

PRESS - 1998

Editor of Die Burger and TRC chairman Tutu clash over newspaper's policies ⁽²⁴³⁾

By PIETER MALAN

A heated row has erupted between TRC chairman Desmond Tutu and *Die Burger* editor Ebbe Dommissie after Archbishop Tutu threatened that the newspaper would be "crushed" for its negative stance towards the TRC.

In a series of letters between Dommissie and Tutu written between October and November and published this week, Tutu accused *Die Burger* of misleading its readers and marginalising them from the new South Africa.

Dommissie countered that the problem lay with the TRC anticipating its own findings and by "dishing out collective guilt to Afrikaners".

The shimmering tension between the newspaper and the TRC burst out in the open in October after Tutu severely chastised *Die Burger's* TRC reporter Christo van Staden.

Tutu took Van Staden to task after the paper published

a leader-page article criticising the commission.

According to reports, Tutu apparently said to Van Staden "Did you read yesterday's leader and the cartoon? What is going on with your people? You are going to lose. You are going to get crushed."

The next day Dommissie wrote to Tutu in Afrikaans "In the light of increasing government threats against the press, we view your remark (yesterday) in a very serious light. We must also accept that threats like these against an institution like *Die Burger* has become part of the TRC agenda."

A week later Tutu wrote back. "The spirit in which I said to Christo that your newspaper would be crushed is reflected at the end of a speech I delivered in the 1980s."

The extract of the speech, which was attached, read "You may be powerful indeed (But) you have already lost! We are inviting you to come and join the winning side. You are defend-

ing what is fundamentally indefensible. Therefore, you will bite the dust comprehensively!"

"You will see that I am addressing you in much the same terms as I used in addressing the apartheid government, since I believe your newspaper's policies reflect a nostalgia for the past."

"Neither I nor the commission have any intention of threatening the freedom of the press. The constitution for which I and many others fought and made sacrifices guarantees your freedom of thought as well as mine."

Dommissie answered it was "complete hogwash" that *Die Burger* longed for the past, as it was for years a leader with innovative thought that eventually led to the transformation of the country.

"Afrikaans-speakers are being alienated by continuous pronouncements by TRC leaders like yourself which are anticipating your findings before they have been made."

TRC spokesperson Christelle Terreblanche said this week that as far as Tutu was concerned, the debate was "in a dead-end street."

George Claassen, head of the journalism department at the University of Stellenbosch, said the debate was a continuation of the age-old struggle between the media and the instruments of the state. "Ebbe (Dommissie) was correct, however, in taking issue with Tutu over the issue of 'crushing' the newspaper. As chairman of the TRC he should know better than to say things like this."

It is not the first time *Die Burger* and the TRC have clashed. Last year a number of *Die Burger's* staff members signed a submission to the TRC, against the wishes of their editor, in which they apologised for the role *Nasionale Pers* publications played in maintaining apartheid through its support for the NP.

Each of the journalists who signed this statement received a letter of thanks signed by Tutu.

Star 3/1/98

Media confirms watchdog role

Trevor Bisseker

(243)

BB 26/11/98

THE SA National Editors' Forum (Sanef) responded to President Nelson Mandela's recent harsh criticism of the media at its inaugural conference in Midrand yesterday by saying that it would never shirk its watchdog role.

Sanef, made up of senior journalists and media educators, is a result of the "marriage" of the Conference of Editors and the Black Editors' Forum.

In noting Mandela's remarks at the African National Congress (ANC) conference last month as well as other criticism of the media, Sanef said it was "committed to transforming our industry to represent fully the communities we serve". SA's constitution granted the media a historic role to be critical watchdogs, "especially over those who wield power in our society", Sanef said.

Interim chairman Moegsien Williams described Mandela's criticism earlier as a calculated attempt, with an election looming, to influence the me-

dia and gain advantage for the ANC.

The conference committed itself to developing and defending the credibility of its industry and instructed the incoming council to take these issues further in preparation for a meeting with Mandela on March 13.

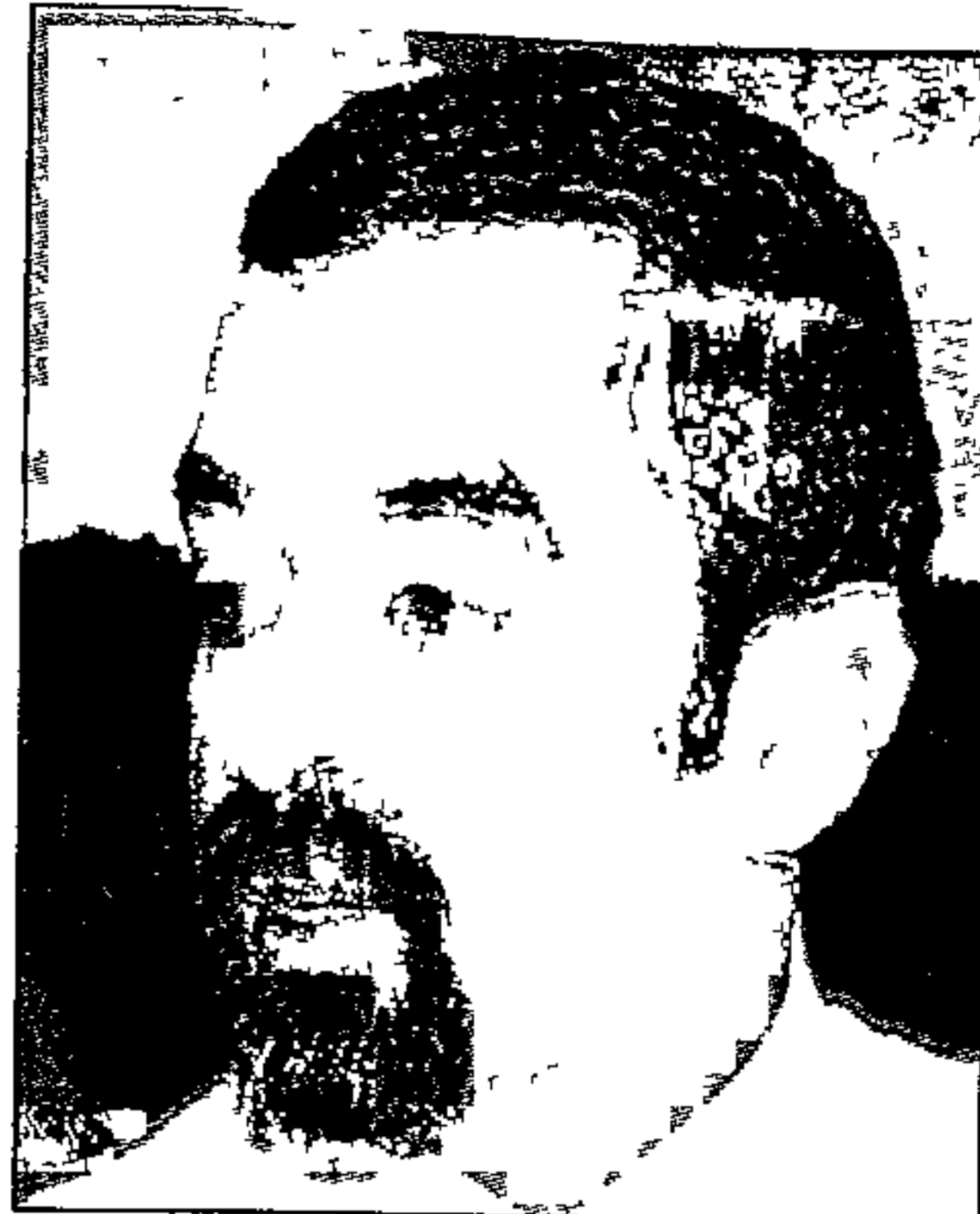
The council elected Sowetan editor Mike Siluma as chairman, with Williams — editor of the Cape Argus — as his deputy. Judy Sandison, the SA Broadcasting Corporation regional editor in KwaZulu-Natal, was elected general secretary.

Sanef called on Western Cape attorney-general Frank Kahn to withdraw subpoenas on two photographers to give evidence in the forthcoming murder trial following the public killing of gang leader Rashaad Staggie in 1996.

It rejected Kahn's assertion that they were called as ordinary citizens, not journalists, and described it as "an attempt to circumvent the use of Section 205 of the Criminal Procedures Act, generally accepted as unjust".



Mike Siluma



Moegsien Williams (243)

Siluma gets Sanef post

By Morgan Naidu

SOWETAN Editor Mike Siluma was elected as chairman of the South African National Editors' Forum (Sanef) yesterday at a gathering of senior print and electronic media editors as well as educational representatives

Cape Argus editor Moegsien Williams was elected vice-chairman

In a brief address Siluma said the various editors should take into account the differences in backgrounds and history, but should "rise above the differences" in ensuring a strong and vociferous media

The three-day launch conference was held in Midrand and delegates, representing university journalism departments, media houses and radio and television broadcasters, also adopted a constitution and certain key resolutions

Sowetan 26/1/98
One of the hot issues under discussion was the preparation of a response to remarks and criticisms made by President Nelson Mandela at the ANC's 50th anniversary conference in Mafikeng late last year

Mandela launched a stinging attack on the media, especially the larger media houses, accusing them of employing senior black editors as tokens and of trying to undermine the ANC government

Sanef delegates wanted to send a clear message in their resolution that they did not agree with Mandela's remarks

A Sanef delegation is to discuss the criticisms with Mandela on March 13

The media delegates resolved to continue their work as the "critical watchdog" of the Government and society at large and to make clear its concerns over press freedom at the meeting with the President

Mandela's media attack to top editors' agenda

(243) SAN 26/1/98

By EDDIE JAYIYA

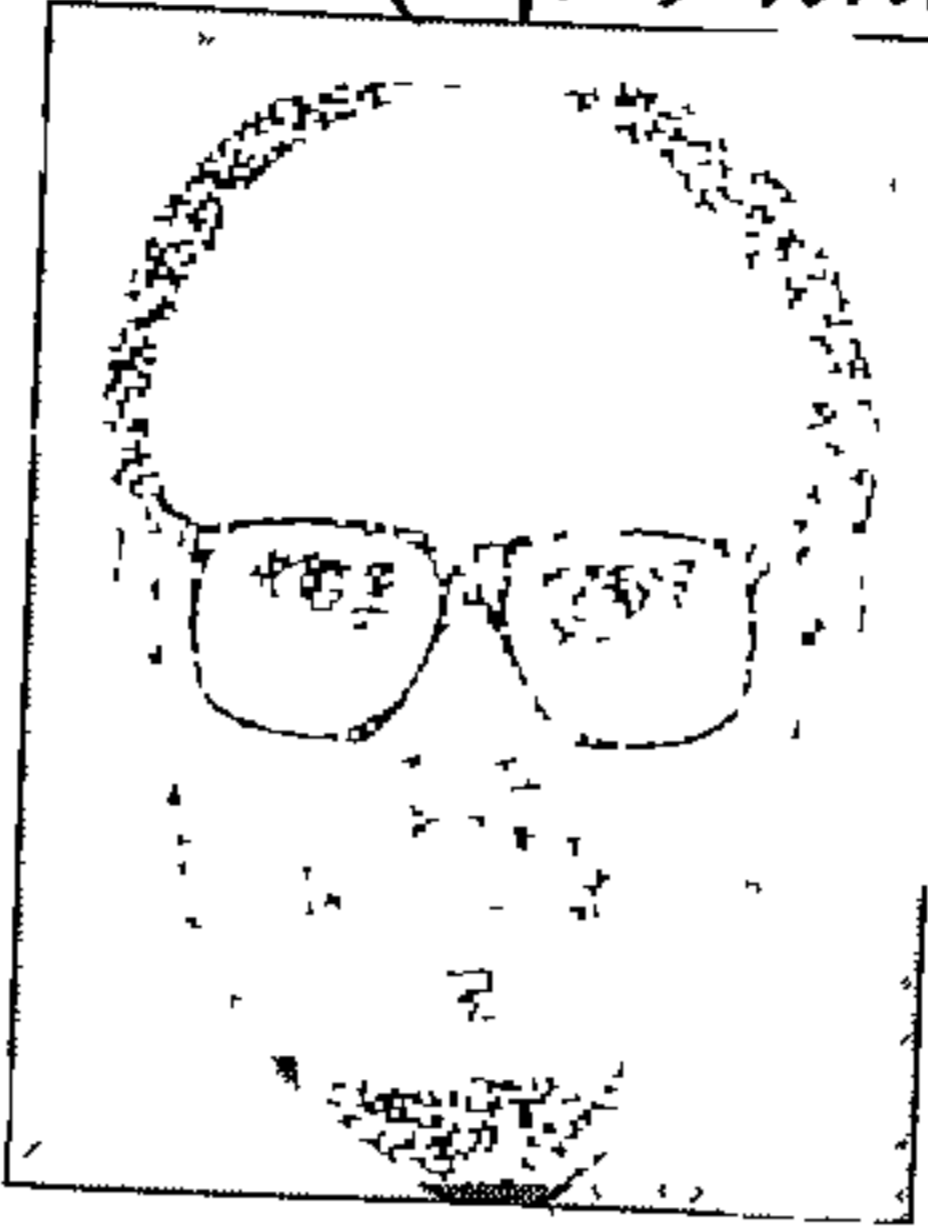
The attack on the media by Nelson Mandela in his valedictory speech at the ANC's 50th conference in Mafikeng, North West, will top the agenda when the South African National Editors' Forum (Sanef) meets him in March, according to its newly elected chairman Mike Siluma

Speaking shortly after his election, Siluma, who is editor of *The Sowetan*, saw his new post as a daunting task because of the relationship between the media and the Government.

While accepting the Government's right to criticise the media, he felt the robust mudslinging was not healthy for either party. "We need to develop a mechanism to settle our differences," he said.

A 20-member council of editors which was elected at the launch will meet Thabo Mbeki next month.

Among the key resolutions adopted at Sanef's weekend



Newly elected chairman ...
Mike Siluma

conference in Midrand was a reaffirmation that South Africa's new constitution has granted the media a historic role to be critical watchdogs, especially over those who wield power in society.

"This is a responsibility which we will never shirk," the conference said.

Other resolutions taken were

- To request the president and other relevant government ministries to apply urgent attention to a review of legislation affecting press freedom of expression and freedom of the media

- To lobby all editors and journalism educators to use their influence to accelerate the transformation of the media and train staff to fairly reflect the demographics of South Africa. The conference resolved that Sanef should become involved in the restructuring of journalism education in the context of the National Qualifications Framework and the Skills Development Bill.

The conference supported the concept of an independent media development agency to assist emerging media.

Sanef said it would work with organisations like the National Community Media Forum and the Independent Media Diversity Trust, to lobby the Government for these changes.

DELEGATION TO SEE MANDELA ABOUT REBUKE

Editors reaffirm their watchdog role

JOHANNESBURG: The new SA National Editors' Forum says it is to defend the freedom of the press and work to make the media representative of the communities they serve.

DELEGATES to the SA National Editors' Forum, launched at the weekend, warned the government yesterday that they would never shirk their duty of keeping a critical watch over those in power.

This was Sanef's response, at its inaugural conference, to President Nelson Mandela's stinging criticism of the media at the ANC's conference in Mafikeng last month.

Delegates also undertook to work to make the media fully representative of the communities they served.

Sanef's council of editors is to meet Mandela on March 13 to discuss the issues he raised.

In Mafikeng, Mandela denounced black editors as token appointments in a "white" newspaper industry. He said media elements were using the dominant positions they had achieved because of the apartheid system — as well as the new democracy — to protect the legacy of racism.

The media denounced — as an attack on press freedom — all efforts to ensure its own transformation in accordance with a non-racial democracy, he said.

Opening the conference on Saturday, the acting chairman, *Cape Argus* editor Mr Moegsten Williams, urged Sanef to formulate a considered response to Man-

dela's criticism, which he viewed as an important contribution to a robust debate on South Africa's media.

"We must accept that the views expressed represent those of a large part of the community," he said. "This conference must use the president's speech to take stock of our media and hammer out our vision of media in a democratic South Africa."

Debate on a response to Mandela was prolonged and at one stage centred on whether some of his criticisms were valid and should be acknowledged.

An ad hoc sub-committee reworked the resolution, which was approved

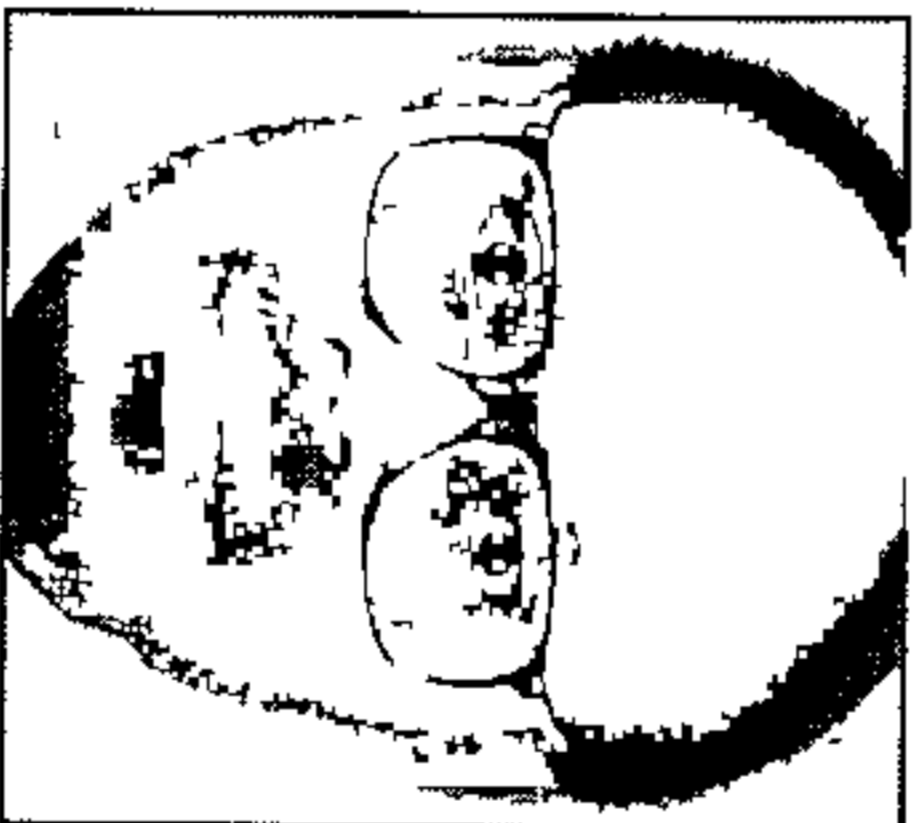
without further debate by delegates

Sanef said that while it had noted

Mandela's remarks and other criticisms of the media, "it remained committed to transforming our industry to represent fully the communities we serve."

"We reaffirm that South Africa's new constitution has granted us a historical role to be critical watchdogs, especially over those who wield power in our society. This is a responsibility which we will never shirk."

With this in mind, the new body bound itself to a six-point plan of action that included leading the debate on issues affecting the media and develop-



CHAIRMAN: Mike Siluma

ing and defending the integrity and credibility of the industry and journalism as a profession. Sanef would strive for professional excellence. Links would be forged with like-minded groups in the country and worldwide.

Sanef would undertake a drive to recruit members to ensure that it represented the full spectrum of its segment of the media industry.

The editor of the *Sowetan*, Mr Mike Siluma, was elected Sanef's new chairman, with Williams as his deputy and the SABC Radio's Kwazulu-Natal regional editor, Ms Judy Sandison, as secretary-general.

Siluma said the diverse and sometimes conflicting origins of those who now made up Sanef could not be forgotten, but that the new organisation should be able to ride above these to attain common goals — Sapa

ET 26/1/98

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Editors' forum calls for press laws rethink

Trevor Bisseker

BD 27/1/98

(243)

THE SA National Editors' Forum (Sanef), at its inaugural conference at the weekend, called for a review by representatives of media groups and government of all legislation affecting freedom of expression

It decided that its media freedom committee, as a matter of urgency, should meet other concerned groups with a view to forming a joint committee to approach government and political parties about amending laws restricting media freedom, including section 205 of the Criminal Procedure Act. It also wanted discussions on laws still being promulgated to govern election coverage.

Sanef demanded an end to "the improper use" against journalists of section 205 or any other law. Section 205 can be used to force witnesses to testify about their knowledge of a criminal act.

Sanef has previously discussed the clause with President Nelson Mandela and Safety and Security Minister Sydney Mufamadi, who gave assurances that it would not be used lightly.

Legal opinion obtained by Sanef is that journalists have a "just cause" defence against the provisions of section 205, and this will be used as the basis of Sanef's case at a meeting with Mandela on March 13.

Sanef said there were far too many laws which restricted freedom of expression and had no place in a democracy.

Ombudsman

The conference committed Sanef to promoting diversity of ownership and "corrective action" in the media, and to assisting small media companies with training and expertise through an independent media development agency.

It asked editors to publicise the office of the press ombudsman, who was an impartial arbiter for unresolved disputes between the public and the print media.

□ The ombudsman's office is at 613 Nedbank Gardens, 33 Bath Avenue, Rosebank, Johannesburg. Postal address PO Box 47221, Parklands 2121. Tel (011) 788-4829. Fax (011) 788-4990.

Lack of black language press impedes participatory democracy

Pule Molebeli

ED 18/2/98
(243)

THE absence of black language newspapers in SA, where more than 75% of the population did not speak English, was a major hindrance to participatory democracy, Winnie Madikizela-Mandela said yesterday.

Speaking at the Johannesburg Press Club, the African National Congress women's league president struck a balance between a "dying" European, conservative liberalism and an assertive, emerging "African renaissance".

She said the media had become an impediment to an African renaissance. "It lacks sensitivity and is out of context with the majority it purports to serve."

Madikizela-Mandela said the local press, which she characterised as a bad imitation of British papers, needed urgent introspection followed by radical transformation if it was to play a meaningful role.

She cited the SA Broadcasting Corporation as an example of media used by the previous National

Party government to manipulate opinion, and said the corporation was now grappling to define its independence from the new rulers.

Madikizela-Mandela said the local media always cried for freedom of the press but never for responsibility, objectivity, sensitivity, thorough, investigative journalism or analytical and informative reporting.

The press was correctly seen to be still loaded with the white supremacist agenda of the past, she said.

She warned that as long as editors remained loyal to political parties and their ideologies and were controlled by the business sector, the sword would remain mightier than the pen in Africa.

Editors needed a paradigm to develop a free, objective, investigative press rather than the current diet of superficial analysis and sensationalism.

She said the media was the silent but powerful government that controlled individuals and shaped ideas. The media raised the level of people's conscience by reporting on abuse of rights.



African National Congress women's league president Winnie Madikizela-Mandela addresses the Johannesburg press Club yesterday.

Picture: JULIANI VAN DER WESTHUIZEN

MARITZBURG

Govt needs balanced approach to media

WHAT exactly do they want? asked a European diplomat after hearing African National Congress (ANC) acting secretary-general Cheryl Carolus launch a ritual attack on the SA media at a briefing last year.

Behind the question lay puzzle-ment over the ANC's bitter sense of grievance with the mainstream press, when by global standards it is rather soft on government.

What if the local press really did set out to sabotage the ANC, as mass circulation tabloids have done to successive leaders of the Labour Party in Britain? How would President Nelson Mandela and his ministers react to the ruthless scrutiny to which Bill Clinton is being subjected?

The picture is not a uniform one — some ANC politicians and spokesmen get on well with media people. Often they are "internals" with roots in the trade unions or the United Democratic Front, who made extensive use of the media in the 1980s and forged personal ties with journalists.

It is not reassuring that SA's next president is so openly contemptuous of the country's press, accusing it of triviality — he once said that if Mandela tied his shoes differently it would make the front pages — and political ignorance.

In a curiously colonial habit of mind for a reputed Africanist, Thabo Mbeki appears more available to, and more concerned with the perceptions of European and US journalists than those in his own backyard.

ANC media bashing seems to be reaching new heights of intensity, perhaps reflecting the growing sway of authoritarian nationalists in its ranks and pre-election worries about its public profile.

In his address at the ANC conference, Mandela accused the media of being part of a white minority plot to thwart transformation and of failing in their duty to inform the masses.

As disturbing is an apparent campaign of harassment against individual reporters, involving a barrage of complaints over their heads to editorial chiefs. At Business Day this has happened three times in as many weeks.

Political parties have, of course, the right to complain about articles, and newspapers

The ANC needs to take a long, hard look at its unproductive relationship with the media, which is fast reaching a new low, writes political editor **Drew Forrest**

BD 13/2/98

(243)

have a duty to remedy real mistakes. But a feature of the recent protests has been the disproportionately fierce reaction to minor faults and attempts to bully or discredit reporters.

The strong impression is that behind the outrage over alleged inaccuracies lies discomfort about the contents of the reports. There is particular sensitivity about suggestions of delivery failure, or of disunity within the ANC and between it and its trade union and communist allies.

A recent encounter between a Business Day editorial team and a senior KwaZulu-Natal delegation of the ANC shed fascinating light on how hard-line elements in the party see the press, and gave some answers to the diplomat's question of what they are after.

At issue was a report based on unnamed sources which contradicted the official version. Rejecting an offer of space in the paper to air their views, the politicians argued that the newspaper had a duty to accept their account, and publish a correction, as it emanated from "official structures". How could we credit an unnamed source over the word of such important people?

The clear suggestion was that the press is disrespectful towards the country's new leaders.

In traditionalist KwaZulu-Natal, demands for more deferential treatment of VIPs may reflect a strong sense of hierarchy. But there are also racial undercurrents. ANC leaders apparently construe press criticism as a case of whites sitting in judgment on them and questioning their ability to govern. Indeed, the KwaZulu-Natal politicians made it clear they thought that the entire "white-dominated" press was out to destroy the ANC and sabotage democratic change.

In Business Day's case, the conspiracy theory went further: the paper served big business, which had an economic interest in dividing "the people" and thwarting

black unity. The offending report aimed to sow division within the ANC and between it and the Inkatha Freedom Party (IFP).

What is depressing about this — apart from its sheer loopiness — is the view of the mainstream press as a monolith. No distinction is drawn between Business Day, which is just as likely to take a swipe at opposition parties as to fault the ANC, and publications on the right of the spectrum.

In an inversion of PW Botha's paranoia about "media terrorists", the media bashers of the 90s believe white reactionaries are pulling all the strings.

Also strongly evoking the total onslaught era was the complaint that Business Day had been "irresponsible" by running an editorial urging the IFP to reject ANC merger overtures.

This was meddling in the political arena, it was said, which should be left to political parties. The clear implication is that the media have a duty to avoid reporting complicating the politicians' job — not just because their task is a hard one, but as the ANC embodies the popular will.

There was no sense that the interests of government and public do not necessarily coincide, and that newspapers are an arena of debate in which journalists, politicians and independent analysts can all have their say.

Being depicted as enemies of change is galling for white press people who fought conservative editors and a hostile state to cover black resistance in the 1970s and '80s, and who worked under tough conditions in the "alternative" press. It is even more insulting to black journalists who refuse to toe government's line.

Mandela has accused them more than once of being "hangers-on" of white editors. In fact, young black writers who consider their independence as a point of pride — Mervyn Ginnede, Wally Mbhele, Justice Malala, Vuyo Mvoko and others — are the hope

of free journalism in SA.

They are also one of the best arguments for affirmative action — the more they move into executive jobs, the harder it will be to pretend that criticism of government is racially inspired.

SA's constitution guarantees press freedom, but the international experience is that such protection is not watertight.

It does not shield journalists from official harassment via the courts — on grounds of "seditious libel" or the "theft" of leaked documents, for example — or informal pressures.

SA's greatest danger comes from media owners intent on currying favour with the new political powers, and editorial managers not strong or principled enough to

resist demands for "patriotic" and "responsible" journalism.

The ANC's KwaZulu-Natal spokesman, Dumsani Makhave, claims that because of its mass base, the ANC does not need the press. Why, then, the incessant whining about the coverage it gets? Politicians and the media obviously need each other.

The challenge for the media groups is the more rapid advancement of blacks into the editorial and business management of newspapers. Some recognition is needed, though, that government has seriously complicated this task by taking so many seasoned black journalists into its service.

What the ANC needs is a new way of seeing things, starting with recognition that the mainstream press is not homogeneous and, with one or two obvious exceptions, not inherently antagonistic to the party or its programme. Makhave, who regularly attacks the "counterrevolutionary" press and sees himself as the Rotweiler of the ANC leadership, is an example of all that is wrong with the party's media strategy. Mbeki wants a good press, while shunning newspapers he considers hostile and using "communicators" so elusive and unhelpful most journalists hardly bother with them.

Government's new information service, under Mandela's shrewd former communications chief Joel Ntshintzhe, may improve matters. Its first job should be to spread the word that independent journalism is a central pillar of democracy, and that those who practise it are not "hard-core" operators, saboteurs of change or lackeys of the owning classes.

Government and party should make it a condition of employment that spokesmen should like journalists and enjoy working with them. They should be accessible, willing to cultivate and spend time with press people, and have the political skills and knowledge to impart data which keeps both sides in business.

Because politics depends on subterfuge, tensions between political leaders and the mass media in an open society are inevitable. But the grow-up approach is to influence the press by feeding it news and perspectives, not by vilifying it from public platforms.



Ntshintzhe .. ushering in a new order?

MBEKI CRITICISES EMPHASIS ON NEGATIVE REPORTING

SA media 'doing a bad job'

MEDIA COVERAGE of President Nelson Mandela's speech at Mafikeng had highlighted deficiencies in press coverage, it is argued. **RYAN CRESSWELL** reports.

THE South African media is doing a bad job of covering the positive aspects of South Africa's changing society, Deputy President Thabo Mbeki said yesterday.

Addressing a meeting of the International Advisory Board of Independent Newspapers in Johannesburg, Mbeki gave as an example the fact that until recently the media had not reported the fact that crime had been dropping steadily since 1994. This had been reported only a few weeks ago Mbeki said this development

had been ignored because there was a "pessimistic mind-set" that said crime was out of control.

He added that this same mind-set had contributed to a belief that good doctors only came out of places like the University of the Witwatersrand and not the University of the Transkei.

He said positive aspects, like the fact that the amount of steel sold in the first half of 1997 had equalled two-thirds of the steel sold in the whole of 1996, were not fully understood or reported by the South African media.

Mbeki said coverage of President Nelson Mandela's speech at the ANC's Mafikeng conference in December had demonstrated the deficiencies in South African journalism

He said 83% of the content of Mandela's speech was not passed on to readers

"Information, information, information," he exclaimed at one stage in his talk.

"How do we change the society if we don't even know about it?"

He also called for more transformation of the press so that different types of voices could be heard



CRITICAL: Mbeki

and said the quality of reporting should be improved, perhaps by more training.

"The media concentrated on something like 17% (of the speech). Mainly those sections that made critical remarks about the press, the opposition and NGOs."

Mbeki said it was possible that young reporters, without much experience, did not grasp the importance of some of the deeper issues in the long report and said there was a trend for senior journalists to join management so they would get better salaries.

Group 'was focused on discrediting TRC'

RYAN CRESSWELL

27/18/98

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JOHANNESBURG: A group of Afrikaners had been set on discrediting the TRC from the start of its activities, Archbishop Desmond Tutu told the International Advisory Board of Independent Newspapers yesterday.

This group had gone to "considerable effort" to try to discredit the commission

Tutu, who heads the TRC, said the group had wanted to "pre-emptively" discredit the commission's final report. The reason the TRC was being attacked, he said, was that it was showing just how evil the methods used by apartheid security forces had been, which had placed a powerful group in a very bad light

He believed there was a conspiracy because.

- Of the repeated claims that the commission was not even-handed and was biased towards the ANC
- Of claims that violations by those who carried out the struggle were treated more leniently
- Of claims that the security forces were treated too harshly.

Tutu denied all the allegations of bias, saying the commission was bound by the Proclamation of National Unity and Reconciliation Act to be even-handed.

Mwasa slams white domination of the media

SA newspapers 'must be transformed urgently'

(243) Star 23/2/98

By LEE-ANN ALFREDS

Pietersburg - The Media Association of South Africa yesterday condemned continued white domination of the print media and called on media conglomerates to unbundle ownership and diversify control to ensure effective black control in the industry.

At a two-day congress, which ended in Pietersburg in Northern Province yesterday, the union argued there would never be freedom of the press as long as racism persisted in the media.

It also criticised the Government's Growth, Employment and Redistribution strategy (Gear), saying it undermined the interests of workers.

Mwasa urged the Government to fund the SABC to enable it to carry out its mandate as a public broadcaster.

It also condemned attacks on blacks by white farmers in the Northern Province and urged blacks to defend themselves in the face of such attacks. - Sapa

South Africa's newspapers had to be transformed as a matter of urgency to reflect the "make-up and character" of the country, renowned newspaper editor Ben Bradlee said at the weekend.

Bradlee, the editor of The Washington Post during the Watergate scandal and chairman of the International Advisory Board (IAB) of Independent Newspapers, was in Johannesburg for the board's annual South African meeting last week.

As a result of the Watergate scandal, President Richard Nixon became the only US head of state ever forced to resign.

Independent Newspapers owns The Star, Saturday Star, Sunday Independent, Pretoria News, Cape Argus, The Cape Times, Diamond Field Advertiser, Natal Mercury and Daily News.

One of the central themes of the board's meeting was

the transformation of South Africa's media industry.

Bradlee said the IAB expected Independent's newspapers to be transformed within the next 18 months.

"We are saying we don't have much time. We don't want a five-year plan."

He added that on-going training would also be vital for the success of transformation.

Quality did not necessarily need to be sacrificed because of transformation, he said, but everyone in the newsroom had to be involved for it to be a success.

He said The Washington Post, considered one of the best newspapers in the world, had also been forced to grapple with the question of transformation.

"We started (transforming The Post) 30 years ago. Out of a staff of 320 professionals, we had 5 maybe 6% of minorities. Today out of a staff of probably 640, we have 18% minorities."

(243)
**'Govt and
Press should
be adversaries'**

Ray 20 | 2 | 98

Cape Town The relationship between government and the press should be an adversarial one and suggestions to the contrary should be met with scepticism, DP leader Tony Leon said yesterday

The largest print media group, the Independent group, was treading a dangerous path with a philosophy that saw its role as both court jester and imbongi (praise-singer) of Government, he told a breakfast meeting.

"It is unsettling, to say the least, to think of the press walking arm-in-arm with government down the corridors of power"

Many in the ANC appeared to believe the press should be more respectful to the nation's leaders, he said. Business Day was recently taken to task by the ANC for running an editorial urging the IFP to reject ANC merger overtures.

The point was that nearly every publication or broadcaster had acknowledged the legitimacy of South Africa's democratically elected government.

"They question not whether the ANC should govern, but how they govern." - Sapa

Press freedom is one of the freedoms ANC

(243) AD 20/a/98

ANC KwaZulu-Natal spokesman Dumisani Makhay replies to criticism of his party's dealings with the media

AFTER reading the article, Government needs balanced approach to media, by Business Day's political editor Drew Forrest, I was reminded of the saying 'The guilty are afraid!'

There has been a systematic distortion of President Nelson Mandela's speech at the African National Congress (ANC) Mafikeng conference. Let Madiba speak for himself. 'We have to confront the past three years, the matter has become perfectly clear that the bulk (not all) of the mass media in our country has set itself up as a force opposed to the ANC.'

Madiba and the ANC have not and cannot paint the entire media with the same brush. Indeed, among the great leaders of the ANC were those who emerged from the ranks of journalists. Why should Forrest think that the ANC's criticism of some sections of the media is aimed also at Business Day? Why can't Business Day count itself among the few exceptions? The guilty are afraid!

The ANC delegation to the meeting with Business Day was not told that the content of that meeting was going to be public. Yet the ANC is not afraid of public scrutiny. What we insist on is that once we decide to go public, all the facts must be put on the table.

In our encounter with Business Day, there were many disturbing utterances — especially from Drew Forrest.

From the start of the meeting, it was pointed out to the Business Day delegation that the print media had very little influence on the ANC constituency, that any reader who believed the print media editorials was not likely to vote for the ANC and that in 1994, the ANC did not receive more than 62% of the vote because of the media. Indeed, the ANC got its majority not despite its vilification by the media but precisely because of that vilification.

We also pointed out that the media does not need the ANC to survive. It is financially strong enough on its own, although it lacks credibility. Therefore they must both exist and not try to destroy each other.

The ANC will continue championing the freedom of the press even for counter-revolutionaries planted in the media to resist the process of decolonisation and deracialisation.

To us, freedom of the press is

not a matter of political expediency but of principle. It is part of greater freedoms we were ready to sacrifice our lives for. For the media to thrive in SA, it must not demand more or less rights than an ordinary citizen. Madiba says 'We must also reaffirm our commitment to the freedom of the press and demonstrate this in all our practical activities.'

Forrest claims to be concerned about the freedom of the press. It is not the ANC that will destroy press freedom. The credibility of the media will depend on the media itself. The concept of freedom of the press is not an abstract one. It arose, grew and has always been related to that media which champions the interests of the new, democratic and progressive. It never relates to that media which represents the interests of the old, despotic and dying.

It would indeed be strange if communists and Jews exterminated by the Hitler regime demanded freedom for the propaganda machinery of Josef Goebbels. Concretely, in SA it should refer to that section of the

media that champions the process of decolonisation and deracialisation. Unfortunately, the bulk of the mainstream media stands in direct conflict with this process.

The major complaint of the ANC about the establishment media in SA is not really that the media is anti-ANC. All over the democratic world there are media organisations that will be against this or that party.

The major problem is that the bulk of the media in SA is colonial and racist. It behaves exactly as the French media behaved towards liberated Algeria in the 1960s. The ANC becomes the primary target only because it is the only party capable of completing the process of decolonisation and deracialisation.

As to the deracialisation of the media, we invite Forrest to visit the editorial boardrooms and newsrooms of major news organisations. In terms of racial composition, they are not different from the editorial board of Der Spiegel in Germany or Le Figaro in France.

Forrest accuses the ANC of

referring to the media as counter-revolutionary. The ANC uses this concept in its widest sense. Just like not all revolutionaries had to carry an AK-47 against apartheid, not all counter-revolutionaries will bomb public places. It is sufficient just to be a counter-revolutionary. Just like in revolution, the art and science of counter-revolution lies in the skilful combination of legal, semi-legal and illegal methods.

In this regard, the bulk of the media — having realised the weakness of fragmented opposition offered by parties of white privilege — has constituted itself into a counter-revolutionary political force.

It hides its counter-revolutionary activities behind the smoke screen of the freedom of the press.

It is unfortunate that Forrest and some white editors are today pretending to be the real defenders of some black journalists.

Our memories are still fresh of the fact that those Africans that were the darlings of whites were indeed those who were puppets in

the bantustan administrations and urban bantou councils whose task was to legitimise white privileges. We also know that the shortest route to promotion in the SA media is determined by how anti-ANC one is. We agree with Forrest when he says 'The challenge for the media groups is the more rapid advancement of blacks in the editorial and business management of newspapers.' But we also say SA does not need more black journalists whose task would be to assist in maintaining white privileges. Fortunately, many black journalists have liberated themselves from the yoke of white supremacy. The unsolicited advice from Forrest to the government and ANC to 'make it a condition of employment that spokesmen should like journalists' is laughable. Most ANC spokesmen are able to articulate problems in the media precisely because they are relatives and friends especially of black journalists who cannot complain to their white managers for fear of victimisation. Just last week I spoke to an African journalist who was complaining about his white editor who complains bitterly whenever he has not used the entire statement from the Democratic Party.

Africa must use media to build continent

THE power of the media in the modern world cannot be exaggerated or over-emphasised. And, like any important power in public life, it can be used for both good and evil. The evil use of the media is always more easily identified than the good. It is time that we on this continent start to harness the positive power of the media to help build up our continent.

Human rights abuses more often than not occur in darkness. And, as the famous US Supreme Court Justice Louis Brandeis once wrote, "The best disinfectant is sunlight." By bringing light to those dark places, the media is able to expose some of the worst human rights atrocities, which is why it is so frequently under attack by repressive governments around the world. A free media and tyrannical government are incompatible.

In countries ruled by authoritarian leaders, the media is required to report favourably on government policies and their implementation. Where it does not, systematic purges are carried out in order to snuff out voices of dissent or criticism. This process has marked the recent history of the former Yugoslavia and is occurring even today. Only two days ago, the London Times reported that Serbian police interrogated five Belgrade newspaper editors who refused to describe as terrorists the 20 Albanians killed in last week's security clamp down in Kosovo. The information minister, Radmila Milentjevic, was quoted as saying "The government can expect greater patriotic support than some of these papers have been giving."

In a few cases evil leaders have actually used the media as an important instrument in the execution of evil policies. The first well-documented use of the media in that way was, of course, by the Nazi leaders in Germany. It was the skillful use of propaganda by Joseph Goebbels and his underlings that played so crucial a role in demonising Jews, Gypsies and homosexuals and in justifying the genocide policies of Adolf Hitler in Rwanda. It was the similar use of propaganda by Radio Milles Collines that enabled the architects of the 1994 genocide to incite the murder of more than 10% of the population in three months.

We should not underestimate the beneficial power of the media. The horrific images on millions of television screens of starved Mus-

The media's role in promoting good governance cannot be underestimated but in Africa it still has a way to go, writes Constitutional Court Judge **Richard Goldstone**

(243)



00 24/3/98

lim men in Bosnian Serb detention camps so reminiscent of images of Nazi concentration camp victims, sent shock waves through the international community. What was often referred to as "the CNN factor" helped impel the United Nations (UN) Security Council to take action in the form of establishing the first international criminal tribunal for the prosecution of war crimes.

The decision to carry out air strikes against Bosnian Serbs by Nato was taken soon after horrifying media coverage of the breath-taking massacre in Sarajevo.

In national states the media can play a less dramatic but no less important role. It is often an effective watchdog for protecting human rights. In SA during the apartheid years it was a handful of brave journalists who brought some of the worst excesses of that system to public attention. Some of them paid a heavy price for their courage — some were killed in crossfire and other were forced into exile.

SA's pariah status was a consequence of the daily attention given by the international media to the plight of the majority of our nation. It was the reports from local journalists which enabled that to happen. The success of the anti-apartheid campaign was one of the major media victories of the 20th century.

As we approach the end of this century, there are still far too many countries in the world which do not have in place an adequately functional free media. And, certainly in respect of our own continent, we have no reason to be proud. There are few African nations that can boast of a media which effectively informs people of events in their own countries let alone the rest of the continent or the world. Even in countries with democratic constitutions, the media is often under threat. Of the Southern African Development Community (SADC) nations, with the single exception of Swaziland which does not have a written constitution, media freedom receives protection under the constitution. The bad news is put as follows in an article in a recent edition of the

Southern African Media Law Briefing "It is important to remember that despite the constitutional protection accorded to it, media freedom continues to be under constant threat in most SADC countries. In some cases the freedom is not sufficiently entrenched in the constitution. In other cases wide exceptions to media freedom on the grounds of national security. The situation is also made more hostile to media freedom by laws which place the burden on journalists to prove that particular publications do not undermine national security."

I would suggest that, generally speaking, African journalists do not concern themselves sufficiently with the collective responsibility of the media to raise public awareness about the many important issues facing our continent. Indeed, there is more African news on Cable News Network and the British Broadcasting Corporation than on any African state television or radio. As Africans we all need to take ownership of our successes occurring daily on our continent and to share mutual concern for the humanitarian disasters which continue to unfold on a daily basis.

The truth commission is playing an important role in sensitising many South Africans, some unwillingly, to the sordid criminal reality of the apartheid era. The gruesome murders and other serious human rights abuses committed by members of the security forces would never have been made public but for its work.

The success of the commission in bringing greater awareness of these dark events, without question, is largely attributable to the extensive and sensitive coverage given to its activities by the media.

Much national and international media attention was given to the commission of inquiry into political violence which I headed during SA's difficult years of transition. That media attention led to Security Council pressure on the government, forcing it to provide greater political and logistical support to the commission. One consequence was the government agreeing to allow the commission its own local and foreign police investigators. That gave us the capacity to conduct what became a well-publicised raid on an office used by military intelligence. The raid provided the first hard evidence of what was referred to as a "third force" operating to sabotage the movement to democracy in SA.

Another example relates to the UN war crimes tribunals for the former Yugoslavia and Rwanda. Without media attention neither of these institutions would have grown into the viable institutions that they have become. Firstly, media attention forced the cash-strapped UN to put its money where its mouth was and to allocate a substantial budget to both tribunals at a time when it had to make difficult budgeting choices. There was a lot of sensitive reporting on the effects of delaying the work of the tribunals — the anguish of the victims who had already waited too long; the preparation for the peace process (in the former Yugoslavia) itself of allowing war criminals to live in freedom in the very places where their terrible crimes were committed.

Media coverage of the slow progress of the Rwanda tribunal ultimately resulted in an internal inquiry into maladministration within the tribunal, which led to important remedial action.

As far as the Yugoslavia tri-



GOLDSTONE

bunal is concerned, in recent months we have seen a significant turnaround in Nato policy with regard to the arrest of alleged war criminals in Bosnia Herzegovina. As result the tribunal now has 24 of those charged in its custody — as opposed to one 18 months ago.

Much work needs to be done on our continent with regard to the training and development of good journalists. In the northern hemisphere well-established and respected schools of journalism are plentiful. How many are there in Africa? Pitifully few. And the answer is not only to send budding African journalists to schools in faraway places. We need a media that is staffed by well-trained journalists who are part of their own culture.

In too many African countries the news coverage of what is happening even in neighbouring countries is minimal.

Last week I had occasion to criticise the many white South Africans who have become pessimistic after just three years of freedom for our country. I referred to their failure to appreciate the tremendous strides we have made. Much of that negative sentiment can be attributed to the failure of our media to report those achievements with the same energy as they report negative developments. The same, I would suggest, is true of the media generally although I am not suggesting that the bad news should not be given full attention.

The responsibility to uncover abuse and to promote transparency in government is one of the most important roles of the media. Without such exposure we risk sliding back down a slippery slope towards totalitarianism. However, this role has to be exercised responsibly and constructively. Equally important to the development of a viable and flourishing democracy is a sense of confidence in people and institutions. For every instance of corruption there are two or three or four selfless people are working positively to reconstruct our society. If the media is to do justice to its responsibility to promote a culture of democracy and human rights, it is vital that sufficient energy is devoted to the progress towards these goals and a pride in African successes cultivated.

□ This is an excerpt of the address by Goldstone at the African Journalist of the Year awards in Sandton on Friday.

Media unions declare pay dispute (151)

Star 25/25/98 (243) (152)

Durban - The Media Workers' Association of SA and other unions have declared a pay dispute with Independent Newspapers, Mwasa said yesterday

The dispute was referred to the Commission for Conciliation, Mediation and Arbitration

following the unions' rejection of an 8,6% increase and the newspaper group's failure to attend a dispute resolution meeting.

Mwasa, SA Union of Journalists, SA Typographical Union, SA General Workers Union and Numdusa want 11,2%. - Sapa

Say why three papers accused of distortions – Institute

By CP REPORTER (243)

THE FREEDOM of Expression Institute has called on the President's Office to make known why three newspapers were accused of being part of an elaborate disinformation campaign against the State

The accusations were made by Presidential spokesman Parks Mankahlana who claimed that the three newspapers campaigned with the help of disaffected members of the intelligence and military establishments

The three newspapers accused by Mankahlana are *Die Burger*, *Citizen* and the weekly *Rapport*

The newspapers were accused of publishing distortions and fabrications aimed at creating panic and uncertainty in the country

The Institute also called for the President's Office to make public the alleged connections between these newspapers and the intelligence and the military, identify the journalists concerned and the role they may have played and also pro-

vide evidence that a Stratcom-like operation is still at work

Stratcom was a unit operating covertly under the previous regime to sow disinformation against the liberation movements and political activists opposed to government

Other demands by the Institute are for

□ The release of the "Meiring Report" which alleged that there was a coup plot against the government

The report was compiled by Mili-

tary Intelligence and was submitted by army chief General Georg Meiring to President Nelson Mandela two weeks ago

□ The release of the Ismail Mahomed report which was established by Mandela to investigate the coup allegations

The Institute said it regarded the allegations as "extremely serious" and believes that unless there is full disclosure on these claims, the public will remain uncertain of their implications

Political comment and newsbills by K Sibiyi and L Kalane, headlines and sub-editing by F Moyo, all of 2 Herb St, New Doornfontein, Johannesburg

<p>PRICES OUTSIDE RSA</p> <p>Botswana R3,20 excl</p> <p>Lesotho R3,20 excl</p> <p>Namibia R3,20 excl</p> <p>Swaziland R3,20 excl</p>	<p>Printed for the proprietors – City Press Media Limited (Pty), 2 Herb Street, Doornfontein, Johannesburg – by Nasionale Media Limited of 32 Miller Street, New Doornfontein, Johannesburg Distributed by National News Distributors</p>	<p>The copyright on material in the news paper and its supplements particularly material identified by the © symbol is expressly reserved. The editor will however consider requests for reproduction of such material but it is a condition of use that the source and the author of the report are clearly attributed should the editor so request</p>
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Union declares dispute with Sowetan newspaper

Reneé Grawitzky (243) PM 22/4/98

THE Media Workers' Association of SA (Mwasa) has declared a dispute with the Sowetan and plans to picket the New Africa Investments-owned newspaper for allegedly failing to comply with its affirmative action policy by not promoting internal staffers into more senior positions.

The union, which has a major stronghold in the company and is believed by observers to "de facto run the place", as it demands involvement in all significant appointments, has argued that people inside the organisation should be affirmed. This emerged after the positions of managing editor and pictures editor were not filled by those inside the company and had subsequently been advertised externally.

Mwasa said management was trying to undermine some of the gains made by the union with regard to affirmative action. A union meeting held earlier this week adopted a vote of no confidence in the editor, Mike Siluma.

Sources close to the Sowetan said elements within the union had tried to block Siluma's appointment. This was because they felt that Siluma was too close to the African National Congress.

Sowetan staff up in arms

(243)
SOWETAN staff staged a lunch-time picket yesterday against the company's alleged failure to comply with its affirmative action policy

The workers - who sang, toyed and carried placards denouncing management - said the company was reluctant to promote internal staff to more senior positions

The workers declared a dispute with management through the Media Workers' Association of South Africa. They have demanded involvement in all significant appointments at the newspaper.

The workers' spokesman, Joe Mdhlela, said they would continue their lunch-time picket daily until management had responded to their demands.

If management failed to respond to their demands expeditiously, staff might resolve to embark on other forms of protest action, including a full-blown strike, he said

Some of the placards read: "Stooges must go", "Sowetan is lying about affirmative action", "Away with racism" and "All power to Sowetan workers"

The picket followed the placement of two advertisements for a managing editor and a picture editor in the press recently. Workers said the ads implied management was not looking at people inside the company.

Sowetan deputy managing director Mr Mike Tissong said management did look at workers inside the company but could not find anyone suitable for the positions

Tissong said about five or six weeks ago, the newspaper advertised the positions internally and received four applications - one for a pictures editor and three for a managing editor.

He said the applicants were interviewed by a panel and it was felt that they did not qualify because of the kind of responses they gave

Sowetan 23/4/98

"It's quite a pity that this matter is now being discussed in the public domain. It is damaging to those people and their careers, if they ever thought of leaving Sowetan"

Tissong said the applicant interviewed for the post of pictures editor could not be promoted to the position because he demonstrated he could not carry out a management responsibility

One applicant for the position of managing editor did not qualify because in the interview, he also showed that he could not manage his staff

Tissong said the other two applicants did not qualify because they did not have enough experience to occupy such a senior post - Sapa

Editors meet Mandela over press laws

(243) *Stan 29/4/98*
By **JOVIAL RANTAO**
Political Correspondent

South African newspaper, radio and television editors have urged President Nelson Mandela to remove from the South African statute books restrictive apartheid-era legislation impinging on press freedom

A delegation from the South African National Editors Forum (Sanef) met Mandela in Cape Town yesterday to argue for the removal of section 205 of the Criminal Procedure Act, which was used by the previous government to force journalists to disclose their sources.

Many journalists have been

detailed for refusing to disclose their sources

Police in the Western Cape recently threatened to invoke section 205 to force journalists to disclose information relating to the gruesome murder two years ago of Hard Livings gang leader Rashaad Staggie

Mandela and the editors agreed that a meeting would be held with Justice Minister Dullah Omar and Safety and Security Minister Sydney Mufamadi to discuss the legislation.

Sanef said section 205 was in conflict with the media freedom clause in the constitution.

The editors also inquired about the Open Democracy Bill.

They gag writers, don't



SPEAKING HIS MIND: UN Secretary-General Kofi Annan

In dozens of countries around the world, journalists, editors and publishers are murdered, assaulted, detained and harassed. Their publications are censored, fined, suspended and closed down. World Press Freedom Day on Sunday exists to recognize the sacrifices made in the struggle for freedom of the press and to put pressure on the numerous governments that continue to deny their citizens this basic human right.

THE World Association of Newspapers (WAN) asked UN Secretary-General Kofi Annan to give his views on the global struggle for press freedom and to say what the UN could do to support the struggle

KOFI ANNAN: I think the world media today plays a central role in promoting freedom and a global exchange of information and ideas, and this is also a major prerequisite for democracy, development and peace. We have also maintained that a knowledgeable citizen is the best investment one can have against tyranny and abuse of power, because they know how to defend themselves and what their rights are.

During this 50th anniversary of the Universal Declaration of Human Rights, we are reminding the public that these rights are theirs and that the only solid

base for any society is one based on the rule of law and respect for human rights

WAN: Seven years ago in Windhoek, an important conference took place under the auspices of the UN and UNESCO, which gave birth to the Windhoek Declaration for an Independent and Pluralistic African Press. This declaration is now celebrated on the May 3 — the date of its adoption — as World Press Freedom Day. At seven years distance, what are your views on the evolution of freedom of the press in Africa? As an African first of all and then as UN Secretary General, are you satisfied with this evolution?

KA: There have been some improvements in some countries, but we still have a long way to go. These questions of freedom of the press, freedom of expression and freedom of association are things that the African continent has to work harder at achieving. It is this lack of tolerance and lack of acceptance of diversity that has not only led to many political conflicts on the continent, but also the tendency to imprison people we disagree with or who don't share our views.

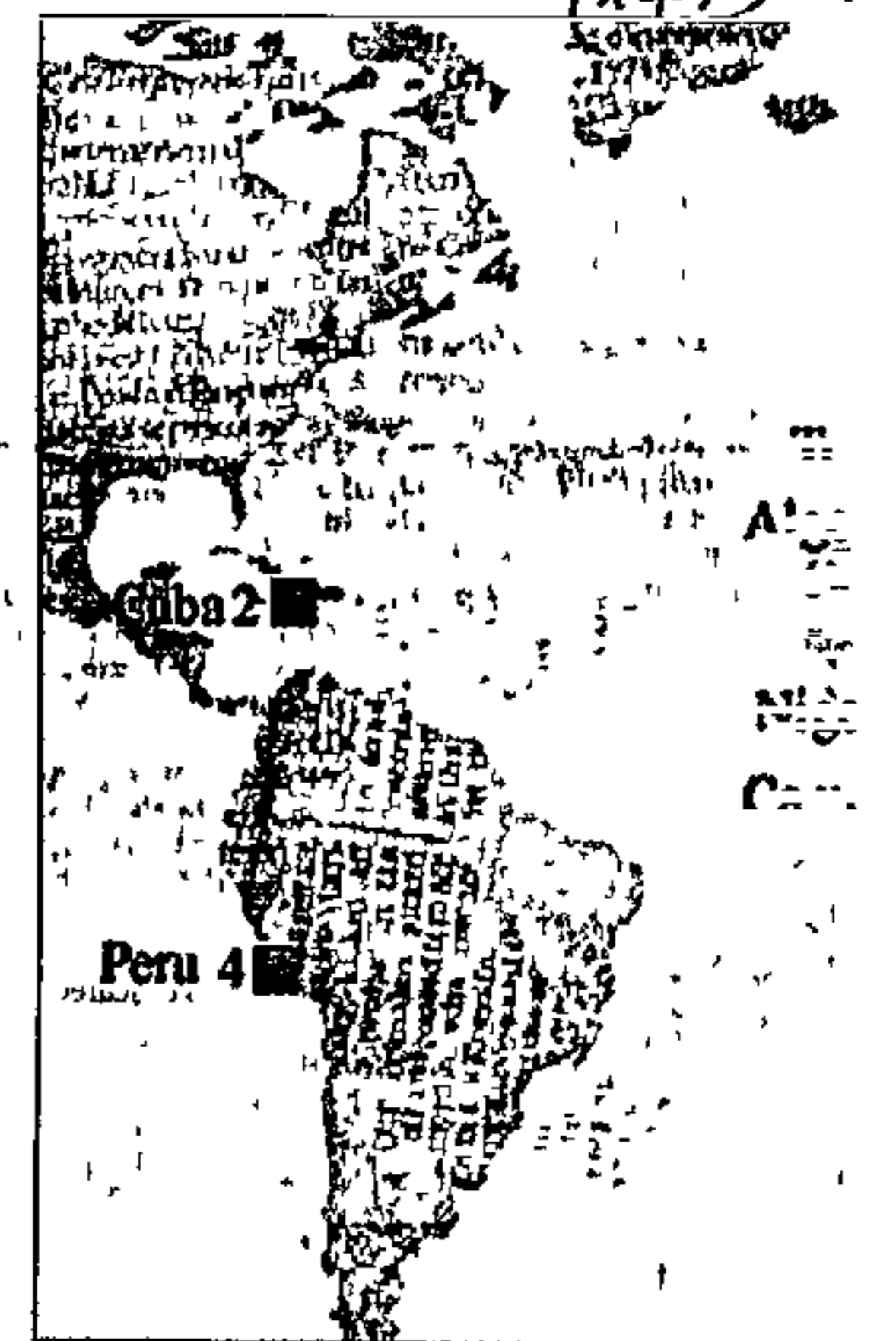
But there are hopeful signs, in the sense that African people are becoming aware of their rights and starting to assert their rights. More and more governments are beginning to embrace democracy and government based on the rule of law, which should be the only legitimate base of authority.

And we are also seeing some very hopeful signs where African governments have banded together to remove a junta that came to power through the use of force, as in Sierra Leone. These are hopeful signs. It hasn't resolved all the problems but I think we should persevere and try to open up society and work hard to create the enabling environment that would not only allow people to express their views, but to live their lives to the fullest.

WAN: The concept of a New World Information Order was criticised in democratic nations for placing information at the service of national governments. It was phased out by UNESCO, but we fear some of its promoters will try to revitalise this idea from UN headquarters in New York. What is your position on this?

KA: I think that concept, that approach, died a long time ago. There was also quite a bit of misunderstanding regarding the whole concept. But as far as I'm concerned, the concept is dead and there is no desire or intention to review the concept and run with it. I don't think we need to worry about a revival of the New World Information Order.

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."
— Article 19, Universal Declaration of Human Rights



PRISONERS OF CONSCIENCE: According to the ... countries throughout the world

WAN: How do you react each time you learn that a journalist has been assassinated or imprisoned somewhere in the world? And what can the UN do to put pressure on governments that detain journalists today?

KA: First of all, whenever there is a loss of life this is something that concerns me and concerns all of us. But when journalists and people who represent or speak for others and expose excesses are eliminated, we are all losers. We lose a voice that speaks out, a voice that shines a spotlight on some of the painful abuses in society. But I think what we've been trying to do, particularly through our office of the High Commissioner of Human Rights, is really to press this respect for human rights and for societies based on the rule of law.

WAN: In many countries, the main demands are still for food, shelter and education. In your opinion, what are the links between poverty and the lack of a free flow of information?

KA: Lack of education is a great impediment to the advancement of society. If you have an educated people, who have tolerance and also understand the need



BEHIND BARS: In Cameroon, opposition newspaper publisher Plus Njawe was sent to prison for a year for reporting that President Paul Biya suffered from a heart condition.



ers, don't they?



(243) 21/5/98

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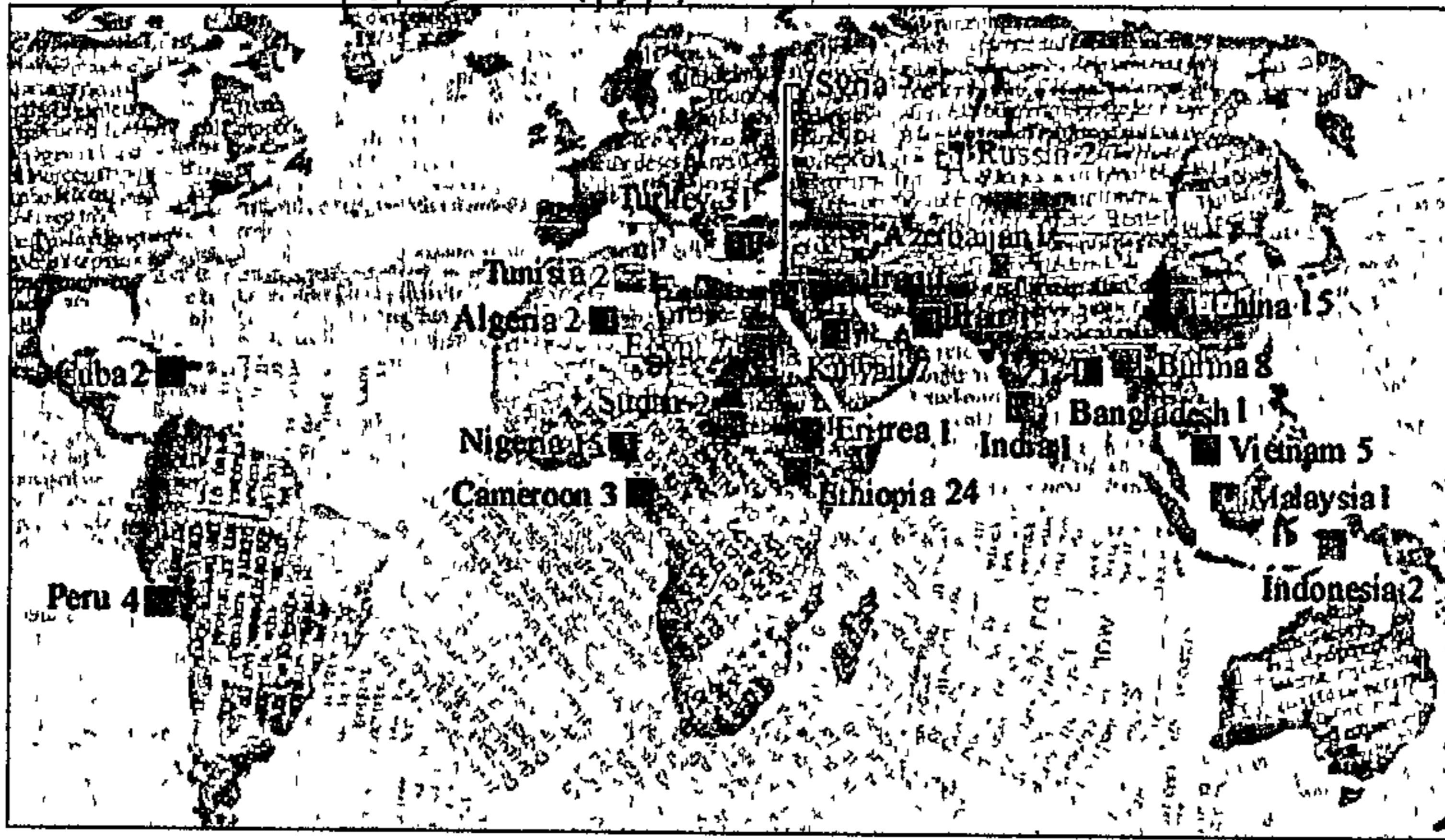
ago in Windhoek, an
took place under the aus-
of UNESCO, which gave birth
to an International Declara-
tion on the Freedom of the
Press. This declaration was
adopted on the May 3 — the date
of the World Press Freedom Day.
What are your views on
the press in Africa?
If then as UN Secretary-
General, what would you do
with this evolution?
What improvements in some
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PRISONERS OF CONSCIENCE: According to the World Association of Newspapers (WAN), there are at least 138 journalists imprisoned in 24 countries throughout the world.

GRAPHIC: WAN

WAN: How do you react each time you learn that a journalist has been assassinated or imprisoned somewhere in the world? And what can the UN do to put pressure on governments that detain journalists today?

KA: First of all, whenever there is a loss of life this is something that concerns me and concerns all of us. But when journalists and people who represent or speak for others and expose excesses are eliminated, we are all losers. We lose a voice that speaks out, a voice that shines a spotlight on some of the painful abuses in society. But I think what we've been trying to do, particularly through our office of the High Commissioner of Human Rights, is really to press this respect for human rights and for societies based on the rule of law.

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

— Article 19, Universal Declaration of Human Rights

the lack of a free flow of information?
KA: Lack of education is a great impediment to the advancement of society. If you have an educated people, who have tolerance and also understand the need

for a free flow of information, you are ahead of the game. Where poverty is endemic and people are not educated, they won't even begin to think of some of the issues that you have raised. Their concerns are so basic and so pressing, that the issue of the free flow of information may not be the most important in their lives.

But I think that where we are able to maintain a certain level for people, the free flow of information becomes an essential aspect and if the government doesn't deliver, the people will demand it — they will search for it.

In today's age, with the Internet and the new technologies, we will see a much freer flow of information, but no government, no leader can prevent it. In fact, some of it won't even be visible for them to be able to stop or control — Again, it requires a certain level — poverty can be a great impediment.

WAN: You had the courage to denounce, in front of African heads of state at the OAU summit in Harare last June, those regimes which continue to violate human rights. You said that human rights should be at the centre of any programme which seeks to promote democracy and durable development. What importance do you give to the action of the press in the accomplishment of this ideal? Do you think that the African

press has the political and material means to fully play its role in this work to promote democracy and durable development?

KA: I think that the press does have an important role to play in two aspects. In disseminating information and getting the public to know what their rights are and encouraging them sometimes to stand up for themselves. The other area where the press, in these situations, has an important role to play is to expose excesses, to expose abuses of power — and to let the public know what is going on, generally. This, perhaps, gives me a chance to get into the area of what I call preventative journalism, which in effect is not limited to Africa.

The media tends to come in when there is bloodshed, when there is a violent situation and then go home the moment the story is over. And yet, there are situations where the press has done, and can do, very important work, where you can see a developing problem, an issue.

Sometimes you write one article about it and drop it. I think we need to stick with a story. We need to keep reporting in a manner that will induce, or jolt people in authority to act before the explosion. Not to write, wait for it to explode, come and cover the bloodshed and go away.

"Every individual shall have the right to receive information. Every individual shall have the right to express and disseminate opinions within the law."
— Article 9, African Charter on Human and People's Rights



Jailed, harassed, killed:

A tough April for Africa

ETI/5/98

(243)

ABIDJAN, Ivory Coast: In the space of a week, a reporter was killed, a newspaper editor was dragged off by security agents and a publisher was ordered to remain in prison for a year.

During the same week, a former radio correspondent was accused of treason and the offices of an opposition newspaper were ransacked and looted by armed thugs.

For journalists in West Africa, from war-wracked Sierra Leone to repressive Congo, April has been a cruel month.

"Over the last two years, the West African sub-region has become the worst region in Africa with regard to press freedoms," says Mr Kakuna Kenna of the New York-based Committee To Protect Journalists.

BBC reporter Eddie Smith was killed in April during an ambush while trying to cover the latest fighting in Sierra Leone, his homeland.

Two days later, Hilton Fyfe, a former BBC correspondent from Sierra Leone, was charged with treason for allegedly working with that country's recently ousted military junta.

In Cameroon, an appeals court judge ordered opposition newspaper publisher Pius Njawe to remain

in prison for a year.

Njawe's crime? Reporting that President Paul Biya suffered from a heart condition. The government denies the report, but Njawe stands by his story.

Silencing journalists in Africa is nothing new, but press freedom activist Mr Robert Menard says the methods of suppressing information are changing. Leaders intolerant of dissent and criticism in some West African countries are now employing more sophisticated censorship through the courts.

"In Cameroon, for example, President Biya is replacing outright censorship with court rulings against a free press," said Menard, the secretary-general of the Paris-based Reporters Without Borders.

In other cases, censorship still takes the form of outright intimidation. In Niger, gunmen ransacked and looted the offices of the independent Republican newspaper. "This was a commando operation ordered by the government to silence our newspaper," editor Marnane Abou said.

Days earlier in Congo, newspaper editor Michel Ladi Luya was arrested by security agents and dragged from his newspaper offices in Kinshasa.

No formal charge has been levelled against Luya or his newspaper, *The Record*, which called the arrest an official "kidnapping" by President Laurent Kabila's security detail. Luya had printed a letter from opposition leader Mr Etienne Tshisekedi that called Kabila's rule totalitarian.

In February, the editor of *The Potential* was arrested after publishing an article questioning Tshisekedi's internal exile to his hometown in eastern Congo. Mondeste Mutingu Mutushayi was freed three days after his arrest.

And then there's Nigeria — perhaps the most repressive regime in West Africa — which routinely jails reporters, slashes newspaper offices and accuses leading opposition journalists of treason.

At least 17 journalists are known to be in prison, the Committee to Protect Journalists says. One senior newspaper editor is on trial for allegedly collaborating with military officers to overthrow General Sani Abacha.

"We have a very active and vibrant press in Nigeria, but you have to know where to draw the line," says Augustine Nwinkana, a reporter for the state-controlled *Rivers Radio* — Sapa-AP



Publisher of Ivory Coast's opposition daily *La Voie*, are released after seven months in jail.

PICTURE: AFP

FREEDOM



Former American journalist Reginald Stuart addresses the Freedom Forum in Rosebank, Johannesburg yesterday in honour of World Press Freedom Day.

Picture TREVOR SAMSON

Press freedom threatened by lack of journalistic professionalism

Taryn Lambert 2143 4/15/98

A LACK of professionalism and inaccuracy in journalism were among the factors threatening freedom of the press, former Rand Daily Mail editor and Freedom of Expression Institute chairman Raymond Louw said at a World Press Freedom Day discussion in Johannesburg yesterday.

Equally problematic was the harsh censorship laws governing many African countries and the high number of journalists being detained for stories they had written.

The "juniorisation" of newsrooms had also become a problem with more experienced journalists leaving the profession, Louw said.

American newspaper recruiter and former journalist Reginald Stuart said that the freedom of the press was threatened by the dropping of journalistic standards.

"The ethical lapses we have committed have done far more to diminish our credibility with the public than any form of government censorship could do," said Stuart. "If we are not believed we are nothing."

Media changes boosted by new Chair at Rhodes

AAIT 5/5/98

Transformation tackled

(24?)

STAFF REPORTER

Independent Newspapers is to establish a Chair of Media Transformation at Rhodes University in Grahamstown.

The announcement by the head of the department of journalism and media studies, Guy Berger, coincided with International Press Freedom Day at the weekend, which Professor Berger said symbolised the importance of the initiative for South Africa.

The chair will be sponsored by Independent Newspapers for three years.

Chief executive officer Ivan Fallon said transformation was the highest priority for the media in South Africa, and Independent Newspapers was pleased to be able to make a contribution to benefit the industry and, therefore, the country.

"We're all engaged in transformation, and we will all benefit," he said.

Professor Berger said the new post would hold up a mirror to South Africa's media, and added: "The chair will research the successes and problems in transforming journalism - and journalism training - in line with our

changing society. South Africa's context has changed and our society now enjoys free and independent media.

"This chair will give back-up to the changes taking place within the media."

A board representing a range of media companies would act as reference for the chair. Its members included Independent Newspapers editorial director Shaun Johnson, Sowetan editor-in-chief Aggrey Klaaste, Irene Charnley of Times Media, Midi Television head Nomazizi Matshotshisa, author Anthony Sampson and representatives of the SABC, Primedia, Penta and Kagiso Media.

Mr Fallon said that Independent Newspapers had insisted the company exercised no control over the chair.

"Transformation is bigger than inter-company rivalry," he said.

The challenge to achieve properly representative and relevant media companies, producing journalism of the highest quality, was a national priority.

The Chair of Media Transformation would be advertised in May and he expected it to be filled by August.



Flashback ... an African National Congress rally on the eve of the elections in April 1994.

Media's role more than watchdogging

(243) *Southern 7/5/98*

By Annette Lansink

THE FORTHCOMING 1999 national elections have re-activated discussions around the meaning of democracy. The discussions, expounded from various platforms, offer an opportunity to reflect on the experiences of the last four years of democratic governance.

Unfortunately most submissions have put forward an impoverished notion of democracy – in which democracy is seen as a mere mechanism to control government.

This liberal conception of democracy, preferred by business, white opposition parties and the media, is posted as the universally accepted ideal.

In doing so, other conceptions of democracy, such as an African oriented concept of democracy in which notions of rights and duties to the community, a communitarian approach and consensual decision-making are central elements, are brushed aside.

While eager to limit the power and role of government, business and the white media have turned a blind eye to the gross economic inequalities.

The exclusion of the state in important spheres of our existence and the reluctance to take power relations into account are major weaknesses in such a notion of liberal democracy.

This limited and decontextualised notion of democracy can only serve to legitimise and sustain the historical socio-economic imbalances. Apartheid not only manifested itself in depriving the black majority of the right to vote, but also in total economic subordination.

Civil liberties

So it is fallacious to pretend that with the acceptance in 1994 of universal franchise the government's role can be limited to non-intervention in the free market forces and in the private sphere by guaranteeing the civil liberties of individuals.

Instead, the government should use its power to implement its philosophy of political and socio-economic change, and in the process utilise the full resources of the state to make the new order a reality.

Surely democracy entails more than the five-yearly walk to the ballot box?

The media could take its lead from the Constitution. The preamble of the

Constitution accepts a more substantive notion of democracy, with an emphasis on democratic values, social justice and fundamental rights.

The core values enshrined in the Bill of Rights and its interpretation by the legislative and judicial branches of government, in particular the equality clause, gives credence to a substantive vision of constitutional democracy.

What about the criticism levelled at the African National Congress-led Government of muffling opposition and thereby compromising democracy?

The Government stands accused of reinterpreting the meaning of democracy to suit its own party-political interests and to ensure political conformity.

Is the Government endangering democracy by staving off criticism or does it have a right to defend itself, especially when such criticism is couched in racist undertones?

It is important to situate the role of government within the context of transition and nation building, especially when remnants of the old order are still the most influential role players in the economy and when third force and counter-revolutionary activities are no figments of the imagination.

The Government has a historic task and mandate to redress past inequalities, re-configure the new consciousness and to reclaim the human dignity of all South Africans.

Therefore the Government's commitment to democracy cannot only be measured by the level of tolerance of criticism, but by its contribution to creating and shaping the new equitable and just society. Centuries of colonialism-apartheid cannot be negated without an affirmative state.

The Government is and should be the major agent in transforming the structures in society from a racist, sexist, authoritarian and unrepresentative past towards a united nonracial, non-sexist democracy.

No real liberation can take place when the previously excluded majority is merely integrated in the structures of oppression.

Furthermore, it can be argued that the dynamics of the dichotomy between governmental and oppositional politics are different in the transitional phase of nation-building.

Also, the pivotal role which various kinds of institutions in society, such as the media, non-governmental organisa-

tions, churches, educational institutions, business, civic organisations, institutions supporting democracy and opposition parties play in enhancing democracy needs to be recognised and examined.

One may rightfully ask how much these institutions and organs of civil society contribute to consolidating and deepening the new democracy.

The impression is sometimes created that the Government is under fire from all these institutions. Closer scrutiny, however, reveals that only two sectors – besides the opposition parties – have been consistent in their fierce criticism of the Government: the business community and the media.

It is no coincidence that these two sectors are still predominately white.

Valid criticism

Other institutions of civil society, specifically the trade unions, have displayed an extraordinary measure of restraint to ensure a strengthening of the economy and enticing international investment in this country.

Despite the Congress of South African Trade Unions' persistent and valid criticism of the Government's macro-economic policy, the Growth, Employment and Redistribution strategy, oppositional mass action has been very limited for the sake of the tripartite alliance.

Institutions supporting democracy, such as the South African Human Rights Commission, the Commission on Gender Equality and the Public Protector, have come out in support of the new Government.

One of the tasks of the media is to challenge the pervasive power of existing "old order" beliefs, prejudices and practices. Unfortunately the white media has failed to engage its readers sufficiently in the socio-economic realities and aspirations of the black majority.

The right to vote or political equality is fundamentally undermined by the gross economic inequalities. It is precisely for this reason that the role of the media should extend beyond being a watchdog; the media should play its role in the effort to create a national consciousness of substantive democracy.

(The writer is a lecturer in the department of public law at the University of Venda, Thohoyandou.)

Major victory for union as judge orders 54 workers to be reinstated

By Mokgadi Pela

THE Media Workers' Association of South Africa (Mwasa) scored a major victory yesterday when the Labour Court reinstated 54 members who were dismissed following an industrial dispute in August last year

At the same time, Judge E Revelas ordered that the Mwasa members be paid 10 months wages retrospectively. The court gave those applicants whose affidavits in respect of wages were not before court until May 15 to do so.

An elated general secretary of Mwasa, Mr Sithembele Khala said "This order should serve as a lesson

to employers that they cannot continue to behave as if we are in the pre-Wiehann times when they would disregard workers' rights with impunity. For far too long we have observed an attitude among employers of disregarding the labour laws of this country."

The workers, all former employees of Mustek, were accused by the company of having gone on an "unprotected strike over wages". The matter was referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) and finally to the Labour Court in Braamfontein, Johannesburg.

Mustek's Belinda Toweel said

"We are not aware that there was any court case today or any ruling. We will, however, consult with our lawyers to see what line of action we should take."

Khala invited workers who had not yet filed affidavits in respect of their wages to go to the Mwasa offices tomorrow to enable the union to prepare the documents.

Meanwhile, the Southern Transvaal region of Mwasa will hold its shopsteward council meeting at 5 Wanderers Street, Johannesburg, tomorrow. Issues to be discussed include a report-back on the recent national congress in Pietersburg. The meeting will start at 9am.

(243)

Sowetan 8/5/98

Calls to regulate mainstream press under fire

ARGUS CORRESPONDENT

Johannesburg - Newspaper group executives do not see legislation to regulate media ownership, including distribution and printing, as necessary, but community media do.

Joel Netshitenze, head of the Government communications service, told the parliamentary communications portfolio committee yesterday

that a directorate on media policy was being set up that would draft regulations and legislation to ensure more diversity of ownership.

He said the Government also was looking at an agency to consider the distribution of resources to community media. The commercial media may even be asked to help with funds to ensure that more voices are heard.

Ivan Fallon, chief executive officer for Independent Newspapers South

Africa, said the plan appeared to be "incredibly vague".

He said possible changes to distribution channels probably were aimed at the supply network once largely owned by Independent and Times Media (TML), but now run as a separate entity with more stakeholders.

He said distribution was "very expensive" and concentration reduced expenses, adding that the lower the cost of distribution, the

more incentive for new newspapers to be opened.

Mr Fallon said big newspaper companies had already put money into a community media trust, and added: "Subsidised newspapers are much less likely to make it than those run by good entrepreneurs."

TML chief Lawrence Clark said self-regulation was better than state regulation, and the media should not be treated differently from other business

APR 13 15/98 (243)

Government body sets sights on media owners

Star 12/5/98

(243)

Lack of diversity cited as a major problem in informing the public exactly what its rights are

SAPA
Cape Town

The new Government Communications and Information System was not intended as a propaganda instrument, but to ensure that the Government's vision and intentions were communicated to the public, GCIS chief executive officer Joel Netshitenzhe said yesterday.

Briefing the National Assembly's communications committee, he said the GCIS derived its mandate first and foremost from the constitution, which, in the Bill of Rights, guaranteed citizens freedom of speech.

A corollary of this was their

right to receive information about government activity.

"It is recognised in the Reconstruction and Development Programme that an informed public is better able to take an active part in changing its life for the better.

"This lies at the foundation of the principle of people-centred and people-driven transformation."

To afford citizens the right to know and be heard, it was critical that the GCIS emphasised "developmental communications", directed primarily at communities in rural areas and townships, as well as at the illiterate, youth and women, to allow them to take full advantage of socio-economic oppor-

tunities, he added.

A major reason for weaknesses in South Africa's media was the lack of diversity, from ownership through to printing and distribution.

This shortcoming was recognised by at least some of the media houses, as well as by the SA National Editors Forum.

The GCIS therefore considered the achievement of a diversity of voices as a critical element of its vision, Netshitenzhe said.

A directorate of media policy was being set up, and among its immediate tasks would be the drafting of regulations on media ownership, including distribution channels and printing.

Opposition warns Government not to interfere in

CHARLES PHAHLANE
PARLIAMENTARY BUREAU

The newly launched Government Communication and Information Service (GCIS) has six priorities including that of achieving diversity of ownership of the media, says Essop Pahad, the deputy minister in Deputy President Thabo Mbeki's office. Dr Pahad said that achieving diversity of ownership in the print

media would be dealt with through competitions policy, which regulated all sectors, and through legislation ensuring that distribution of newspapers was done by one entity. Opposition parties said the Government should not use legislation to intervene in the media industry if it began doing so, it could start muzzling the press.

Freedom Party said the Government should not play a part in the diversification of media. IFP MP Suzanne Vos said her party had no problem with the GCIS developing media policy as long as the Government did not see itself as the final arbiter on who should or should not be media owners.

The Democratic Party said the press could not be constrained. "Its rights of free speech and expression were explicitly written into the constitution", it added. Dr Pahad said the communications task group set up by Mr Mbeki had found that insufficient progress was made in diversifying the media.

Four groups controlled the newspaper industry - the Independent Newspapers Group, Times Media Limited, Nasionale Pers and Perskor. The South African Broadcasting Corporation was state-controlled and soon would see competition from the newly licensed Mdi Corporation.

Seventy-eight community radio stations were licensed, reaching one million people. Apart from this, the GCIS also would serve the Cabinet and guidelines on overall communications strategy were being finalised. In the next two months, the GCIS would work with provinces to complete a model for provincial structures in communications. The GCIS would ensure that citizens were "adequately" informed of

their rights and how to exercise them and to help communities gain information for their socio-economic development.

Tele-centres would be launched to take advantage of information technology to give communities information, but to receive responses at the same time.

The Government also would try to serve the media industry better. It said it approached the media as a "partner in communications", shar-

ing the responsibility of keeping the public informed.

A national training board would be established to train government communicators in raising their professional capacity.

An African National Congress spokesman said the GCIS would not be a propaganda arm of the party, as they were able to disseminate their own propaganda. GCIS would be the new communication arm of the Government.

Ownership of the press
(2143) # HAF 19/5/98



On May 3 1998 South Africa joined other countries in commemorating the World Press Freedom Day.

But a report entitled Press Freedom 1991 by the non-profit democracy group Freedom House released on May 1 says only one in every five people live in countries with a truly free press.

The question to be asked here is whether or not the press in South Africa is achieving its role of informing the public with neither fear nor favour.

In the final years of PW Botha's government, the government had to suppress dissent by the media and to pretend there was no dissent.

Under the ANC-led government the right of freedom of expression is now entrenched in the Bill of Rights. The Independent Broadcasting Authority was also established to regulate broadcasting. The body, however, still relies on government for funding and its independence is therefore weakened.

The Government has also slashed its

Dangers of govt-funded media

In broadcasting or the press, the de facto authority tends to be promoted, writes Nanga Lidovho

ASTON 27/5/98

(2147)

budget by millions and many skilled staff are leaving to avoid a possible merger with the South African Telecom- munication Regulatory Authority. This casts a shadow on the purported independence of the body.

The Government funds the three SABC channels as well as various radio stations around the country. Members of the SABC are also political appointees.

While it is clear that various external constraints as well as internal consensual pressures to which the South African Government-funded media are subject to limit their degree of independence, they cannot be said to nullify it, but the latent inclination towards promoting authority exists.

There is also an understanding that multi-perspectival news coming from an independent source has a potential of furthering democracy. This is based on the cliché that democracy rests on a well-informed citizenry. While this might be true, others argue that some

democracies must and do function even when the citizens are not well informed, a view which I disagree with.

The state can also limit the independence of the media through legislation. Section 205 of the Criminal Procedure Act (Act 51 of 1977) gives authority to the courts to force journalists to disclose the source of their information or face prosecution if they refuse without just reason.

The Constitutional Court also gave this section a blessing when it ruled in April 1996 that the provisions of Section 205 of the Criminal Procedure Act (as amended) are not inconsistent with the provisions of the constitution.

In social economic class terms, the media values the order of the upper class and upper middle class sectors of society. Story selectors do attend to both commercial and audience considerations. Commercial considerations are intended to reduce the costs and increase revenue. The print media in South Africa is controlled by big business and they pull the strings in the

hiring of editorial staff and as such influence story selection and reporting.

The Government is coming up with legislation to regulate diversity of the media ownership. The CEO of the new Government Communications and Information System, Joel Nelshutenze, has recently announced that a directorate on media policy was being set up which would draft regulations and legislation to ensure more diversity of ownership of the media.

The media also tend to value the social order of the middle-aged and old against the young. Furthermore, the media hierarchy also reflects a white male social order, although it sides with blacks and women who try to enter it and succeed.

One can safely say that the media pays most attention to elite individuals and elite institutions. This detracts in a sense from its main responsibility of being the watchdog.

Government-meddling in South

Africa has been noticeable on occasions. The SABC-TV chief, Molefe Mokgale, has recently been at pains to assure the public and political parties that the corporation will not be one-sided in next year's poll. This confirms the perception by the public that the SABC is not independent. The Mail & Guardian of April 24-29 1998 reported that Northern Cape premier Manne Dipico masterminded the suspension of SABC radio news journalist Brian Vel in Kimberly. Vel has been charged with providing details in an investigation which alleged that Dipico was involved in a diamond deal trap that resulted in the arrest of a local businessman. Recently the SABC was also at pains to disclaim John Pilger's documentary, *Apartheid did not die*. The extraordinary disclaimer was followed by a hastily arranged panel to contain its effect. All this is evidence of a lack of independence by the corporation.

■ Advocate Lidovho is the legal adviser to the University of Venda principal.

SA in 15th place among 186 states in world survey on press freedom

(243) Star 8/6/98
BY RICH MKHONDO
Star Foreign Service

Washington - South Africa's press freedom has been ranked 15th among 186 countries surveyed by Freedom House, according to a survey released last week.

Using scores and the three categories of free, partly free and not free, Freedom House, a Washington-based organisation which monitors human rights and conflicts around the globe, said there is media freedom in SA.

The annual survey measured press freedom by assessing the effect of laws, government decisions and economic and political influence on the content of news reports.

Germany has the most free press in the world, followed by Switzerland and the US. Other countries in this category include Australia, Austria, Canada, Jamaica, New Zealand, Sweden, Holland, Iceland, Bahamas, Denmark, Belgium, Botswana, Namibia and Mali.

China and Nigeria are the worst violators of press freedom.

Countries in the same category include Algeria, Afghanistan, Belarus, Burma, Burundi, Cameroon, Democratic Republic of Congo, Cuba, Equatorial Guinea, Indonesia, Iran, Iraq, North Korea, Libya, Saudi Arabia, Somalia, Sudan, Tajikistan, Turkmenistan, Uzbekistan and the United Arab Emirates.

"South Africa's diverse and free press is flourishing as the Government tussles with the content of the Freedom of Information Act," said Leonard

Sussman, the organisation's senior scholar in international communications and professor of journalism at New York University.

On a scale of zero (best) to 15 (worst), SA's print media received 2 under laws and regulations that influence media content, 5 for political pressure and controls on the media content, and 3 for economic influence over media content.

Using the same scale of zero to 15 to judge SA's broadcast media, the country got 6 under laws and regula-

tions that influence content, 7 for political pressure and controls on the media, and 1 for economic influence over media content.

"Compared with the previous year, on a percentage basis, fewer people live in nations with a free press," Suss-

man said.

In Africa, with 53 countries, three countries improved their ratings.

Sao Tome and Principe went from partly free to free.

The Central African Republic and Zambia went from no press freedom to partly free.

Congo (Brazzaville), Djibouti, Kenya and Zimbabwe moved to not free from partly free.

Seven other African states improved press freedom slightly, while it declined slightly in 16 other African states.

"Nigeria remained among the worst violators of press freedom in Africa as Sani Abacha regime's relentless assaults on journalists and their organisations continued," Sussman said.

Nigeria remained among worst violators

South Africa ranks 15th out of 186 for press

RICH MKHONDO

WASHINGTON BUREAU

South Africa's freedom of the press has been ranked 15th among 186 countries surveyed by Freedom House

Measured by scores and three categories of "free", "partly free" and "not free", Freedom House, a Washington-based organisation that monitors human rights and conflicts around the globe, said there was media freedom in South Africa

The annual survey, released this week, measures press freedom by assessing the effect of laws, administration decisions, and economic and political influence on the content of news reports

Germany has the freest press in the world, followed by Switzerland and the United States

Other countries with a free press, include Australia, Austria, Canada, Jamaica, New Zealand, Sweden, Netherlands, Iceland, Bahamas, Denmark and Belgium, Botswana, Namibia and Mali

China and Nigeria are the worst for violating press freedom

In the same category as China and Nigeria are Algeria, Afghanistan, Belarus, Burma, Burundi, Cameroon, Democratic Republic of Congo, Cuba, Equatorial Guinea, Indonesia, Iran, Iraq, North

Korea, Libya, Saudi Arabia, Somalia, Sudan, Tajikistan, Turkmenistan, United Arab Emirates and Uzbekistan

"South Africa's diverse and free press is flourishing as the government tussles with the content of the Freedom of Information Act," said Leonard Sussman, the organisation's senior scholar in international communications, and Professor of Journalism at New York University.

On a scale of nought (best) to 15 (worst), South Africa scored two under laws and regulations that influence media content, five under political pressure and controls of media content and three for economic influence over media content

On the same scale applied for repressive actions such as the killing of journalists, physical violence against journalists or facilities, censorship, self-censorship, arrests, harassment and expulsion, South Africa scored three

Applied to radio and television, South Africa scored six under laws and regulations that influence media content, seven for political pressure and controls on the media and one for economic influence over media content

And applied in this category to repressive actions such as the killing of journalists, physical violence against journalists or facilities, censorship, self-censorship,

arrests, harassment and expulsion, South Africa scored one.

"Our survey of 186 countries places 67 nations (including South Africa), or 36% in the free press group," Mr Sussman said

"Some 1,2-billion people, 20% of the world's population, live in those nations," he added.

"We record 54 countries, 29% of the 186 countries, with a partly free press. About 38% of the world's population (2.2-billion) live in those countries

"At least 42% of the world's population live in 65 countries (35% of those surveyed in which print and broadcast news is severely controlled by the government

"Compared with the previous year, 1% less of the world's people now live in nations with a free press

"The partly free group increased by the same percentage," Mr Sussman said

In Africa, where there are 53 countries, Sao Tome and Principe went from partly free to free, and the Central African Republic and Zambia went from not free to partly free

Four African nations regressed. Congo (Brazzaville), Djibouti, Kenya and Zimbabwe moved to not free from partly free. Press freedom improved slightly in seven other African states, while it regressed slightly in 16 countries

(243) ARG 8/16/98

"Nigeria remained among the worst violators of press freedom in Africa as the Sani Abacha regime's relentless assaults on journalists and their organisations continue," Mr Sussman said

Meanwhile Reuters reports that a Yemeni court has acquitted three British Broadcasting Corporation journalists charged with visiting without authorisation the stronghold of a tribe that recently kidnapped a British family

"They were found not guilty and the court decided that all their equipment with the tapes should be given back to them," the judge said yesterday

He said Rageh Omaar, Robin Barnwell and Frank Smith, who had pleaded not guilty, were free to leave Yemen

"Since Yemen began its democratic experience, we welcome all journalists to come to Yemen, including these three," the judge said

The three men, who work for BBC television, were arrested on May 26. After about 48 hours in custody they were permitted to return to their hotel, but could not leave the country

They were charged with breaking Yemen's press and publications law by gathering information illegally and violating instructions not to visit the area where members of the Beni Dabayan tribe kid-

freedom

napped the British family in April. David Mitchell, his wife Caroline and 14-year-old son, Ben, were unharmed after more than two weeks in captivity. "I understand we are free to leave the country," Mr Omaar said. "This reaffirms the press freedom of the country. All our equipment and material will be returned," he said, adding, "On the whole we were treated well."

Mr Omaar said last night the team planned to head home to complete production of the programme. "Thankfully the authorities have seen that the programme was in no way negative or aimed at harming or offending the sensitivities of Yemen," he said. "We hope to go back and produce a fair and balanced report."

Yemen, a poor, fledgling democracy at the southern tip of the Arabian peninsula, has been plagued by a series of kidnappings in recent years. Tribesmen trying to pressure the government or oil companies working in Yemen have kidnapped more than 100 foreigners, including diplomats, since 1992. Most have been freed unharmed. "The tribes' demands have rarely been political and have mostly focused on the need for improved infrastructure

'Media diversity critical to free speech'

JOHANNESBURG: The government believed that media diversity was critical to free speech, Government Communication and Information Service head Joel Netshitenzhe said yesterday.

Addressing a Freedom of Expression Institute meeting here, he said the government agreed with the FXI's view that the foundation of free speech was to be found in the search for truth via the free exchange of ideas, the pursuit of individual autonomy and self-fulfilment, and the exigencies of political activity.

He said this could not be realised in a situation in which 82% of all circulation-audited publications were in the hands of four monopolies, who in turn controlled the distribution channels.

Netshitenzhe said few would dispute that the electronic media had entered its most vibrant period in history, precisely because the three-tier structure of ownership allowed diverse views and styles and

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content to be heard.

Rewer still would argue against the government communications task team's proposals that print media ownership needed to be regulated through the Competition Bill, that distribution should be exercised on a common carrier basis to eliminate bias; that an independent media development agency should be set up to channel funds from government, the industry and international donors to those in need.

Netshitenzhe said the call for diversity in media newsrooms could not be over-emphasised and that the efforts of the National Editors' Forum to address this deserved unqualified support.

This should help ensure that the search for the truth via the free exchange of ideas was not dictated to by wealth or economic or political power

It was therefore critical that the declarations in the Constitution and legislation about free speech should be backed up by programmes aimed at giving the disadvantaged the wherewithal to air their views.

It was the responsibility of the FXI and government communicators to help create the conditions for those who wished to have their voices heard.

Freedom of expression was neither an absolute right and nor was it an end in itself. It was however an important foundation of the broader freedoms and human rights.

Free speech should go with responsibility, especially regarding the media, Netshitenzhe said. He cited a recent news reports implicating Deputy President Thabo Mbeki's bodyguard in stolen cars, which he said was not true, and the (London-based) *Sunday Telegraph* report about a

R27 billion arms-for-oil deal between South Africa and Libya, which the government has denied.

He questioned the media's responsibility to contain disinformation campaigns.

He said the issue of freedom of expression and the right of the public to know had arisen in the Truth and Reconciliation Commission's work, and there had been suspicion of positions taken by the government with regard to certain hearings.

Some understanding had been reached with the TRC that government was monitoring the hearings and reserved the right to intervene if it felt some hearings should be held in camera.

Netshitenzhe said in such instances the TRC could then independently determine what should be made public. "This government does not have anything to hide. It is committed that ours should be governance in the sunshine."

—Sapa

CT 26/6/98

Freedom of expression no absolute right or end in itself

Workers' morale plunges

By Isaac Moledi

THE PROLONGED negotiations to sell the morning daily, *The Citizen*, to an as-yet-unnamed buyer has sparked off fears and brought about low morale among the workers on the paper.

The Citizen is for sale but the buyer has not yet been identified. This delay, workers say, has created uncertainties as they are eager to know "what will happen to us".

What exacerbates the situation are impending retrenchments. The final decision concerning these are expected next week.

Some of the workers got a temporary reprieve two weeks ago after the Labour Court ordered the Press Corporation of South Africa (Perskor), the newspaper publisher and distributor, to withdraw a voluntary retrenchment package it had offered to all employees.

Perskor management, who are still in discussions with Caxton to

merge with the company's subsidiary CTP, had apparently distributed letters of retrenchment offers to virtually all its employees.

It did so without consulting the workers' representative, the South African Typographical Union (Satu). This was followed by Satu applying for an urgent interdict, forcing the company to withdraw the offers.

Consult Satu

Workers say despite the court ruling that Perskor should consult with Satu and other involved parties by explaining the situation to employees who may be affected by the merger, this has not been the case.

Sowetan Business efforts to obtain a response from Perskor management were unsuccessful as the office of the newspaper group managing director said the MD "is not speaking to any journalist at this stage".

However, Naspers Newspapers chief executive Jan Malherbe con-

Sowetan Business efforts to obtain a response from Perskor management were unsuccessful

firmed that his newspaper group was still interested in buying *The Citizen*. "Discussions are still going on in principle, but striking a suitable agreement will depend on a number of factors which include the price of the newspaper," he said.

Although Malherbe could not disclose the cost of *The Citizen* deal, sources say the price tag on the morning daily is around R200 million.

It is believed this is why New Africa Investments' newspaper subsidiary, New Africa Publications (NAP), lost interest in the deal.

That notwithstanding, *The Citizen* may pose serious competition to NAP, particularly if Naspers acquires it and uses its enormous resources to beef up its circulation.

NAP's interest is believed to have waned because of the high costs of running the newspaper.

In addition, the morning daily shares the same readership and advertising market as NAP's morning daily, *Sowetan*.

Sources say this leaves Naspers, which owns Afrikaner publication *Die Beeld*, to acquire the morning daily with the aim of translating *Die Beeld* into English.

Malherbe has denied this, saying the newspaper would be run as an independent entity.

He said his group had nothing to do with the retrenchment process at *The Citizen*.

An apology to fellow scribes

Ferial Hatfajee

As former law and order minister Adriaan Vlok came clean before the Truth and Reconciliation Commission this week, a smaller act of absolution was happening in Potchefstroom.

Willem Boshoff, a destitute 58-year-old, has apologised to journalists Laurence Gandar and Benjamin Pogrund for his role in a trial which chalked up a dark age for media freedom. He was a key witness among a score of white prisoners who perjured themselves to discredit the media — with the result that for the next 10 years, no newspaper in South Africa was prepared to report on prison conditions.

Pogrund, a *Rand Daily Mail* reporter at the time, wrote a 1965 exposé on a prison system so decrepit it would not have been out of place on the set of *Midnight Express*. It also lifted the lid on the torture of political detainees. The state trotted out white prisoners like Boshoff who claimed that conditions were good, that the toilets were clean and that training and rehabilitation opportunities were available to all prisoners. Their whitewash worked and Gandar — *Rand Daily Mail* editor at the time — and Pogrund were found guilty. Earlier this year, Pogrund appealed for these sentences to be expunged from court records.

Today Boshoff is a sad and lonely figure whose conversation is peppered with the names of Afrikaner icons he

claims were close to him in other times. He spends his days looking for Joffel van der Westhuizen (a former defence chief) and Louis Luyt (former rugby supremo) to see if they will help. "I need a new set of dentures... and maybe a couple of hundred rands."

But the decision to apologise and make public his role is spurred, apparently, by a higher calling. Boshoff is a frustrated journalist who spends his days penning news stories for a knock-and-drop newspaper in Potchefstroom and writing flyers for local butcheries. He regrets his role in the fall of fellow scribes.

"I wish it was possible to turn the clock back 33 years. It could have saved lives... like that [Steve] Biko chap. As my life is coming to an end, I want to *daarem* [at least] leave a clean copy behind. I want to tell them I'm very, very sorry."

Boshoff and his companion, Bruce Manthey, live in a room in somebody else's house. Their kitchen — a table, a paraffin stove, a selection of tins, enamel mugs and plates — is hidden behind the door. Their two beds are covered with threadbare blankets and the washing hangs from a line strung across the room.

Their dreams are contained in boxes and Tupperware containers; Manthey's felt-tip markers; the religious pictures and poems he sells. Boshoff's plans for stories he will write and sell fill three boxes.

The two have been caught in the crosswinds of change. Sheltered employment and the welfare net

24-30/7/98
provided by apartheid is not available any more. Boshoff's apology is part of making a space for himself in the new South Africa.

In the 1960s, Boshoff was a member of the Afrikaner Jeugbond. He ended up in Pretoria Central prison on fraud charges and served as a clerk because he was a white and educated inmate.

"One day, Kallie de Haas, a life-long friend, brought me a personal message from John Vorster. He wanted me to assist the state. He said it was my National Party and Afrikaner duty to testify against the *Engelse pers* [English press]."

And he did, taking the stand for two days under the watchful gaze of Helen Suzman. She doesn't remember Boshoff specifically, but she does remember the troop of prisoners who came to lie about the conditions she had witnessed and which had formed the basis of the *Rand Daily Mail's* investigation.

"I twisted the truth," acknowledges Boshoff. "Prison was bad enough for whites. It was worse for blacks, but it was utterly miserable for white political prisoners like Bram Fischer and Harold Strachan."

Boshoff got three years knocked off his five-year sentence. He was also given generous credit facilities after Vorster's aides put in a word with his bank manager.

The bespectacled old man drifts back to a different time. Before he asks for some money for his story, he says: "I want to apologise with deep regret for siding with the wrong side."



Wrong side: Willem Boshoff (right) and his companion, Bruce Manthey, are caught in the crosswinds of change. PHOTO: NADINE HUTTON

Sparks defends news item on abortion case

Pearl Sebolao and Themba Hlangane 27/7/98 (243)

POLITICAL comment in an SA Broadcasting Corporation television item on the first legal challenge to the country's abortion law was relevant and captured the atmosphere surrounding the case, SABC television news editor-in-chief Allister Sparks told the Broadcasting Complaints Commission last week.

Sparks was responding at a commission hearing in Johannesburg on Friday to complaints that the item, which dealt with a court challenge to the Choice of Termination of Pregnancy Act in May this year, was biased and contained inaccuracies.

The complainants, Lynne Manson and K Worrall-Clare of the Christian Lawyers' Association, submitted that the reporter's statements that the anti-abortion legal team was male and the pro-choice team was female, portrayed the "whole battle as a sexist thing". They also argued that the presentation in general made by journalist Robyn Curnow was biased in favour of the pro-choice lobby.

Although Manson and Worrall-Clare were notified of the hearing they did not attend, commission chairman Prof Kobus Van Rooyen said.

Sparks, who conducted the SABC's defence, said it was important to emphasise the distinction between the legal teams Curnow's reference to the sharp distinction between the male anti-abortion team and the female pro-abortion team added relevant colour.

He dismissed the other complaints as irrelevant to the hearing because they dealt with legal arguments presented in the case.

Curnow demed that the report mainly carried comments by the defendants, saying it was balanced. She said the anti-abortion group was "distinctly unwilling to comment on the case". The pro-abortion group had a lot of things to say and made a point of being television friendly.

The commission's findings on the complaint will be announced tomorrow.



SABC TV news editor-in-chief Allister Sparks, far right, testifying to members of the Broadcasting Complaints Commission, right, on Friday
Picture TREVOR SAMSON

New forum for black journalists

MOSES MTHETHELELI MACKAY
STAFF REPORTER

A new South African organisation for black journalists is being established and a Western Cape branch of the body is to be formed.

The organisation aims to help black journalists play a leadership role in the media industry

Oupa Ngwenya is to be secretary general of the fledgling Forum of Black Journalists

About 40 journalists and photographers met in Cape Town last week to set up the local branch of the new body.

Mr Ngwenya said the launch on August 28 would aim to increase the number and decision-making

(243) ARG 10/8/98
power of blacks in the media in line with the changing face of the country, that was still struggling to move from an oppressive minority to a liberated majority

The five-member committee comprises Cape Times photographer Benny Gool, SABC radio journalist Alameen Kafaar, Cape Argus reporter Joseph Aranes, Robben Island Museum media officer Africa Msimang and former Weekend Argus reporter Mxolisi Ace Mgxashe. They will set up a Western Cape chapter of the Forum of Black Journalists

Mr Ngwenya said there was a need to raise standards and awareness of development needs and to foster training.

"The imperative facing the

media industry is its relocation to an African centre that will enable the people of the African continent to engage with those from other continents on an equal footing"

He said black journalists should become efficient, open-minded practitioners and sound managers as well as effective media owners, not only in capital terms but also in operational ones

"This power derives its morality from the need to change society, its people and institutions including the media, to make black journalists become authorities and acquit themselves with the utmost professionalism in adherence to the governing codes and ethics of journalism, and yet tackle issues," he said

Editors challenge apartheid-era laws on the press

Talks with Omar, Mufamadi (243)

MICHAEL MORRIS
SPECIAL WRITER

Scrapping, or amending, apartheid-era laws that restrict media freedom and the public's right to know heads the agenda for talks tomorrow between the SA National Editors' Forum and government ministers.

The forum delegation will highlight between 30 and 40 apartheid-era laws they say are in conflict with the constitution and rights to media freedom and freedom of expression. The editors are to propose to Justice Minister Dullah Omar and Safety and Security Minister Sydney Mufamadi that a task group be formed to work through the legislation and suggest amendments.

They will also seek stronger protection for journalists against the State's use of Section 205 of the Criminal Procedure Act to try to force them to reveal confidential sources or news material.

The forum delegation will comprise chairman Mike Siluma, Cape Argus editor Moegsien Williams, Cape Times editor and chairman of forum's media freedom committee Ryland Fisher, Die Burger editor Ebbe Dommissie, editor of Femina and publisher of Femina and Cosmopolitan Jane Raphaely, Isak Minnaar of the SABC, chairman of the Freedom of Expression Institute Raymond Louw and Wendy Morgenrood, former editor of Reader's Digest.

Mr Louw, a former editor of the Rand Daily Mail, said the forum had been researching restrictive legislation with the help of the Centre for Applied Legal Studies and had investigated practices elsewhere in the world.

"We have identified those laws which are important to freedom of expression and media freedom. There are others too, but those would have to be gone into later.

"We want to ask the ministers to set up a committee to incorporate the forum, lawyers from out-

side the government and their own legal advisers in order to go through legislation and discuss how to amend, or cut off, the restrictive sections."

On the controversial Section 205, Mr Williams said: "We have come full circle on this, since we now accept it is not really possible or reasonable to abandon it in view of the greater criminal justice system in South Africa, but we are proposing a compromise we think will resolve the situation."

The proposal seeks to entrench the "just excuse" element of the section, providing a stronger protection for media freedom.

He added: "We are prepared to challenge in court, where necessary, legislation we consider to be in conflict with the constitution and the Bill of Rights."

Mr Fisher said: "We cannot work on the basis that the government is a bunch of good guys who will not use bad legislation."

Dangers of SA's legacy, page 12

ARG 11/8/98

Editors emphasise need to protect sources

As long as Section 205 is used against journalists, democracy is threatened

(43) AGG 12/18/98

Protecting journalists from being forced to reveal confidential sources is vital to sustaining a democratic culture, the South African National Editors' Forum (Sanef) told the Government today.

And, as long as Section 205 of the Criminal Procedure Act is capable of being used by the state to press journalists to breach the confidence of sources democratic culture is under threat.

Entrenching the concept of a "just excuse" to cover the relationship between journalists and confidential sources was one of the main items on the agenda today for talks between Sanef and Justice Minister Dulah Omar as well as Safety and Security Minister Sydney Mufamadi.

But why should journalists be treated differently from anyone else?

When as happened frequently under apartheid Section 205 of the Criminal Procedure Act - which allowed the state to subpoena witnesses, and jail them if they failed to testify - was used to try to force journalists to reveal their sources, the consequences were a loss of public confidence in the media and an erosion of the media's capacity to serve the public interest.

Ultimately, it accounts for a weakening of democracy, and of the ability of a society to govern itself freely.

An erosion of trust in journalists' promises of confidentiality would mean that people who had important, "secret" information on matters of public interest, which they could not disclose in a way that would reveal their identity, would simply not come forward.

Governments, corporations and other institutions vital to public life would be all but freed

of the scrutiny of a watchdog media.

The Info Scandal (the government corruption scandal of the 1970s), and the Watergate saga (which effectively ended Richard Nixon's presidency of the United States), were dependent on confidential sources.

Countless other media exposes here and abroad have, similarly, arisen chiefly from trust in the media tradition of protecting sources.

For these reasons, journalists have been prepared to go to prison rather than breach the trust of their sources.

Under the old law, a magistrate had no alternative but to sentence an unco-operative witness to imprisonment, but in terms of a later amendment, a person subpoenaed who fails to furnish information or hand over documents shall not be sentenced to imprisonment unless the judge or magistrate is "also

of the opinion that the furnishing of the information is necessary for the administration of justice or the maintenance of law and order".

In a series of cases, the concept of a "just excuse" has also been broadened to include not only a "legal" excuse such as the right not to give self-incriminating evidence, but also situations where a witness feared for his life, where it would be "humanly intolerable" to testify, or where professional integrity would be prejudiced and where, with proper police investigation, other witnesses could be found.

Today, the Sanef delegation sought to convince the Government to strengthen the "just excuse" element of the law, in the express interests of media freedom and the freedom of expression.

The delegation, which included Raymond Louw, a former editor of the Rand Daily Mail and now chairman of the Freedom of Expression Institute, noted, "Laws like Section 205 are on the statutes of most countries of the world, and we have realised it is necessary

"In the prosecution of certain cases, the state must be able to subpoena people - officials, say, of a bank - to come forward and reveal information which they

would not normally do unless there was legislation which made them do so.

"However, it has been abused by the authorities in trying to force journalists to disclose information. We say that to use the law against journalists in that way conflicts with the constitution."

Sanef acknowledges that "there is a distinction between the journalist practising his craft, and simply being witness

to something on his way home. We are making a clear distinction between these two circumstances."

But when a journalist has received information that has a bearing on the public interest from an informant who has given the information on the basis that his identity will be kept confidential, "it's wrong of the state to use that clause to extract information from the journalist"

to something on his way home. We are making a clear distinction between these two circumstances."

But when a journalist has received information that has a bearing on the public interest from an informant who has given the information on the basis that his identity will be kept confidential, "it's wrong of the state to use that clause to extract information from the journalist"

Laws forcing journalists to disclose sources 'threaten democracy'

(243) Star 12/8/98

OWN CORRESPONDENT

Cape Town – Protecting journalists from being forced to reveal confidential sources is vital to sustaining a democratic culture, the South African National Editors' Forum (Sanef) told the Government yesterday.

And, as long as Section 205 of the Criminal Procedure Act is being used by the state to pressure journalists to breach the confidence of sources, democratic culture is under threat

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Sanef acknowledged that "there is a distinction between



Enforcer . . . Justice Minister Dullah Omar



Safety first ... Safety and Security Minister Sydney Mufamadi



Credibility threat .. Raymond Louw, Sanef member

a journalist practising his craft, and being witness to something on one's way home. We are making a distinction be-

tween these circumstances"

But when a journalist receives information with a bearing on the public interest from an informant who prefers his identity to be kept confidential, "it's wrong of the state to use that clause to extract information from the journalist"

"It is no good the state saying this is in the interests of upholding the law, because the journalist ends up losing the confidence of the public

"The solution we have proposed is that Section 189, which provides for a 'just excuse', should apply to journalists too

"We say that what constitutes a just excuse is the journalist's right to continue to be able to inform the public and the freedom to conduct his or her profession," Louw said

Another element of great concern, he said, was the use of Section 205 to get journalists or photographers to hand in material "which could be of value to the authorities in investigating a crime", as in the case of the murder of gang leader Rashaad Staggie

"There are two factors," Louw said "Any reporter or photographer seen to be handing incriminating material to the police would be regarded as informers for the police, as gatherers of evidence, and they would lose the confidence of the public

"The other factor is that if they did so, they would be open to threat, and could be in physical danger

"This area is much more difficult," Louw added "People cannot imagine why, if you have evidence on film or notebook, you are reluctant to hand it to police, but the danger is there, and the principle is very clear. The public will not be informed to the same level if the media is emasculated in this way"

Watershed judgment for SA press freedom

By CP REPORTER

CITY PRESS this week won an important victory for the freedom of the Press in South Africa under the new Constitution when the highest court in the land overturned a law which made the media liable in a defamation action, even if all the proper steps had been taken to verify information.

During the past 16 years the media's right to freedom of speech had been treated differently to that of a member of the public.

In regard to a member of the public, deliberate libel had to be proved by the complainant, but with regard to the media a complainant only had to prove "negligence".

This meant that journalists were automatically held responsible for wrong information, forcing them to prove the truth of their information

— even if they had taken all reasonable steps to verify the information

The most notorious case in point was that of General Lothar Neethling's case against the *Vrye Weekblad*, in which the newspaper was ordered to pay Neethling more than a million rand — which effectively killed the newspaper.

The City Press judgment means the original judgment delivered in a 1982 test case by the Appeal Court has been overturned.

City Press Editor-In-Chief Khulu Sibuya, commenting on the long battle to win the test case, said: "City Press did not gain a victory for itself, but for the whole South African media."

City Press had been sued by attorney Nthedi Bogoshi for publishing articles by Assistant Editor Desmond Blow and Gauteng Editor Elias Maluleke regarding third party claims made by him

CP 4/10/98

(243)

Bogoshi brought nine libel claims for R1,8 million against City Press, its distributors and printers.

Originally City Press based its defence on the established claims by the media of accuracy and public interest, but then appealed to Judge Frikke Eloff to include another defence — that the requirements of pure negligence in defamation actions against the media were unconstitutional. Eloff refused to allow the defence.

The matter was then taken to the Appeal Court in Bloemfontein.

The judgment puts South Africa in the class of other democratic nations like Canada, the United States, Australia, New Zealand and western European countries.

In the judgment delivered by Judge Joos Hefer and supported by four other Appeal judges, he said: they overruled the 1982 judgment as "it was clearly wrong".

The judgment said, "If upon consideration of all the circumstances in the case it is found to be reasonable to publish the particular facts in the particular way and at the particular time it would not be regarded as unlawful."

Judge Hefer said the law of defamation regarding the Press did not achieve a proper balance between the right to protect one's reputation and the freedom of the Press.

But the onus should be on the Press to justify publishing articles.

Judge Hefer said that in addition to this new defence, journalists could escape liability by showing that they were not negligent in publishing information even if it turned out to be incorrect.

Media lawyers welcomed the judgment as a watershed in South African media law.

Advocate Schalk Burgelman, instructed by Hothmeyrs, appeared for City Press

11/10/98

Racial tensions erupt at staff meeting at The Sowetan paper

Pearl Sebolao

(243)
SD 16/10/98

RACIAL tensions at the Sowetan newspaper came to a head at a staff meeting last week when the Media Workers' Association of SA (Mwasa) allegedly tried to prevent MD Mike Tissing from criticising the union's concerns about a "crisis" in the editorial department.

The union has alleged that Indians get preferential treatment and promotions are made on racial lines.

Tissing confirmed this week that "some union members tried to stop the meeting from taking place" It went ahead, but without the union's participation.

Union national treasurer Joe Mdhlela walked out in protest

and faces disciplinary action.

Tissing invited staffers to "solve the problem together constructively". He, however, cautioned that "the union's racist language ... belongs to our discredited apartheid past".

A source said Tissing's comments about the union's alleged vendetta against Indians had only succeeded in creating

racial divisions.

A letter from Tissing to the union this week alleged that former news editor Rafiq Rohan resigned because of "derogatory references to him being Indian".

Mdhlela denied this and said the union had never been racist. The union's Sowetan chairman, Mokgadi Pela, would not comment on the dispute.

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CONCLUSION



Government tolerant of media monopolies

BD 20/10/98

(243)

Themba Hlengani

GOVERNMENT had no intention of regulating media ownership in SA, except within the framework provided by the Independent Broadcasting Authority (IBA), government communications head Joel Netshitenzhe said yesterday

Speaking at a seminar on media freedom organised by the Sowetan newspaper, Netshitenzhe said that there was a massive drive by government to promote diversity in media ownership

The IBA is a statutory body set up to regulate the SA broadcasting industry

Netshitenzhe said that while competition policies were enough to regulate media ownership, the industry "needed to shake up" for the sake of its own credibility

He challenged the domination of the me-

dia by monopolies, saying this raised questions about the nature of free speech in SA

"How can freedom of expression be possible in a situation in which four major publishers control most of the newspapers and distribution today?" he asked

However government had no intention of breaking up the monopolies controlling the media in SA

He said a task team appointed to look into the media industry in SA found that a sizeable percentage of the population did not rely on the media for information. Government had to do something about this situation which mainly affected rural people

There was a need for an independent media development agency which would be concerned with media training and ensuring a fair distribution of resources within the population

The seminar, which formed part of the 10th-year celebration of media freedom in SA, was organised in order to commemorate the banning by the National Party in 1977 of *The World* and *The Weekend World* newspapers

Attended by local and international journalists, the seminar also discussed gender equality within media organisations, with some participants saying the industry was still a "boys' club"

Most black female journalists left the profession because of discontent and marginalisation, some participants said

Business Day reporter Nomavenda Mathiane said that the unfair treatment of black women journalists had not changed, despite the appointment of a number of black males into management positions in most media groups

Mixed reaction to probe into media

BY RAPHAEL BANDA

More than 60% of the complaints received by the Human Rights Commission concerned racism, chairperson Dr Barney Pityana said yesterday

Speaking at a news conference, Pityana said a current investigation into racism in the media was not aimed at limiting press freedom. "A study of racism in the media hopefully will heighten the sensitivity of all South Africans to the issue of racism and will ensure a greater respect for freedom of expression."

Pityana said the commission had not been under government pressure to launch the investigation, but was approached by the Black Lawyers Association (BLA) and the Association of Black Accountants

They lodged complaints of racism against the *Mail & Guardian* and *The Sunday Times*. The HRC ruled it would not investigate the two newspapers, but would launch a



HRC chairperson Barney Pityana ... will ensure respect

wider investigation instead

Pityana said "There is no reason to believe that the media are somehow insulated from the prevailing racism in our society"

Reaction to the announcement of an inquiry was mixed

"If the HRC is going to undertake such an investigation we shall have achieved much more than we had hoped for," said Jake Moloi, chairperson of the BLA

The Government's information chief, Joel Netshitenzhe, said it would be interesting to see the ultimate recommenda-

tions and proposals stemming from such a probe.

The Sunday Times said the move by the HRC "is the antithesis to democracy". The result of the probe "will be akin to a regime of censorship".

Business Day, citing Pityana's "ideological baggage", said "there is unlikely to be any mileage in it for any media institution to co-operate"

But Peter Sullivan, editor of *The Star*, has called the clamour against the inquiry ill-advised. "The media has been found wanting in the past. The enemy is not the HRC, but racism which keeps reconciliation beyond reach.

"If we are to move forward as a nation, the media should take seriously the perception that it violates the rights of a section of the population."

SA National Editors Forum chairperson Mike Siluma said the HRC was within its rights, but he would have hoped that it had more pressing issues to investigate

17/11/98

Legal experts warn that an inquiry into racism in the media could result in censorship, writes Jackie Cameron

Press 'threatened' by HRC probe

(249) ARG 21/11/76

The controversial Human Rights Commission (HRC) investigation into "subliminal racism" in the South African media could be a precursor to legislative attempts at harnessing the press, legal experts have warned. They include University of Cape Town academic Dennis Davis (now a High Court judge) who himself has had a run-in with commission chairman Barney Pitso, and in a celebrated TV debate, called Professor Davis a "racist".

The investigation follows complaints by black lawyers and accountants that media investigations into government corruption amount to "subliminal racism" because most of those exposed have been black. It has been widely interpreted as an attack on press freedom and in contradiction to the recent government summit on corruption where politicians undertook to protect "whistle blowers" who exposed corruption.

Instead, pressure on the "whistle blowers" appears to be growing and Democratic Party leader Tony Leon warned this week it was only time before Judge Willem Heath whose commission is investigating corruption, was labelled "racist".

While the HRC inquiry has been welcomed by many, some have warned that the pressure of ambiguous tags of racism could ultimately lead to self-censorship - akin to that applied by the media under the National Party government. This week commissioner Helen Suzman broke ranks from her colleagues on the controversy-dogged commission following their decision to probe racism in the media, and said the investigation was a highly ambitious project which would probably not lead to significant changes in the way this industry conducted its business.

As the debate raged in newspapers and on radio, Mrs Suzman told Saturday Argus "Obviously wherever one finds racism, one wants to expose it. But I think they have undertaken a very ambitious task. You would have to sit and monitor

every radio broadcast and every newspaper before coming to any considered opinion on the matter". The HRC has proposed an investigation, largely into "subtle" forms of racism, following complaints which included a claim that the Mail & Guardian had singled out black people for attention in their investigations into corruption.

Another complaint attacked the Sunday Times for focusing on the plight of white crime victims, while burying a story on the deaths of people in KwaZulu Natal in the news-in-brief column.

Mrs Suzman said she was uncertain what her colleagues meant by their description of racism in the media as "subliminal".

"They (my colleagues) call it subliminal racism. It's subtle, not overt racism. One has to take into account, in doing a statistical analysis, the demographic disparity between black and white."

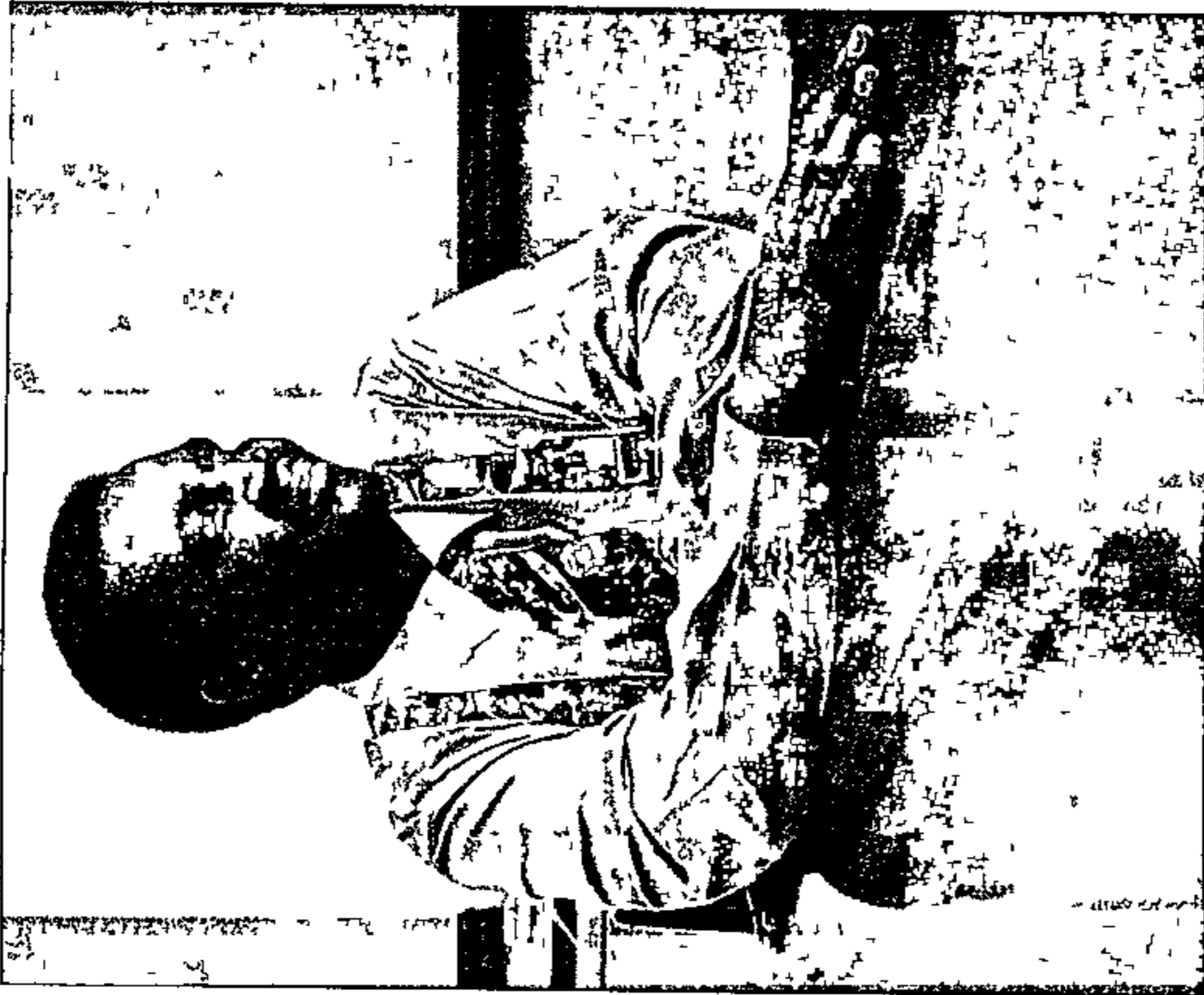
"There are likely to be more incidents (of corruption) where black people are involved because there are more black people. Of course, there was plenty of corruption under the previous government when whites were in positions," she said.

Mrs Suzman said her "own experience of the English language press was a pleasant one", and that she doubted whether the non-white directors overseeing the Sunday Times would sit back and ignore racism in that newspaper.

"I didn't fight (the proposal) if there's racism, let it be exposed. I didn't object to the principle," Mrs Suzman added.

A senior public law lecturer at the University of the Western Cape, Pierre de Vos, said: "This is a general commission of inquiry that they are setting up. The HRC seem to imply in their statement that the final report might inform the process of drafting legislation later on."

"The constitution says the state must adopt legislation to regulate or give effect to the constitutional pro-



DR BARNEY PITSO, perhaps according to one of his critics, not 'the most objective person' to conduct the study into racism in the media

vision which deals with discrimination between private individuals, and how to ban it. They (the HRC) are suggesting this (inquiry) process might inform the legislation.

There's a bit of tension between the right to express opinions and the prohibition on discrimination. The HRC seems to suggest there could be, in the legislation, some room for regulation of the media. They are alluding to this," Mr De Vos said.

He said it would be "difficult" for the Government to introduce legisla-

National Party had the Steyn Commission of Inquiry - and that report was used as a stick to get the media to regulate themselves. One fears that the new report could be used in the same way," Mr De Vos said.

He added that he believed the media "often reports on events through white eyes" and that the Government had legitimate concerns about how the media dealt with race.

Professor Davis was accused by Dr Pitso, in 1996, of being a "racist" after he questioned the appointment of HRC commissioners who did not have a proven record in fighting human rights abuses. Professor Davis said this week that he was "not entirely certain" that Dr Pitso "is the most objective person" to conduct the study, and also stated the media for failing to cover the racism debate "with any degree of intelligence".

"I'm in favour of debate, if we're talking, not about censoring, but illuminating racist practices of the more subtle variety, then I think it's a wonderful idea. We are supposed to deliberate," Professor Davis said the constitution did not aim to "restrict all forms of racism - only ones which cause harm".

He said the Freedom of Expression clause in the constitution "was never intended to be an absolute one".

"The greatest censure of racism is more speech, not less. The constitution envisaged more speech. People need to debate issues and hopefully racism will drown out racism."

"Racism is not just a question of verbal abuse. It's a question of power. Racism in South Africa disempowered people. Black people and women need more options to express their views."

Professor Davis said national debates on racism "would be hurtful - there's no doubt".

"White people need to be educated. Whites have got off lightly. Most are living exactly as they did before," he said.

Prof Davis added that if the

inquiry was "designed" as a precursor to legislation banning racism it could spark the same kind of censorship of legitimate political debate as the National Party had done.

Freedom of Expression Institute spokesperson Laura Pollock said her organisation was "being very cautious" about making statements and "we're waiting to see how they (the HRC) do it. To deny racism in the media would be to deny our past. You feel differently about the issue, depending on the colour of your skin. I understand that we will be consulted about it," she said.

Mrs Pollock said she believed the HRC - which has the powers to search, seize documents and subpoena people - would not resort to "heavy-handedness" with the media.

"I don't think it's a fait accompli that they will have hearings. At this point the HRC are talking about an inquiry. This could take the form of, for example, a scientific content analysis," Black Lawyers Association spokesman Jake Molo said that he welcomed a broader investigation into the media because his organisation had not had time to study newspapers other than the ones they mentioned when they filed their "concerns" to the HRC. He declined to comment further about the matter.

A National Association of Democratic Lawyers spokesman said his association would not take a stance on the matter until they had discussed it in detail.

SA National Editors Forum vice-chairperson and Cape Argus editor, Mogens Williams, said: "There are problems around race in the media, the same problems you would find at universities and in other sectors. It's difficult to comment without knowing what the terms of reference for this inquiry will be - but why start something like this if whatever your recommendations are going to be will be difficult to implement?"

"One has to consider the objectives for the inquiry. In my view, there are people who have a percep-

tion that somewhere in a high rise building in Johannesburg there is a group of white men who control the media. And they believe these men are essentially anti-black, and therefore anti-ANC and anti-government. This is a conspiracy theory. I can tell them now that there is no such thing as a white cabal pulling the strings - they don't need to have an inquiry to find this out. What can the HRC do about racism, unless they change a clause in the constitution? For this they would need a two-thirds majority (in the election)."

Mr Williams said the proposed inquiry "would ultimately, to me, be a waste of money and time".

The HRC would not officially divulge further details of their intended inquiry, but released a general statement this week which said its aims included:

■ To "generate debate and dialogue among South Africans about the nature of racism in South Africa"

■ To provide a tool, for all South Africans, to "address racism"

■ To help media workers understand how their work is viewed "so that they can sharpen their capacity to be responsive to the needs of the people and reflect the true nature of South African society"

■ Teach South Africans how to "use race theory and analysis so that there need be no defensiveness", but sensitivity "when it comes to accusations of racism"

Dr Pitso said this week "The commission will be able to use its powers. We also hope that there will be maximum co-operation from all interested parties such that resort to the powers may not be necessary." He said he hoped to "get the assistance of experts and researchers with knowledge of both racism and the media", and said the final outcome would be a report "with findings and recommendations".

The HRC will publish the "terms of reference and rules of procedure" for the inquiry in the Government Gazette in January.

Probe into media racism won't affect freedom of expression, says HRC

29/11/98

CP 29/11

By SANDILE MEMELA

WHEN the chairman of the Human Rights Commission, Barney Pitso, announced plans to launch a probe into racism in the media, he stirred a hornet's nest.

Opponents brand the probe an attempt to maul the press and undermine not only its independence but the constitution. Those in favour say resistance to the Commission's initiative is part of the agenda to systematically maintain white

supremacy and racism. They argue that whites continue to control and colonise the minds of Africans through a media monopoly that blatantly expresses the conquest and ownership of one people by another. The executive director of the Freedom of Expression Institute (FXI), Laura Pollcut, views the proposed investigation with caution.

"We have adopted a wait-and-see attitude until the Commission has defined its terms of reference," she said. "However, we do believe that racism

exists in the media as in any other segment of our society."

Mandla Seleane, chair of the FXI, told City Press he acknowledged that racism permeated the media industry.

"I want to state quite clearly from the outset that I am not concerned with the factual inquiry whether there is racism in the media in South Africa.

"The Commission has already resolved to carry out that inquiry and we must await its findings.

"Similarly, I am not concerned with the denial by some people that there is racism

in the media.

"Instead, I am concerned with the philosophical issues entailed in the debate," said Seleane.

The Commission's spokesperson, Edwin Naidoo told City Press the fierce resistance would not stop the probe.

"We see this as natural extension of our work to investigate racism that continues to violate human rights. In fact, more than 60 percent of complaints received concern racism and nothing is going to stop us from looking at it, especially in the media," said Naidoo.

The Black Lawyers Association was the first to approach the Commission about the white-owned media's alleged agenda to indoctrinate people to believe in the inherent inferiority and corruption of blacks in positions of power.

Although its charges were thrown out, the Commission's intention to investigate racism has left the BLA with a sense of vindication.

According to Naidoo the Commission was following a self-determined programme to pursue its aims.

"We have not received specific complaints from any individual, except in en-

counters with journalists throughout the land who have insisted that racism is highest in the media.

"The issue at stake here is racism and not freedom of expression as has been suggested.

"In fact, there is no way that we can dictate to the media on what to do about its problems. We can only make recommendations to Parliament and the industry in the hope that we can make the country move forward.

"It is very good that the issue has been brought out into the public arena."

11/98
expression, says HRC

THE TRUTH AND RECONCILIATION COMMISSION

'Media must be open to scrutiny'

(243)

Source: 3/12/98

By Robert Nkuna

THE report released by the Truth and Reconciliation Commission in October revealed the role of the media in human rights violations during apartheid.

From the report it emerged that - contrary to media claims of being impartial and objective - the media played a role in building a foundation for apartheid oppression.

Since apartheid, nothing notable has been done to transform the media.

In October 1997 the South African National Editors Forum (Sanef) and Independent Newspapers co-sponsored a conference at Rhodes University on a new paradigm for journalism in South Africa.

From that conference it was evident that there was an urgent need to transform both the industry and journalism training institutions to enable them to play an adequate role in the democratisation process.

As they stand today, they are not much different from what they were in the past. The Human Rights Commission's recent announcement of an inquiry into racism in the media therefore comes at a crucial period.

It also comes at a time when opposition parties have been calling for the strengthening of the independence of the Independent Broadcasting Authority (IBA), criticising the proposal in the new broadcasting Bill that the Minister should have powers to issue policy directives on broadcasting.

Since the HRC's announcement there has also been an outcry from the media, which has implied that its decision was politically influenced and was an attempt to curtail freedom of expression.

One thing that comes quickly to mind is why the media and opposition parties all see a need to defend the role, independence and integrity of the IBA and not that of the HRC.

Together with institutions like the public protector and Commission on Gender Equality the HRC was established by the Constitution to defend constitutional democracy through promoting and protecting human rights.

A question that keeps on coming up is, what happens if the media is found to be perpetrating human rights violations, for example, contravening the equality clause in the Bill of Rights?

For democratic order to triumph, it is important to deal with the issue of "untouchables" - genuine development and democracy cannot happen with certain institutions being untouchable.

The media in South Africa has unlimited influence over the public and it is within that context that the media should be looked at.

"We believe that the media occupies a very important position in South African society," the HRC said.

"The media moulds ideas, fashions thinking in society and shapes public opinion. The media is a powerful in a democracy.

From such an observation it is clear that the media cannot be beyond scrutiny or reproach.

And freedom of expression and that of the press should not be about secrets



The Human Rights Commission recently announced that it would launch an inquiry into racism in the media in South Africa.

PIC PICTURENET

or untouchables, but about openness and positive engagements among various institutions.

And given the damage racism caused to South African society, it has become a human rights issue.

What is not clear is whether opponents of a media inquiry are contending that the HRC lacks credibility or that the media is beyond reproach.

But with no-one arguing against the existence of racism in the media, can we then say that the media, both in terms of demographics and content, should have control over what constitutes freedom of expression?

To lower the temperatures, the HRC has - through its chairman Barney Pityana - indicated that the inquiry is not a witch-hunt but an attempt to put the state of affairs in the media under scrutiny.

The HRC hopes that the outcome of the inquiry will open a discourse among South Africans.

Even if the Association of Black Accountants and the Black Lawyers Association did not complain to the HRC, the TRC report would still have provided fertile ground for this inquiry.

Although the argument may be that the HRC is acting incorrectly in establishing the inquiry, not having received complaints about the media in general, it should be noted that legally it is not compulsory for the commission to receive complaints before it acts.

And given the fact that racism in the media affects the whole country, it is appropriate for the HRC to run the show.

Sanef cannot be left with the responsibility because all its members will be subject to this inquiry. And when asked about the role of the Press Ombudsman, the HRC said that it would be a partner in the process.

The challenge to the media and freedom of expression organisations should be to assist the HRC to formulate terms of reference or methodology, which will not compromise media freedom and editorial independence.

And noting that the commission has the power to search, seize and subpoena, we should define how these powers can be exercised without infringing media freedom.

If this is done satisfactorily, the inquiry can only have positive spin-offs for freedom of expression for it will ensure that more voices will be heard than are currently represented in the media.

The challenge confronting South Africa is to ensure there is no institution that is above reproach - in promoting our democratic values and human rights, all institutions, including the media, should be subject to scrutiny.

An absolutist definition of freedom of expression when it comes to the media is not going to assist in building the future, and for the media to enjoy wide acceptance in society, it will have to be available for scrutiny.

(The writer is the deputy chairman of the Freedom of Expression Institute and a member of the National Community Media Forum. The article is written in his personal capacity.)

Press - 1999

Misunderstanding on racism probe cleared up

Dustin Chick
and Sapa

MISUNDERSTANDING on the reason for an SA Human Rights Commission investigation into racism in the media had been cleared up during a meeting between the commission and SA National Editors' Forum on Tuesday, Sanef chairman Mike Siluma said yesterday.

The misunderstanding arose after a number of editors expressed concern that the investigation would result in a "witchhunt" against certain publications.

This was cleared up after assurances that the investigation would examine "the manifestation of racism in the products of the media".

Siluma said it was the forum's understanding that the commission's investigation would help contribute to the elimination of racism in society.

The commission has also proposed in a discussion document that the constitution does not go far enough to guarantee equality or prohibit unfair discrimination in all spheres of society and that specific legislation is needed to ensure this.

The document explores the idea of introducing laws aimed at addressing various forms of discrimination South Africans experience in their daily lives.

"The problem of discrimination in SA

society is deep-seated, multifaced and pervasive," the document says.

Discrimination based on racism, sexism and other grounds occurs for many reasons. These are related to a range of psychological and sociological factors, including religion, morality or fear.

The document questions whether the law is an appropriate mechanism to address these factors. Although the Constitution guarantees equality and prohibits discrimination it does not go far enough.

The same can be said about other constitutional rights which are expanded upon in more specific legislation.

Discrimination is difficult to prove in the courts. "Therefore legislation which specifically deals with discrimination should provide more useful remedies and speedy procedures," the document says.

Meanwhile, the commission announced the appointment of Thomas Manthatha and Leon Wessels as members yesterday. Both assumed duty on January 1.

Manthatha was for many years a field worker for the Dependents' Conference of the SA Council of Churches.

Wessels comes to the commission from private practice on the Johannesburg Bar. He left Parliament in 1996 immediately on the adoption of the final Constitution and served for many years as a National Party MP for Krugersdorp.

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BD 15/1/99

Media racism probe soon

Star 15/1/99

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STAFF REPORTER AND SAPA

The Human Rights Commission said yesterday it was ready to begin its probe into racism in the media and would be examining all media producers, regardless of size.

The commission envisaged the investigation helping South Africans with the "process of engaging openly in a dialogue about the lingering effects of racism in our society"

"It's not a witch-hunt; we want to get South Africans to discuss the issue," said HRC spokesperson Robert Nkuna

He said the HRC did not intend prosecuting any of the media organisations.

"By Monday we might be able to give an indication as to when the investigation will start. It will have to be very soon because we do not have much time or resources."

There will be four stages to the commission's inquiries, the first being an invitation for submissions and the commissioning of independent research.

The submissions will then be

studied, and parties implicated will be called to make a counter-submission. Public hearings will then be convened and a report and recommendations will be published

The HRC met with members of the SA National Editors' Forum (Sanef) this week and briefed them on the probe.

Sanef chairperson Mike Siluma said the Sanef executive believed there may have been a misunderstanding on the reason for the inquiry. "If the inquiry is successful, we believe the findings could help the media in their capacity to be responsive and sensitive to the needs of all the people of South Africa"

The matter would be fully discussed by Sanef's national council at its meeting in Cape Town next month, when it would adopt an official position on the inquiry.

Comments from concerned parties received by January 22, will be considered before the publishing of the final terms of reference in next month's *Government Gazette*

Spectre of the old order still dogs this country's journalists

Star 4/2/99 (243)

BY PETER REYNOLDS

The "New South Africa" criminal justice system has been quick to learn from its predecessors the very best way in which to antagonise the media.

Section 205 of the Criminal Code is, on the face of it, a simple provision whereby the police require a person, who may have information relating to a crime, to give evidence on oath before a judge or magistrate so as to assist the police in their investigations.

In today's climate of lawlessness, this would seem to be a fit and proper provision to ensure the effective administration of justice. However, the police, like those in the apartheid

era, are now using the provisions of section 205, or equivalent legislation, to harass the media into supplying information in relation to criminal activity.

One should remember the cases of two journalists, Benjamin Pogrand and Patrick Laurence (there were others), who, when subpoenaed under section 205 to supply confidential information to the police concerning crimes, refused to answer questions which could disclose the identities of their confidential sources.

Apart from being a breach of confidentiality, it offended their journalist code of ethics. They were sentenced to imprisonment without the option of a fine on the basis that they enjoyed no legal immunity from disclosing such information.

The controversial use of section 205 of the Criminal Procedure Act which, in the apartheid-era, saw journalists threatened and jailed for failing to disclose their sources or refusing to give information to the police - has now resurfaced in the aftermath of the Pagad killing of Rashaad Staggie in Cape Town in 1996.

Recently, journalists have received subpoenas to give evidence at an inquest into Staggie's death of what they saw and/or produce film taken at the scene of the unrest. Seventeen journalists have been subpoenaed, so far, and have refused to respond. In other words, they are being forced to assist with the police investigations, and give State's evidence against the accused, should there be a trial. This is the resurrection of the journalists' worst nightmare - they either disclose the information and give State's evidence, or go to jail.

But why do journalists have this problem with section 205 and the similar provision under the Inquest Act, and do

they differ from the rest of us? Of course not - the journalists are no different from anyone else - they have no special immunity or privilege, and that is their Achilles heel. The courts in the past and probably now, will not accept the excuse that, by furnishing the required information and disclosing information, journalists will be either infringing their journalistic code of ethics or destroying their integrity, or, more probably, both.

The journalist must either supply the information or suffer the consequences. If he cooperates with the police, his integrity is in tatters, and his career as a journalist, at least, in jeopardy; and if he refuses to co-operate, he stands a good chance of going to jail and

saw while they, in the course of their duties, were in areas of unrest.

Are they the eyes and ears of the police and our justice officials? Are they to be an extension of the criminal justice system? What journalists worth their salt would willingly give evidence for the State for this purpose?

Firstly, they could be singled out for "treatment" next time they ventured into an unrest area, and, secondly and more importantly, their integrity would be "snuffed out" for the remainder of their journalistic careers. What local group of persons, eg Pagad, AWB, UDM etc, would allow such journalists near a sensitive area of unrest to film and/or report the events if they are known to co-operate with the police to secure criminal convictions, and who will entrust any sensitive information to such people?

Journalists must be allowed to pursue their professions, in a lawful manner, without harassment, in the best interests of what the press is all about; this is what one of the fundamental rights in our constitution is supposed to give us - but does it? This issue, of vital importance to freedom of the press and all media, is being argued by lawyers in Cape Town.

Use section 205 and other legislation for legitimate purposes by all means, but don't abuse it by seeking to use reluctant journalists as an extension of the arm of justice - it will not work. What is needed is not possibly favourable court judgments, but a further dramatic change in the law. The minister of justice has been talking about it for some time - now some action is required.

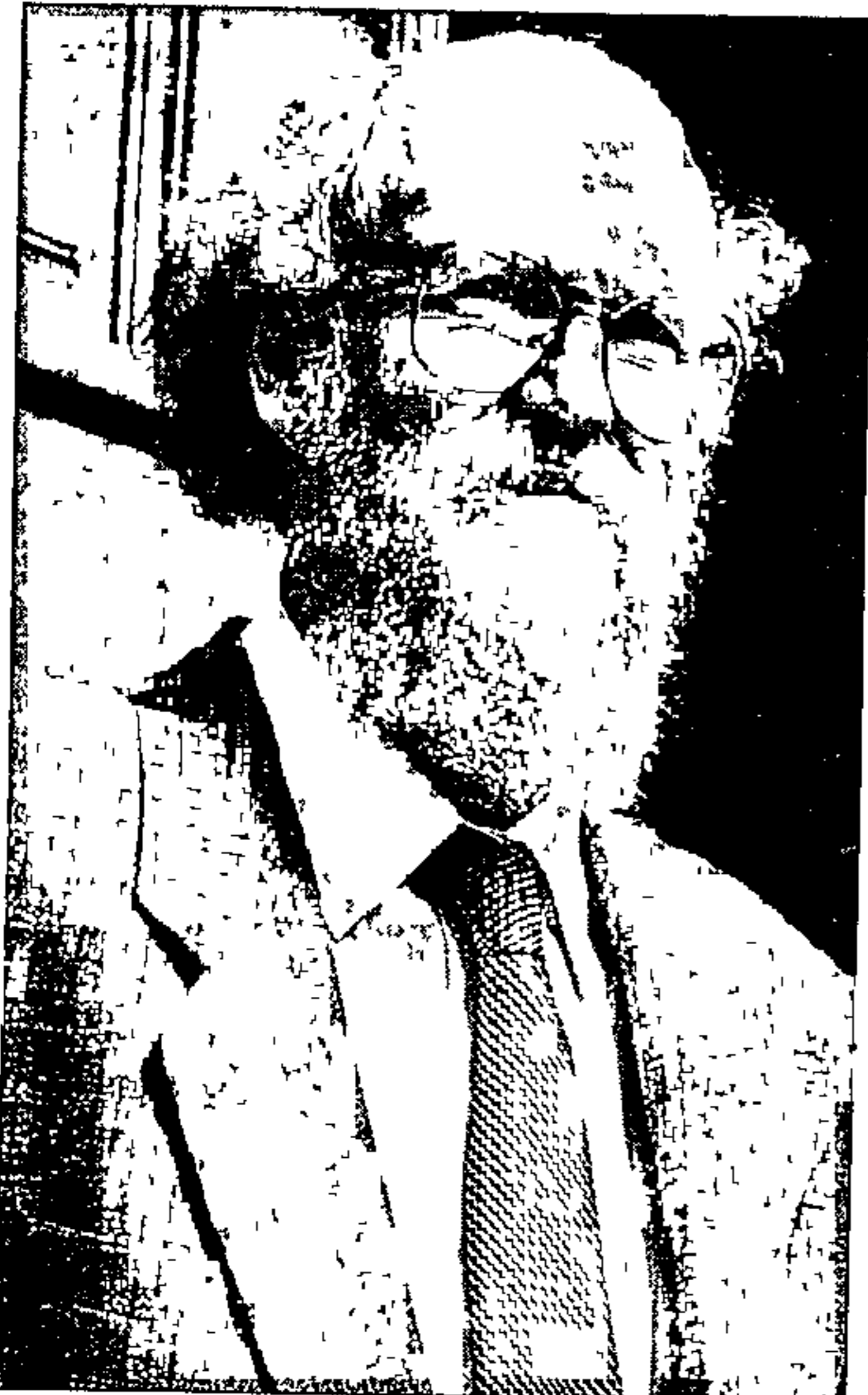
■ Peter Reynolds is a senior partner at Webber Wentzel Bowens, specialising in media law.

Code of ethics under attack

staying there until he does cooperate

In 1994, an enlightened appeal court in Gauteng set aside a journalist's conviction of a year's jail, for refusing to comply with a section 205 subpoena, on the basis that proper police investigation would have rendered the procedure unnecessary, and that such compliance would have jeopardised the newspaper's reputation of being impartial and objective. But will that judgment be followed in Cape Town or Durban, or even in Gauteng itself?

The Pagad affair has given rise to a flurry of section 205 subpoenas calling on members of the media to disclose sources, hand over film and/or to give evidence of what they



Refused to answer questions ... journalist Patrick Laurence outside the Rand Supreme Court.

Terms of reference for media probe (249)

Themba Hlengani

THE Human Rights Commission had finalised its terms of reference for investigation into racism in the media, the SA National Editors' forum said at the weekend

The commission will

— Investigate the media's handling of race and the possible incidence of racism in the industry, and whether such racism constituted a violation of fundamental human rights, and

□ Probe the causes and examine the impact on society of racism in the media

Submissions to the investigation have already been received from Times Media, Print Media Association, Nasionale Pers and individuals. More submissions are still being sought.

The investigation will be conducted by a panel to be headed by commission chairman Barney Pitso Moseneke or another commission member designated by him.

It is not clear when the findings will be released.

DD 15/2/99

Star 28/2/99

New agreement protects journalists and sources

OWN CORRESPONDENT

Cape Town - For years, journalists have fought against the police invoking Section 205 of the Criminal Procedure Act to try to force them to reveal confidential sources or to hand over information and other material.

On Friday, a landmark memorandum of understanding designed to protect journalists and confidential sources of information was signed between the Government's law enforcement ministries and, on behalf of the media, the South African National Editors' Forum.

The agreement is an interim measure to provide protection for journalists and their sources while possible amendments to the act continue to be explored - and includes provisions regarding the issuing of

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Section 205 subpoenas on journalists as a measure of last resort, and then only after extensive consultation

The agreement was signed by Justice Minister Dullah Omar and representatives of Safety and Security Minister Sydney Mufamadi and National Director of Public Prosecutions Bulelani Ngcuka, for the state, and *Cape Argus* editor and editors' forum vice-chairperson Moegsien Williams, on behalf of the media.

Several Cape Town journalists and newspapers - including the *Cape Times*, *Cape Argus* and *Die Burger* - are in dispute with the state over whether material information surrounding the August 1996 lynching of Hard Livings gang leader Rashaad Staggie should be handed over to the state.

Deal to protect sources a 'first step'

Taryn Lamberti

(243)

AN AGREEMENT signed by the SA National Editors' Forum (Sanef) and government representatives in Cape Town on Friday was described by Sanef as only the first step towards making it possible for journalists to protect sources without fear of prosecution

Cape Times editor Ryland Fisher, convenor of Sanef's media freedom committee, said the agreement was "by no means perfect" but would serve as a "safety net" for journalists until legislation could be amended.

Fisher said the next step would be to amend section 205 of the Criminal Procedure Act, which can be used to force journalists to disclose confidential sources. This would probably be done only next year because of the backlog of legislation. The third step would be to amend more than 40 other pieces of legislation which affected journalists.

Friday's agreement stipulates that prosecutors or safety and security officials seeking to compel journalists to testify or provide confidential documents will be referred to Bulelani Ngcuka, the national director of public prosecutions. Ngcuka will give the media an opportunity to make representations or "initiate a process of mediation and negotiation"

The agreement was signed by Justice Minister Dullah Omar, safety and security secretary Azalia Cachalia, Ngcuka and Cape Argus editor Moegsien Williams, the vice-chairman of Sanef, after six months of discussion.

Sanef said the agreement should insure that section 205 was invoked only as a last resort.

Fisher said section 205 was frequently used by police in cases not involving journalists, for example to force banks to disclose records which would assist in tax evasion cases

Journalists have opposed section 205 vigorously and many have chosen imprisonment above disclosing sources in court.

Cape Town media agencies have refused to adhere to subpoenas from the magistrate presiding over the inquest into the death of gang boss Rashad Staggie. The agencies argue that the freedom of the media would be jeopardised if they were forced to give their material on the incident to the police.

Fisher said he hoped the magistrate who had subpoenaed the journalists would see the matter in the "spirit of the new agreement" and drop the subpoenas.

DA 22/2/99

Media freedom queried after journalist's arrest

PD 10/3/99 (243)
The military has defended its decision to lay charges against a Swiss journalist, despite the fact that the documents he possessed were supposedly in the public domain, writes Taryn Lamberti

CLASSIFIED documents remain classified until they have been in the state archives for more than 20 years or until the originator of the document decides to declassify it, says defence department spokesman Col John Rolt.

He said an internal departmental inquiry would be set up "within the next few days" to establish the status of the document over which Swiss journalist Jean-Phillippe Ceppi was arrested.

Rolt said he could not comment on the fact that truth commission spokesman Mdu Lembede said the document was handed to journalists at the commission's chemical and biological warfare hearings last year. He could also not say why the Western Cape's director of public prosecutions, Frank Kahn, had decided not to pursue the charges.

Ceppi was released from police custody late on Monday after spending the weekend in the Table Bay police station.

He was arrested on Friday and charged with being in possession of classified documents which were found in his hotel room.

After his arrest, Ceppi was taken

to the Sea Point police station but was later transferred after Swiss diplomats raised a furore over the conditions of his detention.

After his release from custody at the Cape Town Magistrate's Court, Ceppi said he was considering civil action against those responsible for his arrest.

The charges were withdrawn after a lengthy discussion between Kahn, senior public prosecutor Mark Wakefield, Ceppi's advocate Anton Katz and instructing attorney Richard Rosenthal.

Ceppi, who denied that he had violated any SA law by being in possession of the papers, described his ordeal as "horrific".

Media observer Raymond Louw, said the "outrageous" way in which Ceppi had been arrested was a setback in the move towards media freedom in SA.

Louw said government had agreed to review legislation affecting journalists in an agreement signed with the SA National Editors' Forum (Sanef) in Cape Town last month. Government needed to "move more quickly" in this regard.

The law under which Ceppi was

arrested was "an old one" which contravened the constitution, he said.

Despite Ceppi's arrest, Sanef and government's agreement was "still making headway", as the government had withdrawn the charges "because they knew they were making fools of themselves", Louw said.

He said government was "paranoid about anything to do with state security relating to the last regime", which "boggles the mind".

Rolt said he could not say why the documents were classified, only that they were classified.

The Foreign Correspondents Association of Southern Africa told Sapa it welcomed Ceppi's release.

"However, we condemn in the strongest possible terms his original arrest and jailing for the alleged possession of confidential documents," said spokesman Alex Belida.

"We remain deeply concerned about the existence of laws in SA which permit the authorities to restrict the publication or broadcast of sensitive information as well as laws which can be used to compel journalists to reveal their sources."

These laws remained a threat to freedom of the press, Belida said.

Southern Africa media under siege

JAMES RADEBE

Zimbabwe may be leading the pack but the rest are not far behind

A RECENT seminar on the media situation in Zimbabwe held in Johannesburg painted a bleak picture for the press in the region as governments fail to uphold the human rights standards they claim to abide by.

"Angola and Namibia have struck at the media recently," says Raymond Louw of the SA National Editors' Forum. "Swaziland has tried to institute a draconian press council and Botswana is also considering this. In South Africa the media is also under fire."

The most highlighted cases have been the excesses of Mugabe's government against the independent media in his country. Two reporters who wrote an article alleging there had been a failed military coup were detained by military police and tortured.

Two others were arrested for an article connected with the army's role in the civil war in Laurent Kabila's Congo.

The Zimbabwe government has said it will ban foreign ownership of newspapers and National Union of Journalists' secretary-general Basildon Peta fears the worst is yet to come.

"The media is under siege," says Peta. "We have a very serious problem, a government-related problem, but the scapegoat is the independent press."

Zimbabwe is one of very few countries in the region to maintain a total state monopoly of broadcasting while the government has a control of the print media, which is unparalleled in Southern Africa, notes media watch-group Article 19.

Communication by other means is also an uphill task for Zimbabweans — the country has 1,4 telephone lines per 100 people — one of the lowest teledensities in Southern Africa and the fourth

worst record of faults in the world after India, Tajikistan and Nigeria.

In Angola, the government recently clamped down on journalists as the country became sensitive over a war fought on two fronts — at home and in the DRC. In January, a radio station called Ecclesia was reportedly barred, on three occasions, from broadcasting reports on fighting between government and Jonas Savimbi's Unita rebels and on interviews with Unita officials.

The director of another independent radio station called Morena, Jose Cabral Fandé, was recently detained for two days following reports on the war.

In Lesotho, the director of Public Prosecutions wants to charge Candi Ramanoane, editor of the magazine *Moafrika*, which carried a series of articles critical of the court martial of 50 defence force members charged with mutiny.

And in SA, 17 press organisations are currently battling the High Court over the right to protect their sources. The organisations are refusing to hand over to police video and photographic evidence in the murder of a prominent drug trafficker and gang leader Rashaad Staggie in Cape Town.

Staggie was publicly shot and burned by members of vigilante group People Against Gangsterism and Drugs (Pagad) in an anti-drugs protest in 1996.

A section of the apartheid-era Criminal Procedure Act can be used to force journalists to disclose their sources.

Neighbouring Swaziland, ruled by the coverage of the SA press, wants to restrict SA journalists covering events in the country, following what Deputy Chairperson of the Constitutional Review Commission, Promise Mshib, dubbed "an insult on the kang".

Says Raymond Louw, who also works for SA's Freedom of Expression Institute: "We are concerned about the well-being of all journalists under threat. Threats to journalists anywhere are threats to press freedom" — Independent Foreign Service

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CAITLIN DAVIES

Botswana journalists push for changes in law

CT 18/3/99

FLED up with the near impossibility of getting information from government, Botswana's media workers are pushing for a Freedom of Information Act based on the premise of "the right to know" rather than "the need to know".

Two lawyers have drawn up a draft document for the Media Institute of Southern Africa (MISA), for presentation to the government.

The difficulty of getting even the most routine information has become so acute that even government journalists complain. Few civil servants will talk to the press, fearing retribution, and inquiries are usually directed to permanent secretaries who are frequently unavailable.

One independent journalist was recently refused access to court files, while the same day a government reporter was granted full access.

Parastatals can be equally tight with information and one mining corporation refused to disclose the name of the managing director.

Most government departments want press inquiries in writing and when the answers come, often months later, they are so brief as to require more questions.

When new Vice-President Lieutenant-General Ian Khama took up his post last April, he committed the government to improved transparency. He also appointed press officers for the first time. But many civil servants are stuck in the past.

A recent High Court case, which ended in the jailing of a reporter's source, has made the issue of freedom of information all the more pressing. Attorney Maame Baffour-Awuah was held in contempt of court after she provided a reporter with "her own version of the facts" on a trial.

The article quoted Baffour-Awuah as saying her husband prior to his death had

abused the accused for 10 years. High Court Judge Justice Isaac Aboagye found that as an attorney Baffour-Awuah "knew that the published facts were in issue and that their publication would be highly prejudicial to the proceedings".

Aboagye acquitted the reporter on charges of contempt of court, but sent Baffour-Awuah to prison for seven days.

Baffour-Awuah was released on bail the following day and is to appeal against the sentence. But other attorneys may now be reluctant to talk to the press about ongoing trials, or new forms of defence.

MISA argues that a Freedom of Information Act will "improve the quality of Botswana's democracy" by helping the media to "inform the citizenry". The act should aim at "maximum disclosure of information with as little restriction as possible. The right to access is premised on the person's 'right to know' rather than the 'need to know'".

There is no law that regulates access to information held by governmental bodies. MISA wants the act to provide for cheap, public access, and to provide individuals with information about themselves held by government.

The act will cover all bodies exercising public power, not only organs of the state. However, the act will also protect the legitimate interests of public bodies by allowing the withholding of information on grounds such as national security, defence, and law enforcement.

MISA is aware that the act won't work without enforcement machinery. It also wants to see the establishment of an independent review and appeals body.

The first hurdle will be to "change the present culture of secrecy in government". MISA wants the act to encourage active disclosure so that public authorities get used to making information available. This will help to ensure the act does not become a confrontational agreement under which "nothing is released unless someone has specifically asked for it" — Independent Foreign Service

SA's first woman editor named

Sowetan 25/3/99

MS LAKELA Kaunda will become the first woman editor of a daily newspaper in South Africa when she assumes the position at the *Evening Post* in Port Elizabeth next month

The chairman of the board of Times Media Eastern Cape, Mr Lawrence Clark, announced her appointment yesterday

Kaunda replaces Mr Neville Woudberg who will be taking early retirement after 21 years as editor. Kaunda joined the *Evening Post*

in November last year as deputy editor after working as a director in the Department of Communications in Pretoria

She previously worked for the *Natal Witness* for nine years, where she started out as a general news reporter and rose through the ranks to political reporter, political correspondent, deputy news editor and assistant editor

Kaunda said she was excited about her appointment and was

ready to fast-track the task of making the *Evening Post* an authoritative and influential daily in the region (243)

"The *Post* has already begun its journey towards being a leading quality newspaper that will be a must read for anyone who wants to keep up with the changing times. We will not disappoint our readers," she said. Kaunda holds a Bachelor of Journalism degree from Rhodes University - Sapa

SAUJ wants TML to disclose empowerment partners

Wyndham Hartley (243)

CAPE TOWN — The SA Union of Journalists (SAUJ) has called for Times Media Ltd in the Eastern Cape to divulge the identity of empowerment partners set to take a 30% share in East London's Daily Dispatch through Dispatch Media

The Border region of the SAUJ, through its branch president Graeson Haw, said it supported a broadening of the ownership base, making it more representative but "condemns the secrecy around moves to sell a stake in the company to black

empowerment partners"

Haw said that Dispatch Media MD Basil Haddad confirmed on Friday that negotiations were advanced for the sale

The TML board is expected to make a decision on the offers today

He complained that in wage talks last November the union was assured that plans were not at a stage which the union needed to be concerned about Haw said given that negotiations with empowerment groups had been going on for about 18 months, this assurance was at very least "disingenuous" He called

for the partners' identities and political affiliations to be revealed Sources said the potential buyers of the 30% stake were from the Border region and former Transkei Apparently none has known high profile links to political parties, but some have been linked to organised black business through the National African Federated Chamber of Commerce (Nafcoc)

Haw said staff at the Dispatch had grown used to discovering policy changes from the notice board, reinforcing the view that Dispatch Media was not independent from TML

BD 29/3/99

M
02

Laws needed to ensure free media

A free press in South Africa will be just a mirage if new legislation is not promulgated to defend journalists from being intimidated and harassed by political parties, writes **Enoch Sithole**

(2113)

summary 8/6/99

Last week two newspaper editors chose to take issue with my call for parliamentary protection against interference and intimidation of the South African Broadcasting Corporation's reporters by political parties.

Sadly, the editorials construed the impression that I have asked for protection against public criticism. By so doing the newspapers practised what is called "not allowing the facts to get in the way of a good story."

Last Tuesday I made a call for Parliament to protect the SABC, in particular, and the media in general, against growing evidence of interference and intimidation by parties. I never referred to protection against criticism, let alone public criticism.

My call is a sequel to several incidents that took place in the last few weeks before the elections.

Two of our reporters in KwaZulu-Natal, Menzi Jeje and Themba Ximba, were intimidated by people reported to be Inkatha Freedom Party officials in northern KwaZulu-Natal.

Our Durban offices received telephone calls from people advising that Ximba should not be deployed in northern KwaZulu-Natal during elections week because there was allegedly a plan to kill him.

In Northern Province one of our reporters was verbally abused by men reported to be Pan Africanist Congress officials.

In early May I met with the leader of the Democratic Party, Tony Leon, at my request.

The first thing Leon said to me was that he was satisfied with the coverage his party was receiving from the SABC and the person allocated to cover them.

Ronel van Zyl, was very far to them. But he then handed me a two-page letter which contained a threat of a court interdict against a programme planned for May 30 unless we invited his party to take part.

A few days before the above-mentioned programme, I received a telephone call from the United Democratic Movement's Roelf Meyer, who insisted that his party should be invited to the television debate or the programme should be called off.

The list goes on and on. By no means can I regard these developments as criticism. These are clear cases of intimidation, coercion and interference in our editorial decision-making by people who wield a lot of power, such as political parties.

These are cases of coercion by people who wield a lot of power

People will remember that we, the people of this country, fought hard against the National Party government's interference and manipulation of the SABC.

We fought against interference and for editorial independence. Everybody is happy that we have won. My understanding of that victory is that it is victory against all forms of interference wherever it may come from.

I do not think we fought against NP government interference only to allow interference by other political parties now.

We cannot allow anyone, especially politicians, to dictate to the public broadcaster who to include in what programme. No other media would allow this.

There are laws that govern the functioning of the public broadcaster and the media in general. If anyone feels that we are not abiding by those laws, there are clear redress mechanisms. Intimidation and interference are not among them.

My concern is that unless the SABC, and the media in general, is protected against these clear cases of intimidation and interference, the dream of a country with a free media will be lost.

Political parties, for example, have passed laws to protect themselves against intimidation from each other. Serious penalties, such as disqualification of candidates, apply to those found guilty of contravening these laws.

But what happens if they intimidate a journalist and prevent him from doing his job, as happened to Ximba and Jeje? The answer is: Nothing! I insist that Parliament should look into this matter.

In fact, the next Parliament will be expected to pass the Open Democracy Act that has been pending for the last four years. In that law penalties should be provided for those institutions that refuse journalists and the public access to information.

Also, penalties should be built in for those who prevent journalists from doing their jobs.

In fact, the November summit of the Commonwealth Heads of Government, to be held in Durban, will be petitioned by the Commonwealth Press Union (CPU) to adopt a resolution calling for protection of media freedom in the Commonwealth.

Last month I attended a meeting



Democratic Party leader Tony Leon at his party's last election campaign rally at the Standard Bank Arena, Johannesburg, on May 30.

PIC BONILE BAM

arranged by the CPU in London, in which evidence was presented by delegates that the media was under threat not only from governments, but also from opposition parties.

A report drafted after the meeting also points to institutions and individuals using legal means, of the kind that the DP threatened us with, to restrict media freedom.

The report states: "Threats to journalism can take both physical and legal form that is the situation in several

Commonwealth countries, whether threats of violence from government-linked organisations, opposition-rebel forces or simply aggrieved individuals and companies."

This being the case, I insist that some measures are required to protect the gains we have made in regard to media freedom in our country. If freedom of the media is such a noble ideal, what is wrong with protecting it?
(The author is the SABC's chief executive of news.)

Press still on front line in region, says report

FOREIGN SERVICE

(243)

Harare - Journalists in many southern African countries have made little gains in the area of media freedom, says a newly released report by the Media Institute of Southern Africa.

For the institute, the true test of media freedom is how a society fares during times of high political tension and its verdict in its 1998 State of the Media survey is that most of these countries simply don't measure up.

"Sad to say, even some countries with greater political stability did not demonstrate great depth in

recognising the democratic importance of unfettered media," says Guy Berger, head of the department of journalism and media studies at Rhodes University

One of the most noticeable examples was Lesotho, wracked by conflict last year. Rioting during the height of the political crisis saw the destruction of almost all the infrastructure of the independent press.

Journalists who were critical of the South African military intervention reported harassment and intimidation by soldiers. And, all the way through, increasing pressures were exerted, on staff in state-owned media to stick to partisan reporting

Zambia was polarised around the treason trial of former president Kenneth Kaunda and alleged coup plotters

"On at least six occasions, journalists were blocked from covering the case. The whole episode saw Zambian journalists also experience legal injunctions, physical violence and outright detentions and arrests."

The regionalisation of the war in the Democratic Republic of Congo had a knock-on effect on information flows in Zimbabwe and a selective news blackout was imposed by Namibia's government on The Namibian daily

Also in Namibia, there were restrictive actions after coverage of secessionist moves in the Caprivi region

Mass strikes and public dissatisfaction provoked Zimbabwe's government to try to push ahead with the Public Order and Security Bill. This bill remains only to be gazetted to become law. It retains old Rhodesian controls on freedom of speech and association

In other Southern African Development Community countries, the media environment was generally squeezed last year. The institute says there was significant harassment of media

workers by ruling United Democratic Front (UDF) supporters and the military in Malawi

Namibia, Zimbabwe, Swaziland, Zambia and Malawi all shared the dubious status of having eroded the editorial autonomy of journalists working in state-owned media

Court actions by people in government emerged as a common tactic to suppress critical coverage in countries, including Malawi, Lesotho, Namibia and Tanzania

Another trend was action against foreign journalists at various levels of authority. South Africa, Namibia, Angola and Swaziland were among culprits in this regard

SAUJ proposal well received

Media may have one mega union

CT(BR) 1/7/99 (243)

FRANK NXUMALO

LABOUR EDITOR

Johannesburg – South Africa's media and allied workers' trade unions are heading for a historic moment after a proposal from the South Union of Journalists (SAUJ) to merge all media industry unions, was positively received by other unions, including the Media Workers' Association of South Africa (Mwasa), South African Catering and Allied Workers' Union and South African General and Allied Workers' union.

"I am excited and enthused by the prospect. Obviously, there have to be negotiations over the various aspects of the respective constitutions," said Garalt MacLiam, the president of the SAUJ.

He said he was looking forward to a planned formal merger meeting between himself, the general secretary of the SAUJ and their counterparts from Mwasa.

"Naturally, when the proposals have been discussed in depth, we will be taking it to our membership," MacLiam said.

The point of departure for the merger was that fact that unions organising workers in the media industry had experienced similar problems. "Since our problems and principles are similar, there is little point in our not being a single entity," MacLiam said.

Brian Gerbenstein, an Andrew Levy & Associates labour consultant, said the merger would increase the media unions' overall effectiveness because they would be approaching employers from "a unified position, and in so doing their approach and engagement would be concentrated.

"Because of the combined demands, we are going to see greater uniformity in respect of industrial relations practice in this industry," Gerbenstein said.

Themba Hlatshwayo, the general secretary of Mwasa, said it would be "much more ideal" to have one huge media union.

"We could be a much more powerful pressure group if we could come together and form one huge media union," Hlatshwayo said.

He said the issue would be one of the main items on the agenda of Mwasa's national council conference, scheduled for July 9 and July 10.

Democracy challenge to the media

JACOB ZUMA

The deputy president Jacob Zuma's address to the annual general meeting of the South African National Editors' Forum.

IT IS indeed an honour to address you on this auspicious occasion. A little less than a decade ago I would not have been afforded the opportunity to address a gathering of the captains of the South African media.

Ten years ago South Africans lived under repressive conditions where we could not speak our minds without fear of reprisals and where the media was handcuffed, blindfolded and gagged. But like the sea gently lashing against our shores, the tide of freedom could not be stopped by the forces of repression. The people spoke through their liberation movements and broke through the massive walls of apartheid.

Where did the media stand in this process? Some sections of the media unashamedly supported the system of apartheid. Some sections stood on the walls observing both sides. Yet other sections of the media spoke out and were punished. This occasion then is an important moment in our history where we can sit back, reflect and begin to chart a way forward. The key question is where does the media stand today and where will it stand tomorrow?

To answer this question we must understand what we have achieved in the short five years of our young democracy. In this decade we peacefully negotiated a constitutional settlement, we ushered in a representative democracy and we facilitated a process of drafting a new democratic constitution. We have also successfully held two peaceful elections.

I will use as my point of departure our Constitution, which I believe establishes very sound principles of democracy and the protection of human freedom that we have fought for over the decades. The very process of drafting the Constitution was a democratic one since it allowed the views of our citizenry and organised formations to shape their own future. The process and the product that we see in our Constitution is, in fact, widely regarded as one of the most advanced Constitutions in the world.

Our Constitution laid the basis for the establishment of democratic institutions and the foundation for the "deepening of our democracy".

The Constitution has made provision for the establishment of state institutions that serve to safeguard and strengthen democracy. These are the Public Protector, The Human Rights Commission, The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, The Commission for Gender Equality, The Auditor-General and the Electoral Commission.

While the process of establishing these bodies is still under way, those institutions already in existence ensure that no individual or political party can undermine our democracy.

Our Constitution also, through the Bill of Rights, guarantees the freedom of speech, freedom of expression, freedom of association and freedom of the press. Since the institution of the Constitution we have become a more open society. The press has been very critical and supportive of our new democracy.

Government too has been at the receiving end of much criticism from the media. The media as well has been on the receiving end of criticism from the government. As government we appreciate this interaction since we believe that is a central pillar to a healthy, democratic and transparent society. Critical debate is essential for us to develop a strong culture of democratic values and informed decision making.

However, there is a fine line between constructive criticism and sensational reporting. Sensational reporting can mislead and run against the very grain of our democracy. Such reporting attempts to cast doubt about what we have achieved and polarises our society around historical divisions. Such reporting is also characterised by poor investigative journalism where some of the facts of the issue at hand are not ascertained and few of the facts are presented as truth.

The key challenge for the media is to take responsibility about what they put in the public eye and how this is presented. The media needs to be sensitive to the rights of citizens and public figures and should not cast unsubstantiated claims. We believe that the media has a leading responsibility to ensure the deepening of our democracy by being constructive, developmental, educational, transformative and generally positive about our future.

Let us take a look at the last election. One of the most apathetic sectors was the participation of our youth. They clearly represent our future. Unless they are actively involved in shaping our collective future and exercising their rights as our young citizens, ie through voting for the party of their choice, our democracy is in danger of losing its way. The media need to develop a special focus on these young men and women who will be the custodians of and will build on, our democracy.

Another critical sector that needs to be touched by the media are women. Women are mothers of our children, they are the farmers on the land, the generators of income and the backbone of our nation. Yet they are marginalised in the mainstream economy, they are verbally and violently abused in their homes and on the streets. Special care and attention needs to be directed to women. Women need to be empowered and made aware of their rights and the ways in which they can claim these rights. The media has a critical role to play in conscientising and educating our mothers and our sisters.

For democracy serves to liberate the people, to set free their minds to the possibilities that the future holds for them in shaping their own destinies.

Another key issue for the media is whether they should be taking party political stances. In the recent elections it appeared that certain sections of the media expressed their support for particular political parties and over certain electoral campaign issues. We as government cannot prescribe the positions that the media takes on particular issues. What we can say is that this is an issue the media themselves must resolve. The danger, however, of the media taking party political positions is that they become a player in party politics.



RESPONSIBILITY Deputy President Jacob Zuma addressed the media about their role in South Africa's transformation. **FILE PICTURE**

They become associated with particular parties and therefore open themselves to become questionable protectors of the public interest. There is a fine line between the narrow party political positions and protecting the public interest. The key challenge for the media today, is whether they advance our political and democratic development or the interests of a political party — irrespective of which party it is.

The key priority for our new government over the next five years is economic development. We have to put in place macro-economic policies together with a range of support mechanisms which aim to restructure, grow, make us more competitive, efficient and integrate our economy into the global market. This is not a painless process. Thousands of workers have lost their jobs. This job loss is the outcome of our own restructuring processes and our greater integration with the global economy. The recent global financial volatility and irresponsible sale

of gold by some Northern Nations have profoundly affected many livelihoods in South Africa.

Our economic future is tied with the global economy where factors of production like capital, technology, skills are highly mobile across the world. Our priority is to attract foreign capital, increase our trade links and attract skilled people in order to invest, develop and create jobs. The media has a critical role to play in this process. South Africa must be seen internationally as an attractive destination for

investment and a key hub of development in South Africa.

We are now in the era of the African Renaissance. South Africa will play an important role in facilitating and shaping the destiny and image of the African continent. The media must become more sensitive to African interpretations of history and visions for the future. The many cultures of our continent must be brought to the fore in the international mindsets as opposed to only promoting Western concepts and interpretations of African society.

The African Renaissance will shape our future identity as a continent and a country and re-establish our rightful place in the world of international relations.

The call for an African Renaissance is a call to all our intelligentsia, our workers, our peasants, our women, our business persons, our men, our children and youth.

We are inviting the media to take up this challenge of deepening of democracy on our continent, to voice their concerns, to articulate, to reflect to suggest, to ensure the success of this project. The media must give a voice to the ordinary people.

What government and the media have in common is the public interest. This is what binds us together. I hope the future will mean that we can also co-operate and form strong partnerships, a new morality, a new patriotism, a new bond and take forward the spirit of our Constitution.

This is the challenge for all of us as we grapple and reflect on the issues at hand. Our prosperous future is certain, together, with your co-operation and support we can move forward with confidence.

What government and the media have in common is the public interest

Editors pledge to fight for free press and access to information ⁽²⁴³⁾

THE South African National Editors' Forum (Sanef) said yesterday it would launch a Media Freedom Campaign to force changes to laws restricting freedom of expression, access to information and other constitutionally protected rights

In a statement issued after its second annual general meeting in Durban, Sanef said while relations between politicians and journalists had improved, legislation that restricted the free flow of information remained on the statute books

Sanef, which comprises the editors of most of the country's main newspapers and magazines and senior journalists in print and electronic media, was satisfied with a recent agreement with the Government to introduce safeguards to prevent the indiscriminate use of Section 205 of the Criminal Procedure Act against journalists

During the apartheid era, the section was used to subpoena journalists to testify in court, and they were often forced to reveal their sources.

The agreement is, however, an informal one and Sanef urged the Government to speed up the process of amending the Criminal Procedure Act to provide legislative safeguards for journalists

"It (Sanef) also urges the Government to implement urgently its request that legislation that conflicts with the freedom of expression clauses of the Constitution be scrapped or amended"

Sanef said it would also support the Freedom of Expression Institute in its efforts to lobby for provisions protecting access to information and its efforts to speed up the enactment of the Open Democracy Bill.

During the June election, relations between politicians and journalists were better than in South Africa's first all-race national election in 1994 or the 1995/96 municipal elections, Sanef said.

"Sanef believes that the example set during the 1999 election campaign bodes well for the municipal elections due next year, but will continue to monitor the conduct of political parties in politically volatile areas and will play a role to promote tolerance where necessary," it said

Sanef said it looked forward to "continued cordial relations" with the Government but urged officials and Cabinet ministers to consult Sanef on any legislation or policy that might impact on the flow of information

Sanef expressed alarm at a recent instruction issued to police officers by SA Police Service management that they should not give statements freely to the media.

Policemen and women who transgressed this instruction were threatened with redeployment, Sanef said

"Sanef believes this instruction will shut down communication between the police and the media, which is essential in a democracy that aspires to be transparent and accountable," the forum said.

The instruction put senior police officers in control of communication with the media. Sanef regarded this as "a reversion to old style authoritarian practice which has the undesirable effect of censoring information"

In other resolutions, Sanef said the editors would mobilise the media to curb violence against women and children. The editors would "break the silence which has sanctioned the slaughter and abuse of women and children"

- Sapa.

Sowetan 12/7/99

Editors call on Govt to protect journalists (243)

By Waghied Misbach
Political Correspondent

SOUTH Africa's newspaper and electronic media editors have called on the Government to speed up legislation to protect journalists from criminal prosecution if they refuse to reveal their sources.

At a briefing to the Communication Portfolio Committee in Parliament yesterday, the South African National Editors' Forum (Sanef) made a passionate plea to the Government to amend the legislation to conform with the national Constitution.

The briefing was made by editors of two Cape Town-based newspapers, Moegsien Williams from *The Argus* and the *Cape Times*' Ryland Fisher, who also doubles as Sanef's deputy chairman and convenor of its media freedom committee.

Fisher said that Sanef was satisfied with the agreement reached with Government on the rights of journalists to protect their sources.

However, it had resolved at its annual general meeting in Durban last weekend to ask the Government to speed up the amendment of the controversial Section 205 of the Criminal Procedure Act, and to amend or scrap all other legislation that conflicted

with the freedom of expression clauses in the Constitution.

Sanef also expressed its "alarm" at attempts by the police to prevent police personnel from speaking to the press. It decried the fact that those police who do so could be redeployed. This instruction would shut down communication between the police and the media, which is essential in a democracy. This meant that the communication with the media would be controlled by senior officers and would be a "reversion to old-style authoritarian practice. This would have the undesirable affect of censoring information".

The Communications Committee was also told that Sanef would "mobilise" the media to address the HIV-Aids crisis to help in the fight to protect women and children from this disease.

Thousands of women are raped each year contributing to the shocking HIV-Aids figures. To illustrate their argument they told the committee that almost 17 000 women are killed and raped in South Africa each year, 7 000 more than the total number of people killed in the Kosovo conflict.

Sanef had resolved to help in "breaking the silence which has sanctioned the slaughter and abuse of women", Fisher said.

Black journalism: from golden days to dog days?

(2143) BΔ 19/10/99

Reporters of all skin colours are not respected much in townships, writes Nomavenda Mathiane

THERE was a time when black journalists were respected in the townships. Today they are held in lower esteem than second-hand car dealers.

Academic Mphahlele Mzamaane has described the 1950s as the golden years of black journalism, citing writers such as Bloke Modisane, Lewis Nkosi, Es'kia Mphahlele and Can Themba.

Nowadays in the townships journalists in general black and white are referred to as abomgobhozi — gossip-mongers.

Why is there such a contrast in views between those "golden years" and today's black journalism? Today marks the 22nd anniversary of the banning of black organisations such as the World newspaper group, the Medupe creative writing group, the Committee of 10 and the Black Peoples' Convention.

Journalist, writer and publisher Muthobu Muloatse, who was a member of the World newspaper staff, is critical of today's commemorations. He would like to see black people take control of the media and stop harping on the past.

"Lack of control, ownership and management of the media are the main problems facing black people," he says. "There is no use in having control and no management."

He says if the portrayal of blacks in newspapers and on television is wrong, it is because blacks are not in high-level management positions. Blacks, he says, are not being groomed to take important positions in newspapers.

"Black journalism is a lonely place to grow gracefully," he says. He makes an example of veteran journalist Doc Bhlalsha, and asks, "Why isn't Doc sought after by black newspapers? Tell me who has more insight into black journalism than Doc? And if Doc was living in a country like the US, he would be a professor of black journalism."

Muloatse says there is no point in continuing to

"hammer the enemy" for black misery.

Black-owned media houses need to work together with other black-owned firms. "Alone they cannot make it. More players are needed to boost the efforts of others in the media. We need to invite groups such as Kagiso, Real Africa and Sekunjalo to work together."

He believes black journalists are not rising to the challenge of informing the nation, more should be writing books and informing the public.

"Where is a book on Codesa or on the truth commission written by a black journalist? We have had many from white journalists and visiting writers but none from our own."

This question was also brought up by veteran journalist and writer Es'kia Mphahlele, who is now retired and living in Northern Province.

Mphahlele says today's journalists are more concerned with getting "the story" and not looking more deeply at the issues.

Mphahlele says there is a glaring gap between the journalism of the 1950s and 1960s, and that of the 1990s. "Today's journalism lacks passion. Journalists are more after the story than after issues. Their re-

porting lacks substance, lacks that content that makes articles memorable."

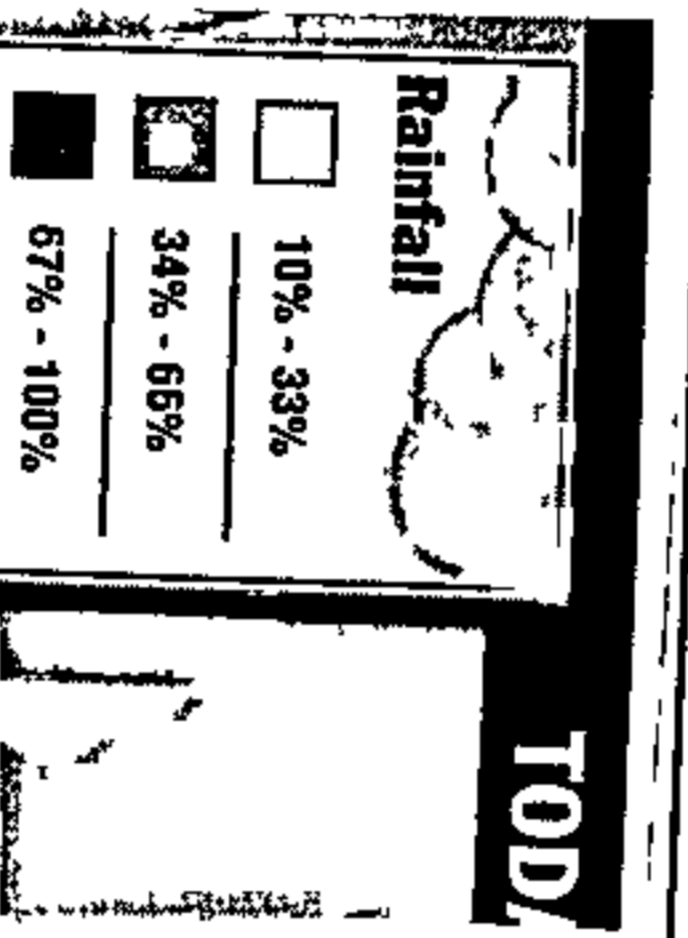
He says in the 1960s writers were mature and their writing was full of substance because they read a great deal.

Mphahlele says these problems do not only affect black journalists, there is also a dearth of good white writers in the standard of Kiri Katzin, who wrote extensively on the information scandal.

But it is not lost in black journalism, says Mphahlele, citing the example of John Mafahlele, who writes for the Mail & Guardian. Muloatse concurs, but says the irony is that Mafahlele does not have a platform in a black-owned newspaper.

Muloatse says blacks in general, particularly those in journalism, should use this anniversary to come together and chart a way forward.

Other people interviewed, who would not go on record, said it was not proper to be critical of black journalists without looking at other professions. "Where is the astute teacher that taught you and I?" said one professional. "Today we have kwaito music, kwaito teachers, journalists and so on."



By Themba Molefe

ARE THE media truly free in post-apartheid South Africa? Or are they still under siege. And is our society being informed as fully as it should be?

These are some of the questions that come to the fore today the 22nd anniversary of October 19 1977

That was the day when then justice minister Jimmy Kruger banned *Sowetan's* predecessors *The World* and *Weekend World*, along with 17 other black political organisations

Among these organisations were the Union of Black Journalists and the Christian Institute and its publication *Pro Veritate*

Although not included in the statute books October 19 remains a day commemorated nationwide by media activists and especially black journalists who felt the full might of apartheid's security laws

Black Wednesday as it was poignantly referred to by *Sowetan* Editor in Chief Aggrey Klaaste came 16 months after the 1976 Soweto student uprising

Black Wednesday also came only five weeks after the murder of Black Consciousness leader Steve Biko by security policemen. It leaves the cold Kruger said in response to Biko's death

In defending the closure of *The World* and *Weekend World* an action which shocked the world Kruger charged that these newspapers were guilty of inciting the black community against the state

Kruger is dead today and so is apartheid and the myriad apartheid regime laws that stifled free expression and silenced not only journalists but also anyone who dared to speak out against the state's repression

The editor of both *The World* and *Weekend World* the late Percy Qoboza and Klaaste his assistant at the time, were among the first to be detained and put in solitary confinement for months. Many others had banning orders slapped on them

October 19 1977 is observed in various ways by different media groupings and activists. But their common purpose is to preserve and advance freedom of the media

With the advent of democracy in 1994 the focus of October 19 commemorations has changed. The role of black journalists in the transformation process, for instance, has increasingly come under the microscope

"In their desire to ensure that transformation works, black journalists inadvertently censor themselves," said one

"They want to be seen as patriotic and are wary of trampling on the new government's toes"

The media ... free or still under siege?

Sowetan 19/10/99 (243)



Another debate that has dominated many South African forums on freedom of expression and freedom of the media since 1994 reached a crescendo last year

Then deputy president Thabo Mbeki argued that transformation of the media should entail it becoming South African, it should not only be defined as such by the location of their offices and listing on the Johannesburg Stock Exchange

Mbeki argued that media transformation also included accountability. This view was subsequently supported by Robert Nkomo, deputy chairman of the Freedom of Expression Institute

In a newspaper article he supported Mbeki "This debate has been domi-

nated by the media while it should be by the public. Unfortunately, the focus of the media in this debate has been to unconvincedly defend themselves in the face of what they perceive to be a Government attack

"Without clear programmes to address the situation, the media cannot be trusted to lead the way forward and the Government should intervene"

Another force that black journalists, and the media in general, have to reckon with is big business - the primary concern of many owners of publications is to make money at the expense of content. A major concern is that, as a result, journalists inadvertently succumb to being "his master's voice" in advancing the commercial

interests of his or her employer

It is against this background that the theme of the 10th anniversary of *Sowetan's* Media Freedom Day seminar in Johannesburg today is "The media under siege"

Speakers will include journalists and media commentators from around Southern Africa. One of the guests of honour is the outspoken Trevor Ncube, editor of the *Zimbabwe Independent*

At last year's seminar he called on local journalists to be vigilant against being blindly loyal to the government of the day

He said, "Those who consider their brief as simply that of trumpeting the success of the Government will soon fall by the wayside as credibility suf-

fers and market forces take control. And the same is true for those who see nothing but evil in everything the Government does"

The other guest speakers are Jorge Ernesto Silva, coordinator of Angola's Audio Visual Production Centre, and Zubeida Jaffer, group parliamentary editor of *Independent Newspapers*

Abba Omar, deputy chief executive officer of the Government Communication and Information System, will speak for the Government

The theme of the Forum of Black Journalists' seminar, which will also be held in Johannesburg today, is "Press freedom in the new millennium". Deputy President Jacob Zuma is expected to address the meeting

Zuma promises press freedom

(243)

CT 20/10/99

JOHANNESBURG: "Never again shall the state machinery be used to suppress freedom of expression and other aspirations of the people." So said Deputy President Jacob Zuma at a press freedom celebration of the Forum of Black Journalists last night.

Speaking to throngs of journalists and media practitioners, Zuma said the growing openness of society and the information technology revolution had posed the two greatest challenges to the media in the new millennium. He said the way in which the media used the space provided by democracy and the information revolution, would determine its future.

"Firstly, we must be clear about the impact of the technological revolution which is sweeping across the world. It has the potential to fundamentally change the power relationships within society and to influence economies, political structures, civil society and corporate destinies.

"As more and more people get access to information we have to ask ourselves: What will course through those communications arteries, what content will run through those optic fibres and what agenda will be pursued?"

Zuma said a related question was the yardstick used to determine newsworthiness. By way of example he quoted a story told by President Thabo Mbeki. A senior journalist had told him "It is not my duty to report when you build a dam, but it is my responsibility to report when you fail to build the dam."

He said the Government would want to see an agenda which empowered broader society by providing it with information. This would include the promotion of socio-economic development, involving communities in development, facilitating trade, promoting self-determination and human rights. Human Rights Commission chairperson Barney Pitso and Evening Post Editor Lakela Kaunda also presented speeches — Own Correspondent

Journalists under siege

(243)

AS LOCAL journalists celebrated the gains made in their hard-won battle for media freedom at a gathering in Johannesburg this week, our counterparts in neighbouring countries reminded us of the repression they still had to overcome

On Tuesday, the 22nd anniversary of the banning of *The World*, *Weekend World* and other media organisations was commemorated at an annual seminar and banquet hosted in by *Sowetan*

This year the theme was "Media under siege in Southern Africa" and the audience listened with a sense of *deja vu* as colleagues from Angola and Zimbabwe described the pressures they come under almost daily from their governments

While South African speakers at the seminar discussed issues like ownership of the media, especially that of newspapers, the need for a greater diversity, both in the control and range of voices reflected in the media, the subtler forms of pressures journalists now face and the difficulties of reporting in a post-apartheid environment where issues are no longer clear-cut, the Angolans and Zimbabwean reminded us of just how dangerous it could be for them to merely go to work

In both countries, like in most of the continent, most of the media is owned and controlled by government or people close to government

Thus, independent and critical voices are rare since they simply cannot compete against a usually monolithic state media

In Zimbabwe, the case of journalists Ray Choto and Mark Chavunduka, who were detained and tortured after a controversial report alleging the threat of a coup plot against president Robert Mugabe, has been widely publicised

Less known are the legal provisions that criminalises journalists without giving them a chance to properly substantiate allegations

Zimbabwe Independent editor Trevor Ncube said a "small but vibrant" independent media had succeeded in exposing the corruption of the political elite

They also reflected the growing dissension with the Mugabe government and Ncube said that reforms such as the rewriting of the constitution and land reform programmes, which the independent media had called for, now vindicated their stance

However, since "Mugabe hates anyone who challenges his 20-year authority" and is angry that his government is increasingly being called to answer allegations of corruption and to account for its spending, especially on the war in the Democratic Republic of Congo, he has invoked "old, colonial-era" media laws to curb the press", says Ncube

While South Africa celebrated media freedom this week, other African journalists reminded us that their struggle was not yet over, writes **Sharon Chetty**



Angolan journalist Josefa Lambergá at the Media Freedom Day seminar hosted by *Sowetan* in Johannesburg on Tuesday.

PHOTO LEN KUMALO

But the media was determined to remain independent of both government and opposition parties, no matter what pressure it came under "We have a fight on our hands, we lose it at our own peril," says Ncube

In Angola, where the airwaves are zealously guarded by the state, a blackout on news of the civil war was decreed via the state broadcaster

The independent media continued reporting on the conflict, earning them the wrath of the MPLA government and accusations of "facilitating the efforts of the enemy", "inciting treason" and being "unpatriotic"

"In a war situation, you can imagine what a threat it is to be accused by the government of being disloyal," said Jorge Silva, of the Media Institute of Southern Africa branch in Luanda

Fifteen journalists have been killed or "disappeared" and more than 50 arrested since 1992, when the civil war officially ended and elections were held

However, since the poll results were not accepted by the rebel Unita movement, the attrition continued and the war re-started last year

He and Josefa Lambergá, a Voice of America correspondent, chronicled a systematic and rapid "decline in respect" for the media, especially since the war resumed

While they say that there was a brief respite during the ceasefire after the 1992 poll, journalists were nevertheless harassed, detained and tortured for writing about government corruption, the abuse of state funds and investigating officials' links with smugglers

The murky deals of sanctions-busting diamond and oil trading with Unita continues despite efforts by the United Nations to enforce an embargo against the rebel movement

Often merely quoting Unita leader Jonas Savimbi or any of its officials is enough reason for the government to clamp down on the media the Catholic Church's Radio Ecclesia and the privately owned Radio Morena were forced off the air and journalists were arrested and charged for doing so

Lambergá says she is part of the generation that has only lived under conflict, which has, in effect, lasted 39 years When I was born, the Angolan armed struggle against Portuguese colonialism had already began

"As a teenager I was blessed with Angolan independence but simultaneously condemned to a civil war," she said

Recounting the numerous dead colleagues, every one of whom was killed "mysteriously", Lambergá said it was both "sad and impossible" to speak of democracy or press freedom in her country

She was physically attacked by an army corporal earlier this year in retaliation for a report on the renewed conscription of youth

The government pledged not to enlist any more young men into the army But when the fighting with Unita started again, even theology students, who should have been excluded, were drafted

Lambergá did a story on the fact that "only poor and black youths" were being conscripted, for which she was pursued and attacked by three soldiers

Silva captured the fears when he said "In Angola, when someone tells you to shut up or he'll kill you, you better shut up

"Because it does not matter, who you are journalist or not, you should listen"

HRC reports back on racism in the media

By DOMINIC MAHLANGU

TOMORROW the South African Human Rights Commission (SAHRC) will release the much-awaited interim report into racism in the South African media.

The report is expected to deal with wide ranging issues around overt racism in the printed and electronic media, as well as what the HRC calls "subliminal racism". It is widely expected the report will take issue with the Afrikaans language newspapers in particular,



given their traditional support for apartheid in the past.

However, even the English language newspapers are not likely to escape serious censure.

A number of independent community radio stations could also find themselves in the firing line.

But of greater interest to most South African media observers is whether the commission will make any strong recommendations against media institutions which have been found to engage in racist practices.

There is a school of thought that in its interim report the commission may be restrained and will reserve this for its final report. It is expected the report will give

both the electronic and print media insight into how they fared after having been under the probing eye of researchers employed by the commission.

The avidly-awaited report will be tabled at the HRC offices in Johannesburg. Since the commencement of the inquiry the HRC has held discussions with Nasionale Pers, the Freedom of Expression Institute (FXI), the South African National Editors' Forum (SANEF) and representatives of the *Sunday Times*, *Business Day* and the *Mail & Guardian*.

The probe into racism in the South African media started after the Association of Black Accountants of South Africa (ABASA) and

the Black Lawyers' Association (BLA) launched a scathing attack on two weekly newspapers.

They alleged the newspapers were biased against the black community in their reports.

The HRC was finally drawn in to probe the allegations that racism was rife in the South African media.

The HRC said interested parties, stakeholders who wished to comment and those who had been adversely affected by the contents of the report, would be given an opportunity to respond.

All responses will have to reach the commission within 30 days of the release of the report. See Page 16

Editors must answer to commission — Pityana

Nomavenda Mathlane

Ed 23 11/99

(243)

NEWSPAPER editors and other people mentioned in a SA Human Rights Commission report on its probe of racism in the media would have to appear before the commission, chairman Barney Pityana said yesterday.

Releasing an interim report on the investigation, Pityana said if those notified failed to attend the commission would use its constitutional powers to subpoena them.

He also stressed that the commission was not a court but was seeking to analyse what was written in the newspapers concerned.

All the newspapers mentioned in the report had been provided with a copy of the document and had been informed of the commission's intention to probe the allegations. The respondents were given 30 days to respond.

A recently elected SA Broadcasting Corporation board member Ruth Teer-Tomaselli, was mentioned in a submission as engaging in discriminatory practices at the centre for media studies at the University of Natal.

Newspapers that received letters informing them of being "implicated" in perpetuating racial stereotypes included The Star, Beeld, Business Day, Rapport, Die Burger and Cape Times.

Business Day editor Jim Jones said if the press was truly racist, then the matter needed to be addressed. But he said "Diversity of thought and expression is central to democracy, and this is recognised in our constitution."

The Star's editor, Peter Sullivan, said racism existed everywhere and he suggested that the commission should do a better job than it had in compiling the report. The commission should come out with clear guidelines and frameworks that would help society to eradicate racism.

Pretoria News acting deputy editor Rich Mkhondo said "We are disappointed that what might have been a valuable exercise leading to the advancement of media coverage in SA has turned out to be itself a stereotyped and knee-jerk response which revealed nothing new and lacked professionalism or depth."

Sunday World editor Fred Khumalo admitted there were pockets of racism in the media and that such issues should be understood within the context of transformation. He commended the commission on the report, saying it had started the ball rolling. Journalists needed to interrogate themselves about racism in the media.

Pityana said the investigations analysed what had been written and reported in the media and that it had been very clear that since 1994 racism was on the increase.

In the past, racism had been clouded by apartheid, and now that it was stripped of its apartheid appearance it had been exposed for what it was.

Major mainstream newspapers, television and radio stations were scrutinised for six weeks in the search for signs of racism.

Researcher Claudia Braude conducted the textual and analytical research and the Media Monitoring Project group did the monitoring of media content and various people and organisations made submissions.

Pityana said the hearings would also come up with recommendations on how to eradicate racism in SA.

The hearings were not confined only to those mentioned in the interim report. "Any other interested parties" could respond by making submissions, he said.

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Comment: Page 15

WEDNESDAY COZZI

Racism still rules in the media

Report has been hailed as a valuable database — and as a threat, writes Nomavenda Mathlane

(243) Ed 23 11/99

THE investigation into the media by the SA Human Rights Commission has revealed the extent to which racial stereotypes occurred in the SA media.

The report which was released yesterday, has been greeted by some as a valuable database that could open up debate in the media and sensitize journalists in their reporting. Others have warned that it could be used as a witch-hunt against the "white" media.

In its conclusion, the report said it was meant to act as a constructive critique of the media rather than pose a threat to its independence.

The investigation, which came about after complaints against two mainstream newspapers were brought before the commission by a number of black organisations, has opened up a can of worms.

The terms of reference for the inquiry were "to investigate the handling of race and possible incidence of racism in the media, and whether such racism as may be manifested in these products, constitutes a violation of human rights as set out in the constitution."

The inquiry was also to establish the underlying causes of racism in the media, examine its effect on society and make findings and recommendations.

All the media organisations were monitored for a six-week period from July to August.

More than 1 430 items were monitored, the data collated, and the overall results were analysed.

Submissions made by the Black Lawyers Association and Black Accountants of SA were that the media was largely in white hands and accordingly, while males controlled the opinion on all current issues — whether political, social, economical or educational.

The Mail & Guardian was criticised for the manner in which it dealt with corruption (suggesting those accused were guilty even before any due process of the law took place).



Seven out of 14 news categories monitored were found by the SAHRC media inquiry to be supporting racist stereotyping

Perceptions	Percentage supported
Crime is a crime	75.7%
Editors are left-handed	63.6%
People are born to their ethnic identity	63.9%
Black lives are unimportant	62.7%
All whites are racist	56.3%
Black foreigners are incompetent and incapable	51.4%

SAHRC chairman Barney Pityana

Picture: MARTIN RHODES

Graphic: RUBEN DAVID SANCHEZ, IPRC

It was also accused of under-reporting corruption among whites and in the private sector.

The weekly newspaper was said to unfairly target black professionals, civil servants and role models in exposing alleged corruption in the public, pri-

vate, nongovernmental organisations and educational sectors.

Edward Bird of the Media Monitoring Project said they found "conservative, racial attitudes" in the letters pages of newspapers.

The media was also seen as perpetuating racial stereotypes by making certain references even if these excluded the mention of race. It spoke of "farmers as white people and black farmers as rural people who owned land."

It also attributed crime to a particular race and referred to illegal immigrants as blacks.

Topics discussed by the report ranged from crime, sport, human rights violations, media, racism, international politics, economics and business, corruption and identity.

Items dealing with race issues tended to feature in crime stories, while items specifically dealing with racism as the subject, also received extensive coverage. Crime as a subject featured the most.

Issues of racism and racial stereotyping also featured quite high in stories about international politics — most often these were items located in Africa. Economics and business stories tended to focus on issues of affirmative action and black empowerment.

Stereotype monitoring revealed beliefs that blacks were criminals, were irrational, that people act according to their ethnic identity, that black lives are unimportant, all whites are racist, black foreigners threaten SA society and blacks were incompetent.

In monitoring the privacy and dignity of blacks, the investigation showed that the practice of not respecting black people's dignity was still prevalent. Black people's deaths were depersonalised by some media. Reporting on events where black people had died tended to focus on the numbers of people killed rather than individual deaths.

In monitoring privacy, black people's privacy, particularly common at funerals and during times of grief, was frequently invaded.

"There was a tendency, especially on television (both the national broadcaster and eTV) to film black families in their moments of grief and mourning."

'Media is racist'

From Page 1 (243)

Mbizaana Shilowa, when the charges were technical and related to an organisation of which he was a trustee, sent out the message blacks were corrupt and unfit to govern. These implications were repeated in continual references to the "collapse" and "decay" of SA's infrastructure after the 1994 election.

But the report's credibility was compromised yesterday when the *Star* pointed out that a photograph Braude cites as an example of these references to degradation was shot in Uganda, not Johannesburg.

The *Star* editor Peter Sullivan said "It is difficult to be polite about such obvious nonsense. We welcomed this inquiry. It is a great pity the HRC squandered an opportunity to do some good."

Human rights commissioner Jody Kollapen said the report was not intended to antagonise the media. "Our general finding is racism does exist in the media. What we want is an honest public debate and possibly a voluntary code of conduct."

CT 23/11/99

PITYANA: 'RESPOND OR FACE SUBPOENAS'

SA media accused of racism

JUDITH SOAL

THE media and the SA Human Rights Commission are back on course to collide after the commission released a report accusing the media of racism, prejudice and hostility towards black people yesterday.

HRC chairperson Barney Pitso said the human rights watchdog was considering using its powers to order the media to answer to the charges at a public hearing.

A copy of the report was given to the *namu* newspapers and broad-

casters, including the *Cape Times*, which has been asked to respond within 30 days.

"We encourage them to respond," Pitso said. "Depending on the gravity (of alleged racism) we will use powers of subpoena to have them come to us."

But, like new SABC board member Thami Mazwai's recent suggestion that nation-building be placed above press freedom, the report produced strong responses from editors around the country.

One submission accuses the *Cape Times*, including the *Cape Times*, which has been asked to respond within 30 days.

Times of fabricating a letter to the editor which contains "thinly veiled insults to Africans", an accusation dismissed as "ludicrous" yesterday by *Cape Times* editor Rhyland Fisher.

"I don't believe it is a healthy situation for a statutory body to have the power to subpoena the media," said Fisher. "I have not had time to study the report in detail, but it is ludicrous to suggest that the *Cape Times* would fabricate a letter to the editor."

UWC professor Kwezi Prabh complained to the commission about a letter published in the newspaper

from a "frivolous" Ghanaian professor that is prejudiced against Africans. Prabh claimed the newspaper had been "complicit in fabricating" the letter.

"We have a particularly vibrant letters page," said Fisher, "and some of the letters we run do make me feel uncomfortable, but that is not a good enough reason not to publish them. The letter in question is one of those."

The report is the result of a year-long inquiry into the media after complaints by the Black Lawyers' Association and the Association of

Black Accountants of South Africa against two weekly newspapers for stereotyped portrayals of black people.

One of these papers, the *Mkai & Guardian*, likened the complaints and the subsequent inquiry to the "enforcement of censorship", saying they were a "thinly disguised assault on freedom of expression".

In language that perhaps explains the gap between the commission and the media, the report's author, researcher Claudia Braude, replied: "The defensive and sidestepping response of the media industry to critical

scrutiny is unfortunate. That racism exists should be an obvious starting point. (The media) should want to understand how it perpetuates racist culture: the unconscious, unintended mechanisms that operate."

Braude lists article after article where, she claims, journalists fall foul of the "systematic internalisation of white supremacist assumptions during the apartheid years."

For example, she suggests the prominent reports of an arrest warrant issued for Gauteng Premier

OTM to Page 3

HRC report on media under fire

STAFF REPORTER (243)

AKY 23/11/99

Several media organisations and the editors of various newspapers lambasted the Human Rights Commission's interim report on racism in the media, calling it a "waste of taxpayers money".

Forum of Black Journalists Secretary General Oupa Nkomo said yesterday while the investigation by the HRC offered the media an opportunity to examine itself, the research team, led by Claudia Braude, failed to 'listen to the victims'. Martin Williams, editor of *The Citizen*, said the investigation so far had

been a waste of taxpayers money.

Media Workers Association of South Africa's spokesperson Thembu Mashwayo said racism in the media was 'subtle' but the report did not get even close to the real problems.

Cape Argus editor Moegsen Williams said the report seemed to show that the HRC had wasted a good opportunity to produce "something useful".

"The report is weak, contains contradictions and in some cases is downright silly. The commission has an opportunity to put things right before making its findings final and I hope they do so."

HRC subpoena threat

(243) Rowelam 23/11/99

THE SA Human Rights Commission could order media organisations alleged to have broadcast or published racist information to appear before a hearing, SAHRC chairman Dr Barney Pitsoana warned in Johannesburg yesterday.

Most of the mainstream media came under fire in an interim report of a SAHRC-sanctioned probe into racism in the media, which was released yesterday.

A copy of the report was given to the newspapers and broadcasters named in the report and they were given 30 days to respond, Pitsoana told a news conference.

"We encourage them to respond. Depending on the gravity (of alleged racism) we will use powers of subpoena to have them come to us," he said.

"The media is not above the Constitution and laws. The issue we are primarily concerned with is racism. We want to rid the country of discrimination and the role the media plays in this process. The inquiry by the SAHRC was in-

tated last November.

This was after the Black Lawyers Association and the Association of Black Accountants of SA had earlier requested an investigation in terms of the Human Rights Commission Act.

They claimed two newspapers had allegedly violated the fundamental rights of black people.

Various representatives from the news industry were consulted about the inquiry and an independent consultant was appointed.

The SAHRC mandated the Media Monitoring Project (MMP) to analyse language, idioms and images portrayed by the media.

Pitsoana said the MMP's findings revealed "sufficient information that there is racism in the media".

He said racism in the media had become more explicit since 1994 because it was no longer disguised by apartheid.

While a free, independent and pluralistic media was one of the cornerstones of a democracy, the media also played a negative role when it fostered racism or discrimination.

The MMP surveyed a selection of items from newspapers, radio stations and television over a six-week period, from July 12 to August 20 this year. More than 1 430 items were monitored.

The MMP found that there was a tendency for racism and racial stereotypes to occur as "bad news" stories.

Crime was the most reported item and race tended to feature in various formats.

Of 14 categories monitored, it was found that seven supported stereotypes. These included:

- Blacks are criminals,
- Blacks are irrational,
- People act according to their ethnic identity,
- Black lives are unimportant,
- All whites are racist,
- Black foreigners threaten South African society, and,
- Blacks are incompetent and incapable.

The MMP also found that the dignity of black people was not always respected in news stories.

There was also a tendency, especially on television, to film black fam-

ilies in moments of grief and mourning at funerals. In contrast, it was rare for the media to film the funeral services of white people.

The use of graphic images of violence and dead bodies was more common in cases that involved black people.

Reports on coloured people were characterised by gangsterism, rape and violent crime.

The report also touched on reverse racism, saying that there were cases where whites were seen as being the victims of blacks who want revenge.

Examples given include a newspaper article which suggested that former Agricultural and Land Affairs Minister Derek Hanekom's contract was not renewed as "he had fallen out of (President Thabo) Mbeki's favour because he is white".

Laura Pollecutt of the Freedom of Expression Institute cautiously welcomed the detailed nature of the SAHRC's interim report.

The SAHRC hopes to make its final findings available by the end of January next year — *Sapa*

Authors of report on media racism, facing wave of criticism, defend findings

IT DID not take long for the press to attack the findings of the SA Human Rights Commission's report on racism in the media, but those responsible for its contents are standing firm. Researcher Claudia Braude, who helped compile the report, has faced a barrage of criticism.

Some people feel that she has been condemned for the act of raising a mirror for the media to take a long, hard look at itself. Others ask whether the media is shooting the messenger for bringing bad news.

Because Braude has never worked in a news room, say others, she is unqualified to investigate the media. Also, they charge, she is unaware that reporters sometimes have only two hours to research and write a story.

Speaking reluctantly in a telephone interview from her home, Braude said "I stand by everything I said. I invite working journalists to take up the issue and rid the country of racism."

Braude, who has a masters degree in comparative literature from the University of the Witwatersrand, has been analysing the media since leaving university in the early 1990s.

She did research on the media for the truth commission and is known to have been critical of the commission for not exposing apartheid spies in the industry.

She is not fazed by the latest criticism that has been levelled at her following the publication of the human rights commission's report.

"I said up front that this was the start of a process," she said.

Dismissing the accusation that she has never worked as a journalist, Braude said the commission's mandate was not to look at what goes into newspapers, but to analyse the product that goes out to the public.

"There are clear gaps, but the media must look at my qualitative analysis, against the quantitative analysis done by the Media Monitoring Project group, and then criticise us," she said.

Edward Banks of the Media Monitoring Project, a group that monitored the media as part of the commission's investigation, said it would be sad if the whole process was rendered worthless because of petty squabbles.

The monitoring project began in 1993, analysing political coverage by the SA Broadcasting Corporation for potential political bias in broadcasts.

There were 20 academics who worked on the commission's investigations. Of these, 13 were monitors — six black and seven white. There were also two black and two white part-time researchers, and three permanent researchers — William Bird, his brother Edward and Phumla Mthala.

Edward Bird said it was unfortunate that the media had responded to the report without reading it first.

The media, he said, was being afforded an opportunity to look at the real issues facing society that are reflected in its coverage.

"The media needs to ask itself the question what is its role in transforming society?"

"How can it advocate better reporting and challenge the notion of racial discrimination and stereotypes, because they exist," Bird remarked.

He said when his organisation embarked on the project it did not want to point fingers but to raise the level of debate.

A media analyst who asked to remain anonymous criticised the commission for the way in which it disseminated the report. "The commission simply came out and said 'catch'. They are now surprised at the reaction they are getting."

He suggested the commission should have held workshops and worked out how to findings at length and how the findings were made.

Institute for the Advancement of Journalism director Hugh Lewin agreed that the commission's findings should not have been sprung on everyone.

He said that from his experience at the truth commission's media hearings, it was clear that there was much unrealised anger that had not been addressed. This anger needed to be understood, analysed and resolved. This would take a long time.

"People need to look at what the report says. To dismiss the report flippantly would be a grave mistake," Lewin said.

Human rights commissioner Pansy Tikwila said she was happy with Braude's findings.

Braude was a credible researcher who had applied for the job and was hired on the strength that she understood what the commission wanted to accomplish.

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