

The good and bad of the honeymoon

by MICHAEL MORRIS

AS a sum, South Africans are politically free in the most important ways: we have all voted, we are all represented reasonably in a parliament committed to an exchange of diverse political opinion, and the new institutions of government and law — painstakingly negotiated at the Kempton Park talks last year — promise us the instruments to seek redress where our freedom is curtailed or threatened.

But there are other factors that influence the levels of tolerance which, ultimately, determine the limits of free expression.

The government of the new South Africa will come under increasing pressure from its chief constituency — the disadvantaged — to deliver material relief, to ensure “a better life for all”, as election posters promised.

But it will also be under pressure from the economically powerful — the business and investor community at home and abroad — to stick to sound, disciplined economic policy even at the risk, in the short term, of spurning the demands of the poor and disadvantaged.

And it is when governments are under pressure from all sides that they don't like probing criticism and are least inclined to allow political opposition to become too much of a threat.

What then, has been our experience so far?

First the not-so-good news...

- There is still a host of restrictive laws on the statute book, and that is disturbing, because it suggests that although we have a very different government in place, some things haven't changed very much yet. To be fair, the new government has hardly begun making policy and we are still on a sort of political honeymoon. The first main session of the new parliament is imminent, so it is to be hoped that scrapping bad, media-unfriendly laws will be among its priorities.

- The reaction of the Minister of Defence Joe Modise to the *Weekly Mail and Guardian's* intention to publish a report on a controversial intelligence unit in the South African Defence Force. His first reaction was to use old apartheid laws to try to gag

the newspaper. It was like the old South Africa all over again.

- Then there is the question of the Bill of Rights. It is our first Bill of Rights and, on the whole, it is a good one, but there is concern that the freedom of expression clause could and should be stronger.

Richard Steyn, editor-in-chief of *The Star*, told the IPI conference in Cape Town this February that “we are about to be protected by a Bill of Rights which enshrines the freedom of speech and free media — but those rights are weakly defined and subject to various limitations”.

It is noteworthy that one of the world's biggest international media research organisations was equally critical of the access to information and freedom of expression clauses in the Bill of Rights. President of the International Association for Mass Communication Research, Professor Cees Hamelink said that while there was a right to freedom of speech and expression and freedom of the press, there was insufficient provision for freedom of information, opinion and ideas.

These, then, are some of the worrisome aspects.

...and then the not-so-bad news

But there has been good news too.

- The Joe Modise saga is a case in point. The outcry that followed the announcement of his interdict against the *Weekly Mail and Guardian* forced the Minister to withdraw it. He claimed his intention in bringing the interdict in the first place was to “satisfy myself as to the security implications of the issue”. Well, he had to say something.

But the most interesting and encouraging aspect of the rumpus was that the ANC itself — and its union ally, Cosatu — lost no time in criticising their own Minister and re-asserting their commitment to full disclosure.

The Modise story augers well for the state of vigilance in South Africa. It is particularly encouraging that there appears to be healthy tension between the ANC as a party and the ANC ministers in government. It keeps everybody on their toes.

- Also good news is the fact that the new rules committee of the National Assembly has decided that parliamentary committee

hearings on legislation may be held in public. It will be up to the committees to decide whether or not to open up to the media and the public — and I'm certain that some will still be held behind closed doors.

But this is a major improvement on the past when all committee hearings were strictly off-limits.

- Finally, the strong commitment to free expression in so many sectors of South African society is very encouraging. This is reflected, in part, in the recent launch of the Freedom of Expression Institute. Its launch was reported in one newspaper under the headline: “The New Freedom Fighters”.

Indeed, as the Press (and citizens) near the end of our political honeymoon with the new government, we are certain of having a very good Constitutional Court which will no doubt test these questions. A very close watch will be kept on how it balances the scales of freedom.

To conclude:

The main challenges facing the media are:

- to maintain pressure on the Constitutional Assembly to refine the Bill of Rights, in particular by beefing up the clause on free expression.
- to campaign for a Freedom of Information Act
- to make sure that President Mandela and the government honour their commitment to press freedom and open, “transparent” administration
- to support the initiatives of the recently launched Freedom of Expression Institute, and other similar groupings and, perhaps most importantly of all,
- to make sure that readers, listeners and viewers understand that if the media is restricted from revealing the truth, they are prevented from knowing the truth. The essential principle is that the freedom of the media and the freedom of citizens is indivisible.

■ *Michael AV Morris is political correspondent of The Argus. This is an edited version of a paper delivered at a Friedrich Naumann Foundation conference in Portugal recently.*