

South African Press, Accountability and Transparency in Governance: An Analytic Study on the Coverage of the Public Protector's Role in the Mail and Guardian Newspaper 2014-2015

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Abstract: In the light of the constitutional responsibility of Chapter 9 institutions in democratic South Africa, the study analyses how the Mail & Guardian newspaper reported on the duties of the public protector as the vanguard of people's rights between 2014 and 2015. It analyses the editorial "frames" and "agenda setting" that highlighted the public protector's role in exposing corruption and the misdeeds of some senior government officials, particularly on issues of national interest. This is in recognition of the potential influence of the news media on shaping public opinion, which in this case, helped to facilitate open civic debate, mobilise support and buy-in from the citizens towards the advancement of democratic values. Data were collected through content analysis of news articles with reportage on matters arising from the public protector's scope of operations. Articles for analysis were selected on the basis of their "news value" criteria where transparency and accountability in the different spheres of governance were prominent indicators. Thematic content analysis was adopted to synthesise data into intelligible findings and conclusion. In the end, the study noted that the press' editorial coverage of the public protector's findings helped to stimulate national interest and further gave impetus towards creating awareness about the institution's mandate in the context of good governance. Thus, the press should be viewed as an invaluable part of the multi-lateral approach that complements effort from other monitoring and control portfolios such as the Auditor General and the Hawks towards the promotion of responsible leadership, good governance and sustenance of a corruption-free society.

Keywords: Public Protector, Accountability, Transparency, Agenda Setting, Good Governance

1. Introduction

Although the transition of South Africa from apartheid to democracy in 1994 came with potential opportunities for a progressive society, its inception also emerged with accompanying challenges for the new government. This is despite the country's resolute establishment of strong systems essential for effective accountability and transparent governance to consolidate the gains of democracy. In its transformational outlook, the South African government adopted functional political systems through the establishment of a multi-party democracy, free and fair electoral processes, and an independent judiciary system. This has been complemented by the existence of a more independent and pluralistic press compared to the erstwhile pro-apartheid communication machinery (Independent Broadcasting Act, 1993). Like other countries in the world, many people hoped that these and other support mechanisms would provide effective checks and balances to expand

government's accountability where policy makers and the executive would become more responsive to the needs of the citizens (Pippa, 2004). Thus, the new government's approach would run efficiently ensuring the rule of law, accountability and good governance as benchmarks of a new social order and structural redress of the injustices of the past. In the end, this would yield positive and sustainable socio-economic gains for the majority of citizens particularly the disadvantaged populace of South Africa.

However, the presence of checks and balances to control government and its potential for abuse of power has not always been effective (Murray, 2006). As a result, evidence of poor governance owing to corruption and lack of accountability has created untenable levels of mistrust between government and the citizens. This has had a critical impact on the capacity of government to inspire nation-building initiatives, uphold human rights and to delivery on the intents of the National

Development programme. Hence, lack of effective social transformation has led to an uproar against poor governance in the form of heightened trade unionism, agitated student unrest, service delivery protests and human rights advocacy (Muswede, 2016). As such, these failures have placed heavy demands on the numerous constitutional derivatives to remind those in authority of their national responsibility to the citizens. In addition to the voice of civic groups, this collective response has put pressure on the investigation units such as the Hawks as well as Chapter 9 institutions that are meant to support constitutional democracy. These include the South African Human Rights Commission (HRC), Electoral Commission, Auditor General, Commission on Gender Equality, the Office of the Public Protector and the Commission for the promotion and protection of the rights of cultural, religious and linguistic communities (Constitution of the Republic of South Africa of 1996).

All Chapter 9 institutions' independence is provided for by the constitution for the maintenance of public interest to promote high standards of professional ethics in the public service (Murray, 2006). This is done to monitor the government to enhance accountability and contribute to the constitutional project of transformation by laying a foundation for democratic and an open society. Chapter 9 institutions operate on the premises that ensure that governance is informed by the will of the people and that citizens are protected by the laws of the country. They further operate to support the traditional methods of securing accountable governance by "providing a legitimate and authoritative account of government's record, which can be used by citizens and parliament in scrutinising government's performance" (ibid p 11).

Although not established by law, some scholars have referred to an independent press or a Broadcasting Authority as the 7th institution of the Chapter 9 institutions (Murray, 2006). This is in recognition of its "watchdog role" in promoting good governance through public scrutiny of those in authority and by highlighting policy failures, corruption and scandals in both the public and corporate sectors (Pippa, 2004). For this reason, the paper investigates the role of the press in highlighting the functions of the Public Protector as the vanguard of the people's interests in the context of leadership and governance challenges in democratic South Africa.

2. The Role of the Public Protector in South Africa

The Public protector is one of the Chapter 9 institutions established to serve all persons and communities living in South Africa as their first priority. The office is independent and subject only to the constitution and the law, and has been given power to perform its functions without fear, favour or prejudice. Its services involve investigating and reporting on any government activities that lead to poor governance and must ensure that no person or organ of the state may interfere with their functioning. The office of the Public Protector is only accountable to the National Assembly and reports to the assembly at least once a year (Constitution of the Republic of South Africa, 1996).

The public protector's role is to investigate any conduct in state affairs or public administration in any sphere of the government that is alleged or suspected to be improper or result in any impropriety or prejudice. S/he has been given the power by national legislation to report on that conduct and take appropriate remedial action (section 182 (1) Constitution of 1996). Furthermore, section 6 (4) of Public Protector Act, 23 of 1994 also states that, the power and function of the public protector shall be competent to investigate initiative or receipt of a complaint any alleged maladministration in connection with the affairs of government at any level. According to section 182 (4 and 5) the constitution provides that, in order to preserve the democratic government, the public protector must be accessible to all persons and communities. It also holds that reports from his or her office must be open to the public unless exceptional circumstances require such to be kept confidential. Moreover, the public protector must report in writing any activities to the National Assembly at least once a year, provided that any report must also be tabled in the National Council of Provinces (section 8 (2a), Public Protector Act, 23 of 1994).

However, over the years, there has been an outrage over lack of independence of some of the chapter 9 institutions with some sections of society alleging partisan behaviour among their members and political interference on the role of these institutions (Murray, 2006). Despite vehement criticism of these institutions, society, particularly the media, have noted how the Public protector's office has been lauded for exposing corruption and facilitating

widespread opportune platforms for civic engagement in the recent past. This stems from Advocate Thuli Madonsela's conduct since she took office in 2009, during whose term a number of high profile cases of corruption, lack of accountability and issues of abuse of authority were successfully investigated and finalised. It has been noted that her investigations have been accompanied by reports of evidence that indicate her commitment to act decisively in cases of alleged maladministration. Hence, according to Thornhill (2011), the President of South Africa acknowledged the status of the Public Protector as one of the prominent institutions that support democracy. He further noted this as a clear demonstration that the country is committed to transparent and accountable democratic governance, particularly with respect to protecting the underprivileged.

Through the Public Protector's ability to investigate and resolve numerous cases of misconduct and maladministration, most South Africans eventually came to the awareness, that despite the initial perceptions that chapter 9 institutions had limited powers to enforce accountability, recent judgments by the constitutional court have not only confirmed that "they can demand an account of what the state and other actors have done" (Murray, 2006). Instead, this has authenticated the resolute stance that their decisions are binding on the subjects of investigation. Thus, the term of office of Advocate Thuli Madonsela has served both as a prototype and pontification of how chapter 9 institutions can help to foster public accountability, not only as a cornerstone of democracy, but also as a punitive deterrent to those who might be tempted to flout the rule of law in the future. Despite these successes, the study gives specific attention to the Public Protector's investigations that made news headlines in 2014 and 2015. These news items are used to analyse how the editorial "frames" and agenda setting highlighted the Public protector's role in promoting accountability and good governance in South Africa.

3. The Press and the Promotion of Good Governance in a Democracy

This section highlights the usefulness of the press in entrenching democracy through promoting active participation of citizens and engaging in the business of governance. It acknowledges the various ways through which this may be achieved by

educating, informing and mobilising the public in the form of public debate, watchdog role, promoting public education and influencing public opinion as discussed below.

4. Forum of Public Debate

The press plays a catalytic role, making reforms possible by strengthening democratic institutions and enhancing public participation. Public participation is an important indicator of public accountability and therefore the involvement of the press as a forum of public debate ensures adherence to democratic values (Coronel, 2003). This is useful in determining the nature of interaction that the public has with government because the media's coverage of issues of national interest has a bearing on how public participation is realised. Thus, the press remains an indispensable tool to obtain public participation and to ensure government's answerability to issues of state delivery. Moreover, the media are a force multiplier, and usually enhance proper adherence to the principle of public participation. For this process to be effective, it requires constant communication and public involvement as a critical tool for monitoring and good governance (Tshandu, 2010). The press is renowned for enabling an environment where it helps to create a civic culture and a tradition of public debate which is often absent in non-democratic environments. This is critical for good governance because it provides a culture of community conversation by creating an inquisitive citizenry with respect to the important matters of society.

5. Performing the "Watchdog" Role Towards Authority

Democratic theory and enlightenment theorist postulates that publicity and openness provide the best protection against tyranny and the excesses of arbitrary rule (Holmes, 1991). This view resonates with Sen (1999), who maintained that a free press and free flow of information can guarantee transparency and enhance critical public discussion. In both local and global contexts, some countries have relatively managed to assert the role of the press in entrenching democratic ideals as monitors or watchdogs of those entrusted with public office. This provides an inescapably important requirement of good public policy. Journalists are renowned for exposing government authorities worldwide of corruption, abuse of power and malpractice. Notably,

an adversarial press has been lauded for being part of the political process that has assisted in strengthening fledgling democracies and inspiring efficient functioning of governments (Peters, 2002). Globally, sustained investigative reporting has been associated attempts to stamp down corruption, violation of human rights and other forms of malpractices, a gesture that has helped to build a culture of accountability in government.

6. Platform for Public Education Through Agenda Setting

Traditional forms of the media such as newspapers have played a significant educational and informational role by filling the knowledge gap that most social institutions have not breached (Coronel, 2003). These include educational institutions and civic structures of society where most people lack basic informational skills. Daily news reports through the press alert the public to the latest events about the larger environment beyond their immediate experiences through editorials that serve as considerable signals that highlight major events and issues. Through specific news selection criteria, editors and news directors focus people's attention and influence their perceptions on what the most important issues of the day are (McCombs, 2013). The agenda setting role of the news media is their influence on the salience of a particular issue. The influence is based on whether any significant numbers of people really regard the subject in question as worthwhile to hold an opinion about. While many issues compete for public attention, only a few succeed in doing so, and the news media exert significant influence on our perceptions of what the most important issues of the day are. In other words, the news media can set the agenda for public thought and discussion. The agenda of the news media becomes, to a considerable degree, the agenda of the public. In other words, the news media set the public agenda (McCombs, 2013) and this makes newspapers an interesting area to study since their editorial content is usually predetermined by editors.

7. Influencing Public Opinion Through News Frames

Daily newspapers are considered as one of the principal sources of information about public affairs globally. They communicate a host of cues about the relative salience of topics on readers' daily agenda

although only a few topics really matter to them. While many issues compete for public attention, the press usually exert significant influence on people's perceptions of what the most important issues of the day are (McCombs, 2004). As such, this indirectly prescribes societal discourse and influences opinions regarding matters of importance including the manner in which readers perceive these issues. Public opinion matters often revolve around specific issues of the moment or the collective will of society, either internally or externally constructed. Perspectives on public opinion as a process stress the role of dialogue and deliberation as core elements in the description and evaluation of public opinion (McCombs, Hubert, Kiousis & Wanta, 2011). Furthermore, carefully packaged news frames usually become the source of information for key opinion leaders and agenda setters, who use them to interpret the social world for target audiences. This eventually places the media in a potentially powerful position in influencing public opinion in the public sphere (Firmstone, 2013). In this regard, newspapers play an important role as part of the broad mass media environment to facilitate dialogue among citizens. As a public opinion shaper, the press brings issues of national interest to public attention, affect how the issues are framed, and also gives voice to the disadvantaged populace.

8. Research Design and Methodology

This is a qualitative content analysis study on the coverage of the Public Protector's role in the Mail & Guardian Newspaper between February 2014 and December 2015. Data were collected through content analysis of purposively selected news articles with reportage on matters arising from the public protector's scope of operations. Articles for analysis were selected on the basis of their "news value" criteria where transparency and accountability in the different spheres of governance were prominent indicators. Thematic content analysis was adopted to synthesise data into intelligible findings and conclusion. A total of 37 "hard news" articles were noted which directly reported on the public protector's activities and one (n-1) opinionated article written by the incumbent Public Protector (Thuli Madonsela herself). However, seven (n-7) were letters to the editor, eleven (n-11) were opinionated whereas (n-5) were investigative reports. This left the researchers with (n-15) articles for analysis, which is done according to themes that emerged from the data.

9. Results and Discussion

The press communicates a host of cues about the relative salience of topics on their daily agendas. The lead story on page one, front page versus the inside page, the size of the headline and even the length of a story, all communicate salient topics on the news agenda. Even the repetition of a topic day after day is one of the most powerful messages about its importance.

9.1 Prominence "Value" on the Public Protector's Duties

All the fifteen (n-15) news reports placed high prominence as a "news value" on the duties of the Public Protector (PP) in their news agenda. Most news items were presented in bold ink and upper case headlines emphasising the news threshold of the PP's work. Despite the overall low frequency in the quantity of news items about the PP's activities in the timeframe, the broadness (length), news headlines and number of articles dedicated to one institution on one edition, in some instances up 11 pages (20-27/03/2014 edition), demonstrates that the institution was high on the news agenda of the *Mail & Guardian*. For example, this can be seen on the edition of 7-15 August 2015 titled "Nukes: The next Nkandla for Thuli" presented as a Headline with detailed coverage on page 2-3, with three (n-2) additional stories on pages 2 and 21 about related matters by the same office. This approach to news coverage is reflective of an emphatic editorial stance on the institution's monitoring role as denoted by the broad scope encompassing the social, economic and political imperatives of South African issues. This was also complimented by the coverage of high profile news such as *Nkandla saga*, *Multi-million toilet tender in the Eastern Cape and Free State*, *ANC Top Boss Snubs Thuli* and others as clear impression that the newspaper viewed the PP's role as a prominent subject that warranted ample reportage.

9.2 Presentation Style, Objectivity and Language Usage

The analysis under this section is presented in line the South African Press Code which implores journalists to report news fairly, accurately and truthfully. Editorial aspects of hard news reporting styles were applied to locate the articles' appropriateness within conventions of the genre's journalistic competences. Most importantly, was the evidence of variable use

of several presentation styles including the inverted pyramid, champagne glass and narratives accompanied by reporters' ability to infuse the 5Ws and H as part of their story *intros* or *leads*. The reporters were accommodative of the paper's diverse readers by varying their use of reporting styles in line with their applicability to the news story genre. Hence, news stories were creatively crafted sticking to hard news conventions without deviating to stylistic and idiomatic expressions associated with rhetoric and propaganda formats. Such were clearly evident on the 20-27 March 2014 edition under the Headline "*Madonsela exposes the rot at the heart of Nkandla*" where the reporter used the question and answer technique to articulate how government *Officials and Cabinet ministers broke the rules to please number one* (de Wet & Evans, 2014).

All fifteen articles reporting on the Public Protector's activities used diverse sources as evidence of fair, impartial and accurate reporting of events. Among them was reference to Mr Zuma's personal architect, Minihle Makhanya and aerial pictures of Mr Zuma's Nkandla home on page 3 of the 20-27 March edition; Minister Zwane's homestead (2-8 October 2015 on page 10) and citing Cabinet ministers such as Mr Kebby Maphatsoe's response on the Nkandla saga (20-27 March 2015 on page 4). The language used in the stories formed a critical component of the reportage in determining how the newspaper mainstreamed the PP's role to society. However, while most Headlines were written in "catchy" and poignant style, some of the detail in the stories was presented in highly-pitched language which most lay persons would find difficult to understand. This is evident in titles such as "*Placatory Madonsela talks tough*" in 29 August -04 September 2014 page 11 and "*Warden wilts while 'King' lords it in his own Nkandla*" in the 2-8 October 2015 edition. In the former case, phrases such as "acting with impunity"; "soft power ... cajoling and "hysterical reaction" and use of phrases and words such as "opulent" home ... group of workers in ... 'ubiquitous" overalls, in the latter case may not be simple to digest for ordinary readers if not explained.

9.3 Contextualisation of the Public Protector's Role

Usually, the press provides information upon which the citizens can judge their government and those in authority based on knowledge of democratic values and existing legislative framework. It does

this by reporting matters of national interest in contextualised formats such as interpreting the constitutional provisions, policies and by-laws of the country so that citizens are adequately informed on how to hold those in government accountable. For example, the *Mail & Guardian's* 20-27 March edition had ten (n-10) news items on cases involving the Public Protector. One (n-1) striking item is entitled *Madonsela puts 'Gogo Dlamini' first* on page 5. In the story, the reporter highlights how ordinary people's plight can get the attention of the PP and further quotes Thuli Madonsela (the out-going PP) alluding that "95% of cases handled by her office relate to ordinary persons". In the same story, she is pictured attending to grievances of *Bapo ba Mogale* in Rustenburg who invited her to probe into misappropriation of public funds. In addition, another story on page 11 of the same edition chronicles how the Nkandla saga unfolded by displaying a step by step narrative from the 9 May 2009 to 26 January 2014 under the title "How the Events unfolded". This approach de-personalises the office of the PP and underscores a carefully crafted impartial persuasion to convince readers of the rationale for the pursuance of the case measured against the resultant national implications. For this reason, it can be said that the role of the Public protector was covered in a manner that attempted to avoid ideological nuances and in the proper national context.

9.4 Constructive Focus on the Public Protector's Role

One of the salient purposes of the PP in supporting democracy and good governance is to make recommendations that re-direct government's focus towards reconstruction, development and transformation through effective policy implementation. Evidence of the *Mail & Guardian's* constructive focus on the PP's role ran through most of the themes covered through the entire study period. These include titles such as "... *Thuli tackles the nuclear build* on page 2 & 3 of the 7-13 August 2015 edition; *Protector: Hearts have hardened* on page on 6 of the 27 Nov-3 December 2015 edition and *Two reports, same law, one address* published on page 33 of the 5-11 June 2015 edition under Comments & Analysis by Thuli Madonsela herself. In the first news story, the PP was concerned about how the new Nuclear Build Programme fits in with government's planning framework in the context of public outcry regarding the costs to be incurred. The second news item makes reference to how Thuli Madonsela (PP) was

"treated like a child" by the parliament's portfolio committee on justice when she requested for more operational funds following the closure of some of her regional offices. In the third instance, the Public Protector juxtaposed Nkandla saga with Eastern Cape MEC, Ms P. Majodina who repaid undue travel benefits as exemplary. Thus, in all the above cases, the Public Protector is poised as the vanguard of the citizens' human rights, priorities and democratic aspirations through her impersonal advocacy.

10. Conclusion

The study noted that the press' editorial coverage of the public protector's investigations, findings and recommendations based on the merit of individual cases was useful in stimulating public interest as it gave impetus to the institution's responsibilities. This was accomplished through carefully crafted editorial "frames" and "agenda setting" highlighting the public protector's role in exposing corruption and misconduct of some senior government officials at the expense of the disadvantaged people. This is in recognition of the potential influence of the press on shaping public opinion, which in this case, helped to facilitate open civic debate, mobilised support and buy-in from the citizens to inspire confidence in the public protector's office. Furthermore, the reports were useful in creating awareness about the institution's mandate in the context of good governance by underlining the limitations and pitfalls associated with those close to power to remain accountable to the South African citizens. This was particularly evident in the newspaper's objective reportage that gave negative prominence to misdeeds such as corruption, maladministration and policy failure as elements of poor governance. Therefore, the press remains an invaluable element of the multi-lateral approach in complementing efforts by other monitoring and control portfolios such as the Auditor General and the Human Rights Commission towards promotion of responsible leadership, accountability and good governance.

References

- Coronel, S.S. 2003. *The role of the media in deepening democracy*. www.pdfdrive.net/the-role-of-the-media-in-deepening-democracy. Accessed 18 September 2016.
- De Wet, P. & Evans, S. 2014. Madonsela exposes the rot at the heart of Nkandla. *Mail & Guardian*. 20-27 March.
- Firmstone, K. 2013. Case reports on analysis of newspaper editorials. *Journal of Latinos and Education*, 10(3):1-5.

- Holmes, S. 1991. Liberal constraints on private power? In J. Lichtenberg (ed.). *Democracy and the mass media*. Cambridge: Cambridge University Press. P 21-65.
- Independent Broadcasting Act, 1993. Pretoria: Government printers.
- McCombs, M. 2004. *Setting the agenda: The mass media and public opinion*. Cambridge: Polity Press.
- McCombs, M., Hubert, L., Kiousis, S. & Wanta, W. 2011. *The News and Public Opinion: Media Effects on Civic Life*. Cambridge: Polity Press.
- McCombs, M. 2013. *Setting the agenda: The mass media and public opinion*. 2nd Edition. Cambridge: Polity Press.
- Murray, C. 2006. The Human Rights Commission et al: What is the role of South Africa's chapter 9 institutions? *PER/PELJ*, 9(2):121-147.
- Muswede, T. 2016. *Renewed responses against the colonial legacy in post-apartheid South Africa: A reflective analysis of student activism in higher education*. A paper presented at the IPADA conference at Mokopane, Limpopo 6-8 July.
- Peters, B. 2003. *The media's role: Covering or covering up corruption*. Berlin: Global corruption report.
- Pippa, N. 2004. *Giving voice to the voiceless: Good governance, Human development and mass communications*. Harvard: Harvard University.
- RSA, Constitution of the Republic of South Africa of 1996. Pretoria: Government Printers.
- Sen, A. 1999. *Development and freedom*. New York: Anchor Books.
- Thornhill, C. 2011. The role of the Public Protector: Case studies in public accountability. *African Journal of Public Affairs*, 4(2):79-88.
- Tshandu, Z. 2010. Service plans as accountability mechanisms: Evidence from the South African public service. *Administration Publication*, 18(4):46-70.