



# THE SABC'S MANDATE

## POWERS, FUNCTIONS, RIGHTS AND OBLIGATIONS

The SABC's mandate as a public broadcaster comes from the Charter, which defines its objectives.

The Charter is laid down in chapter IV of the Broadcasting Act (as amended) and requires the SABC to encourage the development of South African expression by providing, in the official languages, a wide range of programming that:

- Reflects South African attitudes, opinions, ideas, values and artistic creativity
- Displays South African talent in educational and entertaining programmes
- Offers a plurality of views and a variety of news, information and analysis from a South African point of view
- Advances the national and public interest.

The SABC's powers and functions, as well as its rights and obligations, are derived from a number of sources: legislation, the Charter, the licence conditions of each SABC station and channel, and regulations issued by ICASA from time to time, including the Code of Conduct for Broadcasters set by the BCCSA.

South Africa's broadcasting legislation provides for a three-tier licensing structure for broadcasting services: public, commercial and community. The SABC is South Africa's only public broadcaster, and for public accountability purposes consists of two separate divisions controlled by the Board: a public service division and a commercial service division, in each of which the SABC runs a number of radio stations and television channels. Each has a set of licence conditions that imposes obligations, including quotas for local content, and requirements for geographical coverage and language services. These are laid down by ICASA, which is responsible for monitoring compliance with the licence conditions and with the objectives of the Charter.

Like all the broadcasters, the SABC is required to adhere to a Code of Conduct for Broadcasters that is approved by ICASA. As a member of the National Association of Broadcasters (NAB), the SABC is subject to the rules of the Broadcasting Complaints Commission of South Africa (BCCSA), which ensures that broadcasters adhere to certain minimum standards of programme content.

A central tenet of the SABC's Charter is that it enjoys freedom of expression and journalistic, creative and programming independence. The SABC Board, which is appointed by the President on the advice of the National Assembly, controls the affairs of the SABC and is mandated explicitly to protect the above freedom and independence.

## 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-racialism, 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:**

### **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 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.

### **Transparency**

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





## EDITORIAL CODE OF THE SABC

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

- We 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 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 programmes
- We are aware of the danger of discrimination being furthered by the media, and 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
- 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 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.


## **EDITORIAL RESPONSIBILITY AND UPWARD REFERRAL**

The scope of our programming means that the SABC has to provide consistent, relevant, useful and high-quality programming, including information and analysis. To sustain and deepen the trust the public have in the SABC, we have to maintain the highest standards of performance. In this regard, the SABC requires its editorial staff to understand that with the legislated and constitutional protection of the Corporation's independence comes the responsibility to serve the public with the highest standards of excellence and integrity.

Accordingly, the onus is on individual producers of programmes and commissioning editors to ensure that they understand and uphold the provisions of the Broadcasting Act, including the Charter of the SABC; the Editorial Code, the Code of Conduct for Broadcasters, and regulations and policies promulgated from time to time in terms of the Independent Broadcasting Authority Act; all other relevant legislation, and the philosophies and policies of the Corporation. As a rule, and as a matter of policy, the authority for editorial decisions is vested in the editorial staff.

In this regard, subject to standard management and editorial controls, programme producers and commissioning editors are responsible for either the production of the programme or the editorial control, or both. Should any difficulty arise during programme production and/or editorial control, or the programme producer or commissioning editor be unsure of anything, they should consult their supervisor for guidance. This process of voluntary upward referral could extend as far as the Group Chief Executive Officer, in his capacity as editor-in-chief. The role of editor-in-chief is one of many responsibilities that the GCEO assumes and should not be confused with the functions of the Heads of Radio, Television, News, Sport and Education or of the other editors and channel and station managers employed by the SABC. The GCEO's role is not to make day-to-day programming or newsroom decisions. However, the Board of the SABC delegates responsibility, and holds accountable the GCEO for the performance of all news and other programmes, broadcast and presented on all SABC radio, television, internet and other multi-media platforms.

The SABC views upward referral as a mutually empowering, nurturing and developmental approach for all the staff involved. It is not intended to shift editorial decision-making upwards; it is intended, when required, to underpin collective decision-making and shared editorial



responsibility — especially when staff are faced with difficult decisions — and to underscore the interdependence of the Corporation's credibility and that of its editorial staff. Upward referral is not intended to disallow production and broadcasting of controversial and compelling programmes; it is intended to assist in maintaining the highest ethical and editorial standards.

When used effectively, upward referral should be a seamless and flexible process. The earlier it is activated, the better, as this allows alternatives to be considered at the outset, instead of later, when few options are open. It is an approach that is taken by the world's premier public broadcasters. It assumes that editorial staff are familiar with the functions, duties and values of the public broadcaster and are in the best position to make editorial decisions. The practice of upward referral gives journalists and other news staff an ideal mechanism for consultation, first with peers, and then with senior management, before taking a decision.

Even when specific editorial advice is not asked for, programmes or news items that are controversial, or likely to have an extraordinary impact, should be reported in advance to the senior news and programming executives. They, in turn, may decide to notify top management. Should a programme producer or editor not refer an issue upward to their supervisor next in the line function, that programme producer or commissioning editor would be held responsible for the editorial decision so made.

All the editorial staff should ask for advice from the Office of the Chief Legal Advisor on any matter that may have legal implications for the SABC. In addition, Legal Guidelines for editorial staff are available from the Legal Department. However, the final decision whether to broadcast, and in what form, lies with the editorial staff, not their legal advisors. The aim is to safeguard the editorial process and maintain clear responsibility for the decision to broadcast.

Independent productions made for the SABC are subject to the same standards as in-house productions, and have to comply with SABC editorial policies, as final responsibility for the production and content lies with the SABC. In this regard, all the contracts with independent producers and other broadcasters must include the obligation to conform to all the appropriate sections of the SABC Editorial Policies. The point of referral for independent producers is the appropriate SABC commissioning editor.

The daily practice of upward referral has evolved over time and has not been documented, or written into a manual or style guide. This practice will continue to develop, and as editorial policies are updated constantly to reflect the prevailing social values and international best practice, it will be refined further.

## **MANDATORY REFERRAL**

The following matters are to be referred to the relevant Head of the programming area concerned:

- An instance in which it becomes necessary and is deemed to be in the public interest to gather information to which the public normally does not have access
- Interviews with criminals and people wanted by police
- Proposals to grant anonymity to people trying to evade the law
- Payment for information, aside from normal gratuities
- Broadcasting of any recording made originally for other legal purposes, such as a recording of the proceedings at a meeting
- Disclosure of the details of a serious crime that were obtained surreptitiously or unofficially
- Requests from external parties to view, listen to, or obtain untransmitted recorded material
- Commissioning of opinion polls on any political issue or issue of public policy
- National security matters
- Conduct of interviews with prisoners for broadcast without the permission of prison authorities
- Showing or featuring people in a live broadcast for entertainment purposes using hidden cameras
- Confronting an interviewee whilst recording, when no prior approach was made for an interview, and the interviewee has no expectation of being approached
- Featuring a real person in a drama where their permission, or that of their surviving relatives has not been secured
- The use of the most offensive language.