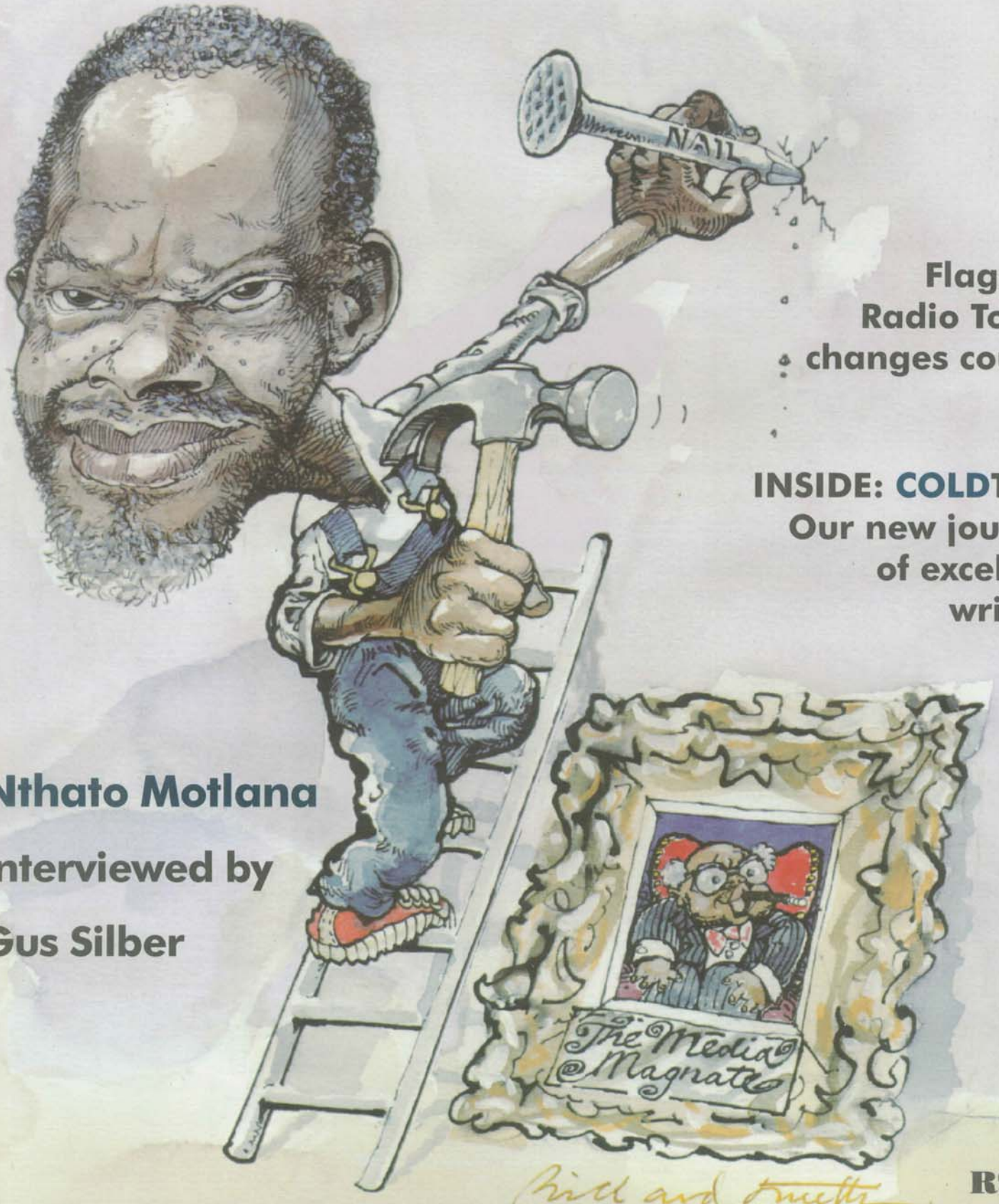


Review

RHODES UNIVERSITY JOURNALISM



**Flagship
Radio Today
changes course**

INSIDE: COLDTYPE
Our new journal
of excellent
writing

Nthato Motlana
interviewed by
Gus Silber

Bill and Truett

R9,12

Contents

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Special Inserts

Ragged Right and Cold Type

Thanks to the continuing support of our sponsors Review continues to grow. This edition brings a number of changes: a move to a larger format, a new designer and the decision to include both the award-winning typography and design journal, *Ragged Right*, as well as our new acquisition, *Cold Type*, as inserts in every copy from now on.

The format change is partly a practical response to these new inserts and partly because, as a university-based magazine, it was always the intention

to experiment. The arrival of a new designer in the department, Ulla Otte, an Essen University graduate, simultaneously with *Cold Type*, seemed to provide the impetus to rethink Review.

Some readers are sure to remember Tony Sutton, who started as a linotype operator in Horncastle (on the Tyneside) and came out to South Africa to work on Drum. He moved from there to start Freelance Editors with Kerry Swift and the duo won many awards on the Reef. Tony is now design director for Thomson Newspapers

in Canada and recognised as one of America's top designers, working on both sides of the Atlantic.

Ragged Right and *Cold Type* are both Tony's work and he has been characteristically generous in letting us have the litho's free. TML and Ton Vosloo of *Nasionale Pers* have matched that generosity in picking up the tab for the printing of these two publications in South Africa.

The material in *Cold Type* and *Ragged Right*, combined with our penchant to occasionally lift an article from the

British Journalism Review, may lead to the accusation of Eurocentrism in the total product. (We have already in past editions been accused of being sexist, middle-class and, thankfully, politically incorrect.) The Eurocentric bias is a more worrying one, however, and presents the challenge for the coming year. Can South African journalism produce articles to rival those reproduced in *Cold Type*? We believe so and will be looking for them in 1995 together with scouts in the industry, with the intention of printing the best.

guest editorial

By Bill Ketter

Make way for market-driven content. Stand aside for an avalanche of colourful and snappy pages. Hold your breath for big changes in the form and function of newspapers everywhere.

That, in essence, was the central message coming out of the first World Editors Forum held recently in Vienna, Austria, under the sponsorship of the International Federation of Newspaper Publishers (FIEJ).

One hundred editors from 27 nations spent two days discussing ways to reverse declining readership and make newspapers more relevant to people's everyday lives.

FIEJ Director General Timothy Balding arranged the unusual session in response to global concern of newspaper executives over dramatic changes in the information industry and how they might affect traditional press values.

"These competitive challenges will undoubtedly intensify, the pace of technological change will increase and new barriers will fall, revealing an entirely different communications landscape," Balding said.

"Thus a new dialogue is clearly needed between editors worldwide. They feel the need to exchange and debate fundamental professional issues."

The everyday problems, it turned out, are remarkably similar — from illiteracy in South Africa and Slovenia to smaller editorial budgets in the United States and United Kingdom to young people with no time to read in Indonesia and Ireland to newsroom discomfort with marketing departments in Belgium and Brazil.

So, too, the suggested solutions — imaginative content, improved appearance, innovative newsrooms. And with more emphasis on what readers want and less accent on what editors think they need, like it or not.

"If newspapers deliver what the readers want — and when they want it — the rest will flow ... circulation and advertising," said Terry Quinn, editorial director for Thomson Regional Newspapers of England.

Quinn, whose newspaper group has

bucked the 1990s trend of falling readership in England, said editors must "work much harder to make life easier for readers" by:

- * Focusing on the precise news demands of their markets.

- * Printing high-quality full-colour newspapers.

- * And employing a diverse work force that reflects the community.

"Most of our publications were written and edited by men, for men," Quinn said. "The result? Half of our potential audience was being, at best, patronised; at worst, alienated."

To overcome this obstacle to growth, Thomson Regional Newspapers assembled a research team of senior women journalists and marketers. The findings, Quinn said, "identified real gaps in coverage and serious concerns about traditional news values and judgments. The project challenged conventional newsroom wisdom and exposed a fault line running right through the entire daily process of story selection and projection."

Gene Cryer, editor and vice president of the Fort Lauderdale, Sun Sentinel, gave essentially the same appraisal of the problem in the United States.

"US newspapers are not dying; they are committing suicide," said Cryer. "They are produced by journalists for other journalists and/or their sources. They are, for the most part, irrelevant to most reader groups."

The answer, Cryer went on, is "really not complicated. All the editors have to do is listen to their readers. Not talk. Listen. And keep listening."

At Fort Lauderdale, he said, friendly ears resulted in a newspaper that has grown three-fold over the past 15 years in one of America's most competitive markets.

"We took the necessary steps to make sure we never lost touch with our readers," Cryer said. "I wanted to make sure whatever we did would become a part of the culture of our newspaper, not just a quick-fix programme that would go away as soon as I quit pushing it."

Significant changes included assigning a senior editor to the fulltime job of

making sure the Sun-Sentinel talks daily with its readers and gives them a voice in what the paper does and how it does it. This, in turn, resulted in several additions to the Sun-Sentinel that improved circulation, such as:

- * Full-colour Sunday science page aimed at young readers but which also appeals to older, loyal readers.

- * Teentime, a weekly page in the entertainment section which carries movie and record reviews by teenagers.

- * Weekly reports by a corps of 50 high school journalists on news they're interested in.

- * Weekly television book.

- * Separate, sassy alternative newspaper for adults who are not regular newspaper readers.

- * Bilingual tabloid (EXITO!) aimed at South Florida's exploding Hispanic population.

"I'm sure some of you are sitting out there mulling, 'What's with all this touchy-feely stuff?'" Cryer told the editors forum. "Newspapers are supposed to be tough, confrontational, aggressive and so forth. So please explain to me why a newspaper can't be both. In fact, if you will listen to your readers, they will tell you they expect you to be both."

But Jos Huypens, editor-in-chief of *Gazet van Antwerpen* in Belgium, worried that journalists may be pandering to marketing gimmicks more common to selling toothpaste than newspapers.

"Isn't there any danger that the newsroom becomes the prisoner of the marketing department, the budgetary control, the informaticians and the personnel manager?" he asked. "To what extent will editorial offices still be doing real journalistic work?"

The answers, Huypens said, probably lie in a better relationship between the editorial and marketing departments, reorganization of the newsroom and different hiring practices.

"The editorial office is no longer the only one to decide about the content and the layout of the newspaper," he said. "The results of reader inquiries and the activities of the competitors have their influence. And for the Bohemien-like, lonesome journalist

there certainly is no room anymore. Consultations, planning, team work and organisation are the key words now."

Frank Daniels, executive editor of the Raleigh, News and Observer, urged the editors to think beyond the printed paper to the new electronic media. He told of establishing an electronic bulletin board for students and teachers throughout North Carolina, and hooking up with the Internet international on-line computer service.

"You have to be prepared to change both the form and function (of newspaper organizations) to respond to this new demand" among young people for electronic information, said Daniels.

Bill Walker, assistant to the editor of the Hull, England, Daily Mail, said he changed the form of his newspaper-in-education programme by building a computerized classroom at the paper and bringing students there.

"It was an instant success," said Walker. "Youngsters have produced their own newspapers and topic work and have been inspired to read our newspaper. It has made us an established part of the education and upbringing of thousands of young people."

Representatives of the Society for Newspaper design told how and why good design and photographs help sell newspapers, especially in the age of multi-channel television. Kelly Doe, art director for the Washington Post magazine, urged the use of artistic layouts to draw the reader into the story. She also expressed regret that many newspapers are avoiding controversial photos and graphics because they don't want to rattle their readers.

"We're losing our bent for risk-taking," said Doe. "We're too concerned with being politically correct."

There was little disagreement among the assembled editors.

Ketter is editor of the Quincy, Patriot Ledger, and vice president of the American Society of Newspaper Editors. He served as chairman of the first World Editors Forum.

DIGITAL NEWS WILL SET JOURNALISTS FREE TO COVER THE LOCAL ANGLE

Modern technology will give small broadcasters a rip - and - read service complete with digitally stored sound-bites

A number of new (i.e. non SABC / Bop / Ciskei / Transkei etc.) community radio stations are already on air, and there are frenzied efforts by various groups around the country to start broadcasting as soon as possible. The big guns, the people who are overtly doing it for money, will follow as soon as the IBA sees fit to grant commercial licences.

While positioning, programming and marketing are all vital parts of the mix which will determine success or otherwise for both commercial and community stations, it is journalists who will make the real difference to most stations.

To understand this we first need to examine the nature of radio: Radio broadcasting at its very best is an intensely personal relationship between the announcer and each and every listener. As a listener you should believe the person on air is speaking to you personally, that you have been invited to join in the live conversation, or that he or she has chosen a particular piece of music just for you.

And every station, be it "commercial", "community" or Public Broadcasting Service (PBS), will have to broadcast what people want to hear in order to stay in business. Because the mass media is all about listeners, viewers or readers. No listeners, no funds, no station. The "off" button is the single most powerful weapon in the hands of the community, be it the folk of Thokoza or Jethro Tull fans in the Southern Suburbs of Cape Town.

There is, in fact, no difference in the nature of the stations defined as "community", "PBS" or "Commercial" by the Broadcasting Act. A loyal group of listeners is, by definition, a community. This can range from a community of entrepreneurs to a group of mothers in a squatter settlement. When it is done right radio builds up a tremendous loyalty from the people who identify with that particular station.

Radio is the most powerful tool for the building of communities, because it

is the most accessible of all types of mass communication. Anyone who can use a telephone can go live on air to state their point of view or to debate with another listener. What better way of introducing the people of Thokoza to the residents of neighbouring Kempton Park? For that matter, what better way of debating and solving the burning issues of housing, roads and sanitation within Thokoza than by exposing the politician concerned directly to the people through the medium of radio.

There is a very special place for journalists in a radio station. But, it means redefining just what news is all about and what it is that journalists do. News coverage must not be confined to the spectacular and earth-shattering. The main strength for most of the stations will lie in the identification with, and acceptance by, the target community. One of the main tools will be local news coverage. Listeners need and want to know that the electricity is being cut off, that there are roadworks, that the local high school fete is on Saturday, that the local soccer team is at the top of the log, and a host of other news. This is information that really matters, in that it affects the community — the listeners — directly. The better the station is at keeping them informed, the more they'll stay tuned.

Journalists provide this information by making the right contacts, by actively seeking out news and by becoming visible within the community they are serving. All of which lays the foundation for them to be fully integrated into the broadcast mix, unless the station management has decided to be totally music-based, with short news bulletins on the hour.

It should be the journalists in the field who identify issues and guests for phone-in programmes, who alert management to forthcoming events such as street fairs and sports events. In other words, it should be their task to facilitate the flow of all types of information within the community they are serving.

While interesting and relevant news bulletins are proven generators of both listenership and revenue news departments can be a huge drain on resources.

Here in South Africa the basic source of news for most operations is SAPA, the South African Press Association. SAPA produces as much as 500 000 words on a very busy news day. News desks need one person just sifting through this material. Another is usually needed to help write and to follow-up any urgent stories — if there is time.

Because this input by its very nature covers national and international affairs, the station is going to need at least one more reporter to provide the vital local flavour to the bulletins. All for less than 4 000 words which will actually be broadcast during a 12-hour day.

More investment in both staff and equipment will be needed when stations opt for sound clips in their bulletins. At least one additional person will be needed just to process the tapes. And there will have to be additional equipment in both the news room and studio to play in the 10-second bites.

Clearly it is uneconomical to invest in those resources in terms of people unless the broadcaster wants to run a news-based radio station. For those who see news as an essential part of the mix, but want to make wider use of the information-gathering skills of the journalists, the only option is to make use of an agency service.

Abroad this need has led to the provision of "rip and read" news services. These are ready-to-read bulletins which are taken straight from a telex or fax printout and read by the duty announcer. In this case the agency provides around 500 words of written-for-radio news and the duty DJ or announcer simply selects the 300 or so words for broadcast. This is the cheapest option in that the station needs no news infrastructure. It also means it has no inbuilt ability to gather and broadcast local news because the agency obviously cannot cover news down to that level. It also means effectively ceding editorial policy and control to the news agency.

It also means that there is no provision of sound-bites, an essential element in radio news around the world. Many of the SABC's stations have been slow to follow this format simply because of physical constraints — the newsrooms are too far from the studios, and the old tape-based systems require substantial investment in equipment.

The good news for local broadcasters is that modern technology makes it possible to combine text and sound on the same computer system. SAPA, which has been approached by virtually all the new broadcasters for a rip and read type service, will be using digital storage to incorporate the sound-bites.

The news reader at the sharp end — in the studio — will read the text off the screen and click on an icon to play in the sound. There will be no tape at all. The ready-to-read bulletin, complete with sound-bites, will be downloaded to the radio station a quarter of an hour before broadcast. This gives the news-

room time to edit and adapt it and the reader time to prepare.

With the huge burden of combing through screeds of copy just to find the national and international news lifted off their shoulders the news team will have time to concentrate on the issues which really matter, and with which their audience can identify — burst stormwater drains, stock exchange skinder, the outlook for the forthcoming cattle auction and, of course, weather and roads.

Armed with a telephone a single reporter per shift should be able to provide this full service. With two reporters on duty the news team will really be able to get involved in sourcing and providing information for use far beyond the confines of the actual news bulletins. The technology which makes this possible has been developed locally, but is

based on proven software and hardware. Sound is fed into the system via a standard line-in jack from a field tape recorder or can be recorded directly in the case of a telephone interview. The journalist at the terminal then plays back the piece, selects the bit they want and incorporates it into the bulletin.

Text and sound are then sent through to the studio on a network and the whole package is ready to go on air, with the sound being transferred to the desk via a standard line-out feed.

The digital system offers tremendous cost savings in terms of both equipment and consumables. A fully equipped terminal will be available for considerably less than just one professional reel-to-reel recorder. Because stations will be broadcasting directly off the system they will not need Cart machines or reel-to-reel playback equipment in the studio to broadcast the sound-bites. All editing is also done on the terminal, which saves on the audio tape that, with analogue systems, ends up in the dustbin.

The provision of a cost-effective news service to all radio stations has tremendous implications for the broadcast industry. Everyone, including community radio stations, will be able to afford to have access to local and international news. The competitive edge will lie in the enthusiasm, dedication and professionalism of the news staff who should be the proactive link between the broadcaster and its audience.

Communications consultant Ed Richardson has worked in both the print and electronic media. He is now helping SAPA set up its radio news service.

The good news for local broadcasters is that modern technology makes it possible to combine text and sound on the same computer system.

The "off" button is the single most powerful weapon in the hands of the community, be it the folk of Thokoza or Jethro Tull fans in the Southern Suburbs of Cape Town.

Technology is fast reeling in another of the stalwarts of 20th century media production — photographic film looks set to join hot metal and the typewriter on the shelves of the Eastern Star newspaper museum. As digital photography comes of age, professional photographer Montgomery Cooper visited Europe's largest photographic trade fair Photokina in Cologne, Germany. Photokina attracts more than one and a half million visitors. This year several conferences on digital photography and multimedia ran simultaneously.

The photographic system press photographers grew up with is approaching obsolescence — those happy moments fighting film jammed in the sprockets of a single lens reflex soon to be a distant memory. For the future is digital.

Despite the fact that the "experts" at Photokina kept saying digital cameras won't kill film it is difficult to see it survive in professional press photography given the advances in this latest technology.

As the Vice President of Kodak, Richard Pignataro said at Photokina: "We are looking into a new age of technological innovation. Options seem to be appearing daily at every part of the imaging chain — capture, storage, manipulation and transmission."

Associated Press, for example, have been closely involved in the development of a digital camera using the shell of a professional camera. Already used by more than 200 AP photographers worldwide, the professional Nikon N90, with the latest motor drive and light meter, was designed for photojournalists working against impossible deadlines.

Associated Press and Kodak are the masterminds behind this innovative project. The N90 is the first electronic camera capable of handling two frames per second, logging them on removable storage drives which can hold up to 75 images.

There's even a built-in microphone to allow voice "captions" or note-taking during shooting.

The camera operation is almost as smooth as the pep talk we got in Cologne. The photographer just snaps the drive, which can best be described as a scaled-down version of the hard drive we're all familiar with on personal computers, from the base of the camera and connects it to another major development, the Photolynx, which is a portable system for field transmission.

No longer the endless and recurring nightmare of hiding the film cassette in your sock, smuggling the negatives past security police, or "souping" them yourself in an anonymous hotel bathroom — not with digital transmissions.

The digital images from a camera such as the N90 are simply loaded into the Photolynx system, which is the size of a notebook computer, but complete with Photoshop to view the images. From there it is a matter of minutes to edit and transmit images, literally around the world.

Using a portable cellular phone and satellite dish, the picture desk can have an image from you, the sunburnt photographer, in less than 20 minutes.

A second camera (also a Nikon) is one developed together with Fujifilm, the E2 and E2s. Basically these are fully

REVOLUTIONARY PHOTOGRAPHY

self-contained digital cameras with a memory card data storage system.

Of course, there are other systems expanding the amateur market, such as Agfa and the familiar faces of digital cameras with no film, or backs, just direct to computers, such as the Ilford versions, and the Leaf systems. With these cameras the images appear on the screen, ready for captioning, manipulation and then development to hard copy.

But the world of digital cameras in the field is not just restricted to the up-market AP operation (they own the satellite).

Photographers elsewhere are experimenting and a National Press Photographers of America crew recently scanned and transmitted an entire picture feature from the back of a car in a parking lot. After the assignment — a tobacco auction — six rolls of film were processed at a mini-lab.

The team scanned the images with a Polaroid scanner powered by a car cigarette lighter and then transmitted them back to the electronic newsroom using a powerbook computer and Photoshop.

All images were transmitted (along with the story) over a cellular phone — the last one while driving!

Even a shrimp boat has been used recently as a picture base. Using a Kodak DCS 420, a powerbook and a cellular telephone, photographers were able to edit and transmit images from four nautical miles out to sea back to their newsroom.

To give film its due, the frontiers of film "development" are expanding as well and new colour films would seem to be the end of a very long nightmare for photographers. Ektapress Gold II Multispeed film, for example, has an exposure range of ASA 100 to ASA 1000, liberating most press photographers from carrying a variety of different films.

The photographer only adjusts his camera setting for a different lighting condition. Balanced for daylight, it seems fairly tolerant of tungsten and neon, as I tested five films during Photokina and found hardly a trace of green skin.

You are not supposed to under or overexpose but I did so deliberately — and the results up to one stop under-over were quite acceptable. Cer-

tainly for the low resolution required for hard copy or for newsprint.

When asked if this film was developed to counter the awesome developments in the digital world, both the Kodak management at the Fair and the AP spokesman said that this was an extension of their film plans. Perhaps multispeed film could be seen as a counterpoint to the hard drive in the digital camera?

Digital photography, of course, raises ethical issues — with the Photolynx the camera definitely can be made to lie. The system allows the stressed field photographer huge leeway with the image — to the extent of being able to manipulate the image, change the colours, even add subjects. An AP spokesman at the Photokina admitted the potential problem saying some photographers are tempted to manipulate the images before transmitting.

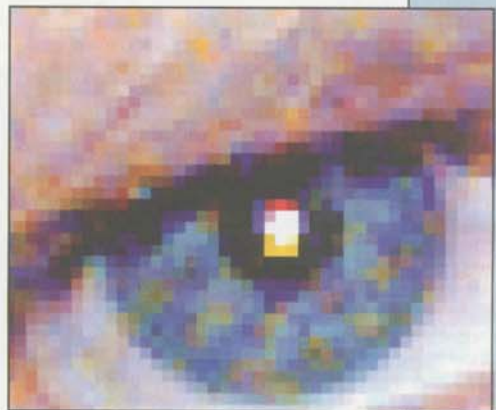
But, he hastened to add, AP doesn't encourage the practice, if only because rushed photographers may edit inaccurately.

The reality is that, in an increasingly shrinking media world, hard copy still images just won't be able to compete with the speed of digital transmission. And the speed is not bought at the cost of the image — there is an apparent lack of grain in digital imaging. The images can be blown up without noticeable loss of definition.

You would have to go to the extremes of using very low ASA black and white film (25-50 ASA), fine grain developer and very careful zone system printing, to get a result that does compare in quality.

Digital photography has become so powerful in its visible advantages even the most traditional press photographer should not be able to resist it. If they do, they face the same future as dinosaurs.

A professional photographer for 22 years, Montgomery Cooper is a lecturer in the Department of Journalism and Media Studies, overseeing the major stream of Photojournalism.



From the frontline of the liberation struggle to a listing on the JSE, it's been no easy walk to economic empowerment for South Africa's newest media mogul.



HAMMER AND NAIL

Gus Silber talks to Nthato Motlana.

The doctor is out. Third confirmed appointment this week, and he's nowhere to be seen. To make things worse, he's not even answering his cellular phone. His secretary, almost distraught with apology, brandishes a dog-eared, Tippex-smearred, ink-stained and exclamation-marked diary as evidence: the doctor is a busy man.

So busy, that at the age of 70, he's finally been forced to concede that his working day no longer leaves a gap for the practice of medicine. So busy, acquiring capital, building empires, creating wealth and empowering his people, that it is something of a shock when the security buzzer sounds and Dr Nthato Motlana strides into his office, announcing his arrival with a dazzling flash of teeth and a greeting in rich, rolling Afrikaans.

The executive chairman of New Africa Investments Ltd (Nail), the R7-billion, black-owned-and-controlled conglomerate at the helm of South Africa's biggest daily newspaper — Sowetan — takes his seat at the boardroom table, and I remind him that he was on television just the other night.

He was wearing an ethno-print shirt and a grim expression, and he was rousing a rally with a Black Power salute and the message that "there is nothing more powerful than an idea whose time has come". The time was 1976, the idea was socialism. The doctor's shoulders shake with mirth. He gets that little sound-bite thrown in his face all the time.

It's proof that he's abandoned the cause, sold out, become a fatcat. But really, nothing's changed. He still lives in Soweto, where he was a much-banned and detained activist, founder of the Soweto Civic Association and the Committee of Ten, in the days when the other NM was still behind bars.

He's still, at least on the surface, a lean and wiry cat. He still believes in Black Power. Only these days, he calls it "Economic Empowerment". A world away from the clenched fist salute, he weighs the air with his hands and borrows a slogan from the Soweto Black Housewives' League. "We lift as we rise." It sounds like a recipe for making bread. It is.

With a reflex born of more than 30 years as a general practitioner, Motlana uncaps a pen and scrawls something illegible on an executive jotter. "I know among some of my socialist-Marxist friends," he says, "the word 'profit' is anathema. So let's not even use that word. Let's just say..." He completes the prescription with a flourish "...excess of income over expenditure". If you don't have that, you're broke. I mean, even a Socialist can understand that."

He's almost weeping with laughter now, but the truth is, Nthato Motlana has been in business almost as long as he's been in politics. With a portfolio of ventures ranging from the manufacture of children's clothing to the establishment of Soweto's first private clinic, he scowls at the notion that his rise up the corporate ladder — he was one of the Sunday Times' top five businessmen last year — is purely a function of "affirmative action" by such white-owned corporations as the Argus group.

Nevertheless, it was Argus's 1993 decision to liberate Sowetan from its bundle that finally fulfilled a long-standing business and personal dream for Motlana. In the Seventies, angered by white control of the South African press, he led an unsuccessful attempt to launch a newspaper for, about, and run by blacks. Based in Pietermaritzburg, it was to have been called The Black Voice, with Motlana as chairman and Harry Mashabela as editor.

But the plan fell through when proposed funding from the World Council of Churches was diverted to a short-lived ecumenical publication called The Voice. Still, the dream lived on, and when Argus approached Motlana and a number of other "eminent persons" with a view to selling its black flagship to a commu-

nity-based trust, his reaction was characteristically to-the-point.

"I said, uh-uh, we're not interested in that kind of thing. We're interested in business. Let's talk about a takeover."

Today, aside from interests in insurance (Metlife) and cellular communication (MTN), Nail owns 52.5 percent of Sowetan, which gives Motlana more than enough right to express an opinion on the paper's shortcomings.

"The problem with Sowetan is that it is aimed at a Standard Four reader. So anyone with Standard Six, or a Junior Certificate, or a degree, found nothing to relate to in its pages. We know that people want to read about how Orlando Pirates beat Sundowns over the weekend, or what Brenda Fassie is doing, but we are also beginning to cater for people who aren't interested in that kind of thing."

Not that Motlana has any intention of imposing his feelings on editorial policy, of course. "One of the first things we did," he affirms, "was sign a charter saying that we, the new owners, would not interfere with the editorial staff. They must do what they know best. But clearly, we are going to use our influence, without leaning too heavily on them, to ensure that the paper has a proper balance."

It doesn't even bother Motlana, as a staunch ANC supporter, that the paper has a reputation for leaning towards the Pan Africanist and Black Consciousness points of view. "I don't know how true it is, but I believe that 95 percent of Sowetan's staff are PAC or BC," he shrugs. Not all readers are so tolerant. During the election campaign, Motlana was berated for an issue that led with a report of a 5 000-strong meeting

addressed by the PAC's Clarence Makwethu, while a mass rally addressed by President-in-waiting Nelson Mandela only made it to Page Four.

"I mean, that is absolute nonsense," agrees Motlana. "It's just not on." The complainant, Mandela himself. Although he is no longer the President's personal physician, a function since usurped by the Surgeon-General, Motlana still mans the complaints

He's still, at least on the surface, a lean and wiry cat. He still believes in Black Power. Only these days, he calls it "Economic Empowerment"

hotline when a Sowetan report or editorial incurs Mandela's disfavour. "But", he hastens to add, "he never suggests or implies that I should do anything about it. He's just pointing it out to me, as the Chairman."

This brings the subject of Press Freedom to the table, and Motlana is happy to add his commitment to that of the ruling party. At the same time, he can

"I said, uh-uh, we're not interested in that kind of thing. We're interested in business. Let's talk about a takeover."

understand why people like Deputy President Thabo Mbeki and PWV Premier Tokyo Sexwale are sometimes less enthusiastic about the practice of Press Freedom than they are about the principle.

"I can understand why they react as they do," he says. "I mean, the mainstream press, the handmaidens of Apartheid, after all the blabby crap they wrote during the Nationalist years ... when they suddenly start acting holier-than-thou, you just want to say, 'Hey, who the hell are you?'"

"I'm not saying certain things don't need to be said. Even Aggrey Klaaste, editor of Sowetan, is sometimes so damn aggressive towards the ANC, that it makes me cringe. But I support his right to say it. All I'm asking, as Thabo did, is that it is seen to be fair, and not just carping."

Motlana leans forward in his chair, his voice a conspiratorial whisper. The way he sees it, press criticism of the ANC, its ministers and officials, often seems mired in the residue of old-style South African racism.

"You get the impression," he says, "that some of the things they say about Mandela, about Thabo, about Tokyo, wouldn't be said if these guys were white. Or at least, the remarks would be tempered with prudence. It's a case of 'Man, wat weet die kaffers? Wat kan hulle maak?'"

At the same time, Motlana's own run-ins with the press have tended to be with publications reflecting

"It's a case of 'Man, wat weet die kaffers? Wat kan hulle maak?'"

the "black voice" of South African society. His particular nemesis is City Press, whose front pages have trumpeted Motlana's business setbacks and Nail's less-than-spectacular attempts to lure black investors to the Johannesburg Stock Exchange. Motlana still fumes over a City Press exclusive that claimed more than R6-million had "gone missing" from his much-vaunted Lesedi Clinic in Soweto.

"I will never forgive the young man who wrote that story," he says. "In truth, we had lost about R200 000. But people believe what they read in the papers. My staff would come to me time and time again, toy-toying and holding up placards: 'Dr Motlana, You Are Starving Us'. When these things happen, you have to ask yourself, is this what they mean by Freedom of the Press?"

As for black investment in Nail and its associated companies, Motlana concedes there is still some way to go before the idea takes root. Of 140-million shares up for offer earlier this year, only 11-million went to black investors, despite the heavily-discounted price of R1 a share. Motlana puts the blame partly on the

lingering perception that capitalism is not a good thing for "the community".

"There's a feeling," he says, "and I even find it among American Blacks, that it is not acceptable that a black man should get rich. If one man gets rich, everyone should get rich. But it doesn't work like that. Someone has to get the ball rolling. In any case, if some of us do get rich, we are bound to raise the level of richness of the whole black community. Because we do create wealth. We do create jobs."

With Nail poised to become one of South Africa's biggest industrial and publishing empires — plans include the expansion of Sowetan as a national daily, the launch of a range of magazine titles, and the establishment of a television and radio station — it looks as if Nthato Motlana is determined to live up to his current media image as "the black Harry Oppenheimer". He laughs it off.

"I'm reading the biography of the Rockefellers at the moment," he says, "and I keep thinking to myself,

"There's a feeling," he says, "and I even find it among American Blacks, that it is not acceptable that a black man should get rich."

I just don't have that streak of ruthlessness. I come from a different mindset. I like to see myself as a train-driver, taking my people on a journey of economic empowerment. I'd like to serve as a role-model, so that instead of people saying, 'That man's too rich', they'll say: 'Dr Motlana, you were born in a rural village of peasant farmers. Tell me, how did you do it?'"

With that, the doctor smiles, taps his watch, and makes his way jauntily to his next appointment, leaving the answer unspoken but loudly evident in the tailored cut of his pin-stripe suit and the unostentatious surroundings of his corporate headquarters. There is only one thing more powerful than an idea whose time has come. And that's a better idea.

Nthato Harrison Motlana was born in Marapyane near Pretoria in 1925. He obtained a BSc from Fort Hare and graduated in 1954 from the Wits Medical School. As secretary general of the ANC Youth League he stood trial with Mr Nelson Mandela and others in 1952 for his role in the Defiance Campaign. He has been banned twice, detained without trial twice, and convicted twice for "offences against the security of the state", resulting in imprisonment. He was not permitted to leave South Africa for 32 years.

In the 1970s he became chairman of the Soweto Committee of Ten and was the founder of the Soweto Civic association. He serves on the boards of Putco, The Rand Water Board, the Adcock Ingram Group and Sasol. He is chairman of MTN which was awarded one of two licences to operate a cellular network. Currently chairman of Metropolitan Life, he was last year recognised by the Sunday Times as one of its top five businessmen of 1993.

He has succeeded as chairman of the Corporate Africa Group in controlling South Africa's largest black-led business group, New Africa Investments Limited (Nail).

Dr Motlana is a long-time friend of President Mandela and has accompanied him overseas on several visits since 1990.



FLAGSHIP RADIO SOUTH AFRICA CHANGES COURSE

Radio South Africa is due for major change and it is clear that management intend to reposition the station — even at the cost of losing many loyal listeners.

Although not much is being said at this stage, what is certain is that the station will move away from its present Eurocentric focus as it faces up to two truths: many of its traditional listeners are old, British in outlook and literally dying on them while, to grow, the majority of its future listeners have to be black and middle-class.

Hints of the changes to come (the station is due to relaunch in March 1995) are to be found in the actuality news programmes Radio Today, Newsbrief and Newswrap. Executive producer Mike Roberts was brought onto Radio Today from Channel Africa two years ago with a simple brief — tighten up the show and Africanise the news side.

"The first thing I introduced was Newswrap, which is African. In general, the idea is that we focus on the Third World aspect, put it more in perspective. Our correspondents have been told when they send something, say from the USA, to bear in mind where they're sending it. Before it was anonymous material, now we want them to put an African face on the news."

In pursuit of this Africanisation some, although at this stage not many, Western correspondents have been

Radio South Africa came in for some devastating criticism recently from one of the many consultants who have visited the SABC. While Radio South Africa has the biggest footprint of all of Auckland Park's stations, its daily audience is relatively small and largely white, English-speaking, male and 50 percent over the age of 50 — in fact, everything you shouldn't be in affirmative action South Africa. The station's content reminded the consultant of something out of the 1940s or 1950s and he dismissed almost out of hand the SABC's claim that RSA was "unashamedly South African", saying it was dominated rather by "English sitting room" programming and was, as a result, most unrepresentative of the population. RSA's flagship programme, Radio Today, also came under fire, being criticised for not being hard-hitting enough in public affairs and below international standards. Charles Riddle reports...

axed from the programme to make room for a shift toward the Third World. "We've tried to get better representation by putting more people in Africa and in the Middle and Far East to balance the equation. For example we always had Peter Allen Frost in Israel and we were getting only that side. We've tried to balance the news as best we can. We've got a Sydney-based correspondent to look at the Pacific Rim and we want to put someone in place in New Delhi to improve on our coverage from India."

African coverage has been boosted by Joe Khamisi in Nairobi who files on Kenya, Somalia and Zaire and correspondents have been located in Mozambique, Angola, Addis Ababa, Nigeria and the Cameroon. Technical problems, however, haven't made for easy planning. The best contact the Radio Today team has had with the Addis Ababa correspondent is by fax — they've never managed to get something on air. And they keep losing the Mozambican. Literally, that is, as programme producers can't find him

whenever a story breaks in his area. The state of telecommunications in Africa doesn't help much either. Terrible line quality has also made contacts with many of the other African correspondents very difficult.

But part of the technical "challenges" will be overcome if a proposed partnership with the BBC to broadcast Focus on Africa at 6.30pm every day goes ahead. The actuality programme has a wide listenership in Africa. The idea is to produce Focus on Africa under a joint editorship. "It will give us access to their correspondents in west Africa. It'll be a good partnership as the BBC have admitted Channel Africa cleans them up in east Africa."

There has been a conscious effort to place black presenters' voices on the programmes. Producers are looking to pair Rodney Trudgeon up with a "black female voice" on Radio Today.

Good radio being all about relationships between presenters and their audiences, it is not so much the change in content on Radio Today that has elicited criticism but rather the accents of new correspondents and presenters. This particularly is the case when a black presenter, using what Roberts refers to as "street English" follows, for example, a programme by Paddy O'Byrne with his "university English".

"The contrast gets to listeners immediately. We got a tremendous

AMPS PASSES ITS MEDICAL

The All Media Products Survey (AMPS), funded and initiated by the South African Advertising Research Foundation (SAARF), has often been referred to as the industry's "currency". AMPS is the one common survey to which advertisers, their agencies and media owners turn, in order to understand their products and the markets into which they sell them.

By Cleo Ehlers

The annual release of AMPS is never without at least some criticism from various sectors within the advertising or media industries. This year however, the release of AMPS created concern as the data reflect fairly widespread drops in the use of newspapers, magazines and radio. Criticism of the survey ranged from allegations that media use should have been high, given that the AMPS fieldwork period coincided with the pre-Election and Election period - to complaints that circulation figures of several newspapers reflected increases during this period.

Piet Smit, Technical Director of SAARF, explained that a drop in radio

media usage had already been noted in May this year, when the first AMPS Diary report was published. When the general AMPS report was released in mid September and further declines in media use were noted, SAARF's various committees undertook a stringent scrutiny of the data. In addition, Nasionale Newspapers initiated an independent investigation through Professor Dawie Stoker (University of Pretoria) and Dr Jackie Galpin (Wits) into the methodology of the survey.

As a result of these activities, AMPS has been declared "fit" and given a clean bill of health. Changes in readership, for instance, apply to a variety of publication types. The drops in readership come from a variety of geographical and demographic groups. There is no clear pattern which might point a finger at the work which was done in specific areas or groups. Readership has dropped in both the highest and lowest Living Standards Measure groups. English dailies have lost both Afrikaans and black readers. There is some indication that more male than female readership has been lost, but there are also drops in high and low income groups. The number of read-

ers who claimed to have read or paged through a copy of a title during the six months before the interview, has also dropped.

Piet Smit believes that when trends for the last five years are examined, 1994 figures are not badly out of kilter with all the other years. He claims that decline in various media consumption since the 1993 report are exacerbated by the fact that 1993 reflected "unusually high figures" when comparisons with 1992 and earlier are made. Changes to the procedures from 1993 are minimal. The sample is slightly larger in 1994 and has been based on the nine new provinces. The actual methodology for measuring readership, radio listening, television viewing and cinema attendance, has not changed. The proportion of check-backs on fieldwork is slightly higher than previously.

The number of substitutions which had to be made during fieldwork has increased slightly, but SAARF's analysis shows that the readership which is reported by substitutes is marginally higher than that of ordinarily selected respondents. As a result, SAARF does not believe that substitution can be the

reason for the lower media consumption. To avoid possible unrest problems during the Election period, black fieldwork was speeded up from January to March, with the result that proportionately less black fieldwork took place during April and May.

The function of AMPS is designed to report on actual behaviour and not the reasons which determine that behaviour. Nonetheless, Piet Smit has put forward some comments from all the discussions on AMPS, as to possible reasons for the changes.

- The ruling economic and political climate is a prime suspect. It is possible this led to lower consumption because of less money to spend on media. Subjective factors such as an avoidance to further exposure to violence and propaganda, can only be guessed at.

- The population estimates which are used for AMPS are based on census data which are annually updated on the basis of available information. The proposition has been put forward that these estimates may be lagging behind actual changes, particularly as

amount of flak from listeners at first but we are weathering it. They phone in with comments such as 'Haven't they got their own station?'

But truth be told the grumbles of some of the programme's present listeners do not overly upset the planners at Auckland Park. Audience figures on Radio South Africa are not promising. Radio Metro has double the combined audience for Radio South Africa and Afrikaans Stereo — and yet Radio South Africa is the station with most resources. In some ways Radio South Africa's dilemma is not dissimilar to that of many newspapers in that the solution to its small, and increasingly limited, audience penetration lies in keeping up with the country's changing demographics. "The point is that we have to grow and we won't with the listeners we've got. We've had to accept that there's going to be growing competition and we're repositioning."

"We will probably lose a large percentage of traditional listeners but we're aiming at the black middle class audience and we have to make radio more accessible to them. They're not like the traditional Radio South Africa listener, the old English Service, A-Programme individual who tends to switch in and out for a chuckle over My Word. That's an older generation and we can't grow with them. I think in the changing South Africa we have to be bold and just step forward and leave the listeners who don't want to stay with us."

"If we're totally honest, I'm almost certain that many of the traditional white listeners are going to go to the BBC World Service. The advisors say that is what will happen because in the near future it will be very easy to listen

to the BBC. In any event, I have no doubt there will be a station that will move in to take up the traditionalists and be geared for them only. For instance it is expected the Weekly Mail will go into partnership with the BBC and we know one of the reasons the BBC wants partnerships is so that it can get its foot in South Africa, particularly onto FM. Traditional listeners stay with us at the moment but I'm sure we'll lose them the moment they can switch to a BBC station."

As for the future look of Radio South Africa? Roberts is cautious in

what he'll say but listeners can expect major changes to the line-up and the loss of some of the long-standing programmes. Part of the thinking is to open up the station to the public, bring in talk-radio principles immediately after Radio Today, for example, with an expert in the studio to discuss a topic linked to the major news event of the day. If it works, they should go head-to-head with Radio 702's successful formula.

Mike Roberts...will lose traditional listeners



LOOK ME IN THE EYE
AND TELL ME THE BLACK
PERSPECTIVE ISN'T NORTH
THE PAPER IS WRITTEN ON.

far as urbanisation is concerned. This possibility gets some support from the data.

- The fact that audience reductions were so widespread and apply to such a variety of media, is an indication that the media themselves are unlikely to be the cause for the lower figures, as the losses occur over many publication groups. They are not due to bad editorial content or to the loss of audience to effective competition, but are to be found in the fabric of society.

- The pre-Election period was characterised by tremendous activity in the area of Voter Education. It is possible that large numbers of people were occupied in such activities, rather than consuming their usual media.

- Several newspapers ran large competitions during the fieldwork period, boosting their sales. Some of these competitions resulted in multiple purchases of newspapers, in order to improve the chances of winning prizes. These high sales, which were unusually high in some months, were not due to greater readership, but to greater numbers being purchased by the same people. As such, in certain instances, circulation figures and readership figures would not necessarily tally.

Aggrey Klaaste – Editor



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YET ANOTHER AFRICAN DISASTER

It was early August '94 and I was having tea on the verandah of the Residence Hotel in Bukavu, Zaire, just across the border from Cyangugu, southwestern Rwanda. The festering wound that had become Rwanda was oozing, and its refugees were starting the second major crossing into Zaire.

It was pretty much par for the course as far as Africa goes... metre-deep potholes, ragged street-urchins and cars that had ceased running in another decade lining the roadside. Camouflaged soldiers with red berets slowed down their jeep and chatted to curio-sellers in the language of De Gaulle, but sped off when the big lenses of expensive cameras appeared on the balcony of the hotel opposite. And then, as if on a film-set, a long drawn-out queue of ragged folk, young and old, walked into picture, most with bundles on their heads... people that came to be known by many of the journalists as "the bundle people".

A callous statement. But I suppose the necessity to make sick, heartless jokes — in such a situation — is a defence mechanism, a way of coping with the stress that accompanies stories of human catastrophes. A reaction to constant exposure to mutilated bodies, not just dead ones, but human beings hacked into little pieces — grannies, babies, sisters, brothers, you name it — the whole family. The discovery of another mass grave next to a church or more bloated bodies in the lake. Such is the stress of joining the latest and ever-developing round of international journalism, supplying London, New York and Tokyo with news and pictures of yet another African disaster.

It's a strange thing, this game of playing foreign correspondents. Men and women with the latest "journ gear", from flak-vest to laptop, carrying the latest edition of the Herald Tribune or Newsweek, emerge from the C-130. They'd be here for the big day. The last of the French legionnaires were due to leave their self-proclaimed protection-zone in a few days, and word had it the Tutsi-dominated Rwandan Patriotic Front couldn't wait to take revenge on the remnants of the country's Hutu population. And sitting on the edge of the runway in a remote corner of Rwanda, green-topped hills and banana trees all around, the method behind the chaos of an international news room suddenly became that much clearer.

Whether for Der Spiegel, Time or ITN, the pictures coming out of the projected refugee-crush at the Bukavu border post on the Zairean frontier were bound to be good, which would be gospel for the editors back home as great visuals go down well with the advertisers. Gore, suspense and drama around news time draws the audience, which brings the commercials, which brings happiness all 'round for the corporation chiefs. But the question that needs to be asked is where were the big networks and journals when the story was in its infancy, when all the signs of an impending genocide were there to see? Could coverage then not perhaps have prevented the disaster, raised world awareness and even led to pre-emptive international action? I suppose the brutal truth is that the points on the horror scale weren't big enough yet... the dismembered bodies were still to come. I once put this ques-



Illustration: Alex Groen

Radio Today journalist Angus Begg spent some time in Zaire looking into Rwanda. He found the journalists nearly as interesting as the story.

tion to the senior editor of a major network in the United States, placing it in a South African context. He donned the hat of the average man, and summed up the news value of a story thus: wherever you're sitting in the world, if you see news of an event elsewhere on the globe, you have to ask yourself, "who cares?" I suppose the bottom line is that news these days tends to be big business, a commercial concern, and has to pay for itself.

As it happens with such stories, most of the journalists adopt a certain hotel or bar as their local watering hole, meeting for a drink and a meal at the end of a grimy day's work, and after a while it struck me that most of the accents I heard were from out of Africa — either Europe or the States. Okay, these people may have been temporarily based in Nairobi or Jo'burg, but nonetheless they weren't from Africa, which raised further questions; surely the way in which a story is viewed and portrayed by journalists depends on their background, upbringing and environment? Do they understand Africa? Do they understand the ways of its people? Why do we never hear positive news coming out of this continent? It may be hard to believe for Joe Soap, given the civil wars, coups d'etat, famine and corruption associated with Africa, but if journalists are allowed to look, they will find.

At the end of the eighties the World Bank issued a report in which it warned of the dangers of the Western media's portrayal of Africa as a disaster zone. Quite simply, the message was that if this attitude continued, Africa would become a self-fulfilling prophecy. And let's face it... a rundown of all the conflicts on this continent doesn't make for good bedtime reading. Interesting reading, however, would be a look at the competition between the various relief agencies. The last thing you'd think of really — considering the remarkable tasks they perform — is a tussle for publicity between, for example, the International Committee of the Red Cross and Medecins Sans Frontier. But the head office of an aid agency in Paris or Geneva wants exposure... wants coverage on CNN and Sky, and articles and pictures in Time magazine. As a result, the PRO's stick close to the big guns, the correspondents attached to the major international operations, and an inevitable result of this contact is the occasional tale of the orphan refugee rehabilitated with her parents. You see the journalists don't look for these stories — the aid agencies deliver them. Which is fair enough really, because if your agency is not featured somewhere around the headlines then people will forget its name, and possibly even send potential donations elsewhere.

The issue of money was something I had much opportunity to think about, as I had limited resources available to me, especially working for what is essentially — on the international scene — an unknown station. Use of the satellite phone — common practice in areas without an efficient telecommunications network — was a major headache for me, especially when the bill was running at \$45 per minute. But that got me thinking. If TV can spend about R200 000 over about four weeks on one documentary for Agenda, why was I sweating blood about spending R6000 for a two-week story?

But the matter of big money is not restricted to the length of your lens or the power of your laptop. It links in to who you work for, who you know, and where you worked your last job. Being part of an international crew like ITN or the BBC is a good start because you acquire instant credibility.

Obviously experience counts for a great deal, and no-one can begrudge the extensive experience many of those journalists have acquired in similar conflict situations. But is the arrogance that accompanies this experience necessary? Certainly there were few fraternal feelings toward me. But as time goes on, and we in the SABC hopefully become more part of Africa I imagine, indeed expect, this will change. This is the crux of the matter. The last time a Radio Today staffer got to cover a major conflict story in Africa was Somalia '92. I sometimes wonder whether the SABC, and specifically Radio Today, which is meant to be the flagship of SABC radio news programmes, will ever be able to give true coverage to Africa. And whether the American was right. If we don't, will anyone care?

Journalists call for sanctions

By David Lush

The Media Institute of Southern Africa (MISA) is demanding that sanctions be imposed on southern African governments who abuse media freedom.

Three countries, Angola, Zambia and Swaziland, were singled out at the annual meeting of the Institute, held near Mbabane, Swaziland, recently.

A resolution adopted at the close of the meeting demands that members of the Southern African Development Community (SADC) sanction fellow SADC governments which do not abide by the 1991 Windhoek Declaration. The Declaration, which has been adopted by SADC governments, recognises that media freedom and diversity are essential ingredients of social and economic development.

In its resolutions, MISA further called on the international community to "pressurise" countries which continue to violate press freedom in southern Africa. Swaziland, Angola and Zambia were identified as having the worst media freedom records in the region.

The meeting also saw the presentation of the Institute's annual Press Freedom Award, which this year went to Zimbabwean journalist Basildon Peta. The award is given in recognition of outstanding contributions made by southern African journalists to the promotion of media freedom in the region.

In March this year, Peta, a 24-year-old reporter with the Harare-based Daily Gazette, was repeatedly detained, interrogated and finally charged by police in terms of the country's Official Secrets Act, after he exposed massive tax evasion by companies owned by the ruling ZANU-PF party.

During the five days of incessant questioning, police tried to make Peta reveal who had given him information about the fraud. However, Peta remained true to his professional ethics and refused to reveal his sources, and it was for this that he was honoured by MISA.

Presenting the award at a gala ceremony was Kenyan journalist and human rights lawyer Gitobu Imanyara, who in recent years has been jailed and harassed by the Kenyan authorities for his ardent pro-democracy campaigning.

"Basildon Peta refused to be dictated to," Imanyara said. "He showed no sign of fear and behaved in the best traditions of a journalist."

Although Zimbabwean authorities have since dropped the case against Peta for lack of evidence, the charge could be reactivated any time during

the next two years. "I will maintain my stance and I will do exactly what I have been accorded this prize for — that is to maintain professionalism and excellence in the profession," Peta said.

MISA delegates passed a number of resolutions, most importantly the one demanding that SADC countries impose sanctions on member states who do not abide by the terms of the Windhoek Declaration on Promoting an Independent and Pluralistic African Press. There is provision in the SADC treaty for such sanctions.

The Institute also took the Swazi Government to task, delegates noting that they were appalled that Swaziland, a Windhoek signatory, did not have constitutional guarantees on press freedom. The Angolans, in the light of the war and subsequent censorship and manipulation of state-run media, were asked to promote national reconciliation through the media. Zambia, where The Post newspaper has experienced on-going harassment, was asked to scrap those clauses in the Leadership Code of Ethics Bill that require journal-

ists writing about political leaders to appear before a tribunal to justify stories and to disclose the sources of information.

MISA has decided to set up a "hotline" to advise media in the region. This will run in tandem with a legal trust fund, to be used to defend journalists against infringements of their fundamental rights.

David Lush is information coordinator for MISA.

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Illustration: Peter Midlane

RORY WILSON

At the end of 1989, Sowetan's non-editorial executive team was all white. At the end of this year there will be three white faces out of 11 people.

Statistically, that might seem to be a reasonable achievement and I suppose it is not a bad effort. However, behind the systematic and almost relentless search for black executives at Sowetan there has been much heartache and much disappointment.

Of course, the exercise of giving disadvantaged people a real opportunity has been so much easier at Sowetan than at other newspapers. After all, it is a newspaper serving the disadvantaged communities of South Africa. This has given us something that few other companies have had: a non-racist rationale for advancing people in the organisation. We have simply been able to say that we need executives who know and understand the markets that we serve. I know that affirmative action has been so much easier at Sowetan because of this simple, arguable and obvious rationale.

I pity those companies who must now overcome their racist pasts with an equally racist rationale for affirmative action.

There are many, many other rationales that float around in South African companies — and in our newsrooms — all of which explain why affirmative action is not being done. They go something like this: "It's irresponsible to promote people who are not ready for it." "We must train people before we promote them." "We must advance people slowly, at the pace they can handle."

These — and others like them — are the arguments of the benign racists who hold almost all (yes, almost all) the positions of authority in our businesses and in our newspaper companies. And I unhesitatingly include myself in this category.

In my experience, there is only one way to achieve affirmative action: Just do it!

Once you can acknowledge that you inherently a racist, all those fatuous ar-

AFFIRMATIVE ACTION TRIPTYCH

guments about inverse racism, concern for the guy you are promoting etc just fall away. Then you are free to find good people, give them a chance and — very importantly — support them in their new jobs emotionally, physically and with whatever training they might need.

Good people who are given a chance, always take it. And almost all of them do well in the right supportive environment.

Yes, we made a number of mistakes at Sowetan and all of them were painful for me, for the people appointed and for the newspaper. But every company in the world makes its share of mistakes when employing new people....

I know that this is probably a simplistic approach. I also suspect that it will anger many people, specially those who make a living out of giving advice about these matters. It will probably also anger all those benign racists who were indeed Progs back in the 60's and 70's. I'm sorry if that's the case.

But if you don't buy my argument, test it. Ask any personnel manager or consultant why affirmative action has been so slow and listen carefully to the kind of reasons which are given. I'll bet that many or most of the reasons given will be mildly paternalistic, patronising and benignly racist. And not very convincing.

My bet is that there will soon be employment quotas in SA, simply because we are doing things too slowly and with too little commitment for our new rulers. So the sooner we all just do it the better — at least that way we'll have control over the process.

Rory Wilson is general manager of the Sowetan.

LAKELA KAUNDA

The democratisation of South Africa has brought new challenges to the print media, particularly white liberal newspapers which are more influential because of their wide readership.

Political changes have brought a crisis of identity and direction. Liberal newspapers in the past filled a vacuum as a platform for the voiceless. This was also a role filled by liberal MP's who made it their duty to speak out on human rights abuses on behalf of black people who could not speak for themselves, and whose leaders were often in detention or on Robben Island.

But all that changed on April 27: black people can now speak for themselves. Except, that is, in newspapers. Newspapers fill volumes of space with stories and features on affirmative action and restructuring. However, they are lagging behind in doing it themselves.

A lot has been said by influential figures such as deputy president Thabo Mbeki and Anglican Archbishop Desmond Tutu about the need for the print media to transform itself for the sake of credibility. As it is, any form of criticism, be it constructive or not, is seen against the background of a white-owned, white-controlled and white-run establishment. Criticism of the new order is seen as the views of disgruntled whites who cannot accept change. People tend to shrug it off with the comment: "What can you expect?"

As it is, black journalists not in management positions are usually too powerless and unable to dictate how their stories should be used. They are often unable to convince news and sub editors that readers may be interested in a

feature on a weekend stokvel at Phola Park or Khayelitsha.

This is not to say some newspapers are not trying. The Star has started a regular front page anchor of ordinary people and it is quite informative of what the average person does with his or her life from day to day. It shows that the ordinary resident of Soweto or Umlazi is not a car hijacker, bank-robber, mass killer, rapist or thief.

But heads of departments remain white and male. Very few black people are encouraged to go into subbing or editing which results in embarrassing wrong spellings of African names which, in turn, serves to perpetuate a myth that the press does not care.

If newspapers want the type of transformation that happened in parliament in Cape Town, they will have to recognise the need for formal restructuring and affirmative action policies formulated democratically with the involvement of all who will be affected. For, because of historical reasons, we have different experiences and backgrounds and despite good intentions and ability to empathise, there are certain changes that can only be brought to newspapers by people of a certain background.

But this does not mean grabbing the first black face in the street to change the colour mix in newsrooms. We need people who can contribute to the development of the newspaper. They should be either qualified and experienced, or have potential to learn and grow.

This should not end at editorial departments only. Boards of directors of various newspaper groups and independent newspapers remain largely white, middle class and male. If they draw in black people, they are mainly middle class, and usually conservative, males.

Newspapers must once again realise they have no option regarding the hiring of black journalists. The opportunity has now presented itself to the print media to move with the rest of the country and realise that South Africa is an African country — and not an European enclave.

Lakela Kaunda is political correspondent of the Natal Witness.

PETER SULLIVAN

Affirmative action is easily one of the most challenging paradoxes facing business. We need to face this dilemma in responding to critics' perceptions of success and failure.

On one hand is the legitimate expectation that people at work — especially in senior positions — must reflect all South Africa's population groups. On the other is the demand — from minority groups in particular — that competence and merit must underpin recruitment and promotion. While antagonists of affirmative action may want to ignore this plea for fairness, it's hard to imagine any self-respecting individual would want employment smacking of nepotism nor would they want a temporary form of preferential treatment.

These premises don't necessarily present a paradox. But add a time restriction and the dilemma springs up. The challenge facing committed organisations, and those legislating on affirmative action, is to reconcile the relationship between competence and the time needed to acquire skills and develop talent. The year 2000, suggested as a target date to achieve a more representative balance of blacks, women and whites in serious management positions, is on our doorstep. Yes, we have to take action and set targets. But beware, if the time frame is inappropriate, we will be setting up talented people to fail.

The premises of this paradox may also leave us feeling helpless about engineering real change at work. I can already imagine the disclaimers lying in wait from organisations not serious about empowering working minorities. The range will be endless, from "not being able to find the right people" to company downsizing, high speed gravy trains, altogether different work ethics, "African time", glass ceilings and whatever else.

Then there are the criteria in judging commitment to, and success with, affirmative action. Again, the range of options is wide. Included here could be money spent on training, development and the identification of potential, the ratio of blacks, women and whites at all levels of the organisation and at senior positions in particular, the degree to which racist practice has been eliminated from corporate culture, board representation, delaying the promotion of competent people not defined as affirmative action candidates, actively seeking out the skills, services and products of entrepreneurs not previously considered, unambiguous employment advertising, "transparent" policy and decision-making, and so on.

Those faced with the challenge of affirmative action feel like a stringless Theseus in the Minotaur's lair. But there is an important difference — every organisation is in a position to make decisions with potential to take the sting out of the paradox. For example The Star's staff attitude survey said it was clear people want to be employed, promoted and judged on competence and merit. Assuming organisations practise valid and reliable performance management systems, which pay careful atten-

tion to specific processes of work, previously disadvantaged groups — in theory at least — should have a better chance of succeeding with an opportunity to explore the boundaries of their abilities in a job they enjoy.

We have made this commitment at The Star; the need to take in or promote more black people into senior positions is high on the agenda, but we are not going to back down on competence. To do so would be to condone mediocrity. Worse still is the message management would be sending its staff — if you want to succeed here, "anything goes". I cannot imagine a more irresponsible and

uncaring approach to people who make The Star what it is. And I don't think the newspaper's management would ever be forgiven.

Much of what is written about affirmative action seems to imply a collective South African psyche, mostly white and probably unconscious, upholding the myth of incompetence among previously disadvantaged people. It is an unfortunate perception, despite almost irrefutable evidence of the strong correlation between competence on one hand, and the time, effort, training and commitment needed to gain the skills necessary to succeed at work.

Finally, I have to respond to Joe Thloloe's comments in a previous "Review" that The Star's editorial management team is "almost lily-white". There would be more blacks but many have been "stolen" from us. South Africa's leading black journalists — and Joe Thloloe is one — grew up in Argus or SAAN mainstream newsrooms. Has any other newspaper group trained more black journalists?

Affirmative action will be here for a long time. We are serious about it. I hope others follow.

Peter Sullivan is editor of The Star.



Politicians aren't the only ones breaking new ground in the new South Africa.

We are too. We're helping the communities near our mines establish market gardens to provide vegetables for the local people.

Through our life-skills training programmes, people are acquiring the knowledge to make their own bricks and pottery and learning how to sew.

We're also providing training for women who wish to establish daycare centres as a service to their communities.

Developing and supporting this kind of small business is as important to us as it is to our people.

Breaking new ground? We've really only scratched the surface, but all new projects need time to grow.

The successes we've already had have put us ahead of the government's call for big business to get involved in community upliftment programmes.



Sak

Len Sak left (he doesn't like the word retired — it suggests a last phase) Sowetan this year after nearly four decades of cartooning for South African newspapers. But Sak, best known for his character, Jojo, has no plans for quietly shuffling off into obscurity. Rather, he is hard at work on an informal education comic which combines Jojo with the other great interest of his life — the study of history.

If all goes well, South Africans should soon be reintroduced to Jojo the commentator, a man who falls asleep reading about the history of Africa, and in his dreams, meets up with the characters in his book. So, fans can expect Soweto's inimitable egghead to be totally unfazed when, while floating in an inner tube off Clifton beach, he meets a Phoenician galley.

Did the Phoenicians actually make it that far? "I'm not sure. But the idea is to use Jojo to make history accessible. I have drawn historical reconstructions before. Tim Tuck, set in the frontier wars period of the Eastern Cape and published in *The Weekend Argus* as a comic strip in 1959, and *The Secret Tunnel*, a series about the persecution of Jews in Spain, which I published myself in 1963 in a comic called *Gibor*, were two earlier attempts at this.

"I think fictional characters are a very good way of telling a story of the past. *Gibor* lasted four issues before I ran out of money — it should have taken off but didn't. I launched it in the 1960's when Apartheid was getting dug in, the parallel was there, and I was concerned also to try to convey something of what was going on at the time.

"Tim Tuck was a celebration of my love of that part of the country — I was born in Port Elizabeth. The story enabled me to develop my drawing ability. It was too wordy, the story line too naive, but very exciting venture for me. But it was badly paid frankly. The first 10 years were a terrible struggle — six guineas for a page of work, Tim Tuck paid 14. They thought it was an astronomical sum then but I remember it was always a struggle to come out.

"I never did commercial art, it would have been more sensible to combine with advertising work and I was approached. But I knowingly shunned

it, a sort of purist sense I suppose, a bit pretentious, but I really did want to do cartooning.

"I used to go out and look for work, but there were papers I didn't want to work for. Horace Flather asked me to work for *The Star* but I turned them down as too conservative then.

"I love humour, but if I could start over the thing that keeps tugging at my sleeve is that, if I have the ability to tell a story, then I think it is terribly important to convey history to people."

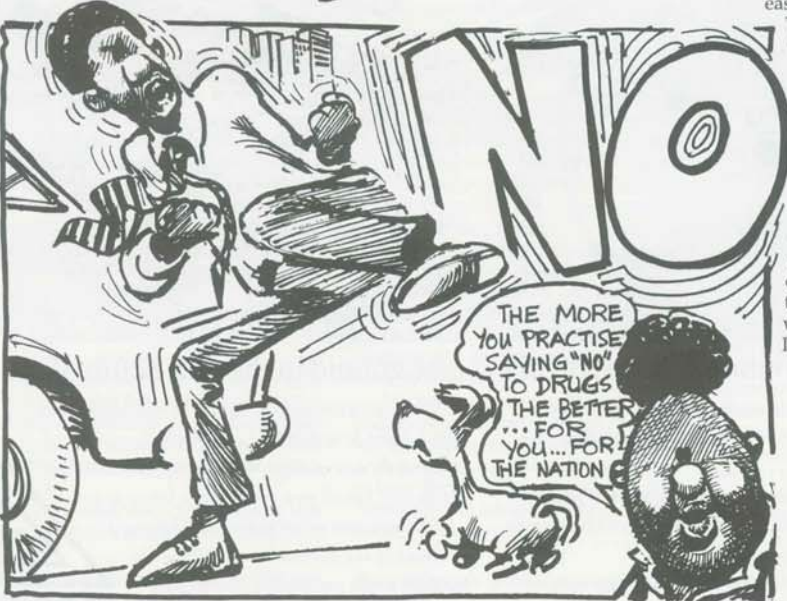
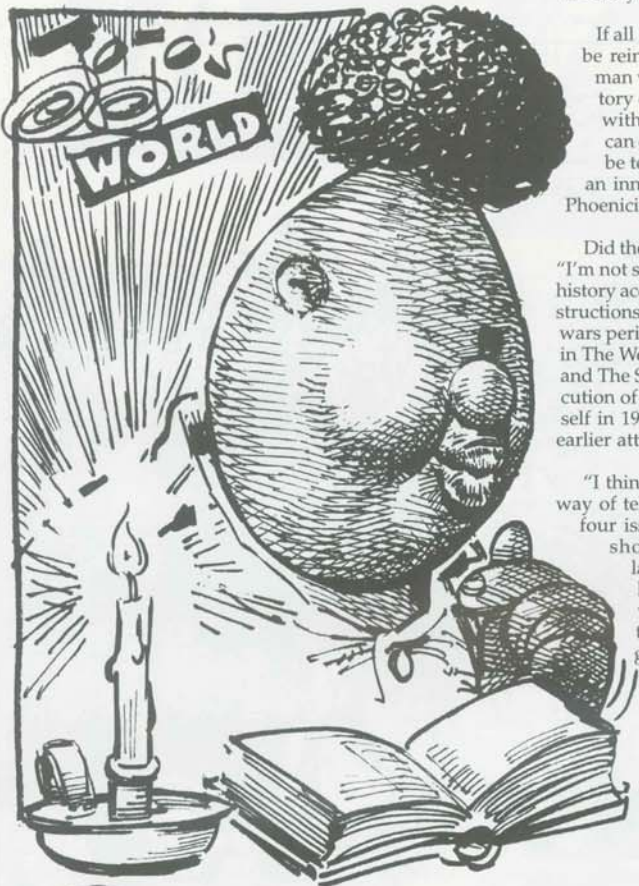
The Secret Tunnel, ended up as a page in the *Zionist Record* for about six months. Sak also had a strip, *Pletzl*, featuring a character remarkably similar to Jojo, in the *Record* and the *SA Jewish Chronicle*. The publications are two of many to have accepted his work down the years: He drew for *Rhodeo*, the Rhodes University student paper during his time on campus, *Bantu World*, *Brandwag*, *Golden City Post*, *Sunday Times*, *The World*, *Elethu Mirror*, the old Liberal Party paper *Contact* edited by Patrick Duncan and the British comic, *Princess*.

The work for *Princess* came about in 1964 after a pilgrimage to London, seen by Sak as the home of cartooning. He found a job with *Fleetway Publications*, producers of about 20 childrens' weekly comics. "Tim Tuck helped when I went over — the *Fleetway* people were impressed. The whole system was a production line, everything was specialised, somebody else did the balloons. It made me realise how privileged I was in South Africa. I could have established myself there but creatively I needed to relate to something that was part of me so I returned to South Africa after a year.

"I started drawing for *Contact* at the time of Sharpeville. We were in complete agreement as to what was to be criticised. Duncan gave me editorial freedom and the period was a fruitful one. It was a happy liaison — if Duncan liked a cartoon he would send me a telegram."

Sak's association with the controversial *Elethu Mirror* was in the form of the sexy adventurer Honey, an outrageous and bizarre strip with a black femme fatale as the heroine. Humphrey Tyler edited the *Mirror* at the time.

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Jojo often delivered a strong social message



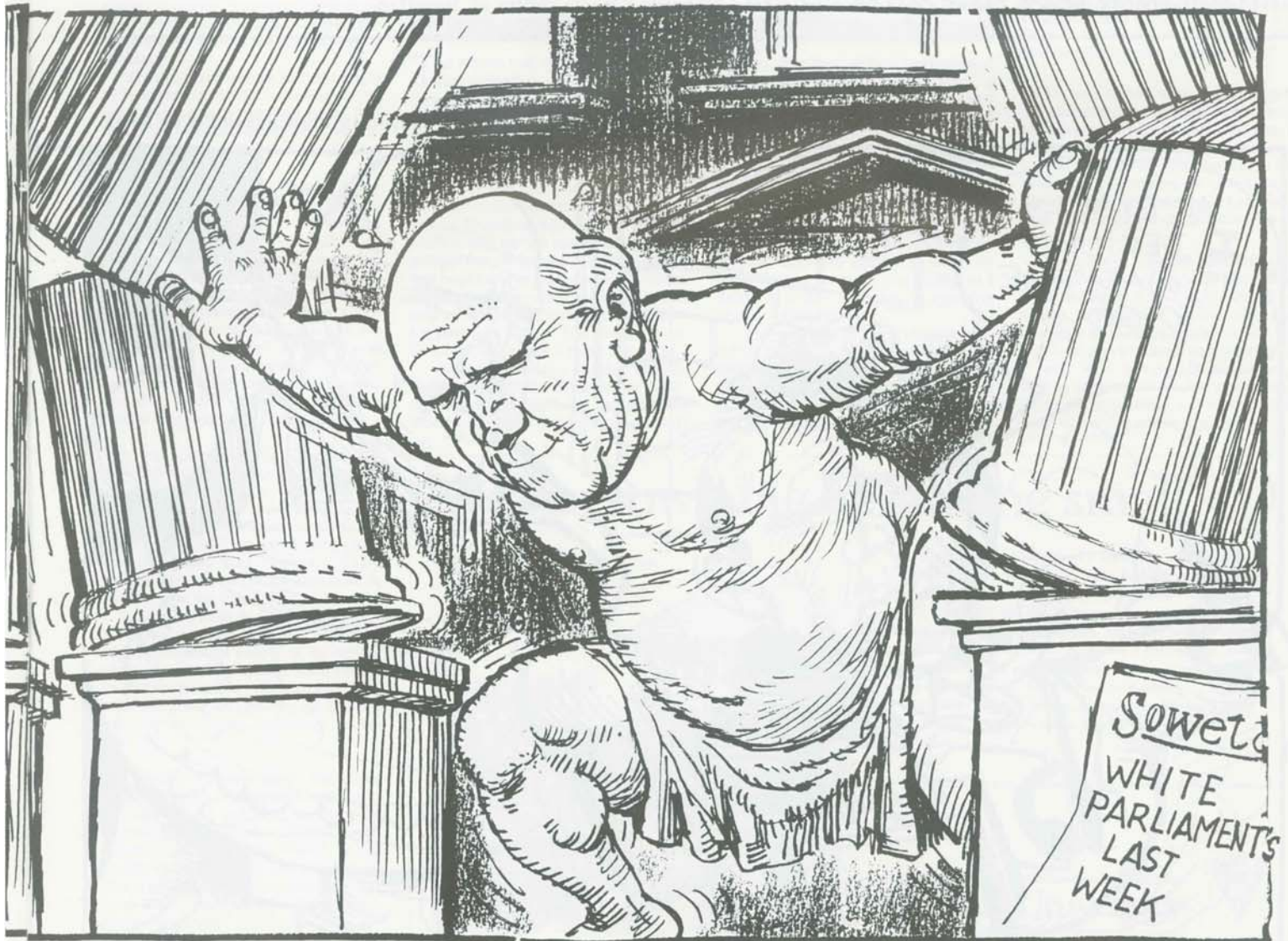
Mr. Editor, I'm in a hurry for the writing up of apartheid.

Sak predicted the fall of white rule in 1961 (above) and was able to cartoon its eventual demise (below)

In 1964 Sak produced *Gibor*, a Jewish educational comic



"Mr editor there is something I do not understand. Months back, a few readers made enquiries about Sojo's full name and address. These were enthusiastic readers of both sexes, who for reasons best known to themselves were keen to get in touch with Sojo. Nevertheless, they were duly informed that Sojo was a 'happily married man' and, therefore his identity could not be revealed. Quite understandable. Another reader has asked that a photo of Sojo and his family be published in *The World*. The answer: 'Unfortunately Sojo is a bachelor'. Come on Mr Editor, clear this confusion!" Letter from a *World* reader 21 February 1967.



"He could be eccentric and abrasive, but he understood the medium of cartoons. Honey was important to me as a developmental experiment."

Then, of course, there was Drum. It was in Drum (and the West African editions) that Jojo first made his appearance in 1959 under another editor who understood the cartoon medium, Tom Hopkinson. Jojo has changed little since — his characteristic rolled-up shirt sleeves, braces and egg-shaped head were well-established by the time the strip went on hold after Hopkinson left in 1961.

Jojo was recalled by M T Moerane, then editor of World, in 1965 and the strip was a regular feature of the paper until it was banned in 1977. By that time Jojo had established himself as a township legend and had had a printing press named after him and a song written in his honour (by Zakes Nkosi and his City Jazz Nine). On the day World was taken off the streets Jojo made a front page appearance in The Star before reappearing 10 days later in The Argus' response to the banning, the Post and Weekend Post.

Sak was critical of apartheid from the start and Jojo never ceased to chide the authorities. "I was convinced it was impossible to keep anything so unworthy and wrong going. It seemed inevitably wrong to me."

When Jojo finally retired from the Sowetan in 1994 Len Maseko, the news editor, was inundated with letters from readers asking that he come back. Noted one writer, Solly Manthata: "Len Sak knew how to put our day-to-day township life down in a single picture. In his cartoons we used to see and laugh at ourselves. Sometimes his cartoons would make us proud of ourselves or even angry at ourselves...It is heart-breaking and disappointing to think that Jojo had been with us throughout our struggle for liberation and he parts ways with us when we have reached our destination."



Kieste, an Afrikaans cartoon, was "recycled" for Gibor

"Len Sak is among those exceptional white people who have the indefinable and untranslatable black ethic called ubuntu." Aggrey Klaaste, editor of Sowetan.

Spring cleaning. One of Sak's favourite drawings of FW de Klerk



THIS IS FREEDOM RADIO (again and again and again...)

By Charles Riddle.

Clandestine radio has a particular image for many: a sort of Hollywood/French Resistance scenario of raincoated "enemies of the state" bent over a suitcase transmitter while comrades keep watch for patrolling fascist police.

When transferred to South Africa this image is almost invariably connected to the ANC's well-known clandestine station, Radio Freedom, which for a time broadcast from a Rivonia farmhouse in the early 1960s.

But the ANC's Radio Freedom is only part of the story of clandestine radio in this country. South Africa has a long, largely untold, experience of illegal political broadcasting. The country can lay claim to no fewer than five "freedom radios", all of which have transmitted illegally, mostly against the government of the day.

The original Freedom Radio (thought to be staffed by SABC English-speaking employees) briefly went on air in 1942 attacking Afrikaners opposed to this country's participation in the Second World War.

The second station, also called Freedom Radio (and the focus of this article) operated out of Natal in 1956 and, like its predecessor, was never traced by the authorities. It had a spin-off station, run by two brothers called Lang, who broadcast in the Pretoria area the following year and who were subsequently caught. The fourth station is the ANC's, which began broadcasting after the party was banned (they also got caught). More recently the political scene has been enlivened by Radio Vryheid, a right-wing station supporting the "Boer cause".

But to return to Natal. Freedom Radio broadcast weekly during the first six months of 1956. The station had an immediate political effect, stinging the Nationalists who had just succeeded in placing the SABC under effective party control and, so they thought, thereby gaining total control of the airwaves. In the words of the then Minister of Justice, C R Swart, Freedom Radio "broadcast shocking slanders against the people, against prominent people, in the dark of night. They have broadcast untruths and incited the people to violence...they have said 'Get going and destroy the government by any means, including revolution'."

Astutely, Freedom Radio broadcast on Sunday evenings just before, and in a waveband just next to, the very popular Lourenquo Marques (LM) radio programme "Hits of the Week". Young people tuning in to the LM programme (the prime audience for a clandestine station) often connected with the Freedom Radio broadcast.



The station was an initiative of members of the Federal Party, shocked by an increasingly good performance by the National Party at the polls. The party was quite strong at the time, having swept up jingoistic members of the ex-servicemen's organisation, the Torch Commando. It was some of these men, incensed by the National Party putsch against English-speakers in the military and the civil service and shocked by the inroads that the harder face of Apartheid was beginning to make on South Africa, who formed the coterie of resistance that was to provide the technical know-how for Freedom Radio. The station itself, however, was never a party initiative.

Announcer Jolyon Nuttall (nowadays communications director for the Independent Development Trust) recalls being contacted by Professor Geoff

Durrant, then head of the Department of English at Natal, and Peter Francis, a Pietermaritzburg lawyer. "I was approached because Professor Durrant had broadcast one of my short stories on a programme of his called Young Writers. They wanted someone who wasn't well-known — who wasn't a public figure obviously — and whose voice couldn't be recognised.

"I was a supporter of the Liberal Party in those days and equally incensed by what the government was doing so I didn't have any difficulty in agreeing from a political context.

"I remember it as being exciting, surreptitious, the recordings were done in different places, we kept moving all the time. One realised one should not get caught. The opening bars were the DaDaDaDaaaa of Beethoven's Fifth

Symphony and then we had the sound of an army on the march. We got that effect by filling sacks with gravel and then walking over them. We used very simple, but effective techniques to create the right climate for Freedom Radio. It wasn't just a bland talkshop, it was structured in quite a convincing and magnetic way. Then the voice came in. The scripts were brilliant, Professor Durrant was a superb linguist, they were passionate in nature, full of ringing calls for action, very critical of the government.

"Being a reporter on the Sunday Tribune at the time I could write previews about Freedom Radio for the paper which was delighted to publish stories along the lines of 'Will Freedom Radio Broadcast Again Tonight?' I would recap what had been said in previous broadcasts and give the frequency and time of transmission. Of course, this titillated the listenership quite a lot."

The Nationalists were duly incensed and changed the Radio Act, increasing the penalties for illegal broadcasting. "The court," thundered the Minister of Justice, "should be in a position to impose heavy penalties on people who abuse the modern inventions of our times and broadcast these shocking statements."

The parallel between clandestine radio stations and political developments sketched above will not have escaped the reader. And the IBA should take note. The State will always legislate broadcasting — to prevent chaos on the airwaves it needs to — but equally there always will be someone in a raincoat bent over an illegal transmitter, telling the politicians of the day where to get off.

We've grown big by staying small.



To measure the greatness of a university, some would count the students. We'd rather make sure the students count. This is exactly why, at Rhodes, you won't find yourself one of tens of thousands, but one of three and a half thousand. A number with numerous advantages. Such as a ratio of one lecturer to twelve students ... residences a few minutes' walk from lectures ... the privacy of single rooms ... and easy access to all 32 sports, from surfing to skydiving.

Inevitably, all this, and more, has given Rhodes a great name. Which is why you might wish to write it after yours.

For full details, write to the Registrar, Rhodes University, 6140 Grahamstown

Rhodes University



Newspapering is capable of a renaissance writes Kerry Swift.

BACK TO THE FUTURE



The solution, I believe, lies in ... bright and brash tabloids

It seems that everywhere one goes in media circles these days, the 'experts' are burying newspapers and funeral orations tumble from the lips of the chattering classes as if there is no way out for the press which, of course, is either nonsense or self-satisfying prophesy.

The argument goes that print is on a graveyard spiral, a gentle swallow dive into oblivion, while electronic media, in particular the second-wave delivery systems of radio and television, are the informational and advertising highways to the new South Africa.

If one were to go purely on ad spend statistics and the rather depressing circulation figures of a number of our existing newspapers, the experts would appear to have something of a case.

Their position, however, is tenuous. In the battle to titillate the collective attention of the nation, the show isn't over until, obesa cantavit, the fat lady sings, and in the media show newspapering is quite capable of a renaissance.

It is not newspapers per se that are facing a shallow grave, it's the idea that newspapers must peddle news. Selling hard news in print to our electronic generation is a bit like trying to sell Gideon bibles to New Age travellers. It's a case of misusing the medium and, in the fast-moving and highly competitive information business, it's the so-

called 'newspapers of record' that are most vulnerable in the battle against electronic media.

By way of illustration, a morning newspaper recently ran a front page story suggesting that a truckers' demonstration which had blocked traffic access to one of our cities was still continuing. This edition was still on sale in the beleaguered city hours after morning television had reported that the blockade had ended.

It is a simple but graphic example of the principle that newspapers, with their complex and time-consuming production procedures, cannot hope to compete against electronic media when it comes to breaking news.

How can newspaper reporters, even with the latest 486 laptops, modems and the electronic genius of AT&T, possibly compete with a Peter Arnett, TV camera and satellite dish to hand, perched on top of a Baghdad hotel recording live Uncle Sam's latest hand-out to the dread Saddam?

Of course they cannot. Nor should they even try.

It's a bit like the tortoise racing the hare. But, as the old fable has it, it is not only speed that counts in the battle for attention. Charm... flair... insight... rat-like cunning... all can achieve the purpose and put our electronic cousins firmly in their place.

If newspapers are to survive, however, they must either become niche

products by providing in-depth coverage and interpretation of specialist aspects of human endeavour (sport/business/politics/arts/culture etc) or emulate the British tabloids and peddle gossip and entertainment for all they're worth. In other words, "never let the facts get in the way of a good story".

While the niche product certainly has its place, and Business Day in the mainstream and Engineering News among the specialist press are examples of just how successful niche newspapers can be, it is harnessing the mass market that is the absorbing challenge for newspaper publishers and one that we in South Africa have not yet risen to.

The solution, I believe, lies in tabloid newspapers. Not the subsidised and politically correct variety that emerged as alternative voices in the eighties and are now being retreated to meet the market, but the bright and brash tabloids that sell millions each day in the United Kingdom and which have yet to emerge in South Africa.

Like them or loath them, the British tabloids are brilliant examples of journalistic flair and if they are approached with a healthy detachment and accepted as entertainment, which British readers in their teeming millions undoubtedly do, they are almost an art form. Low art perhaps, but who said mass taste was anything but vulgar. If it wasn't, how could Hollywood possibly have survived this long?

Historically it was Jim Bailey's Golden City Post which pointed the way. It was selling over a quarter of a million copies 30 odd years ago but its brilliance as a newspaper was not matched by economic fortune among its readers. It is difficult for advertisers to promote all the clutter of the modern consumer society to people who don't own houses and who are even without electricity.

All that is changing now. So too is the delivery of mass literacy. The pillars are being put in place on which to build a mass circulation tabloid press which, given the right editorial mix (i.e. less politics, more sport and vulgarity) could sell into the millions.

But newspapers must go back to the future. They have to turn back the clock to rediscover the editorial pulse that once pumped so hard but which all but disappeared through the apartheid years as journalists had to abandon the joy of newspapering and pick up the sword.

If a mass circulation tabloid press is to emerge here, it is unlikely to come from existing tabloids on show. Only the Sowetan has the potential to attack a mass market, but not under its parochial masthead. Something tells me, however, that for all its success, the Sowetan is only half way home.

I have spent many hours watching people buy and read their newspapers in the streets and, in most cases, they read from the back to the front as most readers used to do with the Sunday

Times before it was repaginated.

In the case of the Sunday Times, the back page was reserved for errant vicars being caught in flagrante delicto or for the sexual peccadilloes of the rich and famous all guaranteed to give readers something to chortle over after church.

In the case of the Sowetan, the sports pages at the back are the main drawcard both for the sporting news they contain and the extraordinary mafia antics of the sports administrators.

Perhaps therein lies the shining new path for newspapers in South Africa, a tabloid press which panders to the vulgar tastes of the lowest common denominator and which uses the British tabloid tradition as the visual model to breathe some life back into our ailing newspapers, which by and large have become tired, demoralised, uninspired and largely politically irrelevant.

An example, is the tabloid Goalpost which was launched late this year as an insert in the Evening Post in Port Elizabeth. Aggressive and colourful, Goalpost has led to delegations to the editor, threats to journalists and, most importantly, an increase in circulation.

In short, it's time we put some fun back into newspapering and stopped taking ourselves so damn seriously.

Kerry Swift is founding editor of Review.

Bright and brash, Goalpost attracted reader attention



Selling hard news in print to our electronic generation is a bit like trying to sell Gideon bibles to New Age travellers.

Corporations have been served notice that environmental issues, linked to the Reconstruction and Development Programme, are firmly on the agenda. Sound communication between all players is going to be vital, argues Terry O'Donovan

GREEN GOAL POSTS

The recent Southern African International Conference on Environmental Management held in Zimbabwe, arguably the most important meeting of local and foreign experts since the Rio Earth Summit, reinforced a number of important themes which resonated strongly amongst those representing industry.

And the messages were clear: the green goal posts are moving in Southern Africa and business has to keep abreast of these if relevant environmental management is to be employed. Standards, operating practices and projects should, where possible, take cognisance of the needs of individuals and communities and companies must communicate about this clearly, honestly and openly.

Locally, there is a new environmental agenda facing South Africa and the link with development will become critical. Of crucial importance here will be the development of sound working partnerships with non-governmental organisations (NGO's), local communities and government in order to achieve environmental objectives and the identification of new actors and issues within environmental management.

More specifically, it was emphasised time and again that business needed to move pro-actively in dealing with green issues if it is to counteract some of the "disturbing new trends" now becoming evident in South Africa. Such trends include the "professionalisation of issues" by individuals and groups who make careers out of targeting an industry, thereby attracting funding, staff and political clout to pursue their cause. These groups quickly assume the "moral high ground" and, once this has been established, it is very difficult to dislodge them as far as the public is concerned. Companies must move quickly before these groups become established, especially by establishing partnerships with NGO's and community groups.

Many of the new actors and issues will be driven by the development agenda. And herein lie important new opportunities for business, from a marketing point of view. For individuals (and government), environment will increasingly be driven by grassroots needs couched within the context of the RDP. For example, health, the needs of the poor, the working and residential environment and human rights issues will become focus points for environmental agendas. Companies able to move quickly in establishing some credibility in these areas may be able

to take the initiative. For example, the linking of Corporate Social Investment projects with community needs that meet development objectives (and therefore the RDP) could achieve best results.

It is going to be increasingly important to develop environmental standards relevant to South Africa. Such standards need to focus on issues spe-

cifically relevant to the experience of developing economies. South Africa needs to adopt measures which can be sold to the first world as credible objectives, such as linking environmental management to specific development objectives. For example, meeting future environmental standards in South Africa may mean allocating certain resources specifically to upgrading local

communities. The days of green projects which ignore development issues and individual needs are gone.

Few at the conference were left with any doubt that a new vision and perspective would be needed. And it's quite clear that the people have served notice.

Terry O'Donovan is media manager at Caltex Oil and a freelance journalist.

*Some of our biggest reasons
for believing in big business
are some of our smallest.*



If our children are to inherit a country worth inheriting, a financially strong country, big business becomes more important than ever before.

For one thing, like other small countries with big business, it is big business that enables South Africa to compete in the international markets and be a big earner of foreign exchange.

For another, it is big business that provides a stable base from which medium and small business can grow and expand on

A few of the business leaders of tomorrow at play.

a scale significant enough to become major contributors to the wealth- and job-creation processes of the new South Africa.

And that is really what a healthy economy is all about, a mix of big, medium and small businesses operating internationally and internally off a strong, competitive base.

Big business and the South African economy. Inseparable if the new South Africa is to have an economy worthy of generations to come.



ANGLO AMERICAN CORPORATION OF SOUTH AFRICA

THE ARTICLES IN THIS SUPPLEMENT ARE EDITED PAPERS DELIVERED AT A CONFERENCE CONVENED IN OCTOBER 1994 BY THE FREEDOM OF EXPRESSION INSTITUTE (FXI), THE CENTRE FOR APPLIED LEGAL STUDIES AND THE MEDIA DEFENCE TRUST. TITLED "MAXIMISING FREEDOM OF EXPRESSION IN THE NEW SOUTH AFRICA", THE AIM OF THE CONFERENCE WAS TO DISCUSS PRECISELY THAT. THE GATHERING WAS SPONSORED BY THE NEWSPAPER PRESS UNION OF SOUTH AFRICA AND THE FRIEDRICH EBERT STIFTUNG. A GRANT FROM THE LATTER MADE THIS REVIEW SUPPLEMENT POSSIBLE.



OPENING SALVO

CONFERENCE ORGANISER JEANETTE MINNIE

WE AT FXI and all other persons in the country who cherish press freedom were abruptly shaken out of our post-election reverie when the new ANC Minister of Defence tried to use one of these laws, the notorious Protection of Information Act, in an attempt to silence the Weekly Mail and Guardian from making further disclosures about hit squad and dirty tricks allegations.

The Minister, as we know, after a public outcry, withdrew the action and it also appeared he was not personally consulted about his department's decision to gag the paper. Bureaucrats—some apparently wearing uniforms with much insignia on their shoulders—had decided to react much as they would have during the reign of the apartheid governments.

Since then attempts have been made to use other laws as well—laws formulated by a succession of apartheid regimes and designed to ensure the public will only know what the government wants them to.

The time has come for concerted action to remove these laws.

Then there is the need to strengthen the right of access to official information, i.e. information held by the government in trust of the people of this country. It does not belong to the government, it belongs to us, the people.

We at FXI are aiming to achieve reforms far beyond what the government intends. There has been much publicity around speeches by Deputy President Thabo Mbeki that the government will, during the next session of Parliament, introduce a Freedom of Information Act.

Little publicity, however, has been

forthcoming about the role and function of such an Act and the relationship between the Act and the relevant clause in the Bill of Rights. If the clause on Access to Official Information in the Bill of Rights is deficient, then the Act which underpins it will also be deficient.

The Act cannot give us more rights than those contained in the Constitution, and the Constitution gives us only a limited right. In fact it does not recognise a right to know—only a need to know.

Not only do we need to strengthen our right to official information, we must also ensure that the Act will give us the means of access—the processes by which we will be able to ask for and hopefully receive information. If these processes are deficient, then never mind what our rights are, we still may not have access to official information—by bureaucratic default.

Then there are other aspects of the Constitution and its Bill of Rights that must be looked at critically.

Is the Freedom of Expression clause good enough? Some of us think it will still be too easy for Parliament to limit this right during a State of Emergency or in other circumstances which they might think suitable.

These possible limitations, which are provided for in the Constitution, must continue to be critically examined and, if

necessary, challenged.

A contentious issue which has never been resolved, and possibly never may, is the issue of hate speech. As discussed at the conference, this expression manifests itself actively in racism and sexism, and it raises the question of whether the constitutional right to dignity takes precedence over the right to free expression.

Another pertinent issue is broadcasting legislation and policy. After a massive effort by the Campaign for Independent Broadcasting—of which the FXI's predecessor, the Campaign for Open Media, was the central co-ordinating body—an independent Board of the SABC was appointed. This was through a public process designed to make the Board independent of any government of the day and the influence of political parties.

But will the SABC remain independent politically from a legal point of view? The Broadcasting Act still gives the State President the power of appointing any future SABC Board. Is the Independent Broadcasting Authority really politically independent of the government? If it is, why do we have a minister with the portfolio of broadcasting? What has he got to do with it? Who legally controls broadcasting in the new provinces established after the demise of the former TBVC states—the IBA or the

regional governments who constitutionally have authority over them?

How did it happen that we appear to have two sets of conflicting legislation in this regard? The latter problem was most vividly illustrated when the North West Government appointed a new Director-General of the Bophuthatswana Broadcasting Corporation—albeit only for a six-month period.

The appointment was legally in keeping with the Bophuthatswana Broadcasting Act. But it is a clear reversal of the spirit of media policies established in relation to the appointment of the SABC Board.

A very important issue up for discussion is the Publications Act which underwrites the Publications Control Board. This Board was a powerful tool of censorship in the hands of former governments.

Now its role and function appears to clash directly with the Freedom of Expression clause in the Constitution. Does this mean that the Act will be scrapped? Apparently not—the suggestion seems rather that it is to be amended so that the Board can play a classificatory role, rather than a censorship role, emulating the role of similar boards in other countries.

But what should be tackled is whether this Act should be amended at all, and whether it shouldn't just simply be repealed.

Censorship laws, access to official information, the Constitution, hate speech, broadcasting independence and the Publications Act—these are the key concerns for press freedom and the free flow of information in South Africa.

UNDER THE SURGEON'S KNIFE

MAXIMISING FREEDOM OF EXPRESSION IN THE NEW SOUTH AFRICA

As an author I have fallen foul of one provision or the other of our censorship laws countless times, to such a degree that censorship has left an ugly scar on my soul and on my psyche.

We are called upon to be plastic surgeons to remove those scars.

Creativity, normally the most enjoyable of human impulses, now comes to many of us like a difficult pregnancy and the trauma of a writer's block assails those like me with the pain that comes from a blockage of one's fallopian tubes.

We are called upon to be midwives who will nurse the nation through the pangs of parturition.

MBULELO VIZIKHUNGO MZAMANE

The Minister of Home Affairs recently appointed a Task Force to report to him on the validity of the Publications Act in relation to the Freedom of Expression clause in the interim Bill of Rights.

You will recall that this is the same Rambo Kid who stormed the Durban studios of the SABC but was beaten to the draw by Kid Sifiso Zulu, famous in Ulundi circles for shooting from the hip.

The Publications Act underwrites the Publications Control Board, which has been a major mechanism of censorship in South Africa. The Publication Control Board itself has acknowledged

that its rationale and activities are probably in violation of the clause in the Bill of Rights.

What remarkable hindsight!

If the Task Force finds the Publications Act substantially lacking in viability, it has to provide His Royal Minister with a report and a new draft bill soon. Our failure to become involved in the debate and influence the outcome of these deliberations could prove detrimental.

The Task Force has decided to consult with the public—apart from written submissions, it also intends to

hold public hearings—to acquaint itself with public opinion on a range of issues.

As a literary scholar, I have often wondered at the wisdom of legislation which could ban *Lady Chatterley's Lover* and allow *Songs of Solomon*, which is hard to rival as far as erotica in poetry goes, to be read by children of Sunday School-going age.

It is, indeed, an asinine phenomenon, and there is a sense in which all these expensive Task Forces, set up to establish that censorship could only have been dreamt up by people with the intelligence of donkeys, are a waste of taxpayers' money.

And yet if we should leave the issue to the machinations of government, we may find ourselves with a solution that is of validity only to the royal gatekeepers.

We may find ourselves, that is, clutching reeds in place of cultural weapons—a situation which would make of all of us sitting ducks for any knob-kierie wielding Minister.

REMOVING LEGAL IMPEDIMENTS

Removing legal impediments to freedom of expression, then, will call for certain mechanisms of legal reform.

There are still upward of a hundred laws which curtail press freedom and the free flow of information. These were formulated by successive apartheid governments and parliaments, but remain on the statute books. They are a temptation to anyone in power with a propensity for intolerance.

Soon after our new democratic government took power, you may recall, the Minister of Defence, Comrade Joe Modise, tried to use one of these laws—the Protection of Information Act—to prevent the Weekly Mail and Guardian from publishing dirty tricks allegations.

There was an outcry, from his own party even, and he withdrew the action. We would cite other examples in the short space of six months since the Government of National Unity (GNU) was formed. They all serve to show how dangerous it is for these laws to remain. They must be repealed.

We must address mechanisms of getting rid of these laws, such as urging Parliament to scrap them through a sweeping General Amendment Repeal Act—an Omnibus Act—or by litigating them against the Bill of Rights in the Constitutional Court—a much longer and more costly route—or a combination of both.

ACCESS TO OFFICIAL INFORMATION

The FXI has started a campaign to establish the right of citizens to have access to official information.

At present no automatic right to official information exists. The clause in the Bill of Rights recognises only a need to know, and not a right to know. You have to prove that you have to have access to official information in order to protect one of your other rights in the Bill of Rights.

There is also no recognition of the right of groups, such as the news media or an academic institution, to have access. Only individuals can have access. Such restrictions must go.

The FXI campaign is aimed at amending this clause in the Bill of Rights. Further, there must be a Freedom of Information Act to describe

the procedure by which citizens will exercise this right of access.

We are not so myopic as not to realise that the same Freedom of Information Act may also have to define, ironic as this may sound, the areas in which citizens cannot automatically have access to information, in the interest of State Security—as in war time, for example—or to private financial information. But such information, too, must in due course be declassified.

We, therefore, welcome Deputy President Thabo Mbeki's announcement that such an Act will be adopted by Parliament in 1995.

We believe strongly, however, that there must be a public consultation process coupled with a process of raising public awareness on the issues involved. These processes must inform the drafting of the Act.

The FXI intends to implement these consultation and public awareness processes and to co-ordinate a campaign on Access to Official Information. We want much more than the present constitution provides.

We want communities—geographic or interest—to be able to influence government policies on issues which will affect those communities. Thus they must know what government is discussing and when it is holding these discussions, so that they can make interventions.

We want citizens to be able to obtain all kinds of statistics and information for business and commercial purposes.

We want teachers to know what curriculum development is taking place and how curriculae differ from region to region.

We want the news media to have maximum access to inform the public properly and to play its watchdog role.

We want access to minutes of meetings and such other information as may be in the public interest.

There must also be proper bureaucratic systems to give people access to information. Is the civil service structured in such a way that it will be able to supply information within reasonable time periods, or will people have to wait for years? How complicated will the process be? Will illiterate people be able to use it?

The FXI is presently approaching the government to tell it that it will be co-ordinating a public campaign and that it seeks representation in any task group which is established. We also want to help establish the terms of reference of such a task group. We must ensure that civil society is properly represented in such a task group.

Central to all deliberations must be the Constitution and its capacity to deliver on freedom of expression.

We must examine very closely whether the Freedom of Expression Clause in the Bill of Rights needs more protection that it currently has. For instance, Parliament can revoke this right in a State of Emergency or limit it under the Limitations Clause in the Bill of Rights. Some of us think that it may still be too easy for Parliament to limit

or curtail this right. The matter needs more rigorous debate.

Another issue for consideration should be the balancing of rights in the Bill of Rights. In other words, what dangers or limits are there for Freedom of Expression in terms of the protection of other rights?

BROADCASTING REFORMS

The need, or otherwise, to review broadcasting legislation and broadcasting developments must also be discussed. Are further broadcasting reforms needed to the present broadcasting legislation, and are amendments needed to the Independent Broadcasting Authority (IBA) Act?

We must also realise that there is a particular problem around the political independence of some public broadcasters, particularly in the TBVC states, some of which are proving resistant to incorporation. Constitutionally the new regional governments have been given authority over regional public broadcasters such as BOP Broadcasting, Transkei Broadcasting and Ciskei Broadcasting.

This seems to be in straight conflict with the government's declared policy that public broadcasters must be independent of government and political control. This was the reason why the IBA was established: to enable broadcasting to be independently controlled. The question now is: Who is in control—the IBA or the relevant regional governments?

In a system of concentrated control, away from the previously marginalised and oppressed, can we completely rule out some measure of involvement by a government that now represents those previously excluded, the majority?

In what form and on what terms should such intervention be countenanced? The debate needs to go beyond point scoring, to issues of broader representation of interests, marginal or otherwise.

In the FXI's former guise as the Campaign for Open Media, it fought gallantly, through the Campaign for Independent Broadcasting, to establish independent appointment procedures for the SABC Board through public hearings, and to help establish the IBA.

We do not want to see these ideals collapsing and, if necessary, organisations must again campaign on this front, in relation to regional public broadcasters.

HATE SPEECH

Some attention, must also be paid to issues of racism, sexism, classism etc., and the question of whether this kind of speech should be legislated against and what this means in terms of censorship.

If discrimination at the work place on

grounds of race, sex, religion, class, etc. is unconstitutional and violates fundamental rights, does insult along similar terms constitute a similarly grave offence?

The views of victims and those who are offended in such matters need to be solicited in more meaningful terms.

In addition, comparative studies with other societies need to be conducted, for the debate in other societies on some of the matters before us is, indeed, advanced.

LANGUAGE

How is freedom of expression possible outside of a language policy that is democratic, inclusive and non-hierarchical?

There is serious travesty of freedom of expression, in my view, when TV1 expresses English language and Afrikaans interests, and the majority languages are all clustered on CCV.

What should be constitutionally entrenched language rights in all such spheres? Is disempowerment, through taking away my language and thus my voice, not a violation of my fundamental human rights?

It seems most regrettable to me to not consider the issue of language rights as central to maximising freedom of expression and access to information.

RACE AND GENDER

The arts, media, and information fraternity—the sorority is under-represented—is a white, male club in this country. Ownership of the media and publishing houses reflect such a pattern.

In a racially fragmented society such as ours, people who run the media and publishing houses—we know that blacks and women are often junior or token—have willy-nilly been socialised into and internalised values from the dominant culture.

The arts, media and information fraternity in this country is not representative. What passes for news in our media is often views, and news often means white news. Scan through any newspaper, unless the newspaper is specifically designated black. These

processes are still racial and racist.

A great deal of the practical manifestation of such a racist consciousness in any society also has to do with cultural illiteracy—and our white journalists, in particular, are culturally illiterate.

My definition of cultural illiteracy is knowing your Athol Fugard but without ever

having heard of Zakes Mokae or Zakes Mda. The vast majority of people in this conference can tell you where Wits is but have no idea in which town Fort Hare is located. That's cultural illiteracy.

It is time for both inspection (of governmental performance, censorship, the Bill of Rights, etc.) and introspection (in the direction of self-criticism and the creation of conditions necessary for broader representation of our varied and variegated interests).

It is upon these extremely important matters that the laying of solid foundations for our democracy depends.

The author is patron of the FXI and rector of Fort Hare University.

“... there is a sense in which all these expensive Task Forces, set up to establish that censorship could only have been dreamt up by people with the intelligence of donkeys, are a waste of taxpayers' money.”



I INTEND TO look broadly at the issues around the control of censorship—not just the censorship board because that's not the only place where censorship occurs.

Many people may agree that the current censorship form is crude and clumsy and reflects the old apartheid regime. But there are many who would not regard themselves as coming out of that censorship camp who still believe censorship of some form should exist and feel very strongly about these issues. Others come from a more libertarian standpoint who would be utterly opposed either to any form of censorship or to censorship in the forms that they might suggest.

The Minister of Home Affairs has appointed a task group that will look into the validity of the Publications Act. Some of the issues that they are concerned about are:

- the Act's validity in the light of the Constitution;
- whether there should be any limits on forms of publications as far as adults are concerned;
- whether there should be special theatres and shops provided where only adults can view material of a soft pornographic nature;
- whether the present system according to which there is classification of films should be continued, to what extent;
- whether there should be a warning system of films and videos and whether there should be continued age restrictions and plastic wrappers;
- to what extent religious convictions should be protected;
- what special measures should be taken to protect against publications and films which include multi-racial hatred or sexually exploited children or are excessively violent and concerns any other relevant matter.

The Publications Act as it stands has the notorious Section 47.2 which is a sort of definition section which has the sting. It regulates and censors publications on the following issues—blasphemy, what is now becoming more fashionably known as hate speech broadly speaking, state security and pornography and obscenity.

There are problems created by the new Constitution protecting certain kinds of speech more fully than it does other forms of speech. The Constitution creates a right and then at the back is a limitations clause, whereby all rights can be limited. The limitations clause as it is presently designed affords greater protection to political speech than it does to other kinds of speech.

What was borne in mind by the drafters was that issues like obscenity, pornography and blasphemy—notwithstanding in existence of a clause on freedom of speech—will enjoy less protection than political speech. The thinking here is that freedom of speech primarily exists for a political purpose and that other speech should be less protected.

I think this needs to be challenged, but certainly it was the thinking of the drafters. It is quite clear that if pornography, obscenity, hate speech and blasphemy are put on a lower scale, then legislation restricting these areas may not be unconstitutional. What is political speech will be given greater protection. Now one can immediately see there's a problem here. Where exactly do

CENSORSHIP

IS THERE STILL A ROLE FOR THE PUBLICATIONS CONTROL BOARD?

NORMAN MANOIM

you draw the neat lines between what is political and what is not political? Is it so easy?

An American Supreme Court justice is reputed to have said: "I don't know how to define pornography but I know it when I see it." Many people have ventured to try and find a definition of pornography and obscenity, but all of these definitions are usually value-loaded at that particular time. Pornography, which is so susceptible to so many different kinds of ideas, to your cultural perceptions, is not as easy to draft as definitions in the Tax Statute—and these themselves are quite difficult.

Definitions of pornography or interpretations by the Court generally rely on what is known as a community stand or a community value. These are tests provided in most jurisdictions as to what the community will accept. The problem with a community value is that it's not like the weather—it's not outside there. You can't go out and measure the particular thing and say that the community will actually accept public hair at the moment, anything more than that it won't.

It's a very, very difficult issue and at

the end of the day I would suggest dishonest. Trying to suggest what the community will accept or not, is an entirely subjective matter.

There is another issue. Most of the views of what is pornography and what is obscenity are elitist. Last century in

America there was man whose job it was in life to ferret out pornography. He raided the New York Art Museum where there were some paintings by some leading French painters which contained nudes and everyone was utterly horrified. The same man then raided the corner shops in the working class districts where there were postcards of the same paintings. Nobody was horrified. The poor people were prosecuted.

At the end of the day, what people see as dangerous pornography is what it does to the "rude and the crude". In the hands of the elite, it is okay. And that's what we see in this country. On the Weekly Mail Film Festival, it's okay to have all this funny French erotic stuff. Don't put it into the Roxy Bioscope out there in the southern suburbs—or in the townships. Heaven knows how those people may react!

The debate on what is pornography and how to deal with it has changed substantially in the last few decades. Previously, control around pornography came from a conservative or a religious position. The feminist position is quite different. Most feminists would not object to erotica—if one could find a definition of that; the religious purists would. The feminist censor lobby essentially sees pornography in the same way as people who want regulation against hate speech. They see it as speech that is harmful to society and requiring regulation. Regulation may take different forms, but if pornography is harmful then the State has an interest to protect society from that kind of expression, particularly because it (a) perpetrates violence against women and (b) perpetuates certain sexual stereotypes.

There was an unsuccessful

attempt by some of the leading feminist writers in the US to devise legislation in this vein. But it was too widely stated in terms of American jurisprudence, and the Federal Court held that because innocent speech was going to be criminalised, this legislation was overturned.

A different outcome happened in the Canadian Supreme Court quite recently. In this case a video dealer was prosecuted under a criminal statute for distributing pornographic material. The video distributor had displayed a notice that if "Sex orientated material offends you, please do not enter—no admittance to persons under 18 years." Now video dealers don't put notices out there to protect the public, they do it precisely to entice the public. The dealer was prosecuted under the criminal code there which made it an offence to distribute pornographic material.

There is an interesting definition in the Canadian Criminal Act as to what porno material is. A dominant characteristic is that "undue exploitation of sex or of sex in any one or more of the following subjects, namely crime, horror, cruelty, and violence shall be deemed to be obscene". It was a definition that the court in Canada was happy with.

A constitutional challenge to this was thwarted. Canada has a Bill of Rights very similar to our own and the Supreme Court upheld the validity of this ban on pornography on the basis that a limitations clause in the bill justified the action. So we have two quite different results from Canada and the United States.

PRIOR CENSORSHIP

Other problems arise not only from definitions but from the mechanisms of pornography control.

The first issue is prior censorship which is, to a certain extent, how our publications system works at the moment with films. If you want to show a film publicly you need a certificate beforehand. This is distinct from censorship after the fact—the fact that something can be declared undesirable.

For many libertarians, there is principle of opposition to prior censorship. Other people will say that you have got to have certainty in the system. Film distributors spend a lot of money promoting a film and it doesn't help if it suddenly gets banned the next day. At least if they knew upfront that it wasn't going to be allowed they could make certain cuts. Some people have attempted to ameliorate the system by having a film industry agreement. As in England, films can be submitted to a committee that consists of people who are sympathetic to the industry, who will look at it and then decide on what certificate to award. They won't stop a film, but they will send this or that certificate to the cinema to display. There are similar mechanisms to balance the interests in speech in advance but also to try and balance the community in protection.

The next issue is: am I liable for something criminally or civilly before it's been declared to be offensive? In other words, if I am selling a particular magazine, whether it's been declared offensive or not, am I supposed to look at it in advance and decide for myself and say: "Look this can be obscene, I could be charged. I won't distribute it"? This makes private censors out of all of us.

That is a very dangerous system, because wherever you may draw your line on obscenity, you have the effect of



"At the end of the day, what people see as dangerous pornography is what it does to the 'rude and the crude'. In the hands of the elite, it is okay. And that's what we see in this country. On the Weekly Mail Film Festival, it's okay to have all this funny French erotic stuff. Don't put it into the Roxy Bioscope out there in the southern suburbs—or in the townships. Heaven knows how those people may react!"

that kind of system of chilling speech. So, many American Courts say, you must have a system where you know in advance as to whether something is illegal—some kind of body has to have made a determination, otherwise you cannot be held to have committed that offence.

This raises all sorts of problems. Does it mean that you must have some censorship system in advance? Or something that declares the standing of material?

PRAGMATIC PROBLEM

There is also a pragmatic problem with censorship. Many purveyors of what some of you might consider pornography delight in the fact that they might get banned or come before some system. It creates enormous publicity around the issue, and it creates the best advertising campaign that you could want. So pragmatically, instead of protecting

“Many purveyors of what some of you might consider pornography delight in the fact that they might get banned or come before some system.”

people, you might entice them by highlighting these things. So from a purely pragmatic, non-ideological point of view, there is a problem with this legislation as well.

One of the solutions to regulate pornography is to say that you must make a distinction between private and public

morality. To the extent that I want to read this filth and I should have access to it, I should be allowed to do so. But where I impose this on the public as a whole or on a captive audience, then there should be some regulation.

In this view, even with all the definitions problems, even if you get it wrong, there's a compelling public interest to protect an unwilling audience.

The same may apply if somebody through the post wants to solicit you to buy their latest magazine and all sorts of porno filth and people doing unpetlike things with their animals and you don't want to see that sort of thing. That could contravene a regulation of the post office to say that you can't put that kind of material through the post, not to impose on anyone's freedom of speech. But if you do want to go to a pornographic video shop, if you do want to go to the Racy Cinema House, you should be allowed to do so.

That's one compromise. It's not going to be acceptable to many precisely because they say, it doesn't matter if we don't see the thing. It doesn't matter that people can see it in a more restrictive way. If it's harmful to society, it must go. The rejoinder to that, is if you say that all

these things are harmful to society, why just stop at saying you can't just read this stuff.

Why not say to people, you should be reading this as well in order to deal with this problem in society. So why not say, not only may you not read Hustler magazine, but you must read Andrea Dworkin. To which one might respond, give me jail instead.

I want to conclude by drawing from Ronald Dworkin, a well-known legal philosopher. He raises the danger of

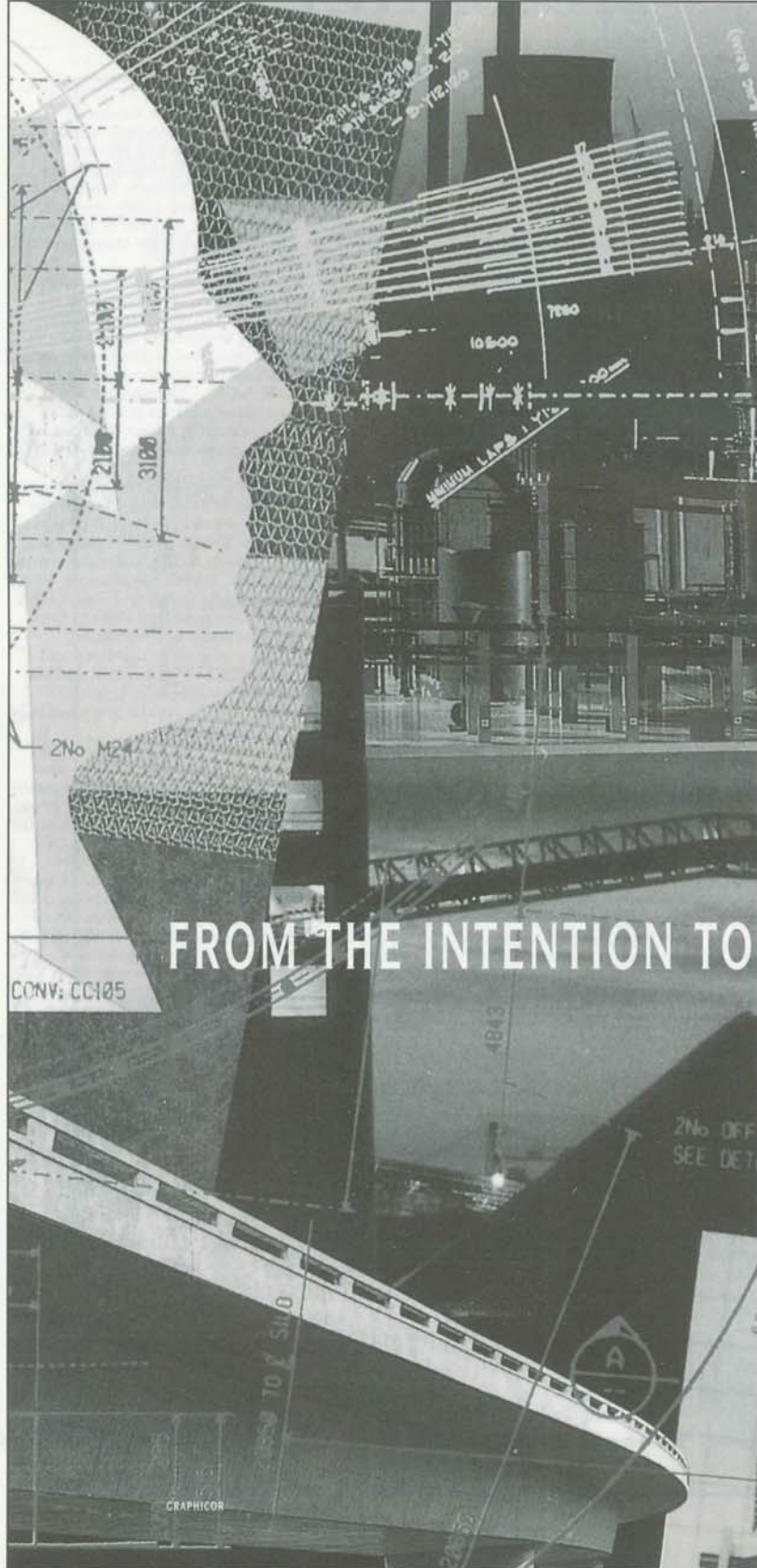
what happens to these laws, because once you've got them on the book, you can't control who are the victims, who are the defendants.

Feminist pressure led the Canadian legislature to adopt a severe censorship law, which was upheld against constitutional challenge. But the first authors to be banned under the new Canadian statutes, were not those the feminists had in mind. They were in fact prominent homosexual and lesbian authors, a radical black feminist accused of stirring

up hatred against whites and, for a time, Andrea Dworkin, herself.

To compromise on freedom because we think our immediate goals more important, may mean we find the power to exploit the compromise is not in our own hands after all. Rather, it is wielded by fanatical moralists with their own brand of hate.

The author is a prominent media lawyer



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LEGISLATION regulating broadcasting needs to be constantly reviewed, in view of technological developments on the one hand, and social-economic developments on the other, not to mention the ongoing jurisprudential debate in relation to light and heavy touch regulation.

In South Africa today, the issue is whether we have adequate structural legislation in place to achieve the regulation of broadcasting in this country. Quite simply the answer is no.

Those saying that we need less legislation and not more, must remember one is dealing with the finite resource of broadcasting frequencies. This is an environment in which rules need to be developed so as to ensure an equitable distribution of broadcasting opportunities within this finite spectrum. You will hear technically-orientated people telling you that with the coming of digital and satellite technology, the availability of frequency spectrum is magically multiplied so that the entire scarcity debate becomes somewhat academic. Would that this was the case.

For the short and even medium term, the mass market will depend on analog delivery systems, and it will only be the more privileged sectors of society that will reap the benefits of digitally delivered signals. Thus scarcity is a very real consideration, and accordingly regulation is required to ensure optimal diversity within a finite set of opportunities.

The IBA Act envisages a three tier system of broadcasting, and the IBA is in the process of issuing licences to the community sector, whilst the other two tiers, public and commercial, are subject to ongoing enquiry. It appears that in respect of these two sectors, some broadcasting legislative reform is undoubtedly required.

Public broadcasting

The first question that needs to be cleared up is whether the IBA has jurisdiction over all public broadcasting in South Africa. I note that Councillor William Lane of the IBA is quoted in Business Day as saying that they have taken legal opinion to the effect that the TBVC broadcasters are not subject to the IBA Act.

My argument however is the IBA should re-think its position in this regard. I say this because of a reading of Section 69 of the Act, read with Section 45(3), where jurisdiction over all public broadcasters in the Republic is given to the IBA.

There appears to be confusion caused by the provision in chapter 6 of the Constitution that provincial governments will have control over provincial public broadcasters. I would argue, though, that such control does not exclude regulatory control by the IBA, notwithstanding regional government responsibility for such provincial public broadcasters. For example, Minister Pallo Jordan is responsible for the administration of the Broadcasting Act of 1976 which governs the SABC, but this does not exclude the regulatory power which the IBA is entitled to exert over the SABC and its various broadcasting services.

It is therefore quite proper for both the State and the IBA to have relationships of governance and control over the public broadcaster. The mere fact that the Constitution gives provincial legisla-

BROADCASTING: DO WE NEED MORE REFORMS?

DAVID DISON

tures legislative competence over provincial public media does not exclude the regulatory function of the IBA to license such provincial public broadcasters.

I believe it would be proper for the IBA to deal with the SABC public broadcaster and the TBVC public broadcasters. It should hear the submissions of the national and regional public broadcasting players, and determine, together with them, in a process of consultation and debate, the most appropriate way forward.

The results of the public broadcasting element of the IBA's Triple Inquiry will be tabled in Parliament. Parliament will in all probability support such findings. It is then that major legislative reform in the sector of public broadcasting will be capable of being finally drawn up.

Section 2 of the Constitution provides the key for understanding how national and provincial legislation governing public broadcasting services at both national and provincial levels can be introduced.

Section 2(c) provides as follows: *A law passed by a provincial legislature shall prevail over an Act of Parliament which deals with a matter (over which a provincial legislature is legislatively competent, e.g. provincial public media) except in so far as:*

- *the Act of Parliament deals with a matter that, to be performed effectively, requires to be regulated or co-ordinated by uniform norms or standards that apply generally throughout the Republic;*
- *the Act of Parliament is necessary to set minimum standards across the nation for the rendering of public services.*

It can be argued on the basis of this section, that public broadcasting serv-

ices as a form of public service do require minimum standards across the nation for their effective provision. This in turn requires the national government to set down uniform norms or standards regarding public broadcasting services, whether national or provincial, that will apply generally throughout the country.

Because the Constitution gives the provincial government legislative competence over provincial public media, this provides an opportunity to establish provincial public broadcasting corporations in each province, separate from the SABC. The provinces could then be responsible for public radio services primarily, as television would be too expensive to establish at the regional level.

Having a provincial layer of regional public radio stations would enable the TBVC broadcasters to be re-incorporated into South Africa's public broadcasting system without failing under the central control of the SABC. For example, Radio Transkei, Radio Ciskei and Radio Algoa could be managed by an Eastern Cape Public Broadcasting Corporation.

In this way, greater pluralism and diversity would be encouraged and the specific regional needs in terms of education, culture and language could be attended to.

At the same time, the SABC could concentrate on the national level, and rationalise its operations into two public television channels and 11 to 12 national public radio stations, one of which could provide educational programming. A leaner and meaner SABC would be better able to face the dramatic changes that are taking place internationally in terms of transnational satellite broadcasting and the competition of global multinational media corporations.

The vision therefore is one which will require a new Public Broadcasting Omnibus Statute, to be presented in

Parliament shortly after the IBA's findings have been confirmed. This Public Broadcasting Statute would set norms and standards to which both national and provincial public broadcasters would be required to adhere. It would be a general enabling statute, allowing for a new SABC Act, for example, a North Western Province Public Broadcasting Act, an Eastern Cape Public Broadcasting Act and so on.

In line with the Public Broadcasting Act, each of the provincial legislatures would then be empowered and guided in the drafting of their own legislation particularly in the areas of the establishment process for an independent board, public hearings for the appointment of such a board, the charter of the public broadcaster, and the ability to levy licence fees, etc.

Outside of such a legislative process, it is difficult to understand how either the SABC or the provincial public broadcasters can at this stage be talking of finalising their own statutes.

The IBA is consulting with the broadcasting industry at present as to various amendments that it requires to the IBA Act. The bulk of these are procedural in nature, but there are some substantive areas which need some comment.

Amending the grandfather licences

Section 28(9) now empowers the Authority to conduct "inquiries into the nature and extent of the rights and obligations in relation to existing broadcasting licences".

This power should be read together with the amendment to Section 52 by the addition of a new sub-clause (1d) which provides that a broadcasting licence may be amended by the Authority in its discretion "so as to comply to such extent as the Authority may deem appropriate with such of the terms, conditions, obligations or other provisions as the Authority may apply generally to all new broadcasting licences issued in the same category and which the Authority deems necessary to achieve the objects of this Act."

Clearly these two additions now give the ability to the Authority to amend the terms and conditions of the grandfather licences.

Interestingly, however, the amendments do not actually affect the grandfather licences as they stand at present. There was a tremendous fear in the industry that that is what the amendments would do. Instead, the IBA have purported to empower themselves to amend those licences. This is significant, because it reflects the opinion that, constitutionally and in administrative law, it would be difficult if not well nigh impossible, for the IBA to diminish the rights of grandfathered licensees, without the consent of those licensees.

Clause 28 of Chapter 3 of the Constitution provides that no deprivation of any rights in property shall be committed otherwise than in accordance with the law, which law shall in turn only be permissible "for public purposes". In situations where previous licensees such as M-Net and 702 have invested millions in developing broadcasting services which are enjoyed by the public, it would be very difficult for the IBA to show that the diminishing of the rights of these pre-existing licensees was permissible on the grounds of "public purposes".

I am of the view that the IBA has introduced these amendments in order to begin the process of negotiation with



"For the short and even medium term, the mass market will depend on analog delivery systems, and it will only be the more privileged sectors of society that will reap the benefits of digitally delivered signals. Thus scarcity is a very real consideration, and accordingly regulation is required to ensure optimal diversity within a finite set of opportunities."

the existing grandfathered licensees. The grandfathered licensees are seeking amendments themselves.

It would appear to us that the IBA is attempting to establish a bargaining position *vis-a-vis* these licensees. It should also be remembered that the IBA has consistently blamed the Act for its inability to be flexible and to move more speedily.

Now that the IBA is going to establish "authorship" over the Act, it will be under even greater pressure to move swiftly on the licensing and re-regulation front.

Signal distributors

Minor amendments to Section 33 are intended to close a loophole that may have allowed unlawful broadcasting signal distributors to be grandfathered. Furthermore, the IBA now has the powers to amend grandfathered signal distribution licences. A completely new Section 38A proposes to place the same foreign ownership limitations on broadcasting signal distribution licensees which at present only apply to broadcasting licensees.

New procedural and evidentiary powers

A newly inserted Section 28A would empower the Authority to require persons to give evidence in connection with any Section 28 inquiry or Section 42 hearing, to deliver any relevant documents or objects and to prescribe certain procedures at these inquiries and hearings. There is in principle no objection to these powers. They are additional to the existing Section 72 notice powers which the IBA already has with regard to licensees and the production of books, records, accounts, estimates, returns and other information, as well as the Section 73 powers of inspection of authorised persons.

The very worrying element of this amendment, is 28A(5) which provides as follows:

"The chairperson presiding at an inquiry or hearing referred to in sub-section 1 may order that an examination under this section shall be held behind closed doors, but a person being examined may be assisted by an advisor."

This must surely be unacceptable to all those who uphold the rights of freedom of expression. It is a provision which would probably not survive the Constitutional Court, and one which is ill-advised. For a body which upholds freedom of expression and diversity of opinion, the provision is untenable. The IBA Act signalled the end of an era in which public and commercial interests were required to lobby government in order to obtain licences as a dispensation. This amendment is inimical to the transition.

Space stations and satellite broadcasting

The amendment of the definition of "broadcasting service" to include "a service broadcast by means of a space station" is clearly aimed at bringing broadcasting satellite services within the jurisdictional ambit of the IBA.

There is world-wide debate as to whether regulators can bring satellite services into the regulatory order. Can the IBA exert jurisdiction over a "space station"? There will undoubtedly be a legal battle in this regard, but the IBA

has signalled its intention to license the stations that will be broadcast from PanAm SatIV. Critical here will be the inclusion of the Ku-band into the definition of a broadcasting services frequency band. The IBA has not purported to do this in the Act, but undoubtedly, this will be its next move.

Accordingly, the industry is going to have to evaluate very carefully whether it takes up an opposing stance in this regard. There are some that argue that the 80/20 SA-foreign ownership in

broadcast rule means that if these services have to be licensed, South African licenced signal distributors would not be able to bring many of them into the country because of these prohibitive conditions.

It is argued that in this event, foreign signal distributors who are not registered in South Africa will be able to steal a march on South African signal distributors. This debate is clearly in its infancy.

The fact that the IBA is now empow-

ering itself with wider powers is obviously worrying to the grandfathered licensees. However one must ask whether it would not be politic to allow the IBA to put its stamp on the Act, particularly when constitutional guarantees are so firmly in place.

The author is a lawyer specialising in media matters

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Caxton Community



Newspapers

OPTIONS FOR CHANGE

There are numerous laws on our statute books which impact on freedom of expression.

A handful of these are positive, but the majority impact negatively on freedom of expression and ought to be repealed or amended. How? There are essentially two options.

Firstly, to opt for legislative reform. Secondly, to litigate in the Constitutional Court, although these options are not mutually exclusive.

LEGISLATIVE REFORM

However, the first option, namely legislative reform, has certain advantages over that of constitutional litigation:

- It may allow for a more systematic, effective, over-arching, coherent, simpler and quicker approach, as opposed to over a lengthy period of time having to rely on a series of Constitutional Court decisions;
- Those who drive the process may have greater control over the outcome thereof than would be the case of relying on the Constitutional Court;
- It may be a far better way of building a campaign around these issues, involving the media industry and organisations, engendering public debate and heightening public awareness;
- It will be a far less expensive approach than the constitutional litigation route.

If we are to opt for legislative reform, how do we go about this?

There are already a number of processes afoot:

- Firstly, there is the drafting of the new or final Constitution in accordance with the provisions of Chapter 5 of the Interim Constitution. The two critical clauses are:
 - Section 15, which is the freedom of expression clause; and
 - Section 23, which is the access to information clause,

both of which have to be read together with s33, which is the limitations clause. Every effort should be made to ensure that in the final Constitution these clauses are as we would want them to be, and that the limitations clause, if any, impacts minimally on these two clauses.

- Secondly, Deputy President, Mr Thabo Mbeki, has appointed a Task Group to prepare a Freedom of Information Bill to be tabled in Parliament next year.

- Thirdly, the Minister of Home Affairs has appointed a Task Group to consider the Publications Act and whether it passes constitutional scrutiny. If the Task Group concludes that it does not, they are to make recommendations as to what, if anything, ought to replace the Act.

- Fourthly, there is the legislation which deals with broadcasting: the IBA Act and the proposed amendments to it.

Then of course there are the three other statutes which hail from the apartheid days, namely the Radio Act, the Broadcasting Act, which governs the SABC, and aspects of the Post Office Act.

These statutes require amendment or repeal insofar as they relate to broadcasting. Legislation pertaining to public

KICKING OVER THE STATUTES

REMOVING LEGAL IMPEDIMENTS TO FREEDOM OF EXPRESSION: MECHANISMS OF LEGAL REFORM

AMANDA ARMSTRONG

broadcasting in particular will need to be introduced.

These four issues, namely constitutional reform, a Freedom of Information Act, the review of the Publications Act and broadcasting legislation, all represent positive developments and there is an indication of progress being made.

There are, however, a range of statutory provisions which remain on our statute books which impact negatively on freedom of expression. The more important of these are:

- The Armaments Development and Production Act which prohibits the disclosure of certain information;
- The Defence Act provisions which empower the State President to prohibit:
 - certain communications (s101),
 - publication of information relating to the SADF and associated armed forces (s118(1)(a)),
 - publication of any statement or rumour relating to the SADF which is calculated to prejudice or embarrass the government in its foreign relations or to alarm or depress members of the public (s118(1)(b)),
 - publication of secret or confidential information relating to the defence of the Republic (s118(2)),

- taking of photographs or the making of sketches of military premises or installations (s119),
- inducing members of the SADF to neglect or act in conflict with such members' duties (s121);
- Although large portions of the Internal Security Act have been repealed or amended, many, if not all, of the remaining provisions are offensive.

The most important, from the point of view of freedom of expression, is the section empowering the Minister of Justice to ban an organisation (s4), meaning that no person may advocate, advise, defend or encourage the achievement of any of the objects of such banned organisation, or to perform any other act calculated to further the achievement of such objects (s13);

- The National Key Points Act which prohibits the furnishing of any information relating to security measures in respect of a national key point or in respect of any incident that occurred at a national key point (s10);
- The National Supplies Procurement Act which gives the Minister of Trade and Industry extensive powers that may be exercised whenever the Minister deems it necessary or expedient for the security of the Republic in order to

ensure that services and goods are available. The Act can also prohibit the disclosure of information relating to the exercise of these powers (s8A and s8B);

- The Petroleum Products Act which regulates or prohibits the publication of information concerning petroleum products (s4A);
- The Police Act which prohibits taking photographs or making sketches of certain prisoners and publishing any such photograph or sketch (s27A);
- The Correctional Services Act which prohibits taking photographs or making sketches of any prisoner or prisoner and the publishing of such, and which also prohibits the publishing of any false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison (s44);
- The Protection of Information Act which has particularly problematic and far-reaching provisions. The Act prohibits the publication or communication of certain material, as well as the retention and use of such material;
- The Public Safety Act which confers wide powers on the State President to declare the existence of a state of emergency (s2) and to issue emergency regulations in terms thereof (s3). In prior states of emergency, detailed regulations severely restricted the right to freedom of expression. This potential power ought to remain one of our concerns;
- Certain provisions of the Inquests Act; and
- Aspects of the Mental Health Act.

This list of problematic provisions is far from exhaustive, but it at least identifies the more important.

These provisions as outlined in all probability will not withstand constitutional scrutiny. They ought to be repealed in their entirety or amended insofar as they infringe, *inter alia*, the right to freedom of expression and the right to access to information.

One way of approaching the problem would be to campaign for a single omnibus statute which could address the necessary amendments to, or repeal of, these various provisions.

The sooner such legislation is introduced, the better, since we ought to take advantage of the present momentum which exists in South Africa.

The first step would be to approach the appropriate Ministers with a view to gaining their support and the support of their Departments for such an omnibus statute.

If and when this is obtained, it would be appropriate to then motivate for the

appointment of a Task Group to prepare the necessary legislation.

CONSTITUTIONAL LITIGATION

Constitutional litigation is an option worth considering in the following circumstances:

- Firstly, where a legislative reform programme does not achieve what we would want it to. Thus, one would be able to bring to the Constitutional Court a constitutional challenge to an existing statute of Parliament or to a Bill before Parliament.
- Secondly, the legislative reform programme obviously focuses on legislation and subordinate legislation. There may, however, be administrative decisions taken and acts performed by the executive organs of state which infringe one's rights as contained in the Bill of Rights.

Furthermore, the Bill of Rights applies to all law in force, including the common law and customary law. Thus, in a defamation case, a defendant may be able to argue, in addition to the defences which he/she may have at common law, that the common law rules in respect of defamation infringe the right to freedom of expression, and the Court will then have to decide this point.

I turn now to the questions of the relief which one may seek, who enjoys these rights, who has *locus standi* in these constitutional cases and the jurisdiction of the Courts.

As regards the relief which one may seek, s7 of the Chapter on Fundamental Rights states that when an infringement or a threat to any right entrenched in the Chapter is alleged, a person is entitled to apply for appropriate relief, which may include a declaration of rights.

As regards the issue of who enjoys these rights, the position is not absolutely clear and unfortunately will have to be resolved in some instances by way of litigation. Certainly, a number of the rights contained in Chapter 3 ought to be enjoyed by not only natural persons, but also juristic persons. It would seem that the right to freedom of expression and to access to information are such rights.

On the question of *locus standi*, the Constitution introduces important changes to the common law and provides that where there is an infringement or threat to any right entrenched in the Bill of Rights, the following persons may litigate:

- A person acting in his/her own interests;
- An association acting in the interests of its members;
- A person acting on behalf of another person who is not in a position to seek such relief in his/her own name;
- A person acting as a member of or in the interests of a group or class of persons; or
- A person acting in the public interest.

However, it is anticipated that the issue of standing will give rise to substantial controversies in the future.

As regards the question of the jurisdiction of the courts, this is rather complex.

- Firstly, there are the Magistrates Court and other courts such as the Income Tax Court. Where it is alleged before such court that a law or provision of such law is invalid and contradicts the Constitution, the presiding officer may postpone proceedings to enable the matter to be referred to the Supreme Court.

- Secondly, there is the Supreme Court. Once a matter is before the Supreme



Court, this court may find that a decision regarding the validity of the law or provision is material to the adjudication of the matter. It may also find that there is a reasonable prospect that the relevant law or provision will be held to be invalid. The Supreme Court may then either deal with the issue itself, if it has jurisdiction in terms of the Constitution, or refer it to the Constitutional Court where that body has exclusive jurisdiction.

● Thirdly, there is the Constitutional Court. This court decides on the constitutional validity of laws emanating from the national Parliament, whilst the Supreme Court deals with the constitutional validity of laws emanating from the provincial legislatures—subject, of course, to the appellate jurisdiction of the Constitutional Court.

However, it is not entirely clear as to what will happen when an alleged

violation concerns the constitutionality of a law of Parliament in proceedings before the Supreme Court. It seems the pragmatic approach, and the approach being taken, is that the Supreme Court ought to be able to hear the matter and to dispense interim remedies pending the final determination of the inquiry into the statute's constitutionality by the Constitutional Court.

In concluding, I would advise against

constitutional litigation unless the facts of the case are good and the merits are favourable. We would want to avoid adverse decisions of the Constitutional Court on matters of fundamental importance. In other words, litigants need to take cognisance of the political and social realities at any given point in time, and phrase their cause of action accordingly.

The author is a media lawyer

WHAT TO DO about advocacy of national, racial, religious or other hatred (hereafter referred to as "hate speech") is one of the most vexed questions in the jurisprudence of freedom of expression. There are several reasons for this complexity. First, speech that a government views as advocating hatred may be regarded by many individuals as the legitimate expression of political belief.

The great difficulty of drafting a statute that proscribes only the most worthless forms of hate speech has resulted in the use of such statutes around the world to suppress dissent and punish speech, especially by members of minority groups (or, in the case of South Africa, of the majority group!). Second, the rights that anti-hate speech statutes seek to protect often are as fundamental as the right to freedom of expression. Thus, attempting to strike a balance between the two rights risks impairing core aspects of one or the other.

The particular South African experience before and during the Apartheid years was one of very rigid control of hate speech or what was perceived to be hate speech. Section 47(2)(c) and (d) of the Publications Act and the Internal Security Act of 1982 are but some examples of laws which kept tight control of expression and ideas which the government of the time considered to be advocating of national or racial hatred.

However, if one looks at how these acts, which on the surface appear to be race neutral and not protective of one group over the other, have been applied during the years of Apartheid (itself one of the grossest examples of state sanctioned hate speech the world has ever seen) it becomes clear that control of hate speech in South Africa up until now in reality has exclusively been control of anti-apartheid views.

Coming from that experience, South Africa now has a Bill of Rights which at the same time protects the right to freedom of expression and the right to equality and human dignity. Currently, a governmental task force is working on redrafting the Publications Act in order for it to comply with those new constitutional provisions. The great challenge for this task force is to draft an act which strikes a balance between those potentially conflicting constitutional rights, without limiting either of them unduly. Another issue which will become relevant in the context of hate speech regulation in the very near future is the question of introducing criminal sanctions for the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination and racial violence speech and for membership of racist organisations as well as outlawing such organizations.

SHOULD HATE SPEECH BE REGULATED?

LENE JOHANNESSEN

During his recent trip to the United States President Mandela signed the UN Convention on the Elimination of All Forms of Racial Discrimination which demands that member states penalize such racist activity. Following the President's signature a process leading to ratification of the Convention has been started to enable South Africa to become party to this convention. Part of this process will involve drafting legislation penalizing racist speech and activities, and here again the challenge will be to do so without unduly restricting the rights to freedom of expression and association. The following presentation will try to give examples of how other jurisdictions, national as well as international, have sought to strike this balance, in order to provide some guidance as to how to do it in this country. I will also try to highlight some of the potential dangers of hate speech regulation and will not try to hide my own bias, namely that in cases of public interest freedom of expression and the free exchange of information and ideas must take precedence over the right to dignity and equality.

INTERNATIONAL STANDARDS

Four of the major human rights treaties authorize governments to punish the advocacy of hatred on national, racial or religious grounds.

● The Inter-American Convention on Human Rights expressly requires states parties to declare such advocacy a criminal offence, and the International Covenant on Civil and Political Rights expressly requires that hate speech be prohibited by law. The Covenant has become particularly interesting in the South African context, since President Mandela also signed this treaty during his recent visit to the United States, which should lead to ratification in the near future.

● The European Convention on Human Rights and the African Charter on Human and Peoples' Rights permit, although they do not expressly require, a

proscription in law.

The strongest and arguably most controversial prohibition is found in the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD). Article 4 of CERD requires states parties to declare a criminal offence "all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, ... the provision of any assistance to racist activities" and participation in "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination". The potential for conflict between Article 4 of CERD and freedom of expression is acknowledged in the opening paragraph of Article 4, which reflects an effort to avoid such a conflict. The measures to be taken by state parties are to be adopted "with due regard to the principles embodied in the Universal Declaration of Human Rights...", which inter alia protects the right to freedom of expression and association.

The Committee on the Elimination of All Forms of Racial Discrimination, which is the protective body of CERD, has paid lip service to the notion that the freedom of expression and association "are not irreconcilable" with the obligations created by Article 4, and to the "due regard" clause of that article, while expressing clear preference for the application of the norms stated in Article 4.

Furthermore, members of the Committee have interpreted Article 4 as not requiring the notion of intent and appears to endorse the notion that it is based on absolute liability.

The requirements of Article 4 of CERD has given rise to a case, recently decided by the European Court of Human Rights, which clearly illustrates the potential for conflict between very broadly drafted hate speech regulation and freedom of expression.

In July 1985, the Danish National Television (Danmarks Radio) broadcast

an interview with members of a group of youths, called the Green Jackets. In the broadcast, members of the Green Jackets expressed extreme and highly offensive views of a racist nature, including support for the practice of eugenics and apartheid.

The interviewer, Mr Jens Olaf Jersild, with the approval of the editor of the programme, Mr Lasse Jensen, intended the programme to be an informative portrait of the group, however unpleasant its views, in order to stimulate greater public awareness of the existence of the group and the dangers it posed.

In 1985 the existence of violent racism in Denmark was unknown to the public at large, and the journalists thus considered it to be matter of public interest to have this group exposed on television. The interviewer and the editor did not in any way indicate support for the Green Jackets and their views and the feature was broadcast as part of a news and current affairs programme known for its investigative and non-sensationalist journalism.

Apart from the racist expressions, the programme gave an account of the social background of the members of the



group, along with details of the various group members' criminal activities, also of a non-racial nature. One important aspect of the feature was the revelation by the Green Jackets that the police did not do anything to prevent the racist harassment of immigrants in the area, since the police allegedly

perceived it to be just "kids' stuff". The programme furthermore included an interview with a social worker from the Green Jackets' neighbourhood.

The broadcast led to a public outcry and calls for the authorities and the police to act to prevent further racially motivated assaults by the group. A mobile police station was subsequently posted in the area and vast amounts of funds were allocated by the municipal authorities in order to upgrade the area and to deal with the widespread socio-economic problems. Attempts were also made to stop the allocation of council flats in the area to immigrants in light of the threat of harassment they would face if moved to the area.

Following the broadcast of the programme three members of the Green Jackets were charged with and convicted of making statements "publicly or with the intention of wider dissemination" which threatened, insulted or degraded members of other racial or ethnic groups, in violation of Article 266B of the Danish Penal Code. Article 266B was amended in 1971 prior to Denmark's ratification of the UN Convention on the Elimination of All

Forms of Racial Discrimination, which, as outlined above, requires that member states, in their implementation of the Convention, penalize the dissemination of ideas based on racial superiority or hatred.

Jersild and Jensen were charged and convicted of complicity in making the racist statements public. They appealed their convictions to the High Court of Denmark, which upheld the convictions, and subsequently to the Supreme Court, which is the highest court of Denmark. The Supreme Court, by majority decision, held that freedom of expression in this case did not outweigh the legitimate interest in protecting members of minority groups against racist propaganda. It found that Jersild and Jensen had assisted in disseminating the racially discriminatory remarks and therefore upheld their convictions.

Following the Supreme Court decision a case was brought before the European Commission of Human Rights on behalf of the journalist, Jens Olaf Jersild, who submitted that the conviction was a violation of his right to freedom of expression guaranteed in Article 10 of the European Convention on Human Rights. A majority of the Commission found that the conviction of Mr Jersild constituted a violation of Article 10 and referred the matter to the European Court of Human Rights.

On 23 September 1994 the Court, by a majority of 12 judges against 7, found that Mr Jersild's rights to freedom of expression under the ECHR had been violated. One of the determining factors for the Court was the fact that the applicant did not make the objectionable statements himself, but assisted in their dissemination in his capacity of television journalist responsible for a news programme.

Furthermore, it was important for the Court that the item in question, when considered as a whole, did not from an objective point of view appear to have as its purpose the propagation of racist views and ideas and that the purpose of the applicant in compiling the broadcast in question was not racist. In other words the journalist did not have the intent to spread racist propaganda, but merely report on an issue of public interest.

Had this matter been determined according to CERD, which does not require intent and which probably imposes absolute liability in matters arising from Article 4, it is doubtful whether the conviction of the journalist would have been set aside.

I have gone into this matter in some detail because I believe it highlights some of the dangers of overinclusive hate speech regulation, which run the risk of limiting the rights of bona fide journalists to cover and expose issues of grave public interest.

INDIA

Section 295A of the Indian Penal Code makes it an offence for anyone "with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India" to insult or attempt to insult the religion or religious beliefs of that community. The Supreme Court ruled that this section does not prohibit each and every act of insult to religion but only those aggravated forms of insult which tend to

disrupt public order.

A serial broadcast on Indian television, titled *Tamas*, portrayed the communal tension and violence between Muslims and Hindus and Muslims and Sikhs in Lahore just before the partition of India. The Central Board of Film Censors considered the programme suitable for unrestricted exhibition under the Cinematograph Act 12952. The petitioner, a private citizen, applied to the Supreme Court for an order preventing its broadcast on the grounds, inter alia, that it was likely to incite people to violence and to stir up feelings of hatred between people of different religions.

The Supreme Court denied the petition on two grounds. First, the film censorship board had unanimously approved the film for general viewing, and "a court should be slow to interfere with the conclusion of a body specially constituted for this purpose." Second, the film, viewed in its entirety and from the standpoint of an average person, was "capable of creating a lasting impression of this message of peace and co-existence" and was more likely to "prevent incitement to [public order] offences in the future" than to stir up violence.

The Court noted that the potency of the motion picture is as much for good as for evil: "if some scenes of violence, some nuances of expression or some events in the film can stir up certain feelings in the spectator, an equally deep, strong, lasting and beneficial impression can be conveyed by scenes revealing the machinations of selfish interests, scenes depicting mutual respect and tolerance, scenes showing comradeship, help and kindness which transcend the barriers of religion."

GERMANY

Article 5 of the German Constitution (*Grundgesetz*), the provision which protects freedom of opinion and expression, expressly permits limitation of the right "by the provisions of the general laws". The "general laws" include the Criminal Code.

Article 9(2), Article 21(2) and Article 18 of the Constitution go much further.

Article 9(2) outlaws associations whose activities aim to undermine the criminal law, the constitutional order or international understanding. Under Article 21(2) of the Constitution political parties may be declared unconstitutional by the Federal Constitutional Court if their objectives include the obstruction or abolition of the democratic order. Article 18 of the Constitution declares that individuals who abuse the exercise of their basic human rights, including freedom of expression, "in order to combat the free democratic order", forfeit those rights.

Sections 130 and 131 of the Criminal Code protects groups of society, in particular different national or racial groups, against defamation and violence.

Section 185 protects against an offence to personal honour. According to Article 192, proof of the truth of a statement is no defence under Article 185 "when the insult arises from the manner in which the assertion was made or disseminated or from the circumstances in which it was made".

Articles 130 and 131 have been of

limited importance for the actual work of the German courts. In 1982 only 12 percent of prosecutions against right-wing extremists took place under these provisions. Forty-four percent of prosecutions were brought under other sections of the Criminal Code for the dissemination of propaganda and the use of emblems of anti constitutional organizations; 32.5 percent of charges were brought for violations of articles of the Criminal Code connected with violence. The remaining 11.5 percent of prosecutions were divided between convictions for criminal defamation under Article 185 and for condemnation of the President of the Federal Republic, the State, its symbols and constitutional organs under Article 90.

UNITED STATES

US law diverges from the international standards and indeed from the law and practice of many countries. The US Supreme Court has ruled that speech may not be prohibited, regardless of how offensive it may be, unless there is a clear and present danger that it will incite imminent, unlawful action.

A US federal intermediate appellate court (the Seventh Circuit Court of Appeals) ruled that speech which causes psychic pain is protected, even if it is directed at survivors of racial violence, so long as the pain is caused by the speech's cognitive or emotive content. A Nazi group announced plans to demonstrate in front of the Village Hall of Skokie, Illinois, a predominantly Jewish community that included some 5,000 survivors of the Nazi Holocaust.

In response, the village enacted several ordinances designed to prevent or neutralize the demonstration, including forbidding the dissemination of any materials that promoted or incited racial or religious hatred. Such materials were defined to include the "public display of markings and clothing of symbolic significance" such as Nazi uniforms and swastikas.

The appellate court, in ruling the ordinance unconstitutional, rejected for several reasons the village's argument that it had the right to prevent the "infliction of psychic trauma on resident Holocaust survivors". First, the court reasoned that there was no principled way to distinguish between the symbolic speech sought to be prohibited here and other offensive or provocative speech that the Supreme Court had ruled was constitutional. "Public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers." Second, the village's residents were not a "captive audience" since they could avoid the village hall area during the demonstration.

SOUTH AFRICA

It is clear from the discussion above that the South African Constitution provides that a reasonable balance should be struck between the potentially conflicting rights, since they both enjoy constitutional protection. Since South Africa is soon to become a party to the Convention on the Elimination of All Forms of Racial Discrimination it becomes imperative to draft legislation which will protect both rights, since the Convention, in my personal view, is over broad in its limitation of the freedom of expression.

It is also clear that in drafting hate speech legislation South Africa will be in line with most other countries as well as

with international human rights norms. Having said that, however, I want to stress that one must keep in mind the potential for abuse of such legislation, as has been seen in the past in this country, when such legislation was used exclusively to censor and punish anti-apartheid views.

I will also point to the danger, intentionally or not, to be overinclusive and set aside one right in the protection of another. I believe that the case I referred to before the European Court of Human Rights, *Jersild v. Denmark*, illustrates well the potentially damaging effect such legislation can have on serious investigative reporting, however well the intention of introducing such legislation was and however much one wants to combat racism.

Furthermore, I believe it is important to keep in mind that in South Africa race issues and politics substantially overlap. As a result, even valid political dialogue in South Africa involves questions of race. Regulation of racist speech and publications therefore inevitably runs the risk of chilling the political debate within the country.

Finally, I will warn that one must not believe that such legislation actually helps to prevent racism. The evil manifested in racist speech is not the sight or sound of the words themselves but the racist attitudes which underlie them. I find it highly doubtful whether censorship or penal laws are efficient ways of curbing and preventing racial hatred. The problem lies in racist attitudes, not in their free communication.

However, I appreciate that the values expressed in the sections on equality and dignity in the Bill of Rights are important values and acknowledge that society wants to make a moral statement by outlawing racist views and activities. I just do not believe that they will do much to curb the roots of the evil.

WHAT'S NEEDED

On the basis of this outline I will stress that draft legislation, be it in the form of censorship legislation or penal laws or both, to curb hate speech should include the following:

- a requirement of racist intent to spread the racist views;
- it should apply only to public dissemination of such views. By "public dissemination" I would include dissemination to workplaces, educational institutions, etc;
- special provisions should be made to protect otherwise legal political activity;
- it should include a "due regard" clause which will make it imperative always to weigh up the conflicting fundamental rights in applying such legislation;
- there must be a public interest defence in order to protect bona fide discussion and reporting on issues of public interest
- one may want to include a requirement that only when hate speech will cause real and severe damage to the public order may it be prohibited. This will be in line with the United States "clear and present danger" doctrine and can also be found in Israeli legislation on freedom of expression.

Inclusion of these limitations on hate speech regulation would in my view go a long way to reconciling the interest in the conflicting constitutional rights.

The author represents the Media Defence Trust and the Centre for Applied Legal Studies



THE FLIP SIDE OF THE COIN

ALLISTER SPARKS

We are fortunate to have a Constitution guaranteeing freedom of speech and of the media. But it is not enough. One can guarantee freedom of speech, but still deny information.

Censorship can take two forms: it can prohibit publication, or it can withhold information at source. We have a guarantee against one. Now we need an insurance against the other.

We need a Freedom of Information Act. I was delighted to hear a public pledge by Deputy President Thabo Mbeki that we are to have one. I hope it is the right kind of Freedom of Information Act.

What we are asking for is every citizen's right, not a special press right. The right of access of the media is no more than the right of access of the citizen—exercised by the media on behalf of the totality of citizens. We, the media, have to be the eyes and ears of the wider citizenry in the modern nation-state. That is our democratic role, our Fourth Estate duty.

The apex of a free media's role is investigative journalism. That is our watchdog role at its best, when the citizenry is alerted to wrongdoing and can act as a jury to deliver a verdict on their rulers.

It is the ultimate exercise of the journalist's role, and the ultimate test of the government's willingness to permit the media to perform that role. In other words, the ultimate test of the government's commitment to democracy. A Freedom of Information Act commits a government to face that test.

The best functioning democracies have a Freedom of Information Act. In general they guarantee a right of access to any information in the possession of Ministers, government departments and other public authorities,

limited only by certain exceptions and exemptions necessary for the protection of matters of genuine national security.

But there is a flip side to this coin. If we as the media claim it is our role to serve the democratic process by keeping the citizenry informed, then we must be true to that role. We must exercise it responsibly and competently.

So I would suggest that the Freedom of Information Act we are asking for should accompany laws requiring media companies to make a specific commitment to media training and the upgrading of journalistic standards.

There is a precedent. Australia has a law called the Training Guarantee (Administration) Act of 1990, and it compels Australian companies to commit a specified percentage of their total annual wage bills to training programmes. Our Government may want to consider having a similar law applying to all companies. Particularly in view of South African business's poor

record of investment in training.

Training is an economic, social and political necessity, and nowhere more than in our media. The juniorisation of our newsrooms is exceeded only by the increase in their responsibilities and workload, and if we succeed in a plea for a Freedom of Information Act those responsibilities and workloads will increase.

The error rate, already unacceptably high, will soar even higher.

Already we—along with the press

world-wide—have a crisis of credibility with a public that regards us as unscrupulous hucksters out to make a quick buck from sensationalising any event, exploiting any incident of private grief or misfortune, and who don't give a damn for the facts as we go about our business of hassling people and assassinating characters.

And in the new South Africa there is also a perception that the media is overwhelmingly white-owned and white-controlled, part of the old estab-

lishment stacked against the new regime and sneeringly disparaging of it.

If the public is not with us, if it is likely to applaud if the government acts against us, then no amount of constitutional clauses can protect us. We of the media are the ultimate defenders of our own freedom. So as we ask for this free access to information, let us accept the reciprocal commitment to train and upgrade our standards.

The author is executive director of the IAJ

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I FOUND VERY strange the paucity of coverage about the hearings into candidates for the Constitutional Court. This is the one institution that is likely to play a greater role in protecting freedom of expression of the media than any other institution.

To my mind, the extent of coverage has been really pathetic. I might add that elements of civil society such as gender groups only graced themselves in disgrace by saying absolutely nothing during the whole week of hearings.

Which goes to show you that a constitutional right to freedom of expression on its own is, per se, pretty useless unless it's going to be used.

SPEECH AND EXPRESSION

Section 15 of the Constitution says that every person shall have the right to freedom of speech and expression which will include freedom of the press and other media and the freedom of artistic creativity and scientific research. It goes on to say "all media financed by or under the control of the state, shall be regulated in a manner which ensures impartiality of expression and diversity of opinion". There are a series of interesting propositions with regard to this section.

Firstly, the first clause, sub-clause 1, is very wide. I'm not quite sure why these two words are used: "speech" and "expression". If you look at most constitutions, normally either speech or expression is contained.

One of the difficulties within the Constitution, and of many constitutional programmes is, what do we mean by "expression"? Is obscenity expression? We've even had cases of violent activity in certain countries where the courts have said that, for example, violent speech is constitutionally protected but not violent action.

The point, however, is that if you give these words "speech" and "expression" their full meaning, then there is a fairly wide ambit of protection insofar as the first part of the clause is concerned.

The second part of the clause is freedom of the press and other media, and the third is freedom of artistic creativity and scientific research. This is thus very wide and I think that issues such as obscenity et al will clearly be within this particular context.

OBSCENITY

I find it utterly extraordinary that Chief Buthelezi, Minister of Home Affairs, having announced in August in Parliament that he was, in fact, going to scrap or amend the Publications Act, later joined a case against *Hustler* magazine in the Pretoria Supreme Court, arguing that the limitations on freedom of expression pursuant to our censorship laws are justifiable in terms of the Constitution's limitation clause.

One wonders what kind of commitment this government actually has to freedom of expression—or does Chief Buthelezi now have a different view of our freedom of expression bearing in mind his chance to exercise himself physically in the studios of the SABC?

I raise this because I think that freedom of speech and expression, in fact, is wide enough to take into account these particular issues, and I do not think that we will, in fact, get ourselves into the

PROBING THE LIMITS

HOW SOUTH AFRICA'S NEW CONSTITUTION AFFECTS FREEDOM OF EXPRESSION AND PRESS FREEDOM

DENNIS DAVIS

American difficulties of what we mean by obscenity.

In the US it was argued that obscenity, when it excited the prurient interests of human beings, was in a sense not expression and therefore should be excluded from constitutional protection. The reason I suggest that this won't happen in South Africa is two-fold.

One, because I'm suggesting to you the words "speech and expression" combined with freedom of artistic creativity make for a very wide ambit.

Secondly, because one should be very cautious before utilising American precedent in a South African context, particularly in this area. If you take, for example, the cases which stem from US versus Roth, dealing with whether obscenity was in fact freedom of expression, much of it hinges on the court grappling with the problem of a non-existent limitation clause.

In America you don't have a limitation clause so the courts have to limit the right in terms of looking at the right. In the South African context we now have a two-stage enquiry. On the one hand, what is the right that is being protected? Two, is there some basis upon which that right can be limited? What I'm suggesting to you is a wide ambit for the protected right. I'll deal with the limitation clause below.

HORIZONTAL RIGHTS

Now we come to this interesting issue of freedom of the press and other media. Why interesting? Because there is a great debate in South Africa at present as to whether our Bill of Rights applies vertically exclusively or whether it applies vertically and horizontally.

For those of you who are not lawyers, it's got nothing to do with aerobics. What it has to do with is simply: does the Bill of Rights only apply between an individual and the State? Or does it apply between third parties? Now I have already been chastised by a well-known lawyer when I said that I thought the Bill of Rights was as incoherent on this

point as the book written about Lady Di. I was told not to be flippant and act as a buffoon.

In fact, it is incoherent and it is very

difficult to know where the Bill of Rights actually reaches to. But I think we can say clearly the Bill of Rights applies horizontally in the case of the media, where an individual sues the press with regard to defamation.

I think we see indications of this already with regard to the Winnie Mandela interdict case where there was an acknowledgement at least by our Supreme Court that the section applied horizontally. If it didn't, then that particular decision would have made no sense. Thus on the matter of prior restraint, the finding meant that the press could not be restrained for publishing material which might prima facie, have some damaging effect on Mrs Mandela.

Such a decision only makes sense on the basis that the Bill of Rights now applies where an individual seeks to sue for defamation or prevent publication from a private newspaper. What I'm suggesting in relation to this particular clause is that the Bill of Rights does, in fact, apply both horizontally and vertically.

With regard to the question of freedom of artistic creativity, a fascinating issue arises. Could, for example, Salman Rushdie's *The Satanic Verses* be banned in South Africa? Assume for the moment there is an argument that it really offends people's religion and conscience, etc. Could you, in fact, ban such a document in South Africa when there is an entrenched right to freedom of artistic

creativity? Once more the whole issue would have to turn on the limitation clause. But what I simply want to highlight for you, is the sheer breadth of this particular provision and its implications not only in relation to pornography but also in terms of real literature.

IMPARTIALITY AND DIVERSITY

Sub-paragraph 2 says that all media financed by or under the control of the State should show impartiality and the expression of diversity of opinion.

When I was assisting in drafting the Democratic Party's Bill of Rights, not that I'm a member of that particular party, we tried to persuade them unsuccessfully, and hopefully this might be taken up in the final Constitution, to provide for ensuring that all media guarantee impartiality and diversity of opinion.

Our argument is—why should there be a difference between the SABC and the major private media? I'm sure there are members of the press here who think that's a disgraceful comment. But we did not think there was a distinction between public and private power. The point, however, is that it does raise an interesting issue—what does it mean, for example, in relation to the SABC?

This is not a right: it doesn't say we have a right. It says it shall be regulated in such a manner. Does this mean some mandatory command to the legislature to provide for legislation whereby the SABC has to deal with itself impartially? I don't know.

"So now we're going to get two kinds of hate speech, hate speech which we say is political and therefore to a large degree that can't be limited, and other forms of hate speech where the test is not so high because it doesn't relate to free and fair political activity."

The final point in relation to the SABC is this. I have no doubt that as the SABC is an organ of state, the whole of the Constitution applies to it. I have been contemplating this myself in relation to the difficulties that we've been having with our own programme (*Future Imperfect*). The issue is whether in fact Section 23, the right to information, and Section 24 the right to administrative justice, cannot be used to ensure that the SABC would have to give you reasons as to

why they do or don't want a programme, particularly if they have promised you before.

I have absolutely no doubt that the SABC can be held to account in relation to this Constitution for a wide range of broadcasting issues, far wider than would be the case under the guarantee of 15.1.

PUBLIC OFFICIALS AND HATE SPEECH

There are obviously issues about our law of defamation and particularly the problems of strict liability which have clearly been added to in the latest case with regard to Lothar Neethling's success in suing the *Vrye Weekblad* and *Weekly Mail*. The question which arises is—will the South African courts follow the New York Times versus Sullivan principle, namely unless malice exists, a public official cannot sue the press for defama-

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tion? Could that apply under 15.1? I think there's a possibility that it can.

Alternatively it could be utilising section 35.3—that is to interpret the benefit of common law to accord with the spirit or purport of this Constitution. Whether our courts go as far as New York Times versus Sullivan is uncertain. What I am reasonably certain about is that the Neethling principle as developed by the Appellate Division that a state official can sue the press for defamation is unlikely to stand the test of constitutional time.

What about hate speech? Will, for example, our judges follow the one Canadian case where, in fact, the limitation clause was used successfully to ensure that certain hate speech legislation relating to the holocaust was upheld? Or will they go the way of a second case whereby it was found that the limitation clause was too wide and too vague, and accordingly a prosecution for disseminating Nazi material regarding the holocaust was set aside?

My own feeling about this is that hate speech legislation is going to be upheld in South Africa under our limitation clause given the history of our country.

LIMITATIONS

All of these considerations that I've made depend on the limitation clause in the Constitution. This becomes very fascinating. What is the content which our courts will give to this vexed notion that none of our rights in our Bill of Rights are absolute, that each has to be limited in terms of Section 33, the limitation clause?

More interesting even, is the complete confusion in the drafting of Section 33 because we now have two tests for assessing whether in fact the limitation is justifiable or not. If you, for example, take a number of the rights which are protected in the Constitution, not only must the state prove that its actions were reasonable and justifiable in an open and democratic society based on freedom and equality, in order to justify limitation of freedom of speech, but they also have to show that it was necessary.

Now it is interesting that with regard to freedom of expression, where freedom of expression relates to free and fair political activity, the necessary provision applies. That means there is a stricter test upon our courts than would otherwise be the case.

It might be a good thing, in the sense that it will be very, very difficult to stop the press from publishing material relating to political activity. But what about right-wing, hate speech? So now we're going to get two kinds of hate speech, hate speech which we say is political and therefore to a large degree that can't be limited, and other forms of hate speech where the test is not so high because it doesn't relate to free and fair political activity.

In addition to this, once you've put in a two-tier test where you say certain rights can be limited but only under extreme circumstances, does that mean that the court drops the threshold for everything else allowing the legislator free reign?

If you want my guess, I have no doubt that there are people on the Constitutional Court who are going to take that view. I think there are others who will take the other view. But we are in for interesting times in the determination of that section which ultimately holds the key to everything that I've said in relation to freedom of expression.

The author heads the Centre for Applied Legal Studies at Wits University



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Confessions of an unrepentant columnist

Peregrine Worsthorne

Can a columnist go too far? — that is the question I have been asked to answer. At one level the reply has to be in the affirmative — as any remotely controversial columnist's postbag would make painfully clear. For readers are always writing in to say they have cancelled their subscriptions because some expression of opinion has "gone too far". Indeed if a columnist doesn't get such indignant letters he should have cause to start worrying that he is falling down on his job, the main point of which is to stir the readers up.

Recently, for example, I got a shoal of outraged letters accusing me of anti-semitism after I had described how a pushy Rabbi had elbowed himself to the front of an immigration queue at Kennedy Airport. Another complaint about my gross lack of taste followed an account of how I had broken wind on an Underground train in a successful effort to remove a passenger sitting in the next seat who was eating a particularly foul-smelling box of fish and chips. More often than not, however, columns which provoke one lot of readers to express their irritation encourage others to write in congratulating the author for having the courage to tell the truth.

"... are there still unbreakable taboos which even professional controversialists — amongst whom I have no choice but to number myself — would not think of breaking?"

But this, I suspect, is not the level on which the question is asked. What the questioner wants to know is whether there are any views or opinions which I myself would hesitate to express for fear of "going too far". In other words, are there still unbreakable taboos which even professional controversialists — amongst whom I have no choice but to number myself — would not think of breaking? Quite honestly I don't think there are, at least not when writing for British publications. In the United States the situation is very different. There, political correctness pretty well rules out all heretical thoughts on the subjects of racial equality or sex equality. Several times in the last few years I have had pieces returned by American publications, on

grounds of political incorrectness, which have been found quite acceptable by British editors. Over here, one can be as politically incorrect as one likes so long as the writing is up to scratch. Style in these matters is all.

Nor in Britain is it a question of only being able to get away with it in newspapers or journals which happen to share the columnist's prejudices. I have found, over the years, that the Guardian and the Observer are quite as prepared to publish my Right-wing rant as is the Sunday Telegraph; in fact

David Astor, the Observer's owner and greatest editor, once offered me a job. I don't think this was masochism on his part, or rather vicarious masochism on his readers' behalf. He seemed to think

"Style in these matters is all."

that progressive readers might actually enjoy having their convictions upset and derided. To some extent all of us enjoy such an experience. We enjoy being shocked, outraged, incensed and insulted. It gets the adrenalin going.

Controversial writers by no means only give pleasure to those who enthusiastically agree with them; among their devoted fans are also many who disagree most violently.

So my answer to the question is that a bad columnist can certainly "go too far", just as a bad trapeze artist can fall off a tight-rope. In both cases, however, disaster strikes only as a result of a lack of skill — or even, more often, through a loss of nerve. But if skill and nerve remain intact, there will be no disasters. Nerve is crucial as much for the col-



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umnist as the trapeze artist. For if a controversial columnist falters, or loses confidence, he is doomed. He can't be hesitant, judicious or even objective. Qualifications, doubts, second thoughts are luxuries he cannot afford. On the other hand, paradoxes he cannot do without. They are his mainstay. Nothing is so disarming as a paradox. Disgruntled readers are thrown by paradoxes. They can't quite get to grips with them. Or so one trusts. It is a bit of a con trick really. Paradoxes startle.

They turn ideas upside down, and by the time the reader has got the point he is too ashamed at not having got it earlier to feel able to complain — rather like the victim of a practical joke who is loath to draw attention to his gullibility.

Nevertheless, after finishing a column one is never certain that at long last one has not gone beyond the point of no return. In my case, the dangerous temptation is to overdo the vituperation. I love it so. Once the venom

begins to flow there is no holding back. But this is not at the same thing as "going too far". The only definition I would accept of "going too far" is writing something of which I myself, looking back, am ashamed; something which in retrospect seems even to me

"...if a controversial columnist falters, or loses confidence, he is doomed."

unforgivably malicious, offensive, insensitive, rabble-rousing or untrue. Doubtless I have been guilty on these scores. But only, I like to think, very occasionally. The record speaks for itself. Readers have forgiven. At least many of them have, since the readers who write saying they have cancelled their subscriptions almost always write a few weeks later threatening to do so again. So, I am glad to say, have many of the victims. Insulted politicians seldom bear grievances. Or if they do, the wounds soon heal.

Being able to express unfashionable views, and to make extremely provocative judgements, in a disarming way, is not a particularly exalted knack. But such as it is, I am lucky enough to have it. In the end my luck will almost cer-

"In my case, the dangerous temptation is to overdo the vituperation. I love it so."

tainly break and I really will "go too far", even by my almost infinitely elastic standards. But if this does happen it won't be because, in old age, I started to take too many risks but because, in old age, I started to take too few. He who dares wins. If that motto is fitting for the SAS it is no less fitting for the columnist.

On re-reading the above I feel I may be guilty of prevarication. Perhaps all I am saying is that a skilful enough columnist can wound and damage in such a way as to leave no marks, rather in the same way as certain pugilists or torturers can inflict physical blows which leave no incriminating mark. There is a danger here. One may have done more harm, given more hurt, than ever one became aware of. Certainly, this may have been true of things I have written about ethnic minorities; or of views that I have expressed about authoritarianism which came near to justifying fascism. If this is the case, then

"Insulted politicians seldom bear grievances. Or if they do, the wounds soon heal."

it is no excuse to say that the offences have been committed in such a way as to prevent discovery. Perhaps as well as deceiving others as to the harmlessness of an uninhibited, no holds barred style of commentating, I have also deceived myself. This is by no means improbable. For there is always a terrible temptation to find excuses for doing what you enjoy most. "Going too far" has always been a pleasure as well as an occupation, and it could well be that this apology is no more than a piece of special pleading.

Sir Peregrine Worsthorne's career in journalism spans more than 40 years. He wrote a weekly column for the Sunday Telegraph from 1961 until he retired in 1991 as editor.

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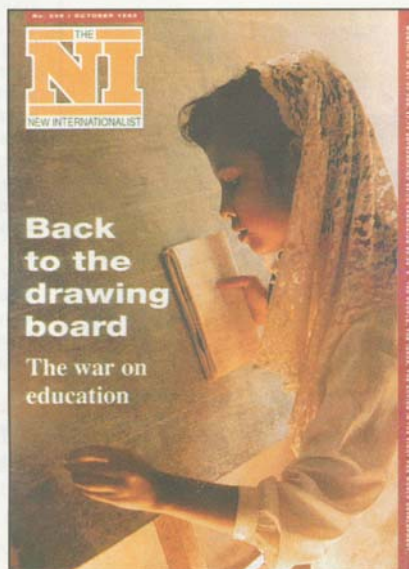
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With 65 000 subscribers, the New Internationalist is the largest-selling magazine on global social justice issues. It's independent, hard-hitting and consistently provides an alternative view of world events. The NI is run as a co-operative and is financially self-sustaining. Below one of the editorial team, Troth Wells, introduces the NI and looks at the relevance of its role and experience to the media in South Africa in the light of the Government's Reconstruction and Development Programme.

VERY LITTLE IS SACRED



With each issue devoted to a single topic NI is able to cover stories in depth.

Giving a voice to the world's oppressed and dispossessed people has been a major part of the NI's purpose. It has been achieved through campaigning issues, such as one in 1973 on the unscrupulous selling of baby milk in the Third World by Nestle and other large companies. Other magazines have turned the spotlight on the dumping of hazardous products on developing world markets (out-of-date drugs and dangerous pesticides for example), or the genocide in East Timor which the NI has consistently publicized since the Indonesian invasion of 1975.

Each edition of the NI takes one subject and gives a concise overview of the major issues and arguments, backed up with full-colour design, visuals, facts and photos to make it accessible. The range of topics is wide: we've had magazines on Race, the World Bank, Debt, the Arms Trade, Tourism, Education, Masculinity, Global Warming, the Media, Language, History, Mozambique, Food, Northern Ireland, New York, Cambodia, Trade, Mexico, India, Sex, Human Rights, Multinationals, Sex, Drugs, (but not rock 'n roll yet), and even The Rich.

What makes the NI distinctive is that it will tackle virtually any topic; very little is sacred. This element of unpredictability makes the magazine popular with its readers who seem to enjoy (or at least accept) its provocative and campaigning stance. And the reason the magazine can be so outspoken is that it is an independent publication, with no media magnate pulling the strings. There is no proprietor to haul journalists over the coals. This editorial freedom allows us to decide both what goes into the magazine and what we feel is important to say about an issue.

But while editorial freedom is highly prized, it's hard to achieve without financial freedom. Fortunately the NI has that too. After initial funding

from Oxfam and Christian Aid, two major UK aid agencies, the NI built up its subscriber base to the current level of 65 000. The income from subscriptions and other publications means we don't have to kow-tow to advertisers. The only advertisements we carry have to meet our ethical criteria: certainly no alcohol, tobacco or arms ads.

The New Internationalist is run by a co-operative and wholly owned by a non-profit Trust. This seems to work well. There is an editorial team of seven (five in Oxford and two in our Toronto office) who rotate as editor of each issue, with a second editor riding shotgun. At the annual selection meeting, all 16 members of the Co-op contribute ideas for the next year's magazines. We look for a mix of campaigning themes, country-specific magazines, environmental topics, personal politics and the more obvious 'development' subjects such as education, health or world hunger.

What may be transferable or useful to an SA setting from the NI's experience? Perhaps the most important element the NI's example can bring is that of support — to bolster the idealism and sense of social justice which has been so clearly demonstrated by the vibrant South African press, especially by English-language papers such as The Sowetan, South, City Press, the Rand Daily Mail and its successor the Weekly Mail and Guardian during the Nationalists' years in power. Magazines like New Ground play a vital role in publicising environmental concerns such as the dumping of heavy metals. These are very much in the NI's mould of trying to present an alternative voice to the mainstream media, one that will not be fobbed off with ministerial murmurings, nor gagged by a proprietor's political preferences.

That is surely the paramount role of the press and media in a democracy: to question and to challenge, to provide a source of information for its

audience and to help the process of finding solutions. It is right that the Government is questioned about the Gravy Train. The press should be probing to see exactly who is getting the building contracts under the Reconstruction and Development Programme (RDP). But what is important is the tone and manner in which this is done: to be completely negative is likely to cut off the avenues of communication. By endorsing the aims and purposes of the RDP in general, the press can contribute to the debates about policy and practice. This does not always have to be negative, and one thing the NI has succeeded in (to a greater or lesser extent) is to promote a positive message or way forward. And not just with words. Searching out images that reflect the vitality and dignity of people, even in adversity, is an important part of the magazine's message. Even poor and oppressed people can have some control over their lives: depicting them only as passive victims demeans them further. The magazine also provides practical suggestions for what readers can do to change a situation, from simply joining an action group to lobbying an MP.

In supporting the RDP the press can contribute best from a position of independence. As the RDP document puts it: "The democratic government must seek to correct the skewed legacy of apartheid where public media were turned into instruments of National Party policy". How vital it is therefore that the press and media are not co-opted into the Government, that the Government of National Unity does not tread in the dismal footprints of its predecessors.

That is surely the paramount role of the press and media in a democracy: to question and to challenge, to provide a source of information for its audience and to help the process of finding solutions.

Tolerance for a critical press is a mark of maturity. Like him or loathe him, Sunday Times editor Ken Owen will continue his gad-fly role; learning how to deal with his barbs is an essential part of living in today's media world. The ANC has a huge amount of goodwill and support both from within and without South Africa. It has taken the difficult step of advocating "open debate and transparency in government and society (as) crucial elements of reconstruction and development", and it does not need to overreact when people criticise policy or individuals. Maybe the criticism is valid, maybe it is not. But let it be made, for the Government, even the ANC part of it, does not have the monopoly on wisdom.

The new Government in South Africa is familiar with the agendas and interests of various segments of the media. It knows too that there are elements who want to see it fail. But to lash out at all the media for being 'counter-revolutionary' or seeking 'crises' is a sign of insecurity.

A recent edition of the NI, called *Spiked! The Stories that don't make the*

News noted that 'sometimes stories don't get told simply because those in power make damned sure they don't and the media gatherers lack the clout, resources or inclination to investigate further'. The ANC is a principled government stepping bravely out into its new world, and it recognizes the dangers ahead. As it puts it in RDP document: "A deliberate policy must be followed to prevent unwarranted state intervention in levelling the media playing field or in preserving privileged status for government information". Let that be the spirit of the new South Africa.



The New Internationalist will be available in South Africa in early 1995 in a special joint promotion with the Weekly Mail and Guardian. Subscribe to both journals for R150, or just the NI - 12 monthly issues for R 90. Apply to New Internationalist, FREEPOST JH125, P O Box 32797, Braamfontein 2107. Tel (011) 358 2120 Fax (011) 726 8430.

This tiny sliver represents an Afrikaans broadsheet with a share of **3,7%**. Must try harder in the future.

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SUNLIGHT IS THE BEST DISINFECTANT

What is the role of the media in the struggle for an open democracy? Justice Brandeis said that sunlight is the best disinfectant, but the truth is that all government everywhere is dettol-averse. Bureaucracy abhors disclosure, and there is a pervasive flight from the light. It is pre-eminently the responsibility of the media to fight the flight. Laws and decisions aimed at establishing an open democracy can work properly only if the media are vigilant and vigorous.

The proceedings of the Judicial Service Commission, which sat recently to choose nominees for the Constitutional Court, illustrate the point. At its first meeting, the Commission decided that it would hold public selection hearings. That was a bold decision, one which put South Africa, in principle, at the frontiers of the international movement towards open governance.

But the moment that procedure was adopted, panic set in. At its second meeting, the Commission immediately started retreating from the ideal of openness. It took several decisions that represented a serious regression from the ideal of public scrutiny. It limited the hearing of the candidates to an average of an hour each, far less than the several days of questioning to which candidates for the United States Supreme Court are expected to expose themselves - even after immeasurably closer private scrutiny than happens here. The Commission decided to withhold its minutes, even although it had already agreed that they would not contain personal information about the candidates. It decided not to release the CVs of the candidates

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whom it had shortlisted for public hearings, although the candidates themselves, when approached by the press, experienced no difficulty in making their CVs available. The Commission even decided to withhold the CVs of its own members from an organisation which had asked for them.

It seems that the moment you commit yourself to open governance, luminophobia sets in. There descends a great panic that you might have let too much light in. That is when the shutters start coming down. And that is when the duty of the media to be vigilant becomes critical.

How well did the media do in moni-

toring the Commission - in making the Constitutional Court selection hearings a live, interactive process between a constitutional commission wielding immense power in a matter of the utmost public importance, and the public which this process is supposed to serve?

On the positive side, some newspapers took the process very seriously indeed. They assigned first-rate journalists to cover the process, and they covered it continuously. Several journalists wrote careful, and sometimes insightful and powerful, stories. Continuous coverage was expensive for the newspapers, and it showed real commitment on their part. But the negative side is that the front line journalists did not always get the kind of support from their editors and sub-editors that they - and the importance of their material - deserved.

The Commission was involved in the selection of judges to sit on the highest court in the country, the first court in our history with full powers of judicial review of legislation - jurisdiction to strike down Acts of Parliament. The Constitutional Court has the power to give direction on practically every important public policy front. The selection of the judges was in its own way as important a set of choices as those made in the April election. The issues at stake merited, in many instances, lead story coverage - not four or five column inches on page five. This is a pervasive problem with our newspapers. First-rate front line journalists just do not get the right kind of support from their editorial colleagues. Journalists routinely submit excellent stories which are eviscerated during editing.

A few months ago, when the government chose the four judges who were promoted from the existing judiciary to the Constitutional Court without going through the Judicial Service Commission, there was an outcry among discerning observers over the exclusion of Judge John Didcott. Judge Didcott is widely regarded as the pre-eminent

human rights judge of our times, and many considered his exclusion a national scandal. Several critics came forward to protest it. There was expected to be very prominent coverage that Sunday in our press.

There was coverage, but it was buried deep. What was the lead story in the Sunday Times that week? The obviously more important issue of the resignation of Dr Louis Luyt as chairman of the Rugby Board, a story which was not only a non-event, but, as it transpired, a non-fact, because a week later he was still chairman of the Rugby Board.

The Judicial Service Commission decided that the Constitutional Court selection hearings would be open only to the print media, not to direct coverage by the electronic media. Clearly, radio coverage is of the utmost importance as an educational medium in this country. Huge numbers of our fellow-citizens cannot read. Nor can the print media be expected to cover every aspect of the detailed questioning in a week-long hearing. If this kind of public interaction is to be the educational process that it ought to be, it has to have continuous coverage, or at least actuality coverage, by radio and television. In the United States the equivalent hearings would be broadcast on a dedicated television channel from beginning to end. That makes of the process something which can educate the nation about the issues at stake - educate it about the meaning of constitutional democracy.

The Commission decided in its wisdom to exclude the electronic media from this process. They were not allowed to broadcast it directly. What is very disturbing is that that decision passed without any serious debate in the electronic media themselves, even when it became a subject for discussion at the selection hearings. At the hearings, six candidates were asked whether they thought that television and radio should have been permitted to cover the hearings directly. All six answered in the affirmative. Ms Justice Mkgoro is also on

record as supporting the idea that such hearings should be open to the electronic media.

That means that four judges of the new Constitutional Court, Justices Langa, Mkgoro, Kriegler and O'Regan, believe the Commission failed in this regard. In addition, prominent candidates who were not appointed to the Court - Advocate Skweyiya, and Professors Dugard and Cameron - also favoured direct coverage.

You would have thought that a television service which takes seriously its duty of monitoring public accountability would have given full coverage to the question of its own exclusion, made it a matter of close scrutiny and intense debate. It just did not happen. I find that very disturbing.

But turning back to the print media, it is not good enough, either, for the press simply to report what was said in the hearings on a particular day. The object of the hearings is to foster public participation and public accountability. The job of the press is not just to record, but to scrutinise. One of the functions of the press, for example, should be to compare the candidates' performance in the hearings with the actual decisions of the Commission. If a newspaper believes that the hearings showed an unsuccessful candidate to have outstanding judicial qualities, qualities which plainly outshone those of some of the successful candidates, that should call for comment. Conversely, if a candidate displayed unsuitability for judicial office in the hearings and was nominated for the Court, that, too, should call for comment. There was some commentary

The press is there to scrutinise the diligence of the commissioners as well as the quality of the candidates.

along these lines, but I do not think that it was nearly sufficiently comprehensive.

Furthermore, it is the job of the press to scrutinise not just the outcome, but also the questioning. Is it proper to question the female candidates, but not the male, about their child-care responsibilities? Is it right to ask candidates whether they voted in the general election? These ought to be matters of public debate. If some candidates are not asked the kinds of questions which reveal judicial ability, the press should notice that and comment on it. If it is obvious that some of the commissioners are wholly unfamiliar with the candidates' written records, the press should ask why. Whatever the importance of the hearings, candidates

should not be judged on a one-hour interview, but on their entire records. If it seems that commissioners are not familiar with those records, that is something for the press to notice. The press is there to scrutinise the diligence of the commissioners as well as the quality of the candidates.

What is more, it is the job of the press to scrutinise not just the hearings, but also the candidates. In the United States, which has by far the most developed model of this kind of process, many

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newspapers would consider it their responsibility to investigate the candidates' backgrounds, to read their judgments if they are judges, to read their articles if they are academics, and to take positions, supporting or opposing the candidates. At the very least, one would have thought that a press which takes seriously its commitment to freedom of the press should have been looking at the candidates' records in defence of that freedom, supporting those who are strong in its defence and opposing those who are weak. The real content of the guarantee of press freedom in the Bill of Rights is not the wording of the clause. It is the commitment to that right of the judges on the Constitutional Court.

What are the lessons of this process for the role of the media in developing an open democracy? The next major step on the road to an open democracy is the enactment of a Freedom of Information Act. The central purpose of such an Act is to give citizens a right of access to official information. What does the performance of the media during the Constitutional Court selection hearings teach us about such a law?

For one thing, in the lawmaking process which has now commenced, there are a number of critical issues to be watched by the media. All Freedom of Information Acts exempt certain classes of information from the citizen's right of access. The exemptions have to be there, but the central content of freedom-of-information law is their boundaries. There has to be a national security exemption, a privacy exemption, a commercial confidentiality ex-

emption, a law enforcement exemption. The key issue is this: are the exemptions going to be worded as narrowly as possible, consistent with the interests that they are supposed to protect? If the exemptions are not as narrow as possible, they will suppress important classes of information which ought to be accessible to the nation.

Secondly, the enforcement mechanisms - the means by which citizens enforce their rights to information against unco-operative officials - must be effective.

They must also be independent of government, they must be cheap, quick, and easy to use. Thirdly, there ought not to be any unnecessary obstacles in the way of the citizen who wishes to access official information. One ought to be especially wary of threshold requirements that can be manipulated by an astute bureaucrat to frustrate access. These are issues that need to be watched very carefully by the media.

Finally, the Freedom of Information Act can be an effective means of hold-

ing government accountable only if the media use it to do that. If our media fail energetically to exercise the rights of access that the Act will give, it will become paper law.

A genuine open democracy cannot be attained without much livelier participation by the media than we now have.

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By Thomas Fairbairn

Last Review's report on 4th wave technology at the Pretoria News ruffled a few feathers at other papers with similar systems. The "allegation" (you could tell that this was a newspaperman complaining) that Pretoria News piloted electronic pagination was a "ridiculous lie", he noted. (The

article didn't actually claim that, but let's not let facts get in the way here.) The first daily to pilot electronic pagination, my correspondent notes, was The Sowetan in 1991. Anyway, apparently The Sowetan crew toured Pretoria News to view their new system, and were treated to a demonstration during which Pretoria News subs boasted about blowing up a page 200 per cent to get fine detail. "We get 400 percent," noted Thumbsuck's Sowetan informant. "We didn't tell her. Just smiled."

The Rhodes Journalism Department is hosting a Freedom of Information conference in February (you're all invited) and, trying to be organised about this, a secretary telephoned Parliament (the one that's still in Cape Town) to ask for an address list of MP's. After establishing there is such a list the logical request followed. Secretary: "Please post it to me..." Parliamentary person: "Sorry lady, it's confidential." Roll on Freedom of Information.

Emeritus professor Ian Gordon's masterful piece on punctuation in the last Review stung a senior (very senior) and respected (very respected) journo to fax the editor to complain. While the journal had a "lot of blerrie nice goed" in it harrumphed said

journo, why had the editor failed in his duty by allowing Gordon to get away with a reference to Sprat's (1667) "often-quoted sentence", without actually giving the sentence?

"We're all supposed to know, maybe?" queried our journo. "Ah, we say, yes, Sprat's often quoted sentence, of course. Twak, man. That's like those old-style Brit books that kept sneaking in French in italics, as if to say that anyone who dared to be reading so high-class a book as this must of course know French."

The editor, faced with the above attack, admitted he thought everyone (especially senior, very respected journo's) did, in fact, know about the Royal Society and, if they didn't, they would (upon being puzzled by the reference) at least have looked it up in their dog-eared, well-thumbed copy of the Oxford Companion to the English Language. If they had, they would know that the Royal Society was a largely Puritan venture that, despite its name, received little royal patronage and, as a result, enjoyed great freedom of expression.

In its early years the society showed a brief inclination to improve the English tongue and set up a committee on which sat, inter alia, John Dryden, Bishop Thomas Sprat, and diarist John Evelyn.

In his history of the society, Sprat continued the discussion by arguing the Society should require of its members "a close, naked, natural way of speaking; positive expressions; clear senses; a native easiness; bringing all things as near the mathematical plainness as they can; and preferring the language of artisans, countrymen, and merchants, before that of wits and scholars". Sound advice, and a pity South African journalists have yet to take it to heart.

But then, if they haven't read Sprat, what can we expect?

The SABC has been subjected to a number of consultants lately, some of them from Oz. Apparently the top team at Awkward Park is taking the Aussies seriously. Worrying, when you consider what their print counterparts did to British newspapers...

Heard about parliamentary correspondents complaining they can't keep up with all these open sub-committees? Relief was short-lived when a recent meeting of the finance sub-committee was declared closed. The would-be closet MPs forgot to turn off the internal television - their proceedings went straight to the press room.

DEATH BY ACRONYM

South African newspapers, beset by acronyms, stories that lack context, and photographs of scantily clad women, are not reader friendly, argues American journalist Richard Dudman.

As a news junkie visiting in South Africa, I find the newspapers here puzzling at times and occasionally absolutely mystifying.

For example, the papers have printed dozens of stories lately about the finrand, its ups and downs and its likely future status. But what exactly is a finrand?

I can — and did — ask an acquaintance what the term meant, fortunately knowing someone who knew. But the newspaper should have told me, since it holds itself out to be a mass source of information.

Another puzzler: When I was in Cape Town, the newspapers there were full of daily developments in a shooting war among taxicab drivers at the railroad station. The stories reported bystanders fleeing in terror and gave names of the killed and wounded. But most of the stories gave no clue as to what the fighting was all about.

Eventually one of the papers quoted a policeman as speculating that rival cab companies had organised hit squads and were conducting Mafia-

style gangster warfare. But I found no serious effort by the papers to get to the bottom of the disorders. Presumably the cabs were struggling for position, as happens among cabbies in many cities of the world. But I should not have to presume an essential part of the story.

Then there was Joe Slovo's achievement in reaching some sort of agreement that was said to have broken a deadlock and opened the way for large-scale construction of low-cost housing. The news stories that I saw gave no background to enable the reader to understand the significance of what was described as a remarkable breakthrough.

Now, I appreciate that fact that South African editors can't edit their papers for the benefit of foreign visitors. But it seems to me that there is a broader interest at stake. Growing numbers of prospective South African newspaper readers must be in the same boat as a befuddled foreigner.

In this transitional period, when millions are experiencing freedom of movement and freedom of information for the first time, the newspapers are seeking a whole new crop of young readers. The newspapers can either entice these prospective new readers with clear, understandable stories or turn them off by filling stories with unexplained jargon.

A successful, growing newspaper will make the news reader feel welcome. One technique consists of trans-

lating the pig-iron prose of bureaucrats, politicians and economists into clear and simple language that ordinary readers will find interesting and understandable. In the United States, we call the bureaucratic jargon gobble-dygook and try to strain it out of our newspaper stories.

This horde of potential new readers is by no means a captive audience awaiting clever moves by the newspapers. Radio and television are easy, attractive alternatives, especially now that people are learning that, for a change, they can trust the news they get from the SABC. As a veteran print journalist, I prefer good newspapers to radio or TV as the best means of keeping well informed.

To return to the finrand problem, the term may have come into use as a bit of insider slang, marking the user as being in the know. Its brevity also may seem to carry a sense of efficiency. Newspaper writers, chronically confronted by constricted news holes, are always looking for short-cut expressions.

In the United States, our best papers are in a similar fix: They must both condense and clarify. Some of them solve the problem by routinely inserting a phrase or short sentence to explain the meaning of some term like balance of payments or cash flow. Why not write out "financial rand" on first mention and spend five or six words explaining the terms?

Even worse than finrand, from the

point of view of both the foreign visitor and the South African would-be newspaper reader, is the constant stream of acronyms. I already knew about Codesa, but I have had to ask again and again about MK and Cosatu. Too often, the person I ask can't remember what the mysterious letters stand for.

A remedy here would be to require that all acronyms be written out in full on first mention, with the initials in parentheses. Or, if the story is a short one, in which the name in question may not appear more than one or two more times, why not skip the acronym altogether?

On second thought, maybe South Africans (and, I regret to add Americans) have become so addicted to acronyms that there is no use fighting them any longer. One of my associates at home likes to send me efficient little memos that ask for a reply "ASAP", meaning "as soon as possible". I am tempted to answer with "WIGTI", meaning "when I get to it".

If you share my distaste for all these short forms in the name of pseudo-efficiency, come join my new organisation. I call it ICESA — short for "I can't stand acronyms".

Richard Dudman, former chief Washington correspondent and foreign correspondent for the St. Louis Post-Dispatch, spent two months in South Africa under the Knight International Press Fellowship Programme.