

Independent Broadcasting Authority



Report on Coverage of the 1999 General Elections



July 1999

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Chairperson's Message

The second democratic General Elections are over – and the Independent Broadcasting Authority's responsibility for ensuring that all political parties are treated fairly by broadcasters is concluded. Overall we believe we fulfilled our mandate successfully. We believe we, together with all broadcasters in South Africa, played an important role in ensuring that voters were given sufficient information to make an informed choice on 2 June 1999.

This was the first time that the Authority was given the responsibility of monitoring broadcasters during a general election. In the 1994 election, a separate structure, the Independent Media Commission, was established to fulfil this function. Since 1994 the number of broadcasters has substantially increased, as the Authority has licensed numerous community and private radio stations and one private television broadcaster. During the 1999 election the IBA monitored over 100 stations, compared to just over 30 radio and television stations monitored during the previous election. The Authority also licensed four temporary community radio licencees which were on air for up to 30 days to address voter education needs.

In the attached reports, details of how each broadcaster covered the elections, the tools used by the IBA to monitor equitable coverage on the airwaves, as well as the difficulties and challenges we faced, have been detailed. We have also made certain recommendations to be taken up both by the IBA in the next election and by other structures, including government. We have done this in order to avoid in future some of the problems we faced and in to ensure that lessons can be learnt from both our successes and challenges. In this report I will not repeat what is in the following pages. I will only highlight some of the issues.

EDITORIAL COVERAGE

In terms of editorial coverage, we have found that, generally, reporting by broadcasters was free and fair. We have a slight concern about the tendency of broadcasters to cover events and not to focus on political parties' positions on issues of concern to the public. We however believe this is often due to inexperience, and does not in any way indicate prejudice.

The African National Congress received the most coverage – though as can be seen from the attached reports this was made up of both negative and positive coverage. Contrary to untested allegations by some political parties, we have little evidence of deliberate bias by any broadcaster. This is further backed up by the relatively few formal complaints (12 complaints regarding alleged bias) which were lodged by political parties and members of the public.

The Mediation Committee of the Authority – which was established for the elections - successfully mediated the majority of complaints between complainants and broadcasters. This obviated the need for formal hearings of the Broadcast Monitoring and Complaints Committee in these instances. This, we believe, in some part indicates a willingness by broadcasters to accommodate political parties in order to ensure the public was fully informed.

Only one hearing was held - into a complaint by the Federal Alliance against the SABC. Again though, no evidence of deliberate bias was found against the SABC, rather the SABC was found to have erred in its judgement. Details of this can be found in Section 3 of this report and in the appendices.

A further complaint by the Democratic Party (DP) on the eve of the election was not finalised prior to elections. Although we indicated we would pursue the matter after the election, the DP has not taken up the issue and we have now closed the case. The party alleged that it had evidence of SABC bias against itself. It forwarded to the Authority what it said were “guidelines” for producers, which it said, were proof of this bias. The BMCC decided to call a hearing, but stressed that the party should give evidence of bias on air, as the IBA Act is clear that we only have jurisdiction over what is broadcast.

There were very few complaints against radio stations – and we would like to commend the coverage on some radio stations of the elections. These stations played an important role in ensuring that the public had information about the positions of all political parties contesting the election. There was one complaint about e-tv, which was clearly as a result of a technical error by the broadcaster. This was resolved. It should be noted that e-tv, with substantially fewer resources than the SABC, also played an important role in ensuring the electorate was informed.

The majority of complaints were about SABC TV coverage. We do not believe this is an indication of poor coverage by the public broadcaster but rather suggests that political parties (we believe mistakenly) tend to place more emphasis on television coverage by the public broadcaster than on reporting by other broadcasters.

At this point I would like to repeat – in order to emphasise – some points made by the IBA in a statement released by ourselves in the week before the election. We stated we were concerned about the tendency of the media to allow itself to be used by political parties seeking publicity prior to the election. Several political parties used the media to accuse the SABC of bias. The statements by political parties were not our concern – though we believe that all parties should respect the institutions and processes established to ensure free and fair elections. Our concern was that some media tended to sensationalise these untested allegations, and therefore potentially create a perception that the public broadcaster was biased.

“It is of concern to us that there has been, on occasion, what amounts to trial by media,” we stated. “The SABC itself has exacerbated this situation by using its own news as well as other media to defend itself – rather than noting that it is not the political parties who decide on bias, but the IBA....”

Party Election Broadcasts and Political Advertising

There are several issues I would like to highlight with regard to Party Election Broadcasts (PEBs) and advertising.

- The first issue which is dealt with in Section One of this report, is the failure by the public broadcaster to adequately manage the airing of PEBs. As is clear from the report, the SABC failed to satisfactorily fulfil its responsibility to broadcast PEBs – and thus to give adequate time to political parties to have unmediated access to listeners. As can be seen in

the detailed report, the SABC started broadcasting PEBs several days after the Authority required them to. They further did not alert us to the problems they were facing, or request us to assist them in ensuring that all parties would still receive an equitable allocation of PEB time. Once the IBA became aware of the problem, we requested the SABC to provide an explanation. From the explanation it became clear that there had been a total lack of adequate management of the airing of PEBs.

We would like to stress that there is no evidence of bias, but rather an indication of what appears to be an alarming lack of capacity.

In terms of our Act, the BMCC can only take action against a broadcaster if it has wilfully refused to broadcast PEBs. This was not the case, so no action could be taken. We did however inform the Department of Communications and the then Minister of Posts, Telecommunications and Broadcasting about this problem.

We would also like to emphasise, that although PEBs are important campaigning tools for political parties, we do not believe that the SABC's mismanagement of the process seriously disadvantaged any political parties.

- Secondly, PEBs are aimed partly at leveling the playing fields between those parties which have the resources to mount expensive advertising campaigns, and those parties which don't. Political advertisements and PEBs should thus be broadcast over similar periods. However in this election, unlike in the previous poll, the start of the election period and the closing of registration of political parties did not coincide. This resulted in advertisements being broadcast for a longer period than PEBs. The Authority doubled the number of PEBs broadcasters were required to broadcast in order to address this. We have made recommendations to avoid this in the next election (see Section One: Project Report).

We believe though that the principles behind our calculations should remain, ie that parties most likely to be in government should have more airtime, but that the time differential between "big" and "small" parties should be limited.

We would further like to emphasise that it is important that advertising is confined to radio stations. There were some calls to amend the Act to allow political party advertising on television, but we believe this would increase the advantage well-resourced parties have over other political parties. The elections should not be about resources, but about the policies of the different players.

- Finally, we received two written complaints about the timing of the commencement of advertising, and about the time allocations for PEBs. These were both from the African National Congress.

RESOURCES

The Authority fulfilled our mandate with regards to elections with a relatively small budget (about R3 million). The monitoring planning began in the 1998/1999 financial year during which the IBA faced severe budget cuts. Amongst other things, we had to close down all of our provincial offices in order to meet our year's budget. For elections we needed to establish monitoring structures around the country and we therefore had to set up new infrastructures to accomplish this.

As can be seen from Section One, one of the biggest challenges concerned certainty of a budget. During the next general election, this will hopefully not be an issue. Due to the budget

cuts, the IBA had to apply for additional funding for monitoring of elections. There was no certainty about the budget until fairly late in 1998. This was exacerbated by the uncertainty about the election date. In the end we had to ask to carry over most of the funding into the current financial year, and again had to wait for permission to do so.

GENERAL

Before the commencement of the election period, the IBA received several complaints from the New National Party about government publicity campaigns. The NNP asked us to intervene as they alleged the campaign advantaged the ruling party. We informed them that we did not have jurisdiction over this.

We believe that the issue was discussed by the Cabinet, and that it was acknowledged that there was a gap in the various monitoring processes, as none of the structures is mandated to monitor government communications. We further believe that the Cabinet suggested that this issue be referred to the IBA and the Independent Electoral Commission (IEC). Although we have never received any official communication about this, we would like to argue that monitoring of government communications during an election period should not fall under the IBA.

Although in the last election the IMC was mandated to monitor both broadcasters and government communications, the IBA has been established to deal specifically with broadcasting. We believe this issue thus falls rather under the mandate of the IEC, as it is linked to the conduct of political parties contesting the election. We believe that the IEC should in the next election be given the responsibility of ensuring that the parties in government do not advantage themselves through abuse of government communications.

CONCLUSION

In conclusion I would like to reiterate that the IBA was successful in its mandate of monitoring fair treatment of political parties on broadcasters. This was an enormous project and we are, we think, justifiably proud of having been part of ensuring that the public was fully informed by broadcasters. As stated, we have found no evidence of bias, but rather an indication of a lack of capacity in some instances. Nevertheless broadcasters generally committed a great deal of resources and time to covering the elections, and we think they deserve praise for this.

Finally I would like to thank the Broadcast Monitoring Complaints Committee for devoting their time to this project, particularly the Chairpersons Jules Browde and Roland Sutherland; the staff of the Monitoring and Complaints Unit and other staff members who put in many hours to ensure our monitoring was effective, in particular Johann Koster, the unit head of the Monitoring and Complaints Unit who stepped in to head the elections team; the Media Monitoring Project and the Human Sciences Research Council who assisted us in our monitoring; David Niddrie who helped finalise the formula for calculation of PEB time; Ike Ngweni from Mendi Consulting Services who assisted us with mediation; and the Council of the Authority.

Even though there was no evidence of bias during this election, we believe the IBA played an important role. Often the mere knowledge of being monitored can stem any tendencies to favour certain parties.

Mandla Langa
IBA Chairperson

Project Report

Introduction

In achieving its mandate of monitoring the coverage of the '99 Elections the Independent Broadcasting Authority commenced its planning for the project in June 1998. This mandate is contained in sections 58 to 61 of the IBA Act, Act 153 of 1993. The main aims of the logistical planning exercise were for the Authority to determine its capacity, the resources available as well as the budgetary requirements of the project. The Authority also had to develop frameworks for monitoring equitability and for calculating Party Election Broadcast (PEB) allocation time. We developed Regulations and Guidelines to provide broadcasters with the necessary information to ensure equitable and fair treatment of all political parties during the elections. In order to achieve this the Authority also established an Elections Committee ("the Committee") with representatives from numerous departments, including Councillor Libby Lloyd as a representative from Council. The Committee's aim was to manage resources and facilitate the initial planning process as well as to secure a budget for the project.

The major difficulty faced by the Authority was that of funding. The Department of Communications (DOC) made it clear to the Authority that it was attempting to secure the funds for the project but that it could not confirm anything until the end of 1998. The committee therefore continued to put into place a preliminary project plan that was based on the initial indication of the DOC of a possible R 3 million being made available.

1. The committee

The Committee consisted of the following members from various departments and their responsibilities were:

MEMBER	RESPONSIBILITIES
Head of Licensing , Monitoring and Complaints Department	Project Leader
Unit Head: Monitoring and Complaints Unit	Project Co-ordinator
Member of Council	Council advisor and representative
Senior Researcher: Policy Development Department	Policy, Regulations and Guidelines Advisor
Senior Researcher: Policy Development Department	PEB Formula and Calculation
Head: Finance department	PEB Formula and Calculation
Special Assistant to Council	Legal Advisor
Special Assistant to Council	Legal Advisor

Following the resignation of the Project Leader in April, the Project Co-ordinator assumed the positions of both Project Leader and Project Co-ordinator.

2. Funding

As mentioned earlier in this report, funding turned out to be a major obstacle in proper planning. The DOC was approached in an attempt to secure funding for the project. The Authority did not have any funds available for the project and was therefore reliant on additional funds. On 12 November 1999 the Authority received a letter from the DOC stating that no funds would be made available to the Authority for the elections project. The Authority responded by referring to the requirements of the IBA Act and that the Authority was enjoined to monitor the election coverage. On 27 November 1999 the Authority received further correspondence from the DOC confirming that R 3.1 million had been made available to the Authority to finance the project. By this time the Authority had prepared preliminary plans for the project in the hope that sufficient funds would be made available. The funds provided by the DOC were broken into two segments that covered two financial years. These were:

1998/1999 Financial Year	-	R 1.712 Million
1999/2000 Financial Year	-	R 1.394 Million

The budget was calculated to employ 120 additional staff members for six weeks prior to the elections, it was impossible to spend the funds for the 1998/1999 financial year when it became clear that the elections would be held long after the end of the financial year.

A summary of the calculated budget is as follows:

ITEM	OPERATING EXPENDITURE	ELECTIONS PERIOD
1.1	Accommodation	142,500
1.2	Equipment Rental	361,560
1.3	Fees & Taxes	145,800
1.4	Logistics	31,860
1.5	Office Accommodation	68,000
1.6	Offices Expenses	141,320
1.7	Publications & Advertising	155,000
1.8	Repairs & Maintenance (office)	25,000
1.9	Salaries	1,682,967
1.10	Staff Development	46,750
1.11	Telecommunications	106,000
1.12	Travel Expenses	200,000
TOTAL		3,106,757

The majority of funds in the budget were for staffing, staff development, equipment rental, accommodation around the country and travel costs.

The Authority had severe budget cuts during both the 1998/1999 and 1999/2000 financial years and for this reason was unable to fund this project itself. Section Four of this report provides an expenditure breakdown.

3. Legislation

The Committee's first step in planning for the '99 Elections project was to determine what legislation existed with regards to the election and what it required of the Authority in monitoring election coverage. The IBA Act, Act 153 of 1993 ("the Act"), with specific reference to sections 58, 59, 60 and 61, is the only piece of legislation that directly relates to the coverage of elections and provides the Authority with a reasonably clear mandate as to what is expected of it.

However, there was some difficulty with the definition of “election period” to which sections 58 to 61 constantly refer.

The IBA Act that requires political party advertisements and party election broadcasts can only be broadcast by registered political parties, during the election period, for the purpose of contesting the election in question. The definition of election period in Chapter One of the IBA Act reads as follows:

“election period” means the period commencing on the day immediately following upon the last day determined under the Electoral Act, 1993, for the submission of lists of the nature contemplated in the definition of “political party” in this section, and ending the day immediately following upon the day on which candidates of any of the political parties are declared elected in terms of that Act.

The Electoral Act, 1993, was replaced by the Electoral Act, 1998 that came into effect in October 1998. In the absence of the Electoral Act, 1993, the definition of election period was interpreted to refer to the Electoral Act, 1998. However, this Act provides no clear definition of the election period.

Similarly there was some difficulty with the definition of “political party”. The definition of political party in the IBA Act reads as follows:

“political party”, for the purpose of sections 59, 60 and 61, means any registered party as defined in Section 1 of the Electoral act, 1993, or any alliance of such registered parties (as the case may be), which, for the purpose of any particular election, has, before the commencement of the relevant election period, submitted its list of candidates for the National Assembly or any other legislature contemplated in the Constitutional Act.

Once again, in the absence of the Electoral Act, 1993, the Authority interpreted this clause to mean the Electoral Act, 1998. The interpretation of the election broadcast period and the official period of monitoring the election coverage was interpreted to be the period between the day immediately following the closing day for the submission of candidate lists by political parties and up to and including the actual election day. This period was therefore established to be from 04 May 1999 to 02 June 1999. All political advertising and party election broadcast would only be allowed during this period. All broadcasters and political parties involved accepted this interpretation.

The lack of a clear definition of the election period and subsequently the election broadcast period caused confusion with the Authority, broadcasters and political parties. The Authority identified this as a problem early in 1998 and requested Parliament to amend the IBA Act to include a clear definition of the election broadcast period. This proposed amendment had not taken effect by 02 June 1999. This problem should be addressed before the commencement of the next general elections. It is also important to note that the election date was not known until President Mandela promulgated it early in April. The late announcement of the election date further hampered planning by the Committee.

4. Regulation and Guidelines

In preparing the Regulation and Guidelines on election coverage the Authority issued a discussion paper at the end of 1998. It requested all political parties and broadcasters to comment on these as part of the consultative process that is required by section 59 of the IBA Act. All parties that so wished made input on the discussion paper and all input was taken into account before the final Regulations and Guidelines were published on 25 March 1999.

The Regulations and Guidelines document contained the Authority's interpretation of the provision of the IBA Act as a means of clearing up any confusion that broadcasters and political parties might have with regards to these requirements. In addition the Regulations and Guidelines outlined the formula for the calculation of the allocation of airtime for party election broadcasts (PEBs), and guidelines on how the Authority would interpret "equitable coverage" by broadcasters.

5. Political Advertising and Party Election Broadcasts

As mentioned above, political advertising was allowed on air from 04 May 1999. The IBA Act states that political parties must be offered "like opportunity" to advertise on broadcasters. Political advertisements are only allowed to be aired on sound broadcasters during the election period. Due to a lack of a clear definition of the election period some broadcasters allowed political adverts on air prematurely. These broadcasters were notified and the advertisements were immediately removed. As required by the IBA Act, all political advertising was stopped 48 hours prior to the opening of the polling stations on Election Day (07h00 on Monday 31 May 1999).

The Authority envisaged the commencement date for the broadcasting of both PEBs and political advertisements as being the same day namely, 04 May 1999. However, the Authority encountered some obstacles, relating to PEBs. As the IBA Act makes it clear that only political parties, registered for the purpose of contesting the elections, can be allocated PEB time, PEBs could only go on air once the political parties, intending to contest the elections had formally registered. This occurred on Monday, 03 May 1999.

The PEB calculation formula, as contained in the Authority's Regulations and Guidelines for the election broadcast period, consists of five criteria. These criteria are:

1.)	Basic allocation	20 points
2.)	Number of Seats Currently Held	35 points
3.)	Candidates Nominated for the National Allocation List	15 points
4.)	National Assembly Regional List Allocation	15 points
5.)	Provincial List Allocation	15 points

The points allocated to each political party in each of the latter three criteria were dependent on the number of candidates fielded by each political party. The Authority depended on the IEC to provide this information. Extreme difficulty was experienced in securing this information, as the IEC was unable to provide it at a previously agreed date. The IEC argued that the candidate list was not final and that some time had to be allowed for public inspection and representation to be made in the case of objections to any of the candidates. This would have lead to the calculations only being completed late in May, and PEBs only being allowed

on air for approximately two days. Following discussions with the political parties and IEC, it was agreed that the Authority would use the preliminary candidate lists and the political parties' intended candidates rather than the approved candidate lists. This happened on Thursday, 13 May 1999.

The Authority published, as part of the Regulations and Guidelines, the provision that the public broadcaster (SABC) as well as those other broadcasters who intended broadcasting PEBs should provide political parties with four slots of two minutes each per day for the duration of the election broadcasting period. The Authority realised that the allocation might not be enough to ensure fair and equitable treatment of all political parties as the Election Day drew nearer. On the 22nd of April 1999 all broadcasters and political parties were informed of the IBA Council's decision to increase this provision to eight slots of two minutes each per day. This amendment to the Guidelines and Regulations were published in Government Gazette Notice 815 of 1999 on 05 May 1999.

The Authority received the preliminary candidate lists on 13 May 1999 and commenced processing the data immediately. Using a statistically based computer programme on which the formula had been pre-programmed, the Authority processed the information that it was given and fed it into the programme. The calculations were completed on Friday 14 May 1999 and the first draft of the PEB allocation prepared for verification. Verification was completed and the calculations confirmed as correct on Monday 17 June 1999. All political parties were invited to a public draw on Tuesday 18 May 1999 to determine the sequence in which each radio station would broadcast the PEBs. The draw was held in the presence of the parties as well as two commissioners of oaths.

Immediately following the draw the sequences were typed out and confirmed before they were sent out to all broadcasters and political parties. Due to the volume of documents that had to be sent, the Authority experienced problems in meeting the 5 pm deadline for the information to have reached all parties. However, the majority of parties and radio stations received the sequences before 8 pm of the same day.

Broadcasters were to commence broadcasting PEBs on Wednesday 19 May 1999. All political parties and broadcasters were given ample forewarning with regards to this date and all political parties were asked to ready their PEBs and forward them to the broadcasters prior to the calculation. In fact, throughout the entire process political parties and broadcasters were continuously provided with notices that kept them abreast of developments and critical dates and deadlines. Both the SABC and political parties agreed to waive the requisite 96-hour submission period initially until such time as the political parties were able to adhere to this requirement. PEBs were allowed on air from Wednesday 19 May 1999 until Sunday 30 May 1999 at 10 pm.

6. MONITORING

Section 62, subsection (b) of the IBA Act reads as follows:

62. (1) Subject to the provisions of sections 56 and 57, the Broadcasting Monitoring and Complaints Committee shall-

- (b) monitor compliance by broadcasting licensees with the provisions of sections 58, 59, 60 and 61;*

The IBA Act therefore mandates the Authority to monitor the compliance of all broadcasters with regards to the coverage of the elections, the broadcasting of political advertisements, the broadcasting of PEBs and the provision of fair and equitable treatment of all political parties. This responsibility falls squarely within the ambit of the Monitoring and Complaints Unit of the Authority.

In achieving the above mandate, the Unit, taking into account budget constraints, decided to establish four monitoring centres in Johannesburg, Durban, Cape Town and Port Elizabeth. These four centres were responsible for monitoring all broadcasters during the election broadcasting period between 04 May 1999 and 02 June 1999. The Johannesburg centre was responsible for monitoring all broadcasters in Gauteng, Free State, Northern Province, North West, Mpumalanga and Northern Cape. The Durban centre monitored broadcasters in KwaZulu- Natal, the Cape Town Center monitored broadcaster in the Western Cape and the Port Elizabeth centre monitored broadcasters in the Eastern Cape. It was initially envisaged that at least six monitoring centres would be established across the country. However, due to resource and budget constraints this number was limited to four.

6.1 RECRUITMENT AND TRAINING

The Authority does not possess the resources that would allow it to monitor all broadcasters simultaneously outside of an election period. It was therefore decided to recruit part-time personnel from each of the centres for the duration of the project. The personnel that were recruited were mostly students in communications from the different tertiary institutions in each of the centres. These students were provided with extensive training in monitoring and interpretation skills. They commenced work on Wednesday, 14 April 1999.

6.2 METHODOLOGY

In determining the methodology to be used in monitoring broadcasters compliance, the Authority approached the Human Science Research Council (HSRC) and the Media Monitoring Project (MMP). The HSRC was asked to provide the personnel of the IBA with training and statistical back up during the process, and the MMP was asked to develop a database that the Authority could use in gathering information on the coverage of the elections.

The HSRC agreed to second five of its staff members to the IBA to assist for the initial four weeks of monitoring in each of the centres. The HSRC assisted the MMP in developing the database the IBA used during the elections as well in the development of the monitoring logsheets that were used by monitors. The HSRC personnel worked together with the IBA

personnel at each of the monitoring centres for the last two weeks of April and the first two weeks of May. Dr Pieter Conradie also assisted the MCU in processing the data gathered for the monitoring analysis. It was decided to start monitoring broadcasters during April as part of a practice session that would continue into the official election broadcast period until the 2nd of June. This enabled the Authority, the HSRC and the MMP to iron out any problems that might occur initially.

The MMP not only developed the database that was used by the IBA but also provided training to the permanent and part-time personnel of the Authority.

In its monitoring function, the Authority relied heavily on the recordings that broadcasters have to keep of all the programmes that they broadcast. This is a requirement of section 55 of the IBA Act. The Authority also recorded the programmes of those broadcasters that could be received in Johannesburg. The majority of broadcasters complied with the provisions of the IBA Act but a number did not record their programmes and could not supply them on request. The broadcasters were addressed by the Chairperson of the Broadcasting Monitoring and Complaints Committee, Advocate Jules Browde SC, and subsequently complied.

Using a sampling process, the part-time monitors listened to the recordings and news bulletins, current affairs programmes and panel discussions, that contained election items, were logged onto monitoring forms. The forms were checked for correctness and consistency before they were in turn logged onto the database. A monitoring analysis is attached as Section Two of this report.

6.3 INFORMATION TECHNOLOGY

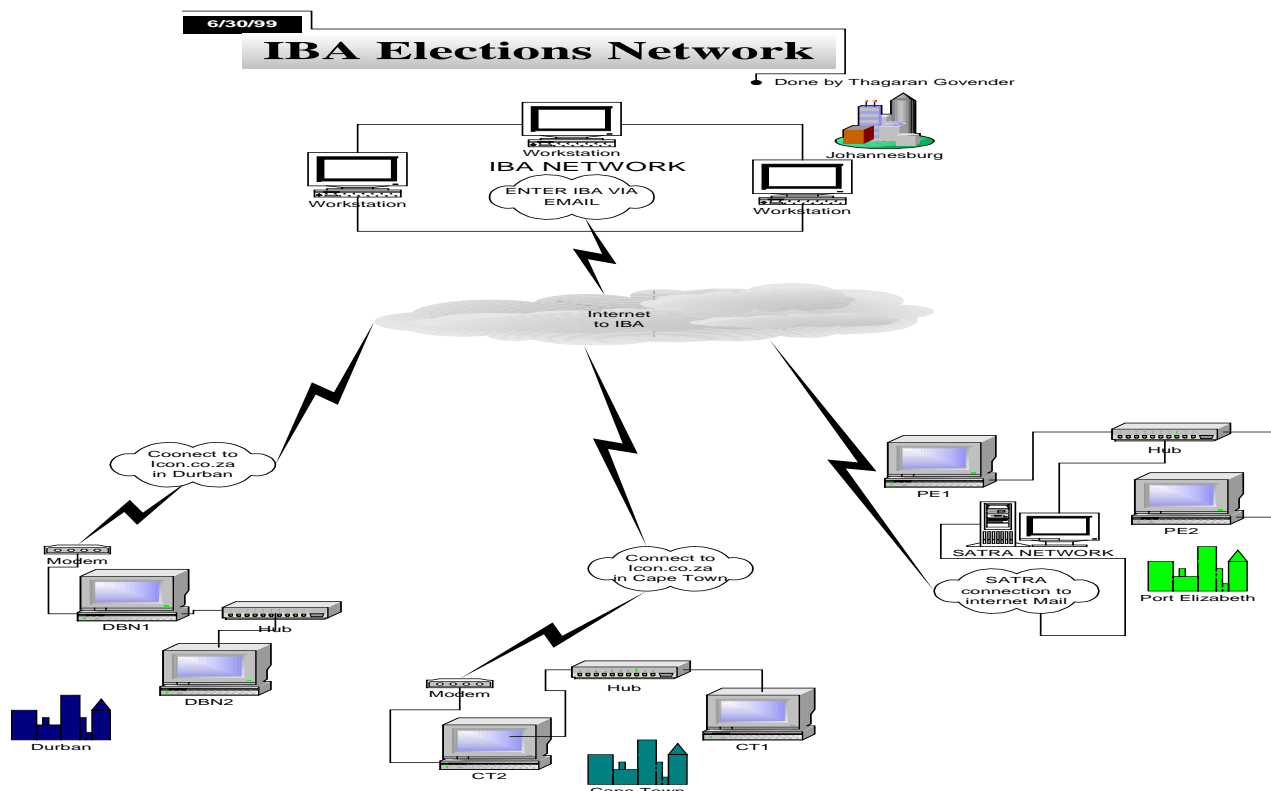
The needs of the monitoring team with regard to IT were as follows:

- An inter-linked array of computers used in conjunction with the Data-fusion machines to monitor the stations.
- A 4 computer Peer-to-peer network in Gauteng to do data capturing and analysis via a MS Access database. With the use of MSAccess, there would be one master database for Gauteng but with multiple data-capturing stations.
- A system that allowed the satellite offices (Cape Town, Port Elizabeth and Durban) to be networked peer-to-peer. Each office needed to be able to data capture onto a central satellite database, which will finally be part of the master database.
- A communication link between all offices for transfer of data and information. An ISP linked network was most appropriate.

With these goals in mind, we were able to design the “dial-up network”. This is displayed in the Election Network Diagram. With the use of basic 8-port hubs, we were able to inter-link the computers at each office creating a peer-to-peer network. Attached to one of the computers was a 56K Modem to allow access to the ISP and essentially to the IBA via the Internet.

With the use of ICON as a service provider, we created individual e-mail accounts per office. The dial-up and use of the Internet to send email allowed the satellite offices to send reports and data as attachments to email. These were sent into the IBA network and then ported to the relevant people as needed.

Upon completion of the elections, the main database computers were networked using the same protocols in order to run queries and create reports.



6.4 MANAGMENT

Pairs of the Authority's Monitoring Officers managed the four centres, with the exception of the Johannesburg centre. These teams of Centre Managers worked in tandem to manage these centres for two-week periods. The Johannesburg centre was managed by one Centre Manager who and was assisted by the Centre Managers from the other centres as well as a Senior Researcher from the Policy Development Department. The project therefore functioned around management teams that rotated every two weeks. This provided all Monitoring Officers of the MCU with the opportunity of gaining management experience as well as insight into the gathering and processing of data.

7. Processing of Complaints

7.1 MEDIATION

Realising the need to speed up the process of resolving election-related complaints, the Authority decided to establish an internal committee with the purpose of mediating any unresolved complaints. The Mediation Committee was established towards the middle of May and consisted of IBA Councillor Advocate Luthando Mkumatela, who chaired the committee assisted by two Complaints Officers, one Senior Researcher and a Special Assistant to Council as legal advisor.

All unresolved complaints were forwarded to the chairperson of the Mediation Committee for mediation between the complainant and the broadcaster. If a complaint was mediated successfully it was considered to be resolved and the file on the complaint closed.

Complaints that could not be mediated were passed back to the Complaints Officers with recommendations that a formal hearing of the Broadcasting Monitoring and Complaints Committee (BMCC) should be called. A mediation report is attached as Section Three to this report.

7.2 BROADCASTING MONITORING AND COMPLAINTS COMMITTEE (BMCC)

All unresolved and unmediated complaints were forwarded to the Chairperson of the BMCC for consideration, who decided whether a formal hearing of the BMCC was required.

The Monitoring and Complaints Unit had to prepare for a potential influx of complaints during the elections and therefore decided to establish teams of the BMCC that would be on standby throughout the election broadcast period for the adjudication of complaints. The IBA Act requires the BMCC to be quorate at any of its meetings and hearings. The minimum requirement in order for the BMCC to be quorate is that the Chairperson, one Councillor and one BMCC member be present. In order for the BMCC to function with teams, at least one additional BMCC Chairperson had to be appointed for the duration of the election period. The additional Chairperson was appointed on recommendation of Advocate Jules Browde SC, the existing chairperson of the BMCC. The BMCC then consisted of the following members:

- | | | |
|---------------------------------|---|-----------------|
| • Advocate Jules Browde SC | - | Chairperson |
| • Advocate Roland Sutherland SC | - | Chairperson |
| • Advocate Timothy Bruinders | - | Member |
| • Ms Keneiloe Mohafa | - | Member |
| • Ms Irene Menell | - | Member |
| • Prof. Guy Berger | - | Co-opted Member |
| • Prof. Tina Uys | - | Co-opted Member |
| • Dr Devi Rajab | - | Co-opted Member |
| • Dr Devan Pillay | - | Co-opted Member |

Following the decision of the Chairperson, a formal hearing of the BMCC is called. After hearing a complaint the BMCC makes a ruling with recommendations for possible

remedy. The Council of the IBA then considers the recommendations of the BMCC and finalises a remedy. The Monitoring Unit monitors implementation.

7.3 PROCEDURES

In processing complaints that related to the election the Monitoring and Complaints Unit utilised the resources that it had available to it prior to the election. Its two Complaints officers received and processed all complaints during the '99 Elections. Two additional part-time staff members were appointed to assist the Complaints Officers with their administrative duties.

The Monitoring and Complaints Unit had complaints procedures in place prior to the elections for the handling of general complaints about broadcasters. For the purpose of the elections these procedures were adapted to ensure speedy resolution of complaints. All broadcasters and political parties were informed of changes to the procedures. A number of workshops were also held in Johannesburg, Cape Town and Durban to familiarise broadcasters and political parties with the IBA's Regulations and Guidelines on broadcast coverage of the elections as well as the complaints procedures to be followed. Pro-forma complaint sheets were designed and distributed to political parties to facilitate the easy administration of complaints.

On receipt of a complaint, the Complaints Officers logged the complaints onto a register and proceeded to acknowledge receipt of the complaint. The complaint was then forwarded to the relevant broadcaster for a response. Broadcasters had to respond within a stipulated time that was determined by the urgency of the complaint and the need for a remedy. The response of the broadcaster was forwarded to the complainant who was requested to indicate whether the response was satisfactory or not. Should the complainant perceive the response to be satisfactory, the complaint was considered to be resolved and the file on the complaint would be closed. Those complaints with unsatisfactory responses were forwarded to the Mediation Committee of the IBA for mediation. A complaints report is attached as Section Three to this report.

8. Conclusion and Recommendations

Two factors are vital in the efficient planning of any project namely, securing a budget and determining the time constraints. Neither of these could be achieved timeously in this instance leading to difficulties in certain areas. The Authority, for example, would have liked more workshops with broadcasters to take place as well as a proper public awareness campaign to have been launched but uncertainty with the budget limited these.

In order for the Authority to successfully and efficiently manage this project in future, it is important that the Authority secure a budget timeously. The Authority should also be enabled to establish and confirm important dates in the election timetable, well in advance as a measure to avoid unnecessary time constraints and pressures. As indicated it was difficult to establish fund deadlines for these.

It is further recommended that the necessary legislation be put in place to include a clear definition of the election period. The lack of a clear definition created a great deal of

confusion in the broadcasting industry especially with regards to when political advertising and party election broadcasts should have been allowed on air.

Despite this our mandate was successfully fulfilled. The success of this project can be credited to the Authority's ability to quickly and effectively communicate with political parties and broadcasters.

Johann Koster
Head: Monitoring and Complaints Unit

30 June 1999

Introduction

One of the responsibilities of the Independent Broadcasting Authority (IBA) is to monitor coverage of elections by all broadcasters during an election period¹. The mandate to do so is set out in sections 58, 59, 60, 61, and 62 of the IBA Act, Act 153 of 1993 (as amended). As part of this responsibility, the Authority is required to ensure that broadcasters provide the public with access to information which is accurate and which enables them to make choices about their rights and duties as citizens in a democratic country.

Taking this into account, the Monitoring and Complaints Unit (MCU) of the Authority embarked on a monitoring exercise to assess information about the elections which was being provided by broadcasters. The monitoring was aimed at ensuring that different political parties were being treated equitably by broadcasters. Apart from checking news and current affairs shows on television and radio, we also monitored political party advertisements and Party Election Broadcasts (PEBs) to ensure they complied with the IBA Act. In terms of the Act, all radio stations can broadcast political party adverts during an election period but most offer a “like opportunity” to all parties. PEBs (which are aired at no cost to the political party) have to be broadcast by the public broadcasting radio stations. Other radio stations can choose to offer PEB time to parties.

A comprehensive monitoring system to enable the MCU to monitor all broadcasters on air was thus set up. A network of four monitoring centres around the country was established with its central hub located in the IBA’s head office in Johannesburg. This was done with the assistance of the Human Sciences Research Council (HSRC) and the Media Monitoring Project (MMP), which provided the Authority with technical and specialist support in the initial stages of the process.

POINT OF DEPARTURE FOR MONITORING:

As was stated above the MCU network was established to endeavour to monitor all broadcasters in the country - the Public, Private and Community Broadcasting sectors. As explained below and in the Complaints Report, due to technical problems we did not succeed in monitoring all the stations over the entire election period. We however monitored the vast majority of stations.

We continually monitored the news and current affairs programmes of a total of 56 community radio stations, 14 private radio stations, 15 SABC radio stations, 3 SABC television channels and one private television broadcaster. In addition, although M-net has no news broadcasts, we monitored their information programmes, however no election broadcasts were found. Due to technical problems (i.e. station’s sending us inaudible tape recordings), nine community radio stations, two private radio stations (Radio Oranje and Punt op Medium Golf) and four SABC radio stations (Radio Good Hope, Radio Ciskei, Radio Sunshine and Radio Bop) were only monitored occasionally. One community radio station was not monitored at all due to reception problems.

¹ That period during which electioneering activities of political parties are given wider platform to unfold. This period is characterised by intense coverage of political parties’ manifestos, their advertising campaigns & other information which will help the voters make their decision.

In the attached reports, we have included the results of the monitoring exercise from the beginning of May until 02 June 1999 (the election period). It should be noted that only 44 of the community radio stations were found to have included news and/or information programmes about the elections. While we also monitored stations in April, as this was a test period and not the official election period, we have not included the results of this in this report. It should be noted though that the results of the monitoring in April were similar to those in May.

The monitoring focused on news bulletins and actuality programmes. The analysis of these programmes was two pronged: Quantitative and Qualitative. As part of the qualitative analysis, the MCU looked at the good and/or bad publicity accorded political parties. We judged whether any political party would be either advantaged or disadvantaged by the way the information was presented. “Bad” publicity also included statements made by political parties against each other. We then analysed all these instances to find out if the broadcaster was showing its bias towards or against any party, or if political parties right to reply to damaging criticism was breached. We further analysed if there was a trend by any broadcasters to treat political parties inequitably. As can be seen from the attached reports, only one incident of alleged bias was found. No broadcaster either advantaged or disadvantaged any political party over the entire election period.

The quantitative analysis involved calculating how much time each broadcaster was dedicating to the elections, and how much time was given to each political party. We want to emphasise here that this was not done to encourage stop-watch journalism. As stated in our Election Guidelines, broadcasters should not abdicate their news value judgements during elections.

Election Topics

In monitoring the election coverage the MCU identified a set of standard topics that received regular and frequent coverage. A total of 34 topics were identified and monitored. The table below provides a breakdown of the frequency and priority that each topic received.

TOPICS MONITORED DURING THE ELECTION PERIOD:

Topic/Issue	Frequency	Percentage
Party Manifestos	7590	25.69%
IEC/ voting issues & procedures	7460	25.25%
Political Violence & intimidation	4120	13.94%
Opinion Polls	1110	3.76%
Coalitions & party cooperation	1060	3.59%
Crime	865	2.93%
Corruption: party & government	715	2.42%
Defection	603	2.04%
Voter Education/Registration	536	1.81%
Election fraud	430	1.46%
Two-thirds majority	420	1.42%
Media	420	1.42%
Economics & Business	361	1.22%
TRC	300	1.02%
Labour	241	0.82%
Local government/ by-elections	235	0.80%
Health	178	0.60%
Election funding	144	0.49%
Housing	138	0.47%
Gender	132	0.45%
Demonstrations	130	0.44%

Topic/Issue	Frequency	Percentage
Education	125	0.42%
Race	120	0.41%
Death Penalty	78	0.26%
Human Rights	60	0.20%
Sport	60	0.20%
Religion	48	0.16%
Rates & Service	30	0.10%
International Politics	24	0.08%
Diplomacy	18	0.06%
Environment	12	0.04%
Disaster	6	0.02%
Arts & Culture	6	0.02%
Other	1770	5.99%
Total	29545	100%

As indicated in the table above, the political party manifestos and information about the election and IEC received the majority of the coverage. According to a Markinor opinion poll, released in April 1999, job creation and crime and security were by far the most fundamental issues in the eyes of the voters. However, as can be seen from the table above these issues did not receive much coverage. It should be noted that party manifestos often touched on such issues.

As mentioned earlier in this report the Authority was concerned by the fact that broadcasters generally covered events and not issues.

The Public Broadcaster

1. Background

The South African Broadcasting Corporation (SABC), as the public broadcaster has a greater obligation than other broadcasters, to provide the public with access to information about the political parties contesting the elections. The public broadcaster has a duty to provide accurate information during an election period to assist voters to make a choice.

All the main TV news bulletins were monitored while only prime time radio bulletins, (morning, noon, drive time) were monitored. Radio Sunshine, Radio Bop, Radio Ciskei and Radio Good Hope were not monitored as the radio stations did not submit recordings.

A. Quantitative assessment

(a) News

The party that received the most coverage during the election period were; the ANC topping the list at 26%, followed by IFP, DP, NNP, UDM and PAC of Azania. The smaller provincial parties like Ximoko PP, received little coverage.

Total Monitored Items

Broadcaster Code	Total Items	% Election Items
SABC TV 2	990	34.9%
Thobela FM	604	39.4%
Lesedi Stereo	547	36.2%
Motsweding FM	456	43.2%
Umhlobo Wenene	452	37.8%
SABC TV 3	452	35.6%
Ikwekwezi	384	41.6%
Ukhozi FM	359	44.6%
Radio Metro	750	19.9%
Munghana Lonene	337	40.1%
Phalaphala	329	36.5%
Lotus FM	247	46.6%
SAFM	264	42.0%
RSG	289	36.7%
SABC TV 1	294	36.1%
5FM	545	18.3%
Ligwalagwala	144	28.5%
Radio 2000	81	16.0%
Total	7524	34.7%

Total time per party¹ in seconds

Political Party	Time	Percentage of Total
ANC	23736	26.1%
IFP	13152	14.5%
DP	10655	11.7%
NNP	9722	10.7%
UDM	7191	7.9%
PAC	6329	7.0%
FF	3854	4.2%
Government	3414	3.8%
AZAPO	1955	2.2%
FA	2115	2.3%
ACDP	1965	2.2%
UCDP	795	0.9%
GPGP	945	1.0%
MUM	800	0.9%
Opposition Parties	795	0.9%
ULA	325	0.4%
AITUP	340	0.4%
SOPA	570	0.6%
AEB	340	0.4%
MF	570	0.6%
DPF	180	0.2%
LP	255	0.3%
NACOPA	150	0.2%
PLP	70	0.1%
SPP	70	0.1%
AMP	110	0.1%
WIVL	180	0.2%
XP	290	0.3%
Total	90873	100%

² Political party abbreviations are outlined in Appendix 4 of this report.

Time in seconds per party per station

Political Party	Metro	Ukhozi	Umhlobo	Ikwewezi	Phalaphala	Lesedi	Munghana Lonene	Ligwalagwala
ANC	445	705	949	855	800	773	1435	270
IFP	235	540	600	630	290	574	805	200
DP	175	90	330	460	130	270	205	80
NNP	165	315	583	475	360	380	260	130
UDM	308	245	753	345	350	370	295	210
PAC	120	110	355	285	180	307	120	
FF	40	130	372	110	110	197	145	60
AZAPO		50	40	60	240		100	
FA		30	200	120		140	120	210
ACDP	20		50	180	30		240	
UCDP			60	45	90	130	70	
GPGP	45			30		30		30
MUM			40					
ULA						80	20	
AITUP			40	20		30		
SOPA	20	30		30	20	30		30
AEB	20					20		
MF	95				30		30	
DPF		50			40			
LP		25		40			30	
NACOPA								30
PLP				20				
SPP		30		20				
AMP								30
WIVL	20				25			
XP		30		60		30		

Time per party per station (Continued)

Political Party	SAF	Lotus	Motsweding FM	5FM	RADIO 2000	RSG	Thobela FM	SABC1	SABC2	SABC3
ANC	665	460	1327	165	340	1080	1694	4881	2822	4070
IFP	385	225	415	75	150	970	870	1740	2788	1660
DP	560	80	180	100	190	990	694	2520	2050	1551
NNP	235	180	430	50	245	890	360	880	2318	1466
UDM	200	190	425	100	165	470	285	770	710	1000
PAC	110	40	237	20	60	320	370	2325	870	500
FF	70	100	120	20	45	450	100	150	750	885
AZAPO	40	20	70		45	30	870	150	240	
FA	180	40	150	45	60	340	90	210	60	120
ACDP	65	130	120			280	150	120	380	200
UCDP	60	30	100				150	20	40	
GPGP	45	45		60	30	60	70	140	260	100
MUM	40		90					140	490	
ULA	45		30				90	30	30	
AITUP	50								70	130
SOPA	30		60					130	190	
AEB	40					80			110	70
MF	40	120	70		20	60	30		45	30
DPF	40							30	20	
LP	60								50	50
NACOPA	40					30			30	20
PLP								30	20	
SPP									20	
AMP	30								25	25
WIVL	30				20	30		25	30	
XP	20					30	30	45	45	

(b) Actuality

Political parties that received the most current affairs and discussion coverage were: ANC, NNP, IFP and UDM. As can be seen from attached, programmes coverage per station differed.

Total Monitored Items

Broadcaster	Election Items	Total Items	% Election Items
Motsweding FM	123	262	46.9%
Thobela FM	116	345	46.9%
Umhlobo Wenene	113	280	40.3%
SAFM	110	343	32.0%
Munghana Lonene	97	164	59.1%
Phalaphala	83	169	49.1%
SABC2	81	142	57.0%
Lesedi Stereo	79	109	72.4%
Ukhozi FM	79	134	58.9%
SABC1	64	96	66.6%
SABC3	42	83	50.6%
METRO	8	34	23.5%
5FM	6	26	23.1%
Total	1077	2303	46.7%

Total time per party in seconds

Political Party	Time	Percentage of Time
ANC	43619	30.6%
NNP	24550	17.2%
IFP	17304	12.1%
UDM	12035	8.4%
Government	5407	3.8%
PAC	6231	4.4%
DP	14213	10.0%
FF	4120	2.9%
UCDP	3593	2.5%
AZAPO	2710	1.9%
ACDP	3515	2.5%
SOPA	1000	0.7%
FA	2050	1.4%
DPF	650	0.5%
AITUP	510	0.4%
MF	520	0.4%
AEB	260	0.2%
WIVL	190	0.1%
Total	142477	100%

Time per party per station in seconds

Political Party	Metro	Ukhozi	Umhlobo Wenene	Phalaphala	Lesedi	Munghana	Motsweding
ANC	2410	260	4985	1740	150	3156	10014
NNP	1860		4044	940	60	1070	2276
IFP	2000	320	680	460	60	630	1864
UDM	1540		1230	500	60	936	1659
Government	2841		160	280		240	1166
PAC			140	990	60	810	1177
DP	1650		1244		30	120	629
FF	1400	160	120	240		240	
UCDP			160				2138
AZAPO			800	120		710	
ACDP	721		180	354	180	510	
SOPA				160			
FA			0			180	
DPF						350	
AITUP							
MF						280	
AEB							
WIVL							

Time per party per station in seconds (Continued)

Political Party	5FM	Thobela	SAFM	SABC 1	SABC 3	SABC2
ANC	580	9324	8650	790	640	920
NNP	540	4410	7620	580	590	560
IFP	500	1630	7380	620	520	640
UDM	480	1270	3180	380	320	480
PAC	490	1504	460	300		300
DP	560	640	7570	560	540	670
FF		870	380	80	350	280
UCDP		210	300	45	360	380
AZAPO		870	90	60		60
ACDP		420	140	290	350	370
SOPA		720	60			60
FA	450	420	280	230	180	310
DPF		220				80
AITUP		360	60	30		60
MF			60	60		120
AEB	30		50	100		80
WIVL			40	90		60

B. Qualitative assessment

Section 61 of the IBA Act requires the public broadcaster to provide fair and equitable coverage of political parties during elections. In terms of both news and actuality programming, the IBA found no clear and deliberate breaches of the IBA's Guidelines on Equitable coverage.

Community Broadcasting Sector³

1. Background

Of the 78 Community Radio Stations that are licensed by the IBA, the MCU monitored 67 radio stations stations. The others were not monitored as:

- ◆ Some stations' tapes were of poor quality and as such were not audible
- ◆ Others did not submit tapes (on time) for monitoring as required by the Act for that purpose.
- ◆ A few could not record their programmes as a result of technical problems these broadcasters experienced during this period.
- ◆ Some station's reception was poor

Only 44 of those monitored had election related news / actuality items

2. Editorial matters

It is important to note that the majority of the community broadcasters receive much of its national news from Network Radio Service (NRS) in Johannesburg. The news is relayed directly from NRS via a satellite link to all the subscribers. Some stations edit and alter this news to suit their policies and the needs of their audiences. Other broadcasters relinquish the editorial control of the news contents by broadcasting the news read at the NRS studios as is. Many of the broadcasters, which are linked to NRS, thus tended to have the same election news items.

The variance was created by the different number of news bulletins and actualities broadcast by each station per day / per week.

The total number of election items (1512) on all community stations made up 24.5 % of the total news items (6179) monitored during this period. (Table below)

Radio Kingfisher, which carried the most election-related items, is a *Christian* radio station that broadcasts in Port Elizabeth.

³ An availability breakdown of the community broadcasters found in this report is provided in Appendix 5 of this report.

A. Quantitative assessment

(a) News

Total Items monitored

Broadcaster Code	Election items	Total Items	% Election items
Kingfisher	155	593	26.1%
Link FM	115	447	25.7%
Khwezi	92	372	24.7%
Durban Youth	83	482	17.2%
Radio Today	68	343	19.8%
West Rand	62	333	18.6%
C-Flat	55	170	32.4%
Can-I	54	180	30.0%
Atlantis	50	84	59.5%
Puk	48	146	32.9%
Voice of Soweto	47	148	31.8%
Highway	45	218	20.6%
Vukani	43	124	34.7%
Bush	36	91	39.6%
Namaqualand	35	242	14.5%
Vaal community radio	35	116	30.2%
Zibonele	34	128	26.6%
Turf	31	95	32.6%
Bushbuckridge	30	117	25.6%
Good News	30	202	14.9%
Fine Music	25	73	34.2%
Graaf-Reinete	25	112	22.3%
East Wave	24	103	23.3%
Rippel	24	78	30.8%
Maritzburg	22	86	25.6%
Ubuntu	22	174	12.6%
Impact	21	102	20.6%
Helderberg	21	88	23.9%
Unitra	20	50	40.0%
Addulum	18	69	26.1%
Radio 7	17	109	15.6%
Kangala	17	58	29.3%
CCFM	15	65	23.1%
Suid Kaap Stereo	14	63	22.2%
Barberton	13	65	20.0%
Matie	13	28	46.4%
ALX FM	12	52	23.1%
786	12	56	21.4%
Phoenix	10	50	20.0%
Voice of the Cape	9	40	22.5%
Rosestad	6	10	60.0%
Hoogland	2	13	15.4%
Overvaal	2	4	50.0%
Teks	1	9	11.1%
Total	1512	6179	24.5%

Total Time per party

Political party	Time	Percentage of total May news time
ANC	14759	32%
IFP	6893	14.8%
DP	5627	12.1%
NNP	5428	11.6%
UDM	5238	11.2%
Federal Alliance	1460	3.1%
ACDP	945	2.0%
Opposition parties	783	1.7%
PAC	649	1.4%
Freedom Front	565	1.2%
Azapo	466	1.0%
Other Groupings	350	0.7%
Labour party	304	0.7%
Safa	227	0.5%
Other political parties	220	0.5%
Other groups of parties	140	0.3%
SACP	70	0.1%
Gay & Lesbian Alliance	60	0.1%
Sopa	60	0.1%
MUM	50	0.1%
People's Liberation Party	32	0.1%
UCDP	30	0.1%
AMP	20	0.0%
GPGP	20	0.0%
Total	46685	100%
* Government	2289	4.9%

The total time devoted to elections in prime time bulletins from 1st May 1999 to 2nd June was about 778 minutes. The ANC received the most coverage 32% while new parties received the least. It should be noted that the ANC coverage included criticism of the party by other political parties.

Time in seconds per party per station

Political party	Atlantis	Zibonele	Voice of Soweto	Barberton	Impact	Bushbuckridg	Puk	Namaqualand	Vaal Community	Suid Kaap
ANC	330	440	331	520	281	440	459	495	365	220
IFP	90	210	30	40	80	180	319	200	95	190
DP	230	40	100	70		130	130	130	140	130
NNP	200	210	140			20	244	170	220	
UDM	90	300	201	30	20	100	115	250	30	110
FA	20	10			30	20	118		120	
ACDP	90	10		100		30		80	90	
PAC				40				20		
FF	50						50	30		
AZAPO						170		20		
L P									50	
MUM										
PLP										
UCDP			30							
AMP										
GPGP										
DPF										
AEBP										
NCP										
MF										
SPP										
ULA										
WIVL										
XP										
AITUP										
SPA										

Time in seconds per party per station (Continued)

Political party	Radio 7	CCFM	C-Flat	Bush	ALX FM	Addulum	Can-I	786	Durban Youth
ANC	170	190	520	580	120	200	120	140	737
IFP		110	40	140	50	100	190		423
DP	110	140	120	410		90	90		312
NNP	120	110	470	450		20	90	20	496
UDM	50	120	130	50	60		80		293
F A	70		10				120		25
ACDP	40					50			
PAC			10				90	30	
FF			60						75
AZAPO									54
L P									
Sopa									60
MUM									
P L P									
UCDP									
AMP									
GPGP									
DPF									
AEBP									
NCP									
MF									
SPP									
ULA									
WIVL									
XP									
AITUP									
SPA									

Time in seconds per party per station (Continued)

Political party	Good News	Highway	Hoogland	Fine Music	Kangala	Overvaal	Helderberg	Khwezi	Maritzburg	Phoenix
ANC	336	772		100	130		240	2046	287	185
IFP	214	367		50	90	80	30	1304	30	68
DP		250		120			220	371	158	
NNP		349		90	130		90	232	45	88
UDM		35	30	60	20		195	488		
FA		32			90			50	58	32
ACDP	35				60			170		
PAC		84			30			62	33	
FF			40					220		
AZAPO								52		
LP	33							121		
SOPA										
MUM										
PIiP										
UCDP										
AMP				20						
GPGP				20						
DPF										
AEBP										
NCP										
MF										
SPP										
ULA										
WIVL										
XP										
AITUP										
SPA										

Time in seconds per party per station (Continued)

Political party	Rippel	Matie	Radio Today	Turf	Voice of the Cape	Rosestad	West Rand
ANC	200	150	728	410	70		170
IFP	150		576	310			110
DP	80	110	356	70	90	100	40
NNP	50	190	200	170	110		90
UDM	140	40	434	490			70
FA		100	195	40			30
ACDP			70	20	20		40
PAC			50				50
FF							
AZAPO							
LP			60				
SOPA							
MUM							50
PLP							
UCDP							
AMP							
GPGP							
DPF							
AEBP							
NCP							
MF							
SPP							
ULA							
WIVL							
XP							
AITUP							
SPA							

Time in seconds per party per station (Continued)

Political party	Graaf-Reinete	Kinafisher	Link FM	Ubuntu	Unitra	Vukani
ANC	270	380	479	560	150	298
IFP	110	180	447		50	120
DP	40	300	260	150	300	150
NNP	80	170	120	150	30	24
UDM		200	255	350	100	252
FA	70	110	60		50	
ACDP		40				
PAC	70		40	30		10
FF		40				
AZAPO					120	50
LP	20		20			
SOPA						
MUM						
PLP						32
UCDP						
AMP						
GPGP						
DPF						
AEBP						
NCP						
MF						
SPP						
ULA						
WIVI						
XP						
AITUP						
SPA						

(b) Actuality

As can be seen below, many stations used their current type programming to focus on elections. As monitoring was not continuous some actuality programmes might have been missed.

According to our monitoring 19 community radio stations ran actuality programmes as indicated below.

Total monitored Items

Broadcaster	Election items	Total Items	% Election items
Bush	58	103	56.3%
Ubuntu	23	36	63.9%
Atlantis	17	17	100 %
Khwezi	15	53	28.3%
Durban Youth	13	46	28.3%
C-Flat	9	15	60.0%
Graaf Reinette	9	13	69.2%
Vukani	9	9	100.0%
Zibonele	8	11	72.7%
Helderberg	8	11	72.7%
Bushbuckridge	6	13	46.2%
786	5	9	55.6%
Voice of the Cape	3	3	100.0%
Vaal community	2	2	100.0%
Highway Radio	2	2	100.0%
Voice of Soweto	2	2	100.0%
Radio 7	1	1	100.0%
Matie	1	1	100.0%
Campus Bay	1	1	100.0%
Total	194	348	55.7%

Time per party (in seconds)

Political party	Time	Percentage of total May Actuality time
ANC	45608	37.5%
ACDP	14040	11.5%
NNP	11735	9.7%
IFP	9169	7.5%
Government	8710	7.2%
Azapo	7650	6.3%
DP	6923	5.7%
PAC	5906	4.9%
UDM	5484	4.5%
Other political parties	3550	2.9%
AMP	1800	1.5%
Freedom Front	550	0.5%
Other Groupings	250	0.2%
Federal Alliance	200	0.2%
Total	121575	100%

B. Qualitative Assessment

Bias

No clear and deliberate bias was found in either news or actuality programmes on any of the community radio stations.

Private Broadcasters

At the start of the monitoring process, the Authority intended to monitor 17 private broadcasters, viz., 16 private radio stations and e-tv. As a result of technical problems, the Authority could not monitor Radio Oranje and Punt Geselsradio (Cape Town and Johannesburg).

P4 Radio in Durban and Cape Town largely share the same resources in terms of news and other programming. Consequently both broadcasters are represented as one broadcaster in the tables below. Further to this, technical problems precluded extensive monitoring of P4 Cape Town, while the monitoring of P4 Durban concentrated largely on news.

There was little difference in the editorial content of news flighted by some of the broadcasters. Cape Talk sourced some of its news from its sister station Radio 702 while other broadcasters, although originating their own news, also relied on news agencies such as Network Radio Services (NRS) and the South African Press Association (SAPA). e-tv committed a substantial amount of its resources to elections coverage and provided an alternative to SABC television news.

The tables below provide a representation of private broadcasters' allocation of time, in terms of seconds, to election related issues during news bulletins over the official election period.

A. Quantitative assessment

(a) News

Total items monitored

Broadcaster Code	Total Items	Election items	% Election items
Kaya FM	554	151	27.3%
Radio 702	542	145	26.8%
e- tv	464	114	24.6%
Cape Talk	399	108	27.1%
Highveld Stereo	462	85	18.4%
Jacaranda FM	476	85	17.9%
Radio Algoa	308	81	26.3%
East Coast Radio	276	69	25.0%
Y-FM	157	59	37.6%
P4 Radio	249	56	22.5%
K-FM	127	36	28.3%
Classic FM	63	24	38%
Total	4077	1013	24.84%

As can be seen from the above table, time allocated to election items differed from one broadcaster to the other, probably due to varying opinions on what was considered newsworthy. Taken together, private broadcasters covered an average of 32 election items per day over the election period.

Total time per party in seconds

Political party	Time	Percentage of total May news time
ANC	6549	27.3%
IFP	3541	14.8%
UDM	2433	10.1%
NNP	2363	9.8%
DP	2104	8.8%
Government	1625	6.8%
PAC	790	3.3%
Groups of parties	779	3.2%
FA	745	3.1%
ACDP	679	2.8%
Opposition parties	555	2.3%
FF	460	1.9%
Other Political Parties	250	1.0%
GPP	220	0.9%
AITUP	160	0.7%
GLA	140	0.6%
SAFA	140	0.6%
LP	130	0.5%
AEB	110	0.5%
XP	88	0.4%
AZAPO	80	0.3%
Alliance members	50	0.2%
DPF		
MUM		
MF		
NACOPA		
PLP		
SPP		
SOPA		
GPGP		
ULA		
UCDP		
WIVL		
AMP		
Total	23991	100%

The ANC received most coverage. This coverage however was not always positive as it included negative comment by other parties. The above figures do not differentiate between parties that contested elections nationally and those contesting at a provincial level only.

Time per party per station in seconds

Political party	Highveld	e- tv	P4	Cape Talk	East Coast	K-FM	702	Jacaranda	Classic	Kaya	Y-FM	Algoa
ANC	432	1553	595	700	609	100	1305	225	165	440	225	200
IFP	220	940	735	260	281	30	380	75	95	370	60	120
UDM	208	613	130	270	135	60	425	110	85	200	82	200
NNP	142	950	70	280	141	80	210	120	120	180	10	180
DP	280	440	120	360	122	40	190	90	130	260	72	90
PAC	30	140	30	140			300		30	120	10	20
Other groups of	90	160					359	50		120		
FA		280	60	70			125		90	70		140
ACDP		110		140		50	149			110		120
Opposition parties	20	70		40			175	130		90		30
FF	50	180				30	170	30				
Other Political				250								
GPP		160		60								
AITUP		160										
GLA	20			60			30				30	
SAFA			60	60								20
LP		70								20		40
AEB		110										
XP											88	
AZAPO		70									10	
DPF												
MUM												
MF												
NACOPA												
PLP												
SPP												
SOPA												
GPGP												
ULA												
UCDP												
WIVL												
AMP												

b) Actuality

Total Items monitored

Broadcaster	Total Items	Election items	% Election items
Kaya FM	104	81	77.9%
Radio 702	97	78	80.4%
Cape Talk	41	22	53.7%
e- tv	19	11	57.9%
Y-FM	4	3	75.0%
Jacaranda FM	2	1	50.0%
Total	267	196	73.4%

Most private broadcasters are music-driven and as such do not have many current affairs programmes. Those that featured actuality programmes gave prominence to election-related items.

Total time per party in seconds

Political party	Time	Percentage of total May
ANC	7710	20.5%
DP	4785	12.7%
NNP	4324	11.5%
FF	4200	11.2%
UDM	4060	10.8%
ACDP	3600	9.6%
Other groups of parties	1500	4.0%
PAC	1490	4.0%
AZAPO	1244	3.3%
IFP	1110	3.0%
Government	884	2.4%
Other political parties	600	1.6%
AMP	360	1.0%
MUM	230	0.6%
XP	230	0.6%
WIVL	230	0.6%
ULA	220	0.6%
DPF	200	0.5%
FA	200	0.5%
SOPA	200	0.5%
CDP	130	0.3%
Opposition Parties	60	0.2%
AEB		
LP		
MF		
NACOPA		
PLP		
SPP		
GPGP		
UCDP		
AITUP		
Total	37567	100%

As is the case with news coverage, better-resourced parties received the bulk of airtime in actuality programmes.

Time per party per station in seconds

Political Party	e- tv	Cape Talk	702	Jacaranda	Kaya	Y-FM
ANC	3980	1980	3650	780	1950	130
NNP	3785	110	3000	830	1090	124
DP	3820	640	2865	940	325	
IFP	3830	480	1675	675	630	
Government	2780	600	300		284	
FF	3600		620	720	660	
Other political parties		600				
PAC	960		280	320	530	
UDM	3600		2120	480	320	140
AMP					360	
AZAPO	960				284	
MUM	230					
XP	230					
ULA	220					
DPF	200					
FA	200		620	465		
SOPA					200	
CDP						130
ACDP	3600		585	380		
WIVL	230					
AEB						
LP						
MF						
NACOPA						
PLP						
SPP						
GPGP						
UCDP						
AITUP						

As is the case with news coverage, better-resourced parties received the bulk of airtime in actuality programmes.

B. Qualitative assessment

(a) News

No clear and deliberate bias was found in any news items.

(b) Actuality

Bias (for or against)

ID	Broadcaster	Date	Towards	Against	Centre	Bias	Programme
804	Cape Talk/702	5/18/99		ANC	CT	Presentation	Actuality

During this programme, which was produced by 702 and shared with Cape Talk. 702 and Cape Talk accused the ANC of not considering crime and corruption as major issues impeding governance. Although no specific party could be said to have gained from the accusation, the ANC's position was prejudiced by the fact that the party was not given the right of reply during the programme.

Political Advertising

Section 58 of the IBA Act prohibits the broadcast of party political advertisements except during the election broadcast period. Some confusion existed around the start of this period due to the lack of a clear definition of the election broadcast period in the IBA Act. Due to this some broadcasters allowed political adverts on air prematurely. These broadcasters were notified and the advertisements were immediately removed. After legal consultation the IBA decided that the election broadcast period would start on the day immediately following the closing date for the submission of candidate lists by political parties to the IEC. The starting date of the election broadcast period was therefore the 4th of May 1999.

Due to the fact that the MCU was reliant on the recordings of many broadcasters and only able to analyse these once received, the MCU experienced a lag time of approximately eight days with community and some private broadcasters. In terms of the public broadcaster and the majority of private broadcasters the lag time was approximately four days.

It was impossible for the MCU to listen to all broadcasters 24 hours a day so a process of random monitoring was used. The MCU found 476 advertisements, a breakdown of which is given below.

TOTAL MONITORED ADVERTISEMENTS PER PARTY

Party	Advertisements	Percentage
ANC	214	45.0%
DP	115	24.2%
NNP	72	15.1%
UDM	25	5.3%
ACDP	10	2.1%
CF/FF	10	2.1%
LP	8	1.7%
IFP	6	1.3%
MF	6	1.3%
FA	3	0.6%
AMP	2	0.4%
PAC	2	0.4%
AEB	1	0.2%
AZAPO	1	0.2%
Other ²	1	0.2%
Total	476	100%

The above table indicates the number of political advertisements that were found by the MCU during the election broadcast period (04 May 1999 to 31 May 1999). The table provides a breakdown of the political advertisements broadcast for each party. The majority of advertisements monitored by the MCU were for the ANC (45%) followed by the DP (24.2%) and NNP (15.1%).

⁴The audio quality of this political advertisement was of such poor quality that the political party could not be identified.

Only 14 of the 26 registered political parties were found to have advertised during the elections. These were mostly the political parties which held positions in government prior to the elections and received campaigning budgets from parliament. Some of the other parties, that did not form part of government, prior to the election, also advertised but to a much smaller extent. This can be attributed to the fact that these parties did not possess the financial abilities that other parties had. Should the IBA Act be changed to allow advertising on television, this disparity would be emphasised. We therefore believe political advertising should be limited to radio.

The MCU did not detect any instances of, nor did it receive any complaints about, political parties being refused the opportunity to advertise on any radio station.

Party Election Broadcasts (PEBs)

A PEB is defined in terms of the IBA Act as:

“ a direct address of message broadcast free of charge on a broadcasting service and which is intended or calculated to advance the interests of any particular political party.”

In terms of section 59 of the IBA Act the public sound broadcaster (SABC Radio) is obliged to carry PEBs during the election broadcast period. The IBA is obliged by the Act to calculate the time allocation and sequence of PEBs. Other broadcasting services such as community and private sound broadcasting service can elect whether they will carry PEBs during the election broadcast period. None of the private sound broadcasters in South Africa elected to carry PEBs and 29 community sound broadcasters chose to do so. Unfortunately the SABC did not adequately fulfil its responsibility as regards PEBs. This is explained later in this section.

The PEB calculation formula, as contained in the Authority’s Regulations and Guidelines for the election broadcast period, consists of five allocation criteria each valued differently. These criteria were:

6.)	Basic allocation	20 points
7.)	Number of Seats Currently Held	35 points
8.)	Candidates Nominated for the National Allocation List	15 points
9.)	National Assembly Regional List Allocation	15 points
10.)	Provincial List Allocation	15 points

As stated in section xx, finality on the candidates list was only reached three weeks before the election. As the number of candidates was one of the criteria, this meant the broadcasting of PEBs started after political advertising. To ensure that this direct access broadcasting was not too limited because of this, the IBA doubled the number of PEBs broadcasters had to air from 4 to 8 two minute PEBs each day.

The Authority received the preliminary candidate list on 13 May 1999 and the calculations and verification were completed by 17 May 1999. All political parties were invited to a public draw on 18 May 1999 to determine the sequence in which the PEBs would be

broadcast. PEBs were allowed on air as from the 19th of May 1999 till Sunday 30 May 1999.

However, the MCU found that very few PEBs had been broadcast by the SABC between 19 May 1999 and 25 May 1999. This was confirmed on Thursday 27 May 1999 and a letter was immediately forwarded to Ms Charlotte Mampane, Group Executive: SABC Radio, seeking clarification on the matter. The SABC was requested to respond by the following day as it was unclear whether the fault lay with the broadcaster or was due to political parties not submitting PEBs as required. The response included an internal SABC memorandum, addressed to Ms Mampane from Mr. Frans Kruger, National Editor: News and Current Affairs. The memorandum highlighted what appeared to be a number of inefficiencies on the side of the SABC. From this memorandum it seems that the SABC was not well prepared, nor did it have the necessary procedures in place to handle the pressures that PEBs created. The memorandum confirmed the findings of the MCU.

Both chairpersons of the BMCC were approached to decide whether a formal hearing of the BMCC was required to adjudicate the matter. The chairpersons found, after studying the IBA Act, that unless a broadcaster deliberately refused to broadcast PEBs, the Authority had no recourse. The SABC's actions were clearly not deliberate, but rather showed a lack of capacity. It was clear that the SABC did not manage the process of broadcasting PEBs, and as a result failed to properly fulfil its responsibility of broadcasting PEBs. The BMCC Chairpersons recommended that the Authority write a letter to the SABC expressing the Authority's concern in this regard. The IBA Chairperson sent the letter on 31 May 1999. The Authority received a response from Reverent Hawu Mbatha, Group Chief Executive, on the 10th of May 1999. The response highlighted very similar problems to those in the memorandum⁴.

The following tables provide a breakdown of the PEBs found by the MCU during its monitoring activities. Again it should be noted, that PEBs might have been broadcast outside of the allocated times and thus were not monitored.

⁵Correspondence relating to this matter is attached as Appendix 1 to this report.

TOTAL MONITORED PEBs PER PARTY

Party	PEBs	Percentage
ANC	18	11%
UDM	16	10%
DP	14	8%
NNP	14	8%
ACDP	12	7%
IFP	12	7%
PAC	12	7%
AEB	10	6%
AZAPO	9	5%
FA	7	4%
FF/VF	7	4%
UCDP	7	4%
GPGP	5	3%
LP	5	3%
SOPA	5	3%
AITUP	4	2%
MF	4	2%
WIVL	4	2%
XP	0	0%
AMP	0	0%
ULA	0	0%
NACOPA	0	0%
SPP	0	0%
PLP	0	0%
MUM	0	0%
DPF	0	0%
Total	165	100%

From this it appears that a number of political parties received no PEB slots. It is unclear whether this was due to the SABC or because some of these parties did not submit PEBs. It should be noted that the MCU received numerous calls from community radio stations that elected to broadcast PEBs, as they did not receive these from the political parties. It was the responsibility of the political parties to ensure that broadcasters receive their PEBs and that the broadcasters comply with the requirements of the IBA's Regulations and Guidelines.

TOTAL MONITORED PEBs PER RADIO STATION

Broadcaster Code	PEB	Percentage
Thobela FM	25	15%
Munghana Lonene	19	12%
Lesedi FM	17	10%
5FM	17	10%
Umhlobo Wenene	15	9%
Voice of Soweto	14	8%
Metro FM	11	7%
Phalaphala FM	9	5%
SAFM	8	5%
LOTUS FM	7	4%
CCFM	4	2%
RADIO 2000	4	2%
Motsweding	4	2%
Link FM	3	1.8%
Ukhozi FM	2	1.2%
K-FM	1	0.6%
Bush Radio	1	0.6%
Highway Radio	1	0.6%
Fine Music Radio	1	0.6%
Radio Maritzburg	1	0.6%
Radio Ripple	1	0.6%
Total	165	100%

Conclusion

In monitoring the broadcast coverage of the 1999 general elections the Authority found that by and large the coverage was free and fair.

Both SABC Radio and TV gave wide coverage to the elections as part of its public service mandate. The SABC's editorial coverage of political parties was found to be equitable and generally in compliance with the Act and the Guidelines and Regulations of the IBA. The management of PEB broadcasts, however, was poor. The SABC did not seem to have the necessary procedures in place to handle the pressures that PEBs created. On the other hand many political parties also seemed to have made little preparation for PEBs and this also hampered the efficiency of the process.

The community broadcasting sector's coverage of the elections was generally commendable - considering the lack of funds and other resources. As many community broadcasters are reliant on Network Radio Services and SAPA, their news coverage however tended to focus more on national issues rather than on local community issues. In future they should attempt to access news from as many diverse sources as possible.

Many private broadcasters seemed to focus mainly on events and this tended to favour the bigger and better-resourced political parties. It should be noted that most of these broadcasters are music and entertainment driven and as a result little time is allocated to news and current affairs issues. Those private broadcasters which are talk driven did generally include coverage on other parties.

Overall all political parties were treated equitably. The problems that did occur could be largely ascribed to management capacity and/or resources. Most broadcasters tended to focus more on events organised by political parties rather than on parties' positions on issues. The election topics that received prominent coverage related to party manifestos, the IEC and voting issues. Although issues such as crime, health and unemployment formed part of party manifestos, parties' positions on these issues did not receive the prominence they deserved.

Monitoring and Complaints Unit

July 1999

Complaints Report

Introduction

Section 58 to 61 of the IBA Act requires the Authority to embark on a monitoring exercise of all broadcasting licensees in South Africa to ensure equitable treatment of political parties by broadcasters.

In addition the Authority has the power to act against broadcasters if they are not treating parties fairly. The Authority has established a Broadcasting Monitoring and Complaints Committee (BMCC) to adjudicate on complaints which can be lodged by the public, political parties or the Monitoring and Complaints Unit (MCU) of the Independent Broadcasting Authority (IBA). In order to resolve issues speedily during elections the IBA established a Mediation Committee.

The MCU compiled a booklet translated into the eleven South African Languages, which was distributed to the public, broadcasters and political parties on how to complain about broadcasters during elections.

The following report details on nineteen complaints received during elections. Ten of these were against the SABC, four against Radio 702, one against e-tv and the other five complaints were against different community broadcasters.

COMPLAINTS ABOUT THE 1999 ELECTIONS REGULATIONS AND GUIDELINES AND THE INDEPENDENT BROADCASTING AUTHORITY ACT 153 OF 1993.

COMPLAINT FROM THE AFRICAN NATIONAL CONGRESS (ANC)

“Election broadcasts may only be transmitted during the election broadcast period. Section 4.1 of the IBA’s 1999 Elections Regulations and Guidelines and Section 58 of the IBA Act.

On the 16th April 1999 the Monitoring and Complaints Unit (MCU) received a complaint from the African National Congress (ANC) about the IBA’s interpretation of the “election period”. The complainant submitted to the IBA that the interpretation of words “election period” by the IBA was “unreasonably onerous” on political party advertising campaign.

As explained earlier there was a lack of clarity about when the election period commenced, due to problems with the definition in the IBA Act. While the Authority stated in the regulations that this could commence after parties had submitted candidate lists, the ANC argued that it should commence after the election date had been promulgated by the state president.

The Authority responded by explaining how it interprets the IBA Act and the ANC did respond any further⁵.

ANC COMPLAINT ABOUT POLITICAL ADVERTS OUTSIDE OF ELECTION PERIOD

The African National Congress also complained that they have been severely prejudiced by the failure of the IBA to act against the Democratic Party who commenced advertising outside of the election broadcast period. April 1999 on several radio station including Radio Good Hope, K-FM, 702, the ANC said that the DP was gaining undue advantage over other parties.

The ANC required a ruling from the IBA to allow advertising on radio stations immediately. The following reasons were given for their request:

- a) Paragraph five of the IBA's "1999 Elections Regulations and Guidelines" states that, the IBA recognizes equitability as a principle in advertising and the third paragraph makes reference to fairness.
- b) The IBA's "Regulations and Guidelines" entrenches the principle of "fair" and consistent treatment of parties by all broadcasters.

The MCU responded by stating that prior to the Regulations and Guidelines of the IBA being formulated the, all the political parties were requested to submit their input on a discussion paper.

With regards to K-FM and Radio 702 the MCU informed the complainant that the Authority had already dealt with this issue with the broadcasters. On the 12 April 1999 the MCU picked up a party political advertisement, which was broadcast on Radio 702 for the Democratic Party. K-FM meanwhile had itself informed the IBA that it had mistakenly run several adverts.

Both these broadcasters were requested to furnish the MCU with reasons for flighting party political adverts before the "election period" was declared. The MCU also requested the aforementioned broadcasters to stop flighting the DP adverts, they were informed that as soon as the election period is promulgated the Authority will make an announcement to all political parties and broadcasters.

Both broadcasters informed the MCU that when the president announced the election date, they had thought this was the officially declared "election period" and they apologized. Both parties immediately stopped transmitting party political adverts. The MCU gave a warning to both broadcasters, as this was a serious contravention of the Regulations and Guidelines and the IBA Act.

The ANC did not take this matter further.

⁶Correspondence relating to this matter is attached as Appendix 2 to this report.

MCU COMPLAINT ABOUT POLITICAL ADVERTISEMENT AGAINST RADIO MATIE

Election broadcasts may only be transmitted during the election broadcast period. Section 4.1 of the IBA's 1999 Election Regulations and Guidelines.

On the 09 April 1999 at 16:30, the Cape Town Monitoring Centre of the IBA, found a Democratic Party (DP) advert broadcast before the election period. The MCU reprimanded the station and requested an explanation. Radio Matie informed the MCU that they had thought that the election period started after the President announced the election date. Radio Matie stopped transmitting the adverts and apologised for making this mistake. The chairperson of the BMCC accepted the apology and the MCU did not pursue the matter any further.

COMPLAINT FROM THE ABOLITION OF INCOME TAX AND USURY PARTY ABOUT ALLEGED UNFAIR COVERAGE

"All news coverage should be fair to all interests concerned". Section 3.2.1 of the IBA's 1999 Regulations and Guidelines.

On the 16th of May 1999, the MCU received a complaint from the Abolition of Income Tax and Usury Party, about a television programme on SABC, "Off the Record", the complainant alleged that, it was reported in this program that AITUP would not be contesting elections in the Western Cape due to lack of funds. The complainant alleged that this incorrect information had caused a great amount of concern amongst its supporters, as well as confusion among the voting population.

The complaint was sent to the SABC. The SABC said it regrets the error and that they would correct it immediately. The complainant was satisfied with the response and did not pursue the matter further.

COMPLAINT FROM WORKERS INTERNATIONAL VANGUARD LEAGUE (WIVL) ABOUT UNFAIR COVERAGE.

"If during an election period, the coverage of any broadcasting service extends to the field of elections, political parties and issues relevant thereto, the broadcasting licensee concerned shall afford reasonable opportunities for the discussion of conflicting views and shall treat all parties equitably". Section 61(1) of the IBA Act.

On 18 May 1999 the MCU received a complaint from the Workers International Vanguard League (WIVL) about the alleged lack of coverage of their political party in the current affairs program "Face the Nation", on SABC tv.

The SABC responded by stating that although the above-mentioned party was not included in this particular program, the party was featured twice in other current affairs

programs “Two Way” and “Off the Record”.

The MCU was satisfied with this response and the matter was closed.

COMPLAINT FROM FEDERAL ALLIANCE ABOUT ALLEGED BIAS

“ Each broadcaster should afford all political parties reasonable opportunity to respond to criticism broadcast by that broadcaster”. Section 3.2.2 of the IBA’s 1999 Regulation and Guidelines.

The MCU received a complaint from the Federal Alliance complaining about the “Face the Nation” tv programme on SABC 3 on the 09 May 1999. The complainant alleged that, in this programme, panelists were interviewed about the effectiveness of campaign posters. The complainant alleged that one of the panelists Mr. Clive Simpkins used abusive and derogatory words such as “racist” and “right-wing” to describe Dr. Louis Luyt and the Federal Alliance. The Federal Alliance alleged that, the programme was blatantly biased in favor of the African National Congress (ANC) and Mr. Thabo Mbeki, and that the statements made were false and that neither Dr Louis Luyt nor the Federal Alliance had the opportunity to respond.

The complaint was sent to the SABC for response. The SABC responded, stating that the SABC strongly denied the allegations that the programme was blatantly biased in favor of the ANC and Mr. Thabo Mbeki. They said that:

- a) The selection criterion used to assemble the panel on this particular programme was expertise in media affairs. The executive producer specifically asked whether any of the panelists had any political affiliation. All the panelists indicated that none of them were affiliated to any political party.
- b) The programme was live and that made it difficult to predict and prevent the statement made by Mr. Simpkins.

The SABC informed the Federal Alliance that it would send a crew to Dr. Luyt’s house, to give him the opportunity to respond to the comments made about his party. The recording of this response would be televised during the next broadcast of “Face the Nation”.

The response was sent to the complainant but the Federal Alliance informed the MCU in writing that they were not satisfied with SABC’s response. The Mediation Committee attempted to resolve the issue between the parties, but this was unsuccessful.

The matter was then forwarded to the Broadcasting Monitoring and Complaints Committee (BMCC) chairperson for him to decide whether to hold a hearing into the matter.

On 21 May 1999 a formal hearing was held. The BMCC adjudicated on the matter as follows⁶:

- a) The BMCC found no evidence of any bias by the SABC.

⁷The BMCC ruling on this complaint is attached as Appendix 3 to this report.

- b) However the BMCC found that, Mr. Modise, should have intervened and told Mr. Simpkins to stick to the subject. In the hearing the SABC acknowledged this.

In conclusion the BMCC noted that the SABC had offered the Federal Alliance an opportunity to reply to the allegations made by Mr. Simpkins. The committee noted that this invitation was declined but suggested that further thought be given to it.

COMPLAINT FROM UNITED CHRISTIANS DEMOCRATIC PARTY (UCDP) ABOUT FAIR COVERAGE

“The Authority will not expect broadcasting services to distort their news values and processes by giving the same weight to small or one-person parties as they do to serious contenders for a place in national or provincial government”. Section 3.1.1 of the 1999 Elections Regulations and Guidelines.

On May 10 1999 the MCU received a complaint from the United Christian Democratic Party (UCDP) about the alleged negative attitude that the SABC has against the party. They stated that the SABC was not covering their events.

The SABC responded by saying that one of the principles of equitable treatment, as set out in section 3.1.1 of the 1999 Election Guidelines, is that equitable treatment does not mean equal treatment. This section states that there is no obligation on any broadcaster to give the same weight to small parties as it does to serious contenders for a place in the national or provincial government. The SABC therefore maintained that the UCDP had misinterpreted the section on equitable treatment.

The SABC also referred to the participation of the UCDP on the current affairs program “Face the Nation” as an indication that the SABC had treated the UCDP equitably. The complainant did not pursue this matter further.

ALLEGED BIASED COVERAGE OF THE UNITED DEMOCRATIC MOVEMENT (UDM)

‘Every broadcaster who transmits news or current affairs programmes in respect of elections shall do so in an impartial and objective manner which treats all parties fairly’. Section 7.3 of the 1999 Elections Regulations and Guidelines.

On 19 May 1999 the MCU received a complaint from the United Democratic Party (UDM) about the television coverage of the party’s campaign of Sunday, 16 May 1999 in Kwa-Zulu Natal. The party alleged that enough footage was shot on location but was not included in the news bulletins.

The SABC responded by indicating that its campaign reporter Mr. Ryaz Patel covered the UDM campaign trail in Kwa-Zulu Natal on 14,15 and 16 May 1999. The response indicated that Mr. Roelf Meyer was followed in Umzinto and Port Shepstone as well as in

Phoenix. On Sunday 16 May 1999 the SABC crew was in the Umlazi Township following Mr. Bantu Holomisa when he was addressing a crowd.

However, the SABC said that the severe staff shortages at the SABC's Durban offices resulted in a video editor not being available to meet the broadcasters 19h30 and 20h00 deadlines.

The SABC reporter thus decided to do a script text feed from Durban with detailed instructions for editing in Johannesburg. This unfortunately resulted in the script not matching the visuals, and the wrong identification of footage. For example, the sound bite of the UDM president Bantu Holomisa got lost for the 20h00-news bulletin after it was used in the 19h30 bulletin.

The SABC expressed its regret for the mistaken impression that it has selectively used the above events and footage in any way to reflect negatively against the UDM. The UDM did not pursue the matter any further.

COMPLAINT FROM THE GOVERNMENT BY THE PEOPLE GREEN PARTY ABOUT UNFAIR TREATMENT

“ Each broadcasting service will be expected to treat parties fairly. Equitable treatment is unlikely to be achieved in a single programme but can be achieved in a series of programmes”. Section 3.1.2 of the IBA's 1999 Regulations and Guidelines.

On the 25th of May 1999 the MCU received a complaint from Government by the People Green Party (GPGP), who complained that the SABC television was not giving enough coverage to smaller parties. GPGP complained that they recently had held two events in Cape Town, neither of which were covered.

The SABC responded stating that they had invited the GPGP to participate in the current the affairs programme “Two Way”. GPGP however did not have the means to fly from Cape Town to Johannesburg. Secondly, the GPGP appeared prominently on the first “Off the Record” a political satire which has very high viewer ratings according to the SABC. With regards to the two events that took place in Cape Town, SABC informed GPGP that they were unable to cover those events due to staff shortages. GPGP did not pursue the matter further.

ALLEGED BREACH OF PROMISE AGAINST THE PAN AFRICANIST CONGRESS OF AZANIA (PAC) BY THE SABC.

“All news coverage should be fair to all interests concerned. Care should be taken to balance the exposure given to the non-political activities of candidates”. Section 3.2.1 of the IBA's 1999 Regulations and Guidelines.

On 27 May 1999, the MCU received a complaint from the Pan Africanist Congress of Azania (PAC) stating that they had uncovered a syndicate that was responsible for housebreaking, and that although the SABC agreed to cover the story, it was never featured on television.

This matter was successfully mediated by the IBA's Mediation Committee.(see attached mediation report).

COMPLAINT FROM SOCIALIST PARTY OF AZANIA (SOPA) AGAINST e.tv

On the 29th of May 1999, the MCU received a complaint from the Socialist Party of Azania (SOPA), who complained that e.tv used footage of their party congress to publicise the events of AZAPO in the Northern Province in a news bulletin.

E.tv informed the MCU that the error was as a result of a genuine mistake and they apologized. On 29 May 1999 at seven o'clock e.tv publicly apologised for the error in their prime time news bulletin.

COMPLAINT FROM THE DEMOCRATIC PARTY (DP) ALLEGING BIAS.

On the 31st of May 1999 the MCU received a complaint from the Democratic Party (DP), stating that they have received a copy of alleged editorial guidelines for the SABC, which clearly confirmed bias against the party.

This complaint was forwarded to the Chairperson of the Mediation Committee (MC) for mediation. (see the attached mediation report).

COMPLAINT FROM MR. LANAGHAN AGAINST SABC TV NEWS

On 31 May 1999 the MCU received a letter from Mr. Lanaghan, complaining about the alleged bias on the 8:00p.m news on SABC 3. The complainant alleged that whenever an opposition party is reported on, the report is always ended with a negative comment being made yet when the ANC is reported on, no such "finish" is made.

The SABC indicated that the head of News Mr. Themba Mthembu and the Political Editor Mr. Prakash Naidoo would respond to this complaint. The matter was forwarded to the chairperson of the IBA's Mediation Committee. (see attached mediation report)

COMPLAINT FROM THE ABOLITION INCOME TAX AND USURY PARTY (AITUP)

On 02 June 1999, the MCU received a complaint from the Abolition of Income Tax and Usury Party (AITUP) about the fact that the SABC did not film the party's leader casting a vote.

This matter was forwarded to the chairperson of the IBA's Mediation Committee. (see the mediation report)

COMPLAINT FROM MS. MARTINA GARDINER AGAINST MR. JOHN ROBBIE - RADIO 702.

On the 3rd of June 1999 the MCU received a complaint from Ms. Martina Gardiner of Sandton. Ms. Gardiner that Radio 702 Mr. Robbie was biased against the Democratic Party.

The complaint was sent to Radio 702 for response. Radio 702 responded that, Mr. Robbie is not employed as a “radio journalist” and does not purport to be one as the complainant had put in her letter of complaint. Mr. Robbie is employed as a personality presenter and as such is briefed to express his views and opinions and to comment on and personally interpret statements and events.

The response from Radio 702 was forwarded to the complainant to determine if she was. On 21 June 1999 she responded saying she was not satisfied with the response. MCU wrote back to Ms. Gardiner informing her that the MCU was satisfied with Radio 702’s response that Mr. Robbie is a personality presenter and has the right to express his personal views, opinions and to comment on and personally interpret, facts, statements and events. Ms. Gardiner was also informed that the MCU did not intend to pursue the matter any further.

COMPLAINT FROM AFRICAN NATIONAL CONGRESS (ANC) AGAINST RADIO 702 RE ADVERTS

“No registered party or candidate may publish false or defamatory allegations in connection with election in respect of (i) a party, its candidates, representatives or members....”Section 9(1)(b)(i) of the Elections Code of Conduct.

On 19 May 1999 the MCU received a complaint from the African National Congress (ANC), about the contents of a radio advertisement for the Democratic Party (DP) flighted on Radio 702.

This complaint was forwarded to the Independent Electoral Commission (IEC) as this complaint referred to an alleged contravention of the Electoral Act and not the IBA Act.

COMPLAINT FROM HERSTIGE NASIONALE PARTY RE ADVERTS

On the 28th of May 1999 the MCU received a complaint from the Herstige Nasionale Party about an advert on radio.

The advert was forwarded to the Independent Electoral Committee (IEC), as the IBA does not have jurisdiction over the contents of advertisements.

COMPLAINTS ABOUT LICENCE CONDITIONS DURING THE ELECTION PERIOD BY THE MCU

“The licensee must retain for a period not less than 40 days a recording, in a form acceptable to the Authority of every programme broadcast in the course of their broadcasting service”.

The Monitoring and Complaints Unit (MCU) requested recordings from the following community broadcasters for purposes of monitoring elections. The tapes that were received from the following broadcasters were either blank or inaudible.

- 1) Link FM – East London
- 2) Buwa Community Radio – Soweto
- 3) Radio Atlantis – Cape Town
- 4) Radio Turf – Sovenga
- 5) Radio Tembisa – Gauteng
- 6) Radio Helderberg – Cape Town
- 7) Winterveld Community Radio – Pretoria
- 8) Radio Graaff –Reinet – Graaff – Reinet
- 9) Campus Bay FM
- 10) Rhodes Music Radio
- 11) East Wave Radio
- 12) Radio 7
- 13) Voice of Soweto

The MCU requested the broadcasters to furnish it with reasons for inaudible or blank tapes. After receiving responses from broadcasters stating that their recording devices or VCR's were not working, the MCU referred the matter to the Chairperson of the BMCC. All the above broadcasters were cautioned by the BMCC chairperson, that, a continuance of the above actions was unacceptable and should it be repeated a formal hearing would be convened. They were also warned that during the election period the alleged default is regarded as being particularly serious.

MCU COMPLAINT AGAINST RADIO ATLANTIS

The MCU found that in Radio Atlantis news bulletin of 14 May 1999 at 11:00 the chairperson of the board of directors of this community radio station was allegedly campaigning for votes as an ANC candidate using Radio Atlantis's broadcasting medium. The MCU requested response to these allegations. Radio Atlantis responded as follows:

1. “Pastor Mike Adams is not the chairperson of our board.
2. That they do not have the recorded version of the alleged campaigning on their 11:00 news bulletin as the MCU had Radio Atlantis' tapes.
3. The news bulletin of the tape in question does not have any statements of Pastor Adams.
4. And lastly, Radio Atlantis informed the MCU that it is possible that this was a campaign which was paid for, for the ward 16 by-election”.

The MCU was satisfied with Radio Atlantis' response and did not pursue the matter any further.

ANC COMPLAINT ABOUT PARTY ELECTION BROADCAST (PEB)

The MCU received a complaint from the ANC about the fact that it has not been allocated enough time for the PEB's.

This matter was forwarded to the IBA council.

CONCLUSION

The MCU received a total of nineteen complaints from different political parties alleging editorial bias and unfair coverage. Ten of these complaints were against SABC television. Only one complaint was heard and adjudicated by the BMCC. All other complaints except for the DP's allegation of bias, were resolved successfully outside of a hearing. This can partly be attributed to the broadcasters co-operation with the IBA in this regard.

The MCU noted that broadcasters were committed to complying with the "Regulations and Guidelines" of the IBA. This assumption is based on the relatively small number of complaints that the MCU received.

COMPILED BY:

MS. LINDISA MABULU
COMPLAINTS OFFICER

MS. FIKILE SKOSANA
COMPLAINTS OFFICER

Mediation Report

Introduction

The IBA established a Mediation Committee to facilitate the speedy resolution of complaints during elections. It was established as it was decided that remedies such as the right of reply to any breaches of the IBA Act or of the Election Guidelines should be broadcast as soon as possible in order to facilitate equitable coverage.

A Committee headed by Councillor Luthando Mkumatela was thus set up to try and resolve issues without the need for a formal hearing. In this report we look at some of the problems the Committee faced, as well as the successes.

STRUCTURE

The following IBA staff members were approached to be members of the Mediation Committee:

- Ms Amanda Reichman - Special Assistant to Council and Legal Adviser
- Mr Pfanani Lishivha - Senior Researcher and Policy Adviser

Complaints Officers in the Monitoring and Complaints Unit (MCU), namely Ms Lindisa Mabulu and Ms Fikile Skosana were ex-officio members. The head of the MCU, Mr Johan Koster, availed himself to assist the Committee. In addition, the services of a professional mediator, Mr Ike Ngwena from Mendi Consulting Services cc, were engaged. The consultant was employed to bring in specialised skills and experience in mediation processes.

PROCESS

The Mediation Committee was established relatively late in the election process. This was due to several factors – including the regular workload of the Authority.

The two complaints officers were at their posts from the start of the process. We must, however, hasten to state that there is a need to appreciate the difference between handling political complaints during an election period and dealing with regular complaints submitted outside an election period.

The relatively late establishment of the Mediation Committee led to several problems. There were no training workshops or preparatory meetings held with committee members, the roles of individual members were not defined, and distinctions between the roles of, for example, the BMCC versus those of the Mediation Committee were not clarified. In future, it is recommended that committee members should be in a position to devote all their time to elections and do not have to deal with routine IBA work. This would avoid the initial confusion that was experienced regarding the processes that should be followed.

This confusion is evident in the process of the first complaint to be mediated – that of the Federal Alliance complaint regarding alleged unfair treatment by the SABC. The complaint is dated 10 May 1999. The formal process of requesting a written response to the complaint by the broadcaster and then forwarding this to the complainant for approval or rejection had already commenced before the issue was addressed by the Mediation Committee. An opportunity to try and mediate between the party and the broadcaster was thus missed. The mediation process therefore failed to persuade the complainant to accept any remedy and the case was referred to the BMCC for a public hearing.

These problems were however subsequently ironed out and all future complaints were mediated. The final process which was decided on was as follows:

- Complaints were received and acknowledged by the complaints officers.
- The complaints were forwarded to the relevant broadcaster for a response.
- Copies of received or sent correspondence were immediately dispatched to the Chairperson of the Mediation Committee.
- As it was not always possible or practical for the broadcaster to respond in writing to the complaints lodged as hastily as we would have wished, we often relied on negotiation with the station and complainant by telephone. This, though not an ideal method of settling disputes, resulted in the successful resolving of the majority of complaints.

Throughout the process of mediating filed complaints, the invaluable input of the consultant made the challenges relatively easy to handle and the process and output often left the complainants and the broadcasters satisfied.

MEDIATED COMPLAINTS

The Mediation Committee mediated the following complaints:

- **United Democratic Movement (UDM)**

On 28 May 1999 a complaint was received from the United Democratic Movement (UDM) against the SABC. The latter had only invited five specific political parties to participate in the final Face the Nation discussion before polling day. The UDM, which was not included, said that this disadvantaged other parties contesting the election. On 29 May 1999 the matter was successfully resolved through mediation. The UDM accepted that the debate would be between political parties currently in government and the SABC agreed to make it clear both on the programme and in promotions of the debate that the purpose of the discussion was to look at the performance of these parties. The UDM wrote a letter expressing its satisfaction with the professional manner in which the process was handled.

- **Socialist Party of Azania (SOPA)**

The Socialist Party of Azania complained that e-tv had misrepresented it by using footage of a SOPA Congress during a story about the Azanian People's Organisation (Azapo). We phoned the complainant, and they confirmed that e-tv had apologised and had corrected the misrepresentation on air.

- **Pan Africanist Congress (PAC)**

A copy of the complaint from the Pan Africanist Congress dated 27 May 1999 and addressed to the SABC, officially reached the Mediation Committee on 31 May 1999. The PAC alleged that the SABC had shown bias against the party as it had failed to screen a news story that would have given the PAC positive publicity. The matter was mediated and the PAC was referred to the 1999 Regulations and Guidelines document.

According to the guidelines, "...the Authority does not intervene in the news and programming operations of the broadcasters. Broadcasters' role during elections does not differ from their normal journalistic role during non-election periods. Normal ethical considerations will continue to apply. A distinguishing feature of the election period is the obligation to achieve equitable coverage of political parties without abdicating news value judgements".

- **Mr Lanaghan**

On 31 May 1999 a complaint was received from Mr. D. M. Lanaghan against the SABC. The complaints officers forwarded the case to the SABC for a response. No response was received from the SABC.

Mr Lanaghan complained that SABC broadcasts invariably ended with a negative comment when addressing issues affecting all the other political parties but the ANC. He alleged that the SABC broadcasts always ended with a fair or positive comment in favour of the ANC

We can only note here that, prima facie, the allegation was regrettably unsubstantiated and characterised by subjectivity and sweeping generalisation. The Mediation Committee, however, waited in vain for the response from the SABC.

- **Democratic Party (DP)**

On 31 May 1999 the IBA received a complaint from the Democratic Party against the SABC.

The DP alleged that it had a document in its possession, which it said was conclusive evidence of SABC bias. It is noteworthy that both the SABC and the DP used public platforms to address the allegation by issuing media releases. The Mediation Committee received a written response from the SABC distancing itself from the document. The DP was invited by the Chairperson of the Committee to indicate how this alleged bias manifested itself on air.

On 01 June 1999, the representative of the DP and the Chairperson recognised that there was insufficient time to entertain mediation before polling. Therefore, they agreed to pursue the issue after the election date. The Democratic Party however did not follow up the matter.

- **Abolition of Income Tax and Usury Party (AITUP)**

Mr S.M. Goodson, the leader of the Abolition of Income Tax and Usury Party complained against the SABC. He complained that he tried unsuccessfully to ensure that the SABC screened him casting his vote on Election Day. He submitted that an SABC employee had informed him on 02 June 1999 that there was no available camera unit to film him. The Chairperson of the Mediation Committee phoned the SABC and it was indeed confirmed that the camera units in the Western Cape were stretched to the limit. Our mediation was also blunted by the fact that, while we appreciated the need for the SABC to cover all news making stories, we recognised that the editorial independence of broadcasters should be regarded as sacrosanct. The complainant was reminded that the guidelines cited above (in the complaint of the PAC) restrain the Authority from intervening in the news and programming operations of the broadcasters, unless the station is obviously biased. We do not believe that the failure of SABC to screen all party leaders casting their ballots would have changed the voters decisions of who to vote for.

CONCLUSION

It is clear from the above, that despite initial problems, the mediation process was successful. We would like to stress again the importance of establishing the processes for mediation well in advance of the election. We would also like to recommend that a similar process be established in future elections in order to facilitate the speedy resolution of complaints.

In mediating complaints, we had to continually ensure that the results of any negotiation safeguarded the public's right to be fully informed about all political parties contesting the election. We believe we managed this successfully.

Councillor Luthando S. Mkumatela (Adv)
Chairperson - Mediation Committee

INDEPENDENT BROADCASTING AUTHORITY

99 ELECTIONS MONITORING PROJECT

INCOME STATEMENT

For the year ended 31 March 1999

	1998/1999 R
TOTAL REVENUE	1,712,000
Government Funding	1,712,000
TOTAL EXPENCES	266,268.33
Accomodation	4,038.42
Travel Expences	16,772.50
Equipment Rental	136,897.76
Fees & Taxes	776.32
Logistics	0
Office Accomodation	28,968.00
Office Expences	43,102.61
Publications & Advertising	0
Repairs & Maintanance	0
Salaries	30,625.00
Staff Development	5,087.72
Telecommunications	0
SURPLUS FOR THE YEAR	1,445,731.67

INDEPENDENT BROADCASTING AUTHORITY 99 ELECTIONS MONITORING PROJECT

INCOME STATEMENT

For the period 01 April 1999 to 30 June 1999

	ACTUAL R	COMMITTED R	TOTAL R
TOTAL REVENUE	1,394,000		1,394,000.00
Government Funding	1,394,000		
TOTAL EXPENCES	1,228,507.89	162,000.00	1,390,507.89
Accommodation	105,348.00	0	
Travel Expences	152,219.52	0	
Equipment Rental	2,105.26	0	
Fees & Taxes	116,045.86	12,500.00	
Logistics	100.88	0	
Office Accomodation	791.04	0.00	
Office Expences	35,080.16	23,000.00	
	9,210.53	10,000.00	
Repairs & Maintanance	106,042.89	31,500.00	
Salaries	658,697.08	70,000.00	
Staff Development	18,333.33	5,000.00	
Telecommunications	24,533.34	10,000.00	
			3,492.11