

# INTERIM PROGRESS REPORT ON WORK OF THE SANEF MEDIA ETHICS AND CREDIBILITY ENQUIRY

December 2019

## INTRODUCTION

1. SANEF announced the establishment of this Panel of Enquiry at the end of June 2019 and we have been working in various areas for some five and a half months. We have noted themes which require further exploration and the Panel is now in a position to proceed with greater purpose because we see which direction to follow in a number of significant areas.
2. The terms of reference are sufficiently broad to encompass the majority of the issues which members of the media profession or the public have wished to raise with the Panel. However, we have had to ensure that central to each engagement has been a focus on *“the challenges confronting the media industry generally and journalists in particular which hinder the appropriate, honest, accountable and effective reporting necessary for advancing and strengthening Constitutional democracy in South Africa”* and to this end we have ensured that our work always covers *“the media”, “ethics”, and “credibility”*.
3. In the current context of debates about our democracy, concerns about the sustainability of the media industry as it has functioned in the past as well as anxiety about the politico-judicial focus on *“state capture”*, it can be expected that much of what has been brought to the attention of the Panel of Enquiry does not fall within our terms of reference or frequently overlaps other Commissions of Enquiry.
4. We have had:
  - a. to make it clear to a number of potential participants or persons making submissions that we are a privately established Panel of Enquiry operating under the auspices of a professional organization and not the State.
  - b. to remind many people that we have no statutory powers – for example to compel the cooperation of individuals or organisations by way of subpoena and thus we are frequently incapable of obtaining information or versions from those who do not wish to participate in this Enquiry.
  - c. to repeat that we cannot intrude upon the work of other Statutory Commissions of Enquiry such as the Nugent Commission into SARS, the Zondo Commission into State Capture generally, the Mokgoro Commission into the NPA as well as past or ongoing litigation and adjudications in the civil or criminal divisions of the High Courts of South Africa. We have had to stress that we must be punctilious in not

usurping upon their role or attempting to second guess the findings of these other bodies.

## **PUBLICITY**

5. SANEF embarked upon and has maintained both the publicity and momentum for this Enquiry. SANEF members and the Director have ensured both print and broadcasting announcements and invitations to participate in the Enquiry. That we have received a multiplicity of approaches from members of the public and the profession suggest that there has been widespread and sufficient notification of the existence and purpose of the Enquiry and how to utilize this Panel and assist in its endeavours.
6. Other than an initial public discussion aimed at creating awareness of the establishment of the Enquiry, the Panel has played no part in any press conferences and, we believe, rightly so. It would be destructive to the independence of the process should any member of the Panel, *qua* Panellist, to be confronted with questions requiring any one of us to offer a view on the details of persons or organizations to be approached or who have been interviewed, topics which have been or are being explored and with whom, preliminary opinions on issues in the public or private arena and so on are being sought.
7. It must be appreciated that this Enquiry is not the Zondo or Nugent or Mokgoro Commissions. Participation and discussions are generally held on the basis of confidentiality as per the request of those who have appeared before the Panel. In addition, there are neither the financial nor infrastructure resources for daily public hearings or briefings but all members of the public and organisations are welcome to make submissions. The recommendations and action plan will be made public and will be open for extensive debate and discussion.

## **PRELIMINARY APPROACHES BY THE PANEL FOR ADVICE**

8. While the Panel waited upon the announcement of the Enquiry (delayed by reason of the National Elections) we held several meetings between April and June 2019, studied the Terms of Reference, identified specific concerns which we felt should be examined in the early stages of our work and decided upon methodology.
9. We used this interim period to seek advice from senior and non-practicing media practitioners as well as academics in the field of journalism.
10. We have since been presented with many more areas of concern falling within our Terms of Reference which need to be explored which offer specifically South African experiences (and combine illustration of international and local challenges).

## **APPROACHES MADE BY THE ENQUIRY**

11. The Panel has contacted and will make contact with owners, editors, journalists and others as our work proceeds.

## **SUBMISSIONS**

12. The Panel has received a number of inquiries and submissions.

### **13. SUBMISSIONS TO BE TAKEN NO FURTHER:**

- a. We have received twenty-one such approaches.
- b. In summary, there are many persons who are vulnerable or distressed who wish us to pursue criminal activity or expose injustice which has been perpetrated against themselves personally or in the public arena. These complainants usually submit large amounts of documentation from which we attempt to extract the essence of the complaint. We have responded that we cannot conduct criminal investigations nor can we usurp the power of the courts or of the Public Protector or the Advertising Regulatory Board.
- c. Issues raised concerning the general mistrust of the media on the grounds of failure to research or verify stories and outright telling of lies; criminal activity which journalists have failed to investigate such as corruption in the gaming industry; failure of journalists to investigate persecution or maltreatment by employers; failure of the media to expose incorrect interpretation of certain legislation; the theft of artistic work which issue is the subject of litigation; litigation underway against media houses for publication of allegations against an individual; and that the Panel should investigate corruption in a particular museum.

### **14. SUBMISSIONS RECEIVED/ HEARD AND WHICH WILL BE USED:**

- a. We have received seven such submissions.
- b. Some of these submissions have led us to seek out further participants or canvass for more opinions or look for extra research or commission our own research.
- c. The Panel has received clear and relevant communications from members of the public on the role of the media and certain difficulties ranging from use of indigenous languages, mispronunciation of names and cities by white presenters, the influence of social media, the need to conduct lifestyle audits of journalists, etc.). The Panel has been informed of the alleged interference in editorial matters and decision making by management and in some cases media owners. The Panel has heard of the enormous pressure newsrooms are under and the lack of capacity to tell stories in depth and detail. The Panel has also heard that Editorial standards and guidelines, where they exist are sometimes circumvented due to pressure for 'scoops'. The Panel has heard from members of the public whose comprehension of the role of editors and journalists may

lead to misunderstandings. There has been full discussion of interesting views on the fluidity experienced by some journalists in moving in and out of this profession and the revolving door between journalism and public relations and the possible impact this might have on issues of credibility. Accuracy, fact-checking and right of reply have also been flagged. These are issues which have caused great concern among members of the public, because of the reputational and other harm such misinformation can cause. In certain instances, the relationship between editors and journalists when stories are not pursued, the role of editors in not pursuing stories has also been explored. The Panel has also heard allegations of corruption on the part of journalists.

#### 15. SUMMISSIONS IN PROGRESS:

- a. We have received twenty-seven such submissions.
- b. Some of these engagements remain in progress because we are continuing to engage individually or with additional persons or are awaiting written documents or more information or have commissioned research arising out of what was discussed.
- c. Issues include allegations of corruption on the part of journalists; failure of the media to report on matters of public importance; misreporting by the media which includes complaints of “sensationalism”; favouritism to certain political parties and the existence of a “cabal” of journalists; failure of the Press Council to deal with journalistic misdemeanours ; interference by owners and management; the vulnerability of journalists and impact of certain pressures upon the profession. In each case we have asked for specificity.
- d. Journalists have covered newsroom practice, relationship of editorial management and owners, vulnerability of journalists, miscegenation between journalism and other professions which impact on journalistic ethics and credibility, financial pressure on journalists to produce certain types of stories.

16. We continue to receive approaches and have indicated that we will entertain submissions until the end of January 2020.

## RESEARCH

17. Frequently as a result of submissions received or meetings or discussions, we have realized that we need more accurate data and real illustration of a generalized concern. Some issues are international in both challenge to the media industry and concern to democracy. We are looking at the South African experience and attempting to obtain

examples of where the South African context determines the specific nature of the challenge.

18. Our approaches to individuals and universities are providing us with the South African context to general difficulties as well as the specifically South African illustrations of general themes. We have commissioned research into specific series of stories to enable us to engage with complainants and journalists on those stories; the legislation and practice and views on self-regulation of the media in South Africa and other jurisdictions; working with the Press Council on statistics and (on a strictly limited basis so as to preserve confidentiality) contextualizing the sources, nature, details of complaints and mediations and adjudications; an overview of community media including licencing, financing, management, reach, survival, the role of ICASA and MDDA. We continue to utilize researchers to assist in a number of areas.

## **THE WAY FORWARD**

19. The Panel anticipates that we will conclude receiving unsolicited approaches by the end of January 2020.
20. We will spend February to April 2020 following up with further meetings with selected individuals and organisations, reviewing our own and the research of others.
21. December 2019 and January 2020 will be spent identifying the themes and issues which have emerged from all our engagements
22. The Panel anticipates submitting the final Report to SANEF in June 2020 to enable SANEF to prepare to engage with the contents and proposals and to prepare for the planned SANEF conference in October 2020.

K. Satchwell

N. Bikitsha

R. Mkhondo