

3.13. South Africa

In 2004 the South African media marked ten years of operation in a free legal environment thanks to a decade of democracy. This environment has impacted positively on the media over the period, and the media in turn have helped consolidate democracy.

In marked contrast to the situation under apartheid, the country's current constitution guarantees freedom of expression and of the media.¹ As regards political conditions, the role of the media vis-à-vis government is a mixed one, but generally positive from a democratic point of view. Economic conditions continue to be a challenge, both with regard to the development of new outlets and the excessive commercialisation of much existing media. From a social point of view, there is progress regarding the pressures of racial division and conflict. However, the quality of journalism in the new era is of concern, and there is a need to achieve more from training.

Nonetheless, taken all together, South Africa's experiences amount to an exciting success story of a transition from the media under a racial despotism to a situation of non-racial democracy.

I. General Conditions

In South Africa, of an adult population (people aged 15 and over) of 26 million about 12 to 13 million have less than a full general education; about 7.4 to 8.5 million have less than grade 7 (often used as a minimum education-level indicator of sustainable, functional literacy) and about 2.9 to 4.2 million people are estimated to have no schooling at all and are, presumably, functionally illiterate. This state of affairs arises from an apartheid legacy of a lack of access to basic education and training for black Africans and poor educational infrastructures especially in rural areas. The present government is attempting to address the backlog by providing adult basic education and training (ABET) and compulsory schooling for all children from grades 1 to 9.

Illiteracy
and education

South Africa enjoys a great range of local and national independent media in comparison with other countries on the continent. The national broadcaster, the South African

Local media

¹ Constitution of the Republic of South Africa, Section 16.

Broadcasting Corporation (SABC) owns 21 radio stations several of which broadcast in the country's 12 official languages. SABC also owns four TV stations – SABC 1,2,3 and SABC Africa, which also beams out via satellite company DSTV into the rest of Africa. The independent communications regulator, ICASA, has recently granted approval for SABC to manage two new regional television stations that will broadcast local content exclusively in the country's indigenous languages.

Radio South Africa enjoys approximately 80 functional community radio stations operating in the country's nine provinces; and a white paper has recently been published which proposes the framework for the establishment of community television in the country. There are 14 private commercial radio operators that broadcast in a range of formats from adult contemporary music, to jazz, classical music, youth and talk and current affairs. Their footprint stretches across major metropolitan areas and provinces. However, no private commercial national radio stations have been licensed to compete with the public broadcaster's monopoly.

TV E-TV is the country's only licensed free to air commercial television station offering an alternative to the public broadcasting monopoly. MNET is the country's only terrestrial pay-TV channel, while DSTV is a subscription TV bouquet, broadcast via satellite to South Africa and several other African countries. Both MNET and DSTV are owned by media group Naspers, which is also a major publisher of South African newspapers and magazines.

Print Nearly 20 daily independent newspaper titles are published in the country's commercial hubs and provinces, with only a handful of daily and weekly titles circulated across the country due to the high costs of distribution. In 2001, it was estimated that there were 147 free sheets or 'knock and drop' papers affiliated to the now defunct Community Press Association. The knock and drop titles, the majority of which are owned by media group Caxton, are distributed free to urban dwellers, generally in affluent neighbourhoods and districts.

Media ownership Radio ownership is dominated by the three largest players, Kagiso, Primedia and African Media Enterprises; and newspapers by the print giants, Naspers, Johncom, Independent Newspapers and Caxton. These companies have diversified their interest into other media areas as well, including outdoor advertising, cinema and film distribution,

advertising sales, Internet publishing and magazines. Several of these companies are focusing northwards and looking to expand their media empires into Africa.

Ostensibly, no political party owns its own newspaper. However, *Ilanga*, a major newspaper in KwaZulu Natal printed in the isiZulu language is owned by the Inkatha Freedom Party through the Mandla Matla Trust. Though the owners claim not to interfere in the title's editorial independence, the paper's allegiances are sometimes questioned due to its political affiliation.

Political parties have used the Internet as an inexpensive means of disseminating their opinions in the public domain, with the ANC's online newsletter, ANC Today, becoming primary reading matter for any political journalist. There is no censorship of online newspapers, the majority of which are shovelware for their print counterparts.

Internet media

The South African Advertising Research Foundation's All Media Products Survey (AMPS) estimates that almost 28 million people tune in to radio (of this figure community radio accounts for about 4.5 million listeners). Due to the high costs of access, however, the Internet remains an elite medium. Research company World Wide Worx estimates that approximately 3.5 million South Africans (about 7.5 per cent of the total population) have access to the Internet. The cost of television sets and the limitations of signal distribution means and access to electricity mean only 14.6 million South Africans have access to television.

Media access
Radio
Internet
TV

An audience media survey conducted by South African NGO Genderlinks to look at news and current affairs consumption patterns among men and women in South Africa showed that: 49 per cent of women and 40 per cent of men get their main news fix from television [very often: 4], 34 per cent of men and women regard radio as their primary news source [often: 3] and 21 per cent of men and 15 per cent of women use newspapers [occasionally: 2]. The Internet, by contrast, is almost never used [1].

Media consumption
Radio, TV, Print, Internet

South African media undoubtedly have a significant impact [3] on the political landscape through the selection and highlighting of political issues which inform the agenda of the political and economic elite who make or influence policy. As in other countries, however, the potency of the media's influence on political society and public opinion is variable within the constraints of national political culture

Media influence on political opinion

and the biases and histories of South Africa's diverse public. This is usually divided along the lines of class, race or political affiliation. It is when media investigations influence matters at a level of policy or action that their power in political society is most clearly demonstrated. This has demonstrably happened in media investigations into the abuse of parliamentary travel vouchers by politicians and into a businessman who was subsidising the lifestyle of the Deputy President of the country. In the case of the former this resulted in the resignation of five members of parliament; and in the latter to the dismissal of Deputy President Jacob Zuma from executive office by President Thabo Mbeki.

State-owned media In principle, the national broadcaster is owned by the public and run by a board appointed by the President based on a public nomination process vetted by parliament.

An independent regulating body – the Independent Communications Authority of South Africa (ICASA) – regulates the broadcasting sector. Regardless of these safeguards, concern for the editorial independence of the public broadcaster has been raised as a result of the political history and allegiances of the majority of present board members and the CEO for News and Current Affairs. This has impacted on public and media perceptions of the quality and balance of the news programming at Africa's largest broadcaster. There is rising concern, however, regarding the development of municipal newspapers, which compete for the same pool of advertising as existing town and community papers but which have the unfair advantage of also receiving funding from the public purse.

In 2002, the government decided that two additional commercial TV channels should be created with a mandate to broadcast entirely in indigenous languages. Initially, the view was that these would be directly accountable to the Department of Communications. However, protests by civil society and business saw these eventually being designated as public broadcast stations within the SABC's portfolio. For its part, the SABC has indicated that resourcing for such facilities would need to come from the central treasury and it is not at all clear that the media landscape will see these being established anytime soon.

The MDDA, the Media Development and Diversity Agency, a new (and independent) body that has been set up by government in partnership with industry, supports not only

community radio, but also grassroots publications and print entrepreneurs to complement the large corporate-owned print media. The initiative was the fruit of civil society groups who eventually persuaded the government to set it up in 2003. However, financial commitment by government remains paltry.

State funded public media predominate as the provider of national news and information due to delays in rolling out regional and national commercial radio licences and the small penetration and footprints of community radio. The state-owned media are usually critical towards the government [-1]. It is frequently at local government level where there is an arguable lack of sophistication and understanding of the media's role that there are sharp tensions between government and the media.

State-owned
media and
published
opinion

Underpinning the three-tier broadcast landscape of public, community and commercial broadcasters was a democratic philosophy envisaging a division of labour between the different sectors. Thus, community radio was seen as providing local access to the airwaves, SABC as delivering public service programming, and the commercial sector recognising the interest of those seeking the freedom to make money from the industry. Despite the complementarity of the different sectors, however, there was also strong competition not only within each, but also between them.

Still, from a democratic point of view, the three sectors have meant a range of different voices and audience choices on air – although in some aspects, it has also entailed homogenous content as each broadcaster seeks out the most popular formats. As a result, public service programming is not distinctive, as compared to commercial, while community radio can often be found emulating the mainstream. There is thus less diversity than the number of broadcasters might lead one to expect. Community radio has also proved valuable in playing the role of a local forum, but its ability to develop professional news and current affairs content has been very limited.

Nonetheless, from a vantage point of ensuring that the public broadcaster does not become a government broadcaster, the broadcast pluralism has been a good thing. It has constituted an additional check and balance on the independence of the SABC, in that the fact of pluralism has meant that propaganda broadcasting by this state-owned

broadcaster would risk the danger of audiences migrating to more credible stations. Losing audience share would mean losing not just influence, but also advertising, and the broadcast landscape thus compels the SABC to be competitive with other players on the airwaves.

Government
press
conferences

Where there might have been acrimony between politicians and local titles or journalists, individual journalists have at times been banned from attending press conferences or the government has considered withdrawing cooperation, advertising and information from some titles (such as the cases of *Die Hoorn* in Western Cape and *The Mercury* in KwaZulu-Natal). At national political level, there are regular press conferences, often convened by the Government Communication and Information Services agency or by ministries and departments directly. However, all journalists have – by law and in practice – equal access to those press conferences. They are also regularly broadcast.

II. Legal Environment

Freedom of
expression

Apartheid was enforced through physical force as well as information control. Sometimes, these two aspects were combined – thus the old regime jailed journalists like Zwelakhe Sisulu for 251 days, and Peter Magubane for 586 days. In contrast, South African journalists today can do their job with political impunity, and without any fear of being harassed by the state. Similarly, the media as an institution is also in a very different situation from the past. These freedoms are largely a result of the country's basic law.

Free speech and free media are enshrined in South Africa's Constitution. However, it should also be noted that these constitutional guarantees do not provide for absolutely unfettered free speech. Instead, the Constitution expressly states that these rights do not extend to extreme and dangerous hate speech. Further, the Constitution also provides for a balancing between free speech and free media rights on the one hand, with rights to equality and dignity on the other. At the same time, there is a welcome democratic caveat to the effect that rights can only be limited if this is 'reasonable and justifiable in an open and democratic society based on freedom and equality'. In addition, any limitation would not only have to be 'reasonable', but also proportional to the problem to be addressed, and when there is no alternative available. This

would make it very hard to curb citizens' liberties to produce media on an arbitrary or undemocratic basis.

It is thus safe to say that on the whole the constitution's provisions on free speech are overwhelmingly positive from the point of view of the media and democracy. For example, they were a major reason for substantive revisions in 2004 of a draft law on combating terrorism. This draft legislation, formulated as part of South Africa's international legal obligations in the era of the post-9/11 attacks, was sufficiently vague in its first incarnation to constitute a broad, potential threat to free expression. It further violated journalists' rights to maintain the confidentiality of their sources – which although not expressly part of the constitutional right to media freedom, could be seen as an essential component of this right. Strong representations by civil society groups, including the media, led to the more problematic aspects of the bill being removed before it was passed into law.

Media
coverage

Some might argue, however, that curbs on media freedom are inherent in the ban on hate speech in the 1996 Film and Publications Act.² This law applies to both film and publications produced by organisations which are not members of the national print media association. The act is implemented by a board that classifies certain kinds of content with age-related and distribution-related restrictions. Such control was initially post-publication, but in early 1999 it was extended to cover pre-publication (i.e. production per se of offensive content became an offence).

Regulation
of media
coverage

The law covers hate speech in a broad sense, including sexual and 'religious hatred' content, except in cases deemed to be for *bona fide* artistic, scientific or discussion-oriented purposes. These constraints accord with the 'human dignity' provision in the Constitution. Even though they clearly limit freedom of expression, it is arguable that this is not a limitation that goes to the heart of the media's role in a democracy or socio-economic transformation. Successive apartheid governments used laws purportedly designed to prevent race hatred in order to suppress criticism of white domination, but there have been no media convictions under the new law.

The Constitution also goes further than keeping government interference out of media and communication – it also opens

² Film and Publications Act, Schedules 10 and 11.

the state's own information resources to public scrutiny. This comes from the constitutional provision for the right of access to information. Indeed, the right also extends to access to information held by non-state entities inasmuch as information in this sphere is needed for the exercise or protection of any rights. This aspect of the constitution has also been implemented in the form of legislation – the Promotion of Access to Information Act. However, the relevant law allows for an effective limitation on this right by making it subject to the administrative and financial capacity of the state. To date, although the law has strong symbolic value, it has been very little used by the media. A practical exercise in 2004 showed very poor responsiveness by state agencies to requests made under these legislative provisions.

In short, strides in the area of access to information allowed for by constitutional provisions have lagged behind those achieved by the media freedom dispensation.

Unfortunately, much legacy legislation remains from the apartheid era. One of the most controversial of these laws is Section 205 of the Criminal Procedure Act. Under this law, journalists can be subpoenaed to give evidence in judicial proceedings, and face imprisonment for refusal. During the apartheid era, this law was used to jail a number of journalists. However, in the context of democracy and the constitution, a positive memorandum of understanding was agreed between the Ministry of Justice, the Director of Public Prosecutions and the South African National Editors Forum in 1999. This document established interim limitations on the state's use of Section 205 against journalists. However, it has not been consistently observed, and meanwhile there is still no action on journalists' desire to see full legislative amendment or repeal of problematic legislation. However, there has been a sea change in attitude amongst the authorities so that even the 2003 deployment of subpoenas was exercised with sensitivity.

While legacy laws like Section 205 remain a practical problem, it is also the case that the media have operated with broad impunity irrespective of the legalities. When the majority of newspapers broke the law and published evidence in the Mandela divorce case, no action was taken against them. When the *Sunday Independent* newspaper ignored a court interdict and also transgressed restrictions under an apartheid-era law, the paper was not charged for

either offence. In 2004, blatant violation of sub judice provisions did not lead to legal repercussions against the media. That the statutes are still in existence, however, means they could be used should the state decide to apply them.

South Africa's constitution provides for regulation of the broadcast industry through an independent broadcast regulatory authority. The authority is designated as needing to 'regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society'. The establishment of what was known as the IBA actually pre-dated the Constitution, being legislated into existence in 1993 as a result of political negotiations in preparation for democracy.

Over the years, the regulator's independent status has been responsible for important democratic victories. Most importantly, it has been the backdrop for the SABC being held accountable as a public broadcaster as distinct from a state or government broadcaster. The constitutional protection of the IBA (now called ICASA) does not mean independence in the form of a wholly free hand for regulation. Political influence remains through broad (but transparent) policy directives which may be issued by the minister. Further, there is the parliamentary committee which interviews and nominates people to serve on the regulator's council. This multi-party committee reflects the strength of the majority party in parliament, and the result has been the appointment of individuals sympathetic to that party. In addition, the state president can reject, and has done so, candidates put forward by parliament. On the other hand, the system at least allows for an arm's length relationship by government, and for a strong degree of public accountability. This is distinct from a structural arrangement where government could exercise direct control.

While old laws remain on the books as a potential threat, there are also some problems with new laws. The anti-terrorism law has been discussed above; another new item of legislation of potential relevance to curbing the media's democratic role is the Interception and Monitoring Act of 2002. This law could enable the monitoring of journalists' communications by the state or employers under certain conditions, although to date it has not been implemented as such.

Changes in
the past five
years

One post-apartheid legal development that represents a major improvement for the media has been that of a more media-friendly interpretation of defamation. In South Africa, these matters are handled as civil law issues. During the apartheid years, the press was persistently curbed or intimidated by court cases, or the threat thereof, by litigants citing defamation. Not only politicians, but also various government ministers, corporations and businesspeople successfully silenced or chilled the media by securing protection from the courts through the conservative application of defamation case law prior to 1994. This chilling situation was ended with the celebrated Bogoshi judgement in 1998. The ruling saw the courts reinterpret the law in the light of the new constitution. The effect was that journalists no longer had to prove that what they published was true, but only that they had not been negligent in trying to verify truth. This meant that the media have been substantially strengthened in their ability to publish.

Another legal factor affecting media and democracy has been legislation relating to the SABC. The 1999 Broadcasting Act further reinforced the independence of the public broadcaster by specifying that coverage should include 'significant news and public affairs programming, which meets the highest standards of journalism, as well as fair coverage, impartiality, balance and independence from government, commercial and other interests'.³ Despite the fact that the independence of the SABC was therefore enshrined in legislation, this was not set in stone. In 2002, the minister proposed amendments which would drop this clause. She further said that the SABC needed formal editorial policies in order to be accountable, and that she would execute the process of developing and approving these. A public outcry resulted in parliament rejecting this approach. Instead, the independence provisions in the law were retained, and the SABC was required to develop editorial policies through a consultative process with the public. The relevant body to adopt these would be the board of the corporation, not the minister. Thereafter, the regulator would be responsible for monitoring and compliance. The wide-ranging consultation took place in 2003, and the final version of the policies was adopted by the board in early 2004. The political independence and democratic contribution of the public broadcaster is further elaborated in these policies.

³ Broadcasting Act, Section 10.

Now free media coverage is possible with only minor restrictions. South Africa has thus seen a strong improvement in this regard [+2]. The quality of free media coverage has also improved considerably [+2].

South Africa no longer has censorship laws or a censors' board. This has been changed under the Film and Publications' Act which establishes a board which is responsible for the classification and regulation of films and publications in order to protect constitutional rights and freedoms, the right to dignity of all and with special regard to the protection of children from exposure to potentially disturbing, harmful and inappropriate materials. In the media, however, there is still a danger of prior censorship such as recently experienced by the *Mail and Guardian*. This happened after a judge banned the paper from printing an article alleging that an oil company gave 11 million rand to the ruling party ahead of the elections. The contribution had been diverted from the state oil company and hence public funds were abused to fund the ANC's election campaign. The ANC won a court interdict in the Johannesburg High Court, stopping the weekly from publishing the story about the follow-up to the alleged scandal.

Censorship
under the
law

Due to the scarcity of the frequency spectrum, radio and television in South Africa are licensed by an independent communications regulator (ICASA) which is staffed by professional people under a board that is appointed by the President after public nominations. The board is accountable to parliament. Print and Internet content providers are not regulated.

Media
licences

Law and regulation have also backed up broadcasting independence and pluralism. Thus no politically aligned association or individual can qualify for a licence, and all those who are licensed are required to be politically independent, especially during elections when strict conditions for neutrality and balance are laid down. There have been controversies, but in general broadcasters respect electoral impartiality, and indeed it is enforced by the broadcast industry's 'in-house' ethics body – the Broadcasting Complaints Commission of South Africa (BCCSA). Standing behind this council is also the national regulator's Broadcast Monitoring and Complaints Commission, which ultimately has the power to revoke licences.

From the point of view of the sector as a whole, far greater media pluralism in terms of diverse outlets came into being as a consequence of democracy. This began with the regulatory authority, the IBA, licensing some 80 entirely new community radio stations in the first three years of democracy. The IBA also reduced the size and concentrated power of the SABC by privatising some of its more commercially-oriented stations to new owners (mainly black). Meanwhile, pluralistic private ownership of radio stations persists.

Journalists' status
Journalists also do not require any licence or official accreditation to work. However suggestion about the need for such a measure was mooted by the former Justice Minister in the context of perceived declining standards in the quality and credibility of reportage. Following criticism by media activists the idea has been shelved.

How open the proceedings of organs of the state are to the media is also relevant in a democracy. Television is permitted in parliament, but not generally in the courts. A significant concession was granted in 2004 allowing for broadcasters to transmit approved edited excerpts in a case involving Mark Thatcher. However, rather than setting a precedent, the matter of granting access to electronic media was rejected in the Shabir Shaik trial in the same year (once before the Thatcher verdict and again – for radio only – afterwards).

Monopolies and cartels
Competition law and the cross media ownership legislation of the communications regulator mitigate against monopolies. However, economies of scale dictate that for viable media enterprises larger corporations are needed, offering a diversity of services and exploiting the synergies that exist between its various operations. As a result South Africa has three major players in radio and four big players in print. These organisations do not operate as a cartel but the competitive market conditions created by their stranglehold on the production and distribution chain does make it extremely difficult for new entrants to gain a foothold.

A level of print pluralism is maintained by ICASA regulations on the limitations of cross-ownership to 20 per cent shareholdings between print and broadcast operations. While this is likely to change, it has in the interim served to block some of the newspaper groups from significant expansion into radio.

III. Political Conditions

During apartheid, the media was politicised and polarised. The ethos was of a partisan media – broadly for or against apartheid, with little room for anything outside of these alternatives. The Truth and Reconciliation Commission (TRC) in 1996 concluded that the bulk of media – even though there were some important exceptions – either expressly promoted apartheid, or implicitly complied with it, and in both ways contributed to a climate where oppressive social engineering and gross human rights violations could continue to take place.⁴ The TRC commended the ‘alternative press’. Today, the issue now is what stand media people take given that they are free to choose.

The core issue revolved around whether media people should now behave as journalists first and foremost, and political beings second, and indeed what kind of journalists they should be – watchdogs or development journalists.

Perhaps it is fair to say that most media voices today are – of their own volition – broadly supportive of government policies, although there are a number of select exceptions to the support. For example, reportage on government policy on HIV-Aids and Zimbabwe has been almost universally negative. In contrast, there has been almost no critical debate about the government’s orientation on economic policy. Instead, criticism of the latter has been about the implementation of policy, rather than its intrinsic nature.

Coverage of
marginal
groups

This is not to say that journalists’ limited coverage of this issue means they have become ideologues for the government. On the whole, they subscribe to a self-image as independent professionals. Coverage of issues such as government race-related redress policies is often robust. There are regular investigations into corruption or cronyism. There is thus in general no love lost between the media and the government, and there remains enormous suspicion amongst ruling party politicians about the motives of what is still often seen as a white-oriented and controlled media. However, there is also no sign that the authorities intend going beyond their criticism of the media into more substantive attempts at control.

The result is a range of shifting roles whereby on varying issues, some reportage will critique government, and other

⁴ *Truth and Reconciliation Report: www.info.gov.za/otherdocs/2003/trc/.*

coverage support it. In all cases, what is significant is that the decisions are made within the media and not by the authorities themselves – except in certain instances of media manipulation or underhand collaboration. Very few journalists, however, would like to see their profession revert to the role that was played (and discredited) under apartheid. This culture of independent journalism is an important democratic characteristic in contemporary South Africa – even if it is sometimes compromised by members of the media themselves.

However, there are four areas of social life and identity that colour journalism in ways not always conducive to democracy. These are race, nationality, class and gender.

Almost all the media today explicitly support the project of countering racism in society by only reporting race when it is relevant to a story, and by exposing incidents of racism that still exist. To this extent, the media can be said to be part of a broad thrust of nation building, wherein there is an effort being made to construct a sense of a democratic and unitary South Africanism, notwithstanding socio-historical diversity and a background of rifts and conflicts framed in racial terms. Some might consider this self-censorship, but most people regard it as part of a mainstream national consensus.

Three specific issues of social prejudice, however, continue to challenge the media's role in mediating social tensions. The first is xenophobia against foreigners from other African countries, using language that tarnishes entire nations in the process. The second challenge is that a major continuing factor underpinning racial division in the society is economic inequality, and here the media have done little to help address the stark disparities in income between racial groups. While the small black middle class is indeed reported upon, poor people remain almost entirely black and they are often left out of much of the media loop.

A third challenge is that despite the country's progress in advancing the position of women in all areas of life, women are still grossly under-represented in coverage. A study in 2002 revealed that only 19 per cent of news sources were women, and even worse, that black women (who constitute 45 per cent of the population) made up only 7 per cent of the total. Black men made up 27 per cent of news sources, and white men 32 per cent. The statistics had improved by a couple of percentage points when the research was repeated

in 2004. However, there is still a way to go in ensuring that the media do a better job in representing both quantitatively and qualitatively the society's demographics of race, language, nationality, class and gender.

The political conditions for the media in democracy exhibit the normal tensions between government and independent media in a democracy, but with respect from each side towards the other. The most wide-reaching medium, i.e. broadcasting, is several steps removed from political control, and there is pluralism across the spectrum as a whole. However, the prospects for deepening these positives are constrained by economics.

Self-censorship as a problem is experienced by all media, varying only with context. Due to its nature, however, proof of self-censorship is difficult to show and is generally reliant on anecdotal evidence from journalists. Self-censorship is a reality of the media business. Journalists by commission or omission consciously shape articles to be more suitable in order to get past their medium's gatekeepers who for ideological, commercial or political reasons would otherwise spike the story. Other media fail to investigate important issues of the day as they may open themselves to unaffordable litigation or harassment.

Self-censorship

Thankfully since 1994, constitutional rule of law has held sway and as a result the state is unable to apply 'illegal' mechanisms to restrict media freedoms. As indicated previously repression therefore takes more subtle forms.

Illegal state repression

Also as distinct from the pre-apartheid era, the 1990s saw the rise of the Internet as another mass medium. While access in South Africa remains limited mainly to the middle-class white community, this outlet – with its participative dimension – has meant another way in which different views can be expressed, debated and disseminated.

Obstacles to Internet access

The state has generally sought to improve access to the use of ICTs through the development of multi-purpose centres in townships and rural areas. There is no censorship of the Internet though an Interception and Monitoring Act does allow government to snoop on people's Internet usage and email among other things. Low Internet access (about 3.5 million) is a consequence of poor government planning and a telecommunications monopoly by Telkom that has seen South Africans reportedly pay the highest on average call costs in the world.

Changes in the past five years

Over the last decade, there has been a drastic change in the media freedom environment. Government and media have attempted to engage constructively with each other, especially at national level through the South African National Editors Forum. However, tensions between government and the fourth estate do persist. Since 2000, a number of positive legislative changes have occurred which strengthen the media. These include the establishment of the Media Development and Diversity Agency (MDDA) and the promulgation of a Freedom of Information Act. In broadcasting, the publication of position papers on ownership and control of broadcasting services, local content quotas, regional and community television broadcasting, subscription broadcasting services and convergence legislation should strengthen and guide the sector and bolster South Africa's position as a world class broadcaster. There is now virtually no fear of repression [+3].

IV. Economic Pressures

State subsidies

All media in South Africa, but especially community and public broadcasting, have been deeply shaped by their financial models. Community radio has been largely donor-funded, but some public funds have also been channelled into the sector. The bulk of these are given directly by the Department of Communications, although this does not seem to have come with political strings attached. A much smaller amount is disbursed by the MDDA, which also draws on donations from the mainstream industry for its budget. The notion that community broadcasting could tap into new and local advertising for its existence has not been fully realised, and the sector is not as secure as many democrats would like it to be. However, the reality is that a large sector of broadcasting is made possible through a non-commercial model that depends largely on unpaid volunteer labour.

Financial models also impact on the democratic role of the public broadcaster. The SABC draws most of its revenue from advertising; licence fees yield just 13 per cent. This is not only unpopular with commercial broadcasters, who resent amongst other things the power of the corporation to bulk market its outlets to advertisers. It has also attracted severe criticism from civil society, and even from the ANC, for what is seen as a commercial agenda that compromises public service programming – especially in regard to

transmission in the minority languages of the country's 12 official tongues.

The commercial financing model at SABC further leads to imports of cheap US television programming rather than investment in more expensive indigenous talent, despite local content quotas. But there seems little likelihood that government policy will change to start funding the SABC from the national treasury, or that licence fees will ever constitute a preponderant source of revenues. Instead, in an effort to streamline the situation, government policy in recent years has been for SABC to separate itself into commercial and public service wings – the profits from the former then subsidising the latter. This complex disentangling is complicated by the fact that the public service wings will still continue to carry advertising. Overall, the impact of this funding model on democracy in the narrow sense is not necessarily negative. However, if it means insufficient resources for programming in diverse languages, this could have repercussions on the language of empowerment and on the informational divide amongst citizens in South Africa.

Another factor that endangers the credibility of journalism in South Africa has been the increasing commercialisation of the media industry. Even SABC as a public broadcaster is substantially skewed in its contents due to this dynamic. Part of this picture has also been an indiscriminate 'dumbing down' of content, and increase in sensationalism. But overall, the subsidised media – including SABC – are independent and critical towards the government [-1].

Further, the democratic standing of the media has been undermined by numerous violations of the boundary between advertising and editorial or programming content. Further, to an individual, editors complain about how much they have to concentrate on the business side of the media, such as on sales or on attracting audiences as ends in themselves, at the expense of being able to focus on editorial content and its intrinsic value. This situation in turn reflects the historical decline in the power of the editors – who nowadays report to a chief executive officer (CEO) or to a managing director, rather than having direct access to a board. Editing content is now often subservient to commercial agendas, and democratic considerations come second.

Further
aspects

V. Non-state Repression

Repression by non-state groups

South Africa today enjoys a public opinion climate where criticism of the authorities is accepted as legitimate. Journalistic output in the media is both a cause and a beneficiary of this development in civic culture. The result is that free speech is a cherished right. The wide spectrum of the public today can be described as tolerant of journalists – a very different situation in comparison to the dangerous days between 1990 and 1994 in the four-year build-up to elections. Then, extremist forces on the left or the right did not hesitate to intimidate or threaten journalists. Occasional cases of individual officials or criminals assaulting journalists still surface, but politically driven violence has gone. Non-state repression as well as politically motivated violence has therefore not been a problem in the past five years [0].

Changes in the past five years

VI. Conclusions

Evaluation of media coverage

Possibly the most substantial issue in assessing the democratic significance of South African media concerns the quality of journalism and its impact on democracy. This relates to internal problems of ethics, understanding and skill amongst the country's journalistic cadre with regard to their democratic role and professional responsibilities.

A good proportion of the criticism of the South African media by the government is, in fact, justified by the volume and scale of ethical and accuracy problems amongst journalists. In recent years, severe cases of plagiarism have come to light, and – worse – the responses by editors to these have been surprisingly limp. There have been several cases of journalists having conflicts of interest. This illustrated the danger of South African media becoming involved in political matters that compromise their independence, and wherein they became mouthpieces for hidden external forces.⁵ An audit of skills by the South African National Editors Forum (Sanef) in 2002 showed a huge shortfall on the part of reporters. Accuracy is in short supply and there is often uncritical, even verbatim, regurgitating of press releases.

But none of this has been a result of less media freedom. On the contrary, since the end of apartheid there has been an extreme improvement in the field of media freedom [+3].

⁵ *Hefer Commission Report: www.info.gov.za/otherdocs/2004/hefer/.*

Against this backdrop, KAF can continue its supportive work for media freedom in South Africa and beyond. This would include support for training at all levels, for networking independent journalists across Africa, and for building media sustainability through promoting advanced technology, management skills and quality journalism. A lot still remains to do if the democracy–media link is to be consolidated and deepened to the point of South Africa becoming a vivid role-model for the African continent.

KAF
support

For all its difficulties and challenges, the independence of the journalism has been secured, and there has been major expansion in pluralism in content, outlets and ownership. There has been progress in regard to the reduction of race tensions. The problems of commercialisation, weak ethics and poor skills need to be addressed, but these do not invalidate the positives of the big picture. The issue is not whether the media have a part in the country’s democracy, but rather the extent to which this role can be deepened and widened. There is clearly far-reaching freedom of the media with only minor restrictions.

Freedom of
the media:
general
situation

The trends discussed in this report make it unlikely that the country’s media will evolve to be a negative factor for democracy, but new issues will arise. Amongst these will probably be increased technological convergence and concentrated ownership. There will also be globalisation and the challenges of foreign corporate ownership on the one hand, and the expansion of the South African media industry into other African countries on the other. These will constitute both threats and opportunities for the democratic significance of the industry as a whole.

Major
obstacles

Guy Berger

Guy Berger is Professor and Head of the School for Journalism and Media Studies at Rhodes University in South Africa.

BIBLIOGRAPHY:

Berger, Guy: 'Seeing past race: politics of the HRC's inquiry into racial representation', *Ecquid Novi*, Vol. 23 (2002), Issue 2, pp. 169–71.

De Beer, Arnold S. / Steyn, Elanie: 'Sanef's "2002 South African National Journalism Skills Audit"', *Ecquid Novi*, Vol. 23 (2002), Issue 1, pp. 11–86.

Jacobs, Sean: 'Media during South Africa's first decade of liberal democracy: some short impressions', *Ecquid Novi*, Vol. 25 (2004), Issue 2, pp. 346–50.

Orgeret, Kristin Skare: 'Unifying and dividing processes in national media: the Janus face of South Africa: intervention', *Critical Arts: a Journal of South–North Cultural and Media Studies*, Vol. 18 (2004), Issue 1, pp. 147–162.

Steenveld, Lynette: 'Transforming the media: a cultural approach', *Critical Arts: a Journal of South–North Cultural and Media Studies*, Vol. 18 (2004), Issue 1, pp. 92–115.

Wasserman, Herman / Jacobs, Sean (eds.): *Shifting Selves. Post-Apartheid Essays on Mass Media, Culture and Identity*, Cape Town 2003.