
SOUTH AFICA: Minister backs media-gagging proposals

Alison Moodie
29 August 2010
Issue: 137



Two proposed media laws aimed at gagging South Africa's press have drawn both support and ire from the country's higher education leaders. Minister of Higher Education and Training Dr Blade Nzimande has backed a planned media tribunal, while a vice-chancellor has slammed the proposed legislation as trampling on academic freedom.

The Protection of Information Bill and a media appeals tribunal, which seek to classify a wide range of information and curtail press freedom by regulating and punishing journalists, have sparked a nationwide debate on the notion of media freedom in a democratic society.

Vice-chancellor of the University of Cape Town Professor Max Price has slated the Protection of Information Bill, likened by some to apartheid-era secrecy laws, stating that it goes against the ethos of the university. He said it touched on issues central to the functioning of a democracy, such as security and government accountability.

"It is a debate in which the university must intervene because the consequences of restricted access to information impinge profoundly on the university's ability to do research and analyse public policy," Price said in a statement.

The Bill, which critics say is driven by senior politicians hoping to protect themselves from scrutiny, would allow the government to classify a host of information that is currently not secret. Under the new law, journalists who publish confidential information could face severe penalties, with up to 25 years in prison.

Price laid out a number of key concerns regarding the Bill. He criticised the proposed law as being overly broad and vague, and said the basis for deeming information secret could seriously undermine transparency and accountability. It was the duty of universities to speak out against the threats the laws posed.

"The university is one of the foundation institutions in society that can and should speak truth to power, being protected by the constitution as far as academic freedom is concerned, and given its mandate to debate ideas, ideologies and knowledge," said Price.

Meanwhile, Minister Nzimande has come under fire for supporting the proposed media tribunal, which would have the power to rule on media content and impose penalties on journalists.

Nzimande, who is also general secretary of the South African Communist Party and a regular, vocal critic of the country's media, said in a SACP newsletter that a media tribunal was a "necessary component of a free, but publicly accountable, media."

He accused the media of sidestepping the debate over whether to establish a tribunal. "The capitalist print media of our country is proving itself to be incapable of engaging in any meaningful debate on this front, but [is] simply seeking to intimidate everybody by claiming that the freedom of capitalist print media equals freedom of expression in our country."

The official Opposition, the Democratic Alliance, released a scathing statement in response, calling for the removal of Nzimande as higher education minister. The party said his support of the tribunal is a "political obscenity" and described him as a "menace to freedom and democracy".

"Our view is that a minister of education represents universities, which means he supports free inquiry," Wilmot James, shadow minister of higher education and training and the Alliance's federal chairperson, told *University World News*. "He must support the search for the truth, that is the university's driving force."

SACP spokesperson Malesela Maleka declined to comment to *University World News* on criticisms over Nzimande's support for a media tribunal. But he told national newspaper *The Times* last week that the Democratic Alliance's attack on Nzimande was "opportunistic".

The Protection of Information Bill and the media tribunal have drawn widespread criticism from lawmakers, academics, journalists and the public, who say the proposed laws threaten freedom of speech, one of the cornerstones of a democracy.

But many doubt the laws will pass the scrutiny of the Constitutional Court.

Constitutional law expert and University of Cape Town professor Pierre de Vos has vowed to hand over a year of his salary to the chief state law adviser if the Protection of Information Bill is passed, so confident is he that the law is too broad and restrictive to be justified in a democratic society.

"Secrecy - and the concomitant limits of freedom of expression and the media - always pose a potential threat to the health of our democracy," de Vos said at a Harold Wolpe Trust seminar at the university.