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## **SOUTH AFRICA: Vice-chancellors, law deans slam bill**

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05 September 2010  
Issue: 0061

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University vice-chancellors and law deans across South Africa have joined the growing protest against the country's controversial proposed media laws. Higher Education South Africa, the vice-chancellors' association, and the South African Law Deans Association have condemned the planned legislation as placing academic freedom in jeopardy.

"As it presently stands, the Information Bill does not pass constitutional muster and is not consistent with the principle of academic freedom, one of the key cornerstones of the academic enterprise," said Ihron Rensburg, Higher Education South Africa (HESA) chairperson and Vice-chancellor and Principal of the University of Johannesburg, in a statement.

Most of the furor over the Protection of Information Bill, which would allow the government to classify a wide range of information, has focused on how it would negatively impact on media freedom in the country.

Under the new law, journalists who report confidential information could face up to 25 years in prison. This, along with a proposed media tribunal that seeks to rule on media content and impose penalties on reporters, has sparked furious debate nationwide.

But less has been said about the bill's potentially devastating effect on universities.

Access to information and freedom of speech lie at the heart of a university, said HESA, which represents all 23 public universities and universities of technology in South Africa.

The denial of these constitutional rights could seriously hinder the university's ability to carry out its core functions, said the association. The South African Law Deans Association, SALDA, which comprises deans of law faculties at all the country's universities, echoed the sentiment.

"Scholarship involves inter alia the collection, processing and creation of information," Francois Venter, SALDA chairperson and dean of the faculty of law at North-West University, told *University World News*. "Any capricious political or bureaucratic curtailment of information would therefore by definition impact on academic freedom."

This could play out in a number of different ways.

The Bill states that any "head of an organ of state" has the power to classify information as secret. SALDA, in a statement, said that a vice-chancellor of a university could fall into this category and would, for example, have the power to classify a scholarly research paper penned by a lecturer at the university. The vice-chancellor would also be allowed to assign another staff member the task of classifying such papers, such as a dean or a head of department.

The bill, which many say is driven by senior politicians hoping to protect themselves from scrutiny, also seeks to control any "state information", or information possessed by the government. In a university context, this could mean that a director in the Department of Higher Education and Training could classify information from policy-making meetings. Venter said the danger is that the grounds for classification are too broad and unclear.

"There may be circumstances where limitations on the release of government information would be justified," said Venter, "but not on such vaguely defined grounds as the Bill would allow for, namely 'national security' and 'national interest.'"

Vice-chancellor of the University of Cape Town Max Price has also denounced the Protection of Information Bill, accusing it of being at odds with the university's ideals. He said the bill could have dire effects on the university's ability to do research and analyse public policy, and the university must intervene.

Stellenbosch University has also called for the bill's withdrawal, saying that it "suffers from fundamental defects and will in any case be declared unconstitutional should it become law".

HESA's Rensburg said universities should act further, constructively: "As much as it is the duty of higher education to speak truth to power it is also necessary for our universities to find solutions to impasses."

SALDA has offered a possible solution, and said it is willing to provide legal advice and analysis of the bill to ensure the final product is more in line with the country's constitution. HESA said it is fully behind SALDA's proposal.

"This is a group of experts, with some of the best legal minds in the country, who wish to work collectively towards a nuanced piece of legislation that is acceptable to both government and society," said Rensburg. Venter said the association has not formally offered its services to the government, but he said if approached, they would be willing to help.

The bill is unlikely, in its present form, to pass the scrutiny of the Constitutional Court. In the event that it does pass, SALDA suggested university research should be excluded from the Bill's definition of "information" and that universities should also not be considered "organs of state." Venter said this proposal is not to be taken literally.

"The suggestion of exclusion is merely intended to emphasise the fact that the Bill is not only objectionable from the point of view of media freedom (from which quarter most objections were raised by others), but also from the perspective of academic freedom," said Venter.