathering included, for instance, Ramadi, 2006; Mooney, 2004; McQuail, 2002; Spigel, 2004; Teer-Tomaselli, 1998; Tomaselli, 1989; Banda, 2006a; Tomaselli, 1993; Collins et.al,

2001; Curran, 1997; Seaton, 1997, and the World Radio and Television Council, 2000.

On a micro level, information was then gathered on PSB in a South African context, with specific reference to the South African Broadcasting Corporation (SABC). Such micro information gathering are for instance, Horwitz, 2001; Teer-Tomaselli and Tomaselli, 2001; Currie and Markovitz, 1997; Teer-Tomaselli, 2004; Banda, 2006a; Kupe, 2006; Tleane and Duncan, 2003. More specifically, Orgeret's 2006 thesis, *Moments of Nationhood: The SABC News in English – The first decade of Democracy* will be particularly useful to this study.

3.9. Limitations to the study

With regard to the interviews that were conducted during this study, a core impediment was a reluctant by the majority of interviewees to answer questions posed to them liberally. It was found that interviewees did not want to compromise their ties within the SABC. In addition, many of the interviewees either did not want to be quoted or did not want to be quoted on controversial issues in the study. Consequently, a precise understanding of the situation with the SABC was unable to be obtained. Moreover, a key interviewee targeted for this study Lulama Chakela, who is the Group Executive of PSB at the SABC, could not be interviewed due to a busy schedule, thus the insight she would have provided to this study was lost. Furthermore, attempts to secure an alternative interviewee from the SABC were unsuccessful, as employees within the institution were unenthusiastic about participating in the study. In fact, one detected a reluctant to participate due to the perceived controversial nature of the study.

3.10. Conclusion

This chapter has explored the methods that were used to conduct this study. The study used a strictly qualitative approach, which can be unscientific due to its reliance on the researcher's interpretations. Nevertheless, a qualitative approach allows for a deep and detailed study. Within this qualitative approach, an institutional analysis is useful in a study on PSB, as it allows one to determine whether the PSB is enabling or hindering the fulfilment of its public service responsibilities. A document analysis

was used as it deals with primary information sources. In terms of primary information, articles on the SABC was collected in order to compliment and inform the study. In addition, a policy-oriented analysis, which examined key policy documents regarding the SABC was also conducted. The policy analysis was necessary in order to identify flaws and strengths within the broadcasting regulatory system. Interviews were also conducted with informants from the SABC, ICASA, FXI, MISA, NABSA, and former employees of the SABC. These interviews were semi-structured to enable flexibility and were voice recorded. The following chapter lays down the findings for this study.

Chapter 4 – The SABC's public service delivery

4.1. Introduction

This chapter presents the findings of the study. It must be noted that this chapter is purely narrative; however the findings presented will be analysed in the next chapter. Such a structure is used as it assists in providing lucidity to the study. The structure of this chapter is themed according to issues relating to the SABC's independence, accountability, funding model and distinctiveness. Within the themes, institutional analysis, policy analysis and document analysis are conducted. The institutional analysis of the SABC is based on Hollingsworth's (2002) five layers of analysis namely, norms and rules, governance arrangements, relationships between other organisations or institutions, organisational structures, and outputs and performance. However, it must be noted that the organisational structure of the SABC overlaps with all the other layers and is thus, difficult to establish. Consequently, Hollingsworth's organisational structures will not be engaged with in this study.

A policy analysis is also conducted. However, it must be noted that the policy analysis and the institutional analysis in this study are interconnected, as the institutional analysis proposed by Hollingsworth consists of policy aspects. Consequently, much of the policy analysis is situated within the institutional analysis. The SABC's internal policy documents that are examined are the Editorial Code of Conduct, Code of Ethics, and Corporate goals. The external policy documents that govern the SABC that are examined are the IBA Act, the Broadcasting Act and the ICASA Act.

This study also examines other documents pertaining to the SABC, which are the SABC's annual report for the 2006/2007 financial year and the Sisulu Marcus Commission of Enquiry Report. Finally, this chapter engages with the major issues regarding the SABC that appeared in the print media across South Africa. The document analysis conducted in this study consists of the examination of newspaper articles and the examination of the Sisulu Marcus Commission of Enquiry Report. From the examination of the newspaper articles collected for this study, twelve major issues regarding the SABC arose in the print media during 2007. The majority of the stories that appeared in the print media portrayed the SABC in a negative light. The twelve issues, in no apparent order, can be summarised as:

1. the blacklisting saga
2. the PSL issue
3. the SABC's political independence
4. SABC Board nomination and appointment process
5. the establishment of SABC international
6. independent producer issues
7. the circumcision mini-series
8. the Thabo Mbeki documentary
9. the leaked SABC internal audit report
10. Dali Mpofu's governance/leadership of the SABC
11. SABC staff mass exodus
12. SABC's resignation from SANEF

The twelve issues presented above refer to stories that have received relatively extensive attention in the print media. These twelve issues were isolated from a collection of newspaper reports spanning from January 2007 to November 2007.

Before engaging in an examination of the SABC, it is important to discuss briefly the institution's portfolio. SABC television consists of a four-fold portfolio, SABC 1; SABC 2; SABC 3; and a pay-TV channel, called SABC Africa. SABC 1 and 2 are public service channels, while SABC 3 is a public commercial channel. SABC 1 broadcasts in English and the Nguni languages. The channel's target audience is predominantly the youth of South Africa, with a programming emphasis on entertainment, information and education.[8] SABC 2 broadcasts in English, Afrikaans and the Sotho languages. The channel's programming has a firm family orientation (SABC Annual Report, 2006/2007). SABC 3 broadcasts in English, with a target audience of urban, up-market South Africans. The channel specifically targets LSM's 7-10 (SABC Annual Report, 2006/2007).[9] SABC Africa is concerned with news, information and entertainment situated specifically within an African context. The channel's programming is provided in English.[10] However, SABC Africa will not be examined or discussed, as the channel is predominantly accessible to those who have access to DSTV (Digital Satellite Television).

[8] Channel Statement: SABC 1. Retrieved from the World Wide Web on 18 September 2007 from: http://www.sabc.co.za.
[9] LSM stands for living standards measure.
[10] Commercial Broadcasting. Retrieved from the World Wide Web on 18 September 2007 from: http://www.sabc.co.za.

4.2. The SABC's Independence

The SABC's independence is encapsulated in the governance arrangements of the institution. These governance arrangements consist of the composition of the SABC Board and the Board appointment process. Instances of the SABC's lack of independence are illustrated through the print media's reports of the SABC Board nomination process, the SABC's political independence, the Thabo Mbeki documentary, Dali Mpofu's governance of the SABC, the blacklisting saga, the SABC's leaked internal audit report, and the SABC's withdrawal from SANEF (South African National Editors Forum).

4.2.1. The SABC Board

It is important in this study to identify who sits on the SABC Board, in order to examine whether the Board is representative of a broad cross-section of the population. In addition, it is importance to examine whether the Board members have any conflicts of interests with the SABC's raison d'etre. The SABC Board for the year in question consists of eleven members. [11]

These eleven members are: Sonwabo Eddie Funde (Chairperson, electrical engineering and telecommunications background), Christine Qunta (Deputy Chairperson, law background), Prof. Alison Gillwald (telecommunications and communications background), Fadila Lagadien (disabled business person), Andrew Maralack (business background), Prof. Thami Mazwai (journalist), Andile Mbeki (business/broadcasting background and involved in youth affairs), Kanyisiwe Mkonza (media background), Cecil Msomi (journalist), Prof. Derrick Swartz (academic), and Ashwin Trikamjee (law background)[12].

The Group Chief Executive Officer (GCEO) is Advocate Dali Mpofu, who has a predominantly law background. The only media or communications experience Mpofu has is in the information and communications technology (ICT) field (SABC Annual Report, 2006/2007). The CEO has been widely reported in the media, such coverage has been predominantly negative. With regard to the controversies that the SABC has

[11] For the structure of the SABC, refer to Appendix B.
[12] This information is found in the SABC Annual Report, 2006/2007.

generated, it is not surprising that the print media seriously questioned the future of Mpofu's tenure as CEO of the SABC. Firstly, Mpofu's business interests were scrutinised. One of the businesses that Mpofu has an interest in, Elephant Consortium owns shares in Telkom (Basson and Gedye, 2007). Secondly, Mpofu's leadership of the SABC has been severely criticised, with reference to the controversies that the SABC have generated and the way in which Mpofu dealt with the various issues (Naidu, 2007a). The general stance in the print media was that Mpofu would be unable to ensure the SABC's future as a genuine public service broadcaster.

It must be noted, that a new SABC Board was nominated in 2007 and will come into office in January 2008. The new Board will consist of six of the previous Board members and six new Board members. The Board members for 2008 are as follows: Christine Qunta, Prof. Alison Gillwald, Fadila Lagadien, Andile Mbeki, Kanyisiwe Mkonza, Ashwin Trikamjee, Gloria Serobe, Advocate Pansy Tlakula, Desmond Golding, Nadia Bulbulia, Peter Vundla, and Kheki Khumalo (Haffajee, 2007; Malala, 2007).

4.2.2. SABC Board appointments

The SABC Board structure consists of 12 non-executive directors, who are independent, and 3 executive directors. The public nominates the non-executive directors, and the Parliamentary Portfolio Committee on Communications provides the President with recommendations on appointments. However, the President makes the final decision, and thus appoints the non-executive directors. The non-executive directors serve a maximum term of five years. However, the same non-executive directors can be appointed to serve another term. The Board, assisted by recommendations from the shareholder, appoints the executive directors. It must be noted, that the shareholder takes the form of the Minister of Communications who represents the state. The executive directors serve a maximum term of four years, but may also be re-appointed for another term (SABC Annual Report, 2006/2007). The SABC provides training for new directors on the "SABC's legislative framework, its governance processes, the nature and operations of the business of the SABC and the policies in terms of which the day-to-day activities of the company are managed and governed. Additional training is provided when the need arises" (SABC Annual

Report, 2006/2007: 30). The Board meets a minimum of six times a year (SABC Annual Report, 2006/2007).

In the print media, the nomination and appointment of the new Board caused uproar in the print media, where an entirely new Board was favoured (Duncan, 2007; Mthombothi 2007; Chanza, 2007; Malala, 2007; Business Day Reporter, 2007). Deputy Chairperson Christine Qunta was heavily criticised in the print media, firstly, for being the "Queen of Racist Politics"; secondly, for being an Mbeki apologist; and thirdly, for her stance on Hiv/Aids (Kadali, 2007b: 11; Sapa, 2007b; Carter and Diver, 2007; Molele, 2007; Ensor, 2007b; Van Onselen, 2007a; Citizen Reporter, 2007a; Dawes, 2007a). In terms of Qunta's HIV/Aids stance, she is a Director of a company, which has been selling alternative medication as a cure for HIV/Aids. However, the Medical Research Council (MRC) has not yet tested the medication's toxicity or its human use (Carter and Diver, 2007; Sapa, 2007b). Qunta's association with the company has resulted in the Democratic Alliance (DA) laying a charge against Qunta, as well as the Treatment Action Campaign (TAC) threatening to do so (Kahn, 2007; Sapa, 2007b; Sapa, 2007c).

Other Board nominees that have been criticised are Pansy Tlakula, Cecil Msomi, Bheki Khumalo and Gloria Serobe. Tlakula is the Chief Electoral Officer and has a duty to monitor the SABC during elections, thus her nomination presents a conflict of interest (Kadali, 2007b; Dawes, 2007a). Msomi was the KwaZulu Natal spokesperson and thus has ANC (African National Congress) ties (Van Onselen, 2007b; Green, 2007; Ngalwa, 2007; Harper, 2007a; Mkhwanazi, 2007e). Khumalo is a former presidential spokesperson and thus has ANC ties (Mkhwanazi, 2007b; Dawes, 2007a). Serobe has made a similar uproar to Qunta, as she has a shareholding in Telkom (Mkhwanazi, 2007c; Citizen Reporter, 2007a). In addition, Serobe misinformed the communications Committee of having knowledge of her nominator. It was found that Serobe's nominator came from within the ANC (Ensor, 2007a; Ensor, 2007c).

Moreover, the print media reported that the nomination and appointment processes were flawed (Singh, 2007; Fisher, 2007; Naidu, 2007c). Firstly, the FXI criticised the nomination process, where the "advertisements calling for nominations were so small, they did not give sufficient publicity to the issue" (Sapa, 2007:3). In addition,

interviews for short-listed candidates were scheduled the day after the short-list was formed. According to the report, such a process was "unworkable, and may well lead to suspicions that candidates have been earmarked" (McLachlan, 2007d: 4). Furthermore, the print media reported on a compromised Portfolio Committee selection process. The Committee was forced to accept a list of twelve candidates on the order of Defence Minister Mosiuoa Lekota, who was acting on a higher order, which the ANC denied giving (Mafela et.al, 2007; Quintal, 2007; Brown, 2007). The print media also reported on the fresh opportunity for independence and transparency that could come with a completely new Board, but due to the compromised nature of the nomination process, the opportunity was squandered. Hence several organisations: The Congress of South African Trade Unions (COSATU), FXI, the Media Workers' Association of South Africa (MWASA), the National Council of Trade Unions (NACTU), MISA-SA, the South African NGO Coalition (Sangoco), and the TAC (Treatment Action Campaign) sent President Thabo Mbeki a letter requesting the reconsideration of the Board nomination list (Citizen reporter, 2007b).

Strongly linked to the issue of the Board nomination process, was the numerous reports in the print media of the SABC's political bias towards the ANC (Mkhwanazi, 2007d; Perlman, 2007; McLachlan, 2007c). Firstly, there were reports of the SABC Board and senior management's ties to the ANC (Green, 2007). Thami Mazwai was linked to the ANC for displaying indifference to media independence and bias towards the ANC (Van Onselen, 2007a). Dali Mpofu, worked at the ANC as deputy head of the Social Welfare Department. Eddie Funde managed "the placement, education and training of the hundreds of young ANC exiles during the 1970s [and served] on the ANC's NEC as recently as 2002" (Van Onselen, 2007b: 15)[13]. In addition, there were a number of claims in the print media that the SABC is still its master's (the ANC) voice. Secondly, there was an incident where the SABC's videotape showing the *Sunday Times* front page story, which exposed the Health Minister as a drunk and a thief, mysteriously disappeared. In addition, Dr. Snuki Zikalala (Executive of SABC News and Current Affairs) was reported to have ordered the head of SABC television news to be the sole controller of all visual material relating to the Minister (Mkhwanazi, 2007; McLachlan, 2007a). Zikalala's political affiliations were widely

[13] NEC stands for National Executive Committee.

reported on by the print media (Mkhwanazi, 2007; McLachlan, 2007a; Singh, 2007; Mthombothi, 2007).

A further controversy in the print media regarding the SABC's political independence can be seen with reports on the SABC's reluctance to screen the Thabo Mbeki documentary. The Thabo Mbeki documentary controversy has been an extensive issue in the print media, proceeding since 2006. The Mbeki documentary, *Unauthorised: Thabo Mbeki*, depicts the President's rise to power. The SABC refused to broadcast the documentary in 2006, as the SABC saw it as defamatory against Mbeki and instructed the producers to make changes to the documentary (Hlongwane, 2007a; McLachlan, 2007a; Mudzuli, 2007; Tsumele, 2007; Smith, 2007). Even after the proposed changes were made, the documentary was still not shown. Although, the SABC placed the documentary on its programme schedule, it failed to broadcast the documentary for a second time (de Waal, 2007; Hlongwane, 2007a; Sosibo, 2007b; McLachlan, 2007f; Hlongwane, 2007b; Sapa, 2007c).

After months of the documentary not being broadcast and after the contract between the SABC and the documentary's production house expired, the producers of the documentary decided to screen unedited versions of the documentary (Hlongwane, 2007a). The documentary received its first screenings at the Durban International Film Festival and at the Grahamstown Festival (de Waal, 2007; Sosibo, 2007b). Despite the lapse in the SABC's contract with the production house, the SABC threatened to get a court interdict to stop the screenings (de Waal, 2007; Mudzuli, 2007). Regardless of the SABC's threats, the documentary was screened at the scheduled festivals (de Waal, 2007).

The *Mail and Guardian* then entered the controversy and decided to screen the documentary at its Critical Thinking Forum (de Waal, 2007). The SABC tried to get a court interdict against the *Mail and Guardian*, but was unsuccessful. After the three screenings of the documentary, the reports in the print media informed its readers that the documentary carried little information about Mbeki that was not already in the public domain (de Waal, 2007; Tsumele, 2007). Consequently, questions arose in the print media of the SABC's reason for not broadcasting the documentary (Sosibo, 2007b). Such questions were met with more questions about the SABC's political

independence from the ANC. After the attempts to attain court interdicts to prevent the external screenings of the documentary, the SABC itself broadcast the documentary on 3 October 2007 (Smith, 2007; Sapa, 2007c).

4.2.3. The SABC's governance crisis

Strongly linked to the SABC's crisis in independence are the controversies of: blacklisting, which includes the Sisulu Marcus Commission of Enquiry Report; the SABC's leaked internal audit report; the SABC's resignation from SANEF; and the SABC staff mass exodus. These controversies highlight the SABC's governance crisis.

4.2.3.1. SABC Commission of Enquiry into Blacklisting and Related Matters

The SABC's CEO, Dali Mpofu, appointed the Sisulu Marcus Commission of Enquiry on 29 June 2006. Zwelakhe Sisulu and Gilbert Marcus headed the Commission of Enquiry. The examination of the Commission's report is important to this study, as it addresses some critical questions regarding the SABC, questions that refer to the accountability and independence of the SABC.

The Enquiry was commissioned to enquire into three issues. Firstly, the Commission investigated the existence and operationality of guidelines in the News and Current Affairs Division of the SABC, concerning "the utilisation of independent political analysts/commentators/experts" (Sisulu Marcus Commission of Enquiry Report, 2006: 1). In addition, the Commission investigated whether the content of the guidelines amounted to "undue 'blacklisting' or 'banning' of such analysts" (Sisulu Marcus Commission of Enquiry Report, 2006: 1). Moreover, the commission investigated whether the 'remarks' or 'assertions' made on *SAFM* on 21 June 2006, regarding the official SABC statement made on 20 June 2006, were factual or "if not, the nature and extent of any deviation and the probable causes thereof" (Sisulu Marcus Commission of Enquiry Report, 2006: 1). Secondly, the Commission investigated whether there was low morale and employee dissatisfaction with the News and Current Affairs Division, and if so, the causes thereof. Thirdly, "whether the SABC's current policies and practices in respect of the utilisation of independent political

analysts/commentators/experts is in conformity with local and international best practice" (Sisulu Marcus Commission of Enquiry Report, 2006: 2).

With regard to the first issue under investigation, the Commission found that guidelines concerning the utilisation of independent analysts, commentators and experts were in existence. These guidelines were developed on the instruction of Dr. Snuki Zikalala. The Commission found that the utilisation of commentator guidelines were at odds with the manner in which other SABC policies had been formulated. The Report stated that it was "concerned with the manner in which important power have been exercised" (Sisulu Marcus Commission of Enquiry Report, 2006: 23). However, the guidelines were not formally operational and were thus unapproved.

Of the eight commentators that were allegedly banned or reduced to being used for "limited purposes only", the Commission found that all instances were not objectively defensible (Sisulu Marcus Commission of Enquiry Report, 2006: 48). It must be emphasised that the banning of commentators by Zikalala did occur at the SABC on illegitimate grounds. The Commission found that the banning of Sipho Seepe and Paula Slier were politically motivated.

With regard to the second issue under investigation by the Commission, the SABC's media statement that was issued on 20 June 2006 regarding the blacklisting issue, avoided providing an explanation to the public. The Commission's report states that the discussion by John Perlman regarding the blacklisting issue, on 21 June 2006 on SAFM, was indeed factual.

The Commission's report points to a climate of fear, where the working environment in the news and current affairs department is compromised. Such an environment is the result of, according to the report "downward micro-management" (Sisulu Marcus Commission of Enquiry Report, 2006: 58). Hence, the Commission also found that "the phenomenon of self-censorship" that SABC employees referred to were not "exaggerated or implausible" (Sisulu Marcus Commission of Enquiry Report, 2006: 49). The Commission's report further states that, "The impression is created of management by command in which there is little room to contest controversial decisions" (Sisulu Marcus Commission of Enquiry Report, 2006: 61).

With regard to the third issue under investigation, the Commission found that the guidelines on commentators were not created in line with international best practice. On the contrary, the guidelines contradicted international best practice.

4.2.3.2. The blacklisting saga

The Commission's report was leaked to the *Mail and Guardian*. The SABC attempted to get a court interdict to gag the *Mail and Guardian*, but was unsuccessful. The SABC did not make the Commission's findings available to the public. The person who was responsible for the banning, Dr. Snuki Zikalala, was only issued with a warning by the SABC. However, John Perleman was also issued with a warning and resigned as a result. The SABC was quoted in the print media, claiming that it would institute all the recommendations provided by the Commission, and in fact was in the process of doing exactly that (Motsepe, 2007). However, exactly what the SABC has done about the Commission's report has never been disclosed to the public (Farber, 2007; Swart, 2007).

The FXI issued a complaint to ICASA regarding the blacklisting issue, where ICASA called for a hearing to be conducted with the SABC (Sapa, 2007d; McLachlan, 2007g; Gifford, 2007). The SABC was then reported in the print media as trying to discredit the Commission's report. The SABC argued that since the evidence used by the Commission had not been provided under oath, "tested by cross-examination" and "properly evaluated" by the Commission, it did not accept some of the evidence contained in the report (McLachlan, 2007b: 3).

In the main, the print media's stance on the blacklisting saga was that the SABC is undemocratic and is stifling freedom of expression, and that the SABC is declining as a public broadcaster (Mangcu, 2007). The print media emphasised the fact that no action, other than a slap on the wrist, was given to Zikalala (Hartley, 2007: Sapa, 2007e). In addition, the print media emphasised the SABC's inaction on the Commission's findings (Swart, 2007; Haffajee and Makgetla, 2007). A number of biting comments appeared in the print media including such statements as, "Freedom

of speech is dead at the SABC" and "The dumbing down of the SABC" (Devenish, 2007: 22; Maughan, 2007: 4).

4.2.3.3. Leaked internal audit report

A relatively big scandal in the media was a leaked SABC internal audit report detailing the extent to which the SABC's Head of Legal Services, Mafika Sihlali, defrauded the SABC of R1.8 million (Naidu, 2007c; Robinson and Gedye, 2007; Basson, 2007). The audit report was leaked to the *Mail and Guardian*, who exposed the scandal.

The audit report found that Sihlali failed to disclose twenty-eight of his business interests to the SABC, of which CEO Dali Mpofu is a director in nine of the same companies (Naidu, 2007d; Robinson and Gedye, 2007). The report also found that Sihlali was invoicing the SABC excessive amounts for legal work and was outsourcing work to law firms in which he had an interest (Naidu, 2007c; Robinson and Gedye, 2007). In addition, Sihlali used an SABC poll vehicle, which he was prohibited from using, which amounted to R 129 000 (Naidu, 2007d; Robinson and Gedye, 2007; Basson, 2007). Moreover, due to the SABC not putting Sihlali on special leave when the audit was being conducted, Sihlali threatened some of the audit's witnesses and thus, compromised the investigation (Forrest, 2007; Naidu, 2007d; Robinson and Gedye, 2007; Gedye and Basson, 2007; Ndaba, 2007; Basson, 2007). Furthermore, Elsje Oosthuizen's, the Head of Internal Audit, house was burnt down in the midst of the investigation (Robinson and Gedye, 2007).

The SABC got a court interdict to stop the *Mail and Guardian* from publishing the report. Consequently, the *Mail and Guardian* was not able to publish the entire report (Kirk, 2007; Wolmarans, 2007; Basson, 2007; Van den Berg, 2007; De Lange, 2007). Although the SABC did not suspend Sihlali after the audit report was completed, Sihlali eventually resigned (Hlongwane, 2007c; Ndaba, 2007).

4.2.3.4. SABC-SANEF issue

Following a report in the *Sunday Times*, that Health Minister Manto Tshabalala-Msimang is an alcoholic and a thief, and the attainment of the Minister's health records without her permission, the SABC resigned from SANEF (Ncube and Hlongwane, 2007; Naidu, 2007a; Rademeyer, 2007). However, it must be noted, the court ruled that the *Sunday Times's* attainment of the Minister's health records was in the public interest and was thus, legal in the eyes of the law. The SABC accused SANEF of being culpable to an "epidemic deterioration of journalistic ethics … and disrespect for our people" (Naidu, 2007a: 1). The SABC's resignation from SANEF was highly criticised in the print media and the letter Mpofu sent to SANEF was torn apart by the print media (Sapa and Naki, 2007; Matya, 2007; Leshilo, 2007). The print media once again questioned the SABC's editorial integrity and political independence.

4.2.3.5. SABC staff mass exodus

There have been numerous reports throughout the year within the print media, of a "mass exodus" at the SABC. Reports of a "mass exodus" arose due to an excessive amount of resignations from the SABC (Farber, 2007). According to the print media, the "mass exodus" issue has been caused by low morale and a deteriorating editorial standard at the SABC. A news report as a case in point is "SABC head shrugs off loss of 76 journalists" (Naidu, 2007b:2).

4.3. Accountability

The SABC's accountability is encompassed within the internal policies and the external polices governing the institution. With regard to the SABC's internal policies, the institution has a number of documents that guide its operations, as they embody the norms and rules of the SABC. These documents are, the Memorandum and Articles of Association, a Code of Ethics, a Board Charter, terms of reference for the Board Committees, and a Delegation of Authority Framework. These documents are accessible from the SABC, to all SABC staff members, at all times (SABC Annual Report, 2006/2007). In addition to these documents, the SABC has instituted internal

controls. Such controls consist of "written policies and procedures, clearly defined lines of accountability, and delegation of authority based on predetermined levels of risk", and "comprehensive reporting and analysis against approved standards and budgets" (Annual Report, 2006/2007: 34). The effectiveness of the internal control system is monitored via:

- "Regular management reviews;
- Comprehensive review and testing by internal auditors; and
- Internal auditors' review" (Annual Report, 2006/2007: 34).

With regard to the external policies that govern the SABC, the SABC's license conditions, the IBA Act, the Broadcasting Act, and the ICASA Act will be discussed. Also pertaining to the SABC's accountability, are the institution's Board committees and the fulfilment of its objectives for the 2006/2007 financial year.

Ntombela-Nzimande (2007), the Group Executive of Public, International and Regulatory Affairs, informs that there are regulatory and legislative measures in place that ensure compliance with the SABC's mandate. In terms of the regulatory measures, the Editorial Policy provides an operational framework for the SABC. The SABC's license conditions are more in depth, articulating programming quotas for the SABC. Moreover, a complaints mechanism exists, where the public can lodge complaints about the SABC through the Broadcasting and Complaints Commission of South Africa (BCCSA) (Ntombela-Nzimande, 2007). Furthermore, the SABC belongs to NABSA, which holds the SABC accountable in the fulfilment of its license conditions. Where the SABC violates its license conditions, the institution is liable to be fined by NABSA (Ntombela-Nzimande, 2007). The SABC is also held accountable to ICASA, who has a monitoring unit to monitor the SABC's compliance with its license conditions.

In terms of legislative measures, the SABC has a corporate governance framework, which is developed by the SABC Board. The SABC develops its strategies around the corporate governance framework (Ntombela-Nzimande, 2007). In addition, the SABC has to account to the Board on the achievement of the Broadcasting Charter. Moreover, the SABC accounts to Parliament on its strategies, twice a year.

Furthermore, the SABC accounts annually to Parliament on its results and achievements for the financial year (Ntombela-Nzimande, 2007).

In terms of the Broadcasting Act, every two years, the SABC has to obtain public feedback on its service as a public broadcaster. This public feedback acquirement takes the form of engagements with the public in public halls and meetings. The last public feedback programme, took the form of the SABC opening up its platforms and encouraging the public to fax, email and phone the SABC with their comments or complaints (Ntombela-Nzimande, 2007). According to Ntombela-Nzimande (2007), the SABC formulates a strategy annually, in relation to the Editorial Policy and the Broadcasting Charter, entailing what the organisation plans to do in the upcoming years as well as for that respective year.

4.3.1. Editorial values of the SABC

The editorial values outlined in the Editorial Code of Conduct of the SABC are used to guide the institution to fulfil its public service mandate.[14] The editorial values of the SABC are in adherence with the constitution, where the SABC has a responsibility:

- To heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- To lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law;
- To improve the quality of life of all citizens and free the potential of each person; and
- To build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations (SABC Editorial Code of Conduct).

Furthermore, the SABC's role as a public broadcaster, according to the Editorial Code, is "to promote respect for democratic values and human rights; to supply information that allows citizens to exercise their rights, and to reflect the rich diversity of a united South Africa" (SABC Editorial Code of Conduct). The values that underpin the Constitution are also the values that underpin the SABC as an institution, namely "national development, unity, diversity, non-racism, non-sexism, democracy and human dignity", as well as, bridging "political, class, racial and gender divides" (SABC Editorial Code of Conduct). Notably though, the SABC has adopted the values

[14] For the full Editorial Code refer to appendix C.

of equality, editorial independence, nation building, diversity, human dignity, accountability, and transparency as its core values.

Equality entails universal access to the SABC. In addition, equality refers to a diversity of programming that caters for the needs of all South Africans on an equal level, and in all eleven official languages (SABC Editorial Code of Conduct). Editorial independence comprises freedom of expression, "journalistic, creative and programming independence" (SABC Editorial Code of Conduct). Nation building involves the promotion of national identity and culture, and the promotion of participatory democracy (SABC Editorial Code of Conduct). Diversity consists of the representation of all languages, cultures, provinces, and people within SABC programming (SABC Editorial Code of Conduct). Human dignity is concerned with the protection of South Africans in terms of language and images from stereotypical and prejudicial representation in programming in terms of race, culture, and gender (SABC Editorial Code of Conduct). Accountability involves the accountability of staff to the SABC Board. The SABC Board is responsible for implementing the SABC's Charter (SABC Editorial Code of Conduct). Transparency entails being open and honest "to every aspect of its relationships with shareholder, stakeholders, suppliers and the public" (SABC Editorial Code of Conduct). The code also applies to the "commissioning, acquisition and production of the programmes" (SABC Editorial Code of Conduct).

Within the Code, the SABC has specified a commitment to a "high standard of accuracy, fairness and impartiality", "to disclose all the essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis" (SABC Editorial Code of Conduct). The Code asserts a commitment to the information role of the media, diversity and quality. Moreover, the Code pledges that editorial decisions will be devoid of commercial, political, and personal influences. Furthermore, the Code expresses a commitment to "evaluate, analyse and critically appraise government policies and programmes" (SABC Editorial Code of Conduct).

4.3.2. SABC Code of Ethics

The SABC's Code of Ethics entails that the SABC conduct itself and deals with societal matters in a fair and just manner. In addition, under the Code of Ethics, employees are to conduct their daily duties with honesty and integrity. Moreover, the SABC pledges to conduct its relationships with contractual partners with "honesty, integrity, transparency, fairness and professionalism" (SABC Annual Report, 2006/2007: 34). Furthermore, and most importantly, the SABC pledges to avoid any situation where its employees' interests conflict with those of the institution (SABC Annual Report, 2006/2007: 34).

4.3.3. Current SABC Corporate Goals

The SABC's Corporate Goals are quite extensive. The SABC aims to:

- Empower South Africans by providing information, entertainment and education in all eleven official languages, which in turn promotes democracy and non-racialism;
- Ensuring that the institution has a solid and sustainable financial foundation "within a specified timeframe that enables it to fulfil its mandate";
- Ensure that the SABC is an institution that garners "support and respect" from shareholders, viewers, listeners and all other stakeholders; and
- "Ensuring compelling, professional and authoritative news and current affairs programming that tells the South African story accurately, fairly and in a balanced way, while reflecting the world, in particular Africa, to all South Africans in line with the SABC Editorial Policies" (SABC Annual Report, 2006/2007: 7).

In addition, the SABC also aims to align its objectives with the Broadcasting Act, Broadcasting Charter and its internal Editorial Policies. The SABC intends to "Revitalize the Corporation" by improving the institution's working environment and by obtaining the country's finest talent (SABC Annual Report, 2006/2007: 7). The SABC endeavours to ensure that all statutory and regulatory rules and guidelines are complied with throughout the institution and to evaluate and monitor the SABC's compliance with the Broadcasting Act and Editorial Policies. Moreover, the SABC aims to put in place Employment Equity and Black Economic Empowerment Policies and support the African Renaissance and NEPAD (the New Partnership for Africa's Development). The institution also seeks to establish an "innovative technology platform and infrastructure" to allow the SABC to fulfil its mandate (SABC Annual Report, 2006/2007: 7). Furthermore, the SABC intends to establish policies, which

will ensure apt governance of the institution as is required by the legislation that governs the SABC.

4.3.4. Total citizenship empowerment

The SABC has a new strategy, which is public service broadcasting for Total Citizen Empowerment, which aims to be constantly focused on citizens. According to Ntombela-Nzimande, the total in Total Citizenship Empowerment means, the SABC is "supposed to reach everybody, we're supposed to reach all age groups, all rich and poor, urban and rural" (2007: personal interview). All the SABC's offerings must reach the "total citizen, in its diverse cultures" (Ntombela-Nzimande, 2007: personal interview). Hence, the SABC's promise is not to serve niche groups, but to serve the South African citizenry in its entirety. According to Ntombela-Nzimande, citizen means "we are approaching you as though you have a right to access that [SABC programming], irrespective of whether you have money to pay for it or not" (2007: personal interview). Empowerment in the SABC's context means that,

> … whatever we do must give you growth, must develop you, must give you information that you can make use of in real life. Whether your real life is just being informed or your real life is about making choices about your role to play in democracy. Whether your empowerment is about accessing those economic opportunities (Ntombela-Nzimande, 2007: personal interview).

Ntombela-Nzimande (2007) argues that the SABC's new slogan gives all the SABC's employees a common framework to function around. In addition, the new slogan provides the public with a criterion on which to assess the SABC. The new slogan helps the SABC to be "transparent and open about our intention and about our approach, it also helps us to be made accountable for what we have put across" (Ntombela-Nzimande, 2007: personal interview). This new approach according to the SABC, also entails "changes to internal operations, programme content briefs, commissioning and content acquisition strategies, news, service delivery, content angles, human resource deployments and resource allocations".[15] In addition to these changes, the SABC stated that it would review its funding model. To achieve total citizen empowerment, the SABC's strategies are as follows:

[15] Harber, A. 2006. Mistake to dismiss new set of 'directions' at SABC. Retrieved from the World Wide Web on 18 September 2007 from: http://www.businessday.co.za.

- ensure “distinctive, relevant and quality content”;
- “implement effective and relevant technologies in order to support the delivery of the public service remit”;
- “embrace and pursue a multi-platform approach to deliver on the public service remit”;
- “nation building and universal access and the promotion of democracy”;
- improve the SABC’s internal environment, by for instance, empowering staff, improving staff morale, and rewarding performance. In 2005 six women were appointed top management positions; and
- restructuring of the Group Executive (SABC Annual Report, 2006/2007).

In order to achieve and sustain its mandate and objectives, the SABC has fashioned the following strategies to aid the institution:

- To take advantage of the opportunities media convergence brings;
- “Creating adequate platforms and appropriate infrastructure for enhanced delivery of the Fifa Soccer World Cup in 2010”;
- Improving service delivery of those marginalised in society by specifically targeting and increasing service to these people;
- “Creating and implementing an economic and human development approach for content creation industries that will enable the development of South African themes issues and stories”;
- Creating a “sustainable and adequate funding model”;
- “Expanding and improving” BEE and SMMEs participation in the institution; and
- Addressing issues of “lack of credibility and depth” in the newsroom (SABC annual report, 2005/2006).

4.3.5. Relationship between the SABC and other organisations and institutions

The SABC’s relationships to ICASA and the state are explored in this study. The SABC’s relationship to ICASA is located within the license conditions that ICASA has generated for the SABC. The license conditions form the basis of ICASA’s expectations of the SABC and the extent to which the institution is accountable to ICASA.

The SABC is evaluated on an annual basis by ICASA. With regard to the SABC’s license conditions, the SABC is required to submit a quarterly report to ICASA on their compliance with the license conditions. Even though the SABC has to submit quarterly reports to ICASA, they have a period of a year to fulfil the license conditions annually. ICASA then compiles an annual report on the SABC’s performance in terms of its license conditions (Mkaize and Ndlovu, 2007). The annual report examines whether the SABC has fulfilled all its license conditions and what it

focused on during prime time (Mkaize and Ndlovu, 2007). ICASA also receives recordings of all the SABC's programming during the performance period, from which the SABC's fulfilment of its content quotas is evaluated.[16] After ICASA has evaluated the SABC, a report is written by ICASA to the SABC detailing its ruling, which is followed by recommendations (Mkaize and Ndlovu, 2007).

Similarly, the SABC's relationship to the state can be found within the government-generated legislation that governs the SABC namely, the IBA Act and the Broadcasting Act. These Acts make the SABC accountable to the government. However, the SABC's relationship with the government also manifests in the institution's political and editorial independence, which has already been discussed. Hence, the SABC's relationship with ICASA and the state is based on its fulfillment and adherence to its license conditions, the IBA Act and the Broadcasting Act.

4.3.5.1. SABC license conditions

ICASA issued the SABC with new license conditions in 2006, which came into effect on 23 March 2006. The new license conditions replace the license conditions issued in 2004. The license conditions for SABC 1 and 2 will be discussed together as there are many similarities between them.

The license conditions for SABC 1 and 2 states that the revenues generated from the channels must not be used to subsidise the SABC's commercial services. The license conditions make the SABC accountable to ICASA in a number of ways. Firstly, the SABC must submit a quarterly report to ICASA of the channels' use of different genres, local content and each official language during that specific quarter (SABC license conditions for SABC 1 and 2, 2006). Secondly, the SABC must submit a quarterly report to ICASA of the channels' broadcast of advertisements. This report includes the amount of minutes broadcast in every hour, as well as the "average number of minutes per hour" during that specific quarter (SABC license conditions for SABC 1 and 2, 2006: 11). Thirdly, the SABC must provide ICASA with the financial statements for both channels on an annual basis, as well as "any other related

[16] Performance period refers to "the period between 18h00 and 22h00 daily" (SABC License Conditions for SABC 1 and 2: 3).

financial information" (SABC license conditions for SABC 1 and 2, 2006: 7). Fourthly, SABC 1 and 2 must "regularly broadcast…information about the manner in which members of the public may lodge complaints" about SABC 1 and 2 (SABC license conditions for SABC 1 and 2, 2006: 11). Finally, the SABC must submit a report to ICASA on all the complaints lodged against SABC 1 and 2, including the manner in which each complaint was addressed on an annual basis (SABC license conditions for SABC 1 and 2, 2006: 9). The license conditions also specify that the state will be the only shareholder of the SABC.

The license conditions further state that SABC 1 and 2 must provide programming that is:

- wide ranging and "in the official languages";
- 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" (SABC license conditions for SABC 1 and 2, 2006: 11).

The content genre quotas provided by ICASA are provisioned for six years in the license conditions for SABC 1 and 2, where every year the quotas increase. The content genre quotas for SABC 1 and 2 differ and will thus be discussed individually. However, there are seven genres for both SABC 1 and 2.

SABC 1 is obliged to provide:

- 7 hours of news per week, of which 3.5 hours must be broadcast in prime time and a 30 minute news programme must be shown daily;
- 2 hours per week of current affairs, of which 1 hour must be broadcast in prime time;
- 10 hours of informal knowledge-building per week, of which 2 hours must be broadcast in prime time;
- 3 hours of drama per week, of which 8 hours must be broadcast in prime time and 4 hours must be local content drama in prime time;
- 20 hours per week of children's content; and
- 10 hours per week of educational content (SABC license conditions for SABC 1 and 2, 2006).

SABC 2 is obliged to provide:

- 7 hours per week of news, of which 3.5 hours must be broadcast in prime time, and a 30 minute news programme must be shown daily;
- 2 hours per week of current affairs, of which 1 hour must be broadcast in prime time;

- 18 hours per week of informal knowledge-building, of which 2 hours must be broadcast in prime time;
- 4 hours per week of documentaries, of which 1.5 hours must be broadcast in prime time;
- 24 hours per week of drama, of which 8 hours must be broadcast in prime time and 4 hours must be local content drama in prime time;
- 15 hours of children content per week; and
- 10 hours of educational programming per week (SABC license conditions for SABC 1 and 2, 2006).

It must be noted, that the content genre quotas provided by ICASA include repeat broadcasts for both SABC 1 and 2.

In terms of news and current affairs, SABC 1 and 2 are obligated to exercise full editorial control of their programming. SABC 1 and 2 must broadcast programming that demonstrates a regard for the highest standards of journalistic professionalism. The channels are also obligated to provide programming that is fair; unbiased; impartial; balanced; and independent from government, commercial or any other interference. The SABC must appropriately enable the public to receive a diversity of opinions on issues of public concern (SABC license conditions for SABC 1 and 2, 2006).

Further requirements for SABC 1 and 2 are to provide programming "for the interests of all sectors of South African society", which includes people living with disabilities, health-related issues, gender issues, programming for all age-groups (SABC license conditions for SABC 1 and 2, 2006: 14). The channels must also provide sign language translation during prime-time news bulletins, as well as other programming (SABC license conditions for SABC 1 and 2, 2006).

In terms of advertising, the channels are confined to broadcasting a maximum of 10 minutes per hour on average. Moreover, advertisements may not exceed 12 minutes per hour (SABC license conditions for SABC 1 and 2, 2006).

ICASA has provided a six-year quota for SABC 1 and 2, where the quotas increase annually. The language quotas for SABC 1 and 2 differ and will be discussed separately. The language requirements for SABC 1 are to provide 13 hours and 45 minutes per week of official languages other than English, which excludes the

broadcast of marginalised languages in prime time. In addition, SABC 1 must provide 45 minutes per week of marginalised languages in prime time (SABC license conditions for SABC 1 and 2, 2006).

The language quotas for SABC 2 are to provide 17 hours and 18 minutes per week of official languages other than English, which excludes the broadcast of marginalised languages in prime time. In addition, the channel must provide 54 minutes per week of marginalised languages in prime time (SABC license conditions for SABC 1 and 2, 2006).

4.3.5.1.1. SABC 3

Although SABC 3 is a commercial service, its license conditions state that it is a "national free-to-air public television broadcasting service" (SABC license conditions for SABC 3, 2006: 3). The license conditions also provide the channel with the PBS characteristic of being a full-spectrum programme provider. The channel's license conditions forbid any cross-subsidisation from the SABC's public service division. The license conditions further state, that the state will be the sole shareholder in SABC 3.

The SABC has to account to ICASA in terms of SABC 3's programming in a number of ways and in the same way, as SABC 1 and 2 have to account. Firstly, the SABC must submit a quarterly report to ICASA on SABC 3's use of different genres, local content, and each official language for the respective quarter. Secondly, the SABC must submit a quarterly report on SABC3's broadcast of advertisements expressed as minutes per hour and "an average number of minutes per hour" for the respective quarter (SABC license conditions for SABC 3, 2006: 7). Thirdly, the SABC must provide ICASA with SABC 3's financial statements and any other financial documents on an annual basis.

In terms of SABC 3's license condition, the channel must broadcast information detailing the way in which the public can go about lodging complaints about SABC 3. The channel must provide wide-ranging programming in the official languages. Furthermore, SABC 3 must provide programming that is reflective of the unity,

diverse culture, multilingual nature, cultures, and regions to the public (SABC license conditions for SABC 3, 2006).

The content genre quotas for SABC 3 are as follows:

- 7 hours per week of news, of which 3.5 hours must be in prime time and a 30 minute news programme broadcast daily;
- 5 hours per week of current affairs, of which 2 hours must be broadcast in prime time;
- 11 hours per week of informal knowledge-building, of which 2 hours must be broadcast in prime time;
- 4 hours per week of documentaries, of which 1 hour must be broadcast in prime time;
- 24 hours per week of drama, of which 8 hours must be broadcast in prime time and 4 hours of local content drama must be broadcast in prime time; and
- 7 hours per week of children's content (SABC license conditions for SABC 3, 2006).

It must be noted, that ICASA has placed less educational requirements on SABC 3 and that the above genre quotas are inclusive of repeat broadcasts.

In terms of news and current affairs, SABC 3, must, like is sister channels, exercise full editorial control of its programming. SABC 3 must broadcast programming that demonstrates a regard for the highest standards of journalistic professionalism. The channel is also obligated to provide programming that is fair; unbiased; impartial; balanced; and independent from government, commercial or any other interference. The SABC must appropriately enable the public to receive a diversity of opinions on issues of public concern (SABC license conditions for SABC 3, 2006).

The language quotas issued by ICASA in the license conditions for SABC 3 are that the channel must broadcast 5 percent of all content broadcast on the channel, in official languages other than English. In addition, SABC 3 must broadcast its programming predominantly in English.

Further requirements for SABC 3 are to, again likes its sister channels, provide programming that reflects the interests of all sectors of society, which includes people living with disabilities, health-related issues, gender issues, and provide programming for all age groups. The channel must also provide sign language translation during news bulletins in prime time, as well as other programmes. Advertisements must be

limited to 10 minutes per hour on average, and may not exceed 12 minutes per hour (SABC license conditions for SABC 3, 2006).

4.3.5.2. The IBA Act

The ideal of an autonomous SABC is further reinforced in the IBA Act. The IBA Act was instituted in 1995 and amends the IBA Act of 1993. The purpose of the Act is to regulate broadcasting activities in the public interest by ensuring that broadcasters, among other things, provide entertainment, education and information, which caters for all language and cultural groups in South Africa. Broadcasters must also protect and nurture national and regional identity, culture and character.

In addition, broadcasters must provide news, public interest actuality, international, national, regional and local programming. The Act obligates broadcasters to "protect the integrity and viability" of PSB, where PSB's must provide programming for different language, cultural and religious groups; provide for the different regions and local communities in South Africa; and provide educational programmes (IBA Act, 1993: 9). The Act compels broadcasters to provide "equitable treatment of political parties…during any election period" (IBA Act, 1993: 9). What is more, broadcasters must adhere to a code of conduct that is "acceptable to the Independent Broadcasting Authority" (IBA Act, 1993: 9). Furthermore, broadcasters must ensure that the public has an appropriate means for lodging complaints (IBA Act, 1993).

However, many of the provisions within the IBA Act have been integrated into the Broadcasting Act and the ICASA Act. Furthermore, the provisions for the Independent Broadcasting Authority, detailed in Chapter 2 of the Act have been subsumed into ICASA. However, the regulatory framework for broadcasting that is provided for in the Act is still in force. Nevertheless, as the IBA no longer exists; the Act will not be engaged with any further to avoid repetition (Mochaba et.al, 2003).

4.3.5.3. The Broadcasting Act

The Broadcasting Act further binds the SABC. This study uses the Broadcasting Act of 1999 and the Broadcasting Amendment Act of 2003. The Broadcasting Act was

instituted in order to regulate the broadcasting industry. Hence, the Act aims to among other things, facilitate democracy, the development of society, gender equality, nation building, provide education, and strengthen "the spiritual and moral fibre of society" (Broadcasting Act, 1999: 9). The Act obligates the SABC to provide a plurality of news, views, information, and wide ranging entertainment and educational programming. Under the Act, the SABC must provide broad-ranging services and provide programming for children, women, the youth, and the disabled. The SABC must also encourage local content development in terms of programming. The Act further obligates the SABC to:

- "Provide a clear allocation of roles and assignment of tasks between policy formation, regulation and service provision as well as articulation of long-term and intermediate-term goals; and
- Ensure that broadcasting services are effectively controlled by South Africans" (Broadcasting Act, 1999: 9).

Section 5 of the Act states that SABC programming must be:

- "varied and comprehensive, providing a balance of information, education and entertainment meeting the broadcasting needs of the entire South African population in terms of age, race, gender, religion, interests and backgrounds;
- Provide a reasonable, balanced opportunity for the public to receive a variety of points of view on matters of public concern";
- Provide significantly for local content "produced by the independent production sector"; and
- "A range of programming in the Republic's official languages must be extended to all South Africans as circumstances permit" (Broadcasting Act, 1999: 10; Broadcasting Amendment Act 2002: 8).

Section 6 of the Act details the Charter of the SABC, which governs the institution. The Act states, among other things, that ICASA must monitor and enforce adherence to the SABC Charter. The SABC must also provide wide-ranging programming in the official languages which:

> (a) reflects South African attitudes, opinion, ideas, values and artistic creativity;
> (b) displays South African talent in education and entertainment programmes;
> (c) offers a plurality of views and a variety of news, information and analysis from a South African point of view;
> (d) advances the national and public interest (Broadcasting Amendment Act, 2002:10).

The Act obligates the SABC to guarantee that the Board ensures public participation in the development of its news, editorial, programming, local content, educational, universal service and access, language, and religious policies. Public participation must be achieved through "inviting and considering public comment on such draft policies and by other means" (Broadcasting Amendment Act, 2002: 10). In addition, the SABC must provide the public with a means to confer their opinions to the institution on its services on a regular basis, where the SABC must take into account such public opinion in its activities. The Act obligates the SABC to develop a Code of Practice that ensures compliance with among other things:

- "the rights of all South Africans to receive and impart information and ideas;
- The mandate to provide for a wide range of audience interests, beliefs and perspectives; and
- A high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of public interest" (Broadcasting Amendment Act, 2002: 10).

Section 8 of the Act refers to the prescribed objectives of the SABC, which are to among other things, provide information, education and entertainment programmes. The SABC also needs "to be responsive to audience needs, including the needs of the deaf and the blind and account on how to meet those needs" (Broadcasting Act, 1999; Broadcasting Amendment Act, 2002: 12).

Section 10 of the Act, is one of the most important regulations pertaining to the SABC, as it details what the SABC's public service provision should entail. Under the Act, the SABC is obligated to ensure that its services are available to the public in all the official languages. The SABC must be reflective of the unity, diverse culture, multilingual nature, and religions of the public. The institution is obligated to provide high quality programming in all languages, as well as wide-ranging educational programming. The SABC must provide local content from independent producers, as well as from the SABC itself; and provide national sports, developmental and minority sports programming. The SABC is obligated to provide news and public affairs programming that adhere to the highest journalistic standards. SABC programming must also be fair, unbiased, impartial, balanced, and must be independent from government, commercial or any other influences. Under the Act the SABC is also obligated to "enrich the cultural heritage of South Africa by providing support for traditional and contemporary artistic expression" (Broadcasting Act, 1999:

13). Moreover, the SABC must endeavor to provide broad-ranging services, which extend to children, women, the youth, and the disabled (Broadcasting Act, 1999: 13; Broadcasting Amendment Act, 2002). The Act further states that the SABC's operations must be funded through a mix of advertising, sponsorships, government grants, donations, and license fees.

Section 10 also details that the SABC must submit an annual report accounting for the activities of the corporation during the financial year; the financial statements of the SABC at the end of the financial year; and the auditors report on the financial statements to the Minister of Communications. This report submitting also applies to the SABC's commercial arm as detailed in section 11 of the Act (Broadcasting Amendment Act, 2002).

Section 11 is as important as section 10, as it details what the SABC's commercial services, which in this study is SABC 3, should entail. The Act states that the SABC's commercial arm is subject to the same regulations as that of the commercial broadcasting sector. In addition, the channel must comply with the values of the SABC's public service arm in terms of programmes and service. Moreover, SABC 3 must provide a significant amount of local content from independent producers. Furthermore, SABC 3 is obligated under the Act to subsidise the SABC's public service arm (Broadcasting Act, 1999).

The regulations pertaining to the commercial broadcasting sector that also pertains to the SABC's commercial arm are detailed in section 30 of the Act. SABC 3 is required, are among other things, to provide a wide-range of programming that addresses "a wide section of the South African public" (Broadcasting Act, 1999: 19). In addition, SABC 3 must provide programming in all official languages, however it may also "provide programming in languages other than South African official languages, where the Authority is convinced that such services can be commercially viable" (Broadcasting Act, 1999: 19). The Act obligates SABC 3 to provide an appropriately significant amount of local content. Moreover, news and information programmes must be broadcast regularly, which also includes discussions on national and regional issues, and local issues where appropriate (Broadcasting Act, 1999).

Section 12 of the Act pertains to the composition of the SABC Board and states that the Board will consist of 12 non-executive members and 3 executive members (the Chief Executive Officer, CEO; Chief Operating Officer, COO; and the Chief Financial Officer, CFO). The Act empowers the President, with the advice of the National Assembly, to appoint the 12 non-executive members of the Board. However, the appointment process must entail:

- Participation by the public in a nomination process;
- Transparency and openness; and
- That a shortlist of candidates for appointment is published (Broadcasting Act, 1999: 14).

Such selection criteria are crucial for safeguarding institutional autonomy to ensure the institution's independence, so that a situation does not arise where people are positioned on the Board to serve the agenda's of the government or commercial entities.

The Act also empowers the President to designate the chairperson and deputy chairperson of the Board from the non-executive members. According to the Act Board members must be:

- Appointed to the Board according to their "qualifications, expertise and experience in the fields of broadcasting policy and technology, broadcasting regulation, media law, frequency planning, business practice and finance, marketing, journalism, entertainment and education, social and labour issues;
- Committed to fairness, freedom of expression, the right of the public to be informed, and openness and accountability on the part of those holding public office;
- Represent a broad cross-section of the population of the Republic"; and
- Be committed to the principles of the SABC Charter (Broadcasting Act, 1999: 14).

The Act further empowers the President to determine the period that a Board member can hold office for, however this period may not exceed five years. Under the Act, the CEO is accountable for the SABC and the executive committee is accountable to the Board. The Act states that the Board must "establish a public service subcommittee and a commercial service subcommittee", which are accountable to the Board on the achievement of their objectives (Broadcasting Amendment Act, 2002: 18). The Act also allows the SABC to establish any other subcommittees. The power to remove a Board member from office lies with the President, who is provided with

recommendations from the Board, together with inquiry into the matter. A person may not be appointed to the Board if he or she is mentally ill or disordered; or is convicted of a crime after the commencement of the Act. The Act further states that no one may be appointed to the Board without disclosing any conflict of interest (Broadcasting Act, 1999).

Under section 22 of the Act, ICASA is empowered to "impose appropriate license conditions" in terms of the Act and the IBA Act (Broadcasting Amendment Act, 2002: 20). Section 22A of the Act states that, the SABC must apply to ICASA for additional licenses to broadcast regionally within nine months of the commencement of the Broadcasting Amendment Act. These regional services must be funded by Parliament as well as by grants, donations and sponsorships (Broadcasting Amendment Act, 2002).

Section 34 of the Act states that "the provision of efficient delivery of programming using the most effective technologies available at reasonable cost" (Broadcasting Amendment Act, 2002: 28).

4.3.5.4. The ICASA Act

The ICASA Act is not related to the SABC's accountability, but to ICASA's accountability to the state, as the Act is a state-imposed piece of legislation. However, an examination of the Act provides insights into whether it facilitates or hinders ICASA's regulation of the SABC. The ICASA Amendment Act was instituted in 2006 and amends the ICASA Act of 2000. The reason for the Act's existence is due to the perceived convergence of the broadcasting, telecommunications and electronic communications fields, where regulation of these fields were greatly required. However, as this study deals solely with broadcasting, only those areas of the Act, which deal with broadcasting, specifically PSB, will be examined. In terms of broadcasting then, the Act has an objective to "regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society" (ICASA Act, 2000: 3).

Section 3 of the Act establishes ICASA as an authority that “acts through the Council”, is independent, must comply with the Constitution and the law, must be impartial, independent from political and commercial interference, and “must perform its functions without fear, favour or prejudice” (ICASA Act, 2000: 4).

Section 4 details the functions of ICASA and the chairperson of ICASA, where ICASA, among other things, is allowed to make recommendations to the Minister regarding policy issues and amendments to the Act. ICASA is obligated under the Act to develop and enforce license conditions, as well as grant, renew, amend, transfer and revoke licenses when necessary. In addition, ICASA “may make regulations on any matter” provided these regulations are congruent with the objectives of the Act, the underlying statutes, and are vital to “the performance of the functions” of ICASA (ICASA Amendment Act, 2006: 6). Moreover, ICASA must investigate and adjudicate complaints in terms of the various legislation that governs broadcasting. However, ICASA may only inquire into matters that fall within its jurisdiction (ICASA Amendment Act, 2006). Section 4A of the Act states that ICASA must keep a register, which “must be open to inspection by the public”, of the licences that are granted, amended and transferred (ICASA Amendment Act, 2006: 8).

Section 4B of the Act deals with the inquiries that ICASA undertakes, where ICASA “may conduct an inquiry into any matter”, provided such an inquiry is conducted in accordance with the Act, underlying statutes, and respective licence conditions (ICASA Amendment Act, 2006: 8). Moreover, ICASA is obligated under the Act to publish in the government Gazette, a notice “of its intention to conduct an inquiry” and the purpose of the inquiry, as well as invite people to make written representations concerning the inquiry. Such written representations must be made open to public inspection (ICASA Amendment Act, 2006: 8). Furthermore, oral representations must also be made available for public inspection (ICASA Amendment Act, 2006).

Section 4C refers to the process of an inquiry, where ICASA must publish in the Government Gazette a summary of the inquiry’s findings 180 days after the inquiry, as well as the place and time when the public can access the findings and the reason for the findings (ICASA Amendment Act, 2006: 10).

Section 4D refers to the handling of confidential information, where “a determination of confidentiality may not be made in respect of a document or information that is in the public domain or is required to be disclosed by operation of law or a court order” (ICASA Amendment Act, 2006: 12).

Section 5 of the Act details the appointment of councillors to the Council, were the Act empowers the President to appoint a chairperson and eight councillors to the Council, with recommendations by the Minister and the National Assembly. This appointment process must be conducted with “participation by the public in the nomination process; transparency and openness; and the publication of a shortlist of candidates for appointment” (ICASA Amendment Act, 2006: 12). The National Assembly’s participation in the appointment process is to submit a list of suitable candidates to the Minister. The Act states that, “The National Assembly may invite technical experts to assist in the selection, evaluation and appointment process of councillors” (ICASA Amendment Act, 2006: 12). From the National Assembly’s list, the Minister chooses prospective candidates to serve on the Council. However, the Act empowers the National Assembly to request that the Minister review his recommendation. The Chairperson of the Council selects an Acting Chairperson (ICASA Amendment Act, 2006). According to the Act, people who are appointed to the Council must be “committed to fairness, freedom of expression, openness and accountability” and must represent “a broad cross section of the population” of South Africa. Furthermore, councillors must “uphold and protect the Constitution and the laws” of South Africa (ICASA Act, 2000: 5).

Section 6A of the Act is an important aspect of the Act, as it details a performance management system for ICASA. The Minister must establish the performance management system in order to monitor and evaluate the Council. This performance management system must consist of key performance indicators, measurable performance targets, and a procedure to measure and review performance at least once a year” (ICASA Amendment Act, 2006: 16). The Minister, with consultation from the National Assembly, performs evaluations of performance. After which, a report must be submitted to the National Assembly.

Section 16 of the Act holds ICASA accountable to the Minister where ICASA must submit any information and particulars related to ICASA's activities. ICASA must also submit to the Minister on an annual basis, ICASA's annual report, financial statements, and Auditor-General's report (ICASA Act, 2000).

Section 17 of the Act is one of the most important sections of the Act, as it details the functions and procedures of hearings that are conducted. Section 17A of the Act stipulates that ICASA must establish a Complaints and Compliance Committee, consisting of a maximum of seven members, "one of whom must be a councillor" (ICASA Amendment Act, 2006: 24). The functions of the Committee are stipulated in section 17B, where the Committee must investigate, hear if necessary, and make findings on:

- "all matters referred to it by the Authority;
- Complaints received by it, and
- Allegations of non-compliance with this Act or the underlying statutes" (ICASA Amendment Act, 2006: 26).

In addition, the Act empowers the committee to make recommendations to ICASA on the Authority's performance of its functions, as well as the achievement of the Act's objectives in terms of the Act and underlying statutes (ICASA Amendment Act, 2006).

The procedure that the Committee has to follow when it receives a compliant is detailed in section 17C, which states that complaints must be lodged within sixty days of the alleged non-compliance. Complaints must also be directed to the Committee for consideration. Before a hearing the Committee must provide the alleged offender with a copy of the complaint, as well as a notice detailing "the nature of the alleged non-compliance" (ICASA Amendment Act, 2006: 26). The respective licensee must be given sufficient time to respond to "the allegations in writing" (ICASA Amendment Act, 2006: 26). The Committee is obligated to allow the complainant sufficient time to respond to the alleged offender's response. The Committee must hear oral representations, and pre-hearing conferences may be held. ICASA "may prescribe procedures for the handling of urgent complaints and non-compliance matters" (ICASA Amendment Act, 2006: 26). Records of complaints must be open to public

inspection. Furthermore, “a copy of or extract from such record” may be requested from ICASA for a fee (ICASA Amendment Act, 2006: 26).

Section 17D of the Act states that the Committee must “make a finding within 90 days from the conclusion of the hearing” (ICASA Amendment Act, 2006: 28). In addition, the Committee is obligated to make recommendations on the action ICASA should take against the offender. Furthermore, the Committee must submit a report to ICASA on the findings and recommendations of the hearing (ICASA Amendment Act, 2006: 28).

The actions that can be taken against an offender are detailed in section 17E as follows:

- A warning to “desist from further contravention”;
- A fine;
- Provide “remedial or other steps” to avoid conflict with the Act and underlying statutes;
- Suspend the licensed service for no more than 30 days;
- “amend or revoke” the respective license; and
- “direct the licensee to comply with any settlement” (ICASA Amendment Act, 2006: 28).

Finally, section 17F of the Act details the duties of license inspectors, where an inspector must monitor compliance of licensees with their license terms and conditions, as well as the Act and underlying statutes (ICASA Amendment Act, 2006). In addition, inspectors are obligated to investigate and evaluate:

> (i) non-compliance by a licensee with its license terms and conditions and provisions of this Act or the underlying statutes;
> (ii) breach by a license of an agreement between such licensee and its subscribers; and
> (iii) failure to provide a communications service that the licensee is required to provide under the terms of its license or in terms of this Act or the underlying statutes (ICASA Amendment Act, 2006: 30)

Furthermore, the Act obligates inspectors to refer any instances of non-compliance to the Committee (ICASA Amendment Act, 2006).

4.3.6. Board Committees

The corporate governance structures of the SABC are divided into Board Committees, in order to engage with the various aspects that comprise the institution in a more

comprehensive manner. Specialist external advisers are appointed to assist the Board Committees when the need arises. Board Committees guide the Board in governing the SABC (SABC Annual Report, 2006/2007). The SABC has eleven Board Committees namely the Audit Committee, the Finance Committee, the Human Resources Committee, the Remuneration Committee, the Technology Committee, the News Committee, the Public Broadcasting Services Committee, the Public commercial Services committee, the Procurement Committee, the Risk Committee, and the Executive Committee (SABC Annual Report, 2006/2007). It is important to note that the Executive Committee "applies policy and determines strategies and guidelines for achieving corporate objectives".[17] Board committees meet five times a year on average or when circumstances require a meeting to be held, to discuss "specific issues within their terms of reference" (SABC Annual Report, 2006/2007: 31). The Board Committees are accountable to the Board, where each committee has to report on the achievement of their objectives.

4.3.7. Fulfilment of SABC objectives for the 2006/2007 financial year

The SABC set itself a number of objectives for the 2006/2007 financial year, some of these objectives were achieved and some were not. The SABC's fulfilment of its objectives allows one to examine the SABC's efforts to fulfill its public mandate. For the purposes of this study, not all the objectives that the SABC has set for itself will be discussed. This study will only discuss the SABC objectives that are central to the study.

In terms of its operations, the SABC has established a content hub, which deals with the commissioning of local content, "reversioning and repurposing"; and creating new procurement policies and procedures (SABC Annual Report, 2006/2007: 77). The institution is in the process of annual information sharing with the independent production sector, as well as applying for a pay television license. The SABC will launch a 24-hour News Channel, which will commence in 2008. Furthermore, the SABC has established an industry development strategy, where an "industry

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[17] Development of Broadcasting in SA. Retrieved from the World Wide Web on 18 September 2007 from: http://www.sabc.co.za.

development manager was appointed and "key industry development projects launched" (SABC Annual Report, 2006/2007: 37).

In terms of the SABC's funding and financial health, the SABC exceeded its objective of a 10% revenue growth in television and achieved an 11.1% revenue growth. However, the SABC's expense growth is higher than the objective of 2% below revenue growth. The reason for this objective not being achieved was due to the "increased local content requirements" imposed by ICASA and due to the "improved quality of content" (SABC Annual Report, 2006/2007: 38).

It must be noted, that the SABC invested R500 million in technologies, with the strategic aim that this technology will assist the SABC in fulfilling its role and mandate as a PSB and "increase revenue generation for the organization" (SABC Annual Results Presentation, 2007).

In terms of governance, objectives regarding ICASA's quotas were exceeded. However, annual information sharing with the Department of Communications (DoC) and ICASA were not achieved.

4.4. Outputs and performance: the SABC funding model

The SABC's performance can be determined by the revenue it generates during the financial year, as it depicts the institution's financial health. The SABC's performance is also examined by considering the institution's achievement of its objectives for the year in question. Another way in which the SABC's performance is examined is by looking at media reports on the SABC to determine whether there were any complaints on the broadcaster's performance, which are engaged with throughout the chapter.

The funding model of the SABC is a mix of advertising, sponsorships, license fees, donations and government grants.[18] The SABC's revenue in-take for the period 2005-2007 is as follows:

[18] Refer to appendix B.

Revenue Analysis (R million)	**2007**		**2006**		**2005**	
Forms of revenue	**R**	**%**	**R**	**%**	**R**	**%**
Commercial	3 297	77.25	3 054	77.45	2 670	78.92
License fees*	760	17.81	739	18.74	568	16.79
Other revenue	127	2.97	100	2.54	96	2.84
Government	84	1.97	50	1.27	49	1.45
Total revenue	**4 268**		**3 943**		**3 383**	

(Annual Report, 2006-2007: 25)

*It must be noted, that there was no rate increase of license fees for the 2006/2007 financial year.

4.4.1. Summary Consolidated Income Statement

The SABC's revenue income and expenditure is compared below:

	Actuals	**Actuals**	**Actuals**
	2007	**2006**	**2005**
	R'm	**R'm**	**R'm**
Operating Income	4 314	3 970	3 420
Operating Expenditure	4 103	3 455	3 147
EBIT	**211**	**515**	**273**

(SABC annual results presentation, 2007).

With reference to the above table, the SABC receives 77% of its revenue from commercial sources; 18% from license fees: 2% from the government; and 3% from other sources of funding. General revenue trends at the SABC from 2005-2007 indicate a slight decrease in the SABC's intake of commercial revenue; an instability in license fee generation, which has decreased since 2006; a slight increase in other revenue sources; as well as a slight increase in government funding. The SABC in general generated a surplus of R183 million. However, the SABC made a R382.9 million profit during the 2005/2006 financial year (Annual Report, 2006/2007; Annual Report, 2005/2006). Furthermore, the SABC has generated more revenue in 2007 than in the two previous years. At the same time, the SABC's operating expenditure has increased year on year since 2005. It must be noted, that the SABC initiated a PSB Colloquium to debate the issue of a better funding model for the

SABC, and has been engaged in discussions with Parliament and the SABC's shareholder on the same issue (SABC Annual Results, 2006/2007).

4.5. Distinctiveness

Although the SABC's distinctiveness is encapsulated within the various policies and legislation that govern the institution, reports by the print media on several issues also indicates the SABC's level of distinctiveness. The print media reports relate to the PSL (Premier Soccer League) rights issue, SABC international, independent producer issues and the circumcision documentary that the SABC broadcast.

4.5.1. The Premier Soccer League issue

The PSL issue refers to the SABC's inability to acquire the rights to broadcast PSL soccer matches. This issue created uproar in the print media, as PSL soccer is a sport of national interest. The PSL awarded the rights to M-Net's SuperSport, after the SABC missed the deadline to hand in a tender for the rights (Mthemba and Sapa, 2007; Ntloko and McLachlan, 2007; Khanyile, 2007). The SABC successfully got a court interdict to prevent the PSL from negotiating a deal with third parties, before the PSL renegotiating a deal with the SABC (Mthembu and Sapa, 2007; Ntloko and Mclachlan, 2007; Khanyile, 2007; Alfred, 2007; Lieberum, 2007). However, when the SABC's old contract expired, the PSL awarded the rights to SuperSport, while the issue had been sent to court for arbitration. Nevertheless, the SABC lost the rights, but managed to enter an agreement with SuperSport and the PSL to broadcast 143 matches a season, with a cost of R120 million for five years (Mseleku, 2007; Mark, 2007). However, the SABC failed to establish a new contract with the PSL and thus lost its right to broadcast matches on radio (Ntloko, 2007; Mantambo, 2007a; Maseleku, 2007b; Mokoena and Kortjaas, 2007).

The media's coverage of the issue emphasised the decreasing nature of national sport on the SABC and the SABC's disregard for its soccer viewers and listeners (Maeleku, 2007; Pheko, 2007; Makgalemele, 2007; Haleu, 2007; Mkhwanazi and Sapa, 2007). In addition the cost of the whole debacle was also emphasised, where the battle between the SABC and the PSL cost the SABC "R3.3 million in legal fees" and a further R120 million for the rights to the matches it did secure (Mseleku, 2007: 13; Mark, 2007).

4.5.2. SABC international

The SABC aims to launch a twenty-four hour news and current affairs channel in 2008. The channel will be broadcast via satellite from Sentech's Vivid satellite service (Mochiko, 2007). However, Vivid's satellite service covers predominantly rural areas. In order to facilitate the channel, the SABC will establish its own agency, where it will be able to sell its content; or it will amalgamate SABC Africa with the international channel (Mochiko, 2007). The SABC will spend R21 million on the establishment of the channel (Hlengani, 2007). In order to fund the channel the SABC wants to change its funding structure, which includes a possible increase in licence fees (Web, 2007). The rationale behind the channel is to compete with CNN (Cable News Network) and the BBC's international news channels, as well as to provide improved coverage on Africa (Harrison, 2007). Nevertheless, the print media has criticised the SABC's establishment of the channel due to the SABC's compromised editorial integrity, declining credibility and lack of funding (Mochiko, 2007).

4.5.3. Independent producer issues

Local independent producers that have been commissioned by the SABC protested that the SABC is having a detrimental effect on their development. Independent producers complained about the SABC's low production budgets; "slow contract turnaround"; "inexperienced commissioning editors"; "development and scripting that are becoming increasingly prescriptive, over-invasive and patronising"; and "training decisions for commissioning editors that do not solicit producers' input" (Sosibo, 2007: 6; Dawes, 2007b; Ensor, 2007d). A further problem experienced by independent producers, was the SABC's retention of one hundred percent of the intellectual property rights created from independent productions (Mgibisa, 2007; Dawes, 2007b; Ensor, 2007d). The SABC's retention of these rights means that the SABC is able to sell the content internationally and retain all the profits produced. However, the SABC's argument is that the institution covers a great deal of their technological costs (Ensor, 2007d).

4.5.4. Circumcision mini-series

The SABC broadcast a coming-of-age mini-series *Umthunzi Wentaba*, which depicted the sacred Zulu ritual of circumcision (Feni, 2007a). However, only the first programme was broadcast from the mini-series. The National Heritage Council (NHC), the Congress of Traditional Leaders of South Africa (Contralesa), and the National House of Traditional Leaders strongly protested the broadcast of the mini-series (Feni, 2007a). These organisations argued that the ritual was misrepresented, and was of a sensitive cultural nature and thus should not be broadcast (Feni, 2007a; Best, 2007; Toyise, 2007; Ngqiyaza, 2007). Other reports in the print media focused on the need for discussions and debate on circumcision. Nevertheless, the SABC withdrew the mini-series and apologised for "overstepping the mark" (Feni, 2007b: 4; Sangotsha, 2007).

4.6. Conclusion

This chapter was themed according to issues of independence, accountability, distinctiveness, and finance. Within these themes, an institutional analysis was conducted, where firstly, the SABC's norms and values were articulated. Within this discussion the SABC's Editorial Values, Code of Ethics, Corporate Goals, and strategy of citizenship empowerment were discussed. Secondly, the SABC's governance arrangements were examined, where the SABC's organisational structure, functions and appointment process were discussed. Thirdly, the SABC's relationships between other organisations and institutions were examined, which looked at the SABC's relationship to ICASA and the state. The SABC's relationship to ICASA and the state where examined in terms of the SABC's license conditions, the IBA Act, and the Broadcasting Act. Fourthly, the SABC's outputs and performance were examined with regard to the SABC's funding model, as well as the fulfilment of its objectives. A policy analysis was also conducted which examined the ICASA Act. The other policies relevant to policy analysis were examined in the institutional analysis. Hence, the policy and institutional analyses overlapped extensively.

Lastly, the chapter conducted a document analysis, which examined the print media's coverage of the SABC and the Sisulu Marcus Commission of Enquiry Report. In terms of the print media's coverage of the SABC, twelve major issues arose. The media's

coverage of the twelve issues were predominantly negative and brought the SABC's independence, transparency and accountability to the public, as well as the SABC's service provision as a PSB into question. The proceeding chapter in this study will attempt to analysis the information that has been presented in this chapter of the study.

Chapter 5 – Analysis of findings

5.1. Introduction

This chapter seeks to analyse the findings outlined in the previous chapter. To this end, the literature and theoretical arguments presented in Chapter Two will be linked to arguments made in this chapter. In doing so, the effects of the SABC's activities in fulfilling its ideal institutional roles will be explored. Moreover, the SABC's developmental approach to broadcasting; the SABC's effect on the public sphere, the public interest and citizenship will also be explored. In addition, the SABC's independence, accountability and distinctiveness, which form a core component of this study, will be examined. Moreover, the identified challenges that are facing South African PSB, and thus the SABC, will be engaged with. Furthermore, the SABC as a public institution will be critically analysed in terms of its norms and values, governance arrangements, relationship to other institutions and organisations, and funding mix. The arguments that are presented in this chapter are critically informed by interviews that have been conducted with people within the broadcasting industry and related constituencies.

5.2. The SABC's faltering independence

This section analyses the SABC's independence. In doing so, the SABC's governance arrangements; which consists of the SABC Board nomination process, the bias within the Board appointments, and the Board's credentials; will be explored. In addition, the SABC's political and economic independence is examined.

5.2.1. Governance arrangements

The governance arrangements that are discussed in this section focus on three areas. Firstly, the importance of the credentials of the SABC Board members are highlighted, which brings to the fore the defective nature of the Board. Secondly, some of the Board members' ties to the ANC are accentuated. Thirdly, the flawed nature of the Board nomination process is exposed.

5.2.1.1. SABC Board nomination process

Mkaize and Ndlovu (2007), the Senior Manager of Policy Development and the Broadcasting Manager of ICASA respectively, assert that in terms of the legislation that governs the SABC, the SABC is independent. The policies are clear; hence, it is the implementation of the policies and legislation that govern the SABC that are problematic (Mkaize and Ndlovu, 2007). If the policies and legislation are not aptly implemented, political interference will occur, but if the policies and legislation were appropriately implemented, no such interference would occur. Consequently, many of the controversies that the SABC have generated, have emerged due to the way in which the SABC's editorial policies are implemented (Mkaize and Ndlovu, 2007). However, in light of Mkaize and Ndlovu's argument, despite the importance of adequate implementation, a severe flaw exists within the Broadcasting Act, which compromises the SABC's independence.

A key problem with governance at the SABC is the Board nomination process. With reference to the Broadcasting Act, the SABC Board appointment process can be seen to be severely flawed. The Broadcasting Act confers excessive power to the President in the SABC Board appointment process, as it is the President who ultimately decides who serves on the Board. Such an appointment process hinders the independence of the SABC, as the President has the potential to appoint members to the Board that would be loyal to him. Moreover, the Broadcasting Act also empowers the President to remove Board members from office, which has similar repercussions. In fact, the controversy around the appointment of the new SABC Board, which was reported on by the print media, is indicative of precisely such bias. Green (2007), the SABC's former Head of Radio News and Current Affairs, contends that politicians predominantly have short-term agendas at heart, and are thus ill equipped to determine the board members of the SABC.

Duncan (2007), the Executive Director of the FXI, asserts that the FXI was dissatisfied with the final Board nomination list. Firstly, there were only 143 initial nominees. One of the reasons for such a diminutive amount of nominees was that SANEF did not want to process nominees, which means there were few strong journalistic nominees. Many journalists declined to run for Board candidacy. They did

not want to speak out and address the SABC's problems for fear of alienating themselves from the SABC. Secondly, there were no journalists in the final list, which for a PSB is atypical. Thirdly, the final list consisted of six of the eleven previous Board members. According to Duncan, such an occurrence is unacceptable, as "the old Board members have presided over possibly the highest level of poor governance since the 1993 transformation of the SABC Board" (2007: personal interview). In light of Duncan's argument, the reluctance of journalists to run for Board candidacy is indicative of the severity of the PSB crisis in South Africa and the governance crisis at the SABC. Instead of acknowledging the problems and flaws of the institution and making considerable efforts to address the problems within the institution, the SABC would rather alienate those who speak out against the institution. Such an occurrence brings one to allude to the blacklisting issue and the Sisulu Marcus Enquiry report, which found that a climate of fear exists within the SABC. Consequently, the Commission's findings provide credence to Duncan's argument.

5.2.1.2. ANC-aligned Board appointments

Yet another disconcerting aspect of the SABC Board is its ties to the ANC. As revealed by the print media, four of the eleven current Board members have ties to the ANC (Van Onselen, 2007; Van Onselen, 2007b; Mkhwanazi, 2007b). These ties to the ANC severely compromise the independence of the SABC, as decisions that are made have the potential to be biased in favour of the ANC. Consequently, the public may be misinformed or uninformed on important issues or happenings. If PSBs are unrepresentative in their appointments, this unrepresentativeness will extend into their public service responsibilities (Tomaselli, 1994). In the SABC's instance, the control of the SABC is placed within the Board's hands, thus Board members with ANC ties have the potential to influence the SABC's programming and other public service functions. In fact, any of the SABC staff who hold prominent positions within the SABC and are politically bias, can have a detrimental effect on the institution's political independence.

The wielding of such influence can particularly be seen with the Mbeki documentary. The SABC's reason for not broadcasting the Mbeki documentary was that the documentary was "incurably defamatory" (Duncan, 2007: personal interview).

However, the SABC's argument is erroneous as, "it is extremely difficult to argue defamation by inference" (Duncan, 2007: personal interview). However, Ntombela-Nzimande's (2007) explanation, as the Group Executive of public, international and regulatory affairs, is that the SABC did not want to broadcast the Mbeki documentary, as it was a "shoddy" documentary. Matthews (2007), the SABC's former Head of Television News and Current Affairs, shares this view. The producers that were commissioned were informed by the SABC to develop a documentary that was in accordance with the SABC's high standards and to be hard-hitting. However, although the documentary was hard-hitting, it did not adhere to the SABC's high standards, as hard-hitting still needs to be factual (Ntombela-Nzimande, 2007). However, Matthews (2007) contends that the SABC created the controversy regarding the Mbeki documentary, controversy that could have been avoided if the SABC was not afraid that the documentary would offend President Thabo Mbeki.

What can be seen from both sides of the argument and the print media's reports on the issue, is that the SABC only broadcast the documentary after it had been screened elsewhere by the producers and the *Mail and Guardian*. Such an occurrence indicates that the SABC only broadcast the documentary due to external pressures, which if the documentary was as "shoddy" as the SABC claims, contradicts its mandate to provide quality programming. The SABC's decision to broadcast the documentary suggests that the institution does not have the strength of its convictions. However, the fact that the SABC went as far as to apply for a court interdict to stop the screenings of the documentary, indicates that the SABC's motives for not broadcasting the documentary extend further than the documentary's poor quality. The SABC's efforts to obtain a court interdict against the screenings of the documentary provide some degree of candour to Matthews's argument. Hence, it seems that the SABC's reasoning that the documentary was of poor quality may have been a smokescreen for the institution's allegiances to President Thabo Mbeki.

As it is the President who ultimately appoints the SABC Board, the present crisis in political independence at the institution may be attributed to the ANC's culture of deploying cadres (state appointments). Post-apartheid, the ANC government made one of its policy objectives strengthening "its grip on the levers of power"; such levers included the SABC (Giliomee et al, 2001: 169). Such a policy objective resulted in

the ANC deploying cadres to key institutions in society, thus undermining the legitimacy of those institutions (Giliomee et.al, 2001). Due to the composition of the SABC Board, it seems that people with ANC backgrounds have been deployed to strategic and influential positions within the SABC. In fact, at the ANC's 52nd National Conference in Polokwane, CEO Dali Mpofu attended the conference as a "deployed cadre" of the ANC, where Mpofu's nametag identified him as such (Harper, 2007: 7). Consequently, the structural conditions at the SABC are distorted enough to allow pro-government content to be favoured, as can be seen with the Mbeki documentary controversy. Furthermore, the ANC's culture of deploying cadres to key institutions in society, and the present situation that exists within the SABC Board, provides a persuasive rationale to amend the current Board nomination process. Such an amendment would need to ensure that the government has less or no involvement in the Board nomination process.

5.2.1.3. The aptitude of the SABC Board

Dali Mpofu who has no broadcasting, media, or communications experience heads the SABC Board of 2007. In addition, of the eleven members of the Board, there are only four members with any communications, journalistic or media experience, and only one member has broadcasting experience (SABC Annual Report, 2006/2007). Bussiek argues that "Members [of the board] should … have the necessary expertise to fulfil their duties" (2005: 39). Hence, the SABC Board lacks professionals who would be able to implement effective changes within the institution to ensure that the SABC functions as a genuine PSB. To place someone who has no broadcasting background as CEO of a PSB is aberrant. There is no actual broadcasting knowledge informing the CEO's decisions, which in a public broadcaster is objectionable. Even though the CEO has the Board members to help with decision-making, ultimate decision-making lies with the CEO, who is inhibited by his lack of broadcasting knowledge to make the most constructive decisions for the SABC.

According to March and Olsen (1989), problems of institutional efficiency are partly structural and partly behavioural. Behavioural efficiency problems include information problems, limited rationality, agency and concentration and are thus linked to personal preferences (March and Olsen, 1989). Structural problems are

linked to endowments, which entail the way in which rights, resources and authority is distributed. Hence, in terms of efficiency, the credentials of the SABC Board members and the CEO of the institution are crucial. The CEO's lack of adequate media, communications or broadcasting credentials has the likelihood of generating behavioural efficiency problems within the institution. In addition, March and Olsen (1989) highlight the importance of competence and integrity when assessing institutions. As March and Olsen articulate, the issue of competence concerns whether "genuine expertise of relevance to the problem" is used (1989: 127). Competence is necessary in order to "clarify issues, exclude false directions, and discover correct alternatives' (March and Olsen, 1989: 128). By virtue of the CEO's lack of proper expertise to lead the SABC, his leadership of the institution can be said to be defective.

In fact, defective governance decisions or leadership of the SABC can directly be seen by the amount and intensity of the controversies that the SABC has been embroiled in throughout 2007. According to Duncan (2007), the current Board is responsible for many of the governance failures that have occurred throughout the year. With regard to the importance of the Board's credentials and the consequence of inadequate credentials, Duncan's argument has candour. However, according to Koster (2007), the Executive Director of NABSA, the SABC is an independent institution. Koster (2007) further contends that it is unfair to judge the SABC on the controversies that have appeared in the print media, without being privy to all the aspects that are taken into account when making decisions.

However, Duncan (2007) points out that, as the Minister of Communications appoints the CEO, it is inappropriate for the CEO to be the editor-in-chief at the SABC, as an editor-in-chief has to be independent and objective. In fact, Louw (2007), the Deputy Chairperson of MISA-SA, points out that the CEO's role as editor-in-chief of the SABC conflicts with his other duties. These duties are for instance, considering the image of the SABC, his financial role in the SABC, and so on. This is a structural problem. The roles and functions of the various staff levels and departments of a PSB must be clearly defined (Fourie, 2003). Furthermore, according to Bussiek, board members have two roles, "internally the board supervises the activities of the corporation and externally it protects its editorial independence and lobby for its

interests" (2005: 41). In light of Fourie and Bussiek's arguments and the SABC CEO's title of editor-in-chief, it is clear that there is minimal distinction between the roles and functions of the various staff levels and departments at the SABC. Such obscurity is a contributing factor to the institution's diminishing independence.

Nevertheless, the SABC's establishment of Board Committees, which are accountable to the Board on its objectives, is a positive development for the institution. Such a development enhances the institution's accountability and fulfilment of its PSB mandate. However, even though the establishment of Board Committees is a step in the right direction for the SABC's level of accountability, the other severe flaws in governance at the SABC overshadow this positive development.

5.2.2. Political influence

Of the three requirements for a PSB to be independent from political influence, there is unquestionably a violation of the third requirement, that there must be public conviction that the PSB is independent. With reference to the print media alone, the SABC receives extremely negative coverage, where the SABC's political independence is frequently attacked. Such negative coverage is indicative of the lack of public conviction in the SABC's political independence.

Direct political interference is difficult to gauge at the SABC (Duncan, 2007; Louw, 2007). Political interference would tend to be discreet within the organisation (Louw, 2007). However, according to Duncan, the FXI has detected a "growing climate of timidity, fear and self-censorship" at the SABC, which is something that the Sisulu Marcus Commission of Enquiry has also alluded to (2007: personal interview). Hence, in light of Duncan's argument, if both the Commission and the FXI have detected self-censorship at the SABC, it seems highly likely that self-censorship is indeed taking place. Duncan (2007) indicates that if self-censorship is taking place at the SABC, then external political interference may not actually be necessary, as the ends of the government are already being attained. Nevertheless, Louw contends that "Bias in favour of the ANC and the government is noticeable though not as rampant as in the days of the National Party government" (2007: personal interview). Louw further states that "When the board is overwhelmed with ANC appointees and the

staff at important levels are ANC stalwarts, there is not much independence", thus the SABC is not an independent institution (2007: personal interview).

Ntombela-Nzimande (2007) contends that since the government ensures there are legislation and policies in place that protect PSB, a model that is completely detached from the government is unattainable. The government then, is essential in providing constitutional oversight. Hence, an independence model that does not involve the government is problematic (Ntombela-Nzimande, 2007). In light of Ntombela-Nzimande's argument, an independent model of PSB, where government involvement is limited to a legislation and policy level, is acceptable. However, government involvement needs to end at legislation and policy level, which is not what is happening with the SABC with regard to the Board nomination process. If the government's involvement in the SABC could end at legislation and policy level, the SABC's political independence would increase significantly.

However, Ntombela-Nzimande (2007) maintains that the SABC is politically independent. SABC programming only contains government voices or content insofar, as such content and voices provide information that is in accordance with the fulfilment of the SABC's mandate. Ntombela-Nzimande (2007) asserts that the government generates the most news in the country, which is why the SABC news carries many government stories in its news. In addition, because the President retains such an important position in the country, people want to know what he is doing and saying. The problem lies with the public who do not cross-examine what the SABC conveys about the government (Ntombela-Nzimande, 2007). Although Ntombela-Nzimande's argument has some credence, her explanation falls short of explaining controversies such as the Mbeki documentary, the video tape exposing the Health Minister as a drunk and a thief that mysteriously went missing, and the SABC's resignation from SANEF. In fact, interviewee A (2007) reveals that one of the challenges that PSB faces in South Africa, is dealing with both commercial and political interference in terms of programming.[19] The SABC has a role, which includes interpreting government policies and providing the public with information on government activities. In light of the SABC's role, the institution needs a Board

[19] Interviewee A refers to an interviewee from the SABC who preferred to remain anonymous in this study.

that will not retreat in the face of negative government exposure (Matthews, 2007). Matthews's argument corresponds with the watchdog role of the media. Matthews's argument requires special emphasis, as it has already been established in the chapter that the SABC falls short of fulfilling its watchdog role.

5.2.3. Economic influence

Ntombela-Nzimande (2007) concedes that economic interference exists at the SABC. The extent of the economic interference is such that, if the SABC cannot find sponsorship for a particular programme, they are forced to desist from broadcasting that programme (Ntombela-Nzimande, 2007). In light of Ntombela-Nzimande's assertion, the SABC is not independent from economic interference. Hence, it is evident that economic interference does exist at the SABC. The dangers of such economic interference, is as McChesney (2000) articulates, PSB's tend to maintain the status quo, which may work counter to democracy and their public service obligations.

5.3. The SABC's accountability to the state, ICASA and the public

In exploring the SABC's accountability, firstly, the norms and rules of the institution are discussed, which includes a discussion of the blacklisting debacle. Secondly, the SABC's attainment of its goals is explored. Thirdly, the SABC's relationship to ICASA is examined, which also entails an examination of the ICASA Act, ICASA's role in protecting PSB, and the challenges that ICASA faces. Finally, the SABC's relationship with the state is discussed.

5.3.1. Norms and rules

According to Ntombela-Nzimande (2007), the SABC has a stringent regime of accountability. The SABC has a strict legislative framework; and it has to account in terms of the PFMA (Public Finance Management Act), as well as to the Auditor General and Parliament. The SABC is directly accountable to the public through its annual report, which is made public. In addition, the SABC holds feedback meetings with the public every two years. Moreover, the SABC's editorial policies and programme policies are also available to the public. The SABC's direct accountability

to the public makes the SABC's activities, to some extent, transparent. Indirectly, the SABC is held accountable by ICASA (Ntombela-Nzimande, 2007). However, the problem with the SABC's direct accountability to the public is that it only occurs every two years. As a public institution, the SABC should be more frequently accountable to the public. In this way, the SABC could significantly increase its public accountability. Matthews (2007) reveals that the SABC does not always consider itself as being in the public's service. In fact, Matthews (2007) believes that the SABC treats the public with disdain, as can be seen with the SABC's inaction on the findings of the Sisulu Marcus Commission of Enquiry.

One way, in which accountability is ensured, is by widely publicising the board members of a PSB (Hoynes and Croteau, 2001). In South Africa, the print media assists extensively in publicising the SABC Board members and the new SABC Board members. Without the print media, certain Board members' ties to the ANC and other controversial ties would not have been exposed. However, it is unfortunate that such accountability was not undertaken by the SABC itself, which is an indication of the SABC's lack of independence and accountability to the public.

Another way, in which the SABC is accountable, is through its self-imposed performance criteria, namely the SABC's Memorandum and Articles of Association, Code of Ethics, Board Charter, terms of reference for the Board Committees, and Delegation of Authority Framework. However, as Coppens and Saeys (2006) point out, the SABC's binding criteria, such as its license conditions, and the Broadcasting Act, may be hindering the fulfilment of the SABC's long term objectives. Instead of spending the necessary time to bring its long-term goals into fruition, the SABC has to ensure it fulfils its binding criteria. Nevertheless, overall, there are a number of ways in which the SABC is made accountable. However, according to Koster (2007), the various levels of accountability that the SABC is subject to creates a problem, as the institution is obligated to meet varying needs. Subsequently, the SABC sometimes works at cross-purposes.

The main piece of legislation governing the activities of the SABC, which presides over all SABC employees, is the Editorial Code of Conduct. As it is premised on the South African Constitution, it is in accordance with democratic practices and thus

displays a strong adherence to such practices. Consequently, the SABC is found to exhibit elements of the developmental approach to broadcasting, where the Editorial Code speaks of national development, nation building and social cohesion. In addition, in keeping with democratic practices, the Editorial Code expresses a commitment to the information, analysis, and debate and discussion roles of the media. Moreover, the Editorial code expresses a commitment to the PSB characteristics of universal access, diversity, accountability, transparency and independence from political and commercial influences. Complementing the Editorial Code is the Code of Ethics, which expresses a commitment by all SABC employees to honesty, integrity, avoidance of conflict of interest, transparency, fairness and professionalism. However, in light of the SABC's compromised political independence, the institution has failed to fulfil its Code of Ethics. Particularly, the SABC has failed to avoid situations where employees do not disclose their conflicting interests. Hence, although the Editorial Code of Conduct and the Code of Ethics provide a solid foundation for the SABC to fulfil its public mandate successfully, adherence to the policies is inadequate.

Moreover, although the Editorial Code expresses a commitment to the ideal institutional roles of the media, it does not express a commitment to the watchdog role of the media. Such a discrepancy severely flaws the Editorial Code, as it is the watchdog role of the media that works to secure a PSB's independence. Despite the lack of commitment to the Editorial Code, the Code is quite a sound policy document. The Code expresses a commitment to both the public and national interests, which has been argued, should be complementary (Mak'Ochieng, 2006; Tleane and Duncan, 2003).

Ntombela-Nzimande (2007) asserts that the SABC does adhere to its editorial policy, and that instances of non-compliance relate to minor issues of staff making discriminatory remarks on-air, and predominantly around religious issues. However, the SABC has been taken to the BCCSA (Broadcasting Complaints Commission of South Africa) on such occasions, where the SABC has won many of the cases. Given the size of the SABC's operations, the instances of non-compliance have been minor (Ntombela-Nzimande, 2007). The SABC's editorial policies assist, to some extent, to broaden the SABC's mandate (Duncan, 2007). Matthews (2007) asserts that the

SABC's Editorial Policy is remarkable as it is a document, which expresses a commitment to the highest principles of journalism. As, the editorial policy is a public document, the public is provided with a means by which they can hold the SABC accountable.

Galombik (2007), the SABC's former Head of Education, contends that a complex view of editorial independence exists with regard to the SABC. News and current affairs at the SABC is very rule governed. However, in other areas of programming such stringent rules do not exist. Hence, editorial decision-making is less governed in general programming at the SABC (Galombik, 2007). However, despite Galombik's argument, it is ironic that one of the severest instances of editorial independence being violated at the SABC occurred within its news and current affairs department. This violation can be seen with the blacklisting saga and the findings of the Sisulu Marcus Commission. Such a violation indicates that the rules that the SABC creates to guide the institution, are not being adhered to or are being selectively adhered to, which again is indicative of a governance crisis at the SABC.

In fact, Louw (2007) concurs that the SABC is selective in its adherence to the Editorial Code. Louw asserts that "The recent remarks by the CEO Dali Mpofu (and news Chief Snuki Zikalala) at seminars in Johannesburg indicate that they do not adhere to an independent news person's assessment of the charter" (2007: personal interview). However, Matthews (2007) argues more contentiously that the SABC does not always adhere to the Editorial Code, as can be seen with the various controversies that the SABC has stimulated. The blacklisting issue is a notable instance of the SABC's lack of adherence to its Editorial Policy.

5.3.2. The blacklisting debacle

The SABC's response to FXI's complaint to ICASA, regarding the SABC's inaction on the Sisulu Marcus Commission of Enquiry, has been shocking to FXI. Although, the SABC has never disputed the findings of the Commission, the SABC in its response claims never to have adopted the Commission's findings (Duncan, 2007). Consequently, a double standard seems to emerge on the part of the SABC. In light of Duncan's argument, it is contradictory that although Dali Mpofu himself

commissioned the enquiry and appointed its head, the institution did not adopt the Commission's findings.

Ntombela-Nzimande contends that with regard to the blacklisting debacle, all media houses have a right to, "decide what it publishes, who it sources from, and to say no to anything that they don't think should be there" (2007: personal interview). Commentator guidelines were developed in order to enrich and diversify the SABC's news (Ntombela-Nzimande, 2007). The guidelines were proposed by a Group Executive and not by the News and Current Affairs Department (Ntombela-Nzimande, 2007).

However, Ntombela-Nzimande's explanation contradicts the findings of the Sisulu Marcus Commission of Enquiry, which implicated Head of News, Snuki Zikalala, as having instigated the blacklisting. Ntombela-Nzimande (2007) asserts that the reason for developing the guidelines was due to a lack of female commentators in news and current affairs. Hence, "the names of people were not mentioned in order to blacklist them, as it were. It was to drill a point as to when and how and who we should choose and why" (Ntombela-Nzimande, 2007: personal interview). However, Ntombela-Nzimande's argument is flawed since there were also women who where found to be blacklisted in the Sisulu Marcus Commission of Enquiry.

Interviewee A (2007) contends that the SABC's efforts to address the blacklisting were bold. However, interviewee A's argument is erroneous, as can be seen with the lack of action taken by the SABC on the Commission's Report. Hence, it can be seen that Louw and Matthews's arguments display some candour, since the arguments emerging from the SABC are severely flawed. It can be seen that, the Editorial Code of Conduct as a document is a positive development for the SABC in terms of accountability and aiding the institution in fulfilling its public service mandate. However, the execution and adherence to the Code is inadequate, as the blacklisting issue illustrates, resulting in a governance crisis at the institution. Green (2007) asserts that stringent external monitoring of the SABC's compliance with its editorial policies is non-existent, which facilitates the institution's growing governance crisis.

5.3.3. Unachieved goals

Another document aiding the SABC to fulfil its mandate is the SABC's Corporate Goals. Seemingly, the SABC's Corporate Goals attempt to address some of the challenges that the SABC as a PSB in South Africa faces. However, on closer inspection, it can be seen that the SABC has not been meeting many of the goals it has fashioned. Firstly, the SABC's goal to ensure that the institution has a "sustainable financial foundation" has not been realised yet and progress towards that end has been minimal (SABC Annual Report, 2006/2007: 7). Secondly, the SABC's goal to improve the institution's working environment and garner top talent stands in contention with the print media's reports of a mass exodus from the SABC. In fact, the Sisulu Marcus Commission of Enquiry Report alludes to a climate of fear and intimidation at the SABC, thus an improved working environment at the SABC has not been realised yet. Thirdly, the SABC's goal to garner support and respect is an area where the SABC dismally falls short. Such a failure can be seen with the negative coverage of the SABC in the print media, where the SABC has been stumbling from controversy to controversy. The twelve controversies that have been identified in this study have a contradictory effect to the SABC's goal of garnering support and respect. Fourthly, the Sisulu Marcus Commission of Enquiry Report demonstrates that the SABC does not always provide fair and balanced news and current affairs programming. Nevertheless, the SABC has displayed a significant commitment to its goal of improving technology and infrastructure at the institution, as their R500 million investment in technology indicates.

A further guiding force for the SABC to fulfil its mandate is its new slogan of "Total Citizenship Empowerment". Although the SABC's new slogan falls directly within the SABC's mandate, there are a number of problems with the institution's new slogan. In the interviews that were conducted for this study, Louw (2007) reveals that he had no knowledge that such a slogan existed at the SABC. Consequently, if Louw who works within the media industry, is not aware that the SABC's new slogan exists, the question must be raised about how many ordinary citizens have knowledge of the SABC's new slogan. If citizenship empowerment is a means to which citizens can assess the SABC, their lack of knowledge that the slogan even exists is unbeneficial to them. Similarly, Matthews (2007) reveals that although he has heard the CEO

explain the essence of citizenship empowerment, the CEO's explanation does not sufficiently clarify what the SABC means by "Total Citizenship Empowerment". Again, in light of Matthews's argument, the question is raised about how many of the citizens that the SABC aims to empower, actually understand what such empowerment is about and how it is meant to positively affect them.

Alberts (2007), the former General Manager of SABC2, believes that the SABC's new slogan is a smoke screen for all the inadequacies of the institution. In fact, Duncan asserts that, "all these things [SABC controversies] have cast a pall on the SABC's claim that it is aiming for total citizenship empowerment. In fact, I think that a strong indication is that it has moved towards total citizen disempowerment" (2007: personal interview). Although Duncan's statement may be somewhat harsh, the controversies that have been identified in this study, as well as the Sisulu Marcus Enquiry's report do indeed contradict the SABC's slogan of "Total Citizenship Empowerment". Duncan's statement is also indicative of the lack of support that the SABC has come to garner from the media industry and public in general. Consequently, although the SABC's new slogan engages with its public service mandate, the SABC does not seem to be living up to its new slogan, which provides plausibility to Alberts's comment of the SABC hiding behind a smoke screen.

In light of the controversies that the SABC has been generating, the SABC "seems to be a highly unstable organisation and it seems to be losing credibility" (Duncan, 2007: personal interview). Duncan's argument has candour when looking at the negative reports on the SABC by the print media. However, interviewee A (2007) contends that all PSBs are surrounded by controversy, as they are so important in society. Ntombela-Nzimande further states that some of the issues that the print media have reported on "get taken out of proportion precisely because we are a highly contested organisation" (2007: personal interview). Although interviewee A and Ntombela-Nzimande's arguments may be true, the problem that exits with the SABC is that the institution is surrounded by too much controversy. Such an occurrence is unhealthy for a PSB, as, in accordance with Duncan, the PSB will lose credibility in the eyes of the public.

Moreover, according to Ntombela-Nzimande (2007), only some of the controversies that have been in the media are real, others are not. Interviewee A (2007) further argues that the print media have not been objective in their reporting of the SABC, as the print media belong to the commercial media and thus, are looking to discredit the competition, which is the SABC. According to interviewee A (2007), most of the print media's reports were not well researched and were not always factual. However, despite the arguments of interviewee A and Ntombela-Nzimande, the findings of the Sisulu Marcus Commission of Enquiry alone are quite disturbing. Hence, whether or not all the print media reports were factual, become inconsequential in comparison to the Commission's findings, the SABC's lack of independence and its lack of accountability to the public.

In terms of the SABC's objectives for the 2006/2007 financial year, the SABC is already struggling to finance its existing operations and still needs to find funding to establish SABC 4 and 5. Hence, the possibility of the SABC establishing a 24-hour news channel seems grim, as financing such an endeavour would require huge amounts of capital that the SABC does not have at its disposal. The fact that the SABC's expense growth rate is higher than its objective is testament to the fact, that the SABC does not have the financial resources to establish a 24-hour news channel. The mere fact, that the SABC wants to establish a 24-hour news channel, indicates that the SABC's focus, in terms of fulfilling its public responsibilities, is somewhat distorted.

However, the SABC had a few positive achievements within the 2006/2007 financial year, such as the content hub that was established and the creation of new procurement policies and procedures, as well as its R500 million investment in technology. However, although the institution achieved its governance objectives, such an achievement is negligible in relation to its governance crisis. In fact, in light of the SABC's numerous unachieved goals, the positive accomplishments of the institution are obscured and provide little compensation for its many inadequacies.

5.3.4. Relationship between the SABC and ICASA

In order to understand the SABC's relationship with ICASA and the manner in which ICASA regulates the SABC, a discussion of the ICASA Act needs to be undertaken, as the Act clarifies ICASA's jurisdiction and procedures. Furthermore, ICASA's role in protecting the SABC is also engaged with.

5.3.4.1. The ICASA Act

With regard to the SABC, ICASA's jurisdiction over the institution is limited, where it is predominantly confined to the SABC's fulfilment of its license conditions and the underlying statutes. Hence, many of the controversies that the SABC incited fell outside of ICASA's jurisdiction. ICASA's jurisdiction needs to be extended to the SABC's self-imposed policies, such as its Editorial Code of Conduct. In this way, the SABC will be made more accountable to the public it claims to serve.

The Act makes ICASA highly accountable to the public, where ICASA's activities must be made transparent to the public. The Act also makes ICASA accountable to the government through the Minister of Communications. What is noticeable about ICASA's accountability, is that none of the documents and pieces of legislation that govern the SABC compel the institution to make every aspect of its activities transparent and open to public scrutiny, as the ICASA Act compels ICASA. Consequently, it seems that ICASA is more accountable and transparent to the public than the SABC is, which is clearly a flaw in the legislation governing the SABC.

The complaint procedure detailed in section 17C is a very clear and democratic process that allows both parties involved in the complaint equal representation. The fact that all complaints are required to be open to public inspection, legitimises the complaint procedure and again makes ICASA accountable to the public.

The appointment process of the ICASA councillors is similar to that of the appointment process of the SABC Board. Consequently, the process raises many of the same arguments as that of the SABC's appointment process. Naturally, ICASA's appointment process is also severely flawed.

5.3.4.2. ICASA's role in protecting PSB

ICASA is required to ensure the viability of PSB in South Africa, as required by the ICASA Act. ICASA does this by conducting an inquiry to assess the threats that exist for PSB. According to Mkaize and Ndlovu (2007), one of the greatest threats facing the SABC currently, is competition due to the subscription broadcasting services that ICASA will shortly license. By identifying these threats to the SABC as a PSB, ICASA can then make sure that the unique role that the SABC has to play is protected. In fact, Mkaize and Ndlovu (2007) assert that there are stringent rules that exist that protect the SABC from political influence. However, when formulating policy, it is difficult for ICASA to balance social goals with economic goals, as they are not always complementary. Furthermore, with technological convergence, it is difficult to protect PSB separately (Mkaize and Ndlovu, 2007).

ICASA does not always propose solutions to the challenges they find themselves. Instead, ICASA engages with the broadcasting industry and interested parties regularly, to find solutions. Such engagements take the form of for instance, public hearings or meetings (Mkaize and Ndlovu, 2007). In addition, ICASA conducts research where other jurisdictions are observed, to examine how these jurisdictions handled similar problems to what the SABC is facing. The solutions obtained from other jurisdictions are then adapted to the South African context (Mkaize and Ndlovu, 2007).

In terms of the SABC's programming, ICASA's amendment of the SABC's license conditions reveals that ICASA is trying to help the SABC to improve its program provision to the public. The license conditions that ICASA has generated for the SABC make accountability an essential component, where the SABC is made accountable to ICASA and to the public. The license conditions also facilitate the provision of programme diversity. ICASA's six-year provision of content genre and language quotas for the SABC enables the SABC to plan ahead to meet ICASA's regulations, thus providing no room for the SABC to fail in fulfilling those quotas. The increased language quotas means that the predominance of English on the SABC is decreased, which in turn means that the language needs of South Africans will be catered for to a greater extent than before. The specificity of the stringent license

conditions makes it increasingly difficult for the SABC to discontinue certain programmes merely because they are unprofitable, as the SABC needs to fulfil its genre and language quotas. However, this situation may aggravate the SABC's funding crisis. A key problem with the license conditions is that no limit is placed on the amount of repeat broadcasts the SABC is allowed to broadcast. Consequently, the opportunity for the SABC to excessively broadcast repeats is created, which has negative consequences for the institution's distinctiveness. Nevertheless, the SABC's license conditions conform to the key characteristics of PSB, in terms of editorial independence, distinctiveness and diversity.

Furthermore, according to Mkaize and Ndlovu (2007), the SABC is accountable in terms of the various pieces of legislation that exist, which govern the institution. An example of the SABC's accountability can be seen with the SABC's appearance before the Complaints and Compliance Commission, regarding the SABC's contravention of the Broadcasting Act and its Editorial Code of Conduct due to the Sisulu Marcus Commission's findings.

With reference to the controversies that have been identified in this study, most of the controversies did not fall within ICASA's jurisdiction. However, with regard to the PSL issue, Mkaize and Ndlovu (2007) argue that ICASA does have regulations in place that ensure that sports of national interest are not acquired exclusively. Hence, from the commencement of the controversy, the SABC would have had the right to broadcast PSL matches that were played on a national level. None of ICASA's policies on the matter were contravened, thus ICASA could not intervene in the negotiations (Mkaize and Ndlovu, 2007). With regard to the blacklisting controversy, the SABC did not violate its license conditions. Consequently, ICASA could not intervene, as ICASA's jurisdiction over the SABC is predominantly limited to the license conditions.

However, ICASA is not the only industry body striving to protect PSB in South Africa. According to Koster (2007), NABSA is assisting the broadcasting environment in South Africa, by striving to ensure that the environment is stable, predictable, and encourages growth and development. One way in which NABSA tries to achieve its objective, is to ensure that the policies and regulations governing

the broadcasting industry are enforceable and predictable. In this way, stability is created within the broadcasting industry (Koster, 2007). Koster (2007) further asserts that NABSA plays a significant role in assisting in determining the rules that govern the industry and that everyone in the industry understands what their role is.

5.3.4.3. Challenges facing ICASA

Duncan (2007) contends that it has been difficult for ICASA to effectively regulate and monitor the SABC, as ICASA is extremely under-funded. Consequently, ICASA is inhibited in its ability to monitor the performance and compliance of the SABC with its mandate and the various legislation that govern the SABC. However, ICASA displayed independence when developing the SABC's new license conditions, where although the SABC objected to some of the regulations in the license conditions, ICASA still developed stringent license conditions for the SABC (Duncan, 2007). Koster (2007) asserts that the license conditions that ICASA has generated are comprehensive and clear, thus sufficiently facilitating the SABC to fulfil its mandate. Moreover, regulatory, legislative and other mechanisms are in place to ensure the continued existence of PSB in South Africa. However, the SABC needs to decide how to approach strategically, the challenges that it faces (Koster, 2007). Albeit, according to Louw (2007), although ICASA is trying, it does not sufficiently know how to ensure that the SABC achieves its mandate. Louw contends that the increased content quotas that ICASA has placed on the SABC, where the SABC now has to provide current affairs and news programmes on Sundays, "is not a satisfactory solution because listeners and viewers at those hours are limited" (2007: personal interview).

Another challenge facing ICASA is the diversity of the South African nation. Similarly, to the SABC, it is difficult for ICASA to regulate PSB so that every member of the public is satisfied. Koster (2007) concurs with Ntombela-Nzimande's argument.

Moreover, regulating such a converged broadcasting industry is not easy (Ntombela-Nzimande, 2007). There are some issues that ICASA has overlooked, such as providing adequate regulations for sports of national interest (Ntombela-Nzimande, 2007). A case in point is the PSL issue, where Ntombela-Nzimande (2007) argues that

if ICASA had adequate regulations in place, the PSL would not have been able to award its broadcasting rights to SuperSport. However, in light of Ntombela-Nzimande's argument, it must be noted, that ICASA not only regulates PSB, but also the other broadcasters in the industry, as well as telecommunications. Consequently, there is a lot of competition in the industry and ICASA has to make the industry viable for all players. Ensuring the viability of all parties is a difficult task for ICASA in such a competitive industry. However, ICASA does have in place regulation, where even though the SABC may not have secured the rights to broadcast all PSL matches, some of the rights must be awarded to the SABC by virtue of it being a public broadcaster. Hence, the PSL matches were never completely lost to the SABC (Koster, 2007; Mkaize and Ndlovu, 2007). Hence, interviewee A (2007) asserts that ICASA is performing its role and duties adequately.

In light of the arguments from the interviewees, it can be seen that ICASA is trying to adequately regulate the SABC to aid the institution to fulfil its mandate, as can be seen with the stringent license conditions generated for the SABC. Although there are problems with ICASA's efforts, there seems to be an understanding within the industry, where the challenges that ICASA faces are acknowledged.

5.3.5. Relationship between the SABC and the State

The IBA Act conforms with the entertainment and cultural roles of the media, as well as the PSB characteristics of universality of appeal and distinctiveness. In addition, the Broadcasting Act is a clear document that conforms to the highest principles of democracy, as well as the various PSB principles and ideal institutional roles of the media. The Broadcasting Act makes the SABC accountable to the public by obligating the SABC to promote public opinion on its services. The Act also makes the SABC accountable to the state, as the SABC is obligated to submit an annual report on its activities to the Minister of Communications. Moreover, the Act makes the SABC accountable to ICASA, where ICASA issues, monitors and enforces the SABC's license conditions. Hence, the Broadcasting Act clearly states to whom the SABC should be accountable.

However, Duncan contends that the Broadcasting Act is “conceptually flawed”, and as a result “was not able to effectively set the SABC up for self-efficiency” (2007: personal interview). In particular, Duncan notes that the Broadcasting Act’s statutory Charter is problematic, as it hinders the charter from being reviewed on a regular basis. Such a problem means that the Charter runs the risk of not always being relevant. As it stands, only when the Broadcasting Act is reviewed can the charter be renewed (Duncan, 2007). Another problem with the Charter that is detailed in the Broadcasting Act is that “ten of the sixteen clauses were taken directly from the BBC Charter” (Duncan, 2007: personal interview). Consequently, the public consultation process that was needed to develop the Charter was lacking. The lack of public consultation and copying of the BBC Charter means that the Charter did not go through the proper processes in its development. Moreover, since the Charter relates to a public institution, its development can be seen to be undemocratic (Duncan, 2007). Nevertheless, Duncan (2007) believes that the Broadcasting Amendment Act assists, to some extent, in elaborating journalistic standards.

5.4. The SABC as a distinctive broadcaster

Ntombela-Nzimande (2007) contends that the SABC is very distinct from other broadcasters in South Africa. Commercial broadcasters are given the freedom to “cherry-pick” its target audience, while community broadcasters can choose which community they want to provide a service to (Ntombela-Nzimande, 2007: personal interview). However, the SABC cannot choose its audience. The SABC has to service the South African citizenry in its entirety and that is what makes it distinct from other broadcasters (Ntombela-Nzimande, 2007). Furthermore, one of the central aspects of the SABC that makes it distinct from other broadcasters is the local content and the amount of different languages that it broadcasts (Ntombela-Nzimande, 2007).

According to interviewee A (2007), the SABC ensures the public interest in terms of programming by firstly, adhering to its programming content quotas; and secondly, by acquiring research information. With regard to acquiring research information, firstly, the SABC acquires audience research information, which is obtained from, for instance, SAARF (South African Advertising Research Foundation). Secondly, the SABC may commission research to inquire into problems that certain stations or

channels may experience. Moreover, the SABC has its own internal research unit. The research that is generated internally is used to identify problems that the SABC can fix immediately and for "strategic purposes, such as fighting competition" (Interviewee A, 2007: personal interview).

In contention with Ntombela-Nzimande's earlier argument, Duncan (2007) contends that PSB in South Africa is not distinct from the other forms of broadcasting, as all three forms have fallen prey to commercialism due to funding constraints. Consequently, the distinction between the three tiers of broadcasting in South Africa has begun to blur, where PSB and community broadcasting have increasingly begun to exhibit the characteristics of commercial broadcasting (Duncan, 2007; Louw, 2007). Hence, pure public service broadcasting does not exist in South Africa (Duncan, 2007). Although Ntombela-Nzimande's argument has credence theoretically, Duncan's argument is substantiated by the degree to which the SABC has become reliant on commercial revenue to fund its activities. Hence, it seems that the SABC is losing its distinctiveness as its reliance on commercial sources of revenue increases.

In fact, Mkaize and Ndlovu (2007) inform that the license for community broadcasters and the SABC are very similar; the only difference is that community broadcasters operate on a local level and the SABC operates on a national level. Furthermore, the only difference between the SABC and commercial broadcasters is the amount of advertising that they are allowed to acquire. There are stringent restrictions on the SABC regarding the amount of advertising and sponsorships it can attain (Mkaize and Ndlovu, 2007). The central problem with the SABC losing its distinctiveness in relation to other broadcasters in South Africa is the effect that this has on the quality of its programming.

In terms of programming, Louw asserts that the SABC provides "news and current affairs programmes of variable quality" (2007: personal interview). However, "the wider public interest in programmes on other subjects … is dealt with on a very limited basis" (Louw, 2007: personal interview). With regard to Louw's argument, the high-quality content that is needed for a PSB to achieve distinctiveness is lacking at the SABC. In fact, high-quality content is lacking so much so, that Matthews (2007)

contends that the majority of people who watch the news in English have shifted to e-tv. Furthermore, as high-quality content provision correlates to the media's information role, the SABC is thus, also failing to achieve its information role. Green (2007) contends that the SABC's news and current affairs provision is excessively events orientated. However, with the resources that the SABC has, the institution has the capacity to pursue issues rather than events. The SABC should be providing information to all corners of the country, thus, filling the gap that the print media creates and being distinctive in that way. Unfortunately, the SABC is not performing at its true potential (Green, 2007). Alberts (2007) contends that the SABC's programming strategy is in disarray, a case in point is the SABC's excessive repeat broadcasts of some of its programmes.

One occurrence that could have increased the SABC's distinctiveness was the establishment of SABC 4 and 5, where the SABC would have been able to address the needs of Southern and Northern region native speaking citizens on a more significant level (Ntombela-Nzimande, 2007). SABC 4 would have exclusively addressed the programming needs of the Nguni speaking population, while SABC 5 would have exclusively addressed the programming needs of the Sotho speaking population (Ntombela-Nzimande, 2007). Hence, the SABC would have been the only broadcaster in South Africa to address the language needs of the public on such an extensive level, thus increasing its distinctiveness.

However, the license for SABC 4 and 5 were granted but not issued by ICASA. According to Ntombela-Nzimande (2007), the establishment of SABC 4 and 5 was halted, as the SABC had imminent plans to digitalise their broadcasting operations. Hence, instead of establishing two extra channels while the institution was still using analogue technology, the SABC decided to wait until the institution digitalised its operations to develop extra channels, as this would be less costly and thus more viable (Ntombela-Nzimande, 2007). The SABC's digital migration is scheduled to occur in November 2008 (Ntombela-Nzimande, 2007).

However, another reason for the halting of SABC 4 and 5 is provided by Duncan (2007), who contends that SABC 4 and 5 were brought to a standstill, as there was a lack of clarity on how to fund the two channels. The SABC was granted a license for

the two channels in order to force Trevor Mannuel (the Finance Minister of South Africa) to fund the two channels. However, Mannuel did not want to provide funding for the channels (Duncan, 2007).

The fact that the SABC is losing its distinctiveness is a severe impediment to PSB in South Africa, as a PSB's programming forms the core of its public service provision. The controversies that the SABC has generated regarding its content, such as the PSL issue, the negative coverage by the print media on the SABC's establishment of a 24-hour news channel, the controversy with the independent producers, and the circumcision mini-series, are all examples of the difficulty the SABC is having with establishing its distinctiveness within the broadcasting industry. Furthermore, the dumbing-down of the SABC's content provision means that the PSB characteristics of universality of appeal, promotion of national identity and community, and catering for minority interests are not being adequately achieved by the SABC. Instead, these PSB characteristics are being waived to increasingly fulfil the commercial motive of profit maximisation, which presents a severe disservice to South African citizens. The SABC's increasing commercial inclination, is discussed in more detail in the next section. The SABC's deteriorating programming quality also affects the country's democracy, as citizens are not being provided with the high-quality information that they need to make informed decisions.

5.5. The SABC's funding mix

It seems that the only positive development with regard to the SABC's funding model is the rise in its revenue generation year on year for the past three years (SABC Annual Report, 2006/2007). However, the SABC's profit for the 2006/2007 financial year has severely diminished from the previous financial year. Nevertheless, such a decline could be attributed to the SABC's R500 million investment in technology, as the SABC's revenue expenditure has increased year on year for the past three years (SABC annual results presentation, 2007). Although the SABC's commercial revenue generation has also decreased year on year for the past three years, commercial revenues amount to 77% of the SABC's entire revenue generation (SABC Annual Report, 2006/2007: 25). For the SABC as a PSB to have the majority of its revenue emerge from commercial sources, is quiet disturbing.

The SABC's reliance on advertising revenue has the potential to allow advertisers to influence SABC content (World Radio and Television Council, 2000). In fact, the SABC's commercial bias can already be seen by for instance, the news at 10pm on SABC 3, which used to "provide engaging current affairs and international affairs"; however, it has shifted to business news, which attracts advertising (Duncan, 2007: personal interview). Hence, as the SABC clamours to please advertisers, programming is increasingly moving towards business and economic information. Consequently, the SABC is moving towards a situation where dominant interests are supplanting quality information. That is to say, the SABC is indeed moving towards commercialism. Subsequently, the idea of the SABC as a PSB redressing market failure in South Africa is severely compromised. Interviewee A (2007) argues that it has and still is detrimental to the SABC for Parliament and ICASA to impose restrictions and requirements on the institution without providing a sufficient means of funding for the SABC. Nevertheless, the SABC is exploring the viability of allowing SARS (the South African Revenue Service) to collect license fees in the future, which would potentially increase revenue generation from public sources (Interviewee A, 2007).

Duncan (2007) provides one reason for the SABC's funding crisis, when she contends that immense confusion develops in the broadcasting industry when amalgamation between the role of a PSB and commercial broadcasting occurs. Ntombela-Nzimande (2007) concurs with Duncan's argument. In the SABC's circumstance, this amalgamation has caused the role, purpose and function of the SABC to become unclear (Ntombela-Nzimande, 2007). The structure of the SABC, which is part public service and part commercial, is detrimental to the SABC, as the SABC cannot afford to compete with commercial broadcasters (Ntombela-Nzimande, 2007).

Moreover, the SABC's cross-subsidisation, where its commercial arm subsidises its public service arm, is hindered by the fact that the commercial arm cannot compete as a purely commercial broadcaster, as it is still bound by the SABC's public service mandate (Ntombela-Nzimande, 2007). Consequently, the SABC's cross-subsidisation approach is not an approach that works very well and it is contradictory. Funding the public mandate is expensive. Since the SABC is not receiving adequate public funding to fulfil such a mandate, it is forced to increase its commercial revenue in-

take to fund its public services (Duncan, 2007). Hence, Duncan (2007) suggests that the SABC's mandate needs to be clarified; and one way of doing this is to separate public and commercial broadcasting and make the SABC a purely public broadcaster (Duncan, 2007: Ntombela-Nzimande, 2007; Interviewee A, 2007). In this way, the distinction between public and commercial broadcasting becomes clear.

However, the funding of a purely public broadcaster would possibly emanate from either a purely publicly funded SABC or purely government funded SABC, the latter of which poses acute dangers to the independence of PSB in South Africa. If the SABC is funded purely by the government or the public, then the SABC Board who oversees the SABC's funding, needs to display more independence then in the past. If the SABC is to be funded completely by the public, then it must be more accountable to the public in terms of ensuring that the SABC is independent and fulfils its mandate (Matthews, 2007).

5.6. Effects on the ideal institutional roles of the media

The SABC fails to be a watchdog in protecting the public interest. Firstly, the influence that advertisers and sponsors have on the SABC's programming, due to the SABC's reliance on commercial sources of funding, works counter to the public interest. Secondly, the political bias that has been identified in this study, with regard to the SABC Board and some of its programming, also illustrates the SABC's failure to be a watchdog and expose faults in the government.

In addition, due to the SABC's political bias, citizens are not empowered by the SABC to make informed political decisions. Here, the SABC fails to fulfil its information role. If the public are not informed on the activities of individuals within the government, they may form skewed perceptions of the government of the day. Consequently, an inaccurately informed citizenry has devastating consequences on democracy in South Africa.

Moreover, the blacklisting controversy is indicative of a violation of freedom of expression at the SABC, which in turn inhibits its debate and discussion role. As Lichtenberg (2002) points out, if not all voices are heard, people may come to the

wrong conclusions on important issues and this may result in inequality, marginalisation and domination. Hence, the SABC's violation of some of the ideal institutional roles of the media indicates that it is not adequately fulfilling its public service mandate. Louw (2007) concurs with this argument.

5.7. The effects of the SABC's developmental approach to broadcasting

Interviewee A (2007) asserts that the SABC's developmental approach is about transformation, nation building and empowerment. Such an approach informs the SABC's approach to news provision. According to Duncan (2007), the SABC's developmental approach is something that the institution prides itself on. However, Duncan (2007) contends that the SABC does not, in reality, practice developmental journalism. Instead, the SABC "ignores the voices of the poor and when the voices of the poor come through, it's often in a highly distorted fashion and it's in a fashion that shields the government from criticism" (Duncan, 2007: personal interview).

With reference to Faringer's (1991) argument that the problem with the developmental approach is that the media becomes partisan to the government, Duncan's argument implies that the SABC has in fact moved towards that exact situation. Duncan's argument is substantiated when looking at the Mbeki documentary, the mysterious disappearance of the videotape exposing the Health Minister as a drunk and a thief, and the SABC's withdrawal form SANEF. These three controversies are indicative of the SABC's bias towards the government. Furthermore, Louw (2007) contends that the SABC broadcasts when a development occurs, but tends not to broadcast on issues that find the government's development initiatives lacking. If Louw's argument is indeed true, the SABC can actually be found to be contradicting the purpose of development journalism. One of the functions of development journalism is to critically examine the government's implementation of its development initiatives (Watson and Hill, 2000). Such a contradiction raises the question of whether the SABC is actually serious about its commitment to development journalism, or whether the practice of development journalism is just a smoke screen to conceal its pro-government stance.

Duncan asserts that the SABC is developing “strong elements once again of state broadcasting”, where a climate of self-censorship is intensifying in the SABC’s provision of news and programming (2007: personal interview). Matthews (2007) also asserts this view and contends that the SABC falls short of its public interest role and obligations. The views of Duncan and Matthews are given credence by the findings of the Sisulu Marcus Commission of Enquiry, which found that a climate of self-censorship did exist at the SABC. There have been a number of controversial programmes, which the SABC itself has commissioned, that it has refused to broadcast (Matthews, 2007). With regard to Matthews’s assertion, a case in point is the Mbeki documentary. According to Duncan, “the SABC is too close to the Minister of Communications” (2007: personal interview).

What can be seen from all of this is that, the SABC’s developmental approach to broadcasting is infringing on the institution’s political independence. The SABC has displayed tendencies to be bias in its programming in favour of the government of the day. Consequently, such bias poses a disservice to citizens, where citizens are not being adequately informed by the SABC. Such an occurrence violates the very nature of the public interest that the SABC is supposed to protect.

5.8. The SABC’s effect on the public sphere

The SABC as a public broadcaster is crucial in upholding and facilitating the public sphere. However, the SABC is working counter to the principle of the public sphere. The public sphere is supposed to be a place where critical-rational discussion can take place, which is free from business or state influence (Habermas, 1964; McChesney, 2000). Due to the SABC’s ANC-aligned nature and its increasing shift towards commercialism, the SABC does not assist in creating a public sphere for citizens where critical rational discussion can take place. Hence, the SABC provides candour to Habermas’s (1964) theorisation of the refeudalisation of the public sphere. A decline of the public sphere is occurring in South Africa, where the private sphere is encroaching on the public sphere, due to the SABC’s increasing shift towards commercialisation. The consequence of the declining public sphere is that the platform, which the SABC together with the public sphere is suppose to provide, for public interest groups to raise awareness on important issues, is being eroded. Hence,

the erosion of such an important platform in society means that the public is not being adequately facilitated to promote progressive changes in society, as they are unable to adequately put pressure on the government and any other powerful groups in society. Consequently, not only is the SABC infringing on the public sphere, it is not fulfilling its debate and discussion role, which is detrimental to the country's democracy. The SABC's eroding of the public sphere inhibits a system of participatory democracy in South Africa, where citizens are not adequately informed to make important decisions.

5.9. The SABC's effect on the public interest and citizenship

The public interest, like the public sphere, is supposed to be free form vested interests (Kupe, 2005a). In terms of political interest, the public is supposed to receive unbiased information and be able to voice their concerns (Teer-Tomaselli, 2004). However, as the SABC is not free form vested interests, it cannot be seen to be adequately servicing the public interest. Consequently, the SABC infringes on the political component of citizenship, which is "the right to participate in the exercise of political power" (Marshall, 1963: 72). Without accurate information on political issues, the public will not be able to make informed decisions. The SABC's ANC-aligned nature creates a barrier to accurate information and imagery, which according to Golding (1997), not only excludes citizens from democratic life, but also from social and cultural processes. Consequently, the SABC is hindering the equal participation of citizens in the social order.

Although citizenship can be implemented through the public sphere, the fact that the SABC is eroding the public sphere in South Africa further hinders citizenship in the country. Subsequently, the SABC is again inhibiting democratic processes in the country. The SABC as a PSB, which is supposed to be so crucial in facilitating democratic processes, which actually works to hinder democracy, the public sphere and the public interest, indicates that the SABC is not a genuine PSB.

5.10. Challenges facing the SABC

The challenges that are discussed in this section are those that have been identified by the study's interviewees, as they work or have worked closely with the SABC and the

broadcasting industry in general. For this reason, the interviewees are best placed to identify challenges facing the SABC. There are various problems facing the SABC. With regard to the crisis that the SABC is experiencing, Duncan blames the initial policy process and resultant policies for the crisis. Duncan asserts that the policy process and resultant policies were not adventurous enough in detailing the future of PSB. In particular, the cross-subsidisation of the SABC, of its commercial arm to its public service arm, was "a disastrous policy choice", that does not work (Duncan, 2007: personal interview). Duncan (2007) further contends that without serious investment in public funds to fund the SABC, PSB in South Africa will not grow. According to Duncan,

> all of this is policy chaos when it comes to the SABC, that there hasn't, since the transformation of the SABC Board in 1993, been a clear line of march that can take us towards the establishment of a proper public broadcaster. So, I think that policy and legislation is characterised by incoherence at best and chaos at worst (2007: personal interview).

However, there has been progress in clarifying the SABC's mandate. Hence, in light of Duncan's argument, a major problem hindering the SABC from fulfilling its public service mandate is a crisis in the policy governing the SABC.

Another problem is the high level of staff departures from the SABC, which has seen the institution lose numerous senior staff members. The SABC has not been able to prevent this loss, which is indicative of a human resource management failure, which in turn is indicative of a governance failure at the SABC (Duncan, 2007).

In addition, there has been a display of SABC Board members engaging in micro-management of the SABC. Such micro managing entails interfering in the day-to-day operations of the SABC and thus, making decisions where SABC management should not be making decisions. Hence, this interference by the SABC Board members indicates that the SABC Board has misconstrued its role at the SABC, which in itself is a governance failure (Duncan, 2007).

Louw contends that PSB in South Africa faces a problem of "Telling it like it is" (2007: personal interview). The SABC does not adequately representing the reality of South Africa on for instance, issues of crime, HIV/AIDS, lack of service delivery,

nepotism, corruption, lack of jobs, and so on. There is no in-depth examination on important issues (Louw, 2007). The SABC's provision of news needs to be broadened. However, although these important issues are difficult to account on, the SABC does not want to deal with these issues as, "I sense they are not being tackled because the broadcaster does not want to upset the government" (Louw, 2007: personal interview). Louw (2007) further contends that although the SABC has the biggest newsroom in South Africa, the output of its news content does not reflect optimum use of such a newsroom. Consequently, this limited use of its newsroom capacity, indicates that, "news gathering lacks thrust and appears to be tainted with political correctness" (Louw, 2007: personal interview).

Ntombela-Nzimande (2007) asserts that there are three main challenges facing the SABC. Firstly, competition within the broadcasting arena has increased, which means that the SABC is losing some of its audience share. Secondly, the SABC is operating within serious funding constraints, which inhibits the SABC from fulfilling its public mandate. Thirdly, as South African society is so diverse, the SABC cannot meet the needs of each citizen (Ntombela-Nzimande, 2007). This problem is also attributed to the SABC's lack of funding. Galombik (2007) contends that due to the SABC's lack of funding, the continued financing of local content will become problematic in the future. The financing of local content is an especially important challenge that the SABC will have to contend with, as its local content provision is a central aspect of what makes the SABC distinct from other broadcasters (Galombik, 2007).

Further challenges for the SABC, are firstly, winning public trust, where the public has complete trust in the SABC. Winning public trust is difficult to do, as South African society is so diverse. Secondly, the challenge for the SABC is to remain relevant to the public. Thirdly, the SABC must stay abreast of technological developments (Ntombela-Nzimande, 2007). Interviewee A (2007) contends that even though new technologies provide the advantages of facilitating the development of a multitude of television channels, the new technologies are expensive to obtain for the SABC, as it has to be imported. The high costs of new technologies are incompatible with the SABC's revenue generation. In addition, technological advancements are resulting in more players entering the broadcasting industry, which threatens the SABC's viability. Hence, in order to survive, the SABC must remain relevant,

continue to add value, be sustainable and adapt, and keep abreast with the various technological advancements (Interviewee A, 2007). Furthermore, media developments, such as U-tube, facebook, itunes and so on, are shifting public expectations towards increased interaction. “They [the public] want to have some editorial control and they want to have access to the kind of content that they want, when they want it, and they even want to give or contribute their own types of content” (Koster, 2007: personal interview). Consequently, according to Koster (2007), broadcasting will have to become more interactive to accommodate the public’s needs.

Matthews (2007) contends that the SABC has lost its credibility as a PSB; thus, the main challenge for the SABC is to restore its credibility. Green (2007) asserts that with the SABC’s crisis of credibility comes a crisis of professionalism. Here, less experienced people have replaced the more experienced staff at the SABC, due to the exodus in staff that the SABC has experienced. The inability to retain its professionals or acquire new professionals, points to an inadequate management strategy at the SABC (Green, 2007).

Ntombela-Nzimande (2007) reveals that the SABC’s communication to the public about its activities and future plans is defective. Hence, some of the public’s critique of the SABC is due to inefficient communication by the SABC. Consequently, the SABC needs to utilise its many platforms to communicate more effectively with the public. In addition, Ntombela-Nzimande (2007) asserts that with all the power that the SABC possesses, it does not use this power efficiently to facilitate the achievement of its mandate. Ntombela-Nzimande’s assertion is indicative of the SABC’s governance crisis.

Galombik (2007) highlights that the SABC is an institution that constantly suffers from a crisis of expectation, as it is such an important institution in society. Furthermore, as the SABC is a public institution, it is very sensitive to the debates and contestations that lie beneath society. These debates and contestations manifest itself through the SABC. Hence, some of the controversies that the SABC has generated are examples of such manifestations (Galombik, 2007).

Mkaize and Ndlovu (2007) stress that it is important to keep in mind that the SABC is implementing its new license conditions for the very first time. One must also be mindful of the fact that the SABC is operating under strained circumstances. Firstly, the SABC has the kind of responsibilities that no other broadcaster. Secondly, the SABC faces fierce competition despite its responsibilities. Thirdly, the SABC operates on limited funding (Mkaize and Ndlovu, 2007).

According to Duncan, the SABC has become the embarrassment of the region, where at a meeting, "of civil society organisations and donor organisations in the SADC … someone who is very high up in the media in Swaziland, who's also the Chairperson of a funding agency, just said, South Africa has become an embarrassment to the region" (2007: personal interview). Duncan's statement comes in light of the many controversies that have besieged the institution, as well as the SABC's lack of independence and accountability. The SABC is supposed to be a PSB to aspire to, since it is one of the few supposedly independent PSBs in the region. The SABC, and as a result South Africa, is especially an embarrassment to the region with regard to the aspiration on the continent to shift state broadcasters to public broadcasters.

Given the challenges facing the SABC that have been identified in this study, it can be seen that Sparks's (2000) argument that global aspects are eroding the local public sphere, is occurring in South Africa in terms of PSB. Technological advancement, a multi-channel environment, competition and commercialisation, which are all linked to globalisation, are hindering the ability of the SABC to adequately fulfil its public service responsibilities, and thus be a genuine broadcaster. However, the challenges facing the SABC are not just external, but internal as well. Hence, the SABC seems to be dealing with a double-edged sword. However, although the SABC may not be able to control the external challenges that it faces, it can control and possibly solve the internal problems it faces, if it can find the resolve to do so.

5.11. Conclusion

In this chapter, a number of aspects of the SABC were examined. In the analysis of the SABC's norms and rules, it was found that even though the various documents that guide the SABC to fulfill its mandate are sound documents, the SABC does not

necessarily comply with these documents. The various controversies that have been identified in this study, as well as the Sisuslu Marcus Commission of Enquiry are testimony to the SABC's non-compliance with its internal policies. In fact, the SABC tries to cover up such inadequacies with a positive catchphrase that is does not however, live up to.

The governance arrangements within the SABC are severely flawed. The SABC Board is tainted by members with ANC ties, which is clearly a flaw of the SABC Board appointment process. What is more, a CEO that is unqualified for the job of running the SABC is placed at the helm of the institution. Such shortcomings have culminated in exceptionally bad governance of the SABC that has spawned twelve major controversies within the space of a year.

ICASA is limited in its activities of evaluating and monitoring the SABC, as its jurisdiction is limited, thus there are many inadequacies that are neglected at the SABC. The inadequacies that are neglected are resulting in a deteriorating PSB. In addition, ICASA lacks funding to be able to fulfil its function adequately, to evaluate and monitor the SABC. However, the dilemmas that ICASA faces are no fault of its own, the fault lies with legislation and the government. Hence, the relationship between the SABC and ICASA is a strained one.

The SABC's relationship to the state is comprised predominantly by the Broadcasting Act. However, although the Broadcasting Act ensures the SABC's accountability to the state, ICASA and the public, the Act is conceptually flawed. Such a flaw strains the relationship between the SABC and the state slightly, as the states legislation is not appropriately assisting the SABC to be the best PSB it can be and to fulfill its public mandate to the best of its ability.

The SABC's funding model is disconcerting, as the SABC's predominant source of revenue generation is from commercial sources. The SABC's reliance on advertising and sponsorships means that those advertisers and sponsors influence the SABC's programming to a large degree. Consequently, the SABC is moving increasingly towards commercialism. Such a dilemma severely violates the values of PSB and the public interest.

A crucial component of this chapter has been to examine the SABC's independence, accountability and distinctiveness. The SABC's independence is severely compromised as can be seen with the Board's ANC ties, the Board appointment process, and the influence of advertisers and sponsors on SABC programming. Although the SABC is made accountable in various ways to the state and ICASA, its accountability to the public is inadequate. This inadequacy is a result of defective legislation, but also the result of the SABC's non-compliance with its own internal polices, as can be seen with the lack of consequence of the Sisulu Marcus Commission of Enquiry.

With all this, it can be seen that, the SABC as a PSB is lacking in many aspects. The SABC's positive efforts to improve its service to the public are engulfed by the institution's inadequacies, thus making positive developments inconsequential. Hence, the SABC cannot be said to be a genuine PSB. Instead, the SABC is an institution that is engulfed in crisis.

Chapter 6: Conclusions and recommendations

6.1. Introduction

This chapter seeks to conclude this study by reiterating the central findings and arguments of the study. In doing so, the initial aims of the study will be engaged with. These aims were to determine whether the SABC is a genuine PSB, which entailed determining whether the SABC is adequately fulfilling its mandate or contradicting its mandate by moving towards commercialism. In addition, the causes for any shifts toward commercialism were to be determined. This chapter will also engage with the study's initial research questions, where firstly, the study was to determine the extent to which the SABC is a PSB. Secondly, to ascertain whether the policy and regulation governing the SABC facilitates or constrains the SABC in its PSB responsibilities. This chapter also attempts to provide recommendations to some of the problems facing the SABC that have been identified in this study.

6.2. The SABC's fulfilment of the central tenets of PSB

This study was themed according to the PSB characteristics of independence, accountability, distinctiveness, and finance. These four characteristics were used to determine whether the SABC is adequately fulfilling its PSB responsibilities, and thus whether it is a genuine PSB. The characteristics of independence, distinctiveness and finance are closely related, and will thus be discussed together.

6.2.1. Independence

One of the main causes of the SABC's lack of political independence is the governance arrangements that exist within the SABC. The Board nomination process seems to be a key flaw in the governance of the SABC. The President ultimately appoints the SABC Board, which is extremely problematic, as can be seen with the several ANC-aligned people serving on the SABC Board. The crisis in the governance arrangements at the SABC has consequently, culminated in instances of pro-ANC bias on the part of the institution. Such occurrences have eroded the SABC's political independence. In addition, the SABC Board's lack of appropriate credentials to steer the institution in a progressive direction, enhances the institution's

governance crisis, where behavioural inefficiency is created. The SABC also suffers from structural inefficiency, where the roles and functions of different levels and departments within the institution are blurred. Moreover, the SABC's developmental approach to broadcasting facilitates the institution's pro-ANC stance. The use of development journalism is a platform from which the SABC can justify its pro-government stance. Hence, the SABC's developmental approach to broadcasting hinders the institution from fulfilling its PSB responsibilities, as it assists in compromising the institution's political independence.

Another factor that has eroded the SABC's independence is its reliance on commercial sources of funding. The SABC has become reliant on commercial sources of funding due to the minimal revenue it receives from other sources. The main problem with the SABC's funding mix then, is that the SABC's content is increasingly becoming commercialised, as advertisers and sponsors dictate their desires to the institution. Consequently, the SABC's economic independence has also been eroded. Related to the SABC's financial dilemma is the issue of distinctiveness. The SABC's increasing shift towards commercialisation is eroding its distinctiveness, where the SABC's high-quality content provision is being compromised. Such an occurrence is resulting in the dumbing-down of the SABC.

6.2.2. Accountability

The SABC as a PSB is supposed to be accountable to three main bodies, the state, ICASA and the public. The SABC does account to the state and ICASA in terms of submitting annual reports, quarterly reports and so forth. The SABC is accountable in the same way to the PFMA and the Auditor General. In terms of public accountability, the SABC holds feedback meetings with the public every two years. In addition, the SABC's annual reports, editorial and programme policies are made available to the public. Although the SABC is accountable to the state and ICASA, the SABC is inadequately accountable to the public. The SABC's meetings with members of the public occur too infrequently to make the institution adequately accountable to the public. What is more, the SABC does not always comply with its editorial policies. When the SABC fails to comply with its editorial policies, it does not account to the state, ICASA or the public regarding its non-compliance. The

SABC's rejection of the findings of the Sisulu Marcus Commission of Enquiry is a case in point. The SABC's non-compliance with its own internal policies is again indicative of the institution's governance crisis.

6.2.2.1. ICASA's regulation of the SABC

It seems that ICASA, despite the challenges it faces, is trying significantly to facilitate the SABC to fulfil its public mandate, as can be seen with the stringent license conditions created for the SABC. However, ICASA is restricted in its ability to regulate the SABC adequately due to a flaw in the ICASA Act. Such a discrepancy is a legislative flaw.

6.2.2.2. Legislation governing the SABC

The Broadcasting Act and the ICASA Act generate key flaws in legislation. The Broadcasting Act empowers the President to appoint the SABC Board. The consequences of such a flaw in policy have already been explored in the discussion on independence. In addition, the Broadcasting Act does not allow the statutory Charter to be renewed on a regular basis. Consequently, the Charter is unable to keep abreast with the changing broadcasting environment, which may result in it being unsuitable to address particular issues or problems that the SABC may have. What is more, the Charter may be unsuitable for the South African context, as much of the Charter originates from the BBC Charter. These flaws in the Broadcasting Act can be seen to be exacerbating the SABC's governance crisis. Furthermore, the ICASA Act restricts ICASA's jurisdiction over the SABC to primarily the institution's license conditions. Hence, any transgressions of the SABC's internal policies go unaccounted. Consequently, the ICASA Act also exacerbates the SABC's governance crisis. Such detrimental flaws in legislation thus hinder the SABC from fulfilling its public service responsibilities.

6.3. Consequences of the SABC's violation of the central tenets of PSB

Firstly, the SABC's inability to fulfil the central tenets of PSB means that it violates its ideal institutional roles of being a watchdog, providing information, and providing

a forum for debate and discussion. Since the ideal institutional roles of the media are so intrinsic to the promotion of democratic processes, the SABC is actually hindering democratic processes in the country when it should in fact be facilitating it. Secondly, the SABC's inability to fulfil the central tenets of PSB is eroding the country's public sphere. The public's ability to engage in critical rational discussion is being hindered due the SABC's ANC-allegiances and through its increasing shift towards commercialisation. Thirdly, the SABC is violating the public interest and hindering citizenship in the country. The SABC is not providing a public service that is free from vested interests, and thus, cannot be said to have the public's interests at heart. In addition, the erosion of the SABC's political independence is preventing the public from receiving accurate information and imagery, which in turn is eroding citizenship in the country. What can be seen from all of this is that the SABC seems to be losing its identity as a PSB. The institution is not complying with the central tenets of PSB. Hence, the SABC is providing a disservice to the public it is supposed to serve and a disservice to democracy. Consequently, the SABC is not a genuine PSB.

6.4. Recommendations

Primarily, the SABC is in dire need of addressing its internal problems. In terms of the governance crisis that the SABC is facing, Green (2007) asserts that, good governance within a PSB is crucial, as without good governance, the essence of a PSB becomes compromised. Hence, in order to protect PSB in South Africa, there needs to be a system that will ensure good governance and oversight of the SABC, which allows the institution to fulfil its mandate adequately (Green, 2007).

One way in which to achieve good governance within the institution is through augmented political consensus. Green (2007) further contends that there needs to be more political consensus and political will, not only on a government level, but also from other political parties and from society. Without political will, there can be no guarantee of a public broadcaster (Green, 2007). Green's argument comes in light of the fact that it is the government's responsibility to develop the legislation that governs PSB. Without political will, the government will not be stimulated to amend the flaws that exist in the current legislation. In addition, interviewee A (2007) contends that the policy governing the SABC must be revised in order to clarify an

appropriate way in which to structure the institution and how to ensure the institution's sustainability. In addition, Louw contends that "Public values need broader expression and thus can be restructured" (2007: personal interview).

However, Matthews (2007) contends that consensus within the SABC is also needed. Matthews (2007) reveals that the SABC holds regular breakaway seminars and workshops, where journalism issues are discussed. These breakaway seminars are valuable as they allow consensus to be formed on important issues (Matthews, 2007). Hence, the SABC should have more breakaway seminars within the entire institution, where the seminars can be held for all divisions of the SABC.

Another way in which the governance crisis at the SABC can be addressed is by revising the Board nomination process. Louw (2007) contends that instead of the government appointing the members of the Board, civil society should instead be conferred with the task. In this way, the role of the SABC Board members will be unambiguous. Hence, the SABC will see its function as providing a service to the public, instead of seeing its function as "following a politically correct line" (Louw, 2007: personal interview). Subsequent to revising the Board appointment process, the "politically appointed heads" in key sectors of the SABC, for instance, the head of the news and current affairs department, must be removed (Louw, 2007: personal interview). The politically appointed SABC staff-members must be removed, as it is a conflict of interest for card-carrying members of the ANC to hold such key positions within the SABC (Louw, 2007).

Furthermore, the SABC needs to abandon its developmental approach to broadcasting and instead concentrate on trying to fulfil the tenets of PSB. In this way, the SABC's focus will be on fulfilling its PSB responsibilities, instead of gratifying its political allegiances. The SABC needs to focus on what is important, which is fulfilling its PSB responsibilities. Although, it must be noted, that there is nothing wrong with utilising the developmental approach. However, the problem lies in the way in which people in power utilise the development approach, as in the case of the SABC. Consequently, a redefinition of the developmental approach is needed, where abuse of the approach by people in power can be curtailed. In this way, the political independence of PSB's who use the developmental approach can still be ensured.

In terms of increasing the SABC's accountability, Duncan (2007) contends that there needs to be a far greater engagement of the SABC with the public. There needs to be much more public participation in clarifying the SABC's mandate and in the development of the SABC Act. The SABC Board should engage in regular public consultations and should "accede to public meetings if a significant amount of signatures are given to it, calling for meetings" (Duncan, 2007: personal interview). The Board should have,

> … quarterly report-back meetings, its minutes should be made publicly available, its voting records should be made publicly available, and also its services should set up things like listener committees, which can act as advisory bodies for programme monitoring services (Duncan, 2007: personal interview).

Louw (2007) also favours meetings between the Board, senior management and the public, similar meetings that were proposed post-apartheid by the Campaign for Open Media during the transformation phase. In this way, the SABC will be more accountable to the public.

Another way in which the SABC's accountability can be increased is through greater adherence to its Editorial Code of Conduct. If the SABC strictly adheres to its editorial policies, the SABC's political independence can be salvaged (Matthews, 2007). However, augmented adherence to the SABC's editorial policies can only operate in tandem with a revision of legislation governing the SABC. Only legislation has the power to obligate the SABC to adhere to its internal policies.

In terms of diversity, the SABC gravely needs to halt the deterioration of its programming quality in the midst of commercial revenue dependency. Louw contends that the SABC should increase the diversity in its programming, by providing content other than drama and public interest programmes, "which focus on specialist areas" (2007: personal interview). In addition, the SABC needs to provide candid information, analysis, and debate and discussion to its public. In order to do this, the SABC needs to "tell it like it is", which entails not always supporting the dominant view, as this view may not always be the correct view (Mkaize and Ndlovu, 2007: personal interview). To Mkaize and Ndlovu, "realising the independence and importance of telling it like it is, is what is meant by total citizenship empowerment"

(2007: personal interview). Furthermore, if research, which gauges the public's wants, needs and interests can be carried out as frequently as possible, this would assist the SABC in fulfilling its mandate (Mkaize and Ndlovu, 2007).

6.5. Conclusion

The SABC, which lacks independence both politically and economically, is not adequately accountable to the public that it claims to serve, is not adequately distinct, and has a funding structure that is moving the institution increasingly towards commercialism; cannot be said to be a genuine broadcaster. The Sisulu Marcus Commission of Enquiry report is particularly disturbing, as the document alludes to some gross violations of the key principles of PSB. The report indicates that there is a crisis of independence and governance at the SABC. Direct censorship (in terms of the blacklisting of commentators) is occurring, together with self-censorship, due to the climate of fear that exists within the SABC. The fact that such censorship is occurring at the SABC is more indicative of a state broadcaster than that of a public broadcaster. The report provides credence to the print media's reports concerning the SABC.

The fact that the SABC generated twelve major controversies in a period of a year is inexcusable behaviour for a PSB. Such controversies immediately point to a governance failure at the SABC. A governance failure, which is created by a CEO who does not have the credentials to make decisions that, can allow the SABC to progress; in tandem with a Board that is ANC-aligned, making the institution partisan to the government. Here, once again, the SABC exhibits symptoms of a state broadcaster rather than that of a public broadcaster. A further governance failure can be seen with the way in which the SABC renounces any responsibility for the misdemeanours it performs. Such renouncement of responsibility can particularly be seen with the SABC's failure to accept the findings of the Sisulu Marcus Commission of Enquiry. What is more, the SABC's inability to acknowledge its defects inhibits the SABC from adequately accounting to the public. However, inadequacies in legislation also contribute to the SABC inadequately accounting to the public. Hence, a revision of the Broadcasting and ICASA Acts can help the SABC gain its independence and accountability to the public.

Adjunct to these problems is the SABC's funding model. The SABC's funding model does not allow the SABC to fulfil its public service obligations adequately. The SABC receives nominal funding from government and other revenue sources, and the funding the institution receives from license fees is insufficient. Hence, the SABC's main source of funding is via commercial sources. Consequently, the SABC depends on commercial sources for its revenue, which has severely compromised the institution's independence from the private sector. As a repercussion of the SABC's reliance on commercial sources of funding, the quality of the SABC's programming seems to have declined in favour of content that would please advertisers and sponsors. The reality of the SABC's deteriorating programme quality has been met with wide concurrence among many of this study's interviewees.

Consequently, it appears that the SABC has lost its sense of direction as a PSB. Despite the SABC's fulfilment of its license conditions, the internal problems that the SABC is fraught with are inhibiting the PSB from progressing. Hence, if the SABC does not acknowledge its problems and does not become truly counteractive, the institution will never develop into a genuine public service broadcaster. However, the SABC's efforts must be met with increased political will. Accordingly, the future and fate of the SABC lies firstly, with the institution itself and secondly, with the government who needs to change legislation to increase the SABC's political independence and public accountability.

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Documents

The Broadcasting Act of 2002

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SABC Annual Report 2006/2007

SABC Editorial Code of Conduct

The IBA ACT 1993

The ICASA Act 2000

The ICASA Amendment Act 2006

Appendix A: Interview guides

The interview guides that have been presented below serve as a framework for the interviews and are an indication of the issue areas that will be discussed.

Interview guide for the SABC:

1. How is adherence to the editorial charter evaluated by the SABC?
2. What is the SABC doing in terms of programming to ensure that it serves the public interest?
3. From which source does the SABC primarily receive revenue?
4. What approach to programming and news provision does the SABC follow?
5. In what ways can you say that this approach is assisting the SABC in fulfilling its public service mandate?
6. What would you regard as the current challenges facing public service broadcasting in South Africa?
7. Can and should a new coalescence between public and market values be conceptualised and implemented?
8. What can be done to secure the future of public service broadcasting in South Africa?
9. How distinct, if at all, is the SABC from private (commercial) and community broadcasters in South Africa?
10. How do you see the changing public service broadcasting environment?
11. How does this changing environment affect the SABC?
12. How independent is the SABC's editorial and programme policies from political and economic interference?

Interview guide for ICASA:

1. How often do you evaluate the SABC?
2. What informs this evaluation?
3. What is ICASA doing about the recent controversies that the SABC has been stirring-up?
4. After an evaluation, if it happens to be that the SABC is not adequately fulfilling its role and responsibility as a PSB, what does ICASA do then?
5. What is the evaluation process? (take me through the evaluation process)

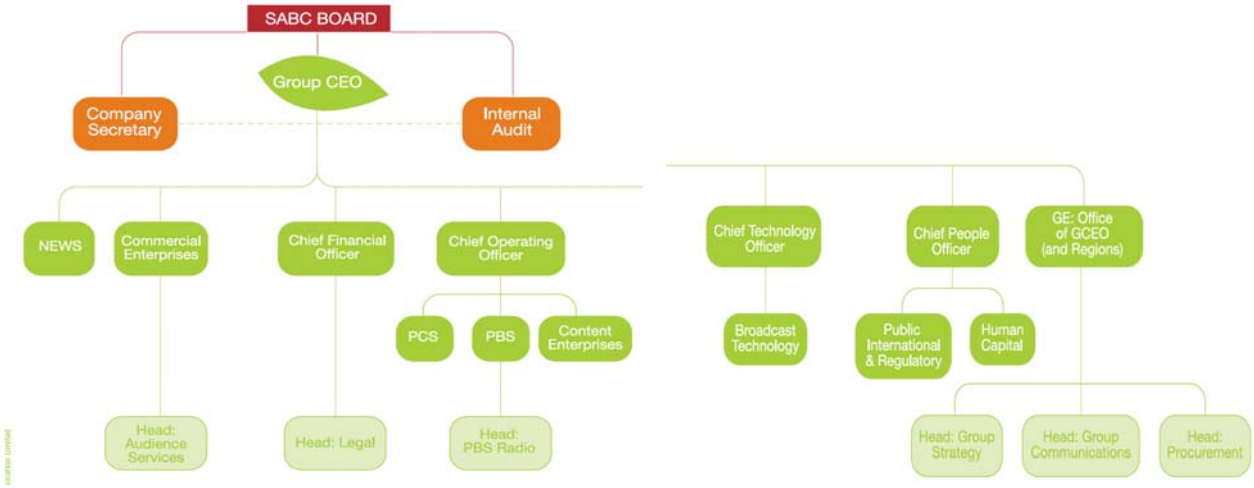
6. What would you regard as the current challenges or threats facing PSB in SA?
7. What is ICASA doing to facilitate solutions to these problems?
8. What would you regard as the current challenges facing broadcasting policy in SA? (Is broadcasting policy and regulation in SA adequate?)
9. Can and should a new coalescence between public and market values be conceptualised and implemented?
10. What can be done to secure the future of public service broadcasting in South Africa?
11. In your opinion, what are the best ways of funding the SABC in order to allow it to become a public service broadcaster in the true sense of the word?
12. In your opinion, how independent is the SABC's editorial and programme policies from political and economic interference?
13. How distinct, if at all, is the SABC from private (commercial) and community broadcasters in South Africa?

Interview guide for FXI/MISA/NABSA:

1. What would you regard as the current challenges facing PSB in SA?
2. In your opinion do you think broadcasting policy adequately facilitates the SABC to fulfil its PSB mandate/roles? (If not, why?)
3. What is your stance on the recent controversies that the SABC has been stirring up?
4. What can be done to improve the situation of PSB in SA?
5. Do you think that the SABC’s development approach to PSB is beneficial to South African’s (Why?)
6. Is ICASA doing an adequate job in ensuring that the SABC fulfils its public service roles?
7. Can and should a new deal be struck between public and market values?
8. What can be done to secure the future of public service broadcasting in South Africa?
9. In your opinion, what are the best ways of funding the SABC in order to allow it to become a public service broadcaster in the true sense of the word?
10. In your opinion, how independent is the SABC's editorial and programme policies from political and economic interference?

11. How distinct, if at all, is the SABC from private (commercial) and community broadcasters in South Africa?

Appendix B – SABC organisational structure



(SABC Annual Report, 2006/2007: 19)

Appendix C: SABC Editorial Code of Conduct

1. PREAMBLE: THE CORE EDITORIAL VALUES OF THE SABC

Public broadcasters world wide share many features relating to independence, accountability and diversity. However, the SABC's context has unique facets that also determine its positioning. These relate to South Africa's challenges as a young democracy and a society in transition. The challenges are captured neatly in the preamble to the Constitution, which sets out the objectives of the South African constitution as these:

- To heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights
- To lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law
- To improve the quality of life of all citizens and free the potential of each person
- To build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations

Those national objectives therefore underpin the values and principles that define the SABC's role as a public broadcaster: to play a part in healing divisions of the past; to promote respect for democratic values and human rights; to supply information that allows citizens to exercise their rights, and to reflect the rich diversity of a united South Africa.

The values articulated in the Constitution — including national development, unity, diversity, non-racism, non-sexism, democracy and human dignity — represent those things that are commonly held by South Africans to be important. They bridge political, class, racial and gender divides, and although we are still at the start of our project of national development, those are what anchor us as a nation. For the public broadcaster, then, they must form the foundations of our editorial policies.

Among the core editorial values for the SABC are these[20]:

Equality

The SABC provides programmes for everyone, in all the official languages, and promotes universal access to its services.

Editorial Independence

The SABC is governed by the Charter of the Corporation, which enshrines the journalistic, creative and programming independence of the staff of the corporation, and the constitutionally protected freedom of expression.

Nation Building

The SABC celebrates South Africa's national identity and culture, and provides its citizens with the information they need to participate in building our democracy.

Diversity

The SABC reflects South Africa's diverse languages, cultures, provinces and people in its programmes.

Human Dignity

The SABC respects the inherent dignity of all the South Africans, reflects them in all their diversity, and does not use language or images that convey stereotypical or prejudiced notions of South Africa's races, cultures and sexes.

Accountability

In discharging their editorial responsibilities, SABC management and staff are accountable to the SABC Board, which is charged with ensuring that the corporation complies with the Charter.

[20] These values are reflected in various of the SABC's editorial policies, including the policies on programming, news, language, local content and universal service and access.

Transparency

The SABC ensures that the principles of honesty, openness and transparency are core to every aspect of its relationships with shareholder, stakeholders, suppliers and the public.

2. EDITORIAL CODE OF THE SABC – THE CODE OF PRACTICE

The values give rise to an Editorial Code that underpins all the programming. This Code was developed by the SABC Board in 1993, and has now been revised to incorporate recent developments and changes in the law. The Code affirms commitment to the principle of editorial independence as it relates to SABC programmes.

- We are committed to a high standard of accuracy, fairness and impartiality and we therefore report, contextualise, and present news and current affairs honestly by striving to disclose all the essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis.

- We are committed to fulfilling the rights of all South Africans to receive and impart information and ideas and we further understand that if South Africans are to meet the challenges of building a nation and a strong democracy, they must have access to relevant, reliable, and timely information of the best quality. In covering newsworthy events, we aim to give them what they need in order to make informed decisions about their lives.

- We commission, produce and broadcast programmes in a variety of genres and formats, and strive to ensure that the SABC's core values are upheld in commissioning, acquisition and production of the programmes.

- We are aware of the danger of discrimination being furthered by the media, and therefore, in accordance with the Constitutional principle of equality and our commitment to the equitable treatment of all segments of the South African population, we avoid promoting discrimination through the SABC's programmes on the grounds of gender, race, language, culture, political

persuasion, class, sexual orientation, religious belief, marital status, or disability.

- We do not allow advertising, commercial, political or personal considerations to influence our editorial decisions. The SABC is expected to provide information, and as part of this duty should evaluate, analyse and critically appraise government policies and programmes. The SABC is not the mouthpiece of the government of the day, nor should it broadcast its opinion of government policies, unless they relate directly to broadcasting matters.

- We respect individuals' legitimate right to privacy, and should not do anything that entails intrusion into private grief and distress, unless it is justified by overriding considerations of public interest.

- We are circumspect and sensitive in presenting any form of brutality, violence, atrocities or personal grief.

- We seek balance by presenting relevant views on matters of importance, as far as possible. This may not always be achieved in a single programme or news bulletin, but should be done within a reasonable time.

- We are guided by news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, nor the SABC to give every side of an issue the same amount of time.

- In serving the public's right to know, we are enterprising in perceiving, pursuing and presenting issues that affect society and individuals.

- We are free from obligation to any interest group, and committed to the public's right to know.

- We do not accept gifts, favours, free travel, special treatment, or privileges that could compromise our integrity, and any such offer is to be disclosed.

- We identify ourselves and our employer before obtaining any information for broadcasting. As a general rule, journalism should be conducted openly. Covert methods may be used only with due regard to their legality, to considerations such as fairness and invasion of privacy, and to whether the information being sought is so significant that it warrants public disclosure but cannot be obtained by other means.

- We resolutely uphold the principle of journalistic freedom and see the protection of a journalist's sources as an important part of this principle. If the protection of a source were to become a legal matter, the SABC would not advise its employees to refuse to obey a court order, but would make its legal counsel available for advice and to present legal argument in court to protect the source.

- We do our utmost to make a timely correction of any information that was broadcast and is found to be inaccurate.

- We foster open dialogue with our viewers and listeners, as we are accountable to the public for our reports.

- We aim to tell stories from a South African point of view and deal with issues that are important to South Africans. This includes local, African and global issues. We endeavour to contextualise for South Africans their life as global citizens, and to recount the story of South Africa in all its variety and complexity. Given our history, and that South Africa is part of Africa, we see it as our responsibility to endeavour to represent Africa and African stories fairly and diversely.

- We support South African culture and develop programmes that are identifiably South African and contribute to a sense of national identity; to a sense of shared experience and the goal of nation building.

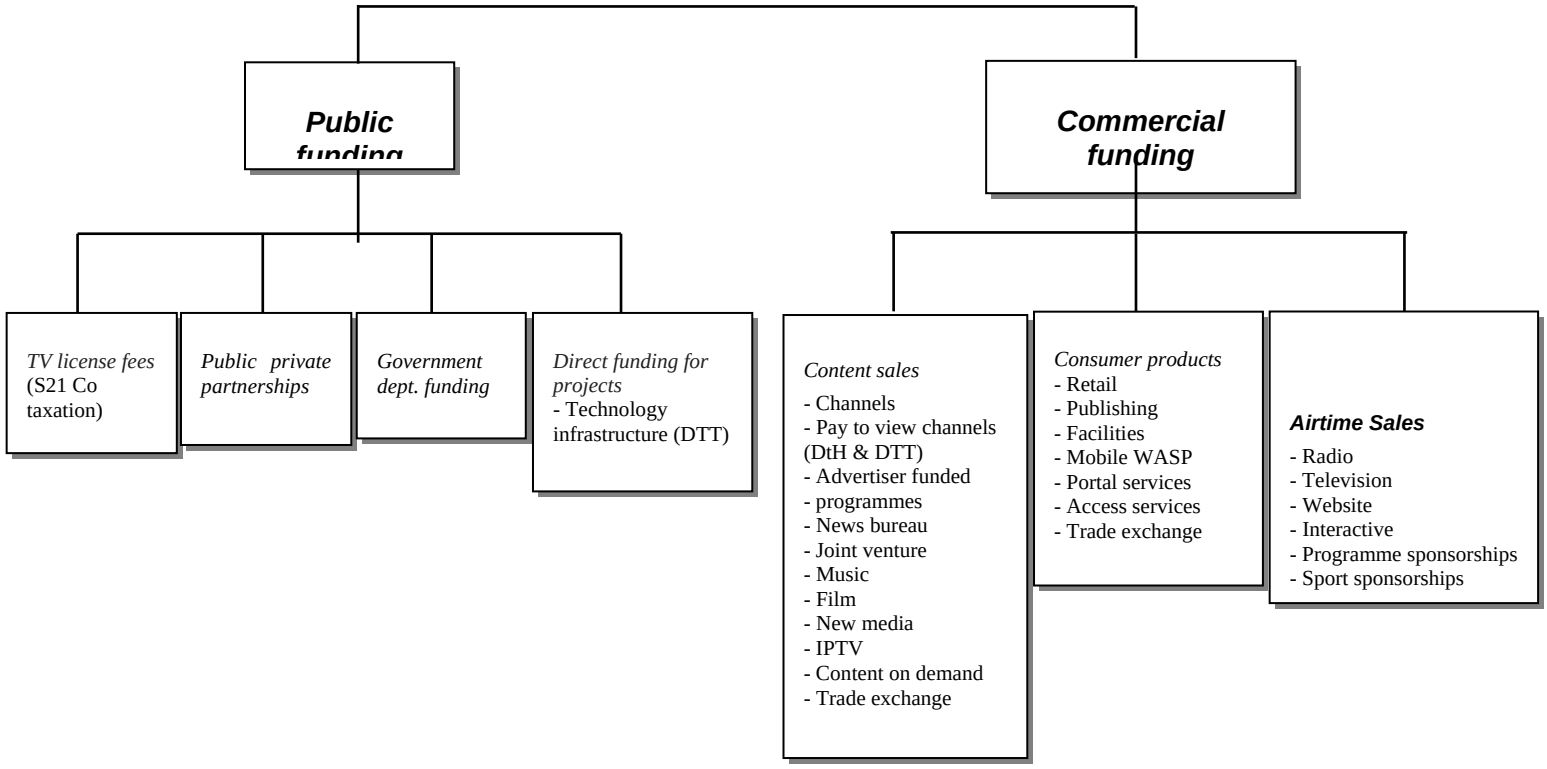
- We are committed to being a truly national broadcaster, providing a showcase of all South Africa’s provinces and peoples.

- We have a mandate to provide for a wide range of audience interests, beliefs and perspectives. We therefore provide a programme mix that suits a variety of tastes and reflects the diverse make-up of South Africa. This extends to languages, cultures and geographical regions.

- We are committed to being the voice and to telling the story of every South African. Accordingly, we strive to:
  - provide a range of distinctive, creative and top quality programmes in all 11 official languages across our radio and television portfolio, and strive to reflect the needs of each language community in our programming
  - maintain distinct and separate radio services in each of the 11 official languages
  - treat all the official languages equitably on our television services
  - integrate South Africa Sign Language into broadcasting as a means of making programming accessible to people with hearing disabilities
  - strive to include other non-official languages spoken in South Africa, with particular emphasis on the Khoi, Nama and San languages.

(retrieved from www.sabc.co.za)

Appendix D - SABC Funding Model



(SABC Annual Report and Financial Statements, 2007: 24)