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Monitoring the Media since 1993

SABC Licence Amendment Submission – 9th June 2004

Introduction

The Media Monitoring Project welcomes the SABC's licence amendment application and the opportunity to make this submission to the Independent Communications Authority of South Africa (ICASA).

The application for the SABC's licence amendment, while clearly identified as such, appears rather to be an extensive public relations exercise. While ostensibly geared towards the issue of the mandated amendments in licence conditions required by the authority now that the broadcaster has separated into commercial and public service channels, discussions surrounding the actual licence amendment accounts for little more than 20 pages of the 127 page submission.

MMP Assumptions

The submission that follows has been drafted with due cognisance of general human rights concerns. In this regard, the MMP's submission is to be understood as being framed by certain assumptions believed by the MMP to be crucial for the development and entrenchment of a human rights-oriented South African media sector. The MMP operates within a human rights framework and promotes the rights to freedom of expression and the right to receive and impart information. In addition, human rights considerations necessitate balanced, fair, accurate and ethical reporting.

At the outset it would be pertinent to remark that the MMP realises that the SABC has an extraordinarily difficult task to perform as the public service broadcaster. There is no doubt that the division between public and commercial services has complicated this task. Satisfying the language and diverse programming needs for all South African citizens necessitates a fine balancing act and it is to be expected that in some instances the SABC will err. Furthermore, the MMP views the SABC's editorial policies as a welcome addition to the broadcasting environment, going some way in helping to guide this balancing act.

With the above assumptions in mind, the MMP submission will focus on a number of key elements present within the submission presented by the SABC. In the

pages that follow, the following two critical points are to be highlighted and elaborated upon:

- The SABC submission lacks balance and accuracy. While it is to be expected that the submission would be constructed in such a manner as to necessarily favour the SABC, one of the key arguments made in the submission is that the SABC should themselves take the lead in formulating the standards by which to judge their own performance. (This is made clear within the discussion on p.100-102). If the SABC's argument were to be seriously it would appear necessary for the submission to provide evidence that the SABC is capable of presenting a balanced and accurate report.
- The submission fails to provide any criteria against which the SABC's performance can be measured. Even if the SABC were permitted to be self-regulating it would appear to be a near impossible task due to the lack of resources, knowledge and objectivity. This, surely, is the reason for ICASA's inception. The question that needs to be answered when considering the licensing amendment, is how can performance be gauged if no criteria or measurement are provided?

On the positive side, the MMP welcomes the following admirable components of the SABC's application:

- The SABC's move towards committing themselves to the principles contained in the constitution and as a public service broadcaster.

Of particular significance in this regard is the direct reference made in the SABC's charter under clause 8 and reiterated in the submission (pg 42) to the fact that:

"The Corporation must develop a code of practice that ensures that the services and the personnel comply with-

- (a) the constitutional principles of equality;
- (b) the equitable treatment of all segments of the South African population;
- (c) the constitutional requirement of equitable treatment of all official languages
- (d) the rights of all South Africans to receive and impart information and ideas;
- (e) the mandate to provide for a wide range of audience interests, beliefs and perspectives; and
- (f) a high standard of accuracy, fairness and impartiality in news and programmes those deal with, matters of public interest." (pg 42)

- The SABC's move toward engaging with civil society –something that historically has been difficult for the SABC, and
- The SABC's development and adoption of the editorial policies that commit the SABC to best practice and broadcasting polices, in line with both their public service mandate and the constitution.

As alluded to in the licence amendment application, the SABC has established noteworthy policies in the areas of:

- News editorial
- Programming
- Local content
- Education
- Universal service and access
- Language and
- Religion

Gaps in the SABC's report

It is to be expected, and indeed welcomed, that in an application for amendment on their broadcasting licence, the SABC would provide a brief appraisal of their performance over the last ten years, especially the significant progress made by the SABC in the transformation from a state to a public broadcaster, which could serve as justification for their application. It should be noted, however, that the details provided by the SABC were notably lacking in some of the setbacks experienced by the broadcaster over the past decade. Obviously the positive aspects should be highlighted, but in exclusively foregrounding SABC's achievements, the report provides inaccurate information and a skewed portrayal of the broadcaster.

It is evident that the SABC had, for example, previously been unwilling to participate and engage with civil society. The conference organised under the auspices of the Freedom of Expression Institute in May 2000 is indicative of the lack of consideration shown by the SABC for civil society.

In addition, it is apparent that the public broadcaster had previously tended towards a move away from public service broadcasting principles, with a clear emphasis on clientele and selling viewers to advertisers, instead of meeting the needs of citizens. It has only been in the last two or three years that the SABC has moved back in this direction.

Public Commercial Service

The SABC application consists of a number of complaints by the SABC about the competitiveness of both their public service arm (represented by SABC1, SABC 2 and fifteen radio stations) and their commercial arm (SABC 3, 5FM, Good Hope FM, and Metro FM), in going head-to-head with other commercial broadcasting entities, in a more market-driven, commercial environment.

From the submission, it would appear as if the SABC still does not adequately distinguish between the roles and service obligations of the public and commercial services, with the exception of the funding mechanisms and operational structure involved.

Similar concerns were noted by the MMP in our submission regarding the SABC's editorial policies (2003). In this submission, the MMP commented on how the terms "public service" and "commercial service" were used interchangeably by the SABC. MMP submits that the differences in terms of the obligations of each service be clearly stipulated.

The current SABC application makes reference to the conditions required under sections 10 and 11 of the Broadcasting Act, relating to the public service and commercial service respectively. However, while the duties of the public service arm are provided in detail, the obligations to be met by the commercial side are only mentioned in more general terms.

Section 11, as submitted, reads as follows:

"11. Commercial Services

- (1) The commercial services provided by the Corporation must-
 - a) Be subject to the same policy and regulatory structures as outlined in this Act for commercial broadcasting services;
 - b) comply with the values of the public broadcasting service in the provision of programmes and service;
 - c) commission a significant amount of their programming from the independent sector;
 - d) subsidise the public services to the extent recommended by the board and the minister; and
 - e) be operated in an efficient manner so as to maximise the revenues provided to its shareholder. " (Broadcasting Act)

It is apparent that the commercial service of the SABC is to satisfy certain criteria of both public and commercial broadcasting regulations. The SABC would, therefore, seem to be implying that the new SABC commercial entity would only need to comply with public service values, without the necessary concrete stipulations, set out in section 10 for the public service entity, as well as being regulated under the same overarching regime as other commercial broadcasting services (p. 36-38).

According to section 10, relating to public service obligations:

"10. Public Service

- (1) The public service provided by the Corporation must

- (a) make service available to South Africans in all the official languages;
- (b) reflect the unity and diverse cultural and multilingual nature of South Africa and all of its cultures and regions to audiences;
- (c) strive to be of high quality in all of the languages served;
- (d) provide significant news and public affairs programming which meets the highest standards of journalism, as well as fair and unbiased coverage, impartiality, balance and independence from government, commercial and other interests;
- (e) include significant amounts of educational programming, both curriculum-based and formal educative topics from the wide range of social, political and economic issues, including, but not limited to, human rights, health, early childhood development, agriculture, culture religion, justice and commerce and contributing to a shared South African consciousness and identity
- (f) enrich the cultural heritage of South Africa by providing support for traditional and contemporary artistic expression;
- (g) strive to offer a broad range of service targeting , particularly, children, women , the youth and the disabled; include programmes made by the Corporation as well as those commissioned from the independent production sector; and
- (h) include national sports programming as well as the developmental and minority sports. " (Broadcasting Act)

From the given submission, it is unclear whether the SABC feels obligated to adopt similar criteria for their commercial service. However, it would appear as if the intention of the Act is to ensure that the commercial service is informed by similar considerations.

In recognition of the fact that the South African environment is hardly ideal for the operation of a public service broadcaster, due to insufficient government funding, the commercial amendment to the SABC's licence should not be utilised by the SABC as an excuse for reneging on the duties, responsibilities and obligations of its public service mandate. It would seem to be simply a matter of parity to ensure that the new commercial arm of the SABC satisfies the same or similar requirements as other commercial broadcasting entities, while their public service entities offer even more public services. With the resources at the disposal of the SABC, it seems well within their capacity to be able to operate their commercial services on similar bases to the regulations established by ICASA.

Similarly to the changing funding structures of other international public service broadcasters, the SABC has had to adopt a mixed funding structure. Licence

fees, advertising and government subsidies provide limited funds for the public broadcaster. However, economics alone can hardly be used to inform licensing amendments, especially if it is for the purposes of lessening public service obligations and duties.

It appears as if the SABC would like the authority to excuse themselves from some of the more onerous obligations of a public service broadcaster, especially in relation to SABC 3 and the public commercial radio stations, in light of the above financial constraints. While the SABC would seem to be happy to fulfil the same obligations as those required of other commercial stations across their commercial operations, it is necessary that due cognisance be paid to the special situation of this commercial public broadcasting service, and of its positioning within the broader public service tradition.

While commercial broadcasters are not expected to adhere to the same levels of public service standards as the public service broadcaster, the onus on the commercial SABC service, as part of the public broadcasting establishment, is to fulfil more public service functions than other private commercial broadcasting entities.

In addition, it could be argued that the commercial arm of the SABC actually has an advantage in its experience as the sole broadcasting entity in South Africa prior to the entry of private broadcasters. As a result of this history, the SABC is the broadcasting entity with the greatest financial and human resources, and knowledge of the broadcasting sector in South Africa. This taken into consideration, the SABC would be situated in an advantageous position upon their entry into the commercial media market.

Complaints about the fragmentation of the market as a result of the entry of new and diverse players into the broadcast media sector should be considered from the perspective that it is not only the SABC that has to survive in this market; all the other broadcasting entities in South Africa also have to operate in the same environment. Once again, economic justification fails to serve as rationale for the SABC's position.

In the interests of a more democratic and diverse media industry in South Africa, the MMP welcomes a diverse range of new entities into the broadcasting sector, provided that such diversity of ownership and control leads to diversity of opinion and content.

Regulation

From the document it is apparent that the SABC would like ICASA to play only a minimal role in the regulation of SABC broadcasts (as implied on p.105-109, SABC submission). The argument made by the SABC in favour of the establishment of broad licensing conditions under which it would like to operate, rather than the stricter policies defined by ICASA, fails to muster scrutiny. Such measures would tend to blur the boundaries between the mandated functions of ICASA as regulator, and the SABC as broadcaster.

It is incumbent upon ICASA, as the authority, to act as regulator of the broadcasting media sector in South Africa, through establishing an enforceable, overarching regime by which to judge the performance of all the broadcasters in South Africa. It is the constitutionally obligated function of ICASA to be the body that sets appropriate measurable norms and standards for the broadcasters to meet.

If the SABC were to be permitted to be judged by their own set of norms and standards, developed internally within the corporation and ratified by the authority, such developments would leave ICASA with minimal ability to enforce compliancy with regulatory precepts, and little power to punish violations of the central tenets of broadcast legislation.

In the course of their submission, the SABC suggests that the board be allowed to set the conditions to be fulfilled. Such an assertion cannot go unchallenged.

While in the United Kingdom, for example, the board sets the regulations for the BBC, locally, ICASA has been deliberately and specifically established for the purposes of ensuring an open and fair broadcasting environment. Within the context of the authority regulating all other broadcasters, monitoring their performance during elections, and possessing the necessary systems to allow for complaints and regular monitoring, the SABC must provide convincing proof as to why it should be the board, and not ICASA, who should decide upon such regulations.

Such considerations are especially necessary, given the lack of systems and resources of the current board in this regard. The submission as it stands currently does not provide such proof.

The SABC editorial policies, progressive as they may be in setting out guidelines for behaviour and reporting, cannot be viewed as a system to measure the performance of the SABC.

While it is certainly progressive to suggest that the SABC provide a diversity of African language programming, it is difficult to measure unless diversity is clearly defined. It would seem pointless if the SABC itself were allowed to determine whether or not it met the conditions. Without clarity about what would constitute diversity, it would seem difficult to imagine the SABC ever willingly choosing to suggest that it was not satisfying language diversity. Such measures do not provide appropriate and adequate opportunities to judge the SABC's performance in meeting their mandated role. By merely presenting their own editorial policies as benchmarks by which to judge their performance, the SABC has appeared to nullify the very purpose of broadcasting legislation and regulatory devices.

Vanishing Measurable Indicators

The SABC's application for licence amendment does not provide any suggestions for the indicators to be utilised in order to independently judge the performance made by the SABC in meeting their licence conditions. By neglecting to indicate

not only who will function as an independent verifier of the SABC's claims, but also according to what standards the claims are to be measured, it would appear that the SABC expects ICASA to monitor, decide, and account for the SABC's progress once the licence amendment has come into force. Such a task falls outside of ICASA's responsibilities; this is a task to be dealt with by the SABC itself. Although the authority should always be considered the final arbitrator on such matters, it nonetheless falls within the responsibility of the public broadcaster to play an active role in determining the nature of the indicators to be utilised.

Singing its praises – an unbalanced assessment of the SABC by the SABC

One of the key arguments made in the SABC's submission is for self-regulation. Leaving aside the problems with such an approach as discussed above, it is the SABC's submission that inadvertently highlights precisely why they cannot be allowed to self-regulate. An assessment of the SABC's claims of improved performance in the areas of provincial and racial diversity, and portrayal of children in the media are inaccurate.

Provincial Diversity

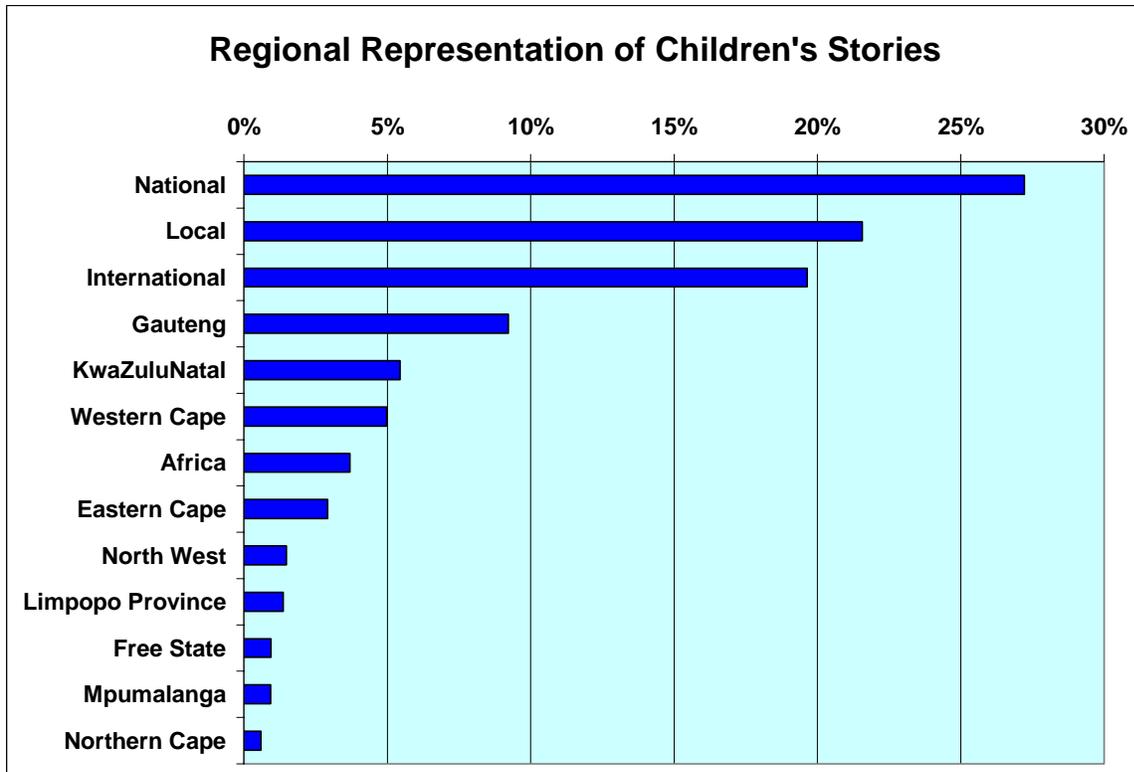
In the report, the SABC provided graphical evidence that claims that they are improving their regional spread; away from the major metropolitan areas and into the marginalised parts of South Africa. The viewpoint implied, is that news and current affairs now reflect a wider range of coverage, from international, national and provincial locations, and from South Africa's nine provinces (p.117-118).

A closer reading of the accompanying graphs, however, leads to the conclusion that regional diversity has not improved to the extent claimed by the SABC. The fact that a quarter of all South African stories are provincial in their focus does not prove that the SABC has instituted measures to lower the disparity in regional coverage. Such figures, in fact, seem to suggest exactly the opposite; that coverage is still dominated to a large extent by stories of national and international importance, to the detriment of airing news with provincial events and significance.

While the report maintains that an average of 25% of all the South African stories on television news are provincial in origin, this breakdown is not accompanied by further examination of the provinces from which these stories emanate. Regional diversity is not merely about comparing the proportion of stories that are international, national or provincial, but should also include an evaluation of which provinces receive the most attention and which are negligibly covered.

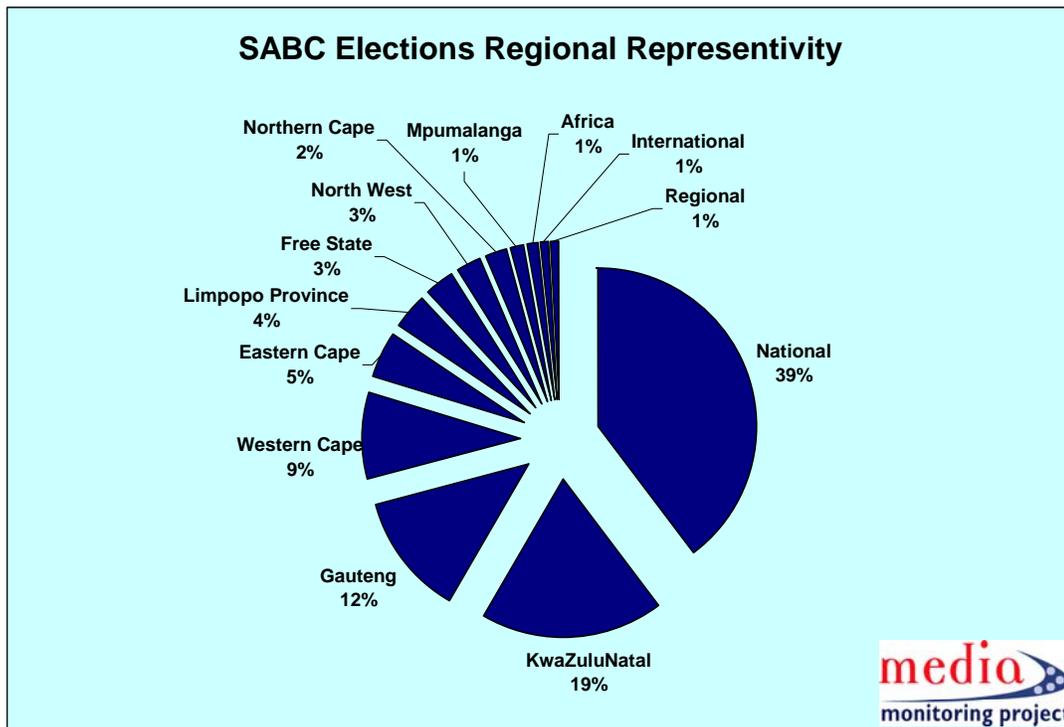
During the course of our extensive monitoring exercises, the MMP has found that within regional (provincial) coverage, it is still the three major metropolitan regions of the country (Gauteng, Western Cape and KwaZulu-Natal) that continue to be prioritised to the virtual total exclusion of the rest of the country. MMP's research, undertaken while monitoring the 1994 and 1999 general elections, as well as the 1995 and 2000 local government elections, clearly points to the regional bias apparent across SABC coverage. These patterns have been replicated to a large extent in the findings of the Gender Media Baseline Study, conducted in 2002, and the Empowering Children and Media Project, completed

in 2003. Such trends from the latter project are clearly apparent in the accompanying graph, which reflects the regional breakdown of those stories involving children.



The problem of provincial imbalance has been so acute that the SABC 's news and current affairs programmes made clear attempts to cover a greater diversity of provinces in the period leading up to the 2004 national elections. This is reflected in the graph below. While KwaZulu-Natal, Gauteng and the Western Cape continued to be the provinces that received the highest amount of coverage, it would appear that the SABC has made a concerted effort to expand their coverage across a wider range of provinces, on both their radio stations and on their television channels.

The high numbers noted for KwaZulu-Natal and the Western Cape in this instance do not represent a pattern of undue inequitable attention, but rather illustrate the fact that these two regions were the two provinces where the elections were most highly contested. The high amount of coverage accorded to these provinces is thus justified within the context of the 2004 elections.



Racial Diversity

In a similar manner, the SABC maintains that current patterns of racial representation closely reflect the demographics of South Africa. However, the evidence provided, as gauged from the graphs in the report, fails to support such claims. Even a cursory glance at the findings shows that current practices of representation do not even remotely approximate reality.

The SABC licence amendment report maintains:

“In a study of South African Television News content done by Media Tenor, SABC news bulletins showed representivity in terms of race, irrespective of the language of the bulletins.” (p.117)

However, the graph provided shows that whites continue to account for 40% of representation on English and Afrikaans news bulletins. Such figures can hardly be honestly presented as approximating the demographic racial make-up of the population, where whites account for no more than 10% of the total population. While the numbers in the graphs for Zulu/Xhosa and Sotho news are more reasonable, whites continue to be over-represented to a disturbing extent (between 20 to 30%).

Representation of Children

Of further concern is the inaccurate information provided by the SABC in the report with regards to the issue of the representation children in the media. The report claims that the SABC has made a concerted effort to improve the representation of children across all three of their television channels. The

findings of Empowering Children and the Media, a project undertaken by the Media Monitoring Project in 2003, which focused on the manner and extent to which children are represented in the media, clearly illustrated the highly uneven and exceedingly negative patterns of coverage of children across the three SABC channels. During this project, it was found that children tended to appear predominantly in those stories relating to abuse, crime and disaster, with minimal access and representation of children in other, more positive stories.

While the SABC's editorial policies may be viewed as offering positive guidance for improved performance in the realms of racial representation, provincial diversity and representation of children, they do not offer clear indicators to measure any such improvement in performance.

It appears as if the SABC is asking for these policies, which have been presented as already playing a significant role in improving their performance, to function as the major regulator under the amended licence conditions. However, the lack of balance and a critical approach apparent in the self-evaluation provided in the report clearly illustrates the problematic nature of permitting the SABC to gauge their own performance, under the broad guidance of ICASA.

Advertising

The application makes no reference to the issue of advertising limits per hour of broadcast, as required by section 57 (1) of the IBA act. The other commercial broadcaster – e-tv – is permitted to broadcast no more than an average of 10 minutes of advertisements per hour, calculated over a the period of a year. In addition, the limit is set at 12 minutes for any single hour (clause 22.2 and 22.3). With reference to the public service arm of the SABC, it is to be expected that these limits will be set at a level lower than those of e-tv and the SABC's commercial arms. With due recognition of the need to be financially viable, it is reasonable for such limits to be set at appropriate levels.

Local content quotas

It is inevitable that change in operational structure will lead to changes within and across the two arms of the public broadcaster. With the division of the SABC into a public service and commercial public service, amendments are necessary in the rules and regulations applicable to each individual station if the SABC is to continue to adhere to the overall public service mandate. This is particularly pertinent for local content quotas. The SABC have pointed to the fact that transforming SABC 3 into a commercial channel will, under the envisaged regulations, lead to increased quota requirements for the remaining public service channels (SABC 1 and 2).

It seems a glaring omission that with the advent of commercialism, local content quota requirements will be reduced on SABC 3. Thus, in order to meet the minimal local content quotas set for public service broadcasting by the authority, it will be necessary for an increase in the local quota requirements for those entities that will remain public service stations.

Until August 2003, these minimal levels for local content for all three stations of the public service broadcaster stood at 50%. Under the post-commercialisation regulations, the quota for SABC 3 has been substantially lowered to 35%. In order to maintain a 50% average across the public service broadcasting entity, it has been necessary for the authority to increase the quotas applicable for SABC 1 and 2, from 50% to 55% on both channels. (As reported in *ThisDay*, 20/05/2004, p.1).

It is proposed that the amended levels set for the remaining public service entity of the SABC are in line with the duties and functions of a public service broadcaster, that is, to provide a forum for the views and opinions of all the people in South Africa, and to enable all South Africans to see their lives reflected within the broadcast media. As the public service broadcaster, the SABC is the best placed and most-effective entity to achieve such aims. While private broadcasting entities should be expected to adhere to public service norms and standards, the onus on the public service broadcaster is higher. It is also the duty of the public service broadcaster to aid in the process of nation building and patriotism, where local content provides an avenue for the achievement of such goals.

e-tv contends that the reclassification of SABC 3 as a commercial station allows it a lower local content quota than e-tv. The 35% local content requirement for the new public commercial broadcaster is indeed much lower than the levels outlined in e-tv's licence conditions. According to section 12.3 of e-tv's licence document:

With effect from the commencement of the third licence year, 45% of broadcast time shall consist of local television content, a maximum of 15 % whereof shall be re-broadcast, measured over a period of a year (Private Television Broadcasting Licence)

While it is apparent that e-tv that committed themselves to 45% in their licence bid, it could be expected of the SABC, with due realisation of their public service mandate, to follow e-tv's example and commit themselves to at least match these quotas on SABC 3 and to offer even higher levels on the public service channels SABC 1 and SABC 2. As a public service station, albeit a commercial one, SABC3 should strive for greater local content than e-tv.

The amendment to the SABC's commercial broadcast status should not be utilised as an excuse for particularly the SABC 3 and the newly commercial radio stations to avoid their public service obligations. While the change in status is accompanied by a corresponding amendment to the licence conditions under which they are expected to operate, such an amendment is to be considered within the context of a broader public service provision to a greater extent than is the case with e-tv.

Language

It is apparent that the SABC is also concerned with the issue of language requirements across its television stations. The SABC submission points to the alleged favourable treatment afforded to the private commercial channel, e-tv, on

this issue. e-tv is only obligated to broadcast in a wide range of official South African languages, other than English, for a period of four hours per week, without it being stipulated directly what these languages should be. In comparison, the SABC is mandated to provide equitable coverage in all eleven official languages. However, as the national broadcaster is entrusted with educating and informing the entire South African public and in ensuring that diverse voices are heard and catered for, it is the responsibility of the SABC to accommodate as much of a range as possible. The issue of language is one way of accomplishing this diversity. While language diversity should indeed be encouraged on other broadcasters, the onus for the development and exposure of marginalised languages is not as severe as is the case with the SABC.

While the SABC has been able to accommodate language diversity within their radio platform, as illustrated by the presence of eleven radio stations; each geared to broadcast in one of the eleven official languages, they have struggled to meet such requirements with respect to television, even within the context of having three public service stations.

With the advent of commercial public service television, it is necessary to reconsider exactly what amendments with regards to language policy would be forthcoming, in the context of the commercial/public service divide. In the report, the SABC do not seem to have provided concrete recommendations in this regard, preferring to situate a possible solution within the context of the establishment of the two regional public service entities.

If the issue of language diversity within the commercial radio sector remains a problematic area for the SABC, one solution may be for the SABC as a public service broadcaster to fund a range of individual community radio stations that broadcast in one or more of the eleven official languages.

Conclusions

In terms of section 22 of the Broadcasting Act number 4 of 1999, it is incumbent upon the SABC to separate into distinct public service and commercial public service sections. Such change necessitates that the public service broadcaster apply for corresponding amendment of their licence. The argument presented above appears in response to the application made by the SABC in respect of such licence amendment. As an organisation committed to human rights a diverse media sector, which is able to reflect the varied views and lives of all the people of South Africa, and committed to redress the imbalances of the past, the Media Monitoring Project has felt it appropriate to comment on certain aspects of the licence amendment application.

While recognising the difficult task faced by the SABC and ICASA in establishing an appropriate regulatory regime, with which both the broadcaster and the authority would be satisfied, MMP has attempted to provide useful suggestions, recommendations and solutions within the context of the licence amendment.

It is hoped that these suggestions will aid the regulator in arriving at the most effective and efficient manner by which to monitor the performance of the SABC.

It is clear that the application does present a number of positive aspects, primarily relating to the public service mandate of the broadcaster, as well as its improved relationship with civil society. The submission by the MMP has, however, largely been framed by central concerns surrounding the issue of balance and accuracy, and the lack of attention accorded to the development of measurable indicators by which to independently judge the performance of the SABC in meeting their obligations.

Of particular significance here is the unbalanced nature of the report accompanying the application. This report presents a number of gaps concerning the setbacks suffered by the SABC, instead, it merely highlights the significant successes of the public broadcaster in transforming itself over the past decade from a state to a public broadcaster.

It has been pointed out that the new commercial arm of the SABC is a unique phenomenon in the South African context, being both commercial and public service in nature. As such, it has to fulfil some public service obligations, while simultaneously having to conform to certain provisions required of commercial broadcasters.

The analysis surrounding the establishment of criteria by which to regulate the SABC has principally centred on the precise roles and functions to be played by the authority and broadcaster respectively.

The SABC has pointed out that constitutional considerations necessitate that it could not be ICASA that determines the applicable conditions. However, while the issue does present some problems, the solution is best conceived of as lying between the board of the SABC and ICASA. In due recognition of the difficult position the SABC finds itself in, the MMP would like to offer the following suggestions as possible solutions to the problems posed.

It is apparent that on one hand, as a matter of parity, it should be ICASA that should set the conditions for the SABC, as it does for all other broadcasters. It is also evident that the SABC is a special case as the public service broadcaster, with a board that needs to retain its independence. From the above discussion, it is clear that the option of not providing clear measurable criteria as currently set out in the SABC application is neither desirable nor practical.

Instead, the MMP suggests that the SABC board set the initial various measurable criteria, which are then to be submitted to ICASA. The authority would then be in a position to ensure that these compare equitably and fairly with the regulations outlined for other broadcasters. To ensure independence and minimal interference, the reports should be submitted to the SABC board and the public.

The preceding analysis has also critically engaged with aspects of the SABC's alleged improvement in performance. It has shown that despite assertions made by the SABC, improvements have not been forthcoming in terms of provincial and racial diversity, and the portrayal of children in the media. In fact, MMP's own independent research has indicated that previously observed patterns of imbalance and inequity continue to characterise SABC coverage.

Questions over the issue of the language requirements and advertising limits have also been raised. Clarity over these issues is not provided in the application document, and as such, these vital aspects require additional consideration.

It has also been maintained that under the new regulatory regime, established as a result of the commercialisation of SABC 3 and four radio stations, the minimal levels of local content required on each individual SABC station would need to be amended accordingly. With the level of local content to be significantly decreased on SABC 3, it is correctly expected of the other two SABC stations to slightly increase their levels, in order to maintain a minimum of 50% of local content on the public service broadcaster.

It is apparent that SABC 3 would only have to include 35% local content, in comparison to the 45% committed by e-tv. As a channel still under the control of the SABC, it could be expected of SABC3 to at least match, if not surpass the standards set by e-tv.

In conclusion, MMP believes that the measures outlined in this document will promote the necessary levels of accountability and transparency in the processes that follow. It is clear that some of these recommendations will require further thinking and need to be fleshed out. The MMP would be happy to work with the regulator and the SABC to assist with these procedures.