

Institutional Hearing: The Media

• INTRODUCTION

- 1 The South African media played a crucial role in helping reflect and mould public opinion during the years under review. However, could the media also be said to have been directly responsible for gross human rights violations? And to what extent were they responsible for the climate in which gross human rights violations occurred?
- 2 These were the questions asked when the possibility of a special hearing on the media was first raised. They needed to be considered along with the more obvious point that, because of the media's role in providing 'instant history', a review of its performance under apartheid might help the Commission in providing the "complete picture" of the political conflicts of the time required by the Act.
- 3 The announcement of the possibility of a media hearing resulted, immediately, in a major public debate in the media which began to air some key issues. In addition, submissions were prepared for presentation to the Commission.
- 4 The central point made in these submissions was the suggestion that the media, particularly those media that directly supported government policy, had provided a "cloud of cover" under which gross human rights violations were possible. More bluntly, the media during apartheid were seen to have "made what happened to Biko acceptable". This gave some direction to the proposed hearings, raising questions such as how and in what circumstances such a "cloud of cover" was created; what its implications were, especially for the journalists who worked in the different media, and what lessons could be drawn for the future.
- 5 Initial discussions quickly and unexpectedly revealed the complexity of existing divisions within the sector. Some black journalists objected to the Freedom of Expression Institute (FXI) doing preliminary research for the Commission, because some of its members had been part of previous management structures. The dispute was resolved after top-level discussions.
- 6 Public presentations of several submissions were made at the Commission's offices. These generated more interest in the hearing and stimulated further submissions. At the same time, special interviews were arranged with some of the state operatives mentioned in the submissions to discuss their role under apartheid.
- 7 It was soon clear that, owing to budgetary and time constraints, it would not be possible to cover all aspects of the media sector. It was agreed that the hearing would focus on three major themes:

- a The broadcast media, primarily the South African Broadcasting Corporation (SABC), but including the Bophuthatswana Broadcasting Corporation (BOP TV) as a 'window' case, and looking briefly at Radio Freedom.
- b The print media, with a special emphasis on the concerns of black journalists, and an attempt to involve the Afrikaans press.
- c The relationship between the media and the state, including testimony from the media unions, from individual journalists under the theme 'silencing the press', and from state operatives on how they worked the system.

The hearings

- 8 The media hearings took place on the 15-17 September 1997 at the offices of the SABC, Johannesburg. The venue was chosen as a strong symbol of state control of media in the apartheid era. Significantly, the facilities were made available, free of charge, by the SABC.

• LEGAL AND ETHICAL BACKGROUND

- 9 During the period under review, the South African media operated in a heavily legislated environment and saw the introduction, between 1950 and 1990, of more than 100 laws affecting its operations. This legislation ranged from blatant prohibition of publications to the threat of prosecution for printing or broadcasting subversive statements. Although it did not eliminate the production of information and statements of opposition, it severely restricted them.
- 10 The mainstream newspapers reacted to legal curbs with a policy of appeasement. They did not defy the laws but, they claim, tried to exploit loopholes and find ways to beat the system. Print media bosses introduced their own forms of self-discipline and self-censorship, without reference to journalists. For instance, no democratically shaped codes of conduct were developed with working journalists. Instead, largely through the Newspaper Press Union (NPU), 'agreements' were imposed on journalists in a top-down fashion. This combination of far-reaching legislation, self-censorship and agreements negotiated between the NPU and the state produced an environment in which the state not only succeeded in manipulating and controlling information, but also broadly eroded the fundamental freedoms of the press.
- 11 Internationally, the trend was quite the opposite. The 1954 Declaration of Principles on the Conduct of Journalists of the International Federation of Journalists (IFJ) set a specific standard of professional conduct for journalists, opening with the declaration that "the right of the public to truth is the first duty of the journalist". Other principles pertinent to the South African mainstream press were the following:

The journalist shall observe professional secrecy regarding the source of information obtained in secret [in direct contrast, South African journalists were subjected to - and did little to defy - the infamous Clause 205] and;

The journalist shall be aware of the dangers of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.

- 12 It was only later that the IFJ Declaration took concrete hold in the South African Union of Journalists (SAUJ). However, in reality, while the principles of the IFJ would have resonated with several embattled print journalists in South Africa, a huge gap existed between the intent of the declaration and the inaction of the majority of journalists in the mainstream press.
- 13 Unlike print, public broadcasting, in the guise of the SABC, was regulated by the Broadcast Act of 1976. Ironically, the Broadcast Act required the SABC to “disseminate information” to “all the national communities ... unambiguously, factually, impartially and without distortion”. But it prevented the SABC from broadcasting anything that would cause, amongst other things, “unrest or panic ... threaten state security ... [or] damage the Republic’s image abroad”.
- 14 In practice, policy statements from the SABC, which on the surface appeared to be advocating racial harmony and peace, aimed at ensuring National Party (NP) control and white privilege.

• THE BROADCAST MEDIA

- 15 The SABC enjoyed a monopoly within the country and was thus the main focus of the hearings on the broadcast media. However, the activities of BOP TV and Radio Freedom were also briefly considered.

The SABC

A tool of the government

- 16 Before the hearing, two senior broadcast consultants, Hendrik and Christel Bussiek, conducted a number of interviews with people who had either worked at the SABC in the past or were still working there. These interviews confirmed the finding of monitors who had, over the years, claimed that the SABC was, essentially, a tool of the government.
- 17 For example, content analysis by Professor John van Zyl over a period of sixteen years revealed a distinct bias at the SABC. According to his analysis, news bulletins maintained and cultivated a mindset amongst white viewers that apartheid was natural and inevitable. SABC programming, he found, was instrumental in cultivating a “war psychosis”, which in turn created an environment in which human rights abuses could take place.
- 18 Another witness at the hearing, the former SABC news anchor-man Mr Johan Pretorius, elaborated on just how deeply he felt the government was involved:

The minister responsible for SABC had to report to Parliament; the State President appointed the SABC Board, which in turn appointed the Director General as Chief Executive Officer. The Board determined policy. For

example, the SABC supported the view that there could be no negotiation with leaders or parties who used violence to achieve their political aims, therefore the SABC would not provide a platform for these people to air their views.

- 19 Pretorius added that the SABC had distanced itself from the so-called 'new order' media, which were in constant confrontation with the state. The perception given was that South Africa was the target of a revolutionary onslaught, and that the SABC had to fight this with all the means at its disposal.
- 20 Former head of SABC documentaries, Mr Don Briscoe, claimed to have provided "a very balanced output of programmes showing the country's military preparedness". Briscoe appeared to be unable to see that his programmes had promoted the government's determination to protect its privileges at all costs, thereby serving as an incitement to greater violence in South Africa. Briscoe said that this had not occurred to him at all.
- 21 Pretorius' comment on the politicians of the day was that they had a "totally naive, simplistic, and one-dimensional view of broadcast journalism" and that this was particularly pertinent to television.

The NP politicians confused publicity with news value, and the other way around, when it suited them. They were virtually paranoid about what was termed exposure for subversive elements or exposure for political opponents to the right.

- 22 Despite protestations from people who worked for the SABC under the previous regime that the then government did not misuse the SABC, there is much evidence to refute this. In their research into the SABC's activities and role under the NP government, the Bussieks concluded:

The SABC generally took a conveniently simplistic attitude towards what amounted to deliberate distortion and suppression of facts in its coverage of unrest, defiance and resistance. Most interviewees, when asked about their assessment today, start out by referring to the conditions of the broadcasting licence as published in the Government Gazette of June 15, 1979, which stipulated that the "Corporation shall broadcast nothing which may inflame public opinion or may directly or indirectly lead to any contravention of the law or may threaten the security of the state".

- 23 Professor Sampie Terreblanche, an SABC Board member from 1972 to 1987, confirmed this conclusion. He said that the SABC not only acted as the propaganda arm of the NP, but of consecutive NP administrations. Every new prime minister, he said, had a new approach and a "need to legitimise himself, to justify his position of power". The SABC was repeatedly used to play this very important role.
- 24 Mr Tseliso Ralithabo, who is a current staff member of the SABC and a member of the Media Workers of South Africa (MWASA), said it was not possible to justify what he called the "atrocities of the SABC". He countered the assertion of a fellow staff member, Louis Raubenheimer, that the SABC was "independent". One could still find, he said, archive material produced – for instance by Cliff Saunders – which had first been handled by government officials before it went on air in Afrikaans and English and was then translated into black languages.

- 25 The most telling confirmation of the SABC's role under apartheid came from an unexpected source. State agent Major Craig Williamson told the hearing that a "special relationship" existed between the SABC and the intelligence community's units for STRATCOM. The state, he said, was at a disadvantage because it did not own or control any credible print media. It counteracted this by its use of radio and television. Williamson also pointed out that the SABC was used at the time of the cross-border raids to present the attacks in a positive light.

Broederbond influence and control at the SABC

- 26 Different factions and personalities within the ruling party held sway at the SABC at different times during the period under review, but the influence that exerted the most control was the *Broederbond*. SABC staff and former Board members played down the role of the *Broederbond* at the SABC claiming, amongst other things, that they were never required to attend any *Broederbond* meetings and that they were not directly or indirectly approached by the *Broederbond*. There is, nonetheless, no evidence to suggest an amendment to the findings of the Bussieks, who noted:

With most of the Afrikaners on the Board being Broeders, as well as most of the top-level and many other mid-level managers, there was probably no need for any such direct interference.

If not Broeders themselves, most of the people in charge were Afrikaners or Afrikaans-speaking. A look at management positions over the years shows that career possibilities for English speakers were extremely limited.

Racial divisions within the SABC

- 27 A limited service was introduced for black listeners as early as the 1940s. The Broadcasting Act was changed in 1960 to make provision for 'Bantu' programmes and a 'Bantu' programmes control board. This five-member board was composed entirely of white members and chaired by the chair of the SABC board. A totally separate structure, headed by thirty-five white supervisors, was set up to provide 'Bantu' programmes. In 1984, when SABC Radio Tsonga, Tswana, Xhosa, Zulu, Lebowa, Venda, Swazi, Ndebele, Lotus and two 'black' television channels were introduced, the officials in charge of SABC programmes for black listeners and viewers comprised eighty-five senior employees: six black and the rest white and almost exclusively Afrikaans speaking. Throughout the 1960s and 1970s, the main responsibility for radio news bulletins lay with four national editors who worked in shifts.
- 28 The SABC's 1962 annual report states that, from the beginning, programmes were "designed to stimulate the Bantu to appreciate their own cultural heritage, both in his homeland and in the urban areas where he worked". The black services thus fulfilled their role as enunciated in the 1976 *Broederbond* 'Master Plan for a White Country' which stated:

The mass media and especially the radio will play important parts. The radio services for the respective black nations must play a giant role here.

- 29 SABC staff member Bheki Khatide, who joined the corporation in 1982, spelled out the practical implications of this at the hearing. There were, he said, different training classes for different races at the SABC. Black members of staff were given older machines to work with, and the methods applied in preparing black members of staff to become producers were inferior to those applied to his white counterparts. This was in line with the intention to project any programme made by black people as inferior and lacking in quality. Sometimes this strategy was also applied intra-ethnically, and was also used to arrest the progress of someone who did not seem to be toeing the line. Black staffers were allocated inferior budgets and were slotted into post-production facilities in the “unholy hours” between midnight and six am.
- 30 Most of what Khatide said was confirmed by Jakes Nene of MWASA. He singled out staff members such as Cliff Saunders who “haunted” them with “skewed” NP/*Broederbond* information. Nene said that black people were employed only as translators or interpreters, interpreting for white journalists who covered stories, even in the homelands. He confirmed that there was a ceiling at the SABC for black people. No black person, however well qualified, could reach supervisory level. Any white person in the employ of the SABC was an automatic superior.

Rule by *sjambok*

- 31 Regulations controlled every aspect of the lives of black staff. Under Section 14 of the Staff Code, a member of staff could be fired without being given a reason or explanation, as long as the manager suspected that his or her ideological convictions were not in line with the government of the day. Nene said that any white person at the SABC had the right to fire any black person who was *hardegat* (intransigent). Workers received severe reprimands for looking at white women and had to give way in the passages.
- 32 Nene revealed that, between 1975 and 1985, if people were fortunate enough to be called to a disciplinary hearing, they could choose to be *sjambokked* (whipped) rather than fired. Those who refused to be *sjambokked* were dismissed without a proper disciplinary hearing. This startling revelation about *sjambokking* at the old SABC was confirmed after the hearing, when MWASA produced a list of those who had been punished in this way.

Radio Freedom

- 33 By the late 1970s, information and propaganda had become indispensable for both the proponents and the opponents of apartheid. The South African government had its security apparatus — and the SABC. The African National Congress (ANC) had Radio Freedom.
- 34 Broadcasting from five ‘friendly’ countries in Africa, Radio Freedom operated from March 1973 to December 1990, using information to “mobilise and arouse” the people into active participation in the struggle against apartheid, within and outside the borders of South Africa.
- 35 For the banned and exiled ANC, Radio Freedom broadcasts were public meetings via the airwaves. In one of its submissions to the Commission, the ANC described the channel as the ANC’s “major means of internal information and propaganda”.

- 36 At the media hearing, the South African Defence Force (SADF) submitted a document on its monitoring of the ANC's media and in particular of Radio Freedom. The document said that Radio Freedom was used to "communicate a message of intense hatred and the instigation of a climate of violence". The SADF made a direct correlation between select Radio Freedom broadcasts and acts of violence within the country, like the killings of community councillors, police members and other 'collaborators'.
- 37 Thus, for example, the fact that 13 540 security force members were attacked between 1984 and 1990 was attributed to Radio Freedom broadcasts such as: "If you do not throw your weapons into the sea, then use them against the racist army and police, who are upholding the inhuman system". (Radio Freedom on Radio Angola, 4 April 1990.)
- 38 Undoubtedly, the ANC's media offensive assisted in the war against apartheid and may have contributed to a climate of violence. But it is difficult to conclude that the broadcasts alone were directly responsible for the large number of incidents of gross human rights violations recorded in the SADF document, particularly as nobody was forced to tune in and listen to Radio Freedom.

• THE PRINT MEDIA

The English-language press

- 39 The commercial newspaper industry had its origins in colonialism and was modelled on its British equivalent. From the early twentieth century, mining capital played an increasingly dominating role in the newspaper industry. Although there were a number of independent papers, these were gradually swallowed up by the two main publishing houses: the Argus Printing and Publishing Company (now Independent Newspapers) and South African Associated Newspapers (SAAN) – now Times Media (TML). In 1920, these two publishing houses agreed to split the market between them, leaving the morning papers to SAAN and the evening papers to the Argus Group. Even so, the relationship was fairly incestuous: for example, the Argus Group was the single biggest shareholder in SAAN. Anglo-American had effective control over both newspaper groups.
- 40 During the period under review, the publishing houses reflected the broader apartheid structures. Ownership was exclusively white. The term 'opposition press', used to describe the English-language press, was a misnomer. Within this then bi-polar world, there was only one viewpoint propounded in the mainstream press and that was a capitalist perspective. Independent, black, liberal, socialist and Communist publications were either banned or folded under commercial pressure, while the so-called mainstream press prospered and grew.
- 41 In later years, 'township editions' became an integral part of the English press. There are differing opinions as to the credibility of these publications, which carried news felt by white management to be appropriate for 'people of colour'. On a par with these township versions were the papers owned by the publishing houses aimed at the black market. Until such time as black editors edited the latter, and interference by white management diminished, the content of these papers was also determined by white perceptions of what they believed black people wanted to read.

- 42 This focus on very specific black-white issues tended to dominate the hearings. Surprisingly, most of the testimony – and most of the discussion about the print media – centred on the role of the so-called ‘liberal’ or ‘opposition’ English-language papers, their stance vis-à-vis apartheid, and conditions for black journalists working on those papers. Other issues tended to take second place to the expressions of anger and frustration felt by black journalists. Although these feelings were previously known, the extent of the anger felt and the pain endured had not, before this hearing, been clearly expressed. Nor had they been properly understood by whites in the media, who showed considerable insensitivity in their inability to empathise with their black colleagues.
- 43 Despite the criticisms of the English mainstream press under apartheid, many came to its defence. Former SAUJ president Pat Sidley said that, although a great disservice was done by a number of individuals and a couple of institutions, there were many – fellow journalists and a few editors – who did a great deal to open up thought-processes in the public mind. There are a number of examples of this. One well-known incident was when Mr Tony Heard, then editor of the Cape Times, published an interview with Mr Oliver Tambo on 4 November 1985. Quoting banned persons was illegal in terms of the Internal Security Act (of 1982 as amended). Heard reported that SAAN eventually offered him a severance agreement and, when he refused it, he was fired on August 1987.¹
- 44 Jon Qwelane, the most severe critic of the mainstream media, acknowledged that it was the English-language newspapers whose journalists demonstrated “periodic flashes of courage and brilliance” by exposing the gross injustices perpetrated by the system of apartheid. He cited examples such as reporting on the inhumane conditions in South Africa’s prisons, the Information (‘Info’) scandal, the unmasking of the Civil Co-operation Bureau (CCB) and the exposure of Vlakplaas.
- 45 Mr Cyril Ramaphosa, chairperson of TML and previously a unionist and anti-apartheid leader, agreed that English newspapers in the main played a courageous role, imparting information when the government was trying to restrict it. He also paid tribute to specific journalists who focussed on the struggles of ordinary people.
- 46 SAUJ president Mr Sam Sole said his organisation believed that there had been serious shortcomings in the mainstream English press regarding their coverage of apartheid and the forces opposing it. Many of these shortcomings were the result of institutional weaknesses rather than personal culpability. He said that media institutions were, both then and now, weakened by fragmentation, especially along racial lines.
- 47 In its submission, TML argued that it had challenged the versions of “lying officials” on events such as the Soweto uprisings, the death of Steve Biko, Boipatong, the ‘Gugulethu Seven’ and the ‘Uitenhage massacre’. It claimed that its papers had refused to cower before NP bullying and had pioneered investigative reporting in South Africa. The papers had also provided a platform from which courageous and ingenious journalists could chip away at the edifice of apartheid.
- 48 Journalist and editor Mr Moegsien Williams said the English press was an opposition press in the sense of white sectarian politics only:

They did not support the ANC, never articulated ANC policies, never wrote about the aspirations of the vast majority of South Africans, about their views, what they wanted, their need for a vote. Nothing happened outside white parameters. They were under a delusion - their real opposition sat on Robben Island.

- 49 Mr Thami Mazwai cited an example of mainstream “media hypocrisy”. After the banning of *The World* in 1977, The Star’s editorial decried the banning but said it had always felt that The World had gone too far in terms of journalistic responsibility. There was also a feeling that the government would go for a black newspaper and ban it, but would not ban a white paper because parliamentary politics continued to dominate political coverage over the years. Parliament, Mazwai reminded Commissioners, was one of the few censorship-free zones in South Africa.

Accusations by black journalists

- 50 The following accusations from black journalists were collected from pre-hearing submissions and evidence at the hearing, and are listed by way of a checklist against which current practices can be measured.
- a Terminology: newspapers used terms such as ‘terrorist’ instead of ‘guerrilla’ to describe those fighting the liberation struggle.
 - b A selective approach: stories that made the police look like villains were spiked or rewritten. Furthermore, the black journalist’s version of a story was always questioned. Stories featuring whites were given preference to those that involved blacks, even if the latter were more newsworthy.
 - c Two days leave or pay was deducted when black journalists went on a march. White journalists were never penalised for protesting.
 - d There was an acceptance of the restrictions on the media under the states of emergency. Consequently, other organisations were left to challenge them.
 - e The actions of senior newspaper personnel suggested they were happy with curbs. For example, there were constant angry admonitions to ‘tone down’ or ‘be objective’, even though the stories were 100 per cent true. Numerous stories were spiked because they highlighted police and army atrocities in the townships.
 - f Even legal protests by black people were denied space in the papers.
 - g There was a lack of training for black journalists, and a denial of promotion because of lack of training.
 - h There were allegations that the apartheid mindset and hypocrisy continue to the present day.
 - i Hypocrisy of management: editorials decried apartheid, while practising it against black staff with regard to facilities and salaries.

- 51 An interesting addendum to the problems faced, particularly by black journalists, emerged in the accounts of what happened in the 1980s when the United Democratic Front (UDF) and the Azanian People's Organisation (AZAPO) were at war with each other. Tremendous pressures were put on black journalists by both sides involved in the dispute, making them terrified to write anything about the feud.
- 52 This lack of reporting had an unfortunate corollary. The communities concerned saw that their journalists were not reporting honestly and accurately on black issues and turned against them.

Discrimination against women

- 53 Former journalist and founder member of the Union of Black Journalists, Juby Met, and journalist Ms Nomavenda Mathiane added their voices to what other black journalists had said about how people of colour were discriminated against in the newsroom.
- 54 Mathiane highlighted the degree to which black women writers in particular were discriminated against. She said women were not given meaningful beats and were not promoted to senior positions, and that they were relegated to women's pages that dealt with beauty, health and socials. She also said training was given mainly to male journalists and that, while male journalists were offered overseas trips to widen their journalistic horizons, female writers had to organise such trips on their own and often had to take leave without pay when on such visits.

The Afrikaans press

- 55 The Afrikaans press declined to make a submission to the Commission. Instead, it provided the Commission with a copy of *Oor Grense Heen*, the official history of Nasionale Pers (Naspers).
- 56 Rather oddly in the context, the book repeatedly confirms that the various newspapers in the group were always pro-NP government institutions. The opening paragraph states candidly that the NP victory in 1948 meant that the company became a pro-government institution. The history concedes that *Die Burger*, for instance, promoted Verwoerd's ideals of bantustans from an early stage and that, after Sharpsville, the same newspaper advised that all positive aspects be speeded up. Occasionally, doubts about apartheid do surface but, in the main, the book reflects a total lack of concern for the company's support of the racist system.
- 57 Archbishop Tutu, opening the hearing, lamented the attitude adopted by the Afrikaans press. By not participating, he said, it would lose its case by default. He asked:

Is silence from that quarter to be construed as consent, conceding that it was a sycophantic handmaiden of the apartheid government?

- 58 The dissatisfaction of some Afrikaans journalists over the decision not to participate at the hearing was muted during the hearing itself. However, after the hearing the Commission received some 150 affidavits from individual Afrikaans-speaking journalists. These acknowledged the important role of the Commission and expressed disappointment at the Naspers decision not to appear. They believed that the Afrikaans press had been an integral part of the structure that

had kept apartheid in place, particularly in the way Afrikaans papers had lent their support to the NP during elections. The submissions maintained that, although the papers may not have been directly involved in violations, they should accept moral responsibility for what happened because they had helped support the system in which gross human rights violations occurred.

- 59 They said that “many Afrikaans journalists were deaf and blind to the political aspirations and sufferings of black fellow South Africans” and did not inform their readers about the injustices of apartheid. When knowledge about gross human rights violations became public, the journalists felt they had too readily accepted the denials and disingenuous explanations of the NP. Those who made submissions also sought forgiveness for their lack of action and committed themselves to ensuring that history would not repeat itself.
- 60 Professor Ari de Beer echoed the general tone of these submissions. He said he had felt compelled to approach the Commission because of the revelations at earlier Commission hearings, particularly those of Vlakplaas. Professor de Beer felt that he and many other “God-fearing” Afrikaners could not accept personal responsibility for specific gross human rights violations. Nevertheless, he did feel that there should be an acceptance of individual and collective responsibility for those violations committed under the ideological veil of apartheid, in the name of the Christian religion and Afrikanerdom. He expressed regret for keeping quiet about apartheid when he knew he should have actively protested against it. He challenged those who claimed that the Afrikaans press had nothing to answer for.
- 61 Former editor of the *Vrye Weekblad*, Mr Max du Preez, added a stinging note:

They can protest as much as they want, but one truth remains: until the last few months of PW Botha’s term as State President, Afrikaans newspapers never opposed the NP or their security forces on any important issue.

The alternative media

- 62 Throughout the period under review, the alternative media – some of it commercial, some not – attempted to challenge what was depicted in the mainstream press. Their continued revelations exposed the timidity of the bigger publishing houses in challenging the government and accelerating change. With predictable regularity, these publications were forced to close either through repeated banning of the papers or their staff, or sabotage of their operations: for example, intimidation of printers or disruption of distribution.
- 63 A prime example of the use of legal pressure to harass and finally cause the closure of a newspaper was that of *Vrye Weekblad*. Pressure began before it even published its first edition. Its registration in terms of the Newspaper Registration Act was held back by the then Minister of Justice, Kobie Coetsee, pending a report by the security police. An official SAP document marked ‘secret’, given to the editor Max du Preez, recorded the former government’s concern about the possible content and influence of the paper. Knowing the owners had very little money, government demanded not the customary nominal fee for registration of the newspaper, but R40 000.
- 64 In another secret document, the government revealed its intentions to harass the paper with legal action to ensure it was closed down. In 1988, the government took a strategic decision not to ban or close newspapers because of the

negative publicity this generated and introduced a new tactic of bleeding the alternative media dry through the judicial system.

- 65 During the 1980s, while alternative publications owned by whites appear to have been subjected to legal action in an effort to have them closed down, the more community-oriented publications, funded mainly by donors, were more aggressively harassed and their staff members constantly detained and often tortured.
- 66 The South African Communist Party (SACP) submitted that, from the 1950s, banishment, bannings, harassment and the physical removal of political opposition, together with the seizure of presses and publishing equipment, had the effect of preparing the market for the commercial media. Genuine political opposition groups were prevented from running their own media.

• THE MISUSE OF THE MEDIA BY AND COLLABORATION WITH THE STATE

- 67 Evidence given by state operatives at the hearing tended to support the allegations that the mainstream press was prepared to co-operate with government. Major Craig Williamson, for example, provided a copy of a confidential submission to the media, calling on editors to play down the UDF factor in South African politics. It stated clearly that this was the result of the decision of the State Security Council that the UDF, its officials and its patrons must be discredited.
- 68 Williamson gave information about another STRATCOM-type operation which involved taking senior members of the media to Special Forces bases on the South African border for a *bosberaad*² with the highest ranking officers of the military and intelligence agencies. The state's relations with the media were, he said, seen as a "macro continuum" from the owners of the media, to the editors who controlled the newspaper, right down to the dustbin cleaners who cleaned the dustbins at night and stuffed material in an envelope to be collected by agents.
- 69 Williamson also provided a photograph, taken on the Angolan border in July 1987, which contained virtually the entire general staff of the defence force, various government ministers and staff and Williamson himself, together with a number of highly placed journalists. The focus on that occasion was how South Africa and the newspapers would respond to what the Soviets were doing in Angola.
- 70 Writing about the SABC, the Bussieks stated that the corporation "generally took a conveniently simplistic attitude towards what amounted to deliberate distortion and suppression of facts in its coverage of unrest, defiance and resistance".
- 71 State agent John Horak related that, when he went to the SABC in the 1960s he did not do so as an infiltrator. The SABC knew that he was a police officer, having been told by General Venter that they needed someone on the premises. Horak also said that, technically, all who worked at the SABC were informers, because the Broadcast Act stipulated that the SABC had to support the government of the day.

- 72 Even more damning was the evidence of Vic McPherson, a STRATCOM head in the late 1980s, who in those days visited the SABC regularly. He said that, although the staff knew he was from the Security Branch and knew about the covert work he was involved in, he was accepted there. Agents were not needed at the SABC, he said, as most staff members supported the South African Police. He said the same applied at the *Citizen* newspaper.
- 73 The *Mail and Guardian* described how Jacques Pauw, engaged in researching for material for 'Prime Evil' (a documentary on CCB activities) in 1997, came across an interview featuring live footage of an *askari* (a guerrilla fighter 'turned' by the police) shot at Vlakplaas. "They [certain SABC journalists] denied its existence, but it is clear that some SABC journalists had access to Vlakplaas as early as 1987," Pauw said.
- 74 The hearing was given two further important examples of the often tortuous relationship between the state and the media, particularly the so-called 'opposition press'.
- 75 The first concerned the Newspapers Press Union (NPU), representing the major newspaper groups. The NPU came under considerable attack in both written and oral testimony at the hearing. One accusation from a prominent journalist went so far as to implicate the NPU in gross human rights violations. Jon Qwelane, speaking of the NPU's army and police agreements with government, asked:

Did the media owners, by their endorsement of Botha's madness, not help to delay the day of liberation? Can it be correctly said that the blood of those who were murdered by Botha's police and soldiers, in the name of total onslaught, is on the hands of the media owners? I say it can.

- 76 This may be considered an extreme view, but it did encapsulate the feelings of many of those involved in or monitoring the media at the time. The Commission had access to a chronology of events involving the NPU, which was compiled and submitted by the Freedom of Expression Institute (FXI). The chronology shows the stormy relationship that the NPU had with the government, simultaneously with its constant battle to appease it. It also reflects the degree to which publishing houses were prepared to go along with government thinking. (See Appendix 3 — NPU chronology)
- 77 Unfortunately, the NPU denied the FXI researcher access to its documents, insisting that it would make records available only to the Commission itself. Consequently, the Commission's researcher for the media hearing spent several days at the NPU offices. Although she did not peruse the minutes of every meeting held, she gained an insight into the workings of the NPU from those she examined.
- 78 Representatives of all South African newspapers attended NPU executive meetings. Representation was usually an editor/general manager and the managing director. The minutes reveal that the NPU was, above all, a business forum. Hence, at times, it seemed as if the deals done with government were conceived mainly to enable the papers to continue making a profit. Negotiations with government were, for example, especially intense before the introduction of television, mainly because of the fear that it would reduce advertising revenue. The main items on the agenda were generally the contracts with paper suppliers and the accreditation of advertising agencies.

- 79 The liberal English press defended its participation in the NPU and negotiations with government concerning, amongst other things, a statutory Press Council and agreements with government on defence and police matters. It asserted that this was the only way to prevent the government from bringing in restrictions that were even more draconian or even banning their papers.
- 80 The NPU's submission argues similarly that its intensive lobbying efforts in the various government forums prevented government from muzzling the press with direct censorship, the formal registration of journalists and other threatened restrictions.
- 81 The consistent attacks on the English press plus constant threats of closure bear this out to a degree. But the question arises: did the liberal press, by participating in the NPU and constantly responding to government threats, willingly participate in a system which allowed the government to control the flow of information? Furthermore, did their participation give the NPU agreements and negotiations a legitimacy they did not deserve? The manner in which the NPU was viewed by black journalists, for example, shows the contempt in which they held those who allowed the government to dictate the level of press freedom.
- 82 On its participation in the defence and police liaison committees, the repeated refrain – from the publishing houses and the NPU itself in a submission made after the hearing – was that these committees were seen as a way of improving the flow of information or “keeping the channels of communication open” in an increasingly closed environment. This view has been totally rejected by a number of researchers and writers.
- 83 Graeme Addison, for instance, wrote a thesis on South Africa's war. He maintained that the NPU was colluding with the government and that the most senior journalists were aware of this. “News manipulation was the order of the day, and the oft-repeated claim that our press was objective was nothing less than ludicrous.” This was the result of what he referred to as the “gate-keeping” procedures of the press and broadcast stations in their symbiotic relationship with the public relations officers of the SADF.
- 84 Addison believes the mass media performed as propagandists for the army and government through, amongst other things, the defence agreement between the Minister of Defence and the NPU. The combination of law and agreement pulled the media in line with the government's ‘total strategy’ of security action and propaganda to defend apartheid. This doctrine was well publicised and no editor was unaware of its implications. By colluding with the system of censorship, the media helped support apartheid.
- 85 Mr Jolyon Nuttall, a previous president of the NPU who gave evidence at the hearing, served on the liaison committees. He said they discussed mainly matters of policy and principle. He confirmed that defence and police officials used them to brief editors and management on the state of the nation from their perspective. However, he said, most NPU members were alert to attempts to whitewash the situation or to brainwash them.
- 86 One of the biggest indictments against the Press Council was its ruling against the *Rand Daily Mail* on the Biko issue. It found the *Mail* guilty of the government's accusations of “unfair and malicious comment” when the paper ran a headline saying: “No sign of hunger strike – Biko doctors”. The newspaper was twice brought before the council on

charges of printing unsubstantiated facts concerning the Biko case. On both occasions, the Press Council ruled in favour of the government and reprimanded the newspaper.

- 87 The NPU's reaction to the banning and arrests of Black Consciousness organisations on 19 October 1977 – Black Thursday – is also worth noting, as the bannings included a number of newspapers which were members of the NPU and a number of editors. NPU documents reflect that an urgent meeting was held on that day and for several days to come. However, perhaps because it involved black papers and journalists, their enthusiasm to pursue the issue with government petered out and nothing appears to come of their initial “indignation”.
- 88 The second example of the relationship between the media and the state was that of the closure of the *Rand Daily Mail* in 1985, which was a blow to the progressive forces in South Africa. The conflicting reasons for its closure, hotly debated for a decade, were again discussed at the hearing: was it closed for commercial reasons or was it forced to close by the government?
- 89 Government operative John Horak said it was important for government that the *Mail* should not die, based on the argument that South Africa could not be accused of being dictatorial if an internationally recognised newspaper, vehemently opposed to government, continued to exist. Horak blamed the liberal establishment for the paper's demise and said he knew of campaigns where advertisers were told that, by advertising in the *Mail*, they would be promoting Communism.
- 90 Mr Raymond Louw was adamant that Horak was incorrect in his belief that the government did not want the *Mail* to die. If this had been so, he said, there would not have been a failed attempt by Dr Louis Luyt to purchase the *Mail*. Furthermore, if this was so, why did the government later ban the *Weekly Mail*, which had by then gained similar diplomatic value, and the *New Nation*?
- 91 Louw believed the owners of the paper were “got at” by the government. It would seem that a special emissary from the *Broederbond* approached the paper informing it that the government was going to change its policies drastically and that it did not want a newspaper like the *Rand Daily Mail* around to confront and embarrass it when it made these changes. Louw said he felt that the owners accepted the argument and that it was a political closure. Although any connection has been denied, he felt it was significant that M-Net, soon to be owned by a consortium of newspapers, got its licence in the same month as the *Mail* was closed.
- 92 The closure of the *Rand Daily Mail* left a vacuum that was later only partially filled by the alternative press in the late 1980s. In addition, the *Mail*'s closure had a self-censoring effect on other English-language papers.

Spies in the newsrooms

- 93 State operative John Horak explained that there were four basic categories of media spies: agents, informers, sources, and ‘sleepers’. Craig Williamson confirmed this. An agent was a professional police officer with a job to do. Informers gave information either voluntarily or were recruited. He identified two categories of informers: those who were ideologically totally opposed to what the organisation was doing and those who did it for the money. There were

also those who did it to get at colleagues for reasons such as competing for promotion. 'Sleepers' were long-term plants, people who knew things but would only provide information if their consciences were bothering them.

- 94 Vic McPherson, initially an intelligence officer, was Unit Commander of Covert Strategic Communications in the SAP from 1989 to 1990. According to him, the police became involved in the media during the 1980s and 1990s because the ANC and other opposition groups had launched a "venomous attack" on the South African Police (SAP), bringing it into "disrepute". The objectives of the media operation were: image-building for the police; promoting the successes of the Security Branch in the media; counteracting enemy propaganda, and giving media prominence to attacks against the community.
- 95 To achieve these objectives, McPherson said the SAP recruited journalists who supported their cause. This enabled them to place prominent articles and carry into effect the objectives of discrediting organisations and individuals and uncovering negative aspects (such as corruption in their ranks) in order to destroy public sympathy. He had forty journalists who were his contacts: two were police informers, four were paid journalists, four were informants whom he paid on occasion, ten were friends and twenty were used without their knowing it.
- 96 Williamson provided documentation on how the state, in an attempt to discredit UDF patron Allan Boesak and diminish his political effectiveness, exposed his affair with Ms Di Scott.
- 97 Pat Sidley said the subject of spies in newsrooms was one of great concern, total distaste and impotence, as journalists were unable to persuade newspaper management to share their discomfort. In its defence, management said its lack of action against suspected spies was because there were constant whispering campaigns and rumours, all of which could not be taken seriously. The Commission, however, drew attention to John Horak's testimony, in which he said he was a spy in the newsroom for almost twenty-seven years. He called himself a "listening post": people could come to him, and he could put them in touch with other people. Throughout his testimony, Horak asserted that he felt sure that management at the time knew he was a spy, even offering examples where it must have been clear to them that he was a state operative. A previous editor, however, said that he had confronted Horak who had flatly denied that he was a spy.
- 98 Although the media-room spies denied ever having being involved in gross human rights violations, poet and writer Don Mattera said that Horak had started whispering campaigns, suggesting that certain left-wing journalists were informers. He even suggested that Mattera was a CIA agent. Mattera said Horak's work was to vilify and destroy. For Mattera, this resulted in almost 350 raids on his house and 150 terms of detention. He added that Horak carried a gun and was allowed to bring it to work at *The Star*.
- 99 John Horak was the first journalist at the hearing openly to admit that he had been a spy. The second was Craig Kotze, who had constantly denied being a state operative while working on *The Star*. Unlike Horak, Kotze said he had never concealed where his sympathies lay. He openly attended military camps and wrote in a manner that reflected the SAP in a positive light.

• CONCLUSION

100 The myriad of apartheid laws which controlled the media workplace may explain some of the racism black journalists experienced in the newsrooms of the major publishing houses. It would seem, however, that discrimination went way beyond what was required by apartheid legislation. Individual testimony to the Commission confirmed this, validating the allegations made by black journalists.

101 Evidence presented to the Commission tended to support what the Media Monitoring Project noted in its submission:

The English press, whilst predominantly positioning itself independently from the government, and significantly opposing the government in certain instances, continued to report within the political, social, and economic discourse defined by the apartheid state. The state legitimised itself within that discourse, and by not challenging its centrality or providing significant oppositional utterances to it, the English press wittingly or unwittingly validated the apartheid state.

102 Thus, even though some of the media may have opposed the government, the social and political system created by apartheid was sanctioned by the media. The media analysed society from inside that system and did not provide alternative perspectives and discourses from the outside.

103 As predicted by the chairperson of the Commission at the start of the media hearing, the absence of the Afrikaans press led to its being condemned as an extension and willing propaganda organ of apartheid.

104 By not reporting honestly on the human rights abuses of the NP government, the Afrikaans press as a whole stands condemned for promoting the superiority of whites and displaying an indifference to the sufferings of people of colour. Despite a limited number of individuals who rejected the system, and despite examples of resistance to the policy of slavish reporting on government and race related issues, exceptions to the long history of actively promoting the former state and its policies were minor ones. (Their heirs, significantly, made a significant gesture towards reconciliation by making personal submissions of regret following the absence of their employers from the hearing.)

105 At the SABC, a blatantly pro-government and apartheid institution, it did not come as a surprise that black people were treated so appallingly. Here management and staff went beyond anything that was laid down in law and gave their own racial prejudices free rein. The notorious section 14 may have provided a regulatory framework, but it did not direct white staff to behave in the manner in which they did. For instance, the practice of *sjambokking* staff – something that was not public knowledge before the media hearing — was abhorrent and will, it is hoped, be further investigated by the SABC itself.

106 The mainstream media also ignored the question of gender. This comment from the Independent Newspapers submission indicates just how unimportant the issue was perceived to be within the male enclave of management:

Why were there no women editors? The simple reason was society dictated it. There were no all-round women journalists. It was not that the newspapers kept them out, there were not any trained in society.

107 Asked about this comment at the hearing, the representative gave an inadequate response:

It is an enormous gap and I apologise for it. It is something I am extremely uncomfortable about and something, I think, we will in future work even harder to fill.

108 An additional point was made at the hearing. The influx of Rhodesians of a particular mindset at the time of Zimbabwe's independence in 1980 contributed to reporting in the mainstream media which actively tried to advance the cause of white supremacy in the region.

109 The hearing underlined that the relationship between the government, the state and the media continues to be problematic. As one journalist put it:

I don't think we want to have a relationship with politicians, but I think the line should be open. I think in an age of transparency, we should be able to pick up the phone and ask for a statement. That is what we want. I don't think we are looking for a lovey-dovey relationship with politicians, no. As journalists, it is to report what is going on. But if there is a need for them to respond to our stories, then they should do so.

110 Two initial questions were asked before the media hearing began. Could the media under apartheid be held responsible for the perpetration of gross human rights violations? Moreover, to what extent could they be held responsible for creating a climate in which violations occurred unhindered?

111 Former *Vrye Weekblad* editor, Max du Preez, who made the final submission to the hearing, provided possibly the most direct and complete answer to both questions:

If the mainstream newspapers and the SABC had reflected and followed up on all these confessions and revelations, every single one subsequently proved to have been true, the government would have been forced then to stop, to put a stop to the torture, the assassinations and the dirty tricks. It would have saved many, many lives.

• FINDINGS ARISING OUT OF MEDIA SECTOR HEARINGS

The Commission finds that

112 State restrictions on the freedom of the media played an important role in facilitating gross violations of human rights during the period covered by its mandate. These restrictions grew in intensity until more than 100 laws controlled the right to publish and broadcast. Although not themselves a gross violation of human rights as defined by the Act, the restrictions denied the right of South Africans to a free flow of information and ideas. At their worst, particularly during the successive states of emergency after 1985, the restrictions amounted to pre-publication censorship of information on state-inspired and state-sanctioned violations.

- 113 The management of the mainstream English language media often adopted a policy of appeasement towards the state, ensuring that a large measure of self-censorship occurred. Failure by the mainstream media to affirm its independence from the state is evidenced in the apparent 'agreements' between the Newspaper Press Union and the former government. The role of the Newspaper Press Union – not least concerning security matters – reflects willingness by the mainstream media not to deal with matters that exposed the activities of the security forces.
- 114 Newspaper management also failed to provide sufficient moral, institutional and legal support for journalists who chose not to submit to the media restrictions either imposed or expected by the state. It is noted that in some instances, not least in the banning of *The World*, those responsible for the management and editorial policy of the mainstream media failed to affirm the freedom of the press in a satisfactory manner. Evidence also suggests that the closure of the Rand Daily Mail occurred as a result of management succumbing to pressure from government.
- 115 The Afrikaans media (at least until the last few months of PW Botha's tenure as State President) chose to provide direct support for apartheid and the activities of the security forces — many of which led directly to gross human rights violations.
- 116 The employment practices of the newspaper industry, with few exceptions, reflected the racial and gender discrimination that characterised South African society. Insufficient was done to provide suitable training and opportunities for the promotion of black people and of women, especially in the area of management.
- 117 The SABC violated the Broadcast Act of 1976, which required it to "disseminate information" to "all national communities ... unambiguously, factually, impartially and without distortion." The Commission expresses concern that the *Afrikaner Broederbond* was able to exercise the kind of influence that it apparently did on SABC broadcasting policy. The SABC willingly co-operated with the security forces of the former state in the conscious employment of and/or co-operation with SAP and SADF spies, making it a direct servant of the government of the day.
- 118 The labour policy of the SABC, as expressed in Section 14 of the Staff Code and the apparent alternatives to dismissal for violations of the code, is a flagrant violation of the basic human rights of workers. Employment discrimination based on race and gender, and prevalent throughout South African society, was another feature of SABC employment practice.
- 119 The racism that pervaded most of white society permeated the media industry. This is supported by ample testimony presented to the Commission concerning the failure of many white journalists to delve thoroughly enough into allegations of gross human rights violations involving black people.
- 120 With the notable exception of certain individuals, the mainstream newspapers and the SABC failed to report adequately on gross human rights violations. In so doing, they helped sustain and prolong the existence of apartheid.

• APPENDIX 1: ADDITIONAL CONCERNS

- 1 No report can do justice to the many submissions received by the Commission and the testimony given at the hearing. This report, therefore, contains several serious omissions, including, *inter alia*, reference to the following issues.
 - a **Reporting on Sharpville.** A detailed study of how the Sharpville massacre was reported in the South African press: for example, how the black reporters' efforts were ignored and the white reporters' versions used.
 - b **Reporting on June 16.** On 16 June 1976, black journalists came into their own. They were the people able to enter townships and report on what was happening and the white mainstream media had, finally, to acknowledge their contribution. Yet their reports were often not attributed to the black journalists whose information was, they allege, used by their white colleagues to sell stories overseas.
 - c **Biko's death and 'Black Thursday'.** These were both milestones in media history and more attention should have been paid to them.
 - d **Mau Mauing the Media.** This records how the media failed to cover the issue of violence perpetrated by the liberation forces against ordinary citizens, councillors, the security forces, and informers.
 - e **The student press.** A detailed submission on the harassment of those involved in this sector. The Commission would like to have given more recognition to the student press's contribution to freedom of the press at the hearing.
 - f **Militarisation of the media and our society.** Although this is touched on in this chapter, it could have occupied a much larger portion of it.
 - g **Coverage of political violence and the 'third force'.** The Commission asked the publishing houses to address, at the hearing, the issue of how their publications covered the violence. Unfortunately, this was not adequately done. For example, the manner in which the media covered the violence, possibly because the casualties were usually black, did not always convey how desperate the situation was. The media also failed to investigate adequately allegations of 'third force' activities, which were subsequently proved correct.

• APPENDIX 2: MEDIA UNIONS AND ASSOCIATIONS

The South African Union of Journalists (SAUJ)

- 1 The SAUJ was formed in 1920 as a home for white journalists. In 1958, legislation was passed which precluded mixed trade unions. The SAUJ tried on numerous occasions to get government to exempt them from this legislation to allow them to have black members, to no avail. In the 1970s, Clive Emdon as president began to campaign for de-registering the union, which finally occurred in 1977. Only then could black journalists join the SAUJ.

- 2 The SAUJ subscribes to the International Federation of Journalists (IFJ) code of conduct and ethics which are, in the main, respect for the truth and for the right of the public to know the truth.

Union of Black Journalists (UBJ)

- 3 The UBJ was formed in 1972 to restore black journalists' pride and dignity that they felt was undermined in the newsroom. It was also formed to provide a home for black journalists because the then existing union, the SAUJ, excluded black journalists.
- 4 On 19 October 1977, the UBJ was banned, together with a number of black political organisations. A number of black journalists and editors were detained, and UBJ stationery and equipment was confiscated.

Writers Association of South Africa (WASA)

- 5 In 1978, following the banning of the UBJ, black journalists got together and formed WASA which was to continue where UBJ had left off.

Media Workers Association of South Africa (MWASA)

- 6 In 1986, at a conference in Cape Town, WASA changed to MWASA in order to broaden the organisation and make it all-inclusive of workers in the media. WASA catered for writers only, which was felt to be elitist. MWASA was also an effort to swell numbers for bargaining purposes. It was argued that journalists were too few to influence production should they embark on a strike. The 1990 *Star* newspaper strike is an example where production was affected when labour downed tools.
- 7 MWASA embraced the Black Consciousness philosophy and excluded whites. The membership argued that news, current affairs and history was seen only through the eyes of white writers. In later years, at a Cape Town conference in 1990, delegates moved for the opening up of the union to white membership, arguing that it was time the union became non-racial.

Association of Democratic Journalists (ADJ)

- 8 A group of journalists who saw themselves as 'progressives' formed the ADJ as part of the UDF drive to get as many organisations on board as possible. The ADJ's life-span was short, largely because there were already two strong media unions — the SAUJ and MWASA — that were already active.

Forum of Black Journalists (FBJ)

- 9 The FBJ was formed in 1997 by black journalists and is open only to black journalists. Its objective is to provide journalists with a platform and opportunities to reflect critically upon issues of political, socio-economic and cultural importance, as well as engaging its participants in defining and articulating an agenda not only for black journalists but also for the society as a whole.

South African National Editors Forum (SANEF)

- 10 This group was formed in 1996 following negotiations between the predominantly white editors group (the Conference of Editors) and the Black Editors' Forum. The group sees itself as a link between South African citizens and the world. Their policy statement, drafted in 1997, states:

We strive to promote stories told in a multiplicity of African voices, stories that are well-researched, contextualised, analytical, interpretative in dialogue and with respect for an audience that is complex and diverse.

• APPENDIX 3: NEWSPAPER PRESS UNION — CHRONOLOGY³

- 1 In the 1950s, the English press was regularly attacked by NP members, including the Prime Minister Strijdom and later on Verwoerd. Warnings concerning the possibility of a press council and legislation to control the press surfaced and, in Parliament and at party congresses, the NP constantly complained about the English press.
- 2 Mr Cas Greyling, NP MP for Carletonville, was the most vociferous agitator against the press throughout his time in Parliament, making repeated calls for legislation to control journalists. In 1959, he is reported as saying that not only was it right to silence ANC leaders such as Albert Luthuli and Oliver Tambo, but that most of the newspapermen sending reports overseas should also be banned. He said they were guilty of sabotaging the government's policy of apartheid. This is typical of the regular remarks made by him and other members of the NP government.
- 3 In 1951, Mr DH Ollemans, Argus Chair, responding to the Van Zijl Press Commission, proposed that a voluntary press council be established. He received little immediate support but pressed for the idea in years to come.
- 4 Early in 1962, the NPU denied "any suggestion of outside interference" or pressure to set up the Press Board of Reference (eventually to become the Press Council). Soon after this, it held a special meeting at which it adopted a constitution for a Press Board of Reference and a code of conduct for journalists.
- 5 According to reports, support for the Board and code came from the Argus group (Argus Chair Mr Leyton Slater steered the scheme through) and Afrikaans newspapers, while most of the SAAN representatives were opposed to it. The main difference between the South African code of conduct and that of other countries was that journalists were not required to observe professional secrecy to protect sources of information. It also contained a political injunction that journalists should "take cognisance of the complex racial problems of SA and the general good and safety of the country and its peoples."
- 6 The SASJ, forerunner to the SAUJ, significantly, was excluded from negotiations between the NPU and the government, and felt that while the press in other countries might indeed have a similar system of self-regulation, the

South African system established at this time was not operating in a democratic context. Later, in 1971, it did recognise the Press Board of Reference.

- 7 In 1963, the Film and Publications Act established the Publications Control Board. NPU publications were not, however, subject to this law.
- 8 In 1964, the second report of the Van Zijl Press Commission claimed that the Press Board of Reference did “not satisfy the fundamental requirements of a body designed to discipline or encourage self-control of the press”. It recommended the formation of a press council with statutory powers and the compulsory annual registration of journalists and newspapers with this council. It should also be able to order its judgements to be published, and impose fines of unlimited amounts. A compromise was reached with the establishment of a Board of Reference empowered to reprimand.
- 9 After the assassination of Verwoerd in 1966, Vorster came to power and the attacks on the English press continued with Prime Minister Vorster ‘playing’ what has been described as a “cat-and-mouse game” with the media. By constantly threatening the press, he was able to force it to apply self-censorship incrementally over the years.
- 10 In January 1967, the Minister of Defence and the President of the NPU entered a controversial agreement, supposedly to ensure regular contact between the NPU and the SADF and ARMSCOR.
- 11 In October in the same year, an NPU/SAP agreement provided for press identity cards.
- 12 In 1973, Vorster repeatedly threatened to amend the Riotous Assemblies Act to enable the courts to “deal properly” with people who were sowing enmity between the races. Newspapers were clearly the target.
- 13 In 1974, despite claims to the contrary, Mr Slater, who was chair of the NPU at the time, was involved in secret talks with government regarding a revised constitution and code of conduct. The amended constitution would allow the council to impose fines of up to R10 000 and required all members of the NPU to accept the jurisdiction of the council. The new code of conduct was even more controversial. It demanded of newspapers

(1) due care and responsibility concerning matters which can have the effect of stirring up feelings of hostility between racial, ethnic, religious or cultural groups in South Africa, or which can affect the safety and defence of the country and its peoples, and

(2) due compliance with agreements entered into between the NPU and any department of the government of South Africa with a view to public safety or security or the general good.

- 14 The Argus Group and its editors supported the amendments, believing them to be an effort to keep control of the press in the face of the threatened legislation. SAAN editors opposed them, as did most local chapters of the South African Society of Journalists (SASJ).
- 15 On 21 August 1976, the agreement between the NPU and the Commissioner of SAP was signed.

- 16 Early in 1977, NPU was given copies of a proposed Newspaper Press Bill, which it rejected out of hand, after which talks with the government broke down. (Some view this move as the first time that the Afrikaans and English press were united in their opposition). Undeterred, Vorster persisted and, through threats, eventually achieved the desired effect: the NPU's undertaking to include much of the legislation in its own revised code of conduct.
- 17 On 19 October, the government declared eighteen anti-apartheid organisations unlawful and more than fifty black leaders – mainly from the Black Consciousness Movement – were arrested. A large number of black journalists were also arrested. The UBJ was banned.
- 18 In November, a NPU delegation met the prime minister and other cabinet ministers to voice the NPU's strong objections to the Press Council being empowered to act in a "preventative way", its unwillingness to control in any way foreign correspondents in South Africa, its objections to a government appointed chair of the press council, its objection to allowing the Press Council to prohibit a report on the basis of a complaint, and others.
- 19 In 1978, in a NPU delegation meeting with the SAP, a system for accrediting senior journalists was discussed and a memo prepared by Mr Ton Vosloo was circulated. SAAN's general manager Mr Raymond Louw, however, challenged the right of an NPU delegation to accept suggestions without the approval of the executive council. He noted that the accreditation system would censor and allow the police to keep certain kinds of information from the public by creating a circle of "in-people":
- 20 Leading representatives of the Afrikaans press called for fewer and not more restrictions on the press in their representations to the Steyn Commission. Once again, the white press appeared to be united on an issue.
- 21 On 17 September 1980, amendments to the agreement between the Minister of Defence and the NPU were signed. The new agreement set up a joint liaison committee to meet at least once a month "to consider matters of policy and principle" including the amendment of the agreement itself. The agreement provided that the press "must abide by" any request by the defence minister that "no reference should be made to the fact that he had been approached and refused to comment, as even a 'no comment' reply could embarrass him". Additionally, the Minister of Defence was given a right of pre-publication comment. The guidelines further provided that reporters "should understand that there are to be no arguments with the Minister or the [relevant] officers on matters that have leaked out somewhere in their publication. A request that a report or comment should not appear is accepted as such." In 1980, participation in this agreement was extended to the state-owned arms company, ARMSCOR, which was given a seat on the liaison committee.
- 22 On 12 August 1981 the NPU-police agreement was amended.
- 23 In the prior discussions, there appears to have been widespread unease about the increased powers given to the police. In a circular to members, the NPU notes that the NPU delegation which negotiated the final agreement included three editors, and that all were satisfied that the new agreement was the best possible and in several respects an improvement on the previous one. It notes that there was strenuous resistance to attempts to compel

editors to disclose names of sources. The circular encourages members to test the agreement, and reminds them that there is no statutory backing for it.

- 24 In 1981 PW Botha made a veiled threat in parliament:

...we have a right to be proud of the large measure of freedom which the press continues to enjoy here... But I wish to repeat my appeal... Let those who, in common with myself and the government, value sound working relationships between the public, the press and the authorities in South Africa, now offer their co-operation to help put an end to certain abuses which have become unbearable and a threat to the nation.

- 25 In response to the Steyn Commission, the government tabled a Journalists' Bill in Parliament. It was vehemently opposed by the NPU. After five months of bargaining between the Minister of the Interior, Chris Heunis and the NPU, government withdrew the Bill. The proposed Journalists' Bill would have required all journalists to be listed on a "roll of journalists". They would need certain qualifications and have to pass certain examinations in order to practise. No one who had been convicted of "any subversive activity" would be allowed to practise as a journalist. Black journalists would have been particularly vulnerable.
- 26 The NPU then agreed to set up a new Media Council, this time with the powers to reprimand and fine journalists, though not strike them from a register. The government would formally recognise this body. Mr Peter McLean, chair of the NPU, said that the support shown by Afrikaans publishers was decisive in this compromise.
- 27 In July 1982, the Registration of Newspapers Amendment Act was passed. Key provisions were that the Minister of Internal Affairs could cancel the registration of newspapers if the publishers did not subject themselves for disciplinary purposes to the NPU's new media council. However, in February 1983 Minister of Home Affairs, FW de Klerk, said that the government would keep its promulgation in abeyance to give the South African Media Council — planned by the NPU and the Conference of Editors — a chance to prove itself.
- 28 On 1 November 1983, the South African Media Council was established. The SABC, the SASJ and MWASA all declined to become members. At its November congress, the South African Students Press Union (SASPU) opposed the establishment of the Council.
- 29 On 2 November 1985, emergency regulations were published which effectively outlawed television coverage of township unrest. Print journalists would only be allowed to cover these events if they were accredited, and had to be escorted by the police.
- 30 On 12 June 1986, a national state of emergency was declared with new regulations severely limiting the freedom of newspaper journalists and editors as well as photographers and radio and television broadcasters. During this time, the government, in discussions with the NPU and the Media Council, was attempting to persuade the mainstream press to submit itself to a revised Media Council code of conduct in exchange for exemption from the emergency regulations. Within the NPU, proprietors were willing to do so, while some editors were not. Consequently, it informed the government that it could not agree on the proposed changes to the Media Council constitution.

- 31 The government's efforts to tempt the NPU into this agreement were seen – along with the confidential discussions between government and the NPU – as part of a strategy to secure the support of mainstream newspapers against the vigorous alternative press.
- 32 On 11 June 1987, the state of emergency was re-imposed. Police powers in this emergency were substantially augmented. The partially successful attacks on the media regulations of the 1986 emergency led to restrictions being reintroduced in the 1987 regulations.
- 33 On 22 July 1988, at a meeting called by the Anti-Censorship Action Group and The Save the Press Campaign, it was agreed that journalists and agencies who registered in terms of the latest emergency media regulations could be considered government agents.
- 34 On 9 June 1989, the state of emergency was reimposed. Media regulations similar to those of 1988 were promulgated. They were perceived to be the "application of prior censorship in its most stringent form."