

SAHRC Public Forum on Exclusive Organisations

5 March 2008

SAHRC Office

Table of Contents

Session 1:

- 1.1. Welcome and Introduction: Chairperson of the SAHRC, Jody Kollapen**
- 1.2. Contextual Legal Framework: CEO, SAHRC: Adv. Tseliso Thipanyane**
- 1.3. Presentation by Katy Katopodis: News Editor 702 Radio and 94.7 Highveld Stereo and team**
- 1.4. Presentation by Abbey Makoe: Interim Chair, FBJ**
- 1.5. Discussion**

Session 2: Chair Zonke Majodina

- 2.1 Presentation by Jovial Rantao: Chairperson SANEF**
- 2.2. Presentation by Andile Mngxitama, independent analyst**
- 2.3 Discussion**

3. Conclusion

Session 1: Chair: Jody Kollapen

1. Welcome and Introduction

Chairperson of the SAHRC: Jody Kollapen

Jody Kollapen explained to the forum that the SAHRC was part of the Chapter 9 Institutions created in the South African Constitution. The role of the SAHRC is to protect and monitor the observance of human rights. SAHRC deals with both individual and systemic issues.

The purpose of the forum was to facilitate a public discussion on the complaint brought to the SAHRC by Katy Katopodis from Talk Radio 702. The complaint related to the racially exclusive nature of a meeting hosted by the Forum for Black Journalists (FBJ).

That the FBJ organised a forum that was limited to black journalists was not in dispute. What the public forum sought to address was the principles within South Africa's constitutional framework. On the one hand, the complainant felt that her right to equality was violated by the exclusion. On the other hand, the FBJ felt that their right to freedom of association was guaranteed. Although the constitution provides a framework for these issues, it does not provide the answers.

2. Contextual Legal Framework

CEO, SAHRC: Adv. Tseliso Thipanyane

Advocate Tseliso Thipanyane provided the contextual legal framework within which the discussion took place. The South African Constitution aims to protect diversity and promote tolerance. The Constitution outlines the values upon which South Africa's society is based and these include dignity, equality and non-racialism. The Equality Act specifies that no person may unfairly discriminate against another on the basis of race. Those who discriminate have the burden to show that their discrimination is not unfair. There are situations where discrimination is seen as fair, for example, affirmative action, and not giving children the right to vote. The courts have elaborated on this in numerous judgments.

In addition, South Africa has ratified a number of international conventions that have provisions on discrimination.

The issues for discussion at the Public Forum were identified as follows:

- Is there a need for exclusive organisations?
- Can a distinction be made between an organisation's members and its objectives?
- What is the impact of this on an organisation's activities?

3. Presentation by Katy Katopodis: News Editor Talk Radio 702 and 94.7 Highveld Stereo and team

In February 2008 Katy Katopodis lodged a complaint on behalf of the Talk Radio 702 and 94.7 Highveld Stereo. The complaint related to the refusal by the Forum for Black Journalists to allow white journalists to attend a lunch hosted by them with Jacob Zuma.

Katopodis argued that the exclusion went against the spirit of the Constitution.

It was argued that as the lunch involved a high profile politician of the stature of Zuma, it was assumed that issues of national and international interest would be discussed. She said a number of white journalists went to the venue for the meeting, but were asked to leave.

The complaint outlined that the objection was not related to the formation of the Forum for Black Journalists, but to the exclusion of white journalists from the meeting.

The complaint highlighted provisions in the constitution and the Equality Act as well as international conventions. An association such as the Forum for Black Journalists would thus have to justify limiting its membership on a racial basis and establish the fairness of this practice.

According to the complaint, the exclusion was arbitrary, irrational and discriminatory. It was acknowledged that black journalists may face specific challenges, but took issue with whether only black journalists can advance their cause or could this be advanced by any journalists. The exclusion of white journalists was not necessarily seen to promote the objectives of the organisation.

An example cited was that of the Black Lawyers Association, which does not limit its membership on the basis of race. A white person can join this organisation if they subscribe to its principles.

Yusuf Abramjee

Yusuf Abramjee lodged an additional complaint after being labelled a coconut- a term seen to be used in a racially demeaning context. 'Coconut' was defined as a black person wishing to be a part of the white establishment. The term was used by John Qwelane who stated that he would not apologise.

He commented that Talk Radio 702 and 94.7 Highveld Stereo were committed to the founding values of constitution and that those acting contrary to such values would be exposed. Yusuf Abramjee did not see the conduct of the FBJ as justifiable.

Jody Kollapen raised the debate of straddling the competing imperatives of the equality clause on the one hand, and the need to redress the imbalances of the past, on the other.

4. Presentation by Abbey Makoe: Interim Chair, FBJ

The opposition to the relaunch of the FBJ has not been different to its formation in 1997. The charge is the same – that the FBJ is racist and a hindrance to integration. There are some black journalists who share Talk Radio 702's position as well as white journalists who support the FBJ cause. To charge the FBJ as racist presupposes that a black organisation has the purpose of subjugating those of a different race. This charge denies black journalists to locate the possibility of change with those who have had a similar experience. To say that FBJ has no place in the new South Africa is to deny that black journalists are a part of the South African community.

The FBJ is advocating for a change beyond job descriptions within the news room, but that extend to the psychological, spiritual and other aspects that are key to their rehumanisation. The FBJ submits that the media is not immune from societal forces and thus reflects the current circumstances. Black journalists practice their craft in unchanging circumstances. FBJ believes that black journalists have the right to use their minds, thoughts, views and platforms without a black view being subjected to white sanction.

The FBJ was established in 1997 with a declared mission to position black journalists as a changing force in the media industry. The FBJ has been an active participant in shaping history. The FBJ made a submission to the TRC July 1997 with respect to the conduct of the media from 1960-1990. Without this forum, South Africa's media fraternity would have been poorer.

In 2002 the FBJ made a submission to the SAHRC which led to the media inquiry which found that subliminal racism existed in the media industry.

FBJ launched its monthly off-the record imbizos to allow journalists to interact with individuals, but without the intention of creating exclusive press conferences. This was the same as the one held on 22 Feb 2008 with Jacob Zuma. The imbizo was intruded upon which was disruptive and disrespectful. The FBJ has the right to organise, assemble and associate with a guest of their choice.

5. Discussion

A lively discussion ensued in which two key arguments emerged. The one was in favour of exclusive organisations, justifying not allowing white journalists to participate in the meeting with Jacob Zuma. The other arguing that organisations should be based on principles, objectives and like-mindedness, without regard for race.

Those justifying the right of the FBJ to exist and to undertake racially exclusive activities referred to the racial history of South Africa and the ongoing unresolved issues related to race. One speaker mentioned a general attempt in the country to, 'wish away centuries of dispossession and racism.'

The question emerged as to whether 14 years after democracy there was still a need for a black-only origination. For a number of participants the need for black solidarity was seen as essential. The FBJ could thus play a role in redressing imbalances that were reflected through the lack of transformation in the media industry. The media industry still lacks transformation industry agreements and the FBJ could play a role in facilitating this.

For journalists, discrimination was seen as evident in their difficulties in gaining access to people in senior positions. The hosting of imbizos for FBJ members was intended to address this issue. The relaunch meeting held with Jacob Zuma was held as a draw card and a part of FBJ's recruitment drive as well as its programme to facilitate access to senior people.

The provocative conduct of some of the white journalists who attended the meeting was raised with journalists coming with microphones to what was publicised as an 'off the record' meeting. A press conference had been organised after the meeting in which all journalists could gain access to Jacob Zuma.

Those in favour of exclusive organisation argued that it was incorrect to assume that a black organisation was not pursuing a non-racial agenda. Women-only events were also seen as justified if they promoted an empowerment agenda.

The counter argument raised issue with the definition of race as one that is fluid. It was acknowledged that democracies require varying voices, but argued that these should be based on goals, principles and like-mindedness – similar to the approach adopted by the BLA.

Session 2: Chair Zonke Majodina

2.1 Presentation by Jovial Rantao: Chairperson SANEF

SANEF was formed when the Black Editors Forum and the Conference of Editors came together. The issue of historical disadvantage faced by black journalists was one that SANEF was addressing. Questions that have emerged were: how do black journalists fare? Are they marginalised and if so, by whom?

The leadership of the media industry is in the hands of black journalists. Most newsrooms are made up of black journalists and black leadership. This does not mean that there are not real or perceived problems relating to the marginalisation of black journalists.

SANEF claimed that it did promote issues facing black journalists. It argued against race as a measure for conscientiousness. SANEF promotes training and acknowledges the unique experiences that black journalists bring to the newsroom.

2.2. Presentation by Andile Mngxitama, independent analyst

Andile Mngxitama asserted that black people cannot be racist for racism is exclusion for the purpose of subjugation. White people don't need organisations that promote their interests as most organisations further their interests due to the existing power dynamics.

Racism refers to an encounter between white and black with black people as the victim. Racism thus relates to the attack on the black skin. In South Africa there were three forms of dispossession: land, labour and the African being.

He referred to the work of Peggy McIntosh who contends that white people are taught not to recognise their white privilege. It is an invisible package of unearned assets. In this light, FBJ has bracketed off whiteness.

The problem lies with skin colour. Even black people have been trained not to see black people. The solution lies in the restoration of dignity.

2.3 Discussion

Three key areas framed the discussion in the second session. The first related to issues of blackness and identity, and other factors that complicate neat definitions. The second raised questions of values and the third brought these issues into the newsroom.

The discussion raised the complexity of blackness which is complicated by class, gender and status. Some participants felt that black people were more likely to be concerned about the plight of other black people. The struggle was not seen to end with the drafting of a constitution while mindsets and material conditions prior to 1994 remain. It was suggested that the issues could be largely economic and that the perception of the collusion of power to shape interests was no longer only racial.

Another line of debate related to values and value systems. It was contended that these issues related to a clash between Western and African values.

It was argued that white journalists could never understand the experience of black journalists as it is one of internalised inferiority and internalised superiority. Whiteness was the norm, but not the norm that all wanted to conform to.

SANEF commented that it had reached a point in its journey and it hoped that journalists could reach a similar destination in the future.

3. Conclusion

The Public Forum was at times heated and emotive, but the atmosphere was one where all were free to contribute. The forum raised issues of identity and how these manifest within a constitutional framework. In 1994 South was a bruised and divided nation, but through the constitution, a commitment was made to unity in our diversity. South African identities and experiences are still however largely premised on whiteness and blackness. The question was raised as to whether we work from where we find ourselves or destroy what we've built as it comes from a faulty premise?

Jody Kollapen emphasised that South African cannot be glib about the past and that there are problems in how we have constructed our new society. South Africa did not start in 1994, but has a 350 years of history of colonialism, dispossession and apartheid. The context thus has to be considered in any finding made by the SAHRC.

All who participated were thanked for their contributions.

The participants were informed that a WCAR Review Conference will be held in 2009.