

A Reporter's Confession Reignites Media-Government Confrontation

*By Sam Sole**

South Africa is at a crossroads, with warning signs flashing “media” and “corruption.”

Even though media corruption isn't the real problem, the alleged suborning of two Cape Town journalists by a senior politician appears to have served as a catalyst for the most serious confrontation between the media and the South African state since the demise of apartheid in 1994.

The confrontation began when Ashley Smith, a political journalist on the Cape Town-based Argus newspaper, became involved in the factional political battles that have plagued the African National Congress (ANC), especially in the Western Cape Province.

At the end of June 2010, the Argus published an account based on an affidavit by Smith: Smith admitted that in 2005, he and then-political editor Joseph Aranes were secretly paid to boost the political fortunes of Ebrahim Rasool, the Western Cape premier at the time. Rasool was engaged in a bitter struggle for political control of the province with a rival faction of the ruling ANC.

Both Rasool and Aranes denied the allegations, but Smith's statement was seized on by South African Communist Party (SACP) General-secretary Blade Nzimande — who also serves as minister of higher education — to launch what has emerged as a sustained attack on the media.

In an article that appeared at the beginning of July 2010, Nzimande suggested that what he called “brown envelope journalism” — the payment of journalists to write or slant particular stories — was a much more serious problem than the media was willing to admit.

He did not provide any evidence for this allegation, but he did argue that “this type of rot” was so extensive that “the necessity for an independent ‘media tribunal’ is a matter that should be forcefully brought back onto the agenda.”

A Watchdog with an Agenda?

One of the policy resolutions approved at the ANC's watershed December 2007 party conference (the event that saw Thabo Mbeki ousted as party president in favor of Jacob Zuma) was a

call for an investigation into the introduction of a so-called Media Appeals Tribunal.

As initially conceived, this would have been a statutory body, appointed by and answerable to Parliament. Its purpose was to adjudicate complaints about the South African print media. At that stage the ANC provided little detail on the proposed powers of such a tribunal. Newspapers and magazines, in line with mainstream democratic practice, currently exercise voluntary self-regulation through a press ombudsman appointed by the industry itself.

By April 2009, the ANC resolution had not been implemented, and spokeswoman Jessie Duarte was distancing the party from the idea, saying it was “just a proposal.” But by the ANC’s September 2010 mid-term National General Council (NGC) conference, the idea of a media tribunal was forcefully put back on the agenda.

At the same time as Nzimande’s July 2010 salvo, ANC Secretary General Gwede Mantashe also renewed the call for such a tribunal. “Self-regulation does not work,” he said, calling for a statutory body to deal with the prevalence of unethical journalism.

But the concern of alleged ethical lapses — never elaborated in detail — masked a more profound discomfort with the perceived “hostility” of the print media to the ANC-led government, following numerous exposés of corruption cases by the media. Mantashe complained that sections of the media constantly focused on “negativity” and said that this coverage posed a threat to democracy.

Nzimande took up this theme, calling for a media tribunal “that will hold journalists accountable” and extravagantly arguing: “If there is one serious threat to our democracy, it is a media that is accountable to itself.”

An ANC discussion document, released at the end of July 2010, before the NGC conference, set out the ideological motivation for a statutory tribunal. According to this essentialist view, media “is a contested terrain and therefore not neutral, but reflects the ideological battles and power relations...” This dramatically contrasts with the perception that the South Africa media, with the exception of the Afrikaans press and the national broadcaster, have no tradition of party-political support, and tend to operate within a liberal paradigm of professional independence.

Regardless, the ANC document argues that media freedom must be constrained by the imperative of social transformation: “The ANC is of the view that the media needs to contribute towards the building of a new society and be accountable for its actions.”

This view is not new; nor is the perception that the commercial media represent an ideological perspective at odds with that of the majority party. What is new is the sense that this perspective represents a real threat to the political and ideological hegemony of the ANC.

After the NGC conference, Nzimande said: “We have a huge liberal offensive against our democracy.... The print media is the biggest perpetrator of this liberal thinking.”

A Reporting Renaissance

Corruption and weak governance have emerged as themes dominating public discourse, consolidating the ANC’s view that the print media is a significant threat. This process has been largely driven by the print media, which has, despite budget constraints, experienced a modest renaissance in investigative reporting.

The two major newspaper groups, Independent and Media 24, have set up new investigative units, and the independent weekly Mail & Guardian has consolidated its own unit by establishing the not-for-profit M&G Centre for Investigative Journalism.

Key exposés in the past few years include corruption in South Africa’s multi-billion dollar defense acquisition program (which was concluded a decade ago); the revelation that a former commissioner of police was in the pocket of a contraband smuggler; the exposure of neonatal deaths and squalid conditions at one of the country’s major provincial hospitals; and the involvement of companies indirectly controlled by the ruling party in obtaining contracts from state-owned enterprises.

In 2003, former President Thabo Mbeki suggested that media reports about government corruption represented a campaign by “fishers of corrupt men ... determined to prove everything in the anti-African stereotype.” But today, the reality of widespread corruption has swept such rationalizations away.

Now the corrosive effects of patronage are recognized within the ruling party itself.

In August 2009, Mantashe told a trade union conference: “The biggest threat to our movement is the intersection between the business interests and holding of public office. It is frightening to observe the speed with which the election to a position is seen to be the creation of an opportunity for wealth accumulation.”

Earlier this year, Finance Minister Pravin Gordhan told Parliament: “Corruption is an ever-present threat to our ambitions. All South Africans must constantly and consciously work to root out this cancer.”

Why the Media is Taking the Heat

If the truth of the message is broadly acknowledged, why then is the messenger facing such pressure?

First, print exposés have focused sharply — to an uncomfortable degree — on the ANC leadership, highlighting contradictions between liberation ideals of sacrifice and a reality of materialism and self-indulgence.

Particularly galling have been stories of the purchasing of luxury cars by cabinet ministers at state expense, tales of extended stays at five-star hotels, and sustained media reports on cronyism, especially stories that involve President Zuma's extended family.

Second, these markers of political hypocrisy have penetrated far beyond the concerns of the middle class and the *schadenfreude* of white racists.

During the recent public sector wage strike — one of the bitterest confrontations between the ANC-led government and its trade union allies — caustic references to these stories were a feature of workers' banners and chants.

Third, the so-called coalition of the wounded that ousted Mbeki in 2007 has degenerated into competing factions, driven apart by Zuma's weak leadership and the battle to succeed him. This has undermined the party's efforts both to govern effectively and to present its own coherent media message.

Finally, it appears that a news paradigm dominated by scandal is starting to have a political effect. Arguably, this has played a part in gradual advances being made by the liberal opposition Democratic Alliance, which gained control of the Western Cape Province in 2009.

Social Mobilization

In addition, corruption and related issues of access to information and media freedom have begun to form a kernel of social mobilization that cuts across party, class and racial lines.

The Congress of South African *Trade Unions* (COSATU) has begun exploring civil society alliances that would be parallel to its traditional commitment to the ANC. Their general secretary, Zwelenzima Vavi, has warned that South Africa could become a "predator state" if systematic corruption is not defeated.

A catalyst for one strand of this embryonic mobilization has been the media tribunal proposals. Just as important was a parallel,

though apparently unrelated, initiative that was proposed by the State Security ministry.

In early 2010, the ministry tabled in Parliament the Protection of Information Bill. This bill proposed wide powers to classify information at national, provincial and local government levels, and would severely punish unauthorized disclosure of such information.

South Africa has an access to information law, but its procedures are time-consuming, contain many permitted exemptions and, most crucially, are routinely ignored by bureaucrats.

Public submissions on the Protection of Information Bill in July 2010 revealed the emergence of an unexpected level of consensus among non-government organizations (NGOs), including media bodies, COSATU, lawyers and the Human Rights Commission. (The Human Rights Commission, a statutory body, is sometimes accused of lack of independence from the ruling party.)

The draft law, dubbed the Secrecy Bill by its opponents, was heavily criticized as draconian, anti-democratic and open to abuse. An ad-hoc committee was established to coordinate resistance to the draft legislation. This led to the formation of Right-to-Know (R2K), a loose alliance of concerned citizens and NGOs.

R2K has succeeded in putting the bill — and related issues of access to information and media freedom — on the national agenda. This has provoked formal expressions of concern from local luminaries, as well as from international media institutions.

Nadine Gordimer, Nobel Prize winner and veteran of the anti-apartheid struggle, added her voice to the chorus of concern from a group of South African writers. “This takes us back to some of the aspects of apartheid. It threatens the basis of democratic freedom. Freedom of expression, along with the vote, is the basis of democracy. That is the crux of it,” she told the Guardian newspaper in August 2010.

By November, the government had made some concessions — notably the removal of the proposed right to classify commercial information held by the state, which critics felt would be used to cover up malfeasance.

The Media Tribunal proposal has been referred to Parliament for public hearings, but remains a potential threat.

As 2010 draws to a close, South Africa appears to have reached a historical crossroads defined by the issues surrounding corruption and the media. Will the dictates of power politics and a preoccupation with revolutionary hegemony see a narrowing of

democratic space and political accountability? Or will the as yet inchoate renaissance of civil society lead to a consensus around resistance against the worst pathologies of a one-party system?

Either way, the South African media appears to have been roused to embrace some of the activist traditions of the anti-apartheid era: Journalists are trying to shape those choices, not just report them.

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