

Former *Star* editor Harvey Tyson on the media tribunal

 By Chris Moerdyk: @chrismoerdyk 17 Aug 2010

The former editor of *The Star*, Harvey Tyson, who faced the wrath of the apartheid government's anti-press crusade, has spoken out strongly against the ANC's [proposed media appeals tribunal](#). In an email to friends and former colleagues yesterday, Monday, 16 August 2010, he wrote that "we may be approaching a tipping point in the short history of SA democracy".



Tyson continued, "It involves the shallowly considered ANC-CP plan to withhold information and control the Press. The coming days will tell whether or not the ruling party's commonsense is to be palpably corrupted by its sense of power. If so, what should all of us do about it?"

"Petitions (even one concerning another issue that sparked an extraordinary 50 thousand signatures after a painstaking campaign) seem to have little effect. Nor, in this instance, are rational pleas made by spokesmen for public organisations making much headway it seems.

Totalitarian

"The ruling party, focused on its internal power-shifts, seems unaware - or worse, totally ignorant - of the consequences of reversing ANC policy in order to hide its current malfunctioning. It appears not to understand that copying the Apartheid 'laws' on strangling freedom of information, or imitating old communist means of doing this, or using the practices of current totalitarian states, will take us back into those dark ages of the last century.

"Perhaps 'quiet talks' between Pres. Zuma and media spokesman may defuse this mad spectacle. But we cannot rely on that. In any scenario, wide public opposition to censorship is required.

"So what should we as individuals do about it? And when? That, of course, is for each of you to decide.

"Some of us believe it is essential that the voices of individual citizens opposing this ill-conceived folly should be heard before the silly, unnecessary but dangerous issue reaches the Constitutional Court. Once there, its [sic] legal exposure and confrontation may itself hurt SA.

Short and to the point

"In any event, there appears to be a great need to create awareness of the threat to freedom of information and a need to counter the beguiling, misleading and in some cases appallingly ignorant arguments for muzzling the media."



Tyson's suggestion was that "we act now. We should express our views, preferably in only two sentences and send these to

- A newspaper's Letters-to-the-Editor
- Or an SMS or phone-in to an appropriate radio programme
- And/or an influential figure in the ANC Alliance

"Also, despite your experience of the over-use and mis-use of the power of the internet, the most effective action you might take could be to recruit everyone in your email address book to ensure they are aware of the real and the technical issues, and your correspondents' need to be actively involved."

Heaven knows how you voice your view on radio - but as you are aware, millions do it with constant ease.

Oxymoron

Tyson provided the following examples of issues that should be raised:

Under the current circumstances, the public statement [by Ronnie Kasrils on radio this morning] that "I don't mind a Tribunal, as long as it is independent" is not only an oxymoron, it is an insidious and dangerous distortion of the facts.

The government already claims its tribunal will be 'independent'. That's precisely what the apartheid government claimed when it tried to pass legislation to 'officially recognise' the existing independent Press Council in the 1980s. Fortunately, at the last minute, informed local and world pressure prevented that happening.

Beware, and examine, current arguments in favour of legislation to curb the media or to create a media tribunal. The logic and the motives are as old and as falsely reasoned as the arguments set up against free speech two centuries ago. They are the [same as the arguments used by the apartheid government](#) against the press two decades ago. Because the media are so transparently inaccurate at times and inefficient, the arguments for curtailing them are easily accepted... but dangerously misleading.

Reputation

The current issue is less about the complaints of the government and the rights of the press than it is about the freedom of every citizen, and about the reputation and stability of our country.

Jeremy Cronin has inferred that a media tribunal could get rid of the 'sleaze' of the tabloid press. But why should anyone have the right to stop the largest group of newspaper readers in the country from enjoying a brief diet of sensation, sex and soccer if they wish? Would he ban the reading of communist propaganda?

Why does the government not start instead with a State Tribunal that will hold public hearings to test the veracity and honesty of politicians and bureaucrats, and examine publicly the complaints raised by

disenchanted whistleblowers? It could inquire into accusations (appearing mainly in the press) about corruption or maladministration in corporations, NGOs, parastatals and ministerial offices. Such a commission could save the press from itself - and, more importantly, the government from itself.

There are many members of parliament whose memories and ideas of freedom are so easily overpowered that they should be made to write the following sentence 100 times: "Any Press Tribunal set up by the STATE, even if staffed and elected by journalists, is - for well-known and farsighted reasons - anathema to 'free' press, to the Free World and to the principle of freedom of information".

There may be 50 reasons why a government watchdog ("to watch the public's watchdog") can bring silence and comfort to the state and to many of its self-satisfied citizens. But there are 100 compelling, irrefutable reasons concerning principle and practice of freedom of speech which show that a state-empowered body of this kind, whatever its make-up, must inevitably be dangerous to everyone but demagogues.

Apartheid

If the current idea within the ANC did not come from racist apartheid days, did it come from the ex-totalitarian communist states, where press control also crippled justice, corrupted governance and caused untold misery? It is difficult to think of any other source.

There is an adage - 'Doctors bury their mistakes. Newspapers put theirs on the front page' - which is true, and which is permissible in practice, even if irritating in newspapers when they put their corrections on page 21. But it is never permissible in a self-proclaimed democracy for a government to deny its mistakes and prevent the media from publishing them.

Insidious

Tyson concluded: "From the above you will see how our experiences from the past should remind us how insidious and beguiling it is to confuse press freedom with press 'responsibility'. And how different is a Press Tribunal from a registered Medical or Legal or any other disciplinary professional body not dealing in 'facts', opinions or claimed 'truths'.

"And how necessary it is for governments and the public to be reminded of the facts concerning freedom, and the right of everyone to speak out. How many times have you heard any politician explaining why the existing Press Council is suddenly inadequate?"

Ombudsman

"Have you heard any critic explaining why he rejects the current body, with its three-tier successive appeal against judgements? As I recall, its structure currently starts with an Ombudsman, rising to a three-member panel (a 'tribunal'!) consisting of a retired Supreme Court Judge, a journalist and a member of the public - and rising to a third appeal hearing by a broader panel of people outside the Press - before a complainant need turn to the SA Courts for justice.

"Does anybody believe a government-appointed Tribunal of self-proclaimed independent and paid commissioners will do any better? Would the government want them to do better - or even to be concerned about the facts of maladministration and justice?"

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