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SOUTH AFRICA & THE MEDIA: LOOKING BACK TO 2011, LOOKING AHEAD TO 2012

EXCLUSIVE – CHRIS ROPER ON MAJOR STORIES, DIGITAL LANDSCAPES, AND
THE BATTLE FOR MEDIA FREEDOM

There were many important stories in the South African media in 2011, but perhaps the biggest story was the media itself.

The beginning of 2012 sees the South African media, and by extension, the state of democracy in South Africa, in a parlous position that many see as boding ill for the future of the country. This state of affairs informed the way the media worked, and the types of stories that were published. It also highlighted the growing importance of digital media. For citizens, as a way to continue to make their voices heard, and to access information necessary to a civil society intent on being the watchdogs of good governance and constitutional values; and for the media, it drove home how vital digital platforms are, and will be in future, in the preservation of the freedom of the press.

THE SECRECY BILL AND THE BATTLE FOR MEDIA FREEDOM

In 2011, the media came under sustained attack from the government and the court of public opinion. It also contrived to stab itself in the back with a myopic, narcissistic response to infringements on the freedom of the press, both actual and imagined, as well as some unfortunate lapses in editorial rigor. Major pressure was put on media structures because of this combination of negative propaganda and legitimate criticism. The result was a publishing climate in which some news organisations were anecdotally considered to be practicing a form of self-censorship, and where attention was

deflected from reporting the news, to campaigning to protect the right to continue doing so.

The main assault on media freedom was the National Assembly's passing of the Protection of State Information Bill, more popularly referred to as the Secrecy Bill, in November of 2011. First mooted in 2008 by then Minister of Intelligence Ronnie Kasrils, the Bill was designed to replace an apartheid-era law governing the classification of state secrets. Kasrils intended to craft legislation to protect state secrets, but at the same time uphold the constitutional principle of transparent governance. It included a 'public interest' provision, allowing whistleblowers to reveal information that was demonstrably in the public interest, without fear of legal reprisal.

Crucially, the Bill eventually proposed by government removed the public interest provision, and provided for penalties of up to 25 years incarceration for whistleblowers. It also gave any state organ the power to classify any document as secret, meaning that the potential for covering up corruption would be immense.

THE SECRECY BILL: CIVIL SOCIETY RESPONDS

Understandably, there was much outrage at the proposed Bill, from a range of interested parties. Besides media organisations like the South African National Editors Forum, detractors included luminaries from within

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the ruling African National Congress party. Shortly before his death in June of 2011, struggle hero Kader Asmal, a former government Minister, urged Parliament to re-think the Bill and asked South Africans to join him in rejecting the legislation.

All to no avail. The Bill was passed in September of 2011, after what many saw as a sham process of public consultation. For example, the Mail & Guardian reported that "consultations were still going ahead the night before the Bill went to Parliament. In Mangaung, 100 residents turned up for the hearing but the ANC MP who was meant to conduct the hearing failed to appear. Instead, fliers about the Bill were handed out, a choir entertained the crowd and then food was served."

AN ANTAGONISTIC RELATIONSHIP: GOVERNMENT AND THE MEDIA

State Security Minister Siyabonga Cwele provided a representative example of the state's propaganda attack on groups opposing the Bill. He claimed that groups against the Bill were "local proxies of foreign spies", causing Ronnie Kasrils, a previous Minister for Intelligence Services, to describe his statements as "disgraceful" and "inflammatory", and to suggest that they would encourage members of the intelligence services to "adopt a mindset already noted for excessive secrecy, exaggerated fears and paranoia".

South African media and especially print media (where most of the investigative journalism takes place) is heir to the self-same institutional ills as the media of Europe and America. In an economic climate where media houses are losing readers to digital media, and struggling to substitute declining print advertising revenue with digital revenue, the margins are tight. In light of this, many saw Government spokesman Jimmy Manyi's statement that the government, one of the biggest advertisers, would favour with advertising revenue the media that reported positively on government activity. The South African Edi-

tors Forum's chairman, Mondli Makhanya, said "This incredible plan which was approved by the cabinet means the government wishes to bribe newspapers to become its propagandists, or even its mouthpieces, by publishing only the government's view of news and affairs."

In general, the media's relationship with the political power players could be encapsulated by this example. There was much antagonism, mainly although not exclusively from the government's side. Government communications' chief Jimmy Manyi, for example, was quoted as saying that the media, and especially print media, is "hostile towards government".

The Mac Maharaj story, covered in detail below, was another case study for the relationship between the media and politicians. The presidential spokesperson actually went so far as to enlist the aid of the directorate for priority crime investigation (known as the Hawks), to investigate the Mail & Guardian newspaper's possession of documents relating to his involvement in the Arms Deal corruption scandal. The Democratic Alliance's spokesperson on police matters, Dianne Kohler Barnard, commented that "It would seem that Mac Maharaj is on his own mission and it is very sad the police and Hawks are being used by politicians to fight their own battles -- something that should never happen."

THE PASSING OF THE SECRECY BILL

Also incensed by the passing of the Secrecy Bill was Jay Naidoo, a former General Secretary of the Congress of South African Trade Unions, and a former member of the ANC's National Executive Council. He also served as Minister of Post, Telecommunications, and Broadcasting, and in then-president Nelson Mandela's office as Minister Responsible for the Reconstruction and Development Program.

Naidoo went so far as to draw a shocking comparison between the current government and the old apartheid government. There can be few more insulting analogies,

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especially coming from one of your own. On a current affairs website, the Daily Maverick, he posed the question: "Are we drifting back to an era of apartheid-style censorship, with the new apparatchiks deciding what our thoughts and debates should be?"

Another who compared the current government to apartheid was Nobel Laureate Archbishop Desmond Tutu. In response to the government refusing a visa for the Dalai Lama to visit South Africa for Tutu's birthday celebrations, ostensibly because of pressure from China, Tutu went one step further than Naidoo. He accused the ANC of being "worse than the apartheid government", and said "I am warning you, one day we will start praying for the defeat of the ANC."

In the same column on the Daily Maverick, Naidoo hinted at the measures that South Africans need to take, and will take, to counter the erosion of our hard-won constitutional rights. "Just as such tactics failed to silence us in the past and spawned a grassroots rebellion of alternative media, what our current leaders should realise is that the rise of the internet and the powerful tools of social media make imposing a veil of secrecy in South Africa, or the world, impossible today."

In a year where Africa saw revolutions in Tunisia and Egypt, both typed as social media revolutions, as well as the overthrow of the Libyan government, Naidoo's point was trenchant. It's especially so given the digital landscape in South Africa, where mobile phones are ubiquitous, and social media and social networking at an advanced stage of development.

THE DIGITAL LANDSCAPE IN SOUTH AFRICA: SOCIAL MEDIA AND INTERNET ACCESS

There are over 4 million Facebook users in South Africa, for example, with 33% of those in the 18 to 24 year old age bracket, and 31% in the 25 - 34 year old group. Twitter is still relatively small, with just over a million registered users but, coming off a low base, shows the most growth of all the

social networks. YouTube, the site that possibly does most to allow citizens to evade the censorship and control of their governments, and to present to the world alternative information that would ordinarily be suppressed, is the fourth most popular website used by South Africans. Facebook is the second most popular site, and Twitter comes in at number seven.

The most popular social network in South Africa is the homegrown Mxit platform, with around 10 million active users. The quasi-social network that is Blackberry BBM, famously used by those involved in the riots cum social uprising in England in August of 2011, also showed strong growth in 2011, rivaled only by Twitter. Both those networks are mobile phone based, playing exactly to the strengths of the South African technological landscape.

According to a study by the reputable research firm World Wide Worx, "39% of urban South Africans and 27% of rural users are now browsing the Internet on their phones.... This means that at least 6 million South Africans now have Internet access on their phones." According to Arthur Goldstuck of World Wide Worx, mobile penetration in South Africa is at 112% (with penetration defined as active SIM cards), and 80% of South Africans use cellphones. Cheap smartphones are coming to South Africa as well: technology analyst Nick Jones, speaking at the Gartner Symposium on Innovation in 2011, predicted that smartphone penetration in South Africa is likely to reach 80% by 2014.

The stumbling block to internet access in South African has always been the exorbitant cost of connectivity. But this is set to change. According to the Mail & Guardian, consumers can look forward to much cheaper broadband prices in 2012, with many new undersea cables set to come online within the next 18 months. "Talk in the industry is of a 10% to 20% drop in local prices, which are regarded as being among the highest in the world." The Seacom cable, which launched in 2009, increased South Africa's broadband capacity

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by 380% - the new cables will increase capacity by a further 360%.

These connectivity issues are crucial to the development of media in South Africa, as well as being extremely important to the tools of civil society. As Naidoo pointed out, if the South African government tightens control of freedom of expression and the press, the internet is going to be the arena in which civil rights activists take the struggle for access to information.

THE MAJOR NEWS STORIES OF 2011

With such an important struggle going on, there was still time for some major stories to be broken. But here an inevitable thing happened. People exposed as corrupt were able to play off anti-media sentiments propagated by government and others, and polarise the South African public in a way congenial to their defense. Instead of debating whether someone was guilty as charged, a large amount of public discourse revolved around the media as self-interested mouthpieces for various anti-government groups.

For example, the Mail & Guardian newspaper was forced to suppress a report about the lies that presidential spokesperson Mac Maharaj told the Scorpions about his part in allegedly accepting bribes as part of the Arms Deal corruption scandal. Maharaj accused the Mail & Guardian of trying "to hide its complicity in criminal acts by raising the spectre of a threat to media freedom and invoking fears of censorship". By eliding the media's concern with the Secrecy Bill with its attempts to publish stories, the waters were muddied. Many readers believed that objections to the Secrecy Bill were merely attempts by media to evade legitimate restrictions on the way they practiced business.

Maharaj also drew on the global industry trope of 2011, when he warned the Mail & Guardian to be aware of "the consequences the use of unlawfully and illegally obtained information had on a publication such as the [British] News of the World". In a year

where South African media rectitude was crucial to a debate around freedom of the press, the News of the World example was extremely damaging.

In my opening paragraph, I made mention of the media's myopic, narcissistic response to infringements on the freedom of the press. Much of the time, the media cast itself as the potential injured party because of the passing of the Secrecy Bill, not spending enough time explaining to South Africans that their constitutional rights were being taken away, and that they, and their democracy, would be the real victim.

Other critics of the Secrecy Bill, such as the Congress of South African Trade Unions' general secretary, Zwelinzima Vavi, didn't make the same mistake. Vavi pointed out that it wasn't just the media who were under threat -- South Africa's workers had much to lose in a society where exposing corruption was criminalised. The media did touch on this aspect regularly, and the Right2Know campaign group made it a central part of their message. But there was no coherent message reflected in the media's coverage of the issue, with a concomitant fragmenting of the message to readers.

Leaving the Secrecy Bill aside, other top stories in 2011 inevitably included many about Julius Malema, the leader of the ANC Youth League. In a story in 2011, I commented that, if Julius Malema didn't exist, the media would have had to invent him. For South Africans, he is the litmus test against which politics and popular opinion is necessarily measured. An important story, co-authored by Malema's biographer Fiona Forde, exposed how Julius Malema controlled the tender process in the province of Limpopo through an alleged system of bribery. But these revelations were overshadowed by the bitter fight between Malema and the ANCYL's parent body, the ANC, which resulted in the populist Malema's shock suspension from the ANC on disciplinary grounds.

Also revealing was the story of President Jacob Zuma's attacks on the judiciary, where he suggested that the Constitutional

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Court was trying to usurp the government's exclusive right to policy-making. He attempted to assert that "The powers conferred on the courts cannot be regarded as superior to the powers resulting from a mandate given by the people in a popular vote. We must not get the sense that there are those who wish to co-govern the country through the courts, when they have not won the popular vote during elections." City Press responded to this by acerbically commenting, "it is hard to understand why the president finds it difficult to grasp that, in a constitutional -democracy, it is the Constitution that is supreme, not the numbers."

Zuma also attempted to extend the term of Chief Justice Sandile Ngcobo, perceived by some as pro-Zuma. The Constitutional Court squashed this attempt, a victory for the preservation of democracy, but possibly one that highlights civil society's failure to get the Secrecy Bill squashed in the same way.

CONCLUSION: "WAITING FOR A REVOLUTION"

This leaves the South African media landscape in an intriguing position going into 2012. If the Secrecy Bill negatively impacts on the media's ability to act as society's watchdog on government corruption, possible lack of service delivery, and general mismanagement, will civil society start to explore the avenues provided by the relative anonymity of the internet? If 2011 set the pattern, are we to expect further attempts by elements of the ruling party to infringe on South Africans' constitutional rights, both in order to bolster the waning popularity of the ANC, and to allow factional elements within the party to fight internal political battles without being subjected to public scrutiny?

However it plays out, it is clear that battle lines have been drawn between a loose coalition of the media and civil groups intent on rigorous accountability from government, and a government that sees the media as an irritating obstacle to its political ambitions and attempts to create a functioning society in an environment that is still dys-

functional 17 years after the demise of apartheid.