



UNIVERSITY OF NATAL

Durban

12 September 1998

George Gerbner
Founder and President
Cultural Environmental Movement
Philadelphia
USA

Centre for Cultural and Media Studies
Faculty of Humanities

King George V Avenue Durban 4041 South Africa

Telephone +27 (0)31 260 2505

Facsimile +27 (0)31 260 1519

e-mail: ccms@mtb.und.ac.za

<http://www.und.ac.za/und/ccms/intro.html>

Dear George and CEMnetters

Enclosed is a hard copy of the minutes of the meeting called by the Human Rights Commission (HRC) to devise a National Action Plan for South Africa. I was asked to chair this particular workshop on freedom of expression. As I mentioned in my earlier e-mails, I used the *Viewer's Declaration of Independence* and *The Peoples Communication Charter* as the foundation for the workshop deliberations. As I understand it, the *Charter* has been provisionally accepted by the HRC as a key document for discussions on freedom of expression in South Africa. The enclosed minutes will be circulated as part of the larger HRC minutes in one form or another.

Ruth and I go next weekend to Cape Town, where we are both scheduled to speak at the Videazimut seminar on "The Right to Communicate and the Communication of Rights". It seems that my name was included as a result of a CEM recommendation. I will again use the article we published in *Communicatio* (Pretoria) as the basis of my presentation. Hamelink will be there too. Ruth will be speaking on public broadcasting systems.

For the record, Arnold Shepperson and I also discussed the *Declaration* and *Charter* at the 1996 Biennial Conference of the African Council for Communication Education, also held in Cape Town.

I am using the impetus created by the HRC's deliberations on the National Action Plan to popularise CEM and the *Charter*. Copies have now been sent to HRC (Pretoria), the Freedom of Expression Institute (Johannesburg), Open Window Network (Johannesburg), Videazimut (Cape Town), the Media Institute of Southern Africa (Namibia), the SA Broadcasting Corporation, and the Independent Broadcasting Authority Complaints Committee, amongst others

What with all the administrative restructuring and financial demands here at Natal University, and the country generally, I am pleased that these opportunities to discuss CEM and the *Charter* have presented themselves so accessibly.

On reading the CEM recruiting pamphlet, I notice that I am listed as the director of the African Media Project at Michigan State University. Please note that I am now back in South Africa and that my association with the MSU Project was as a visiting professor (January to June 1998, and previous appointments), but is now in terms of an inter-institutional linkage). My designation in any reprints of the pamphlet and other CEM documentation should be: Professor of Cultural and Media Studies, University of Natal.

Given that the University switches to a totally new Faculty, administrative structure, and course management in January next year, I think it is unlikely that I will be able to get to the CEM meeting early next year. I am, of course, always available to assist CEM and its activities where possible. Many thanks for permitting these opportunities.

Best regards



Keyan Tomaselli

cc. C Hamelink

Encl. NAP Minutes

Report from the Working Group on "Freedom of Expression"

NAP Workshop on Civil and Political Rights

South African Human Rights Council

University of Durban-Westville, July 29-30, 1998

Keyan Tomaselli, Ron Krabill* and Dumisani Bhengu

University of Natal, Durban

This report provides an overview of some of the discussions which took place in the working group on Freedom of Expression at the NAP Workshop on Civil and Political Rights. The report covers both the discussions and the policy suggestions which arose out of those discussions.

The issues of top importance in terms of both practicality and civil and political rights were: adapting and adopting *The People's Communication Charter*; encouraging the payment of television licenses to protect and support the autonomy of the public service broadcaster; introducing critical media education at all schools; and removing the ad valorem luxury tax from the Freeplay radio (run by clock work and designed for remote populations) to provide the freedom of access to information, especially in rural areas and areas without electricity.

Discussion began by considering the current state of media freedom in South Africa. Professor Tomaselli provided detailed background on the post-Cold War globalization of capital, media and markets and their impact on South African media. He distributed a copy of the Cultural Environmental Movement's (CEM) *The Viewers' Declaration of Independence* which includes a copy of *The Peoples Communication Charter* (see attached). A second article on journalism and the new liberalised political orders of Southern Africa was also circulated. The points highlighted by Tomaselli from the *Declaration* were:

that all persons are endowed with the right to live in a cultural environment that is respectful of their humanity and supportive of their potentials

that all children are endowed with the right to grow up in a cultural environment that fosters responsibility, trust and mutuality rather than irresponsibility, fear and violence

that when a media system drifts out of democratic reach and becomes destructive of these rights, it is the duty of the people to alter it.

Another key point emphasised from the *Declaration* by Tomaselli related to:

issues of regulation and privatisation of the electronic media, with reference to public access and accountability. How to develop policy which protects the public sphere from market economics as the only legitimate form of regulation. The *Declaration* holds that market economics has declared war on journalism.

It was pointed out that the two documents have been discussed and developed with numerous other agreements on human rights across the world (see statement after Article 18 of the *Charter*).

The policy imperative becomes all the more urgent when one realises that the exercise of power in the Information Age takes place directly between private enterprise, special interest groups,

political parties and the state bureaucracy. The public is included only sporadically in this circuit of power, and then usually only to affirm their own exclusion.

The group responded positively to the *Declaration* and the *Charter* and their overall policy concerns. The group's attention was told of the *Children's Broadcast Charter* which, although not available, also sounded constructive and helpful. Professor Tomaselli also contextualized the group's discussions in light of the concept of the "public sphere" as a fundamental element of democracy. He argued that the public sphere, where political and social debate occurs, is fundamental to freedom of expression. Three levels of public sphere were identified: the micro (community), meso (regional), and macro (national/international). The micro and meso public spheres were argued to be the most at risk in the post-Cold War era. It is at these community and regional levels that communities talk to and amongst themselves most effectively. The larger publics' voices are otherwise drowned out at the macro level. It is necessary to strengthen these micro and meso levels of discussion as far as the broader polity is concerned.

Freedom of expression (as far as political debate is concerned) is the content of the public sphere. Critical debate is the basis of democracy. However, expressions like pornography, were considered to be "commercial speech," and therefore qualitatively distinct from political expression. However, sometimes the boundaries were blurred as in the political comment offered by *Hustler*, and in the erotic child 'art' displayed by Mark Hipper in Grahamstown. These are commercial products claiming freedom of expression. Child pornography was considered to be abhorrent under any circumstances. The problem here concerned pictures of real children, and child models in relation to doctored, air brushed, and especially computer enhanced images which look like children. It was felt that where an actual child is involved that all concerned with the production, distribution and reception of such images should be subject to prosecution.

The minutes below amplify on the above summary. Points of principle accepted by the working group are highlighted in bold print.

The group agreed that *The People's Communication Charter* should be used as a template, for the NAP document's section on freedom of expression. The *Charter* could be modified where appropriate for the South African situation.

It was pointed out that the one significant weakness of the *Viewers' Declaration of Independence* is its assumption that viewers are passive consumers of media messages rather than active agents in meaning-making. Research on audience reception suggests that viewers make sense of media in relation to their own frames of reference, and not necessarily only in terms of those put there by the producers. Audiences should be therefore much more involved in programming decisions as far as the public service broadcaster especially is concerned. This means that the SABC should get to know its audiences beyond All Media Products Survey and audience ratings data. Reception research on why and how people watch certain programmes, what sense they make of them, how they make sense of them, how they use them, under what conditions, and so on, are crucial to securing the rights listed in both the *Declaration* and the *Charter*. This approach will treat audiences as people with agency and as critical citizens rather than merely as passive consumers. (Such research has been carried out by the SABC and university researchers, but this approach needs greater legitimacy, infrastructural and funding support.)

As far as commercial broadcasters are concerned, it was argued that the airwaves through which radio and TV signals are broadcast is a public resource. This resource should not be free of

charge to commercial broadcasters unless they adhere strictly to the conditions of their licencing which entails developmental services such as local content production and programming, assisting educational institutions, educating audiences via investigative journalism, and so on.

The lack of children's ability to "read" television in a sophisticated way was also discussed, and the presence of some media training in Curriculum 2005 was mentioned.

It was agreed that future research on mass media (for example, research conducted by the SABC) should focus as much on ethnographic reception studies as with "ratings," which are less detailed and less useful in explaining how people actually use and interpret the media. Audiences should be conceived of as 'critical citizens', and as active participants in the public sphere, rather than only as 'consumers', or 'markets'. Public service broadcasting especially is crucial to maintaining spaces for the conception of audiences as crucial parts of the three interrelated levels of the public sphere.

It was agreed that critical media education, already developed in South Africa and other countries, should be adapted and incorporated into the school curriculum nationally. While such courses should retain their aesthetic dimensions of study, it is crucial that children also be taught how to critically interpret media messages (advertising, sitcoms, drama, films, the news etc.) in terms of life skills programmes and pressing social issues.

The SABC purchases much of its programming from abroad, and as such has significant choice in the specific programming it purchases. This should be taken into consideration particularly when dealing with gratuitous violence on television and its alleged effect on children. It was suggested that consideration of children's experiences with television be strategically linked to Mandela's interest in children and his campaign with regard to childrens' rights.

Extensive discussion took place regarding the difference between publicly-owned and state-owned broadcasting systems. The distinctions and implications were made clear. The SABC is a publicly owned facility, paid for by licence fees and advertising revenue. This principle was accepted by the first democratically selected SABC board. However, the distinction between 'public' and 'state' has been blurred under the regime of the current Minister who seems to think that the SABC is state-owned. This assumption seriously undermines the SABC's political autonomy and the rights of the public to ensuring a public sphere beyond party political interferences. (The proceeds of the sale of the SABC's five regional stations should have gone to the SABC, not the fiscus, for example.) The group also discussed the importance of viewers paying television licenses for maintaining the autonomy and integrity of a publicly-owned and politically independent system. The relationship between licences and the civil right of freedom to information and discussion needs much more emphasis than the SABC has given it. This right finds its outlet in both the meso sphere (via regional broadcasting) and the macro sphere (via national broadcasting). The micro sphere is served by non-SABC community broadcasting initiatives, but should link with the Corporation where possible in debate.

It was agreed that care should be taken to maintain SABC's current status as a publicly-owned broadcasting system. It was also agreed that an education campaign linking the payment of television licenses to the right of freedom to information should be launched. Additionally, it was agreed that part of the process for private broadcast companies applying for broadcasting licenses should include a commitment to public-interest programming, to working with educational institutions, and that this should be to be

monitored and enforced.

Discussion took place around multi-lingual drama programming with an educational objective (such as *Soul City*) and the great popularity of this series. The success of other programmes such as *KZN Tonight*, *Going Up* and other local programming was also discussed in terms of the way that audiences use, apply, and negotiate the (social, cultural, language, education and health) issues debated in these different genres. It was felt that language diversity could be both protected and enhanced through the development of the kinds of multi-lingual TV mentioned above which use the visual to plot the narrative, and captions and various narrative devices to make the programmes comprehensible to viewers speaking a variety of different languages. English *News* broadcasts should include these kinds of devices in also developing multi-lingualism, especially amongst children.

It was agreed that additional multi-lingual programming should be pursued by the SABC, as well as greater levels of local and regional television programming (as evidenced in the programmes mentioned above).

Extensive discussion took place regarding censorship. Although the group agreed that regulation and a rating system was preferable to banning, etc., the ways in which regulation could be implemented were unclear. It was recognized that a certain paradox exists between political expression and other forms of expression. In other words, it was recognized that one often opens the door to political censorship by trying to censor consumer products such as pornography. While political freedom of expression was held to be unambiguously positive, other forms of expression (child pornography in particular) were recognized as abusive. The particular complications of Internet-based pornography were also discussed - specific laws taking into account the nature of the Internet would be required. NAP should liaise with international research groups with regard to child pornography especially.

It was agreed that political expression must be protected, and that regulation rather than censorship must be upheld as the way to deal with pornography. It was agreed that laws should be in place by which those who involve children in pornography (production, transmission, duplication and reception) can be prosecuted. Zoning restrictions on location of sex shops should restrict such outlets to city centres and industrial areas where children rarely go.

Extensive discussion also took place surrounding Section 205 of the Constitution, which allows journalists to be summonsed to appear before a magistrate or judge to disclose confidential information. Positions regarding this Section were somewhat split amongst the group, with some maintaining that full press freedom was essential while others saw certain situations involving state security (e.g., the development of chemical weapons) as requiring a provision such as Section 205. The SA National editors' Forum argues that Section 205 conflicts with the Bill of Rights, a position rejected by the Constitutional Court. However, Section 205 does contradict Article 19 of the Universal Declaration of Human Rights. It was felt that if Section 205 could not be cancelled, then that only a Judge (not a magistrate) should have the power to impose it.

It was agreed that Section 205 must be revised in such a way that it can be invoked only by a judge and only in situations of state security. These revisions must also codify a process by which those in office are not able to abuse this power. It was agreed that the proper use of this Section must rely on more than the benevolence of those in power and

that further discussion with the SA National Editors Forum on the matter be pursued.

A very extensive discussion took place surrounding the corporatisation and syndication of newspapers, and the general decline of investigative reporting in South Africa. This was viewed as a serious infringement on the right of access to accurate and socially relevant information, and various solutions were proposed and discussed.

It was agreed that newspaper monopolies should be viewed as potentially detrimental to the overall diversity of views found in the corporate press, where the market reigns supreme. Mechanisms should be found for facilitating an active alternative media as well as strengthening the skills of investigative journalism within South Africa.

A brief discussion around the Open Democracy Bill took place, but participants had insufficient information to draw many conclusions. Much discussion took place on questions of the role of the press in "nation-building," but no firm conclusions were reached. It was pointed out that what constituted 'negative' reporting in one context was considered 'positive' in another - eg. The corporate press was totally supportive of free enterprise and the president, while criticising implementation of policy rather than the policy itself. On the balance of things, this is affirmative reporting on government policy, which should not be confused with criticism of party-political issues relating to the ANC itself. Ad hominem attacks by President Mandela on individual black journalists and the corporate press in general was not considered conducive to press freedom, though it was agreed that Mandela had a right to make the criticism. It is important to protect the public sphere in which this kind of criticism and counter-criticism can occur.

It was agreed that the SAHRC should continue to monitor the Open Democracy Bill and ensure its meaningfulness and successful passage into law. It was agreed that the media must remain as critical and independent voices in society, regardless of which party is in power.

Extensive discussion took place around the difficulty of the Urban/Rural split with regards to access to information. It was pointed out that approximately 8 million South Africans can receive a television signal, whereas 36 million South Africans are able to receive radio signals. It was also pointed out that 86% of people in KwaZulu/Natal listen to the radio. Professor Tomaselli brought the Freeplay clockwork powered radio to the attention of the group. This radio can be operated for 45 minutes, and was developed for developmental and rural conditions, especially where electricity is unavailable, and for listeners who cannot afford batteries. As such, it holds amazing potential for rural dwellers who are unable to afford batteries or are unable to acquire them easily even if they can afford them. At present the government considers these radios a luxury item and taxes them as such, making them far too expensive for poorer listeners, even though they are manufactured in Cape Town. Additionally, employees of the company, who are also its shareholders, are partly drawn from the disabled community, thus making the company a promoter of human rights in the constitution of the company workplace themselves.

It was agreed that the SAHRC should request government to take the Freeplay radio off the list of luxury goods in recognition of its role in providing rural people the right of access to information communicated via the public service broadcaster especially.

With regard to access to the Internet, it was pointed out that this global medium is but a telephone call away. Telkom obviously needs to be a partner in developing access to the Internet. The UN

Administrative Committee on Coordination's Statement on Universal Access to Basic Communication and Information Services notes that the "right to communicate" includes: a) the need to specify this value in operational terms; and b) to analyse current levels of access to basic communications and information services.

As with broadcasting which uses the frequency spectrum as a public resource, Telkom and the cellular phone companies also use the airwaves to transmit their products. These companies should be required to apply their expertise, infrastructures and a percentage of their resources to reducing the gap between those who do, and those who do not, have access to telephones. Telkom appears to be undertaking these kinds of developmental programmes, but the cellphone companies appear to have been exempted these requirements, which are certainly part of the IBA stipulations on the broadcast sector. (This point is made and elaborated here, as time prevented detailed discussion during the workshop.)

Additional Suggestions for the NAP:

- **To identify local storytellers to help develop multilingual programming and involve children in programme production. (The work of Gcina Mhlope was cited as an excellent example of this genre.)**
- **To promote and assist with funding for the South African coordinator (who is representing Africa) of the UNESCO Summit 2000 on Children and TV in Sydney, Australia.**
- **To develop regional and local monitoring systems for freedom of expression issues, linked to NGOs and other organizations, with regular reports issued for enforcement.**

Many of the points made above are reinforced by the *Viewers' Declaration of Independence* and *The People's Communication Charter*, which preceded the NAP discussions. These two documents thus have a key role to play in guiding discussions on freedom of expression in South Africa.

Implementing Bodies

It was explained that the government is responsible for the implementation of the National Action Plan. It was therefore suggested that the newly formed SA Government Communication and Information System be tasked with the implementation of the Freedom of Expression recommendations. The following bodies from civil society should be requested to interact with this body in ensuring that the principles are publicly debated, developed, refined and implemented:

SAHRC
SA National Editors Forum
Freedom of Expression Institute
Black Journalists Forum
Independent Producers Organisation
Open Window Network

Independent Broadcasting Authority
National Association of Broadcasters

Print Media Association

Future Workshops

If the freedom of expression item is to be further debated in forthcoming workshops it would be helpful to precirculate copies of the **Charter** in particular so that it can be discussed item-by-item, in relation to the South African situation. The minutes as provided here should accompany these documents. (As a member of the CEM Board of Directors, Tomaselli would be happy to make himself available again as discussion facilitator of the *Declaration* and *Charter*, and so send on additional information relating to the **Declaration, The Charter** and CEM.).

Note

* Krabill is a visiting scholar at the University of Natal. He is a Ph.D student at the New School for Social Research, New York.

5 August 1998
Centre for Cultural and Media Studies
University of Natal
Durban 4041

E-mail: tomasell@mtb.und.ac.za
Fax: 031-260-1519

The Viewers' Declaration of Independence.

A manifesto of the Cultural Environment Movement

A commentary

Keyan G Tomaselli*
George Gerbner

INTRODUCTION

In this article we discuss a People's Communication Charter and the background to its development. The Charter is aimed at restoring the right to TV viewers – parents and children in particular – to reclaim the right to take control of their cultural environment and shape it to meet human rather than corporate needs.

The originators of the Charter are the Centre for Communication and Human Rights (The Netherlands), the Third World Network (Malaysia), the AMARC-World Association of Community Radio Broadcasters (Peru/Canada), and the Cultural Environment Movement (USA).

The Founding Convention of the Cultural Environment Movement, meeting in St Louis on 17 March 1996, ratified the Charter and referred it to a committee for refinement. The present draft reflects the comments, interests and concerns of CEM and the other signatories internationally, including South Africa. It has also been informed by the international agreements listed below.

We hold these truths to be self-evident:

that all persons are endowed with the right to live in a cultural environment that is respectful of their humanity and supportive of their potentials

that all children are endowed with the right to grow up in a cultural environment that fosters responsibility, trust, and mutuality rather than irresponsibility, fear, and violence.

that when a media system drifts out of democratic reach and becomes destructive of these rights, it is the duty of people to alter it

The Cultural Environment Movement has been formed to reclaim these rights, which are under threat not only in the First World, especially the United

States, but even in South Africa where the South African Broadcasting Corporation is still riven with commercial imperatives and trivialising entertainment over an engaging public service ethos which educates while it entertains.

CEM is a great coalition of a wide range of affiliated and supporting organisations and concerned people. The Movement is united in working for freedom, fairness, diversity, respect for cultural integrity, the protection of children and health, and the revival of democratic decision-making in the cultural mainstream of all countries.

The prime issues investigated at the Founding Convention of the Movement in March 1996 included:

- moral and ethical issues relating to depictions of unnecessary violence in the media, especially TV, drugs and stereotypical representation of women, blacks and other 'minorities'
- issues of regulation and privatisation of the electronic media, with reference to public access and accountability. How to develop policy which protects the public sphere from market economics as the only legitimate form of regulation, and which has declared war on journalism, was a recurring question
- identification of the relationship between global ownership and violence-driven images. Violence-driven narratives in cartoons, dramas and so on travel more easily and cheaply than other kinds of genre. Will the 'V' chip (which can censor violence) to be built into all US TV sets from 1997 really make any difference?
- identification of strategies on how to empower parental authority over children's programming in an age when children often know more about how to manipulate technology than their parents. How

* Prof Keyan G Tomaselli is Director, Centre for Cultural and Media Studies, University of Natal.
Prof George Gerbner is founder and Chair, Cultural Environment Movement, Philadelphia, USA.

to replace 'stories that sell' with 'stories that tell' underlined an imperative to restore the function of storytelling to a non-commercial cultural domain.

The above questions backgrounded a series of activities and working groups which recuperated oral storytelling, music, small group communication, dance and video as means of engaging the power that transnational media companies have developed over children in particular.

The point was repeatedly made at the convention that the US stands almost alone in failing to have developed policy on the above issues. The object of the convention was to coordinate the activities of individual organisations of civil society into a movement, thus creating a momentum which US and Canadian policy makers would have to take seriously.

Specific working groups offered policy proposals on specific aspects of the cultural environment:

- *Who is telling all the stories? Telecommunications concentration and media monopoly*
- *Voices against the stream: independents, public media and other alternatives*
- *Educational imperatives: school support, media literacy, critical awareness*
- *Health-promotion and damage prevention: the cultural frontier*
- *Religion as a culture force vs media as religion*
- *Labour under attack: jobs, work and image*
- *Ecology, technology and the information super-highway: who pays the price?*
- *Global village or global dominion? Cultural integrity and human rights*
- *Children, youth, aging and the family: media from cradle to grave*
- *Women and media: gender issues and sexual orientation*
- *Affirming diversity, equality and justice: African American, Latino, Asian, Native American, and other ethnic and religious minorities*
- *War and peace and the cult of violence*
- *Storytellers in a culture of storytellers*
- *Advocacy: communicating what works*

A surprisingly workable cooperation developed between academics and organisations of civil society during the convention. Both groups assumed critical perspectives on the relationship between media and society. Both were responding to what they argued was the negative mortgaging of our children's cultural future to transnational media corporations.

This cooperation between academics and institutions of civil society could assist in redefining academic-community relations in the USA. Even that academic constituency drawing on critical theory in the USA has been largely characterised by lack of interest in fostering social action. Alternatively, academics working for social change have been disempowered by institutional dynamics beyond their control. The movement identified ways of animating academia through developing strategic relationships with concerned citizens' groups.

The passing of the new US Telecommunications Act a few weeks prior to the CEM launch provided a take-off point for analysis of its implications for the rest of the world. These are very serious indeed, as the Act imposes market criteria alone. All previous restrictions on mergers and cross-ownership, public participation and representation etc, have been annulled by the US Congress. The business scramble will completely annihilate US public media currently outside the market, thus commercialising and debasing democracy itself. These deregulating dynamics will impact on the world at large, including South Africa. This is one of the reasons that the Charter is also of importance here.

DECLARING VIEWER INDEPENDENCE

The following are some of the causes, injuries and usurpations that impel us to declare our cultural independence and assume an active role in making policy decisions about the cultural environment into which our children are born:

- The roles we grow into and the ways we see others and the world are no longer mostly home-made, hand-crafted, community-inspired. They are the results of a complex mass-production and marketing process. A child today is born into a home in which television is on for an average of more than seven hours a day. Rural areas in South Africa which remain outside the terrestrial signal are unlikely to exhibit such intense viewing patterns, but urban areas including informal settlements are fast catching up. For those with high media access, most of the stories about people, life and the world are told no longer by parents, schools, churches, or others in the community who have something to tell, but increasingly by a handful of global conglomerates that have things to sell.
- This is a radical change in the way we employ creative talent, raise our children and manage our affairs. Channels proliferate and new technologies pervade home and office while mergers and bottom-line pressures shrink creative alternatives, reduce diversity of content, and concentrate control in a few hands. Media blend into an integrated communication structure that transcends boundaries and constrains life's choices as the degradation of the physical environment limits life's chances.
- This condition did not emerge spontaneously or after thoughtful deliberation. It was imposed over significant public opposition. It is now embodied in legislation passed without media scrutiny or public debate of consequences, and embodied in marketing formulas forced on creative people and foisted on the children of the world. Its worldwide fallout and human implications have only recently been studied and are just beginning to be understood.
- Our airwaves, which are global commons for all the people, have been given away to media empires not accountable to the people. We have been disfran-

chised in the arena of policy-making most crucial to our humanity.

- We are told that in exchange for allowing the business establishment to subsidise and control cultural production and policy, we receive entertainment and news free or substantially below cost. But in truth we pay for all of it as consumers. In effect, we pay when we wash, not when we watch. The price of soap includes money for the 'soap opera'. We may or may not watch it, but we have no choice. We pay the levy in the price of all the advertised goods we buy. And we pay for the way of life they promote, whether we like it or not.
- This is taxation without representation. For advertisers, it is tax-deductible business expense, costing the public treasury tens of billions of dollars (or rands) annually, which buys the right to discharge their stories into the common cultural environment. For society it is a way of limiting freedom of press to those who own the mass media, and denying meaningful public participation in cultural decision-making.
- The cultural environment resulting from these distortions of the democratic process is unacceptable to any self-respecting and self-governing country or community. Its consequences include the promotion of unhealthy practices that pollute, drug, hurt, poison, and kill thousands every day; the portrayals that dehumanise and stigmatise; the cult of media violence and expertly choreographed brutality that desensitise and terrorise; and the sensationalised stories that polarise and drive the growing siege mentality of our cities.
- At the same time, these distortions disguise or ignore the drift toward ecological suicide, the silent crumbling of our infrastructure, the cruel neglect of the arts and education, the most glaring inequalities in the industrial world, and the basic needs and aspirations of people around the world.
- Technocratic fantasies hide social realities of the widening gaps between the information rich and the information poor. Global marketing formulas monopolise and homogenise cultures worldwide, degrade humanity, humiliate us in the eyes of people everywhere, and thwart rather than liberate creative energies and the development of human potentials.

The Cultural Environment Movement challenges us to mobilise to act as a public as effectively as commercials mobilise us to buy as consumers. The declaration continues:

We shall reclaim freedom of speech and press from their current use as shielding mostly private privilege. We shall no longer beg for favours where we have constitutional rights, human rights, and civil rights. We pledge to heal the wounds of all the stories that are hurting and tearing us apart.

We shall put culture-power to liberating ends and break the constraints that distort and debilitate. We will no longer be the only country (ie the USA) calling itself democratic that not only tolerates

cultural domination but dumps it on all parts of the world.

As the 'culture wars' are heating up and leading us in ever more polarizing and repressive directions, we gathered at the Founding Convention of the Cultural Environment Movement in St. Louis on March 15-17, 1996, to offer the liberating alternative. That historic Convention, preceded by the first International Broadcast Standards Summit, was the most diverse assembly ever of cultural leaders and activists from the USA and 13 other countries. It represented over 130 organizations in fields including cultural policy; ethnic, women's, labour, educational, public health, and religious interests; ecology, technology, and creative and independent media perspectives. We gathered to launch a strong, enduring coalition, approve this Declaration, a People's Communication Charter, and develop an action program designed to offer the liberating alternative:

- Roll back media monopolies
- More freedom and support for the creative workers
- Respect for cultural integrity
- Teach critical awareness and skills
- Work together for a freer, fairer and more diverse cultural environment and broadly-based participation in cultural decisions that shape the lives of our children.

THE PEOPLE'S COMMUNICATION CHARTER

An International Covenant of Standards

We, the Signatories of this Charter, recognize that:

- Communication is basic to the life of all individuals and their communities.
- All people are entitled to participate in communication, and in making decisions about communication within and between societies.
- The majority of the world's peoples lack minimal technological resources for survival and communication. Over half of them have not yet made a single telephone call.
- Commercialization of media and concentration of media ownership erode the public sphere and fail to provide for cultural and information needs, including the plurality of opinions and the diversity of cultural expressions and languages necessary for democracy.
- Massive and pervasive media violence polarizes societies, exacerbates conflict, and cultivates fear and mistrust, making people vulnerable and dependent.
- Stereotypical portrayals misrepresent all of us and stigmatize those who are the most vulnerable.

Therefore, we ratify this Charter defining communication rights and responsibilities to be observed in democratic countries and in international law.

Article 1 Respect

All people are entitled to be treated with respect, according to the basic human rights and standards of dignity, integrity, identity, and non-discrimination.

Article 2 Freedom

All people have the right of access to communication channels independent of governmental or commercial control.

Article 3 Access

In order to exercise their rights, people should have fair and equitable access to local and global resources and facilities for conventional and advanced channels of communication; to receive opinions, information and ideas in a language they normally use and understand; to receive a range of cultural products designed for a wide variety of tastes and interests; and to have easy access to facts about ownership of media and sources of information. Restrictions on access to information should be permissible only for good and compelling reason, as when prescribed by international human rights standards or necessary for the protection of a democratic society or the basic rights of others.

Article 4 Independence

The realization of people's right to participate in, contribute to, and benefit from the development of self-reliant communication structures requires national and international assistance. This includes support of development communication and of independent media; training programs for professional media workers; the establishment of independent, representative media associations, syndicates or trade unions; and the international adoption of standards.

Article 5 Literacy

All people have the right to acquire information and skills necessary to participate fully in public deliberation and communication. This requires facility in reading, writing, and story-telling; critical media awareness; computer literacy; and education about the role of communication in society.

Article 6 Protection of journalists

Journalists must be accorded full protection of the law, including international humanitarian law, especially in areas of conflict. They must have safe, unrestricted access to sources of information, and must be able to seek remedy, when required, through an international body.

Article 7 Right of reply and redress

All people have the right of reply and to demand penalties for damage from media misinformation. Individuals concerned should have an opportunity to correct, without undue delay, statements relating to them which they deem to be false and which they have a justified interest in having corrected. Such

corrections should be given the same prominence as the original expression. States should impose penalties for proven damage, or require corrections, where a court of law has determined that an information provider has wilfully disseminated inaccurate or misleading and damaging information, or has facilitated the dissemination of such information.

Article 8 Cultural identity

All people have the right to protect their cultural identity. This includes respect for people's pursuit of cultural development and the right to free expression in languages they understand. People's right to the protection of their cultural space and heritage should not violate other human rights or provisions of this Charter.

Article 9 Diversity of languages

All people have the right to a diversity of languages. This includes the right to express themselves and have access to information in their own language, the right to use their languages in educational institutions funded by the state, and the right to have adequate provision created for the use of minority languages where needed.

Article 10 Participation in policy making

All people have the right to participate in public decision-making about the provision of information; the development and utilization of knowledge; the preservation, protection and development of culture; the choice and application of communication technologies; and the structure and policies of media industries.

Article 11 Children's rights

Children have the right to mass media products that are designed to meet their needs and interests and foster their healthy physical, mental and emotional development. They should be protected from harmful media products and from commercial and other exploitation at home, in school, and at places of play, work, or business. Nations should take steps to produce and distribute widely high quality cultural and entertainment materials created for children in their own languages.

Article 12 Cyberspace

All people have a right to universal access to and equitable use of cyberspace. Their rights to free and open communities in cyberspace, their freedom of electronic expression, and their freedom from electronic surveillance and intrusion should be protected.

Article 13 Privacy

All people have the right to be protected from the publication of allegations irrelevant to the public interest, or of private photographs or other private communication without authorization, or of personal information given or received in confidence. Data-

bases derived from personal or workplace communications and transactions should not be used for unauthorized commercial or general surveillance purposes. However, nations should take care that the protection of privacy does not unduly interfere with the freedom of expression or the administration of justice.

Article 14 Harm

People have the right to demand that media actively counter incitement to hate, prejudice, violence, and war. Violence should not be presented as normal, 'manly', or entertaining, and true consequences of and alternatives to violence should be shown. Other violations of human dignity and integrity to be avoided include stereotypic images that distort the realities and complexities of people's lives. Media should not ridicule, stigmatize, or demonize people on the basis of gender, race, class, ethnicity, language, sexual orientation, and physical or mental condition.

Article 15 Justice

People have the right to demand that media respect standards of due process in the coverage of trials. This implies that media should not presume guilt before a verdict of guilt, invade the privacy of defendants or others, and should not televise criminal trials in real time while the trial is in progress.

Article 16 Consumption

People have the right to useful and factual consumer information, and to be protected from misleading and distorted advertising. Media should avoid and, if necessary, expose, promotion disguised as news and entertainment (infomercials, product placement, children's programs that use franchised characters and toys, etc), and the creation of wasteful, unnecessary, harmful or ecologically damaging needs, wants, products, and activities. Advertising directed at children should receive special scrutiny.

Article 17 Accountability

People have the right to hold media accountable to the general public for their adherence to the standards established in this Charter. For that purpose, media should establish mechanisms, including self-regulatory bodies, that monitor and account for measures taken to achieve compliance.

BIBLIOGRAPHY

- Allen, D, Rush, R & Kaufman, S 1996. *Women transforming communication*. London: Sage.
- Australian Teachers of Media Inc 1995. *Children's Television Charter*. *Metro Education: Special World Summit Edition*, (5), Spring 1995.
- Baker, C E 1994. *Advertising and a democratic press*. Princeton University Press.
- Bourges, H 1996. European Platform For Regulatory Bodies. Speech delivered at the meeting in Paris of the European Media Institute, 3 May 1996.
- Bratislava Declaration of the Expert Seminar on The Right to Communicate in the Post Cold War Period. NGO-Forum on Human Rights of the World Conference on Human Rights (WCHR) Bratislava, Slovak Republic, 10-11 June 1993.
- Communication for Human Dignity: The Mexico Declaration. *Media Development*, 1, 1996.

Article 18 Implementation

In consultation with Signatories, national and international mechanisms will be organized to publicize this Charter; implement it in as many countries as possible and in international law; monitor and assess the performance of countries and media in light of these Standards; receive complaints about violations; advise on adequate remedial measures; and to establish procedures for the periodic review, development and modification of this Charter.

INTERNATIONAL AGREEMENTS AND OTHER WORKS INFORMING THIS CHARTER

With regard to freedom of information: Article 19 of the Universal Declaration of Human Rights; Article 19 of the International Covenant on Civil and Political Rights; Unesco Resolutions 3.2. of 1983 and 4.1 of 1991 on the Right to Communicate; the provisions on information of the 1975 Final Act of the Conference on Security and Co-operation in Europe; the 1991 Unesco Declaration of Windhoek; and Article 13 of the Convention on the Rights of the Child.

With regard to the social responsibility of mass media: The 1978 Unesco Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War; Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women by the Beijing Platform of Action of the 1995 UN World Conference on Women; and Article 17 of the Convention on the Rights of the Child.

With regard to the development of communication: The UN Declaration on the Right to Development of 1986; and the Unesco Resolution 4.1 of 1991 statement on Communication for Development.

With regard to the protection of cultural and linguistic rights: Article 27 of the Universal Declaration of Human Rights; Article 27 of the International Covenant on Civil and Political Rights; Article 15 of the International Covenant on Economic, Social and Cultural Rights; and the 1966 Unesco Declaration of the Principles of International Cultural Co-operation.

- Bengu, T, Botha, A, & Gowans, J (eds). Contribution of South Africa to the African Platform of Action. African NGO Forum, Dakar, Senegal, (5:7711/1.16).
- Caucus for Producers, Writers and Directors (Steering Committee). Creative Rights and the Quality of Television. *The Caucus Quarterly*.
- Center for Defense Information 1994. The media and images of war. *The defense monitor*, XXIII(4).
- Coulombe, P A 1993. Language rights, individual and communal. *Language Problems and Language Planning*, 17(2).
- Council for a Parliament of the World's Religions. *The Declaration of a Global Ethic*. Chicago, Ill, 1993.
- Declaration of European Television and Film Forum's Working Group on Consumer and Viewer Interests. Dusseldorf, Germany. *Media Development* 4, 24 January, 1994.
- Dyson, R A 1995. *The treatment of media violence in Canada since the publication of the LaMarsh Commission Report in 1977*. Doctoral dissertation. OISE at the University of Toronto.
- Easton, S M 1994. *The problem of pornography, regulation and the right to free speech*. London: Routledge.
- Evenson, D 1991. Women's rights and the media. *The National Lawyers Guild Practitioners*, 48(1).
- Final Report of the World Summit on Television and Children, Melbourne, Australia, 12-17 March 1995.
- Firestone, C M & Schement, J R (eds) 1995. *An information bill of rights and responsibilities. Toward an Information Bill of Rights & Responsibilities*. Queenstown, Md: The Aspen Institute: 133-143.
- Fourth European Ministerial Conference on Mass Media Policy. The Media in a Democratic Society: Resolutions and Political Declaration. Prague, 7-8 December 1994.
- Franck, P 1991. The mass media, the New World Information Order, and a new look at the First Amendment. *The National Lawyers Guild Practitioner*, 48(1).
- French Association of Television Viewers 1991. Charter of French Television Viewer's Rights. ('Les Pieds dans le Paf.') *Media Development* 4.
- Gallagher, M 1995. Communication and human dignity: a women's rights perspective. *Media Development*, 3.
- Hamelink, C J 1993. *The right to communicate*. International Association for Mass Communication Research, Vienna, Austria, 15 June 1993.
- Hamelink, C J 1995. *World communication: disempowerment and self-empowerment*. London: Zed.
- Lady Howe. Chairman of Broadcasting Standards Council, UK. Address at the European Conference on Fundamental Rights and New Information Technologies in the Audiovisual Sector.
- Japanese Forum for Citizens' Television. Charter of Television Viewers Rights (1993).
- Kleinwachter, W 1991. Continuity and change in the international law of mass communication. *The National Lawyers Guild Practitioners*, 48(1).
- MacBride Round Table on Communication 1995. Tunis statement. *Media Development* 3.
- MacKinnon, C A 1987. *Feminism modified: discourses on life and law*. Cambridge, Mass: Harvard University Press.
- MacKinnon, C A 1993. *Only Words*. Cambridge, Mass: Harvard University Press.
- Media and Democracy Congress. Information Bill of Rights. References and Assistance: Nolan Bowie, DeeDee Halleck, Julian Low, Herb Schiller, Martha Wallner, People's Communication Charter, Aspen Institute, Telecommunications Policy Roundtable, American Library Association, Taxpayers Assets Project, Media Consortium, National Alliance for Media Arts and Culture, 1996.
- Media Ethics and Advocacy Committee 1994. Violence in electronic media and film. National Council of the Churches of Christ in the USA, 17 February 1994.
- Media Education Committee, Department of Communication 1993. Strategies for Media Education. National Council of the Churches of Christ in the USA, September, 1993.
- Media Ethics and Advocacy Committee 1994. Global Communication for Justice. National Council of the Churches of Christ in the USA, 17 February 1994.
- Morf, D 1994. Appeal for an international commitment against violence on the screen. The National Commissions for Unesco of Austria, Germany, Italy, the Netherlands and Switzerland. Bern, 1994.
- New Delhi Declaration on Democratization of Audiovisual Communication 1994. *The Democratic Communiqué*, XII(1).
- New World Information and Communications Order. *NWICO Sourcebook*. International Organization of Journalists, 1986.
- Nordenstrend, K & Kleinwachter, W (eds) 1992. CSCE (Conference on Security and Cooperation in Europe) and Information. Proceedings of a seminar of experts, 24-27 April 1992.
- Pontifical Council for Social Communications 1989. Pornography and violence in the communications media: a pastoral response. Vatican City: Vatican Polyglot Press.
- Porter, V 1993. The freedom of expression and public service broadcasting. *Tolley's Journal of Media Law and Practice*, 14(2):46-50.
- Vinebohm, L 1993. *European media - east and west*. InteRadio, 5(1).
- World Conference of Human Rights 1993. Declaration of the International Organization of Journalists. Vienna, 14-25 June 1993.