

Freedom of the press in a democratic South Africa: indispensable for sustainable human development

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ABSTRACT

The prominence of freedom of the press in giving effect to the goals of democracy is addressed. It is contended that, for the media to serve its meaningful role towards South Africa's sustainable development, it must be free from governmental control. Emphasis is placed on the fundamental right to freedom of the press as guaranteed by the Constitution of the Republic of South Africa within the ambit of the proposed Protection of State Information Bill. It is recognised that the interaction between democracy and press freedom has a significant effect on the realization of sustainable human development.

The conclusions drawn are that any unjust restrictions placed on press freedom constitute an infringement on fundamental rights and thus inhibits human development. A weakness identified is that the media in South Africa is not contributing significantly to sustainable development. To attain this, social enhancement and respect for press freedom is essential.

Key Words: press freedom; sustainable development; human development; press performance; democracy, democratic participation, education, literacy.

1. INTRODUCTION

Human freedom, of which democracy is an important component, plays a central role in social processes. This is due to the fact that democracy, par excellence, entails dialogue, debate, negotiation; discussion contestation and disagreement between contending interests (Davids & Waghid, 2012). This, in turn, necessitates the intellectual development (instilling knowledge, insight and providing personal autonomy) of humans enabling them to meaningful interact with government and each other (Clark, 2003). Human freedom has, as pointed out by Judge Sachs the ability to stimulate perceptions regarding self-worth and human dignity - the foundation of fundamental rights (*Christian Education South Africa v Minister of Education*, 2000). Human development (the most important factor of social welfare improvement), on the other hand, implies the expanding of human choices through individual views in society (Jafarzadeh & Beheshti, 2012).

By widening the range of human choices through rising awareness among the public via the media; respect for freedom of the press can in turn awaken feelings of social responsibility and duty. Wiesmann and Hurni (2011) indicate that increasing awareness directs human beings to perfection and plays an important role in expanding democracy, justice and equity. This is based on the premises that only those who are well

educated and informed are empowered to uplift welfare, self-worth and unity, decrease the struggle for power and call on government to be accountable for their actions.

2. SUSTAINABLE HUMAN DEVELOPMENT

Vosloo (2005) highlights the fact that South Africa has a history of strong commitment to sustainable development. Obtaining sustainable human development optimally is, however problematic due to the prevailing of factors such as inadequate infrastructure and governance, the underutilization of resources, widespread illiteracy and poverty as well as a lack of accountability and transparency¹ which delays national development.

The concept of sustainable development encompasses a process of ongoing change² in the quality of human life.³ It entails a goal-orientated process that inspires respect for ethnical and cultural diversity⁴ with emphasis placed on the optimal participation⁵ of people in peaceful coexistence (Mekonin, 2002). With regard to participatory democracy, Judge Froneman commented in *Albutt v Centre for the Study of Violence and Reconciliation* that it is in fact an ancient principle of traditional African methods of government underscoring *ubuntu*. *Ubuntu* entails humanness and respect of which social harmony is a core element (Bennett, 2011). Motshabi (1993), alongside, underscores the fact that harmonious collaboration across diverse cultures is essential to effectively liberate human potential. Attaining sustainable human development, furthermore, necessitates a progressive process⁶ in the sense that humans should not merely seek self-improvement or -determination, but rather the improvement of future generations (M'Bayo, Nwokefor & Onwumechili, 2012; Du Toit, 1998). This entails a process focused on people - the ultimate beneficiaries of real development (Clark, 2003).

The *National Environmental Management Act* (RSA, 107/1998) defines sustainable development as:

...the integration of social, economic and environmental factors into lyplanning, implementation and decision-making so as to ensure that development serves present and future generations.

It is recognised that the concept of sustainable development rests upon three integrated pillars, namely social, economic and the environment (Sanjeev, Clark & Raad, 2003).

With regard to the economic pillar, Du Toit (1998) as well as Wiesmann and Hurni (2011) caution that economical well-being must not be regarded as the single most important aspect of human development. Albeit its importance, economic well-being is not the only facet generating a good quality of life, ethical and social values are equally important. The environmental pillar demote to a political environment keeping abreast of changing needs and making provision for individual expression (Chepkemei, Watindi, Cheron, Ng'isirei & Rono, 2012).

1 Information specific to a given community must be generated, disseminated and consumed through processes that foster, among others, transparency, greater access to information, public participation and training.

2 Humans are constantly exposed to change and change takes place through process. With regard to attaining sustainable human development, such change should be driven by people-centered values (Du Toit, 1998).

3 The improvement of the quality of life of all citizens and to free the potential of each person, lies at the heart of the aim of the Constitution of the Republic of South Africa, Act 108 of 1996.

4 S 192 of the Constitution requires national legislation to establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.

5 Inclusion and dialogue is considered as being the most fundamental tenets on which a truly universalist human rights ethos is grounded (Olaka-Onyango, 2000).

6 It entails the progressive bounding of economic activity by tight sustainability constraints, and the explicit direction of that activity by and toward positive human values - personal development and quality of life, participation in society, democracy, and justice; and the monitoring of economic performance according to these goals.

The term human development⁷ is, within this framework, used as involving the satisfaction of humans' fundamental needs, human capital building and development which is economically sound, self-reliant and enacted by humans themselves on the basis of their own knowledge, experience and culture (Pomeranz, 2012; Du Toit, 1998). It is thus realised that such development cannot be imposed on humans and cannot be achieved without fundamental reform.⁸

Against this background, it is eminent that humans have an inherent and indisputable right to development.⁹ By virtue hereof, everyone is entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, through which all other fundamental rights and freedoms – basic human needs playing a central role in social processes - can be optimally realized (Jafarzadeh & Behesht, 2012; Chepkemei *et al.*, 2012). The practical fulfilment of fundamental rights, which trump any State's rights, thus has much to offer to the vibrant field of sustainable development (Sanjeev, Clark & Raad, 2003). It is, however, contended that fundamental rights must not merely be studied as collective rights. Emphasis must also be placed on the individual nature of fundamental rights. Focus must, consequently, be placed on the position and capabilities of the individual and upon the manner in which the protection of his/her individual fundamental rights is enhanced or negated (Olaka-Onyango, 2000). Such an approach is especially relevant to the despair situation most South Africans find themselves in.

3. FREEDOM OF THE PRESS ENHANCING SUSTAINABLE HUMAN DEVELOPMENT

In turning to the constitutional right of freedom of the press; inclusive of the rights to freedom of expression and access to information; together with the broader issue of the democratization of communication (the creation, dissemination and consumption of relevant information), lying at the heart of this article, it is shown that freedom of the press is related to sustainable development¹⁰ through the following:

a. The achievement of democracy. Freedom of the press has the ability to ensure the active participation by the majority in information acquisition and distribution in order to ensure enlightened and empowered humans able of making informed choices. In this regard, Du Toit (1998) puts forward that the key to human development rests within a society creating its own perceptions regarding its current and future needs and circumstances.

b. Secure and lasting media freedom. Freedom of the press presupposes an independent media, free from governmental control within the framework of sustainable development.¹¹ The importance of the right to freedom of the press is advocated by various authors such as Sebola (2012), Van Leeuwen (2012), Visser (2011) and Vosloo (2005). In giving effect to this fundamental right, these authors place emphasis on guaranteeing a media free from any dependency, governmental domination or arbitrary authoritarianism. They underscore the positive role of the media in the attainment of democracy, in national development and for the autonomy and cultural identity of the South African society. Democratic, grass-roots involvement and, thus participative communication models, as a hallmark of democracy, are moreover proposed (Church, 2011).

7 Human development is understood as the continuing expansion of human freedom - human flourishing beyond freedom from fear and freedom from want (Sanjeev, Clark & Raad, 2003).

8 The instilment of knowledge is more important than economic wealth. Human well-being depends on much more than producing and consuming things valued in the market place. Good health, satisfying work, a sense of community, freedom of expression, equal opportunity, and a healthy environment shape overall welfare as much as income does often more so (Du Toit, 1998).

9 Entailing freedom from want, deprivation and marginalization.

10 The concept of sustainable development is widely accepted in planning and development arenas both internationally and in South Africa (O'Riordan *et.al*, 2000; Sowman 2002; Scott *et.al*, 2001; all cited by the Department of Environmental Affairs and Tourism (RSA, 2002a).

11 This is in contrast with past development debates dominated by modernisation, under development and dependency theories (Fitzpatrick, 1995).

c. Responsive media personnel. Whilst highlighting the role of the media in providing sufficient information to the public in order to assist them in casting well informed political votes, Plaisance (2000) and M'Bayo *et al.* (2012) stress the importance of media practitioners being extremely critical regarding their own profession. As postulated by authors such as Jamieson (1999) and Simbi (1999), the media needs to take responsibility for promoting democracy. In this regard, Schlicht (1999) notes that the media should be more informative and educative to enhance human development, which in turn puts new challenges on professional, accountable, transparent and responsible journalism.

d. Equitable allotment of communication resources and services with significant benefits aimed at rural communities, often excluded from the sphere of modern communication. In this regard the State acknowledges that rural as well as urban communities should have access to modern innovations (RSA, 2002b). This may be ascribed to the State recognising a new paradigm for sustainable human development based on knowledge acquisition.

Since the scope of this article makes it impossible to examine the convergence of two very broad fields, *i.e.*, media freedom and sustainable development, focus is placed on an independent and democratic media as a mechanism and means for sustainable human development.

The task of achieving a free and independent media for optimal sustainable human development is a momentous task in South Africa, currently undergoing transformation. This involves a process of moving from an era of parliamentary sovereignty - disregarding individual freedoms - to democratic governance based on the will of the people. Such a task involves the reconsidering of the social, economic, and political interrelations existing among the media, government and its inhabitants (Nam, 2012). This reflecting proposes, according to M'Bayo *et al.*, (2012) should entail a sound connection between societal democracy and democracy in communication, thus, promoting the vision that the essence of democracy should equally apply to the sphere of communication. This is indeed indispensable to make the collective voice of the people heard and sustainable human development attained.

The progression towards sustainable human development in a democratic South Africa is, however affected by various factors. Media performance, in addition, needs to be evaluated while the expected roles the media need to play within the frame of sustainable development must be identified.

4. FACTORS AFFECTING THE REALIZATION OF SUSTAINABLE HUMAN DEVELOPMENT

Given the fact that South Africa has strived at ensuring a better life and freeing the potential of all its citizens since it became a democracy in 1994 (RSA, 1996a), this country has been selected for this study. It has, moreover, been selected as its democracy in theory is relatively healthy, but in substance displays signs of early decay (Mattes, 2002). In the field of the media, government for example aims at further restricting media freedom with its new proposed *Protection of State Information Bill*, B06 of 2010, despite excessive criticism (Friedman, 2011; Van Rooyen, 2011; Van der Westhuizen, 2010). Being a developing state (Dollar, 1992) also makes it a well represented sample for a discussion on a move towards sustainable development in attaining and maintaining the right to freedom of the press.

4.1 Factors affecting media freedom and, subsequently sustainable human development

When formulating a national policy towards sustainable development, it is critical to consider the social and media characteristics unique to South Africa.

4.1.1 Social factors

Darch and Underwood (2010) point out that the practical implementation of legislation, providing for freedom of the press, depends upon the social contexts in which it prevails.

South Africa is home to a wide network of media services. On the front of broadcasting, it has 15 public and 3 private radio stations broadcasting in 11 languages and reaching 19 million South Africans on a daily basis, as well as more than 90 radio stations responsible for broadcasting on a community level. Broadcasting through the medium of the television¹² is equally impressive. South Africa hosts the Channel Africa-network (broadcasting in 4 languages), 3 full spectrum free television channels and 1 satellite pay TV-channel. Public television reaches 18 million inhabitants on a daily basis (Fourie, 2010).

On the front of the printed media, South Africa has 9 prominent media houses and 5 media distribution groups and distributes 21 daily newspapers, 9 Sunday newspapers as well as 360 regional, community and local newspapers. The printed media reaches approximately 26 million (2005) people. On the internet and telecommunications front, 5 main telecommunication service providers exist. Census 2011-results, however, indicate that only 35.2% of South African households have access to the internet.

The strong prevalence of media services, however, merely suggests the freedom to communicate. Albeit its significance for media freedom, it does not automatically indicate successful media performance. It is, therefore necessary to evaluate the latter by analysing various indicators such as population and economic factors, language and culture, education as well as laws and regulations.

4.1.1.1 Population and economic status

Major concerns in this regard include, among others, the distribution of the population amongst rural and urban areas,¹³ the population growth rate, the sharing of wealth as well as existing living standards; all affecting access to the media and thus information.

Based on the results of Census 2011, important statistics affecting media coverage is highlighted. South Africa currently has a population of 51 770 560 million of which 19 million (\pm 38%) has access to public broadcasting, 18 million (\pm 36%) to television and approximately 26 million (\pm 51%) to the printed media (RSA, 2011).

Whilst emphasising the importance of the printed media as it reaches more people, these figures also highlight the fact that a literate population (being able to read and understand what is read) is needed in order to fully participate in the dynamics of modern communication.

Authors such as Gillwald, Esselaar, Burton and Stavrou (2005), moreover, indicate that communications penetration within South Africa is heavily influenced by race, spatial and economic factors. A huge majority of poor and disadvantaged people still struggles to gain access to resources essential to please their most basic socio-economic needs (Kabange, 2012). Since access to information through the internet is mostly gained by the population via cell phones (RSA, 2011), it can be inferred that, due to the high telecommunication costs in South Africa (199% more expensive than the average global rate), the economic status of South Africans restrain access to information (Vosloo, 2005). This is quite ironic as the important role played by technology in alleviating poverty (RSA, 2002c), and access to information in empowering (UN, 1997) the public to invent and implement practical solutions relevant to poverty is evident (Chepkemei *et.al.*, 2012).

Albeit the fact that South Africa is internationally regarded as an emerging economy, the inheriting of a fragmented socio-economic status from the years prior to 1994 is still apparent. The stabilisation of the economy in South Africa has, unfortunately, not led to an increase in jobs and concomitantly to higher income levels (RSA, 2004/2005). This is troublesome as Clark (2003) found that most South Africans perceive job opportunities as crucial to living a quality of life and improving their self confidence and self-respect, ability to pursue life's challenges and to plan for the future. In collaboration, Du Toit (1998) shows

12 4 Million Households have licensed television.

13 While urban centres in South Africa are home to some educated and technologically sophisticated groups, many rural areas lack access to even the most basic facilities, such as water and electricity (Vosloo, 2005).

that the collective challenge in communities are not what to do but what to be. As such, the key strategic challenge for humans is to be able to appreciate who they are in order to discover what they can become. Only then can a community move towards sustainability development, entailing a process of setting and attaining a shared vision for the future (Erkins, quoted by Du Toit, 1998).

4.1.1.2 Language and culture

In South Africa, with its eleven official languages (RSA, 1996a: section 6(1)), language, in particular, has been critical in obtaining unity and building a unique South African identity (Blankenberg, 1999) based on a shared vision for the future as well as providing quality education (RSA, 1996b: Preamble) which are imperatives for development.

By elevating the status of 11 languages to being official languages, the Constitution (RSA, 1996a: section 6) places an enormous responsibility on the State to give effect to all these languages. The media, moreover, is burdened with the responsibility to cater for all languages. Time and space allocated to each and every language is also strictly limited. Although English is the home language of a mere 9.6% of the population (RSA, 2011), it remains to be primary medium through which information is disseminated to the public.

It is in this regard, that Vosloo (2005) acknowledges the need for the media to distribute information in local languages, about local and global issues, suited to domestic or regional needs and expressing local viewpoints. The Declaration of Principles (UN, 2003a), alongside, values such information as having the potential to encourage social and economic development and stimulate the active participation of the public, including those living in rural, remote and marginal areas.

South Africa's richness regarding the diverse cultures it hosts, also present challenges to the media. In this regard, the *Broadcasting Amendments Act*, 64 of 2002 requires of the media to, among others, redress historical imbalances in the cultural and broadcast industries. Addressing community's full cultural and ethnic diversity through the media is, moreover, important to allow for greater diversity of opinion (Plaisance, 2000). Bennett (2011), equally, highlights the importance of the media in advocating unique cultural values to South Africa such as reconciliation, involvement, empathy, respect, trust and agreement.

4.1.1.3 Education

Education is recognised as a major factor in achieving sustainable human development and has been acknowledged as a key social function of the media aimed at informing and educating the public (Jeffreys, 2008). Using education to achieve sustainable development is possible through creating public awareness, instilling knowledge,¹⁴ and conviction of how to achieve a sustainable condition. Gaining knowledge about their fundamental rights and responsibilities as well as the duties of government towards them via the media is extremely important for humans in respect of their own sustainable development. Empowered by such knowledge, they can participate in decision-making processes to protect their own interests and fundamental rights as well as to call on government to fulfil their basic needs (Kabange, 2012). The public must thus be intellectually stimulated by the media. This task is, however overwhelming if conditions such as mass illiteracy, high drop-out or low pass rates, inaccessible school curricula exist or if educators do not take into consideration the values or needs of the learners and do not emphasise social awareness (Chepkemei *et al.*, 2012).

14 Knowledge management has led to a shift towards organizational development, intellectual capital management, and competence management (Chepkemei *et al.*, 2011); It is important for South Africa to capitalise on strong capacities and knowledge systems to ultimately develop innovative solutions from within and to adapt existing solutions creatively (UN, 2003b).

Education, in the sense that it unlocks human potential, remains crucial to sustainable development. However, Census 2011 indicate; albeit huge improvements; that 8.7% of South Africans have no schooling, 12.6% had some primary education of which only 4.6% completed primary education; 33.6% were exposed to some secondary education of which 28.2% completed Grade 12, while 12.3% received further education (RSA, 2011).

Clark (2003) indicates that obtaining basic literacy skills (to read and write) is of paramount important for sustainable human development. The value of education in empowering humans to communicate and critically reason is also highly rated. Since the media in printed form is the medium most accessible to the public, as indicated previously, illiteracy reduces media access.

Educating the youth often also remains, despite various initiatives taken by the Department of Education, to be teacher centred and orientated towards rote learning, thus inhibiting creativity, innovation, reasoning and critical thinking - skills so desperately needed for democratic participation (Venter, 2004). In this regard, Moser and Norton (2001) put forward that educated people is needed to play a vital part in creating and implementing practical solutions to social problems such as poverty, to assist society in responding to developmental issues and critically hold government accountable for effectively addressing community needs.

The value of education and life-long learning, despite its value to assist society to gain rapid access to information (Sundén & Wicander, 2003) and work opportunities are, moreover, diminished as even educated South Africans experience difficulty in finding jobs (Vosloo, 2005) - South Africa's unemployment rate currently standing at 29,8%. This, in turn, obstructs overall human development aiming at increasing human capital through education allowing the population to easily move to more promising work opportunities, accumulating physical capital, expanding future economic opportunities and building institutions that facilitate effective information gathering, individual choice-making, and rational, peaceful, dispute-resolution (Pomeranz, 2012).

4.1.1.4 Laws and regulations

As indicated earlier, media freedom and democracy are critical to sustainable human development since the former ensures a high level of informed public participation.¹⁵ It must, however, be borne in mind that fundamental rights, inclusive of the right to freedom of the press, are not absolute but indeed subject to inherent as well as direct or indirect limitations. Such limitations must, conversely be justifiable in an open and democratic society (RSA, 1996a: section 36) and aimed at protecting the rights of others or the public good. Freedom thus only becomes restricted when government confine the media for personal gain rather than the objective conditions of society. The latter is taken very seriously as the superfluous or unjustified limiting of media freedom constitutes a human injustice – government interferes with the body and mind of the humans they need to serve (Olaka-Onyango, 2000) and violates humans' dignity by virtue of their capacity for community (a combination of identifying with others and exhibiting solidarity with them; Metz, 2011) - as basic fundamental rights are infringed upon.

Although the Constitution, through section 36, provides for the limitation of rights, strict requirements must be met when rights are limited. The right to freedom of expression is, furthermore, limited by inherent limitations as outlined in subsection 16(2). Notwithstanding, the current South African government continues to press for the adoption of the *Protection of State Information Bill* (B06/2010), further curtailing media freedom.

15 Government has a policy responsibility to ensure that the information society supports and enhances the objectives of development, empowerment, economic development and preserves the constitutional values on which the whole national edifice is built (Mbeki, 2003).

M'Bayo *et al.* (2012) moreover, refer to instances of political leaders' worldwide causing fear among media personnel making it difficult and even impossible for them to function successfully. Research done by Reporters Without Borders (2012) regarding the safety of journalist in exercising their right to freedom of the press, rated South Africa's journalist safety 44th out of 50 countries. This could, according to Lange (1999), be the result of political leaders still negating the media's independence to critically report on their governmental actions.

It is evident that press freedom does, by far, not enjoy the freedom in practice as it does theoretically. This occurs regardless of acknowledging the importance of an informed society for sustainable development (Zuma, 2004). In theory, various legislation (*The Constitution of the Republic of South Africa*, Act 108 of 1996; *South African Broadcasting Act*, 4 of 1999; the *Electronic Communications and Transactions Act*, 25 of 2002; *The Promotion of Access to Information Act*, 2 of 2000) acknowledges the existence of a free and independent media with regard to ensuring greater transparency, responsiveness and accountability; all important themes of sustainable development, but giving effect thereto in practice is still evaded (Olaka-Onyango, 2000).

4.1.1.5 Media factors

Seeing that social factors such as the economic, educational, political and legal environment influence the media, cognisance must be taken of the media's rights to access of information and freedom of expression. In this regard, the relationship between the media and government, affecting access to a variety of sources from which information - contouring their content - can be obtained; is important. With regard to media performance, it is argued that the manner, in which the content of mass media is fashioned, is crucial. The importance of disseminating local information is highlighted by Blankenber (1999) by stressing that bombarding the South African public with distant and potentially irrelevant information merely turns them into consumers of information rather than participators in development. This, in turn, has no value with regard to their cultural heritage, economic live hoods and the decisions they need to make for their own lives. Access to local information is thus fundamental to sustainable development (Vosloo, 2005).

5. THE FUNDAMENTAL RIGHT TO FREEDOM OF THE PRESS

Freedom of the press, as pointed out by Louwenstein (1970), represents media independence as a means through which a sound democratic society can be established. It, accordingly, entails a media free from restraint operating within an environment enabling them to freely gather and publish diverse ideas and opinions (McQuil, 2010; Barendt, 2007). Media freedom, thus require the independent or self-production of information. In view hereof, focus is placed on the relationship between the media and government, the media's ability to access information and media performance.

5.1 The media's rights to access of information and freedom of expression

The Constitution of the Republic of South Africa (RSA, 1996a) guarantees the right to freedom of expression to everyone (section 16) which includes the freedom of the press and other media (section 16(1)(a)). The right of access to information is also granted through section 32 to which the media, as a juristic person (section 8(2)), has full access. Despite constitutional recognition, it is recognises that the practical realisation of these rights is, pertaining to the gathering and dissemination of information, far from the ideal.

5.2 The relationship between the media and government

Nam (2012) accepts that the extent to which the media experiences freedom in practice depends on the relationship between the media and government. This is due to the direct link between the political status of

government (democratic or authoritarian) and the leeway the media enjoys to freely access and disseminate information in possession of the State (Barendt, 2007).

Although the South African government realises the importance of information and an informed society with regard to sustainable development,¹⁶ the media - a vehicle through which sustainable development goals can be met - is not allowed to freely execute their important role in the democracy (Kabange, 2012). This could be due to the fact both sustainable development and state governance is similar to the extent that both concern the struggle over resources and power (Bremner & Visser, 1997).

In this regard, Petit and Wheeler (2005) mention that the formulation of rights, in conjunction to development discourses, is part of the process of attending to problems regarding injustice. Based on their unique fundamental rationalities, rights and development discourses often come in conflict with each other. While a fundamental rights discourse is founded on basic human values for inclusion, participation and self-determination, a development discourse sets out to reveal the truth of modern governance through the rationalities of poverty reduction and improvement of basic services for human and social development (Nguye & Mitchell, 2012). Moser and Norton (2001) agree and therefore suggest that fundamental rights should be respected by government to understand the power dimensions pertaining to development processes. As such, fundamental rights should form the basis of substantive operational goals giving effect to the aim of empowering humans to claim their livelihood capabilities.

Nam (2012) accentuates the fact that allowing the media the freedom they deserve is firstly dictated by the presence of an authoritarian or democratic government. While an authoritarian government allows no human freedom, a democratic government is based on the will of the people. Cognisance must, however, not only be taken of the political context but also of the social context in which the media operates (Darch & Underwood, 2010). Although South Africa opted for a democratic dispensation since 1994, emphasis must be placed on the how and to what extent the democratic government allows for freedom of the press (Youm, 2008).

Fung, Graham and Weil (2007) as well as Blankenberg (1999) point out that the media; in receiving and releasing information; plays an important role as mediator between the government and the public. To fulfil this role, various authors (Relly & Sabharwal, 2009; Worthy, 2010; Youm, 2008) stress the importance of the media having free access to information.

5.3 Access to information

With regard to information held by the State, the Constitution (RSA, 1996a) provides the media access to Parliament, the primary source of state information, through sections 58 and 71. As such, the media should be enabled to personally obtain knowledge of any decisions taken by Parliament and to immediately inform the public on those issues in which it has a direct interest (*South African Broadcasting Corporation Ltd v National Director of Public Prosecutions and Others*).

The media is generally referred to as the key gatekeeper of the public (Simbi, 1999) and the watchdog (Lange, 1999) over government activities to obtain optimal democracy. Due to this, government often divert to processes way beyond representativeness to restrict media freedom by refusing the media access to information in their possession or keeping it a secret. To legitimise their conduct, government currently endeavours to push for the acceptance of their proposed *Protection of State Information Bill*. Instead of turning to legislation, it is suggested that government, as the duty-bearer to fulfil and promote human rights (RSA, 1996a: section 7(2)), rather adopt an enabler role towards human rights and, subsequently, enter into dialogue with its community.

16 Government issued an Information Society and Development Plan and Implementation Strategy. Since 1996, the then President Thabo Mbeki has voiced his belief in the importance of Information and Communication Technologies in helping South Africa to meet its development challenges (Vosloo, 2005).

5.4 Media houses

Section 18 of the Constitution (RSA, 1996a) assures the right to freedom of association, thus allowing journalist to freely establish and join media houses. To truly give effect to freedom of the press and thus to allow the media to serve its meaningful role towards sustainable development, media houses, however need to be free from political influences and permit more expression of critical, diverse or controversial points of view (M'Bayo *et al.*, 2012). For the latter media houses, in essence, need to give effect to the broader publics' right to know.

5.5 Media performance

It must be noted that the media should take their responsibilities to its audience seriously (Jamieson, 1999). Media personnel must commit themselves to disseminating fair, unbiased, objective, and accurate information that is in the public interest. The latter is important as the right of the public to be informed must remain the central objective. All forms of discrimination, biasness and insensitivity must be avoided.

To maintain these standards, the media must ensure that both sides of a story are objectively obtained as well as that the principles of openness and transparency are used to guide them in their search for the truth in the quest for reasonable and balanced reporting and, above all, keeping the trust of its audience (Plaisance, 2000). This is essential as a media, without the trust of its target group, is of no value in uplifting the quality of human life, facilitating public participation, rising societal prosperity and, thus, sustainable human development (Schlicht, 1999).

By illuminating the important role of an independent media within a democratic society in obtaining social unity, numerous authors (Barendt, 2007; Plaisance, 2000; Lange, 1999) accentuate that the media needs to address its audience in their full cultural and ethnic diversity. This may, among others, allow for greater diversity of opinion, better decision-making processes and a government understanding and addressing the diverse needs of its inhabitants in an accountable and responsive manner.

6. CONCLUSION

It can be concluded that, if sustainable development in South Africa entails the provision for lasting public participation, equality and democracy based on the will of the people for the people, that the potential of the media in this country, as a means for the achievement of sustainable development, has not yet been fully realised.

The political impetus generated by the transformation of South Africa into a democratic state and the succeeding acceptance of the Constitution (RSA, 1996a) with its Bill of Rights acknowledging the importance of individual human rights and freedoms, filled most South Africans with hope for a better life all deserves. This ideal has, unfortunately, not been fully realised in practice. It is argued that, unless a concerted effort is made towards giving optimal effect to the constitutional right to freedom of the press, this vision will never be met. This requires commitment to a shared goal and concrete steps taken by government, the media and the broader public.

Several factors have been identified during the course of this article negatively affecting the free flow of information. They include social factors such as population and economic status, diverse languages and cultures, education, laws and regulations. The unconstructive influence of media factors, such as the extent to which the government allows for an independent media, access to state information and media performance were also outlined.

Access to information distributed by the media, among others, remains to be a high hurdle to overcome. Although the State acknowledges the important of a free media in keeping the public informed and educate the community as sustainable development imperatives and national legislation acknowledges and protects media freedom, the media does indeed not receive the treatment they deserve from government. A too large

part of the population is, moreover, still excluded from meaningful participation pertaining to democratic debate and decision-making processes due to illiteracy and economic status. An appropriate balance between political stability and human rights need to be obtained.

From this perspective, and in terms of media performance and freedom of the press, the conclusion that the South African media cannot be considered to be free and democratic, even within the framework of sustainable development guidelines, this article confirms what other researchers such as M'Bayo *et al.* (2012) and Blankenberg (1999) found in similar studies on the right to freedom of the press.

The imperatives of democracy: The key role the media has to play in attaining and maintaining democracy is indisputable (*South African Broadcasting Corporation Ltd v National Director of Public Prosecutions and Others*). The advantages of the media for, among others, enhancing economic growth, intellectual development, the forming of critical opinions, making of informed choices, holding government accountable for their actions and thus eliminating corruption, inspiring self-respect, inculcate knowledge – all crucial elements of sustainable development – cannot be ignored.

If South Africa wishes to promote a democratic society as a way to sustainable development, the media should be respected as a mechanism of change,¹⁷ and a tool for obtaining transparency, integrity and accountability amongst governmental officials. For this, the media's freedom and right of access to information; especially state information; need to be respected. This alone is, however, insufficient as the media, itself, also needs to be committed, trustworthy, truthful, accountable and responsible to the audience they serve.

Engine of change and stability: It is evident that the media is a key role player in extending public participation and thus in assisting the realisation of democracy within the ambit of sustainable development. Since the prevalence of enormous political developmental challenges South Africa faces, many South Africans are left in dire circumstances (Vosloo, 2005). The media should be a key medium through which a stable political atmosphere, conducive for all to be encouraged to muster their energy and resources to the fullest level for the sake of sustainable development and a better life for all, be achieved.

It must, conversely, be borne in mind, as stressed earlier, that sustainable development also includes the improvement of future generations. Cognisance must be taken of the fact that the realisation of human rights extend beyond individual concern, and must thus be extended to encompass the broader community as well as future generations. This also raises the correlation between human rights and human duties or obligations (Gunning, 1990). Humans must learn to take ownership of their own development and to show respect for future generations by taking good care of natural resources, think critically about their own and others' actions and vote for those who will make South Africa a better place, not only for them today but also for those of tomorrow.

The media, on the other hand, as an instrument of transformation; needs to take their responsibility of informing and educating the public, seriously. It needs to set the stage for democracy and empower the public in order to form and voice their own opinions, to critically analyse political issues and to act responsibly. The importance of empowering the public at grassroots levels to interact with government and political leaders on any aspect of sustainable development is, moreover, emphasised by Kabange (2012).

Instrument of transparency, integrity and accountability: By exercising its right to access of information, the media can ensure that government actions are conducted in a lawful and non-arbitrary manner, giving effect to the constitutional values of transparency (Birkinshaw, 2010), responsiveness, openness (Stevenson, 2007) and participation in the sphere of effective government (*Ex parte Chairperson of the Constitutional Assembly: in re Certification of the Republic of South Africa*).

17 Development involves increases in human and physical capital, plus institutional changes, which are characteristic of whole societies, not just particular sectors. (Pomeranz, 2012); Freedom of expression through the media has the potential to facilitate peaceful changes (*Kauesa v Minister of Home Affairs*, 1995).

To successfully perform their functions and, concomitantly, to guarantee accountable political bodies and public government with integrity and to prevent corruption, the media conversely needs to enjoy legal protection when, among others, investigating public issues and unfolding government secrets (*Khumalo v Holomisa*; Currie & De Waal, 2006). Such protection is provided by the Constitution by guaranteeing both the rights to freedom of expression (RSA, 1996a: section 16) and access to information (section 32) and should be practically followed (Heald, 2006).

Free but responsible press: Media personnel must not merely criticise governmental officials, they should rather be responsible to the public they serve. Maintaining the trust and respect of both government; from which public information is obtained; and the public, to which information is distributed to; should be nurtured if the media wants to contribute to sustainable human development.

The maintaining of mutual trust between government, the media and the broader community will, moreover, inevitably lead to respect for human rights without which sustainable development cannot be achieved. Due to the intertwined relationship between the different elements constituting media freedom, it is recommended that government portray the right of freedom of the press, not as an end unto itself, but rather as a powerful tool that can be used to support South Africa's existing efforts towards meeting its development goals sustainably.

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