



One sided defensive play – this is no game of sports, but the SABC, Gumede and the Mail & Guardian.

An analysis of SABC 3's News coverage of the dispute between Mr Robert Gumede and the Mail & Guardian.

On the face of it there isn't anything uncommon or rare about the recent battle between billionaire businessman Robert Gumede and the Mail and Guardian newspaper. Robert Gumede is perturbed at the Mail and Guardian newspaper for running a story about irregular Gumede payments related to a Telkom tender for smart cards, with Gumede accusing Mail and Guardian journalist Sam Sole of taking bribes to publish damaging allegations against him. These kinds of allegations are similar to other spats, i.e. 'powerful businessman unhappy about media coverage'. A case in point is Khanyi Mbau's ex-husband, businessman Mandla Mthembu, who accused the media of unfair coverage of his business dealings and how he spent his money. There are many such cases like these.

What is a rare occurrence in this spat between a newspaper and powerful businessman is that the SABC appears to fill the role of consenting third player that has been used by Gumede as a tool to launch serious and unbalanced attacks against the Mail and Guardian, as well as free publicity for Gumede. The SABC has managed to aggravate the situation by refusing to be publicly accountable and instead adopting a 'secret' and 'defensive' stance. If being used as a publicity and slanderous tool by a powerful businessman as well and refusing to be accountable is not enough of a transgression, allegations have also surfaced that Phil Molefe, the SABC Head of News, did not inform his senior editorial staff that he was preparing a news item about Robert Gumede by assigning a reporter to cover the story, and helped to write and edit the script, but did not include the item on the daily news diary meeting of departmental heads (Mail and Guardian, 05/11/2010, "SABC staff 'in the dark' about Gumede story").

Whilst the facts in the Mail and Guardian vs. Robert Gumede saga are unclear at this stage, role of the SABC must be analysed. In our view SABC have acted poorly in respect of their overall responsibility as a public service broadcaster. Further we believe the item positively biased Mr Gumede thereby contravening the SABC's mandate, core editorial policies as well as general standard of reporting.

Bias: A crippling effect on the fulfilment of media's democratic role

One of the core roles of the media is to be balanced, fair and accurate. Conversely bias towards an individual or organisation and against another undermines the credibility of the journalist and the media involved. The obligation for fairness and accuracy is even greater for the SABC as the public service broadcaster.

Media Monitoring Africa (MMA) has been independently monitoring the media for over 17 years and one of our key areas of assessment is fairness and bias. Most recently, we applied

the same criteria to monitoring the media's coverage of last year's National Elections, of 56 South African print and broadcast media. We believe that bias has the potential to be anti-democratic and can misinform the public. While consistent bias would be needed to undermine democracy, one biased item has the potential to substantially alter the perceptions and credibility of the people involved as well as undermining the perception of the fairness of the broadcast channel and service overall. Within this context, MMA views the allegations of bias towards the SABC in its broadcast of Robert Gumede very seriously.

The Editorial code of the SABC, requires the SABC to be fair, and states that it is guided "*by news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, nor the SABC to give every side of an issue the same amount of time*". MMA understands that in some cases it may be reasonable to give only one side of the argument as the other may not be available, however this should then be explained by the media. In the current instance however, while the Mail & Guardian were afforded an opportunity to respond in the item, (8 seconds) allocated was insufficient, especially given the number of allegations made.

A tally of the allegations aired against the Mail & Guardian (SABC News, 7pm, 03/11/2010) and its journalist Sam Sole, focus centrally on the assertion that the Mail and Guardian "accepted bribes in return for publishing damaging allegations of corruption" against Mr Gumede.

- In the item they are stated as: The Mail and Guardian newspaper journalist Sam Sole "was paid to write damaging stories about Robert Gumede", with the item also featuring Gumede holding a 'cheque', used as evidence to support his claims, further stipulating that "the cheque was found when going through financial records of his liquidated venture".
- Personal allegations against Mr Sam Sole were also made, introducing a race element as well. Mr Sole is said to be a journalist who "attacks black people saying that they are corrupt and bribe people";
- Mr Gumede further alleges that his former business partner "paid for the journalist's flight";
- Mr Gumede concludes by saying that he is being "vilified by the paper because of his public support for the ANC and a suspicion that as a black man he must have acquired his wealth dubiously".

The total time of the news item is 2.23 minutes. Gumede is given 1.02 minutes (or 43% of the total item) on camera airing his allegations. In comparison nobody from the Mail and Guardian is interviewed or speaks on behalf of the organisation, the SABC reporter dedicates 8 seconds (or 6% of the total item) stating the Mail & Guardian response. A comment from the Mail & Guardian is provided as a voiceover by the journalist which reads: "*The Mail and Guardian rejected the bribery allegation saying the R900 payment was for an air ticket and that Sole repaid the amount to*" Gumede's former business partner". Gumede allegations (including his appearance on screen and those mentioned by the news anchor and voice-over journalist makes up 2.15 minutes of the total 2.23 minutes of the whole news item.

While some attempt was made by the SABC to access the Mail & Guardian given the number and seriousness of the allegations it is clear that there was insufficient opportunity to allow the Mail & Guardian to adequately respond. The grossly disproportional time allocations are further evidence of the inequitable manner of access. It is also to be noted that no mention of the story was made in the same bulletins on two subsequent days, i.e. the 4th and 5th of November.

In the monitoring MMA carries out when this kind of bias occurs, the criteria is based on the assumption that it is a bias by virtue of the fact that only one side is effectively heard, and it violates a basic ethical tenant of fairness and balance in reporting.

The SABC's Editorial Code requires balance to be achieved within a reasonable amount of time, it is required to *"seek balance by presenting relevant views on matters of importance, as far as possible. This may not always be achieved in a single programme or news bulletin, but should be done within a reasonable time"*. The SABC could have protected itself from allegations of bias had it balanced out the item in subsequent bulletins. Given the seriousness of Gumede's allegations, especially its impact on the integrity and reputation of the newspaper and journalist Sam Sole, and especially its reference to 'racism', it can be strongly argued that the SABC was obliged to balance the item whilst the allegations were fresh in the public mind; ideally in the immediate period after the initial item was aired.

It is worth mentioning that, not only was Mr Gumede given a grossly disproportionate amount of time to the Mail & Guardian but he was further positively biased later in the bulletin when he was featured in the sports section, in his capacity as Lions rugby owner.

It should be noted that bias in some cases is not intentional, in fact, very often a pattern of bias (for example in gender coverage in the media) reveals a lack of intention, as well as the subconscious assumptions evident in societal discourses which influence the selection of news and information and its presentation. However in this case, whether or not the bias was intentional is over-shadowed by the blatant unfairness of the item, and its negative impact on public perception of the Mail and Guardian and its journalist Sam Sole.

Defensiveness and refusal to report to public: an enemy to the Culture of a 'public service'

Unfortunately the SABC's response to the item appears to be further out of line with what could be reasonably expected from a public service broadcaster. SABC spokesman Kaizer Kganyago, in response to being questioned by Daily Maverick about why Gumede was given airtime to launch his attack and the requirement of the SABC to be publicly accountable for news policy, was recently reported as having said *"No. I have heard that story before. At the end of the day we are a news company and we have to be treated in the same way as you treat all the other news people. This thing about us being a public broadcaster and that everybody must know everything is not relevant. We are also a company and we run a business."* (Daily Maverick, 09/11/2010, "SABC News, A law unto itself").

One of the Core editorial values of the SABC is the concept of transparency and the obligation to *"ensure that the principles of honesty, openness and transparency govern every aspect of its relationships with shareholder, stakeholders, suppliers and the public"*. In

addition, its editorial code states the requirement to “foster open dialogue with viewers and listeners, as we are accountable to the public for our reports”. Regrettably the SABC has acted contrary to these principles and adopted a ‘secret’ and ‘defensive’ stance, in response to the Gumede coverage.

The SABC’s reported inappropriate response and ‘defensiveness’ when further probed on the Gumede issue has further contributed to perceptions of bias. In this instance the SABC has denied the public of its right to know, and at the same time also further undermined its integrity and credibility. This incident could have been avoided had the SABC given the Mail & Guardian sufficient opportunity to respond. Further had the SABC been open in its response to the allegation of bias they could also have avoided being viewed as defensive and secretive.

Conclusion

MMA condemns irresponsible journalism by any media. In the current instance the Mail and Guardian is bound by the Press Code (section 1) and its obligation to deliver, in the Reporting on News,

1.1 The press shall be obliged to report news truthfully, accurately and fairly.

1.2 News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by:

1.2.1 Distortion, exaggeration or misrepresentation;

It is beyond the scope of this analysis for MMA to determine the facts in the story between the Mail & Guardian and Mr Gumede. If Mr Gumede believes the Mail & Guardian acted inappropriately MMA would encourage him to lodge a formal complaint with the Press Ombudsman office. If the Mail & Guardian are found to have breached the Press Code and contravened good journalistic ethics and practice, then it must be held accountable and the necessary penalties allocated. Similarly if Robert Gumede is found to be guilty of illegal activities then he must be brought to justice, including other parties/individuals implicated.

In our view the item was not fairly reported and was unfairly biased against the Mail & Guardian and Mr Sole. We would encourage the Mail & Guardian to lodge a complaint with the Broadcasting Complaints Committee in this regard so the matter can be dealt with. In our view the SABC has failed not only in reporting this particular item in a manner consistent with basic tenant of good journalism, but they have also failed the public in their response. One of the biggest tragedies of the SABC’s recurring crisis is that it has encouraged less openness, as well as a defensive approach.

A new culture at the SABC is needed, one that is committed (as per its Editorial Code) to “serving the public's right to know.” Until the SABC is able however to exist beyond being in perpetual crisis we can expect even less openness and transparency.

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