

# South Africa's Media 20 Years After Apartheid

*A Report to the Center for International Media Assistance*

*By Libby Lloyd*

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**National Endowment  
for Democracy**  
*Supporting freedom around the world*

**The Center for International Media Assistance (CIMA)**, at the National Endowment for Democracy, works to strengthen the support, raise the visibility, and improve the effectiveness of independent media development throughout the world. The Center provides information, builds networks, conducts research, and highlights the indispensable role independent media play in the creation and development of sustainable democracies. An important aspect of CIMA's work is to research ways to attract additional U.S. private sector interest in and support for international media development. The Center was one of the of the main nongovernmental organizers of World Press Freedom Day 2011 in Washington, DC.

CIMA convenes working groups, discussions, and panels on a variety of topics in the field of media development and assistance. The center also issues reports and recommendations based on working group discussions and other investigations. These reports aim to provide policymakers, as well as donors and practitioners, with ideas for bolstering the effectiveness of media assistance.

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## Libby Lloyd



Libby Lloyd is a journalist and researcher on freedom of expression and media policy. She worked for both mainstream and alternative newspapers, radio stations, and magazines in South Africa in the 1980s and early 1990s and helped establish a journalists' union, the Association for Democratic Journalists, during that period. She was the head of radio at a training institution, the Institute for the Advancement of Journalism, in the mid-1990s before moving into media policy development. She has since worked for a number of the institutions mentioned in this report—including as a member of the council of the Independent Broadcasting Authority; as the first CEO of a statutory funding organization, the Media Development and Diversity Agency; and as a member of one of the interim Boards of the South African Broadcasting Corporation. Lloyd now works as a freelance researcher on freedom of expression and media-related issues and policies. Among other things, she has conducted research into public broadcasting regulation in South Africa, funding models for community radio, the impact of the criminalization of journalism in Africa, media codes for elections, and mainstreaming gender issues into ICT laws and policies.



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# Preface

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The Center for International Media Assistance (CIMA) at the National Endowment for Democracy commissioned this report on the state of news media in post-apartheid South Africa.

South Africa's news media has become, in the post-1994 democratic era, among the most concentrated in the world, affecting the quality of its content and the sales of its newspapers. A significant decrease in international development support, and post-1994 changes to the nature of that support, has exacerbated that process. The few cases in which dedicated, targeted support has been provided have, in sharp contrast, contributed to the development of islands of investigative journalism excellence able to exercise influence both on other media and on broader South African society.

CIMA is grateful to Libby Lloyd, a journalist and researcher on freedom of expression and media-related issues and policies, for her research and insights on this topic.

We hope that this report will become an important reference for international media assistance efforts.

A handwritten signature in blue ink that reads "Marguerite H. Sullivan". The signature is written in a cursive, flowing style.

*Marguerite H. Sullivan*  
*Senior Director*  
*Center for International Media Assistance*



# Executive Summary

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Is what was dubbed “the miracle” of the South African transition from apartheid censorship to democracy and freedom of expression coming undone? Does the country now have the diverse and vibrant media culture essential to any functioning democracy? How, if at all, have U.S. and other development agencies contributed to this?

The answers to these questions are inevitably nuanced. Things are rarely black and white in any transition to democracy, and the apartheid legacy of systematic underdevelopment and brutal silencing of the majority of citizens was not undone with the casting of the 1994 ballot—nor with the signing of an internationally lauded constitution.

In the 1980s, independent anti-apartheid newspapers launched with the assistance of international donors contributed toward exposing the brutality of apartheid and to the eventual demise of the system. They played a critical role in informing South Africans and the international community about the government’s violent crackdown on any resistance to its racist policies. However, while these papers successfully defied attempts by the apartheid government to silence them under successive states of emergency, only one of them has survived the cuts in donor funding that accompanied the transition to democracy.

Although there has been a dramatic growth in broadcasting with the freeing of the airwaves from state control, South African media now—almost two decades after the first democratic elections—is one of the most concentrated in the world. This, and the consequent focus by the big media companies on profits over editorial quality and integrity, has limited citizens’ access to a wide range of in-depth news and analysis.

In the meantime, international organizations such as Freedom House have downgraded South Africa’s freedom of expression ratings in response to concerns about threatened new laws in South Africa. Judges and courts in the country, meanwhile, generally have defended critical principles relating to freedom of expression, setting important case law precedents on issues such as the importance of protecting journalists’ sources. The robust and at times very heated debates about such possible laws—and what freedom of the media and the rights to privacy and dignity really mean in practice—are themselves, it is argued by some, essential growing pains of a new democracy and preferable to silence.

Donor support specifically for media has in the meantime been limited since 1994—although media projects have at times benefited from aid earmarked for other issues such as gender, health, and social justice. Information on media support specifically is therefore difficult to track as very few funders maintain detailed,

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readily available data on how much support they have provided to the sector. As a result, this report on funding support for news media in South Africa is more indicative of broad trends than statistically precise.

The Open Society Foundation of South Africa—part of George Soros’s network of institutions—seems to be the only U.S.-based private organization that has a dedicated program for media, though organizations such as Atlantic Philanthropies have supported some news projects. Those interviewed for this research all said that the major challenge they face (as donors or beneficiaries) is in “proving” measurable outcomes for this aid. Such concerns however are not peculiar to South Africa or to organizations working there. A review of other studies into support for news organizations in other countries shows that these challenges face media in other parts of the world.

While the paucity of comprehensive information on funding for the media in post-apartheid South Africa makes it difficult to reach conclusive findings about its overall impact, it is clear from this study that the few cases in which dedicated, targeted support has been provided for quality news content it has contributed to the development of islands of investigative journalism excellence. This in turn has ensured that those with economic or political power are held to account, and it has drawn attention to ongoing struggles for social justice. It is further evident that the need for independent, robust news media and for advocacy for freedom of expression does not diminish with the introduction of democracy. It is, rather, critical to deepening and entrenching such democracy.



# The State of the Media in South Africa

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On November 18, 2011, readers of the South African weekly *Mail & Guardian* newspaper were confronted with a black banner across its front page: “Censored: We cannot bring you this story in full due to a threat of criminal prosecution.” Eighty percent of the linked story on page two of the paper had been blacked out—evoking memories of a 1986 edition of the paper (then called the *Weekly Mail*) that illustrated the severe effects of apartheid-era censorship laws imposed in terms of a state of emergency.<sup>1</sup>

In the 1980s, successive states of emergencies banned reporting on growing public resistance to apartheid policies as well as stories on the resultant security force actions. Newspapers could be arbitrarily suspended and stopped from publishing for up to six months. The then *Weekly Mail*—an independent newspaper supported primarily by donor funding—responded by blacking out sections of stories in its June 26, 1986, issue, stating: “[O]ur lawyers tell us we can say almost nothing critical about the emergency. But we’ll try.” It was a graphic representation of the effects of the state of emergency on freedom of expression.

The 2011 issue of the paper was clearly meant to bring back memories of these days of draconian censorship. In a column in the paper, journalist Verashni Pillay reminded readers of that 1986 edition and wrote: “Fast forward 25 years later, and it’s the same story with a different cast: the party that fought for a free South Africa turned into a government using similar censorship tricks on its media.”<sup>2</sup>

Is it fair to link the two so directly?

The blacking out of the 2011 article resulted from a threat under a law setting out the rules for criminal prosecutions in South Africa—the National Prosecuting Authority Act (NPA). President Jacob Zuma’s spokesperson, Mac Maharaj, had threatened the newspaper with court action if it published a story about his 2003 interview with prosecutors under terms of this act. According to the law, investigators can compel any person to give information during a confidential interview. Disclosing what is said in such an interview carries a maximum sentence of 15 years imprisonment. Maharaj subsequently brought criminal charges against the editor and journalists involved, alleging that they obtained the records illegally and contravened the law by disclosing the information.<sup>3</sup> The editor of the paper, Nic Dawes, responded that these sections contravene the constitution in that they allow for the suppression of information that is in the public interest.<sup>4</sup> The stark differences between 1986 and 2011 are evident, however, in Dawes’ own statements. South Africa now has a bill of rights and a constitution. No such rights curbed actions by the apartheid government in 1986.

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Human rights commentators have also questioned whether it is a clear cut freedom of expression case. Constitutional law academic at the University of Cape Town, Pierre de Vos, for example, wrote in a blog that the clause requiring confidentiality of testimony gathered during investigations is essential to prosecutors' work and should not routinely be trumped by the right to publish:

If documents and information dealing with a criminal investigation ... are routinely leaked, it would make it almost impossible for the NPA to do its job ... Confidentiality ... allows witnesses and suspects to speak truthfully to the NPA when they are interviewed without fear of ... being exposed unfairly by a newspaper for something the suspect might never have done.

If, however, De Vos wrote, the information gathered by the newspaper showed that Maharaj had lied in his testimony, or that the prosecuting authority had covered this up, "[i]t would then clearly be in the public interest to publish this information because one has a legal duty to report the commission of a crime (and a cover-up by the ... police who had failed to pursue it)."<sup>5</sup>

The fact that the case has been extensively debated in the press and on radio and television in itself suggests that linking it to apartheid style censorship was alarmist. Under the 1980s state of emergency such debate itself was often prohibited and even if not specifically outlawed, the mainstream newspapers regularly self-censored such stories in order to avoid possible confrontation with the government. The airwaves were dominated by the South African Broadcasting Corporation, (SABC), which then was directly state controlled and only rehashed Nationalist Party propaganda.

Fast forwarding 25 years presents a very different picture of the state of freedom of expression in South Africa.

Those involved in the 1986 decision to black out pages of the paper have also questioned the link to apartheid-style silencing. In an end of year wrap-up published in a business daily newspaper in December 2011, co-founding editor of the Weekly Mail, Anton Harber, accused those making simple comparisons between the current government's actions and apartheid censorship as not "paying much attention to historical detail."

Harber is now director of the journalism program at Johannesburg's University of the Witwatersrand and the chairman of the Freedom of Expression Institute (FXI). He wrote:

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This time around, we have a constitution and constitutional court ... ready to defend media freedom. We fight the battle with a media that is unrestrained, outspoken and united. In the past, much of the media and many journalists either sided with the authorities who wanted to silence pesky voices, or remained on the sidelines ...

All of this makes for a highly contested and rowdy democracy. There are some who fear that noisiness, and would prefer calm agreement and silent consent. But the lesson of post-colonial Africa has been that it is not argument and contestation we should fear, but its absence. That raucous and sometimes jarring noise is the sound of a healthy young democracy at work. <sup>6</sup>

## South Africa Today

South Africa's population is edging towards 53 million.<sup>7</sup> However, despite the fact that apartheid was officially declared dead with the first democratic elections in 1994, its legacy of institutionalized racism lives on. South Africa is one of the most unequal societies in the world, according to the World Bank, with a Gini coefficient (a measure of inequality) of 0.63.<sup>8</sup> The vast majority of those who are poor are black, and more than one in three (36.7 percent) South Africans between the ages of 15 and 64 were unemployed in the first quarter of 2013.<sup>9</sup>

The apartheid history of systematic underdevelopment of the majority of South Africans is vital to understanding everything in the country—including the structure and reach of the different media. According to South African media research agency, the South African Audience Research Foundation (SAARF), only 31 percent of adult South Africans read a daily newspaper. Most newspapers still target urban elites (though there are exceptions) and do not distribute outside of the major cities. Only three of the major newspapers publish in isiZulu—the most spoken of 11 official languages in South Africa.<sup>10</sup> All other major daily and weekly newspapers are in English or Afrikaans—the two official languages of the apartheid government. The majority of South Africans still receive news via radio or television, which do broadcast in all languages. More than 91 percent of South Africans over the age of 16 watch TV and close to 93 percent listen to radio.<sup>11</sup>

Because of the high cost of bandwidth, readership of news on the Internet is not yet a significant factor in South Africa's media landscape.

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## Government Versus the Media

As stated by Harber in his 2011 end of year wrap-up, debates around the state of the media and freedom of expression in the country are noisy and heated—with members of the ruling African National Congress (ANC) and its allies at times accusing the media of engaging in an ideological war to perpetuate economic apartheid<sup>12</sup> and editors charging government with using apartheid style tactics to deflect attention away from exposés of maladministration and corruption. President Jacob Zuma is sometimes portrayed as betraying the ideals of former leader Nelson Mandela.<sup>13</sup>

The relationship between the ANC and the print media in particular, however, has been tense for many, many years—with distrust from the ruling party and its allies perhaps rooted in the complicity of much of the mainstream press in covering up the brutality of apartheid. Mandela was no exception to this. While before and after becoming president of the country he repeatedly endorsed the importance of press freedom, he also regularly raised concerns about the “alarming degree of conformism” in the major newspapers. In 1992 at a newspaper conference in Prague, for example, he charged that the lack of transformation in the media in South Africa posed the biggest threat to this freedom:

I cannot overemphasise the value we place on a free, independent and outspoken press... Such a free press will temper the appetite of any government to amass power at the expense of the citizen ... The reality is that today ... conglomerates, drawn exclusively from the white racial group, dominate the print media of our country ... The senior editorial staffs of ... South Africa’s daily newspapers are cast from the same racial mould. They are all white, they are all male, they are all from a middle class background and tend to share a very similar life experience.

The ANC has no objection in principle to editors with such a profile. What is disturbing however, and in our view, harmful, is the threat of one dimensionality this poses for the media of our country as a whole. It is clearly unacceptable that a country ... is serviced by media whose principal players have no knowledge of the life experience of that majority.<sup>14</sup>

Close to 20 years later the ANC is still accusing the press of failing to transform. It has good cause. In 2011 during parliamentary hearings into print media transformation it emerged that the average black ownership of the

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press was 14 percent, while female representation at board level was only 4.44 percent.<sup>15</sup> Print owners defended this at the hearings, stating that the number of black editors of newspapers had grown from 7 percent in 1994 to 65 percent in 2011.<sup>16</sup> However, as online independent publication, the *Daily Maverick*, wrote early in 2013, “[w]atching print media engage with transformation is pretty much like witnessing an unwilling schoolboy being hauled off to the principal’s office, screaming and resisting every step of the way.”<sup>17</sup>

In September 2012, a year after Parliament’s hearings, the owners of the major newspapers established a Transformation Task Team made up of independent panelists. Six months later the status of this process was unclear as two of the four major print companies had withdrawn, citing concerns about an inquiry launched into alleged anti-competitive behavior in the newspaper industry by the country’s competition authorities.<sup>18</sup>

Public hearings held by the Transformation Task Team have been interesting, however. Many smaller publications have accused the big publishers of bullying them and of collusion to force them out of business.<sup>19</sup> A group of journalists from one of the big four companies, the Independent Newspaper and Media Group, meanwhile, accused their bosses of threatening press freedom by dragging their feet on transformation. The journalists stated that this failure would force government to intervene and that relentless cost-cutting by their owners “has sent our circulations spinning downwards as readers inevitably refuse to pay rising prices for newspapers whose quality can no longer be guaranteed.”<sup>20</sup>

## Media Then

Under apartheid, the mainstream print media were accused of either actively or passively colluding with the government. The big four publishing houses were predominantly owned by big capital—either the mining houses, which controlled the English language press, or Afrikaans business interests. These companies were vertically integrated at the level of print and distribution with restrictive measures in place to limit distribution (and to some extent printing) to their own publications. Broadcasting was controlled by the state with the national state broadcaster, the SABC, operating as a propaganda arm for the government.

In the 1980s, this status quo was challenged by the launch of a number of anti-apartheid weekly newspapers supported by foreign funders. What was dubbed the anti-apartheid or alternative press was established by respected journalists frustrated with the failure by the mainstream newspapers to report fully on the brutality of apartheid.<sup>21</sup> Independent journals and newsletters began publishing over the same period, also targeting

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audiences and issues neglected by the commercial media,<sup>22</sup> and a handful of independent news agencies reporting from outside the major urban centers extended the coverage of these papers and magazines.

The apartheid government, obviously threatened by these publications, banned many of them for periods and detained some of the editors and journalists working for them. In mid-1987, for example, eight journalists were in detention under emergency laws. Although the state publicly claimed that none of them were imprisoned for their journalism, in several court cases challenging these detentions, the government argued that their writing had led to “conditions for unrest.”<sup>23</sup>

The alternative papers and magazines were completely reliant on international donor aid, as big business avoided advertising in them for fear of appearing to be critical of the government. As former *Weekly Mail* advertising executive, Marilyn Honikam, recounted in a 2005 edition celebrating the paper’s 20th anniversary, media directors told her that the paper’s “ideas about unbanning the African National Congress were too subversive.”<sup>24</sup>

All but one of the independent newspapers closed down in the early to mid-1990s, and only two of the journals—a feminist publication, *Agenda*, and the labor focused *Labour Bulletin*—have continued publishing. None of the news agencies still operate. While these publications and media organizations had resisted government clampdowns, they could not survive reductions in donor aid, which followed the introduction of democracy. This has led to some claiming that the print media was in some ways more diverse under apartheid than after democracy.

## Media Now

The introduction of democracy significantly changed the broadcasting landscape. An independent regulator was established shortly after the 1994 elections,<sup>25</sup> and the SABC was declared a public broadcaster, with a publicly nominated board of directors accountable to Parliament. The Independent Broadcasting Authority (IBA), now the Independent Communications Authority of South Africa (ICASA) following a merger with the telecommunications regulator in 2000, has over the past 18 years licensed more than 200 community radio and five community television channels,<sup>26</sup> 20 commercial radio stations covering different cities and towns,<sup>27</sup> and one national free-to-air private television channel. Its founding legislation specifies that it must regulate the sector in the public interest and be independent of political and commercial interests and influence. This is reinforced in a clause in the South African constitution stating that broadcasting must be independently regulated “to ensure fairness and a diversity of views broadly representing South African society.”<sup>28</sup>

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The contrast between the tightly state controlled apartheid radio and television system and the new independently regulated broadcasting environment is stark. However, freeing the airwaves has not always been the smooth transition to the model often touted as best practice by media development organizations to emerging democracies. The regulator is hampered by lack of capacity and has been called lumbering and slow and accused of failing to enforce some of its own rules, such as quotas it has set for South African content on television.<sup>29</sup> While the public broadcaster is the only news and information source available to many South Africans,<sup>30</sup> it has faced significant financial and leadership crises, and some managers have been accused of manipulating the news to promote particular groupings within the ruling party.

The SABC is mostly funded by advertising (public funding from the national treasury and TV license fees paid by households average between about 20 percent and 22 percent of its revenue<sup>31</sup>) and has been criticized by a range of different stakeholders for focusing on elite audiences to woo commercial revenue.<sup>32</sup> At the same time, external auditors have for several years raised concerns about inadequate internal financial controls in the broadcaster's annual audited reports.<sup>33</sup>

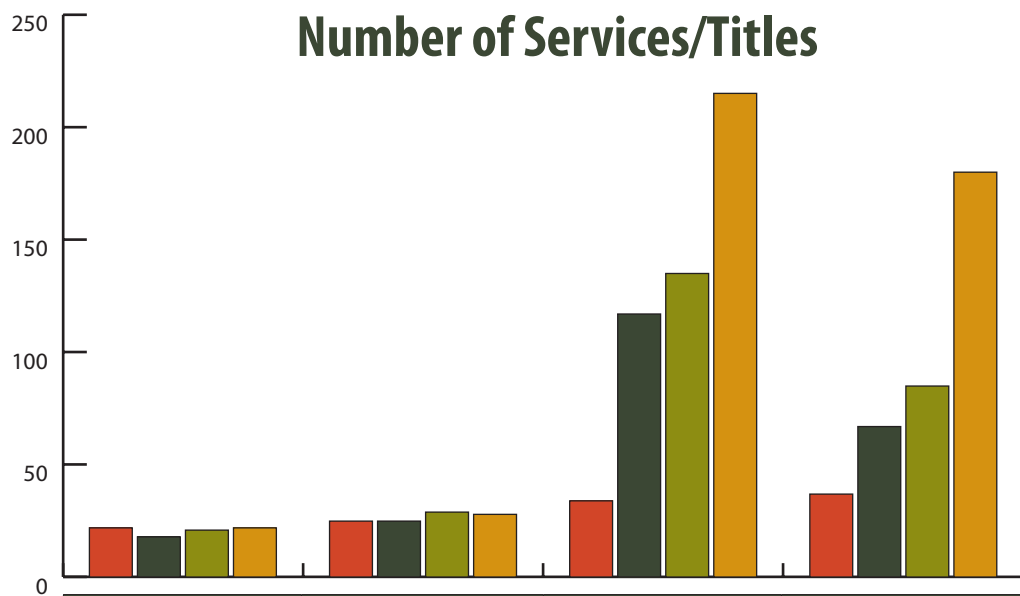
In 2009, the government had to bail the broadcaster out by guaranteeing a bank loan of approximately \$175 million after the broadcaster became technically insolvent.<sup>34</sup> Although the SABC has stated that it is on track to pay back this loan, newspaper headlines have continued to report on leadership battles between board members and managers. In the last four years alone there have been four different parliamentary appointed boards of directors and four different chief executive officers at the broadcaster.<sup>35</sup> At the same time, advocacy organizations have accused successive government ministers of political interference in the appointment of senior managers at the SABC<sup>36</sup> and particular executives of interfering in editorial decisions, allegedly to take sides in battles within the ANC.<sup>37</sup>

Amid the allegations and counter-allegations about mismanagement, there seems to be agreement on one thing. There is an urgent need to review the funding, governance, and oversight structures in place to ensure the SABC meets its mandate to air compelling news, information, and educational programming to all South Africans. The government has heeded calls by non-governmental and community organizations for such a review and in December 2012 appointed a panel including a range of publicly nominated stakeholders to develop a new policy framework for the broadcasting and communication policies.<sup>38</sup>

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Despite the challenges faced in broadcasting, the difference between what was heard and seen on radio and television and the range of different services and formats on air before 1994 and what is available now is dramatic. However, there has been no such similar growth or change in the print sphere, though there was an initial shuffling of shares and titles just after the first democratic elections.

The chart below shows how little development there has been in the number of newspaper titles since the 1990s compared with broadcasting services available:



	1991	2004	2008	2012
<b>Daily Newspapers</b>	<b>22</b>	<b>18</b>	<b>21</b>	<b>22</b>
<b>Major Weeklies</b>	<b>25</b>	<b>25</b>	<b>29</b>	<b>28</b>
<b>Radio Stations</b>	<b>34</b>	<b>117</b>	<b>135</b>	<b>215</b>
<b>TV Channels</b>	<b>7</b>	<b>67</b>	<b>85</b>	<b>180</b>

\*\*Source: OMD, "The Future of Media – Blueprint 2013," OMD South African and SADC Media Facts 2013, page 10, [http://www.omb.co.za/media\\_facts/FOM029\\_Blueprint\\_OMD\\_mediafacts2013.pdf](http://www.omb.co.za/media_facts/FOM029_Blueprint_OMD_mediafacts2013.pdf)



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Four media groups continue to dominate the industry: Nasionale Pers (NasPers), Independent News and Media (formerly the Argus Group, now owned by the Irish Independent Group but in the process of being sold to a local bidder as this report was being written), Caxton and CTP Publishers and Printers, and Avusa/Times Media Group (formerly SAAN, now also going through a change of ownership).

There have been attempts to challenge this oligopoly. In 2003 a Nigerian publisher launched a daily national newspaper, *This Day*, in South Africa aimed at the business and political elite. It lasted a year before closing, due in part to the challenge of launching a single title in a highly concentrated market.<sup>39</sup> Other initiatives from the big newspaper groups have also suffered. NasPers launched a daily aimed at youth, *Nova*, in 2005. It closed five months later. Avusa (now Times Media Group) launched a Saturday paper, the *Weekender*, in 2006. It was shut down in 2009 after reportedly never selling more than 12,000 papers a week.<sup>40</sup>

A national newspaper, the *New Age*, launched in December 2010, is the only independent daily newspaper currently being published. The paper is seen as being pro-ANC as it is controlled by an Indian family reportedly close to Zuma and focuses on national “positive” news and “constructive criticism.”<sup>41</sup> The company has announced that it will launch a 24-hour TV news channel toward the end of 2013.<sup>42</sup>

NasPers is the biggest of these companies, owning 72 newspaper titles (including daily, weekly, and free-sheet publications), numerous magazines, and the dominant subscription broadcasting service in South Africa, which provides a satellite service into other parts of Africa, as well as a terrestrial subscription channel. It also has interests in countries such as China and Russia, and is one of only 20 South African companies to make the *Forbes* list of the 2,000 biggest companies in the world, ranking 1,053<sup>rd</sup> with a \$27.7 billion market value.<sup>43</sup>

NasPers owns the largest daily newspaper in South Africa—a tabloid, the *Daily Sun*. Since its launch in 2002, the *Sun* has dwarfed all its competitors in terms of circulation (sales) and readership (with about 16 readers per copy).<sup>44</sup> According to one media analyst, excluding the *Daily Sun*'s circulation, distribution figures for daily newspapers would have been down 25 percent over the past 19 years, but up 3 percent if it is included.<sup>45</sup> Still, newspaper sales have been dropping over recent years. According to Audit Bureau of Circulations (ABC) figures released in May 2013, overall daily newspaper sales have declined annually by 6.35 percent (440,000 copies) since 2009. In the first quarter of 2013, the total circulation of daily newspapers according to the ABC was just over 1.5 million copies, compared to just under 2 million in 2009.<sup>46</sup>

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The Irish-owned Independent Newspaper and Media Group has been particularly criticized for placing profit over product, and has been accused of looting its South African subsidiary to cross-subsidize battling international titles. According to Wits journalism professor Anton Harber, the South African company has “for some years produced the best margins in the debt-ridden international group,”<sup>47</sup> but as a media union said in a 2011 submission to government, the South African subsidiary had been under “constant pressure to repatriate profits to Ireland,” resulting in staff cuts from 5,000 employees in 1994 to around 1,500 in 2011.<sup>48</sup>

However, print media’s advertising revenues are still rising, according to Pricewaterhouse Coopers (PwC), though since 2008 it no longer collectively had the biggest share of total commercial media revenue as TV overtook it. PwC says in its 2012 “South African Entertainment and Media Outlook” that advertising spending on newspapers (ad spend) has generally increased beyond its original predictions. Print advertising grew by 10.5 percent in 2011, the report states, and PwC projects an average 7.5 percent growth per year from 2012 to 2016.<sup>49</sup> It predicts that ad spend on radio will increase by 7.1 percent per year over the same period<sup>50</sup> and television by 7.7 percent.<sup>51</sup>

Unlike in many countries (such as the United States and the United Kingdom), the Internet has not yet had a major impact on readership or viewership, or therefore on revenue, in South Africa. This is in large part due to low penetration because of high broadband costs, making it unaffordable for the majority of South Africans. According to government statistics, in 2011 almost 65 percent of South Africa had no access to the Internet.<sup>52</sup> This is slowly changing with an increase in the number of smartphones in the country. According to Internet research company, World Wide Worx, broadband access more than doubled from 2010 to 2012 (from 2.8 million individual users to 6.7million users in 2012) mainly due to decreasing mobile data rates.<sup>53</sup> The latest All Media Product Survey (AMPS) figures, however, show that only 5 percent of the adult population accessed a newspaper online in 2012, and only 2.8 percent said they read newspapers on their mobile phones.<sup>54</sup>

Limited access to broadband also obviously affects engagement on social media platforms—and limits its use as an alternative source of news. There were about 5.8 million South African registered Facebook members in February 2013 and 2.4 million Twitter accounts. None of the top 10 most “liked” pages according to Socialbakers statistics are news or media related sites, but rather brands such as Blackberry and Samsung. While some commercial music radio stations are popular, the only news-related media site to feature in the top 10 most popular media-related sites is the tabloid newspaper the *Daily Sun* with 112,701 fans.<sup>55</sup>



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According to a study published in 2012 conducted by the Network Society in South Africa at the University of the Witwatersrand, however, the profile of Internet users is changing rapidly in South Africa with the spread of mobile phones. The majority of Internet users are young and black, and more people use the Internet every day (22 percent) than read a newspaper (17 percent).<sup>56</sup> As with other research, the study found that most South Africans connect to the Internet via their mobile phones (71 percent).<sup>57</sup> The report states that how people connect to the Internet affects “what they do when they connect and how often they do it.”

“While mobile users without other access are usually frequent Internet users in general, with most of them (71%) connecting daily, they are generally less frequent users of information and educational tools and of news and entertainment services,” the report says. “Those who use their phones most to connect to the Internet are the heaviest users of social networks.”<sup>58</sup>

### **Media Concentration**

ANC concerns about the lack of diversity in the media cannot just be written off as the sentiments of paranoid politicians trying to dismiss a critical press—though inevitably those accused in the media are often the most vocal critics of the media. According to a Columbia Business School study, South Africa is one of the most concentrated media markets in the world.

The Columbia Institute for Tele-Information is reviewing media concentration in 30 different countries, including South Africa. Although the study has yet to be published, a professor of finance and economics at the university, Eli Noam, has presented preliminary findings at a range of events. In a presentation to the American Antitrust Institute (AAI) in June 2012, he outlined initial conclusions.<sup>59</sup>

The study uses the Herfindahl-Hirschman Index (HHI) to measure the size of firms in relation to the industry to indicate the level of competition. The U.S. Department of Justice considers a market with a score of less than 1,000 to be a competitive market. The closer the score is to 10,000, the less competitive it is.<sup>60</sup> All countries studied in the Columbia Institute research had media HHI scores over 1,000. In 2008 and 2009, South Africa had the highest level of concentration, with an index of over 6,000 across all markets (content industries such as news and entertainment media, platforms including telecommunications and cable TV, and Internet media such as ISPs and search engines). It is followed by Egypt. If content industries are considered alone, South Africa is, according to Noam, the third-highest concentrated media market (after China and Egypt).

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Noam stated at the AAI meeting that the research also counted “the voices” in media. A company with more than 1 percent of its media market is defined as “a voice”—and even if the company cross owns media outlets in several media industries, it is still counted as one voice. Even though South Africa fares slightly better in terms of this analysis, it is still one of the most concentrated media markets, with the sixth-lowest number of voices.

## Rights and Freedoms

South Africa’s constitution, introduced with the arrival of democracy, now guarantees a number of rights. Section 16 of the bill of rights states that “everyone has the right to freedom of expression” including “freedom of the press and other media.” This right does not extend to propaganda for war, incitement of imminent violence, or hate speech that “constitutes incitement to cause harm.”

Article 32 promotes transparency and stipulates that “[e]veryone has the right of access to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights.”<sup>61</sup> The Promotion of Access to Information Act (PAIA) was passed in 2000 in line with this, and as specified in the constitution, it extends to both government and private institutions. South Africa is one of the few countries in the world to extend this right beyond government.

A March 2013 Supreme Court ruling on a newspaper’s request to get access to information from mining giant BHP Billiton begins to unpack what this means for private companies. The Afrikaans newspaper *Beeld* had requested copies of agreements between the company and the state-owned electricity provider (Eskom) for power to two of its aluminum smelters. *Beeld* suspected that Billiton was receiving preferential rates, resulting in higher electricity tariffs for individuals to cover losses.

Its request for copies of the agreements was initially thwarted on the basis that private businesses had a right to privacy. The newspaper went to court, arguing that the public interest outweighed any concerns that disclosure might harm Billiton’s commercial or financial interests. According to the paper’s lawyer, Willem de Klerk, the judgment said that public interest trumped the company’s right to privacy to protect commercial interests as a valid argument to withhold information: “The judgment emphasises that it is insufficient for such companies to prevent disclosure of their business deals merely by alleging prejudice, but rather that they will be expected to prove that the risk of such prejudice is real and not only perceived.”<sup>62</sup>



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The agreements confirmed the paper's suspicions about the deal. The company had signed the deal with the electricity utility in the early 1990s—before the first democratic elections—binding Eskom to charge preferential rates to Billiton. In terms of the agreement (which runs until 2028), the company currently pays a fifth of what ordinary consumers are charged for power. The newspaper's stories exposing this have sparked an outcry. Electricity costs in South Africa have risen sharply in response to a national shortage of electricity, and the exposé has prompted an inquiry into the rates by the regulator responsible for approving power tariffs.<sup>63</sup>

### **Implementation of Rights: Press Freedom Ratings**

In 2010 Freedom House downgraded South Africa's press freedom rating from "free" to "partly free"—sounding alarm bells internationally about possible threats to South Africa's "miracle" transition to democracy. In the two subsequent Freedom House reports, press freedom continued to be marked as only "partly free," though the country as a whole has been ranked as "free."

A ranking of 0-30 is considered free, and in Freedom House's 2012 report, press freedom in South Africa scored 34. The reports acknowledge that press freedom is protected by the constitution "and generally respected in practice, and South Africa has vibrant journalists' and press freedom advocacy organizations,"<sup>64</sup> but have raised a number of concerns. Issues highlighted in the 2012 report include:

- The continued existence of apartheid era laws that allow the government to restrict reporting on such topics as prisons and the security forces.
- The 2009 promulgation of a Film and Publications Amendment Act to protect against child pornography. The report notes that the legislation excluded newspapers that subscribe to the country's self-regulatory structures from pre-publication classification, but that magazines and newspapers that are not members of the Press Council body were not protected. As detailed below, these clauses have subsequently been struck down by the courts.
- The introduction of a Protection of Information Bill, which if passed unchanged would allow state agencies to classify a wide range of information, restricting publication and disclosure. The report notes that the bill at that time did not allow journalists or whistleblowers a public

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interest defense and provided for sentences of between three to 25 years for possession or disclosure of classified information. (The status of the bill is discussed in more detail below.)

- The fact that “journalists and media houses are occasionally threatened with legal actions.” The charges by Mac Maharaj against the Mail & Guardian mentioned above is specifically highlighted.
- The possible introduction of a statutory Media Appeals Tribunal (MAT) to replace self-regulation by the print media. (However, the suggestion that the government should explore the introduction of an MAT stems from a 2007 ANC resolution, and thus cannot directly have led to the downgrading in 2010.)
- Concentration of the media and the lack of transformation of major publishers.

Freedom House has ranked South Africa’s Internet freedom status as “free,” stating that “political content is not censored, and bloggers and online content creators are not prosecuted for online activities.”

It seems that the introduction of the Film and Publications Act was the major reason for the 2010 downgrading, as many of the other issues raised that year were highlighted in previous reports. Subsequent challenges to this law, and court rulings on its constitutionality, however, show the effectiveness of the independence of the judiciary and the importance of civil society in protecting hard-won freedoms. In September 2012, after Freedom House’s annual report was published, the Constitutional Court ruled on a challenge by editors and owners of the media regarding the act’s constitutionality. The court ruled that the clauses that concerned the international NGO were unconstitutional and removed them from the law.<sup>65</sup>

Freedom House states that it rates countries after consulting regional experts and scholars. The reports therefore measure both the legislative environment in any country and perceptions of key individuals from the country studied. The international NGO acknowledges that “there is an element of subjectivity inherent in the index findings” but states that the ratings process “emphasizes intellectual rigor and balanced and unbiased judgments.”<sup>66</sup> As the press freedom score for South Africa has worsened since 2010 (from 32 to 34 in 2012), the reports on South Africa reflect a growing disquiet from those involved in the study.



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South Africans are highly sensitive to any possible infringements of the right to freedom of expression—given the relatively recent experience of apartheid censorship. As noted in the Freedom House 2012 report, the country, perhaps because of this history, has strong and very vocal civil society organizations supporting freedom of expression. The reports thus in some ways reflect the vigilance of these organizations about potential violations rather than real examples of infringements.

### **Threats to Media Freedom?**

Freedom of expression activism is not confined to journalists or media related organizations. Many different sectors of society, including public sector institutions, get involved in protests and debates about this right. As noted by Harber, the end result is rowdy, but necessary to the process of charting what media freedom means in practice and how it relates to other rights and freedoms.

The contestation around the Protection of State Information Bill is perhaps a good example of this. Dubbed the Secrecy Bill, the proposed law deals with the classification and declassification of official documents. It replaces a draconian 1982 law which, as with many apartheid era laws, has remained on the books pending amendment or repeal. Since the bill was introduced in Parliament in 2010,<sup>67</sup> it has been on the verge of being passed numerous times, but sent back to parliamentary committees for further public consultation following vociferous protests. On April 25, 2013, Parliament finally voted on what most commentators have said is a greatly improved bill, though there are still concerns about its constitutionality.<sup>68</sup> It will become law if it is signed by the president.

The original draft of the bill was clearly a threat to the rights to freedom of expression and access to information. It defined “national security” very broadly and imposed prison terms for possession or revealing of state secrets without allowing any public interest or other defense against such charges.

It was vehemently condemned by a wide-range of organizations, who charged that it could be used to criminalize whistle blowers and cover up corruption unless amended. Those opposed to it included community organizations, the business community, opposition political parties, religious groups, prominent human rights lawyers, journalists, and organized labor, including the Congress of South African Trade Unions, which is in alliance with the ruling party. But it was not only civil society organizations that objected. Leaders of public institutions established under the constitution (including the public protector) also voiced their concerns in parliamentary hearings about the draft law.<sup>69</sup>

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According to reports on the final draft approved in Parliament in April 2013, the latest version addresses many of the initial concerns raised, though there are still some questions about its legality. A member of the opposition party in Parliament, Dene Smuts, has said that amendments protect disclosure of classified information if this is aimed at revealing unlawful acts and that the definitions of what can be classified have been strengthened. She has also noted that the changes make improper classification a crime, allowing those charged under the law to argue that a document was improperly classified and that the classifier should be charged.<sup>70</sup>

A coalition established to fight the bill, the Right 2 Know campaign, while agreeing that it is greatly improved, says it will still fight for broad public interest defenses to be included and for penalties to be reduced. In the latest version, espionage related cases reportedly carry a maximum 25 year prison sentence and holding or disclosing classified material a maximum of five years' imprisonment.<sup>71</sup>

If the bill is signed in to law, it will be challenged in the Constitutional Court, and opposition parties, along with the South African National Editors Forum and other organizations, have stated that they will ask Zuma to prevent lengthy and expensive court battles by requesting the court's opinion on it prior to signing.<sup>72</sup>

As highlighted in the Freedom House reports, many other apartheid era laws also still remain on the books. According to Raymond Louw, a veteran South African editor and winner of the International Press Institute's World Press Freedom Hero award in recognition of his lifetime commitment to press freedom, at least 10 such laws potentially conflict with the right to freedom of expression.<sup>73</sup> One of these recently resuscitated by government is the National Key Points Act, first introduced in 1980.

On September 30, 2012, a Sunday newspaper led with a story about "an extensive and very hush-hush" revamp of Zuma's rural home, which, the paper said, "would cost taxpayers a whopping R203m"<sup>74</sup> (\$23.8 million <sup>75</sup>). According to the newspaper, government officials refused to comment claiming that this would be a breach of security as the president's house is covered by the National Key Points Act. The law allows government to declare any site or building a national key point requiring special security and imposes a punishment of up to three years imprisonment or a fine of up to \$1,170<sup>76</sup> for disclosing "any information relating to the security measures ... in respect of any National Key Point."<sup>77</sup> The current public works minister, Thulas Nxesi, subsequently called for an investigation into how the newspaper got what he called "top secret documents."<sup>78</sup>



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The act is a holdover from the securocratic past, and its relevance and legality under the constitution has not been tested. Its recent revival has resulted in renewed protests against the old law.<sup>79</sup> The Freedom House report on press freedom in South Africa also raised concern about a call by the ANC for Parliament to investigate the effectiveness of press self-regulation. The ANC first called for an investigation into the need for a statutory regulator it called a Media Appeals Tribunal (MAT) in 2007. Its national conference resolution stated that the “desirability” of an MAT should be investigated as the current press self-regulatory system was inadequate.<sup>80</sup> Journalists did not protest vigorously at that point, apparently convinced that it would go no further.<sup>81</sup> Some media freedom activists meanwhile also raised questions about the effects of concentration of the media on the ethics and standards of the press, while objecting to government intervention. The ANC in subsequent conferences has changed its resolution slightly, calling for investigations into an MAT and co-regulation, for example, and stipulating that any revised system should “complement,” rather than replace, existing systems and must reinforce the rights to freedom of expression.<sup>82</sup>

In 2011, press owners finally engaged with the ANC proposals, establishing a Press Freedom Commission chaired by a former Constitutional Court judge to review its regulatory approach. The commission recommended in its final report the introduction of what it called independent co-regulation, with no government involvement. It recommended, among other things, that any regulatory structures should include a majority of public members rather than media representatives to ensure “institutional independence from the industry it is to regulate.”<sup>83</sup>

The ANC has publicly welcomed the report but has stopped short of calling off a parliamentary investigation, stating that the legislature should consider the commission report.<sup>84</sup>

### **Case Law**

If any of these threatened new laws are introduced, it is almost certain that they will be challenged in the courts—and likely, if they threaten press freedom, that they will be struck down. South African courts generally have vigorously defended this right as a cornerstone of democracy and in the process setting important precedents.

For example, in a 2002 case dealing with defamation, the Constitutional Court ruled: “The print, broadcast and electronic media have a particular role in the protection of freedom of expression in our society ... the media are important agents in ensuring that government is open, responsive and accountable.”<sup>85</sup>

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Other courts have also reinforced the importance of freedom of the media. In 2012, for example, a court endorsed the right of journalists to protect their sources and refused the applicant the right to appeal this decision. The case related to a 2009 story in the *Mail & Guardian* newspaper about alleged graft in government tenders. A private company implicated in the story sued the paper for defamation and demanded that the newspaper provide full documentary evidence as part of the legal discovery process ahead of the case. The newspaper provided these papers but blacked out information that it said would identify its sources. The company challenged this, but the judge dismissed this, ruling that protection of sources is crucial to the ability of the press to carry out its responsibilities:

It is essential (that) ... the identity of ... sources should not be revealed. The essential and critical role of the media, which is more pronounced in our nascent democracy, founded on openness, where corruption has become cancerous, needs to be fostered rather than denuded.<sup>86</sup>

Although defamation is largely a civil rather than criminal matter in South Africa, threats of high awards and associated legal costs undoubtedly have a chilling effect, leading to reluctance to publish stories that might result in lengthy court action. Here too, though, the courts have extended the range of permissible defenses against defamation charges. Allowable defenses now include fair comment in the public interest and the absence of intention to defame. More importantly, courts have ruled in favor of publication if the publisher had good reason to believe the statements were true, had taken steps to verify them, and the person “defamed” was given a chance to respond.<sup>87</sup> This is a significant change from pre-constitution days when the media faced what is known as the “absolute liability rule” in defamation cases and media had to prove any stories were both true *and* in the public interest.<sup>88</sup>

Of course this has not stopped defamation claims. Zuma has himself initiated a number of such cases, both before and after becoming president of the country. According to one newspaper, he filed 14 defamation claims totaling over \$7 million<sup>89</sup> between 2006 and 2010, mainly over cartoons or commentary.<sup>90</sup> He announced in May 2013 that he was withdrawing all of these cases. The official statement issued by the presidency that the withdrawal should not be construed as an acknowledgement that the cases were unjustified, but that “measured ... against the broader nation interest ... [Zuma’s] personal sentiments, however aggrieved he may feel, must give way.”<sup>91</sup> According to newspaper reports Zuma had missed key court deadlines for submission of information relating to the claims before announcing that he was abandoning the cases.<sup>92</sup>

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## Quality of Media

While the South African media has exposed many instances of corruption or abuse of power over the years, the media has been accused of shoddy journalism (or “churnalism”) as, it is charged, media owners have cut news gathering costs in order to push up profits. In a column in February 2012, former journalist turned communications consultant Chris Vick, recounted times when as a consultant he had been asked by journalists to write their stories for them. His commentary followed the exposure in the media about an instance of brown envelope journalism (when journalists are allegedly paid cash in brown envelopes for good press). In his column he wrote that no one needed to pay journalists as it was “easy” to “manipulate news content.”

While representing a client during a government inquiry, I complained to the editor of a reputable weekly that the media were missing key points. Knowing full well that I represented an interested party, the editor asked me to write two analytical articles, which were published under the by-line of “staff reporter.” I have lost track of the number of press releases I have written and issued and then seen published, verbatim, under a reporter’s by-line ... I have [even] been asked to write a leader column: the editor of a newspaper was struggling [with] his editorial. We met for coffee ... “What you’re saying makes sense,” he said. “Can you write my leader column for me?” I complied.<sup>93</sup>

Vick was lambasted in the media for this column—not because journalists and editors disputed what he said, but because he did not name those he referred to.<sup>94</sup>

*Mail & Guardian* ombudsman Franz Krüger has also raised questions about falling standards—driven, he said, by the rush to constantly update online pages. He has written that, while the paper has a deserved reputation for analysis and strong investigative reporting, he has recently “read too many stories that do not work hard enough to persuade me as the reader that the central facts are established.”<sup>95</sup>

Instances of falling standards are at times blamed on cost cutting by managements and the consequent “juniorization” of newsrooms—with fewer experienced (and therefore more highly paid) journalists on the staff and less mentoring of new reporters, and relatively junior staff employed in more senior positions. At the same time, particularly just after 1994, many senior journalists were lured to work in the public service by higher salaries and calls to help make this new government work. Given the history of state broadcasting in the country,

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and therefore the limited skills of radio and television journalists, many more experienced print journalists were also recruited to work for the SABC to assist in its transformation to a public broadcaster.<sup>96</sup>

## Summary

Many of the challenges facing the media detailed above are not unique to South Africa. Around the world, concerns have been raised about the impact of concentration and commercialization on the quality of the media, and the consequences of this on its ability and willingness to hold power to account. Questions about the effectiveness of self-regulation of the media have also been raised in other countries, driven by stories of invasions of people's privacy by some journalists in the rush to scoop their competitors.

What is evident is that any perceived or actual threats to the right to freedom of expression in South Africa will be vigorously opposed—and that it is critical to continue to strengthen and support open debate and activism about this and other issues. The courts have generally protected free speech rights and have often set precedents at least in line with international best practice. Although there are complaints about falling standards and the effects of cost-cutting on the depth and breadth of the news, there are also pockets of excellence in South Africa—often resulting from direct support for investigative reporting by development organizations.

As stated by Anton Harber in an interview, editorial cutbacks in South Africa have inevitably affected the quality of journalism as elsewhere in the world. This is exacerbated he said as “journalists are required to do more—not only write stories for newspapers, for example, but also provide continuous updates on their websites. There has been a recent resurgence of quality investigative journalism in the country—reinforced by funding support from outside agencies.”

Harber said:

We can see this progress in the applications for support from the grant funds to cover in-depth reporting that we manage at Wits University. The program has been running for six years and in previous years we have only allocated up to two-thirds of the funds available. This year [2013] however we have already allocated almost all of the funds available and it is only the end of March.

This is an incredibly positive move and needs to be reinforced and supported. Training is also critical to this, as well as access to resources to check facts and conduct investigations.<sup>97</sup>



# Granting Media Development

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In March 2013, one of the largest NGOs in South Africa, the Institute for Democracy in Africa, announced that it was closing due to cuts in foreign aid after 27 years in operation. Founded in 1986 as the Institute for a Democratic Alternative in South Africa (Idasa), it was set up as a South African think tank to promote democracy. After the relative peaceful transition in South Africa in 1994, it spread its focus to Africa as a whole. Among other things, Idasa published regular assessments of the state of democracy in countries on the continent and promoted dialogue in an effort to mediate conflicts. As a think tank working across Africa, it was seen by many in South Africa as having a more secure funding base than other, more locally focused NGOs.

In a statement to the newspaper *Business Day* shortly after the closure, the former executive director identified “changes to the general regime of philanthropic funding” as the major reason for its demise. Paul Graham said that the big international donors focused on projects with measurable outcomes, which are hard to define for organizations promoting dialogue and debate, while new philanthropists “tend to want to start their own operations rather than funding ones that already have their own purpose and flavour.”<sup>98</sup>

These reasons for funding cuts are familiar to those in the media dependent on grants. Media organizations faced funding crunches long before Idasa did. While donors might endorse the importance of media freedom, the results of independent news coverage are difficult to measure and the likelihood of outlets ever being self-sustainable often limited. South Africa is also seen as a middle-income country, and therefore less needy than its poorer neighbors. The fact that freedom of expression is enshrined in the constitution reinforces perceptions that the sector is not in critical need of support.

Kerry Cullinan, managing editor of Health-e news service, a news agency focusing on health issues and the delivery (or lack thereof) of public health services, explained in an interview the challenges she faces in raising funds:

Very, very few funders understand the role the media can play—be it in introducing a new idea (male circumcision), exposing poor practices or abuse of power ... or simply writing about things that are functioning well ...

Most funders have operated with a model that goes something like this: activities-outputs-outcomes. It is very difficult to measure the impact of the media alone. We have had some direct successes as the result of our stories (getting a borehole in a rural area after a story about children dying of gastro-enteritis, for example), but we find it virtually impossible to “measure”

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our overall impact/success with tangible results. The best we can offer is reach (readership/ listenership/ viewership) and indicate that this has an impact on creating awareness and holding policy-makers accountable.<sup>99</sup>

## A Brief History of Media Funding

The crunch for print media in South Africa came in the early 1990s, with reductions in foreign aid available for the sector resulting in the closure of most of the anti-apartheid publications. With the end of apartheid, and the introduction of media freedom laws, the focus of some of the traditional foreign funders of newspapers shifted to developing a new sector: broadcasting.

The *Weekly Mail* was the only newspaper to survive these cutbacks. Its subsequent development in many ways confirms the importance of continuing to nurture independent media voices in a democracy.

The paper also struggled initially with cuts in foreign aid, but it survived after entering into an alliance with the London-based *Guardian* newspaper in the early 1990s. In 1995 the *Guardian* became the majority shareholder, helping to stabilize the newspaper's "precarious finances for the first time."<sup>100</sup> The paper was renamed the *Mail & Guardian* and has kept the name, although in 2002 the *Guardian* sold the majority of its shares to a company owned by a Zimbabwean publisher and entrepreneur who had relocated to South Africa.

It is of course impossible to presume what the state of the media in South Africa would be if the paper had not survived, or to categorically state that the standard of reporting and the rigor of investigative journalism would have suffered if it, too, had closed. Nevertheless, in many ways it has set the standard for investigative and analytical reporting, is undoubtedly one of the more influential publications, and regularly wins top journalism awards. As the paper says on its website, it has "adapted admirably, and average circulation has gone up from about 25,000 a week to more than 50,000 per week" and that it "has demonstrated it is capable of being no less critical of the new dispensation than the old, without deviating from its former humanist philosophy."<sup>101</sup>

At the same time as the press faced closures, broadcasting was growing. With the establishment of an independent regulator and laws actively promoting a three-tier system (public, commercial, and community/non-profit), several of the funders who had supported the press shifted their focus to community radio and public broadcasting. This included providing funding and technical skills to help develop new laws and

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policies, training print journalists to produce radio and television programs for the new public broadcaster, and supporting the fledgling community radio sector.

Community radio was seen as particularly relevant to many of the international development agencies that had traditionally supported the alternative press. While start-up costs are high given the need to set up studios, running expenses are lower than those of newspapers as there are, for example, no on-going printing costs. Radio also is more pervasive in South Africa, and does not face the challenges of physical distribution to remote areas limiting the reach of newspapers. The sector's growth to more 140 stations on the air in 2012 has perhaps been at the expense of other media. However, with the "new" opportunities offered by Internet publishing and citizen journalism, radio too started facing funding crises in the early 2000s. A statutory media fund, set up as a public-private partnership, has stepped in to keep stations on air.

## General Funding Trends in South Africa

Independent media's experience of funding cuts in the early 1990s mirrors that of many anti-apartheid organizations, according to a 2001 study by a South African research institute into international aid. Research conducted by the Centre for Policy Studies defined four broad eras of funding—the apartheid period, early democracy (from the early 1990s up to the 1994 elections), post 1994 elections, and "settled democracy" (following the second national elections in 1999).<sup>102</sup> A fifth "era"—post- global financial crisis—could be added to this, as this has inevitably affected the amount of international aid available to South Africa and other countries.

The study notes that funding was easily available for human rights organizations in the 1980s. According to the researcher, Caroline Kihato, South African organizations had easier access to funding between 1986 and 1991 than those elsewhere in the world—with the European Commission (EC), for example, donating about \$234 million<sup>103</sup> over the period, far exceeding its contributions anywhere else.<sup>104</sup>

There was during this period, according to the study, comparatively relaxed oversight of funds to bypass attempts by the apartheid government to limit access to foreign funding through legislation,<sup>105</sup> and Kihato argues that this in some ways contributed to challenges NGOs would face post-apartheid:

For all its merits, including its contribution to the demise of apartheid, the magnitude of donor funding during the 1980s as well as the lack of donor controls created an enormous

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dependence on aid ... This helped to escalate the widespread collapse of CSOs [civil society organizations] in the 1990s, when they failed to cope with funding cut-backs and increasingly stringent donor ... controls.<sup>106</sup>

In the 1990–1994 era, Kihato writes, many development agencies shifted their focus away from non-governmental organizations to strengthening the capacity of political parties involved in the process of negotiating the transition to democracy. The alternative press was a victim of this—though there were funds available for things such as voter education campaigns in the media. This shift continued, according to the report, after the 1994 elections, and from 1994 to 1997, it says, international donor funding placed a higher priority on capacity building within government and new public institutions, cutting back support to non-governmental entities.<sup>107</sup>

In 1999, following the second democratic election in South Africa, Kihato states, funding declined again, as South Africa was now seen as a more settled democracy. She notes that funders began focusing on the southern African region as a whole, rather than exclusively on South Africa. This matches experiences in media organizations, many of which extended their focus to the region during this time, reporting that both U.S. and European funders wanted neighboring countries to benefit from the experiences and expertise in South Africa.<sup>108</sup> South Africa was also seen as a useful “home-grown” example of the benefit of entrenching key freedom of expression principles in laws, and development agencies supported initiatives to promote independent broadcasting regulation, self-regulation of the print media, and the importance of public broadcasting in African-wide treaties and protocols.<sup>109</sup>

## South African Government Support for the Media

Before being elected to govern, the ANC developed what it called a media charter setting out its vision for the sector. The charter emphasized that any new constitution “must guarantee not only that people are free to speak their minds, but that people can benefit from the free circulation of ideas and information.”<sup>110</sup> It indicated that mechanisms would be introduced to “provide financial, technical and other resources to those sectors of society deprived of such means.”<sup>111</sup>

It was, however, only in 1999—five years after the first elections and the closure of many alternative media initiatives—that government took this further. A discussion paper released in 2000 stated that the market alone

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would not result in real diversity of media and that therefore an independent fund should be set up. A statutory agency, the Media Development and Diversity Agency (MDDA) was finally established in 2003.

The MDDA, however, has not lived up to the original ANC promises. While the 2000 draft policy paper suggested that it should provide support for both big and small independent media organizations and address bottlenecks such as distribution and printing, the final act limits the agency to only supporting non-profit or small commercial entities with a turnover of less than about \$1.2 million a year.<sup>112</sup> The discussion paper estimated that a new agency would need about \$58.5 million in its first five years,<sup>113</sup> but the MDDA actually only received one-fifth of this.<sup>114</sup> The limitations, according to some people involved in developing the policy, were imposed by big media houses in exchange for their agreement to voluntarily contribute funds to the agency. Essentially they would only agree to contribute if the new agency would not fund their competition.<sup>115</sup>

Nevertheless, the agency has undoubtedly made a difference—ensuring the survival of many community broadcasters and local newspapers. In its first eight years (2004-2012) it provided support to 413 projects and allocated more than \$23.4 million in grants.<sup>116</sup>

## Other Local Funding

As stated by Idasa’s former executive director, the country is seen as a “middle income” one, and thus it is presumed that local philanthropists should step in to fill some of the gaps left with a drop in international aid.

In a 2005 study for the Harvard University’s Global Equity Initiative, the former director of the Charles Stewart Mott Foundation in South Africa, Christa Kuljian, found that philanthropy in South Africa had not reached its full potential to promote social equity in the country and that “resources flowed predominantly to activities and services that could more accurately be described as charitable.”

“Despite the rhetoric,” she wrote, “most philanthropic funding fails to promote the social change that is needed to create a more equitable society.”<sup>117</sup>

As elsewhere in the world, the taxation framework, company laws, and requirements in South Africa have incentivized corporate social investment programs, and “triple bottom line” accounting on economic, social, and environmental aspects of a company’s activities is increasingly the norm.<sup>118</sup> Corporate social investment has

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accordingly increased—from about \$234 million in 2001 to roughly \$808 million in 2012. According to an annual review of corporate investment in South Africa, most of this goes towards education projects (over 40 percent).<sup>119</sup> No information is provided on contributions to media related projects, and it seems unlikely that there were any significant grants provided to the sector by corporate sponsors.<sup>120</sup> None of the websites of media related organizations examined for this report listed any significant support from South African companies. Health-e news director Cullinan confirmed this in an interview, stating that her news service had been refused support by many corporate programs. She stated that she thought big corporations did not want to be seen as aligned with initiatives that might be considered critical of the government or potentially expose corporate corruption and that they focused more “on building clinics and classrooms.”<sup>121</sup>

Harber corroborated this, but noted that some big companies and smaller philanthropic organizations had supported journalism excellence awards. He said that one local independent trust, the Raith Foundation, had begun providing fairly substantial support to some media initiatives.<sup>122</sup> The foundation, according to its website, was established in 2001 through private funding. It included a specific focus on “support for social justice” starting in 2010 and now provides both seed and core funding for this. It lists two media-related beneficiaries—the amaBhungane Centre for Investigative Journalism at the *Mail & Guardian* newspaper and the Freedom of Expression Institute (FXI) – a long-standing advocacy organization.<sup>123</sup>

## U.S. Support for Media in South Africa

Few U.S. organizations supporting international development have specific media programs. In South Africa, this means that niche or “beat” media, such as Health-e news, the feminist journal *Agenda* and the *Labour Bulletin* have easier access to funding than more general news media, as they have access to a wider base of potential aid. Similarly, according to Harber, donor funded training initiatives often focus on those niche areas:

There is funding around what I call the “periphery” of media—for example for short-term [custom-made] courses ... on reporting on specific issues such as human rights, peace, health etc ... I believe that much of such training (though of course not all) is of dubious value and that it tends to often fulfill a particular funder’s desire to fund in a particular area rather than a clearly identified need. Again though this is a generalization, as there are pockets of funding



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available to, for example, cover the costs of employing specialist reporters in a newsroom which inevitably strengthens coverage by that publication or service.

Despite international commitments on transparency of funding,<sup>124</sup> moreover, many development agencies do not have easily accessible information on their websites detailing funding committed or what projects and programs they supported. Given this, it is impossible to definitively determine the amount of aid allocated by U.S. funders to South African news media projects over any period. It is also not possible to estimate correctly the percentage of funds provided for different areas of media, such as how much was provided to training versus other activities.

From those reviewed, Atlantic Philanthropies is the exception. It provides detailed data on funds allocated per region and per program area across multiple years and information on the projects supported.

The Open Society Foundation of South Africa (OSF-SA, part of the George Soros network) may be the only private U.S. donor organization with a specific media program in South Africa. It has, as can be seen below, made a significant impact on the growth of community radio and on investigative and in-depth analytical reporting.

Funding from other U.S. agencies allocated to media projects:

- Atlantic Philanthropies, as can be seen below, has given grants to key news media projects as part of its health or social justice programs.
  - John Hopkins Health and Education in South Africa, which receives funding from USAID, has generally supported the production of educational radio and television dramas rather than news media.
  - The U.S. Embassy and USAID have primarily supported training of journalists or training institutions.
  - Although the National Endowment for Democracy has not made grants in South Africa in recent years, in the late 1980s and early '90s it did support some media projects, including start-up funding for the Institute for the Advancement of Journalism, the *City Press* newspaper, *Peoples Express* community newspaper, and *Frontline* magazine.
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- The Rockefeller Foundation announced at a World Economic Forum on Africa held in South Africa in May 2013 that it was launching a \$97 million fund to create digital jobs. The Digital Jobs Africa initiative will be rolled out in six countries, including South Africa, according to a media statement released by the Rockefeller Foundation. It does not seem to focus at all on media initiatives though. The emphasis is rather on creating “digital jobs” for disadvantaged youth through encouraging what the foundation calls “impact sourcing.” It stated that it hopes that the project will reach 1 million people over seven years, encouraging organizations to outsource work in fields such as “data entry, service centre support, online research and web design.”<sup>125</sup> The foundation’s website states that South Africa was chosen as it has a well-developed economy, “has the largest service sector in the continent, and represents one of the largest markets for Impact Sourcing in the world today.”<sup>126</sup>

OSF-SA has through its media program provided invaluable support to a range of news organizations and individual journalists, through training and advocacy initiatives, among others. The media program is one of four; the others are criminal justice, education, and human rights/democracy building.

It supports:

- Production of quality content, including, for example, the establishment of an investigative journalism unit at the *Mail & Guardian*, fellowships for individual journalists so they can dedicate time to exploring an issue, and training for journalists.
- Good governance, sound management, and innovation for sustainable community print and radio (this includes core support for projects and funding for strategic planning).
- Promotion of media freedoms, access to information, and advocacy (such as support for the Right 2 Know campaign in its fight against the Secrecy Bill).
- Use of ICT to enhance the efficiency and efficacy of the media.<sup>127</sup>

Former executive director of the OSF-SA Zohra Dawood outlined why the foundation believes support for media is so important: “While other development agencies that I have interacted with have a reticence towards



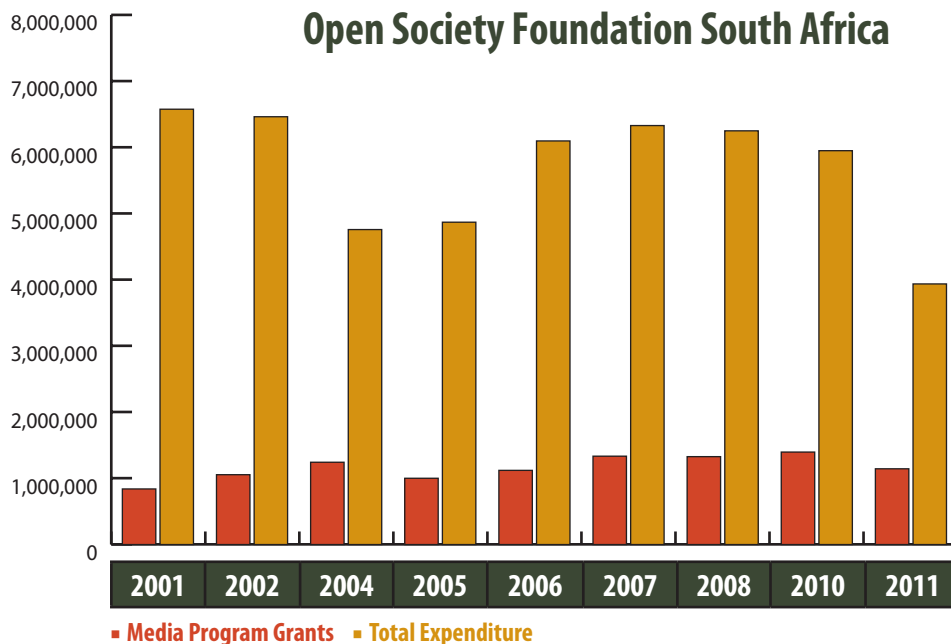
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supporting the media, the OSF believes that support for the media is critical to human rights and social justice issues. The media is important in holding the center and therefore facilitates other social justice objectives.”<sup>128</sup>

The organization’s website includes a history of the development of the media program. In its first 10 years in South Africa (from 1995) the OSF-SA focused primarily on community radio (including providing equipment to stations, covering running costs, providing training, and supporting radio production houses).

The focus shifted in the early to mid-2000s to quality content across all media (print, online, and broadcasting, as well as for private, public, and non-profit entities).<sup>129</sup> OSF-SA says that this shift was in part due to the launch of the MDDA, established specifically to support the growth of small print and community broadcasting.

The chart below, summarizing the information available in audited financial statements, shows that funds dedicated to the media program have remained relatively constant in recent years.

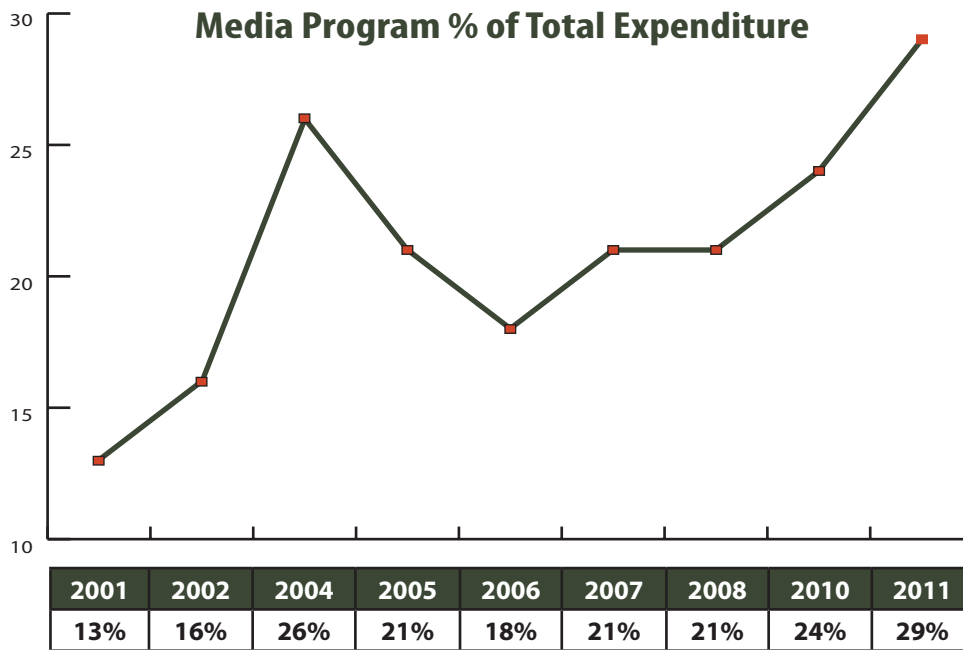


\*\*Source: Author’s analysis of information from OSF-SA annual reports (amounts converted from rand to dollars).

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However, the media programs' share of total spending has more than doubled over the period (from 13 percent in 2001 to 29 percent in 2011) as the total funds expended reduced.



\*\*Source: Author's analysis of information from OSF-SA Annual Reports

The spike in 2004 evident from the chart above is linked with the third post-apartheid national elections in South Africa, and the foundation's support for a media monitoring project to ensure all political parties were treated fairly. This project alone accounted for just under a quarter of the total expenditure that year.<sup>130</sup>

Dawood says that the OSF's support of individual journalists has, in her view, raised the standard of analytical reporting across the media:

This support allows senior journalists time to really delve into the issues that they cover every day. It is clear in our interaction with journalists that they are burnt out from the daily pressure to meet deadlines. They have little time to interpret the links between the different

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stories they cover. The fellowships allow them time out to focus on critical issues and then write the in depth analysis necessary to interpreting the news they cover.<sup>131</sup>

The fellowship program has had a definable impact. The 2010/2011 annual report records that a team of journalists from the *Mail & Guardian* won a joint award for best analysis for a series they had written on acid mine drainage in Gauteng. The judges in their citation for the award specifically praised the OSF-SA support for giving the journalists the space to explore the issue in depth over a three month period: "They waded through masses of scientific data, mining history and legal red tape ... This is what puts this series apart from all other entries ... They had the resources and time to do an excellent job."<sup>132</sup>

In the 2010/2011 financial year, the OSF-SA assisted in establishing a center for investigative journalism at the *Mail & Guardian* newspaper, amaBhungane.<sup>133</sup>

Atlantic Philanthropies, which has provided support to news media organizations, does not have a specific media program. Its primary focus is on health issues and "strengthening constitutional rights."

The organization, which is closing in 2016 (30 years after its founding) has provided consistent support to two news-media related organizations—Health-e news and the Freedom of Expression Institute. It also provided one-off funding to the Rhodes University Journalism Department for two projects—to establish a training institute for mid-career journalists (the Sol Plaatje Institute) and to purchase an independent local newspaper, *Grocott's Mail*.<sup>134</sup>

Health-e news received the single largest grant allocated to any media project, a total of \$1.66 million between 2004 and 2011 (constituting close to one-third of the total of \$3.67 million allocated to news-media related projects<sup>135</sup>). This support, together with that for the purchase of *Grocott's Mail*, accounts for more than half (54.5 percent) of funds allocated to news media-related initiatives. In 2011, Health-e was the only media project funded by Atlantic—receiving 8 percent of the total budget for South Africa.

Health-e News Agency has also received support from a U.S. government-supported development organization, John Hopkins Health and Education in South Africa, which "aims to improve the health and well-being of all South Africans [by using] a strategic evidence based communication approach which includes dynamic mass media." In addition to Health-e, the agency has according to its website supported:<sup>136</sup>

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## AmaBhungane

The name of the *Mail & Guardian*-affiliated center for investigative journalism is amaBhungane, which is the isiZulu word for dung beetles, those small insects that feed almost exclusively on feces, thus efficiently cleaning the environment. It is a South African indigenous version of the word “muckrakers.”

While the center provides stories to the *Mail & Guardian*, it was established in 2010 as a separate non-profit entity, with its own website ([www.amabhungane.co.za](http://www.amabhungane.co.za)), in order, it says, to protect its work from the pressures associated with pure commercial journalism:

Investigative journalism helps to promote open, accountable and just democracy by exposing wrongdoing and holding power to account. However, investigative journalism faces internal threats (resource constraints in a commercial and changing media environment) and external threats (restrictive laws, policies and practices).

Investigative journalism is an expensive, risky investment. It needs time and resources to succeed; to uncover facts beyond the apparent; to hold the powerful to account.

In a purely commercial environment, investigative journalism often struggles to compete with instantly gratifying, fast-food journalism—the kind that sells papers today but wraps fish tomorrow.

Non-profit, donor funded models represent an alternative which has already gained ground in the Americas, Europe, Asia and parts of Africa. Adequate funding without a profit motive helps to ensure that the public interest in the exposure of wrongdoing is served.<sup>1</sup>

The center not only focuses on investigative reporting but also includes an internship program for the wider media community and has an advocacy wing “to expand the space” for journalism.

The *Mail & Guardian* is listed as the center’s “baseline funder and regular publisher.” AmaBhungane states, however, that it will focus on getting donations from a multiplicity of funders and “generally will not accept government or corporate funding, or funding for specific stories” in order to protect its independence.

1. <http://amabhungane.co.za/page/about>

- An HIV/AIDS media project at the University of the Witwatersrand investigating the impact of news coverage on the syndrome and lobbying for better media coverage of related issues.

- A health communications course for honors and doctoral students at the University of KwaZulu-Natal Culture, Communication and Media Studies.<sup>137</sup>

According to Tebogo Sepeng with the U.S. Consulate, the U.S. Embassy and USAID support for media in South Africa has been primarily focused on training of journalists.<sup>138</sup> She said this includes providing exchange programs in which journalists and experts from the two countries share experiences and skills.<sup>139</sup> Sepeng noted that USAID gave a grant to Wits University in 2006 “to improve the quality of media coverage of the courts, the law and judicial system by increasing awareness and knowledge among journalists.”

In addition, she noted, USAID has supported training workshops at universities on investigative journalism,<sup>140</sup> and has sponsored journalists from other African countries to attend an annual investigative journalism conference.



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## European Funders of Media in South Africa

Only two of the major European funders in South Africa seem to have a specific media programs: the Friederich Ebert Stiftung (FES), which has a Namibian office focused only on media support in Africa, and the Konrad Adenauer Stiftung (KAS) operating from Johannesburg. Both have a broader focus than just South Africa but have supported initiatives in the country.

FES's focus has been on creating an enabling "legal, regulatory and political environment for the media." It has among other things, worked with regional bodies—such as the Southern African Development Corporation , the African Union, and regional electoral authorities—to develop protocols and guidelines related to freedom of expression and on training politicians and journalists.<sup>141</sup>

KAS, meanwhile, focuses on research and dialogues on freedom of expression as well as training. According to its website, its South African-based partners are Wits University's Journalism Department and Radio Academy, Fray Intermedia (a media and journalism training consultancy operating across the African continent), and the Highway Africa annual conference on journalism and communications technology hosted at Rhodes University in Grahamstown in South Africa.<sup>142</sup>

These German political foundations work very closely together in order to avoid duplicating support. Harber notes that this coordination has "increased the sustainability of their funding."<sup>143</sup>

The Foundation for Human Rights (FHR)<sup>144</sup> was established as a partnership between the European Union (EU) and the South African government. It also disburses funds to human rights initiatives on behalf of other development agencies (for example, the Mott Foundation, Care International, and the Ford Foundation). It has a broad focus on human rights issues and thus is not a major funder of media projects, but has funded both the FXI<sup>145</sup> and Cape Town community television channel, Cape Community TV.<sup>146</sup>

The Dutch donor Hivos has recently worked with Atlantic Philanthropies to provide "seed funding for new community initiatives" and "to promote democracy and human rights, including citizen journalist initiatives in Malawi, Zambia, Zimbabwe and South Africa."<sup>147</sup> According to the Hivos website, it has also provided support to the FXI for monitoring freedom of expression violations and advocacy and education campaigns to increase awareness of the right to free speech and to *Agenda*, the feminist journal.<sup>148</sup>

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In 2010, the European Union (EU) published a study into members' funding of media and development in Africa. The study details the number of projects supported and the amounts allocated by EU countries, the EU itself, and civil society and development organizations in Europe in 2009. Altogether, according to the review, more than €146 million was allocated to media and development projects across Africa in 2009.<sup>149</sup>

The authors note (similar to the findings on U.S. funders for research) that “[m]edia is not generally recognised as a development sector on its own ... The projects for media support are thus usually found ... within ... [other] sectors [such as] Good Governance, Human Rights and support to civil society...[and] a clear definition of the media as a development sector is absent.”<sup>150</sup>

The statistics provided show that 17 of the 236 media development projects listed in the report were either for South African media projects or included projects in the country. Specifically South African media projects received €610 million in 2009 (0.4 percent of the total expenditure) according to the study.<sup>151</sup> Sixty-eight percent of all EU-funded projects were implemented by non-African organizations, that is, European based NGO's.<sup>152</sup>

The report does not give information about the entities or projects funded per country, but does state that the main focus of support over the period was on short-term training of journalists. The analysis distinguishes between short courses and funding support for journalism/media studies at universities.<sup>153</sup>

Another study by the European Commission (EC) in 2012 looked at support for media generally. It tracks EC support (excluding support from individual member countries) for media projects across the world from 2000 to 2010. The report looked at support which specifically targeted the media (including training and media-related legislation reform) rather than more general communication for development initiatives.<sup>154</sup>

As with this study of U.S. funding in South Africa, the writers noted that data about media development support is generally “not complete and reliable” due to the absence of specific media development categories among funding priorities. The report highlights, for example, that the databases of the EC and other donor agencies studied did not distinguish between “visibility projects, media specific support,” and other publicity, such as informing journalists about EU activity.<sup>155</sup>



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## Future Funding

Idasa and other South African organizations have stated that foreign funding for the country shrunk further following the 2008 global economic crisis. Other commentators however, dispute this, stating that the resources have rather been shifted from local projects to larger international intermediary organizations focusing on the same issues. This seems to echo the findings of the European studies mentioned above.

In a commentary published in an online newsletter the day after Idasa announced it was closing, researcher Alexander O’Riordan called the notion of international funding reductions a “common law myth.” Citing data drawn from OECD databases, he asserted that aid to South Africa had more than tripled since 2002 “making it one of the fastest growing industries in the country.”

“[D]onor reported spending in South Africa increased 348% this decade—an increase from US \$337 million to \$1.2 billion in 2011,” O’Riordan wrote. “It is notable that this is not due to a once off spike in spending. In 2002 aid disbursed to South Africa was \$338 million, in 2005 \$638 million, in 2008 \$1.1 billion and in 2011, \$1.2 billion.”

He argued that organizations such as Idasa were therefore not closing because of a general shortage of funds:

The truth is most donors I speak to want to give more funding to organisations like Idasa, but face lobbying pressure from other sectors. The private sector, for example, lobbies donors to use their resources to improve market access, international lenders lobby donors to subsidise lending with budget support and international NGOs lobby for more funding to be allocated at headquarters and through trusted international NGOs.<sup>156</sup>

# Conclusions and Recommendations

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All of those interviewed for this research emphasized the importance of supporting the continued growth of independent investigative news media in South Africa and elsewhere. This echoes concerns raised in many countries about the importance of reinforcing news media even in established democracies, given that increased concentration and a drive by big media conglomerates to increase profits inevitably results in cost-cutting of news production resources. At the same time, as former OSF-SA director Zohra Dawood said, there is an increasing need to “explore the relationships between money, politics, and power.”

“Media has to have the resources, skills and capacity to shine a spotlight on those with economic and/or political power,” she said. “It is important not only when it exposes corruption but also when those in power are aware of the likelihood of exposure. If they are kept uncomfortable maybe they will be more cautious about the relationships and deals they make.”

Dawood emphasized that quality independent media cannot necessarily become self-sustainable, and that therefore the “success of funding and support interventions cannot be measured by the ability of any project to become self-sufficient.”<sup>157</sup>

What is perhaps particularly evident from this, is that journalism that probes and exposes corruption at all levels of society and holds those in power to account does not magically emerge with the removal of laws or introduction of constitutional rights such as freedom of expression. There is an ongoing need to reinforce these—and to build the skills, capacity, and resources necessary to report on the growing pains of a new democracy and ensure that media freedom activists can fiercely monitor and guard the process of realizing these rights.

It seems that the core challenge facing media organizations in relation to funding is the challenges they face in defining “measurable outcomes.” This is a problem that faces media projects around the world, and specific research to develop acceptable mechanisms and tools to measure the impact of diversity on society and democracy would be of great value to both development agencies and media organizations. It is not an easy task—and it is something that small and large media organizations have grappled with over many years. It would require considerable resources, and the support and expertise of major international media-focused organizations and development agencies. This perhaps is the most critical “need,” if the debates about why support for news media is crucial to democracy and development are to advance beyond rhetoric.



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There are already some resources that could be drawn on and extended to assist in this. Publicly funded broadcasters, such as the British Broadcasting Corporation, have begun to “measure” their public value to justify license fees they receive from the public, and the research these big institutions have conducted could be drawn on to develop such tools for media-support groups around the world.<sup>158</sup>

Extending the growing body of research on the importance of social accountability by exploring the role that information and an independent media play in this could also be valuable.<sup>159</sup>

A project collating independent case studies of the value of media that news organizations could draw on would reinforce this and assist in persuading more development agencies to have specific media programs. Cullinan noted, for example, how further information on the impact media has had on delivery of services around the world could assist media organizations in motivating support. She stated that, for example, this could include detailed evidence to verify studies indicating that the Indian government had responded better to floods and droughts in places with good newspaper penetration.<sup>160</sup>

Finally, many of those that contributed to this study highlighted that it is also important that development agencies work more closely together to coordinate their activities and support—and draw on each other’s expertise and knowledge. As noted by Harber, for example, the lack of coordination has at times led to “a surfeit of training on a particular issue being offered” and donor-driven rather than need-driven projects. This results, he said, is well trained journalists being unable to utilize the new skills in their newsrooms, as these lack the resources necessary to support this.<sup>161</sup> Such collaboration would not only further reinforce the overall impact of development support for the media but could also assist in expanding knowledge about what types of support are most likely to ensure that the media promote social justice and active citizen participation in society.

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