republic of congo
ethiopia
zimbabwe
chad
togo
madagascar
burundi
sudan
somalia
malawi
niger
equitorial guinea
cameroon
the gambia
rwanda
tanzania
namibia
uganda
senegal
mali
ghana
eritrea
sierra leone
democratic republic of congo
botswana
nigeria
mozambique
benin
kenya
djibouti
central african republic
guinea
south africa
burkina faso
mauritania
zambia
côte d'ivoire

MEDIA SUSTAINABILITY INDEX 2006/2007

DEVELOPMENT OF SUSTAINABLE INDEPENDENT MEDIA IN **AFRICA**

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Agence canadienne de développement international
WORLD BANK INSTITUTE
Promoting knowledge and learning for a better world
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FROM THE AMERICAN PEOPLE

MEDIA SUSTAINABILITY INDEX

2006/2007

The Development of Sustainable Independent Media in Africa

MEDIA SUSTAINABILITY INDEX 2006/2007

The Development of Sustainable Independent Media in Africa
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The Canadian International Development Agency

The Canadian International Development Agency's (CIDA) aim is to reduce poverty, promote human rights, and support sustainable development.

CIDA was established in 1968 to administer the bulk of Canada's official development assistance program. The measure of its success lies in its contribution to the achievement of the Millennium Development Goals and Canada's broader international policy objectives.

CIDA's priorities are poverty reduction, democratic governance, private sector development, health, basic education, equality between women and men, and environmental sustainability. These are areas in which Canadian expertise can make a difference.

CIDA works in concert with its development partners, fragile states and countries in crisis, selected countries and regions, and the Canadian population and institutions.

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The World Bank Institute (WBI) is the capacity development arm of the World Bank, and helps countries share and apply global and local knowledge to meet development challenges. WBI's capacity development programs are designed to build skills among groups of individuals involved in performing tasks, and also to strengthen the organizations in which they work, and the sociopolitical environment in which they operate.

Capacity for Development is the ability of individuals, institutions, and whole societies to solve problems, make informed choices, order their priorities and plan their futures, as well as implement programs and projects, and sustain them over time. Building capacity is at the heart of development and development effectiveness. It depends heavily on society's ability to acquire and use knowledge.

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The United States Agency for International Development (USAID) is an independent agency that provides economic, development, and humanitarian assistance around the world in support of the foreign policy goals of the United States. The agency works to support long-term and sustainable economic growth and advances US foreign policy objectives by supporting:

- Economic growth, agriculture, and trade
- Global health
- Democracy, conflict prevention, and humanitarian assistance

USAID provides assistance in four regions of the world:

- Sub-Saharan Africa
- Asia and the Near East
- Latin America and the Caribbean
- Europe and Eurasia

With headquarters in Washington, DC, USAID's strength is its field offices around the world. They work in close partnership with private voluntary organizations, indigenous organizations, universities, American businesses, international agencies, other governments, and other US government agencies. USAID has working relationships with more than 3,500 American companies and over 300 US-based private voluntary organizations.

IREX

IREX is an international nonprofit organization specializing in education, independent media, Internet development, and civil society programs. Through training, partnerships, education, research, and grant programs, IREX develops the capacity of individuals and institutions to contribute to their societies.

Since its founding in 1968, IREX has supported over 20,000 students, scholars, policymakers, business leaders, journalists, and other professionals. Currently, IREX is implementing 40 programs in more than 50 countries with offices in 17 countries across Europe, Eurasia, the Middle East and North Africa, and the United States. IREX serves as a major resource for universities, governments, and the corporate sector in understanding international political, social, economic, and business developments.

Africa

TABLE OF CONTENTS

Introduction vii
Executive Summary ix
Methodology xvii

Africa

Benin 3
Botswana 13
Burkina Faso 35
Burundi 47
Cameroon 55
Central African Republic 63
Chad 71
Democratic Republic of Congo 79
Republic of Congo 89
Côte d'Ivoire 97
Djibouti 109
Ethiopia 117
Equatorial Guinea 125
Eritrea 131
The Gambia 139
Ghana 151
Guinea 163
Kenya 173
Madagascar 183
Malawi 195
Mali 207
Mauritania 217
Mozambique 225
Namibia 235
Niger 245
Nigeria 255
Rwanda 269
Senegal 279
Sierra Leone 291
Somalia 303
South Africa 313
Sudan 329
Tanzania 337
Togo 345
Uganda 353
Zambia 361
Zimbabwe 377

The results indicate that the worldwide media community has more in common than we may realize or acknowledge. The MSI approach works as well in Africa as it has in Europe and the Middle East. Professional norms, the importance of laws promoting free expression, sound management practices, and the importance of supporting institutions are not bound by geography or unduly constrained by cultural differences.

I am pleased to introduce the first edition of the Africa Media Sustainability Index (MSI). This represents the third region covered by the MSI, after its 2001 introduction to Europe and Eurasia and its introduction in 2005 to the Middle East and North Africa.

The Africa MSI has shown the durability and applicability of the objectives and indicators designed for the original MSI. Minor changes in the panelist and moderator instructions ensured our results embrace uniquely African features, including the prevalence of radio—notably community radio—found in many countries.

The results indicate that the worldwide media community has more in common than we may realize or acknowledge. The MSI approach works as well in Africa as it has in Europe and the Middle East. Professional norms, the importance of laws promoting free expression, sound management practices, and the importance of supporting institutions are not bound by geography or unduly constrained by cultural differences.

The MSI has evolved into an important tool for analyzing media sectors and changes over time, and for providing cross-border comparisons. Donors, diplomats, media development implementers, and policymakers use the MSI as an assessment tool to show where efforts for reform and development would be concentrated best. Perhaps more importantly, the MSI serves as a self-assessment tool for local media professionals. Local professionals can use this analysis to advocate for focused reform through change in media laws and renewed emphasis on training.

To complete the MSI in 37 countries and to maintain our practice of capturing local perspectives, IREX relied on partnerships with 10 local organizations and two individuals. IREX wishes to thank them for their participation. This would not have been possible without their energy and dedication to media development.

The current Africa MSI was supported by funding from the Canadian International Development Agency, World Bank Institute, and USAID. We would like to thank Mark Nelson at the World Bank Institute and Mark Koenig of USAID for their strong support and input into the MSI in general and the Africa MSI in particular. At IREX, I would like to recognize the efforts of Leon Morse, the MSI project manager, for managing the completion of this ambitious project. Drusilla Menaker and Blake Saville provided important support.

We hope you find the study useful and we welcome your feedback.

Sincerely,

Mark Whitehouse

Director, Media Development, IREX

Poor practices in one objective appear to negatively reinforce poor practices in the other. For example, lack of revenue rules out living wages, which in turn creates inferior quality reporting that the public mistrusts, in turn inhibiting the growth of a reputable media outlet that citizens find valuable. Not using market research to determine what kind of news consumers want precludes in-depth reporting on issues such as health and other non-political topics.

The 2006-2007 Media Sustainability Index (MSI) for Africa is the introductory study of 37 sub-Saharan countries. The MSI uses IREX's methodology that was developed in 2001, first applied to Europe and Eurasia, and then used in the Middle East and North Africa in 2005. Baseline scores have been obtained and in-depth qualitative studies from a local perspective prepared to explain the numbers. The methodology used in Africa is the same as that used in the past, allowing for comparison. To ensure that unique features of African media were highlighted, we slightly revised our questionnaire and moderator instruction manual to remind panelists to consider, for example, community radio in their evaluation.

Applying the MSI in Africa achieved some notable results and scores that are rather telling about its state of media. In Africa, the MSI measured both a new high overall score (a 3.10 in South Africa) and a new low overall score (a 0.27 in Eritrea). Scores highlighted unfriendly media environments in other countries such as Equatorial Guinea, Zimbabwe, and Sudan. The qualitative information in the accompanying chapter allows one to discern differences between two countries—for example, Zimbabwe and Mauritania—with similar overall scores but heading in opposite directions. In the case of the latter, recent changes have yet to take hold after years of a closed system, but panelists were hopeful for the future; in the case of the former, panelists were not particularly hopeful of change for the better in the near future.

The multidimensional nature of the methodology captured political repression in countries such as Kenya and Ethiopia. While both had comparatively weak scores for the free speech objective, relatively stronger scores in objectives such as supporting institutions or business management show that they cling to vestiges of a once heartier media sector. Such past experience could serve as the core of future development. Finally, overall scores show about a dozen countries nearly in, or in the early stages of, what our methodology defines as "near sustainability." These countries display a certain fragility but also promise for the future.

Common Threads

The MSI highlights many common traits and trends in the African media that can be found by analyzing the numbers or reading the accompanying chapters. At the same time, the qualitative information in each chapter highlights the unique characteristics of each country. Below, we discuss a few of the salient findings: the relationship between business management and quality journalism; low wages for journalists and corruption; importance of radio, nature of the many community radio sectors, and enduring role of print media; government subsidies of private media, and; need for market research.

Looking at objective scores for individual countries and pan-African averages, one quickly notices that the two objectives consistently performing the worst are Objectives 2 and 4, professional journalism and business management. Overall objective averages for Africa break down from best to worst as follows: Objective 5, supporting institutions (2.20); Objective 3, plurality of news (2.04); Objective 1, free speech (1.94); Objective 2, professional journalism (1.81), and; Objective 4, business management (1.63).

Fourteen of the 37 countries under study fit the pattern of objectives 2 and 4 as the lowest. When the 14 are evaluated together, the average of all objective 2 and 4 scores is 1.57, versus a combined average of 2.25 for objectives 1, 3, and 5. This is a significant difference: a score of 1.57 falls in the middle of what our methodology defines as an "unsustainable, mixed system," while 2.25 falls well within "near sustainability." Averaging the scores of all African countries produces slightly less stark, yet still noticeable, differences: the average for objectives 2 and 4 is 1.72, versus 2.06 for objectives 1, 3, and 5.

Perhaps not surprisingly, business management finishes poorly on a continent with a generally underdeveloped business sector and widespread poverty that inhibits the consumption of media. Professional journalism scoring on the lower end is also to be expected. However, given that many indicators that make up the free speech objective—access to information, fair broadcast licensing, crimes against journalists, and libel laws—are a common problem throughout much of Africa, it is somewhat unanticipated to see professional journalism perform worse.

As indicated by the panelist comments detailed in the chapters and the additional notes of the local authors, poor practices in one objective appear to negatively reinforce poor practices in the other. For example, lack of revenue rules out living wages, which in turn creates inferior quality reporting that the public mistrusts, in turn inhibiting the growth of a reputable media outlet that citizens find valuable. Not using market research to determine what kind of news consumers want precludes in-depth reporting on issues such as health and other non-political topics. The absence of a diverse advertising base spawns self-censorship and reporting that suits a few key patrons, obviating the need for developing a business culture in the media. The results strongly imply a need for media outlets to become as financially sound as local circumstances allow.

Connected to the relationship between business management and quality journalism is what many Africans call *gombo* journalism (money exchanged for ideally favorable coverage of an event or personality). Corrupt journalism practices in many countries around the world are a poorly kept secret. Its presence in Africa is unsurprising, as were reports of low salaries. Low wages for journalists appeared as the weakest indicator in the professional journalism objective in a majority of African countries. Interestingly, in several African countries, some journalists are paid no wages, with the full expectation that they will supplement income through such practices. A quote from a panelist in Burkina Faso illustrates this mentality well: "I had to confirm the words of a journalist with those of his employer. When he was hired, the owner offered him CFAF 70,000 [$160] per month. He had a master's degree. And the owner added: 'There's *gombo* available when you do field work, so you'll be able to increase your salary with it.'"

Meager salaries also contribute to high turnover. Several panels reported that young journalists gain a minimum amount of experience and then move on to public relations or related fields.

It is a commonly accepted fact that radio in Africa is the predominant source of news and information for the public at-large. Illiteracy, oral tradition, lack of electrical power for a television, and the cost of a newspaper all make radio the medium of choice. The results of the MSI reinforce the findings made by other studies regarding radio. Community radio and its importance have also been the subject of much previous research.

The MSI highlights the different nature of community radio in various African countries, and also identified countries where radio either does not exist or could be more prevalent. In Nigeria, according to the MSI panel, "…there are no proper community radio stations," just local arms of the state broadcaster. In Niger, by law community radio stations may not broadcast news. In Senegal, community radio stations may not sell advertising. In Botswana, according to the panel there, the law provides for community radio but there are no implementing regulations; one panelist asserted the government fears outbreaks of "tribalism" should community radio take hold. Panelists in the Democratic Republic of Congo thought that many radio stations were originally set up during elections as political mouthpieces but now disguise themselves as community radio.

Despite radio's reach, the importance of newspapers in Africa should not be overlooked. In many countries, the panels reported that newspapers and magazines are for the elite, too expensive for most citizens, and/or unavailable outside of cities due to poor transportation networks. Further, numerous panels put the circulation of individual newspapers at perhaps a few thousand copies or less. However, print journalists still undertake some of the most in-depth reporting in Africa. In all African countries except Eritrea, private newspapers exist; in several countries, where the state maintains a monopoly

on broadcasting, newspapers are the only alternative voice. In such cases, they can set the news agenda and serve as the nucleus of an independent journalism corps.

Several countries in Africa, particularly Francophone Africa, provide state subsidies to private commercial media. Furthermore, in many countries, the government and state-owned enterprises are the most important source of advertising. Panelists from various countries described the amount of subsidies reaching each outlet as not significant enough to influence editorial policy. In fact, one panelist in Cameroon reported refusing the subsidy. In Burkina Faso, panelists complained that the media that receive the most government advertising also receive the largest subsidies. In other countries, laws on the books provide for a subsidy but it is not funded—or worse, when it is funded, it disappears, as panelists in Chad reported. Advertising can be misused by governments as well: in Kenya, the government ordered an official ban on state advertising with all media owned by Standard Media Group after its newspaper reported on an alleged plot by a minister to kill the former president's son. In Botswana, panelists went so far to say that so much government advertising goes to public media—to the detriment of private media's competitiveness—that it ends up subsidizing the state.

Finally, MSI panels reported that very little or no market research is used. There appears to be a misconception about market research: that it must necessarily be an expensive, comprehensive, all-market survey carried out by a multinational company. Very often, moderators and chapter authors described the occasional or one-off research in their countries in this way. However, focus group research can be carried out by individual media outlets with a relatively small number of consumers, over a couple of hours, and for a nominal cost. Even in countries without verifiable audience or circulation figures (which is the case for most countries in Africa), providing a better product can have a positive impact on sales and the ability to raise revenue.

What is Working

Several individual indicators within the objectives consistently fared better than others. For example, Indicator 1.8, "Media outlets have unrestricted access to international news and news sources," was most often the top performer in Objective 1. Similarly, Indicator 1.9, "Entry into the journalism profession is free and government imposes no licensing, restrictions, or special rights for journalists," also usually received better scores than other indicators. In general, governments in Africa are not resorting to measures that prevent the media from incorporating the views of, or republishing or rebroadcasting news from, international news media. And in all but the worst press freedom environments in Africa, any citizen may decide to be a journalist and report on events as a freelancer or sole proprietor of any sort of media outlet. It should be noted that in a few cases, panelists wished for some sort of non-legal standards for journalists. Panels in many countries reported that recent gains in plurality of news were accompanied by a flood of new (and often unqualified) entrants to the profession.

Similarly, Indicator 2.6, "Journalists cover key events," rated as a top performer in Objective 2. Panelists felt that African journalists are doing a good job of identifying and providing coverage of events that matter to the public. If, for self-censorship reasons, a media outlet does not cover an event such as an anti-government demonstration, others almost always step in to cover the event.

In Objective 3, Indicator 2, "Citizens' access to domestic or international media is not restricted," was most often the top performer. In only rare cases are broadcasts being jammed or foreign publications totally unavailable. Even in Eritrea, those citizens who can afford to own satellite dishes use them to watch international news programming. Very often, however, panelists reported a divide between rich and poor and rural and urban, with urban elites enjoying the best access to all foreign and domestic media.

Objective 5, supporting institutions, fared well in general. Panelists typically expressed appreciation of the work done by professional associations, NGOs, and trade associations, most often in that order. Civil society appears vibrant regarding the media profession, even if resources may be lacking. Very often, panelists said that there are no restrictions to utilizing the services of printing companies or distribution channels. However, many times distribution networks for print media were said to be insufficient or non-existent, particularly regarding delivery of print media to rural areas.

South Africa is working well. It has a strong press freedom environment and civil society has supported the growth of a media sector that is more vibrant than existed during Apartheid. The strongest economy in Africa allows for a healthy advertising market. Market research is used and trusted circulation and audience share measures exist. South Africa is a regional media power: many media-related companies based there operate in several countries in southern Africa.

The MSI in Conflict and Severe Environments

The MSI has been used to study repressive media systems in Europe and Eurasia, including Uzbekistan; and in the Middle East in such countries as Libya and Iran. However, Eritrea

presented the first case where absolutely no private media exists. Some of the panelists expressed doubt that the MSI would do justice to the dire situation in Eritrea. One wrote that the MSI methodology is not "…tailor-made to media in totalitarian states like Eritrea and North Korea. These deserve categories by themselves. The kind of comparative scoring system applied by the questionnaire simply breaks down in the face of absolutist, monopolized state media solely created for propaganda purposes."

After compiling the scores and comments and preparing the chapter, however, we feel strongly that the MSI did work in such a situation. First, the Eritrea chapter documents how the state has pervaded almost every aspect of the media sector in the country. For example, Indicator 3.5, "Independent broadcast media produce their own news programs," may at first seem not applicable, but in fact it serves as another reminder that indeed Eritrea has no independent broadcast media and no alternative voices. Almost all of Objective 4, business management, may seem pointless, but in fact looking at Eritrea through this measure shows just how far Eritrea is now from a sustainable media, and the breadth of changes that would be required should the political situation change.

Further, by comparing Eritrea to its neighbors, one can put the bleakness of the situation into context. Several other countries in Africa receive attention for government antipathy toward free media, but none are on the scale of Eritrea. Quantitatively, scores in Eritrea are far behind other countries' scores, showing the magnitude of the abuses there. Qualitatively, when read in the same sitting as any other Africa chapter, one gets a very real sense of why the numbers are in fact so low and just how bad the situation is there, even beyond the terrible human rights abuses. Indeed, the scores and chapter reflect the fate of media in an "absolutist, monopolized state."

Somalia presented an interesting study for a different reason. The media sector there suffers from being pulled in many directions by political, military, criminal, and clan interests. At the time of the MSI study, conditions were extremely challenging and dangerous; tragically illustrating this was the ambush murder of a journalist chosen to serve on the panel, before the survey took place. At that time, however, the Transitional Federal Government was extremely weak and disorganized. It did not have the wherewithal to systematically interfere with the media on a large scale. Therefore, the MSI captured a point in time when the media in Somalia proper were enjoying freedom by neglect. They were able to provide critical news for a limited period without risking closure. In the state of anarchy, anyone able to afford the equipment could set up a radio station without the trouble and potential delay of applying for a license.

After the panel was held, however, the situation rapidly changed, as the government stabilized and showed little tolerance for pluralistic views in the media. Security forces regularly occupied and closed outspoken radio stations. Violence against journalists escalated to the point of being systematic. The results from the 2008 panel will no doubt reflect an entirely different environment.

One final point worth mentioning in regard to Somalia is the role of print media. While not entirely immune from the media crackdown imposed by the Transitional Federal Government, the media has suffered much less than radio, the dominant medium in Somalia. From a certain perspective, its weakness can be viewed as a strength: it has been able to fly under the government's radar. Although not able to reach as many people in a timely way as radio, nonetheless it can still provide differing viewpoints and alternative sources of news, which can be passed along orally. Further, it allows journalists to gain valuable experience.

Media Development in Common: Africa, the Middle East, Europe & Eurasia

In closing, certain issues common to the media sector in all three studied regions—Africa, the Middle East, and Europe—begin to emerge. In the case of recently liberalized countries, the media is beginning to take off, but not without problems. Criminal libel laws, which slap fines and jail time on those convicted and force the journalist-plaintiffs to prove truth, persist despite advice and exhortation from local media associations, international media rights organizations, and various donors. Panelists in many countries said that low pay affects the quality of work and opens the door for corruption, but they note how stepping through the door to corruption is still a matter of personal ethics and choice. Panelists often cite editors and owners, who are much better paid and sometimes even more corrupt. An unfortunate commonality is that crimes against journalists, often tied to political and governmental actors, rarely result in punishment of those perpetrating the crimes.

The MSI documents the contributions that media in so many countries are making despite serious challenges. However, an unfortunate pattern of selectively implemented laws, disdain on the part of governments toward the principles of free expression and freedom of the press, weak economies, and financially vulnerable media institutions all undermine the media's ability to take on the role of the "fourth estate" in many countries. We hope that using the MSI to study Africa and other regions will serve as a useful advocacy tool for media practitioners and others trying to address these problems.

MEDIA SUSTAINABILITY INDEX 2006/2007: **OVERALL AVERAGE SCORES**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
				Benin **(2.28)**			
				Burundi **(2.13)**			
				Côte d'Ivoire **(2.21)**			
				Guinea **(2.25)**			
				Kenya **(2.37)**			
				Madagascar **(2.14)**			
		Cent. African Rep. **(1.23)**		Malawi **(2.18)**			
		Dem. Rep. Congo **(1.50)**	Burkina Faso **(1.92)**	Mali **(2.16)**			
		Djibouti **(1.42)**	Cameroon **(1.71)**	Mozambique **(2.21)**			
		Eq. Guinea **(1.01)**	Chad **(1.86)**	Nigeria **(2.21)**			
		Ethiopia **(1.24)**	Niger **(1.97)**	Rwanda **(2.29)**			
		Mauritania **(1.34)**	Sierra Leone **(1.95)**	Senegal **(2.35)**			
		Rep. Congo **(1.41)**	Somalia **(1.68)**	Tanzania **(2.21)**	Botswana **(2.51)**		
		Sudan **(1.28)**	The Gambia **(1.62)**	Uganda **(2.41)**	Ghana **(2.58)**		
Eritrea **(0.27)**		Zimbabwe **(1.27)**	Togo **(1.75)**	Zambia **(2.25)**	Namibia **(2.90)**	South Africa **(3.10)**	
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2006/2007: **FREE SPEECH**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
				Benin **(2.45)**			
				Burkina Faso **(2.20)**			
				Burundi **(2.13)**			
				Chad **(2.07)**			
				Côte d'Ivoire **(2.25)**			
				Guinea **(2.22)**			
				Madagascar **(2.08)**			
				Malawi **(2.12)**			
		Cent. African Rep. **(1.35)**		Mozambique **(2.36)**			
		Dem. Rep. Congo **(1.42)**		Niger **(2.33)**			
		Djibouti **(1.45)**		Senegal **(2.08)**			
		Eq. Guinea **(1.32)**	Cameroon **(1.64)**	Sierra Leone **(2.31)**			
		Rep. Congo **(1.49)**	Kenya **(1.99)**	Tanzania **(2.31)**	Botswana **(2.64)**		
Eritrea **(0.09)**	Sudan **(0.99)**	Somalia **(1.36)**	Mauritania **(1.72)**	Togo **(2.31)**	Ghana **(2.74)**		
Ethiopia **(0.19)**	Zimbabwe **(0.78)**	The Gambia **(1.18)**	Nigeria **(1.80)**	Uganda **(2.27)**	Mali **(2.65)**	Namibia **(3.34)**	
				Zambia **(2.03)**	Rwanda **(2.53)**	South Africa **(3.43)**	
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2006/2007: **PROFESSIONAL JOURNALISM**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
Eritrea **(0.38)**	Dem. Rep. Congo **(0.83)** Rep. Congo **(0.70)**	Cent. African Rep. **(1.38)** Djibouti **(1.39)** Mauritania **(1.31)** Zimbabwe **(1.02)**	Benin **(1.95)** Burkina Faso **(1.65)** Cameroon **(1.65)** Chad **(1.91)** Côte d'Ivoire **(1.71)** Eq. Guinea **(1.56)** Ethiopia **(1.67)** Guinea **(1.98)** Mali **(1.88)** Niger **(1.82)** Nigeria **(1.88)** Sierra Leone **(1.68)** Somalia **(1.76)** Sudan **(1.63)** Tanzania **(1.70)** The Gambia **(1.88)** Togo **(1.61)**	Burundi **(2.36)** Ghana **(2.09)** Kenya **(2.25)** Madagascar **(2.04)** Malawi **(2.06)** Mozambique **(2.12)** Rwanda **(2.17)** Senegal **(2.18)** Uganda **(2.31)** Zambia **(2.15)**	Botswana **(2.54)** Namibia **(2.86)** South Africa **(2.89)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2006/2007: **PLURALITY OF NEWS SOURCES**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
Eritrea **(0.35)**	Ethiopia **(0.99)** Zimbabwe **(0.68)**	Cent. African Rep. **(1.50)** Djibouti **(1.46)** Eq. Guinea **(1.11)** Mauritania **(1.43)** Sudan **(1.09)**	Burkina Faso **(1.98)** Cameroon **(1.84)** Chad **(1.78)** Dem. Rep. Congo **(1.86)** Somalia **(1.81)** The Gambia **(1.76)**	Burundi **(2.16)** Côte d'Ivoire **(2.38)** Guinea **(2.49)** Madagascar **(2.17)** Malawi **(2.08)** Mozambique **(2.24)** Niger **(2.15)** Nigeria **(2.21)** Rep. Congo **(2.40)** Sierra Leone **(2.13)** Tanzania **(2.40)** Togo **(2.07)** Zambia **(2.22)**	Benin **(2.70)** Botswana **(2.53)** Ghana **(2.76)** Kenya **(2.62)** Mali **(2.51)** Namibia **(2.75)** Rwanda **(2.77)** Senegal **(2.60)** South Africa **(2.85)** Uganda **(2.58)**		
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2006/2007: **BUSINESS MANAGEMENT**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
		Benin **(1.29)**		Botswana **(2.02)**			
		Burkina Faso **(1.34)**		Côte d'Ivoire **(2.21)**			
		Burundi **(1.35)**		Ghana **(2.34)**			
		Cameroon **(1.29)**		Guinea **(2.09)**			
		Chad **(1.03)**		Madagascar **(2.13)**			
		Dem. Rep. Congo **(1.06)**	Djibouti **(1.54)**	Malawi **(2.30)**			
		Mali **(1.46)**	Ethiopia **(1.64)**	Mozambique **(2.01)**			
		Niger **(1.36)**	Tanzania **(1.97)**	Nigeria **(2.40)**			
Cent. African Rep. **(0.24)**	Mauritania **(0.86)**	Sierra Leone **(1.34)**	The Gambia **(1.66)**	Rwanda **(2.01)**			
Eq. Guinea **(0.20)**	Rep. Congo **(0.87)**	Somalia **(1.21)**	Zambia **(1.95)**	Senegal **(2.09)**		Namibia **(3.05)**	
Eritrea **(0.28)**	Togo **(0.84)**	Sudan **(1.34)**	Zimbabwe **(1.94)**	Uganda **(2.12)**	Kenya **(2.59)**	South Africa **(3.06)**	
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

MEDIA SUSTAINABILITY INDEX 2006/2007: **SUPPORTING INSTITUTIONS**

0 – 0.50	0.51 – 1.00	1.01 – 1.50	1.51 – 2.00	2.01 – 2.50	2.51 – 3.00	3.01 – 3.50	3.51 – 4.00
				Burkina Faso**(2.45)**			
				Cameroon **(2.11)**			
				Chad **(2.50)**			
				Dem. Rep. Congo **(2.32)**			
				Guinea **(2.44)**	Botswana **(2.82)**		
				Kenya **(2.41)**	Burundi **(2.67)**		
				Madagascar **(2.30)**	Côte d'Ivoire **(2.52)**		
			Cent. African Rep. **(1.70)**	Malawi **(2.36)**	Ghana **(2.97)**		
			Ethiopia **(1.71)**	Mali **(2.30)**	Namibia **(2.52)**		
			Rep. Congo **(1.59)**	Mozambique **(2.33)**	Nigeria **(2.76)**		
			Rwanda **(1.95)**	Niger **(2.21)**	Senegal **(2.81)**		
		Djibouti **(1.27)**	The Gambia **(1.59)**	Sierra Leone **(2.29)**	Tanzania **(2.68)**		
		Mauritania **(1.36)**	Togo **(1.93)**	Somalia **(2.23)**	Uganda **(2.77)**	Benin **(3.02)**	
Eritrea **(0.24)**	Eq. Guinea **(0.85)**	Sudan **(1.37)**	Zimbabwe **(1.94)**		Zambia **(2.88)**	South Africa **(3.26)**	
UNSUSTAINABLE ANTI-FREE PRESS		**UNSUSTAINABLE MIXED SYSTEM**		**NEAR SUSTAINABILITY**		**SUSTAINABLE**	

The MSI has been used to study repressive media systems in Europe and Eurasia, including Uzbekistan; and in the Middle East in such countries as Libya and Iran. However, Eritrea presented the first case where absolutely no private media exists.

IREX prepared the Media Sustainability Index (MSI) in cooperation with the United States Agency for International Development (USAID) as a tool to assess the development of independent media systems over time and across countries. IREX staff, USAID, and other media development professionals contributed to the development of this assessment tool.

The MSI assesses five "objectives" in shaping a successful media system:

1. Legal and social norms protect and promote free speech and access to public information.

2. Journalism meets professional standards of quality.

3. Multiple news sources provide citizens with reliable and objective news.

4. Independent media are well-managed businesses, allowing editorial independence.

5. Supporting institutions function in the professional interests of independent media.

These objectives were judged to be the most important aspects of a sustainable and professional independent media system and served as the criteria against which countries were rated. A score was attained for each objective by rating seven to nine indicators, which determine how well a country meets that objective. The objectives, indicators, and scoring system are presented below.

The scoring is done in two parts. First, a panel of experts is assembled in each country, drawn from representatives of local media, nongovernmental organizations (NGOs), professional associations, and media-development implementers. Panel participants are provided with the objectives and indicators and an explanation of the scoring system. Each panelist individually reviewed the information and scored each objective. The panelists then assembled to discuss the objectives and indicators, and to devise combined scores and analyses. The panel moderator, in most cases a host-country media or NGO representative, prepares a written analysis of the discussion, which is subsequently edited by IREX representatives.

The panelists' scores are reviewed by IREX, in-country staff and/or Washington, DC, media staff, which then score the countries independently of the MSI panel. Using the combination of scores, the final scores are determined. This method allows the MSI scores to reflect both local media insiders' views and the views of international media-development professionals.

A. Objectives and Indicators

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

> Legal and social protections of free speech exist and are enforced.

> Licensing of broadcast media is fair, competitive, and apolitical.

> Market entry and tax structure for media are fair and comparable to other industries.

> Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.

> State or public media do not receive preferential legal treatment, and law guarantees editorial independence.

> Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.

> Public information is easily accessible; right of access to information is equally enforced for all media and journalists.

> Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.

> Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

> Reporting is fair, objective, and well sourced.

> Journalists follow recognized and accepted ethical standards.

> Journalists and editors do not practice self-censorship.

> Journalists cover key events and issues.

> Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.

> Entertainment programming does not eclipse news and information programming.

> Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.

> Quality niche reporting and programming exists (investigative, economics/business, local, political).

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

> A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.

> Citizens' access to domestic or international media is not restricted.

> State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.

> Independent news agencies gather and distribute news for print and broadcast media.

> Independent broadcast media produce their own news programs.

> Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.

> A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

> Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.

> Media receive revenue from a multitude of sources.

> Advertising agencies and related industries support an advertising market.

> Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.

> Independent media do not receive government subsidies.

> Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.

> Broadcast ratings and circulation figures are reliably and independently produced.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

B. Scoring System

I. Indicator Scoring

Each indicator is scored using the following system:

0 = Country does not meet the indicator; government or social forces may actively oppose its implementation.

1 = Country minimally meets aspects of the indicator; forces may not actively oppose its implementation, but business environment may not support it and government or profession do not fully and actively support change.

2 = Country has begun to meet many aspects of the indicator, but progress may be too recent to judge or still dependent on current government or political forces.

3 = Country meets most aspects of the indicator; implementation of the indicator has occurred over several years and/or through changes in government, indicating likely sustainability.

4 = Country meets the aspects of the indicator; implementation has remained intact over multiple changes in government, economic fluctuations, changes in public opinion, and/or changing social conventions.

II. Objective and Overall Scoring

The averages of all the indicators are then averaged to obtain a single, overall score for each objective. Objective scores are averaged to provide an overall score for the country. IREX interprets the overall scores as follows:

Unsustainable, Anti-Free Press (0–1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1–2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2–3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3–4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

Africa

In its 2006 worldwide press freedom index, Reporters Without Borders ranked Benin 23rd, making it the top African country in press freedom, outranking countries with older democratic traditions such as France, the United States and Italy. Benin owes this flattering result to its laws, state institutions, well-organized media associations and a robust civil society. Each does its part to protect journalists and citizens from any abuse of freedom of the press.

BENIN

OVERALL SCORE: **2.28**

In 1990, Benin made a complete break with its Marxist-Leninist past and took the road to pluralist democracy based on the rule of law where freedom of expression, and thereby freedom of the press, is a constitutional right.

A boom of newspapers followed this opening, and the elimination of the government monopoly of the airwaves allowed private broadcasting to flourish. Since 1997 there is virtually no place where the population does not have access to at least one radio station; television has also become more diverse. There are now 73 radio stations, more than 20 regular daily newspapers, dozens of periodicals, and four television channels informing and entertaining the Beninese. New frequencies are in the process of being granted by the Higher Audio-Visual and Communications Authority (HAVCA), the regulatory body for the media sector.

In its fifth worldwide press freedom index, conducted in October 2006, Reporters Without Borders ranked Benin 23rd, thus becoming the top African country in terms of freedom of the press, even outranking countries with old democratic traditions such as France, the United States, and Italy. Benin owes this flattering result to its legislation, state institutions, good organization of professional media associations, and its robust civil society. Each does their part to protect journalists and citizens from any abuse of freedom of the press.

However, this pretty picture is tarnished in a few places. Working conditions for journalists do not always guarantee a professional approach to news. Some rural populations have no access to any media beside radio. Finally, the economic environment is not very favorable to the creation, growth, and profitability of press companies.

In line with these developments, the MSI panelists scored Objective 1, freedom of speech, relatively well, with a 2.45. Even better scores were given to Objective 3 and 5, plurality of news (2.70) and supporting institutions (3.02). However, Objectives 2 and 4, professional journalism and business management dragged the average down somewhat, with scores of 1.95 and 1.29, respectively.

BENIN AT A GLANCE

GENERAL

> **Population:** 8,078,314 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Porto-Novo

> **Ethnic groups (% of population):** Fon and related 39.2%, Adja and related 15.2%, Yoruba and related 12.3%, Bariba and related 9.2%, Peulh and related 7%, Ottamari and related 6.1%, Yoa-Lokpa and related 4%, Dendi and related 2.5%, other 1.6%, unspecified 2.9% (2002 census, *CIA World Factbook*)

> **Religions (% of population):** Christian 42.8% (Catholic 27.1%, Celestial 5%, Methodist 3.2%, other Protestant 2.2%, other 5.3%), Muslim 24.4%, Vodoun 17.3%, other 15.5% (2002 census, *CIA World Factbook*)

> **Languages (% of population):** French (official), Fon and Yoruba (most common vernaculars in south), tribal languages (at least six major ones in north) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $4.665 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,160 (World Bank Development Indicators, 2007)

> **Literacy rate:** 34.7% (male 47.9%, female 23.3%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Thomas Yayi Boni (since April 6, 2006)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 28 daily newspapers, 25 periodicals; Radio: 73; Television stations: 5, including one public channel

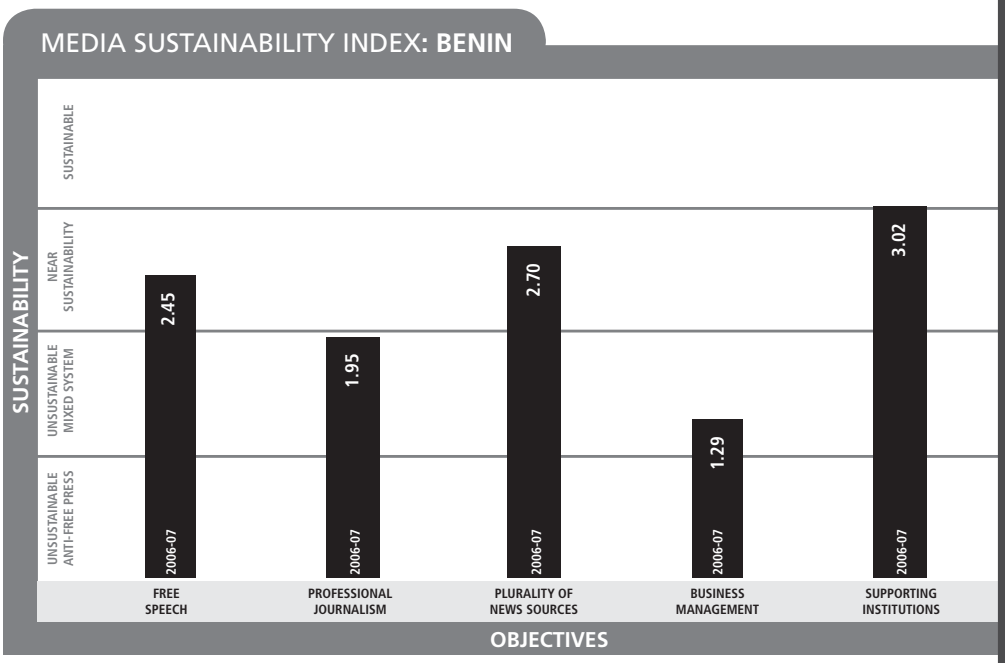
> **Newspaper circulation statistics:** Top three by circulation: *La Nation* (governmental daily newspaper), *Le Matinal* (privately-owned), *Fraternité* (privately-owned)

> **Broadcast ratings:** Top three radio stations: National Radio (state-owned), Golfe Fm (privately-owned), Capp Fm; Top three TV stations: National television (public channel), Canal3 (private channel), Golfe TV (private channel)

> **News agencies:** Agence Bénin Presse (state-owned), Agence de presse Médiane Afrique (private), Agence Proximités (private)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 700,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Benin Objective Score: 2.45

Indicators in this objective were spread fairly widely, with only Indicator 8, media access to international news sources, within a half point of the average. Indicators 1, 2, 4, and 9 were in the high group, representing strengths in protection of free speech, broadcast licensing, crimes against journalists (this indicator scored the highest, over a point ahead of the average), and free entry into the journalism profession. On the low side were Indicators 3, 5, 6, and 7, market entry and tax structure, preferential treatment of public media, libel laws, and access to information; this last indicator scored more than a point-and-a-half lower than the average.

Article 23 of the 1991 Constitution recognizes, among other things, the right of every person to freedom of thought, opinion, and expression within the confines of public order under the law and its regulations. According to article 24, freedom of the press is recognized and guaranteed by the government and protected by HAVCA. However, the media, which are the instruments exercising this freedom, operate in an environment marked by a restrictive legal framework.

While the Constitution guarantees the right to freedom of expression, other laws and regulations further define the framework in which this freedom may be exercised. These laws make provisions for prison sentences and set limits on the freedom of speech through such notions as public order, infringement of the moral code, and offenses against the head of state. In Benin, journalists who publish documents from the state administration may be sentenced to jail time for possession of administrative documents.

These laws no longer suit the realities of modern media practice. "These laws are obsolete and confusing," according to Joseph Perzo Anango, director of Media House.

HAVCA grants and manages frequencies and issues public calls for applications for new radio or television frequency licenses. It then evaluates the applications and selects the candidates that best meet the specified requirements. However, the panel participants doubted, without producing evidence, that HAVCA treats the applications for obtaining frequencies with transparency and equity. They believe that the composition of HAVCA creates uncertainty about its independence: out of the nine members of HAVCA, only three are elected by media professionals, while the other six are appointed by the National Assembly and the president, both, naturally, political institutions.

Noël Allagbada, former vice-president of HAVCA testified, "When deliberating, contradictory positions are bound to appear. The submissive position of HAVCA is not due to the fact that its president is appointed by the head of state. No decision is made without deliberation. The public hearings of HAVCA[1], the recent wrestling with the government over the appointment of the directors of public broadcasting[2] are elements that do not justify the doubt cast over this regulatory body…"

As to the possibility of appealing HAVCA decisions, participants acknowledged that most citizens are unaware of its existence, even if, as stated by François Awoudo, journalist and former president of HAVCA, "people have filed for appeal against the decisions of HAVCA."

In light of economic difficulties confronting the media in Benin, the participants felt that media companies should be exempt from taxes. The media are taxed as if they are ordinary businesses. Although owners have repeatedly requested it, nothing has been done to create a specific status for media companies. Inputs and press equipment are subject to the same taxes as other materials.

Urbain Amégbédji, from the NGO Africa Obota Center, said, "Taxation is a major impediment to the development of the media. The news organizations do not currently have the facilities to enable their free development. While the powers that be [the government] may at any time use taxes to shut journalists up; and they do it, too, whenever they think it's profitable for them…"

The participants point out how there is an incompatibility between wishing to have journalists that exercise their profession freely while doing nothing to create sustainable press companies.

No murders are committed against journalists. While there are no laws for the exclusive protection of journalists, "Of course, the law protects all citizens against murder and other common law offenses, but it would be good to have specific dispositions concerning journalists," said Awoudo. Amégbédji

[1] In the public hearings HAVCA publicly discusses citizens' complaints against the contents of press articles. The implicated journalist is publicly questioned and sanctioned if found guilty. The direct reference here involves a public hearing about a particular show on public television (ORTB TV). During this show, in the middle of an electoral campaign, a technical adviser for the president strongly took on the candidates opposing the president. Not only was the advisor blamed for his words, but the show was temporarily suspended.

[2] According to the procedure for appointment of ORTB's managers, on the recommendation of the president HAVCA advances three candidate names based on merit. On the occasion of the last appointments, the call for candidates would not have been successful even though HAVCA had only advanced one name. Seeing that HAVCA left him with no choice, the president supported a candidate that the HAVCA had eliminated for not meeting the pre-selection criteria. The affair was brought before the Constitutional Court. A similar incident has already happened between HAVCA and the government of former president Mathieu Kérékou, who chose not to appoint the best candidate.

felt that, "These actions [murders of journalists] are rare in our country… But the national public opinion does not tolerate crime." A good example occurred in April, 2003. Journalists with the newspaper *Le Télégramme* were brutally beaten by the general director of the police because they had published a series of articles on the national police. Apart from numerous protests by citizens in the press, a peaceful protest march was organized by professional organizations a few days later. It was a powerful rally of the unionized journalists and activists from human rights NGOs.

There is no law placing the managers of public media under the control of government officials. Yet they are not completely independent from them, or the influence of the government and the political parties supporting the president. Some media are forced to pledge allegiance to the authorities because they are appointed by the government based on HAVCA's recommendation. The public media managers know that their appointment and firing depends on the goodwill of the president.

There is a kind of silent agreement between the government and the public media, with the first offering facilities to the latter, while obtaining extensive coverage of governmental activities. "Not all the media have access to, for example, the Palace of the Republic, but the public media do," Awoudo said.

Sometimes, the participants in debates on public television (ORTB TV) are imposed by people outside the editorial team. To ensure media coverage of their activities, some ministries even insist on the specific reporter and the format to be used in the broadcast.

In Benin, it is the defendant who must produce evidence that they are not guilty of defamation and not the plaintiff. Journalists who wish to prove that the allegedly defamatory facts are true have seven days to notify the attorney general or the plaintiff of the facts they intend to use as proof; a copy of all documents, including names and addresses of witnesses that will back the case must be provided. Failure to meet these requirements invariably leads to losing the case and the journalist is only left with an opportunity to plead lack of malice. Journalists are often sentenced to pay fines and even serve time in prison if they fail to prove their innocence.

The principle of access to information is established by Law No. 92-021. It states: "Any person has the right to access information. Access to information cannot be restricted or forbidden or in any way disturbed provided that while exercising their profession media professionals are in full observance of this law." However, the reality is quite different. The legislature has never defined the term "information sources." No details with respect to the obligations and responsibilities of the official being asked for information are provided. Moreover, journalists who *succeed* in accessing information or documents pompously labeled as "Confidential" run the risk of being sentenced by a court for stealing or possession of administrative documents. All this makes the journalists' job very difficult.

The law also forbids publication of certain information, even known facts, that concern the private life of individuals or any fact that led to a pardoned or voided criminal sentence.

There is no restriction concerning access to international news. The Beninese media may surf the Internet for news and use these sources in their outlets. Some of them fill up the main body of their newscasts or papers with news gathered from the Internet, press agencies, or program distributors based on a partnership agreement with almost no financial compensation. However, there are international press agencies charging subscription fees that are prohibitive to the Beninese media.

The participants recognized that access to the journalistic profession is not subject to governmental restriction. In 2005, HAVCA made a decision that defines more accurately the criteria for one to be considered a journalist, but did this in collaboration with the professional media associations. This decision is only an administrative document and cannot be considered law. The participants believe that the government influences neither the admission to journalism schools (there is none in Benin) nor the recruitment of journalists by the media.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Benin Objective Score: 1.95

Half of the indicator scores are clustered near the objective average. Indicators 6 and 7, balance of entertainment and news and modern facilities and equipment, finished modestly ahead of the average. However, scores near 1 in Indicators 3 and 5, self-censorship and pay levels for journalists, prevented a higher overall score.

The major problem of the Beninese press is that of its professional quality. Although knowing and mastering the technical and ethical principles of the profession, the large majority of Beninese journalists allow themselves to slip into sloppy work. However, the participants agreed that it is hard to throw stones at these professionals whose working conditions are deplorable and who owe their survival to generous donors, and who nonetheless perform the miracle of offering, on the whole, quality, diverse reporting.

"It has been a while since reporting stopped being equitable since all outlets, particularly the broadcast ones, only relay one side: that of the government," according to Thérèse Issèki, a PANAPRESS correspondent. Noël Allagbada said that, "The professional practice is degrading every day. The public wants quality newspapers." This happens for several reasons: the hunt for sensational stories, time pressure, and articles written to order. All these factors make it difficult to observe the principles of correctness and impartiality when reporting.

The Beninese Ethics Code, which is consistent with international standards, was adopted consensually by all media professionals in 1999. A self-regulatory organization, the Observatory for Deontology and Ethics in the Media (ODEM), was established to enforce its provisions. Unfortunately, this code is regularly violated by frequent cases of defamation, false accusations, distribution of false information, and mixtures of facts and comments.

The participants admitted that self-censorship is practiced within media outlets. They mentioned various reasons for this practice: some believe that not all truths should be told as there are sensitive topics that the media prefer to avoid. Others think that some media practice self-censorship on the sort of topics that might upset their partners, protectors, or political friends, or hamper their advertising contracts. When big financial or commercial profits are at stake the media owner issues specific guidelines, and even orders, pertaining to the angle of approach to a related topic.

In reality, there is no taboo subject. All key topics are covered in the media. But some subjects are so sensitive that their publication could be damaging to the respective press company. The legislation and the code forbid the media to approach topics related to national defense and security before taking some precautions. Guy Constant Ehoumi, journalist and secretary-general of the Union of the Media Professionals of Benin points out that "One cannot write freely and in depth about security. Even when journalists possess leaked information on a coup, they still cannot write about it because no one will provide reliable information to back up their statements and they will be questioned in no time."

Salary levels in the private media automatically encourage corruption. In the public sector, the financial situation of media professionals is better; even though salaries are not very high, at least they come regularly. Despite the disparities, the attitude toward corruption is similar in both public and private media. Some press outlets accept, and even require, that event organizers pay for the transportation and per diem expenses of reporters. Journalists have come to write favorably about political personalities or parties, thereby sullying their writing in exchange for fat compensation. "The question of wages in the press is crucial… The collective bargaining agreements drawn up and approved in 2004 are still not effective today," Noël Allagbada regretted.

Programs offered by the media cover diverse subjects. All the media focus on news: there is a news flash every hour and two main newscasts throughout the day (at 1 pm and 8 pm). Entertainment weighs increasingly more in media scheduling.

Today the written press possesses average quality editing equipment. However, in the case of radio and television, equipment is still analog, while the modern tendency, if not the norm, is digital. Difficulties related to this lack of equipment are visible at many levels: sound elements are of

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
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- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

bad quality, which affects the overall quality of broadcasts. There is a time management problem since radio stations or television channels are unable to receive, over cable or the Internet, content in due time from their correspondents. Besides, as far as the Internet is concerned, apart from difficulties with acquiring and maintaining technical equipment, there is also the issue of managing electricity, which is not yet available in some rural areas.

All participants acknowledged the notable effort made to produce quality shows. The written press focuses on field reports and investigations. However these efforts are insufficient for many reasons: first, there are not enough personnel doing both production and field work; then, there are not enough resources to finance production; and finally, technical equipment is not available in sufficient quantity and quality.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Benin Objective Score: 2.70

Indicator 2, citizen access to media is not restricted, received a score more than a point higher than the average. However, two indicators finished well behind the average: Indicator 3, public media reflect the views of the political spectrum, and Indicator 6, transparency of media ownership. The latter indicator lagged behind the average by nearly a full point.

Some 20 regular daily newspapers and three times more periodic publications provide diverse information. The only problem is that there is still no company to ensure their distribution in due time. The most fortunate areas are the large cities. The smaller cities complain about one-week delays for newspapers. The citizens in rural areas can only rarely rely on the written press to provide their news. The main news source for rural populations is the radio; community radio has become the most popular media. The four television stations do not cover the entire national territory.

Access to national and international media is not restricted by the government. The only limits are of a technical and financial nature: access to the media is subject to subscription or the acquisition of appropriate technical equipment. In the rural areas, electricity is an additional constraint.

François Awoudo offered his point of view on the matter: "The media are independent. They create and produce their own shows. But the economic difficulties induce some media owners to leave their press outlets at the disposal of political coteries. When this happens, the news is biased."

Despite pressure, some journalists in the public media fight for equal representation of everyone's interests. The effort is visible with respect to national languages, widely spoken on radio and television in various cultural shows. However, in order to please those who gave them their jobs, the heads of these media sometimes force their personnel to focus on governmental activities.

In Benin there is practically no public news agency. The national agency, Agence Bénin Presse, is no longer functional due to a paucity of funding and lack of initiative by its management. Fortunately there are two private agencies: Médiane Afrique and Proximités. But they had to diversify their activities because their traditional service, providing articles to newspapers, is no longer profitable. No Beninese media today will pay for such service. They would rather use the news generously provided by the Internet.

The wish to be original leads privately-owned radio stations to undertake community-based production efforts. These productions are interesting to the populations living in the covered areas, despite their sometimes faulty quality. These radio stations are hosted by people lacking the required professional training. The productions of the ORTB Radio are good, but they target a wider, national audience.

All participants agreed that media ownership in Benin is blurry. When financing sources are not identifiable and real managers hide behind puppet managers, the public does not know who they are dealing with. Often, the interests of big businessmen are represented in media companies by journalists. They accept putting their names on the corporate charters of press companies in order to put a smokescreen in

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

front of the real media ownership. Thus the public is not able to identify the various editorial policies.

Efforts are being made for the media to reflect the social and political interests in the country. However, some social groups prefer not being talked about in certain ways in the press due to the sacred and/or secret nature of their rituals. For example, followers of the *Zangbéto* fetish, or "Night Guardian," have protested several times against certain articles. The army is another subject that must be approached carefully in order "not to undermine the morale of the troops." Panelists noted that it is hard to distinguish between military secrecy and secrecy of the military. Except for these restrictions, most social interests are represented in the media. Apart from the local radio stations (cultural, religious, etc.) there are specialized written outlets (business papers, student papers, sports, and cultural press, etc.) cultivating different interests.

OBJECTIVE 4: BUSINESS MANAGEMENT

Benin Objective Score: 1.29

The relative strength of two indicators pulled up the average in this objective. Indicators 2 and 5, multiple sources of revenue and government subsidies for private media finished stronger than the average, with the latter nearly a point-and-a-half higher. Three indicators, however, finished notably lower than the average. Indicator 4, ratio of advertising revenue to other income sources, finished a bit more than a half-point lower. Indicators 6 and 7, market research and audience and circulation measurement, finished even lower.

Beninese media are very loosely called companies and still in an embryonic state. Media of all nature face profitability problems and therefore lack resources. Being ill managed, they generate very little revenue in an environment where advertising—more or less a godsend—is also ill distributed. The Beninese media operate without forward planning, without direction, in spite of the various grants regularly made available to them. In short, one cannot yet speak of profitability regarding the press companies in Benin.

The media receive revenue from several sources: advertising and other communication services and, for print, copies sold. An important revenue stream, panelists said, comes from politicians who then interfere directly with the editorial policy or are the subjects of favorable media coverage in return.

The participants unanimously criticized the existing situation in advertising. "In the absence of an advertising sales division, it's organized chaos," according to Eugène Djigbénou, manager of the Modern Distribution Company of Benin. The advertising sector is not organized; 90 percent of the advertising opportunities are concentrated in Cotonou, the main city in Benin. No laws regulate this advertising. The door is open to all manner of blunders. "Advertising is distributed to the media not based on merit or in an equitable manner, but rather arbitrarily. This generates complicity between journalists and businessmen or politicians," continued Awoudo.

The main source of income for the media is advertising. Sales and subscriptions reach at best 20 percent of newspaper receipts. The only exception is the publicly owned daily newspaper *La Nation*, a record breaker in terms of sales and advertising. All the government's central services subscribe to it. Therefore *La Nation* automatically publishes all the government's legal announcements and calls for tenders.

The media have high expectations from advertising which, unfortunately, is used as bait. The government uses its power of granting contracts to influence the contents of the media and the work of journalists. If under contract with a ministry and a newspaper starts criticizing the government, they risk losing that contract. Any media that criticizes the government or certain large companies will simply not be allowed to cover their activities and will not benefit from their advertising contracts. "Advertisements are used to manipulate the press. It's a jungle where only those who conform to the official line are favored," according to Amégbédji.

Since 1997 the Beninese private media receive CFAF 300 million in financing from the government. This subsidy is managed by HAVCA in such a way that the media are protected from government interference. In time, as the number of media outlets increased and the subsidy amount

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

remained the same, the amount reaching each outlet has become so insignificant that it would not grant the government any influence. Amégbédji summarized the financing situation: "State support to the press exists but does not allow the government to influence the press. This support is managed by the regulatory authority in independent collaboration with professional media associations. Any media may get support as long as they meet the requirements. But this support is not backed by any law. The government may cancel it at any time."

The media does not undertake strategic planning to improve their performance. As Allagbada pointed out, "Rarely does real market research precede the creation of a press outlet. The media bosses never appeal to managerial strategies to ensure that their companies are on a positive track. Thus there are no fiscal statistics to help us measure the performance of the media…" Most of the announced print runs are either over-inflated to attract advertisers or played down to avoid taxes. Currently research is being conducted to set up an advertising control agency and reorganize the sector.

The National Institute of Economic Statistics and Analysis, within the Ministry of Economy and Planning, is the only structure producing statistical studies that might help researchers, decision makers, and other players in the business sector. Up until today, the reliability of its research is notable and its numbers have never been contested. The only problem is that the Institute collects no statistical data on the media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Benin Objective Score: 3.02

Most indicators in this objective scored similarly as strong as the overall score; Indicator 5, short-term training opportunities, scored well over half a point higher. However, Indicator 4, academic journalism programs, scored much more modestly, slightly more than a 2.

In Benin, the media is one of the rare sectors with well structured and organized associations. Press owners' associations existed even before 2004. Following the Congress of the Benin media in 2002, which decided on the merger of the associations of publishers and media owners, there is only one association currently: the National Council of the Beninese Press and Broadcast Owners (NCPA-Benin). This association has organized several training sessions for the managers of press companies. NCPA-Benin has been fighting for the reduction of frequency operation fees. Furthermore, it commissioned many studies that should soon lead to the establishment of bulk purchasing of media inputs, the establishment of an advertising sales agency, and a law on advertising. These projects are meant to reduce financial dependency and improve the performance of media enterprises.

Media professionals have created the Union of Media Professionals of Benin (UMPB), which functions independently from owners and the government. It has specialized departments, each in charge of a specific section of the press. To become a member of UMPB, one must provide evidence of one's professional experience and publications. Before 2004, there were a number of active journalist associations, each following its own path. But the 2002 convention of the Beninese press decided that all these associations must come together so as to better address the grievances of journalists and defend their interests with one voice. After winning the war for the signing of the collective bargaining agreement by all parties, this association is working for the agreement to come into force.

Civil society is very active in defending the freedom of the media. It is now frequent to see civil society organizations come out to defend their freedom of expression and therefore demand greater freedom for the media which enables them to exercise their right to free speech. This support is fitting, as it is a well known fact that most civil society leaders had the help of the media in promoting their work and professional success.

In the schools of communication there are journalism specializations, although there is no formal school of journalism. However, the curriculum is not practice-oriented. The graduates of these programs are not ready to work as journalists, because practical training is so important. Beninese do attend foreign schools to obtain journalism degrees. The biggest foreign provider of graduates to the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Beninese media is the Centre d'Etude des Sciences, des Techniques de l'Information (CESTI) in Dakar, Senegal. These graduates are employed by the ORTB Radio and Television, where they work as interns before studying at CESTI. Given the quality of their work, they are assigned as reporters, news anchors, editors-in-chief, etc.

To compensate for the lack of a dedicated academic program, since 1997 the government has used part of the annual CFAF 300 million media subsidy to support in-service training for media personnel. This initiative strengthens the actions of the Benin-based institutions and foundations which, ever since 1990, has been making an appreciable contribution to the professionalism of the media.

As well, there are centers that offer short-term practical training, financed by donors. These are Médiane Afrique and Proximités. For the validation of its certificates, Médiane Afrique collaborates with the African Office of Radio Nederland as well as both the Centre de Formation et de Perfectionnement des Journalistes de Paris, and the Higher School of Journalism of Lille, in France.

A French-Beninese support project for the media ran from 2001 to 2004 and trained some 150 media professionals in editorial techniques, specialized coverage, and management. Today, most beneficiaries of this project are still very active in the field. Other more recent opportunities have included on-site training project for the personnel of 10 newspapers initiated by the UNDP and Belgium and training of radio journalists on economic coverage by Deutsche Welle with the support of the Friedrich Ebert Stiftung. A biennial training program for media professionals is on-going, financed by the government's subsidy to the private press. This program is managed by HAVCA in collaboration with professional media associations.

The printing industry is free and independent. Apart from the public daily newspaper *La Nation*, all other newspapers are printed by private presses. The existing print distribution networks belong to the private sector, but, as previously mentioned, printed press distribution is not well organized in the rural areas. Research is being conducted to help to reorganize press distribution. In Benin the Internet is not controlled by a business or government-owned holding, and cyber-cafés are open and individually-managed with the sole purpose of making profit.

List of Panel Participants

Noël Allagbada, advising editor, *L'Autre Quotidien*, Cotonou

Urbain Amégbédji, member, Africa Obota Center, Cotonou

Joseph Perzo Anago, director, the Media House in Benin, Cotonou

François Awoudo, former president, the Observatory for Deontology and Ethics in the Media, Porto-Novo

Armand Coovi, manager, Benin Culture Community Radio, Porto-Novo

Eugène Djigbenou, manager, MMB Press Distribution Agency, Cotonou

Guy Constant Ehoumi, journalist, *La Presse*, Porto-Novo

Raïssa Gbedji, correspondent, RFI, Cotonou

Thérèse Isseki, correspondent, PANAPRESS Agency, Cotonou

Edouard Loko, president, the National Council of the Beninese Press and Broadcast Owners, Cotonou

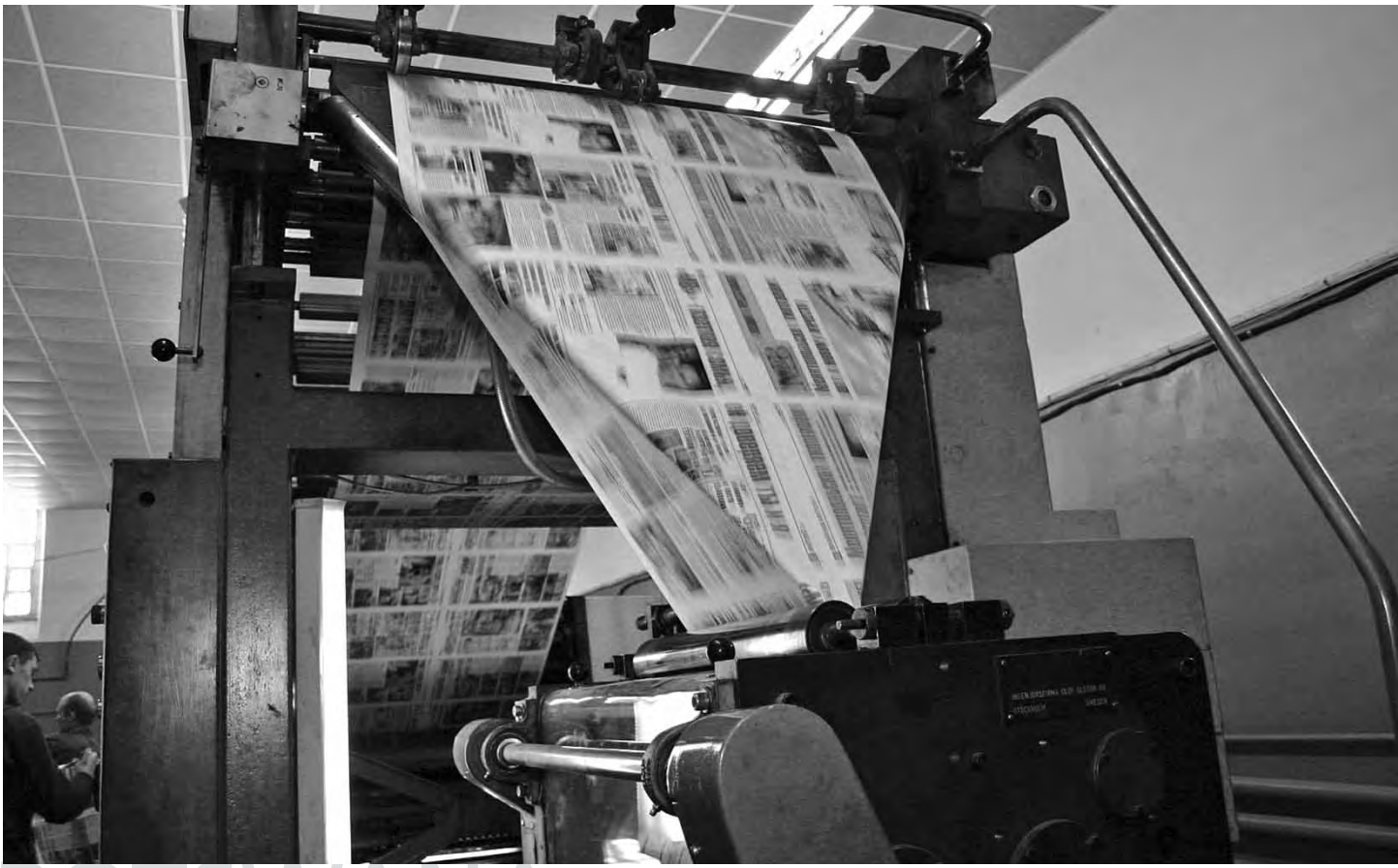
Michel Tchanou, president, the Observatory for Deontology and Ethics in the Media, Cotonou

Moderator

François Laïbi, consultant and journalist, Mèdiane Afrique Private Press Agency, Cotonou

The Benin study was coordinated by, and conducted in partnership with, the Media Foundation for West Africa, Accra, Ghana.

Rapid developments in transport and communications have been critical to the expansion of broadcasting capacity in the radio and television sectors, but the new media sector remains underdeveloped. Although media enjoys a high degree of freedom, it does have problems—the government persists in trying to influence editorial policy and content through subtle pressures.



BOTSWANA

OVERALL SCORE: **2.51**

Botswana is often lauded as a model of political and economic stability in southern Africa. Botswana has enjoyed stable civilian leadership since its independence in 1966, although to date, the same party, the Botswana Democratic Party, has led the country. A comment by Letshwiti Tutwane, chair of the Center for Advanced African Leadership at the University of Botswana, broadly represented the sentiments of all his fellow MSI panelists: "On the whole, Botswana is a liberal democracy."

Classified as an upper-middle-income country, Botswana has a per capita income similar to South Africa but also shares some of its neighbors' problems, including high unemployment and a large gap between rich and poor. The eastern part of Botswana is the most densely populated, with rapid migration from rural areas into the communication- and infrastructure-rich east over the past six years. Over the last 25 years, Botswana's economy has been one of the fastest growing in the world, largely due to diamond production, although the economy has slowed more recently. In the medium term, Botswana expects to enjoy sustained growth of around four percent per year, and presumably media sector performance will reflect this rate. All of these factors, in conjunction with a high level of literacy in urban areas in particular, impact on the reach and growth of media.

Panelist Methaetsile Leepile, general manager of CBET Publishing Company (the publisher of *Botswana Guardian* and *Midweek Sun*), called media "a relatively small industry" in a developmental stage. Tutwane pointed out, "Most media houses [are] less than 30 years of age." Yet Thapelo Ndlovu of Media Institute of Southern Africa (MISA) Botswana said that the media "is very vibrant and highly recognized in the country."

Rapid developments in transport and communications have been critical to the expansion of broadcasting capacity in the radio and television sectors, but the new media sector remains underdeveloped. Although media enjoys a high degree of freedom, it does have problems—the government persists in trying to influence editorial policy and content through subtle pressures. Related recent developments include the government's decision in late 2005 to purchase a printing press and take control of the production of its free newspaper, *Daily News*.

Botswana's overall country score is a 2.51, which places Botswana solidly in the "near sustainability" category and at the upper end of African countries studied by the MSI. All objective fell between a 2 and a 3, with Objective 5, Supporting Institutions, leading with a 2.82. Objective 4, Business Management, fell far short of the average, however, with a 2.02. Other objective fell close to the average.

BOTSWANA AT A GLANCE

GENERAL

> **Population:** 1,815,508 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Gaborone

> **Ethnic groups (% of population):** Tswana (or Setswana) 79%, Kalanga 11%, Basarwa 3%, other, including Kgalagadi and white 7% (*CIA World Factbook*)

> **Religions (% of population):** Christian 71.6%, Badimo 6%, other 1.4%, unspecified 0.4%, none 20.6% (2001 census) (2001 census, *CIA World Factbook*)

> **Languages (% of population):** Setswana 78.2%, Kalanga 7.9%, Sekgalagadi 2.8%, English 2.1% (official), other 8.6%, unspecified 0.4% (2001 census, *CIA World Factbook*)

> **GNI (2006-Atlas):** $10.380 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $12,250 (World Bank Development Indicators, 2007)

> **Literacy rate:** 81.2% (male 80.4%, female 81.8%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Festus G. Mogae (April 1, 1998);

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** One state-owned newspaper and around 13 commercial papers privately owned by diverse business interests, along with a few community papers. Two state owned radio stations, three privately owned by local business interest and minority foreign shareholders. Eight international/foreign stations and one pan-regional/African continental station broadcasting in Botswana. Two television stations, one state-owned and the other private (AMDI, 2006).

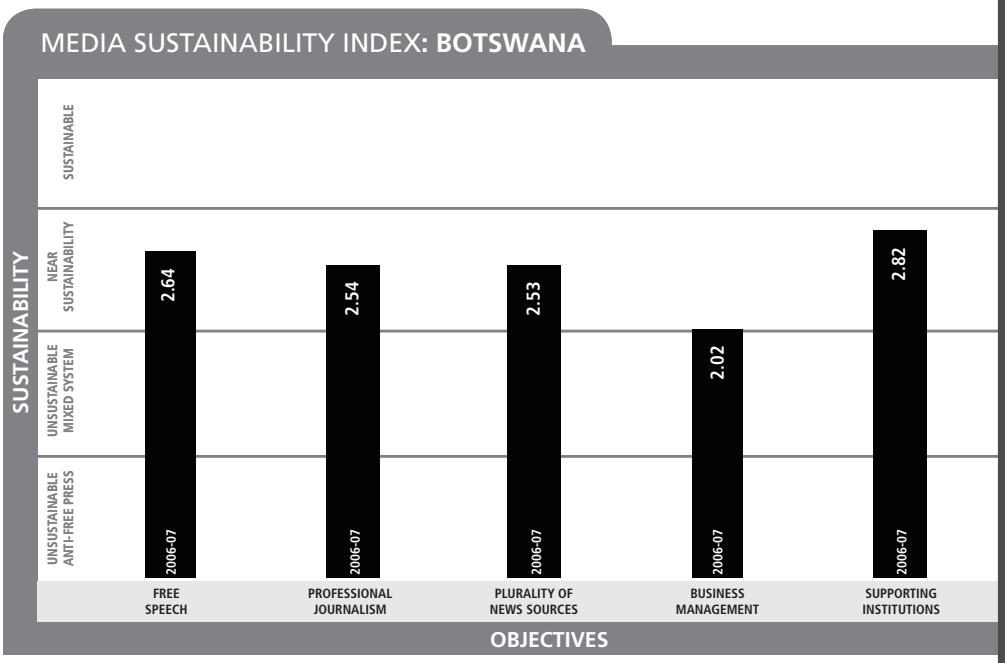
> **Newspaper circulation statistics:** Precise statistics are not easily available. Only five newspapers out of 13 are audited by the Audit Bureau of Circulation for Southern Africa (AMDI, 2006).

> **Broadcast ratings:** Dominated by state-owned BTV. The privately owned Gaborone Broadcasting Corporation TV (GBC TV) only broadcasts in a limited radius from Gaborone.

> **News agencies:** Botswana Press Agency (BOPA) (state-owned)

> **Annual advertising revenue in media sector:** No easily accessible statistics found that originate in Botswana, except for the '2007 Media Thumbnail Planner' available (for a price) from publishers 2020 Marketing Communications LLC.

> **Internet usage:** 60,000 (2002 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Botswana Objective Score: 2.64

Statements by MSI panelists show that they concur with the 2004 MISA finding that "the private press has a long tradition of speaking out on issues affecting the public interest. Perhaps because of this, the Botswana government has sought to curtail the private print media on more than one occasion, and thereby influence editorial policy in a more pro-government direction."[1]

The individual indicator scores do reveal a dramatic mix in this objective. Indicators 1 and 2, related to free speech protection and broadcast licensing, were rated by panelists at just above the objective average of 2.64. Four indicators (Indicators 3, 4, 8, and 9), covering market entry, crimes against journalists, media access to international news source, and free entry into journalism, were significantly higher and ranged up to a full point greater than the average. On the other hand, three indicators (Indicators 5, 6, and 7) associated with preferential treatment for public media, libel laws, and access to information, fell far short of the average (in the cases of the first and last, well over a full point lower).

MSI panelists affirmed that freedom of speech is guaranteed in the Constitution of Botswana. Chapter II Section 12(1) provides for "protection of fundamental human rights and freedoms…but does not specifically guarantee freedom of the press…The right to freedom of expression is not absolute and may be limited."[2]

Principal statutes governing media freedom in Botswana include:

- Broadcasting Act, 1998 (Act No. 6 of 1998), the primary statute dealing with the regulation of the broadcasting sector;
- Cinematograph Act, 1970 (Act No. 73 of 1970) provides for the censorship and pre-classification of films and publications;
- National Security Act, 1986 (Act No. 11 of 1986) provides for terrorism, defense, and internal security;
- Printed Publications Act, 1968 (Act No. 15 of 1968) provides for the registration of certain newspapers;
- Penal Code No. 2 of 1964 – sets out conduct that is deemed to be criminal including defamation; and
- Mass Media Communications Bill, 2001, proposes to amend the Printed Publications Act to provide for the registration of newspapers, to establish a statutory Press Council, and to provide for the accreditation of journalists.[3]

In 2001, a High Court ruling set an important precedent for freedom of the press. The government had made a decision to withdraw its advertisements from two independent newspapers for allegedly insulting the president. "The court ruled that, although it could not compel the government to place adverts with the *Botswana Guardian* and the *Midweek Sun*, it was nevertheless wrong for government to withdraw advertising solely on account of the stories that the papers were running…The judge declared the ban on advertising to be unconstitutional. He found [it] violated the newspapers' constitutional right to freedom of expression; in particular, he stated that the ban was intended to influence the newspapers' editorial policies."[4] As panelist Zwide Mbulawa, a media management consultant, declared, "Media freedom is recognized in this country as a result of that judgment... every other court will have to adhere to that."

As with any precedent, this can be challenged. Fiercely opposed by media, and shortly due to appear before Parliament, is the Draft Mass Media Communication Bill (2001), perceived by legal experts and the media industry as a "…direct contravention of the constitution and the ideals enshrined in Vision 2016."[5] Botswana's Vision 2016 calls for a Freedom of Information Act to be in place by 2016.[6] But if passed, the draft bill will give the minister sweeping powers over the industry and seriously infringe on freedom of speech and other rights that journalists currently enjoy.

Freedom of expression is also curtailed by the National Security Act (1986), which can be invoked in instances involving "defense, public safety and the like."[7] According to MISA Botswana's Ndlovu, this act makes it possible "for the state to deal with journalists who may be accused of intruding on out of bounds security matters."

This has implications for access to information. "An unusual feature of Section 12 of the Constitution is that it expressly allows for restrictions to be imposed on the expressive activity of public officers, local government employees and teachers."[8] As panelist Sello Motseta, owner and editor of

[1] Mochaba, Raffinetti & White, 2004: 15

[2] Mochaba, Raffinetti & White, 2004: 21.

[3] Mochaba, Raffinetti & White, 2004: 23-24. See this publication for detailed descriptions of these laws.

[4] IPI, 2001. Also cited in Mochaba, Raffinetti & White, 2004: 17

[5] AMDI, 2006: 10

[6] MISA, 2005

[7] Mochaba, Raffinetti & White, 2004: 21.

[8] IBID.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the *Tswana Times*, said, "a public servant cannot report government corruption and escape punitive action."

And according to the International Press Institute (2006), "In September the deputy permanent secretary in the Ministry of Communication, Science and Technology, Andrew Sesinyi, told government media that they should exercise 'maximum patriotic solidarity, collective responsibility, allegiance to country and nation' when reporting on controversial issues."[9]

This ideology has not remained a concept—it has been translated into a set of enforceable rules. "Government media workers are governed by the civil service code," according to Leepile of CBET. "This occasionally impacts negatively on their professionalism." It follows that the civil service code also impacts on their freedom of expression.

Leepile further noted that "political interference in the media is not uncommon." Panelist Irene Tshukudu of the Southern Africa Media Development Fund (SAMDEF) cited an occasion when a story about cattle theft was aired on BTV's 7:00 news but was pulled from the 9:00 broadcast. "We were informed that someone had stopped that piece of news from being aired because the person implicated was supporting the government," she said.

Speaking from personal experience in the print sector, Lauri Kubuitsile, a freelance journalist with *The Central Advertiser*, offers a different perspective. "I have never had a situation whereby I was unable to publish something because of being 'bullied' by the state. Occasionally, we have had complaints from members of the public or civil servants because they didn't like how they came out in an article, and they threaten us with litigation."

Some panelists agreed with Kubuitsile when she said, "Overall, there is freedom of speech, and then when it is curtailed, there is debate about this." But important issues may never make it into the open arena of debate because, as Sello Motseta points out, there are no laws to protect whistle-blowers in Botswana. This could be one reason for the low number of action-alerts recorded by MISA in 2003.[10]

Regarding public opinion on freedom of the press, Afrobarometer's research—which is nationally representative—found that the overwhelming majority of Batswana think that "the news media should be free to publish any story that they see fit without fear of being shut down."[11] But this does not mean they would mobilize against threats to press freedom or freedom of expression. Panelist Letshwiti Tutwane remarked, "The general public are not very informed about media issues, save for the middle and working classes: they are the ones who do protest when the media is stifled." Panelist Leepile said that "media houses have to be more proactive in defending freedom of expression and the development of media case law in Botswana."

Broadcasting is regulated under the Broadcasting Act of 1998, which applies to TV and radio broadcasters operating via "terrestrial, satellite, cable and optical fibre platforms. Online media broadcasters such as Internet webcasters are not covered by the Act."[12] Section 12 of the act prohibits anyone from broadcasting in Botswana without a license. Under Section 3, the National Broadcasting Board (NBB) was established as regulator of the broadcasting sector. Although the NBB has the final say over decisions to award licenses, it is not a corporate body in its own right; the telecommunications regulator—the Telecommunications Authority—acts as the NBB's secretariat. The authority carries out all functions delegated to it by the NBB, and moreover, has the right to elect officials to the NBB.[13] How the ministry enforces regulations on satellite transmissions and the media who use them—which do not necessarily rely on infrastructure within Botswana beyond the recipient's dish—is unclear.

Panelist Donald Koogotsise of SAMDEF and the University of Botswana commented, "Licensing of broadcast media is generally fair and handled by a somewhat independent body. But there are some concerns from certain quarters

[9] IPI, 2006

[10] AMDI, 2006: 11

[11] Afrobarometer, 2005: 12

[12] Mochaba, Raffinetti & White, 2004:24

[13] Mochaba, Raffinetti & White, 2004: 24-27

that appointment of the board for the issuing authority compromises independence."

Kubuitsile added, "The NBB have tried to be independent. The fact that they gave three commercial [radio] licenses is a plus. We were there and saw that the process was very transparent—it was very democratically done." The three commercial licenses were granted to independent stations Gabz FM, Yarona FM, and Duma FM.[14] Radio Botswana's RB2 station is not licensed, although it has been on air since 1992.[15] Interestingly, no MSI panelist or text consulted in this research mentioned RB2 as being non-compliant with licensing regulations.

Community radio is allowed for by the act, but there is no policy framework for it to operate, according to Zwide Mbulawa. Leepile elaborated: "I think there are concerns over the non-registration of community radio. The debate has been very politicized. Government seems to be very worried that if they were to register the radio stations, they could open up a Pandora's box [of tribalism]. In Kgalagadi [in southwest Botswana] there was somebody who, for a number of years, had wanted to set up a radio station, I believe with assistance of George Soros, who has himself been accused of interfering in democracy.... But there could be other concerns—issues of misusage, which from time to time flare up in this country."

Panelists agree that the domination of the television sector by the state's BTV needs to be addressed. "The state broadcaster, BTV, has not yet been incorporated as a juristic person separate from the state. To date, BTV is technically still a division of the Department of Broadcasting Services, with negative implications for editorial independence and control," according to Mochaba, Raffinetti, and White (2004).[16]

There is only one private-ownership licensee, Gaborone Broadcasting Corporation TV (GBC TV).[17] In the last five years, no new stations were licensed except for a new satellite station, Black Entertainment Satellite Television (BESTV), licensed in 2006 but not yet operating.[18] Privately owned South African-based satellite television broadcaster, MultiChoice, is authorized to beam its DSTV menu of channels into Botswana.[19]

Several panelists commented on the restrictive Cinematograph Act of 1970. Jackie Kabeta, MSI panel facilitator, remarked, "You will think we are living in Zimbabwe. It's very bad." The act applies mainly to the film, theater, and entertainment sectors, and regulates the making and exhibition of films within Botswana and the licensing of cinemas. No films may be made in Botswana without a permit granted by the relevant minister. "Section 4 stipulates that an application must contain a full description of all the scenes and the text of the spoken parts of the entire film," according to Mochaba, Raffinetti, and White (2004). "The holder of a permit must also apply to the Minister whenever it is proposed to make any material alteration or addition to the text or scenes of the film."[20]

Lauri Kubuitsile says "I have never had a situation whereby I was unable to publish something because of being 'bullied' by the state. Occasionally, we have had complaints from members of the public or civil servants because they didn't like how they came out in an article, and they threaten us with litigation."

Included in the act are draconian aspects that permit a Board of Censors, appointed by the relevant minister, wide-ranging censorship powers. Kabeta expressed apprehension regarding that possibility. "Right now the act is not being used, maybe because producers' work was not flighted on the national television, but…three months ago they awarded three production houses permission to flight programs," Kabeta said. "Now if anything happens that may step on those in authority, you will see the act being used. At MISA, we'd tell film producers: 'Hey, wake up, look at this thing. One day it may work against you. Start looking at it now.'"

Section 18 of the Broadcasting Act provides for broadcasters to appeal to the High Court against NBB decisions to revoke or refuse to review their licenses.[21] But Section 24 of the act empowers the minister to adjudicate appeals; his/her decisions are considered final and may not be questioned in any court of law. "This is of particular concern when it is considered that it is also the Minister who appoints the Board of Censors and the Chief Censor," according to. Mochaba, Raffinetti, and White (2004).[22]

Businesses in Botswana fall under the blanket Trade and Liquor Act, although new laws are likely to accompany

[14] AllAfrica.com, 2007

[15] AMDI, 2006: 19

[16] Mochaba, Raffinetti & White, 2004: 8; Confirmed by several MSI panelists

[17] AMDI, 2006: 25

[18] AMDI, 2006: 26

[19] Mochaba, Raffinetti & White, 2004: 6

[20] Mochaba, Raffinetti & White, 2004: 27

[21] Mochaba, Raffinetti & White, 2004: 26

[22] Mochaba, Raffinetti & White, 2004: 29

Panelists agree that civil litigation against the media is rising. Because legal costs are high in the country, heavy damages can result for those who lose, and this deters media outlets that lack resources from going to court. Perhaps for this reason, many cases are settled out of court, resulting in a dearth of case law. Most panelists regard settling out of court as being a highly undesirable practice for this reason.

current policy plans to separate the two sectors, according to media consultant Caroline Lubwika. Operating any business in Botswana requires registration with the General Post Office and there are associated fees and compliance with tax laws, such as VAT. But as Lubwika said, "I know that the only time they check if you are registered is if you want business from government."

Panelists agreed that market entry for media is fair, with no laws or tax breaks that differ from any other business. Print sector panelists did not know of anyone being refused permission to start a publication. As discussed above, community radio is allowed for by the Broadcasting Act (1998) but has no supporting operational policy, effectively restricting entry into the market. Given that BTV dominates the market, that no new television stations have been awarded a license, and that television broadcasting is cost prohibitive for local entrepreneurs, entry into the market is limited.

It appears, therefore, that market forces, rather than laws, restrict market entry. Panelist Gwerevende Hamufari of *Mining Mirror* said, "In our industry, numbers are very important, and increasingly, it is going to be very difficult for new entrants to enter the market. If you are small, you will have an uphill battle."

Panelists attested that journalists have sometimes been targets of physical violence and that "police did not intervene to stop the abuse…They were just watching."[23] In terms of public outcry, Hamufari offered a comment broadly representative of all the panelists: "People will be writing to newspapers to say that this is not fair. But that is where it ends. You will never see people carrying it to the streets in protest."

One panelist recalled arbitrating in a case where a journalist was assaulted. "We called the police. They said, 'We are waiting for this person to lodge a complaint.' I asked the journalist and his/her editor, 'Why are you not following up this case? The editor said, 'My owner.' The journalist said, 'Yes, I was beaten, but my editor is not supportive.' So it weakens the case if the owner is not willing, or for one reason or another they grow cold feet. What is happening is that there is lack of setting precedence—even in libel cases."

MISA Botswana's Ndlovu noted, "There are cases where foreign individuals were expelled from the country, apparently for being too 'expressive.'" The much-criticized and publicized 2005 expulsion of Professor Kenneth Good, a political science lecturer at the University of Botswana, took a new turn in December 2006 when he lodged a complaint with the African Human Rights and People's Commission contesting the expulsion. According to the International Press Institute (2006),"The deportation was a direct result of a speech that Good had been prepared to deliver at a public meeting at the University of Botswana on 23 February 2005. It apparently contained highly critical comments on the conduct of high-level politicians."[24]

If the draft Mass Communications Bill (2001) is passed, journalists' rights and editorial independence in all media sectors will be seriously compromised. Panelists agree that presently, courts in Botswana are mostly fair and independent in adjudicating media issues, although there have been instances indicating otherwise. Methaetsile Leepile of CBET put it this way: "The courts tend to award unreasonably high amounts of money to important people [judges, politicians and other public figures] following a precedent set in 2002 in which a substantial amount of money [US $42,000] was awarded to a sitting judge [Dibotelo] who had been defamed by a newspaper. The ruling gave rise to a spate of suits against media houses by all sorts of characters, including law firms, in recent years. The media houses...have so far not appealed against such judgments and are partly to blame for the rise in civil litigation…They have to be more pro-active in defending freedom of expression, and the development of case law in Botswana."

Panelist Letshwiti Tutwane noted that the size of the media sector does not encourage legal specialization, so lawyers in Botswana are general practitioners and most are not knowledgeable about media law. In addition, most journalists lack legal knowledge and cannot detect when a story should not be published, particularly regarding potentially libelous stories. In these cases they need to know and understand the implications of "the defense we have under our common law, which is called 'truth for public

[23] Also referred to in MISA, 2005: 199, which gives a full description of this incident.

[24] IPI, 2006

benefit'. If something is true, you have to prove that it's in the public interest," Tutwane said.

One panelist pointed out that the current practice of lodging a complaint against government media with the minister responsible for media is neither ethical nor effective. Caroline Lubwika recalls an instance when the minister, instead of processing a complaint through appropriate channels, arrived at the newspaper in person. "Her presence in the newsroom intimidates people. It intimidates them to a point where they cannot do anything," she said.[25]

Botswana uses the term "defamation" in place of libel and does not distinguish between libel and slander. Defamation is dealt with via the (1964) Penal Code. "Defamation laws are very punitive. If information is wrong, liability exists, even if a mistake is made after reasonable steps had been taken to obtain the truth," according to Sello Motseta. Two types of defamation, civil and criminal, are recognized. Civil defamation cases involve private parties, and in these cases, the panelists consider the code to be generally fair. With criminal defamation—termed "insult" in the law—the state takes the party or parties to court. Insult laws are potentially damaging to freedom of expression and press freedom.[26] However, Motseta said that even in cases where the President has been ridiculed in cartoons, "they have never taken any steps to prosecute. We must give them credit for that."

Not all panelists felt as confident. Letshwiti Tutwane said, "We have several dangerous media laws. Fortunately, for the most part, they are dinosaurs that have waited for ages without pouncing on prey."

Panelists agree that civil litigation against the media is rising. Because legal costs are high in the country, heavy damages can result for those who lose, and this deters media outlets that lack resources from going to court. Perhaps for this reason, many cases are settled out of court, resulting in a dearth of case law. Most panelists regard settling out of court as being a highly undesirable practice for this reason.

Recent research found "the lack of a Freedom of Information Act means Botswana's citizens are unable to participate fully and pro-actively in the development and democracy of the country."[27] Some of the MSI panelists said that the development of a Freedom of Information Act (provided for in the national strategic Vision 2016) is being put aside constantly in favor of other policy priorities. As discussed earlier, Section 12 of the constitution allows for restrictions on freedom of expression by public officers, local government employees, and teachers.[28] These restrictions impact on access to information, as government officials are reluctant to talk, according to Sello Motseta.

Letshwiti Tutwane added, "We have the National Security Act of 1986, of which Sections 4 and 5 protect classified information and the publication of defense and state security news. The definition of these issues is the prerogative of the state. One can rot in jail for up to 25 years." Associated with the National Security Act, two panelists encountered reticent officials when requesting information on the privatization process in Botswana. Lauri Kabuetsile commented, "PEEPA [Public Enterprises Evaluation and Privatization Agency] will say nothing. It refers all queries to the Ministry of Works and Transport. But PEEPA is supposed to be independent of government."

Panelists agreed with Methaetsile Leepile's statement that "opposition political parties have complained about the unequal access to government media vis-à-vis the ruling party." They also agreed with Donald Koogotsise's point that "information access is skewed in terms of government media; they are always given information by government and always accompany ministers wherever they are going."

Lack of access to public information is felt keenly by media outside of major urban areas, as Lauri Kubuitsile attested. "It is very difficult to get facts and news from civil servants," she said. "They often want you to go to head office in Gaborone, which is impossible for small local papers like mine. Few civil servants will talk on the phone, which again puts economic and manpower constraints on us." In addition, she finds that local police give information in a somewhat arbitrary fashion.

Gwerevende Hamufari acknowledges that efforts are being made to improve access to public information via a new system of public relations officers in government ministries. Lauri Kubuitsile added, "There are some more 'new' minded civil servants that are changing the old mindset, but they are still few and far between."

Panelists agree that access to international news and news sources is not legally restricted in Botswana. However, costs and infrastructure associated with the Internet likely hinder access to web-based international news resources for some individuals and organizations, particularly in rural areas.

There is no reliable information on the demographic profiles or number of practicing journalists in the country. Presently they do not need to be not registered or licensed to practice in Botswana.[29] But if the draft Mass Media Communications

[25] This instance is also referred to in AMDI, 2006: 13

[26] For summary descriptions of defamation and insult laws see: AMDI, 2006; Mochaba, Raffinetti & White, 2004; and Balule Maripe, 2000

[27] AMDI, 2006: 9

[28] Mochaba, Raffinetti & White, 2004

[29] AMDI, 2006: 14

Bill (2001) is voted in by Parliament, local and international journalists will have to be registered and accredited.

Sello Motseta explained, "If I want journalists to attend a function, I might give them a press card. But really, many of my journalists have never been asked for any identification when they go to meetings and other events." Section 35 of the draft bill would change this, too, according to Motseta. That section will require all journalists "to apply for and obtain a press card from the director in order to report on any official event in Botswana. [This is] problematic because they place the power to authorize journalists to operate in Botswana directly in the hands of the government. Potentially, this gives the government the power to freeze out journalists whose views and opinions it does not like."[30]

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Botswana Objective Score: 2.54

On the whole, panelists felt that the quality of journalism in Botswana is good, and individual indicator scores fell closer to the overall average of 2.54 than in Objective 1. Indicators 2, 4, and 6 (journalism ethics, coverage of key events, and balance of entertainment with news) achieved the highest scores, all about a half point above the average, while Indicators 5 and 8 (pay levels for journalists and niche reporting) were the lowest, trailing by about half a point.

"Newspapers are most often criticized for being elitist, concentrating on urban issues and tending to use the same sources for information," said Letshwiti Tutwane. From the viewpoint of small independent newspapers outside of major urban areas, there are labor, financial, and geographic constraints associated with gathering information independently. Irene Tshukudu of SAMDEF said, "We have seen an improvement in recent years of objectivity in reporting and balanced stories." But Gwerevende Hamufari noted, "We still have few stories that are one-sided, stories that have only one source, and this is a problem." Zwide Mbulawa added: "Most of the stories do not have technical input from the experts." And Sello Motseta said, "Journalists writing stories make assumptions about what the readers know…those assumptions are very dangerous."

Regarding objectivity, Letshwiti Tutwane was adamant that "when democracy is threatened, the media [has] to do something. So we cannot claim to be neutral when things are going wrong." He added: "Insofar as I know, there is no newspaper here that supports a particular political party. [Independent newspaper] *Mmegi* is a very interesting place: you've got different people with different political interests. And we had a policy in the news room: if you know that you support a particular political party, don't write stories." In his opinion, *Mmegi*, the most widely read independent newspaper in Botswana, is not biased in relation to political activity.

[30] AMDI, 2006: 36

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Debate on the issue of fair and objective reporting resulted in consensus on the idea that, in reality, everyone protects his or her own interests. The media policy and financial position of a paper influences its content, while nuances on a range of issues will depend on a particular editor. In the context of this debate, Methaetsile Leepile asserted, "There's nothing wrong, absolutely nothing wrong, with a paper taking a position out of principle or out of partisanship."

Mobilizing against the original (1997) draft Mass Media Communications Bill, in 2001 journalists formed the voluntary Press Council of Botswana, which launched its Media Code of Ethics in June 2004.[31] The code acts as a self-regulatory mechanism for media practitioners. In line with international standards, the code addresses standards of professionalism; media roles, duties, and good practices; and facilitates the distribution of complaints about ethical irregularities.[32] Panelists were unanimous that the Press Council and its code has good industry penetration throughout the country and is widely accepted by media professionals. It has also enhanced standards and public confidence in the media.

Nonetheless, instances of unethical practices such as plagiarism do still occur. "Twice I've had excerpts of my stories cut and pasted into other writer's articles, Lauri Kubuitsile said. "I'm not sure if this is caused by lack of skills or ethics."

[31] AMDI, 2006; IREX MSI Panelists; Mochaba, Raffinetti & White, 2004

[32] Mochaba, Raffinetti & White, 2004: 37

The concept of ethics sparked a long debate among panelists about cartoons. Most agreed that cartoons are a "gray area" in media standards and sometimes more "a matter of taste" than a defensible reason to sue. But some drew attention to the tension between tolerance and abuse. This debate divided men, who tended to concentrate on conceptual and legal implications of cartoons; and women, who tended to focus on the social impact of their messages. Most women panelists were concerned about how cartoons depict traditional norms, promote stereotypes, and potentially stifle the creation of a more gender-sensitive society.

Panelists agree that there is self-censorship both in media and in government. Lauri Kubuitsile pointed out that different organizations have different agendas and that "knowing how to behave" within them may involve a degree of self-censorship due to "fear of backlash." But the threat of backlash is double-pronged and can be exploited as an excuse to not comment to the media. A government director once told Methaetsile Leepile, general manager of CBET Publishing Company, "'You can say this or that, but remember, I have got a family to feed you know my children,' blah, blah." Leepile added, "Sometimes a story's aired and then one of the ministers will complain and the journalist would be told 'No, these guys were not speaking for our section—they were speaking for another section.' Or otherwise they are told, 'You were not instructed by our section.' Then the journalist would be forced to rewrite the story again or do new interviews. So in terms of government, there is a lot of influence taking place. And it's taken for granted. Nobody is complaining about it in the government; even the journalists themselves take it as a given. It's a normal thing."

Several panelists are concerned about the "intrusion" of commercial interests on content and editorial independence—particularly the effect of self-censorship associated with maintaining an inflow of advertising revenue, which happens in both government and independent media. (This is discussed in more detail under Objective 4.)

Regarding the coverage of key events by journalists, panelists concurred with Irene Tshukudu's statement, "There is room for improvement." As Methaetsile Leepile noted, "There is little specialized reporting outside news and sports." Some media organizations appear to expect to attract advertising when they send out journalists to cover events, and have been known to act in accordance with this expectation. This has implications for coverage of other, perhaps less lucrative, issues and events.

Because of difficulties in accessing public information and situations that curtail free speech (discussed above), reporting meaningfully on key issues of public interest is not always possible.

Panelists agree that there is very little specialized reporting in the country. Sello Motseta suggested that this is "the product of an environment where private press is still in its embryonic stages." Another reason put forward is the limited size of the market: Botswana has a small population, estimated at just over 1.8 million.

Panelists agree that the pay levels of journalists in Botswana are low. Lauri Kubuitsile said, "I know as a freelancer, it is difficult to make a living wage. I could definitely see where there might be room for corrupt practices because of that, although I have never heard of it happening."

It has become common for media houses to lose talented staff to public relations, marketing, and other media communication sub-sectors. Caroline Lubwika said, "This is slowly eroding the quality of people to champion the cause of freedom of expression," but nonetheless, government media in particular attract and retain "very intelligent" and "highly educated" staff.

Panelists state that entertainment forms the major part of programming as opposed to news, and that the news tends to be focused on politics.

Recent research[33] confirms panelists' perceptions:

- Entertainment and music comprise 54 percent of Radio Botswana's channel RB1, although the news, which is in English and Setswana, occupies the most popular time slot. Radio Botswana's second station RB2 focuses mainly on entertainment. Yarona FM has a 75 percent music/25 percent talk and gospel mix, and Gabz FM has a mix of 80 percent music/20 percent talk.[34] Duma FM, which went on air in late 2007, appears to be aiming for a similar mix to its competitors Yarona FM and Gabz FM.[35]
- There is a rise in the use of "edutainment" to address issues such as gender, HIV/AIDS, and other pressing social issues.
- Television remains dominated by the state, which has deflected a high proportion of Batswana viewers to foreign stations, particularly those broadcasting

[33] AMDI, 2006

[34] Gabz FM, 2007; Yarona FM, 2007

[35] AllAfrica.com, 2007

"Newspapers are most often criticized for being elitist, concentrating on urban issues and tending to use the same sources for information," said Letshwiti Tutwane. From the viewpoint of small independent newspapers outside of major urban areas, there are labor, financial, and geographic constraints associated with gathering information independently.

from South Africa. The research cited here points to a general trend of audiences, particularly the young, as having a preference for entertainment and in increasing buy-in to Western values.

Few panelists spoke to the issue of equipment and facilities used by Batswana media, and research found little information to fill the gap. Methaetsile Leepile of CBET is of the opinion that "the local newsrooms are as modern as any in the world." But in the experience of Lauri Kubuitsile, who works in the small independent media sector some distance from major urban areas, "The technology that we are using, decided by our economic situation, is becoming obsolete."

Panelists agree that there is very little specialized reporting in the country. Sello Motseta suggested that this is "the product of an environment where private press is still in its embryonic stages." Another reason put forward is the limited size of the market: Botswana has a small population, estimated at just over 1.8 million.[36] Market size is likely to account—to some degree at least—for the lack of community reporting, along with the inclination of newspapers towards elitism and a catering to Westernized tastes. Motseta, commenting on the urban-centricity of print media, said, "Papers tend to be circulated in major urban areas because it makes better economic sense, especially for private press." A shortage of reporting, according to Zwide Mbulawa, on "social issues and other specialized issues like health" may also be partly attributable to market size and taste, as well as to factors discussed below.

In Gwerevende Hamufari's opinion, "Only one or two journalists are doing investigative journalism. Most practice 'armchair journalism.'" Reasons suggested by panelists, including Methaetsile Leepile, are that some media houses have "poor management and poor coordination," and that, in the words of Caroline Lubwika, they "lack financial muscle, training, and dedication to working on a story for a long time." Another reason why journalists are "not eager to do any investigative reporting," as Leepile put it, is the difficulty associated with getting information from government officials who are reluctant to talk.

Only one panelist, Irene Tshukudu, mentioned seeing an improvement in investigative journalism skills and reporting. And none mention the few magazines that have survived after starting up, and which do cover specialist topics such as business and finance, the environment, and agriculture and mining.[37]

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Botswana Objective Score: 2.53

Individual indicator scores for this objective all fell close to the overall average of 2.53, with two notable exceptions. On the high side, the indicator covering citizen access to international news scored nearly a full point higher than the objective average. Conversely, panelists felt that a broad spectrum of social interests is not reflected in the media, and therefore scored that indicator roughly three-quarters of a point lower than the average.

A plurality of public and private news sources for consumers depends on what platforms and content the industry can deliver; in other words, on industry sources as well as resources. As discussed earlier, licensing laws and practices can be a hindrance to plurality and diversity. Further obstacles include: newspapers using the same sources because of difficulties in accessing public information, limitations to free speech, lack of professional skills, infrastructural constraints, and marketing limitations.

Panelists were concerned that media are concentrated in the urban areas, favor English, and, according to Letshwiti Tutwane, are "accessed mostly by elites." Regarding language, panelists complain that minority language information sources are non-existent. They are unanimous in criticizing the lack of community media: there are few community newspapers and no community radio or television stations. Panelists see this as a gap that needs to be addressed. As Thapelo Ndlovu noted: "Community radio is still restricted, as there is no political will to legislate for its existence." Domination of the TV sector by government is also of concern. All these factors limit media access for much of the population.

As mentioned in the introduction, Botswana is experiencing a high growth in the media industry, accompanied by a rise in demand for media products. Rapid developments

[36] CIA, 2007

[37] AMDI, 2006: 27

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

in transport and communications have been critical to the expansion of broadcast media: It was estimated that by 2006, over 80 percent of the population could access good quality radio signals, and 40 percent could access the national television station via terrestrial transmitter. Satellite radio and television coverage is available in Botswana, though few can afford it. Marked exceptions to media expansion are the slow development of new media, and, except for a few newspapers, the non-existent community media sector.[38] Little information exists on Internet access, but it is estimated that there are 5499 hosts, 11 service providers, and 60,000 users.[39] Gwerevende Hamufari said, "In rural areas, Internet is not at all accessible to the majority of people."

Radio is the most popular and widely accessed media in the country. As Irene Tshukudu pointed out, "Rural communities depend so much on the radio. Print media reaches them later than news on the radio." Radio's reach is dominated by the government-owned RB1 (public) and RB2 (commercial) stations. Neither of these stations have any real competition, because privately owned commercial stations Yarona FM and Gabz FM, which are both based in Gaborone, can only broadcast to a limited area.[40] (Duma FM began broadcasting in late 2007 after this study was complete.) Botswana has lot of overspill of radio signals, especially from South Africa, which allows for a wide audience for foreign radio stations.[41]

The state's BTV dominates the television sector. In the last five years, this has deflected viewers to foreign TV broadcasts. Local media literature portrays audiences—particularly young audiences—as having a preference for entertainment and an increasing buy-in to Western values, and foreign broadcasts better fill that preference. Privately owned GBC TV is based in Gaborone and broadcasts mainly to the capital city.[42] No new TV stations were licensed, except for the satellite station BESTV, which plans to aim at the emerging Black middle class but is not yet operating.[43] The privately owned, South African-based satellite television broadcaster, MultiChoice, has been authorized to beam its DSTV bouquet of channels within Botswana's jurisdiction.[44]

Both the appetite for and consumption of print media products are influenced by literacy levels, which are high in Botswana.[45] A significant proportion of Batswana read newspapers, and over the past five years, have had a growing number to choose from. The only state-owned paper is the *Daily News*, which is distributed nationally free of charge and enjoys the widest readership.[46] At present, approximately 13 independent newspapers (mostly weeklies) are in circulation. Lauri Kubuitsile commented, "There are not really any minority newspapers that I know of. This probably has less to do with any type of censorship than with finance and economic viability."

Only one panelist commented on access to international media, perhaps suggesting that access is not an issue except for financial constraints experienced most keenly in rural areas. As Irene Tshukudu said, "There is predominantly free access to international media through various sources."

According to the BBC World Service Trust (2006), "There is a lot of overspill of radio signals, especially from South Africa, which allows for a wide audience for foreign radio stations."[47] But satellite broadcasts, whether for TV or radio, are expensive and not affordable for most Batswana. In terms of international newspapers, this research found no references to restrictions. In fact, four South African newspapers (*The Sowetan*, *The Sunday Times*, *Mail & Guardian*, and *The Star*) feature among the top ten most read newspapers in Botswana.[48]

[38] Info in this paragraph sourced from AMDI, 2006: 5, 13, 23, 26, 27-31

[39] CIA, 2007

[40] AMDI, 2006: 21

[41] AMDI, 2006: 20

[42] AMDI, 2006: 25

[43] AMDI, 2006: 26

[44] Mochaba, Raffinetti & White, 2004: 6

[45] Literacy is estimated at 81.2 percent (which is made up of 81.5 percent women and 76.1 percent men). Of the 81.2 percent literate people, 83.3 percent live in urban areas and 64.1 percent live in rural areas (UNDP, 2005: 108).

[46] AMDI, 2006: 27-30

[47] AMDI, 2006: 20

[48] AMDI, 2006: 29

Panelists agree that media ownership is not commonly known among the general public. As Lauri Kubuitsile said, "I don't think the public is very clear on who owns what, and how that may have an impact on media content." Panelists do not think that this lack of knowledge results from any deliberate attempt by anybody to mask information. Rather, media consumers are perceived as not being particularly interested in knowing.

The topic of public media reflecting views of society as a whole generated much debate. In a comment representative of some of the panelists, Gwerevende Hamufari said, "The state media is a big problem because it has no independence. It is not a public entity, but rather a mouthpiece for government policy." But not all panelists are in agreement. Some think that media—including government media—do not escape powerful interests that necessarily control everyone. And some panelists are of the opinion that, compared to some other African countries, Botswana generally has a relatively free media climate.

Recent research finds that "the Botswana government has no intention of loosening its grip on the state media."[49] But MSI panelists also acknowledge conflicts that the government is struggling to reconcile: "There are powerful political interests that control the ruling party and that put pressure on media," said Methaetsile Leepile of CBET Publishing. "I would assume that they are trying to find a way to solve these problems because in one breath they say 'Let's outsource activities, let's refocus on what government is supposed to be doing in terms of news dissemination,' and in the next breath it appears they are trying to say, 'We are the ones that should be the pioneers of news.' So we see that conflict from time to time."

State broadcaster BTV, being a division of the Department of Broadcasting Services, has negative implications for editorial independence and control.[50] Methaetsile Leepile offered an alternative perspective: "Yes, it is a government department, it is treated like a government department, and it reports to the minister. But it has a chairman of the board and ultimately it is responsible to that board. The government media people could argue that they are independent."

[49] AMDI, 2006: 13

[50] Mochaba, Raffinetti & White, 2004: 8

Regarding coverage of the entire political spectrum, Lauri Kubuitsile argued that the public broadcaster "does attempt to offer varying perspectives." But Thapelo Ndlovu countered: "There are certain issues and certain people that government media doesn't want to touch."

Opposition parties sometimes complain that the state media do not cover them adequately. As Methaetsile Leepile said, "It's probably true. Every day my 12-year-old daughter asks me, 'Why is this guy always in the news, Dad?' You know, the front page news, the president. Every day he is on television. And I say, 'Well, it's his station.'"

As one panelist observed, and others agreed, protesting does not help opposition parties, because government media are acting on instructions "from above." Lauri Kubuitsile added that there have been reports of programs with opposition parties being edited. "This was recently covered in the national newspapers—when the BCP [Botswana Congress Party] complained that they were edited," she said.

Caroline Lubwika made the point that because government officials get their orders from the minister, the public roles and ethical standards of media and of government media professionals themselves—the directors, general managers and assignment editors—are undermined. In her opinion, "they are just reporters for government. I don't consider them journalists, even though they're the best trained in the country."

Botswana has only one strong news agency, the state-owned and -run Botswana Press Agency (BOPA), which purchases news and media products from international sources.[51] BOPA provides news to government-owned media: radio, television, and the *Daily News*. "The *Daily News* has bureaus all over the place, and they do a pretty good job because they provide news on the spot; they are on site," Donald Koogotsise said.

MISA reported that "BOPA was supposed to gather and distribute information to all media, but has failed as it continues to compete with private newspapers."[52] But MSI panelists did not mention anything to this effect. One panelist thinks there is no need for another agency, while Caroline Lubwika said, "There is a need for the creation of independent news agencies in the country."

The consensus among panelists centered on Donald Koogotsise's comment: "News agencies are not common locally." One independent news agency, Front Page, has been set up but is not very active.[53] The established independent newspaper *Mmegi* has a Reuters server, but for most media houses, panel facilitator Jackie Kabeta said, "The costs of

[51] AMDI, 2006:

[52] MISA, 2005: 196

[53] AMDI, 2006: 30

agencies are prohibitive, and only those who can afford it are able to utilize them."

The issue of the correct citing of content was not addressed specifically in relation to news agencies, but rather to citing sources generally. For instance, Thapelo Ndlovu said: "In terms of the copyright law, you can get a story—and I am not saying replicate a story—from other publications, as long as you acknowledge them." Plagiarism was reported by one panelist (see Objective 2) but not in relation to news agency sources.

Regarding private broadcasters producing their own news and information programs, Irene Tshukudu commented that "private media rely mostly on international sources as opposed to domestic ones." Private broadcaster GBC TV has started broadcasting local news, but remains predominantly reliant on programming from South Africa;[54] BESTV is not yet broadcasting but, judging from the partners that it is trying to recruit,[55] news programs are unlikely to be locally produced.

The two independent radio stations, Yarona FM and Gabz FM, are entertainment-oriented, as opposed to news-oriented. Details on how much of the two independent radio broadcasters' talk programming comprises news, and what proportion of their news is locally produced, was not sourced. Duma FM's press statements indicate that much of the content will be sourced from existing stations.[56]

Panelists agree that media ownership is not commonly known among the general public. As Lauri Kubuitsile said, "I don't think the public is very clear on who owns what, and how that may have an impact on media content." Panelists do not think that this lack of knowledge results from any deliberate attempt by anybody to mask information. Rather, media consumers are perceived as not being particularly interested in knowing. The dominance of TV by the state broadcaster is noticed, even by youngsters, as shown by Methaetsile Leepile's comment above, so most Batswana are likely to see this particular link between content and ownership/control. The list below indicates that newspapers have the most diverse spread of ownership, followed by radio and television. There are few locally owned magazines, and Internet use is low (60,000 people, which represents 3.3 percent of a population of 1,815,508 [57]) so these sectors have not been explored.[58]

[54] AMDI 2006: 25

[55] See Mmegi online

[56] AllAfrica.com, 2007.

[57] CIA, 2007

[58] A nationally representative research survey has some interesting statistics on the degree to which Batswana trust different media in the country (Afrobarometer, 2005, Round 3 survey of Botswana) but is not linked to media ownership.

Radio is the most popular and widely accessed media in the country. As Irene Tshukudu pointed out, "Rural communities depend so much on the radio. Print media reaches them later than news on the radio."

- **Radio ownership:** 2 state-owned (RB 1 and RB 2), 3 privately-owned by local business interests and minority foreign shareholders (Yarona FM, Gabz FM and Duma FM), 8 International/foreign stations, and 1 pan-regional/African continental station broadcasting to Botswana.[59]
- **Television ownership:** 1 state-owned (BTV); 1 privately owned by local businesspeople and partner MNet Africa (GBC TV); and BESTV, which is not yet operating. [60]
- **Newspaper ownership:** 1 state-owned (*Daily News*), around 13 commercial papers privately owned by diverse business interests (*Mmegi/The Reporter*; *Botswana Daily News*; *Botswana Guardian*; *The Voice*; *The Botswana Gazette*; *The Midweek Sun*; *The Sunday Tribune*; *Monitor*; *Echo*; *The Paparazzi*; *The Mirror*; *The Botswana Advertiser*, and; *Sunday Standard*).[61] There are a few community newspapers, including *Ngami Times* in Maun.

In terms of media being representative of broad social interests, panelists agree that there is little support for indigenous local culture and minority languages. "Stories lack geographical spread. You will find that the concentration is around the big towns," said Donald Koogotsise. "There may be news worth reporting out there in certain villages, but they are not covered." He also commented on the absence of licensed or unlicensed community radio stations. "We have heard of people complaining that the community radio stations may promote tribalism and that they would break up the nation, so there are issues around ethnicity," he said. As there is little specialized reporting, except for the few magazines that concentrate on business and finance, the environment, and agriculture and mining,[62] there is inadequate coverage of social issues such health and gender.

Commercial radio is entertainment-focused and cultivates a westernized audience.[63] Youth issues are the focus of

[59] AMDI, 2006: 20

[60] AMDI, 2006: 25

[61] AMDI, 2006: 29

[62] AMDI, 2006: 27

[63] AMDI, 2006: 54

Yarona FM, which has a 75 percent music and 25 percent talk and gospel mix.[64] Its reach is limited to a fairly small radius around Gaborone, where it is based. Gabz FM has a mix of 20 percent talk and 80 percent music.[65] Also based in Gaborone, its reach extends in a 90-kilometer radius from the capital. It broadcasts in English and targets the economically active 25-49 age group. Duma FM is likely to have a similar geographical reach and content spread as its competitors. Motsweding FM (a South African station) broadcasts in Setswana, which is widely spoken in Botswana.[66]

Television relies predominantly on foreign programming, although government-owned BTV, which is broadcast nationally, is attempting to include minority languages in addition to its current English and Setswana media.[67] "Originally conceived as a news and current affairs station, BTV expanded its mandate to include programs of different genres demanded by the Batswana. It now has a local in-house magazine, sports, religion, and children's programs." Commercial station GBC TV broadcasts within a 50-kilometer radius of Gaborone. Entertainment and sports comprise the bulk of its content, although it has begun to incorporate some local content in its newscasts. [68]

Newspapers are mainly urban-centric and published in English, which, in Sello Motseta's experience, "readers and advertisers prefer." *Mokgosi* (the only vernacular paper, written in Setswana) folded in 2005, but the *Daily News* and *Mmegi* carry Setswana inserts to cater for the non-English readers.[69]

OBJECTIVE 4: BUSINESS MANAGEMENT

Botswana Objective Score: 2.02

Panelists' views on this objective reveal some strengths and some weaknesses in the business of Batswana media. Indicators 2 and 4, that cover multiple sources of revenue and advertising percentage of total revenue, scored the best, somewhat above the average. Indicators 6 and 7, covering the use of market research and circulation/audience measurement, scored somewhat below the average.

Panelists were divided on the management practices of media. It appears that management expertise is uneven and business practices are as varied in effectiveness and efficiency, as in any other business. Opinions ranged from Donald Koogotsise's comment ("some professionalism is displayed") to Letshwiti Tutwane's view: "There is lots of inefficiency. From a management perspective, there is no semblance of seriousness, other than the motive of just making money."

Government media's low advertising rates, wide distribution, free media products, and non-collection of monies owed to them have been working against the financial viability of the private media sector. It was pointed out that the government has now begun to address the situation by chasing debtors and adopting a cash-up-front strategy for advertising sales.

MSI Facilitator Jackie Kabeta views these developments as being an advantage for the independent media sector, as it sets a benchmark practice for the industry. "I personally don't think that government is a threat anymore," she said. "Maybe in the beginning when we were complacent, but I think that their attitude has helped private media people to jack up their act, stop being crybabies, and take them on. If government advertising comes our way, that's fine—we'd love to have it. If it doesn't come our way, we're not going to mourn…it doesn't make a difference to our bottom line."

Thapelo Ndlovu noted, "It's generally difficult to run a media house privately. A number of publications have died due to economic pressure."

At the level of small publications, Lauri Kubuitsile finds that financial resources limit the ability to upgrade outmoded technology. Moreover, as is the case with many small or fledgling papers, she and her staff must multi-task because there is no separation between business and editorial functions. "As owner of the newspaper, I write the stories, I

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

[64] AMDI, 2006: 19-20; Yarona FM
[65] Gabz FM, 2007
[66] AMDI, 2006: 20
[67] AMDI, 2006: 26; MISA, 2005: 202
[68] AMDI, 2006: 25
[69] AMDI, 2006: 30

write the checks, I distribute the papers from my car. This is how it's run, and we've had 10 years like this," she said.

Sello Motseta argued that factors such as success and sustainability depend on the maturity of a business. "I think the industry in Botswana is divided amongst those that are old and those that are fairly new," he said. In terms of expertise, he said, "We still see some challenges with up-and-coming media. These are the people who still need management training expertise to run institutions professionally. I've seen a number of small, up-and-coming ones who are struggling with challenges. Sustainability becomes an even bigger challenge if resources are not managed optimally."

Irene Tshukudu spoke for most of the panelists when she said, "The biggest challenge in media remains funding. Indigenous banks remain reluctant to venture into financing the media, as it is known to be high risk." As Thapelo Ndlovu wryly remarked: "Banks will tell you that if you have a lot of money you have to spend it on journalists. If you have a lot of money to waste, spend it in newspapers." SAMDEF was mentioned by one panelist who says it is "always ready to help, within [its] own limits, obviously, and within [its] own terms and conditions." But recent research reports that some people found these terms and conditions "intimidating."[70]

Recent research conducted by *Mmegi* revealed that "there are people who take ABC [statistics from the Audit Bureau of Circulation] seriously, like the ad agencies or big retail chains. That doesn't necessarily happen with government: there is an unwritten rule in government and parastatals that they have to spread the advertising cake a little. They do recognize that they have a duty to promote media pluralism."

Nonetheless, panelists express concern about several government practices. In Methaetsile Leepile's words: "It appears that government media is not doing what it's supposed to be doing, as it tends to compete with the commercial media for ad-spend." This confirms 2005 research, which found that although the Broadcasting Act stipulates that state advertising must be equitably distributed among Botswana's various media outlets, this does not happen. Instead, the state privileges its own media to the detriment of the private media sector.[71] This imbalance is highly unpalatable for independent media professionals because they see themselves as funding the success of government media on two levels: as media organizations and as individuals.

[70] AMDI, 2006: 57

[71] MISA, 2005: 181

Methaetsile Leepile and Sello Motseta explained that agencies do not make their media statistics available to stakeholders. So media houses have no clarity regarding the criteria and standards they need to meet in order to be represented by agencies, or where they need to improve, or if they do indeed meet requirements and can argue to that effect in sales efforts.

Echoing the majority of panelists, Gwerevende Hamufari stated: "It's not fair for government to monopolize advertising. My problem is not that they get advertising, but how they get it. They don't know how much it costs them to print a newspaper, they don't know how much it costs them to pay a messenger, they don't know the dynamics in the marketplace, to an extent that they don't know how to price. I pay for that from my tax and I don't work for government. I am in competition with them! Because they enjoy unlimited resources—paid by us, the taxpayers—they can do what they like. The *Daily News* is the largest circulating newspaper—it prints 65,000 a day—they set the price [free] and they depress prices in the market. People operating in the realm of the private media are handicapped. We are operating at a disadvantage. The playing fields are not level."

The same complaint was recorded years ago and the demise of *Mokgosi*, a Setswana broadsheet, was attributed to "the hefty competition inflicted by the *Daily News*."[72] As recent research found, "There is currently no competition legislation in Botswana to prevent dominant companies from abusing their position in the marketplace."[73]

Another contentious issue is that "some ministries, like Home Affairs, don't advertise sufficiently in the local private media, but will advertise aggressively in the international private media," said Caroline Lubwika. Further, the government does not provide an enabling financial climate or operational frameworks for the development of community media.

The advertising market in Botswana is limited, with most advertising revenue going to radio or newspapers.[74] In the commercial newspaper sector, the bulk of revenue is generated from advertising and less from circulation.

[72] MISA, 2005: 38

[73] Mochaba, Raffinetti & White, 2004: 18

[74] AMDI, 2006: 26

At the level of small publications, Lauri Kubuitsile finds that financial resources limit the ability to upgrade outmoded technology. Moreover, as is the case with many small or fledgling papers, she and her staff must multi-task because there is no separation between business and editorial functions. "As owner of the newspaper, I write the stories, I write the checks, I distribute the papers from my car. This is how it's run, and we've had 10 years like this," she said.

Newspapers find that in cities the use of Internet to access online newspapers is having a negative impact on subscription numbers and revenue from cover sales. In the television sector, government-owned BTV and the South African-based DSTV harness most of the television advertising expenditures. Methaetsile Leepile said, "TV is expensive and tends to be out of reach of potential private-sector investors."

Independent commercial radio broadcasters Yarona FM and Gabz FM attract revenue mainly from local business.[75] Duma FM is a newcomer and it appears from press statements that the station also aims to attract local investment and advertisers.[76]

Most panelists agreed with Lauri Kubuitsile's assessment that "certain stories might affect advertising revenue." As Donald Koogotsise observed: "There seems to be bias towards advertising, with more coverage for those sponsoring advertorial content." So advertising revenue sometimes gives rise to self-censorship.

Only two panelists referred—tangentially—to the role of international donors in Botswana. Recent research found that most media development projects in the state sector are funded by the Botswana government.[77] In the same study, "MISA Botswana's Modise Maphanyane stated strongly that many donors are too selective about which countries or regions are seen as priority areas, so that some areas end up getting more funding than others. Countries such as Botswana have many pockets of poverty and these are ignored because the country is regarded as a middle-income country. He said that he also suspects that too many donors look at the impact on their own countries rather than the needs of the African countries, so they end up going to the countries they think will have more impact on their countries of origin."[78]

At present it is estimated that "the national media market share has grown to about P150 million, of which about P80 million is probably print, with the balance spread between radio, TV and outdoor advertising."[79] Advertising is "quite advanced" in Botswana, according to Methaetsile Leepile, and several advertising agencies exist. But "not all media work with them. Most media houses have their own market representatives, who go around seeking business," he said.

In the print sector, this strategy is probably related to the fact that agencies want audited circulation figures in order to ensure that their clients get good exposure for their advertisements. But only larger media houses can afford the services of ABC. This "marginalizes the smaller people with smaller circulation," according to Gwerevende Hamufari.

Lauri Kubuitsile, whose publication is far from the major cities, said, "I don't think advertising agencies ever think of operating outside of Gaborone, except occasionally in Francistown, and perhaps recently Maun."

The geographical accessibility of advertising agencies is not the only problem. Methaetsile Leepile and Sello Motseta explained that agencies do not make their media statistics available to stakeholders. So media houses have no clarity regarding the criteria and standards they need to meet in order to be represented by agencies, or where they need to improve, or if they do indeed meet requirements and can argue to that effect in sales efforts.

Advertising agencies, or brokers, organize themselves in the form of cooperatives. Sello Motseta explained that for a fee, a media house can become a member and be guaranteed advertising; otherwise, media houses are "squeezed out of the market. It has monopolistic tones." He mentions Capro (a South African agency) locking media houses out because they only give advertising to the *Botswana Guardian*. "There should be some sort of mechanism in place to accommodate smaller players in the industry," Methaetsile Leepile said.

Regarding advertising as a percentage of total revenue, Leepile said, "This is not America or South Africa, where you generate a specific amount of your revenue just in cover sales." Panelists all agreed that advertising is the main source of income for media. Letshwiti Tutwane estimated that on average, advertising generates between 80 percent and 90 percent of revenue in the industry. According to Jackie

[75] AMDI, 2006: 19
[76] AllAfrica.com, 2007
[77] AMDI, 2006: 57
[78] AMDI, 2006: 57
[79] AMDI, 2006: 44

Kabeta, because the government's *Daily News* carries so many advertisements, "we call them the brochure site!"

Regarding her publication, Lauri Kubuitsile said, "Since our newspaper is free, our news-to-advert ratio can be as much as 30-70. It is our only source of income for the newspaper. And it's not necessarily mismanagement of resources; it's that our pool of advertisers is getting smaller and smaller every day."

One strategy is to move with the growing trend towards advertorials. "The corporate world pays for inserts/ advertorials as forms of stories these days," Zwide Mbulawa said. "You pay for your story!" This does not help the high advertising-to-content ratio, but exacerbates it.

Panelists unanimously said that independent media do not receive any government subsidies. In fact, panelists noted that the opposite it true. As discussed above, taxpayers and private print media (because of the distribution of the state's advertising) subsidize state media.

All panelists also agreed that little media market research is carried out in the country, and what exists is not integrated nor made easily accessible across the different media sectors. A broadly representative comment from the panel was that "most media houses conduct [their] own readership and market surveys, usually using external agencies/parties."

Furthermore, Thapelo Ndlovu pointed out that because "rating and circulation are mainly done by the media houses themselves, it compromises their accuracy." As discussed earlier, only the larger, more affluent media houses can afford to use advertising agencies or ABC services, and thus their reports.

One panelist called on donor communities to fund local organizations to develop this research area.

According to BBC World Service Trust (2006), "Botswana has no independent media research institution…[and] only five out of around 13 newspaper titles published in the country have their circulation independently audited by the South African-based ABC."[80] These "Big 5" are national publications and are able to afford the services of ABC, unlike smaller publications. "All media products surveys are yet to take root here, though there have been attempts to do that in the recent past by independent private commercial entities," Methaetsile Leepile said. "Findings from research conducted by individual media houses suffer from a credibility problem as a result."

Panelists agreed that audience research and media monitoring is a priority area that needs development in Botswana. As Zwide Mbulawa attested, "We need to produce useful data on regular basis."

[80] AMDI, 2006: 2 & 59

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Botswana Objective Score: 2.82

Panelists ranked this objective as the strongest among the five, and each indicator averaged a 2 or above. Three indicators deviated from the average enough to make note of: panelists scored Indicator 1, regarding trade associations, the lowest by far; Indicators 6 and 7, which cover free access to newsprint and printing presses and independence of firms providing print and broadcast distribution services, fared the best by a large margin.

There was very little comment from MSI panelists on trade associations, and few findings from other research studies to augment panelists' information. "I know there's been a media sector within the Chamber of Commerce, but I don't think it has been effective in as far as advancing media issues are concerned," Donald Koogotsise said. "To a larger extent, I think it is now serving the interests of big businesses. So whatever area you are in, as long as you are in a smaller category, there isn't much." Another panelist noted that "we need to agree on a set of norms, maybe set up a publisher's association."

Research conducted in 2006 found that "most professional press associations in Botswana, such as the Botswana Journalists' Association, Press Club, and others have either collapsed or have not been active in the past five years. The only active professional body at the moment is the Botswana Editors' Forum (BEF), which is affiliated to the Southern African Editors' Forum (SAEF) and, by extension, the newly founded continental African Editors' Forum (TAEF)."[81]

[81] AMDI, 2006: 14. Confirmed by another study's findings (MISA, 2005: 205).

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Research conducted in 2006 found that "most professional press associations in Botswana, such as the Botswana Journalists' Association, Press Club, and others have either collapsed or have not been active in the past five years.

The same study found that "other media organizations, including the relatively new Botswana Media Women's Association, have not been very active in the past two years."[82] But MSI panelist Donald Koogotsise said, "The Botswana Women's Media Association has been very active." Notably, no female MSI panelists commented on this.

Most panelists mentioned the active BEF. But several also say that the BEF and other professional associations are not well supported by media professionals themselves. Methaetsile Leepile commented, "Generally media practitioners in this country are not interested in anything. There seems to be a trend: we have had committed individuals to advance certain causes, but over time, there is no sustained support. Editors, for instance: they are never there for most of the meetings that they have to cover. Even their own Botswana Editors' Forum! I think the forum has had successful events in terms of panel discussions, but they are driven by one or two individuals."

It should be acknowledged, however, that journalists did mobilize to form the voluntary Press Council of Botswana, which launched its well distributed and widely respected Media Code of Ethics in June 2004.[83]

The Botswana Workers' Union was started fairly recently by Donald Koogotsise. He resigned shortly after having accomplished his mandate, which was to start the union. "I even had my own lawyer advising, registering it, everything. Now it's up to the journalists to run with it." He concurred with Methaetsile Leepile's comment on a general lack of interest displayed by media practitioners. "My experience has been that journalists are not forthcoming. They are not very eager to support their own organization. We invited them; we booked and paid for a hundred people at The Maharaj Hotel. Only about six or seven people arrived."

According to Sello Motseta, an executive committee needs to be appointed to relieve the union's interim structure, but international donor funding is delayed.

Although panelists did not mention the government's recently established Media Advisory Council, recent research found that media practitioners regarded it as an "important form of state support because it allows the state to elicit the views and ideas of media practitioners in the country and to see how they can help to improve things in the sector."[84]

Letshwiti Tutwane pointed out that "bargaining in any form is unusual in this country, and there are few civil society organizations which can take on media issues." Nonetheless, as Donald Koogotsise said, "Generally, the past two years have seen a reawakening of organizations that are supposed to protect and advance the interests of media practitioners." And according to Lauri Kubuitsile, "Other NGOs do come forward and speak out when they feel that journalists are being attacked or freedom of speech curtailed."

MISA was singled out by almost all the MSI panelists as being an NGO that is "active in all relevant spheres" of media. Letshwiti Tutwane, in an earlier research study, commented that "MISA is at the heart of many media development projects in the country,"[85] even driving the formation of the Press Council of Botswana. Sello Motseta did point out, however, that it "represents journalists generally and not publishers specifically." Regarding MISA's efforts to promote free speech and journalist's rights, Caroline Lubwika observed, "It has lobbied for media issues, even taken issues to government, and has become a force to reckon with in the country."

Thapelo Ndlovu remarked that although there are a number of media-related NGOs, "most are inactive due to economic starvation. Because of the country's economic status as an upper-middle-income country, NGOs are generally neglected by international donors."[86] But there are sometimes negative implications associated with donor funding, particularly around issues of ownership. "One of the reasons organizations fail is because they are sponsored from outside. I know many examples in the region—the Southern African Federation of Journalists is one. If funding comes from the outside, the perception about money, about privileges, about travel, whatever, can be a problem."

Two panelists summed up the state of journalism education and training in Botswana. Sello Motseta said, "Most old-school journalists do not have relevant degrees," while Methaetsile Leepile observed, "The level of education for journalists and other media workers is on the rise."

[82] AMDI, 2006: 14. Also confirmed by the MISA study

[83] AMDI, 2006; IREX MSI Panelists; Mochaba, Raffinetti & White, 2004

[84] AMDI, 2006: 56

[85] AMDI, 2006: 43. The whole of Chapter 14 is an excellent resource on media development initiatives, including the activities of media NGOs in Botswana

[86] See also AMDI, 2006: 50

Panelists agreed that the only credible formal training is offered by University of Botswana's Department of Media Studies, established in 2001. Donald Koogotsise, who is with the university as well as with SAMDEF, provided details on the department. "We are trying to come up with programs. We have a plan to introduce a master's in journalism, but we need the capacity first—we want to have two professors. We are also thinking of a postgraduate diploma that will cater for people who are already in service." (The latter strategy is coming up against some resistance; see below).

Koogotsise also offered his observations of programs at alternative institutions. "There are other private colleges that offer training, but I am very suspicious of most of them. Most are keen on money, but very bad on management. Interestingly, Botha and the Tertiary Education Council are quick to register them. I don't really know what is going on. An example is this Linkonkweng: If you look at their media studies program, you will find that they are more into design; they are not really into journalism. And we begin to get worried about what kind of graduates they will produce. Journalists need to do an investigative story and look at some of these schools."

A media training needs analysis of Botswana and seven other SADC countries, recently conducted by the Sol Plaatje Institute for Media Leadership at Rhodes University in South Africa, found that media houses often complain of employing graduates with university-level qualifications who turn out to have few, and sometimes no, practical skills. Media houses then have to invest time, effort, and money to bring them up to speed.[87] When MSI panel facilitator Jackie Kabeta asked if media outlets are satisfied with the quality of the graduates from the University of Botswana, Donald Koogotsise replied, "Some of them are already employed in companies, but I think it would be premature to try and make any judgment on that. We only had our first batch of graduates last year." Methaetsile Leepile added, "The quality of trainees is okay."

Regarding entry into the profession, Methaetsile Leepile noted, "It is not easy for someone without any technical or specialized media training to enter the sector anymore. Few media houses have internship programs and the sector is over-subscribed, with graduates walking the streets without jobs."

The media training needs analysis also found that in Botswana, as in many other countries, skills are lacking in media management and leadership, and many other professional and technical areas in the industry.[88] Sello Motseta confirmed these findings, saying, "management is quite a big challenge." And as discussed earlier, media law is an area where journalists lack training.

[87] Milne, Du Toit, Rau & Mdlongwa, 2006

[88] Milne, Du Toit, Rau & Mdlongwa, 2006

Panelists agree that channels of media distribution in the print media are in private hands, apolitical, and not restricted. According to Methaetsile Leepile, "More and more media houses are outsourcing their distribution functions," and Sello Motseta added, "kiosks in some of the major villages are run by ordinary people, and they are doing well.

Irene Tshukudu remarked, "It would be desirable to find reputable institutions of media learning that break courses down into certificates and diplomas so that there are both full-time and part-time courses." Donald Koogotsise agreed that training should be expanded. "We are aware that there are certain skills which are required by journalists, especially those who are working, who need in-service training," he said. "We are fighting with the university because it still seems averse to the idea of offering certificates or offering diplomas, like [a] post-graduate diploma."

Methaetsile Leepile, who works for a large organization, is of the opinion that "all media houses support training of their staff in one form or other, although they may not necessarily have training plans in place." But in Lauri Kubuitsile's experience, the courses offered "almost exclusively take place in Gaborone. This makes them difficult for small newspapers such as ours to take advantage of, because of financial constraints."[89] So access to further training is likely to depend on the size of the organization for which journalists work. Personnel from the state media receive the best support to attend trainings, which explains to some extent why most panelists agree that government journalists are the best-trained print and broadcast professionals in Botswana.

Many local media organizations in Botswana, including MISA and its affiliates such as the Southern Africa Institute for Media Entrepreneurship Development, provide short-term training for journalists. But in Letshwiti Tutwane's experience, journalists don't take full advantage of the trainings. "We organize workshops to train journalists, but most of them don't come, or they stay awhile and then disappear—even the editors."

[89] The SPI research (Milne, Du Toit, Rau & Mdlongwa, 2006) found that media professionals prefer training to be conducted at actual media organisations, instead of staff having to travel to where the training institutions are located.

Another reason why government journalists are the industry's best, and perceived as so, may be that "they always stay on at workshops." Tutwane said. "I have to commend journalists from government media for that. They've always been supportive. And you'll always find a representative from government media coming to participate."

Regarding newsprint, most is sourced from South Africa. According to Methaetsile Leepile, Botswana has only two major web printing facilities, which has been the case for the last five years. All but the government printer [Weboffset] are in private hands. Apparently the market is small—"approximately thirty million pula per year," according to one panelist.

Panelists were apprehensive about a number of government practices in relation to printing, however:

- Methaetsile Leepile said, "There is an element of favoritism or political patronage in the manner in which government subcontracts its printing jobs. Only once has the competing commercial press won a contract from the government, and it is not uncommon for the other competitor to be awarded a contract extension outside the tender process."
- The government's decision in late 2005 to purchase a printer and take control of the production of its newspaper *Daily News*, customarily printed by *Mmegi*,[90] is a highly contentious issue. An MSI panelist remarked, "We are watching to see if the government press is going to print smaller publications. It's a challenge that those with presses have to face. I don't think it's a good idea for the government to be taking up printing. Government is dishing out money to us in the private sector and telling us to print and do all these other jobs, and at the same time, we must compete with them. We are paying taxes to them [Weboffset] to pay for that web, which is very unfair. They should be supporting printing and publishing. They are putting us out of business." Another panelist said, "Why do they start presses? They bought this press when they were talking about cost recovery: commercialization or outsourcing. How do you recover costs when you are going to splash 30 million pula on a press? For an underutilized facility?" (Thirty million pula is the same amount, given earlier as an estimate of the entire market value for printing in Botswana.)

Panelists agree that channels of media distribution in the print media are in private hands, apolitical, and not restricted. According to Methaetsile Leepile, "More and more media houses are outsourcing their distribution functions," and Sello Motseta added, "kiosks in some of the major villages are run by ordinary people, and they are doing well. I know of some well established ones in some places outside Gaborone." Even the distribution of the government's *Daily News* is outsourced. Sello Motseta pointed out, however, that according to the tender process, contracts are supposed to run for 12 months, but nothing has happened for three years.

Lauri Kubuitsile expressed concern that the distribution of Internet service providers makes web access unaffordable for most people. "In rural areas, the only service provider is Botsnet, because they are the only ones who offer a local dial-up number," she said. "Being a sister company to BTV is, I believe, a conflict of interest. Delaying ADSL rollout to rural areas is to their advantage. Also, keeping up achingly slow dial-up connection is again to their advantage." Botsnet is a fully owned subsidiary of Botswana Telecommunications Corporation, and thus government-owned.[91]

Regarding radio, Caroline Lubwika said, "Government has space on their transmitters, which they can lease to private radio stations. They don't need to invest...but what the three independents who have been awarded licenses will be doing is syndicating their investment and pooling together resources to go national. They will still be leasing masts, on which transmitters are mounted, from government."

List of Panel Participants

Methaetsile Leepile, general manager, CBET Publishing Company (publishers of *Botswana Guardian* and *Midweek Sun*), Tlokweng

Caroline Phiri-Lubwika, independent media consultant, Mahalapye

Donald M. Koogotsitse, administrator, Southern Africa Media Development Fund, University of Botswana, Gaborone

Gwerevende Hamufari, editor, *Mining Mirror*, Gaborone

Irene Tshukudu, media consultant, Southern African Media Fund, Gaborone

Lauri Kubuitsile, freelance journalist, *The Central Advertiser*, Gaborone

Letshwiti Tutwane, chair, Centre for Advanced African Leadership, University of Botswana, Tlokweng

Sello Motseta, owner/editor, *The Tswana Times*, Gaborone

Thapelo Ndlovu, information and research officer, Media Institute of Southern Africa - Botswana, Gaborone

Zwide Mbulawa, media consultant, Gaborone

[90] MISA, 2005: 38

[91] Botsnet, 2007

Moderator

Jackie Kabeta, director, Southern Africa Institute for Media Entrepreneurship Development, Gaborone.

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The Botswana study was coordinated by, and conducted in partnership with, the Sol Plaatje Institute for Media Leadership, Rhodes University, Grahamstown, South Africa.

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The current media landscape in Burkina Faso is heavily influenced by the widely criticized Information Code of 1993. Despite the criticism, the Code has allowed for the liberalization and proliferation of private radio stations, newspapers, and television stations. Further, the Higher Communication Council (HCC), composed of mostly political appointees, plays a dominant role as the main regulatory body governing and monitoring the media.

BURKINA FASO

OVERALL SCORE: **1.92**

BURKINA FASO

Burkina Faso gained its independence in 1960. After decades of political unrest beginning in the mid-1960s, the adoption of the Fourth Republic Constitution in 1991 provided the country a source of stability.

The current chief of state, Blaise Compaoré, a military man who rose to power in a 1987 coup, became president in 1991 in an election boycotted by the opposition. Compaoré was reelected in 2006 and is currently serving his third term.

Immediately following the presidential elections in 1998, Burkina Faso was hit by a political crisis caused by the assassination of a well-known journalist, Norbert Zongo, the editor of the weekly publication *L'Indépendant*. A group of political, media, human rights, and other organizations demanded full disclosure of the circumstances surrounding the murder. An independent international investigation concluded that the journalist was killed because he was leading an investigation into the death of the chauffeur of President Compaoré's brother. The investigation implicated members of the presidential guard as suspects in Zongo's killing.

Public outrage in the forms of strikes and demonstrations resulted from the linkage of government officials to Zongo's murder. In an effort to stem public unrest, the Constitution was amended to limit the president to two five-year terms, repealing an earlier amendment instituted by Compaoré that had done away with presidential terms limits. In 2006 the case against the suspects in the Norbert Zongo affair was dismissed for lack of evidence, prompting condemnation from local and international media and human rights groups.

The current media landscape in Burkina Faso is heavily influenced by the Information Code of 1993, which has been widely criticized by media professionals. Despite the criticism, the Code has allowed for the liberalization and proliferation of private radio stations, newspapers, and television stations. Further, the Higher Communication Council (HCC), composed of mostly political appointees, plays a dominant role as the main regulatory body governing and monitoring the media.

Burkina Faso's overall score was determined in large part by relatively low scores in Objectives 2 and 4, professional journalism and business management; these came in at 1.65 and 1.34, respectively. Only Objective 5, supporting institutions, received a significantly higher score, coming in at 2.45. These scores generally reflect the findings of a 2005 HCC report, that stated, "With the adoption of the 1991 Constitution, the media situation has changed considerably. While the freedom of the press has greatly expanded, it must be noted that there is still socio-political, economic, and institutional inertia that is slowing down this sector's development."

BURKINA FASO AT A GLANCE

GENERAL

> **Population:** 14,326,203 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Ouagadougou

> **Ethnic groups (% of population):** Mossi over 40%, other approximately 60% (includes Gurunsi, Senufo, Lobi, Bobo, Mande, and Fulani) (*CIA World Factbook*)

> **Religions (% of population):** Muslim 50%, indigenous beliefs 40%, Christian (mainly Roman Catholic) 10% (*CIA World Factbook*)

> **Languages (% of population):** French (official), native African languages belonging to Sudanic family spoken by 90% of the population (*CIA World Factbook*)

> **GNI (2006-Atlas):** $6.311 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,330 (World Bank Development Indicators, 2007)

> **Literacy rate:** 21.8% (male 29.4%, female 15.2%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Blaise Compaore (since October 15, 1987)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 4 daily newspapers, 7 weekly publications, 12 newspapers in the national languages; Radio: 4 international and 57 private; TV: 3 private (HCC Public report 2005)

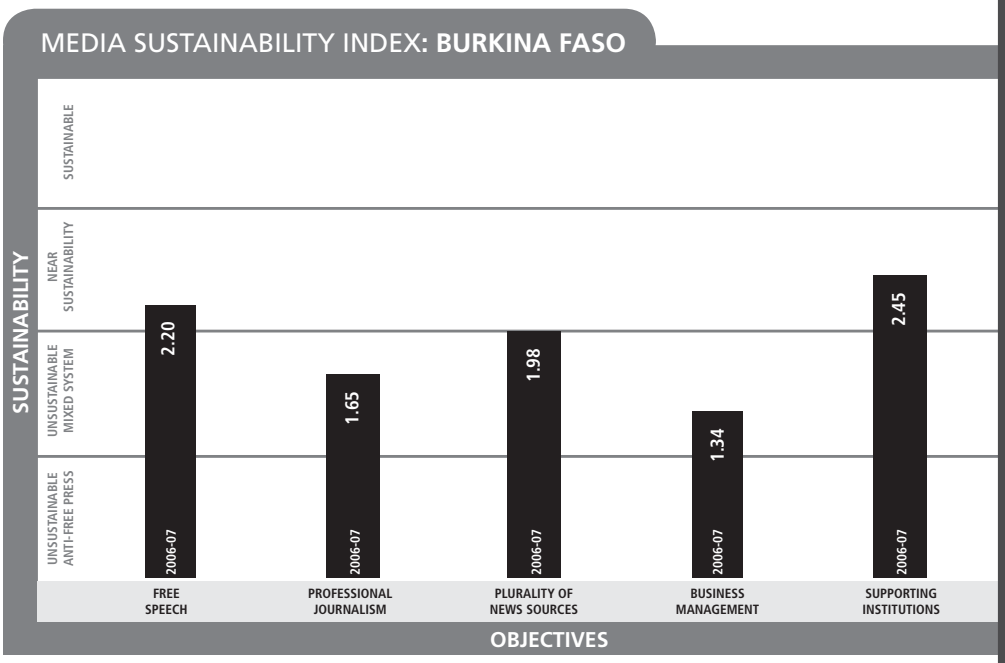
> **Newspaper circulation statistics:** Top three daily newspapers: *Sidwaya* (state-run), *L'Observateur Paalga* (private), *Le Pays* (private), *L'Express du Faso* (private)

> **Broadcast ratings:** Top four radio stations: RFI, VOA, BBC, Africa n°1; Top 3 TV stations: Canal 3, SMTV, CVK

> **News agencies:** N/A

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 80,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Burkina Faso Objective Score: 2.20

Only a few indicators wound up close to the overall average in Objective 1. Panelists did give high marks for Indicators 8 and 9, media access to international news sources and lack of restrictions on joining the journalism profession. However, Indicators 4, 5, 6, and 7 all scored more than half a point lower than the average, reflecting panelists' opinions that Burkina Faso still has a lot of progress to make in the areas of preventing and prosecuting crimes against journalists, ending preferential treatment for state media, eliminating criminal libel laws, and allowing access to public information.

While the Constitution guarantees freedom of expression, and the Information Code openly affirms the independence of the journalist in the exercise of his/her profession, there are numerous contradictions and inadequacies in these laws. In the words of Evariste Zongo, program coordinator with the Editors and Publishers of Newspapers in National Languages Association (EPNNLA), "there is a gap between the letter of the law and its practical application. When put into practice, the texts and their legal interpretations are not protective enough for journalists. In 2006, newspapers that used their right to free expression were sued for defamation." Newton Ahmed Barry, editor in chief of the bi-weekly publication *L'Événement*, which specializes in investigative journalism, added that "the law of the press in Burkina Faso is a reflection of the political regime. It is somewhat sensitive on the topic of liberties. Liberties are granted, but they are narrowly defined." Danielle Bougaïré, professor in the Department of Journalism at the University of Ouagadougou, said, "But in reality, the laws are not put into practice and journalists are often threatened and brought to justice. For example, *L'Événement* in the Norbert Zongo and François Compaoré affair."

The HCC, created in 1995, is charged with regulating communication and information and monitoring the media in Burkina Faso. It has a board of 12 councilors appointed by the president (four), the president of the National Assembly (three), the president of the Constitutional Council (one), and the communications and broadcast professional associations (four). The president of the HCC is appointed by presidential decree. The HCC issues radio and television frequencies to private as well as public stations.

The independence of the HCC was disputed by the panelists, who believe that it is structurally and politically dependent on the government. Justin Coulibaly, secretary-general of the News and Communication Worker's National Union noted, "For instance, the Burkina Faso Movement for Human and Peoples' Rights (BFMHPR) applied for a broadcast license at the Higher Communication Council many years ago, and they have not heard anything."[1]

In Burkina Faso, media outlets enjoy no special tax status. The same tax system applies to them as to any other commercial activity. They do receive a modest annual contribution from the state (CFAF 150 million in 2006 for approximately 100 private media) if requested; however, owners would rather get a full tax exemption.

In addition to this subsidy, the media, private and public, receive limited contributions from the Burkina Faso government and international organizations. These contributions are used in the training and improvement of journalists or for technology upgrade needs. Funding may be provided for specific events such as coverage of legislative and presidential elections, important political, cultural or social events (like chief of state summits), international film festivals, arts and crafts festivals, and cultural festivals.

The state media are public institutions that are somewhat autonomously managed but, as noted by Joachim Baky, a panelist and manager of Edifice advertising agency, "their income is redirected towards the public treasury as they are revenue sources for the state."

Private media are subject to the 18 percent VAT on advertising, which puts them at a disadvantage with respect to the state

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

[1] BFMHPR was a central part of the group that was constituted to investigate the assassination of journalist Norbert Zongo in 1998.

media, which are VAT exempt and can use lower advertising rates than their private counterparts. Rémis Dandjinou, program director with the private network Canal 3 concluded that "the public media enjoy preferential treatment in terms of taxes as they are tax exempt unlike the private media."

In 2006, many journalists were mistreated by security forces while covering events, and sometimes their equipment was confiscated. The panelists admit these are isolated incidents. However, none of these events have been investigated and the protests of the journalist defense organizations have generated no reaction. Ramata Soré was a victim of threats and violence in the Place de la Nation in December 2006 because she was investigating the situation of homosexuals in Burkina Faso. Jean Victor Ouédraogo from the non-profit radio station La Voix du Paysan and a contributor to the state daily newspaper *Sidwaya*, recounted his troubles with a governor who did not appreciate the journalist's report on the presence of arsenic in his region's water wells.

The state media is controlled by the government. Panelists noted that since 2006, particularly the state broadcast media have not always been equitable in terms of news processing and reporting, constantly refusing to reflect the viewpoints of the civil society and unions. This is particularly true near elections, panelists said.

Rémis Dandjinou observed, "The HCC law regulates the operating parameters for the public media but in reality, nothing was decided in 2006 regarding them, whereas the private radio and television organizations must observe very strict specifications and mission statements."

Eric Sibiri Kam, member of the Freedom of the Press Defense League described another legal issue journalists from private media face, "Defamation is a [criminal] offense. As a matter of principle, the accuser must provide the evidence. But in defamation cases, the journalists must prove that they did not defame [the plaintiff]." Magistrate Kassoum Kambou, a member of the BFMHPR, added: "I believe that journalists do not enjoy appropriate legal protection in our country. The small amount of independence allowed to magistrates exacerbates this situation."

In general, the panel noted, access to information is not easy for journalists who wish to investigate beyond rumors. Ramata Soré, an award-winning journalist with *L'Événement* summed up the situation by saying, "access to public information is guaranteed by the Information Code. But it does not specify the proceedings that the journalist must follow in case this information is denied to him." Soré also said that "access to public information is a problem. Very often people in charge refuse to speak when they are contacted because they wait or ask for the approval of their minister before granting access to sources to the journalists."

Her statement was supported by the leader of the Freedom of the Press Defense League (FPDL), Sibiri Eric Kam, who said that "The law is explicit but access is not regulated. No specific action renders the right to access effective. A provision in the Information Code (Article 50) says that any state employee must provide the journalists with the public information that they request, whereas in reality there are no provisions for how this information should be obtained. There is a general silence. The journalist is sent from one superior to another and that's it."

Most media in Burkina Faso use the Internet and have free access to the information circulated by the international media. The main difficulty, the panelists stated, is cost. The result is that many newspapers print news they take from news agencies without properly quoting them as sources for fear they might have to pay for it.

There is no restriction on the practice of journalism in Burkina Faso and the panelists simply noted that the professional journalist card stipulated by the law (article 47 of the Information Code passed in 1993) is still not effective and journalists' status is not clear. The law also includes a conscience clause for journalists to help them avoid being pressured into reporting unethically, but does not specify how to apply it.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Burkina Faso Objective Score: 1.65

All indicators came relatively close to the objective average, with the notable exception of Indicator 5, pay levels for journalists, which panelists scored a full point lower.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

The panelists had differing opinions on the ability of journalists to fairly and objective report, and to properly source articles. Some said that Burkina Faso has competent journalists trained in schools of journalism in Burkina Faso, elsewhere in Africa, and Europe. Others felt differently and shared their opinion that the competence level of journalists is low. In reality, many experienced journalists, most of them trained abroad, left the media—particularly the state media—to enter government service as ministry press directors and similar positions.

Naysayers on the panel pointed to a 2005 report on the monitoring of shows from four commercial stations in Ouagadougou, the HCC came to the following conclusion: "The irregularities noticed, particularly in the show schedule, show a high dose of amateurism in terms of managing the radio stations as well as the actual exercise of the profession. It is essential to make an effort for training the management and journalists of radio stations."[2] "The journalists' level of training is insufficient. Many working journalists have never had appropriate training and have never studied journalism," Ahmed Newton Barry from *L'Événement* said.

"Journalism meets quality standards in Burkina Faso: there are trained professionals, training schools, a university program of journalism, and trainers. However, due to the media explosion in these recent years, the creation of community newspapers and radio stations, many young DJs and journalists start working without any kind of training" Evariste Zongo observed. Zongo added that "the working conditions do not guarantee that journalists will report news with objectivity. There are quite a few well-known cases of corruption."

"In Burkina Faso, journalism does not always meet the professional quality standards. Basically some journalists—despite their good will—are deficient when it comes to reporting news due to their lack of training. The large number of lawsuits against journalists coming particularly from among the print media is a proof of this," Nathalie Somé added.

"Granted, newspapers such as *L'Evénement* and *Sidwaya* occasionally publish good reports but it doesn't happen that often," Danielle Bougaïré warned. As a three-time member of the Galian Awards committee that presents awards to the best journalists in Burkina Faso annually, she warned that the level of knowledge and practice in all forms of media is low. The media settle for seminar reports, reports of officially sponsored events, and letters from readers. Journalists produce few original articles.

Eric Sibiri Kam with the Freedom of the Press Defense League (FPDL) explained: "Balance and objectivity do not preoccupy the journalists in Burkina Faso. Rumor has a privileged place in the print media's various sections." He cited various media features such as "Bad Pop," "A letter for Laye," "Week-end secrets," and "Kantigui" as examples of the proliferation of rumors in the media. Interviewing experts is not a common practice and counterpoint is not encouraged in articles. Censorship and self-censorship are practiced for the sake of pleasing society's elite, particularly in public broadcasting, where commercials and news considered "inconvenient" may be forbidden.

Justin Coulibaly observed that "Journalists, particularly some of those working for the state-run press, are the spokespersons of the government. They almost never check those sources that are not favorable to the government's activities and do not do professional interviews. Many demonstrations organized by the civil society are concealed or presented in a highly subjective fashion designed to please the people in power."

In its 2005 report, which monitored the shows from four commercial radio stations (Ouaga FM Radio, Horizon FM Radio, Pulsar Radio, and Savane FM Radio), the HCC concluded, "None of the monitored radio stations abide by the principle of plurality and balance of information. In their talk-shows or newscasts all radio stations tend to favor the civil society at the expense of the government or the political majority."

Although previously criticizing levels of training, Newton Ahmed Barry said, "Journalists in Burkina Faso make serious efforts to observe the deontological standards in their daily work." In 1990, an ethics charter was adopted by the Burkina Faso Journalist Association during a national convention. A media self-regulating body, National Press Monitoring Service (NPMS), was created in 2000. However, Eric Sibiri Kam counted "a few breaches of ethics here and there and the fact that lazily prepared articles are published frequently, particularly in the print media." "Insufficient training triggers breaches of ethics sometimes unconsciously," Nathalie Somé said.

Although no topic is explicitly taboo, self-censorship exists and is widely practiced, as Ramata Soré noted: "I talked with journalists who fear that if they use such and such piece of information they will get in trouble; so they would rather not mention it." Monitoring the current political situation is a sensitive endeavor exposing journalists to abusive questioning, as proved in the case of the *L'Événement* or

[2] HCC 2005 Report (www.cc.bf)

Bendré editors who reported critically on the case dismissal in the Norbert Zongo affair.

Newton Ahmed Barr said he would rather "talk about the journalist's social responsibility that makes him not publish certain information." "One does not write everything one hears," he added. "Take for instance the case of Korogo Issaka and the state markets[3] that we investigated in 2006. It is not easy to find reliable sources in our country. As someone who has led many investigations, I can tell you that many people see things with their ears, and no one sees things with their eyes. If you ask someone, they will tell you that things are like this or that. When you insist, they say no, I didn't see anything, I just heard about it. It's a rumor."

Eric Sibiri Kam mentioned a case of self-censorship at the National Television of Burkina Faso (NTBF) in 2006: "When a building wall belonging to a company [owned by the president's brother] collapsed, it left three or four dead, and the national television didn't pay much attention to it. But when the wall of a football club building collapsed, the NTBF sent a team. A child had been killed."

Nevertheless, many panelists believed that the press in Burkina Faso is able to address sensitive topics, such as reports by the National Network for the Fight against Corruption. In its 2005 report, this association mentioned several cases of corruption appearing in the Burkina Faso media. Furthermore, the panelists agreed that the media in Burkina Faso address all nationally important topics. Ramata Soré noted, however, "they do address key subjects but frequently in a superficial manner, without digging deeper."

There is a lack of transparency in terms of salaries in private media (public sector journalists are paid according to a published government scale). For many years, both the public and private sector have used many freelancers who work in poor conditions. For Rémis Dandjinou, "There is a tendency towards balanced, objective, fair reports. Moreover, most journalists abide by the ethical standards. However, salary problems, pressure from various interest groups, and fear of losing the advertising markets bring about corruption and self-censorship that limit the reporting of events and key topics." Ramata Soré stated, "Salaries are unsatisfactory. I had the opportunity to investigate this subject. There are journalists who don't get paid at all. They take advantage of the opportunity for a report to make some money thanks to the *gombo* [expenses paid to the reporters by event organizers in order to promote media coverage]."

"I had to confirm the words of a journalist with those of his employer. When he was hired, the owner offered him CFAF 70,000 [$160] per month. He had a master's degree. And the owner added: 'There's *gombo* available when you do field work, so you'll be able to increase your salary with it.' Journalists in the private sector who are not protected by a collective bargaining agreement are subject to the arbitrary decisions of the press owners," Ahmed Newton Barry added. Joachim Baky added that "it is mainly for financial reasons that journalists sometimes stop being objective in their reporting."

All the panelists agreed that entertainment in Burkina Faso generally gets more broadcast time. However, they distinguished between radio or television stations with different formats. Rémis Dandjinou noted that, "most of the broadcast media are commercial, generalist radio stations. It's nothing like the state-run daily newspaper *Sidwaya*. Actually I think that in the case of these radio stations broadcasting news can run against their interests as that could draw some partners away."

The HCC revealed that the radio stations monitored in its 2005 report essentially broadcast 60 to 70 percent musical programming. The HCC believes that this large amount of airtime dedicated to music, particularly foreign music, prevents the airing other kinds of shows that are potentially useful to listeners.

By and large, the media have relatively satisfactory means to collect and produce the news, the panelists believed. Most newspapers that appear regularly are equipped with microedition capabilities and can be accessed online, while many radio stations are equipped for digital media. However, some media are still lagging: there are places where journalists do not have access to computers or the Internet.

OBJECTIVE 3: PLURALITY OF NEWS

Burkina Faso Objective Score: 1.98

Panelists rated several indicators rather differently than the final average. On the high side, panelists gave Indicators 2 and 5, citizen access to news sources and private media produce their own news, ratings approaching a score of 3. However, Indicators 3 and 4, state media reflect the views of the political spectrum and independent news agencies, scores well below the average.

According to the panelists, journalists do not ordinarily consult more than one news source when they process information. This limits plurality of points of view in the news despite a plurality of news sources. "Many journalists settle for echoing the official news coming from one source," said

[3] This was a famous case in 2006, involving a businessman who was accused of having forged the signature of the Minister of Finance in order to get a bank loan for the development of a public market. The state never launched an investigation.

Ramata Soré. For example she said, "During the meningitis outbreak in 2006, the minister of health transmitted a number of untruths through the media and not many journalists actually tried to check the veracity of his words."

Regarding the ability of average Bukinabes to obtain news, Danielle Bougaïré said, "Local news sources are often formal and inaccessible." "There is a certain amount of freedom in terms of choosing the media. Nevertheless, costs are high for the ordinary citizen in Burkina Faso," observed Enoch Kinhon Da, program manager at Radio Evangile du Sud Ouest.

Ahmed Newton Barry added that "Formally, the citizens of Burkina Faso have the right to access news sources. The state will not prohibit it. However, we notice that the urban areas are more advantaged than the rural areas. As far as the print media is concerned, small newsletters produced as personal initiatives offer information in the local national languages. But these are marginal cases. The daily newspapers and the most visible titles are all published in French and distributed in the capital. They are not very much accessible because of the language used. They are also usually published in limited editions."

"The public media is still far from properly reflecting the diversity of opinions in the country," noted Eric Sibiri Kam, echoing panelists' views that the public media is not open to all political and social viewpoints in Burkina Faso. Justin Coulibaly said, "The public media are not independent. Just an example: after the case dismissal in the Norbert Zongo affair in 2006, the state-run media failed to report the numerous reactions from the civil society against this dismissal. The national television did not cover the union demonstrations against the high cost of living in 2006. While the union workers were marching, the national television filmed a naturally empty job center."

Other panelists noted that the state-run media have made real efforts to act in the public interest in recent years. The state-run daily newspaper *Sidwaya* reached out to its readers by opening up, more than before, to various political viewpoints. Similar efforts were noted at the national radio station. State-run television, however, remains oriented towards the government's activities and mostly inaccessible to parties of the opposition or civil society. Access to state-run media opened up significantly during the electoral campaigns in 2005 and 2006 when the presidential, legislative, and municipal elections took place. At that time, the HCC coordinated the media coverage of the activities of various candidates.

Pierre Dabiré, the secretary-general of the Burkina Faso Journalist Association (BFJA) noted that: "In the context of a democratic transition it is difficult to have balanced and quality news. The electoral periods also show how unbalanced the news can be in favor of the ruling party and/or the financial forces. Under these circumstances, many journalists do not abide by the deontological rules, all the while taking into account the low salaries in the public as well as private sector."

There is no independent national press agency that might collect and distribute news in Burkina Faso. The only existing agency is the state-run agency linked to *Sidwaya*, which has correspondents in the country's 45 provinces. However, international agencies such as AFP, the Pan-African News Agency, Reuters, and the Francophone News Agency (SYFIA) do have correspondents in Burkina Faso.

Private radio stations usually produce their own shows, although some of them are produced in cooperation with other partners such as foreign radio stations or media support outlets, like the Panos Institute or SYFIA.

There are two independent press companies in Burkina Faso: Le Pays Publishing House, which publishes four titles (including the daily newspaper *Le Pays*, the weekly magazine *Evasion* and the monthly *Votre Santé*) and the Observateur Paalga Group which publishes the eponymous daily newspaper and the weekly *L'Observateur Dimanche*. In addition to the state-run daily newspaper of the same name, Sidwaya publishes several other titles appearing more or less regularly (including *Sidwaya Plus*, *Carrefour Africain*, *Sidwaya Magazine*, *Sidwaya Sports*, and *Sidwaya B.D.*).

In the opinion of panelists, there are newscasts in the various national languages on the private community, non-profit, and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Catholic radio stations as well as the local stations run by the national radio station. They point out that shows are often limited to government-controlled news on the national radio and television. "The media are aware of linguistic diversity," Evariste Zongo said, adding, "but news consists of reruns and translations. What is missing is the appropriate news reporting in the languages spoken by most of the population."

OBJECTIVE 4: BUSINESS MANAGEMENT

Burkina Faso Objective Score: 1.34

Panelists scored most indicators near the overall objective average. Two notable exceptions were Indicator 2, media receive revenue from multiple sources, which scored higher, and Indicator 7, circulation figures and audience ratings, which scored well below the average. Panelists were in unanimous agreement with Evariste Zongo's assessment of business management in media: "1) media management is opaque; 2) media companies do not fully disclose their financing sources; 3) in order to access the state subsidies for the private media, first they must pay all of their taxes and other fiscal debt, and; 4) the state gives with one hand and takes away with the other."

There were several different opinions concerning the profitability of media companies. Some panelists believed that, based on their lifestyle, media owners are prosperous. Other panelists doubted that their own media outlet is profitable.

Some media companies are the result of personal initiatives of journalists or businessmen. In the case of radio stations, in addition to for-profit outlets, there are many stations created by associations, communities, and religious organizations. Very little information exists concerning their financing sources, their ratings, or their operations.

Ramata Soré observed, "There is no business culture. There is just personal and family property and there is a manager, the founding chairman who manages his company all by himself, and some of these managers have sworn allegiance to the government." The other panelists had somewhat conflicting opinions on the matter of business management in media. Danielle Bougaïré said, "Private media are profitable enterprises. They receive aid from the state. Also the advertising sector has developed in the recent years and brought additional income sources to the media." Pierre Dabiré disagreed, noting, "Most media owners are also realtors and their lifestyle may make us think that their media companies are profitable. Moreover, the state offers support and subsidies."

Justin Coulibaly observed, "In most cases, the independent media management is deficient. It's like flying without instruments with poorly trained personnel that, on top of it, are not even registered with the social security agency."

Judging from these different reactions, it is hard to say that the media companies are indeed profitable given the lack of reliable information about their income sources and financial management capacity. Further, it is not certain that rigorous and transparent management methods are enforced, even in the case of those that appear on the surface to have good financial management practices.

Sibiri Erica Kam discussed cash flow issues by saying, "The printing houses are not subsidized and there is no distribution company. Selling as many copies as possible and advertising are the main financing sources of the media. We must add to that an annual state subsidy which varies every year."

Kassoum Kambou added, "The financial independence of the media is limited. The press industry is not very profitable. As a result: commercials cover a lot of space." "Even the management of advertising is a problem. There is no set rule for avoiding monopolies. Some newspapers dedicate up to three-fourths of their editorial space to advertising. Still others, including those with high readership, do not print advertisements because of their editorial policy," Ahmed Newton Barry said. But Justin Coulibaly observed, "The advertising sector is even more rudimentary as it is limited to the large cities if not to the capital alone, where everything is."

Kassoum Kambou felt that in the advertising sector "there are things that are left unsaid. The state will never direct advertising to some private media, whereas some others are specifically given state advertising expenditures. The state is

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

so intertwined with the private sector that the fear of being labeled [opposition sympathizers] will prevent companies from distributing commercials to a particular outlet."

Non-profit or community radio stations have developed partnerships allowing them to access other financing sources than advertising, which is undeveloped in this sector. One of the panelists, Victor Ouédraogo, a journalist, gave the example of his radio station: "La Voix du Paysan has financing sources for three to four years at an international level with Radio Suisse Romande and at a domestic level with UNICEF, CNLPE."

Panelists noted that international sources of aid also come from the foreign embassies in Burkina Faso. Germany, Belgium, Canada, Denmark, the United States, France, and the Netherlands have supported and continue to support the private and public media, offering aid for training and equipment. International organizations such as UNICEF, UNFPA, and the International Organization of the Francophone countries (OIF) also provide financial aid or other equipment. In 1999, the OIF provided almost CFAF 28 million to the Burkina Faso media, including subsidies to projects submitted by newspapers such as *Le Pays*, *L'Observateur Paalga*, *Bendré* and *Le Journal du Soir* (no longer published).

In Burkina Faso, the state offers its support by subsidizing private newspapers. However, the conditions to benefit from the subsidy are not applied evenly. Newspapers that receive a greater share of the state's advertising spend also tend to receive larger subsidies. "The subsidy does not fulfill its function, which is to make sure that a diversity of opinions is represented," observed Ahmed Newton Barry. Evariste Zongo added, "The print media in national languages receive insignificant subsidies from the state. [And] they have no access to advertising."

Information collected from the media by the Ministry of Information gives an idea about what sustainable press in Burkina Faso means and who can apply for support. In 2006, CFAF 150 million was granted to 40 private media consisting of 11 print media, 26 radio stations, and three television stations.[4] *L'Observateur Paalga* received CFAF 6,221,789 from the state and, in the same year, paid taxes amounting to approximately CFAF 12 million. The private television station SMTV paid CFAF 2,400,000 to the Telecommunication Control Authority and received CFAF 6,221,789.[5] However, despite the iniquities, the panelists strongly believed that subsidies do not influence the editorial content of the media outlets benefiting from them.

[4] Report on the subsidy distribution among the private media, Ministry of Information, 2006

[5] Ministry of Information, 2006 reports.

"In reality, there is no independent service measuring the ratings or the circulation of newspapers," Ahmed Newton Barry said. The print media themselves publish their own figures and there is no possibility of real independent control. Rémis Dandjinou said: "We at Canal 3 do our market research through phone text messages that we receive during the shows, or by telephone. If within one hour we receive 200 telephone calls, this becomes an indicator for the number of listeners of our radio station." He added that as part of the press support fundraiser held in 2005, Canal France International performed detailed market research concerning the television stations in Burkina Faso.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Burkina Faso Objective Score: 2.45

In this objective, panelists rated none of the indicators much differently than the final average. All the panelists agreed that journalists in Burkina Faso can rely on a number of professional and union organizations and that the civil society is on the media's side. Indicator 3, NGO support to media advocacy issues, was the leading indicator, and Indicator 2, professional associations, also scored highly. In terms of training, the panelists found that supporting institutions in the country did not provide sufficient practical training. Therefore Indicator 5 was the lowest, though still within half a point.

The News and Communication Workers' National Union protects the financial interests of journalists. The mission of the Journalists Association of Burkina Faso (BJA), consisting of media professionals, is to protect the freedom of the press, promote journalistic ethics, and to guarantee the

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

proper training and professional development of journalists. "The journalist profession is dynamic and well-organized. It is protected by a number of associations and NGOs," Joachim Baky said. Sibiri Eric Kam dissented on the point about member services, saying, "There are many professional associations but they haven't been of tremendous help to their members so far. Nevertheless, they do try to makes their claims known before the government."

The various media outlets in Burkina Faso participate in associations trying to protect their members' interests. The most important of them are the Press Publishers Society, the Burkina Faso Free Broadcast National Union, the Community Radio Association, the Community Media Association, and the Rural Radio and Magazine Network.

"In Burkina Faso, the civil society is very active in protecting the freedom of the press," Evariste Zongo asserted. Ahmed Newton Barry added: "Civil society in Burkina Faso has a good tradition of high-spiritedness. The current press law, which is relatively favorable to the press, is the result of the pressure made by this civil society. The professional organizations have come together under the auspices of an independent body called The Norbert Zongo Press Center, which receives support from the government as well as from international press organizations."

The Department of Journalism of the University of Ouagadougou offers graduate programs and a certificate course. The Vocational Training Center of Information (CFPI), run by the Ministry of Information, also offers academic training in journalism. Students also learn journalism elsewhere in Africa (e.g., Senegal, Togo, Côte d'Ivoire) and in Europe. Despite formal training, however, some panelists believe that the competence level of many graduates is low.

In discussing short-term training, Rémis Dandjinou noted, "The support coming from state institutions has provided a better framework in which the journalists can express themselves. However, there are still difficulties regarding problems such as professional training. Diplomas do not take into account the journalists' specialized needs. Short-term trainings are not relevant enough and sometimes non-existent, which leads to more difficulties in the practice of the profession and sometimes to unethical attitudes."

Not all panelists agreed. "The media professionals are better protected and backed by the NGOs (unions, human rights defense NGOs, etc.) than by the state," argued Kassoum Kambou. "The BJA, the NZ-NPC [Norbert Zongo Press Center], the AMDS [African Media Development Society], and the IJN [Informal Journalist Network] are just a few organizations offering retraining opportunities to journalists. There are also training schools. There are journalists who become well-known internationally thanks to the quality of their productions and the awards they win," pointed out Ramata Soré, a graduate of the University of Ouagadougou and winner of the CNN Africa 2006 award for print media.

"The RTBF [Radio-Television Burkina Faso] has a CFAF 20 million annual training budget but they don't use these funds. In fact, journalists weren't even aware of this opportunity until 2006," Nathalie Somé noted. "The CFPI of the Ministry of Information is more of a school for public administration officials. I know many of those who were trained there, but I don't see how they can improve their work as journalists. However, from a financial point of view, it's a good thing. It's progress. A person goes from Level I to Level II; that is from the public office income category C to B," says Ahmed Newton Barry.

In 2006, the NZ-NPC organized short-term trainings for the print media and radio and gathered some 20 journalists at each event. Danielle Bougaïré, who was one of the trainers in the program, complained that "the media managers don't send their journalists to the NZ-NPC trainings even though they don't have to pay for it. During these trainings we realize better how unprepared the working journalists are."

Due to the lack of a distribution service, each newspaper in Burkina Faso is distributed through its own sales network concentrated in the capital. Ahmed Newton Barry described printing services thusly: "The printing service is not well organized. There is only one rotary press that has just been installed [in 2006]." In the broadcast sector, three private companies (ISEC, CFAO and Neerwaya Multivision) distributed international television channels in 2006. Subscribers have access to approximately 50 channels, depending on the subscription package.

List of Panel Participants

Newton Ahmed Barry, editor-in-chief, *L'Evénement*, Ouagadougou

Ramata Sore, journalist, *L'Evénement*, Ouagadougou

Danielle Bougaïré, assistant professor, the University of Ouagadougou, Ouagadougou

Joachim Baky, manager, Edifice Mc Caan Ericsson and Ouaga FM Radio, Ouagadougou

Evariste Zongo, coordinator, Editors and Publishers of Newspapers in National Languages Association, Ouagadougou

Justin Coulibaly, chairman, the News and Communication Workers' National Union, Ouagadougou

Rémis Djandjinou, program director, Canal 3 TV Station, Ouagadougou

Eric Sibiri Kam, chairman, Freedom of the Press Defense League, Ouagadougou

Nathalie Some, journalist, Radio-Television of Burkina Faso, Bobo Dioulasso

Kihon Enoch Da, program manager, Radio Evangile du Sud Ouest, Gaoua

Jean Victor Ouedraogo, journalist, La Voix du Paysan Radio, Ouahigouya

Tiergou Pierre Dabire, secretary-general, Burkina Faso Journalist Association, Ouagadougou

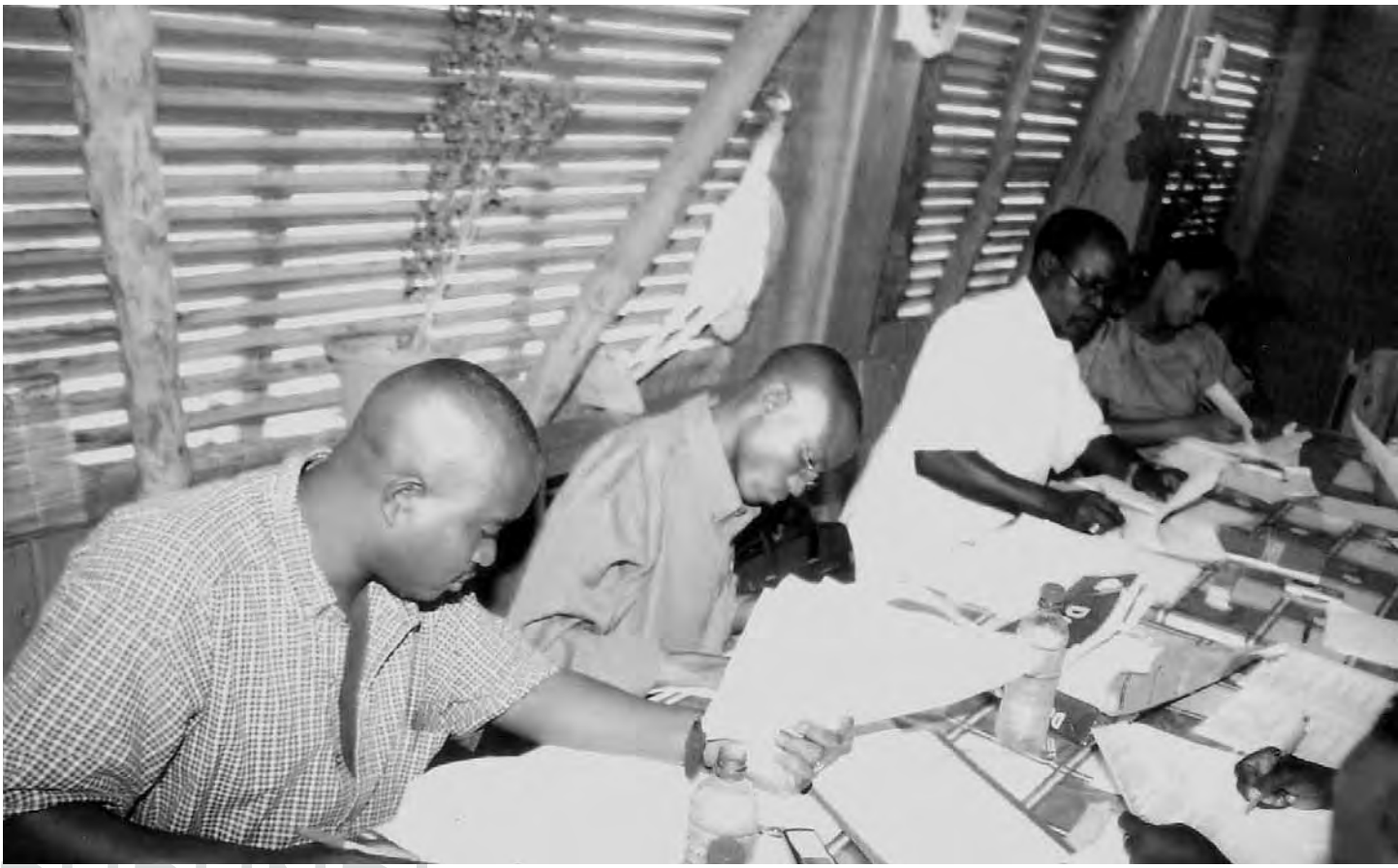
Moderators:

Abdoulaye Diallo, coordinator, Norbert Zongo Press Center, Ouagadougou

Sié Offi Some, consultant, Norbert Zongo Press Center, Ouagadougou

The Burkina Faso study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar, Senegal.

In any case, improvement of the situation for the media will be hampered by the extreme poverty in the country. Burundi ranks last in terms of income per capita according to the World Bank. The economy of Burundi is predominantly based on agriculture and stockbreeding. Agricultural production is divided between export-destined products, such as coffee, tea, and cotton, and food production.



BURUNDI

OVERALL SCORE: **2.13**

A turning point in Burundi's recent history is the civil war that broke out on October 21, 1993, after the assassination of Melchior Ndadaye, Burundi's first democratically elected president. More than 200,000 Burundians, mostly Tutsi, were killed. The conflict ended in September 2000 with a peace agreement signed in Tanzania, and a transitional process began with a rotating presidency between the government and the rebels. At the end of the transitional period, former rebel Pierre Nkurunziza was elected president in 2005.

The promise of this "Burundi miracle," often cited as a model for African countries in conflict, diminished in August 2006, when President Nkurunziza became convinced of a plot against him and instituted an authoritarian regime that restricted public liberties. Death threats, imprisonment and police questioning were regular occurrences, with journalists and the media bearing the brunt. When civil society and the media protested, President Nkurunziza warned, "Some radio stations and journalists have set themselves up as tribunals and judges, and that must end." During 2006, 42 cases of infringement of freedom of the press were recorded by local organizations, compared to 12 in 2005 and 0 in 2004.

However, some positive signs developed in 2007. In February, President Nkurunziza pledged, after visiting several newsrooms, the government's financial support to develop the media in Burundi, ending the tense relations between the public authorities and the media.

A few weeks earlier on January 3, the court of first instance of Bujumbura acquitted journalists Serges Nibizi, Domitille Kiramvu, and Matthias Manirakiza, who had been charged with "broadcasting information which could disturb public and security order" after reporting on a coup plot allegedly involving the police. Another journalist, Corneille Nibaruta, manager of Radio Bonesha FM, had similar charges thrown out by the court, allowing him to return after living in exile abroad for more than a month.

Improvement of the situation for the media will be hampered by the country's extreme poverty. Burundi ranks last in income per capita according to the World Bank. Its economy is based predominantly on stockbreeding and agriculture, which is divided between food production and export-destined products, such as coffee, tea, and cotton.

Overall, the results of the MSI panel showed a media sector in the early stages of "near sustainability." The Burundi panelists admitted that the score for Objective 1, "Freedom of Speech," was fragile, though currently equal to the overall score of 2.13. Objective 4, "Business Management," was by far the lowest score, and Objective 5, "Supporting Institutions," came in relatively strong. Panelists felt that although Objective 2 was only slightly higher than the overall score, its foundations were solid, and they were hopeful for improvement in the future.

BURUNDI AT A GLANCE

GENERAL

> **Population:** 8,390,505 (*CIA World Factbook*)

> **Capital city:** Bujumbura

> **Ethnic groups (% of population):** Hutu (Bantu) 85%, Tutsi (Hamitic) 14%, Twa (Pygmy) 1% (*CIA World Factbook*)

> **Religions (% of population):** Christian 67% (Roman Catholic 62%, Protestant 5%), indigenous beliefs 23%, Muslim 10% (*CIA World Factbook*)

> **Languages (% of population):** Kirundi (official), French (official), Swahili (along Lake Tanganyika and in the Bujumbura area) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $794 million (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $710 (World Bank Development Indicators, 2007)

> **Literacy rate:** 59.3% (male 67.3%, female 52.2%) (2000 est., *CIA World Factbook*)

> **President or top authority:** President Pierre Nkurunziza (since August 26, 2005)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 4 regular newspapers (*Le Renouveau du Burundi* (state owned), *L'Avenir* (private), *Ubumwe* (state-owned), *Ndongozi y'Uburundi* (Catholic church owned bi-monthly); Radio: 7 main stations including Radio-Culture, Radio-Umwizero or Radio de l'Espoir, Radio-CCIB FM+, and African Public Radio; 1 TV station: NRTB (National Radio Television of Burundi)

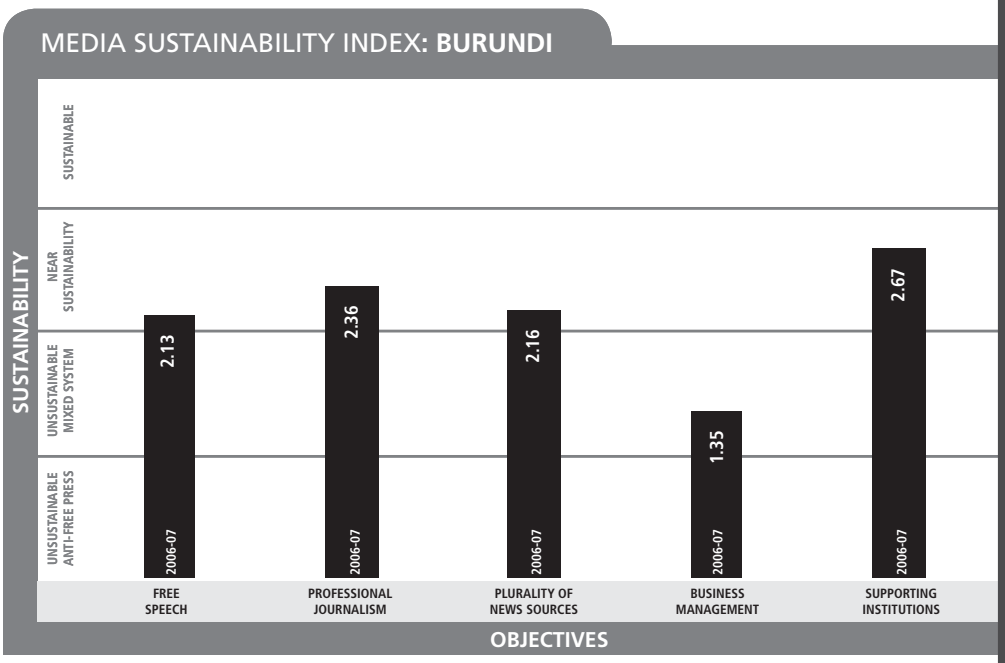
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Burundi Press Agency (public), Net Press Agency, Infop Agency, Expresso Agency

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 60,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Burundi Objective Score: 2.13

The score for this objective is an average of several low-scoring indicators and a few high-scoring ones. Only Indicator 5, state media receiving preferential treatment, scored close to the average. Of concern to panelists, Indicators 1 through 4 and 6 all scored below 2, with Indicator 4, crimes against journalists, scoring 1.5 points lower. Indicators on accessing public information, media access to international news, and restrictions on entry into journalism scored well above the average—the last well above 3.

The Constitution of Burundi recognizes freedom of the press through an amendment passed on February 28, 2005 (article 30) and Law no. 1/025, which passed on November 27, 2003. These laws conform to international standards, but the panelists agreed that enforcement is problematic. The issue is more visible in the provinces, where local authorities (political, military, police) frequently and deliberately violate the laws that established freedom of speech.

Some participants wished to note that violation of the law has been on a downward trend since the elections, and particularly since the beginning of 2007. One example occurred during the political tensions of late 2006. The president convened a meeting with public and private media directors on October 18, 2006 in Citega. Two main decisions were made. First, a committee was established consisting of a group of journalists who could meet at any time, upon request, with the president whenever a situation arises that requires consultation between the government and the media. Second, the president created a fund consisting of almost €20,000 for training journalists in Burundi to cover the forthcoming Truth and Reconciliation Commission, which will study crimes committed in Burundi since its independence in 1962.

The panelists, however, decried the dependency of the courts and tribunals on political and law enforcement agencies. This dependency explains why journalists are often arrested in total disregard of procedures and are ill treated while in detention.

Broadcast licenses are granted on a legally fair and competitive basis. The NCC (National Communication Council) is the institution authorizing the establishment and use of radio and television stations, strictly respecting the principle of equality between the operators under the provisions of the law. But the composition of the NCC, whose members are appointed by the president at the recommendation of the minister of information, calls into question its independence with respect to the government. One panelist said, "There is an informal marginalization of those media whose editorial policy is not to the liking of the regime."

The market access and the tax regime for press institutions is the same as for all other companies. Articles 13 and 14 of the 2003 law of the press exempted public and private media organizations from the transfer tax and instituted a promotion trust fund for press institutions. But this exemption is still not applied, and to this day, no media body has benefited from the promotion trust funds. The president's promises have not materialized yet and look more like a generous gesture than a legal obligation, the panelists lamented.

According to statistics of press defense organizations, including the Congolese Journalists in Danger (JED), at least 42 cases of various infringements of freedom of the press, including imprisonment, threats, and cases of censorship, were recorded in 2006. These infringements were perpetrated by state services (e.g., the police, judges, etc.). But in 2007, a downward trend was noted, as only five cases of violations of freedom of the press were recorded in the first half of the year. The perpetrators of these violations have never been prosecuted or otherwise held to account, not even when identified.

In principle, public and private media are equal under the law. In practice, the public media has been given preferential treatment for a long period of time, particularly

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Broadcast licenses are granted on a legally fair and competitive basis. But the composition of the NCC whose members are appointed by the president at the recommendation of the minister of information calls into question its independence with respect to the government. One panelist said that: "there is an informal marginalization of those media whose editorial policy is not to the liking of the regime."

during the years when the National Radio-Television of Burundi (NRTB) and the Burundi Press Agency (BPA) had a monopoly. Today, private media are more and more associated with the actions of the government and other public institutions, MSI participants admitted. However, very often it is the state-run media that suffers from censorship enforced by the ministry of communication; no information published by the state-run media can be unfavorable to a member of the government as long as he/she is in office. The panelists noted that the public media receive state subsidies, while the private media do not.

In Burundi, slander is considered a criminal offense. However, the participants were not able to point out the procedures and facts of the criminal jurisdiction.

Article 3 of the press law stipulates that in order to exercise the profession, a journalist has the right to access information sources, investigate, and comment freely on the facts of public life. However, in reality, journalists encounter numerous difficulties when they try to approach certain political leaders for interviews or reports. Financial difficulties also prevent serious and objective investigations.

Press organizations have free access to international information broadcast by foreign networks, such as Voice of America, BBC, and RFI. There is also the Internet, but unfortunately access is available only in urban areas (e.g., Bujumbura, Gitega) and is quite expensive, averaging $1 per hour.

Regarding access to the profession of journalism, the panelists stated that it is neither restricted nor regulated by any law of the press or the Ethics and Deontology Code. Any person who wishes may become a journalist, even in the absence of appropriate training.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Burundi Objective Score: 2.36

Individual indicator scores were quite varied in this objective. Indicator 1, fair reporting, scored well above the average; while Indicators 3 and 5, self-censorship and pay levels for journalists, scored well below.

The discussions among the MSI participants emphasized that, for some of them, the practice of the profession is satisfactory, whereas others lamented the perpetuation of many cases of questionable professional practice. Ethical and deontological standards are present, but media professionals often mention practical or political difficulties (low incomes, difficulty in accessing information sources, self-censorship within both the public and private sectors, outdated equipment, corruption, etc.) that prevent these standards from always being met.

Despite these difficulties, some media organizations manage to produce objective and well-researched reports. For example, in August 2006, when the government accused former president Domitien Ndayizeye of an attempted coup against the institutions, the private radio stations RPA, Isanganiro, and Bonesha FM investigated and proved that the coup had been in fact plotted by the authorities in order to muzzle the opposition. The managers of these stations were sent to prison as a result of the exposés. In January 2007, the Supreme Court of Justice of Burundi confirmed the facts and analyses made by these radio stations and acquitted the former president of all the charges against him.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

The Burundi press is subject to an ethics and deontology code, overseen by the Burundi Press Association (BPA). All media professionals accept its rules. The BPO (Burundi Press Observatory) was created on April 8, 2004 to oversee the preservation of all the journalistic rules and fight against media corruption. During the MSI discussion, a participant confessed to having received a sack of sugar from the Sugar Company of Burundi during a visit organized by the managers of the company for several press organizations. Despite having noticed the flawed functioning of the company, all the journalists praised its work quality.

All the MSI participants deplored the widespread practice of self-censorship in Burundi. Not only does self-censorship occur in the public media, where no article against the government can be published, but the managers of private media refuse to address information that is unfavorable to their financial partners or local interests considered as backers.

Regarding coverage of key events, journalists enjoy a sort of "monitored" freedom—they do not have the authority to cover just any event. Some events are restricted either by public authorities (by means of injunctions) or by managers of press organizations (self-censorship). For instance, the panelists noticed that during 2006, any press organization that dared to criticize the ruling party's former strong man, Hussein Radjabu (today in disfavor with the government), was harassed by security services. Thus, Corneille Nibaruta, manager of Bonesha FM radio, was forced to exile himself between November 2006 and February 2007 after broadcasting the information that Radjabu had the idea of the coup for which the opposition was subsequently blamed.

With a minimum monthly salary of $50 to $100, journalists in Burundi are apparently exposed to all sorts of solicitations, sometimes contrary to their ethics and deontology, in their struggle to make ends meet. This permanent fight for survival has repercussions on media content. A large percentage of content is allotted to political news, but generally, entertainment programming (e.g., music, films) outweighs the news. News accounts for 30 percent, entertainment about 60 percent, and cultural and educational programs about 10 percent.

Press facilities and equipment are outdated, but manage to fulfill their functions. This must be regarded in a relative perspective, given that conditions vary from one sector to another. Print press technology seems to lag behind the audio-visual. Print journalists even complain that they lack tape recorders. Private radio stations often work with only one computer and a few pieces of secondhand equipment, acquired through outside financing. RPA, for instance, produces all of its shows in only one studio.

All the MSI participants deplored the widespread practice of self-censorship in Burundi. Not only does it happen in the public media, where no article against the government can be published, but also the managers of the private media refuse to address information that is unfavorable to their financial partners or local interests considered as backers.

In addition to political news, media quite often address economics, social issues, education, and sports from the national and international level.

OBJECTIVE 3: PLURALITY OF NEWS

Burundi Objective Score: 2.16

Objective 3 also had a wide range in indicator scores. Indicator 3, state media reflecting the views of the political spectrum, scored by far the worst; while Indicators 4 and 5, news agencies and private broadcasters producing their own news content, scored about a full point higher than the average.

Burundi media have multiple private and public news sources. Previously subject to a longstanding state monopoly, the Burundi media now features multiple private outlets,

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Citizen access to national as well as international media is only restricted by the low purchasing power of the population, as well as the high cost of some sources. Only the members of the richest social category can afford to buy newspapers, whereas the Internet is not available outside urban areas.

including one public television station, one public radio station (NRTB), 10 private radio stations, 10 newspapers, and four press agencies. Burundi has no community radio stations. Currently, four Internet providers (Cbinet, Usan, Onatel, and Matatro) serve Burundi.

The fact that these media are concentrated in the urban centers, and that access to sources of information is limited for those with very low income, were seen by the panelists as negatives. These sources are usually cost prohibitive, due to the low earnings of the population—particularly in rural areas, where radio is only available in households that can afford radios. In urban areas, nearly all households have a television set or radio.

Citizen access to national and international media is only restricted by the low purchasing power of the population and the high cost of some sources. Only the members of the richest social category can afford to buy newspapers, and the Internet is not available outside urban areas. This context explains the scarceness of foreign newspapers in Burundi and the irregular publication of the national newspapers. The international radio stations (e.g., RFI, BBC, VOA) broadcast in the FM band, either through a transmitter installed in the country's territory or in partnership with local radio stations, using their frequencies.

As in many other African countries, in Burundi the public media act as the government's mouthpiece and do not serve the interests of the public. More than 90 percent of the news on television and radio is dedicated to the activities of the president and the government. The opposition is rarely granted access to public media.

In many cases, press organizations work with press agencies for news supply, but unfortunately, these agencies do not always quote the sources of their news. Burundi has four press agencies: the BPA (Burundi Press Agency), which is a public agency; and Net Press Agency, Infop Agency, and Expresso Agency, which have private owners. BPA sells its news per use, whereas the others distribute news freely to their subscribers.

Most private media outlets are created as a result of partnerships with foreign investors or backers, whose identity is not always known by the public at large.

OBJECTIVE 4: BUSINESS MANAGEMENT

Burundi Objective Score 1.35

This objective scored by far the lowest of the five, and all but two indicators scored near or below a 1. Only the indicators on receiving revenue from multiple sources and private media not receiving government subsidies scored above 2.

According to MSI panel participants, media outlets in Burundi are not structured as commercial companies. Private media are managed without regard for accounting or other commercial standards. They have no balance sheets for their finances. Journalists' salaries are entirely at the discretion of radio and television station managers. Overall, media outlets support themselves, but do not turn a profit. The only revenue for private media comes from commercials and donations from international organizations. Public media, however, are managed better. They receive subsidies from the government as well as revenue from advertisements.

Burundi has no advertising market, as the few advertising agencies that exist are not sufficiently developed. Clients often set the advertising rates and the media outlets must accept the terms, as they have virtually no choice. The media must look for external financing and more subscriptions to make up for the deficiency.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Independent media receive no subsidies from the public authorities, even though the law of the press set up a promotion trust fund financed by annual donations from the state budget.

No market research, ratings system, circulation figures, or current Internet statistics are available. The available figures for the Internet are from 2000 and show that at that time, approximately 2,000 Burundians out of an estimated population of 6,223,897 were using the Internet.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Burundi Objective Score: 2.67

Although the panelists rated this objective positively overall, one notable exception was the low score for journalism education, which was below a 1.

Burundi has support associations that, with the help of international bodies, defend the interests of the journalists by pressuring public authorities. The associations in Burundi (House of the Press, the Journalists Association of Burundi, the Radio Broadcasters Association of Burundi, and the Women Journalists Association of Burundi) work hard to protect journalists. The MOCA (Media Organization of Central Africa) is also based in Burundi. NGOs often apply pressure to the government for support of legislative reforms favoring the press, but when the government actually undertakes the reform process, they do not seek NGOs' opinions or considerations.

The education level in Burundi has dropped a great deal in the recent years, negatively impacting the performance of the young graduates. Since Burundi has no school of journalism, the ranks of media professionals are populated by graduates of communication schools or other disciplines. Panelists felt that the skill levels of most graduates are below average.

Short-term training programs are available, allowing journalists to retrain and catch up with journalists in other countries. Organizations such as the Panos Paris Institute offer journalists specialized courses in various fields (peace, fighting violence against women, fighting HIV, etc.). Nevertheless, the outdated equipment available and the low income of journalists trained under these circumstances nullify training efforts.

The state once owned the National Printing House of Burundi in Bujumbura, but that printing house is no longer active. Instead, 10 private printing firms are in operation.

Media distribution networks exist and belong to the private sector. They are not restricted and are typically apolitical. Their number could not be determined, but a few examples include Arib Info, Abarundi, Burundi Reality, and Burundi News.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Linette Sindimwo, journalist, Bonesha Radio, Bujumbura

Augustin Kabayabaya, independent consultant, Bujumbura

Ruston Uwimana, journalist, *Ndongozi*, Ngozi

Félie Nzorubonanya, journalist, Africa Public Radio, Bururi

Méthode Tutuza, journalist, Net Press, Bujumbura

Adélaïde Ndabambarine, journalist, Burundi Press Agency, Bubanza

Spès-Caritas Kabanyana, journalist, Isanganiro Radio, Bubanza

Désiré Ndanziza, secretary, Association of Women Journalists, Bujumbura

Moderator

Alain Gashaka, correspondent, Journaliste en Danger, Bujumbura

The Burundi study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

Despite progress in political freedom, the media operate in a context of legal uncertainty termed by the government as a "regime of tolerance," and relations between the media and the government remain strained. This is particularly true in the Anglophone provinces, many experiencing secessionist movements, where local authorities do not hesitate to pursue journalists who criticize their management.

CAMEROON

OVERALL SCORE: **1.71**

CAMEROON

Cameroon became independent in 1960 and has been ruled since 1982 by President Paul Biya. In 1990 Biya restored a multi-party political system and now more than 160 political parties are registered. However, Biya's party, the Democratic Union of the People of Cameroon (RDPC), has enjoyed an absolute majority in the legislature since 1997. Nonetheless, RDPC shares executive power with two other parties.

Over the past year several political events captured public attention in Cameroon. The general and municipal elections of July 2007 resulted, as expected, in victory for the RDPC, although many opposition parties disputed these results. Prime Minister Ephraim Inoni's anti-corruption operation dubbed "Sparrowhawk," initiated at the behest of international donors, led to the conviction of, and harsh sentences for, a number of former mangers of state-owned enterprises.

Despite progress in political freedom, the media operate in a context of legal uncertainty termed by the government as a "regime of tolerance," and relations between the media and the government remain strained. This is particularly true in the Anglophone provinces, many experiencing secessionist movements, where local authorities do not hesitate to pursue journalists who criticize their management. Many media outlets have fallen into self-censorship, and make a point to flatter the president and his wife.

On the whole, panelists pointed out that the press in Cameroon faces significant obstacles in its development and operations. Panelists summed up their views with several ideas on how to undertake these improvements. These included reinforcing ethics and training journalists in their rights and responsibilities; encouraging the growth of institutions improve professional standards and protect the rights of media; improving the socio-economic condition of journalists; adopting regulations supporting freedom of the press; creating profitable media companies and ending advertising market dumping, and; increasing public access to news media.

Panelists' scores, therefore, reflect a media sector with significant progress yet to be achieved. While all objectives scored fairly close to the overall country score, Objective 4, Business Management, stood out as the lowest, with a score of 1.29. On the high side, Objective 5, Supporting Institutions, was the only objective exceeding a 2, coming in at 2.11.

CAMEROON AT A GLANCE

GENERAL

> **Population:** 18,467,692 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Yaounde

> **Ethnic groups (% of population):** Cameroon Highlanders 31%, Equatorial Bantu 19%, Kirdi 11%, Fulani 10%, Northwestern Bantu 8%, Eastern Nigritic 7%, other African 13%, non-African less than 1% (*CIA World Factbook*)

> **Religions (% of population):** indigenous beliefs 40%, Christian 40%, Muslim 20% (*CIA World Factbook*)

> **Languages (% of population):** 24 major African language groups, English (official), French (official) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $18.06 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $2,060 (World Bank Development Indicators, 2007)

> **Literacy rate:** 67.9% (male 77%, female 59.8%) (2001 est., *CIA World Factbook*)

> **President or top authority:** President Paul Biya (since November 6, 1982)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print : 5 daily newspapers; Radio: 3 main stations; Television stations: 3

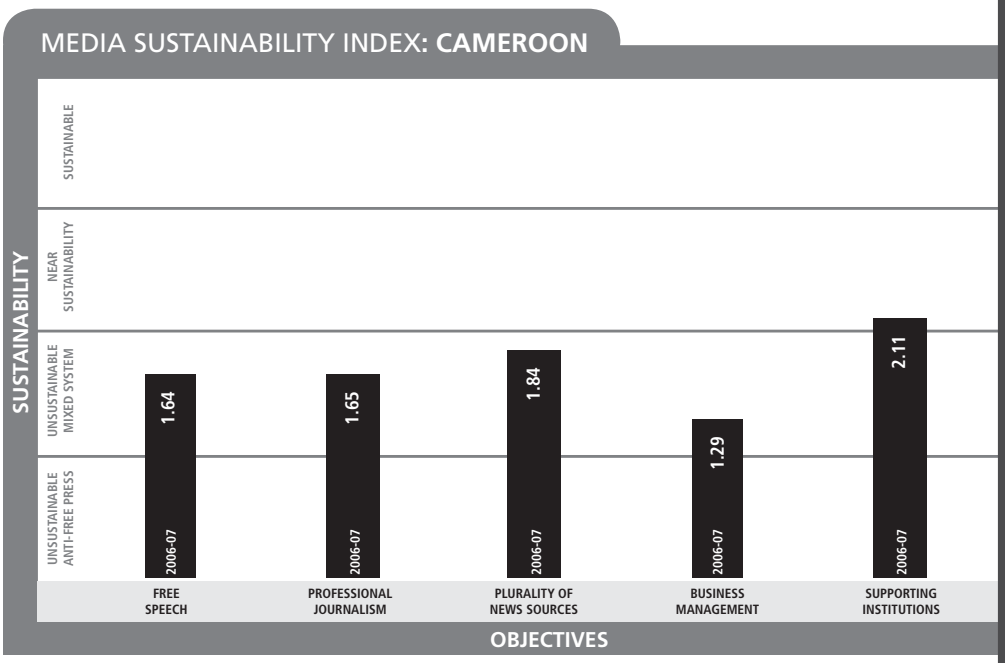
> **Newspaper circulation statistics:** Top three by circulation : *Le Messager* (private), *Cameroon Tribune* (state-owned), *Mutations* (private)

> **Broadcast ratings:** Cameroon Radio Television (state-owned), Radio Reine (Catholic) station, Radio Siantou (private)

> **News agencies:** None

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 370,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Cameroon Objective Score: 1.64

The score in this objective reflects varying scores for the several indicators. On the one hand panelists rated highly Indicators 8 and 9, media access to international news and free entry into the journalism profession, and each scored about a point higher than the average. However, panelists returned scores below 1 for Indicators 2 and 5, broadcast licensing and preferential treatment for state media.

The fundamental laws of Cameroon include numerous provisions guaranteeing the freedoms of speech and opinion. While the media do take advantage of this in practice, there are limitations. Until 1990, the media were regulated by an obsolete French legacy law that included provisions for prior censorship (and this provision lingered on until 1996). Plurality was absent in the media during single-party rule from 1966 to 1990. Although plurality returned in 1990, plurality in itself is not enough to guarantee sustainability of media or freedom of the press.

The general communication convention held in 1994 in Yaounde, with the support of UNESCO, promised to change the situation and implement a modern self-regulatory system in Cameroon. It was meant to tackle issues as diverse as: the legal and institutional environment, the ethics code and the structuring of the journalism profession, media content, the adaptation of technologies, training, advertising, and others. To this day, self-regulatory institutions have yet to become effective. The resolutions taken at the convention have been forgotten. The regulatory institutions created by the state work within an overly theoretical framework that reoriented their purpose toward protection of the regime against the media.

The media scene in Cameroon was shaken in 2006 by a renewed attempt by the government to solidify state control of the independent media. Minister of Communication Pierre Moukoko Mbonjo proposed to the National Assembly Bill No. 789/PJ/AN designed to modify and complete some provisions of Bill No. 90/052 from 1990 concerning the freedom of speech and the press. According to the minister's rationale, the 1990 law "triggered an impressive diversification and a considerable development of printed press titles."

Referring to "libertine journalism" that took over the news, but also to professional deficiencies, ethical failures, civil disobedience, and sedition of which the government now accused the media of being guilty, proposed law was intended to prevent all these "deviations." It would do so by punishing the press that had recently taken the liberty to question the personalities of the government and the civil society by associating them with some sordid affairs.

The proposed bill aimed to allow the government to avoid entrusting reprimanding power to institutions that might elude their control by holding the stick themselves and thus be able to strike without being subject to the law. It sought to reinforce the conditions for establishment of a press company, the daily control by the administrative authority on publications, and the tax requirements similar to those incurred by any other business.

As a result of the lobby organized by the heads of the National Union of Cameroon Journalists (SNJC), the project was several times returned for "reassessment" by the representatives of the National Assembly. The minister of communication, who defended it furiously, organized consultations with the professional organizations at his office in Yaounde, but his "pedagogical" project had to suffer a second rejection after Parliament's vote. This project is supposed to reappear in the next parliamentary session.

That controversial government bill came at a time when, after many announcements on the matter since last year, broadcast media in Cameroon finally began to obtain official broadcast licenses. In operation for seven years but with no license, the government allowed them to operate under a "regime of tolerance." The first audio-visual licenses were issued in late August 2007, overseen by the National Communications Council (NCC), which is staffed by presidential appointees.

Regarding the process used by the NCC to decide on license applications, journalist Olinga Ndoa Joseph pointed out, "A few months ago operation licenses were issued to two operators (STV and Canal 2) without prior solicitation of managerial specifications. The only indication of merit to the government is the payment of CFAF 100 million ($240,000) for television channels and CFAF 50 million ($120,000) for radio stations."

Panelists felt that it is necessary to build a better legal and institutional framework to guarantee the survival of press companies. This means adopting regulatory legislation acceptable to stakeholders, similar to those found in some West African countries. In contrast, while there is legislation in Cameroon on this subject, enforcement and implementation are incomplete.

Such laws should favor the creation and operation of the media. Panelists said market principles should be the underpinnings of press companies. They further thought that tax exemptions should be granted to newly created press companies, a consistent investment code is required, and consideration should be given to subsidizing the press.

Physical attacks on journalists are rare, but those that do happen do not receive serious attention from law enforcement. The US State Department, in its 2007 Report on Human Rights Practices, noted that no arrests have been made

in the case of an attack made in November 2006 on Agnes Taile, a presenter for Sweet FM. Security forces have been reported manhandling journalists. In July 2007, Congolese NGO Journaliste en Danger reported that a reporter for private daily *Le Messager*, Roland Tsapi, was beaten by riot police while covering a peaceful demonstration.

Douanla Kaze, with Dynamic FM, believes that one cannot objectively speak of persecution of journalists in Cameroon, but of a feeling of insecurity. Every day, many journalists are victims of intimidations or physical or verbal aggressions as soon as they reveal their profession. Threats, aggressions, and intimidations against journalists are not even tallied anymore, panelists said.

Speaking of preferential treatment for state media, Jean Marc Soboth, with the Union of Cameroon Journalists, said "In fact, the state media enjoy favorable treatment as they profit from the generosity of advertisers, and especially the government. Our fellow journalists working in the public sector always had the tendency to look at their private media counterparts as second-rate individuals. This attitude had an obvious influence on the judicial treatment of the latter's press offenses. In reality, the legislative process in Cameroon has further converged on total protection of the members of the regime by means of an ever-tightened administrative and judicial control. For example, a government bill passed last year allowed administrative authorities to suspend a publication manager and thus halt publication in a discretionary manner."

In courthouses, there are still summary trials against journalists. The US State Department's 2007 Human Rights Practices Report on Cameroon notes that criminal libel laws are in force, and that these are used to intimidate the media, particularly those seeking to expose corruption. The report also states that burden of proof is placed on the defendant, that the government may criminalize civil suits, and that both prison sentences and fines may be handed down as punishment.

The government prosecuted its critics in the print media through criminal libel laws. These laws authorize the government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the president and other high government officials; such crimes are punishable by prison terms and heavy fines. The libel law places the burden of proof on the defendant. Local leaders in particular abused this law to keep local journalists from reporting on corruption and abusive behavior. In 2006 various government members and senior government officials filed nine libel suits against journalists.

Regarding freedom of information, Soboth noted: "Freedom of expression is, generally speaking, established by the current constitution of Cameroon. At the same time, access to public news sources is still a complex matter and the object of a debate that has not changed its terms since the adoption of the December 1990 law on the freedom of expression." To illustrate cases of obstruction of the freedom of information, the panelists recalled the Freedom FM affair. In April 2003, the minister of communication deployed the military and sealed all equipment of this private radio station in order to prevent its opening.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Cameroon Objective Score: 1.65

The only outlying indicator in this objective was Indicator 5, pay levels for journalists, which scored a point lower than the average.

Newsgathering is far from complying with professional quality standards. Stories are generally characterized by inequitable treatment, a phenomenon that hurts the reputation of the press in the eyes of public opinion. The presentation of partial facts, inability to travel to cover stories, production time management, insufficient personnel in the newsrooms, and the interference of the press owners or advertisers in the choice of news coverage all combine to diminish the quality of news in Cameroon.

The advertising environment and business objectives usually hinder free and objective news reporting. This comes as a result of the subjectivity of and pressure coming from business partners. Journalists are very close to certain quarters. It is

customary that sponsors, publication managers, channel executives, business managers, or other administrative executives give their "publishing order" to ensure that a piece of news is processed by the appropriate specialist.

Difficulty accessing official sources of information for journalists representing independent media also stifles the ability to report accurately. In most cases, only the state media are allowed in the close vicinity of government officials and given access to government information.

Certainly, however, a lack of requisite training harms the quality of news. "Four years ago the government published regulations on the issuance of press cards. Among the requirements there was the obligation of an initial or continuous training as a guarantee that the applicant is familiar with the rules of professional quality. Despite this regulatory mechanism there are still discrepancies," regretted Dgimeli Tafopi, a teacher in the Department of Information and Communication of the Higher School of Management.

Cameroon's media exist in an environment lacking specific social regulation. In April 2006, the ongoing work of a joint commission created by the Ministry of Labor and Social Security to negotiate and adopt the very first national collective bargaining agreement for journalists was suddenly halted. This unexpected halt was the result of a memorandum signed by the various commissioners requiring, as a precondition to signing the collective bargaining agreement, the enforcement in Cameroon of the Florence Agreement that calls for tax exemptions for newly created press companies and stipulates the distribution to all broadcast media of any national license fee. In Cameroon, only to the state broadcaster received the proceeds from this fee.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

The unions of working journalists, who had urged the government to create the commission, were the only ones requesting the resumption of the negotiations for the collective bargaining agreement. Pressure from the International Federation of Journalists and local unions helped the talks resume. While many private media owners threatened to boycott, talks successfully concluded in March 2008.

As a general rule, salaries in the media have stagnated far below the average of the tertiary sector to which the press is supposed to belong. In Bafoussam, in the Western province, the SNJC registered journalists who had been forced to volunteer, while others had salaries as low as CFAF 5,000 per month, which is less than the salary of the worst paid housekeepers. Journalists also complain of abusive layoffs and lack of social security benefits and medical coverage. In 2007 alone almost 100 layoffs occurred in the broadcast media, especially at Canal 2 and STV television channels.

OBJECTIVE 3: PLURALITY OF NEWS

Cameroon Objective Score: 1.84

In this objective a majority of indicators were clustered near the average. However, Indicators 2 and 5, citizen access to media and private broadcasters produce their own news, finished much better; Indicator 2 had a score one point higher than the average. On the other hand, Indicator 4, news agencies, scored more than a point less than the average.

Political developments in the 1990s allowed for an opening up of the media in Cameroon and new sources of news and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

information to be established in every medium. Though only recently licensed, private radio existed since 2000 and television since 2001. A handful of relatively well-regarded newspapers publish regularly. However, the liberalization also allowed unreliable sources to spring up and flood the market with content of questionable veracity. Hundreds of tabloid papers are available from media organizations with no real business structure or capital to ensure investment or employment security.

Due to a lack of reliable statistics, it is difficult to quantify and estimate public access to the news. The liberalization of the media sector has, of course, favored the appearance of many media, but access to these sources is still problematic. "Due to certain factors, the printed press in Cameroon is still quite expensive, CFAF 300, which creates a new species of readers: the "headlinologs," namely those who content themselves with reading the headlines and comment on them. The Internet is still a luxury as it is extremely expensive," Beumo Mengue Bernard, a journalist with CRTV, stated.

In the printed press, the political precariousness and selective distribution by the sole distributor, Messapresse, is the main determining element of its inaccessibility. In the broadcast sector, problems of access are just as worrying. Thus the large media offering in urban areas contrasts with the media voids created in smaller towns.

All the panelists pointed out that there is no longer a press agency in Cameroon after the disappearance of the public agency Camnews, which attempted to recapitalize the in 1993. The main consequence of this situation is that it is obviously difficult for the national media to cover the ten provinces that comprise Cameroon. The media only cover the larger cities and limit their subjects to issues related to structural adjustment, public administration, and politics. Due to their insufficient technical and financial means, the media companies are increasingly dependent on news collected on the Internet and through international agencies. More recently, especially with radio stations, they use tabloids as the main news source for their newscasts; panelists said that they are always careful *not* to quote them.

Minorities and minority issues do not receive particular attention in the media. A lack of resources on their part results in the inability to control the creative capital of the press. Further, panelists doubted that minority media would survive in the current political and financial landscape, and they pointed to hostility toward the idea of granting favors to specific ethnic groups that might be assumed should a specialized outlet appear.

OBJECTIVE 4: BUSINESS MANAGEMENT

Cameroon Objective Score: 1.29

All indicators in this objective scored near the objective average, although one, Indicator 4, ratio of advertising to other revenue, slightly outperformed the other indicators.

The management of the large majority of the media, except for a very small number, leaves a lot to be desired. This is due to the fact that the only concern of many owners as businesspeople is profitability, which some panelists felt was a cause for their reluctance to alleviate the poor conditions under which journalists work.

The consensus of the panelists was that the current style of media management is not very different from grocery store management. Accounting is done by non-experts and the heads of companies use the funds as they wish without thinking about tomorrow. The result is that employees go many months without being paid and layoffs are very frequent. These factors block the independence of journalists since they need to make ends meet and therefore must fall back on unethical maneuvers such as "gombo," where stories are bought and sold, and what amounts to forms of blackmail. Falling newspaper sales since the 1990s has only made matters worse.

The advertising market is quite undeveloped, barely counting five large companies that advertise regularly. Advertising contracts are negotiated on an individual basis. Apart from advertising resources, some media also profit from "occult" financing provided by people in high places in business and politics.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

The state subsidy to the media amounts to CFAF 150 million per year for the entire communication sector (media, communication agencies, graphic industries, etc.). Some companies refuse the CFAF 2 million ($4,800) that is allotted to each, not only because it is insignificant, but also because "this subsidy was not clearly regulated in terms of its distribution when it was voted for by the Parliament," Dgimeli Tafopi stated.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Cameroon Objective Score: 2.11

Only Indicator 1, trade associations, did not score near the objective average; panelists scored it nearly a point less.

The protection of professional interests by supporting institutions is undoubtedly the keystone of creating media sustainability in Cameroon. There are journalist unions and associations, but their activity is modest due to the lack of a legal framework and of the financial means that might give them the possibility to act in real time. However, the current media context can only improve as a result of strong corporate action. Journalists must do an even more convincing job rallying for the solution of their problems.

In Cameroon the union SNJC has been in existence since 2002. After that, many other media associations and, to a lesser degree, NGOs advocating for the protection of human rights appeared. But the action of these organizations remains marginal because of administrative problems and government antipathy. "This situation highlights the importance of solidity among the supporting institutions protecting the interests of the media professionals," said journalist Olinga Ndoa, a member of SNJC.

Panelists did not comment on training opportunities. However, according to the BBC World Service Trust's African Media Development Initiative 2006 report on Cameroon, a vocational school, the Advanced School of Mass Communication, and three universities with journalism departments offer students an opportunity to study journalism. The report also indicates that international NGOs provide training for journalists.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panelist List

Mbog Pibasso Achile Prosper, journalist, *La nouvelle Expression* Newspaper

Bertran Aurélien Beumo, journalist, CRTV

Roland Tsapi, journalist, *Le Messager* Newspaper

Guy Modeste Dzudié Ngamga, journalist, *Le Messager* Newspaper

Bouddih M. Adams, journalist, *The Sun* Newspaper

Albert Djacba, journalist, *L'Oeil du Sahel* Newspaper

Pius Njawe, owner, *Le Messager* Newspaper

Haman Mana, director, *Mutations* Newspaper

Mactar Silla, director general, STV

Joceline Nankam, director, RTM

Henriette Ekwe, member, Journalists Union of Cameroon

Madeleine Afite, member, ACAT

Abdel Nasser Njoya, member, Palmarès

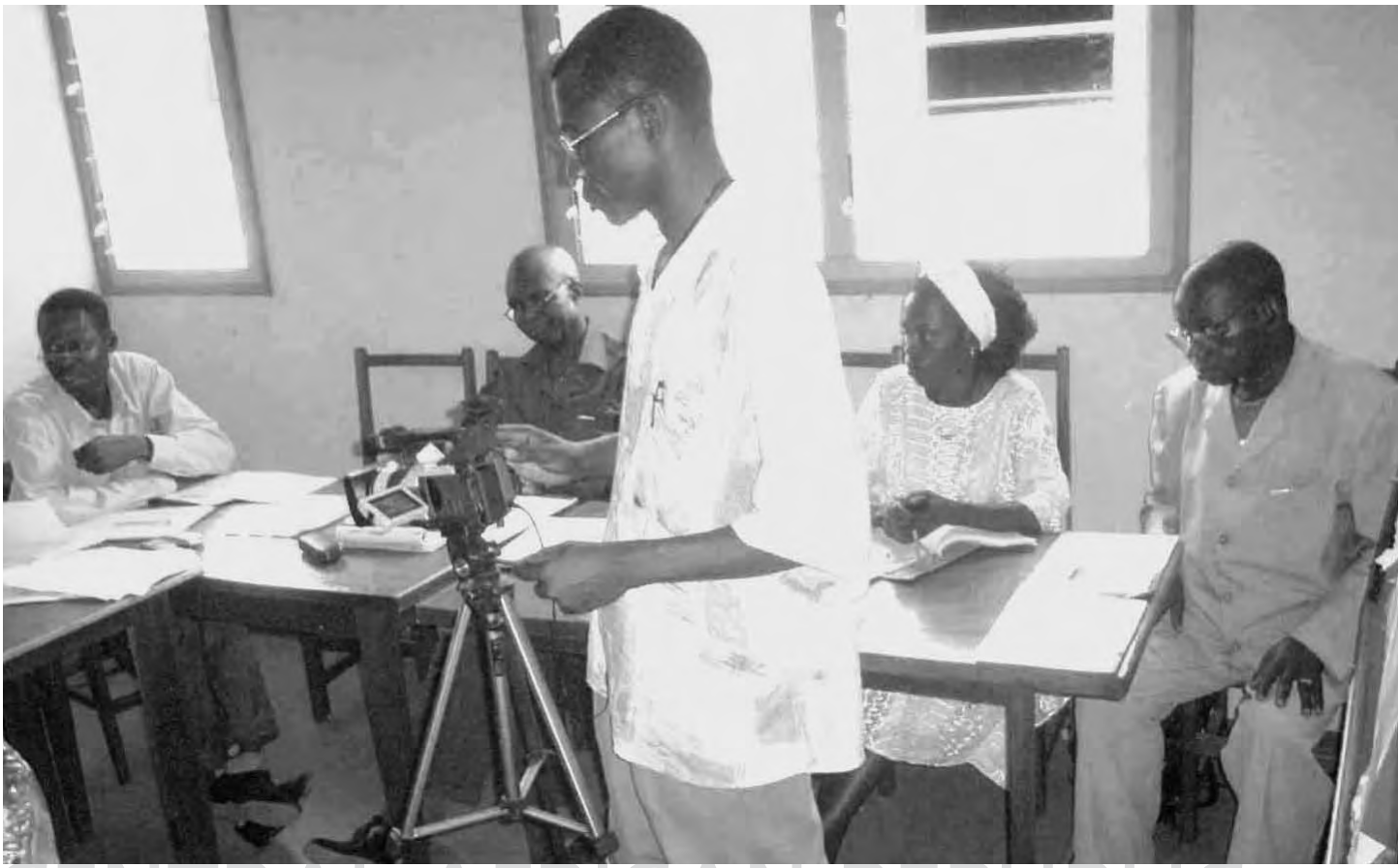
Baba Wame, teacher, School of Communication Sciences and Technology Information (ESSTIC)

Moderator

Jean Marc Soboth, secretary, Cameroon Syndicate of Journalists

The Cameroon study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

The overall score reveals that the media sector in CAR barely meets the objectives. Objectives 3 and 5, plurality of news and supporting institutions, fared the best, with scores of 1.50 and 1.70, respectively. However, Objective 4, business management, scored very low, at 0.24.



CENTRAL AFRICAN REPUBLIC

OVERALL SCORE: **1.23**

CENTRAL AFRICAN REPUBLIC

The media landscape in the Central African Republic (CAR) was long dominated by the monopoly of state-run media, including Central African Radio, Central African Television, and the Central African Press Agency. Private-sector media began to flourish in 1997, particularly due to the development of rural and community radio stations.

CAR is one of the few countries in Central Africa where press offenses have been decriminalized. Order No. 05.002 concerning freedom of communication was given on February 22, 2005 and amended by Bill No. 06.008 passed on June 28, 2006, and it eliminated prison sentences, but not fines, for any press offense.

Despite this slight legal improvement, journalists continue to bow down to successive military regimes. This often leads to tensions between the authorities and the press, which tries to claim its freedom ever louder. For example, on April 2, 2007, Michel Alkhaly Ngady, president of the Central African Independent Press Publishers' Group (CAIPPG) and manager of the daily paper *Temps Nouveaux* published in Bangui, was sentenced to two months in prison and a fine of FCFA 300,000 (about $600) by the Magistrate's Court of Bangui. Despite the changes to the law noted above, he was found guilty of "disobedience to the law and hindrance to the Higher Communication Council [HCC]," which is the public authority regulating the Central African media. The complaint was filed by HCC President Pierre Sammy-Mackfoy.

To curb these tensions, a convention of the CAR press was organized in July 2007, with representatives from all media partners in attendance. A number of measures were decided upon, such as journalists' access to news sources (particularly from public authorities), the independence of the state-owned media, inclusion of the state subsidy for private media in the annual budget, etc. However, many of these resolutions are still not in effect.

The overall score reveals that the media sector in CAR barely meets the objectives. Objectives 3 and 5, plurality of news and supporting institutions, fared the best, with scores of 1.50 and 1.70, respectively. However, Objective 4, business management, scored very low, at 0.24.

CENTRAL AFRICAN REPUBLIC AT A GLANCE

GENERAL

> **Population:** 4,369,038 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Bangui

> **Ethnic groups (% of population):** Baya 33%, Banda 27%, Mandjia 13%, Sara 10%, Mboum 7%, M'Baka 4%, Yakoma 4%, other 2% (*CIA World Factbook*)

> **Religions (% of population):** indigenous beliefs 35%, Protestant 25%, Roman Catholic 25%, Muslim 15% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Sangho (lingua franca and national language), tribal languages (*CIA World Factbook*)

> **GNI (2006-Atlas):** $1.493 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,280 (World Bank Development Indicators, 2007)

> **Literacy rate:** 51% (male 63.3%, female 39.9%) (2003 census, *CIA World Factbook*)

> **President or top authority:** President Francois Bozize (since March 15, 2003)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 43 newspapers; Radio: 2 main stations (Central African Radio, Ndeke Luka Radio); Television stations: 1 (CATV (Central African Television)) (Source: HCC)

> **Newspaper circulation statistics:** Top three most popular: *Le Citoyen, Le Confident, L'Hirondelle*

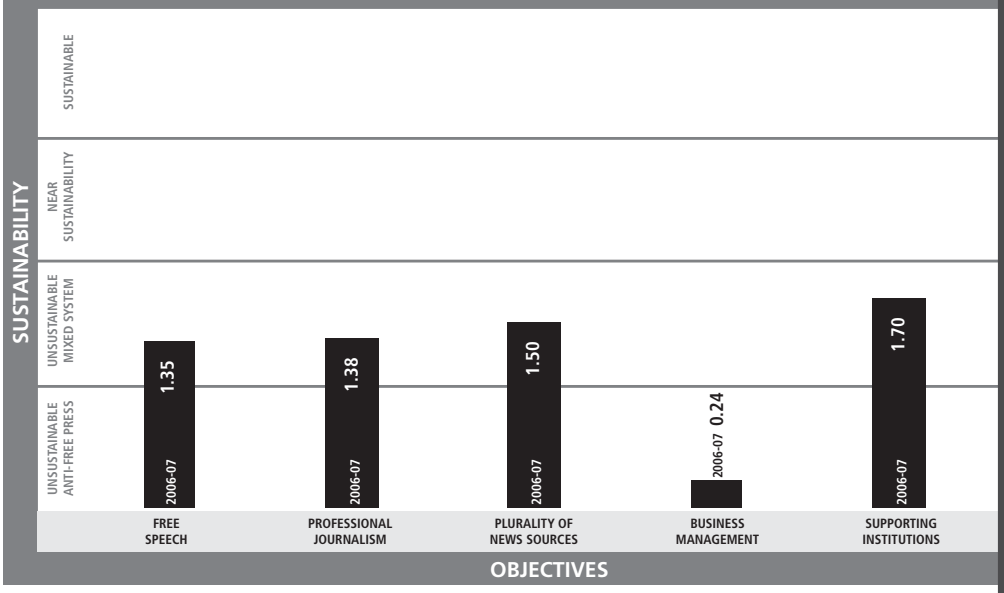
> **Broadcast ratings:** N/A

> **News agencies:** CAPA (Central African Press Agency)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 13,000 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **CENTRAL AFRICAN REPUBLIC**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

CAR Objective Score: 1.35

Overall, the indicators that make up this objective received low scores. Only Indicator 9, restrictions on entry into the journalism profession, received a high score, coming in nearly two points above the average.

The Central African Constitution (effective December 27, 2004) and Order No. 05.2002, given on February 22, 2005, recognize freedom of communication and guarantee freedom of the press. These texts meet international standards but suffer from lack of enforcement, particularly in the inland territories, where prefects and local administrators ignore such standards and violate freedom of speech with impunity. The issue in question is mainly the decriminalization of press offenses. "Judges disregard [the constitution] and use the criminal code to sentence journalists," said Michel Akhaly Ngady, president of the Press Publishers' Group and, as mentioned in the Introduction, a victim of such a penalty.

Momet Mathurin, manager of *Le Confident*, believes that journalists suffer constant threats, pressure, and aggressions. One example is the case of Jules Yanganda, the editor-in-chief of the daily paper *L'Hirondelle*. He was attacked by the first vice president of the National Assembly and a communication advisor to the head of state for having published a critical article.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The panelists pointed out that the main obstacles to upholding the freedom of the press are impunity, ignorance of the law, an exaggerated zeal manifested by authorities, and the dependence of the judicial power upon the executive power.

Granting licenses to broadcasters is a legally fair and competition-based process. One panelist explained the licensing process: "At first, licenses used to be granted by the Department of Communication. Since 2005, the Higher Communication Council is in charge, in collaboration with the Ministry of the Post and Telecommunications, the Ministry of the Interior and Public Safety, and the Ministry of Defense."

Of the nine members that make up the HCC, three are appointed directly by the president of the republic. So far, no case of discrimination in terms of granting licenses has been noted. A press outlet that is not granted a license has the right to appeal the decision with the Administrative Court. Radio station licenses are valid five years and television channel licenses are valid for 10 years.

Press outlets are not taxed, because no law defines their legal status.

Threats are the most frequent form of harassment of the media. For example, in November 2006, the minister of mining (the nephew of the president) threatened during a public event to kill "like flies" journalists he viewed as spokespersons of the rebel movements. The perpetrators of such threats have never been prosecuted.

The law guarantees the independence of journalists. However, the public media are completely under the supervision of the Ministry of Communication and often enjoy the favors of political authorities. They are the first access to public information, they enjoy exclusive coverage of certain public events, etc.

Defamation is covered the criminal code, but burden of proof lies with the plaintiff. Corruption of judges is a known fact that is disparaged by society. In CAR, trials against journalists always end either in prison sentences or fines.

Access to public information is free both for the public and private media. There are cases (e.g., national security) in which access to information is strictly forbidden or reserved for the public media. However, accessing information is naturally easier in the capital Bangui, rather than in the provinces. Journalists attempting to obtain information encounter many difficulties, among them authorities withholding information and financial hardships that prevent extended efforts.

Central African media freely access and broadcast or relay the news appearing in the foreign media (e.g., RFI, BBC). Access to the journalistic profession in CAR is free and the government imposes no licensing or other restrictions.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

CAR Objective Score: 1.38

Most indicators in this objective scored near the average. The exceptions were Indicator 5, pay levels for journalists, which was the low; and Indicator 4, journalist coverage of key events, which was the high.

From the tendencies observed among the panelists, it appears on the surface that journalism in CAR complies with professional quality standards. Ethical and deontological standards are in effect and accepted by all the media players. However, journalists have difficulties: low salaries, financial difficulties in terms of access to news sources, self-censorship practiced in the public media, and obsolete equipment. On top of these factors, certain political and economic players curry favor among journalists by offering gifts.

As a general rule, reports are documented insufficiently, especially when they address official information. Journalists usually present one side of the facts. Balance is achieved in some fields by appealing to the voices and opinions of the public. The panelists justify this situation by stressing the difficult access to some news sources and the lack of logistical and financial means to conduct objective investigations. Some media often appeal to experts, but when the topic is even somewhat politically sensitive, the experts usually do not like to be quoted in the press for fear of suffering repercussions from the regime.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

All of the panelists recognized the ethical and deontological code of the Central African press, published in 2002 by the Union of Central African Journalists (UCAJ). Also, Order No. 05.2002, promulgated on February 22, 2005, has 19 articles on aspects of ethics and deontology. Despite these professional standards, the panelists lamented the questionable practices existing within the profession in CAR. In particular, they mentioned the phenomenon of "Gombo journalism," referring to those journalists who accept gifts in exchange for producing a certain kind of event coverage. Panelists noted that this practice is more widespread among younger journalists.

Self-censorship exists, especially in the public media. "Any news that might affect the president or the government is first examined by the minister of communication, who, in most cases, does not authorize its processing or heavily modifies its content," one panelist remarked. This practice is justified by the fear of hurting political authorities or losing one's job.

In CAR, all news events are covered, albeit in different ways, according to the political contacts of the decision-makers of the respective media. It must be pointed out that the treatment of subjects related to public safety or the rampant rebellion in the northeast of the country might cause problems for the author of such news. To illustrate, a panelist reported that "the residence of Zéphyrin Kaya, a journalist with Ndéké-Luka, a radio station sponsored by the Swiss Association Hirondelle, was recently raided by the military in search of said journalist, who was in Cameroon. Three days before, that journalist had criticized one of the nephews of president Françoise Bozize, who had accumulated several public offices simultaneously."

Salaries of journalists are very low. In the private sector, the monthly salary varies between FCFA 50,000 and FCFA 60,000 ($100 and $120, respectively). In the public sector, salaries range from FCFA 25,000 to FCFA 100,000 ($50 to $200), according to rank and functions; and vary between FCFA 30,000 and FCFA 50,000 ($60 and $100) each month.

The CAR press has a strong tendency to favor music and entertainment. Cultural shows are almost non-existent. Newscasts make up about 15 percent of scheduled audio-visual time, while entertainment makes up almost 60 percent.

CAR media are mainly concentrated in the capital, Bangui. No outlet covers the entire national territory, due to obsolete facilities and equipment at the press outlets. Some private media (Ndéké Luka Radio, Notre Dame Radio, Néhémie Radio) recently received computers, cameras, and other modern equipment from the European Union, and can now cover half of the territory. The transmitters still in use are

of very low capacity. Replacing the transmitters with newer equipment could remedy this situation.

CAR media do offer some quality niche programs. According to their editorial policies, the media process some news stories better than others. For example, the printed press does a better job processing news, particularly economic news, than other media; and private broadcasters do a better job than public media in covering newsworthy events.

OBJECTIVE 3: PLURALITY OF NEWS

CAR Objective Score: 1.50

This objective's average was influenced by the scores of four indicators in particular. On the low side, Indicators 4 and 7, independent news agencies and a broad spectrum of social interests reflected in the media, came in nearly a full point below the average. On the high side, Indicators 2 and 5, citizen access to media and in-house production of broadcast news, came in about one point above the average.

CAR has a plurality of private and public news sources (television, radio, newspapers, Internet). Most of these media are based in Bangui. However, rural radio covers parts of the country. The private printed press is often bought by state agents and political authorities. In the rural areas, community radios are much more influential. CAR has a total of eight community radio stations, based in six cities throughout CAR's 16 prefectures.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

CAR media are mainly concentrated in the capital, Bangui. No outlet covers the entire national territory, due to obsolete facilities and equipment at the press outlets. Some private media received computers, cameras, and other modern equipment from the European Union, and can now cover half of the territory. The transmitters still in use are of very low capacity.

Citizen access to national as well as international media is only limited by the poor living conditions. No legal measure restricts or forbids the population from accessing news and information.

As in many other African countries, in CAR, the public media first and foremost are in service of the government, faithfully presenting the government's opinions on every issue. However, Decree No. 92.207 allows any politician to have access to the state-owned media. However, often the leaders of the political opposition and the civil society prefer the private media.

Private broadcasters produce their own shows and also rebroadcast foreign media productions. For example, Ndeke Luka Radio rebroadcasts BBC Africa programming. The productions of the private press are not substantially different from the state-owned media productions.

Media programs address a large area of social interests, with a more keen focus on issues concerning current political and economic events. CAR media do not broadcast programs covering minorities. Only the rural radio station Voix de la Sangha in Nola regularly broadcasts programs in all the languages spoken in the country. The other media only use French and Sango, the official languages.

CAR has only one press agency: the Central African Press Agency (CAPA). Its activity is now suspended due to the lack of financing. Press outlets often use news appearing in the foreign press (AFP, Reuters, etc.) without quoting the source.

No official information concerning media ownership is available, but CAR also has no media conglomerates. Only the Catholic Church owns, through its dioceses, six radio stations throughout the country. But because the dioceses are independent from one other, the radio stations are not a network.

OBJECTIVE 4: BUSINESS MANAGEMENT

CAR Objective Score: 0.24

All indicators in this objective scored poorly. Each scored below 0.50, except for Indicators 1 and 2.

CAR press outlets are not organized as true business operations. Media outlets are professional in nature but are not constituted as profitable businesses. These media only survive because of their owners' sacrifices. They never use balance sheets or other professional accounting practices. Only the public media management practices can be considered approaching professional.

CAR has no distribution network for print media. In the past, travel agencies were charged with press distribution from Bangui into the inland territories. But today, distribution is non-operational due to decay of the roads linking the capital to the rest of the country.

The most important revenue for private media comes from commercials (from United Nations agencies) and, for the printed press, from newspaper sales. It is stipulated by law that the state must grant subsidies to the private press, but this obligation is often disregarded. In 2005, of the total amount of FCFA (10,000,000, or $20,000) that was promised to the press, President Bozize only granted half; none has been disbursed since.

According to the law, local communities must support community media. Since communities have no means to do so, these media are left to find their own support and can only survive thanks to donations and the help of international organizations. Only the radio station Voix de la Sangha manages to attract contributions within the Nola community. The public media do receive governmental subsidies, but given the widespread corruption, the funds almost never reach their intended destination.

CAR has no advertising agency or market. Advertisements in the CAR press are extremely rare. There are only announcements and communiqués from certain organizations, but they are often published or broadcast in exchange for an in-kind benefit to the respective media. For example, some newspapers accept ads for travel agencies, and the travel agency will distribute that newspaper's copies towards the interior of the country free of charge. Announcements often come from the UNDP, the EU, or the Central African United Nations Observation Bureau, which are the main sponsors of the media.

The advertising market being non-existent, commercial advertising receipts are equally insignificant, if not null, for many outlets. No market research is available in CAR, nor are audience ratings or circulation figures.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

CAR Objective Score: 1.70

The indicator scores varied quite a bit within this objective. Panelists appreciated the role of NGOs and awarded Indicator 3 a very high score. All other indicators scored low, in particular those related to journalism education and media distribution.

Among the business associations, the Private Independent Press Publishers' Group of Central Africa is noteworthy, representing printed-press managers. Apart from its main mission to protect the interests of the press owners, this association has become an influential union movement in CAR and has campaigned for the creation of the HCC and the holding of the press convention in July 2007, among other improvements.

CAR's largest professional association of journalists is the Union of Central African Journalists (UCAJ), which includes all the media professionals in the public and private sectors. Apart from the UCAJ, journalist associations (Union of Central African Sports Journalists, for example) are active in specific fields. These associations offer services in professional training, lobbying, teaching the rules of ethics and deontology, etc. Their membership numbers are constantly growing.

CAR has supporting associations that, with the help of international organizations, protect journalists' interests by pressuring public authorities, although CAR has no organization specializing in advocating freedom of speech. Usually, the associations mentioned above as well as human rights NGOs (Christian Action for the Abolition of Torture

and the Death Sentence, the Central African Human Rights League, the Central African Human Rights Institute, the Movement for the Defense of Human Rights, etc.) are also involved in the defense of the freedom of the press. International NGOs such as Reports Without Borders, JED, etc., fight actively for the reformation of press legislation.

The quality of education in CAR has dropped significantly in recent years, and this affects the quality of young graduates. Typically, they come to newsrooms with no practical experience and poor skills. CAR has no school of journalism; however, at the press convention of July 2007, some attendees proposed the creation of a sub-department of communication within the Department of Language and Literature at the University of Bangui. This department should begin its activity next year. Journalists are often trained in the Democratic Republic of the Congo, Cameroon, or Côte d'Ivoire.

Free, short-term training programs are offered by foreign and local organizations. They focus on reporting; editing techniques; and news gathering, processing, and publishing techniques, thus allowing journalists to retrain and work at the same level as their foreign counterparts. The panelists expressed a wish that journalists also focus on studying ethics, journalistic writing, and news processing.

CAR has four printing houses: AKRAM, Central African Printing House (CAPH), Saint-Paul Printing, and EDI-FAMADI. CAPH and EDI-FAMADI are state-owned but there are no restrictions on accessing them.

The print distribution network is not organized. Each press outlet finds its own way to distribute its products. The public media transmitters belong to the state, whereas those of the private media belong to private owners. As noted above, no broadcaster covers the entire territory of the country.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Ferdinand Samba, journalist, *Le Démocrate*, Bangui

Jean Ignace Manengou, journalist, Catholic Media, Bangui

Sylvie Jacqueline Panika Benguere, journalist, Ndeke Luka Radio, Bangui

Eloi Bellonghot, journalist, Central African Radio, Bangui

Chérubin-Raphaël Magba-Totama, freelance trainer, Bangui

Judes Zosse, journalist, *L'Hirondelle*, Bangui

Pierre Debato II, journalist, Media Observatory of Central Africa, Bangui

Firmine Lea Badou, journalist, Maïgaro Radio, Abouar

Blanche Elisabeth Olofio, journalist, Bé Oko Radio, Tossangoa

Gaston Placide Lamer, publisher, *Le Confident*, Bangui

Michel Alkhaly Ngady, manager, *Temps Nouveaux*, Bangui

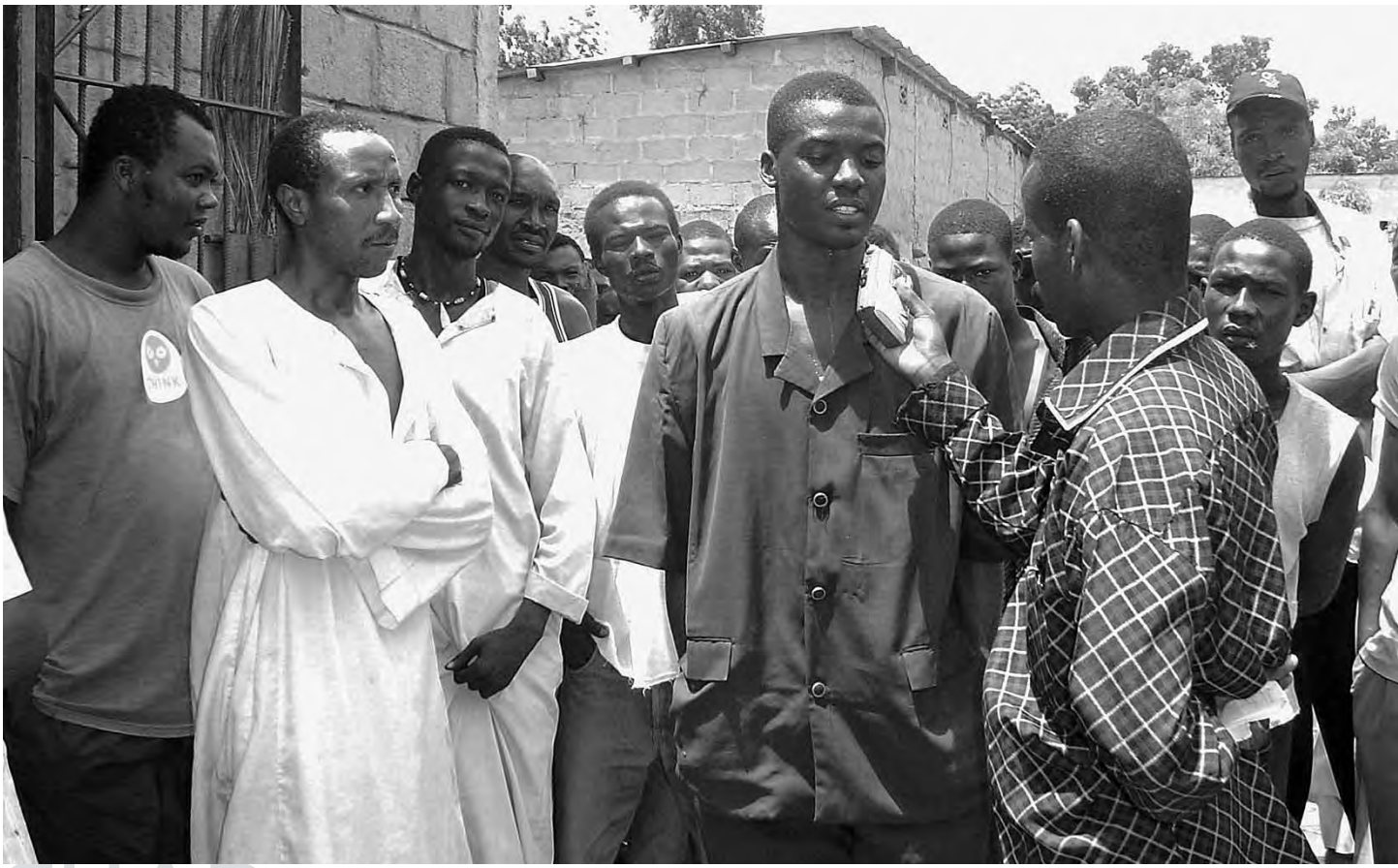
Anicet Goue Moussangoe, journalist, Christian Action for the Abolition of Torture in the Central African Republic, Bangui

Moderator

Mathurin Momet, manager, *Le Confident*, Bangui

The Central African Republic study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

It was the Déby government that helped allow the creation of the present-day media in Chad. Until his rise to power, information was dominated by state-owned media monopolies such as Chad National Radio, Chad National Television, and Chad Press Agency. Today, a number of associative and community radio stations and publications are in operation, although television is still the sole province of the state.



CHAD

OVERALL SCORE: **1.86**

On May 25, 2007, newspapers in Chad could once again be distributed without submitting each issue to, and requesting prior authorization from, the Ministry of Communication. For six months, the printed press had been subject to preliminary censorship as a result of a state of emergency declared on November 13, 2006, by the government and enacted 10 days later by the National Assembly. The state of emergency was an attempt to curb the inter-community violence that had claimed many lives in the eastern part of the country. The state of emergency expired—and with it, prior censorship—when the government failed to request an extension from the National Assembly as required by the Constitution.

Many observers saw the state of emergency as a way for President Idriss Déby to control the press. Criticism of his regime had become more and more virulent in 2006. His government held a successful referendum to modify the Constitution, allowing the president to run indefinitely; he won reelection the same year. In the midst of negative press coverage, at least three journalists were sent to prison that year.

However, it was the Déby government that helped allow the creation of the present-day media in Chad. Until his rise to power, information was dominated by state-owned media monopolies such as Chad National Radio, Chad National Television, and Chad Press Agency. Today, a number of associative and community radio stations and publications are in operation, although television is still the sole province of the state.

Chad's overall score was certainly helped by a fairly high score of 2.50 in Objective 5 supporting institutions. Objective 1 (freedom of speech) barely scored above 2, while Objectives 2 and 3 (professional journalism and plurality of news, respectively) scored 1.91 and 1.78. Objective 4, business management, was clearly the laggard, having the largest negative impact on the overall score with a 1.03.

CHAD AT A GLANCE

GENERAL

> **Population:** 10,111,337 (July 2008 est., *CIA World Factbook*)

> **Capital city:** N'Djamena

> **Ethnic groups (% of population):** Sara 27.7%, Arab 12.3%, Mayo-Kebbi 11.5%, Kanem-Bornou 9%, Ouaddai 8.7%, Hadjarai 6.7%, Tandjile 6.5%, Gorane 6.3%, Fitri-Batha 4.7%, other 6.4%, unknown 0.3% (1993 census, *CIA World Factbook*)

> **Religions (% of population):** Muslim 53.1%, Catholic 20.1%, Protestant 14.2%, animist 7.3%, other 0.5%, unknown 1.7%, atheist 3.1% (1993 census, *CIA World Factbook*)

> **Languages (% of population):** French (official), Arabic (official), Sara (in south), more than 120 different languages and dialects (*CIA World Factbook*)

> **GNI (2006-Atlas):** $4.708 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,170 (World Bank Development Indicators, 2007)

> **Literacy rate:** 47.5% (male 56%, female 39.3%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Lt. Gen. Idriss Deby Itno (since December 4, 1990)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 1 daily newspaper, 4 other weeklies; Radio: 6; Television stations: 1

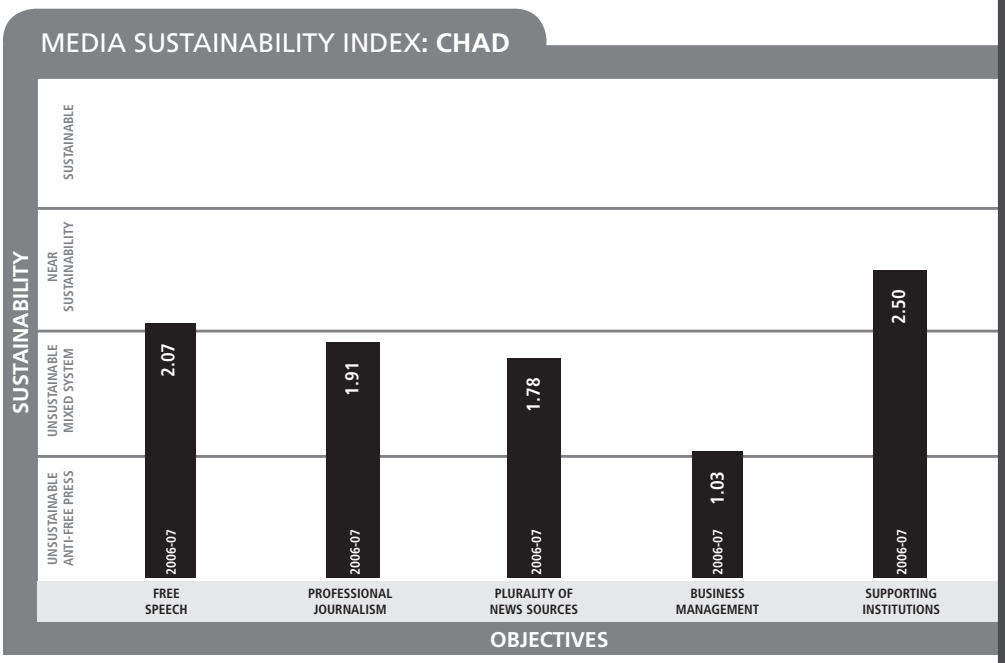
> **Newspaper circulation statistics:** Top three by circulation : *Le Progres* (daily), *N'Djamena Hebdo* (private weekly), *L'Observateur* (private weekly)

> **Broadcast ratings:** Top three radio stations: Radiodiffusion Nationale Tchadienne (state-owned), FM Liberte (private), La Voix du Paysan (Catholic station)

> **News agencies:** Chad Press Agency (CPA)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 60,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Chad Objective Score: 2.07

In this objective, many of the indicators were close to the overall objective score, although Indicator 4, crimes against journalists, was rated nearly a full point lower. On the high side, panelists noted that no legal restrictions prevent joining the journalism profession, and rated Indicator 9 more than a point higher than the average.

The Constitution's amended Article 27 (adopted on March 31, 2006) and Law no. 029/1994 regulate the press in Chad. While the laws recognize freedom of the press and are in line with international standards, problems exist with enforcement. This is true particularly in the countryside, where local administrators ignore the law and violate freedom of speech with impunity. The main obstacles to upholding freedom of the press, according to the panelists, are the exaggerated zeal of authorities and ignorance of the law.

Panelists felt that the license-granting system for the broadcast media is legally just and competition-based. This responsibility is entrusted to the Higher Communication Council (HCC), while frequencies are granted by the Chad Office for Telecommunications Regulation. The HCC as a regulatory body is highly subservient to political power, despite being constitutionally mandated in Article 184. It consists of nine members: three representatives of the media and six political appointees.

So far, no case of discrimination in terms of granting frequency licenses has been observed. A press outlet that is not granted a license has the right to appeal with the administrative chamber of the Supreme Court of Justice or with the Court of Appeals, depending on whether the case is opened in N'Djamena or in the provinces. At this time, only radio licenses are in non-government hands; a monopoly on television is maintained by the state broadcaster, Teletchad.

All panelists decried the lack of a tax exemption benefiting media companies. Most of the radio stations are incorporated as non-profit organizations and not as businesses, since commercial radio licenses are prohibitively expensive. But radio stations are not tax exempt like other non-profits, and are subject to the same tax regime as any other sector of the Chadian economy. Gato FM, the one radio station that functions as a business with a commercial license, is treated the same as any other business.

Arrests, assassinations, intimidations, and attacks have occurred frequently in recent years. During 2005, 12 cases of offenses against the freedom of the press were brought, and 11 cases were brought in 2006. This is a diminishing tendency, however, particularly due to the temporary censorship measures that were designed to prevent any publishing that might damage the reputation of the Déby regime. The perpetrators of such offenses have never been prosecuted.

Access to the journalism profession in Chad is regulated neither by the press law nor by the ethics and deontology code, and therefore is not restricted. Any person wishing to become a journalist may do so, even without appropriate training.

Chadian law guarantees the independence of journalists; however, state media are permanently under the supervision of the Ministry of Communication.

Defamation is covered by the criminal code (Article 47 of the Press Law) and offenses are punishable by one to six months in prison. The defendant in defamation cases must prove truth. Corruption of judges is strongly suspected by society at large, but is hard to prove. At the 2003 general convention of the judiciary, even the magistrates decried the large number of corruption cases among their ranks.

According to the US State Department's 2006 *Human Rights Practices* report, no freedom of information law exists in Chad. The report also states that information is often released

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Panelists felt that the license-granting system for the broadcast media is legally just and competition-based. This responsibility is entrusted to the Higher Communication Council (HCC), while frequencies are granted by the Chad Office for Telecommunications Regulation.

to journalists working for state media, and private journalists complain of this unfair treatment. MSI panelists, on the other hand, reported that access to public information is free both for the public and the private media, except in cases of national security, when information is only granted to the state media.

Naturally, access to international media is easier in N'Djamena than in the provinces. The Chadian media freely broadcast or relay the news appearing in the foreign media (e.g., RFI, BBC).

Access to the journalism profession in Chad is regulated neither by the press law nor by the ethics and deontology code, and therefore is not restricted. Any person wishing to become a journalist may do so, even without appropriate training.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Chad Objective Score: 1.91

From panelists' observations, it appears that journalism in Chad complies with professional quality standards. Ethical and deontological standards are in effect and accepted by all media players. At the same time, Chadian journalists are confronted with problems such as small salaries, financial difficulties in accessing to news sources, self-censorship in both the public and private media, and obsolete equipment. In addition, certain political and economic actors practice "conscience buying" by offering gifts to journalists.

As a reflection of these conditions, individual indicators fell fairly close to the overall average. Rated somewhat higher was Indicator 8, niche reporting, while noticeably lower were indicators 3 and 7, related to self-censorship and modern equipment.

As a general rule, reports in private media are objective and well documented. There are cases where, in order to produce a sensationalist piece of news, journalists do not check their facts thoroughly and present a subjective and sometimes strongly biased version of the facts. In their research, journalists appeal to experts such as those in the legal, medical, or engineering fields.

The ethics and deontology code for the Chadian press was published in 2002 by the Union of Chad Journalists. These standards are in accordance with international norms and are well accepted by all media players in Chad. Unfortunately, as is the case in many African countries, panelists reported quite a few cases of sidestepping the code. The most widespread phenomenon is *gombo*, a paid-for report, which is practiced mostly by young independent journalists trying to eke out a living.

Self-censorship exists both in the public and private media. Panelists felt that this practice is actually justified, out of fear of angering political authorities, losing one's job, or endangering relations with advertising clients. While certain social issues may be addressed easily, more politically sensitive topics are carefully avoided. Self-censorship is not necessarily a daily practice by editors; it has become a habit of journalists who obey their media outlets' editorial policies, which typically include guidelines on what not to cover. Conforming with such editorial policies strips journalists of their freedom and critical judgment.

Chadian journalists do not cover all events taking place in the country. The government in 2006 prohibited any media coverage of the unrest in the eastern regions of the country—a measure that gave rise to the preliminary censorship idea. In some cases, the law forbids the media to cover certain kinds of events. For example, electoral law forbids the private media to disclose exit poll results until the final results are published by the electoral committee. This

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

prohibition does not affect the public media. With regard to some other sensitive issues, such as national security, there is no legal or regulatory restriction, but addressing such questions can lead to reprisals against journalists or their media outlet. For example, Evariste Ngaralbaye, a freelance journalist for *Notre Temps*, spent four days in prison in 2006 for publishing an article accusing the national army of recruiting and fielding minors.

Salaries of journalists are insignificant and vary between FCFA 30,000 and FCFA 50,000 ($60 to $100) monthly. According to the panelists, this very low salary explains the begging and corruption that is common practice in the profession.

News and information are not available at all times. For example, the national television only broadcasts from 6 p.m. to 11 p.m. Entertainment prevails over news throughout the media. Statistics show 30 percent of programming is news, 60 percent is entertainment, and 10 percent is cultural and educational programs.

Because of obsolete equipment, no Chadian broadcasters, not even the national radio station and television channel, are covering the entire national territory. Community radios, the most numerous of the media outlets, need modern, more powerful digital equipment. The printed press is also affected by having to use obsolete printing presses. Chad has four private printing shops: the Chad Printing House, the AGB Printing House, the Chad National Printing House, and the Evangelical Printing House. Any proposed equipment aid would have the most impact in the printing industry.

Chadian broadcasters do present quality programs. Depending on their editorial policies, some media outlets process news better than others. The written press is better at presenting news, particularly economic news, than other media forms. The private audio-visual media reports newsworthy events better than the public media.

OBJECTIVE 3: PLURALITY OF NEWS

Chad Objective Score: 1.78

Panelists' scores reflected a limited diversity of news and information sources available to the public. For example, they returned a score of nearly zero for Indicator 4, due to the existence of only one news agency, which is state owned. Two indicators did score about a point higher than the average: Indicators 2 and 5, restrictions on citizen access to media and private broadcasters producing their own news.

Chad has a variety of news sources: television, radio, written press, and the Internet. These sources are freely available, since no legal measure prevents citizen access to media. However, most media are based in N'Djamena and other urban areas, making access difficult for rural populations. Another limiting factor is the very low income level: only about three percent of the population can afford to buy a newspaper regularly. This explains the scarceness of foreign newspapers in Chad and the irregular publication or low print runs of most national papers. In the rural areas, the country's 30 community radio stations provide the most widespread access to media. The Internet is a luxury for Chadians and is not available outside urban areas. Chad has only one Internet provider, SOTEL Tchad.

Ethical and deontological standards are in effect and accepted by all media players. At the same time, Chadian journalists are confronted with problems such as small salaries, financial difficulties in accessing to news sources, self-censorship in both the public and private media, and obsolete equipment.

As in many other African countries, in Chad the public media are first and foremost in the service of the government and political institutions. The managers of these media are members of the president's party. More than 80 percent of the news on state television and radio covers the activities of the president and the government. Often the opposition

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

does not have access to state media. Cultural, public health, and educational programs occupy an insignificant amount of airtime on state media.

Private radio stations produce their own news shows and rebroadcast foreign media productions. For example, FM Liberté Radio rebroadcasts the shows of Voice of America.

No information is available to the public concerning media ownership. Financial matters, such as silent partner investors, are particularly opaque. Nevertheless, given that many media outlets are openly biased, it is possible to know the identity or the political affiliation of an owner by following editorial content. The Catholic Church owns six radio stations throughout the country, but these radio stations are owned by the dioceses, which are independent from each other.

The press addresses a large number of social interests, but no media outlets are specifically aimed at Chad's minority populations. Until recently, the only taboo subject for media was female circumcision. Recently, the managers of Dja FM had problems with Muslim religious leaders for having addressed this issue on the air.

OBJECTIVE 4: BUSINESS MANAGEMENT

Chad Objective Score: 1.03

In this objective, no indicator scored well. Indicators 2, 4, and 5 (relating to multiple sources of income, ratio of advertising to other sources of income, and government subsidies) scored about half a point above the final average. However, Indicator 3 scored nearly a 0, reflecting the lack of an established advertising market; and Indicator 7 did score a 0, as no data is collected on circulation or audiences.

In Chad, press outlets are not organized as true business operations and are not profitable business companies. With the exception of the state media, private outlets are managed without heeding any accounting or business standards. For example, they never use balance sheets. Journalists' salaries are exclusively at the discretion of their outlets' managers.

Twice since 2000, the government has provided financial aid to the media. Annual direct aid is stipulated in the Press Law (articles 32-35), yet in most cases, this earmark is distributed to an unknown destination. Such aid is granted according to the size and professionalism of each media outlet, and these criteria are judged solely by the HCC. Media income comes from partnerships with international organizations, business companies, and advertising. The state media receive both direct government disbursements and income from advertising.

Chad has no advertising agency or established market. Clients often impose advertising rates, and media outlets accept the rates because they have no other choice. The space allotted to advertising in the media is less than one percent. Given these factors, income from advertising is ridiculously low. To bridge the gap, the media constantly search for external financing sources as well as subscriptions. According to the Press Law, advertising receipts for community media cannot exceed 20 percent of their revenue.

No market research, audience ratings, circulation figures, or statistics on Internet usage are available in Chad.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Chad Objective Score: 2.50

Panelists rated highly the work of associations and NGOs, and the scores on Indicators 1, 2, and 3 clearly brought up the final average. On the other hand, the weakness of formal education and distribution networks meant that Indicators 4 and 7 received scores below 2.

Chad has supporting associations that work with international organizations to protect media sector interests and pressure public authorities. The Chad Private Press Publishers Association and Union of Chadian Private Radios offer training programs to journalists and advocate for the business and legal interests of their members. The Union of Chadian Journalists, the Union of Communication Professionals, the Association of Women Journalists, and the Association of Arabic-Speaking Journalists offer services such as professional

training, lobbying for press freedom, and courses on upholding the rules of ethics and deontology. Membership in these organizations is robust.

International NGOs, although present, are not involved in reforming legislation concerning the media. These NGOs often pressure for the reformation of press legislation at the government level, but once reforms are underway, the government does not consult with NGOs or obtain their opinions and considerations.

The quality of education in Chad has declined significantly in recent years. This affects the quality of young graduates, who are usually ill prepared to enter the workforce. Chad has no school of journalism, apart from the Sub-Department of Communication functioning within the Department of Language and Literature at the University of N'Djamena. Young journalists must go to Niamey in Niger or Yaoundé in Cameroon for professional training.

Short-term training programs are offered by foreign and local organizations. They focus on reporting, editing techniques, news gathering, news processing, and publishing techniques, thus allowing journalists to retrain and work at the same level as their regional counterparts. These training programs are free of charge. The panelists expressed a wish that trainings also focus on legal and judicial issues.

All printing houses belong to the private sector, are apolitical, and are freely accessible. Media distribution networks belong to the private sector. They are not restricted and are often apolitical. Travel agencies distribute the printed press from N'Djamena to the rest of the country.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

> Trade associations represent the interests of private media owners and provide member services.

> Professional associations work to protect journalists' rights.

> NGOs support free speech and independent media.

> Quality journalism degree programs that provide substantial practical experience exist.

> Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.

> Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.

> Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Bertin Tumba, member, JED

Odjitan Maji Maji, member, URPT

Nadjikimo Benoudjita, director, *Notre Temps* Newspaper

Tchanguiz Vatankhah, editor-in-chief, Brakoss Radio

Laldjim Narcisse, correspondent, RSF

Hoinathy Gotngar Noubatan, journalist, Lofiko Sarh Radio

Mahamat Abdoulaye Hassan, DJA FM Radio

Aze Keite Djamso, director, Télévision Tchadienne

Moderator

Odjitan Maji Maji, editor-in-chief, FM Liberty

The Chad study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

Congolese journalists continue to live in a climate of legal and physical insecurity. For the third time in two years, in June 2007 hundred protested in the streets against the attacks and assassinations of journalists. Three journalists and a technician had been killed in less than 24 months. These assassinations spread panic among journalists who then resorted to self-censorship for protection.

DEMOCRATIC REPUBLIC OF CONGO

OVERALL SCORE: **1.50**

DEMOCRATIC REPUBLIC OF CONGO

After two successive wars (1996-1997 and 1998-2003), the Democratic Republic of Congo (DRC) organized its first elections labeled as "free, democratic, and transparent" after more than 40 years. A president was elected by universal franchise for a five-year term and a national assembly of 500 representatives, a Senate, provincial assemblies, and provincial governors were installed, thus inaugurating the era of the Third Republic.

While the election encountered few minor problems according to election monitors, a scandal surrounded the seating of provincial governors. In some provinces, local electors who voted for provincial electors noticed discrepancies the final results. Serious suspicions of massive corruption and faulty conscience hung over the presidential majority.

The hope that the elections stirred up with the population is dying with every day that passes. Betrayed by the inertia and lethargy manifested by the government ever since it rose to power, the daily difficulties that the population face grow more severe: no public transportation, no drinking water or electricity, generalized crime and insecurity, all kinds of hassle, massacres of the followers of Bundu Dia Kongo, the border conflict in Kahemba, the disproportionate use of force against Jean-Pierre Bemba's bodyguards in the center of Kinshasa, etc. The government's absolute silence on all these tragedies only increases the desperation of a population that has every reason to believe it is doomed.

During this process the Congolese media played a part that some qualified as "for better and for worse" given their strong politicization. Since the political opening that took place in April, 1990, media activity in DRC became intense, with a hundred newspapers and periodicals and 70 radio and television stations scattered throughout the country. A large number of these included community radio stations, some in the most remote villages.

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The scores given by panelists reflect the issues and challenges faced by the media on a daily basis. Objective scores varied somewhat widely. Objective 2, professional journalism, fared the worst by far with a score of 0.83. On the high end, Objective 5, supporting institutions, did fairly well with a 2.32. The other objectives finished rather closer to the overall average.

DEMOCRATIC REPUBLIC OF CONGO AT A GLANCE

GENERAL

> **Population:** 66,514,506 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Kinshasa

> **Ethnic groups (% of population):** over 200 African ethnic groups of which the majority are Bantu; the four largest tribes - Mongo, Luba, Kongo (all Bantu), and the Mangbetu-Azande (Hamitic) make up about 45% of the population (*CIA World Factbook*)

> **Religions (% of population):** Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10%, other 10% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Lingala, Kingwana, Tshiluba (*CIA World Factbook*)

> **GNI (2006-Atlas):** $7.742 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $270 (World Bank Development Indicators, 2007)

> **Literacy rate:** 65.5% (male 76.2%, female 55.1%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Joseph Kabila (since January 17, 2001)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 8 daily newspapers, over 100 others; Radio: 226; Television stations: 60 (Source: GRET, 2005)

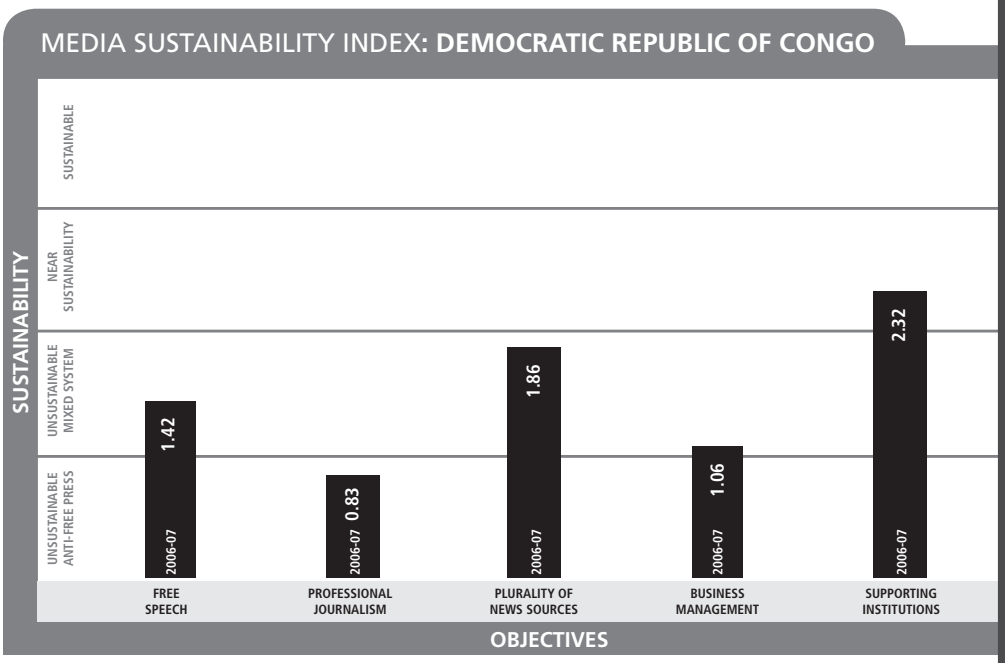
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** Top three radio stations: National Radio (state-owned), Golfe Fm (privately-owned), Capp Fm; Top three TV stations: National television (public channel), Canal3 (private channel), Golfe TV (private channel)

> **News agencies:** ACP (private), APA (private), Syfia (private), DIA (private)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 180,000 (2006 est., *CIA World Factbook*)



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Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

DRC Objective Score: 1.42

Panelists scored the many of the indicators in this objective rather differently than the average score implies. Indicators 5, 6, and 7, preferential treatment for state media, libel laws, and access to information, all finished much lower than the average; Indicator 5 in particular scored more than a point lower.

All the participants in the DRC panel on media sustainability admitted that the country possesses legislation generally guaranteeing the freedom of expression and opinion. First, the constitution guarantees the right to information, freedom of expression and opinion, and entrusts the state-owned Radio-Television Nationale Congolaise (RTNC) with a mission of public service.

All participants also admitted during the panel discussion that the greatest weakness in DRC is generally the application of the laws and the impunity of the lawbreakers. "The law and the practice of the law are as similar as day and night," said M. Munsoko wa Bombe, professor at the Higher Institute for Information and Communication Sciences (HIICS) and executive secretary of the Congolese Media Monitor (CMM). "The Democratic Republic of the Congo has the appropriate legislation protecting and guaranteeing the freedom of expression. Specifically, two texts: articles 23 and 24 of the Constitution of the Republic and the law passed on June 22, 1996 concerning the freedom of the press," said Francine Mokoko, who owns the bi-weekly publication *Le Révélateur*, at the very beginning of the discussions.

However, as noted by Edouard Mukendi Kalambayi, a lawyer with the Kinshasa Bar Association, "there is no problem with the law other than that the law must take into account the demands of the media professionals such as the decriminalization of press offenses. Therefore the law is not the problem, rather its application or real-life experience."

About this dichotomy between the law and the practice of the law, Donat M'Baya Tshimanga, chairman of Journaliste en Danger (JED), made the following observation: "the authorities, particularly the political authorities, do not accept the freedom of the press. Every time that the media denounces another violation of the law by the political authorities, the latter use all the means at their disposal to intimidate, threaten, and enforce on journalists the most inhuman and degrading treatments." Providing examples, M'Baya said, "Recently in Mbuji-Mayi, in the province of the Eastern Kasaï [in the center of DRC], while journalists were holding a meeting, the police stormed inside the place, gave them a beating and dispersed the meeting."

Another example was given by Ben-Clet Kankonde, managing editor of the daily newspaper *Le Potentiel.* He said, "In the editorial room of a private newspaper in Kinshasa, when a journalist criticized, without knowing it, a 'sponsor' who happened to finance the newspaper employing him, the newspaper's owner entered the room, slapped the journalist and insulted him copiously. The journalist sued. The owner was asked to reach an amicable agreement by paying the journalist in order to put an end to the story." Clarisse Kisanga, a journalist in Lubumbashi (a province of Katanga) added that, "the other obstacle to freedom of expression is the lack of consequences. The executive power has used justice for its own ends." Justin Mobomi noted that "justice is not independent, to tell the truth. It is subservient to the political authorities and the rich people."

A lot of journalists and media are prosecuted and sentenced for defamation or harmful accusations. Even though the law protects journalists, once they have published some news irritating a politician, the latter will stop to nothing to hunt down the journalists. If the case goes to court, it is up to the journalists to provide evidence in support of their actions. As Edouard Mukendi Kalambayi said, in DRC "defamation is included in the Criminal Code. When journalists are involved, the judges don't take into account if the information they used is true or false and not even any harmful intentions. It is enough to show newspaper clippings or tapes of the shows in order to establish the journalist's guilt."

Participants pointed out that two ministries are involved in the granting of broadcast licenses, namely the Ministry of the Post, Telephones, and Telecommunication and the Ministry of Information, Press, and National Communication. The first issues the license and authorization for technical operation. The second issues the opening authorization. Placide Makashi with the advertising agency CMCT believed that, "the procedures for granting licenses are not established by an independent agency, but by state employees with a total lack of transparency. And the professionals complain, because it turns out that the license can be given to any 'adventurer.'" As a result of mismanagement, DRC has exhausted its quota for broadcast frequencies. The situation is similar in the case of the publication authorizations issued for the printed press.

Discussing taxation of the media, Godefroid Bwiti, director of the Inter-Congo Média press agency said, "There is no tax relief for the media. They work in a specific tax regime, which is in no way different than those of other industries." Pierre-Sosthène Kambidi, journalist and owner of the community radio Zénith FM in Tshikapa (a province in the Western Kasaï), added, "Only community radios benefit from a few tax rebates because they are considered non-governmental organizations."

All participants also admitted during the panel discussion that the greatest weakness in DRC is generally the application of the laws and the impunity of the lawbreakers. "The law and the practice of the law are as similar as day and night," said M. Munsoko wa Bombe.

Speaking about access to public information, Mokoko believed that, "the legal and social conventions are incapable of protecting the freedom of expression and cannot properly guarantee the access to public information. Attacks and restrictions take place almost every day against journalists: they are often questioned while they are out reporting or prevented from taking photographs or receiving first-hand information."

"Access to the Internet and international news is free but the cost is prohibitive for journalists and press companies," M'Baya said, adding, "the public [state-owned] media cover the government exclusively. The opposition is not equitably represented in these media." Speaking about the journalists working in the state-owned media, Ben Clet Kankonde noted that, "the journalists working there have no independence, no free will."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

In addition, journalists working in the private media are discriminated against in respect to those in the public media when it comes to accessing news sources, particularly the official ones. There are frequent events that can only be covered by the public media and what is called "the Allies," other media close to the ruling regime. The other private media, particularly the ones close to the opposition, are not authorized. Isidore Kabongo, director of the RTNC justified this situation by saying that "the members of the government prefer to provide information to the public media because they mistrust the private media which are more critical."

As an illustration of this case, the Syfia Agency reported: "On June 30, 2007, during the festivities celebrating the 47th anniversary of the independence of the D.R. of the Congo, some journalists received threats because they were covering 'the festivities without authorization.'" In Kisangani, capital city of the Eastern province, where the festivities took place in the presence of President Kabila, the province's minister of information and a representative of the president's office had warned journalists that, "Only the accredited media was to cover the parade organized on this occasion." During the ceremony, journalists got in a lot of trouble because of the security services. Ernest Mukuli, journalist with the RTA (AMANI Radio-Television owned by the Catholic Church) was beaten and his camera was seized for having taken pictures of the president as he was mingling with the crowd. Another journalist, from Okapi Radio (sponsored by the UN Mission in the Congo at Monuc), had his report material confiscated after going to the Kisangani airport during the festivities to collect information on a fighter plane belonging to the Congolese army.

Worse than harassment and beatings, DRC is also dangerous because journalists are killed with little genuine investigation by the authorities. Those killed in the period 2005 to 2007, referred to in the Introduction, were: Franck Ngyke Kangundu with the daily newspaper *La Référence Plus*, killed with his wife on November 3, 2005 in their home; Mutombo Kayilu, a maintenance technician, assassinated on March 29, 2006; Bapuwa Mwamba, a freelancer, killed on July 8, 2006, and; Serge Maheshe, journalist with Radio Okapi, assassinated on June 13, 2007.

In the last case, while two people were in fact convicted of the killing, the judicial system has handled the case in a bizarre way. Parts of the case have been tried in a military court and the two friends of Maheshe present when he was killed have also been charged based solely on accusations by the two gunmen that the two friends had paid them to do it. The case continues against the friends despite the fact that the two convicted gunmen recanted their accusation, saying that two military judges had bribed them to do it.

In DRC the national media are free to broadcast the programs of foreign media. Sometimes journalists take word for word an agency dispatch without mentioning the source. Since access to foreign sources is so expensive some media indulge themselves to their fraudulent use without having paid for a subscription. Managers of foreign media have complained about the Congolese using their material without permission, but to no avail.

Speaking about the access to the journalistic profession, Pierre Nsana, a teacher with HIICS and coordinator with an international media support NGO, believed that "free access to the journalistic profession has inevitably turned to real anarchy, so much so that all those who have failed in other places know that they can always try to become journalists."

OBJECTIVE 2: PROFESSIONAL JOURNALISM

DRC Objective Score: 0.83

This objective scored the worst based on panelists' scores. All the indicators in this objective received rather poor scores, similar to the average, from the panelists. The best scoring was Indicator 4, journalists cover key events, with a score a bit more than half a point higher. The worst was Indicator 5, pay levels for journalists, which received a score more than half a point lower than the average. Reasons for weakness in this objective include poverty of media companies, leading to low salaries for journalists, which exposes them to corruption; excessive politicization of press companies, as the real owners or sponsors are politicians, and; training deficiencies as a result of the general deterioration of the educational system in DRC.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

As a general rule, the professionalism of journalists in DRC leaves a lot to be desired. The honest journalists say it out loud. Very few cross-check their sources, very few check them altogether. And that is very often why they commit what the law calls "harmful accusations" or "defamation."

As a general rule, the professionalism of journalists in DRC leaves a lot to be desired. The honest journalists say it out loud. Very few cross-check their sources, very few check them altogether. And that is very often why they commit what the law calls "harmful accusations" or "defamation." Most journalists are influenced by money, they accept gifts, they allow themselves to be corrupted and sometimes go so far as to label as news something that is anything but news simply because they were given money for it. This money represents corruption and is called "blending" or "kawama."

At the National Congress of the Congolese press held in Kinshasa in March 2004, in order to fight the deviations in many journalists' behavior, the CMM, made up of journalists, was created and charged with protecting journalistic ethics. On that same occasion, the ethical and deontological standards were updated and accepted by everyone, following almost explicitly the Munich Charter of the International Federation of Journalists. Munsoko wa Bombe, executive secretary of the CMM, declared that "we have a ethics code which is similar to its international counterparts. Unfortunately, it is not much observed. But many journalists have this document."

Francine Mokoko believed that "journalists show a blatant lack of professionalism, justified by their training deficit and inexperience." Many journalists justify their breaches of professionalism by invoking their low and insufficient salaries, so much so that they will not hesitate to profit from the distribution or withdrawal of a particular piece of information.

The technological means available to journalists may be modern, but they certainly are not of-the-moment. This is especially true for the broadcast media. But the written press is also very badly off, suffering from a huge crisis in terms of all sorts of equipment affecting everything from collection through to distribution of newspapers. Because of the absence of printing houses worthy of this name, publishers heavily depend on their more fortunate colleagues who own them and who act as they please.

Journalists are also subject to both censorship and self-censorship. Owners exercise censorship by systematically eliminating any news opposing either friendly politicians—the real owners or the behind-the-scenes financers of their media—or companies and their managers who finance the media through advertisements. As far as self-censorship is concerned, Placide Makashi said, "Journalists practice self-censorship to protect their lives or jobs."

There is a general news deficit, as the time slot dedicated to news is between 7 pm and 9 pm. Entertainment overshadows newscasts. Speaking about the contents of the media, events and key issues are often addressed in a superficial and partisan manner. Pierre-Sosthène Kambidi explained this by noting that, "Precarious conditions that cannot lead to quality reports." Clarisse Kisanga shared this point of view, saying, "The radio-television stations are ill equipped." Bertin Tumba blamed the bad job done by journalists on the fact that, "There are no real investigative journalists."

OBJECTIVE 3: PLURALITY OF NEWS

DRC Objective Score: 1.86

After Objective 5, plurality of news finished with the second highest score. Indicator scores varied widely, however, indicating that despite some achievements there remain a number of problems. Indicators 2 and 5, citizen access to media and private broadcasters produce their own news, both finished about one point ahead of the average. On the other hand, Indicator 3, state media represent the political spectrum, finished poorly, more than a point lower than the average. Indicator 6, transparency of ownership also received a score well below average.

In DRC there is a diversity of news sources and a plurality of media. They are approachable. Access to the media is limited neither by the law nor in practice. If you have the means, you can have access to any media you choose.

The state media face harsh difficulties and criticism for bias in their news coverage. However, panelists felt they make efforts to be perceived as a public service broadcaster by airing a schedule that includes more educational shows and cultural programs. This does fill a void left by most of the private media.

There are also press agencies such as Dia, APA, Syfia International, ACP, and others selling and distributing news. When these agencies are used in different media, attribution may be made or may be completely ignored.

There is no transparency with respect to the real owners of the private media. They are hiding behind mere puppets. On the surface it seems that there is no conglomerate controlling the private media. In fact, many media are controlled not only by economic forces but also by political forces, both opposition and the ruling party. An irrefutable proof supporting this statement is that many radio stations were created in the provinces during the electoral campaign. After the elections, these propaganda radios have started to transform into community radios for the same reason: to hide.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

DRC Objective Score: 1.06

Two indicators in this objective pulled down the average significantly. Both Indicators 6 and 7, market research and audience and circulation measurement both scored near 0. That said, most of the indicators did score reasonably close to the average. The high scoring ones were Indicators 2 and 5, media receive revenue from multiple sources and private media do not receive government subsidies; neither of these scored higher than 2, however.

Concerning this objective, the main issue under scrutiny is the following: does the economic sustainability of the media allow journalists to protect their independence? The answer to this question is generally negative. The media companies in DRC are not sustainable for essential reasons such as the unfavorable economic environment and a managerial skills deficit.

Most media managers look at their company as if it were personal or family property. On this point, the panelists pointed at the law that left the door open for just anyone who wanted to become a media owner to do so without meeting the requirements for setting up a company: set capital placed in a bank account, a known office, and personnel, etc. Panelists felt that those who wish to set up a company in the media sector should have the means to do it properly and seriously, so as to avoid forcing media professionals to work without a contract and often without even a salary.

Law No. 96/002 passed on June 22, 1996 stipulates that the state must grant direct subsidies to the media as well as indirect aid such as preferential prices (taxes, airfares, communications, hotels, etc.). But since 1996 these provisions have never been applied. In 1998, late-president Kabila granted $1 million to a media owners group. These funds were managed with a lack of transparency that generated severe splits among the media, the consequences of which can be felt to this day. Known as the Media Solidarity and Promotion Fund, a short-lived company specifically created for this purpose, this operation transformed its beneficiaries into unconditional eulogists for their benefactor, the former head of state.

The panelists admitted that some media managers or owners receive illicit financing from politicians or businessmen. Panelists felt the two go perfectly well together, as being part of a political family gives one the apparent right to expect the sponsorship of advertisers. In reality, in DRC there are two main types of media financing: political sponsorship and advertising.

An advertising market exists, but lacks organization. Placide Makashi, who works in advertising, said that "the advertising market is expanding," but "only the broadcast media benefit from it and not the printed press because of low print runs and the bad printing quality." Donat M'Baya believed that "in a depressed economy where many sectors are run by monopoly, advertising is not distributed according to professional criteria but becomes an occult means of financing for some media that are close to some political currents." M'Baya added the example of a Kinois daily newspaper that has been continually printing an advertisement from a large cellular telephone company since its first issue. "Daily newspapers such as *Le Potentiel* do not have this privilege. This means that support is dictated by other, not very apolitical, considerations," M'Baya concluded.

Placide Makashi, who works in advertising, said that "the advertising market is expanding," but "only the broadcast media benefit from it and not the printed press because of low print runs and the bad printing quality."

Research structures in the media are almost non-existent. Media either cannot afford serious research or else owners care only about getting out a political message and not about the preferences of their audience. The existing measurements of audience or circulation size are meant to turn an easy profit from the results of the polls they take. This point is illustrated by Francine Mokoko, who said "One day the head of a Congolese polling institution came into my office asking for $50 to $100 to ensure that my publication appears in a good place in the next poll taken by his institution. I expressed my surprise, but he told me that this was common practice. I sent him off."

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

DRC Objective Score: 2.32

The panelists gave their highest score to Objective 5, showing that the institutions supporting the media and the freedom of the press manifest a healthy level of strength. Most indicators scored close to this average, with the exception of Indicator 3, NGO support of the media, which came out nearly a full point ahead of the average. The lowest was Indicator 7, channels of media distribution, although this was only about a half point lower than the average.

Godefroid Bwiti has this to say: "There are business associations representing the interests of the media owners but their divergent interests prevent them from associating in such an efficient and sustainable way so as to favor media independence and professionalism."

DRC abounds in various trade and professional associations for journalists and press owners. The National Union of the Press in the Congo issues press cards for journalists. Other associations include the Congolese Union of the Women in the Media, Association of Community Radios, and the National Association of Private Broadcast Companies. Godefroid Bwiti has this to say: "There are business associations representing the interests of the media owners but their divergent interests prevent them from associating in such an efficient and sustainable way so as to favor media independence and professionalism." On the same subject, Benoit Kambere was tougher: "The supporting institutions for the media do exist but most of them work for their own interests or for those of their political and financial sponsors, except JED."

According to Isidore Kabongo, "There is one NGO among others that is efficient in protecting journalists, that fights for their freedom of expression and media independence, and that is Journaliste en Danger. It also has correspondents in the provinces. Its actions are taken into account by public authorities. It works well with many other international organizations." Emmanuel Kabongo added: "There are NGOs that protect freedom of expression and JED is their leader. From time to time the public authorities give them a hard time because of the freedom of their tone and investigations are not to their liking."

Other NGOs involved in human rights issues, such as The Voice of the Voiceless and the African Association for Human Rights, work tangentially on media freedom issues and cooperate as necessary with NGOs dedicated to media work, such as JED.

In terms of recruiting media professionals, holding a degree is not a condition for DRC media companies. According to Ben-Clet Kankonde, "Journalism degrees do exist but the low educational quality influences the competence of the young journalists in a negative way." Hence, Kankonde continued, "in-house training is essential."

Training levels have decreased in recent years and there are not many opportunities for journalists who do want to retrain. There are training opportunities organized and financed by international donors that try to help journalists as much as possible. But media managers will not spend money to train their personnel. When journalists do receive the opportunity of training, some will not hesitate to leave the company that paid for it and get another job. Therefore, in DRC there is little investment in human resources in the case of media companies.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Pierre Nsana, teacher, Higher Institute for Information and Communication Sciences, Kinshasa

Donat M'Baya Tshimanga, chairman, Journaliste en Danger, Kinshasa

Pierre Sosthène Kambidi, director, Radio Zenith FM, Tshikapa

Clarisse Kisanga, journalist, Katanga Women in the Media Association, Lubumbashi

Francine Mokoko, editor, *Le Révélateur* Newspaper, Kinshasa

Bernard Munsoko wa Bombe, executive secretary, Congolese Media Monitor, Kinshasa

Justin Mobomi, expert, Gand-Lac Conference, Kinshasa

Bertin Tumba, lawyer, Journaliste en Danger, Kinshasa

Placide Makashi Matata, media director, FCB Advertising Agency, Kinshasa

Godefroid Bwiti, director, Inter Média Congo Agency, Kinshasa

Edouard Mukendi Kalambayi, lawyer, Kinshasa Bar Association, Kinshasa

Ben-Clet Kankonde, managing editor, *Le Potentiel* Newspaper, Kinshasa

Isidore Kabongo, director, RTNC, Kinshasa

Benoit Kambere, journalists, *Renaitre* Catholic Magazine, Kinshasa

Emmanuel Kabongo, media expert, CTB, Kinshasa

Moderator

Tshivis Tshivuadi, secretary general, Journaliste en Danger, Kinshasa

The Democratic Republic of Congo study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa.

The panelists identified the following as challenges limiting the Congolese media's ability to fulfill its role to strengthen democracy: regulation and self-regulation; continuous and permanent training of journalists; the reinforcement of operational capabilities of unions; and the increase of economic sustainability of media companies.

REPUBLIC OF CONGO

OVERALL SCORE: **1.41**

REPUBLIC OF CONGO

"The African Tom-Tom has died out." It was in these terms that journalists announced to their peers the sudden death, on June 26, 2007, of one of Congo's greatest journalists. Joseph Gouala had been for many years the Agence France-Presse correspondent, and he had also founded the Brazzaville newspaper *Tam-tam d'Afrique.* This journalist left behind the image of a great professional, always very critical of African policies that send countries into chaos; Republic of Congo (Congo-Brazzaville) has endured its share of such policies.

Congo-Brazzaville gained its independence in 1960 and was ruled by a one-party regime between 1963 and 1991. Successive civil wars ravaged the country in 1990 and 1997, partly because of hatred and rivalry between political-party leaders. The last civil war ended with General Sassou Nguesso's victory over the coalition of his main competitors, President Pascal Lissouba and Prime Minister Bernard Kolelas. Nguesso then legitimized his power by being elected president in elections that excluded these two key would-be opponents.

In June 2007, the country was seized by political fever as 1,237 candidates vied for 137 seats in the first-round elections for the National Assembly. The opposition and a few scattered voices within the majority protested against the early date of the election, denounced its poor organization, cast doubt on the reliability of the candidate lists, and questioned the independence of the Electoral Commission. Some 40 parties and associations asked for a boycott of the elections, but, in the end, the main opposition parties did not withdraw. Further, second-round elections were in fact deferred from late July to early August.

The Congolese Labor Party, the president's party, and its allies ended up keeping their absolute majority in the assembly. For many observers of the Congolese political scene, these elections represented a disaster: international observers reported many problems with voter cards, voter registration rolls, and operation of polling stations.

Panelists unanimously felt that an independent and professional press is a *sine qua non* of a pluralist democracy. They identified the following as challenges limiting the Congolese media's ability to fulfill its role to strengthen democracy: regulation and self-regulation; continuous and permanent training of journalists; the reinforcement of operational capabilities of unions; and the increase of economic sustainability of media companies. Their scores reflect an unsustainable, mixed system. Only Objective 3, plurality of news, scored above a 2. Objectives 1 and 5, freedom of speech and supporting institutions, scored halfway between 1 and 2. Objectives 2 and 4, professional journalism and business management, showed the greatest need for improvement, coming in at 0.70 and 0.87, respectively.

REPUBLIC OF CONGO AT A GLANCE

GENERAL

> **Population:** 3,800,610 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Brazzaville

> **Ethnic groups (% of population):** Kongo 48%, Sangha 20%, M'Bochi 12%, Teke 17%, Europeans and other 3% (*CIA World Factbook*)

> **Religions (% of population):** Christian 50%, animist 48%, Muslim 2% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Lingala and Monokutuba, local languages and dialects (of which Kikongo is the most widespread) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $3.806 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $940 (World Bank Development Indicators, 2007)

> **Literacy rate:** 83.8% (male 89.6%, female 78.4%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Denis Sassou-Nguesso (since October 25, 1997)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 1 daily newspaper (*Dépêches de Brazzaville*), 40 private newspapers, 10 weekly magazines; Radio: 18 stations, including Radio Liberté; Television stations: 10 channels

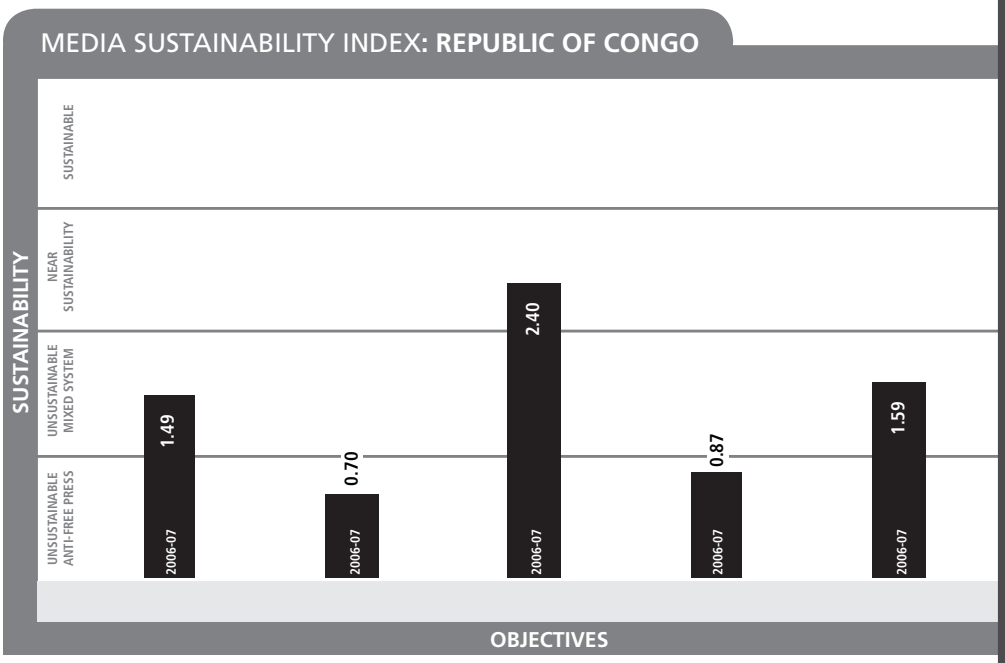
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Congolese News Agency (CNA) (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 70,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Republic of Congo Objective Score: 1.49

While a couple of the indicators in this objective fared relatively well, only a handful ended up near the overall average, and four had very low scores. On the high side, panelists awarded a score just above 3 to Indicator 6, which covers libel laws. Indicator 9, entry to the journalism profession, scored nearly as well. On the low side, Indicators 2, 3, 5, and 7, which consider licensing, market entry and tax structure, state media receiving preferential treatment, and access to information, all scored nearly a full point or more below the average.

Since the beginning of the country's democratization process in 1991, all fundamental legal texts of Congo-Brazzaville—the Fundamental Act of Transition, the 1992 constitution, the Fundamental Act for a Flexible Transition (1997-2002), and the current (2002) constitution—reaffirm the principle of freedom of expression and freedom of the press.

In reality, however, Congolese authorities have adopted specific press laws that establish boundaries on the exercise of press freedom, such as laws affecting licensing. Panel participants felt there is a lack of political will to put into practice freedom of the press. This lack of political will is echoed by the underlying absence of any kind of pressure from unions and professional media organizations to force the government to respect freedom of expression and freedom of the press.

For example, Law No. 8-2001, passed on November 12, 2001, regarding freedom of information and communication, loosened the stranglehold on freedom of the press by ending prison sentences for journalists accused of press offenses, but it still lacks decrees and orders to implement several articles. In regulating the private sector, there is a labor code but no collective or institutional agreements as yet. Panelists felt that the Congolese press still needs to work on the legal and institutional environment in order to better protect its journalists.

Participants also included as a legal shortcoming the formation, in 2003, of the 11-member Higher Council for Freedom of Communication (HCFC). This constitutionally mandated regulatory institution is not yet functional: it has never granted an operating license to a radio or television station in Congo-Brazzaville.

Edouard Adzotsa, an independent journalist, says that there are 18 radio stations and 14 television channels in Congo-Brazzaville but that they all function unofficially, if not illegally, since they have no operating licenses. However, in a meeting held in May 2007 with the directors of private radio and television stations, the chairman of the HCFC gave "a three-month grace period, from June 8 to September 8, 2007, to the managers of radio and television stations in the departments of Pointe-Noire and Kouilou to allow them to regularize their situation with respect to anarchic frequency usage, which is a criminal offense." Despite the obvious need to regulate broadcast frequencies, directors of the private stations took this decision as a way for the government to control the media. The problem lies in the relatively high costs of frequency allocation: CFAF 7,900,000 ($15,000) for radio stations and CFAF 1,700,000 ($3,500) for television stations.

The cost of registering a media outlet—as well as the fines paid for noncompliance—can be exorbitant for media lacking income or reserves. Such costs are between CFAF 100,000 and CFAF 3,000,000 ($200 and $6,000). However, in Congo-Brazzaville there is no law, decree, or order subjecting the public or private media to the value-added tax system. Further, the market is free, and competition is fierce, even merciless. Newspapers and radio and television stations are not required to submit their balance sheets or accounts information to authorities.

Physical attacks on media workers are rare; however, journalists are the object of incessant blackmail or threats of suspension of their accreditation every time they freely address controversial topics such as water and electricity issues, the armed opposition, or the management of oil incomes. This applies to representatives of the foreign media as well those who are mostly Congolese nationals.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Bilala Erica Yvette, a journalist for Télé Pour Tous, a private channel based in Pointe Noire, the country's economic capital and second-largest city, denounced the fact that the HCFC privileges the state-owned media to the detriment of the private media. "A few weeks ago, the chairman of the HCFC, Jacques Banangandzala, sat down in a working session with the knights of the pen and microphone going over the guidelines that private and state media had to follow during the 2007 legislative elections. In his speech, he said that special shows involving electoral platforms and conflicting debates would only be broadcast live by the state media."

The greatest achievement in terms of legal protection for journalists in Congo-Brazzaville is the elimination of prison sentences for journalists who commit press offenses, with the exception of a second offense of libel against the president. This law is known as the Ibovi Law, named for the former minister of information, and Congo-Brazzaville was one of the first African countries to decriminalize libel and other media-related breaches of the law. Defamation is punished only by fines and compensatory damages. However, the participants pointed out that press offenses are rare in Congo-Brazzaville due to the political and administrative pressure affecting journalists working in both the public and the private sector.

According to Bernard Mackiza, one of the veterans of the Congolese press and chairman of the Congolese Media Monitor (CMM), "The most important issue [facing the media] is the journalists' access to news sources. The administration excels in keeping information. Under these circumstances, how can journalists be expected to provide reliable news?" It often happens, another participant added, that foreign journalists have access to news sources more easily than locals. Participants explained this phenomenon by saying that the ranks of the profession are swollen by young people who improvise being journalists and do not know all the mechanisms of news-gathering and research.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Republic of Congo Objective Score: 0.70

This objective received the lowest score from panelists, and all indicators earned similarly low scores. The only one to receive a score noticeably above the average was Indicator 2, journalists follow ethical standards, which came in about double the overall average.

The professionalism of Congolese journalists leaves a lot to be desired. All the panel participants admitted and regretted this situation. The Congolese Press Code, issued by the Information and Communication Convention held in Brazzaville in 1992 and entitled "The Information and Communication Professional Charter," details the rights and duties of journalists, particularly the obligation to abide by the truth and objectivity when processing information.

The CMM, a self-regulatory body, is charged with enforcing the Code. However, balanced, objective, and well-documented reports still belong in the realms of imagination. Panelists gave a number of reasons for the low level of professionalism of Congolese journalists. One was a lack of prior training in gathering, processing, and distributing news. Another is general poverty: journalists' salaries vary between CFAF 10,000 and CFAF 20,000 ($20 and $40) per month. One panelist added that "in order to practice virtue one needs a minimum amount of means." Exacerbating low salaries is the fact that, despite existing laws, press owners do not follow the labor code and there is no collective-bargaining agreement for journalists.

Mackiza, chairman of the CMM, stated: "The distinguishing characteristic of the Congolese press is that it is practiced by journalists who do not abide by the standards of the profession. Ethics and deontology preoccupy neither employers nor journalists. Many practice self-censorship for fear that they might lose their sponsor or job."

Not all is completely bleak. In June 2007, the chairman of the HCFC, Banangandzala, called a meeting with journalists and other media professionals to praise them for a job well done during the electoral campaign. Banangandzala said that the media, particularly broadcasters, observed—despite financial and equipment problems—the guidelines of the HCFC on

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

equitable coverage of political parties. He encouraged them to rebuild the profession.

Censorship is not officially enforced, but journalists prefer to cover the activities of politicians, ministers, or company managers. This kind of news is more "profitable" for them and allows them to supplement their low incomes. "We practice rent-paying journalism to earn a living," confessed Donguia Messan, journalist with the Ouesso-based Radio Benie. Panelists echoed this sentiment and used the 2007 elections as an example. "This electoral campaign is a windfall for journalists. They have the opportunity to make some money by hanging on to different candidates, since Congolese journalists and the media employing them are in a state of deep poverty," one panelist declared.

Media keep quiet on issues such as good governance, corruption, the use of oil income, and others. For example, in recent years hundreds of refugees returned home from the neighboring Democratic Republic of Congo (DRC) and disappeared immediately upon their arrival in Beach, the main port of Brazzaville. The case quickly received international attention and became known as the "beach disappearance affair." But this issue is taboo in the national media.

"Members of Parliament or ministers sometimes create their own media outlets that they use as a vehicle for personal promotion and not intended to be true media companies," Adzotsa said. Since some media are directly or indirectly owned by people with political ties, or politicians themselves, they control the news so as not to upset the regime. The result is a lack of freedom for journalists. Media are private and essentially official at the same time.

While many key events are covered, in some cases journalists are prevented from doing so by the government. One of the participants, Moussa Ewangoy, a lawyer, reported that "in the case of big lawsuits, such as the one generated by the financial scandal involving the Congolese Sinking Fund, local journalists were not able to cover the debates normally because many of them were thrown out by the president of the court because they did not have authorization to cover the session from the public prosecutor's office or the president of the court."

Panelists said that media outlets lack appropriately modern equipment to produce quality broadcasts. "All working equipment was stolen or ravaged during the many civil wars (1993-1994, 1997-1999, and 2002), and the authorities refuse to invest further in the media," said Adzotsa. "*La Nouvelle République,* a 16-page state-owned newspaper, has only two computers, but not a printer or a photocopier. Hence, it is an irregular publication replete with mistakes and typo-filled articles," reported Kouamba Matondo Annette, who has worked for the newspaper for several years. "Further, incessant electricity cuts and other technical breakdowns" hamper operations, he said.

Broadcast media spend most of their airtime broadcasting music or foreign films. Newscasts that are aired (typically limited to morning, noon, and evening) are often unoriginal.

OBJECTIVE 3: PLURALITY OF NEWS

Republic of Congo Objective Score: 2.40

The comparatively high score in Objective 3 is the result of high scores in Indicators 2, 6, and 7, which cover citizens' access to news, transparency of media ownership, and representation of social and minority interests in the media. However, 1, 3, and 4 kept the average from being higher. These indicators, covering plurality of news sources, state media's reflecting the views of the political spectrum, and news agencies, all scored about a point or more below the average.

Radio Liberté, the first private radio station in Congo-Brazzaville, first aired during the 1997 war. Since 2001, the media landscape includes 18 radio stations, 10 television channels, 40 private newspapers, 12 of which appear regularly in Brazzaville, 10 weekly magazines, and several newspapers appearing irregularly in Brazzaville. Only one of the newspapers appears daily, *Les Dépêches de Brazzaville*. Community and local radio is still weak, as rural radio stations were damaged by the wars of the past decades, thus taking away the most precious source of news from the rural population: the radio.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

While there are several local news sources, almost all of them provide the same news and reflect the political opinions of their owners. Panelists found that overall there is not a significant difference in newscasts aired by broadcasters. Those who have the means buy satellite dishes and watch foreign channels. Viewers in Brazzaville are able to access a significant number of foreign channels through satellite. Radio stations such as the BBC, VOA, and RFI are broadcast in FM. Foreign newspapers are openly sold in Brazzaville, but they cost CFAF 1,500 ($3), which makes them unaffordable for most Congolese.

Overall, panelists said that there are no legal or technical barriers to access the media of one's choice. Radio, television, periodicals, and the Internet are all available. There are, of course, financial barriers for those lacking the means to access some media, particularly satellite channels, foreign press, or the Internet. Access to all media in rural areas is worse than in urban areas.

There is only one press agency in Congo-Brazzaville, the state-owned Congolese News Agency (CNA). Despite the professionalism of its journalists, panelists said that the CNA has fallen into a state of deep lethargy in recent years and no longer has the necessary equipment to properly distribute news to press outlets.

Radio, television, and newspaper ownership is transparent in Congo-Brazzaville. According to the panelists, of the 10 private radio stations and eight television channels in Brazzaville, Pointe Noire, and Dolisie, almost all of them belong to politicians from the ruling party. All the radio stations in the inland territories are owned by ministers or deputies as well.

Broadcasters use two national languages: Lingala and Kituba. Given the low literacy rate, broadcasts in these languages are the only source of news for most people.

OBJECTIVE 4: BUSINESS MANAGEMENT

Republic of Congo Objective Score: 0.87

Panelists rated all indicators poorly, with the exception of Indicator 5, subsidies for private media. They were unanimous in saying that there is no media company worthy of this name in Congo-Brazzaville. There are only small personal or family enterprises controlled by politicians or journalist-owners. In addition, all the existing—public as well as private—media organizations are characterized by their precariousness due to the difficult economic environment and, even more, to a blatant lack of proper management. There are no sales or marketing representatives and no market research showing the needs of the readers or audience. Also, ratings and circulation are not measured by any press-monitoring bodies, and no press distribution services exist.

Politicians establish and/or finance private media in the place of real businessmen who are reluctant to invest in an unprofitable sector. Therefore, "these politicians who are also media owners do not chiefly seek to render their 'companies' profitable, but to make a name for themselves in the press," one participant pointed out. The private press companies are managed just like any "family shop," with no seed capital and no annual balance sheet. Any owner can and will sacrifice scheduled content or show times in exchange for commercials or a paid insertion in a newspaper.

Newspaper print runs are low, and large numbers of copies remain unsold. No newspaper prints even 2,000 copies. The Bacongo-based Auguste printing house works with obsolete equipment. The St. Paul printing house is old. The printing house of *Dépêches de Brazzaville*, in service since May 2007, functions more or less in accordance with modern standards. All these printing houses are privately owned.

Theoretically, the state media live on state budget allocations and subsidies. However, the budgets allocated to the state media have become considerably thinner since 1998. The main income source for media outlets is advertising. But advertising is placed at the advertiser's discretion according to nontransparent and/or political criteria and is not based on the market performance or ratings of the media outlet in question. Cellular telephone companies are the chief advertisers in the public and private media. "They set the prices and the airing times themselves. You can take it or

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

leave it," one panelist said. Some media have advertising contracts with airlines and pubs.

In 2001, the private media had received a CFAF 300 million grant from the state, which in the end was badly managed and distributed. Direct and indirect support for the media is specified in Law No. 08-2001 concerning freedom of communication in Congo-Brazzaville, but in fact none of these advantages are granted to the media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Republic of Congo Objective Score: 1.59

All indicators in this objective scored close to the average, with Indicator 7, channels of media distribution, scoring the highest.

There are two associations for press publishers in Congo-Brazzaville: the Association for Press Publishers in the Congo and the Congolese Journalist and Press Publishers Association. The CMM, mentioned above, is charged with overseeing adherence to the Press Code. Not all the associations are fully operational, but rather undertake activities sporadically. Broadcast owners do not have an association, though panelists said this is needed.

There are approximately 12 professional associations in the Congo, but they do not function properly. There is a journalist union, however.

While no NGO is exclusively dedicated to freedom of expression or freedom of the press, organizations supporting the protection of human rights, such as the Congolese Human Rights Monitor, protest against certain restrictions imposed on these freedoms.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Training for journalists is provided by the School of Letters and Human Sciences and the Department of Communication Sciences and Techniques at the Marien Ngouabi University in Brazzaville. Some professionals are trained at the National Secondary School of Administration's Department of Journalism. Panelists felt that graduates of these institutions need to improve their professional skills, particularly connecting the theory of journalism to the practice of it. Further training should also include using the newest and most modern technological equipment and techniques. Created in 1998, the Training and Improvement Center for Information and Communication Personnel is not yet functional.

Printing companies in the private sector are free from state interference. They do not discriminate against any media. Kiosks, transmitters, and the Internet are apolitical and unlimited. Radio transmitters are controlled by the government through the Frequency and Transmitter Management Commission of the Post and Telecommunication Ministry.

List of Panel Participants

Bernard Mackiza, chairman, Congolese Media Monitor, Brazzaville

Péa Annie Itoua, journalist, Congolese News Agency, Brazzaville

Bernadette Ingana, journalist, Digital Radio Television (DRTV), Brazzaville

Fulbert Nsenda, station manager, Radio Rurale, Brazzaville

Matondo Annette Kouamba, journalist, *Nouvelle République*, Brazzaville

Jean Fernand Kihoulou, journalist, *La Rue Meurt*, Brazzaville

Maître Modeste Moussa, lawyer, Brazzaville Bar Association, Brazzaville

Eugène Gampaka, journalist, *Tam-Tam d'Afrique*, Brazzaville

Evariste Donguia Messan, journalist, Radio Bénie, Ouesso

Rosalie Tsemiabeka, journalist, Radio Congo, Brazzaville

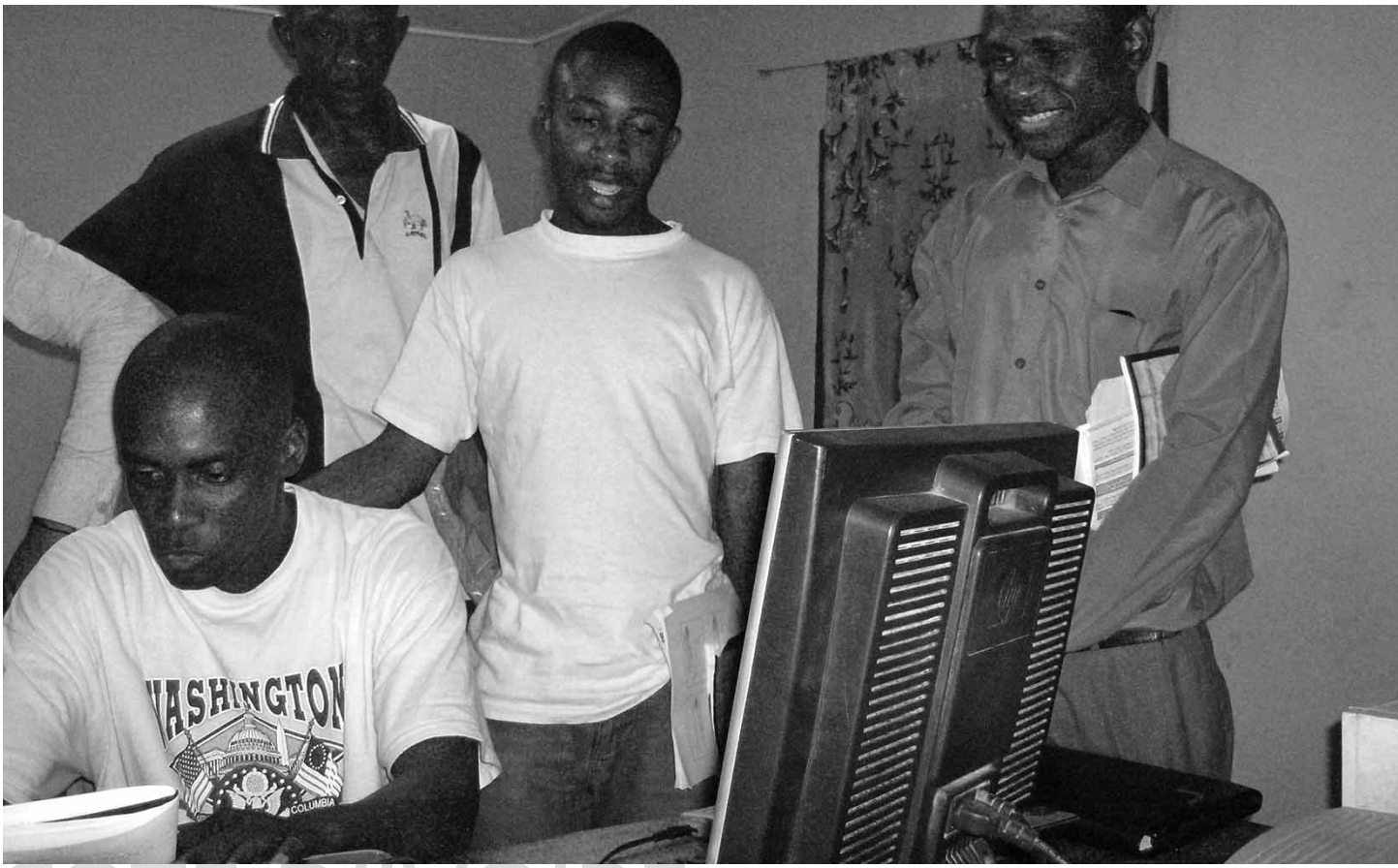
Erica Yvette Bilala, journalist, *Télé Pour Tous*, Pointe Noire

Moderator

Edouard Adzotsa, independent journalist, ICP Training Centre, Brazzaville

The Republic of Congo study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

Freedom of expression—and by extension freedom of the press—is guaranteed in the fundamental laws and legislation relating to the press and broadcasting. Prior to his election, the president had promised that prison sentences for press offenses would be eliminated, and this was formalized in a law passed in 2004. Nevertheless, given the on-going socio-political crisis in Côte d'Ivoire, journalists still encounter significant obstacles.



CÔTE D'IVOIRE

OVERALL SCORE: **2.21**

The development of the media in Côte d'Ivoire began largely after the return to a multi-party system in 1990. The immediate aftermath of this political development was the proliferation of publications staffed mainly by young academics with no real professional journalism credentials.

After the crisis of 1999-2002, which led to the partition of the country, political parties (and factions within the parties) sought to use the media to communicate their platforms and raise public awareness. As a result, the number of media outlets grew even more dramatically. As of 2001, the commission handling the processing of identity cards for professional journalists had issued 463 of them. This number is surely much higher now, given that Côte d'Ivoire, as of 2006, had 22 daily papers, 44 weeklies, 14 monthlies and eight others.

In December 2004, new and much more liberal laws concerning the press and broadcast communication were adopted. However, the decrees specifying how these texts should be enforced were not published until three years later. To-date, the press development fund stipulated by law has not been established, and freedom of operations in broadcast communications is still partial. Despite the boom of private and local radio stations, there are still no private television stations in the country.

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Most media outlets are managed by journalists with little management training. Media outlets also face significant financial challenges due to the overall poor economic situation in the country. Despite the various difficulties, the press in Côte d'Ivoire has built a strong professional network, with unions and associations for journalists, publishers, and editors all dedicated to the professionalization of the sector.

Two independent regulatory administrative bodies, the National Council of the Press (NCP) and the National Council for Broadcast Communication (NBC), work alongside the professional organizations to improve the media sector.

All of the objectives scored relatively close to the overall average of 2.21. Panelists scored Objective 2, professional journalism, the lowest at 1.71, the only objective to not exceed a score of 2. Objective 5, supporting institutions, scored a 2.52 thanks to the long tradition and activity of professional and trade associations. While these scores are not bad overall, panelists highlighted a number of areas that require attention, such as passage of, and respect for, implementing regulations, in order to be solidified. Given Côte d'Ivoire's recent history, the gains highlighted below are indeed fragile.

CÔTE D'IVOIRE AT A GLANCE

GENERAL

> **Population:** 18,373,060 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Yamoussoukro

> **Ethnic groups (% of population):** Akan 42.1%, Voltaiques or Gur 17.6%, Northern Mandes 16.5%, Krous 11%, Southern Mandes 10%, other 2.8% (1998 est., *CIA World Factbook*)

> **Religions (% of population):** Muslim 35-40%, indigenous 25-40%, Christian 20-30% (2001 est., *CIA World Factbook*)

> **Languages (% of population):** French (official), 60 native dialects with Dioula the most widely spoken (*CIA World Factbook*)

> **GNI (2006-Atlas):** $16.58 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,580 (World Bank Development Indicators, 2007)

> **Literacy rate:** 50.9% (male 57.9%, female 46.3%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Laurent Gbagbo (since October 26, 2000)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 22 daily newspapers, 58 others, 8 periodicals; Radio: N/A; Television stations: N/A (Source: National Council of the Press)

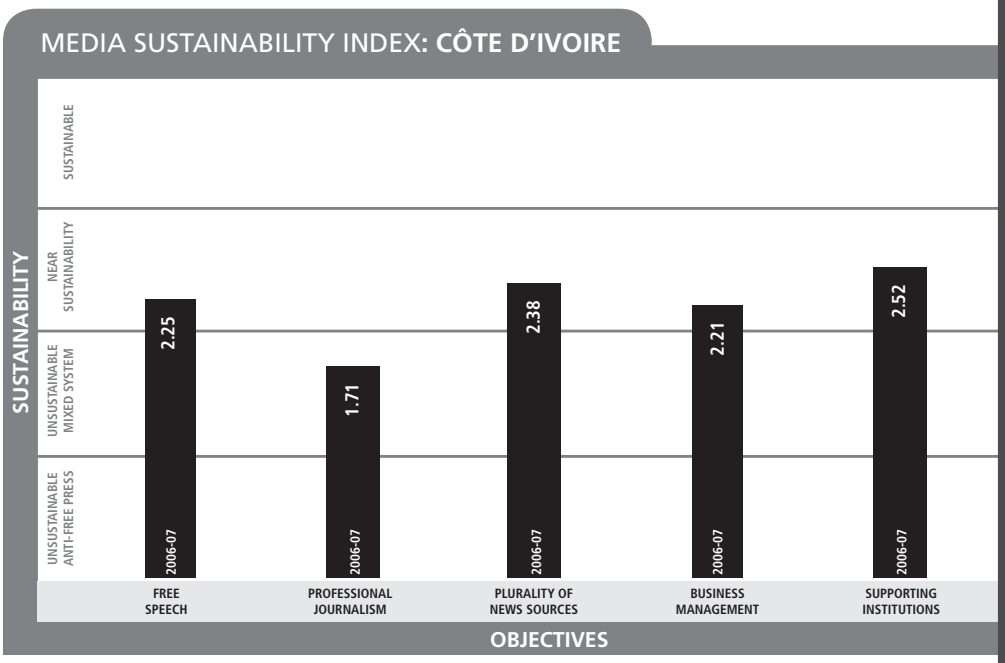
> **Newspaper circulation statistics:** Top three by circulation: *Fraternité Matin* (6,824,333 2006 circulation in 2006), *Soir Info* (4,904,498 circulation in 2006), *Le Nouveau Réveil* (3,733,010 circulation in 2006)

> **Broadcast ratings:** N/A

> **News agencies:** Ivorian Press Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 300,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Côte d'Ivoire Objective Score: 2.25

Many indicators in this objective were spread out around the average. Panelists gave good marks to Indicators 3, 8, and 9, market entry, media access to international news sources, and ability to enter the journalism profession freely. However, Indicators 4 and 5, crimes against journalists and preferential legal treatment for state media, were the lowest scoring of the laggards.

All the panelists agreed that Côte d'Ivoire has the legal foundation to guarantee freedom of expression. Three articles are dedicated to this basic right in the Ivorian Constitution of 2000. In Article 9, the Constitution stipulates that "The freedom of thought and expression, particularly the freedom of conscience, religious, or philosophical opinion are guaranteed for all on condition that the law, the rights of others, national security, and the public order are observed." While forbidding any kind of propaganda seeking either to promote the superiority of any one ethnic or other group or to encourage racial or religious hatred, Article 10 states that "everyone has the right to express and distribute their ideas freely."

Law no. 2004-643, concerning the legal status of the press, states in Article 1 that "the publication of any newspaper or periodical is allowed." This law further stipulates in Article 68, that "press offenses will not be punished by prison sentences." However, journalists and media can be held liable through fines for any violation of law and order, crimes against persons and goods, including heads of state and foreign diplomats, fines on banned publications, and any offense against institutions and their members. Fines are steep for those found guilty of such offenses. For example, an "offense against the president of the republic (Article 74) by a defamatory allegation about his/her public as well as private life that might affect his/her dignity" is penalized by a CFAF 10,000,000 to CFAF 20,000,000 fine.

Law no. 204-644 also passed, concerning broadcast communication, states that "broadcast communication is free," subject to certain restrictions. These restrictions include breaches of national security, state secrets and national defense; the violation of human dignity or of the freedom and property of others, or of the pluralist expression of thoughts and opinions; disturbance of law and order; threatening the national union and territorial integrity, and; interfering with public service. These restrictions leave the law open to wide interpretation and may be used to the government's advantage in times of political adversity.

According to the president of the Côte d'Ivoire Federation of Consumer Organizations, Marius Comoé Brou, "freedom of expression is a reality in Côte d'Ivoire: there are no journalists in prison, news is addressed in multiple ways nowadays. As long as a story addresses both sides, we can't really say that the freedom of expression is threatened. But I should tone down this statement because the regulatory institutions in the media are not yet operational."

Dan Moussa, managing editor of the daily *Fraternité Matin* and international vice-president of the Francophone Press, pointed out that "in the last two years remarkable progress has been made in the area of the freedom of expression and the press. There is still much to be done in terms of their enforcement; things are moving slowly and there are many useless hassles to deal with."

While admitting that the existing legislation guarantees the freedom to gather, report, and distribute news, Abdoulaye Sangaré, director of the West Media Group, manager of the daily *24 Heures*, and president of the board of directors of the Newspaper Publishers Association of Côte d'Ivoire (GEPCI), deplored the politicians' intrusions in the media sector and pointed out that "the current socio-political context acts as a brake on the freedom of expression. Media outlets and journalists have often been threatened and even attacked."

Journalists' everyday work is far from being easy despite repeated statements that the freedom of expression is guaranteed. All the panelists acknowledged the difficulty that journalists sometimes encounter in terms of the access to public news. Franck Anderson Kouassi, secretary-general NBC, said that "access to public information is free in principle, but there are obstacles due to the reluctance of public, or even private, employees, who are afraid of potential reprisals from their superiors." Sangaré stated that public news, particularly statistics and data on public finances and oil, coffee, and cocoa receipts, is sometimes hard to get. Some journalists are even banned from entering some government buildings, particularly the presidential office.

According to Francis Domo, a journalist with the NCP, the problem of access to news sources is not universal; foreign journalists seem to have greater access than local journalists. "The NCP," he specified, "receives complaints regarding the difficulties that domestic journalists encounter when they try to obtain news; this is not the case with foreign journalists."

While legal protection and freedom of expression are guaranteed by law, political considerations often impede their actual enforcement. Journalists continue to defend this right every day with the help of professional organizations and human rights associations. Valérie Yao Blé, a magistrate and member of the Ivorian Human Rights League, remarked

Nevertheless, as Yao Blé described, "violators or other offenders of freedom of the press usually go unpunished, as investigations are never followed through. The population is rather passive, even partisan: they don't react as they should against attacks on journalists, which are barely made public by the media."

that "the judiciary is strongly influenced when it comes to handling issues such as the freedom of expression."

When the broadcast spectrum was liberalized, community and local radio stations proliferated. There are now almost 100 radio stations in the country, though only two of these are commercial private stations. In Côte d'Ivoire, community radio stations are the most effective means of informing the public. As yet there is no officially licensed private television station. In the ex-rebel controlled northern territory, a private station, TV Notre Patrie, is operational.

The panelists agreed that the conditions for granting operational licenses for broadcast communication follow equitable rules for all the interested parties, even though some of them point out that NBC, the licensing body, is public and its members are appointed by the government. On this matter, Anderson pointed out that the law concerning the legal status of broadcast media clearly states the licensing procedure. Private television and radio stations are to be licensed by tender. At this point not all the sections of the law are applicable, because none of the decrees enabling implementation are complete, and thus the broadcast spectrum is not completely open.

For local radio stations, the licensing process calls for applications to be submitted and reviewed prior to a license being granted. Priority is given to local government entities as well as to NGOs and other private organizations. The licensing process has gone smoothly so far, although local stations are not allowed to address political subjects. Furthermore, the government owns and controls all transmitters and re-transmitters.

All print media companies are subject to the same conditions in terms of market access. Licensed commercial private radio operators must pay an annual fee.

In the recent past, threats against journalists and their work were everyday occurrences, but today the situation has improved. Nevertheless, as Yao Blé described, "violators or other offenders of freedom of the press usually go unpunished, as investigations are never followed through. The population is rather passive, even partisan: they don't react as they should against attacks on journalists, which are barely made public by the media." During the debate on this matter, the panelists recalled events such as the 2003 assassination of RFI correspondent Jean Hélène in front of the National Security Department's office in Abidjan, and the 2004 disappearance of Guy André Kieffer. While Jean Hélène's murderer, a police agent, was sentenced to 17 years in prison, the investigation into Kieffer's disappearance has stalled.

There is no special legal provision regarding the protection of journalists. Gérard Dogbemin, president of the young lawyers' association, said that if a violent act is committed against the media the only available protection is the same as for any citizen. He posed the question, "could the state act differently when the victim is a journalist since this is a field so crucial to democracy?" The panelists agreed that the criminal acts committed against journalists do not receive the exposure they deserve.

It is clear that the public media, represented by Radiodiffusion Télévision Ivoirienne (RTI) with two national television channels and two national radio stations, plus the pro-government daily newspaper *Fraternité Matin* and the Ivorian Press Agency, enjoy preferential treatment both in financial terms and access to sources of public information. Charles Sanga, editor-in-chief of *Le Patriote*, pointed out that "this is not a legal debate, but it is about how journalists

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

address the news and how independent the journalists working for the public media are with respect to the state." The public media managers are appointed by the government and they believe they have to obey high government officials without question.

The problem of public media independence is a complicated one, one which gave way to a long debate amongst the panelists. Pointing out that the regulatory authority must work hard to guarantee the independence of the public media in their role as a public service, Franck Kouassi with NBC said, "This is the principle, but can the regulatory authority oppose a minister's order, the president's or the prime-minister's orders as long as this regulatory authority itself is a member of the state, answering in turn to a higher authority? These are the questions we must face and to which we cannot answer, without running the risk of misleading ourselves that the public media are independent."

Sangaré said that "in Africa, the government takes over the public media and uses them as instruments of influence and propaganda to their sole benefit. But everyone—the taxpayers, the NGOs—must be able to use the media as public services, as instruments of influence." This is an opinion shared by all the panelists. Anderson added, "We must admit that the public media—wherever they may be—obeys the executive power. This is real life; it's what we see in practice. Now it all depends on the strength of the managers of these media outlets. We should also keep in mind that whoever wishes to set up a media company establishes guidelines for their employees follow."

Anyone can be a journalist in Côte d'Ivoire, although accreditation may be necessary to cover certain events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Côte d'Ivoire Objective Score: 1.71

Most indicators in this objective scored close to the average. The two outliers were Indicator 4, journalists cover key events, on the high side and Indicator 5, pay levels for journalists, which finished much lower than the average.

Two instruments can be used nationally to evaluate journalists' work in terms of professional quality. One is the Deontology Code adopted in 1992 and the other is the reading and listening scale set up by the Observatory of Freedom of the Press, Ethics and the Deontology (OLPED). OLPED, a self-regulatory body, has a triple mission: 1) protecting the public's right to free, complete, honest, and exact information; 2) maintaining the ethics code among journalists and protecting the freedom of the press, and; 3) mediating between the media and the public. Alfred Dan Moussa, who was also the first president of OLPED pointed out that "the lack of professional training, the low salaries and the attempts of politicians to take over the media alter considerably that which in most cases would have been quality. But there are still journalists, both in the print and broadcast media, who honor their profession." Anderson agreed, adding that, "the shameful salaries constitute a vulnerability factor in the Ivorian Press."

According to Comoé, the legislation is clear that a collective agreement should determine pay rates. "Journalists," he said, "are paid regardless of their qualifications or experience. Can we safely say that journalists who are paid CFAF 60,000 and have families to support will do their job with their minds at rest? It's a fact that in Côte d'Ivoire journalists live from hand to mouth and are often forced to subject their writing to the financial powers that be."

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JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Yao Blé said that "journalists don't always check the information they receive. OLPED slams them for unbalanced news reporting. They are usually disrespectful of the ethical standards that they themselves set. Our monitor's statistics speak for themselves."

to mouth and are often forced to subject their writing to the financial powers that be."

The panelists unanimously agreed with Yao Blé that "journalists expect and even require payment after they've covered an event. They consider that compensation for their published report. It's a form of pressure, I would even say blackmail. This practice is widespread among young journalists." Saly Silué Konaté, a journalist with Radio Côte d'Ivoire added, "It's not too much to say that some journalists earn their salaries by working the field. They even live off of the payments provided by organizers. Fortunately it is not the case of most journalists," she said.

Journalists and media owners do not seem to agree on the role and nature of a collective bargaining agreement. The former would like to have it enforced according to the law, whereas the latter would like to have it modified according to the current state of facts. The media law forces owners to conform to the salary schedule previously established by the collective bargaining agreement. This agreement however, was adopted at a time when there was only one government daily newspaper, *Fraternité Matin*, and it is now in need of revision. Negotiations are on-going between the representatives of the owners, members of the Organization of the Press Publishers of Côte d'Ivoire (OPPCI), and the journalist unions to reach a new agreement.

"Basically," said Sangaré, "it is clear that we agree on the fact that journalists and the rest of the personnel must have decent salaries. But we need to agree on a minimum set of things and we the media owners are committed to doing everything it takes to reach a consensus on a conventional salary scale. The first victims of such an endeavor are the media outlets, because, when they pay journalists half of what they are entitled to, it makes them go out and get the remainder from other places, the quality of their work will be low and hence the company will suffer." He and other panelists also wondered, "From what salary level on up are journalists immune to corruption?" This is a fundamental question in a society where corruption exists at all levels.

Since 2002, many politicians have accused the media of deliberately exacerbating the political tension in the country. In fact, many of the publications in the country are financed or otherwise supported by politicians, who likely control what is reported. Journalists believe they are receiving unfair blame in this situation.

For over ten years OLPED has endeavored weekly to identify errors and professional negligence throughout the media. As a senior member of this organization, Yao Blé said that "journalists don't always check the information they receive. OLPED slams them for unbalanced news reporting. They are usually disrespectful of the ethical standards that they themselves set. Our monitor's statistics speak for themselves." These statistics show that in 2006, OLPED counted over 5,000 breaches of the deontology code throughout the domestic press, including a significant number of incitements to revolt and violence (more than 2,000 cases) followed by insults (more than 1,400). There were over 800 cases of professional errors, such as inaccurate reporting of information.

Training is far from sufficient, according to Sangaré who added that "as a general rule, even with proper training, journalists are prisoners of the socio-political environment, which often leads them to breach professional, ethical, and even deontological standards."

In its 2006 report, the NCP imposed 58 warnings and 105 reprimands. Out of the 22 daily newspapers existing at the time, only six avoided statutory offenses. NCP has yet to suspend a media outlet, while the NBC used this sanction against an international radio station, RFI, for inappropriate news reporting.[1]

Key events affecting the country are generally covered by newspapers, though naturally according to the editorial orientation of each. It does happen, however, that reporting on certain events considered important in principle are withheld for a period of time. Francis Domo pointed out that "political events are given precedence over social news."

While the print media tends to dedicate most of its space to political events, entertainment shows on radio and television largely overshadow news reporting. The new schedule of RTI however, strives to offer more space to talk-shows and debates.

[1] According to a February 2008 press release from the Committee to Protect Journalists (CPJ), panelist and NBC secretary general Franck Kouassi was quoted in an interview with CPJ as saying that RFI was guilty of "several cases of unbalanced information and analysis often out of touch with reality." He also commented that RFI had failed to place a permanent correspondent as promised. A spokesperson for RFI was quoted as saying NBC's penalty was "disproportional" to the cited infraction. Further, she said, security concerns had caused the delay in placing a permanent correspondent. The full text of the press release is available from CPJ: http://www.cpj.org/news/2008/africa/ivory05feb08na.html

The socio-political crisis of Côte d'Ivoire has had a considerable impact on the broadcasting equipment used by RTI. Since September 2002, installations in the ex-rebel-controlled area were seriously damaged, and some completely destroyed. RTI now covers only 60 percent of the national territory.

For all media, lack of equipment means it is often difficult to send more than one crew at a time. Yao Blé pointed out, "Many times journalists are forced to do rushed reports because the same reporting team must cover several events at almost the same time."

Dan Moussa observed that there are "two tendencies at play: there are those who swear by their trade and its rules and those who primarily think about obeying a voice from the outside and receiving their assignments from the political powers rather than from their professional bosses."

OBJECTIVE 3: PLURALITY OF NEWS

Côte d'Ivoire Objective Score: 2.38

With two exceptions, panelists scored all indicators near the average. Indicator 3, state media reflect the views of the political spectrum, came in well below the average, while Indicator 5, private broadcasters produce their own news, finished more than a point ahead of the average.

The panelists recognized that there is a rich diversity of news sources for citizens. For instance, the satellite television network *Canal Horizon* offers a package including major international channels. There is no particular restriction to buying satellite dishes other than the cost, which is, however, too high for the average citizen. Internet access and use has been gradually improving in the country, with both public and private providers working to enroll new subscribers. Cyber-cafés proliferate in all districts of the capital. Internet access is also spreading to the inland territories. This trend has improved citizen access to alternative news sources. The print media finds itself in competition with Internet news sources. In 2006 there were 22 daily newspapers and 44 weeklies fighting over a small readership.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Dan Moussa observed that there are "two tendencies at play: there are those who swear by their trade and its rules and those who primarily think about obeying a voice from the outside and receiving their assignments from the political powers rather than from their professional bosses."

A new type of news consumer has emerged from the economic difficulties caused by the crisis. "Headliners" are those who gather every morning in front of the news kiosks where all the domestic daily papers are displayed, read the front-page headlines, and then extrapolate facts or events based solely on these headlines. "Headliners" are seen as a likely point of origin of many rumors that have permeated the country since the crisis. This illustrates how dangerous the practice is of the print media to use sensationalistic headlines (sometimes having little to do with the underlying article) to sell newspapers.

There are no legal restrictions on access to media, foreign or domestic. However, rural populations have very limited access to media sources outside of the community radio stations, which provide comprehensive coverage throughout the country. Frequent power outages and limited distribution further hamper rural media access. The population living in ex-rebel-controlled areas had no access to the national press for four years. Even before the crisis broke out, the inland territories could not receive newspapers. Radio and television signals primarily reach the capital and larger cities in the inland territories.

Speaking about the public media, Franck Kouassi said "the managers of these media are still very much influenced by the executive power. However, major political parties have access to the public media." The airtime given to political parties is measured by the NBC and the respective statistics

are regularly published. The publication of this monthly barometer undoubtedly influences the journalists' behavior. But apart from their revealing effect, the data deserves to become a useful tool to raise public awareness.

In its heyday, the Ivorian Press Agency was the main source of domestic and international news. However, things have changed since then particularly with the advent of new information technology. This agency, covering the national territory thanks to its regional antennas, has not kept pace with new technology. The competition, the correspondents of various daily newspapers and RTI, are now a better source of news. Before the Internet became so widespread, international news was the exclusive domain of international press agencies such as AFP, Reuters, PANA, New China, etc. Now journalists often find international news by surfing the Internet.

Article 16 of Law No. 2004-643, concerning the legal status of the press, requires managing editors to provide information concerning shareholders, including the number of shares owned by each. This information is to be published once a year, during the first trimester of the year. Currently none of the Ivorian media outlets observe this requirement.

On this matter, Yao Blé said, "I don't think that media owners like to dwell on issues concerning the origins of money." Francis Domo with the NCP added, "Everyone knows it [media ownership] but no one is sure about it." Nevertheless, it is necessary to know financial backers of a newspaper because, as Dogbemin reminded the panel, "journalists are supposed to analyze, process, and comment on information. They can even take a stand and guide the opinion in one direction or another. Therefore it is crucial to know the owners of a newspaper so that the debate may continue. In the end, it is about the right to speak freely and that is guaranteed for every citizen. The citizens have the right to be informed and journalists have the obligation to inform them. So it is important for the citizen to know the financial supporters of a given media outlet."

The range of issues addressed in the press shows that there is an increasing openness towards general interest, even though politics continue to dominate news coverage. Dan Moussa said that "Even if the dominant subjects in newspapers are political, the fact remains that the editorial diversity leads to the press, generally, to address key issues in politics and other sectors."

In a country where sixty national languages are spoken, no periodical is published in an indigenous language. Efforts have been made by the RTI to schedule time slots for newscasts in indigenous languages. On Channel 1 of RTI TV, the noon news program is simultaneously translated for the hearing-impaired.

OBJECTIVE 4: BUSINESS MANAGEMENT

Côte d'Ivoire Objective Score: 2.21

Scoring by the panelists placed all indicators but two close to the objective score. Indicator 3, advertising agencies, finished noticeably ahead of the average, while Indicator 6, market research, finished nearly a full point behind.

Most Ivorian private media struggle to achieve profitability. Many newspapers have very high rates of unsold copies, according to data from the NCP. Sangaré admitted that, "The media companies are not really profitable, but they survive because of the current stability. It is true that 2006 was particularly nerve-racking." Based on their declared print runs and sales, a few periodicals, mostly weeklies such as *Gbich*, *Top Visage*, and *Go* magazine, seem to be profitable.

"I don't think," Konaté pointed out, "that the independent or private media in Côte d'Ivoire are well managed companies that go as far as allowing the independence of journalism, and the proof of that is the many newspapers that frequently disappear." In 2006, three dailies and 39 periodicals ceased to be published, while five new daily papers and 11 weeklies were started.

Six printing companies owning about ten rotary presses share the newspaper printing market. Only three daily newspapers have their own printing press. Most dailies must use a private printing company. The average print run of the daily press is very low, about 10,000 copies per day, which makes for high per unit printing costs. The weekly press average larger print runs at 15,000 to 50,000 copies per issue. Private printing

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

companies are available to all publications on the same terms; they are considered politically neutral.

Until recently, the company Edipresse provided distribution for all domestic and international press. This company's capital is 51 percent owned by the government, through the Fraternité Matin Group, and 49 percent belongs to a French company, the New Distribution Service of the Parisian Press. For almost two years a second Ivorian company, the privately owned Distrilibre, which developed from a daily newspaper, has been trying to penetrate the distribution market. This company now distributes 20 percent of the daily press.

Daily sales of newspapers have fallen dramatically since 2002. The NCP determined that, in 2006, the total print run of the daily and weekly press was 16,724,543 copies, with nearly 50 percent of these going unsold, putting these papers at below breakeven levels. During the same time, periodicals had an unsold rate of about 35 percent. Sangaré pointed out that "Profitability has decreased since the beginning of the crisis in Côte d'Ivoire. For example, there were 35 million readers before the crisis erupted, whereas today we have 27 to 28 million, a net loss of about 8 million readers."

However, revenue has increased for the print media. In 1994-1995, revenue for the national print media was CFAF 4.8 billion. Ten years later, in 2006, it was CFAF 6.7 billion. Panelists were not sure of the reason for this, as several factors—or a combination—could be at play, such as inflation, more print outlets offering diverse information, etc.

Advertising forms the bulk of revenue for private media as a whole, although exact figures are lacking. For print media, it is at least about 50 percent, by Sangaré's reckoning, with the balance coming from sales of copies. The economic growth that sustained Côte d'Ivoire for several decades generated a flourishing advertising sector. This sector is regulated by the Higher Council for Advertising (HCA). Since the crisis, advertising resources have declined. Advertising spending decreased 50 percent between 2000 and 2003. In 2006, the HCA inventoried 30 approved advertising agencies and only 10 of them had a turnover of over CFAF 1 billion. In 2005, according to the Cristal Communication Agency, the print media earned CFAF 2.28 billion in advertising, compared to almost CFAF 8 billion for radio and television. The boom of the highly competitive cellular telephone sector has considerably boosted the advertising receipts of newspapers in recent months.

In discussing the small advertising market relative to the large number of newspapers, Sangaré observed, "The problem is formulated as a closed circle. Concerning the example of the cellular telephone companies, instead of four, Côte d'Ivoire now has 17 licenses. So, as far as the press is concerned, instead of sharing the same piece of 'cake' we must make it bigger so that all Ivorian citizens may be able to buy newspapers. The cost of paper as well as that of the printing also must be recalculated. There is an entire set of problems that need to be revised."

"I don't think," Konaté pointed out, "that the independent or private media in Côte d'Ivoire are well managed companies that go as far as allowing the independence of journalism, and the proof of that is the many newspapers that frequently disappear."

Although stipulated by the law for over a decade, the Support and Development Fund for the Press has not yet materialized despite appeals from professional organizations and owners of media outlets. The law stipulates that "the State supports the training of journalists and professionals of communication, the distribution and the development of the press and multimedia." Dan Moussa observed that "not even the best of the independent media receive state support and are weighted down by expenses for printing and distribution." The tax exemption with respect to paper, according to the Florence Convention, is the only tax break granted to the media.

With the exception of a few studies conducted by advertising and communication agencies, no real market research has been conducted on the media. Frank Kouassi pointed out that "The media make no effort to adapt to the socio-economic environment; they do not perform market research or conduct polls. It is impossible for media promoters to know the needs of the consumers in order to adapt their products." The panelists admitted that, in most cases, newspapers are launched without any prior feasibility study or market research on their intended audience.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Côte d'Ivoire Objective Score: 2.52

This objective scored relatively well on the back of Indicator 2, professional associations, which panelists scored above a 3. However, Indicator 3, NGO support of press freedom, scored more than a point lower than the average, reflecting dissatisfaction on the part of panelists with the ability of NGOs to effectively support the media sector.

Frank Kouassi pointed out, "The organizations working for the freedom of the press are fragile with respect to the government authorities. They usually lack the tools to take action and fail to develop policies that might potentially interest journalists."

Journalists have always tried to create solidarity by creating professional organizations. Since 1991, the National Union of Journalists of Côte d'Ivoire (NUJCI) has brought journalists together and, in 1995, it set up the continent's first self-regulatory francophone body, OLPED. Other key national organizations include OPPCI, the National Conference of Managing Editors of Côte d'Ivoire, and various unions working in the private and public sectors. They all seek to increase professionalism and improve the operating and working conditions of journalists.

Seeking to promote excellence in journalism, NUJCI introduced the Ebony Award about a decade ago for excellence in journalism among radio, television, and print journalists. Over the years these awards have increased in value and journalists have started to compete vigorously for them. For the last three years, the recipient of the Super Ebony, or the best of the best in radio, television, and the print has received, among other things, a house and a car.

Since the creation of OLPED, journalists have cooperated with civil society and human rights institutions to promote freedom of the press issues. However, panelists were lukewarm on the effectiveness of these endeavors. These organizations typically react to infringements on press freedom with press releases, they said. Frank Kouassi pointed out, "The organizations working for the freedom of the press are fragile with respect to the government authorities. They usually lack the tools to take action and fail to develop policies that might potentially interest journalists." Konaté said that, "These organizations give the impression that the work of journalists is not of their concern." Yao Blé, from the Ivorian Human Rights League, disagreed slightly, saying, "These human rights organizations have their role and work closely with the media."

There are many private schools providing training in the field of communication, but only four have a program dedicated specifically to journalism. According to Sangaré, "the initial, basic training is worrying. Many higher schools claim to provide journalism training without meeting all the academic and resource requirements that would allow them to offer quality training." Dan Moussa noted that "all talented students can succeed in the press. The real question," he said, "concerns the journalists themselves; their level is lower and lower in Côte d'Ivoire." For many years the Ivorian government offered training scholarships abroad (e.g., in Senegal or France), but this funding dried up a decade ago.

International institutions and professional organizations sponsor numerous training seminars to improve journalism skills. Since 1990, about fifteen training seminars and workshops have been organized by professional organizations in partnership with development agencies. Over one hundred trainees have had access to these modules. Of those who have been training, some are still in the media, but most of them now earn their living working in other fields. The result of such training courses is deceiving according to Zio Moussa, president of OLPED, in the conclusion to a study on the subject: "Too often the definition of training needs has been based on a few remarks that did not stem from prior studies or analyses. The contents of the seminars come up against other difficulties, such as the lack of previous studies that would help to figure out precisely what the expectations are, the lack of cooperation between the professional associations, media owners, and other partners with the development of the media."

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Samba Kone, chief executive officer, South Actions Media, Abidjan

Josette Barry, journalist, Fraternity Monitoring Group, Abidjan

Marius Comoe Brou, president, Côte d'Ivoire Federation of Consumer Organizations, Abidjan

Alfred Dan Moussa, managing editor, Fraternity Monitoring Group, Abidjan

Gérard Dogbemin, attorney, Association of Young Lawyers, Abidjan

Fancis Domo, journalist, National Commission of the Press, Abidjan

Barthélemy Kouame, president, Online Press Network of Côte d'Ivoire, Abidjan

Affoué Virginie Kouassi, dean, Higher Institute for Communication Sciences and Techniques, Abidjan

Franck Anderson Kouassi, secretary general, National Broadcast Council, Abidjan

André Ouhoi, interim project manager, Technology Research Group, Abidjan

Charles Sanga, editor-in-chief, *Le Patriote*, Abidjan

Abdoulaye Sangare, director, West Media Press Group, manager, *24 Heures* daily, president of the board of directors, Newspaper Publishers Association of Côte d'Ivoire, Abidjan

Saly Silwe Konate, journalist, RTI Radio, Abidjan

Valérie Yao Ble, magistrate, Ivorian Human Rights League, Abidjan

Kriwa Zeli, secretary general, National Union of the Journalists of Côte d'Ivoire, Abidjan

Moderator

Samba Kone, chief executive officer, South Actions Media, Abidjan

The Côte d'Ivoire study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar, Senegal.

The Djibouti panel returned an overall score of 1.42. Most objective scores fell very close to this average, with only Objective 5, Supporting Institutions, lagging noticeably behind the others at 1.27. This overall score reveals that Djibouti minimally meets the objectives of the MSI and many institutionalized disadvantages for the media remain.

DJIBOUTI

OVERALL SCORE: **1.42**

DJIBOUTI

The Republic of Djibouti, located in the Horn of Africa, gained its independence from France on June 27, 1977. Given that its terrain is mostly barren, Djibouti's location is its main economic asset. Several landlocked African countries use its transport facilities, earning Djibouti much-needed transit taxes and harbor fees. Its control of access to the Red Sea is of major strategic importance, and has ensured a steady flow of foreign assistance. France stations thousands of troops and operates naval and airbase facilities there, contributing directly and indirectly to the country's income. The United States also stations troops in Djibouti—its only African base—in an effort to combat terrorism in the region. However, these close links have not translated into greater support for democratic freedoms in Djibouti.

Upon Djibouti's independence, Hassan Gouled Aptidon became the first president. He established an authoritarian, one-party rule and served through 1999. In the early 1990s, tensions between ethnic Afars and Issas over Issa control of political power, as orchestrated by President Aptidon, erupted into civil war. French political pressure resulted in a new constitution and a limited multi-party system in 1992, and Djibouti held its first multi-party presidential elections in 1999. A peace agreement signed in 2001 ended the civil war and Djibouti has remained at peace since then, despite turmoil in neighboring countries.

Djibouti is a semi-presidential republic, with executive power in the central government and legislative power in both the government and parliament. The People's Progress Assembly, led by President Ismail Omar Guelleh, dominates the government. As Djibouti's second president, Guelleh was elected to office in the 1999 elections and continues to serve after being reelected in 2005. Though opposition parties are allowed, they have little chance of gaining power in the near future, and Djibouti is effectively a one-party state.

Aptidon's regime disallowed the establishment of independent media and placed restrictions on freedom of speech, although the harshest provisions of an early-1990s law were not enforced. Allowing multi-party elections has not led to the establishment of a free and independent media. Government-controlled (and biased) media dominate, and opposition media battle back with information that supports their political agendas. Newly passed laws that would allow and define expanded rights for the media have yet to be implemented by the government. Only time will tell if these changes will lead to the establishment of media willing to provide the citizens of Djibouti with objective information.

The Djibouti panel returned an overall score of 1.42. Most objective scores fell very close to this average, with only Objective 5, Supporting Institutions, lagging noticeably behind the others at 1.27. This overall score reveals that Djibouti minimally meets the objectives of the MSI and many institutionalized disadvantages for the media remain.

Note: *MSI panelists in Djibouti agreed to participate only if they were not named publicly. The political nature of the media contributes to a climate of self-censorship. Criticism of the media—both state- and opposition-run—could easily cost the critic his or her job.*

DJIBOUTI AT A GLANCE

GENERAL

> **Population:** 496,374 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Djibouti

> **Ethnic groups (% of population):** Somali 60%, Afar 35%, other 5% (*CIA World Factbook*)

> **Religions (% of population):** Muslim 94%, Christian 6% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Arabic (official), Somali, Afar (*CIA World Factbook*)

> **GNI (2006-Atlas):** $857 million (*World Bank Development Indicators, 2007)*

> **GNI per capita (2006-PPP):** $2,540 (*World Bank Development Indicators, 2007)*

> **Literacy rate:** 67.9% (male 78%, female 58.4%) (2003 est., *CIA World Factbook*)

> **President or top authority:** Ismail Omar Guelleh (since May 8, 1999)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** *Le Nation*, *Al-Qarn* and Radio Television de Djibouti (RTD)

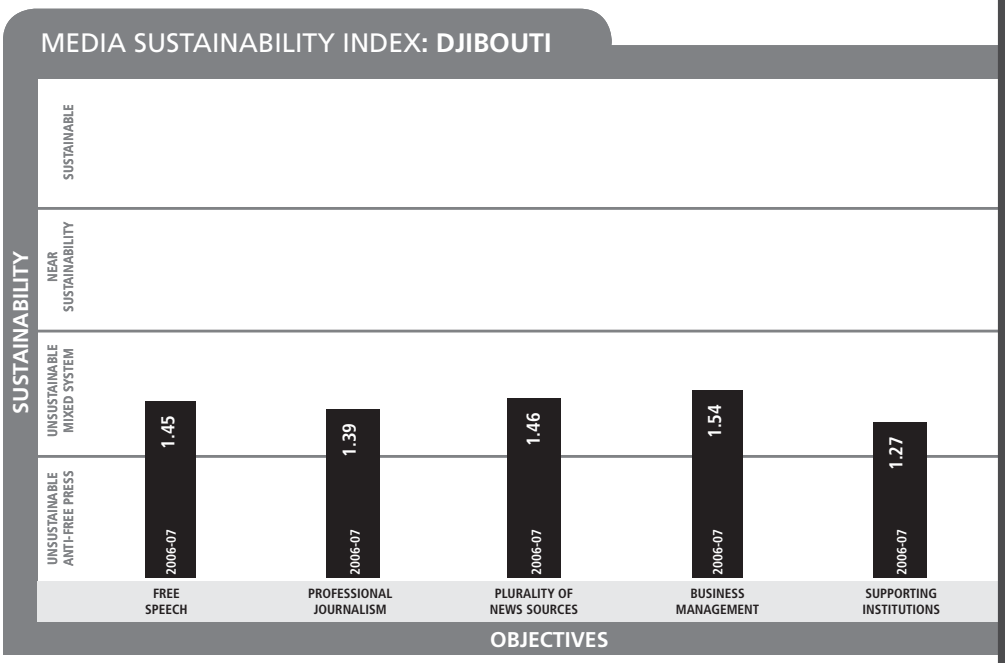
> **Newspaper circulation statistics:** top two by circulation: *Le Nation*: 2000, *Al-Qarn*: 500

> **Broadcast ratings:** N/A

> **Names of news agencies:** Djibouti News Agency (state owned)

> **Annual advertising revenue in the media sector:** N/A

> **Number of Internet users:** 11,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Djibouti Objective Score: 1.45

Information in Djibouti is controlled by political forces, and freedom of the press is only nominally allowed in that the opposition media are tolerated by the government. The Objective 1 score of 1.45 shows that the current legal structure has little room in for media independence. Most indicators fell close to this average, although Indicator 5, related to preferential legal treatment for and editorial independence of state media, was markedly lower than the rest. Indicator 4 on crimes against journalists scored much better, though still low enough to infer that this would likely not be the case if journalists began operating independently.

The constitution of Djibouti guarantees human rights, including freedom of speech, but these rights are not respected in the country. Opposition journalists, outspoken members of civil society, and opposition leaders are harassed and arrested for expressing their views. "The country has archaic media laws created during the civil war, and the law is not effective or properly enforced," said one journalist on the panel.

The current laws on the books, passed in 1990s, do not adhere to international standards of freedom of expression. In 2007, a new law was passed by the Parliament after being presented by the Minister of Communication and Culture. The new law focuses on working conditions and welfare of journalists and other media workers, although it also elaborates journalists' rights and freedoms. However, this law, which was signed by the president, remains unimplemented. Since the old draconian laws are not fully enforced and the new law is taking some time to be implemented, the MSI panel agreed that there is much confusion inside the media sector, and that journalists exercise self-censorship at every level in order to be well inside the boundaries of the law.

Information is under tight control in Djibouti, so often the ownership of media supersede legal matters. The only radio and television station operating in Djibouti is state owned. Two of the four print media houses belong to the Djibouti government, while the other two belong to the opposition. The opposition media are obliged to present only the viewpoint of opposition political factions and therefore cannot be considered objective or independent.

Further, the government of Djibouti fully manipulates the broadcast licensing process. "The government selects the officials who work in the licensing department from its own political group or cronies," said one panelist. The selection process is not transparent, and there are specific, hidden criteria. If and when private licenses are considered, it seems unlikely that an independent outlet would receive a license.

The government allows foreign and private companies to operate freely in Djibouti. However, the same degree of freedom is not accorded to the media sector. No private, independent media houses may set up shop in Djibouti. There is also inconsistency between legal regulations and application of laws. Often, government practice on the ground is not in sync with what is written as law. Media houses are not burdened by taxes, since most of them belong to the state; even those owned by the opposition are tax exempt, thanks to political connections.

The government often accuses opposition journalists of working as campaigners for the opposition. Several opposition journalists and media managers have been arrested multiple times because of what they published, and some were even forced to leave the country. Some of the journalists arrested were never even officially charged. However, outright violence against journalists is not currently a problem. Given the enforced and entrenched duopoly of state-run and opposition media, this is hardly surprising. However, should independent media emerge in Djibouti in the near future, the current safety for media workers could be tested.

"A false and malicious publication printed for the purpose of defamation is a criminal case in Djibouti," participants of the MSI survey noted. Some opposition journalists were arrested in the past and taken to court for defaming and insulting the

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

country's leaders. However, courts do not sentence journalists to significant—or any—jail time because journalists have been trained to be cautious, and such cases are simply harassment.

State media do not receive specific preferential legal treatment, apart from the fact that there is only state broadcasting, and journalists at state media are immune from official harassment. However, Djibouti has no guarantee in law or practice of editorial independence, and state media are decidedly biased in favor of the government. Further, state media customarily receive preferential treatment in that the government will give them information that they would not give to the opposition media. Some government agencies provide information for opposition media, while other agencies state that they cannot provide the information requested. Since no law specifically covers access to information, media—particularly those controlled by the opposition—receive public information at the whim of the government.

Access to international news and news sources through the Internet is not restricted in any way. Journalists and editors are able to use the Internet to freely access news resources. State media managers are able to secure Internet services for their employees to do their jobs properly, as the government owns the Internet service provider. "Media—both state and opposition—are allowed to reprint or rebroadcast both foreign news programming and news agency information," according to an MSI survey participant.

The government does not grant special privileges or impose restrictions, whether through licensing, accreditation, or other means, for any specific group of reporters or editors. The government has not limited the entry of journalists into the profession based on their education or other qualifications. However, the Ministry of Communication and Culture accredits foreign press coming to cover events in Djibouti, and the ministry recently simplified the requirements.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Djibouti Objective Score: 1.39

Journalism practices differ greatly from accepted standards of journalism such as accuracy, balance, and fact-based reporting. With all mainstream sources of news and information in political hands, the quality of journalism naturally suffers. The overall score for this objective shows that Djibouti media have a long way to go to meet international standards for reliable and objective news. For now, citizens must be content with two points of view that are equally distorted, with the truth either somewhere in the middle or not reported at all. While most indicators were close to the overall objective score, one stood out as particularly low: Indicator 2, covering journalism ethics. Indicator 8, regarding niche reporting, was regarded by the panelists as somewhat better than the rest.

Though reporters sometimes verify and check their information for accuracy, many of them report in a manner that pleases their employers, especially those in government media houses. Journalists with the state media try to avoid subjectivity, and get many sides of the story when covering social affairs, health, culture, and related topics. However, while researching political background information and interviewing government officials, reporters are not likely to ask direct questions that "hit the nail on the head." Overall, state broadcasting (Radio Television of Djibouti, or RTD) and the newspaper *La Nation* are considered reliable sources of information, except regarding political matters.

"There are no ethical rules followed by the media in Djibouti, but there is an unwritten code that journalists follow: consult with their managers on stories," said one panelist.

Journalists in Djibouti are well paid in comparison to those in the surrounding countries, but with the cost of living also higher, journalists have a meager lifestyle. As a result, many journalists and other media professionals resort to taking bribes or gifts, especially from the state, to write favorable stories.

Fear of government reprisal—from being fired to fines or exile—forces most journalists to self-censor their articles. This fear exists in several generations of journalists in the country and among editors, who discourage journalists from writing articles that are not favorable to the government.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Journalists are encouraged to cover any issue in the country and report on them as long as they write favorably about the government. Coverage of protests, opposition meetings where the government is criticized, or other unfavorable issues is likely to give rise to problems for the editors and journalists. Coverage of such issues generally requires the permission of the government, and this further inhibits journalists from asking for permission. The situation at the opposition media is similar, with journalists slanting their stories.

Most journalists cover all key events and issues in the country, except, as indicated above, in the case of politics, when the story must put the journalist's political bosses in a favorable light. There are types of events that, if covered, will most probably have undesired consequences for editors and reporters. Such events include corruption or crimes committed by government officials. The opposition media do not cover the events of the government. There are cases in which editors may prevent reporters from covering certain events, such as opposition political events, in which opposition strongly or directly criticizes the state. Additionally, there is limited freedom in Djibouti to cover events related to security issues of local and international scope. A journalist must get a green light from the state before covering such issues.

There seems to be a balance in terms of airtime for news and entertainment programming, and no trend to change the status quo in the system is evident. Overall, people receive information when they need it, even if the information itself is less than reliable. State media spend a significant amount of time reporting on government business, compared to the opposition. They highlight state efforts in development and promote educational and cultural programming, all of which support the government's agenda.

State-owned media have modern facilities and systems in place. This is not true for the opposition-controlled media: they lack the necessary infrastructure to gather and distribute information. The MSI participants urged international organizations and donor countries to support the modernization of non-state media in Djibouti.

Journalists in Djibouti do not undertake investigative reporting. "The major obstacle is that there is no free and open media in this tiny country, and the media workers, particularly journalists, are not professionally prepared in terms of journalistic skills and experiences," said one panelist.

The media in Djibouti do cover specialized issues, such as sports, health, and business; some journalists have developed skills in these areas. In those stories, relevant technical experts are consulted and in-depth research is undertaken.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Djibouti Objective Score: 1.46

With political factions—the government and the opposition—in control of the media, plurality of news sources is necessarily limited. Multiple viewpoints are severely lacking. While most indicators ended up more or less in line with one another, two were appreciably higher: Indicator 2, covering access to international media; and Indicator 6, regarding the transparency of media ownership.

"There are many news sources, but self-censorship limits the accuracy of the news and ability of people to check one source against another," one panelist said.

There are no private broadcast media outlets, but the two opposition print media houses provide local and national coverage. MSI participants estimated that around 25 percent of the population can afford to buy these newspapers. They also noted that there is a strong "oral culture" in Djibouti, and therefore radio is an important source of news and information. Local radio and television are presented by RTD.

People living in the capital city have greater access to media sources in comparison to those living in villages and rural areas. This stems from the fact that all the media houses are based out of the capital city. There are no community media to provide local news and information to the rural community. The capital also has better infrastructure, such as electricity and communication facilities capable of supporting Internet cafés. Urban residents often use the Internet to obtain news

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

and information, though panelists lamented that the younger generation wastes time in chat rooms and following European football. There are no restrictions on the usage of Internet in Djibouti and it is a useful source of independent information. Income affects access to Internet, satellite, and other pay broadcast services: those with high-income levels have better access, while the poor have no access. In rural areas, due to lack of electricity and high rates of illiteracy, the radio becomes a major source of information and entertainment.

The government does not impose any restrictions on access to foreign news sources, such as radio, newsprint, or the Internet. Economic affluence, however, greatly impacts the type of information obtained in Djibouti. Foreign print editions are available and generally affordable. Access to the Internet and satellite channels is less affordable, but RTD does rebroadcast BBC, VOA, and RFI programming. These foreign sources of news provide key information that otherwise might be missed by local media, and many viewers are drawn to the better production values of foreign television channels.

Most editors and journalists see their role as serving their employers' interest in a partisan way instead of serving for the public interest impartially. This is particularly true with state media, which do not operate under public media models. "State media are rarely open to alternative views and comments, and this is reflected in their news," said one panelist. One exception, however, is that RTD recently established a morning program that allows people, including opposition supporters, to call in and voice their concerns without any restrictions.

There are no independent news agencies in Djibouti. The state-run news agency carries out selective distribution of news, ensuring distribution of information that is favorable to the government. The opposition media sometimes rely on the government news agency for their information as well, though because they do not pay they do not cite the news agency as a source.

Broadcast media seldom purchase programming, and instead produce their own programs. The programs on RTD are comparable to those produced by international broadcasters in terms of technical skills and equipment used. RTD sometimes provides its original programming to international news organizations.

Media ownership in Djibouti is clear: it is either controlled by the government or the opposition. Given the current media environment and the attitude of the government to private media, MSI participants do not foresee the entry of private media in Djibouti in the near future.

Finally, while there is not a broad spectrum of social interests reflected in the media, RTD does air programming in many languages, such as Somali, Afar, Arabic, and French.

OBJECTIVE 4: BUSINESS MANAGEMENT

Djibouti Objective Score: 1.54

The overall objective score of 1.54 indicates that media are not professionally managed in Djibouti. As media are used as a political tool, this is not particularly surprising. Panelists scored all indicators close to the average, with Indicator 4, regarding advertising revenue, the highest; and Indicator 3, covering advertising agencies, the lowest.

Panelists agreed that media outlets—both state-run and opposition—do not operate efficiently or make use of best practices in management. The purpose of media in Djibouti is not to turn a financial profit, and therefore streamlining operations and instituting practices such as business plans and proper accounting has no priority. There is no transparency in personnel practices, as media managers do not disclose employee benefits or salary scales, or clearly delineate job descriptions. "Most media managers do not have journalism skills or the skills required to run a news media outlet," said one MSI panel participant.

Media managers do not actively seek advertisements or other support from the private sector, as the media are primarily funded by either the government or opposition, which limits other sources of revenue. "Advertisements are not seen by media professionals in Djibouti as a good source of revenue since the media is relaying on financial sponsorship from the government and opposition parties," said one panelist.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Media outlets do not seek the services of advertising agencies. State media receive the backing of the government through subsidies. In the case of print media, this also includes subscriptions from government departments. The government directly finances the operations of RTD. Naturally, these sources of revenue dictate editorial policies, management practices, and news content.

No survey has been taken of the media sector to try to identify audiences or the most popular programs and services. With a secure source of funding, there is little incentive to tailor products to market demand. Similarly, no organizations produce ratings for broadcasts or monitor newspaper circulation. Newspaper circulation is low—estimated at between 500 and 2000 copies for the several print publications that exist.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Djibouti Objective Score: 1.27

The supporting institutions that would allow a media system to operate at its best essentially do not exist in Djibouti, or are completely dominated by the government. Further, the small size of the market and bipolar nature of the media throw up serious challenges to developing this sector in the future. Therefore, this objective received the lowest of the five scores, with Indicator 4, related to journalism degree programs, and Indicator 7, covering the politicization of media distribution, receiving particularly low scores from the panel.

For a number of reasons, no trade associations or unions exist to support media professionals. The government prevents the formation of unions generally, so this problem is not limited to the media sector. Another obstacle is that the media is divided into the main political groups of government and opposition. Tribal and ethnic issues also present a challenge to forming associations. The opposition has often criticized the government for making formation of associations harder for journalists, but this situation is unlikely to change. MSI participants also noted that no civil society organizations are working with media to promote freedom of speech or media independence. There are no watchdog groups to flag rights abuses or lobby the government for positive changes.

Djibouti also suffers from a lack of educational institutions that provide interested students with practical training instead of theoretical knowledge. Specifically in the field of media studies, no journalism schools or trained faculty exist in Djibouti, and opportunities to study abroad are limited. Further, most practicing local journalists were originally recruited as translators by the Ministry of Labor and then became journalists, so an experienced and properly trained cadre of professionals is needed to reverse the situation. Media outlets have hired some journalism graduates from neighboring Somalia, and a few journalists have graduated from programs in other countries.

However, short-term training opportunities do exist. And as one panelist observed, "These opportunities for practicing media professionals are more accessible to state-owned media houses than the opposition ones." The training programs are organized in collaboration with international organizations. Basic journalistic skills classes are among the more popular courses, but investigative journalism and editing classes are also needed. "There are no programs that address the professional needs of all departments of a media house like journalism, editing, advertising, broadcasting and publishing," a journalist on the panel observed.

Supporting industries and facilities are not apolitical and most are not privately held. "The major printing houses are financially backed by the government, but [are] free to print anything that is not contradicting government politics," said one panelist. Distribution and printing firms are barely adequate to support the media in its current state. To date, distribution and printing firms have not been manipulated into interfering with media operations. All broadcast transmitters are owned and operated by the state for exclusive use by RTD.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panel Participants

As noted above, MSI panelists in Djibouti agreed to participate only if they were not named publicly.

The Djibouti study was coordinated by, and conducted in partnership with, the National Union of Somali Journalists, Mogadishu, Somalia.

Following the November 2005 crackdown on political dissent, the government has curtailed press freedom and the freedom of speech in an even more draconian manner than before, branding independent and critical journalists as "members of the opposition." Journalists are routinely detained, jailed, prosecuted for crimes such as "outrages against the constitution" and "incitement to genocide," and handed heavy prison sentences.

ETHIOPIA

OVERALL SCORE: **1.24**

Ethiopia currently ranks among one of the worst countries in the world to be an independent-minded journalist, according to many international observers and in the words of the Ethiopian MSI panelists. One noted, "It's only journalists working for government media who may be enjoying their freedom, but even then they have to stick to what the government wants. They cannot report independently." International NGOs observing press freedom have returned dismal ratings for Ethiopia: Freedom House's 2007 *Freedom of the Press* report rates it "not free" and tied for 170th out of 195; Ethiopia is on the International Press Institute's Watch List; Reporters Without Borders ranked Ethiopia 150th out of 169 in their 2007 Worldwide Press Freedom Index.

Following the November 2005 crackdown on political opposition, the government has interpreted laws to curtail press freedom and the freedom of speech in an even more draconian manner than experienced before. The government has branded independent and critical journalists as "members of the opposition." Journalists are routinely detained, jailed, prosecuted for crimes such as "outrages against the constitution" and "incitement to genocide," and handed heavy prison sentences. Government security forces have dispersed demonstrating journalists and other members of the civil society with excessive force, including live ammunition.

The lucky ones are those who have managed to escape arrests and are currently in exile in America, Europe, and elsewhere. Among those is the entire leadership of the Ethiopia Free Press Association.

Despite the pressures from both local and international human rights groups, the government of Prime Minister Meles Zenawi has continued violating and suppressing freedoms such as speech, the media, and association. Representatives of international organizations such as the International Federation of Journalists that have tried to work with the private media have been denied entry visas. Recently the government released several journalists from jail; while this attracted widespread international coverage, those released were forced to sign documents admitting crimes that they had not committed and making public apologies to the government. A few months later, other journalists were facing jail time and being detained.

Such repression has left the private press weak. The media in Ethiopia is dominated by the government. Panelists rated Objective 1, freedom of speech, very poorly—0.19—in recognition of the situation. Similarly, Objective 3, plurality of news, scored a 0.99 because of government control or influence of a significant portion of news reaching citizens. However, vestiges of better times remain, and these could serve as the nucleus of growth should the government relax its control of the media. This is reflected in scores between 1.64 and 1.71 for Objectives 2, 4, and 5, professional journalism, business management, and supporting institutions.

ETHIOPIA AT A GLANCE

GENERAL

> **Population:** 78,254,090 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Addis Ababa

> **Ethnic groups (% of population):** Oromo 32.1%, Amara 30.1%, Tigraway 6.2%, Somalie 5.9%, Guragie 4.3%, Sidama 3.5%, Welaita 2.4%, other 15.4% (1994 census, *CIA World Factbook*)

> **Religions (% of population):** Christian 60.8% (Orthodox 50.6%, Protestant 10.2%), Muslim 32.8%, traditional 4.6%, other 1.8% (1994 census, *CIA World Factbook*)

> **Languages (% of population):** Amarigna 32.7%, Oromigna 31.6%, Tigrigna 6.1%, Somaligna 6%, Guaragigna 3.5%, Sidamigna 3.5%, Hadiyigna 1.7%, other 14.8%, English (major foreign language taught in schools) (1994 census, (*CIA World Factbook*)

> **GNI (2006-Atlas):** $12.87 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $630 (World Bank Development Indicators, 2007)

> **Literacy rate:** 34.7% (male 47.9%, female 23.3%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Woldegiorgis Girma (since October 8, 2001); Prime Minister Meles Zenawi (since August 1995)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 3 daily newspapers, 4 other main papers; Radio: 4 main stations; Television stations: 1 main station

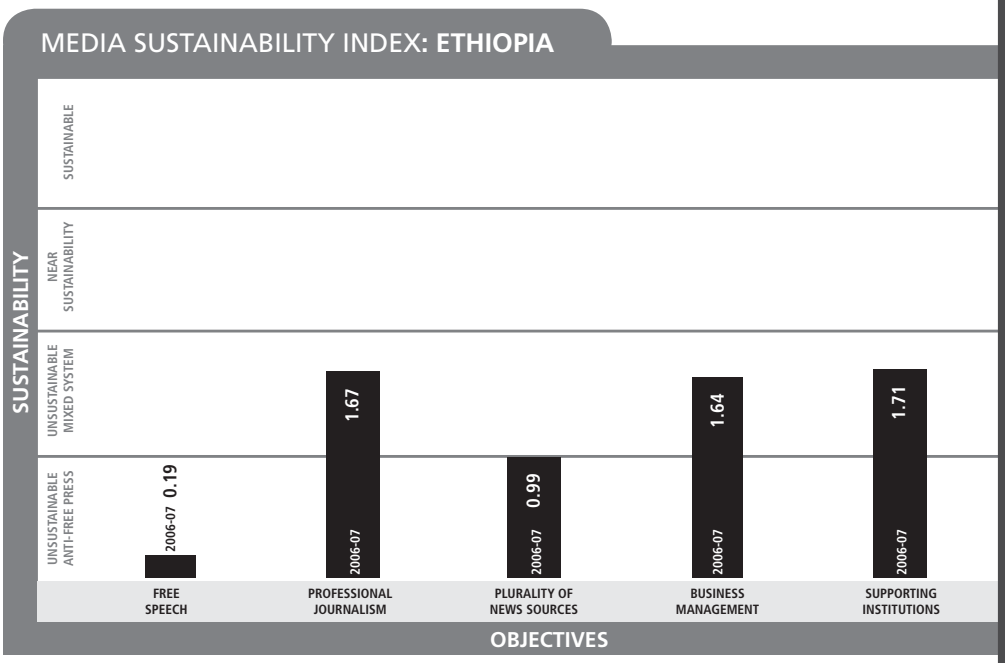
> **Newspaper circulation statistics:** Top three by circulation: *Addis Zemen* (state-owned), *Ethiopian Herald* (state-owned), *The Daily Monitor* (private)

> **Broadcast ratings:** Top three radio stations: Radio Ethiopia (state-owned, FM Addis 97.1 (state-owned), Voice of Tigray Revolution (state-owned)

> **News agencies:** Walta Information Centre (private, pro-government), Ethiopian News Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 164,000 (2005 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

IREX's partner conducting the MSI study for Ethiopia, the Eastern Africa Journalists Association, tried unsuccessfully to obtain visas to enter the country and hold a panel discussion. We opted instead to conduct the study by e-mail. Several panelists withdrew because they feared the government monitors their e-mail communications. However, we were able to obtain a limited number of completed questionnaires with scores included. The comments in this chapter represent both remarks written by the panelists and independent research. Furthermore, due to the oppressive political environment, panelists for Ethiopia agreed to participate only on condition of anonymity.

OBJECTIVE 1: FREE SPEECH

Ethiopia Objective Score: 0.19

Panelists rated all indicators poorly, and a few were at or barely above 0. This was true for Indicators 4, 6, and 7, crimes against journalists, libel laws, and access to public information. Indicator 9, free entry to the journalism profession, approached a score of 0.5; even in this area proposed laws, if adopted, threaten to affect this negatively in the future.

Article 29 of the 1995 constitution guarantees press freedom and freedom of speech. The BBC World Service Trust's African Media Development Initiative report on Ethiopia (AMDI), prepared by Gebremedhin Simon Gebretsadik in 2006, notes that press freedom is also reaffirmed by Press Proclamation No. 34/1992 that says the media may "operate freely and responsibly without censorship." However, panelists wrote that the reality on the ground is quite different. The application of existing media laws is very draconian, with harsh provisions that the government uses to close down media outlets and arrest journalists. Government security agencies harass journalists and members of civil society who advocate freedom and the rights of political opposition. Journalists have languished in prison without any clear charges, and some were forced into exile. Even in exile they do not feel safe; one panelist living in Nairobi for the past five years said he still lives in fear.

The International Freedom of Expression Exchange (IFEX) has documented the measures taken by the government to control private media through fear and arrest. On April 9, 2007, IFEX reported the release of eight editors and publishers held for "outrages against the constitution or constitutional order," "impairment of the defensive power of the state," and "attempted genocide." They had been in detention for 17 months on these charges stemming from articles criticizing government actions in the May 2005 elections.

While lauded for the release of these journalists, just three months later IFEX reported, on July 12, a prosecutor's request for the death penalty to be imposed against four journalists convicted of "attempting to overthrow the government," "treason," and "inciting violence." IFEX later reported, on July 20, that the journalists had been pardoned by the government after the court had decided on sentences as harsh as life in prison a few days before.

Although in the end all journalists were released, having spent over a year in prison awaiting trial or, worse, having been convicted, faced the death penalty in an unpredictable court, and waited several days to receive a lengthy prison sentence before finally being pardoned would almost certainly give these journalists pause before writing critical stories again. Meanwhile, the government has sent a clear message yet can say to the public that it acted to protect the interests of journalists and press freedom.

According to its web site (http://www.eba.gov.et), the Ethiopian Broadcast Authority (EBA) oversees broadcasting and issues, suspends, and revokes licenses. The legislation that now regulates it, Broadcasting Service Proclamation No. 533/2007, states EBA will " ensure the expansion of a high standard, prompt and reliable broadcasting service that can contribute to political, social and economic development and to regulate same." In section 4 (1) and (2) the law makes EBA an "autonomous federal agency having its own legal personality" but "accountable to the Ministry [of Information]." Section 9 states that its board is "appointed by the Government on the recommendation of the Minister."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The panel members stated, in their questionnaires, that licensing of media outlets is purely political and entry into the media industry is not easy. They wrote that the government insists on knowing who the people are—and what their political leanings are—behind an application to open a broadcast outlet before granting a license. According to one panelist, "To get a license for a media house, you have to be a strong supporter of the current government and once it's discovered that you have stopped this support you can easily lose the license."

According to the panelists, intimidation, arrests, torture, and other extreme measures are the order of the day in a journalist's life. However, this is done in a controlled manner by the state; the violence is not, strictly speaking, "criminal." Panelists agreed that the government, through its security agencies, perpetrate the violence. One panelist wrote, "The government has used armed 'thugs' to shoot and disperse peaceful demonstrations organized by civil society organizations to demand for their rights." Another panelist wrote, "Those who are behind [these crimes] walk away freely.

While those arrested are often charged with fantastic crimes, as described above, libel laws carrying criminal penalties, including prison sentences, are also a threat. One panelist wrote "Libel is both criminal and civil and it's always upon journalists to prove their innocence once arrested on such charges."

State media receive preferential legal treatment. State television enjoys a monopoly and state-run radio (including that owned by the ruling party) constitutes a near monopoly. Journalists working for state media are not prosecuted for libelous stories about opposition figures. State media also enjoy privileged access to information; although this can allow for state media to "scoop" private media, the information must be presented according to government wishes and it is only information that the government is eager to release.

Discussing access to information, one panelist wrote "Access to public information by private media is not easy." Another noted, "There is no access to public information and there are a number of laws in place to protect this information from flowing out, like the Public Secrecy Act."

On paper, however, the government should comply with requests for information from the media. AMDI points out that Article 8(1) of the Press Proclamation supports media access to public information and that Article 19 of the Proclamation mandates cooperation between government officials and the media to make certain the public is aware of government operations.

Although there are no restrictions on media access to international news sources, the business and financial environment is typically not favorable to doing so. Journalists, like other citizens, are free to access the Internet for news.

Panelists wrote that entry into the journalism profession is free. However, the government tends to brand journalists other than those that work for the government or are friendly to the ruling party as members of the opposition. Freedom House reports that the government limits coverage of official events to government journalists, although in recent years this restriction had "loosened." One panelist noted that given the current situation, the government is indirectly determining who studies journalism: unless one intends to support the government, most now fear becoming journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ethiopia Objective Score: 1.67

Indicators in this objective were generally spread out. Panelists rated Indicators 3 and 4, self-censorship and journalists cover key events, a point lower than the average. Scoring best was Indicator 7, modern facilities and equipment.

Regarding fair, objective, and well sourced reporting, AMDI reports that the appearance of new print media has resulted in a commensurate of journalistic activity. They also characterize the quality of reporting as "highly uneven." Their interviewees gave differing opinions ranging from "[reporting] lacking in ethics, independence and professionalism," to "concerted efforts are being made by journalists to improve standards in the sector."

Panelists for the MSI generally shared the opinion stated by one: "The situation is very bad, in that the few practicing journalists are all government supporters who spread state propaganda." Even if that is an overstatement, with literacy rates below 50 percent by CIA estimates, and broadcasting dominated by the state, the majority of journalists' reports reaching and "informing" the population is likely to be neither fair nor objective. One panelist noted, "True, we had well trained journalists, but all of them were forced into exile in Europe, UK, USA and other Western countries."

Formerly active journalists' associations drafted and adopted a code of ethics that meets international standards. Many journalists, particularly veteran journalists, are aware it exists and are familiar with its provisions. However, with the leadership of journalists' associations in exile maintaining and implementing a code of ethics is impossible.

The US Department of State's 2007 Human Rights Practices Report on Ethiopia notes that journalists engage in self-censorship regardless of whether they work for the government or private media. One MSI panelists wrote, "There is a lot of self-censorship at all levels because journalists and editors want to keep their jobs in government media."

Not all media cover all key events. For one, the government selectively invites a few journalists, especially those working for state, to official events. Further, events outside of Addis Ababa and a few other cities will only receive coverage if the government has an interest in so doing. State media are the only ones with the resources and, in some areas, permission to do so. For example, the State Department's Report tells of reporters for the *New York Times* being detained in May 2007 for reporting from the Ogaden region—where a separatist conflict is being waged—without permission. It is unlikely that the government would allow private media access (if it could afford to send a reporter) to the region to report on this conflict, and state media would do so only if it suited the needs of the government.

Regarding journalists' salaries, one panelist wrote, "The pay levels for those working for the government media is high, but other journalists who are still in Ethiopia are jobless as government closed private media houses." AMDI paints a somewhat different picture. Their research found average monthly salaries to be $80 in the government media and $50 to $60 in private media. This compares to $90 as the starting salary of a teacher.

News and educational programs are given less space and time in newspapers and on the radio and television stations than entertainment and advertisements. Panelists said this is because of the economic interests of the media owners who want to maximize profit.

Panelists reported that the existing media have good facilities and produce technically sound work. AMDI echoed this characterization, noting improved production quality on ETV as a result of state-of-the-art equipment.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Ethiopia Objective Score: 0.99

Overall, panelists noted that there is some plurality of news sources and that private broadcasters produce their own news to a limited degree. They therefore scored Indicators 1 and 5 well ahead of the average, although still less than 2. However, particular weaknesses were noted in Indicators 2, 3, and 4, citizen access to media, state media reflect the political spectrum, and independent news agencies.

The Ministry of Information's web site lists a total of 64 newspapers and 23 magazines, including sports and other specialty publications. Three newspapers are listed as daily, and two of these are state-owned. AMDI reports that some newspapers "disappear" when there is no compelling news, such as elections. National and local governments control a number of radio stations; the ruling party controls one as well despite regulations preventing political organizations from obtaining broadcast licenses. AMDI lists two community radio stations that it says are not "linked to the state," operating in Dire Dawa and Yirgalem. It noted that a third community station, Radio Harar, closed for lack of funding. Television is still the sole domain of the state, with one national channel, ETV.

Ethiopia's first two private commercial radio stations, Sheger Radio and ZAMI, began test broadcasting in Addis Ababa in October 2007. According to an October 7, 2007 report in *Addis Fortune*, Sheger will focus on music and entertainment, while ZAMI will provide news and talk shows 24 hours per day. ZAMI's manager is a radio personality from state-run Radio Ethiopia, Mimi Sebihatu, although no evidence exists that the station will be pro-government in nature. In an interview conducted by the privately owned, pro-government[1] news agency Walta, Sebihatu discussed issues of editorial independence, which she stressed the station will maintain.[2]

Panelists wrote that people in cities enjoy better access to media than people living in rural areas. In rural areas, they noted, very few can afford print media and therefore depend more on broadcast media, which is cheaper for them. Reinforcing this point, the BBC Ethiopia Country Profile observes, "Press circulation is largely confined to the literate urban elite." Radio Ethiopia and Radio Fana, run by the ruling party, reach 80 percent of the territory, according to AMDI. Panelists reported that Internet access is available in cities at affordable rates.

[1] According to the BBC Ethiopia Country Profile, http://news.bbc.co.uk/2/hi/africa/country_profiles/1072164.stm

[2] http://www.waltainfo.com/AudioVideo/nov/zami.asx

Sources of international news are available to the public, but this is not without difficulties. AMDI reports that various subscription satellite services such as South Africa's DStv or ArabSat are available. Panelists wrote that these are affordable only "for a few." Foreign radio programs are broadcast into Ethiopia, but in November 2007 VOA reported that its signal was being jammed. Several panelists also reported that some people fear accessing foreign news, including on the Internet, because they fear being "monitored by state agents."

State media, both print and broadcast, is fully controlled by the government, although it employs professionals to staff and manage it. Panelists characterized these as "government mouthpieces." They noted that state media do not cover opposition activities, except in a negative way. AMDI reports that the 1999 Broadcasting Proclamation and Article 29 of the constitution require that publicly funded media be made available to all viewpoints.

Two news agencies exist, Ethiopian News Agency, which is state owned, and Walta Information Centre, which is private. The media also depend on foreign news agencies, such as AFP, AP, and Reuters, for information.

Private radio broadcasting is new in Ethiopia but evidence suggests that those that exist produce their own news and information programs. How much the content differs from the point of view expressed in state broadcasting remains to be seen.

"Media ownership is not very clear, but even then there are very few people with interest in this information," wrote one panelist. AMDI echoed this sentiment, noting that there is a "lack of transparency around ownership, it is not known whether ownership is diverse or concentrated in a few hands." However, one panelist wrote, "Media ownership is known by those interested in it."

The US State Department reports that the law prohibits foreign ownership of broadcasting and bars organizations receiving foreign financial or managerial assistance from receiving broadcast licenses. The law also prohibits politically or religiously affiliated broadcasting.

Social interest programs and news in minority languages exist. AMDI notes that Radio Ethiopia broadcasts are prepared in five local languages plus Arabic, English, and French. It says that Radio Ethiopia includes a weekly program focusing on women and allows NGOs to air programming related to their development work. Other shows cover topics such as HIV/AIDS. AMDI also points out that some newspapers have followed suit by providing regular coverage of women's or religious issues.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ethiopia Objective Score: 1.64

Panelists did not have much to say about this objective beyond "Things have collapsed in Ethiopia and we cannot talk about independent media." Their point was that the limited business environment makes operating—and achieving editorial independence through financial strength—nearly impossible. Further, the polarization of political life that has trickled down to the media results in business management taking a back seat to other considerations. Most indicators scored close to

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

the average, although Indicators 6 and 7, market research and circulation and audience measurement were noticeably lagging behind. Indicator 5, private media do not receive state subsidies, was fairly well ahead of the average.

AMDI research shows that many newspapers are small, with about 3,000 copies printed. Few newspapers have substantial private investment, although AMDI notes *The Reporter* and *Addis Admass* as exceptions. Freedom House reports that Ministry of Information requirements to maintain a minimum bank balance of about $1100 adds to the difficulties private newspapers have staying solvent. AMDI also makes note that the small advertising dissuades private investment in both print and broadcast.

Panelists noted that the government does not provide any subsidies to private media outlets. One wrote, "…instead government's interest is closing down all media houses it thinks are publishing or airing alternative views."

As regards market research and measurement of audience or verification of circulation figures, AMDI reported that this is generally not taking place. It notes that ETV and Ethiopia Radio profess to doing audience research, but that most of the results are not made public and, what is released, shows "…poor quality due to lack of research expertise."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ethiopia Objective Score: 1.71

What strength is shown by the score for this objective is carried by scores in Indicators 4 and 5, academic journalism programs and short-term training. On the lower end, panelists scored Indicator 6, apolitical sources of printing and newsprint, about a point lower.

There are very few professional media associations. The government has made it difficult for those that exist to operate freely. These associations have tried under very difficult circumstances to fight for the rights of their members, but panelists noted that the government brands them opposition political parties. The result has been harassment, torture, and arrests of association leadership. One panelist wrote, "We had some professional associations like the Ethiopian Free Press Association who were doing a good job defending and fighting for our rights, however, all its leaders were put on a government wanted list and forced into exile."

Regarding NGO activity, one panelist wrote, "…there were a few NGOs that were dealing in press freedom defense, but most of them have closed because government labeled them opposition supporters." International and regional NGOs are active however. One of these, the East and Horn of Africa Human Rights Defenders Network, has on several occasions protested violations of journalists' rights to the government. AMDI reports that international NGOs have been involved in reviewing draft legislation and other activities.

The panelists stated that academic institutions, both private and state, offer quality degree and diploma courses in journalism and mass communications. AMDI notes that the School of Journalism and Communication at Addis Ababa University offers undergraduate and graduate programs and that four other universities have relatively new journalism departments.

Panelists said inexpensive in-service training opportunities for those without formal academic training exists. AMDI reports that Addis Ababa University and various NGOs offer training for practicing journalists.

Panelists observed that media distribution channels, such as kiosks, are in private hands, but the government has at times interfered with the ability of private newspapers to access these. Freedom House notes that the government owns all printing facilities capable of handling newspapers and that it often declines to print certain private newspapers.

List of Panel Participants

Due to the oppressive political environment, panelists for Ethiopia agreed to participate only on condition of anonymity.

The Ethiopia study was coordinated by, and conducted in partnership with, the Eastern Africa Journalists Association.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

The government of President Ngwema, who is called the "God of Equatorial Guinea" by state radio, allows no independent media until it is made certain the proposed outlet it is not secretly a platform for an opposition party. Criticism of the government in the few independent outlets is strictly prohibited. The very few independent journalists working for the foreign press are watched closely.

EQUATORIAL GUINEA

OVERALL SCORE: **1.01**

EQUATORIAL GUINEA

Ranking after Nigeria and Angola among oil exporters in Sub-Saharan Africa, Equatorial Guinea has greatly increased its national income within the past decade. However, the rate of poverty is still high. Access to basic social services such as housing, water, electricity, and health care are still severely limited for a substantial part of the population.

Equatorial Guinea gained its independence from Spain in 1968, with Francisco Macias Nguema as the first president. A few months later, he instituted a bloody dictatorship, proclaiming himself president for life. In 1979, Vice-Minister of Defense Teodoro Obiang Nguema Mbasogo led a revolution against Nguema, his uncle, who was tried and executed. Mbasogo instituted military rule until 1982, when he set up civilian rule with himself as president. He won every presidential election since the first one in 1989, though they have been called "fraudulent" by the local opposition and international observers, including the European Union.

The human rights situation is poor in Equatorial Guinea. Extrajudicial detentions, torture of prisoners, civilians judged by military courts, and other abuses occur with impunity. Freedom House's 2007 survey Freedom in the World ranked Equatorial Guinea comparable to Eritrea, and the Committee to Protect Journalists ranked it as one of the five "most-censored countries" in 2006.

Mass media outlets are either tightly controlled or financially disabled. The government of President Ngwema, who is called the "God of Equatorial Guinea" by state radio, allows no independent media until it is convinced that the proposed outlet it is not secretly an opposition platform. Political dissent in the few independent outlets is strictly prohibited, and the small corps of independent foreign journalists is closely watched.

Consequently, panelists gave low scores for each objective. Objective 2, professional journalism, pulled up the average, with a score of 1.56. Panelists rated Objective 4, business management, by far the lowest (0.20), reflecting that most media are simply a mouthpiece for the government and that the poor economy cannot support commercial media.

IREX's partner implementing the Equatorial Guinea study, Kinshasa-based Journalists in Danger (JED), unsuccessfully sought the Ministry of Information's permission to hold a panel discussion; such permission is required for any media-related meeting or press conference, and is further indicative of the state of press freedom in Equatorial Guinea. JED therefore distributed and collected questionnaires from panelists and prepared the following chapter based on their responses.

EQUATORIAL GUINEA AT A GLANCE

GENERAL

> **Population:** 616,459 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Malabo

> **Ethnic groups (% of population):** Fang 85.7%, Bubi 6.5%, Mdowe 3.6%, Annobon 1.6%, Bujeba 1.1%, other 1.4% (1994 census, *CIA World Factbook*)

> **Religions (% of population):** Roman Catholic, other Christian, other *CIA World Factbook*)

> **Languages (% of population):** Spanish 67.6% (official), other 32.4% (includes French (official), Fang, Bubi) (1994 census, *CIA World Factbook*)

> **GNI (2006-Atlas):** $4.216 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $16,620 (World Bank Development Indicators, 2007)

> **Literacy rate:** 85.7% (male 93.3%, female 78.4%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Brig. Gen. (Ret.) Teodoro Obiang Nguema Mbasogo (since August 3, 1979)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print : 4 daily newspapers; Radio: 2 national stations; Television stations: 1 state run station

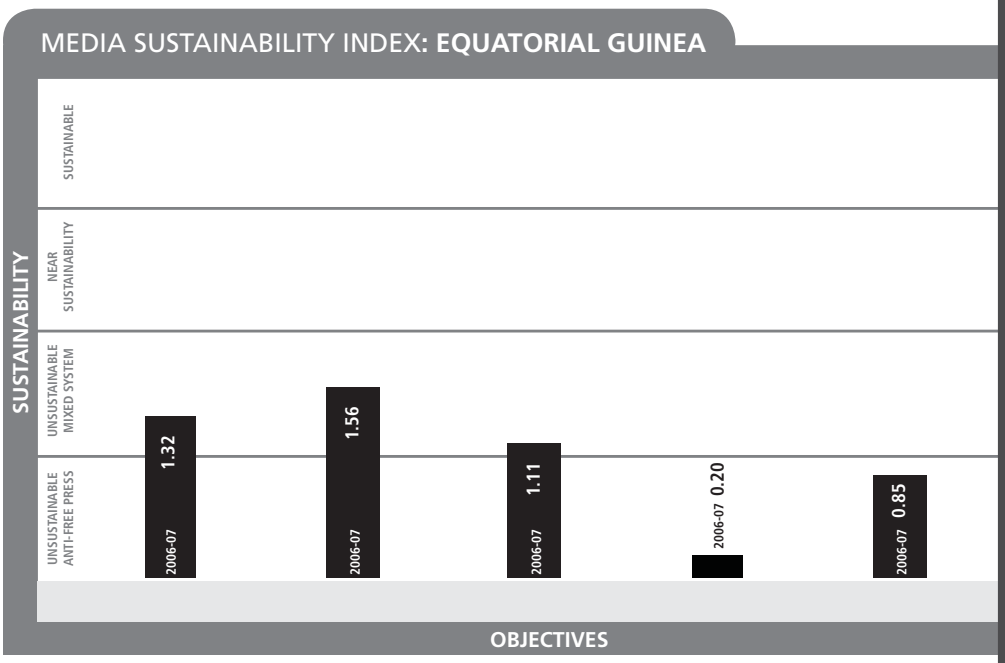
> **Newspaper circulation statistics:** Top three by circulation : *Ebano* (state-owned), *La Opinion* (private), *La Nacion* (private)

> **Broadcast ratings:** Top two radio stations: Radio Nacional de Guinea Ecuatorial (state-run), Radio Asonga (private, owned by the president's son)

> **News agencies:** None

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 8,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Equatorial Guinea Objective Score: 1.32

Most indicators in this objective were approximately as low as the final average. With a rating about a point more than the average, Indicator 9, restrictions on joining the journalism profession, pulled up the score. Panelists rated Indicator 3, market entry and tax structure, particularly low, at just above 0.

All panelists wrote that even though legal texts protect freedom of expression on paper, they are enforced differently according to whether one works in the private or state press. Private-press journalists are the most punished, and sometimes barred from the profession, whenever they show independence or objectivity in their work by presenting the real events happening in the country. Manuel Nse Nsogo Angue, journalist and trainer, wrote that because of this situation, journalists live in a permanent state of insecurity. They are prosecuted every time they denounce the corruption that pervades the government and economy.

In terms of access to news sources, Angue wrote that the state media enjoy favorable treatment over independent journalists. All public information is strictly reserved for the state-run media, despite the fact that there is no specific regulation excluding the private and international press to access such information.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

While the 2007 JED report on freedom of the press in Central Africa showed no cases of arrests or imprisonment of journalists, this is due neither to an openness of the current regime nor to any policy respecting freedom of expression or speech. Rather, it is a reflection of fear in the profession and the unwillingness of journalists to speak out and risk perturbing the government. Rodrigo Angwema wrote that journalists seen as critical of the government frequently have their equipment confiscated and are arrested and detained for several months before police release them. He stated that these cases remain unreported. No official media speak of journalists being arrested or of censorship of the press—not even when their own journalists are involved.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Equatorial Guinea Objective Score: 1.56

Panelists rated Indicators 1 and 2 on the high side, above 2, noting that the reporting that does exist is fair and follows ethical standards. However, low scores in Indicators 3 and 8 reflect a sense that reporting is marred by self-censorship and lacks depth and an investigative angle. Furthermore, panelists gave the lowest score to Indicator 5, pay levels for journalists.

There is no self-regulatory authority for the media in Equatorial Guinea. The Ministry of Information decides who is fit to practice journalism, given that the number of media in the country is very low.

Foreign press correspondents and the few independent journalists have to face many annoyances: access is denied to official news sources, and bans exist on reporting

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

events involving the president and other members of the government. As a result, coverage of key events suffers.

The hostile attitude towards independent media is sometimes adopted even by representatives of organizations within the United Nations' presence in Equatorial Guinea. The UN often avoids inviting the independent press or foreign correspondents to its meetings with the government, its seminars, or other activities that it organizes.

As civil servants, journalists working in the official media are appointed by the president. They are subjected to arbitrary sanctions; for example, their direct superiors can suspend them for several days and they have no way to appeal. The victimized journalists, out of fear that they might worsen their situation, also conceal such cases.

OBJECTIVE 3: PLURALITY OF NEWS

Equatorial Guinea Objective Score: 1.11

Indicators 3, 4, 5, and 6 scored below 1 in this objective, reflecting the strict pro-government policy of state media, lack of independent news agencies, absence of independent news programming in the few private broadcasters, and lack of transparency in the ownership of private media. Only Indicator 2 scored relatively well (more than a point higher), as citizens have few restrictions on access to media, other than poverty.

Radio-Television of Equatorial Guinea (RTVEG), the state-run public media, has one station in Malabo and another in Bata, the country's second largest city and its economic capital, situated on continental Africa. The two official state-owned weekly papers, *Ebano* and *Poto-poto*, come out irregularly. There is also a private radio and television station called Asonga based in Bata, with a subsidiary station in Malabo. Asonga belongs to the oldest son of the president. State media reflect solely the views of the government and do not serve the public interest.

The private press, as such, barely exists; previously independent papers are not currently operational on any regular basis. No independent news agency exists. Two tabloids, *La Gaceta* and *Ceiba,* would like to pass themselves off as independent papers, but are in fact at the disposal of the authorities. They are run by a regime bigwig, Augustin Nze Nfumu, former secretary general of the ruling party and currently the ambassador to Great Britain. Due to this connection, the two magazines' content is limited to articles and photos highlighting the activities of the government.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Equatorial Guinea Objective Score: 0.20

All indicators scored similarly low in this objective. None scored higher than half a point. Media in Equatorial Guinea are simply not businesses. Regulatory burdens and economic hardships mean that a truly independent media outlet would be unlikely to survive.

As state-run media, RTVEG depends on the budget of the Ministry of Information and is not intended to raise revenue; it is managed like an agency of the government.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

La Gaceta and *Ceiba* have a monopoly, granted by the Ministry of Information, on print media advertising. State-owned companies, private companies, and foreign companies, including U.S. oil companies, place advertisements with these papers, and panelists wrote that they both take in substantial revenue in this way. It is not uncommon to find 20 pages of advertisements in a 30-page issue of *La Gaceta*.

For lack of financial means, *El Sol*, *El Tiempo*, and *L'opinion* ceased their activity several years ago. The state provides no subsidy for the private media.

Market research is not used, broadcast ratings are not prepared, and circulation figures are not independently verified.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Equatorial Guinea Objective Score: 0.85

Equatorial Guinea has no truly independent civil society organizations, and panelists' scores reflected a lack of available support from associations and other institutions for the media sector. All indicators scored close to the final average, except for Indicator 1, covering trade associations, that came in at nearly 0.

In theory, a few supporting institutions are charged with protecting the interests of media professionals and providing training opportunities. These include the Association of Press Publishers of Guinea and the Association of Journalists Fighting HIV/AIDS. In reality, these institutions are not operational, for lack of funding and because their activities are under the strict supervision of the government. Any meeting of the members of these organizations needs preliminary authorization from the Ministry of Information.

The National University of Equatorial Guinea teaches communications in its School for Social Sciences, but in general, the curriculum does not cover what would be considered journalism.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panelist List

Manuel Nse Nsogo Angue, journalism trainer, Malabo

Ramon Etobori Mba, journalist, *Ebano* Newspaper, Malabo

Carlos Ona Boriesa, journalist, *The Verdao*, Malabo

Tonas Epomo, journalist, Radio Bata, Bata

Martin Ela Quido, journalist, Nacional TV, Malabo

Samuel Obiang, correspondent, Africa 1, Malabo

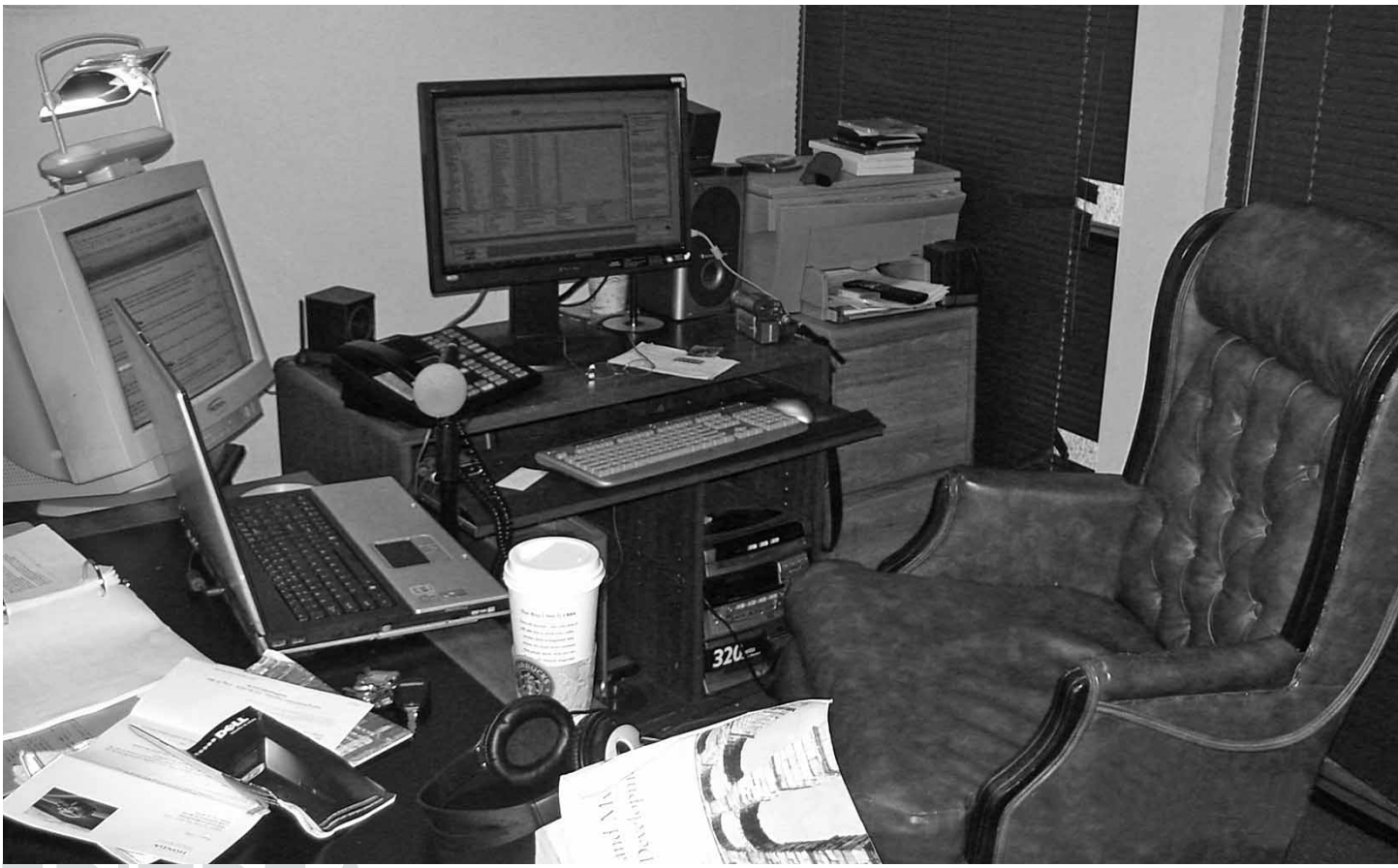
Gil Obiang Ochaga, journalist, *Ebano* Newspaper, Malabo

Moderator:

Rodrigo Anguan-Nguema, jorunalist, JED, Malabo

The Equatorial Guinea study was coordinated by, and conducted in partnership with, Journaliste en Danger, Kinshasa, Democratic Republic of Congo.

Today, there is no private media in Eritrea, making it unfortunately unique among the 37 African countries studied by the MSI. State-owned newspapers, television, radio, and Internet sites report to the Ministry of Information and are the only legal sources of information in the country. These sources serve the dictates of the government. Many former journalists have left the country, are in hiding, or are imprisoned.



ERITREA

OVERALL SCORE: **0.27**

Eritrea became an Italian colony in 1890, was administered by the UK from 1941 to 1952, and was federated with Ethiopia until 1961, when Ethiopia made Eritrea a province. This sparked a war of independence that lasted until 1991. Following a UN-supervised referendum, Eritrea became independent in 1993.

The Proclamation for Freedoms, Functions, and Objectives of the Press in Eritrea became effective in June 1994. Eritrea's constitution was ratified in 1997 but has not yet been implemented; a timeframe was not imposed on the government. The head of the Constitutional Commission later acknowledged that the Commission had mistakenly trusted the government to simply do so, and the government has delayed it on the grounds of national security.

In 1997, new independent newspapers began to circulate. Given the political, social, and economic state of affairs after a 30-year armed struggle for independence, Eritreans looked on the beginnings of press freedom as quite an achievement. Sadly, it was a short-lived spring.

Conflict with Ethiopia reignited in May 1998 and ended in December 2000. Shortly thereafter, the government promised to hold democratic elections in December 2001 and created an election commission. A month later, however, the commissioner was relived of his duties without explanation, rendering the commission inactive. In May, 15 government ministers and other officials wrote an open letter to the president pleading for a national congress and hoping to rein in executive power. Over the next few months, the few newspapers facilitated public debate on the issue with on-going discussion and dissemination of information. On September 18, 2001, the president ordered the signatories of the letter and at least a dozen journalists be arrested, claiming that an Ethiopian threat was still real and dissenting voices a menace to national security. Some are reported to have died in prison while the rest are held incommunicado in unknown locations.

Today, there is no private media in Eritrea, making it unfortunately unique among the 37 African countries studied by the MSI. State-owned newspapers, television, radio, and Internet sites report to the Ministry of Information and are the only legal sources of information in the country. These sources serve the dictates of the government. Many former journalists have left the country, are in hiding, or are imprisoned.

The scores for Eritrea reflect a media system that has been completely subsumed into the role of public relations for the state. Extremely low scores in Objectives 2 through 5—none was higher than 0.38—show a media currently incapable of taking on the role of the "fourth estate." The pitiful score of 0.09 in Objective 1, free speech, provides the main reason for this state of affairs. The photograph at left, of an exiled Eritrean journalist's office, shows the empty chair that is the Eritrean media today. Simply put, Eritrean media are in exile.

ERITREA AT A GLANCE

GENERAL

> **Population:** 4,906,585 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Asmara

> **Ethnic groups (% of population):** Tigrinya 50%, Tigre and Kunama 40%, Afar 4%, Saho (Red Sea coast dwellers) 3%, other 3% (*CIA World Factbook*)

> **Religions (% of population):** Muslim, Coptic Christian, Roman Catholic, Protestant (*CIA World Factbook*)

> **Languages (% of population):** Afar, Arabic, Tigre and Kunama, Tigrinya, other Cushitic languages

> **GNI (2006-Atlas):** $888 million (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,090 (World Bank Development Indicators, 2007)

> **Literacy rate:** 58.6% (male 69.9%, female 47.6%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Isaias Afworki (since June 8, 1993)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Newspaper readership is low, but there are some radio and television stations. All of these are state-owned, however

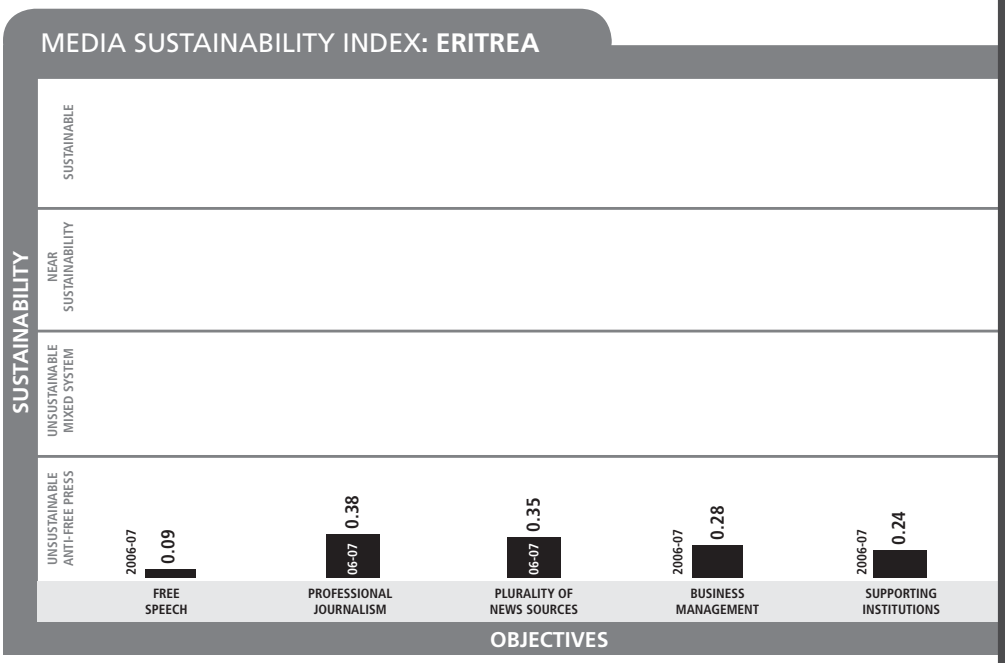
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** None

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 100,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

All MSI participants were Eritreans living in exile. The MSI panelists participated remotely by completing the MSI questionnaire and being interviewed by the IREX moderator, also an Eritrean in exile. Given the geographic dispersion of the panelists, a full discussion was not held. While not all panelists asked to remain anonymous, because of the political situation in Eritrea IREX decided not to publish their names.

OBJECTIVE 1: FREE SPEECH

Eritrea Objective Score: 0.09

The score for this objective reflects a state of total suppression of freedom of expression, freedom of the press, and other civil liberties imposed by the government. A majority of indicators scored a flat 0. Indicator 8, media access to foreign news sources, led all indicators, but even then did not crack half a point.

Article 19 of the Eritrean Constitution, ratified in 1997 but never implemented, covers "Freedom of Conscience, Religion, Expression of Opinion, Movement, Assembly and Organisation." It provides for, among other liberties, freedom of thought and conscience; freedom of speech and expression, including "freedom of the press and other media," and; "the right of access to information." The 1994 Press Proclamation Law of Eritrea is more restrictive. Part 11 leaves open the possibility of banning newspapers and censorship with court approval. It allows for censoring all publications and mass media by government decree in emergency situations. Finally, it sets aside radio and television ownership as a government monopoly.

On September 18, 2001 the Press Proclamation Law was revoked and the government not only closed down all independent newspapers but also began literally hunting down every editor and journalist. Within weeks, it managed to detain at least a dozen of them; reports on where they are now vary, but a number have been confirmed dead. One of the first reported deaths was that of Yohannes Fessehaye, a veteran of the liberation war who managed to establish one of the earliest newspapers, *Setit*.

Ever since the crackdown, the pressure on silencing dissent has been escalating in various sectors. Anyone criticizing government policy runs the risk of being jailed or made to disappear without due process of law. "Very senior government ministers (more than 10 of them) are detained since 2001 for just expressing their views (which was different from that of the government) on the private press…. One can imagine the lack of freedom of speech for the general population if these senior ministers, including the deputy president, are denied that basic right," wrote one panelist.

Another wrote, "There is no freedom of speech. If journalists oppose the government policy, or write critical articles, it is considered to be a crime and the punishment is imprisonment, torture and disappearance. The Eritrean public who live inside the country are terrorized and oppressed by the cruel regime and they have not been able to protest openly against the human rights abuses which have been perpetrated by the state." Panelists characterized the crackdown and its aftermath as the most devastating event in Eritrea's short history of independence.

Press freedom had not been secure previous to September 2001. At different times before the crackdown, the government raised issues of national security as a reason to discourage dissent. When it proved impossible to hold back the tide, the government invoked the state of emergency loophole provisions of the Press Proclamation Law. This was their justification for the closure of private newspapers and imprisonment of those seen as critics. The government also began questioning the sources of funding for the newspapers, saying that they were funded by "foreign agents."

This situation has not abated, and journalists for the state are not immune. The International Freedom of Expression Exchange (IFEX) has documented several recent arrests. In November 2006, several journalists employed by the state defected. Shortly thereafter, at least nine journalists were

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

arrested on suspicion of maintaining contact with those who had left. A few who were released remain under surveillance. In June and August 2007, different employees of state broadcasting were imprisoned after being caught trying to flee the country.

There is no licensing of broadcast media in Eritrea, as the Press Proclamation Law explicitly states that broadcast media ownership is "reserved for the government." Before the September 2001 suspension of the Press Proclamation Law, newspapers did require a license. At this time, however, according to one panelist, "…no private media are allowed and no license is issued from the government." Naturally, there is no market entry as covered by Indicator 3, either.

Violence against journalists and the media occurs at the hands of police and other security personnel during and after arrest. Journalists are held in prisons that international human rights groups have called "concentration camps." They are held incommunicado and are reportedly subject to inhumane conditions and torture. According to IFEX, there are unconfirmed reports that at least three journalists have died while imprisoned.

The state media enjoy legal advantages through their monopoly position although there is no legal guarantee or expectation of editorial independence.

Libel laws provide for criminal punishment of offenders. However, these provisions are not used against journalists. Journalists considered untrustworthy (there are not even any journalists left in the country that could be called "critical") are generally arrested without charges and taken to prison. Time of detention is arbitrary. One panelist wrote, "Journalists detained by the regime have never been brought before a court of law and no charges are put forward against them despite continued pleas from international human rights organizations to release or try them fairly for any alleged offences."

Access to information is supply, rather than demand, driven. "The ruling party exercises a full monopoly on information and it releases information that serves its interests," one panelist stated.

Journalists have access to international news sources but they cannot freely relay information from these sources, particularly if it has anything to do with Eritrea.

The government does not have licensing procedures for journalists, but since they are the only employer of media professionals, by default the government defines who is, and who is not, a journalist.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Eritrea Objective Score: 0.38

Although scoring better than Objective 1, in absolute terms Objective 2 received a very low score from panelists. The only indicator to exceed half a point was Indicator 6, balance of news and entertainment programming.

"The use of media outlets in Eritrea is mainly for the promotion of the ruling party's image, in particular that of the president. The country's persistent economic hardship, food insufficiency, hyperinflation, human rights abuses, and government incompetence are replaced by images of the president inaugurating agricultural or cultural projects." These words by one of the panelists sums up news reporting in Eritrea. What is not reported, people only learn through word of mouth and rumor.

Objective and well-sourced reporting does not have deep roots in Eritrea. Before independence, the media was based in the so-called "liberated areas" and under the control of the liberation movement. The trained reporters in these areas who could provide the nucleus of a professional press corps are either in jail, in exile, or have been forced to work for state media where they cannot practice what good habits they may have learned.

Regarding journalism ethics, one panelist remarked, "There is only government owned media. The only journalistic standard they follow seems to be excessive deference to the ruling regime."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

In discussing self-censorship, one panelist wrote, "The journalists and editors who work for the government exercise self- censorship massively. Mostly not because they believe in the government policies, but for personal safety: they know their fate if they are slightly out of the government line."

Key events are defined by the government and are covered in the media. This is typically news about road construction, hospitals, schools, training programs and seminars of various kinds, health and agricultural project achievements, meetings of government officials often chaired by the president, the president's travels within the country, and his departure for, or arrival in, a foreign country.

Journalists in Eritrea typically earn minimal salaries. "Some of the asylum-seeking journalists complain that they were put under strict surveillance and were often forced to work under low or no payment," wrote one panelist regarding journalists' salaries. However, "Corruption is rare," said another.

There is a respectable balance between news and entertainment content; however, the descriptions given by panelists on the reliability of news content do not make such balance a particular strength in the media.

In 2007, the government invested millions dollars in opening a new media center that included modern equipment. However, one panelist wrote that, "The non-Tigrinya [dominant language of Eritrea] sections of the government media are even put at a greater disadvantage due to denial of adequate resources and budget and the absence of qualified and skilled professionals."

What niche reporting exists is typically tainted by political influence. Investigative reporting is totally absent.

OBJECTIVE 3: PLURALITY OF NEWS

Eritrea Objective Score: 0.35

The score for this indicator suffered due to the total control of the domestic media by the government. Indicators 3, 4, and 5—which measure the degree to which state media reflect the views of the political spectrum, the activity of independent news agencies, and private broadcasters produce their own news and information programming—all scored 0. Indicator 2, citizen access to news, and Indicator 7, social interests represented in the media and minority language information sources, scored better. Indicator 2 was the only indicator in all five objectives to exceed 1, though just barely.

In describing plurality of news sources, one panelist wrote that multiple news sources existed "only on the internet… there are two newspapers and one magazine in the country, all owned by the government." There are also two radio stations and one television channel. As mentioned above, these are state owned as well.

In the absence of private and independent news sources, it is unlikely that people in Eritrea can become informed about local, national, or international developments. The Internet might be one exception. Eritrea is probably the last country to join the Internet community, not because it was a newly independent country but, as one panelist put it, as a deliberate attempt by the government to control the flow of information and hamper public participation in governance. However, one panelist wrote, "In October 2004, the government moved further to restrict access to information by bringing all private Internet cafés in Eritrea under government control, claiming that they were a danger to the morals of young people who could use them to access pornography." Further, according to another panelist, "The digital divide between the minority who can afford and know how to use a PC and the majority without access also hinders fair distribution of information."

One panelist wrote: "What the government is afraid of is news that targets it with systematic consistency. First, it is deadly afraid of news *coming out* of the nation: it is suspicious of all foreign correspondents stationed in the country. Many of them have already been expelled under the slightest pretext. And second, it is scared of the Internet. Not only can people easily Google up all the information they need in a systematic way (something that they cannot do with a satellite dish), they can also surf through all the opposition websites. But few people own a computer, and fewer still can afford the Internet.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Further, it has restricted the use of Internet to where it [can] supervise it, be it at schools or Internet cafés. It is even known that it keeps stalking people who frequented the handful of Internet cafés."

Because of general poverty, the inability to access news would be a weakness in this objective if viewpoints other than the government's were available. In general, people wishing to get the government's news can find at least one avenue. Accessing other points of view means accessing the Internet, as described above, or foreign electronic media. Those who can afford satellite television have the choice to watch other channels, but very few can afford this luxury. Radio broadcasts beamed into Eritrea by opposition groups are routinely jammed. One panelist noted, "Although the government jams opposition radio, it has neither a law against listening to foreign media nor does it censor it. It is not clear whether this is due to lack of resources or because Eritrea is rarely in the news."

Regarding the indicator covering state media reflecting the views of the political spectrum, one panelist wrote, "The Eritrean state media serve one purpose only: to advance the message that the government is doing a good job and that the people love and respect the government. When it is not doing this, it is telling its audience of all sorts of nefarious activities that the 'enemy' is engaged in. Most of the time, the enemy is the government of Ethiopia. Occasionally, others appear on the enemy list including, lately, the United States."

Print and broadcast media along with government Internet sites focus mainly on a limited set of topics. These include government construction projects; presidential travel and state visits; government meetings and their resolutions or success stories; documentaries on the history of the armed struggle for independence; entertainment and cultural programs, including modern or traditional styles of music; the looming dangers of the border demarcation impasse between Eritrea and Ethiopia and the perpetual need for vigilance; selective coverage of international news, and; denials regarding unfavorable news reports.

Erina is a state-run news agency, but it is not independent. There are no local independent news agencies. Foreign journalists are closely monitored and are given little or no access to information on the country's situation, which results in the absence of credible and objective news and reports about Eritrea.

Media ownership is transparent: the government owns all of it, effectively creating a monopoly conglomerate. Foreign ownership of Eritrean media is prohibited by Part 11 of 1994 Press Proclamation Law, which states: "private ownership of press and all equipment of expression shall be permitted to Eritreans only."

"The government owned media does use different local languages to indicate representation of the country's ethnic diversity. However, this effort is artificial and does not go beyond the recitation of less objective news and analysis. The overwhelming broadcasting time and space, including dramas, are presented mainly in one language (Tigrinya), which is the preferred language of the ruling regime and one of the nine Eritrean languages," stated one panelist. Another wrote, "… the government, although for its propaganda interests, gives to all ethnic nationalities in the country access to broadcast in their own language. And this may give them a sense of involvement even if it made it for the wrong reasons."

OBJECTIVE 4: BUSINESS MANAGEMENT

Eritrea Objective Score: 0.28

Observed one panelist, "Most of the questions posed in this section are not applicable." All indicators scored poorly. Only Indicator 3, advertising agencies support an advertising market, exceeded half a point.

Media are run as an arm of the government, not as profit-seeking businesses; their revenue stream is largely limited to state budget allocations. In terms of management generally, there is little specific information but financial accountability is weak in all government ministries.

"There are no privately owned media or advertising agencies in the country. But there is limited advertising of local businesses mainly on catering and travel (Eritrean Airlines),

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

which are produced and broadcast on an irregular basis, noted one panelist. Another wrote, "In a nation where most of the enterprises are owned by the nation, and where there are scarcities of all types of goods, advertisement as we know it hardly makes sense." Newspapers also generate limited revenue from sales of copies.

Panelists had not heard of efforts at conducting serious market research or measurement of circulation or broadcast audience.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Eritrea Objective Score: 0.24

"There is no civil society in Eritrea. Period. Thus, there are no independent associations, journalistic or otherwise. The only 'associations' are affiliated with the ruling party. Thus, the 'youth association,' 'women's association,' and 'workers' association' are no more than franchises of the ruling party that advance the slogans of the ruling party." The words of this panelist summarize well the reasons why this Objective scored so low and why the first three indicators, covering trade associations, professional associations, and support from NGOs, each received scores of 0. In addition to the situation as described by the panelist, the government does not allow international human rights NGOs to operate in the country, either.

Regarding journalism education, panelists report that there is a new diploma-level program offered. One of the panelists relayed the message given to the first graduating class by the minister of information in September 2007:

"…the ministry will step up its endeavors to achieve the goal of serving as a bridge towards promoting the Eritrean government's objective of building a responsible media with strong and extensive coverage that would provide nationals with balanced, accurate, and timely information, as well as enabling citizens inside the country and abroad get acquainted with the vision, policy, and work program of the nation's leadership and ensuring active popular participation...."

Given past trends of media development in Eritrea, this would appear to be another indication that the government will only invest in reinforcing its own media to further its agenda.

As with the media itself, the government controls all printing presses and channels of distribution for both print and broadcast media.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

While not all panelists asked to remain anonymous, because of the political situation in Eritrea IREX decided not to publish their names.

Although the business sector has seen a tremendous boom in the last few years, with significant investment coming into the country, this has created very little impact on the media—even in advertising. Most businesses in The Gambia are not keen to advertise with the private media, for fear of reprisals from the government.

THE GAMBIA

OVERALL SCORE: **1.62**

The media landscape in The Gambia changed drastically after the military overthrew the democratically elected government in July 1994. Although military rulers were quick to label themselves as "soldiers with a difference" and urged the public to criticize them wherever they went wrong, they were equally swift in revealing their true colors. Within a short while, the Armed Forces Provisional Ruling Council (AFPRC) pounced on the media.

The AFPRC regime metamorphosed into a civilian regime and rechristened itself the Alliance for Patriotic Reorientation and Construction (APRC). Despite its promises to uphold and safeguard the democratic principles embedded in the country, it instead eroded and flouted every aspect of those principles. Journalists became the regime's greatest victims, despite the fact that the regime had established the first television station in the country as well as given operational licenses to a number of media outlets. The president was quick to label journalists "the unworthy sons of Africa" and called on people not to buy newspapers, in order to put them out of business.

Economically, The Gambia is very weak, with the majority of the population living on less than one dollar a day. The country depends on tourism as its major income earner, particularly as drought has caused groundnut and cotton exports to decline over the years. The national currency, the dalasi, has seriously depreciated against major international foreign currencies, creating a negative impact on the media and other institutions.

Although the business sector has seen a tremendous boom in the last few years, with significant investment coming into the country, this has created very little impact on the media—even in advertising. Most businesses in The Gambia are not keen to advertise with the private media, for fear of reprisals from the government. Those who have dared to test the waters have been labeled "opposition sympathizers." Similarly, no government agency places standard advertisements in the private press. These same agencies, however, are quick to fill the pages of private media with propaganda and congratulatory messages for the president on special occasions such as his birthday and the day he came to power, thus adding a negative political dimension to some advertising.

The MSI panel for The Gambia revealed that Objective 1, freedom of speech, is the weakest, and it pulled down the overall average. The rest of the objectives were closer to the overall average, with Objective 2, professional journalism, the highest at 1.88.

Due to the repressive environment in The Gambia, most panelists agreed to participate in the MSI panel on condition of anonymity. A partial list of participants is included at the end of the chapter.

THE GAMBIA AT A GLANCE

GENERAL

> **Population:** 1,688,359 (July 2007 est., CIA World Factbook)

> **Capital city:** Banjul

> **Ethnic groups (% of population):** African 99% (Mandinka 42%, Fula 18%, Wolof 16%, Jola 10%, Serahuli 9%, other 4%), non-African 1% (CIA World Factbook)

> **Religions (% of population):** Muslim 90%, Christian 9%, indigenous beliefs 1% (CIA World Factbook)

> **Languages (% of population):** English (official), Mandinka, Wolof, Fula (CIA World Factbook)

> **GNI (2006-Atlas):** $488 million (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,970 (World Bank Development Indicators, 2007)

> **Literacy rate:** 40.1% (male 47.8%, female 32.8%) (2003 est., CIA World Factbook)

> **President or top authority:** President Yahya A. J. J. Jammeh (since October 18, 1996)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 9 newspapers; Radio: 8; Television stations: 1

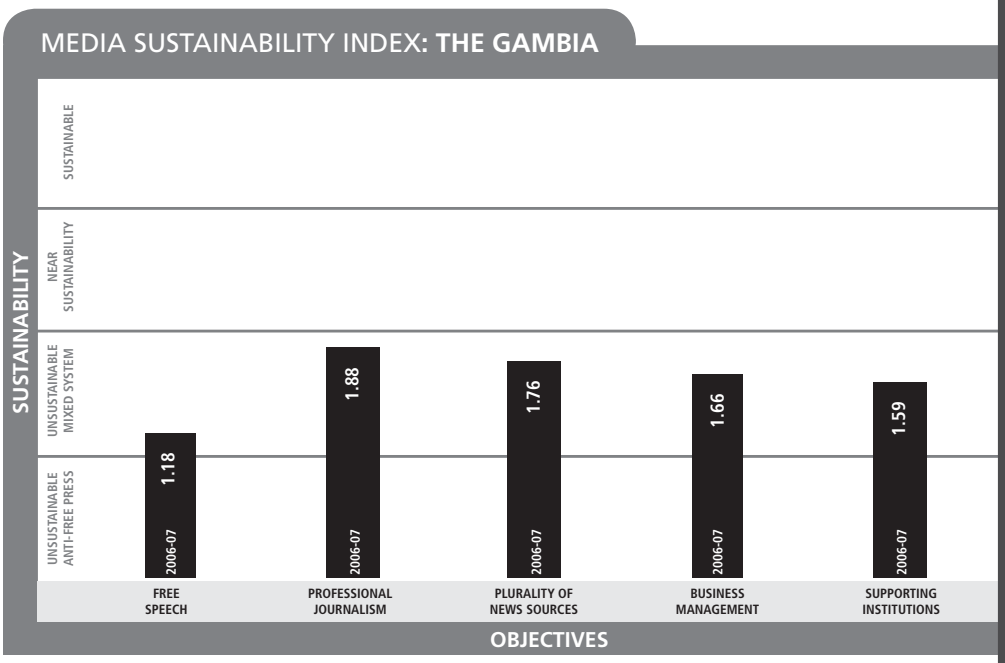
> **Newspaper circulation statistics:** Top two by circulation: Foroyaa, News and Report

> **Broadcast ratings:** N/A

> **News agencies:** Gambia News Agency

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 58,000 (2005 est., CIA World Factbook)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

The Gambia Objective Score: 1.18

Not surprisingly, this objective fared the worst of the five, and several indicators scored below a 1. Only Indicator 8, media access to foreign news sources, scored well, coming in more than 1.5 points higher than the overall average. Panelists pointed out in particular that constitutional guarantees of freedom of speech are ignored by the government, and most legal processes are not transparent, are applied unevenly, and often are used against private media.

Section 25 and 207 of the Gambian constitution guarantees freedom of speech, and Section 37 makes provision for redress in the case of violation of Section 25. However, the panelists said these provisions of the constitution are strictly cosmetic, and that despite the guarantees, freedoms of expression and the press are the most violated rights in the country. Such provisions are easily eroded by Decree 77 and other provisions and acts, most especially the Newspaper Amendment Act of 2004 and the Criminal Code Amendment Act of 2004.

Egregious legislation aimed specifically at crippling the media was enacted by the AFPRC government and its successor, APRC. The Media Commission Bill, which empowered a "kangaroo" commission to try and imprison journalists without any form of appeal, was successfully challenged in court by the Gambia Press Union (GPU). With the demise of the Media Commission Bill came two more draconian pieces of legislation in 2004: the Newspaper Amendment Act and the Criminal Code Amendment Act. The Criminal Code Amendment Act made the publication of what the government terms "false information" an offense. It established stiff penalties for sedition, libel, and "false publication," imposing a fine "of not less than D50,000 and not more than D250,000 [$2,500 to $13,000] or imprisonment for a term of not less than one year or both."

Redress, however, is hard to come by, as impunity reigns supreme. One panelist mentioned that the executive branch is not committed to the rule of law, and the public lacks confidence in the judiciary. Despite these misgivings, "Freedom of expression is valued and violations cause public outrage, but this is not overtly expressed for fear of retribution from the authorities," said one panelist.

In contrast with this view, some panelists believe that Gambians are greatly affected by the "culture of silence" and hence are mostly reluctant to come out and fight for their rights.

Broadcast licensing in The Gambia is controlled by the Department of State for Communication and Information Technology. Panelists described the procedures as biased and very unfair, without checks and balances, far from being transparent, and with no appeal process. Mostly, the decision whether to grant a license is the prerogative of the secretary of state, though it is obvious that the president pulls the strings. The entire process is highly politicized, and in certain instances, a successful application requires only an agreement that the licensee will not broadcast anything political.

Radio and television stations in The Gambia are licensed under the Telegraphic Act, which is a colonial legacy from 1913 that hardly addresses the present-day realities of the broadcast media. The legislation is simply suppressive, as it gives the Secretary of State for Communication and Information Technology the power to withdraw the licenses of any station, or even order its closure without due process of the law, as had happened in the case of Sud FM in 2006 and Citizen FM in 2001. These stations were the only two in the country that had been broadcasting independent news, and were closed by the government using thinly disguised legal justifications.

Overall, there is no guarantee against undue restrictions of media market entry. In fact, the government, using the infamous Newspaper Amendment Act, has attempted to silence the media by increasing license fees for newspaper registration from D100,000 to D500,000 ($25,000) and forcing previously registered media to comply with this new requirement. This fee is in the form of a surety bond and is typically backed by personal property; it is used to guarantee

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

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payment of any legal judgments made against the media outlet. Similarly, taxes were increased on newsprint and all imports of media-related materials. These measures effectively silence private media by keeping them out of the market.

Gambian journalists—especially those who work for the private media—live in perpetual fear and operate in a very hostile environment. For the past decade, the media environment has been characterized by harassment, intimidation, and brutalization of journalists by government security agents. Journalists have been arbitrarily arrested, detained incommunicado, tortured, and had equipment seized and destroyed. Numerous arson attacks have been carried out on media outlets and the homes of media personnel. These acts of intimidation culminated in the death of two journalists: Omar Barrow, who was killed by security forces in 2000 while reporting for Sud FM on a student demonstration; and *The Point* newspaper managing editor Deyda Hydara, who was gunned down on December 16, 2004 by unknown assailants. The panelists lamented that none of the perpetrators in either case have been brought to justice.

A significant number of Gambian journalists have fled into exile because of the repressive nature of the regime, while some of those who remain in the country have abandoned the profession out of fear.

The consensus of panelists was that state media are independent by law but not in practice. It was emphasized that in reality, the state media have no editorial independence; they have virtually submitted themselves to the dictates of the ruling party and hence fail in their obligation to give space to divergent views. The director of the state media is appointed by the president, without any regard to professional qualifications.

Journalists from the private media find it very difficult to access public information. In fact, reporters from the private media are barred from covering events at the State House and they are not invited to cover public events. However, these media outlets have unrestricted access to international news.

As mentioned above, libel has been criminalized in The Gambia with stiff penalties. It is an offense to "publish something false," even if the statement does not undermine the reputation of the complainant. Lamin Fatty, a journalist working with *The Independent,* was the first victim of this legislation. He was found guilty by Magistrate Buba Jawo of the Kanifing Magistrate Court for "false publication" in August 2007. Fatty's only crime was an article that he wrote in relation to the March 21, 2006 abortive coup, in which he reported erroneously that Samba Bah, the former director of the National Intelligence Agency, was arrested in relation to the coup. (The Samba Bah who was arrested was Sergeant Samba Bah of the Gambia National Army.) Even after issuing a correction in *The Independent*, Fatty was still arrested and detained by the NIA for 63 days and brutally tortured before being eventually dragged to court.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

The Gambia Objective Score: 1.88

Most indicators in this objective fell close to the overall average, although two did stand out. On the low side, panelists rated Indicator 5, pay levels for journalists, a half point lower than the average. On the high side, panelists felt that Indicator 1, fair reporting, warranted the highest mark, though it should be noted that panelists had in mind primarily the independent, private media when rating this indicator.

In deliberating on issues concerning professionalism in the media, the panelists emphasized that The Gambia has no media training institution, and that this is the most serious constraint in improving the quality of journalism. The

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

majority of those who practice journalism in the country have no basic training and simply expect to be trained on the job. Many even lack an adequate educational background. This has a great effect on the quality of reports and programs in the media.

Overall, reporting in the private media is very fair, mostly objective, and done in the public interest. However, on numerous occasions, stories have not been well researched and information has not been verified. This has led to several arrests and detentions of journalists, as had happened in *The Independent* case.

Panelists added that information sources are becoming hard to come by in The Gambia. Journalists working for the private media find it very difficult to get information from government officials. In fact, an official order bars civil servants from talking to journalists without the permission of the secretary general of their agency. This creates room for speculation, especially among young and inexperienced journalists assigned to cover these agencies.

Regarding ethical standards, the panelists pointed to the existence of the code of conduct developed by the GPU for its members. The code reflects recognized international standards. However, the panelists expressed different views as to why ethical standards are not strictly adhered to by the members of the GPU. Some said that members are simply unaware of the principles; most of the junior cadre of journalists have neither laid their hands on the GPU code of conduct nor had the chance to discuss the issue of ethics with their editors. On the other hand, some panelists said that they believe that ethical principles are flouted by journalists simply because they are very poorly paid, though the panelists did not view this as a legitimate excuse.

Though The Gambia has very rare cases of "check book journalism," at least one of the panelists pointed out the emerging trend of journalists who write articles for certain interest groups in order to get extra money. Thus, ethical standards need to be improved.

Gambian journalists are always keen to cover events, especially those related to politics. They also have a great desire to cover such diverse areas as education, health, agriculture, economics, and religion. However, one certainty is that Gambian journalists have shied away from reporting on security issues. Decree 71 and the Media Commission Act prohibit coverage of security issues or matters likely to embarrass the state. Those who had been involved in investigative journalism became victims of abuse at the hands of the state security apparatus, while others have had no choice but to go into exile.

In deliberating on issues concerning professionalism in the media, the panelists emphasized that The Gambia has no media training institution, and that this is the most serious constraint in improving the quality of journalism. The majority of those who practice journalism in the country have no basic training and simply expect to be trained on the job.

In today's Gambia, self-censorship is the norm, both in the state and private media. Since the brutal murder of Deyda Hydara, journalists in The Gambia have deliberately engaged in self- censorship, for fear of being targeted by the government. Editors and media owners in The Gambia routinely apply self-censorship as a result of the frequent intimidation and harassment meted out to those that report on issues that are deemed unfavorable by the government. In fact, *The Point* recently removed the "Good Morning, Mr. President" column simply because the NIA informed the current editor that the president does not like that column. This was also the fate of "The Bite," another very critical column that was run by Hydara.

Self-censorship is even worse in the state media, most especially the Gambia Radio and Television Services (GRTS). Its journalists have simply reduced themselves to serving as praise-singers of the president, disregarding every ethical principle.

Journalists are among the lowest paid professionals in the country. Some panelists argued that these payments are too low to discourage corruption. According to the panelists, some private media staff reporters receive salaries as low as $50 a month, while freelancers, who form the bulk of the reporter corps, receive even less. In most instances, journalists in the private media are provided no social security benefits. One panelist mentioned that in some of the private media outlets, journalists are even owed back salaries. The salary structure within the state media is far better than in the private media.

State and private journalists alike continue to work with obsolete equipment. Facilities in most of the media outlets are limited to one computer for an entire newsroom. Proper technical facilities, such as telephone balance and profanity delay units for phone-in programs, are non-existent. The issue of vehicles for transporting staff was also raised as a critical issue that negatively affects the work of the media. Apart from the state media, no other media outlet can claim an effective

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transportation system for its workers. Even within the state media, transportation is erratic and frustrating, which leads to late coverage at newsworthy events. Panelists concluded that there is an urgent need for aid in securing equipment, especially for the private media, in order for journalists to achieve the goals that they have set for themselves.

The panelists expressed that information and entertainment programs are not balanced. About 80 percent of the content of private radio stations is dedicated to entertainment programs. Presently, no private radio station broadcasts its own news. Some of these stations simply relay the national news from state sources or international news from the BBC and RFI. On the other hand, the bulk of content in the newspapers is news. Niche reporting is mainly an exception rather than the rule.

OBJECTIVE 3: PLURALITY OF NEWS

The Gambia Objective Score: 1.76

Indicator scores in this objective varied significantly. Scoring above a 2 were Indicators 1, 2, and 7: plurality of news sources, restrictions on citizen access to media, and a broad spectrum of interests reflected in the media. On the other end, Indicators 3 and 4, state media reflecting the political spectrum and independent news agencies, scored well below the average, with the former scoring less than 1.

The news sources available to Gambians are greatly limited. GRTS completely dominates the broadcast news, as no other private radio station in the country broadcasts its own news. Most of these radio stations relay the national news broadcast by the state radio.

Section 208 of the Gambian Constitution states, "All state-owned newspapers, journals, radio, and television shall offer fair opportunity and facilities for the presentation of divergent views and dissenting opinion." Again, this is a far cry from the reality. The majority of the panelists said that they view state media as totally partisan in its reporting. Journalists working with the state media have entangled themselves in sycophancy as a means of maintaining their jobs. They see themselves serving the powers that be rather than the interests of the public. The services of the state radio are strictly controlled by the government, and opposition parties are almost completely barred from utilizing the state media.

Technically, independent media have the freedom to carry divergent views, but that right is greatly affected by self-censorship. The programming of private radio stations is limited to sports, music, phone-in programs, and commercials.

With the exception of three community radio stations, Gambian print and electronic media outlets are based in urban areas. Only the national radio and television outlets provide nationwide coverage, and the only television station is part of GRTS. All other radio stations cover about a 50-km radius. Community radio stations exist but their programs are centered mainly on issues that affect the community. They do not produce news, but do link up with the national radio for the relay of the national news. Of late, there have been growing concerns that supporters of the ruling party have used their influence to utilize community radio stations for political campaigns.

Due to bad road conditions, newspapers that are published in the greater Banjul area take almost 24 hours to reach rural areas, where readership is already very low due to illiteracy.

Regarding international news, some radio stations do broadcast news from international stations. People have access

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

to satellite television, but the cost is far beyond the reach of the majority of Gambians. The Internet is easily accessible as an alternative source of news, but the high illiteracy rate and the cost involved mean only a very few Gambians use it. Internet cafés, however, continue to emerge in every corner of the country. Some panelists mentioned that the government has made attempts to restrict access to some Internet sites.

As most media houses cannot afford to pay for the services of international news agencies, the bulk of international news is culled directly from the Internet. There are stations in the country that still link up with the BBC and RFI to relay their news broadcasts. Presently, The Gambia has no news agency; The Gambia News Agency, which was run by the government, is now defunct.

The panelists stressed that media ownership in The Gambia is very transparent. The only exception is the *Daily Observer*, about which two panelists raised doubts. They indicated that its supposed owner has been used as a front by the president to purchase the paper. The Gambia has no media conglomerates.

OBJECTIVE 4: BUSINESS MANAGEMENT

The Gambia Objective Score: 1.66

All indicators under this objective ended up within a half-point of the overall average. Notably, the lack of market research and reliable audience or circulation numbers had the greatest effect on the overall score.

The MSI interviews indicated that despite efforts, neither independent nor state media are well managed business enterprises. What came out clearly is the absence of professional human resources with the expertise to operate as efficient and professional businesses. While private media try to generate enough business to remain afloat, state media are woefully dependent on funding from the government and its agencies. Public media staff salaries are provided for in the national budget, which is accrued from taxes. Other costs are covered by parastatals such as GAMTEL, the Gambia Telecommunications Company that levies a special tax on its telephone customers to underwrite the operational costs of the GRTS.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Print media are not overly reliant on subscriptions for revenue, as the public mostly cannot afford to subscribe and literacy stands at about 30 percent. Interestingly, one paper may serve between one to 12 readers or more. No private newspaper in The Gambia can claim to sell 5,000 copies a day.

Most newspapers have their own printing presses. The printing press of *The Independent* was destroyed by an arsonist believed to be a member of the Presidential State Guard in April 2004.

Even though Gambia has a government printer, private media face many obstacles if they want to use those facilities. There was a time when all used the government printer, but this ceased due to the hostile environment. Although there are private printers, the political situation causes them to avoid business with newspapers for fear of reprisals.

Formal distribution networks for newspapers are practically non-existent because there are no distribution agencies. Newspapers deal directly with individual vendors on a commission basis. All stations have their own transmitters, but some of the transmitters are not well maintained.

Media receive revenue mainly through advertisements and sold copies. Some programs and columns are sponsored by businesses. At times, they receive subsidies from embassies, NGOs (national and international), UN agencies, and partner organizations such as Reporters Without Borders and BBC. The local branch of Action Aid International recently bought transmitters and generators for two community radio stations.

Unlike the private media, community radio stations find it very difficult to attain sustainability. They mostly operate from areas where electricity supply is erratic, and must utilize a generator most of the time to be functional. This can be

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very expensive, given the cost of fuel for a 2.5 KV generator for more than six hours a day. In addition, funds generated from advertisements are minimal. Some outlets manage to raise limited funds within their communities.

There is a great lack of professionalism in the advertising area. Advertising agencies exist only for the billboard business. Media outlets receive their advertisements directly from clients who either prepare their own texts or have the stations and newspapers prepare the ads for a small fee or even free of charge. Electronic media work with some nascent agencies, but they lack state-of-the-art equipment and professionally trained human resources to do the job well. Outside the capital, there is little or no advertising.

Most media outlets in The Gambia employ marketing officials who continuously meet company agents in search of advertisements. Given the size of the country, and the few established businesses, the private press must compete among themselves for the relatively few consistent advertisements available. Some private media outlets claim that government agencies have become very selective in the way they issue advertisements: newspapers considered critical of the government do not receive advertisements from government agencies.

Advertisements take a portion of broadcast time but nowhere near the saturation point. The two major newspapers, *The Daily Observer* and *The Point*, have reached the saturation point however. In both cases there is three times more advert space than content space.

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Because of the limited number of other sources of income, at least 70 percent of total revenue is from advertisements. But these advertisements generate barely enough revenue for newspapers to break even, thus the papers have to do other types of printing jobs to survive, such as business cards, funeral pamphlets, and wedding invitations.

The government provides no subsidy for independent media. The state media, however, receive a yearly budgetary allocation through the Department of State for Information, Communication, and Technology.

Market research, whether in-house or performed by third parties, is non-existent. Programming and content are not tailored to audience preferences. In the past, public media conducted some audience research on specific health programs. There are no audience ratings or circulation figures.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

The Gambia Objective Score: 1.59

Most indicators in this objective were close to the average. However, panelists voiced concerns over the lack of formal university-level journalism education, hence Indicator 4 was well below the average. On the high end, panelists gave modest scores—slightly above 2—to Indicators 6 and 7, covering sources of newsprint, printing, and channels of distribution.

The Gambia has no publishers' or broadcasters' associations. Several attempts have been made in the past to establish associations, but panelists said that media owners are their own worst enemies: much competition and mistrust exists among them. Further, due to the limited market size and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

resources, publishers did not see the need to come together to organize themselves into an association.

The only existing association related to media is the GPU. The GPU has been mostly dormant in the last two years and hence has accomplished very little in terms of defending the interest of its members. Although it has served as a watchdog and reacted to press freedom violations, these reactions are often ineffectual. The successful challenging in court of the Media Commission Bill in 2004 was one of the greatest recent achievements of the GPU. Other lobbying efforts have not borne fruit. The government has not shown interest in collaborating with the GPU; government officials, including the secretary of state, have refused invitations from the GPU. Currently, the government is attempting to hijack the leadership of the GPU, or at least to create a parallel union.

The GPU at times provides sponsored training courses, but these have been few and far between. The union depends on embassies and NGOs to survive—even to pay for its headquarters' rent.

Despite the weaknesses of the GPU, its present executive has been able to provide legal support for some of its members who found themselves in trouble with the law. In most of these instances, they have been quick to seek help from regional associations and other international media organizations, such as the International Federation of Journalists.

Presently, the GPU seems to be undergoing a leadership crisis, as the majority of the membership has decided to remain inactive or to leave the country. The current executive has not been able to hold the constitutionally required monthly meetings, and most members have failed in their obligation to attend monthly meetings or to pay their monthly dues. Panelists said that they felt the union's leadership has created a conflict of interest, as the president has formed his own media NGO that does the same work that the GPU should be doing.

Within the GPU are semi-autonomous associations including the Health Journalists' Association, Sports Journalists' Association, and the Human Rights Journalists' Association. The GPU remains the parent body of all media associations in The Gambia.

All the panelists pointed to the lack of proper organization regarding collective bargaining. Despite this issue, there is significant solidarity among media members, especially when violations of press freedom occur and attacks are made on individual journalists, whether private or public. "Trade unions are hardly involved in media activity and even if they are they typically stop at joint advocacy programs during commemoration of some international events," said Ebrima Sillah, an independent journalist.

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However, after Deyda Hydra was murdered in 2004 and especially since 2006, when the government cracked down on the media, some NGOs and civil society organizations have begun working directly with the media to address the appalling human rights situation and freedom of expression violations in The Gambia. Some organizations, such as Action Aid and TANGO (The Association of NGOs in The Gambia) have partnered with media outlets to provide institutional support and capacity building or promote issues such as HIV/AIDS.

Panelists said that one of the most disappointing aspects regarding the NGOs and agencies is that they have continuously failed to make statements in reaction to press freedom violations. NGOs are now showing more support for free speech and independence of the media, although not proactively yet. They do not promptly and fully react to violations, review legislation, provide legal defense, or work with international free speech organizations. Their involvement in legislative changes is very much limited and rarely has any significance at all. However, NGOs do show solidarity with the GPU in either marking free speech occasions or raising concern and awareness about press violations.

The participants lamented the fact that The Gambia has no formal journalism training programs. Only in-house training and occasional short courses are offered, most recently by UNESCO. Young people are not professionally prepared to enter the profession. According to panelist Baboucarr Gaye, "There are very few and far between opportunities for students to get journalistic degrees abroad, as they are expensive to pay for and neither the students nor the media houses can afford them. Most students opt for journalism as a last resort and invariably don't have the qualifications to do degree courses. Those recently trained have either left The Gambia or are in less turbulent fields related to journalism. Thus, there are very few journalism graduates to absorb or be satisfied with."

Media outlets in The Gambia often look for opportunities to train their staff; however, these are not easy to come by. Many media outlets do not have the requisite personnel on

According to panelist Sam Sarr, "Purchasing newsprint is strictly a commercial affair in the hands of private companies. The problem is that newsprint is expensive, accounting for more than half of Foroyaa*'s expenditures. Unlike other countries, import duties and sales taxes are imposed on newsprint, which is always imported. Printing machines are imported. They require very substantial capital, given the level of capital available to the print media in The Gambia."*

staff to conduct efficient in-house training. Other short-term and in-service training is sometimes set up by international and local organizations with funding from embassies and NGOs. These are usually short, basic courses. Media outlets are not in a position to fund courses, and journalists do not earn enough to fund their own training.

Panelist Ebrima Sillah identified other issues regarding journalism training. "Although the University of The Gambia had expressed interest in creating [a program], a recent remark by the president that his government will not commit resources to training journalists at the University has put the whole project to doubt," he said. "There are few others pursuing university degrees in journalism, but it is not clear whether they will come back home to work as journalists, owing to the repressive climate in the country."

In 2004, the GPU collaborated with UNESCO and the University of The Gambia to organize a three-month training program on basic journalism skills for cadet journalists. All media outlets within the country were given the opportunity to send at least one participant to the training program. The program was set up by a consultant that was hired by the GPU. News writing techniques were the most popular during the training. The training also had a practical aspect in which the participants were introduced to program planning, production, and presentation.

At present, sources of newsprint are in private hands and there is no restriction on its sale, apart from government taxation making newsprint costly for private media. According to panelist Sam Sarr, "Purchasing newsprint is strictly a commercial affair in the hands of private companies. The problem is that newsprint is expensive, accounting for more than half of *Foroyaa's* expenditures. Unlike other countries, import duties and sales taxes are imposed on newsprint, which is always imported. Printing machines are imported. They require very substantial capital, given the level of capital available to the print media in The Gambia."

As mentioned previously, the government does not allow private newspapers to use the government printer. Private printers are selective in the kind of facilities they provide to independent newspapers. Hence, private newspapers all have their own presses, using primitive analog equipment.

Newspapers distribute directly through vendors and broadcasters own their transmitters. While channels of media distribution are largely in private hands, the government does have a substantial share. However, at this time, political influence is not impacting distribution of private media.

So far, Internet access has been controlled by large companies, and not overtly controlled by the government. However, there have been cases of government interference. Online newspapers such as the *Freedom Newspaper* (www.freedomnewspaper.com), *The Gambia Echo* (www.thegambiaecho.com), and *All Gambian* (www.allgambian.net), perceived to be anti-government, have been blocked at various times. Following the abortive coup of March 2006, the website of the U.S.-based *Freedom Newspaper* was hacked into and details of its subscribers, including telephone numbers and addresses, were made public. Some of the affected people were arrested and tortured.

List of Panel Participants

Due to the repressive environment in The Gambia, most panelists agreed to participate in the MSI panel on condition of anonymity. A partial list of participants is included below.

Amie Sillah, executive secretary, Women For Democracy and Development, Serrekunda

Demba Jawo, editor, African Press Agency, Dakar, Senegal

Ebrima Sillah, journalist, Gambia Press Union, Dakar, Senegal

Samuel Sarr, editor, Foroyaa newspaper, Serrekunda

Moderator:

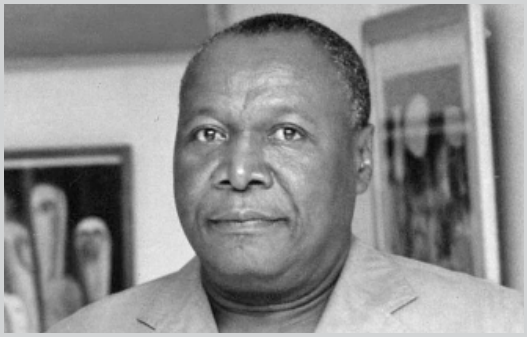
Amie Joof, executive director, The Inter Africa Network for Women, Media, Gender and Development, Dakar, Senegal

Technical Recordings:

Sheriffe Bojang Junior, reporter, Radio Alternative Voice for Gambians, Dakar, Senegal

The Gambia study was coordinated by, and conducted in partnership with, The Inter Africa Network for Women, Media, Gender and Development, Dakar, Senegal

IN MEMORIAM: **Baboucarr Gaye**



If anyone lived for and valued press freedom and the ethos of journalism in The Gambia, it was Baboucarr Gaye. Gaye began his journalism career with the national broadcaster, then Radio Gambia, where he became the broadcasting officer at age 25. He left to become the local correspondent for the BBC World Service from 1979 to 1992. He established several newspapers, including *The Senegambia Sun*, *The Point*, *Newsmonth*, and *New Citizen*.

In a bid to bring journalism closer to the people, Gaye set up The Gambia's first private radio station, Citizen FM, in 1996. Much to the dislike of the government, it broadcast news in local languages and served as an alternative source of information. The most popular program, *Kaira Lata/Jamangen Fanan* (*Good Morning*), got people glued to their radios to hear translations into local languages of news and commentaries published by local newspapers in English.

He battled several attempts by the authorities to silence him, but in 1998 the government closed Citizen FM, saying it was being operated without a valid license. Gaye challenged this in court and, following a protracted legal battle, won the case. After a two-year hiatus, Citizen FM reopened with the same programming as before. However, in 2001, armed soldiers raided the station and shuttered it for good.

Gaye was a mentor to many people, and trained many young journalists. Gaye, 58, died peacefully on October 30, 2007, still writing memos and editorials. He is survived by his wife and five children. Gaye participated in the 2006/2007 MSI panel for The Gambia.

The year under review recorded some negative developments, however. While incidences of impunity and restrictive decrees that characterized the period prior to the return to democratic governance no longer occurred, insidious threats in the forms of punitive court fines, sporadic reports of physical assault on journalists, high operating costs, and institutional mediocrity encumbered media development, both institutional and professional.

GHANA

OVERALL SCORE:
2.58

GHANA

Until 1992, media development in Ghana was undermined by a checkered political history of successive military dictatorships and legislative strictures. The return to multi-party democratic governance in 1993 provided constitutional guarantees for an open society and a free and plural media regime. This engendered a vibrant private interest in the sector as a business prospect. The media landscape under the current (1992) Constitution has, therefore, been quite libertarian and pluralistic. The horizons of free expression and media freedom have also, accordingly, expanded significantly.

The year under review recorded some negative developments, however. While incidences of impunity and restrictive decrees that characterized the period prior to the return to democratic governance no longer occurred, insidious threats in the forms of punitive court fines, sporadic reports of physical assault on journalists, high operating costs, and institutional mediocrity encumbered media development, both institutional and professional.

Within six months of coming into office in January 2001, the New Patriotic Party government, in fulfillment of an election campaign promise, repealed the criminal libel provisions of the 1960 Criminal Code. And yet, the government has been rather reticent about giving legislative assent to a civil society initiated draft freedom of information bill.

The MSI assessment gave a positive, progressive, rating to the media in Ghana. The most optimistic assessment, 2.97 was attributed to Objective 5, supporting institutions. On the other hand, the standard of professional journalistic practice was considered to be the least propitious, and received a score of 2.09. Considering that the MSI panel gave a rating of more than 2.00 to every one of the five objective criteria for sustainability, Ghana shows it is making significant progress towards an effective and independent media system.

GHANA AT A GLANCE

GENERAL

> **Population:** 23,382,848 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Accra

> **Ethnic groups (% of population):** Akan 45.3%, Mole-Dagbon 15.2%, Ewe 11.7%, Ga-Dangme 7.3%, Guan 4%, Gurma 3.6%, Grusi 2.6%, Mande-Busanga 1%, other tribes 1.4%, other 7.8% (2000 census, *CIA World Factbook*)

> **Religions (% of population):** Christian 68.8% (Pentecostal/Charismatic 24.1%, Protestant 18.6%, Catholic 15.1%, other 11%), Muslim 15.9%, traditional 8.5%, other 0.7%, none 6.1% (2000 census, *CIA World Factbook*)

> **Languages (% of population):** French (official), Fon and Yoruba (most common vernaculars in south), tribal languages (at least six major ones in north) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $11.78 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,240 (World Bank Development Indicators, 2007)

> **Literacy rate:** 57.9% (male 66.4%, female 49.8%) (2000 census, *CIA World Factbook*)

> **President or top authority:** President John Agyekum Kufuor (since January 7, 2001)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 466 total publications; Radio: 166 licensed, 122 on air; Television stations: 25 licensed, 10 on air (Sources: National Media Commission, December, 2006, National Communications Authority, January, 2007)

> **Newspaper circulation statistics:** Approximately 1 million total circulation daily (http://www.populstat.info/Africa/ghanag.htm)

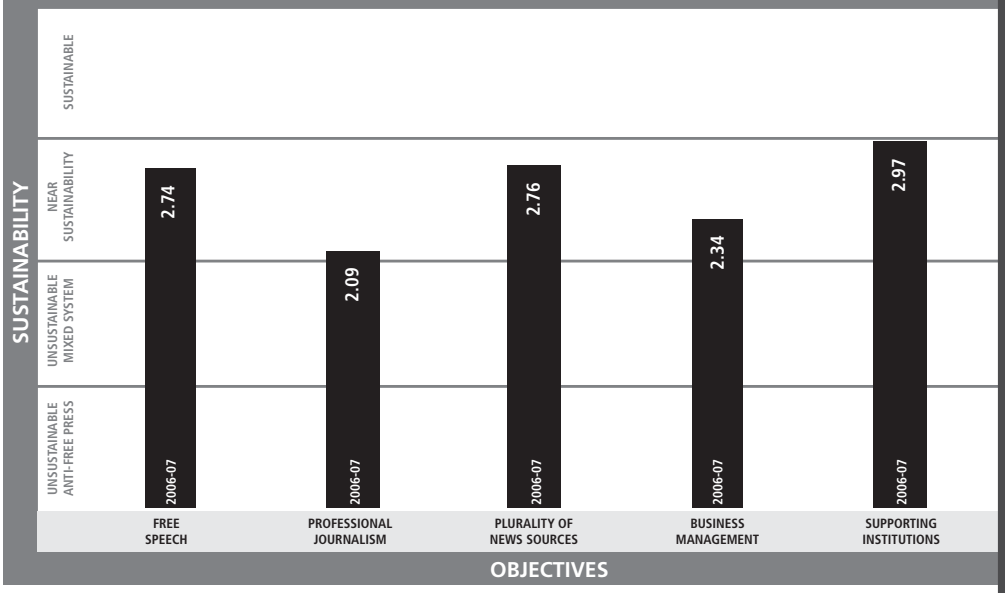
> **Broadcast ratings:** N/A

> **News agencies:** Ghana News Agency (state-owned since 1957)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 609,800 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **GHANA**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Ghana Objective Score: 2.74

While most of the indicators scored close to the overall average, two pairs of indicators that were significantly different from the average counterbalanced each other. On the high side, panelists rated Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, equally well and nearly a point higher than the average. However, Indicators 2 and 7, media licensing and access to information, scored noticeably lower than the average, with Indicator 2 faring the worst.

The rights to free speech and expression, of plurality of views, and of the media are firmly secured under Article 21 (1) (a), (b), (d), and (f) and under Chapter 12 of the constitution. In particular, Article 21 (1) (a) provides for all persons the right to "freedom of speech and expression, which shall include freedom of the press and other media." According to the MSI panelists, these legal and constitutional protections have enabled a general air of freedom among Ghanaians to hold and express diverse, and even dissenting, views. As panelist Egbert Faibille, editor-in-chief and proprietor of *The Ghanaian Observer*, remarked, "Fundamentally, if you look at the legal and social protections I think that there's free speech in Ghana." Godfred Yeboah Dame, a private legal practitioner and media rights advocate, agreed: "The constitutional provisions satisfy international requirements for the free flow, expression, and dissemination of news and opinions." Those constitutional provisions are elaborated in additional sections of the constitution. Article 162 (3) stipulates that, "There shall be no impediments to the establishment of private press or media …." Article 162 (4) seeks to insulate "publishers of newspapers and other institutions of the mass media" against editorial influence or control. Finally, Article 163 imposes a particular obligation on the state media to "afford fair opportunities for the presentation of divergent views and dissenting opinions."

A number of important factors still undermine the exercise of free speech, however. The panel was especially concerned that the lack of a right to information law mitigated the liberties granted to journalists and the media under the constitution. The grant of access to public documents and information is essentially subject to the goodwill and discretion of government and public authorities, the panel observed. In the words of Rejoice Esi Asante, editor of the women's page in the state-owned *Ghanaian Times* newspaper, "Some journalists have more access because of the media outlet they belong to and the circle of friends—contacts—they have." Panel members contended that although criminal libel had been repealed, the civil libel process, which in Ghana tends to put the burden of proof on the defendant (rather than the offended party), made the promulgation of a right to information law imperative and urgent. In the words of George Sarpong, executive secretary of the National Media Commission (the media oversight body), "without a right to information law, accessing information that is enough to satisfy the legal burden on the defendant is an uphill task."

This is particularly important in the wake of what the panel also observed as a worrying trend of politicians and other individuals seeking, and being granted, punitive sums for libel damages. Notably, in 2005 a minister of state was awarded GHC 1.5 billion ($160,000) in damages for defamation, and a further GHC 20 million ($2,200) in costs against a pro-opposition newspaper. The latest is a GHC 2 billion ($225,000) suit initiated by a government minister against some private newspapers with perceived opposition leanings.

Besides, as Bernardind Koku Avle, broadcast journalist and host of an award-winning morning radio program on Citi FM noted, "Media practitioners have, in the course of their duty, been attacked by political party supporters and by police and suspects without any serious sanctions or actions being taken." He cited the example of a reporter with the station he works for who was the victim of assault by the bodyguard of a suspected drug baron standing trial for narcotic offences.

Faibille also remarked, "When I am driving in my car one of the things I do is to use my air conditioner because when you are stopped at the traffic light and your windows are down and you had had a story published which rubbed somebody

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

As panelist Egbert Faibille, editor-in-chief and proprietor of The Ghanaian Observer, *remarked, "Fundamentally, if you look at the legal and social protections I think that there's free speech in Ghana." Godfred Yeboah Dame, a private legal practitioner and media rights advocate, agreed: "The constitutional provisions satisfy international requirements for the free flow, expression, and dissemination of news and opinions."*

up the wrong side, you can bet that someone will come and slap you and walk away. If I went on air to report the incident someone will call in and say, Egbert aren't you the one who did that story? It serves you right!"

In the opinion of Augustina Oti-Twumasi, who works with STB McCann, there are no strong social sanctions against violations of freedom of expression. Rather, certain socio-cultural norms inhibit the expression of critical views, particularly of the elderly and persons in positions of authority. As she put it, "It is a part of our background—where we come from—we always see talking against authority to be disrespectful so for those who are very conservative they think you are being rude to their icon."

Nevertheless, Bright Kwame Blewu, general secretary of the Ghana Journalists Association (GJA), observed that, "The fact that many Ghanaians call in to radio stations to report crime incidents rather than go to the police is a demonstration of their faith in free expression." Blewu recounted how some two years ago the head of the National Commission for Civic Education, proposed the banning of "radio phone-ins." "There was substantial condemnation of his call," he said. So, it would seem that public outcry or lack of sympathy for a journalist who has been the victim of assault on account of their work sometimes depends on whose political or other sectarian horse is gored.

The panel did not think the processes for obtaining licensing for broadcast media was sufficiently transparent or apolitical. Indeed, that indicator registered the lowest score of all the indicators of Objective 1. The perception was that the granting of broadcast licenses is biased. The following personal testimony of Charlie Sam, a reputed former broadcaster and now broadcast trainer at the Africa Institute of Journalism & Communications, was instructive: "I tend to read political influence into it because I am associated with an organization whose application has been pending since the year 2000; seven years now. And since then several stations have come on air. I ask myself, did these stations apply before the year 2000? I don't think so. So I believe that sometimes it depends on the kind of political clout you wield." Avle added that "It is unclear, the criteria used for licensing broadcast houses." This was further corroborated by Isaac Sam-Mensah, program producer of Radio Peace, a community radio station, who declared: "The activities of the NCA [the National Communications Authority, the agency responsible for granting broadcast licenses] are not completely transparent."

Relative to other equipment, the tax regime for importing broadcast equipment is both cumbersome and prohibitive, the panel observed. "I would particularly wish that tax rebates be given on import duties of paper and other printing materials," suggested Oti-Twumasi.

There is, however, free and open access to international news and information. The only potential limitations are those imposed by availability and affordability. Similarly, entry into the profession is free, even lax, to the extent that some panel members thought there ought to be more clearly defined entry points into the profession and minimum obligations for recognition as a journalist. As Hamida Maalim Harrison, a women's NGO advocate, noted, "Even radio DJs are calling themselves journalists." The panel was concerned that there are reported incidences of impersonators and charlatans purporting journalistic credentials and gaining access to media events or accessing services.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ghana Objective Score: 2.09

All the indicator scores hovered near the overall average, with two exceptions. Indicator 4, journalists cover key events, scored somewhat higher, while Indicator 5, pay levels for journalists, scored somewhat behind the average.

Of all the objective criteria for sustainability, the panel was least impressed with the state of professional journalism in the country. They attributed this to at least two related factors experienced in Ghana's history of media and politics. First, there was an over exuberant sense of triumph, leading frequently to excesses among media practitioners who had lived under a long spell of a culture of silence during the early years of military dictatorship under former President J. J. Rawlings. Secondly, the country's media, particularly the private press, are quite blatantly partisan. They tend

to assume and advocate partisan positions on nearly every issue, including even soccer, one panel member quipped. Consequently, journalists often disregard the basic tenet of objectivity and, generally, to dishonor the most elementary provisions of professional ethics codes.

Besides, the panel observed, there were no significant qualitative improvements in format and content of programs and publications to match the numerical increases in print titles and broadcast outlets in the country. Again, the panel attributed this, in part, to the lack of any objective standard of qualification for a claim to professional membership. As Oti-Twumasi put it, journalism seems to be an "open, free-for-all career. Even with limited education, all one needs is the interest and facility. And the professional association [GJA] lacks the bite to streamline things."

In terms of whether reporting by the media was fair, balanced, and well sourced, the following response by Asante echoed the general sentiment of the panel: "There is so much speculation, mostly in the private print media and some radio stations." The panel also attributed the lack of objective treatment of stories and issues to the observation that many newspapers have "their own [political] agenda in coming up with stories," as Avle noted. In the words of Oti-Twumasi, one reason is "because politics sells." According to Faibille, "some journalists take what is called "soli" from [event] organizers." "Soli," from "solidarity," is a payment made to reporters for covering an event in the hopes of positive coverage. It is common to find stories in the press in which no sources are given and no by-lines or attributions are provided.

Although the GJA has a code of ethics for practitioners, membership in the association itself is very much optional.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Isaac Sam-Mensah was even more critical: "They [journalists] publish false news for money or hold back some important news items which affect some public officials," he claimed.

Accordingly, there generally seems to be no sense of obligation to comply with the ethical injunctions. Even for members of the association, the panel noted that violation of the tenets of the code attracted no more than the moral sanction or a public condemnation, the occurrence of which in the view of the panel is rare in the first place and not of sufficient deterrent value in any case. Consequently, "the desire to obtain a scoop or the need to meet deadlines or plain political mischief makes some journalists throw professional standards and ethics overboard," Charlie Sam noted. He added, "Sometimes screaming headlines and/or accompanying photographs bear no relation to the story content."

The high level of media pluralism means that there is always an avenue for issues to receive media visibility and gain public attention. Therefore, panelists did not consider that editors were necessarily directly coerced to exercise self-censorship. Besides, the constitution expressly provides under Article 162 (2) that "… there shall be no censorship in Ghana." And yet, as Asante pointed out, "Journalists and editors practice self-censorship because of fear of losing their job or protecting the interests of a party." The panel noted a high incidence of coverage inspired by political propaganda, especially among sections of the private print media. This can be traced in part to the history of press ownership in Ghana, where, as Sarpong explained, "people with passion for expression set up media to pursue their own philosophical and ideological inclinations."

On the whole, journalists tend to emphasize trivialities rather than serious, well-sourced, and contextualized events and issues, the panel noted. Poor packaging, sensational headlines, bad grammar, and factual inaccuracies, in particular, characterize much of the private press. What is considered key or important enough for editorial attention is essentially driven by bottom line considerations since, as the panel intimated, he who pays the piper calls the tune.

The low levels of pay received by journalists and other media practitioners resulted in Indicator 5 receiving the lowest score in Objective 2. The panel thus attributed the high incidences of professional compromises by journalists to their low remunerations. This, again, brought into focus, "the

Hence, according to Faibille, "poor page planning and technique make most of the papers, especially the privately-owned ones, an eyesore."

issue of 'soli' where reporters are 'paid' for covering a story" said Avle. Isaac Sam-Mensah was even more critical: "They [journalists] publish false news for money or hold back some important news items which affect some public officials," he claimed. The greasing of journalists' palms in order to get a particular version of facts reported has created credibility challenges for the media. As panelist Charlie Sam noted, "this [soli] has tended to belittle them [journalists] in the eyes of the rich and powerful," adding "Some politicians treat local journalists with disdain, preferring to deal with foreign or international media."

Bottom line considerations, rather than unwillingness or inability to discuss issues, mean that media content is dominated by programming that appeals to the lowest common denominator. Accordingly, there is more entertainment programming in the electronic media than news and information. In the words of Charlie Sam, "Television stations, in their bid to capture audiences, devote disproportionately more time to reality shows, sports, and soap operas than to news and information." Isaac Sam-Mensah, on his part, raised quite a storm of controversy when he claimed that, "It is only community radio stations ... followed by the public radio, that provide some edifying entertainment. All commercial radio stations are in for money and so they are only interested in advertisements." And even though credit is due to some newspapers and stations for their significant emphasis or focus on news and current affairs, much of the emphasis tends to be on politics rather than social or human interest issues.

Niche reporting is relatively low for three reasons. There is low professional capacity among practitioners. There is also low institutional capacity on the part of newspapers in supporting specialized desks or beats. Finally, politics tends to be every journalist's staple topic.

The press houses in particular are poorly capitalized, one-man-owned endeavors that operate with the very barest of equipment and resources, such as a couple of computers and recorders and nothing more. Such equipment is certainly neither modern nor efficient. Hence, according to Faibille, "poor page planning and technique make most of the papers, especially the privately-owned ones, an eyesore." On his part, Avle cited the "lack of radio documentaries" as a product of the lack of "money to buy good equipment."

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Ghana Objective Score: 2.76

The MSI panel rated this objective quite highly, second only to Objective 5, supporting institutions. All indicators scored near the average, although Indicator 2, citizen access to media is not restricted, was by far the strongest with a score nearly three-quarters of a point higher.

The group was of the opinion that collectively, the media are able to present a plurality of perspectives from a diversity of news sources. This they attributed largely to the fact that the media sector in Ghana has been well served by the return to constitutional democratic governance. Prior to 1992, there were only about a dozen, eight-paged, tabloid sized, newspapers making sporadic appearances on the newsstands. But by December 2006, some 466 newspapers, magazines and journals had been registered with the media oversight body, the National Media Commission (NMC). Similarly, there are, currently, more than 160 registered FM radio stations and about 25 television stations (although only about half of them are on-air). Similar growth was observed within the Internet, mobile telephony, and other non mass media service providing sectors of the industry. Thus, according to the panel, the prevailing liberal media regime is ensuring that people with contending or varied views on issues are able to gain access and visibility on the multiplicity of media outlets in the country.

This optimism must be qualified, however, since, as panel members observed, commercial imperatives have dictated

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

that private newspapers and broadcast stations are mostly located within, and promote the interests of, urban city dwellers to the relative exclusion of the majority rural population. Isaac Sam-Mensah noted that, "there are only few community radio stations in the country because most private individuals are interested in money." He pointed out, furthermore, that, "Internet facilities are not available across the country. In places where they are available access is very slow." The following anecdote recounted by Charlie Sam provides poignant illustration of the lack of access in rural areas: "While visiting in my village recently, I had to travel a distance of 32 kilometers to the nearest big town in order to send an urgent e-mail to someone in Accra."

The panel also lamented the continued hyper-partisan polarization of most media in Ghana. As Oti-Twumasi pointed out, "our journalists take things at face value and merely echo the view of an individual source. I expect journalists to delve deeper, seek alternative views, provide historical background and contemporary context."

The panel acknowledged the significant presence of international broadcast media organizations (including BBC, CNN, RFI, VOA, DW, and Al Jazeera) available either as subscription channels or through partnerships with local media outfits. A number of international mainstream newsmagazines, including *The Economist*, *Newsweek*, *Time*, *FT*, and *Mirror*, are also easily available in supermarkets and at designated fuel stations.

On the question of accessibility, however, there was some very contentious debate. The majority of panelists thought that the absence of any legislative bar to accessing local and international news and information sources is sufficiently good. But in relation to such services as subscription television and the Internet, Avle, on his part, insisted that access must include affordability. "Because of my income I cannot afford cable and I think that should be accounted as lack of access," he argued. Harrison replied that, "even in Britain not everybody has access to subscription channels in their homes." But Avle stood his ground, contending, "If there is a three-storied building, nobody may be restricted in theory. But if I'm a cripple, then to all intents and purposes, I don't have access."

Broadcast media generally produce their own news programs. In the words of Avle, "Most of what is aired and printed is locally generated," although a few rebroadcast international news from organizations such as the BBC and VOA. There are, however, more than 20 independent production companies that principally produce sponsored television infomercials, documentaries, and live shows. Notable among them are Charterhouse Productions, Channel 2 Productions, Sparrow Productions, Eagle Productions, Village Communication,

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Premier Productions, Point Blank Media Concept, Deltrack, and Bullseye.

Although the constitution seeks to insulate the media from political or other control (Article 162) and obliges the state media, in particular, to allow a diversity of views (Article 163), panel members did not think that these provisions were necessarily being adhered to in practice. "We sit here and say that the state media are insulated from political influence because the media commission appoint their boards. Yet, we all know that a minister of state can pick up a phone and call the editor of any big media and say chalk this story or use this story. So yes, the law is there but I don't think it provides guarantees and that impacted my score," Faibille explained. Asante concurred: "it is not always that state media reflect the views of the political spectrum," she said.

There is only one official indigenous wire service, the Ghana News Agency, which was established in 1957 and has struggled to survive because of financial difficulties. A number of international newsgathering services such as Reuters and AP are available by subscription to broadcast and print outlets.

The ownership of media outlets is a matter of public record, accessible both at the Registrar General's Department, where all business registrations are filed, and at the two regulatory institutions in the country, the NMC and the NCA. Indeed, media owners have little reason to disguise their stakeholder interests in the media since the constitution provides that "there shall be no impediments to the establishment of private press or media" (Article 162 (3)). The panel observed a growing trend of multiple ownerships and affiliations in the FM radio sector, but did not think that there is, as yet, sufficient grounds for concern about the negative consequences of conglomerations. They generally saw this development as an outcome of the need for market presence.

Although there are no local language newspapers as such, the panel noted that the broadcast media provide substantial avenues for local language programming.

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However, this pertains only to the dominant local languages such as Akan and, to a lesser extent, Ga, Eve, Dagbani, Nzema, and Krobo. Minority languages are short-changed in this regard, a situation that Dame blamed on "a lack of guidelines on the use of minority languages in the media." He emphasized that, "This is necessary to preserve the cultural and linguistic diversity of minority tribes and people in the country." Harrison further pointed out that "programming does not often promote the welfare of certain groups, such as women."

OBJECTIVE 4: BUSINESS MANAGEMENT

Ghana Objective Score: 2.34

In this objective, all indicators scored at least 2; Indicator 5, government subsidies for private media, scored the best, almost a point higher than the average.

The overall opinion of panel members on the level of business management efficiency in the media industry was that the privately owned electronic media and the state-owned newspapers are better managed, both as professional media outlets and profit-generating businesses, than the state broadcaster and the private newspapers. Specifically, the group verdict on the prospects of media entities as business prospects could be summed up in two words: "It depends."

Whether or not the financial fortunes of a media organization are propitious depends on whether it is a broadcast or print outlet; on whether it is a big, urban based, or small, rural bound entity, and; on whether it is deemed to be "politically correct" in editorial orientation. Thus, there is a striking difference in the way media are run and operate as businesses. Generally, broadcast stations attract more advertising and sponsorship revenue than the print media. Generally, the bigger, urban-based stations are more professionally managed, and attract more advertising and sponsorship revenue than the smaller, remotely located stations. Generally, private newspapers with known or perceived political inclinations towards the government attract more state advertising and sponsorship revenue and other forms of financial backstopping than critical and pro-opposition private newspapers.

Obviously, the critical, pro-opposition media are also sustained by their political benefactors and sympathizers. They cannot be described as businesses.

Most of the private print media operate on a shoestring budget. Apart from the state-owned newspapers and a handful of the private press, which carry significant amounts of advertisements, the remaining newspapers survive almost entirely on subscription and newsstand sales, and their average circulation figures range between 1000 and 5000 copies. The panel actually estimated that for some newspapers, unsold copies probably constituted 30 to 40 percent of total print runs. An electric power crisis that has assailed the country since August 2006 has further exacerbated high production costs.

In effect, the lack of autonomous revenue generation capacity as business entities makes the private press in general vulnerable to manipulation by political financiers. According to Faibille, "editorial independence is compromised in some … media houses for partisan political and other considerations."

The liberalization of the market and media has also led to a plurality of large and small as well as multinational and local advertising outlets catering to many different types of client

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

needs and sizes. Consequently, the panel observed an increase in the amount and variety of advertising and concluded that, relative to the past, this bodes well for the media industry as a whole. Even so, Isaac Sam-Mensah lamented, "Community radio stations operate under very difficult conditions. They hardly get any advertising from the big agencies. They are not able to break even. They are unable to pay their utility bills." Even the media that are better disposed to receiving advertising revenue encounter difficulties. According to Avle, this was "either because of the bureaucracy of payment procedure or in some cases pure insensitivity and manipulation." He cited the example of one advertising agency that owed the radio station he works for arrears on payments in excess of GHC 1 billion ($113,000).

The independent media in Ghana do not benefit from any state appropriation or fund set up for the purpose of subsidizing the industry. With respect to government advertising, however, the panel concluded that political patronage, more than considerations of management efficiency or professional quality, determined the ability to obtain this source of revenue. Dame was particularly earnest about the potential of the selective allocation of state advertising funds to induce what he termed "soft censorship." "This is because the government can, without any restrictions, channel state funds to certain favored media outlets, thereby encouraging their growth and stifling the development of others which are, by virtue of their critical posture, excluded from similar opportunities," he emphasized.

Furthermore, some non-government advertisers are wary of advertising in some newspapers for fear of being perceived as sympathizing with or supporting their pet causes and political activities. But Oti-Twumasi disagreed. According to her, the major advertising agencies choose a combination of media outlets because they collectively address the advertisers' mix of primary audience targets. She granted, however, that "outside of Accra there are not many advertising firms for the simple reason that most of the advertising is based in Accra."

Independent market research organizations as well as the better-endowed media outlets and advertising agencies conduct market research as a basis for soliciting or placing advertisements. But these are rather few and far between because they are financially prohibitive. Other media outlets occasionally make unverifiable ratings claims, and the credibility of their figures is compromised by their vested interests in such studies. The results of the independent and more credible research agencies are very jealously guarded and sold only on strict conditions of confidentiality to the few media outlets that can afford them.

Dame was particularly earnest about the potential of the selective allocation of state advertising funds to induce what he termed "soft censorship." "This is because the government can, without any restrictions, channel state funds to certain favored media outlets, thereby encouraging their growth and stifling the development of others which are, by virtue of their critical posture, excluded from similar opportunities," he emphasized.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ghana Objective Score: 2.97

This objective received the highest score among panel members, and all indicators were clustered close to the average.

The burgeoning of media institutions and facilities, coupled with the enabling democratic conditions for freedom of association, have led to journalists and media operators organizing themselves around associations of common interests to represent and promote the goals and aspirations of their members. Thus, besides the GJA, there are other associations and affiliations of media and communication practitioners such as the Ghana Independent Broadcasters Association, the Ghana Community Radio Network, the Institute of Public Relations, the Advertisers Association of Ghana, the Film Makers Guild, the Association of Women in the Media, Women in Broadcasting, the Internet Society of Ghana, West Africa Journalists Association, Sports Writers Association of Ghana, Sports Broadcasters Association, Environmental Club of Journalists, Economic and Financial News Reporters Association, the Association of Past Broadcasters, Communication Workers Union, and the Ghana Association of Writers. All these unions and associations work to preserve their professional integrity and to advocate the interests and welfare of their members.

As Charlie Sam noted, these associations of media and communication practitioners "do well in representing and supporting the interests" of those who form them. These include welfare needs, such as financial support for distressed members, job security and conditions of service issues

As Charlie Sam noted, these associations of media and communication practitioners "do well in representing and supporting the interests" of those who form them. These include welfare needs, such as financial support for distressed members, job security and conditions of service issues such wages and benefits, and professional development opportunities such as training workshops and courses.

such wages and benefits, and professional development opportunities such as training workshops and courses. Avle observed, however, that the GJA, for instance, is sometimes perceived as being in bed with the government. Oti-Twumasi added that the GJA "needs to be empowered to discipline journalists who blatantly disregard professional standards."

There are a number of NGOs that work in cooperation with the media to support press freedom, freedom of expression, and professional development. Notable among them are the Media Foundation for West Africa (MFWA), the Commonwealth Human Rights Initiative, and the Friedrich Ebert Stiftung. The GJA and the other associations of media practitioners undertake these types of activities as well. Charlie Sam cited, for example, the financial and technical assistance of MFWA and FES to associations of journalists and rural or deprived media. This assistance has come in the form of a number of workshops and orientation programs as well as publications on media rights violations and standards of professional and ethical practice.

NGOs and civil society were also instrumental in the successful abolition of the criminal libel and sedition law in Ghana. They have also initiated the drafting of a right to information bill and have, since 2001, been engaged in advocacy to secure its passage into law.

There exist at least a dozen accredited media, communication, and journalism training institutions in the country. These include the Graduate School of Communication Studies at the University of Ghana, the Ghana Institute of Journalism, African Institute of Journalism and Mass Communication, National Film and Television Institute, Manifold Academy, Jayee Professional Institute, Ghana Telecom University College, and GBC Training School. The numbers of such programs continues to increase. Access to these training institutions is open, the only conditions being the general requirements for admission into other secondary or tertiary institutions in the country.

In terms of quality training, however, the panel was less enthusiastic in their assessment. They attributed part of the observed mediocrity in professional practice by some journalists to what they considered to be the low standards of training by these institutions. According to Dame, "The professional standards of journalists produced by training institutions in the country does not seem to be satisfactory." The assessment of panelists was that there must be more frequent opportunities for in-service training and workshops to provide continuous professional development and skills training to practitioners.

The availability and provision of newsprint and printing and distribution facilities is very much driven by economic imperatives and is absolutely free from political interference or restrictions. Harrison noted that this is partially why, whereas the urban commercial centers are inundated with media production and distribution facilities, few entities are located in, or address the media needs of, rural areas. Thus, newspapers often take more than 24 hours to reach some parts of the country. Limited television coverage excludes a large segment of the citizenry from being well informed and participating fully in decisions affecting national governance. Sarpong called for state support by way of subsidies, tax rebates, or logistic support to private investors who might be interested in attending to deprived, rural community needs. This, he insisted, would be a way for the government to put into practical effect the constitutionally guaranteed rights of all citizens to freedom of expression and the media.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Bernardind Avle, morning show host, Citi FM, Accra

Isaac Sam-Mensah, program producer, Radio Peace, Winneba

Rejoice Asante, women's page editor, *Ghanaian Times* Newspaper, Accra

Egbert Faibille, editor-in-chief, *The Ghanaian Observer* Newspaper, Accra

Hamida Harrison, program officer, ABANTU for Development, Accra

Godfred Yeboah Dame, legal practitioner and media rights advocate, Akuffo Addo Prempeh and Company, Accra

Charlie Sam, lecturer, Africa Institute of Journalism & Communications, Accra

Augustina Oti-Twumasi, deputy client service manager, STB McCann Advertising Company, Accra

George Sarpong, executive secretary, National Media Commission, Accra

Bright Blewu, general secretary, Ghana Journalists Association, Accra

Moderator

Gilbert Tietaah, lecturer, Graduate School of Communications Studies, University of Ghana, Legon

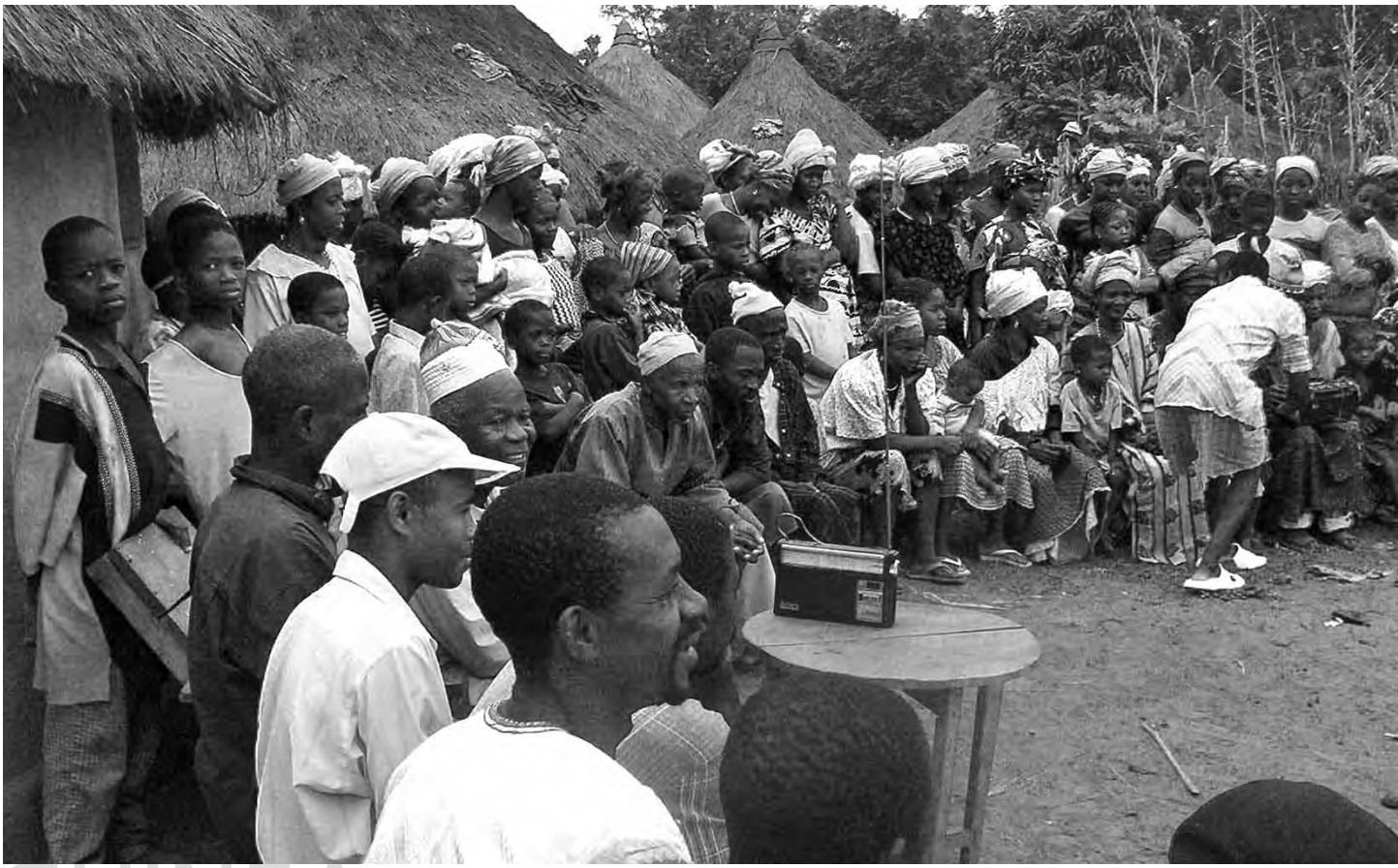
Observers

Beatrice Amoah, program officer, Research & Publications, MFWA

Samara Montgomery, University of Oregon, USA

The Ghana study was coordinated by, and conducted in partnership with, the Media Foundation for West Africa, Accra.

The government has enacted the necessary laws to protect journalists' freedom of speech, though with a few exceptions. Reflecting this, panelists rated Objective 1 at 2.22. The access of the population to different news sources is largely favored by a media boom, while the media themselves do their best to produce shows reflecting local interests. This development resulted in the highest objective score going to Objective 3, plurality of news, at 2.49.



GUINEA

OVERALL SCORE: **2.25**

In 1986 Guinea started a vast process of decentralization after the authorities decided to give the population a sense of responsibility for its own development. In recent years, the increase of poverty, doubled by the relapse into armed conflicts in the region contributed to a sense of insecurity and exclusion among many Guinean citizens.

This is the context in which the government started a series of legislative and institutional reforms: the promulgation in 1991 of Law L/91/005/ TCNR concerning the freedom of the press and communication and Law L/91/006/TCNR concerning the creation of the National Communication Council (NCC) as an advisory and regulatory body. NCC's mission is to improve the functioning of the media and oversee the 2005 decree on the liberalizing the airwaves. More than a hundred independent media outlets have appeared since then. The Framework Program for the Development of the National Press (FP/DNP) was set up in 2000 with the support of the UNPD, a few private radio stations were created and a number of professional associations for the press and publishers also appeared.

All these gains emphasize even more the crucial role of the press as a means to fight against exclusion, support political stability, support good governance, and buttress economic development. As a result of the union-organized strikes in January 2007, the signs of a return to a peaceful situation in terms of political and democratic governance became visible.

As far as the freedom of speech is concerned the government has established the necessary legislation to protect journalists, even though a few exceptions could be noticed here and there. Reflecting this, panelists rated Objective 1 at 2.22. The access of the population to different news sources is largely favored by a media boom, while the media themselves do their best given their means to produce shows reflecting local interests. This development resulted in the highest objective score going to Objective 3, plurality of news, at 2.49. Panelists appreciated the work of media organizations, which are working for the legal and social protection of their members, and gave the second highest score to Objective 5, supporting institutions, a 2.44. However, the infringement of professional ethics and the lack of sustainable business management are the biggest challenges that must be addressed. As a result, panelists gave their lowest score, 1.98, to Objective 2, professional journalism. Faring slightly better was Objective 4, business management, at 2.09.

GUINEA AT A GLANCE

GENERAL

> **Population:** 10,211,437 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Conakry

> **Ethnic groups (% of population):** Peuhl 40%, Malinke 30%, Soussou 20%, smaller ethnic groups 10% (*CIA World Factbook*)

> **Religions (% of population):** Muslim 85%, Christian 8%, indigenous beliefs 7% (*CIA World Factbook*)

> **Languages (% of population):** French (official); note - each ethnic group has its own language (*CIA World Factbook*)

> **GNI (2006-Atlas):** $3.713 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,130 (World Bank Development Indicators, 2007)

> **Literacy rate:** 29.5% (male 42.6%, female 18.1%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Lansana Conte (head of military government since April 5, 1984, elected president December 19, 1993)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 250+; Radio: 25, 3 of which are large commercial stations; Television stations: one public channel

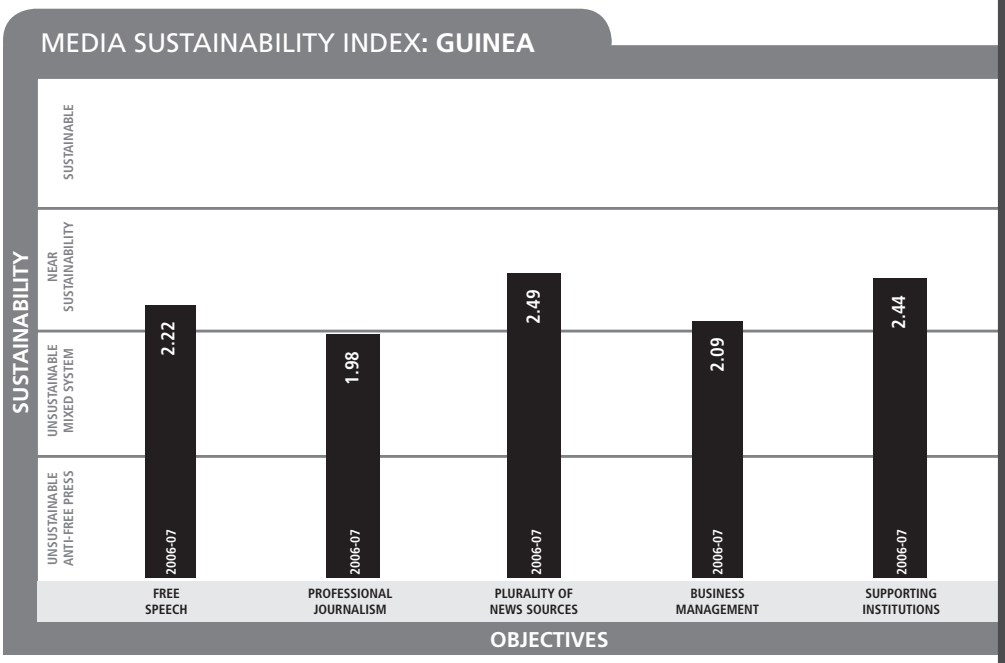
> **Newspaper circulation statistics:** Top three by circulation: *Le Lynx, L'Indépendant, L'Observateur*

> **Broadcast ratings:** Top three radio stations: FAMILIA FM (independent community radio), FM Liberté (commercial), Radio Kalum Stéréo (state-owned)

> **News agencies:** the Guinean Press Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 50,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Guinea Objective Score: 2.22

Most of the objectives scored close to the overall average. However, panelists highlighted a couple of weaknesses in this objective with low scores for Indicators 5 and 7, preferential treatment for state media and access to information. Indicator 9, free entry to the journalism was the high indicator, ending up almost three-quarters of a point higher than the average.

In Guinea, the legal dispositions guaranteeing the freedom of speech have been adopted for over a decade. More specifically, article 1 of Law no. 91/05/TCNR concerning the freedom of the press, radio, television, and communication in general stipulates that "any Guinean citizen has the right to create, own, and operate press companies, printing houses, publishing houses, bookshops, any press outlet circulating information, ideas, and opinions…." Moreover, the exercise of this freedom can only be limited by measures protecting human dignity, ensuring pluralist expression of thoughts and opinions, and safeguarding public order and national unity.

In 2005, through Decree No. 037D/2005/PR/SGG concerning the conditions for the establishment and operation of private broadcast media, the government authorized the creation and operation of private and community radio and television stations. The Guinean Media Ethics and Deontology Monitor (GMEDM) was established a short time later to oversee these proper implementation of the media laws. "Today we are glad to say that commendable efforts have been made in this sense: there are private and commercial radio stations transmitting from Guinea. Take the written press, for instance, and you'll see quite a blossoming of outlets on the market. We have inventoried more than 50 outlets. All this is to say that freedom of expression is alive and well in our country," said Mory Fofana, chairperson of the Guinean Independent Press Association (GIPA).

This situation cannot mask constraints encountered in practice due to unfortunate actions of law enforcement. This was the case in January and February 2007, when the studios of the commercial radio station FM Liberté were ravaged and two of its employees were unjustly arrested.

Allocation of frequencies is transparent. Granting of operating licenses is subject to a number of requirements. As a general rule, all applications that meet these requirements are approved and subsequently receive frequencies. However, it must be pointed out that according to the decree of liberalization of the radio waves, political parties and religious organizations do not have the right to create radio stations. Another factor that might disqualify some applications is the high cost of granting frequencies.

Press companies are taxpayers just like any other company. But the tax administration differentiates between commercial radios and community radios; the latter receive significant tax advantages. Given the country's particularly difficult economic environment companies have trouble paying their taxes. In the end, the contributions of the press companies are clearly below those paid by other industries.

The situation in recent years shows that offenses against journalists persist and no one is punished. There were brutal police raids in the editorial rooms of some newspapers (*Lynx* and *L'Indépendant*) and private radio stations (FM Liberté) causing serious damage: equipment was ruined and journalists were taken hostages. "…They ruined the equipment, beat the journalists who were there; they were brought to a military camp, they were severely beaten. And what was the consequence of these violent acts against the two journalists? So I say, in general, since it is the police who attack journalists, those who commit crimes against journalists are not punished in this country," according to Mama Adama Keita, member of the Association of African Female Professionals of Communication (AAFPC). Unfortunately, these cases of abuse against journalists receive coverage only in the private media.

Until April 2007, when a new consensus government came to power, the state-owned media were to a certain extent favored with respect to the private media: they were the only media authorized to cover official events. As a general rule, journalistic independence is guaranteed by the law, as specified in article 19 of law 91/05/TCNR: "Any article or opinion can be freely published in a press outlet while observing the limitations specified in paragraph 3 of article 1." Journalistic independence is a highly relative concept to the extent that the behavior of the media workers is governed by their employer's editorial policy. Journalists working for the private media enjoy breathing space allowing them to balance the news, whereas those working for the state-owned media are subject to political pressure.

"Independence must be considered in the context of a political system. Guinean public media are not public service media, they are government media. This means that we are the spokespersons of a political system; we betray everything that makes us a journalist, as everyone who works in the exclusive interest of information should have information go in all directions. Unfortunately, journalists continue to be servants and are under a stranglehold," according to Chaikou Balde, member of the Guinean Human Rights Organization (GHRO).

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Libel provisions are included in the various laws, and cases are addressed at different levels. GIPA can force journalists having committed such an offense to correct themselves. NCC may sanction the outlet in which the offense was committed. Finally, a right of reply may be granted. The provisions of articles 21 and 22 of Law No. 91/05/TCNR are clear on this: "any natural person or civil entity named or implicated in an article or audio-visual communication has the right to a response." The corrections must be made public free of charge and high on the first page of the next issue or broadcast in the next show or in the show specified by the public authority.

The NCC issues press cards for all journalists of all media who meet the requirements. Press cards grant journalists access to government officials and sources of information and allow them to cover national or official events. However this regulation is often undermined by what is called "withholding information." Nouhou Balde, a journalist with the weekly newspaper *L'Observateur*, pointed out: "Even the public media's access to information is often restricted. The government only provides information that it considers convenient. The technocrats that possess information tend to close up on themselves when they do not have their superior's approval. They will not involve themselves in an investigation that might cast doubt on a fellow official."

Access by media outlets to international news sources is completely unrestricted. There are several means of access: press agency dispatches, the Internet, international institutions, or local diplomatic representatives.

The government does not restrict access to the journalism profession. Until recently media outlets had few requirements, too. However. Due to the creation of specialized institutions, such as the School of Journalism at the University of Sonfonia, the Kofi Annan University, the Higher Institute for Information Sciences and Technologies, more and more media require applicants to have at least a journalism degree in order to be hired.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Guinea Objective Score: 1.98

In this objective all indicators scored close to the average except for Indicator 5, pay levels for journalists.

The opinion shared by many panelists was that nowadays in Guinea it is very difficult to process the information generated by a report in an equitable manner. Most investigations are sponsored. In many cases, there is an economic or a political figure behind the scenes. The public media are mainly interested in official happenings, such as seminars and activities of the government, while the private media favor sensationalism.

Even though reporters are initially intent on discovering the truth and take an objective approach, pressure coming from their superiors, doubled by their often ridiculous living conditions, forces them to make compromises. Mariama Bah, a magistrate, explained that "Corruption exists and many journalists are its victims, either because they are hungry or

simply because they are afraid and just want to protect their skin; so they are forced to hide the truth in exchange for an amount of money that will improve or just save their life."

In the public media, investigative journalism is hard to find for the simple reason that any investigation can be interrupted halfway through due to pressures from all directions.

There is an ethics code, but not all journalists are aware of the standards set out by it. The result is that there are a large numbers of libel cases against the private press. Therefore, panelists felt it is time to set up a mechanism reinforcing the journalists' adherence to ethical standards.

In the public media, particularly in the radio and television editorial rooms, journalists submit to self-censorship to avoid the risk of offending the sensibilities of the political authorities.

According to Chaikou Balde there are several reasons justifying journalists falling back on self-censorship: "When it is very hard to earn a living, you must practice self-censorship. When you don't know the principles of the trade, sometimes you practice self-censorship unintentionally."

Covering key events and issues is often heavily dependent upon the editorial policy of the media. In many cases it is also imposed by the subject (i.e., the journalist's freedom of movement with respect to the topic), the importance of the news, and the official character of the topic (a crucial element in case of the public media). In the private print media, the ability of the story to sell papers is paramount.

Just as with public employees, those working in the media do not earn decent salaries. The public media treats journalists better than the private media, but the salary is still low: a person with five years of experience earns the equivalent of $90 per month. "…Very few independent press outlets pay their journalists, who must then find other income sources," according to Nouhou Balde with *L'Observateur*. Observed Fofana, "The context in which the Guinean press lives does not allow for a proper remuneration for journalists. It is a problem that the publishers of the independent press must face. The situation is real and we have to live with it. The low salaries make corruption much more tempting to journalists."

Mariama Bah, a magistrate, explained that "Corruption exists and many journalists are its victims, either because they are hungry or simply because they are afraid and just want to protect their skin; so they are forced to hide the truth in exchange for an amount of money that will improve or just save their life."

A meticulous analysis of the scheduling practices in the public and private audio-visual media leads to the conclusion that entertainment prevails over newscasts. In most cases the radio or television newscasts take up to 20 percent of the total schedule.

In case of many media, particularly radio stations, the reporting equipment is either insufficient or timeworn and therefore the listeners suffer from terrible sound quality. One exception is the community radio Familia FM, which has state-of-the-art digital equipment. Generally, reporting teams have trouble going out in the field due to a nearly total lack of transportation. Also, there are insufficient production studios. Shows often go off the air due to electrical power breakdowns and transmitters are too weak to cover the entire national territory. At television stations, the cutting tables are obsolete and the quality of the cut images is very poor. Many areas of the country do not get any television reception. Private newspapers are challenged by the high cost of inputs and dilapidated printing equipment, which has a negative impact on the regularity of their publication.

There are a few stations such as Radio Kalum Steréo, Familia FM, and Radio-Television Guinea (RTG) that have started to produce more and more frequent reports on issues that concern citizens directly, such as health, electricity and water supply in various urban districts, and the increase of prices for basic products. These are the exceptions, however, as most channels offer no innovation. The only encouraging sign in the recent months is a new show entitled "What is right, what is wrong," which allows the listeners or viewers

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Mama Adama Keita pointed out that "Coverage is not sufficient. Not even the national radio station can be received all over the country. The rural radio stations try to relay the other public media but they are also facing management problems. In some towns the station is not broadcasting for reasons such as the lack of fuel."

to express themselves freely on major issues related to the development of Guinean society.

OBJECTIVE 3: PLURALITY OF NEWS

Guinea Objective Score: 2.49

In this objective Indicators 1 and 2, plurality and citizen access to news, scored best, significantly above the average. Indicators 3 and 7, state media reflect the views of the political spectrum and a broad spectrum of social interests reflected are in the media, finished much lower, particularly Indicator 3.

Radio and television are the main media accessible to the population, particularly those living in large cities. However, it must be pointed out that these media cannot cover the entire national territory. Mama Adama Keita pointed out that "Coverage is not sufficient. Not even the national radio station can be received all over the country. The rural radio stations try to relay the other public media but they are also facing management problems. In some towns the station is not broadcasting for reasons such as the lack of fuel." In rural areas, local radio stations that broadcast in the local languages are the most listened to. There are currently four large regional channels and 13 community radios scattered throughout the country.

Only a small percentage of the population reads newspapers. The Internet is not much used due to the low income of the population and the numerous electrical power outages.

The government does not restrict access to international media. Recently, thanks to the law concerning the liberalization of the airwaves, some international media (particularly RFI and BBC) were granted frequencies and have been broadcasting for a few months in the capital and a few other regional capitals. It is easy to access foreign newspapers for those who can afford to pay for them. No government-imposed restrictions exist on Internet access. In many rural areas, a small fraction of the population receives foreign television channels using cable providers.

The public media is not completely independent. Historically, they convey the government's opinions and have not covered activities of the opposition. According to Chaikou Balde, "We must distinguish between state-owned media and public media, because the first do not try hard enough to follow the interests of the populace. They focus on political issues while the most burning questions are empty or obscured. The public media really must find the path from being state-owned to being a public service." Since the current consensus government came to power, however, this practice changed due to the strong determination of the new government to take into account a wider variety of points of view. The public media do serve the populace with educational programs not found elsewhere.

There is no independent press agency in Guinea. There is only one public local press agency, the Guinean Press Agency, that produces and distributes news to the official organs such as GRT and the daily newspaper *Horoya*. It must be said that the dispatches coming by way of international press agencies (AFP in particular) are also used via the Internet by most Guinean media.

Broadcast news focuses mainly on national current affairs. In general, there is no significant difference between the public and private media in terms of newscast content. However, the public media are more interested in reporting all events sponsored by the government, whereas the independent

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

media cover issues of direct interest to people's daily life. Mariama Bah said "It's even more practical to go out in the field and ask people questions. We feel like we are part of the event. So those who take the microphone and say what is going wrong make a stronger impact than those who make a summary of the event. That's what we should encourage."

The schedules of the community media focus exclusively on development issues among the rural populace. Cherif Diallo, manager of the community radio of Bissikrima explained this approach: "We are interested in interactive communication. We follow the activities of the country's people. We spend little time broadcasting news, but we produce magazine-type shows and interviews and thus we satisfy the need of the community. We extract our primary news from our investigations in the field."

As a general rule, all legal texts mention media ownership, but this information is only available if one looks for it. "Owners directly influence the editorial orientation of their press outlet, particularly the independent ones. They cannot publish anything that might affect any relation between themselves and the person involved in the news piece," stressed Nouhou Balde.

In Guinea no media is specifically established to address issues of minorities. However, the government makes sure that the activities of minority ethnic groups are included in the schedules of the public audio-visual media. The latest example was the introduction of the Konianke language into GTR's schedule about four years ago.

OBJECTIVE 4: BUSINESS MANAGEMENT

Guinea Objective Score: 2.09

The score for this objective was lifted by Indicator 5, government subsidies for private media. Despite the existence of subsidies, panelists felt they are apportioned in a fair and transparent manner and do not affect editorial policies. However, Indicators 6 and 7, market research and audience and circulation measurement scored much worse than the average. Overall, despite the grants from the government, Guinean media are not profitable due to a lack of good management. This is multiplied by the fact that the local advertising agencies lack a real marketing policy.

In general, the Guinean media are not professionally managed. Despite revenues from many different sources, lack of management and other factors not only preclude profitability, but an inability to cover all operating expenses. In the public as well as private media, revenue comes from advertisements, advertorials, and subscriptions. Private media receive subsidies from the government and financing from ownership. Public media are financed by the state budget. The community media receive about 30 percent of their revenue from publishing obituaries and advertisements, about 50 percent through production partnerships with NGOs and other local projects, and the balance through subsidies granted by regional governments.

Hady Camara, a journalist with GRT TV, said "The time given to advertising in the private media varies based on the sponsor. On the public radio and television, advertising takes two percent of airtime, on community radios such as Familia FM, 10 percent, and a little more on commercial radios such as FM Liberté."

Currently local advertising agencies such as the Guinean Advertising Office do not adequately support the advertising market. Although this agency manages the advertising markets for the public media, particularly the GRT, it has established no form of collaboration with the private media.

Outside the capital, the advertising sector is barely visible. Even in urban media the small amount of spending on advertising means that not much space or airtime is filled with advertisements. Hady Camara, a journalist with GRT TV, said "The time given to advertising in the private media varies based on the sponsor. On the public radio and television, advertising takes two percent of airtime, on community

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

"A lawsuit has been filed against two members of the GIPA. We are there too," said Mory Fofana, chairperson of GIPA.

radios such as Familia FM, 10 percent, and a little more on commercial radios such as FM Liberté."

In the private media, particularly the newspapers, according to Nouhou Balde, "advertisements represent a considerable, but not crucial, source of revenue." In a broader context, advertising revenues are far from representing a means for profitability in the media. As Chaikou Balde correctly pointed out, "The revenue from advertising cannot be the primary source to ensure the survival of our media, given the weakness of the economic fabric of our country."

Independent media receive government subsidies. Every year the government grants GNF 400 million ($100,000) to independent print media. These subsidies are granted according to a number of criteria that the papers must meet: the weekly papers operate at 50 percent of their total capacity; the bi-weekly papers at 75 percent, and the monthly papers at 100 percent. Other newspapers receive, based on their production level, between GNF 2 million and GNF 24 million. Some media associations that proved to be particularly energetic in their work also benefit from these subsidies.

Under the current circumstances, no market research is being conducted in the media, and there are no circulation figures or audience ratings available.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Guinea Objective Score: 2.44

All indicators fell close to the objective average, although Indicator 1, trade associations, was a clear straggler among them.

In Guinea there are no trade associations for broadcasters. There are a few professional media associations. Among them, three are particularly noteworthy for the level of effort they put into their work. GIPA, which has been operational since 1991, creates partnerships with various NGOs to the benefit of its members. Its main goal is to advocate for the interests of publishers. AAFPC is a NGO affiliated with the Pan-African Association for Women Communicators. It works for the promotion of women and makes sure women are properly represented in managing positions within the media.

The Journalists Association of Guinea (JAG), established in 1986 seeks to protect the interests of Guinean journalists from all media formats.

These associations take action when freedom of speech needs to be protected. During the strikes that occurred in January and February 2007, when police raided Liberté FM, JAG strongly opposed the destruction of the station's equipment. GIPA has intervened in cases of police abuse against journalists from the independent private press. "A lawsuit has been filed against two members of the GIPA. We are there too," said Mory Fofana, chairperson of GIPA. However, unless the associations are expressly solicited by international institutions to evaluate current or proposed media laws, this sort of activity is not typically undertaken.

The higher education institutions that train journalists, such as the University of Sonfonia, the Kofi Annan University, and the Institute for Information and Communication Sciences, often face a shortage of trainers and lack of equipment. This is reflected in the quality of the classes taught there and the final products of these institutions. "These degrees are below the expectations of the job market. I believe that the public and private press is well placed to evaluate the quality of the products," according to Chaickou Balde.

In some rare cases, students receive scholarships to study journalism abroad. When their training period is over, some of them return to the country. But given the economic situation of Guinea, very few of them can find jobs in the local media.

Under these circumstances, no training institution offers short-term training courses, not to mention internships. Nouhou Balde with *L'Observateur* pointed out: "We must also complain about the lack of internships and other places

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

where journalists could gather experience. When they arrive on the market they are completely inexperienced and when facing the daily hardships they end up giving up all the laws and rules that govern the profession." Panelists said that media outlets do not provide in-house training, as they do not have the resources to do so.

List of Panel Participants

Aissatou Bah, program director, Radio Labé, Labé

Mamadou Adama Barry, journalist, National Radio, Conakry

Mama Adama Keita, journalist, Association of African Female Professionals of Communication, Conakry

Cherif Diallo, manager, Community Radio of Bissikrima, Dabola

Nouhou Baldé, managing editor, *L'Observateur*, Conakry

Hady Camara, journalist, National Television, Conakry

Saïkou Balde, journalist, Radio Télévision Guinea, Guinean Human Rights Organization, Conakry

Mariama Bah, magistrate, Guinean Institute of Human Rights Education, Conakry

Yaya Bah, teacher, National Institute of Research and Teaching Action, Conakry

Ibrahima Kante, journalist, *Sonoya-Sina* Rural Review, N'zerekore

Ibrahima Sory Dieng, editor-in-chief, *Horoya* National Newspaper, Conakry

Mory Fofana, journalist, Guinean Independent Press Association, Conakry

Moderator

Sow Marcel, independent consultant, National Network of Radio and Rural Reviews of Guinea, Conakry

Assistant

Thierno Souleymane Bah, journalist, National Radio Guinea, Conakry

The Guinea study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar, Senegal.

Press freedom violations, arrests, and intimidation of the media persist. Many oppressive laws have remained in place. The media has also remained divided through membership in the different, competing professional associations they belong to, creating a big challenge to the profession.

KENYA

OVERALL SCORE: **2.37**

Media freedom may soon be a nightmare in Kenya as the government introduced a new media law that has been widely criticized as one of the toughest in the region. The law has sections forcing disclosure of news sources by journalists and licensing of individual media practitioners. In August 2007 these proposed changes sparked off protests and demonstrations in Nairobi by angry media professionals. However, President Mwai Kibaki intervened and refused to allow the bill to be enacted into law, although his position was seen by many as a political move to win over the press and use it during the December 2007 elections. African leaders in the past have used the media during their campaigns only to turn against it after winning the election.

Kenya has a long media history, much of which spent operating under conditions of one-party rule that lasted until 1992. During this time the government dominated broadcast media with a monopoly on radio and television. However, the government and private sector competed in the print media, allowing the development of independent-minded journalists. Once the broadcasting sphere was opened, also in 1992, the private sector immediately began investing in it and several FM radio stations opened. Investment in print media also increased and more newspapers and magazines hit Nairobi' streets.

This growth in the media and new political freedoms resulted in a wave of reporting critical of the government. The Moi government reacted by threatening, harassing, and intimidating journalists. Some media outlets were closed, and some critical journalists found themselves under arrest. This situation persisted until 2002, when Moi stepped down and power passed to Mwai Kibaki. For a time, government pressure on the media relented but soon it resumed its offensive against the media.

Press freedom violations, arrests, and intimidation of the media persist. Many oppressive laws have remained in place. The media has also remained divided through membership in the different, competing professional associations they belong to, creating is a big challenge to the profession.

Kenya's long journalism history has created strengths that were reflected in panelists' scores. Scores above the country's overall average appeared in Objectives 3, 4, and 5, plurality of news, business management, and supporting institutions, with Objective 3 receiving the highest score from panelists, a 2.62. Objective 2, professional journalism, was not too far behind with a score of 2.25. Only Objective 1, freedom of speech, wound up receiving a score of less than 2, though barely, at 1.99.

Note: the MSI panel in Kenya completed its work in September 2007, before the turmoil caused by the December elections. Developments from that time will be reflected in the 2008 edition of the Media Sustainability Index *for Africa.*

KENYA AT A GLANCE

GENERAL

> **Population:** 37,953,838 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Nairobi

> **Ethnic groups (% of population):** Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African 1% (*CIA World Factbook*)

> **Religions (% of population):** Protestant 45%, Roman Catholic 33%, Muslim 10%, indigenous beliefs 10%, other 2% (*CIA World Factbook*)

> **Languages (% of population):** English (official), Kiswahili (official), numerous indigenous languages (*CIA World Factbook*)

> **GNI (2006-Atlas):** $21.34 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,470 (World Bank Development Indicators, 2007)

> **Literacy rate:** 85.1% (male 90.6%, female 79.7%) (*CIA World Factbook*)

> **President or top authority:** President Mwai Kibaki (since December 30, 2002);

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 15+; Radio: 45, 8 of which are state owned; Television stations: 16, one of which is state owned

> **Newspaper circulation statistics:** Top three by circulation: *The Nation* (private, circulation 200,000), *The East African Standard* (private, circulation 75,000), *Kenya Times* (private, circulation 15,000)

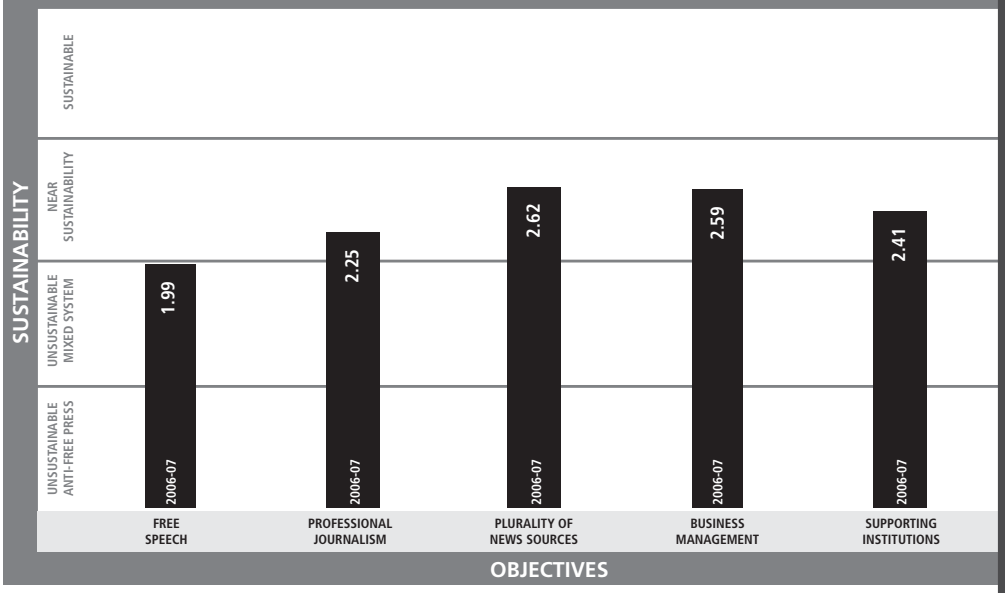
> **Broadcast ratings:** Top three radio stations: Citizen FM (private), Kiss FM (private), Classic FM (private)

> **News agencies:** Kenya News Agency (state-owned)

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 2,770,000 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **KENYA**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Kenya Objective Score: 1.99

In this objective, the vast majority of indicators scored below a 2. The lowest was Indicator 5, preferential treatment for state media. Only Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, scored above the average.

Kenya is a signatory to many international conventions that enshrine freedom of expression and freedom of the press. However, constitutional guarantees are not very specific on free speech and freedom of the press. A number of negative incidents have occurred in the country that points to the media not being particularly free. The public at large shows concern about these violations and they joined the August 2007 demonstrations organized by the journalists against the proposed media law. Panelists felt that the public's reaction towards these violations is a clear indication that press freedom is needed.

The constitutional review process underway in the country has totally left out the media and even members of the legal profession and judiciary have not been keen to address the shortcomings. Both the Kenya Law Society and judiciary have been instrumental contributors to this process in other legal aspects, but not to addressing the existing media laws. However, the judiciary has been very independent and recently seen deciding in favor of the media, but this has not stopped the government from violating people's rights to free speech.

Kenya has had some good media laws, with clear sections on registration of new media outlets, however the government's practices contradict these laws, said panelist David Matenda. According to him the licensing of media outlets has become political, evidenced by government friendly radio stations controlling more frequencies than others. The Communications Commission of Kenya, which is under the Ministry of Information, handles broadcast licensing but members to this commission are appointed by, and report to, the president. The Commission is supposed to be independent but experiences political interference. The attorney general is charged with licensing print media.

The panel noted that although entry into the media industry is free, businesses experience unofficial restrictions making it very difficult to start a media outlet. There are no tax breaks for the media. In fact, VAT is levied on newsprint on top of other taxes, which has made it difficult for some media outlets to survive. Some have closed down very shortly after their launch. However, in general there are no special taxes imposed on the media, and the tax regime is the same as for other businesses. For example, the media benefited the same as other businesses from a general tax waiver granted by the government.

Crimes against journalist are increasing, and members of the panel agreed that government security agents sometimes have been assigned to follow journalists who are critical of the state, often ending in beatings. Individual journalists have in the past suffered from intimidation, arrest, and torture. Panelists also alleged also that the state hires criminals to target journalists perceived as a threat. They gave the example of the editor for *The Standard*, a victim of a 2006 police raid, who has seen multiple strange vehicles following him from his office to his residence, although so far no action has been taken against him. They also mentioned that a number of investigative journalists have received threats and politicians have interfered in newsrooms. For example, in 2006 First Lady Lucy Kibaki forced her way into offices belonging to *The Nation* in order to complain about negative coverage she had received. While there she hit a cameraman. The charges filed by the cameraman were dismissed.

Both print and electronic media publicize these attacks, and civil society organizations react with condemnations. The panel noted that in all these cases the government has remained tight lipped and no single person has ever been charged for such an offense despite the fact that several of them have been reported to authorities.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

They also mentioned that a number of investigative journalists have received threats and politicians have interfered in newsrooms. For example, in 2006 First Lady Lucy Kibaki forced her way into offices belonging to The Nation *in order to complain about negative coverage she had received. While there she hit a cameraman. The charges filed by the cameraman were dismissed.*

On top of harassment, the government has used outdated libel and defamation laws to arrest and charge journalists. Libel is both a civil and criminal matter, although only cases involving politicians receive criminal treatment. Average citizens make take journalists to civil court. Use of criminal libel certainly has a chilling effect on the media. The panel felt strongly that these laws should be amended in order to conform to modern standards of press freedom.

In the past it was difficult to access public information, particularly for private media. The situation has improved, but there is still a need to push for a law that guarantees access to public informational by all citizens, media inclusive. For example, panelists said that the Public Order Act and the Official Secrecy Act, which prohibit government officials in possession of information from releasing it to journalists and other who may need it, should both be abolished.

There are no restrictions on accessing international news sources or the Internet. Media outlets easily access international news on the Internet and from news agencies like Reuters, AFP, and others. In general, these sources are affordable.

Entry into the journalism profession is free, but the government issues an official press card to every journalist recommended by his/her employer. The panel noted that there does not appear to be prejudice in issuing the cards. Journalists can access and cover most events without any problem or restrictions, but only those with official press cards are allowed to cover state functions. Photographers have in some cases had a hard time getting the cards, and those without them have at times been stopped from covering big events.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Kenya Objective Score: 2.25

Most indicators in this objective were well within half a point of the average. Two outliers were Indicator 5, pay levels for journalists, which was the lowest indicator, and Indicator 6, modern equipment, which finished a point above the average.

The panel agreed that most journalists are well trained and they do their work of collecting the information professionally, but it is how they write their stories where they go wrong. Journalists often write with an ethnic or political bias.

A code of conduct for reporters exists in Kenya, most journalist do not follow it and most journalists appear not be aware of its contents. The code was developed by the Kenya Union of Journalists, but with the current divisions in its leadership, it is not easy to implement it or enforce. However, several media outlets have adopted it and reporters at these outlets follow it.

Lack of will to raise awareness of, and enforce, a code of conduct has promoted corruption in the media. Many journalists ask for transport from organizers of events. Editors ask for money to kill stories or give more coverage to certain people, institutions, or businesses. The panel noted that there is a need to strengthen existing journalists associations, review the code of conduct, and publicize it to association members and the public in an attempt to reduce corruption in the profession.

Self-censorship is practiced at all levels. Negative stories on big advertisers are not run in order to protect revenue. Many

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

in the media fear violence and therefore will not report critically about certain topics or people.

Key political events and issues are well covered and the panel agreed that it is only security issues that are risky. The emphasis on politics and government means that issues related to women, children, and rural development are not well covered despite their importance.

Pay levels for staff have improved at some media outlets; however, pay remains low for most freelance journalists who form the majority—75 to 80 percent—of the profession. Freelancers based in up-country stations are particularly poorly paid. The only union that could help fight for freelancers' welfare has been divided for years, with two factions fighting for its leadership. Most editors are paid higher than reporters and are very comfortable, and panelists felt that a review is required to address this big disparity.

News and educational programs are given less space and time on broadcast stations than entertainment. This is because of the economic interests of the media owners who want to get maximum profits out of their media outlets, and panelists noted that entertainment sells advertising. On television, news takes up 30 percent of time while entertainment and commercials take the remaining 70 percent. On the radio news covers only five percent and the remaining 95 percent goes for entertainment and commercials.

Most media outlets in Kenya—print and broadcast—have good facilities and produce technically sound work. In urban areas, newsrooms are equipped with computers and their reporters and photographers have digital cameras and recorders. At rural outlets typewriters and film cameras are still in use.

Investigative reporting and specialized reporting exists at big media outlets. Such assignments are in most cases given to skilled reporters, although at times—mostly at small media outlets—they are handed out to any available reporter. Experts are consulted by journalists on certain stories, but not all the time. The media have also been very helpful in providing health tips to society regarding outbreaks of certain diseases, for example cholera in Nairobi's Kibungo slums in April 2007.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Kenya Objective Score: 2.62

Panelists' scores reflected relative strength in most indicators. Indicator 2, restrictions on citizen access to media, scored the highest, a point more than the average. One indicator, however, did not score well. Indicator 4, news agencies, scored more than a half point lower than the average.

The panel agreed that media ownership is generally known and not a secret, however there is no law that forces disclosure of ownership. Although politically affiliated media exist, private independent media outlets are run purely to generate profit.

Private media, both print and broadcasting, provide coverage for both local and national issues, but people in cities enjoy have better access than in rural areas. In cities people can easily afford both print and broadcast media, but in rural areas very few can afford print media, hence depend more on broadcast media. This is because radio sets are very cheap and even poor families can afford to buy small sets costing KSH 100 ($2). The only problem becomes batteries, though still a number of people can afford those too. Newspapers cost between KSH 20 and KSH 40 (less than $1). In cities people access the Internet at affordable rates as a source of information. Satellite and pay channels on television, however, are affordable only for a few.

There is no restriction on accessing international print and broadcast media. Some publications are imported from neighboring countries and outside Africa. The Internet is often used by citizens in the cities to access foreign news sources.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Public media is fully controlled by the state, although its employees are professional. The state runs both a television and radio channel, which are both more or less partisan. The state no longer runs a newspaper, although the ruling party operates one.

The panel notes that there are about 20 radio stations today, nine television stations, five daily newspapers, six weeklies, and several monthlies. Among newspapers, those published by Nation Media Group, *The East African Standard*, and Citizen Media have remained in the lead with a total circulation of over 20000 copies daily. The three highest-ranked radio stations include Citizen (private), KBC (public), and Kiss (private). The top three television stations are NTV (private), KTN (private), and KBC (public).

A few community radio stations and newspapers exist in some parts of the country. Registering community radio stations requires a fee of only KSH 2000, and they are tax exempt. Most community radio stations are owned by NGOs and religious organizations. Initially they were using old equipment purchased from big radio stations that used to break down. However, have since bought modern equipment using funds raised from donors, members of these religious organizations, and from community sources.

Public media is fully controlled by the state, although its employees are professional. The state runs both a television and radio channel, which are both more or less partisan. The state no longer runs a newspaper, although the ruling party operates one. The panel said that state media give selective coverage to the opposition, but unlike other private media, it dedicates more time to quality educational and developmental programs.

There is only one local news agency, Kenya News Agency, which is state owned but provides news all media for an annual fee of KSH 250,000. Kenya News Agency provides a few good quality stories that include different points of view, but most of their stories are government propaganda, said panelists. The media also depend on foreign news agencies, like AFP, AP, and Reuters, for information. Panel members say these sources give little news of coverage to African issues, and much of the information is not useful to the average Kenyan.

Private broadcasters produce their own news programs although at times some outlets purchase programs to supplement what they produce.

The panel agreed that media ownership is generally known and not a secret, however there is no law that forces disclosure of ownership. Although politically affiliated media exist, private independent media outlets are run purely to generate profit. With the existing competition among media outlets, people choose sources they think provide good information for them.

However, much of the media in Kenya is in the hands of a few people or groups. The three main media owners are: Nation Group, with a television and radio station and several newspapers; The Standard Group with newspapers and a planned television and radio station, and; Citizen Royal Media Group with 12 FM radio stations, a television station, and newspapers.

There are no minority language media outlets, but all Kenyans use Swahili as their national language. To cover niche topics and interests there are specific pull-out sections in newspapers covering issues relating to women, business, and the environment. Broadcasters also include niche programming in their news and in documentaries.

OBJECTIVE 4: BUSINESS MANAGEMENT

Kenya Objective Score: 2.59

All indicators scored relatively close to the average. The leader was Indicator 2, media receive revenue from multiple sources. The lowest scoring was Indicator 5, government subsidies for private media.

Private independent media are managed purely as profit making businesses. Most media outlet owners have proper

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

management structures in place, including boards of directors and independent editorial teams. However there are some small media outlets where you find owners doing everything, serving as managing director, advertising manager, and finance officer as well as editor and reporter. Several such media outlets have collapsed due to poor management. Other media outlets that have closed down were employing relatives of the owner who lacked proper qualifications and skills. Panelists felt that private media are better managed than the public media.

Private individuals or companies manage printing and distribution of private media and the government has no hand in it. The panel noted that there are many printing facilities in Kenya to efficiently and effectively support the media and, as such, there are no printing delays affecting newspapers.

Private media have multitude of sources of funding, the most important being advertising and sale of copies. The panel said that at newspapers, about 88 percent of revenue comes from advertising and only 12 percent from sale of newspapers. Advertising space in newspapers is about 40 percent. Personal financing from ownership and bank loans also bridge gaps in revenue stream. The panel agreed that revenue from advertising, much as it is good, can at times allow clients to interfere with editorial independence. In some cases good stories, which are considered putting a big advertiser in a negative light, are shelved.

Advertising is a well-developed industry in Nairobi, with a number of advertising firms that work for different media outlets. They solicit advertisements for media outlets as well as handling billboard and street pole advertising in cities and towns. Their staff are well-trained professionals. Both locals and foreigners own these firms. They also work in other cities such Kisimu, Mombasa, Nakuru, and Eldoret.

Public media depend on the state for funding, with a specific budget allocated annually. Managers of public media appear before parliament to defend their organizations' interests. However, budget allocations are not enough to meet all their costs. Public media air advertisements for additional revenue. Community media also depend on sponsorship, which is not easy to get. Donations are obtained from local governments in exchange for programs they run. NGO's contribute funds or pay for programming a little money comes from the central government.

The government does not grant subsidies to private media, but is an advertiser. The government has used their advertising power against media that it claimed were overly critical. The International Freedom of Expression Exchange reported that in April 2007, the government ordered a ban on advertising with all media owned by The Standard Media Group after its newspaper *The Standard* reported on an alleged plot by a government minister to kill the former president's son.[1]

The panel said that at newspapers, about 88 percent of revenue comes from advertising and only 12 percent from sale of newspapers. Advertising space in newspapers is about 40 percent. Personal financing from ownership and bank loans also bridge gaps in revenue stream.

The panel stated that some media outlets use questionnaires, commissioned groups, and phone-in talk shows to carry out research and surveys. However, most of the time the findings are not used. However there are some media outlets that follow up on these findings and, when implemented, bring about positive changes in sales. In most cases circulation figures found through the research are higher than in reality because the research is aimed at attracting advertisers. Audience research is carried out by media outlet owners themselves or commissioned agents like Steadman, but panelists said their figures are not trusted in the industry because their work is influenced or dictated by the media outlets that hire them.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Kenya Objective Score: 2.41

The overall score in this objective was affected by both relatively high scores in Indicators 6 and 7, access to newsprint and printing facilities and apolitical distribution services, and low scores in Indicators 2 and 5, professional associations and short-term training opportunities.

Kenya has several media-related professional associations, but some of them exist in name only with no evidence of real work. The Kenya Union of Journalists (KUJ) has been in existence for decades but is weakened because of poor leadership and continued power struggles. This has led to a reduction in its membership, as several journalists have decided to move to other small associations they think are more beneficial to them than KUJ. Beneficiaries of these defections include the Business Writers Association, Kenya

[1] The full text of the report may be found at http://www.ifex.org/en/content/view/full/82649/

The course content is very good, according to the panelists, and most graduates get jobs in the existing media outlets, although some end up in related fields such as public relations.

Sports Writers Association, and the Environmental Journalists Association. Some journalists claim that membership fees to join such associations are too high; the dues are in the neighborhood of KSH 1800 ($25), which can be high for freelancers covering rural areas.

Other associations include the Parliamentary Press Association of Kenya, Children's Rights Association, Association of Media Women of Kenya (AMWK), Media Owners Association, and others. Panel members agree that most of these associations have not been helpful to members, except for the AMWK.

Associations like KUJ have been giving out trips and scholarships to outsiders, which panelists judged to be unfair. The trips are supposed to be for educational purposes but often end up being given to people who can afford to pay bribes to the leaders.

There are several NGOs that support the media. Among these are the Media Council of Kenya and Media Institute. Foreign donors include the Friedrich Ebert Stiftung, American Center for International Labor Solidarity, USAID, and others.

There are several universities, both private and state, that offer quality degree and diploma courses in journalism and mass communication. State universities offering degree courses include Nairobi University, Maseno, Moi, and Kenyatta, while private ones include Dayster, United States International University, and Nazarine Catholic University. The course content is very good, according to the panelists, and most graduates get jobs in the existing media outlets, although some end up in related fields such as public relations. The panel says that there are over 50 colleges that offer diploma courses in journalism.

Many options exist for short-term training. Some outlets offer in-house training for new recruits. Opportunities for those who were recruited before going through journalism colleges exist and nominal fees are charged. While often this training is individually funded, some media outlets also sponsor mid-career training for their staff. A few lucky journalists have also snatched opportunities of foreign sponsorship. The training for those who have no formal training mainly focuses on basics, but others receive specialized training like investigative journalism.

International donors organize and fund short term training courses in form of workshops, mainly in the areas of skills development and ethical issues. These organizations hire professional people mainly from the outside to conduct these courses. Panel members said that such courses could be improved upon by extending their length of time to one month and hiring local professionals who understand local needs.

Newsprint is imported by businesses that sell it to media outlets without prejudice. Likewise, printing facilities are in the hands of private businesses. Media distribution channels and kiosks are in private hands and the government does not interfere with them.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Participant List

Kimathi Njoka, business writer, *The Standard Group* Online Newspaper, Nairobi

Woka Nyagwoka, editor, *The East African Standard*, Nairobi

Kihu Irimu, editor, Journalists for Rights of Children, Kisimu

Ibrahim Oruko, researcher, Kenya Media Institute, Eldoret

Isaac Luvisi, reporter, Citizen FM Radio, Nakuru

Khamis Ramadhan, freelance journalist, Mombasa

Sarah Nkatha, lecturer, Kenya Institute of Mass Communication, Nairobi

Fred Oduke, managing director, African Media Group, Isilii

Waithaka Waihenya, owner, *Taifa* Newspaper, Nairobi

Moderator

Andrsn David Matende, chairman, Kenya Union of Journalists, Nairobi

The Kenya study was coordinated by, and conducted in partnership with, Eastern Africa Journalists Association.

Although journalists greatly contribute to publicity for state events—to the benefit of both the government and the Malagasy people—the government has not yet passed important legislation to improve working conditions for the media, despite years of lobbying by media professionals. In some cases, unequal treatment of private media still remains—for example, the ability of some and not others to increase their geographic reach.

MADAGASCAR

OVERALL SCORE: **2.14**

In Madagascar, 2007 has been a watershed year for politics and an opportunity for the Malagasy media to solidify their vital role as the connection between citizens and government.

The most significant national event was the beginning of the second mandate for Malagasy President Marc Ravalomanana. The December 2006 election gave Ravalomanana (who coincidentally owns the Malagasy Broadcasting System radio and television networks) a 54.8 percent electoral victory, with a turnout of 62 percent of voters. Although this election took place peacefully, it was marred by the unreliability of the computerized electoral list, the first application of its kind in Madagascar.

Further, two major political events took place in 2007: the official amendment of the Malagasy constitution in March, and the unveiling of the Madagascar Action Plan (MAP). The first was notable for its passage despite relatively low voter turnout (43.5 percent). The MAP is a presidential initiative that sets out a five-year strategic and operational framework for the country's social, economic, cultural, and political development and affects all levels from communal to regional to international relations. Finally, in the last half of 2007, Malagasy senators will be up for re-election.

In covering these developments, the media helped mobilize the Malagasy public. The media conveyed the challenges and possible rewards from the MAP and encouraged citizens to take part in its implementation. The media assisted voters by distributing information about candidates and facilitating voter participation in the democratic process, which lent credence to the election results.

Nevertheless, a paradox has emerged: Although journalists greatly contribute to publicity for state events—to the benefit of both the government and the Malagasy people—the government has not yet passed important legislation to improve working conditions for the media. For example, the communication code has not yet been implemented, despite a decade of lobbying by media professionals. In some cases, unequal treatment of private media still remains—for example, the ability of some and not others to increase their geographic reach.

This is the context in which the MSI is being applied for the first time to Madagascar. The results show an overall average of 2.14, with all objectives aligned fairly closely to that average. The "Supporting Institutions" objective scored best mark, with a 2.30; while "Professional Journalism" got the lowest mark of 2.04. This indicates that overall, Madagascar just barely falls into the "near sustainability" category. However, as the text to follow illustrates, the media still faces significant challenges and more time is needed to determine whether the level of development to date is indeed sustainable.

MADAGASCAR AT A GLANCE

GENERAL

> **Population:** 19,448,815 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Antananarivo

> **Ethnic groups (% of population):** Merina 27%, Betsimisaraka 15%, Betsileo 12%, Tsimihety 7%, Sakalava 6%, Vezo 5%, Antakarana, Sihanaka, Bezanozano, Tanala, Antambahoaka, Antemoro, Antefasy, Antesaka, Antanosy, Bara, Mahafaly, Antandroy, Masikoro (*http://www.france-madagascar.mg/mada/mada.htm*)

> **Religions (% of population) :** Indigenous beliefs 52 %, Christian 41%, Muslim 7% (*Country cards, Encarta*)

> **Languages:** English (official), French (official), Malagasy (official) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $5.343 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $960 (World Bank Development Indicators, 2007)

> **Literacy rate:** 68.9% (male 75.5%, female 62.5%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Marc Ravalomanana (since May 6, 2002)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** 254 radio stations, with 26 public stations (including the central and regional levels), 37 television channels, with 6 public channels (including the central and regional levels), 12 daily newspapers (with 5 partially in French and 1 entirely in French), 19 bi-weekly, 20 weekly, 12 bi-monthly, 21 monthly, 4 bimestrial and 14 quarterly. (*http://www.ambafrance-mada.org/article.php3?id_article=269*)

> **Newspaper circulation statistics:** top three by circulation: *Midi – Madagascar*: 30,511, *Tribune Madagascar*: 15,000, *Express de Madagascar*: 15,000; about 200,000 daily copies total for entire country (*sources : various local newspapers*)

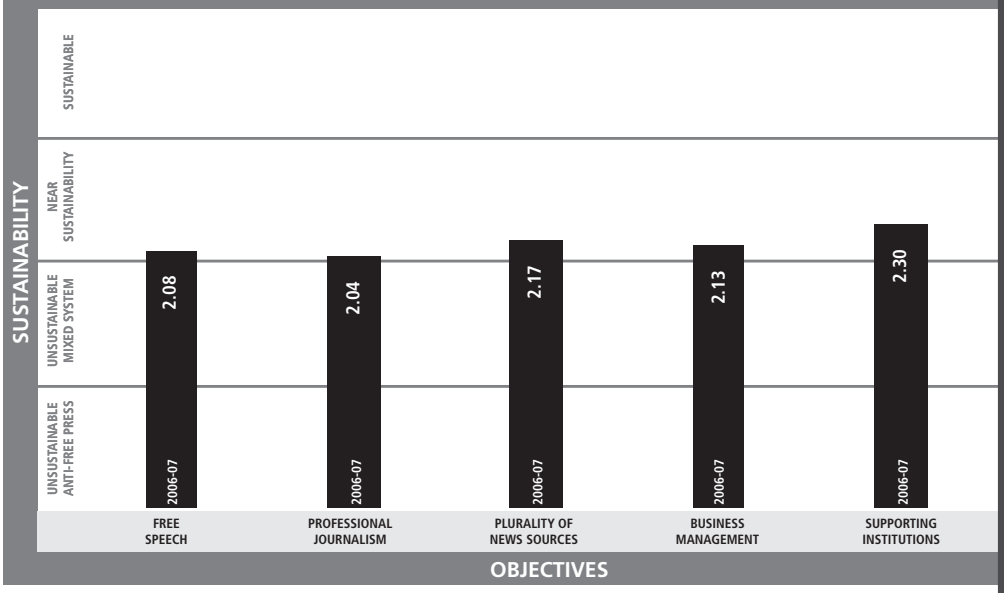
> **Broadcast ratings:** highest-rated television outlets: TVM (Télévision Nationale Malagasy: public station), RNM (Radio Nationale Malagasy : public station), MBS (Madagascar Broadcasting system, television and private radio stations)

> **News agencies:** ANTA- public, MADA- private

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 110,000 (2006, *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **MADAGASCAR**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Madagascar Objective Score: 2.08

The panel agreed that generally, legal and social standards protect and promote freedom of expression, but they are sometimes hindered in their application. Most indicator scores fell close to the overall objective average. However, indicators 8 and 9 (access to international news and entry into the journalism profession) boosted the average, with significantly higher scores; while Indicator 5 (preferential treatment for state media) brought the average down.

There is little public awareness concerning the importance of freedom of the press or free speech. When abuse of these freedoms is publicized, it does not result in public uproar, although media themselves and opposition politicians do take to task the abusers as best they can.

Title II of the amended Malagasy constitution, as well as communication laws 90-031 and 92-039, are worded to promote of freedom of expression and access to public information. Law 92-039 also calls for the creation of the High Council, intended to be staffed by non-government officials and regulate broadcast media. However, the application of the laws' provisions remains spotty, and the production and dissemination of news is subject to pressures from many levels. According to James Ramarosaona, the editorial director of *La Gazette de la Grande Ile*, the High Council "is not yet operational" despite the law being passed in 1992.

The pressures extend to minutiae, according to Rahaga Ramaholimihaso, owner of the SME-Tribune publishing company. "Some local daily newspapers, namely *La Gazette*, *Les Nouvelles*, and *Tribune,* cannot be distributed on board the national airline [Air Madagascar]," Ramaholimihaso said.

In the absence of the High Council, the governmental Office of Professional Regulation and Telecommunications (known locally by the acronym OMERT) is responsible for issuing broadcast licenses and Internet service provision licenses in Madagascar. The licensing process is transparent, as the selection process is based on publicly announced requests for expressions of interests in new frequency opportunities.

Generally, the license is easy to obtain but often difficult to keep. According to Vonifanja Razanamazava, the sales and marketing manager at NEWPRINT printing house, "Some private radios have their license confiscated by authorities for political reasons." This was the case for Sky FM radio, owned by a politician from the opposition party. Sky FM was closed down and its journalists prosecuted for alleged "incitement to tribalism."

> *"In official documents, there is not any law that favors state media compared to private media," asserted Ruphin Rakotomaharo, the president of the Madagascar Journalists' Association. However, public media members, being under the protection of the state, benefit from many advantages, such as better equipment, assignments abroad, easy access to public information, etc.*

Market entry for media is as free as in other industries. Tax advantages for the media exist at the national level in the form of VAT exemption on newspapers and books. Nevertheless, panelists, referring to the 1950 Florence Convention, said that other tax incentives should be instituted in Madagascar. For example, exemptions should be in place for some raw materials and equipment necessary for the smooth running of a media company, according to Rahaga Ramaholimihaso, the owner of the SME-Tribune publishing company.

Most of the panelists agreed that crimes against journalists are rare. Nevertheless, according to Nifaliana Rafamantanantsoa, the director of the NGO Falafa Ageco in Fianarantsoa, "some journalists get attacked after producing

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Access to international news sources is unrestricted. With the spread of new information technologies in Madagascar, obtaining information from international sources is easier than ever. However, the relatively high cost of accessing the Internet and of subscribing to international wire services does serve as a barrier to some media outlets.

political reports or news." These attacks occurred in past years, and there have been no similar incidents reported in 2007. In some cases, members of parliament may take offense at media reports and verbally threaten journalists. Immunity as members of parliament emboldens them to do so; however, immunity does not extend to acts of violence.

Regarding favoritism in the media, inequity of treatments is noted in practice although not in government policy. "In official documents, there is not any law that favors state media compared to private media," asserted Ruphin Rakotomaharo, the president of the Madagascar Journalists' Association. However, public media members, being under the protection of the state, benefit from many advantages, such as better equipment, assignments abroad, easy access to public information, etc. They enjoy more safety in performing their jobs, as they are threatened and harassed less than private journalists for their reports. State-owned broadcast media enjoy a legislated monopoly on nationwide coverage.

Recently, journalists from *Tribune* and *La Gazette de la Grande Ile* were in jeopardy of fine and even imprisonment because of reports they produced that were perceived as defamatory. Although fines have been issued as punishment, a decade has passed since a journalist has been imprisoned for defamation. Law in Madagascar makes "flagrant" defamation a crime, and as Rakotomaharo noted, "Defamation is a matter for the civil code and the code of communication." Defamation suits can include fines or imprisonment. However, the judiciary is independent and defendants can effectively present a defense.

Most panelists expressed frustration over accessing sources of public information. Some high officials in public institutions are unwilling to provide information that should be public, and statistics provided by the government are not always reliable. Moreover, according to Jean Eric Rakotoarisoa, editorial director of newsweekly *Dans les Medias de Demain*, "Legislation and regulations do not specifically deal with problems of access to information."

Nevertheless, the government has made efforts recently to improve public information flow. The government's web portal (www.madagascar.gov.mg) is operational, and some government officials hold press conferences and encourage media attendance.

Access to international news sources is unrestricted. With the spread of new information technologies in Madagascar, obtaining information from international sources is easier than ever. However, the relatively high cost of accessing the Internet and of subscribing to international wire services does serve as a barrier to some media outlets. Further, some panelists noted that it can be difficult to convince foreign news sources to share stories, as there is a tendency to promote exclusive stories.

The government does not license or register journalists, and no state or other protectionist restrictions impede entry into the journalism profession. Although universities have journalism programs, formal education is not necessarily required to practice journalism, and there are no governmental restrictions on entry into academic programs at public or private schools.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Madagascar Objective Score: 2.04

The panelists asserted that the multiple exertions on journalists constitute one of the main causes for lower-than-ideal professional standards in the media. Indicator scores that differed greatly from the average score included a very low score for Indicator 5, regarding pay for journalists; and high scores for Indicators 4 and 8, regarding coverage of key events and niche reporting and programs.

One major shortcoming of the Malagasy press is that many journalists do not check or cross-check information from their sources. Citations are not often provided for quotes and information from articles and other written sources. According to Rakotoarisoa, "Journalists refer to a story from a local daily newspaper or private radio station without providing a reference to the exact source."

Some reports prepared by the public media are superficial and do not necessarily present all sides of the story, particularly if the story would not present a good image of the government. Such reports are presented as short summaries. Diana Styvanley, a journalist with Malagasy National Television (TVM), stressed that, "The objectivity

or subjectivity of articles or reports depends mostly on the orientations or ideologies of the respective press directors."

Within the private media, reports are commonly quite well done, developed, documented, and impartial. Overall, the panel felt that there exists a noticeable, if gradual, positive trend within all media regarding quality of news reports.

The panel pointed out that journalism standards and ethics similar to those found internationally exist in Madagascar, and that Malagasy journalists generally abide by these standards. However, low salaries undermine the quality of journalism, and some journalists decide to not respect these standards and the code of ethics. Low salaries constitute an open door for corruption, known in Malagasy as *felaka*. Favorable articles appear about politicians or businesses that can pay the journalists, and information is released or withheld at a price.

All the members of the panel agreed that the importance of journalists' work is not yet appreciated in Madagascar, and Malagasy journalists are among the worst paid in the world. According to Nanou Fiankinana, a journalist and analyst at TVM, "At the end of 2006, journalists still earned around $21, and $65 in 2007." The increase was attributed to salaries being based on those of civil servants, which rose considerably in 2007.

Most Malagasy journalists complain about their low income and request higher salaries, but "this cannot be done without a well-structured, dynamic, and independent Madagascar Journalists Association," according to James Ramarosaona, editor/director at *La Gazette de la Grande île.*

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

One major shortcoming of the Malagasy press is that many journalists do not check or cross-check information from their sources. Citations are not often provided for quotes and information from articles and other written sources. According to Rakotoarisoa, "Journalists refer to a story from a local daily newspaper or private radio station without providing a reference to the exact source."

In general, self-censorship by both public and private media is commonplace for political news and stories on government performance. For example, public broadcasters rarely provide coverage of oppositional political party activity. In April 2007, The Malagasy government expelled French Jesuit priest Sylvain Urfer from the country despite his 33-year residence. This story raised a number of issues surrounding religious relations (President Ravalomanana is a Protestant), separation of church and state, and freedom of expression (Urfer claimed he was expelled for being critical of the government). But there was no follow-up coverage by the Malagasy media, and in particular, the public media were silent on the issue.

General news stories do not receive the same kind of attention by editors and are mostly free of self-censorship. Panelists asserted that self-censorship is mainly the result of journalists wanting to avoid threats and other abuse by authorities, and media managers seeking to protect themselves from closure by the government.

Key events and questions pertaining to the nation are covered by the public and private media as a whole, with depth of coverage affected by self-censorship. But local and national print media perform particularly well in this regard, taking into account all key events occurring in the country and providing appropriate coverage. Journalists from the private media constantly watch for official, private, or community events taking place in their localities and report on those events. But according to Nanou Fiankinana of TVM, "In order to get complete and detailed information on one specific topic, one must read every daily newspaper. However, not everyone has the financial means or the time to do so regularly."

Overall, entertainment programming does not eclipse news and information content. In general, programs are scheduled depending on the intended listeners and viewers. According to Romule Raterazoelison, a journalist at Radio Quartz in Moramanga, "Entertainment programs are often planned

In general, self-censorship by both public and private media is commonplace for political news and stories on government performance. For example, public broadcasters rarely provide coverage of oppositional political party activity.

while children and adolescents are still at home [in the morning, during holidays, and after classes]. As for news and information programs, they are often scheduled during the adults' spare time [at noon or late in the evening after work]."

Nevertheless, some local private radio and television stations, lacking financial means for covering news and information, limit themselves to the production of entertainment programs and do not prepare their own news.

Installations and equipment for collecting, producing, and broadcasting news are modern and efficient among public broadcasting entities and some national private broadcasters (MBS, RTA, and MATV). However, the majority of panelists said that beyond the capital or important provincial towns, most television stations' broadcasts consist of merely cassette playing because of material, financial, and staffing shortcomings. In rural areas, the lack of equipment and poor condition of what equipment is on hand delay the broadcast of information. Lastly, equipment problems at local radio stations create poor sound quality that discourages listeners.

High quality niche reporting on issues such as health, business, economics, and minority affairs exists in the media, particularly the print media. Weeklies such as *Hebdo de Madagascar* routinely prepare in-depth, lengthy articles on current trends and events, economic affairs, and social issues, including controversial topics. Broadcast media also include a limited number of in-depth and niche programs in their broadcasts, such as "The Other News" by Radio Télévision Analamanga.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Madagascar Objective Score: 2.17

Citizens can access a multitude of information sources in the cities (Antananarivo and a few other key towns) but not in isolated rural areas. The size, the rugged and mountainous interior of the country, and the population's low purchasing power are limiting factors for access to information. Indicators 3 and 4, regarding the objectivity of public media and strength of news agencies, received the lowest scores from the panel; while indicators 2 and 5, covering restrictions on accessing media and the in-house preparation of news reports, received the highest scores. The other three indicators fell very close to the average objective score.

Antananarivo and the important provincial towns of the country have a multitude of private and public news sources. Citizens can access a number of daily and weekly printed media, several radio and television stations that provide news programming, and the Internet. However, while the government does not actively restrict access to any information source—domestic or foreign—real limitations on access to news and information do exist in Madagascar.

The ability to access information is not equal between urban and rural populations. Because of the lack of adequate telecommunication infrastructure in the rural, isolated regions, populations there do not have the plurality of news sources enjoyed by city dwellers. Currently, only public radio and television and MBS (established and owned privately by President Ravalomanana) have rights to cover the entire nation. The existence of local private radio has somewhat improved the access of rural populations to national and international information. Despite this, according to the panel, only public radio has the capability to reach the most isolated rural areas. Dispatching newspapers to the provinces is very expensive, due mainly to transportation costs. Only the Catholic weekly, *Lakroa,* reaches rural areas. Literacy among rural populations is low (59 percent for adults). Moreover, the main media—especially magazines, daily newspapers, and TV—are mostly in French, which excludes even more who

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

only understand Malagasy. Radio programming in Malagasy is widely available, though much of the news programming is in French.

In an effort to reverse this limited access to information, the state is collaborating with private firms and making considerable efforts to improve and modernize the telecommunications infrastructure, including the use of fiber optic cable. It is hoped in particular that schools will have increased access to the Internet.

General poverty, especially in rural regions but also in the cities, further prevents access to information. Purchasing print media and subscriptions to satellite television stations are still too expensive for most Malagasy citizens. The potential radio audience is limited, as the purchase of a radio battery is not a priority compared to that of the family's basic needs, and the supply of electricity is limited in the countryside. Few people can access the Internet because of the high equipment and connection costs.

Maksim Lucien Godefroy, an environmental journalist, sums up the situation this way: "The great majority of Malagasy citizens, who have the right to inform themselves and to be informed, limit themselves to gathering together daily in front of a kiosk to read the newspaper headlines. For a Malagasy family father, concerned with the family economy and the right to be informed and to inform his family, it is difficult to make the choice between buying a newspaper and a half kilo of rice."

The members of the panel agreed that the public media do not generally reflect the political spectrum. The ruling party is often privileged, as news programs in the public broadcast media mostly focus on their activities. As an illustration, according to Nanou Fiankinana, of TVM, "The length of a report about government or pro-government events can last more than the conventional 1 minute, 30 seconds. Events of the opposition party must be limited to less than 1 minute." (This seems to be an informal policy.)

Journalists from public broadcasters are also sometimes under pressure to omit information representing the opinions of all the political parties. But during electoral periods, public television and radio attempt to allocate equal time to each candidate.

Local news agencies exist in Madagascar, but are lacking in their ability to fully serve the media. The publicly-run Agence Nationale d'information Taratra (ANTA) was dormant until recently and is still affected by the reorganization it underwent. Its operational capacity is still limited by a reliance on financial support by the government, which has not placed a high priority on the agency's development.

Antananarivo and the important provincial towns of the country have a multitude of private and public news sources. Citizens can access a number of daily and weekly printed media, several radio and television stations that provide news programming, and the Internet.

There is also a private agency, MADA, which has a limited capacity to gather news and cannot serve as a one-stop source of news for clients.

According to Vonifanja Razanamazava of NEWPRINT, "Malagasy media do not often use these local agencies. They prefer to consult international agencies to get international news. For example, *Le Quotidien* draws information from Agence France Presse and *Les Nouvelles* from the American agency Associated Press."

Large independent radio and television stations produce their own programs, and this is aided by generally free access to information. Rural and community radio, however, use information gleaned from national newspapers and other sources to inform their audiences. Overall, the production of informative and timely news programs by independent radio and television stations depends on the means, financial and otherwise, at their disposal.

Official conglomerates do not exist in Madagascar, but two important radio and television groups have emerged, offering a wide array of products. The MBS group, owned by President Ravalomanana, includes a network of television stations, a network of radio stations, and two daily newspapers, *Le Quotidien* and *Vaovaontsika*. MATV group operates a television station, a radio station, and two daily newspapers, *Gazetiko* and *Midi-Madagascar*, all in Antananarivo. The bias shown in news production is directly related to the ideology of the owner, and the objectivity and reliability of information depends on the system established by the manager. The public is typically aware of who the media owners are and take into consideration their political bends.

Some minority-language media exist, and no government regulations limit their existence. For example, radio station *Voix de la Sagesse* (Voice of Wisdom) broadcasts in Malagasy, French, and Gujarati for the minority Muslim community. The relatively high cost of news production and distribution for a minority target audience prevents expanding this coverage, however, and subjects on minority social groups are produced rarely, according to Nifaliana Rafamantanantsoa of

Large independent radio and television stations produce their own programs, and this is aided by generally free access to information. Rural and community radio, however, use information gleaned from national newspapers and other sources to inform their audiences.

Falafa Ageco. Still, some local daily newspapers periodically dedicate space for reports or interviews of minority political or religious personalities. The media also report on taboo subjects, such as gay pride parades and sexual harassment in the workplace.

OBJECTIVE 4: BUSINESS MANAGEMENT

Madagascar Objective Score: 2.13

Overall, media in Madagascar are not poorly managed, but the general level of business sector development and economic performance does pose a serious hurdle to the media sector. The private media depend on private and government advertisers, and therefore media in less populated areas have serious financial challenges. Media enterprises located in major cities and holding strong market shares can expect some profitability due to the demand for information. All indicators scored above 2 in this objective, except for indicators 6 and 7, related to the use of market research by media and reliable circulation and ratings information.

Public and private media outlets and supporting enterprises are generally profitable when they receive the confidence of advertisers, who are their main source of income. For the print media, neither sales of issues nor subscription receipts cover the costs of printing, so advertisements are indeed relied upon as the key source of income, as is the case in much of Europe and North America. Low consumer purchasing power and a small market for print media, particularly in rural areas, keeps circulation and cover prices low. Additionally, every daily newspaper supplements its income by using in-house printing presses to do commercial printing work during the day, as newspapers are printed at night.

As for the radio and television stations, their revenues include advertising sales and other sponsorships. Public broadcast media enjoy an advertising sales advantage over private broadcasters because the public broadcasters reach a larger population. In rural areas, local radio and television stations often encounter cash problems due to small audience and poor local economic conditions. According to Rahaga Ramaholimihaso of the SME-Tribune publishing company, "Given the economic stagnation prevailing in the country, attaining a multiplicity of the sources of income for the media is still elusive in Madagascar."

The importance of advertising revenue and the slim profit margins create dependence with a downside. "The government, which is an important advertiser in Madagascar, discriminates by boycotting some media outlets. The daily newspaper *La Gazette de la Grande île* is among the victims," said James Ramarosaona, editorial director of *La Gazette de la Grande île.* "The worst part is that the state does not adhere to UNESCO's Vienna Convention by continuing to tax at 5 percent the importation of products of a cultural nature [including media-related items]."

Advertising sales nevertheless constitute the main source of income for all the media, except for community media. Any media enterprise that is intent on independence and turning a profit must therefore cultivate advertising clients.

The advertising sector is fairly well developed in Madagascar, especially in the capital and major cities. Advertising agencies such as Factories, Novocomm, and the Tam-Tam agency, owned and operated by foreign concerns, dominate the sector. In general, they actively collaborate with the public and private media. The time and space allotted to advertising may vary. For example, the advertising at most radio and television stations more or less coincides with entertainment programs, such as locally produced serials. On the other hand, some other private television channels such as TV+ broadcast advertisements during radio and television news programs.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

According to the panel, advertising sales as a percentage of total receipts is generally in line with the accepted standards of commercial media outlets, although it depends on the policies of the media outlet. In print, for example, some allot more pages for information and fewer for advertising, while others include more advertising.

The government does not contribute any subsidies to most independent private media; only community media enjoy such an advantage. However, according to Ramaholimihaso, "In some cases, the state indirectly provides subsidies to some independent media through choosing to advertise with specific media."

Some socially and educationally oriented media receive steady subsidies. The president's office publishes a "Good Governance" periodical that is supported by UNDP, and some regional news media are funded by the European Union. Foreign donor funds do influence the editorial policies and the content of some media; for example, the French Cooperation Agency insists on the production of publications in French.

Detailed and advanced market surveys still remain expensive for most independent media. Those market surveys that are conducted are also generally untrustworthy, as no institutions specialize in this field. According to Vonifanja Razanamazava of NEWPRINT, "The Capsule agency and ATW Consultants carry out polls in Madagascar and produce some media evaluations. However, the ensuing results often raise criticisms from advertisers that the results are not reliable. These agencies are quite often influenced by the media outlets, as they often pay for the studies."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Madagascar Objective Score: 2.30

Media support institutions exist in Madagascar, but often their support is designed to coincide closely with their respective missions and the expected contribution of the media outlet to achieving those missions. The panel felt that more emphasis should be placed on client service, with support tailored to the needs of the media, rather than the other way around. Most of the indicator scores fell close to the average, except indicators 1 and 3, regarding trade associations and NGO support, which the panel rated at just below a score of 2.

Most media support associations in Madagascar are non-profits. Speaking of the nature of media-related associations, Vonifanja Razanamazava of NEWPRINT said, "Trade associations are less numerous. One example that comes to mind is that of the SYNAEL union [Union of Authors, Publishers, and Booksellers]." This union promotes and supports the interest of the members, such as securing exclusive publishing rights for books and other printed materials related to the implementation of MAP.

According to Jean Eric Rakotoarisoa of Dans les Médias de Demain, "The Journalists Association is supposed to ensure unity and defend the whole profession. Nevertheless, because of internal dissent, it has not really played this role these last years."

Journalist associations (such as the associations of political editors, sportswriters, and environmental reporters) and economic journalists are numerous in Madagascar. However, their ability to protect members' rights is not developed to its potential. In fact, the large number of them creates rivalries and divisions rather than unity and strength. According to Jean Eric Rakotoarisoa of *Dans les Médias de Demain,* "The Journalists Association is supposed to ensure unity and defend the whole profession. Nevertheless, because of internal dissent, it has not really played this role these last years. However, some, namely GEPIM [Association of News Editors of Madagascar], work for the defense of their members' interests when threatened by the government. In cooperation with foreign organizations, GEPIM also provides training for journalists and technicians."

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

In Madagascar, most journalists are trained on the job and in a short period of time. They can gradually improve their skills with the numerous training opportunities available throughout their professional careers. However, the trainings are not universally beneficial, according Nanou Fiankinana of TVM.

Foreign donors also work to defend freedom of expression and independent media. "One can cite some initiatives undertaken by the United Nations Development Programme, the World Bank, the French government, and other institutions," said James Ramarosaona of *La Gazette de la Grande île*.

For example, the United Nations and others provide basic and mid-career training to journalists and technicians, and even equipment in certain cases. UNDP created a media network to promote the Millennium Development Goals, the World Bank developed economic and investigative reporting training programs, the French Cooperation Agency ran a media support project, and CITE (Economic and Technical Information Center) set up of a press center in collaboration with the Association of Madagascar Freelance Journalists.

However, the panel noted that these support efforts often have a price. Local counterparts are sometimes required to produce and/or broadcast information, educational programming, or public service announcements in return.

Other foreign NGOs with a more project-level orientation, such as the German *Friedrich Ebert Stiftung* and the Canadian Cooperative Association, also support independent media. Their programs focus on capacity building of journalists and evaluation of the media in Madagascar. Local NGOs primarily offer moral support and proposals for on-the-ground cooperation with independent media.

Madagascar has university-level journalism programs, including at public institutions, such as the University of Antananarivo; religious schools, such as the Catholic Institute of Madagascar; and private institutions, such as University of Majunga. According to the panelists, these degree programs generally offer good courses of study. However, the duration of studies (two years) is sometimes insufficient to enable journalists to be operational once in the profession. According Vonifanja Razanamazava of NEWPRINT, opportunities exist abroad for degrees in journalism, but Malagasy students do not share their knowledge once they return home.

In Madagascar, most journalists are trained on the job and in a short period of time. They can gradually improve their skills with the numerous training opportunities available throughout their professional careers. However, the trainings are not universally beneficial, according Nanou Fiankinana of TVM. "Unfortunately, it is always the same people...who attend and express their thirst to acquire new knowledge," Fiankinana said. "[And] sometimes, despite the training, the lessons are not reflected in practice as seen through their news stories."

The private sector plays a large role in Malagasy media. Sources of newsprint, the printing houses, and distribution networks, including kiosks, are all privately owned, and most print media are sold by vendors on foot. Broadcast transmitters used by the private media are in private hands, as are Internet service providers. The companies that are responsible for these services are generally apolitical, but are sometimes vulnerable to the pressures of politics and the state.

Panel Participants

The members of the panel that fully attended the process:

Rahaga Ramaholimiaso, general president, director and owner, SME-Tribune edition and printing house, Antananarivo

Diana Styvanley, journalist, Télévision Nationale Malagasy, Antananarivo

James Ramarosaona, editorial director, *Gazette de la Grande île*, Antananarivo

Nanou Fiankinana, journalist, Télévision Nationale Malagasy, Antananarivo

Vonifanja Razanamazava, commercial executive, Newprint Printing House, Antananarivo

Ruphin Rakotomaharo, president, Madagascar Journalists Association, Antananarivo

Nifaliana Rafamantanantsoa, main executive, Falafa Ageco NGO, Fianarantsoa

Panelists who did not attend the discussion, but submitted scores and made comments:

Maksim Lucien Godefroy, journalist and independent consultant, Antananarivo

Jean Eric Rakotoarisoa, editorial director, *Dans les Médias de Demain*, Antananarivo

Fara Christelle Rakotomanga, journalist, Radio Don Bosco, Antananarivo

Rajaonary Ratianarivo, manager, Artcom Communication Agency, Antananarivo

Moderator

Eddy Rakotomalala, governance program coordinator, Pact/MSIS, Antananarivo

Observers

Bienvenu Razafitsialonina, monitoring and evaluation coordinator, Pact/MSIS, Antananarivo

Harijaona Andriamoraniaina, executive director, MSIS, Antananarivo

Additional Facilitators

Bienvenu Razafitsialonina, monitoring and evaluation Coordinator, Pact/MSIS, Antananarivo

Harijaona Andriamoraniaina, executive director, MSIS, Antananarivo

The Madagascar study was coordinated by, and conducted in partnership with, Multi-Service Information Systems, Antananarivo.

Malawi media face a number of challenges aggravated by extreme poverty and the contradictions between media-related legislation and practice. The Malawi Communications Regulatory Authority (MACRA) is considered to be poorly managed, panelists said that political interference with Malawi Broadcasting Corporation, MACRA, and Television Malawi is destroying editorial independence and fostering widespread self-censorship.

MALAWI

OVERALL SCORE: **2.18**

Malawi attained its independence from Britain in 1964 and was ruled for 30 years by President Hastings Kamuzu Banda, who declared the country a one-party state and himself president for life. Malawi experienced an uneasy dictatorial rule that manifested itself in abuse of human rights as well as a lack of free expression and free media. In 1994, Banda stepped down and for the first time, Malawians experienced a multi-party democratic system. This was cemented by the promulgation of the Constitution of Malawi the same year. The country is now a democratic state under President Bingu wa Mutharika of the Democratic Progressive Party (DPP). However, Malawi is extremely poor: a majority of Malawians (53 percent) live below the poverty line, it ranks nearly last in terms of per capita income, and the literacy rate is 62 percent.[1]

Research conducted by the Media Institute of Southern Africa (MISA) in 2006 found that "in Malawi, traditions limit freedom of expression. Most Malawians are deeply rooted in the beliefs of their forefathers and see themselves as a God-fearing people. This makes them strive to be 'morally correct' at all times for fear of promoting 'cultural decadence.'"[2] Most Malawians have long embraced patriarchy, and this has had an impact on the greater understanding of the need for freedom of expression by civil society.

Malawi media face a number of challenges aggravated by the extreme poverty. There are contradictions between media-related legislation and practice in the country. The Malawi Communications Regulatory Authority (MACRA) is considered to be poorly managed. Panelists said that political interference with Malawi Broadcasting Corporation (MBC), MACRA, and Television Malawi (TVM) is destroying editorial independence and the practice of free media, and fostering widespread self-censorship.

The panel discussion did reveal some areas of hope related to the practice of freedom of speech compared to the past, though panelists emphasized that the government persists in attempting to censor those who write critically about the administration. Malawi's constitution guarantees freedom of expression and media freedom, but panelists noted that this liberty needs to be implemented consistently and transparently by government officials and media stakeholders. Panelists added that the government should pass pro-media legislation, such as the Access to Information Bill drafted by the National Media Institute of Southern Africa/ Malawi chapter (NAMISA).

All objectives fell fairly close to the overall average of 2.13. Only Objective 5, supporting institutions, stood out as somewhat stronger than the other objectives, with a score of 2.36.

[1] Central Intelligence World Fact Book, (www.cia.gov/cia/publications/factbook)

[2] Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 2

MALAWI AT A GLANCE

GENERAL

> **Population:** 13,931,831 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Lilongwe

> **Ethnic groups (% of population):** Chewa, Nyanja, Tumbuka, Yao, Lomwe, Sena, Tonga, Ngoni, Ngonde, Asian, European (*CIA World Factbook*)

> **Religions (% of population):** Christian 79.9%, Muslim 12.8%, other 3%, none 4.3% (1998 census, *CIA World Factbook*)

> **Languages (% of population):** Chichewa 57.2% (official), Chinyanja 12.8%, Chiyao 10.1%, Chitumbuka 9.5%, Chisena 2.7%, Chilomwe 2.4%, Chitonga 1.7%, other 3.6% (1998 census, *CIA World Factbook*)

> **GNI (2006-Atlas):** $3.143 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $690 (World Bank Development Indicators, 2007)

> **Literacy rate:** 62.7% (male 76.1%, female 49.8%) (1998 census, *CIA World Factbook*)

> **President or top authority:** President Bingu wa Mutharika (since May 24, 2004);

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 13 newspaper, including 2 dailies; Radio: 20; Television stations: 2

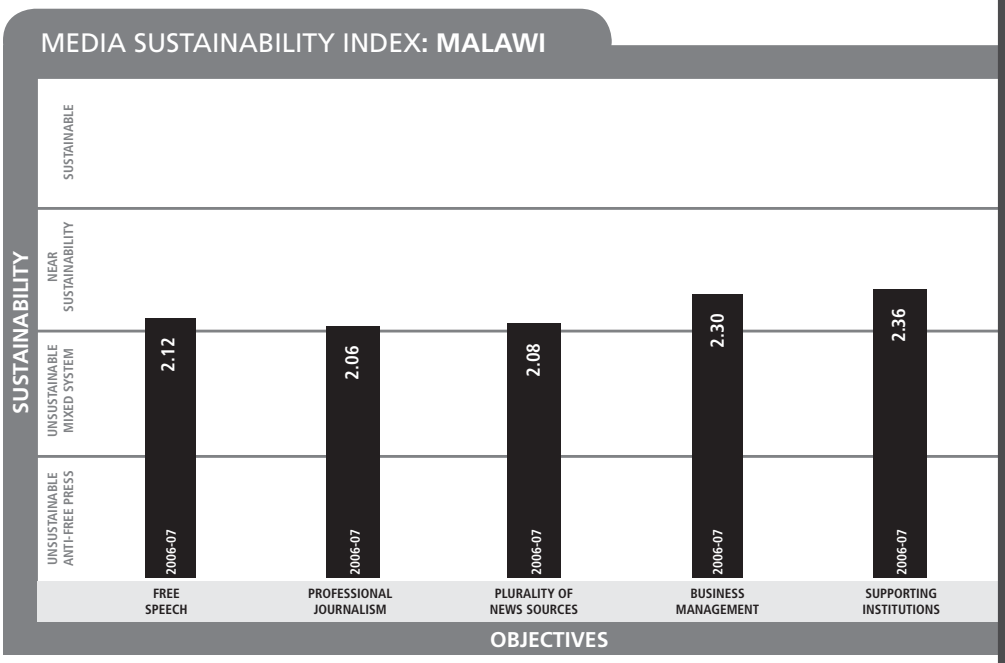
> **Newspaper circulation statistics:** Top two by circulation: *The Daily Times* (privately-owned), *The Nation* (privately-owned)

> **Broadcast ratings:** N/A

> **News agencies:** Malawi News Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 59,700 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Malawi Objective Score: 2.12

Panelists rated a few of the indicators close to the final objective average, but several were spread out either noticeably higher or lower than the average. Indicators 8 and 9, restrictions on media access to international news sources and entry into the journalism profession, scored more than a point higher. However, Indicators 2, 6, and 7 (broadcast licensing, libel laws, and access to information) fell significantly short of the average.

The Constitution of Malawi guarantees the right to freedom of expression, media freedom, and access to information. Specifically, Section 35, Chapter IV of the Constitution of the Republic of Malawi, May 1994, states, "Every person shall have freedom of expression." Section 36, Freedom of the Press, states, "The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information." The right to freedom of expression is not absolute and is subject to limitations in Section 44 (2) and (3); 45 (3) a; and 45 (2), all of which can be applied as the judiciary deems appropriate.

Panelists stated that freedom of expression and media freedom are compromised by certain laws. Al Osman, editor-in-chief at Capital Radio, said that his station is challenging one of these laws, called the Protected Names, Flags, and Emblems Act. However, he said that the pursuit of justice is usually defeated by the slow pace of the judiciary. "In practice, we have seen violation of [justice] by the authorities, by the police, indeed by politicians," Osman said.

Emma Kaliya from the Malawi Human Rights Resource Centre said that the legal provisions that protect freedom of speech and media freedom exist within the constitution, but there is a huge gap when it comes to implementation. Stanley Kenani, president of the Malawi Writers' Association, explained that journalists are at times vulnerable to "some archaic clause in some statutes that seem to contravene what the constitution guarantees. For example, the Protected Names, Emblems, and Flags Act has landed many journalists in trouble."

Kenani added that citizens have freedom of expression, but the extent to which freedom is retained after one has exercised that right is questionable. According to the African Media Barometer, 2006, close to 40 laws have a negative impact on free speech in Malawi.

Panelists also decried the fact that a number of laws from Malawi's colonial era—in addition to those mentioned above—impede freedom of speech and media freedom. According to the *SADC Media Law Handbook*, 2003, the following statutes govern the media in Malawi:

- Communications Act (Act 41 of 1998) provides for the regulation of telecommunications, posts, and broadcasting in Malawi.
- Printed Publications Act (Act 18 of 1947) governs the print media and provides for the registration of newspapers with the Government Archives.
- Censorship and Control of Entertainment Act (Act 11 of 1968) regulates the pre-approval of content that is distributed to the public and provides for the regulation of entertainment productions.
- Official Secrets Act (Act 3 of 1913) protects official state secrets against disclosure.
- Commercial Advertising (Traditional Music) Control Act of 1978 regulates the use of traditional music in advertisements.[3]

Kingsley Jika, editor at Chancellor College Publications, explained some of the conditions faced by journalists. "The result is that politicians take advantage and use the law of defamation as a scare...so it makes journalists fear from afar," he said.

Some panelists had a more optimistic view. "Malawians are much freer than they were 30 years ago," said Wisdom Chimgwede, editor at Zodiak Broadcasting. Susan Chikuse from MBC added, "There is freedom of expression in Malawi, as compared to what it used to be in the past... these days people are so empowered in the villages, they can even take to task the members of parliament or the people from the ministries."

Panelists also brought up the issue of "hate speech" and its treatment in the context of freedom of expression and freedom of the media. They said that they were concerned that MBC's re-broadcasts of "derogatory speeches" by the former Malawi president are not in the interest of democracy, but show the government using the media for political aims. Osman explained, "Right now , there is a huge debate going on in the country about so-called 'hate speech' by the former president or complaints by the former president. MBC, the government-controlled broadcaster, is re-broadcasting some speeches that are clearly examples of hate speech. Our society…is divided into whether this is correct or not."

The Communications Act of 1998 makes provisions for the establishment of MACRA. According to this act, MACRA should be open and independent of government interference, and operate transparently. Osman said that this is not the case, and said there seems to be a conflict between what the legislation stipulates and what happens in practice. Panelists agreed that administrative problems at MACRA affect the issuing of licenses to broadcasters.

[3] Konrad Adenauer Stiftung, 2003, SADC Media Law: A Handbook for Media Practitioners: Volume 1

Kingsley Jika said that the problem is the Communications Act, which states that, "the president shall appoint members…and the power to remove a member of MACRA is also in the hands of the president and no member of parliament, the national assembly, has a say over it."

Jika added that the Communications Act is contradictory and states, "A member to be appointed to MACRA should not be minister or a deputy minister. Yet within the Communications Act, it says the minister of information can tell MACRA what to do. In other words, MACRA or radio stations should comply with what the minister says."

Osman remarked that changing the act has been nearly impossible. "What has been evident so far is that no political party or successive administration has any appetite to change the act, because it suits them. They come into power, take over, and continue business as usual. But the act can be changed simply by a member of parliament introducing a private member's bill. The question remains: Who is willing to do that as a private member?"

Various other problems faced by MACRA include transparency in the board's management and accountability to the public about licensing processes. Osman detailed the issues. "The licenses themselves, when they are awarded to radio stations or before they are awarded to radio stations, are also supposed to be publicized though the press, and invitations are also supposed to be issued to members of the public. None of these things are being done. Another aspect is the fee charged by the regulator. The regulator, in our opinion, has certainly said licenses will only be granted if we pay up all arrears, including the outstanding frequency fees. Under the Licensing Act under broadcasting, there is no mention of this, and this is something that we are challenging in the courts. MACRA is coming up with arbitrary charges that we think are clearly designed to shut us down. If a station is not able to meet its payments, they have a legal argument to shut down that station."

Panelists also expressed frustration with the arrogance of some MACRA officials who are unwilling at times to accept and abide by court rulings.

Panelists stated that MACRA's tax structures and high costs for transmission and airtime make entry into broadcasting prohibitive. They agreed that licenses are easily available to applicants with the "correct" political affiliation. Costly Mtogolo, head of journalism at Malawi Polytechnic, noted that the licensing fees is charged "in dollars [$5,000], and I think when all the other companies...register to get their licenses through the Registrar General, [they] pay in kwacha. I am not very sure if this is fair and comparable."

The cost of a license paid in dollars is very expensive for Malawians. "In fact, anybody advertising any product that is being sold in dollars—say, a newspaper carrying an advert [that] says we are selling this in dollars—has got to be prosecuted under the Reserve Bank Act," said Stanley Kenani, president of the Malawi Writers' Association. Other panelists said that some media organizations opt to make a small profit by evading the high taxes, but these outlets run the risk of closure.

Panelists said that other startup costs, including equipment, are a prohibitive factor for market entry. Felix Mponda, correspondent for Agence France-Presse, said, "When you talk to someone in America and say the computer here is $500, they will think it's cheap. But if you calculate into kwacha, it means that's close to a minister's salary. It's too expensive."

Panelists also stated that new newspapers usually appear during election times but disappear immediately afterwards. What puzzled the panelists is that some new entrants in radio broadcasting, such as churches, speedily receive a license from the regulator. They attributed this to the fact that the government is less threatened by the church than civil society. Jika explained that the government wants to control the "information square"[4] by imposing stricter regulation for broadcast media than for newspapers "so that at least the masses—about 80 percent of the population—won't have access to the right type of information to help them make important decisions in democracy, as we claim [to have] in this country."

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

[4] 'Information square' is a media term meaning the arena for debate in a democracy for people to make informed decisions. Put simply, it refers to all media outlets: radio, newspapers, and the Internet.

He called for Malawi to bring on change by "letting the public speak more and the government know that the public want the information square, want to control the square, want to make the right type of decisions. I think then and only then can we have a change."

Although panelists said that crimes against journalists are rare, investigative journalists' lives are constantly under threat from criminals and the government. Panelists said that investigative journalists continue practicing under these conditions. According to Emma Kaliya, "In 2006, two journalists were detained for writing articles about ghosts visiting the State House, where the president resides. They were being asked to provide the source of their information."

However panelists were also quick to note that these cases seem to disappear. No one hears anything about the case after journalists have been released from incarceration, who are under a silent bargain of "when we release you, do not make any more noise. All you other journalists: if you tread that carelessly, you may face the same wrath."

Jika said that this sort of threat works, noting that "conditions in prisons are harsh, and no journalist would dare find himself there. Fortunately, most of the defamatory cases in Malawi have been treated as civil and settled outside the court. Most of them, even against the president, have died a natural death."

Journalists working for the public broadcaster receive pressure from their superiors to censor themselves when writing political stories. Innocent Chitosi from MISA Malawi said, "Of late, politicians have been so subtle in their harassment of journalists…mainly it is the politicians who do the harassing, and maybe they are seconded by the business sector. Police have often taken journalists and released them after a few hours. Photojournalists, when they are taking pictures at a public rally, are arrested. Police say they should get prior permission from the police headquarters."

Generally, the public speaks out against arbitrary arrests of journalists, voicing their concerns through letters to editors in newspapers and through phone-in programs on various independent radio stations.

Editorial independence is legally protected. Innocent Chitosi, media activist from NAMISA, asserted, "Another crime which is subtly creeping in is editorial control or political control [censorship]. Public institutions like MBC and TVM—I don't know if these people will survive until 2008—are being oppressed. They are being twisted every now and then."

Other panelists stated that defamation disputes by civilians and other media against the MBC are interpreted as being anti-government. Kenani gave an example: "We had a case against MBC. They were failing to pay 35 million kwacha for royalties for musicians and we won. Although, of course, later on, when we met the minister of statutory corporation, some quarters wanted to politicize the whole thing to say we are trying to muffle MBC." He added, "The law that protects editorial independence does exist, but I think everybody...is afraid of injuring certain political masters."

Other panelists agreed that editorial independence is threatened by political influence in public broadcasting. A report in *The Daily Times* supported this assertion: "Parliament last year [2006] refused to approve MBC's and Malawi Television's annual budgets in full, arguing the two broadcasters were biased towards President Bingu wa Mutharika's Democratic Progressive Party."[5] The two broadcasters argued that the opposition parties do not consult them when there is an event, while the ruling party (DPP) provides notice of their events. Opposition members, however, disagreed, stating that MBC journalists are reluctant to cover stories of the opposition for fear of losing their jobs.

According to Patricia Kaliati, minister of information and civic education, "Some MBC employees have in the past complained that government's 'talk' to open up to the opposition is mere lip service as people are punished for mere suspicion of sympathizing with the opposition."[6]

Opposition parties also question the MBC's reporting ethics. They claim that it is not balanced, and that opposition parties are seldom approached for a balanced report when allegations are made against them.

Libel is both a criminal and civil issue. Panelists said that if treated as a criminal case, libel is punishable with two years' imprisonment. But according to the panelists, most libel cases are treated as civil cases and settled out of court. Other panelists said that the judiciary offers hope for journalists by treating cases against them as misdemeanors.

Zeleza Manda explained that in Malawi, journalists often have to prove that there is no falsity and malice intended, and he compared this unfavorably to international norms where the plaintiff must prove falsity. Panelists were not certain who proves falsity in a libel case.

The Constitution of Malawi, under the protection of human rights and freedoms, Section 37, Chapter IV, guarantees the right to access information. It reads: "subject to any Act of Parliament, every person shall have the right to access to all information held by the State. Or any of its organs at any level of Government in so far as such information is required for the exercise of his rights." The Constitution is the only law that guarantees the right to access information, no other legislation has enforced this right.

[5] *The Daily Times*, May 2007, Article: 'Half budget hits MBC staff hard'

[6] IBID, p. 3

Susan Chikuse from MBC stated that journalists have increasingly difficulty accessing information, due to political conflicts. She cited a situation in which she was conducting a panel discussion and invited several politicians and government officials to participate. One of the officials told her that he did not want to participate if a certain other official was going to be present, because of that person's membership in the UDF [United Democratic Front]. The discussion was canceled as a result. "I wanted information so that the communities should be helped, but [the discussion] failed," Chikuse said.

Usually, MBC and Television Malawi are the first recipients of important government information, particularly if the news will score points with the public. Other less important news is shared equally with public and private media.

NAMISA, Malawi Human Rights Resource Centre, and other media NGOs in Malawi are championing parliament's drafting and adoption of the Access to Information Bill. This law will give guidelines for procedures to be followed by civil society when requesting information. The government and, to some extent, the private sector would be compelled to make the information available when requested.

No restrictions are placed on access to international news. However, panelists said that lack of financial resources is a barrier to accessing international news sources, so media outlets rely on foreign news agencies for international news. These stories are sourced through the Internet and Digital Satellite Television (DSTV), a South African channel—provided that the media outlet can pay for a computer and for subscription television. "You can't make an international call, let's say, to talk to the World Bank president on what was happening," said Zeleza Manda, a media trainer. Josephine Semu, a producer at MBC, added that even journalists at MBC struggle to access the Internet.

Journalists do not need to be licensed. Panelists stated that some journalists believe that if licensing were to be enforced, it would delineate the different levels of professionalism based on experience and qualification.

According to panelists, the government had been issuing press cards to journalists as a standard procedure for high-profile government events, claiming security reasons. However, the press cards were a way to invite only journalists seen as favorable to the government. Journalists working together with the Media Council of Malawi stopped the government from issuing press cards. Media outlets continue to print their own press cards for their journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Malawi Objective Score: 2.06

Most indicators scored near the objective average. Notable exceptions were Indicator 5, pay levels for journalists, which scored well below the average; and Indicator 6, balance of entertainment and news, which scored well above the average.

Panelists said journalists have a desire to report fairly. However, according to Wisdom Chimgwede of Zodiak Broadcasting, "sometimes the environment [journalists] are working in dictates otherwise."

Other limitations include acquiring necessary resources to follow-up on a story. "Some organizations are limited in terms of transport, in terms of communications facilities, telephones, and Internet," Mtogolo said. He also noted that, at times, political and economic pressures compromise journalists' reporting. He said that TVM and MBC journalists specifically are constrained in their ability to go out and cover stories. "Their budget has been cut because the one who does the allocation has decided to punish them through allocative control," he said.

Most media organizations in Malawi do not have codes of ethics that are specific to their organizations. The Media Council of Malawi developed the Malawi Code of Ethics and Professional Conduct ("the Journalism Code"), a self-regulatory code for journalists, in 1996.[7] Broadcasters must adhere to the Code of Conduct for Broadcasting Services ("the Broadcasting Code"), a statutory code contained in Schedule 3 of the Communications Act.[9] Panelists said that most individual journalists in Malawi are not aware of these documents, and if they are aware, at times they do not follow what these documents stipulate. "Journalists only learn ethics when they go for training in training institutions," said Josephine Semu, producer for MBC. Zeleza Manda went so far as to say that "the journalism profession here is…corrupt."

Other panelists felt differently and stated that journalists in Malawi, especially some senior journalists, do follow the code of ethics, primarily the ethical code drafted by the Media Council of Malawi, and institute it in their newsroom. Nonetheless, there is a challenge faced by media organizations to implement codes of ethics widely. One panelist reported, "The National Media Institute of Southern Africa held two workshops to train its upcoming members on media ethics. During the workshops, the members discovered that most traditional practices in Malawi media were not in line with professional conduct as enshrined in the Media Council of Malawi code of ethics." Further, panelists reported that certain

[7] Konrad Adenauer Stiftung, 2003, SADC Media Law Handbook for Media Practitioners; Volume 1, p. 23

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

journalists accept gifts for some types of stories, and do not necessarily declare the gifts to their media organizations.

Panelists agreed that journalists do practice self-censorship. MISA's 2006 African Media Barometer reported, "Malawi is a small country, and self-censorship is evident in many, for journalists want to protect themselves against making enemies in the community, and they act in the interest of the owners/employers."[8]

Osman from Capital Radio remarked that at times self-censorship appears to be more prevalent with journalists at state-owned media, and that some journalists have learned to censor themselves because of political and other interferences. The journalists concerned seem to write cautiously on certain issues, he said.

He also explained that Capital Radio encourages reporters to write business stories. "Our advertisers complain that they are tired of hearing and reading about constant political bickering that is going on. They want to hear and read about the stuff that is affecting their economy; that is affecting their businesses; whether it's worthwhile to expand their supermarket into Kasungu."

Other panelists noted that for some journalists, a corruption aspect is linked to self censorship. "A lot of journalists clearly know that this story is actually something that the public ought to know," Manda said. "But at the end of the day, they also know that this story is hitting the guy or the person who gives me the second salary at the end of the month." For this reason, the particular journalist will not report on the story.

Journalists generally cover key stories that include government and the private sector. However, panelists acknowledged that more could be done to cover key events that are not political. Emma Kaliya, program manager at the Malawi Human Rights Resource Centre, disagreed, saying that unless one has money to pay for coverage of an event, it is unlikely that it will be covered. Stanley Kenani observed, "Coverage depends on what sort of business interest the media organization has in that particular event."

Panelists did agree that journalists in Malawi cover a fair amount of news and information, especially from the government. What constitutes "key events" was questioned, however. Manda said that "we think when the president is there, that is a key event." He added that other social issues (e.g., the environment) are not covered, despite being vital issues for society.

Regarding pay levels for journalists, Mtogolo said he disagreed with the implication in the indicator that low levels of pay breed corruption. Manda added, "Poverty has nothing to do with corruption." Panelists believed that journalists are poorly remunerated and that journalists' labor interests are not protected due a lack of union representation. There are huge pay differences between journalists working for the public sector and those working for the private sector. "The public media get better pay than the private sector, but then, it seems like...where journalists are better paid, corruption is institutionalized more than where there they are less paid," Manda said.

Manda also noted research on monthly salaries conducted by MISA found a range of pay scales. "These vary between Malawi Kwacha 12,000 and 20,000 (the minimum cost of living after tax for a five-member family [i.e., the poverty line] currently stands at Malawi Kwacha 21,000)."[9]

Felix Mponda alleged that certain journalists from TVM solicit payments for broadcasts. Emma Kaliya said that this sort of behavior is bringing "the journalism profession in Malawi into disrepute."

Panelists agreed that Malawi's news media needs to include more entertainment stories. They said that coverage of politics is dominant at present. Apparently, an average Malawian is content with the daily dose of serious political news. James Mphande said that at his newspaper, "when we say news—front page news—it's not always politics. You find that maybe some gibberish from a politician is given front page privilege, but a very big achievement is buried somewhere in the eleventh or twelfth of fifteenth page."

Panelists noted that technical equipment for gathering, producing, and distributing news is generally outdated and

[8] Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 26

[9] Media Institute of Southern Africa, 2006, "African Media Barometer—Malawi," p. 27

need to be replaced. "Turning Malawi from a consumption country into a producing country, you do need certain type of equipment. It's the same thing if you are moving from terrestrial to satellite—that transmission requires some equipment," Mtogolo said.

Panelists felt that this issue needs to be addressed at a policy level. They noted the government's in drafting legislation that bridges the gap between law and implementation. Policies that have been introduced have failed to put in place financial and human resources in line with modern technology. According to Susan Chikuse from MBC, their "programs are poor in terms of quality" because they use outdated equipment.

Panelists noted that niche reporting is not prevalent, although political investigative journalism can be found, mostly in the print media. The broadcast sector was criticized by panelists for not having any kind of niche reporting. Panelists added that Malawi has no specialist magazines that report on sports, economics, or similar issues. However, foreign-produced niche financial magazines are sold in Malawi.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Malawi Objective Score: 2.08

Panelists rated only a few indicators near the final objective score. They rated Indicators 2 and 5, unrestricted citizen access to media and private broadcasters producing their own news, almost a point higher then the average. However, they rated poorly Indicator 3, state media reflecting the views of the political spectrum, at more than a point lower. Indicator 4, independent news agencies, also did not fare well.

Panelists said that residents of Malawi's urban centers have better access to public and private news sources. Malawi has more than seven religious radio stations, about five private radio stations, one television station, and a number of newspapers. The MBC is a state-run radio company in Malawi. Founded in 1964, it has two stations, Radio 1 and Radio 2, and transmits on FM, medium wave, and shortwave frequencies. Some people subscribe to DSTV, a South African-owned channel run by MultiChoice/M-Net.

Panelists also noted that radio stations do broadcast to the rural areas. They said these stations are making an effort to bring audiences in-depth and balanced news. However, broadcast frequencies are still lacking, in particularly rural communities. Community media currently do not exist, at least in the sense of media run by and for the benefit of the community. Panelists noted that current radio stations classified as "community" are in fact tied to specific development projects and were established as part of project requirements.

Citizens accessing domestic or international media is not against any law in Malawi, but panelists pointed out that the high cost of Internet connectivity and computer ownership were barriers to access online media. "While the facilities may be there, they are not affordable and also very slow to access," Kaliya added. Media is also concentrated in the urban areas and not all Malawians have easy access.

Panelists agreed that the state-owned broadcaster has a big challenge in covering politics and political events in a manner that is fair and balanced for all political parties. They also felt it does not serve the public interest. On numerous occasions, opposition parties have accused the MBC and TVM of not covering events hosted by the opposition parties and merely focusing attention on the government and ruling party. However, the Communications Act of Malawi is seeking to reconstitute the MBC as a public broadcaster.

The Malawi News Agency (MANA) is a state-controlled and owned news agency. There are no independent news agencies; international agencies such as Reuters and BBC are used from time to time. MANA's and international agencies' services include supplying media outlets with breaking news stories for print, and audio and video materials for broadcast.

Independent broadcasters in Malawi produce their own news. Osman said that his radio station has started gathering news from the rural areas. He added that "we also have programs like Tikambe ya Malawi and Maua Khumudze, which are in vernacular, and these are programs that are making a difference in the lives of Malawians." Capital Radio also collaborates with the state broadcasters in what they call

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Development Broadcasting Unit programs.[10] Osman explained that these are programs that go to communities in the rural areas and spark discussion with citizens on governance issues. For example, in a case that involved a whole village complaining about "a large company that had taken away their estate for the production of sugar…an NGO group that was listening to the program intervened and took the company to court, and those people were given back their land."

Malawi has no law that compels media owners to be transparent, and panelists thought that such a law should be in place. The public is not aware of true ownership. Other panelists agreed that media ownership is under a monopoly, with the majority of media organizations owned by the government and a few Malawian families. Felix Mponda said, "Yes there is a monopoly, because most of the media houses in this country are family owned, including Capital FM...it's not open for shares."

Kaliya said that news in Malawi is broadcast primarily in English and in Chichewa. Panelists said that other languages are used, but are usually not prioritized by the broadcasters and the newspapers. With regard to coverage of gender issues, MISA found that, "according to the Gender and Media Audience Study for Malawi released in 2006, women constitute 12 percent of news sources nationwide." The report further notes that men dominate the news on challenging topics while women appear on less important topics such as beauty and homemaking and that "women are treated as sex objects."[11]

OBJECTIVE 4: BUSINESS MANAGEMENT

Malawi Objective Score: 2.30

Only Indicator 2, media receiving revenue from a multitude of sources, finished close to the average. A handful of indicators scored well, including Indicators 1, 3, 4, and 5 (covering management and profitability, advertising agencies and the advertising market, the ratio of advertising revenue to other revenue, and government subsidies of private media). Panelists rated Indicators 6 and 7 much lower, reflecting the lack of serious market research, circulation verification, and audience measurement.

Panelists said that Malawi has limited media outlets and supporting firms, but the existing ones are professional, profit-making businesses. Panelists did suggest that media outlets should form networks, so that the various newspapers can print and distribute with the same organization, as opposed to working in isolation. Nevertheless, some newspapers in Malawi still reach large numbers of Malawians, even those in the remote rural areas, using their own distribution.

Chimgwede said that private media receive revenue mainly from advertising and occasionally through programs sponsored by international agencies. He recalled that during Zodiak's formative years, staff had difficulty getting salary increases because advertising was the only source of revenue.

State media in Malawi receive revenue from the government. This source of income is not stable, however, as demonstrated by the proposed cuts of funding for the MBC by opposition parties. Panelists noted that print media has the following sources of revenue: advertising, sponsorship, sales of print copies, and subsidies (for state-owned print media only). Non-state media do not receive subsidies from the government.

Panelists agreed that Malawi has an active advertising industry, consisting of both local and international players. Osman had this to say: "There are a few specialized advertising agencies in the country that produce advertisements and programs for various types of media, including print and broadcast media. There are also in-house organizations that do all this." However, panelists also noted that advertising activity is concentrated in cities, such as Blantrye and Lilongwe.

Panelists could not say exactly if the total revenue is in line with accepted standards at commercial outlets. Panelists noted also that private broadcasters are a fairly new phenomenon and that advertising rates for private media have been developed using the MBC advertising rate card as a guide.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

[10] "The United Kingdom (UK)-based Radio for Development (RfD) launched this project in September 1999, with the aim of establishing a sustainable framework for a broadcast dialogue about civil rights and citizenship in Malawi." (www.communit.co.za)

[11] Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 25

Malawi does not have an audit bureau of circulation for one to obtain verified circulation figures. Occasionally, broadcasters and print media organizations will estimate the number of listeners and readers, based on feedback received on certain broadcasts or articles. But these are far from being professionally produced market and media research. A few private broadcasters, using funding from donors, will from conduct audience research. Genderlinks, in partnership with Gender and Media Southern Africa/Malawi and the Malawi Institute of Journalism, conducted "the first comprehensive study of audience news consumption patterns and preferences in Malawi generally, as well as the gender dimensions of these." [12]

To date, no organizations conduct formal market research. The lack of market research means that media organizations cannot depend on this data to inform their business strategies. Panelists also highlighted the general lack of expertise in market research in Malawi. Further, the few individuals who conduct market research for their own purposes make it difficult for the print and broadcast media to access this data.

However, panelists agreed that there is a need for professionally conducted market and audience research, similar to that of the South African Advertising Research Foundation. "We need now to do fresh research to find out how the media is doing in this country because everyone is claiming this and that," Manda said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Malawi Objective Score: 2.36

Most indicators scored close to the average. The exceptions were Indicators 1 and 2. Panelists rated Indicator 1 very low, reflecting the lack of trade associations. But overall, they appreciated the work of professional associations and awarded a much higher score.

Currently no trade associations in Malawi represent media owners; however, professional associations abound. They include the National Editors' Forum, the Journalists Union of Malawi, the Lilongwe Press Club, the Mzuzu Press Club, the Kabula Press Club, the Malawi Women Media Association, and the Broadcasters' Association of Malawi. Panelists stated that assistance received from these organizations includes professional legal advice, advocacy, and lobbying. They emphasize that the Lilongwe Press Club is very involved with ongoing media debates, but other press clubs are not as active. In its *Southern African Media Directory*, MISA noted, "The Journalists' Association of Malawi is in a deep coma, although there has been an attempt recently to turn it into a union."[13]

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

NAMISA (formerly MISA-Malawi) is one of the prominent and active NGOs in the media sector. It is involved in advocacy and lobbying for media freedom and freedom of expression. NAMISA works closely with independent media organizations and promptly engages the government and the minister of information on behalf of the media sector. MISA notes that, "...due to the absence of other professional bodies, NAMISA has taken up some roles such as arbitrating on complaints against the media."[14] It is seeking to resuscitate the Media Council of Malawi in order to hand over these responsibilities. NAMISA is also the organization behind efforts to resurrect the Journalists' Association.

Other NGOs, such as the Malawi Human Rights Resources Centre and the Malawi Chapter of Gender and Media Southern Africa, advocate for media-related issues as well.

A journalism degree and diploma is offered by the University of Malawi-Polytechnic. According to Kaliya, "About five years ago, the University of Malawi, through the Malawi Polytechnic, introduced a journalism degree program that has already graduated one group." MISA reports also that "a number of private schools run by professional journalists, such as Pen Point School of Journalism and Malawi Institute of Journalism, offer a Certificate and Diploma in Journalism."[15] However, Pen Point School does not seem to be fully operational at the moment.

[12] Genderlinks/GEMSA, 2006, Gender and Media Audience Study for Malawi

[13] Media Institute of Southern Africa, 2006/7, Southern African Media Directory, p. 39

[14] IBID

[15] Media Institute of Southern Africa, 2006, African Media Barometer, p. 28

Panelists complained that Malawi has no media management training programs. Journalists in Malawi have to rely on training conducted by Southern Africa organizations, such as the NSJ and the Sol Plaatje Institute for Media Leadership, for varied specialized skills training. Panelists noted that journalists are busy people, they often do not have time to attend the courses, and costs for such courses are also prohibitive. However, Malawi does have a few short-term training courses. These courses have been restructured, and Manda stated that the programs should also be changed to include media management training.

Panelists also stressed the urgent need for Malawi to have a training policy. Jika said, "The programs are mostly set up by the British High Commission, the American Embassy, CIDA, and, at times, some local non-governmental organizations. The most popular courses are election and the media, HIV and AIDS, and the economy. Often, the costs are met by those setting up the program." He added that attendance is usually by those who are in the good graces of their bosses.

Newsprint is obtained from South Africa and Zimbabwe. As Jika explained, "The reliable supplier of newsprint in Malawi is a South African company, SKIPCO. And SKIPCO, through an agent in South Africa, a Van der Gust, brings to Malawi off-cuts or rejects from the newsprint left over from South African printers."

Panelists said that printing facilities are political because some of them a linked to the government-owned newspapers. Blantrye Printing and Publishing is one of the main printing presses in Malawi and, according to MISA, "it belongs to the business empire of the late president Kamuzu Banda."[16] The other printing press is run by Nation Publications Limited.

Generally, channels of media distribution are in private hands and are concentrated mainly in the cities. However, some panelists said that certain owners of kiosks and other distribution points sometimes tend to be divided along political affiliations. For example, if an owner is a supporter of the ruling or opposition party, he or she will do business with people aligned with their political interests and would never put on the stand a newspaper that reports negatively about his/her party. Typically, such newspapers are smaller ones owned by politicians that tend to sprout up near elections. Almost all kiosks will, however, sell both major dailies, *The Daily Times* and *Nation*, and major weeklies under the same roof.

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The Daily Times, May 2007, Article: 'Half budget hits MBC staff hard'

The Nation, May 2007, Article: 'Wenzulo denies defaming Muluzi'

List of Panel Participants

Innocent Chitosi, media activist, National Media Institute of Southern Africa, Lilongwe

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Kingsley Jika, publications editor, Book Publishers Association of Malawi, Zomba

James Mpande, editor, *The Daily Times*, Blantyre

Costly Ronalds Motogolo, head of journalism department, University of Malawi-Polytechnic, Blantyre

Alaudin Osman, managing director, Capital Radio FM, Blantyre

Josephine Semu, producer, Malawi Broadcasting Corporation, Blantyre

Susan Chikuse, producer, Malawi Broadcasting Corporation, Blantyre

Wisdom Chimgwede, editor, Zodiak Broadcasting, Lilongwe

Felix Mponda, correspondent, French News Agency, Blantyre

Stanley Kenani, president, Malawi Writers Union, Lilongwe

Zeleza Levi Manda, public awareness specialist, Compass II, Blantyre

Moderator

Joe Mlenga, producer, Malawi Broadcasting Corporation, Blantyre

Observer

Johanna Mayhungu, researcher, Sol Plaatje Institute for Media Leadership, Grahamstown, South Africa

The Malawi study was coordinated by, and conducted in partnership with, the Sol Plaatje Institute for Media Leadership, Rhodes University, Grahamstown, South Africa.

[16] Media Institute of Southern Africa, 2006/7, Southern African Media Directory, p. 38

Despite the multiplication of media in Mali, in its current state of development the Malian press is confronted with many problems, such as a difficult economic context and the lack of appropriate human resources. These problems greatly influence the quality of the newspapers and the programs on the radio stations, which seem to focus more on entertainment.

MALI

OVERALL SCORE: **2.16**

Moussa Traore, who had seized power in a military coup, led Mali from 1968 to 1991. After his overthrow in March 1991, a democratic regime was put in place and the first free elections were organized. In the context of this opening to pluralism and freedom of the press and of expression, the Malian media landscape experienced a transformation to diversity in newspapers and radio stations.

Today there are 170 independent newspapers, with 50 appearing more or less regularly, and 200 radio stations broadcasting on FM across the nation. There are 17 radio stations in the Bamako district alone, while others operate in the provinces; Koulikoro and Ségou are the best equipped with 40 and 23 stations respectively. Other than the national television channel, operated by the Office of Radio-Television Mali (ORTM), urban Malians also receive almost 100 cable channels offered by subscription services. With the exception of *L'Essor*, which has national coverage, other newspapers are distributed almost exclusively in Bamako, however.

The state developed a more or less modern legal framework to regulate the press sector shortly after Mali's move to democracy. There is a favorable environment, although many believe that the political willpower that fueled the first hours of the democratic development of the media is weakening.

Despite the multiplication of media in Mali, in its current state of development the Malian press is confronted with many problems, such as a difficult economic context and the lack of appropriate human resources. These problems greatly influence the quality of the newspapers and the programs on the radio stations, which seem to focus more on entertainment. Panelists reflected this situation in their objective scores, which varied to a good degree. They rated Objectives 1, 3, and 5, freedom of speech, plurality of news, and supporting institutions rather well. Each of the three objectives finished with a score higher than the average of 2.16. Objective 1 finished more than a half point higher, at 2.65, with Objective 3 right behind it. However, Objectives 2 and 4, professional journalism and business management, finished well behind and 1.88 and 1.46, respectively.

MALI AT A GLANCE

GENERAL

> **Population:** 12,324,029 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Bamako

> **Ethnic groups (% of population):** Mande 50% (Bambara, Malinke, Soninke), Peul 17%, Voltaic 12%, Songhai 6%, Tuareg and Moor 10%, other 5% (*CIA World Factbook*)

> **Religions (% of population):** Muslim 90%, Christian 1%, indigenous beliefs 9% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Bambara 80%, numerous African languages (*CIA World Factbook*)

> **GNI (2006-Atlas):** $5.546 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,000 (World Bank Development Indicators, 2007)

> **Literacy rate:** 46.4% (male 53.5%, female 39.6%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Amadou Toumani Toure (since June 8, 2002)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 8 daily newspapers, 40 periodicals; Radio: 192; Television stations: 2

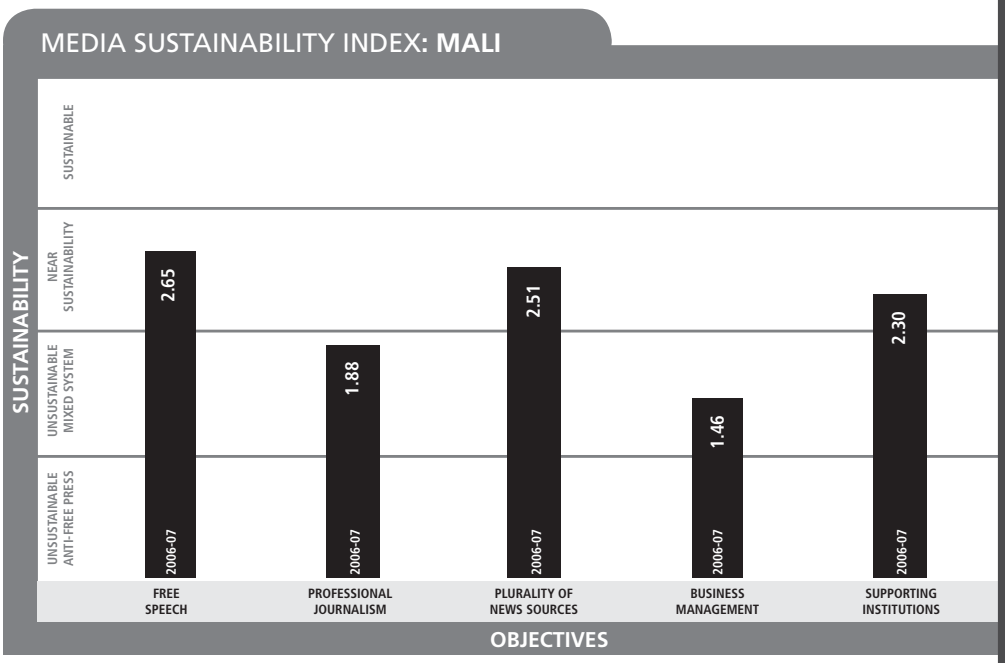
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** The Malian Press and Advertisement Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 70,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Mali Objective Score: 2.65

In this objective, several indicators finished noticeably apart from the objective average. On the low side, Indicators 5 and 7, preferential legal treatment of public media and freedom of information, finished equally far behind; almost a full point. However, strengths in Indicators 3, 8 and 9, market entry, media access to international news sources, and free entry into the journalism profession, helped keep the average relatively strong with scores far ahead of the average.

In Mali freedom of expression is one of the basic principles of the budding democratic system. The Malian constitution formally guarantees the freedom of expression including the freedom of the media. In article 4, it stipulates that: "any person has the right to the freedom of thought, conscience, religion, belief, opinion, expression and creation within the confines of the law." "The freedom of the press is recognized and guaranteed. It is exercised according to the conditions established by law. An independent newspaper regulated by organic law ensures equal access for all to the state media" (article 7). This freedom is exercised within the limits set by other regulatory and legal texts. "In our country the legislation obeys the logic of the African Charter for Human Rights and of the Universal Declaration to which Mali is a member," wrote Mamdou Tiéoulé Diarra, a lawyer and university professor.

Law No. 00-46/AN-RM passed on July 7, 2000 concerning the regime of the press and of press offenses regulates the freedom of expression in Mali. Malian legislation limits this freedom in cases of racial, national, or religious hatred and incitement to murder, all of which are prohibited by law. Freedom of expression is reflected in the practice of journalism, and with respect to this the panelists recognize that there is a setback. Many cases of journalists that were beaten or otherwise interfered with while doing their job were mentioned. Panelists posed the question: are these isolated acts of overzealous agents? There are ways of appeal, but generally they are not used in cases of aggression or threat.

There are also social burdens sometimes affecting the freedom of expression, among them the secondary roles played by women. While some men consider women to be "unimportant," many women underestimate their true potential well beyond what tradition assigns to them. As a result, sometimes women do not make use of, or are in effect denied, their right to freedom of expression. However, panelists noted that these prejudices do not make their way into legal proceedings.

Edict No. 92-337/P-CTSP, concerning the license to create private broadcast communication services specifies a number of aspects regarding the granting of frequencies. Some 200 radio stations are established and broadcasting across the country. The frequency granting commission is heterogeneous and relatively objective. In order to satisfy political demands and the ever-increasing requests, the state tends to resubmit certain texts on the media to the reading committee. Among other requirements, the applicant must be Malian and be committed to use the license in the national territory by observing a set of specifications. The frequencies are granted according to a planning logic that is virtually unknown to many.

Other laws that regulate broadcasting include the following:

- Decree No. 92-022 regulating the granting, suspension, or withdrawal of the license to create a private radio broadcasting service by terrestrial waves in frequency modulation.
- Decree No. 02-22 7 /P-RM given on May 10, 2002 concerning the type-status of the private radio broadcasting services by terrestrial waves in frequency modulation.
- Inter-Ministry Order No. 92 Mc-Mat/Ctsp/Ass-Mscp establishing the specifications of the private radio broadcasting services by terrestrial waves in frequency modulation.
- Order No. 95-0331 Mfc-Cab establishing the royalties for the private audio-visual communication services.

About all of this the panelists say that many broadcasters have gotten into trouble with the local authorities about the lack of transparency. According to Nouhoum Kéita, a journalist with the Kayira Radio network (one of its stations was closed during its test period in Niono), "the frequencies are granted arbitrarily, based on who the applicant is."

In an atypical development, the media are exempt from taxes, and panelists noted that this reflects the Malian government's appreciation of the role played by media in a democratic society. Paradoxically, with the exception of computers and related equipment, inputs and other equipment used by the media are often subjected to taxes by traders and accepted by the buyers at media outlets out of ignorance.

Every once in a while in Mali offenses against journalists are committed. However, there have not been any cases of murder. Malian journalists work in an almost absolutely safe environment. They are seldom victims of aggression and, when it happens, they count on the support of public opinion. In one case in July 2007, Adama Coulibaly, a journalist with Community Radio Kafokan, was assaulted

by a candidate running in a local election over coverage on election results. Coulibaly did file charges, but the two parties settled out of court.

The government of Mali passed Law no. 92-021 on October 5, 1992 changing the status of ORTM. It is a public institution with administrative functions. It functions according to a set of requirements just as any other broadcast outlets. Officially, the public service media is free from excessive political interference. Panelists found this to be relative. Despite their status, the public media still receive a state subsidy. The board of trustees of the public broadcaster is chaired by the minister of communications who certainly protects certain political interests, while the general director is appointed by government decree upon the recommendation of the minister of communications. One common accusation levelled against ORTM is that it gives greater consideration to broadcasting stories about the government to the detriment of the other political actors who complain of lack of balance.

Government officials also tend to provide more information to ORTM because they remain more or less the state media. However, in Mali there is also cronyism between some politicians and some private media or with ORTM such that "everyone has his journalist," according to one panelist, to whom the politician will deliver information, usually for purposes of manipulation.

Defamation is a criminal offense punished by the press law of Mali. Law No. 00-46/An-Rm passed on July 7, 2000 concerns the regime of the press and press offense definitions. In article 38, defamation is defined as any allegation or charge striking a blow at the honor or reputation of a person or organization. It is the journalists who must prove that they did not defame, not the plaintiff. It is rare for Malian journalists to go to prison because, despite the mistakes for which they may be accused, they usually do not come before a judge. Even when that happens, either the plaintiffs withdraw their plea or the court lightly punishes the journalist.

A high-profile case from June 2007, where a student's fictitious essay about a president having an affair with, and impregnating, a young woman was published and landed the student's teacher and several newspaper editors in jail. The case was quickly dubbed the "president's mistress affair" and received international attention. The accused teacher and editors were charged with "complicity in offending the head of state." A short time later, all involved were given suspended sentences or "time served," and the verdict was appealed. According to lawyer Mamadou Tiéoulé Diarra, although no solid evidence has been produced, there was political influence visible in the "president's mistress affair" that led to media professionals and others being thrown in jail in the first place.

Law No. 98-012 passed on January 19, 1998, regulating the relations between the administration and public service users, limits the types of information that can be accessed. Administrative non-normative documents such as files, reports, studies, statistical reports, guidelines, or fliers that may be interpreted as positive law documents are freely accessible. On the other hand, documents that, if consulted, may be damaging to secret governmental proceedings, national defense or foreign political secrets, the state security and public safety, the secrets of private life, medical files or in a general manner items in regards to legally protected information, cannot be accessed.

While this law has existed since 1998, very few people, including journalists and government officials, know about it. Accordingly, it is not respected in practice. To remedy this ignorance, the Commission for Institutional Development, in a pilot project, set up information offices in some administrative offices in the capital. The information offices are mandated to host, guide and, provide users with the information they need. Eventually the system will be widespread throughout the government.

Access to international news is freely permitted. The Malian media have access to the Internet, which has become an important free source of all kinds of news.

"A journalist is a person who has a degree in journalism or another university degree doubled by one year of professional experience and whose main paid activity is the gathering, processing and distribution of news and

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

information within a public or private, written or broadcast media outlet," according to Article 4 of the Law No. 00-46/AN-RM. Edict No. 892-191/P-RM, instituting a committee to issue press cards, implements the law in terms of granting and withdrawing the press card. The government does not influence access to the profession.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Mali Objective Score: 1.88

In this objective, most of the indicators scored similarly to the overall average. However, panelists gave much better scores to Indicators 3 and 4, self-censorship and coverage of key events. On the other hand, they rated Indicator 5, pay levels for journalists a full point lower than the average.

"In Mali we practice a rent-paying journalism," said Isaïe Somboro, a trustee of the Free Radio and Television Stations of Mali Union. Evidently journalists—particularly those working in the printed press—neither control nor check the information they publish. "The lack of professionalism is the great scourge of the Malian press as it has become the refuge of the unemployed searching to make a living," according to Moussa Bolly, journalist and editor-in-chief of the independent daily newspaper *Les Echos*.

Panel discussions centered on how news processing is rather subjective and not professional. This practice creates frustrated people who miss no opportunity to show their discontent. Several related examples succeeded to nail the problem particularly in the case of national television. This discussion led the panelists to talk about the angles in a story. Apart from the lack of professionalism, panelists noted that some politicians manipulate certain journalists, using them to settle scored. However, despite the problems related to specialization, there is an obvious will to cover all fields in order to produce news. "The media must be congratulated," one panelist said.

A professional ethics code was developed by the media profession and was adopted by all media stakeholders in 1991. There is also a self-regulatory institution, the Observatory for the Deontology and the Ethics of the Press, created in 2002 to oversee the code. But otherwise Malian journalists flout their own ethics code. Many will not hesitate to write about the private love life of citizens using unverified information. Many examples were mentioned to illustrate breaches of professional ethics. Another point was made regarding the difficult separation of the private and public life in some cases, and how in such situations the journalist could use it as an extenuating circumstance.

Self-censorship exists although the environment is not always favorable. In general Malian journalists censor themselves for social and ethical reasons, but only rarely as a result of threats. When journalists are subject to social pressure because of a piece of news they published—which is common in Mali—they tend to use self-censorship. Often managers censor a piece of news they deem subjective or not in keeping with their editorial policy.

With the exception of information protected by the access to information laws, no subject is prohibited. "As a general rule, despite the lack of professionalism, any topic is newsworthy," according to Gamer A. Dicko, a journalist with the national daily newspaper *L'Essor*. "There is of course no taboo subject, but Malians do not accept gratuitous personal attacks. There are social aspects in which no one gets involved because our society is based on this," said Tiégoum Boubèye Maïga, journalist and manager of the All Communication Agency. In this vein, panelists said that the media cover key events, political and otherwise.

In Mali everything is designed to incite journalists to corruption: there are social practices bordering on crime, very low salaries given the cost of living, and a large salary discrepancy between the public and the private sector (base salaries in the public media almost equal the ceiling in private media). Some barely make the minimum wage. Corruption attacks ethical values, as one may have a high pay level and still give in to temptation. "Salaries don't even exist, there are hand-outs. You close your eyes to the wrongdoings, and thus encourage them to accept gifts. So journalists organize themselves to crawl to people," according to Seydou Baba Traoré, director of the national radio. Turnover is very high; many join to gain some experience before going over to work in ministries or NGOs.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Speaking of news and entertainment balance in broadcast media, Nouhoum Kéïta of Radio Kayira complained, "More space is allocated to *Dombolo*[1] than to programs that should educate citizens. Some efforts are being made but amusements always hold sway. There are no discussions at all." Ramata Dia, director of the Guintan Network of Community Radio Stations drove the point home: "The Malian Broadcasting Service, which should play the role of public service, has taken the bread from the mouth of these local radio stations by encroaching on their territory with entertainment programs". The national radio is strives to offer varied programming with resources that do not enable it to satisfy the demands and expectations of listeners and viewers. Panelists lamented the absence of political discussions, which they said is due to the scarcity of well-prepared staff.

There is a crying need for equipment in Mali. The private printed press is under-equipped, using obsolete technical equipment. Of course, the public media seem to be in better shape. With the exception of the national radio and a few other private radio stations in the capital that enjoy state of the art technology, the provincial stations still have to work with analog and rudimentary equipment. This affects production and efficiency.

According to the panelists all is not gloomy. Journalists are specializing more and more in the editorial offices in various fields, such as business, economics or health and are producing stories of good quality.

OBJECTIVE 3: PLURALITY OF NEWS

Mali Objective Score: 2.51

Indicators were spread out from the average, with only Indicator 1, plurality of news sources, scoring near the average. On the high side, Indicators 2, 5, and 7, citizen access to media, private broadcasters produce their own news, and a broad spectrum of social interests are covered, all finished about three-quarters of a point higher. However, finishing about three-quarters of a point lower than the average were Indicators 3, 4, and 6, public media reflect the views of the political spectrum, news agencies, and transparency of ownership.

In Mali there is a variety of news sources but they are concentrated in the large urban centers. In the rural areas, the main news source is the radio, given the difficulty of access to other media. Ownership of the private media is blurry. The public media often appear more as government media because of the strong influence of the executive branch on this media. However, efforts are being made so that the media reflect all the existing social and political interests in the country.

In Mali there are some 200 private radio stations, a national radio and six regional radio stations. The printed press, found in cities and, at most outlets, written in French, includes some 40 titles. The state print media include the national daily newspaper written in French and the other publications in indigenous languages intended for the rural areas. In the case of television, the state still has a monopoly even though the Africable private television channel is being set up. In addition, two companies, Multi Canal and Malivision, rebroadcast in microwave with a scrambled foreign multi-channel television package. Also an urban phenomenon, the Internet is quickly developing, yet access to it is still limited.

Access to national and international media is not restricted. There are also four foreign radio stations fully or partially relayed by both public and private outlets. However, in the rural areas, there is an additional impediment: electricity. "Any citizen who wishes to express himself can be helped. It is the only benefit we have from the quantity of media outlets in Mali," commented Belco Tamboura, journalist and manager of the bi-weekly paper *L'Observateur*.

As a general rule, the public media are open to alternative points of view, and a committee for free access to the state media is in charge of making that happen. "Beyond all consideration, the question is to what extent the journalist plays his role of public service. In this context the public media will have to be split in two groups: *L'Essor* which makes enormous efforts to make the space accessible and

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

[1] Music and dance from the Central African Republic.

ORTM which has become an impregnable head office. Often there is more self-censorship than anything else. One must continue repeating the master's voice," noted Tiégoum Boubèye Maïga. "The set of specifications to which ORTM is subject are as clear as spring water. However there are always overzealous agents who serve those that appointed them," Séydou Baba Traoré, manager of the ORTM Radio replied.

Mali has one public press agency: the Malian Press and Advertisement Agency (AMP).[2] It is the main provider of national news for various publications among whose subscribers one may find foreign embassies and other institutions. "The news provided by AMP is reliable in comparison with those provided by other agencies. The only problem is that it comes with a delay," said Ramata Dia, network manager of the community radio stations of Guintan. AMP makes efforts to cover the entire national territory using limited means. International agencies such as AFP or Reuters are mostly used by journals that comb the Internet for news.

Community radios are equipped and air their own shows that meet the needs and concerns of the local people. One criticism leveled against these stations is that they rely on staff who have not received the requisite training. "Community radios appear to be the soul of the homeland," wrote Mamadou Tiéoulé Diarra. In spite of all the criticism made against it the ORTM Radio produces good quality national programs.

Media ownership is not transparent since no one forces owners to make their identity public. In practice, certain politicians are associated with certain papers. The main area of non-transparency is that of financing sources for the main private press outlets: "Lately newspapers are created by the dozen. But the snag is that not even the publication managers know for whom they work because they have been contacted by middlemen," according to Moussa Bolly, editor in chief of the independent daily newspaper *Les Echos*. On the other hand the socio-economic context makes it impossible for business conglomerates to have a stranglehold over the media in Mali.

In the programs and pages of the Malian press a large spectrum of social interests is indeed present. Community radio shows reflect the social, economic, and cultural realities of their locales. The shows of ORTM are broadcast in indigenous languages.

[2] Created by Law No. 92-036/ AN-RM passed on December 24, 1992, AMP is in charge of, among other things, reselling a world news service contracted by agreement or alliance with other press agencies to the national media and private users; of enforcing the regulatory legislation with respect to advertising in the Republic of Mali; of gathering, producing or facilitating production of advertisements; of ensuring the management of advertising for the State and any applicable third parties; of being a part of the functioning of all structures at work for the development of advertising in Mali.

OBJECTIVE 4: BUSINESS MANAGEMENT

Mali Objective Score: 1.46

Given the circumstances under which they were established, with little start-up capital, media enterprises are still lacking in efficiency and professionalism. As a result of their specific character, which accords them considerable freedom but is characterized by a lack of professional standards in their operation, these enterprises still operate on a makeshift basis. Panelists' scores reflected this reality, and Objective 4 received the lowest score of the five objectives. Most indicators scored close to the average, with Indicator 6, market research, receiving by far the lowest score. One exception was Indicator 5, government subsidies for private media, which scored a full point higher than the average.

Generally the media outlets are not sustainable as they live from hand to mouth as businesses. Living off the owner's funds, they have trouble generating profits and paying their employees properly. Their irregular income does not ensure their profitability. Printing of newspapers is never certain, as there may not be the funds to cover printing costs. "Each media outlet has its own distribution channels so they make do with what they have," stressed Mamadou Tiéoulé Diarra.

Management practices at private media are typically not rigorous. They do not use effective accounting systems. Most of the time, they do not have specialized personnel for marketing and accounting. The term "business plan" is unheard of to most.

In Mali the media receive public funding. The other less important sources are advertising, sponsorship, and street

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

sales. "In Bamako the readership has shrunk through unfair practices by which one copy is read by 10 people. There are readers but very few buyers," explained Mahamane Hamèye Cissé, managing editor of the independent satirical newspaper *Le Scorpion*.

AMP, a state institution, has a monopoly on advertising, but it does not enforce this advantage. This explains the creation of private communication and advertisement agencies. In practice, when media outlets try to win advertising contracts, their success depends of the nature of their interpersonal relationships. It is better if the media owners' associations negotiate with the government and then distribute advertisements or commercials among the different outlets. It also happens that representatives of the government negotiate on individual basis with the media outlets of their choice. This influences the content of that media, panelists said. The media outlets do not have a culture of advertising, which is why in their system of organization one hardly finds marketing staff whose duty it is to sell advertisements.

The advertisement sector is very limited. There are but a few advertisers and always the same. "Revenues from advertising are insufficient; hence the media have a hard time getting out of the woods based only on the income generated by advertising," complained to Sékouba Samaké, editor in chief of the independent daily newspaper *Info Matin*. The national daily newspaper *L'Essor* (a subsidiary of AMP) swipes up most of the advertising, legal notices, and subscriptions. All the state agencies subscribe to *L'Essor* and all their announcements and advertisements are automatically published in it.

For 11 years the Malian government has been granting CFAF 200 million to the press. In order to be eligible for this subsidy, the media outlets must meet some requirements[3] according to article 7 of Decree No. 03- 264 /P-RM. All press outlets are considered based on the same criteria. Even the public outlets AMP and ORTM, already receiving subsidies to the extent of two-thirds of their budget, are considered for 10 percent of this aid. This is not agreeable to many media outlets, and they complain of unfair competition. Given the increasing number of press outlets, the share that comes back to each of them is becoming less and less significant.

[3] a) to hold an active status as a company, cooperation, association, economic interest group or public press institution;

b) to ensure regular bookkeeping and maintain good standing in terms of taxes;

c) to observe labor legislation, particularly registration of employees with the social security administration;

d) to ensure regular publication of the newspaper or, in case of a radio or television station, regular production of shows throughout the previous budget year.

The distribution of this subsidy was entrusted to a committee presided by the minister of communications.

Rarely does true market research precede the creation of a press outlet in Mali. The easy conditions and the rapid pace at which media enterprises are established attract Malians, who often go into it for the sake of prestige. Inadequate resources make market research a luxury. There are no reliable statistics on the activities of the media. Generally, circulation figures announced are inflated to attract advertisers.

Calculating audience ratings has not yet become a part of broadcast practices. There is no organization in charge of measuring audience ratings and media distribution. The existing polling institute occasionally conducts research, made to order, concerning newspapers, radio and television stations.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Mali Objective Score: 2.30

As a general rule, in Mali supporting institutions act in the interest of independent media. However, their aid is insufficient and provides little help for improving journalistic professionalism. Professional associations have been more or less efficient for a decade. There is no proper school for training journalists in Mali. The existing institutions give some training on journalism in addition to their traditional programs. Everybody acknowledges the necessity and urgency of creating a training institution for the journalistic profession in Mali. Panelists reflected this state of affairs with indicator scores that fell close to the average, except for Indicator 2, professional associations, which was quite a bit higher, and

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Indicator 4, academic journalism programs, which ended up a full point less than the average.

Two owners' associations exist in Mali: the Private Press Publishers' Association and the Union of Free Radio and Television Stations of Mali. However, they need more means so that their influence with respect to protecting the interests of the media professionals may be enhanced.

There are some 60 associations and professional networks working for the protection of their members' interests, and all are independent of the government. These include associations that specialize in specific areas of journalism, such as sports, economics, health, environment, culture, and politics. Many panelists agreed that there are even too many associations for Mali's young press. All of them are part of a centralized structure: the Press House. This is not the case of the unions, as there is only one of them that works exclusively with the public media.

Both the professional and trade associations are involved in training programs and advocacy on behalf of their members. While organized on a national level, some have local representative offices.

Civil society is active in defending freedom of the press. NGOs such as the International Human Rights League and the Malian Human Rights Association issue statements in protest against assaults or other violations of the rights of the media. They also provide legal assistance and mobilize lawyers when necessary.

Mali does not have a proper school of journalism, but there are schools offering communication and marketing training programs that include journalism courses. These training programs are of a more theoretical than practical nature and the quality of candidates sent to the job markets leaves a lot to be desired. "I taught at one of these schools for three years. I simply stopped because their program in journalism is not what it should be," said Fatoumata Maïga, a journalist with the national daily newspaper *L'Essor*. Today these schools struggle with problems related to the approval of the degrees they issue, as they have yet to meet accreditation requirements.

To fill the absence of a school of journalism, the Press House, a federative association of the media, offers advanced training programs to media professionals. Created in 1996, the Press House receives CFAF 30 million out of the 200 million subsidy granted by the state. This godsend supports continuous professional training within various media outlets. For the same capacity-increasing purpose, the Press House also receives financial support from national and international NGO partners. Based on their specific needs, the individual associations also organize training seminars.

With the exception of the national daily paper *L'Essor* and other papers published by AMP, most printing houses are private. AMP is one of the few media organizations that possess their own printing press. The few private newspapers that own printing presses use them to generate additional revenue. In practice, there is no governmental interference or pressure at this level.

Distribution channels are apolitical and free, though disorganized. The distribution of the printed press is the bottleneck of newspapers, as they resort to having to convince owners of kiosks or informal distributors to carry their newspaper. Private radio stations own their own transmitters and towers, even if their facilities often do not conform to the latest technical standards. The Internet is no longer a monopoly of a conglomerate. Although originally it was subject to a governmental monopoly by the Telephone Company of Mali (Sotelma), it is now open to any business.

List of Panel Patricipants

Mahamane Hamèye Cissé, managing editor, *Le Scorpion*, Bamako

Ramata Dia, general coordinator, Radio Guintan Network, Bamako

Belco Tamboura, publishing manager, *L'Observateur* Bi-weekly, Bamako

Gamer Dicko, journalist, National Union of the Press and Publishing, Bamako

Fatoumata Maïga, journalist, *L'Essor*, Bamako

Amadou Tiéoulé Diarra, lawyer, lecturer, University of Bamako

Seydou Baba Traoré, manager, Mali Broadcasting Corporation, Bamako

Tiégoum Boubèye Maïga, general manager, Algaita Communication, Bamako

Moussa Bolly, editor-in-chief, *Les Echos*, Bamako

Sékouba Samaké, journalist, *Info Matin*, Bamako

Isaïe Somboro, trustee, Union of Free Radio and Television Stations, Bamako

Nouhoum Kéita, editor-in-chief, Association Radio Station Kayira, Bamako

Moderator

Mahamadou Talata Maïga, training journalist, Press House, Bamako

On August 3, 2005, a bloodless coup put an end to Taya's illegitimate regime. It opened a new age of democratization and marked the return to real political life, characterized by the separation of powers. During the transitional period the freedom of the press made spectacular jumps forward. Establishing newspapers was no longer subject to approval by the Ministry of the Interior. Previously, five copies of a newspaper issue had to be submitted to the

MAURITANIA

Ministry of the Interior, and a written authorization had to be issued before the newspaper could be obtained at the printing house and distributed. This practice ended and any form of censorship became out of the question.

OVERALL SCORE: **1.34**

MAURITANIA

The Islamic Republic of Mauritania was proclaimed on November 28, 1958 as part of the French Community project in which General de Gaulle's France was granting relative autonomy to its former colonies. It became independent two years later, on November 28, 1960. Between 1960 and 1978, Mauritania was ruled by a single party and the entire media was under its complete control. In July 1978, the army seized power; six years later another military coup placed Maaouya Ould Sid Ahmed Taya in power. In 1991, the military authorities organized a constitutional referendum and a multi-party system was adopted; Taya won the 1992 presidential election.

After the 1991 referendum, an order concerning the freedom of the press was promulgated on July 25 of the same year. This began a huge media boost and many new publications appeared in both Arabic and French. Between 1991 and 2005, despite the opening of political life, the media suffered serious infringements on their freedom: frequent cases of censorship, suspensions, and other interference. The media experienced a baptism of fire, being "a candle glowing in the dark." During this time, considered an "exceptional period," the print media (the only authorized kind) tried its best to fulfill its duties as a political actor as well as an agent of economic and social development. Despite the numerous obstacles thrown in its path, the press gained significant experience in all areas related to media and journalism.

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The MSI panel discussion pointed out that the media sector in Mauritania has entered a phase characterized by renewed dynamism. However, important deficiencies remain at a legal and practical level, and the length of time that new laws have been in place makes it difficult to judge whether progress made will endure.

MAURITANIA AT A GLANCE

GENERAL

> **Population:** 3,364,940 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Nouakchott

> **Ethnic groups (% of population):** N/A

> **Religions (% of population):** Muslim 100% (*CIA World Factbook*)

> **Languages (% of population):** Arabic (official), Pulaar, Soninke, French, Hassaniya, Wolof (*CIA World Factbook*)

> **GNI (2006-Atlas):** $2.325 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,970 (World Bank Development Indicators, 2007)

> **Literacy rate:** 51.2% (male 59.5%, female 43.4%) (2000 census, *CIA World Factbook*)

> **President or top authority:** Sidi Ould Cheikh Abdellahi (since April 19, 2007)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 5 daily newspapers; Radio: no private radio stations; Television stations: no private television stations

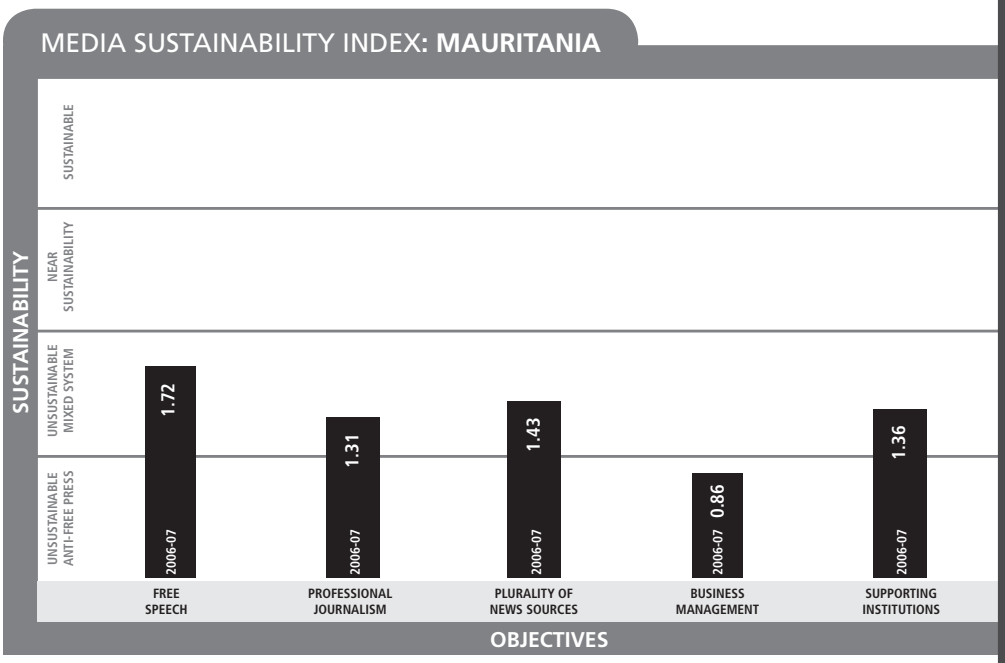
> **Newspaper circulation statistics:** Top four by circulation: *Le Calame*, *L'Eveil Hebdo*, *La Tribune*, *L'Authentique*

> **Broadcast ratings:** N/A

> **News agencies:** Mauritanian News Agency

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 100,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Mauritania Objective Score: 1.72

The score in this objective reflects positive steps taken on paper, but to a lesser degree in practice. In particular, low scores for Indicators 5, 6, and 7, preferential legal treatment of public media, libel laws, and access to information, more than counterbalanced the lone high score in Indicator 8, media access to international news sources.

The enormous progress witnessed in Mauritania with respect to this objective materialized as a result of the Ordinance on the Printed Press. Article 2 of this ordinance stipulates "The right to information and the freedom of the press as consequences of the freedom of speech are inalienable rights of the citizens." Therefore, the press is subject to a legal regime that intends to facilitate citizen access to news and information. Panelists—like the spirit of the law—recognize that freedom of the press is an important factor in development and the press itself is an indispensable tool for observing and guaranteeing individual liberties.

According to Yéro Amel N'Diaye, however, "today the problem is far from the recognition of freedom of the press, but its effective guarantee." Instead of being free, journalists are subjected to pressures of all kinds. The censorship regime has been replaced by a regime of imprisonment. Journalists are pulled between several parties, each wanting to use the media for its own benefit. On a more positive note, Freedom House's 2007 *Freedom of the Press* report on Mauritania notes that the new law provides for protection of journalists' sources.

Before the coup of August 3, 2005, panelists asserted that no objective criteria were observed when assigning licenses to media. As a result, the newspapers that were licensed were more preoccupied with promoting the government's image abroad than with providing reliable news to citizens at home.

A supervisory body called the High Authority for the Press and Broadcasting (HAPA) was created in 2006 to regulate the media. According to Freedom House, HAPA has accepted applications for private radio and television licenses, but, to date, the government still has a monopoly on broadcast media. Freedom House also reports that three of the six members, including the body's chair, are appointed by the president. It is unclear whether this will hurt the independence of HAPA. However, according to Reporters Without Borders' (RSF) 2008 Annual Report on Mauritania, HAPA did condemn an attack by guards of the prime minister on Radio Mauritania journalist Mohamed Mahmoud Ould Moghdad. According to RSF, HAPA said, "No circumstances can justify resorting to physical force against a journalist doing their job." Certainly, such a response is encouraging.

Regarding the tax structure for the media, according to Freedom House, private newspapers enjoy a VAT exemption, granted by the 2006 Ordinance, on all inputs needed for publishing.

Panelists did not discuss specific incidences of attacks on journalists in the recent past. The International Freedom of Expression Exchange (IFEX) reported a number of incidences of harassment and two cases of assaults on journalists in 2007. As security personnel working for the prime minister and the first lady perpetrated these assaults, the government took no legal action. In one case, attempts to file a complaint were dropped by the journalist after an official apology was made.

The public media receive preferential legal treatment in that they enjoy a monopoly on broadcasting and the have very easy access to public information. Private media face almost a total lack of information coming from public authorities.

Withholding information is still a serious handicap for the private press in Mauritania. Panelists did note that some government officials are likely gun shy and "have their own reasons to shut up," given the less than objective treatment they sometimes receive precisely in those newspapers to which they provided information in the past. Panelists agreed that more or less beneficial arrangements have been made here and there to allow private newspapers to access information. In these cases, according to

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

panelists, information is mostly provided for political or other non-transparent reasons. Panelists felt strongly that stonewalling must be fought so that the private media can have equal access to public information and be able to perform their duty of informing citizens on issues that concern them. Furthermore, panelists said that not being able to access information is a handicap to their profession, as they are not able to correctly report facts.

Speaking about libel and defamation, Mamadou Thiam, a journalist with *Le Calame*, stated "The whole legal framework sometimes used for the deterrence of defamation takes precedence over the guarantees offered by the law." In general, according to panelists, offenses are solved by privately negotiated settlements; therefore punishment is virtually non-existent. Nonetheless, bearing out Thiam's point, journalists are often detained for short periods of time over issues of libel and defamation. And, according to an IFEX report dated November 9, 2007, a journalist for the private newspaper *al-Aqsa* was sentenced to a one-year jail term for accusing a businessman of involvement in drug trafficking. Also reporting on this case, RSF noted that a €1 million fine was imposed as well, but that the journalist was out of the country and not serving time.

Panelists did not disagree with the need for libel laws. They said that, instead of accusing others, journalists must take responsibility when any news they produce may end up hurting someone.

No laws exist preventing media from accessing international news sources.

Regarding registration of journalists, panelists did not provide comment. However, Freedom House reports that registration exists, and that the Ordinance on the Printed Press changed the ministry in charge of this from the Ministry of the Interior to the Ministry of Justice. No evidence exists that this is used to effectively bar critical journalists from practicing.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Mauritania Objective Score: 1.31

Professional journalism in Mauritania has a long way to go despite the good intentions of some media professionals. In particular, pay levels for journalists need to be improved in order to help stem corrupt practices. The low score for Indicator 5 and panelists' many comments on this matter reflected this. On the positive side, Mauritania does not suffer from a lack of news at the expense of entertainment, as evidenced by the high score in Indicator 6.

It is clear from the panelists' discussion that the lack of professionalism is the thorn in the side of Mauritania's fledgling press and respect for ethics remains shaky. These problems stem from the fact that editorial rooms have been flooded with people lacking any real qualification or experience. The panel felt that editors must stress the importance of ethics so that adhering to them becomes reflexive for journalists in their everyday reporting.

Regarding self-censorship, panelists noted that in some cases, newspapers are controlled by businessmen, which inevitably limits the freedom of the outlet. The US State Department reports that journalists self-censor on stories related to Shari'a law those that would be considered critical of foreign embassies.

While recognizing the efforts made by newsrooms to produce quality articles, to stick to the news and deal with real issues in the country, the panelists expressed their dissatisfaction with the treatment of events by the media. There is often a tremendous temptation to favor political news at the expense of other areas. In fact, they noted, some newspapers only appear when crucial political events take place, such as elections.

The salaries of journalists working in the private sector are simply insignificant and they provide no social coverage, such as pension and health benefits. Therefore, journalists are not insulated from corruption, which is a widespread scourge in Mauritania. The quality and objectivity of their work necessarily suffers. The general conditions with respect to this profession are not encouraging, and only the staunchest believers in journalistic integrity resist the temptation to engage in "envelope journalism."

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

However, the journalists working with the public sector enjoy both better professional training and acceptable salaries.

Regarding equipment, panelists reported that the resources available to journalists are not particularly helpful.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Mauritania Objective Score: 1.43

Mauritania enjoys plurality of news sources only in print media, which is not widely available outside of cities and not printed in languages other than Arabic and French. In particular, a low score in Indicator 5, private broadcast media produce their own news, hurt the score for this objective.

Plurality of news sources is limited by the on-going government monopoly on broadcast media. Panelists did note with satisfaction the large number of private print media to supplement state-owned newspapers. However, while there are more than 700 registered newspapers and other periodicals, only about 20 appear with regularity. These are concentrated in cities. Panelists noted that the economic environment in remote inland provinces does not support print media.

The panelists concluded that the public media have not yet achieved the level of equitable news reporting. Speaking about that, Mamdou Sarr, secretary-general of the National Forum of Human Rights Defense Organizations, noted, "News on television and radio [both public monopolies] is not equitable. Apart from information, these media also convey the country's culture and so more shows in the national languages are needed. The TV and radio are discriminatory."

On a positive note, RSF monitoring of Mauritanian radio and television during the 2007 presidential elections found that public broadcasting, with oversight from HAPA, did comply with the election law's provisions for equitable access by, and coverage of, all candidates.

There is no independent news agency in Mauritania. State-run Mauritanian News Agency (AMI) offers news for a fee to local media. According to its web site, AMI has offices in 12 provincial capitals. It also offers a mobile telephone compatible news service.

Finally, the panelists thought that the languages in which the news is published are not accessible to the entire population. They felt that the use of national languages must be increased to support pluralism. That is why Kissima Diagana, with *La Tribune*, said, "Citizens' access to news is still very limited. Instead of talking about the languages of the minorities it would be fairer to use the term of national languages. The different nationalities have no access to news to the extent that the news is not translated in their languages. They are largely disconnected from current events and the very few existing weekly shows cannot change that."

The participants admitted that the public broadcast media have made important progress concerning the Moor community in terms of the quality of programming and diversity of viewpoints. This prompted Addahi ould saleck dit Weddou, of *Nouadhibou Info*, to say "The progress that has been made is much more tangible for those belonging to the Arab culture in Mauritania. Which is to say that access to news is limited to a small part of the population." Following up on this point, the panelists pointed out that the black African nationalities have not experienced significant progress to date in terms of sharing programming and airtime in their own languages in the scheduling of the—so far—exclusively public broadcast media.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Mauritania Objective Score: 0.86

Most indicators scored poorly in this objective, reflecting an under-developed business environment generally and lack of business culture in the private media specifically. Indicator 5, private media do not receive subsidies, finished well ahead of the average and shows that private media are not financially reliant on the government to the detriment of their editorial independence. Nonetheless, panelists felt that

some government help under the circumstances would be appreciated by the media.

While the panelists lauded the large number of private print outlets, they noted, however, that this is not indicative of a lucrative industry. To the contrary, the private media in Mauritania are rather unprofitable. This situation is due to a number of factors. Newspaper management has been highly informal to date. The advertising market is only accessible if one has connections and well-placed friends. Newspapers often lack any kind of management and marketing staff, which is a serious handicap for efficient operations.

The panelists said that newspapers do not have equal access to advertising markets. The very few contracts from advertising companies with newspapers are often made for non-transparent reasons. This results in advertising deals and contracts not being made with full disclosure, as they should be. The reliability of any news reports concerning potential problems with the companies that do advertise may well be compromised as a result of influence gained through advertising. Furthermore company owners or the managers of public and private institutions hesitate to purchase advertising from newspapers that are considered critical of the government.

Panelists felt that in such circumstances, for the good of the media journalists must own stock in their own company, just as they need to become specialized within their newsrooms.

Panelists report that the government does not grant subsidies to private media and most newspapers are forced to rely exclusively on their own financing and revenue. Many newspapers have ceased publication for years for lack of sufficient funds. According to the panelists, this situation reflects the fact that the government has no interest in the viability of the media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Mauritania Objective Score: 1.36

The scoring of this objective revealed a mixture of several weaknesses and a few relative strengths. Indicators 1, 2, 4, and 5, covering trade and professional associations, academic journalism programs, and short-term training, scored low. This implies that in the fairly short time the Mauritanian media has experienced an open environment, they have not yet had the chance to establish key supporting institutions. However, Indicator 3, NGOs supporting the media, scored relatively well, as did Indicators 6 and 7, access to printing facilities and newsprint and apolitical distribution networks.

According to the panelists, press associations have no significant role in either the protection of the industry's interests or professional improvement. The press associations that used to exist or are still active were created at the initiative of the government with the mission of protecting its own interests. Therefore, the many organizations that identify themselves as professional associations make no effort, in reality, to improve the status and conditions of journalists or the media.

Panelists see in this void a wasted opportunity. They said that professional journalists do not share their experience with others who need to acquire new skills or improve the ones that they already possess. Instead of "wasting" their time training others, the more experienced journalists would rather go out and earn their own living.

However, in the case of NGO support of the media, panelists acknowledged the important supporting role played by human rights NGOs currently active in Mauritania. Mamadou Sarr, secretary general of the National Forum of Human Rights Defense Organizations, stated, "They work full-time for the protection and guarantee of freedom of the press. This fight is an integral part of their mission."

Speaking about the recruitment of private journalists, Mamoudou Sy of *L'Eveil-Hebdo* stated, "Most editorial staff will go to universities and recruit students with compatible majors for the profession. They provide them with on-the-job training and sometimes send them off to small practice seminars and workshops so they improve their skills as they go." There is no academic journalism program in Mauritania.

Regarding short-term and in-service training, Kissima Diagana with *La Tribune* said "The journalists with degrees do not provide others with the training they need to acquire new

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

knowledge or improve the knowledge that they already possess." Most journalists are self-taught. The vast majority of journalists have never attended a professional training class and the presence of qualified journalists around them has not had any real influence on their own training. Panelists stressed an urgent need to set up an in-service training plan that could help to improve the overall quality of newsrooms. While some training seminars have already been organized, their brevity and the methods used—too theoretical, according to the panelists—did not end up considerably improving the quality of journalists' performance.

No newspaper owns its own printing press; the government printing facility and some private companies print most newspapers. There is only one media distribution network (MAPECI) in the capital. Most newspapers no longer employ its services, as they prefer to use itinerant sellers or set up kiosks.

List of Panel Participants

Thiam Mamadou, journalist, *Le Calame*, Nouakchott

Kissima Diagana, journalist, *La Tribune*, Nouakchott

Yéro Amel N'Diaye, journalist, The Friends of Culture Club, Nouakchott

Wane Aboubecrine, correspondent, *Rosso Eveil Hebdo*, Rosso

Mountagua Diop, sports journalist, *L'Eveil-Hebdo*, Boghé

Youssouf Bâ, journalist, *L'Essor* Newspaper, Kaédi

Rokhaya Tall, lawyer, Mauritanian Women's Rights Association, Nouakchott

Mamadou Sarr, secretary general, National Forum of the Human Rights Defense Organizations, Nouakchott

Baba Dianfa Traoré, investigation department head, *Horizons*, Nouakchott

Addahi Weddou, journalist, *Nouadhibou Info*, Nouadhibou

Alassane Sow, sales representative, Newspaper Distribution Service, Nouakchott

Birome Guèye, editor-in-chief, *L'Eveil-Hebdo*, Nouakchott

Moderator

Mamoudou Sy, director, *L'Eveil-Hebdo*, Nouakchott

Assistant Moderator

Abdallahi Fall, member, Study and Research Group on Democracy and Economic and Social Development, Nouakchott

The Mauritania study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar, Senegal.

Panelists' scores reflected the growth of media in Mozambique: all objectives finished very close to one another and within two-tenths of a point of the overall average. Only Objective 4, business management, was lagging somewhat with a score of 2.01.

MOZAMBIQUE

OVERALL SCORE: **2.21**

MOZAMBIQUE

Socio-political changes that occurred in the world in the late 1980s enabled the introduction of deep political reforms toward liberal democracy. In Mozambique, the approval of the 1990 constitution accelerated the democratization process in general, and in the media field in particular. The signing of the 1992 Peace Agreement, which ended one of the bloodiest civil wars in the history of the African continent, provided for a more favorable environment toward dialogue, participation, and organization of democratic elections.

Since 1994, the country has had three general and two municipal elections, held without conflict and cementing a multiparty atmosphere. The electoral campaigns were conducted with close coverage by the media. In 2004, a new constitution was approved, which deepened democratic liberties and, in tune with an environment of economic growth, favored the chances of both domestic and foreign investment in social areas, including the steadily evolving media sector.

In the past 15 years, 336 information agencies were registered, among them 12 radio and television stations (simultaneously), 15 television stations in the public, community, and commercial sectors, 46 magazines, 190 newspapers (both daily and weekly), and 23 other publications, including newsletters, advertising publications, and promotional magazines.[1] According to the Information Office of the Prime Minister (GABINFO), 95 new newspapers have been in circulation since September 2005. Since then, 41 new community radio stations, seven religious radio stations, four commercial or private television channels, and 15 radios stations and community television channels have hit the airwaves.

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[1] Source: GABINFO, The Media Status Today! July 2007

MOZAMBIQUE AT A GLANCE

GENERAL

> **Population:** 21,284,701 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Maputo

> **Ethnic groups (% of population):** African 99.66% (Makhuwa, Tsonga, Lomwe, Sena, and others), Europeans 0.06%, Euro-Africans 0.2%, Indians 0.08% (*CIA World Factbook*)

> **Religions (% of population):** Catholic 23.8%, Muslim 17.8%, Zionist Christian 17.5%, other 17.8%, none 23.1% (1997 census, *CIA World Factbook*)

> **Languages (% of population):** Emakhuwa 26.1%, Xichangana 11.3%, Portuguese 8.8% (official; spoken by 27% of population as a second language), Elomwe 7.6%, Cisena 6.8%, Echuwabo 5.8%, other Mozambican languages 32%, other foreign languages 0.3%, unspecified 1.3% (1997 census, *CIA World Factbook*)

> **GNI (2006-Atlas):** $6.453 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $660 (World Bank Development Indicators, 2007)

> **Literacy rate:** 47.8% (male 63.5%, female 32.7%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Armando Guebuza (since February 2, 2005)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 263 total; Radio: 88, including community stations; Television stations: 5

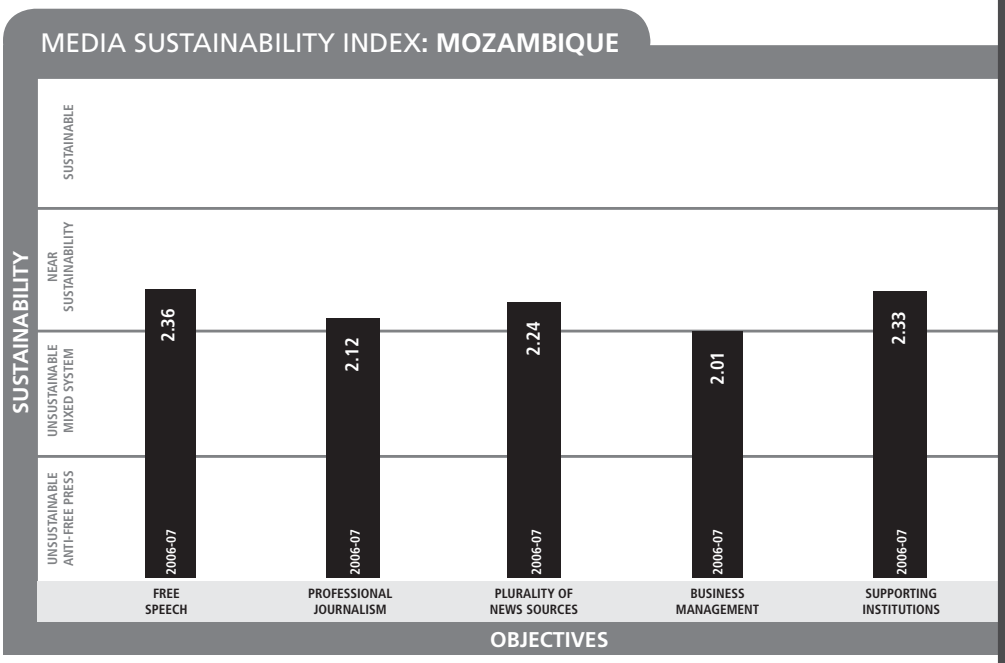
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Agência de Informação de Moçambique

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 178,000 (2005 est., *CIA World Factbook*)



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Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Mozambique Objective Score: 2.36

"All of this is a process, because we have certain sectors that have started to understand the need to provide public-interest information. Compared to other countries, Mozambique has had significant advances in this aspect."
–Humberto Zandamela

Humberto Zandamela, a journalist with the Ministry for Women and Social Action, was eloquent when commenting that "the current Press Law and the government of Mozambique protect and promote free speech and the access to public information, although there is a certain trend in some public sectors that keep making the journalists' work harder, often due to bureaucratic issues. For instance, in many institutions, there is a system that for the technocrat or individual responsible for something to provide useful information to the public, he first needs to be authorized by a senior manager, even when it is basic information that does not justify any authorization." This situation is much more common in the provinces, where government power is still very centralized and controlled. There is a bill waiting for approval that deals with the access to official information sources filed before the Civil Society Republic Assembly. Beyond the bureaucratic aspect, lack of knowledge of the Press Law, although available, also contributes to the limitation of information access.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
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- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Licensing of the printed media is performed by GABINFO. This government agency also issues licenses to radio and television operators after the Board of Ministers approves an application. However, the criteria for such licensing is not quite clear, creating the impression that only private media must be licensed, as there is an automatic licensing for public media. In general, the licensing has been positive, and, so far, there are neither cases of licenses being rejected by GABINFO nor partiality for political or other reasons in granting of licenses. However, Lourenço Chibudje, a freelance reporter, only reluctantly agreed with this assessment, saying, "Mozambique, in regards to media licensing, is not up to the mark. It is clear that it's GABINFO that performs the licensing [as opposed to the Board of Ministers]."

In Mozambique, several crimes against journalists have been reported recently. Such crimes are not seriously investigated by the responsible authorities, including the Journalists' Labor Union and the government. Only when they are broadcast in the media do authorities issue some kind of statement. Isaías Natal said that "many of these cases, perhaps most of them, take place in the provinces and ultimately are not noticed by the public at-large, given the scant media existing in such provinces. As a result, the poor news coverage about crimes or interference with the exercise of journalism makes such occurrences seem rare."

Chibudje said, "In the last few months, a few cases of aggression and sabotage in the newspaper sector were recorded, which causes journalists to live in fear, in a situation of insecurity." He continued, saying there is constant "intimidation and persecution against journalists and news agencies investigating 'hot cases.'" For example, he said, "the judicial power is always pursuing journalists." "An example of this situation is the case of a journalist who had problems as he denounced unlawful acts of a boss of his," he concluded.

However, 2007 witnessed a positive achievement in regards to punishing crimes against journalists. The Committee to Protect Journalists reported that in February the Supreme Court upheld the conviction of investigative reporter Carlos Cardoso's murderers. Cardoso was killed in 2000 while investigating embezzlement from the Commercial Bank of Mozambique.[2]

The preferential treatment of public media is visible from the relationship it enjoys with government agencies and personalities. This is shown prominently, for example, when the president travels abroad. He takes along journalists from several public media outlets, resulting in unnecessary expenditures and the multiplication of efforts to cover only one event. On the other hand, according to Manuel Matola, a journalist with the Portuguese-language news agency

[2] http://www.cpj.org/news/2007/africa/moz16feb07na.html

Panelist Natal said "there are still access difficulties to public information sources, especially in the farthest areas of the country, where the lack of knowledge about the law at-large still prevails, and the concentration of political power is notorious as well as the intolerance of the district administrators."

Lusa, "political powers hinder the editorial line of public agencies. For instance, the community radio stations are very instrumental, and, therefore, they need an independent editorial line." The influence of large companies in the editorial content of various media outlets, particularly private ones, was equally acknowledged by panelists as a result of the need for advertising in order to survive.

Defamation of the president remains a criminal offense in Mozambique, and libel is both a criminal offense and can be tried in civil courts. According to its 2007 Report on Human Rights Practices, the US State Department noted that although there were no cases of criminal defamation in 2007, two civil cases brought by private citizens against independent newspapers resulted in exorbitant damages that threatened to cause bankruptcy.

Although the Press Law ensures the right to freely access public information, in practice there are problems. Far from being what one might wish, Natal said, "there are still access difficulties to public information sources, especially in the farthest areas of the country, where the lack of knowledge about the law at-large still prevails, and the concentration of political power is notorious as well as the intolerance of the district administrators."

The panelists were unanimous in acknowledging that there are few media outlets with access to international news due to the insufficiency of technical resources, including digital equipment. Many media have access to international news and even domestic news by means of the Mozambiquean Information Agency. This has implications for the diversity of news content and the amount of news available, as many outlets depend on the same agency. The lack of financial resources to access the Internet also means that many media have restricted access to international news through this medium.

There are no legal requirements to become a journalist, and the government does not license journalists. Media outlets are solely in charge of judging a prospective journalist's qualifications before making a hiring decision.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Mozambique Objective Score: 2.12

"I see and notice a huge effort from journalists in delving into the reported subjects, although there are some limitations."
–Humberto Zandamela

There has been a significant improvement in terms of covering news items, although there is seldom follow-up, in investigative terms, of articles by journalists. Nonetheless, "not everybody reports news with dedication; some of them fail due to working conditions," said Chibudje. Another reason contributing to articles of poor quality is the fact that "our sources, at times, do not provide information as it should be, resulting in incomplete articles and, therefore, without much quality," he added.

In general, journalists try to follow ethical standards, but this is often made unfeasible because of the difficulties faced on a daily basis. "They eventually accept favors from a few sources. For instance, when they are invited to an event, that source pays the journalists' per diem and transportation, which contributes to a lack of impartiality, even in cases with negative aspects as far as news on public affairs is concerned," said Zandamela. At times, difficulties are related to the very nature of newspapers, where reporters are compelled to provide their articles on deadline before completing their investigations. This is exacerbated by the "inaccessibility of some sources that do not provide information in a timely manner, which forces journalists to often publish incomplete articles, under pressure from the editorial staff," according to Zandamela. Panelists also mentioned that interference with journalists' work contributes to the irrationality and subjectivity of articles. However, "the practice of ethical standards of journalism, which are sometimes violated, is improving. …there are professionals who try to reverse the current lack of quality journalism," said Matola.

Regarding self-censorship, some journalists have stated that there is no censorship for a large share of journalists and publishers. Others, however, have claimed that censorship is present, especially in government-run media; therefore, "only private media publish certain 'hot' stories," according to Lobão João, assistant publisher with *Diário de Moçambique*. Many times, news editing is subject to the whims of what some people want (or do not want) to see published, as often happens during elections, where only the intended results (in this case, by the government) are published. Also, in regards to this issue, Natal thought it important to point out "that there is much censorship in editorial offices, which is exerted

by both the publishers and the outside world, namely, the political and economic powers, among others."

The vast majority of Mozambiquean media is focused on the capital, Maputo, which causes a great share of news media to cover only that part of the country. In general, only the public media provide broad coverage comprising the whole country. This is beneficial in extraordinary events—not only those of a political character, but also in the case of emergency and calamitous situations. Although small private media outlets have begun to appear in provincial capitals, the poor transportation resources and meager financial means of these outlets does not allow them to cover beyond provincial boundaries. To win credibility, many of these small, new media outlets base their news "on what the population enjoys seeing or hearing"—that is, daily scandals and gossip and not necessarily major events and problems affecting the population, the country, and the world.

The panel's consensus was that, in the journalistic profession, corruption is not directly related to wages; in other words, a low wage does not lead to corruption. "By the way, it has been clear lately that publishers (who earn high wages) are more predisposed to corruption. Therefore, wages cannot be cited as the reason for this kind of behavior," said Matola. There have also been reported cases of journalists who were bribed once and then continued to accept bribes because they knew that, if they refused, their supervisors would step in and take the bribe.

The panelists agreed that public media have well-defined program schedules, including news, entertainment, and other kinds of programs. At private media there is a bigger focus on entertainment programming, as this attracts viewers and therefore advertising, and news programming suffers as a result.

Teixeira Cunheira, head of the editorial office at Mozambique Radio in Tete, said, "It has not been easy to explain the need for modern technologies, even when funds are available." Dalila Miquidade, also of Mozambique Radio, added, "There is little willingness by those in charge of the media to furnish editorial rooms with high-quality equipment."

Facilities used by most media outlets in Mozambique were not originally built for that purpose. Most facilities were adapted for media use and are quite unsatisfactory. Furthermore, the lack of funds does not allow for the great majority of agencies to equip their facilities with modern technology or enough resources. Teixeira Cunheira, head of the editorial office at Mozambique Radio in Tete, said, "It has not been easy to explain the need for modern technologies, even when funds are available." Dalila Miquidade, also of Mozambique Radio, added, "There is little willingness by those in charge of the media to furnish editorial rooms with high-quality equipment."

High-quality articles and programs are found, for the most part, in state-run media, except for one television channel and radio station, STV, which has proven to be competitive with state-run media in terms of investigation and follow-up of news stories. The character of the news being investigated differs from state media, and it covers the daily activities of the populace at-large. Panelists agreed that, in general, the national media still have much work to do before attaining international standards of quality.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

OBJECTIVE 3: PLURALITY OF NEWS

Mozambique Objective Score: 2.24

"We noticed great advances in the diversification of sources, both in the public sector and the private one, and an effort can also be noticed, by each media outlet, in the interest of covering common interests and individuals as an attempt to seek an exclusive, unique angle on the editorial political approach." –Humberto Zandamela

Despite the number of media outlets, there is little diversity of public and private news sources. Most media gather news from the few international sources that publish in Portuguese. Further, "not every private radio station makes an effort to publish public-interest subjects, while others simply keep reproducing news by means of newspapers and the Internet," said Natal.

Radio Mozambique covers 96 percent of the territory and is broadcast in 23 national languages as well as Portuguese. There is a broadcast in English, directed at South Africa. The national public television covers only 35 percent of the territory and is limited to major cities and villages, using only the Portuguese language. Likewise, written press publications are in the Portuguese language. Taking into account an illiteracy rate of 55 percent and a media concentration in three large cities—Maputo, Beira, and Nampula—access to the media by the public at-large in rural areas is limited; rural areas hold about 80 percent of the total population. In general, this segment of the population does not speak Portuguese and lives in poverty. The large number of independent newspapers, radio stations, and television channels that were created in the country after the liberalization of the media work in conjunction with public media outlets, formerly controlled by the state.

Despite the number of media outlets, there is little diversity of public and private news sources. Most media gather news from the few international sources that publish in Portuguese. Further, "not every private radio station makes an effort to publish public-interest subjects, while others simply keep reproducing news by means of newspapers and the Internet," said Natal. Internet access is limited for financial reasons, both in terms of availability of funds to buy computers and in terms of costs related to Internet service subscriptions.

"The law does not prevent people from having access to national or international channels," noted Matola. Restricting citizens from accessing national and international media is not present in laws or regulations, but nonetheless difficulties in accessing media remain. "News sources are available and there are a plethora of open media, but the major problem is the ability to purchase or access, particularly the Internet, due to the low income of most of the population," Matola continued. An example of opening access to news (although selectively available) is through community radio stations that broadcast in several languages appropriate for the local audience.

In Mozambique, public-service broadcasting is limited to Radio Mozambique and Television Mozambique. They are "natural multipliers, especially with news content, as they have a strong effect on the audience," according to Matola. Nevertheless, there is still a great effort by every type of media to deal with public-interest subjects. Zandamela spoke of a variety of programs focusing on "public education and information in order to reduce poverty and the promotion of citizens' rights." In certain cases, according to Chibudje, "private media manage to be very independent," better reflecting citizens' viewpoints. Notwithstanding "electoral periods, despite the available options for news, results are not published, not even preliminary ones," he said.

The group consensus was that there is no unity or information-sharing among media outlets. There is only one information agency—Mozambiquean Information Agency, run by the state—and businesspeople have never united to form a commercial counterpart.

Independent broadcast media produce their news based on news collected from the Internet or other national and international radio stations and newspapers. Poor transportation resources and a lack of personnel limit the ability to generate in-house news. However, Chibudje considered that, "in terms of news, the independent media excel, as they report in a more unbiased way."

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Mozambique Objective Score: 2.01

"Here one can see strong competitiveness between public and private media regarding advertising to the detriment of their own news material as, in general, everybody resorts to advertising as a strategy of survival. Even public media funded by the government look for or actually devote a lot of space to advertising." –Humberto Zandamela

Concerning this objective, panelists were unanimous that the private media are not sufficiently managed to generate a profit. Panelists also called into question the ability of private media to raise enough revenue to break even and maintain editorial independence. Most institutions are reluctant to support private media outlets, although the advertising field is clearly developing.

Matola believes that private media activities "…should be profitable; the country's reality, though, shows that the main part of the media does not survive primarily due to the lack of a clear policy in the area of advertising, which mainly benefits pro-government outlets." Concerning the sustainability of media by selling advertisements, Zandamela stated that "the media—newspapers and magazines—face high taxes on paper imports and, as a result, production; therefore, advertising becomes the last resort for their continuation."

In Mozambique, there is no newspaper distribution business. Each media company uses its own strategies to sell its product. Panelists think that is one reason that newspapers are delivered late in many regions of the country, and why there are regions where no newspapers are delivered at all.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

The panelists considered that, in general, the independent media do not receive revenue from multiple sources, except in cases where there are specific programs that interest particular sponsors. This is a detriment to news programming, according to Virgínia Cossa, an attorney. She reported that "…advertising is the most widely used means to acquire funds to maintain the media. As such, media have to be careful to not be contrary to the interests of those who advertise in them. For example, a private newspaper published a piece of news, which was reprinted in European newspapers, about Muslims. The latter, in response, stopped advertising in the newspaper, which resulted in huge financial troubles for them."

In Mozambique, according to the panelists, the government does not fund the private media. Panelist Zandamela believed that "…the government should fund every media outlet, either public or private, as is the case in some African countries like Rwanda[3], where the media are merely concerned about informing the public, not about advertising as their source of survival."

Matola reported that "…there is no systematic market research. This is necessary for media companies to design strategic plans, enabling them to have a greater presence in the market." Miquidade stated that "…in Mozambique, for the time being, little can be said about strategic plans in regards to increasing advertising funds and adapting products to the public's needs and interests."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Mozambique Objective Score: 2.33

In Mozambique, there is a National Union of Journalists (SNJ), an Association of Media Companies, and one NGO dedicated to media issues, the Media Institute for Southern Africa-Mozambique (MISA). Natal, one of the panelists from the province of Sofala, stated, "The National Union of Journalists, in the province of Sofala, doesn't work." He also said, "In a recent incident in Beira, a reporter from *Diário de Moçambique* newspaper was kicked while carrying out his duties, but neither SNJ nor the association of journalistic companies intervened as representatives of the journalists' employers. Only MISA was heard."

The intervention of professional associations in protecting media rights is still in an embryonic phase in Mozambique. Miquidade said that, although there are associations of

[3] The MSI Rwanda panel reported that the government does not subsidize private media; this fact does not necessarily invalidate Zandamela's point of view, however.

Miquidade said that, although there are associations of media companies, labor unions, and others, "…in its actual operation little or nearly nothing has been done to support and protect journalists in case their rights are violated."

media companies, labor unions, and others, "…in its actual operation little or nearly nothing has been done to support and protect journalists in case their rights are violated."

The panelists were unanimous in the opinion that NGOs do not support freedom of the press and the independent press. There is some funding from NGOs for a few educational programs, such as those about HIV/AIDS, malaria, TB, and others. There are no systematic support programs. Only MISA has taken on such initiatives.

Panelists expressed a growing concern in the country in regards to educating high-quality journalists, noting that there is still a long way to go. One positive example mentioned was the School of Journalism, which provides practical training for those who graduate in their respective courses. According to Miquidade, "…actually in Mozambique there are few educational programs in journalism. As an example, we have the recently established Communication and Arts School of the Eduardo Mondlane University, which has not yet graduated its first journalism students."

In general, the panelists agree that educational programs are always beneficial to journalists, as they provide sufficient tools for them to face the challenges of their occupation. Miquidade's viewpoint was that "…short-term practical education programs have provided media professionals with much support, as is the case of NSJ, which has offered educational courses to journalists."

Journalists constantly benefit from education through scholarships, qualification training, and retraining courses. However, in-house training cannot be found at private and community media outlets, whose journalists rarely benefit from training opportunities. Private and community agencies often depend only on training opportunities provided by domestic and foreign NGOs, such as NSJ and MISA Mozambique.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Lourenço Chibudje, freelance reporter, Xhimoio

Virgínia Albino Cossa, attorney, Maputo

Teixeira Chissuana Cunheira, head of editorial office, Rádio Moçambique, Tete

Eugénio Américo Da Câmara, freelance writer, Maputo

Lobão João Mauelele, assistant publisher, *Diário de Moçambique*, Maputo

Manuel Matola, journalist, Lusa Agency, Maputo

Nurat Dalila Miquidade, journalist, Rádio Moçambique, Maputo

Isaías Natal, reporter, *Zambeze* Newspaper, Beira

Estácio Valoi, freelance journalist, Maputo

Humberto Alfredo Zandamela, journalist, Ministry for Women and Social Action, Maputo

Moderators

Julieta M. Langa, linguistics department head, Literature and Social Sciences College — Eduardo Mondlane University, Maputo

Eliseu Mabasso, professor, Literature and Social Sciences College — Eduardo Mondlane University, Maputo

Eurico Galvão de J.B. Romão, director, Communication and Arts School — Eduardo Mondlane University, Maputo

The Mozambique study was coordinated by, and conducted in partnership with, NSJ – Southern Africa Media training Trust, Maputo.

The country is politically stable, with a functioning democratic system. Free and fair elections have been held regularly for local, regional, national and presidential elections. Developments within the past year have generally been positive, with a feeling that the new regime under President Hifikepunye Pohamba is more tolerant of the media than that of former President Nujoma.

NAMIBIA

OVERALL SCORE: **2.90**

Namibia is a relatively free country with constitutional guarantees of freedom of speech and expression, including the media.[1] The media is essentially unfettered, with a wide range of media outlets, both print and electronic, and minimal interference and regulation by the government. No publications, television, or radio stations have been closed down and no journalists detained, beaten, or killed since independence in 1990. Indeed, there has been a flourishing of radio stations (commercial and community), television stations, and print media since independence. Occasional complaints, however, include a ban on government advertising in independent newspapers and a heavy-handed stance over the public broadcaster by the previous president, Sam Nujoma.

Politically, the country has been ruled by the dominant South West Africa People's Organization (SWAPO) since independence. The country is politically stable, with a functioning democratic system. Free and fair elections have been held regularly for local, regional, national and presidential elections. Developments within the past year have generally been positive, with a feeling that the new regime under President Hifikepunye Pohamba is more tolerant of the media than that of former President Nujoma.

The MSI study showed greatest weaknesses in a few areas. These include: 1) the non-existence of media trade associations, with a lack of any real unity amongst the country's media and no functioning journalism trade union or media council; 2) the lack of any independent news agencies, and; 3) a lack of firm NGO support for independent media, as civil society in the country is seen as weak in its support of issues surrounding media freedom.

However, panelists highlighted a few key strengths, including: 1) free and open access by citizens to domestic or international media; 2) the free and unrestricted access by journalists to international news and news sources; 3) free entry into the journalism profession, and; 4) the freedom of independent media from any form of government subsidy. Regarding the last point, if anything the independent press (especially *The Namibian*) has been able to thrive financially without any government financing, despite a government ban on advertising with the paper or the purchasing of the paper by government officials.

[1] "All persons shall have the right to: freedom of speech and expression, which shall include freedom of the press and other media." (Article 21. Section 1 (a))

NAMIBIA AT A GLANCE

GENERAL

> **Population:** 2,088,669 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Windhoek

> **Ethnic groups (% of population):** N/A

> **Religions (% of population):** Christian 80% to 90% (Lutheran 50% at least), indigenous beliefs 10% to 20% (*CIA World Factbook*)

> **Languages (% of population):** English 7% (official), Afrikaans common language of most of the population and about 60% of the white population, German 32%, indigenous languages 1% (includes Oshivambo, Herero, Nama) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $6.573 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $4,770 (World Bank Development Indicators, 2007)

> **Literacy rate:** 85% (male 86.8%, female 83.5%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Hifikepunye Pohamba (since March 21, 2005)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 13 newspapers, including 4 daily; Radio: 27; Television stations: 3

> **Newspaper circulation statistics:** Top two by circulation: *The Namibian* (25,900 daily), *Informanté* (70,000 weekly) (Source: Christof Maletsky, News Editor, *The Namibian*)

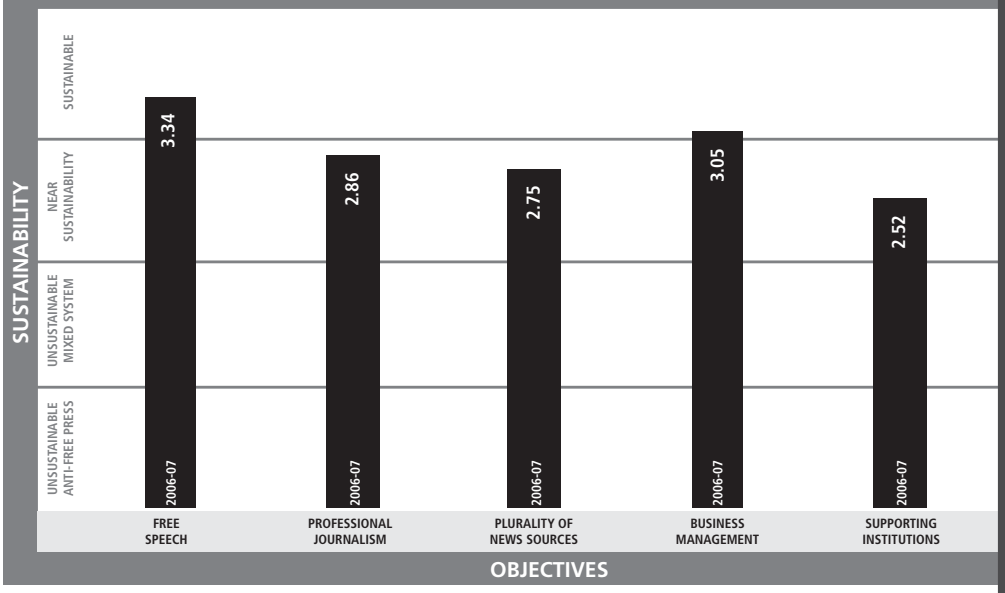
> **Broadcast ratings:** Top three radio stations: National Radio (85%), Radio Energy (25%) Oshiwambo (42.8%) (AC Nielsen Namibia 2001)

> **News agencies:** NAMPA

> **Annual advertising revenue in media sector:** Approximately $175 million

> **Internet usage:** 80,600 (2005 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **NAMIBIA**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Namibia Objective Score: 3.34

Panelists returned mostly strong scores for all indicators in this objective. Two lagged behind the others somewhat: Indicator 2, broadcast licensing, and Indicator 7, access to information.

It was felt that the Constitution of the Republic of Namibia allows for freedom of speech and of the media. To this end, nothing during the year in review suggested that these freedoms were being eroded.

Nevertheless, concern was expressed over government influence over the broadcast spectrum. The Namibia Communications Commission (NCC) was noted to be not a neutral or publicly appointed body, but essentially controlled by the government, with the board directly appointed by the minister of information and broadcasting.

It was also noted that SWAPO, the ruling party, through their holding company Kalahari Holdings, had shareholdings in commercial stations (Radio Energy and Digital Satellite Television).

However, on the positive side, Pieter Olivier, owner of Radio Live in Rehoboth, felt that the NCC was nevertheless fair in its dealing with licenses, with a spectrum of public, commercial, and community broadcasting being accommodated. "If you have money and a license the sky is the limit; it's run like a business," said Sandra Williams, director of Katutura Community Radio.

There were also concerns about the ban on the publication in *The Namibian* newspaper of government advertisements, and a ban on government departments purchasing the newspaper. "This must be seen as a gross violation of basic principles, and although we have freedom of speech and media in our constitution, practically there remain these problems," said Paul van Schalkwyk, director of One Africa TV.

Although print publications must be registered with the Ministry of Information and Broadcasting, the amount required (N$20) is minimal, and there have been no reported cases of the Ministry refusing permission to publish. The act regulating print publications is the Newspaper and Imprint Registration Act of 1971, the purpose of which is to: "Provide for the registration of newspapers and imprints; to regulate matters in connection with printed matter; and to provide for matters connected therewith." The Act, in Chapter II (8), forbids foreign editorial control: "No person shall print and publish in the Republic any newspaper unless the editor or acting editor or, in the event of there being more than one editor, the responsible or chief editor thereof is resident in the Republic."

Unfortunately, there are no tax benefits for publications, and printed matter—books and periodicals alike—is treated as a fully taxable item.

Crimes against journalists in the country are essentially unheard of, although some lawsuits for defamation of character against journalists and independent publications remain, led by, amongst others, former President Nujoma. Nevertheless, these remains a civil, not criminal, matter in Namibia, and are handled between the two parties in a court of law in a timely manner.

Regarding editorial independence for public media, panelists discussed the public broadcaster's, Namibian Broadcasting Corporation (NBC), *Chat Show* and *Open Line*. These programs allow callers to phone in and express their viewpoint freely, whether for or against the government of the day. "NBC also provides a feedback program for people to respond to queries. Their agendas essentially can thus go on the national agenda," said Umbi Karuaihe-Upi, general manager of NBC Radio.

A salutary lesson was learned by NBC during 2007, when there was a public outcry when these open phone-in programs were taken off the air. The NBC director general had insisted on a 'new' program format, whereby open discussion would be discouraged and 'topics' would be presented to listeners each day.[2] Within a few days, NBC was forced to reinstate the programs in their original open format.

Mathew Hailaki, director of Media Institute of Southern Africa (MISA) Namibia, noted that civil society has often been very subdued when their rights were infringed. He also noted that, despite the open phone-in programs on the public broadcaster, "people without a telephone are naturally restricted from taking part." With only approximately 500,000 telephone and cell phone users out of a population of 2 million, this presents a definite restriction.

There have been instances of preferential treatment for public media, in particular NAMPA. On February 13 2006, Namibian media institutions were informed in a press statement that only photographers of the national news agency would be allowed on the floor of the legislature during the opening ceremony. The press release further requested that media practitioners utilize the services of NAMPA, even though not all media outlets subscribed to the news service. After protests from the media profession, led by MISA, the ban was later rescinded.

[2] This was allegedly due to negative comments being expressed on the air regarding the former President. In order to prevent this 'abuse', the nature and format of these programs was changed.

Mathew Haikali noted that there is no law guaranteeing journalists access to information. Joel Haikali, an independent filmmaker, stated that if there are no such laws "forcing" people in power to comment, then there would be no open access to information.

MISA Namibia is currently engaged with the government on a push for access to information legislation, modeled on the existing legislation in South Africa. There have also been cases encountered by investigative journalists such as John Grobler, where his access to what should be public records (company information, shareholdings, etc) was made difficult.

Sarry Xoagus-Eises of the Constituency Channel, a parliamentary broadcast service, stated that it was difficult for individual journalists to have access to international news, and that they were thus reliant on the state news agency NAMPA for such coverage. Mathew Haikali reminded participants that to subscribe to NAMPA was nevertheless quite expensive. Although some broadcasters obtain direct relays of international news through CNN or BBC, Xoagus-Eises maintained that, legally, all international news distributed in Namibia should be accessed via the services of NAMPA.

Finally, there are no restrictions on entry into the journalism profession. No journalist is required to register to cover events and stories. Permission to publish in the print media is obtained from the Ministry of Information and Broadcasting and, thus far, this has been a routine matter, with no reports of such permission being refused for any reason whatsoever.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Namibia Objective Score: 2.86

All indicators scored near the final objective average. The co-leaders were Indicators 2 and 4, journalism ethics and coverage of key events, while the Indicator 3, self-censorship, brought up the rear.

There are pressures on Namibian journalists because of understaffing plus a lack of training and experience that can lead to lapses in professional journalistic standards. Nevertheless, most media outlets are ethical in their conduct, giving regular opportunities for right of reply, as well as publishing corrections/errata when errors occur.

Reporting generally is fair and balanced, although this might depend on a particular media outlet. Pressures to report in an unbalanced manner sometimes exist. "We have to stick to deadlines and there is always the fear of being scooped," said Viola Zimunya, news editor of *New Era* newspaper. This might lead to a situation whereby checking for accuracy is rushed or the use of multiple sources is not possible. Sometimes also a lack of training leads to incorrect guests being brought in for programs, and a misunderstanding of what questions should be asked by some journalists.

There was also a feeling that young and, in some cases, part-time contract journalists are being used instead of older, full-time workers. This also could lead to self-censorship by journalists who are still unsure of their standing in a media organization. "In general the standard of the profession in Namibia has gone down. Today cadet reporters, mainly untrained and inexperienced, are being sent out on stories," said Sandra Williams, the director of Katutura Community Radio.

Although a Code of Ethics, published by MISA Namibia, exists on paper, as yet no media outlet has formally ratified it and no media council or other such arbitration body exists in order to implement the Code.

Self-censorship is more prevalent in some media outlets than in others. In particular, the parastatal[3] organizations sometimes pressure journalists to 'toe the government line.' With many parastatal media organizations (NBC, New Era, NAMPA, etc) still dependent to a large extent on government subsidies, "it wouldn't make sense to bite the hand that feeds

[3] In Namibia a parastatal is a semi-government institution, which runs on a profit-making and commercial basis, but generally the control (appointment of boards, etc) remains in government hands, and any profit or dividend made by the corporation is wholly received by government. Other examples in Namibia include the electric company (Nampower), fixed-line telephone operator (Telecom Namibia), and water company (Namwater).

you," said Williams, and, according to Umbi-Karuaihe-Upi from NBC, "why would we play with our income?"

Nevertheless, on a positive note, even at parastatal media outlets such as *New Era*, debate is vigorous on, for instance, whether the newspaper should publish information that would embarrass the government. The fact that stories in newspapers that are critical of the government *are* published is a positive sign that independent journalism still exists, even under difficult and pressured circumstances.

There was some speculation as to why journalists in Namibia were generally reluctant to tackle investigative journalism. Some reasons put forward included the general culture in media outlets, a lack of training and education, a history of highly controlled, propagandistic media, and a lack of accountability by the SWAPO majority in government. "Some journalists have just given up and are demoralized because of this lack of government accountability," observed Paul van Schalkwyk, owner of One Africa TV and Advantage McCann, who provided additional information for this study.

Panelists felt that key events and issues are generally covered, although, again, it depends on the media outlet. Generally media cover events in the capital city well, but those in rural areas receive less coverage. "The media are centralized and generally focus only on Windhoek," said Joel Haikali. The community media have difficulties in covering key national events in Namibia because of equipment shortages, such as cameras or cassette recorders, or even staff shortages. "Certain populations don't get coverage, or the time allocation given to them is unfair," said Xoagus-Eises).

Some media outlets are more stringent than others in their editorial policies. Some will allow free reign to reporters to come up with story ideas, others will be more "dictatorial" and merely send out reporters to workshops, press conferences, school openings, etc., as dictated by the news editor.

"How much is enough?" responded Joel Haikali to the issue of pay levels for journalists. It was pointed out that, again, this differed from media outlet to media outlet, although the community media in particular complained that they are underpaid. Generally, however, pay levels were adequate to prevent any form of corruption amongst journalists. However, there was a concern from panelists that pay levels are, in some institutions, low, and encouraged skilled journalists to leave and go into fields such as public relations or academia.

Regarding the entertainment-news balance, some public media outlets, such as NBC TV, have relented to pressure, and, whereas a few years ago the evening schedule was dominated by news and current affairs—in various local languages—it is now dominated by soap operas. In fact, local language news on television is now not broadcast in the evening prime time schedule, but at 7:00 in the morning.

Concern was expressed by panelists about the high level of music and entertainment programming, and minimal local news content on commercial radio stations. It was felt that NBC filled the gap by giving sufficient news and information content. "The mandate of the NBC is to stay away from these music programs and have more talk. According to this policy, at NBC it is felt that the amount of information programming must surpass that of just entertainment," said Karuaihe-Upi. However, participants were reminded that the broadcast sector in Namibia was a spectrum ranging from commercial, through community, to public broadcasting. "There's a good balance in the media as a whole," said Williams.

In terms of modern facilities, panelists noted differences between parastatals, commercial, and community media. It was pointed out that, although new equipment would be bought, continuous replacement and maintenance was always necessary, and this is more difficult in rural areas with community media. "A printing press in a rural area is very difficult to obtain funding for," said Lumamezi. Sometimes community media also face the problem of a physical office space for their operations, which can often be tenuous and taken away from them without much warning.

The question of specialized beats was highlighted by participants, who noted that there were not well-trained journalists for every beat. Instead, journalists are now expected to do everything.

Mathew Haikali noted the role of media awards, such as MISA Namibia's "Namibia Media Awards" and the importance of acknowledging professional journalism in Namibia. Such

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

awards, he believed, went a long way towards motivating journalists and encouraging professional reporting.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Namibia Objective Score: 2.75

A few indicators scored rather differently than the overall average. On the high side, panelists rated Indicators 2 and 7, citizen access to media and representation of a broad spectrum of social and minority interests, much better. In the case of Indicator 2, this was a full point higher. However, Indicator 4, independent news agencies, received a score more than a point lower, reflecting the current monopoly held by the public news agency NAMPA.

Participants generally felt that there are diverse news sources, although it depends to a large extent on several factors, including: ability to purchase a newspaper or subscribe to satellite television; urban centers have better access to varied news sources than rural areas, and; language, as most of the multiple sources are in English while citizens who only understand indigenous languages are entirely dependent on NBC Radio for their news.

Regarding public and private news sources, participants noted the lack of local news content on some commercial radio stations, which tend to depend on South African stories. However, Xoagus-Eises pointed out that there is no law to compel commercial radio to cover local news, although, she added, "surely they have a social responsibility to cover what is happening in this country."

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

It was also pointed out that newspapers, abundant and timely in the capital city, often arrive a day late in some rural areas such as Eenhana. And although news is often based on events in Windhoek, even in rural areas such as Eenhana the coverage is focused on Oshakati, the main town in the region, rather than on other areas. Even on NBC Radio, the language service news bulletins are merely repetitions and translations of what has already been broadcast in English. Access to new technology in outlying towns is difficult. In Katima Mulilo, the largest town in the Caprivi region, Internet access is difficult and expensive (N$30 for 15 minutes at the local internet café, for example)[4]. Further, Risco Lumamezi, editor of the community newspaper *Caprivi Vision*, noted there are no private radio stations based in the Caprivi and that there was little diversity in television. He stated that "most radio is subject to limitations."

However, from a government and legislative point of view, and apart from the financial, geographical, or language hindrances mentioned above, there is little, if any, restriction on citizens' access to domestic or international media.

Public media are varied in their degree of independence, although they are not strictly state media, as such. Panelists noted that they do reflect a wide range of opinions as well as showing representatives from political parties other than SWAPO.

The question of an "independent" news agency was the subject of some discussion among the panelists. Namibia, like many African countries, has no independent news agency. All media rely on NAMPA to receive news. There was some disagreement about whether media are "forced" to obtain their foreign news, and pay a subscription to NAMPA, or whether they were free to source it elsewhere. According to a panelist who was a former member of NAMPA, she was quite certain that legislation compelled local media to subscribe to NAMPA and obtain, especially foreign news, solely from this source.

Local news coverage by private broadcasters has increased over the years. Most commercial stations have regular news bulletins, although, again, as stated above, much of the content comes from NAMPA. The Namibia Communications Commission Act does not specifically stipulate the extent to which broadcasters should cover local Namibian events, but states, amongst other things, that license holders are obliged to "encourage the development of Namibian expression by providing a wide range of programs that reflects Namibian attitudes, opinions, ideas values and artistic creativity by displaying Namibian talent in entertainment programs in so far as it is practicable to do so and with due regard to the nature of the service pertaining to the license holder."

[4] This approximates to $4. In a rural town such as Katima Mulilo, N$30 would cover a medium sized bag of maize meal, a basic foodstuff that would feed a family for several days.

Panelists were unclear as to whether listeners, viewers, or readers would understand the complex ownership patterns of Namibian media. There is little in their content (e.g., Radio Energy, with a majority shareholding by Kalahari Holdings, a SWAPO arm) to reveal to the listener that they have any "agenda," political or otherwise. There is also a developing trends of certain organizations (e.g., Democratic Media Holdings) owning not only newspapers, (*Republikein* and *Allgemeine Zeitung*), but also a large printing press and, recently, a radio station. They also have a minority shareholding from News 24, a South African media company.

OBJECTIVE 4: BUSINESS MANAGEMENT

Namibia Objective Score: 3.05

Most indicators scored near the average. One outlier in the lead was Indicator 5, government subsidies for private media. Indicators 6 and 7, covering market research and circulation and audience measurement, scored significantly below average.

Generally, media in Namibia are well run, with both commercial radio stations and publications thriving due to consistent advertising revenue. Community media will always struggle more, but even here, there are several examples of radio stations in particular that have survived for many years now. There is, however, little current information about broadcast ratings and only one publication (*The Namibian*) is audited transparently by the Audit Bureau of Circulation (ABC).

According to Paul van Schalkwyk, Namibia has a skewed advertising market due to historical circumstances. Because of the government monopoly on the electronic media before, and shortly after, independence, the advertising industry focused on the independent media, in particular print. With the deregulation of the radio sector, there was a burgeoning of sales representatives for the commercial radio stations. "With five to eight radio reps selling their stations you *believed* it was a good medium," van Schalkwyk said.

The loser, in the end, was print media, who rationalized in the years after independence. Shortly after independence, Namibians had three English dailies, *The Namibian*, *Windhoek Advertiser*, and *Times of Namibia*, and two German papers, *Namibia Nachtrichten* and *Allgemeine Zeitung*. There was also a weekend trilingual paper, *Sondag Republikein* (later *Tempo*). Only *The Namibian* and *Allgemeine Zeitung* have survived into the 21st century.

Although there is a wide range of revenue for the commercial media, community media sometimes find difficulty in obtaining revenue. However, there does not seem to be a danger of domination by any one particular media organization. Live FM in Rehoboth gets income from various members of the local business community, and Katutura Community Radio relies on a variety of donors and NGOs. The ongoing advertising ban, in which the government refuses to place their advertising in *The Namibian*, was also noted as a matter of some concern because it prevents the independent press from generating legitimate advertising revenue. The ban was instituted by the cabinet under former President Nujoma, seemingly because of the sometimes critical nature of the newspaper's reporting on government matters. It was later extended to include a ban on the purchase of the newspaper by government departments and ministries.

Panelists expressed concern about the domination of the South African advertising industry in Namibia. advertisements are mostly imported from South Africa and not made locally, and even scheduling of advertising is sometimes controlled from South Africa. It was mentioned that this made it difficult for the local film or radio production industry to survive. Most local agencies, in fact, are closely connected to their South African (and international) counterparts (Ogilvy and Mather, DV8 Saatchi and Saatchi, Advantage McCann, etc).

It was also noted that the spending power of some language groups in the country (such as English, German, or Afrikaans) was extremely high compared to some other language groups. Therefore it was possible for Afrikaans commercial radio stations, for example, to exist even with a relatively small listenership, because their target audience spends money on luxury items.

The question of over-dependence on advertising was illustrated by NBC, which receives a large subsidy from the government (approximately N$64 million), N$10 million from the lease

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

of transmitters, and N$23 million from advertising sales. An example of market pressure on the public broadcaster was the removal of multi-lingual news bulletins from the evening time slot, and their replacement by soap operas and other entertainment programming. However, there is a policy at NBC to guard against too much advertising on the air, limiting each broadcast hour to six minutes of advertising.

No independent or community media receive government subsidies, although Risco Lumamezi mentioned that this would be something that he personally would appreciate for his community newspaper. It was noted by MISA Namibia that this idea of government support for community media (as is the case in South Africa) is something that the government is currently planning to adopt.

No independent research has been conducted into broadcast ratings since the AC Nielsen survey, known as the Namibia All Media and Products Survey, in 2001. It was noted that costs for such an exercise—sampling the entire Namibian population—were extremely high (N$2.1 million for the 2001 survey). A suggestion was made by Joel Haikali that students could be used to do such research. Some community media outlets (such as Live FM) have nevertheless done some innovative research by phoning up 100 residents in the town and gauging their satisfaction with the radio station.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Namibia Objective Score: 2.52

Four indicators were spread noticeably distant from the objective average. On the high side, Indicators 6 and 7, access to printing and distribution facilities and apolitical control of distribution channels, finished equally well, nearly a point higher than the average. However, panelists felt that the lack of unity in the media prevented the development of strong trade associations, and rated Indicator 1 more than a point-and-a-half lower. Indicator 3, NGO support of the media, finished more than a half-point lower than the average.

There is little unity amongst the media in Namibia, with no formal media council. The recent formation of an Editors' Forum (NEF) will perhaps change this, panelists said. NEF includes editors from the print media and the public broadcaster, although it leaves out commercial radio stations and the community media.

Currently, NEF has been vocal in challenging attempts by SWAPO to institute a Media Council to "oversee" the media in Namibia. According to a December 5, 2007 story in *The Namibian*: "The Forum said in a statement that it welcomed the interest in media matters shown by the ruling party Congress, but rejected a view that the media had started to misuse its platform and was going against national agendas such as national reconciliation and the maintenance of peace and stability." The article quoted NEF as saying "The Congress has failed to define specifically what national reconciliation is, and has failed to provide the Namibian media with any concrete example of how any news medium has supposedly endangered peace and stability." NEF said that "it would remain 'absolutely opposed' to any Government imposed-initiative and would reject any attempt by the powers that be to regulate the media."

Regarding a professional association, the nearest entity to this is MISA Namibia, working towards lobbying the government on certain media issues. It also has a legal fund to protect the rights of journalists. However, this again is not an all-inclusive body. "Not all of the media support MISA; they are too polarized to do so," said Karuaihe-Upi. There is no journalism trade union.

The lack of unity stems from, amongst other things, historical media divisions. Some media (e.g. *The Namibian*) were traditionally viewed as fighting for Namibian independence. Others (e.g. SWABC) were seen a propaganda organs for the South African regime. Other divisions exist because the media are all fighting for an extremely limited pool of advertising. Finally, the traditional divide between broadcasters and print media also exists, with a lot of attention paid by the print media on developments at, in particular, NBC.

NGOs generally do not rally for free speech and an independent media. The two exceptions are the Legal Assistance Centre and National Society for Human Rights (NSHR), who are both very vocal advocates. Recent attempts by the director general of NBC to cancel the open phone-in

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

programs, described above, were met with loud protests by NSHR and MISA Namibia. Largely because of these efforts the programs were reinstated shortly afterwards.

However, there are NGOs who are active in using same free speech to further their organizational interests and objectives. Katutura Community Radio has several programs supported by NGOs in the country. Panelists felt that support from NGOs regarding free speech and freedom of the press benefited the NGOs in the end, as well.

It was questioned whether current training programs at the University of Namibia, the Polytechnic of Namibia, and the College of the Arts are responding to the media industry's training needs. Some panelists described the courses as "too theoretical." Further, panelists wondered whether all graduates in these programs can ever be accommodated by the media industry. "Some of them just cannot be trained to be journalists," stated Williams. Current full-time courses include a four-year B.A. in media studies program at the University of Namibia, as well as diploma programs at the University, the Polytechnic, and the College of the Arts.

Regarding in-house training, some editors, it was noted, were reluctant to release their staff to attend because of staff shortages. A recommendation was made that courses should thus be two-day short courses and very specific. Subjects could include marketing, news, radio drama, voice training, audio/video editing, features/documentaries, live reporting, newsgathering, investigative journalism, desktop publishing, media ethics, information technology and computer skills, and equipment operation and maintenance.

Panelists felt that problems arise because most printing facilities are located in Windhoek. Although these are relatively free and independent, it makes it difficult for the community media in small towns to gain access to printing facilities. For example, the new community publication in Katima Mulilo—all the way at the east end of the Caprivi Strip on the border with Zambia—has to resort to printing its edition in Windhoek.

There have also been some instances where NBC transmitter facilities have been refused to independent broadcasters. One Africa Television, for example, had to construct their own transmitter to reach Oshakati because NBC denied them access to theirs. "NBC monopolizes the broadcast infrastructure that doesn't belong to them, but to the taxpayer. All broadcasters should have equal access to this infrastructure," said van Schalkwyk). It was noted that in South Africa, for example, these distribution facilities have been commercialized and are thus accessible equally to all broadcasters, regardless of format.

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List of Panel Participants

Mathew Haikali, director, MISA Namibia, Windhoek

Pieter Olivier, owner, Radio Live, Rehoboth

Sandra Williams, director, Katutura Community Radio, Windhoek

Joel Haikali, independent film maker, Windhoek

Umbi Karuaihe-Upi, general manager, Namibian Broadcasting Corporation, Windhoek

Viola Zimunya, news editor, *New Era Newspaper*, Windhoek

Rachel Louise Cloete, community activist, Women's Actions for Development, Rehoboth

Sarry Xoagus-Eises, director, Parliament Constituency Channel, Windhoek

Risco Lumanezi, editor, Caprivi Vision, Katima Mulilo

Moderator

Robin Tyson, lecturer, University of Namibia, Windhoek

Observer

Johanna Mavhungu, researcher, Sol Plaatje Institute for Media Leadership, Grahamstown, South Africa

The Namibia study was coordinated by, and conducted in partnership with, the Sol Plaatje Institute for Media Leadership, Grahamstown, South Africa.

During 2006, the government's attitude manifested itself in a series of violations and infringements of freedom of expression and the press. Several journalists were arrested or questioned, in contrast to a number of neighboring countries that have eliminated prison sentences for press-related offenses.

NIGER

OVERALL SCORE: **1.97**

In recent years, two major events left a strong mark on Niger, and each of them changed the country's democratic course. The first was the protest movement that took place in March and April 2005—only four months after the re-election of President Mamadou Tandja. Civil society organizations led these protests against the setting of a 19-percent value-added tax (VAT) on basic products. Just two months after this enormous social movement, a food disaster ravaged many regions of Niger, and made the headlines of international media. While more than 3 million persons were affected by famine, the president decided to treat this tragedy as if it did not exist.

When confronted with these two major events, the ruling regime disgusted many observers. The events became pretexts for the authorities to harden their attitude towards the media, although the media had merely fulfilled its function of watching over the powers that be and promoting public discussion. During 2006, the government's attitude manifested itself in a series of violations and infringements of freedom of expression and the press. Several journalists were arrested or questioned, in contrast to a number of neighboring countries that have eliminated prison sentences for press-related offenses.

In addition, the number of representatives from professional media organizations within the government's Higher Communication Council was reduced, and the parliament rightly rejected the government's proposed legislation seeking to transform that regulatory body into a repressive body.

Despite the negative inclinations manifested by the authorities of Niger, MSI panelists rated Objective 1, freedom of speech, the strongest among the objectives. Objective 4, business management, proved to be the weakest, scoring a 1.36.

NIGER AT A GLANCE

GENERAL

> **Population:** 12,894,865 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Niamey

> **Ethnic groups (% of population):** Haoussa 55.4%, Djerma Sonrai 21%, Touareg 9.3%, Peuhl 8.5%, Kanouri Manga 4.7%, other 1.2% (2001 census, *CIA World Factbook*)

> **Religions (% of population):** Muslim 80%, other (includes indigenous beliefs and Christian) 20% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Hausa, Djerma (*CIA World Factbook*)

> **GNI (2006-Atlas):** $3.696 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $830 (World Bank Development Indicators, 2007)

> **Literacy rate:** 28.7% (male 42.9%, female 15.1%) (2005 est., *CIA World Factbook*)

> **President or top authority:** President Mamadou Tandja (since December 22, 1999)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print : 2 public newspapers and , 28 other publications; Radio: 37 stations (8 public stations and 29 private stations); Television stations: 4 (2 public stations and 2 private stations) (JNHR 2005)

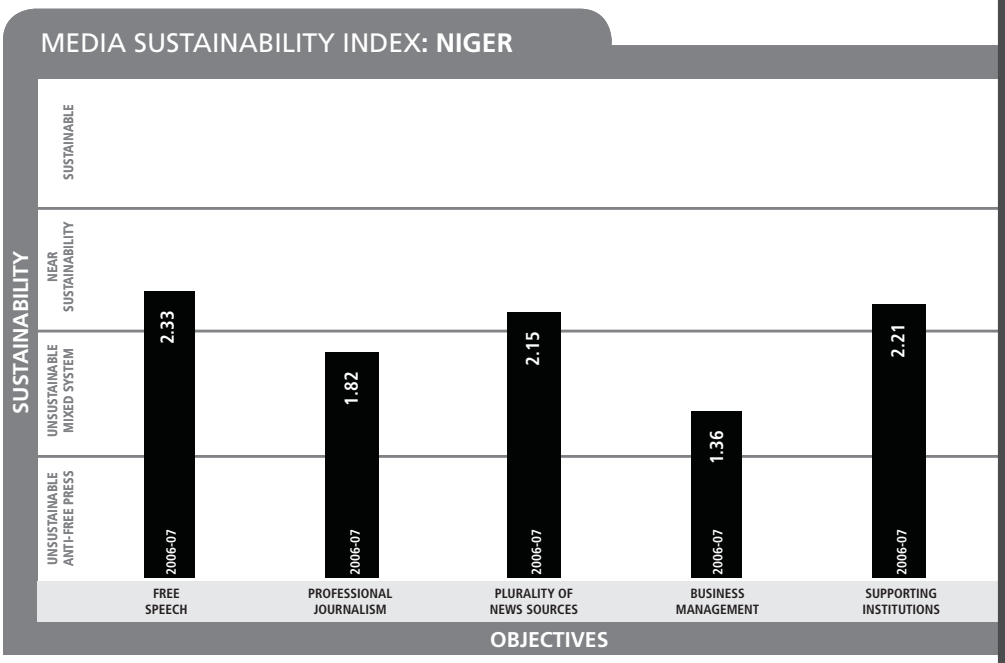
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Niger Press Agency (NPA) (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 40,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Niger Objective Score: 2.33

A few of the indicators in this objective stood out as either raising or bringing down the overall average. On the higher end, panelists rated Indicators 2 and 9, broadcast licensing and restrictions on entering the journalism profession, with a score of 3 or above. On the lower end, Indicators 5 and 7, public media receiving preferential treatment and access to information, scored more than half a point below the overall average.

According to the panelists, Niger is one of the countries in western Africa where the exercise of freedom of expression is legally and socially guaranteed. Freedom of expression is established by article 23 of the Constitution, passed on August 9, 1999. It is reinforced by article 1 of Order No. 99-67, given on December 20, 1999, which stipulates: "The written and audio-visual press as well as their distribution and printing are free. The right to information is an inalienable human right." This order also specifies that "any newspaper or written text of general interest may be published without prior authorization."

Based on these conventions, Ali Ousseini, former general director of, and trainer with, the Information and Communication Techniques Training Institute (ICTTI), asserted that "in Niger, freedom of the press is real" and that this is shown in the boom of public and private newspapers, radio, and television stations. He added that Niger is one of the few countries in which the constitution establishes the regulatory agency overseeing the media. Access to the profession is free of any government-imposed restriction; however, Abdourahamane Ousmane with the Journalist Network for Human Rights (JNHR) said that one must meet requirements in order to obtain a press card.

According to Boubacar Daouda, teacher-researcher at the University of Niamey, freedom of expression is an important value in Niger; quite a few local proverbs value freedom of speech and stigmatize any attempt to obstruct it.

Despite the legal and social guarantees of freedom of expression, JNHR documented in the year 2006 alone "four cases of imprisonment, one case of physical aggression, [and] numerous cases of questioning, some of them followed by police custody, threats of all kinds, disciplinary and administrative sanctions, and expulsions."

In Niger, press offenses fall within the jurisdiction of the criminal code and may send journalists to prison, sometimes even before a court conviction. The chairperson of JNHR indicated that "the practice of putting journalists on remand restricts the journalists' capabilities to bring proof in support of their productions," especially since the law only allows them 15 days to disprove the veracity of the alleged defamatory acts.

Addressing the issue of the attacks against journalists and the media, Keita Souleymane, marketer for the private Radio Shukurah, reported that "two journalists were persecuted [attacked]—one of them in the courtyard of the Sultan of Zinder."

Comparing the situation of the past year to that of the previous years, Gazéré Sophie Ledru, sales manager with the National Editing and Publishing Office, was glad to see that "lately, more journalists [have] won in court against plaintiffs."

Unlike Ousseini, who said that he believes that the process of granting radio and television licenses "goes unhindered," Nouhou Soumana, secretary-general of the Community Radio Association, regretted the absence of an appeal possibility in the case of a refusal to grant a license. This was confirmed by Souleymane, who mentioned that he was forced to abandon his project to create a branch of Radio Shukurah in Matameye.

Regarding taxation, most of the private media in Niger are subject to a flat license regime (CFAF 200,000 for radio stations and CFAF 160,000 for newspapers), whereas the public media are subject to taxes based on their actual sales. Many media companies have tax arrears, including the public Niger Radiobroadcasting and Television Office (NRTO), whose general director has been frequently summoned to the

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

If the public and private media seem to enjoy equal treatment regarding taxation, this is not the case with access to public information, according to Nadia Karimou, editor in chief of the private television station Ténéré. In this regard, the public media is heavily privileged for the simple reason that state employees feel more comfortable providing them with information.

police and *gendarmerie* headquarters, according to Fadimou Moumouni of NRTO.

If the public and private media seem to enjoy equal treatment regarding taxation, this is not the case with access to public information, according to Nadia Karimou, editor in chief of the private television station Ténéré. In this regard, the public media is heavily privileged for the simple reason that state employees feel more comfortable providing them with information.

Panelists said that they consider the lack of legislation regarding access to information a problem. Further, editorial independence was questioned by panelists such as Fatchima Karimou, journalist with the NRTO regional station in Maradi, who denounced the practice of censorship and self-censorship within the public media.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Niger Objective Score: 1.82

Only a few indicators scored within a half-point of the overall average. Panelists rated the first three indicators between 1 and 1.5, and Indicator 5, covering pay levels for journalists, more than a full point lower than the overall average. However, panelists rated both Indicators 4 and 8 (journalists covering key events and niche reporting) relatively well, at just over 2.5.

All the panelists admitted that lack of professionalism is the primary weakness of Nigerien journalism. Standards of basic journalism and ethics are consistently not met. Ledru stated that "journalists lack professional qualities" and Daouda added that "our press is crammed with people exercising this profession without having any appropriate qualification."

Panelists felt that private media make serious efforts to cover events, while the public media are considered more nervous and too focused on institutional news. This criticism was shared by Moumouni, secretary-general of the NRTO, who admitted that "the private press talks about everything, which is not at all the case in the public press."

However, even though they appreciate the coverage efforts of the private press, the panelists were not satisfied with the way in which events are treated. They were unanimous on this point: the way in which journalists process news is far from being equitable, objective, and well documented. According to Daouda, journalists more often than not settle for hooking their readers with "pompous and misleading titles" that have nothing to do with the contents of the articles to which they refer. According to him, this kind of scam explains the poor sales and the loss of interest in newspapers.

On the same point, Manzo Diallo, manager of the newspaper *Aïr*, regretted that "the newspapers that turn to scandal are the best-selling ones," which proves, in his opinion, that "people want the sensational stuff" and journalists are not the only ones to blame. The panelists believed that there is a connection between the living conditions of the journalists and the drifts noticed in their news reporting. "Journalists may lapse into professional indelicacies because of the precarious working conditions," Diallo said.

During discussions, panelists pointed out that journalists in Niger, particularly those working in the private sector, operate in deeply unstable conditions. Salaries are particularly ridiculous, from between CFAF 25,000 and CFAF 80,000 ($50 to $160) per month. In the absence of a collective bargaining agreement in this sector, very few journalists can benefit from

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

any social protection or benefits. "The insignificant salaries, or even the total lack of income of journalists in the private media, is a serious problem," Ousseini said, adding that it lowers them to an inescapable situation of servility.

According to most panelists, corruption is widespread in Niger's private media. "The marketers and media directors fill their pockets, while reducing their employees to a state of dire poverty," Diallo said. Ledru added, "If journalists are corruptible, it is because their trifling salaries and meager benefits cannot sustain them financially." According to Ousseini, the logical consequence of this situation is that "journalists in the private sector do not abide by the rules of ethics and journalism, even though there are exceptions."

The situation is radically different in the public media, according to Ousseini. "Journalists in the public sector work in dignified conditions, even though there are black sheep, too," he said. Salaries in the public sector are considered decent enough, but some panelists, such as Ousmane, said that they felt that the status of journalists in the public media is a problem. These journalists are civil servants, and therefore subject to hierarchical and administrative subordination, he explained.

Despite precarious conditions, journalists in Niger do a remarkable job with keeping the public informed. Panelists believed that there are excellent shows and articles both in the public and private press. Audio-visual media outlets own the appropriate equipment and installations to collect, produce, and broadcast news. However, the panelists admitted that access to some modern tools such as the Internet is still very limited. Most newspapers do not even have headquarters, much less the necessary computer equipment to process news.

OBJECTIVE 3: PLURALITY OF NEWS

Niger Objective Score: 2.15

A few of the Objective 3 indicators had scores close to the average, but the panelists rated four indicators significantly differently. They rated Indicators 2 and 5, restrictions on access to news and private broadcasters producing in-house news, well above the average, with both nearly at 3. However, coming in roughly a full point below the average were Indicators 3 and 4, public media reflecting the views of the political spectrum and independent news agencies.

Profiting from the liberalization of the media sector in Niger, a number of print and audio-visual press organizations were created between 1991 and 2006. Today Niger has about 30 commercial private radio stations, 100 non-profit and community radio stations, three private television stations, and 40 press titles throughout the country. This boom of private media, while counterbalancing the public media hegemony, considerably facilitates urban and rural citizens' access to news.

Diallo illustrated a point with the following example: "Newspapers don't get very far inland, even though for some time now they have been transported there, thanks to an agreement between the press companies and the bus companies."

However, some panelists pointed out that coverage by print and audio-visual private media is not widespread. According to Fadimou, "it is limited to the capital, its outskirts, and the regional county towns." Diallo illustrated the point with the following example: "Newspapers don't get very far inland, even though for some time now they have been transported there, thanks to an agreement between the press companies and the bus companies."

Soumana stated that in some places, "people can't even get the national radio and television stations. Community radio stations that could be used as alternatives are not allowed to broadcast news. A total of 100 community radio stations are muzzled; they cannot have newscasts." This is an unjust situation, he said, adding, "There is no law forbidding us

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Regarding media content, Soumana singled out the case "of the television channels airing Brazilian and other Western soap operas, undermining moral standards and with harmful consequences for child education." He said that the programs aired by some commercial private radio stations do not allow the population to take part in debates.

to produce news. On the contrary—the law says that every citizen has the right to be informed."

The interdiction against newscasts on community radio is a result of Decree No. 1 given by the Higher Communication Council. The decree's compliance with the Nigerien constitution and other legal conventions is strongly disputed.

Moreover, the panelists believed that citizen access to the media is limited by other factors also, such as the high illiteracy rate and the high cost of national and foreign newspapers. The average price of a local newspaper (CFAF 300) is more than half of the daily income of an ordinary Nigerien. "The average citizen is not able to buy newspapers," Babacar Ndiaye said. This is exemplified by newspapers' dramatically low run average: around 500 copies. Only the government-run daily newspaper *Le Sahel* might expect to increase its circulation, according to its sales manager, Ledru.

Apart from their financial constraints, citizens' access to national or international media is not limited by laws, the panelists said. The international printed press is available to citizens in some kiosks in the capital, just as it is possible for citizens to access international radio and television channels. Access to this media is also possible over the Internet, but very few citizens go online.

Unfortunately, Niger has no independent press agency. The only press agency belongs to the state and most of the private press companies do not use that agency. Private radio stations usually produce their own newscasts, but some re-transmit live or pre-recorded shows from international channels such as BBC, RFI, VOA, or Radio Canada International. The law forces the media to dedicate most of their programming to local content, just as it forces them to favor citizen access to the means of communication.

Regarding media content, Soumana singled out the case "of the television channels airing Brazilian and other Western soap operas, undermining moral standards and with harmful consequences for child education." He said that the programs aired by some commercial private radio stations do not allow the population to take part in debates. The panelists noted that public media news is generally about the official agenda of the political authorities. A diversity of opinion from the political spectrum, including on issues of national interest, is largely absent.

Addressing the issue of transparent ownership of the media, the panelists indicated that often the audience has no information. Nevertheless, one of the panelists said, "Informed readers know who hides behind a signature." Even if a media outlet is not in the hands of a conglomerate, many users still distrust both its objectivity and its capability of representing the broader social interest.

OBJECTIVE 4: BUSINESS MANAGEMENT

Niger Objective Score: 1.36

In Objective 4, all indicators scored relatively low and near the average, with the exception of Indicator 5, government subsidies for private media, which ranked somewhat higher.

Although panelists were unanimous about the importance of the media in Nigerien public life, they pointed out that the current proliferation of the media does not mean that the press is profitable. The media in Niger go through inextricable difficulties and, as they face them, marketers realize more and more that goodwill is just not enough. Many media members have already given up and left the industry instead of entrusting themselves to luck and their own resourcefulness.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Commenting on the relevance of this objective, Moumouni said that she does not "consider the Niger independent media as press companies." This point of view was widely shared by the panelists, who admitted that the economic environment in Niger cannot guarantee the sustainability of the many organizations formed as a result of the liberalization of the media sector.

Out of the 100 press titles created between 1991 and 2006, only a few continue to appear regularly in kiosks. Most have disappeared or have been forced to accept editorial subordination in exchange for some scarce advertisements on their pages. Indeed, some newspapers act as public relations companies for hire.

Having been familiar with the press milieu for years, Daouda summarized the business management situation: "Management is not the strongest asset of the independent media. The economy of the media turns out to be a vacuum. The editorial teams are not stable. At the level of their structure, there is a transparency problem in terms of management and financing sources. The owners answer to no one. They can use the company's funds as they please."

Currently, most Nigerien newspapers (with the notable exception of the governmental daily publication) have little access to the advertising market. The market is ruled by state-owned companies whose managers are reluctant to place advertising in newspapers that are considered troublesome. In addition, the private sector in Niger is so weak that these companies presumably do not see the purpose of marketing and show little interest in the printed press.

According to Babacar Ndiaye, manager of a communications and marketing agency, such agencies face serious sustainability issues. "Newspapers accept any price for advertising," he said. "[Agencies] are at risk of dying out, and the private media will go with them."

Direct negotiations between advertisers and the media hurt both the advertising market and the agencies without guaranteeing the survival of the media themselves. "Advertising constitutes a very small part of the operational budgets of the private media," added Fadimou of NRTO. According to her, in this area, "the large fish eat the small fish."

In the inland territories, the situation is even more difficult for the media, according to two panel participants, both press owners from the provinces. There, advertisers are almost completely missing and the economic environment is even more moribund than in the capital. "It is hard to survive," Souleymane said.

Ousmane said that, while advertisers do not have control over the public media, they do significantly impact the private broadcast media. He said the professional associations are embarrassed by the closeness between the private broadcasters and cellular telephone companies that contribute to the survival of these media by granting advertising contracts. "We are confronted by the tragic choice between the survival of the private media and the protection of the audience's rights," Ousmane said.

The media in Niger go through inextricable difficulties and, as they face them, marketers realize more and more that goodwill is just not enough. Many media members have already given up and left the industry instead of entrusting themselves to luck and their own resourcefulness.

Following the example of many nations in West Africa, Niger includes in its budget every year a symbolic amount stipulated by law to support the media. To date, these funds have never been made available. Only the public media receive subsidies. Panelists said that they believe that this situation indicates the public authorities' lack of interest in the sustainability of independent media.

No public or private organization is involved in measuring audience ratings. "We only possess elements allowing us to measure external advertising," Ndiaye said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Niger Objective Score: 2.21

Indicators in this objective were all relatively close to the final average. The leader was Indicator 5, short-term training, while the laggard was Indicator 1, trade associations.

Professional and trade associations exist, but the lack of coordination and unity among them has historically hindered their effectiveness. According to Diallo, the associations are not much help. This point of view was shared by Keita, who asserted that associations are just empty structures. "The provincial media have never been included in an activity developed by these associations. That's why we thought about creating a parallel, more dynamic structure," he said.

One positive exception is the Community Radio Association (CRA), according to Soumana, its chairperson. CRA has developed an ambitious program consisting of setting

Keita asserts that associations are just empty structures. "The provincial media have never been included in an activity developed by these associations. That's why we thought about creating a parallel, more dynamic structure," he said.

up and overhauling media outlets at the regional and national levels, restoring technical equipment, improving the capabilities of program hosts and station managers, and mobilizing resources. According to Soumana, this plan of action, expected to be completed in 2009, has already started by restoring the technical facilities of the community radio station in Agadez.

Panelists were hopeful that in the near future, government support funds will be released as promised, and that this infusion of money will help increase the activity of professional and trade associations.

As an NGO fighting for the protection of the journalists' rights, JNHR specializes in monitoring violations of freedom of speech, and publishes an annual report on freedom of expression and the press in Niger. This association also publishes a periodical bulletin, *Alerte*, that sends warnings to domestic and international parties. JNHR also reinforces journalists' rights through training sessions and scholarships.

Many other NGOs and associations contribute indirectly to the reinforcement of journalists' capabilities. These organizations offer trainings in various fields, such as budget control, human rights, HIV/AIDS prevention, women's rights, and protection of the environment. International organizations offer subsidies and various types of support to the Nigerien media.

Addressing the issue of journalism training, all the participants regretted the absence of training institutions worthy of a journalism title. In Niger, only the ICTTI, a 30-year-old school, offers training in all branches of communication. But according to Ousseini, the former director of this public institution, "ever since it was created, this school [has] refused to update its curriculum to keep up with the current media landscape and technological progress."

However, with the support of the Franco-Nigerien association Contrechamps, the ICTTI has recently initiated a makeover of its training curriculum and has received funds to modernize its technical equipment. "After dark periods of time, the school today is in full development and will move up to the LMD [License-Master-Doctorate] system," Ousseini said enthusiastically.

In addition to the partnership with ICTTI, Contrechamps initiated a series of journalism trainings, focusing on editing techniques, journalistic writing, layout, etc. The association already has under its belt several studies on ratings evaluation, media content, audience perceptions, and the economic sustainability of the media.

In Niger, printed press companies generally do not own their own printing equipment. Aside from the government-run outlets (*Le Sahel* and *Le Sahel Dimanche*), there are only two other exceptions to this rule, *Le Républicain* and *Echos du Sahel*.

The distribution of the printed press is an informal endeavor undertaken by street sellers, as the country has no press distribution agency. Printing houses and newspapers sellers do not take into account their clients' political affiliation when doing business.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

List of Panel Participants

Abdourahamane Ousmane, president, Journalist Network for Human Rights, Niamey

Ousseini Ali, former director, Niger Press Agency and the Information and Communication Techniques Training Institute, Niamey

Boubacar Daouda Diallo, teacher, Abdou Moumouni University, Niamey

Diaffra Fadimou Moumouni, secretary-general, Niger Radio Broadcasting and Television Office, Association of Nigerien Communication Professionals, Niamey

Fatchima Karimou, journalist, Niger Radio Broadcasting and Television Office's regional station, Maradi

Gazéré Sophie Ledru, sales manager, National Editing and Publishing Office, Niamey

Keita Souleymane, promoter, Shukurah Radio Station, Zinder

Manzo Diallo Ibrahim, manager, *Aïr Info* Regional Private Newspaper, Agadez

Nadia Karimou, editor-in-chief, Ténéré TV, Niamey

N'Diaye Babacar Ameth, director, Multicom Sarlu Advertising Agency, Niamey

Nouhou Soumana, promoter, secretary-general, Community Radio Association, Goudel

Moderator

A.T. Moussa Tchangari, director, Alternative Communication Group, Niamey

The Niger study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar, Senegal.

Overall, Nigeria scored a 2.21 when averaging all five objectives, though there was a fair amount of disparity. Panelists felt the first two objectives, free speech and professional journalism, to be lacking and rated them at 1.80 and 1.88 respectively. Objective 3, plurality of news, fell just above the average. Objectives 4 and 5, business management and supporting institutions, received strong scores, however—2.40 and 2.76 respectively.

NIGERIA

OVERALL SCORE: **2.21**

On May 29, 2007, President Umaru Yar'Adua took over the reins of power from President Olusegun Obasanjo, who had ruled the country for eight years following the restoration of civil democratic rule in May 1999. President Obasanjo, a retired army general, had a self-confessed dislike for journalists and the media. Although under the Obasanjo regime the media fared significantly better than they had during the preceding 16 years of military dictatorship, the eight years of his rule were nonetheless a trying period for the media. He retained repressive practices used by the military before him to suppress journalists, and the media witnessed various forms of attack during his leadership, including frequent arrests and detention of journalists, raids by security agents on media organizations and facilities, confiscation of copies of news publications, assault and battery of journalists, and other injustices meant to cow the media.

President Yar'Adua came to power following a widely disputed presidential election on April 21, 2007. A soft-spoken and mild-mannered man, he immediately announced his intention to move away from the widespread human-rights abuses that characterized the Obasanjo presidency and insisted that respect for the rule of law and due process would be the guiding principles of his government. One of the effects of this has been an environment more conducive to media practice. Also, while President Obasanjo refused to sign into law a Freedom of Information Bill passed by the National Assembly, President Yar'Adua has indicated that he will sign the bill, which will give Nigerian citizens, including journalists, a right of access to public information.

Overall, Nigeria scored a 2.21 when averaging all five objectives. However, there was a fair amount of disparity among the objectives. Panelists felt the first two objectives, free speech and professional journalism, to be lacking in Nigeria and therefore rated these at 1.80 and 1.88, respectively. Objective 3, plurality of news, fell just above the average. Objectives 4 and 5, business management and supporting institutions, received strong scores, however—2.40 and 2.76, respectively.

NIGERIA AT A GLANCE

GENERAL

> **Population:** 140,003,542 (2006 National Population Census, National Population Commission, Abuja)

> **Capital city:** Abuja

> **Ethnic groups (% of population):** Hausa 21%, Yoruba 20%, Igbo 18 %, Ijaw 10%, Ibibio 4%, Kanuri 4%, Tiv 3%, Others 20% (*Nigeria Population Census 1991 Analysis, National and State Population Projections*, Volume 6, August 2002, National Population Commission, Abuja)

> **Religions (% of population):** Muslim 50%, Christian 40%, indigenous beliefs 10% (*CIA World Factbook*)

> **Languages (% of population):** English 76%, Pidgin English 74%, Hausa 37%, Yoruba 30%, Igbo 21% (*Nigeria Population Census 1991 Analysis, National and State Population Projections*, Volume 6, August 2002, National Population Commission, Abuja)

> **GNI (2006-Atlas):** $92.358 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $640 (World Bank Development Indicators, 2007)

> **Literacy rate:** 68% (male 75.7%, female 60.6%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Umaru Musa Yar'Adua

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** 95 reasonably regular newspapers (20 national dailies, 23 national weeklies, 10 regional dailies, 19 regional weeklies, 6 provincial or local dailies, and 17 provincial or local weeklies). 100 radio stations (16 privately owned, 1 not-for-profit campus radio station, 45 owned by the federal government, and 38 owned by various state governments). 144 television stations (14 privately owned, 98 owned by the federal government, and 32 are owned by various state governments). (Sources: *Media World Yearbook 2004 – A Resource Guide to the Nigerian Media*, and *National Broadcasting Commission: A Handbook*)

> **Newspaper circulation statistics:** top three: *The Sun*, *The Punch*, and *The Guardian* (all privately owned) are regarded as the widest circulating newspapers, in that order. There are no available data or reliable circulation figures to support this.

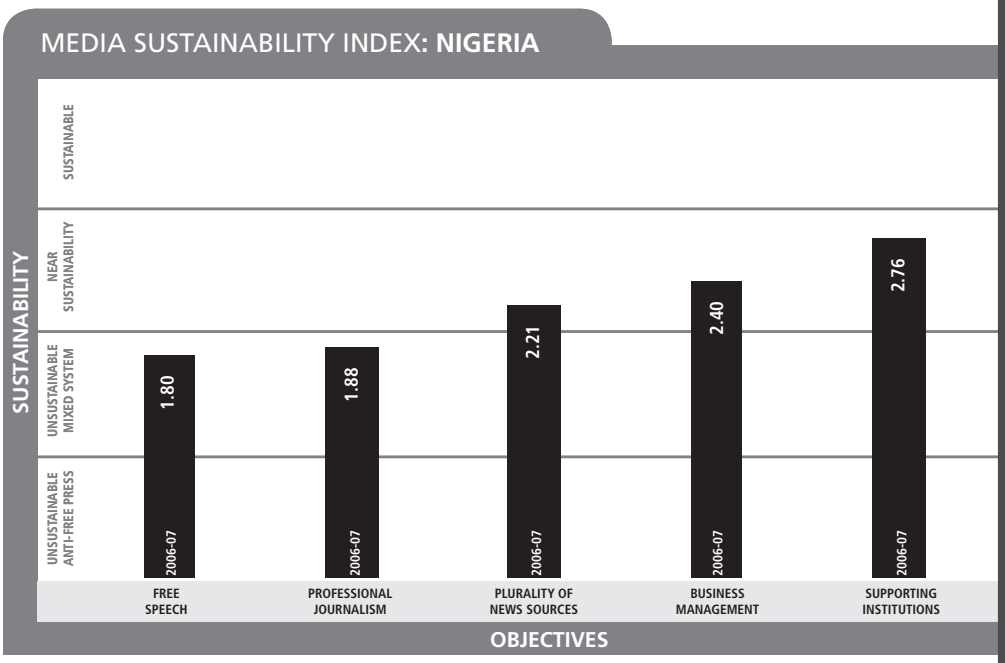
> **Broadcast ratings:** No verifiable data or sources of information on broadcast ratings exist.

> **News agencies:** News Agency of Nigeria (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Significant foreign investment in the media:** N/A

> **Internet usage:** 8,000,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Nigeria Objective Score: 1.80

The overall average score for this objective was 1.80—the poorest of the five—indicating that the panelists did not think that legal and social norms sufficiently protect and promote free speech. In particular, panelists rated the indicator regarding access to public information well below the overall average. Indicators 8 and 9, covering media's access to international news sources and legal restrictions on entry into the journalism profession, fared much better, as both scored just about a full point higher than the average.

The consensus among panelists was that although section 39 of the Nigerian constitution protects free speech, this provision is not rigorously adhered to and that social norms do not protect free speech. On the contrary, the many years of military rule in Nigeria have created a "barracks mentality" in a significant proportion of the population; consequently, violations of human rights, including the right to free speech, tend to be expected and do not create outrage. There is no legal right of access to public information. Rather, there exists in public institutions a culture of secrecy, and public officials typically do not readily grant journalists or other members of the public access to public information.

In addition to the constitution, the African Charter on Human and People's Rights has been incorporated into Nigerian laws and tends to guarantee free speech, although in very weak terms. However, other media laws in existence tend to inhibit freedom of speech and media freedom, rather than promote it. Such laws, including some intended to regulate various aspects of media practice, include the National Broadcasting Commission Act of 1992 and its amendment by Decree No. 55 of 1999; the Nigerian Press Council Act of 1992 and its amendment by Decree No. 60 of 1999; the News Agency of Nigeria Act of 1976; the Federal Radio Corporation of Nigeria Act of 1976; the Nigerian Television Authority Act of 1976; the criminal code; the Official Secrets Act; the Obscene Publications Act of 1962; and the Defamatory and Offensive Publications Act of 1966.

The general view of the panelists was that, although there is constitutional protection of free speech, the enforcement of the constitutional guarantees is weak and ineffective. Journalists have to contend with other laws and regulations that repress free speech and harass or intimidate journalists, such as defamation laws, the law on sedition, national security laws, etc.

Abimbola Amosun, a journalist who has worked for the public media over the past 17 years, said that despite the existence of legal and constitutional protections for free speech, her view is that "they are as good as not being there by reason of the way they are enforced." She cited the case of two journalists, Fidelis Mbah, a local correspondent for the British Broadcasting Corporation (BBC), and Tade Oludayo, of Silverbird Television and Rhythm FM radio, who were arrested and detained in Ibadan, capital of Oyo State, in southwest Nigeria on January 10, 2008, simply for taking photographs of a controversial statue of an "Unknown Soldier" erected by the state governor in a public place.

Lanre Arogundade, a former union activist and current coordinator of the International Press Centre in Lagos, observed that enforcement of the legal and constitutional provisions is ineffective because most of the cases of attacks on journalists are not taken to court by journalists to enforce their rights. He said that "in many cases those in government who are responsible for the attack simply tender an apology, and the matter ends there. I would have wanted a situation where these cases [are taken to] court so that judicial precedents could be set."

The licensing of broadcast media is controlled by the National Broadcasting Commission (NBC), the minister of Information and Communications, and the president, who has ultimate power to issue broadcast licenses. While there do not appear to be overt political considerations in the issuances of broadcast licenses, there is consensus that the process is neither fair nor competitive. The NBC has unfettered discretion to determine which applications should

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

In criminal cases, however, attempting to prove the truth is deemed to be aggravating the allegedly libelous story. The state does not need to show that the story is false; rather, it must prove that the story was written by the journalist or media organization in question and that the publication negatively impacted an official in the eyes of "reasonable members of the society."

be recommended to the president for a license, while the president has absolute discretion to decide whom should be given a license. The procedure is opaque and not open to public scrutiny. While there are publicly stated requirements for broadcast licenses, the satisfaction of these requirements does not guarantee an applicant a license. It is difficult to determine what considerations come into play in determining which applications to approve. Applicants who are refused licenses are not given any reasons for the denial, and they have no recourse to any appeals process or to judicial review.

In the case of newspapers, the legal framework guarantees entry into the market without undue restrictions. However, in the case of the broadcast media, the restrictions are far greater than those for other non-media businesses. The NBC has complete discretion to set license fees, which for radio and television stations range from 7.5 million naira (about US$64,000) to 20 million naira (about US$170,000), depending on location. License fees for television stations are also slightly lower than those for radio stations, the rationale being the higher start-up costs of a television station. Broadcast stations are also required by law to pay 2.5 percent of their annual gross revenue to the NBC as a form of tax, although stations do not comply with this requirement. This is higher than what companies in other sectors pay: some companies are required to pay 1 to 2 percent of gross revenue into certain funds, such as the Education Trust Fund.

There are no tax breaks for media products or for media materials such as newsprint, inks, or broadcast equipment.

Journalists are frequently assaulted, with their equipment sometimes destroyed by law-enforcement agents. The main culprits are agents of the State Security Service, security agents attached to federal or state government officials, the police, and politicians. There have been no instances where the perpetrators have been prosecuted or sanctioned in any way. In some cases, apologies have been issued to the victims and damaged equipment replaced. However, journalists do not feel insecure as a result, despite some deadly attacks. In December 2006, a prominent journalist, Godwin Agbroko, was shot dead in his car as he drove home from work late one night. The police have determined that it was a robbery attack rather than an assassination as a result of his work. Although there are suspicions that it may not have been a simple robbery attack and there have been calls for an investigation into his murder, no facts have emerged to support the theory that he was assassinated. Attacks on the media or on media professionals are reasonably well publicized in the media and result in public outcry.

The law does not guarantee editorial independence for public or state media. Rather, the law subjects them to political control. For instance, a number of provisions in the Nigerian Television Authority Act have been used to keep the federal government-owned broadcaster under government control. Sections 10, 11, 12 (3), and 12 (4) deal with the duty of the station to broadcast government announcements. Section 13 of the act empowers the minister of information to issue directives to the station and obliges the station to comply with such directives. Similarly, sections 10 (1) and 10 (2) of the Federal Radio Corporation of Nigeria Act require Radio Nigeria to broadcast, at its own expense, any government program at the request of a public officer authorized to do so by the president. Sections 11 (3) and 11 (4) give the minister of information power to determine how special programs meant either specifically for schools or for general reception should be broadcast, while the law also empowers the minister to give the station instructions in matters regarding its functions and obliges the station to comply with such directives. A similar provision is contained in section 7 of the Voice of Nigeria Act. At the state level, the commissioners for information are in control of the state government-owned media.

By law and by custom, editors and managers of public media are under the control of the government and the ruling party. The boards and management of public media are appointed by politicians and have no security of tenure. They therefore lack editorial independence. Powerful businesses exercise a lesser degree of control but nonetheless influence editorial content in the private media, and to some extent public media, through their advertising power.

Libel is both a civil and criminal matter under Nigerian law, although no trial of any journalist has ever been concluded for criminal libel. Whenever criminal libel is used against journalists, it is intended to harass them. Instances of criminal libel charges are almost invariably followed by criticisms from advocacy groups and members of the public, and the government simply discontinues the cases. In some cases, the media organization tenders an apology to the affected

government official and/or publishes a retraction, after which the case is withdrawn.

The plaintiff (in civil libel) or the prosecution (in criminal libel) is required to prove the libel, and public officials are held to a higher standard of proof in libel cases. However, the tendency has been that in civil cases, public officers are usually awarded more substantial damages when libel has been proved. There have been no reported cases of corruption among judges or prosecutors dealing in cases of libel, although some judges occasionally appear to resent the media and may award very high damages where libel is proved. In civil cases, truth is a complete defense to an allegation of libel. In criminal cases, however, attempting to prove the truth is deemed to be aggravating the allegedly libelous story. The state does not need to show that the story is false; rather, it must prove that the story was written by the journalist or media organization in question and that the publication negatively impacted an official in the eyes of "reasonable members of the society." This is done by calling witnesses who testify that they thought less of the official in question after reading the publication or hearing the broadcast.

Public information is not easily accessible to journalists, though public media receive preferential treatment when seeking information or interviews, provided that the issue or information is not potentially embarrassing for the government or the official. There is no access to information law. On the contrary, some laws, such as the Official Secrets Act and the criminal code, make it a criminal offense punishable with prison terms for public officers to disclose information to any member of the public. Many other laws have less frightening but equally effective provisions that prohibit public officials from revealing information that comes to their knowledge in the course of their work. These provisions are also contained in the Public Service Rules at the federal level and in the Civil Service Rules at the state level. As a result, there is no legal obligation on the government or government officials to give public information to the public or to journalists. Nigerian journalists represented by various professional bodies and individually have been part of a campaign for the adoption of a Freedom of Information law in Nigeria.

The News Agency of Nigeria Act gives the government-owned agency a "monopoly on collecting news in Nigeria for sale to foreign news agencies." However, both the media and ordinary citizens have access to the Internet and international news through cable and satellite television channels. But radio and television stations are prohibited from rebroadcasting international news stations live, although they are allowed to record such news programs and broadcast them later. There is no restriction whatsoever on newspapers reprinting international news stories or news agency information. Many journalists and editors are able to use the Internet as a news source. Media managers do not secure Internet subscriptions for their employees, although some newsrooms have Internet access that journalists can use. The cost of Internet subscriptions is relatively high, given income levels generally and among journalists. There are no laws governing distribution of, or access to, foreign-language publications.

The Nigerian Press Council (Amendment) Decree No. 60 of 1999 gives the Nigerian Press Council the right to maintain a register of journalists who can practice. Journalists are required under the law to renew their registration annually. These provisions apply equally to all reporters and editors. As such, there are no special privileges or restrictions for any specific group. However, the provisions of the Nigerian Press Council Decree are not being enforced, as media professionals, media owners, and free-expression organizations have objected to them and challenged their constitutionality in court. If enforced, the law would be used to prevent anyone who is not registered as a journalist from reporting. Accreditation is required to cover certain beats, and the process of accreditation can be cumbersome and is sometimes used to preclude critical media organizations or individual journalists from covering such beats. Entrance to journalism schools is not controlled. The process of hiring entry-level journalists is not influenced by government or other political interests. Journalists are free to organize to protect their interests, and they typically belong to the Nigeria Union of Journalists and some other bodies.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Nigeria Objective Score: 1.88

The overall average score for this objective is 1.88, suggesting that the panelists do not think that journalism meets professional standards of quality. Panelists scored most indicators close to the final objective average. The exceptions were indicator 3, regarding self-censorship, which was significantly lower, and indicator 8, on niche reporting, which was solidly higher.

The panelists generally agreed that most reporters do not verify or fact-check all the information they present. They also agreed that in most cases, they do not consult a wide variety of relevant sources or get all sides of a story. Sometimes, reporters fail to conduct necessary background research for a story, and some interviews are not professionally conducted. But some panelists attributed these lapses to time constraints, which sometimes do not allow journalists to satisfy all the requirements of professionalism. It was also argued that lack

The lack of technical facilities and equipment is felt most in the distribution of news, both for print and broadcast. Panelists felt that aid could be most efficiently channeled into satellite distribution or distribution generally as well as into skills acquisition for journalists and other media professionals in the use of modern technology.

of adequate financial resources was often an obstacle to professional stories.

In March 1998, the Nigerian Press Organizations, which is made up of the Nigeria Union of Journalists, the Nigerian Guild of Editors, and the Newspapers Proprietors Association of Nigeria, in collaboration with the Nigerian Press Council, adopted a Code of Ethics for Nigerian Journalists to guide the conduct of journalists in Nigeria. The code is similar to other ethical standards for journalists around the world, but there is widespread ignorance among Nigerian journalists about the existence of the code and its content. As a consequence, its guidelines are not widely adhered to. Journalists regularly violate virtually all the provisions of the code, including by accepting payments to publish positive—or suppress negative—stories. Such violations are more prevalent among the younger generation of journalists. Some radio and television stations also charge official fees to provide coverage of certain events that may otherwise not be deemed newsworthy. Some panelists argued that some of the provisions of the code are unrealistic in the Nigerian social and political environment, particularly the requirement in Article 10 that "a journalist should strive to employ open and honest means in the gathering of information."

There is widespread self-censorship among editors and reporters in public or state-owned media, either for fear of losing their jobs or risking their safety. In the private media, self-censorship also arises from fear of offending government officials, business interests, or religious groups. Many reporters also say that they practice self-censorship as a result of pressures from their editors. Such editors restrict journalists' ability to report openly.

Eme Okon, an editor with the federal government–owned Nigerian Television Authority (NTA) in Calabar, in the Niger Delta region of Nigeria, said: "Journalists and editors, particularly in public media, practice self-censorship under the guise of developmental journalism [non-critical journalism that showcases the positive aspects of national life]. NTA and all state-owned broadcast media are culprits. They do so for job security and fear for their lives."

On average, most media organizations, depending on their audience and reach, cover all major events and issues in the country. However, public or state-owned media frequently do not cover anti-government protests or rallies and, if they do, would not cover the events truthfully and accurately. Some media organizations are also wary of covering ethnic or religious conflicts for fear of escalating the conflicts. In such cases, editors typically prevent reporters from covering such events. In rare cases, editors may prevent reporters from covering other kinds of stories in which they or their proprietors have some interest. These may be for social, ethnic, commercial, or political reasons. Journalists usually cover security issues of local or international concern when they can get the story, although they may subsequently be harassed by security agents. Major events tend to receive better coverage in print media (both national and provincial publications) than in broadcast media.

With the boom in the broadcast media over the past few years, pay levels for broadcast journalists and other media professionals in the sector have continued to rise. They have improved significantly over pay levels for counterparts in many newspaper organizations, although in some cases where high pay is negotiated, payment is usually irregular and journalists may be owed several months' arrears of salaries. However, pay levels in the entire industry remain generally poor and are not sufficient to discourage corruption in the media. There are widespread reports of journalists obtaining inducements from politicians and businesses to publish favorable articles or to suppress negative or

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

unfavorable stories. In fact, the excuse most frequently given for the widespread corruption in the media is poor pay. The low pay levels have also resulted in clearly pronounced movement of journalists to other sectors, the ultimate being serving as public-relations or corporate-affairs managers for businesses or press secretaries to political office holders.

There are a wide range of media types in Nigeria, and the balance between news content and entertainment varies widely depending on the type of media and their orientation. In general, one can readily find news on the radio or television, although it is not likely to be in-depth or detailed. Some broadcast stations are entertainment focused, and a significant proportion of the programming is dedicated to entertainment such that news and information programming are completely eclipsed. Even in traditionally news-focused stations, the desperation to survive economically under the harsh economic climate has resulted in a roll-back of news and information programs in favor of entertainment and advertising. In stations that target youths with more entertainment programs, the inclusion of more news-related programs could very likely result in a loss of audience. However, although there is also relatively high demand for news and information by an older generation of viewers and listeners, the high cost of producing news programs and news documentaries is preventing the stations from satisfying this demand.

Panelists were divided on whether facilities and equipment for gathering, producing, and distributing news are modern and efficient. While some argued that modern and efficient facilities and equipment are widely available in the industry, especially for the gathering and production of news, others contended that the equipment and facilities being used by the vast majority of media organizations were old and obsolete, although some of these remain efficient.

Jika Attoh, a veteran broadcast journalist who is currently chief executive officer for the privately owned Cosmo FM radio in southeast Nigeria, noted that "broadcast stations have old equipment that is working for them and that they do not want to throw away. No station is truly digital; but they all combine both analogue and digital equipment, and stations use what they have that is working for them."

In the case of the broadcast media, the absence of modern facilities and equipment results in poor picture and sound quality. Reception is also very poor, such that even when the station is only a short distance away, viewers and listeners have to mount very high antennas and acquire boosters to receive better-quality signals from terrestrial channels. For newspapers, the print quality is usually very poor, and, in some cases, there are smudges on large sections of newspaper pages. Owing to the challenges of distribution, most newspapers are unable to circulate their publications across the country on the same day. As a result, in many parts of the country, newspapers can be accessed only a day or more after they are published.

The panelists generally agreed that most reporters do not verify or fact-check all the information they present. They also agreed that in most cases, they do not consult a wide variety of relevant sources or get all sides of a story.

The lack of technical facilities and equipment is felt most in the distribution of news, both for print and broadcast. Panelists felt that aid could be most efficiently channeled into satellite distribution or distribution generally as well as into skills acquisition for journalists and other media professionals in the use of modern technology.

Print does more, and better-quality, niche reporting than broadcast. The main constraints for broadcast include the time involved in such reporting, the costs of producing such specialized reports, and the time available to air it. Further, most reporters and editors also lack professional training and experience to produce specialized reporting. Very little investigative reporting is done currently, though some of it is of good quality. Some recent investigative stories on corruption have had a lot of impact. Business, economic, and health reporting is done by specialized journalists who cover the issues regularly. Their competence and the quality of the coverage vary from media outlet to media outlet, but some of them are very well respected.

OBJECTIVE 3: PLURALITY OF NEWS

Nigeria Objective Score: 2.21

The score for objective 3, 2.21, was slightly above the overall average and consistent with the panelists' general view that the Nigerian media landscape presents multiple news sources and provides citizens with reliable, objective news. Panelists felt that the Nigerian government does not restrict citizens' access to the media or the Internet. On the other hand, panelists were also concerned that the Nigerian broadcast media landscape is dominated by government, federal and state, and that these public media are not editorially independent. Indicators were spread somewhat widely around the average. Indicators 2 (access to media) and 5 (production of own programming) scored well above

Residents of major cities, especially Nigeria's capital, Abuja, and the commercial nerve centre, Lagos, have greater access to media compared with people in the smaller towns and villages. Radio is the most commonly available type of media to rural audiences both because of their low income levels as well as the lack of regular electricity supply to support television viewing.

the average, while indicators 4 (news agencies) and 6 (transparency of ownership) fell fairly far behind.

Nigeria has a wide variety of print and broadcast outlets. About a dozen private newspapers and half a dozen private weekly news magazines provide national coverage. Several dozen other newspapers cover local areas, ranging from small communities to states and regions. Owing to the high costs of newspapers relative to income levels, only elites can afford to buy print editions on a regular basis. Residents of major cities, especially Nigeria's capital, Abuja, and the commercial nerve centre, Lagos, have greater access to media compared with people in the smaller towns and villages. Radio is the most commonly available type of media to rural audiences both because of their low income levels as well as the lack of regular electricity supply to support television viewing.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Although a rash of rural radio stations have been established over the past few years as substations of the federally owned Radio Nigeria, there are no proper community radio stations.

The National Broadcasting Commission and the federal government have yet to license community radio stations. Community newspapers exist in a few urban communities, but low literacy levels do not allow these to thrive in rural communities. Where they exist, they provide local news and information. A small number of the population in urban settings uses the Internet for information, although typically not for obtaining news. Further, Internet penetration is relatively low across the country, especially outside the main cities. Low income levels also affect access to the Internet, as well as to cable and satellite channels. While cyber cafés are providing increasingly cheaper access to the Internet for residents of major urban towns and cities, only the rich can afford the subscription for cable or satellite broadcast services.

The government does not restrict citizens' access to the media, whether domestic or international. People are free to listen to foreign broadcasts, although only a few people can afford the cost of subscription to cable or satellite television. Foreign print editions are available in the main towns and cities; but the cost is highly prohibitive, and only very few people can afford to buy them. They are not available in rural communities. A network of cyber cafés spread around the main towns and cities are providing access to the Internet for residents of these areas. But Internet access is used mainly for e-mail communication; it is hardly used to view foreign media. However, the government does not block access to foreign news sources on the Internet.

Government-owned media are not true public-service media. They are not independent of the state and are often controlled by the ruling party, whether at the federal level or in the different states. They are sometimes open to alternative views and comments but not on a consistent basis. Rather, they are frequently perceived to be serving as propaganda outlets for government officials from the ruling party. Editors and journalists at state-run or public media do not see their role as servicing the public interest in a nonpartisan way. In the main, they see themselves as helping to advance the government's objectives. They spend a predominant amount of time reporting on government officials and their activities, and very little time, if any, is given to opposition figures or points of view. This is more pronounced in media owned by the various states. However, the state and public media are better funded and better equipped than the private commercial media and are therefore better able to produce public-affairs programs. However, despite their better network of reporters and editorial staff, this does not result in more in-depth

reporting than is found in private media. They also promote educational and cultural programming. The net result is that, while they are sources for more detailed information, the information they provide is often not trusted by those in need of independent news sources.

Qasim Akinreti, a senior news producer with the federally owned Voice of Nigeria and chairman of the Education and Training Committee of the Lagos State Council of the Nigeria Union of Journalists, noted: "News on public media outfits are skewed to government and political leaders in power. NTA and state radio report on the president and state governors."

Nigeria has only one news agency, the News Agency of Nigeria (NAN). It is not editorially independent, as section 4 (1) of the law establishing it gives the minister of information powers to give the agency directions, and the agency is obliged to comply with such instructions. But the agency provides its services, including news, to independent print and broadcast media as well as to state or public media in a nondiscriminatory fashion, so long as they pay the subscription fees. However, the smaller media outlets consider these services to be expensive and are unable to afford them. They are therefore not used by the smaller media outlets. Those that use NAN materials sometimes cite them as sources; although this is a standard requirement by NAN in its agreement with its subscribers, it is not always adhered to. The types of services available from NAN include print, audio, and video materials. The larger media outlets also use international agencies, such as Reuters, AP, and AFP.

Nigerian broadcast media outlets produce their own programming in addition to purchasing programming. The programming produced by private media differs significantly from that produced by state or public media; the private media treat their news more objectively than the public media and are able to produce more in-depth reporting on issues, thus looking at all sides of an issue. Most stations, small or large, local or national, produce their own news programs. Independent and state media frequently source their international news stories from foreign or international media.

Media ownership in Nigeria is not transparent, as it is sometimes difficult for people to determine who owns the media they consume. Information about the owners of the different media is not available to the public. In cases where the owners of media are known, they are not transparent about their political affiliations, business interests, incomes, or tax status. No laws or regulations govern disclosure of media ownership, although there is a vague, and hence ineffectual, attempt in the National Broadcasting Commission Act to restrict cross-media ownership. Cross-ownership therefore exists, but its extent is difficult to determine in the absence of disclosure. However, there is no monopoly or oligarchy with regard to media ownership, although the broadcast media scene is dominated by the federal government, which owns about 75 percent. Business conglomerates do not own media in Nigeria.

Segun Fatuase, a journalist who has worked in several privately owned newspapers for over 20 years, said: "There are many posers [lack of clarity and concerns] about the transparent nature of private media owners. For obvious reasons, media owners with questionable backgrounds do not disclose their interests openly."

There is no resistance to the inclusion of a variety of social issues in the media, and journalists writing about minority issues are not harassed. There are no minority-language media, although there is no legal impediment to their existence. There is no significant market for minority-language media because of the relatively low number of potential audience members and their poor economic situation. Broad social interests are presented in the mainstream media outlets, and there are no special media for certain social interests that reach a narrower audience, although celebrity magazines exist and are popular with the elites.

OBJECTIVE 4: BUSINESS MANAGEMENT

Nigeria Objective Score: 2.40

The overall average score for this objective is 2.40 based on the panelists' general view that, to a large extent, media outlets in Nigeria, both public and private, are professionally managed and operate as efficient and professional

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Printing houses and broadcast distribution networks are also well managed. Printing houses and distribution networks are not subsidized by the state. They are private and survive on the basis of the incomes and profit that they generate from the business.

businesses, despite their low capital base. A few indicators fell well below or significantly exceeded this average. Indicator 7, regarding statistical information on circulation and audience size, was rated more than a full point lower than the average. Indicators 3 and 4, regarding advertising agencies and advertising revenue, both received high marks from panelists.

The private media operate as commercial, profit-generating businesses. Most media businesses begin by undertaking feasibility studies and developing business plans. Business plans must be submitted as part of applications for broadcast licenses. The better-organized media organizations periodically review their business plans. Because most media businesses are established by businessmen with no media background or experience, they usually hire specialist personnel to manage the business side of the operations while media professionals run the editorial aspects. To protect their investments, they typically put in place good accounting practices to prevent fraud, which nonetheless takes place from time to time.

Printing houses and broadcast distribution networks are also well managed. Printing houses and distribution networks are not subsidized by the state. They are private and survive on the basis of the incomes and profit that they generate from the business. However, printing houses and distribution firms are not economical to support, as some newspaper organizations sometimes have to queue to get their material printed. Printing is sometimes delayed by slow printing firms, resulting in late distribution of newspapers, which affects circulation negatively. In this way, printing firms can obstruct the work of the media.

Private media are financed by revenues from advertising, sponsorships, supplements, and, in the case of newspapers and magazines, from sales. Private media do not receive subsidies of any sort. Public media depend significantly on regular subsidies or grants from the governments (federal or state) that established them, which creates room for political interference. However, they also derive revenues from advertising, sponsorships, and supplements. Media outlets actively use the services of advertising agencies, although media outlets frequently complain about delays in getting remittances from the agencies for advertisement placements. In the case of state or public media, the governments, which are the main sources of revenue, seriously influence the editorial policies, management, and content of their media outlets. Although sources of revenue may influence specific reports by private media outlets, they do not influence overall editorial policies or the management of media outlets.

According to Oluchi Obiozor, a reporter with the specialized business journal, *Business Eye*, "because of our media's dependence on sponsorships, political interference is high, although not direct. Advertising agencies constitute the bulk of the source of the media's income, but media debt is high because the advertisers do not pay all the time. In some cases, advertisers influence media content." Some advertisers have threatened to discontinue advertising with certain media outlets because they got negative coverage. Some advertisers request that a topic that portrays them in a bad light not be covered or that some issues be covered in a certain way. This is particularly common with banks, which are major advertisers.

The advertising industry is well developed in major cities, and private media professionals are skilled in exploring the possibilities of advertising to generate revenues. Advertising agencies work with all media: print, radio, and television. Advertising is not developed outside major cities. Ownership of the advertising market is fairly well shared among international and local agencies.

Most media outlets do not have any standard practice regarding the percentage of advertising they should carry in relation to news. But with increasing pressure to generate more revenue to sustain their operations, media managers are pressed to use more advertising, which is the main source of revenue for all the media outlets, and they frequently replace news and other information programs with advertising. Subscriptions are not common in the Nigerian print industry, and, for those print outlets that offer them, they supply only a tiny proportion of revenue. Although advertising rates are high, advertisements nonetheless do not generate sufficient revenue to meet the revenue needs of media outlets due to high operational costs. With the absence of basic infrastructural support for media operations, particularly stable electricity supply, media outlets spend huge resources in purchasing and maintaining generators to power their operations. Media outlets are therefore pressed to constantly increase their advertising to meet their revenue needs. In many cases, reporters are also required to secure advertising in addition to their normal duties.

Juliana Francis, a correspondent with the privately owned tabloid newspaper, *The Sun*, observed that "in most media

houses, the management feel pressured to use more adverts because that is where the major money for salaries is made. This makes the advertising companies very powerful. Even with good circulation, the media cannot meet the targeted budget for a given period. Why? Because society lacks a reading culture. Even for those who can read, how many of them can afford to buy the newspaper in a country burdened with poverty, hunger, and unemployment?"

Nonpublic, nonstate media in Nigeria do not receive any government subsidies. Some governments may sometimes make donations to private media to meet certain needs. For instance, the premises of *ThisDay* newspaper, a privately owned national newspaper based in Lagos, was gutted by a fire in 2007 that burned parts of the building and destroyed equipment. Many state governments paid sympathy visits to the newspaper premises, and some made donations to the proprietor to rebuild the premises and acquire replacement equipment.

Market research is frequently used to determine the preferences of the audience or the advertising market, although some editors and media managers try to guess the taste and needs of their audience or the market. Market research is used as part of strategic business planning and to enhance advertising revenue. However, in most cases, this is not done consistently, professionally, or in a systematic manner. Media outlets mostly rely on call-in shows and feedback from their audience. A few use focus groups and commissioned research. Editors and journalists try to tailor their products to the needs of the market whenever this is discerned. Better market research often results in better-quality news and delivery.

Broadcast ratings are not available in Nigeria, although some broadcast outlets make unsubstantiated claims about the size of their audience. The Audit Bureau of Circulation (ABC) was established two decades ago to monitor and determine newspaper circulation figures. However, it became dormant partly because of general financial difficulties in sustaining its operations and also partly because it revealed low circulation figures for many newspapers. This adversely affected the newspapers' advertising operations, and most defaulted on their contributions to the ABC. Reliable newspaper circulation figures are therefore no longer available, and there are frequent disputes over claims by newspapers about their circulation figures. Professional market researchers carry out periodic research and surveys on newspaper readership that aim to determine what kind of newspapers different classes of people read and to produce reports, such as the media habits of politicians or public officials. Although the quality of such research is high, it is not carried out regularly.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Nigeria Objective Score: 2.76

The overall average score for this objective is 2.76, the highest average score of all the objectives, as panelists felt strongly that professional media bodies function in the professional interests of independent media and provide a range of support services. In particular, panelists recognized the strong role played by nongovernmental organizations (NGOs) as having a positive impact, and therefore indicator 3 fared best. Indicator 4, regarding journalism degree programs, received the lowest score, though not far below the overall average.

Nigeria has several professional bodies and associations within the media. These include the Newspaper Proprietors Association of Nigeria, representing newspaper publishers and media managers; the Nigerian Guild of Editors, made up of editors in the print and broadcast sectors; the Nigeria Union of Journalists (NUJ), which claims to be both a professional body of journalists and a union representing practicing journalists; the National Association of Women Journalists, representing female journalists; the Radio, Television, and Theatre Workers Union; the Broadcasting Organizations of Nigeria, made up of all owners and managers of broadcast media outlets; and the Independent Broadcasters Association of Nigeria, made up of owners of private broadcast media outlets. Each group is represented by only one association or body, and there are no multiple associations representing each group. Only the NUJ is a union devoted primarily to dealing with welfare issues of its members. Generally, all the bodies seek to protect the interest of their members; in the case of the NUJ, they provide some training programs for members, intervene on behalf of their

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Journalism programs offered at private and state institutions are generally of good quality, although there are some exceptions. Some of the programs include a great degree of practice-oriented training, with both the institutions and the accompanying internship programs in media outlets providing practical experience.

members when they face difficulties, and sometimes lobby governments for favorable policies or legislation on issues affecting their interests. All the groups advocate media independence and professionalism.

The NUJ is the only professional association that works for the benefit of journalists. There have been frequent complaints among journalists about its inefficiency and lack of effectiveness. However, it seeks to provide legal assistance and professional advice to members and lobbies on behalf of its members and their interests and seeks to promote journalism to the public in a positive way. Every practicing journalist is automatically a member of the NUJ, although efforts to compile and maintain a register of members have not been successful and the actual membership strength of the union is uncertain. Although the union relies principally on dues from members (usually deducted from their paycheck by employers and forwarded to the union) as its main source of revenue, the national union and most of its state chapters depend heavily on the federal and state governments for donations of cash and facilities, such as vehicles, computers, office buildings, etc. and are therefore not perceived to be independent.

According to Lanre Arogundade, a former chairman of the Lagos State Council of the Nigeria Union of Journalists and current coordinator of the International Press Centre, "the membership (of the professional bodies) has been fairly stable even though a body like the NUJ has come under criticism for not doing enough to fight for enhanced welfare conditions for journalists primarily through the mechanism of collective bargaining. Though the bodies are supposed to be independent, they are known to sometimes take money from government to hold meetings and conferences."

There is a proliferation of organizations representing specific sectors of the profession, such as the Sports Writers Association of Nigeria, Aviation Correspondents, Crime Reporters, Business Reporters, Energy Correspondents, Judicial Correspondents, etc. However, the role of these organizations has been very controversial, and attempts have been made by the NUJ leadership and the Guild of Editors to ban them. They are seen as cartels and a major source of corruption in the media that do not necessarily advance professional reporting in these areas or advance the interests of their members. There are reports, though these have not been proved, that they receive large sums of money from organizations or institutions that they cover, which are shared among members to ensure favorable coverage and suppress negative reports. They also frequently organize award ceremonies for institutions or individuals that they cover. Some reports claim that the logistics of organizing such ceremonies are funded by the individuals or institutions, which then win the awards.

There are active NGOs that work in cooperation with media outlets to support freedom of speech and media independence. They have strong ties with media outlets and professional organizations and are regarded as efficient and effective in media advocacy work. Such NGOs include Media Rights Agenda (MRA), Center for Free Speech, Journalists for Democratic Rights, the Institute for Media and Society (IMS), and Independent Journalism Center (IJC). MRA publishes a monthly journal called Media Rights Monitor through which it, among other things, monitors, documents, and disseminates attacks on media professionals, media freedom, and freedom of speech. It has also led the campaign for the enactment of a Freedom of Information Act in Nigeria since 1999. The IJC provides training opportunities in various aspects of journalism for practicing, and sometimes prospective, journalists. The IMS has led the campaign for a legal and regulatory framework to allow community broadcasting in Nigeria, which presently does not exist. Other organizations generally issue alerts and public statements whenever attacks on media professionals or media freedom occur. These groups are present in the largest cities and work in cooperation with international freedom-of-expression organizations.

Journalism programs offered at private and state institutions are generally of good quality, although there are some exceptions. Some of the programs include a great degree of practice-oriented training, with both the institutions and the accompanying internship programs in media outlets providing practical experience. However, many of the institutions do not have adequate in-house facilities to ensure proper practical training to prepare young people for entry into the profession. There are not enough spots in degree programs to meet the demand, as the number of potential and intending students for journalism training is more than the facilities available at the institutions can accommodate. There are ample opportunities for students to get journalism degrees

abroad, although many of those who have such opportunities usually prefer to work in those countries for some time before returning to Nigeria later with their experience and expertise. Such overseas programs are also very expensive, and only students from very rich families can afford them, as there are hardly any scholarship programs for pre-entry-level journalism training. There are a sufficient number of media outlets to absorb the graduates being turned out.

However, media outlets frequently express dissatisfaction with the quality of journalism graduates, especially those from private institutions. The most frequent complaint is poor writing skills, which is attributed to a general drop in the standard of training not only in journalism but in other sectors as well. Most of the journalism graduates have no practical knowledge whatsoever in any aspect of journalism, which is attributed to the absence of proper training facilities in most of the training institutions.

Many short-term training opportunities are available to journalists. Such programs are very accessible to practicing media professionals. While some of the programs are set up by international organizations, others are provided by local organizations, although there appears to be a preference among trainees for programs by international organizations. The most popular courses include news writing, investigative reporting, online/new media journalism, environmental reporting, health reporting, and business reporting. According to panelists, the most needed courses are investigative reporting, new media journalism, environmental reporting, and reporting on economic and social development. Some media outlets are reluctant to allow staff members to attend professional development programs, as this sometimes results in a shortage of personnel.

Programs mostly address editorial needs, while other professional needs of media outlets, such as advertising and business management, hardly have any opportunities available. Most of the opportunities available are for entry-level and mid-career stages, although opportunities for management training that are not media-specific are also available. While some of the programs and courses are free or sponsored, others charge fees for participating. Stella Sawyer, a senior writer with the privately owned *Tell* magazine, noted that "for the training and retraining of media practitioners, there are institutions readily available for the provision of such. The only problem is that few organizations pay for their staff to get trained. Skills acquisition is done individually." Public media outlets are sometimes willing to pay for staff development and pay for some of the courses. In the vast majority of cases, journalists seek sponsorships from donor agencies and foundations to pay for such courses.

Sources of newsprint and printing facilities in Nigeria are in private hands and are managed as profit-making businesses. Private printing facilities are not selective in providing services to media outlets, and political or business interests are not a consideration. However, in a December 2007 case, a printing firm owned by a church group refused to print an edition of a business journal that examined in its cover story the flourishing religious enterprise in Nigeria. There are no state-owned printing facilities in Nigeria.

Channels of media distribution in Nigeria are in private hands and are managed to make them self-sustainable. Distribution networks in the biggest cities are larger and more efficient than the distribution networks in smaller towns and villages. Broadcast transmitters are not controlled by the government but by their private owners. Government and business conglomerates do not control access to the Internet in any way. Internet facilities are managed by private entities but are not politicized, although there have been reports in the past that some Internet service providers may be granting security agents access to their facilities to monitor e-mails and e-mail traffic.

List Of Panel Participants

Jika Attoh, chief executive officer, Cosmo FM, Enugu

Lanre Arogundade, coordinator, International Press Centre, Lagos

Eme Asuquo Okon, editor, Nigerian Television Authority, Calabar

Okwy Iroegbu, assistant editor, *The Nation* Newspaper, Lagos

Abimbola Katherine Amosun, reporter, Radio Nigeria, Abuja

Sequn Fatuase, foreign desk editor, *Daily Independent* Newspaper, Lagos

Funsho Arogundade, correspondent, *Insider Weekly* Magazine, Lagos

Qasim Olalere Akinreti, acting head, Online News, Voice of Nigeria, Lagos

Stella Sawyer, senior writer, *Tell* Magazine, Lagos

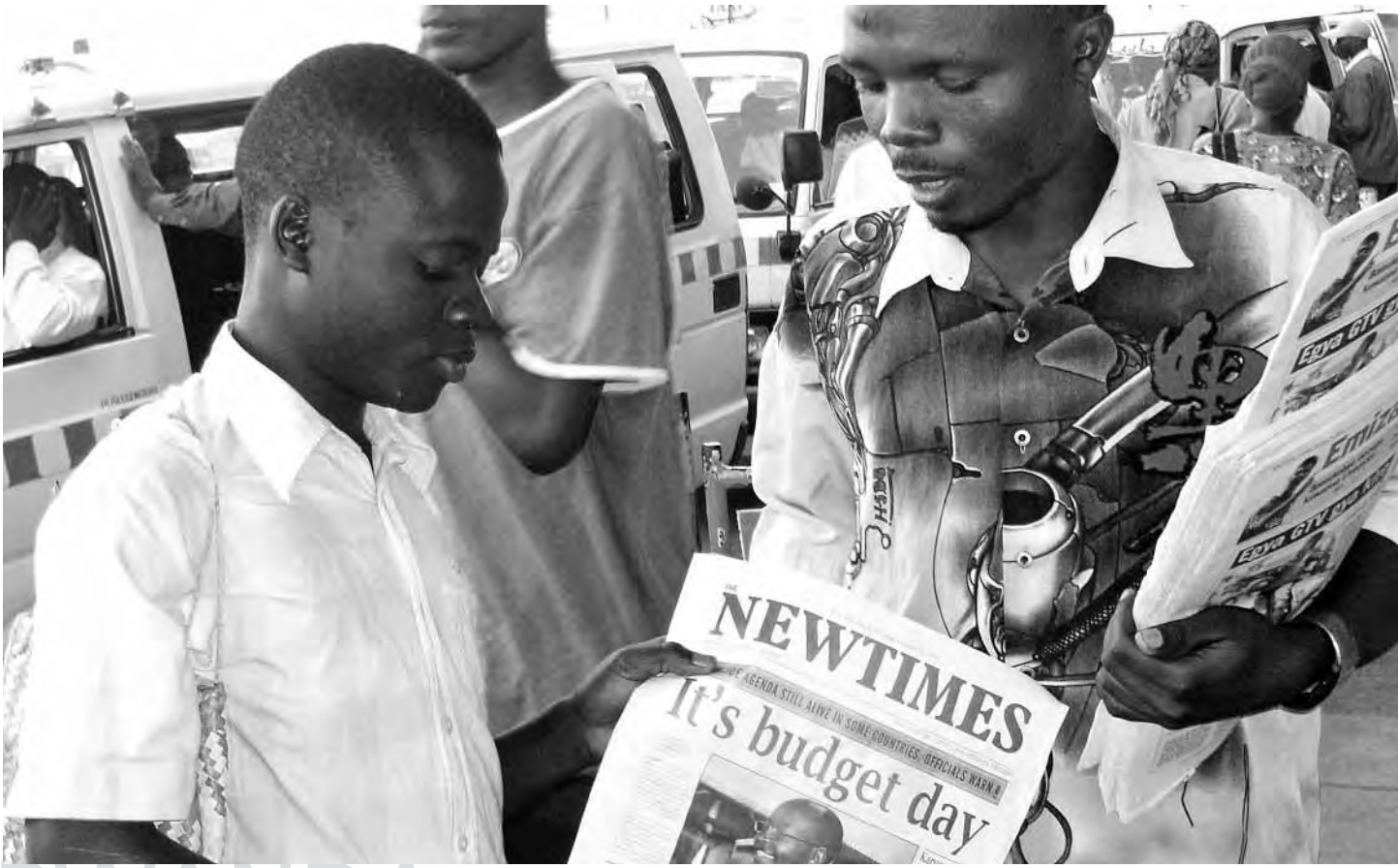
Juliana Francis, reporter, *The Sun* Newspaper, Lagos

Oluchi Obiozor, reporter, *Broad Street Journal*, Lagos

Moderator:

Edetaen Ojo, executive director, Media Rights Agenda, Lagos

Because of this history, the media are no longer trusted by the public and government, and most people are suspicious of the journalism profession generally. Under the new government, a few journalists who had survived the genocide and other Rwandan journalists who were living in Uganda went back home and resumed working.



RWANDA

OVERALL SCORE: **2.29**

Rwanda lost almost all its journalists during the 1994 genocide; they were among the roughly one million Tutsi and moderate Hutu Rwandans who were killed by extremist armed militia known by the name *Interehemwa*. The genocide came after the death of then-President Juvenile Habyarimana in a plane crash suspected to have been caused by rebels hiding out in Uganda. During this genocide, which lasted for a period of about 100 days, the media stood accused of acting as a tool of hate. Some local radio stations and print media encouraged neighbors to turn against each other. Hutu extremists used the radio to mobilize the Hutu majority, coordinate killings, and try to ensure that the Tutsi were systematically eliminated. Rwandans are still bitter that it occurred with little intervention from Western governments, and it finally ended when the rebel group Rwanda Patriotic Front and the Ugandan Army wrested power away from the perpetrators and stopped the massacres.

Some journalists who are believed to have actively participated in the genocide were investigated by international human-rights groups and were arrested and charged by the UN International Criminal Tribunal for Rwanda. Other journalists chose to go into exile. Among those convicted of genocide, incitement, and crimes against humanity were Hassan Ngeze, the owner of *Kangura* newspaper, and Jean-Bosco Barayagwiza, Ferdinand Nahimana, Valerie Bemeriki, and a Belgian journalist, Georges Ruggiu Omar, of Radio Television des Mille Collines (commonly known as "Hate Radio" in 1994). The UN Tribunal sentenced them to terms ranging from 12 years to life.

Because of this history, the media are no longer trusted by the public and government, and most people are suspicious of the journalism profession generally. Under the new government, a few journalists who had survived the genocide and other Rwandan journalists who were living in Uganda went back home and resumed working. However, the government came up with a new constitution and other laws to ensure that what happened during the genocide could not occur in the future. Rwandan government officials have been heard publicly warning journalists against violation of laws in the name of press freedom.

Rwanda's overall score of 2.29 reflects fairly strong scores in Objectives 1 and 3, freedom of speech and plurality of news. On the lower end, Objectives 4 and 5, business management and supporting institutions, scored just above and just below a 2, respectively.

RWANDA AT A GLANCE

GENERAL

> **Population:** 9,907,509 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Kigali

> **Ethnic groups (% of population):** Hutu 84%, Tutsi 15%, Twa 1% (*CIA World Factbook*)

> **Religions (% of population):** Roman Catholic 56.5%, Protestant 26%, Adventist 11.1%, Muslim 4.6%, indigenous beliefs 0.1%, none 1.7% (2001, *CIA World Factbook*)

> **Languages (% of population):** Kinyarwanda (official) universal Bantu vernacular, French (official), English (official), Kiswahili (Swahili) used in commercial centers (*CIA World Factbook*)

> **GNI (2006-Atlas):** $2.341 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,270 (World Bank Development Indicators, 2007)

> **Literacy rate:** 70.4% (male 76.3%, female 64.7%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Paul Kagame (since April 22, 2000)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 62 newspapers (but only 15 active), 51 other registered print outlets; Radio: 16 registered and active; Television stations: 1

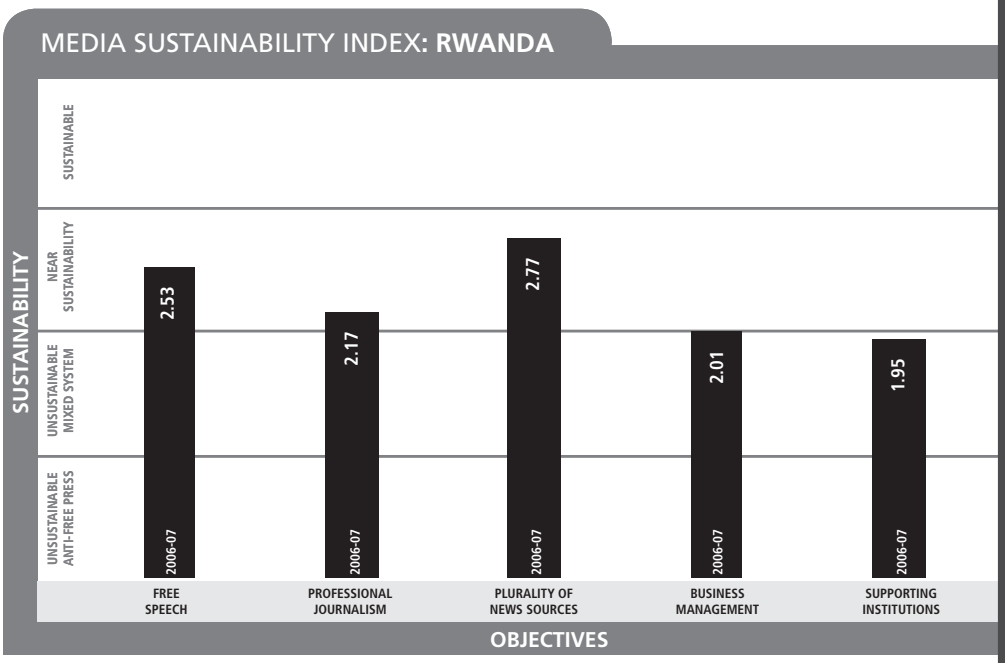
> **Newspaper circulation statistics:** Top three by circulation: *Imvaho Nsya* (government owned bi-weekly newspaper, 8000 circulation), *Umuseso* (private daily newspaper, 7000 circulation), *Izuba* (private daily newspaper, 6000 circulation)

> **Broadcast ratings:** Top three radio stations: Contact FM (private), Radio Rwanda (government-owned), City Radio (private)

> **News agencies:** Rwanda News Agency (private)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 65,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Rwanda Objective Score: 2.53

With a few exceptions, most indicators fell close to the overall objective score. The main outliers were Indicators 7 and 8, the low and high, respectively. On the low side, panelists were critical of the ability of journalists working for private media to access public information and obtain comments from, and interviews with, government officials. However, they noted that there are no legal restrictions on media access to foreign news sources.

Over the past decade, Rwanda has put some of the framework in place to support freedom of speech and press freedom, and the government promises to do more in the near future. However, as elsewhere, implementation of good laws is lackluster, some damaging laws remain on the books, and old conventions remain on the role of the press and treatment of the media and journalists; these are exacerbated by the memories of how some media acted during the tragedy of 1994. The strongest indicators were the two involving media access to foreign news sources and freedom of entry into the journalism profession; the weakest was the one covering access to information.

Provisions in Rwanda's constitution guarantee press freedom and freedom of speech. However, these rights are hardly enjoyed by the Rwanda media and the public in general because other laws contradict the constitution. The panel pointed to the Press Law of 2002, the penal code, and others. The Press Law restricts media access to some public information and cabinet minutes. Under the penal code, libel is still treated as a criminal offense. The government has used such laws to close down some media outlets like *The Weekly Post*, *De-Liberations*, France's RFI, and others with little justification. Panelists told stories of government officials harassing journalists and, at times, calling editors to ask them what kind of stories they have for the day and which reporters are writing them.

However, on a positive note, the government has agreed to amend the existing press law to remove sections that are considered to hinder press freedom. In the new draft, there are provisions that guarantee access to public information; if passed, they would end the restrictions that have been in place for decades.

The panel agreed that the government instituted wide consultations on these changes, and journalists in Rwanda are anxiously waiting to see whether their views are reflected in the new law. "True, we were consulted, but we are not sure of the government's accommodating our views in the draft, and, if this is not done, we shall find a way of lobbying members of parliament, who will soon debate and pass it as law," said James Munyaneza, news editor at *New Times*. He went on to say that as of now the media are threatened, with some government officials insisting that journalists should be forced to reveal their sources of information if the need arises, but he added that this is unacceptable to them.

Advising the government on media matters is the High Council of the Press. Of its five members, three are nominated by the private media through their professional association, one is nominated by the state media, and one is nominated by the Minister of Information to represent the state's interests. In theory, the High Council of the Press helps regulate the media by reporting and making recommendations on disciplinary actions to the president, but it can take no further action. Its power has been waning recently, as the government has ignored it and undertaken actions without consulting it. The new media bill proposes that the High Council will have powers to sanction and withdraw the licenses of media outlets that act contrary to the laws of the country.

Panelists agreed that licensing of both broadcast and print media is fair and very transparent. They indicated that anyone who wishes to start a radio and television station or newspaper is free to apply for a license and that it takes only a few days to be issued. A department in the Ministry of Information oversees such licensing, and its director has final authority to make decisions.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Libel is treated as a criminal offense, and it is up to the accused to prove innocence. The panel, however, agreed that the judiciary in Rwanda has maintained its independence; this is evidenced by a number of cases that journalists have won against the state and individuals or politicians who take them to court.

Market entry and tax structure for the media are fair and no different from any other sector. The government has waived taxes on all imported media equipment.

Panel members said that there are isolated cases of violent crimes against journalists. In a few cases, the government has investigated them and has successfully prosecuted those behind them. Editor Jean Bosco Gasasira, of the *Omuhunguzi* newspaper, was brutally attacked with iron bars after receiving death threats because of his critical coverage and charges of corruption by top officials. A suspect was arrested, charged, and eventually sentenced to life in prison by the court.

The panel reported that although the public media are guaranteed editorial independence by law, this is not observed in practice. Editors are appointed by the government and have to protect their jobs by publishing or airing what they think favors their employers—the state. However, there are no laws that favor or give a competitive edge to public media at the expense of private media.

Libel is treated as a criminal offense, and it is up to the accused to prove innocence. The panel, however, agreed that the judiciary in Rwanda has maintained its independence; this is evidenced by a number of cases that journalists have won against the state and individuals or politicians who take them to court. In cases that the media have won, they are acquitted by the courts after proving the truth. In cases that media outlets have lost, they are both fined and ordered to make apologies. The panel reported that they have not seen incidents where journalists have been held liable for publishing critical statements against the president.

The existing media law supposedly applies the same way to both private and public media; however, this is not the case in practice. Public information is restricted from private media, but state media can easily access it. The government tends to feed information that it wants the public to receive to its own media. When private media manage to access public documents that are not considered secret, they do not have any problems, but if the documents are secret, the media outlet may be exposed to sanctions by the government. While some government officials have granted interviews to private media in the past, they are very selective in choosing the media outlet, preferring ones they feel comfortable with. Panelists were hopeful that these barriers to freedom of information would end if the proposed law is passed by parliament, as it guarantees access to public information.

The panel stated that there is no restriction on accessing foreign news sources by media outlets and that the Internet can be used freely by those who can afford it (typically those in urban areas). Some media depend on international news agencies and the Internet as their primary sources of international news, and they are free to publish or air this information in a language of their choice.

Panelist George Kalisa, supplements editor with *New Times,* indicated that entry into, and exit from, the journalism profession is free as long as one is able to write or report. Press cards are issued by media outlets to their reporters, and these cards are asked for by organizers of the government functions, including press conferences.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Rwanda Objective Score: 2.17

In this objective, only Indicator 5, pay levels for journalists, stood out with a score one point lower than the average.

"A good number of our colleagues are not qualified and lack objectivity while carrying out their duties," said Didas Gasana, managing director of *Newsline*. He added that qualified journalists who do have the knowledge and skills to do a perfect job lack the resources and facilities to do their work professionally. Other members of the panel agreed with Gasana on the lack of objectivity and attributed this to poor pay levels that tempt journalists to receive gifts and payments in exchange for favorable coverage. However, they agreed that there are some journalists who live to the requirements of the profession. The panel members also raised the issue of media owners who come up with editorial policies that suit their own interests, therefore compromising objectivity.

While discussing ethics, panelists referred to the 2005 Code of Conduct developed by the Association of Rwanda Journalists. The Code is on par with other international codes, such as those found in the UK, USA, Germany, and Uganda. The Association has been involved in promoting the code of ethics through workshops and seminars in Kigali, but they have not been able to expand this to other parts of Rwanda due to lack of funding. There are also some media outlets that have adopted this code and strictly enforce it among their staff.

However, panelists expressed surprise that more journalists do not follow the Code. "Many journalists depend on bribes for survival, contrary to what is stated in the Code," added Muramila Gasheegu, a newspaper and radio correspondent.

Panelists agreed that self-censorship exists at all levels. The main cause, they said, is fear of losing one's job. This is especially true in the public media. Self-censorship is less of a problem in the private media, particularly the most respected newspapers. Panelists also pointed out that some editors force reporters to drop certain stories related to sensitive political or security matters, as these may cause problems for the media outlet. Panelists also said that self-censorship is a result of poor remuneration of journalists: they will accept bribes from sources to kill stories.

The media have had no problems covering key events and issues, provided they are invited. However, panelists said that there are some events to which certain media outlets are left out because their policies may not be in line with the organizers. Kalisa added that "it all depends on the organizers, who may prefer particular media outlets against others. There are those who think electronic media are more effective than print. But also we should not ignore the history of the media in Rwanda in relation to the genocide in which over a million people were killed. We are undergoing reconciliation, and the media are seen as a negative force in this effort; that's why some people still shun them." Panel members agreed that where the media are indiscriminately invited to key events, they are well covered in all media—electronic and print. The news is dominated by political news because it sells.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Most journalists are poorly paid, leading to elevated levels of corruption in the media. Some media outlets do not pay their reporters, especially freelance journalists, and they must depend on the sources they interview. This results in stories that are essentially paid placements.

Most journalists are poorly paid, leading to elevated levels of corruption in the media. Some media outlets do not pay their reporters, especially freelance journalists, and they must depend on the sources they interview. This results in stories that are essentially paid placements. Some journalists kill or sit on stories in exchange for money to supplement their income.

However, panelists added that even some well-paid journalists also take bribes, but they attributed this to individual character. Panelists said that such reporters get money whenever their stories are run in the papers or on radio or television and that they get it from the people or organizations they report on or write about. Panel members said that the few highly paid journalists at the reporter level get RWF 250,000 ($500) a month, and editors get RWF 500,000 ($1,000). Poorly paid journalists get RWF 50,000 ($100) per month. Emma Nshekanabo, the panel moderator, said that journalists have been trying to address this problem through their association. They believe that when they get a journalists' union, it will strongly advocate for fair working conditions and better salaries for all journalists in the country.

Panelists agreed that allocation of time for news and entertainment at radio and television stations depends on the individual outlet's policy. Some media outlets allocate more time to entertainment programs than news, as Rwandans generally prefer to listen more to music than news. Panelists added that radio stations that have excelled in news presentation and allocated more time to it have lost audience share.

The panel felt that most media outlets have modern equipment that they rely on to gather, produce, and distribute news. Media owners have effectively used the tax waiver that the government put in place to import modern equipment. For the few media outlets with poor facilities, their product is definitely impacted negatively. Panelists noted that equipment alone is not enough: better skills are required to improve media content overall. To benefit all media, panelists said that equipment should be channeled through the professional associations.

"A good number of our colleagues are not qualified and lack objectivity while carrying out their duties," said Didas Gasana, managing director of Newsline. *He added that qualified journalists who do have the knowledge and skills to do a perfect job lack the resources and facilities to do their work professionally.*

Panelists agreed that some media outlets do a better job than others in covering niche topics. This is because some media outlets have invested more in training their reporters and editors in specialized reporting and editing while others have done little in this direction. Quality investigative journalism exists, and a few specialized journalists report on issues of health, education, and business in consultation with the proper experts on these issues.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Rwanda Objective Score: 2.77

All of the indicators fell close to the final objective average. Panelists felt relatively confident in the number of news sources available to the public and the public's ability to access at least some of them. However, panelists agreed that the degree of objectivity of the news varies considerably.

There are several news sources—ranging from radio and television to newspapers and the Internet—that provide information to citizens, although more so for those in cities. All parts of the country receive radio signals, and state-owned Radio Rwanda reaches the entire country, but television is available only in towns. The government has helped to set up community radio stations and newspapers by providing initial funding and equipment. The government has used this kind of media to mobilize people at the grass-roots level to engage in development projects, and at the same time people use such media to address their own needs.

"Very few people—like 20 percent of our literate population—can afford to buy newspapers. The majority of our people depend on radio for information because radio and television sets are cheap and affordable," said Gasana. A small radio costs about $6, while television sets (black and white) cost between $120 and $150. Panelist Sam Rubulika said that the government recently gave out radio sets to various local officials in charge of information to enable them to better receive and disseminate information to citizens. The reading culture among Rwandans is low. Panel members agreed that although there is no restriction on the Internet, it is accessible only in urban areas and the cost is high; most citizens cannot afford it.

As with Internet access, there are no legal restrictions on accessing domestic and international media. The panelists said that everything depends on affordability. For example, foreign newspapers are available on market, but only a select few can buy them. Some citizens also subscribe to foreign television channels, such as CNN and BBC, which are relayed by local television stations without any interference from the state. However, most of these facilities are in urban areas and are hardly found in rural areas.

State media are fully controlled by the government and rarely air views of the opposition. Their editors and senior management positions are appointed by the government and do not enjoy editorial independence. Panel members agreed that it was only during the 2003 presidential election campaigns that the opposition was given equal space on public media because it was regulated by the High Council of the Press. Though this body is still in place to monitor air time and space distribution in public media, its presence is no longer felt. As more and more private radio stations have been established, opposition politicians do not see the need to fight for air space on Radio Rwanda. Panel members added that despite the fact that state media report a lot on government activities, they also produce educational and other useful programs for citizens that are not otherwise aired by private media.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Panelists said that there is only one local news agency, the government-run Rwanda News Agency. They felt it has little to offer to media outlets, as they all share the same source of information. Munyaneza said that some media outlets have more information than the Rwanda News Agency because they have correspondents in most parts of the country. He also added that some media outlets depend on foreign news agencies like Reuters, AP, AFP, MENA, and others for their foreign news.

Private broadcast media produce most of their own programs, typically of high quality, but also air purchased news and entertainment programs. Private broadcast news is different from state news, which is mainly one-sided in favor of the government.

Media ownership is not a secret to the public. According to the panel, it is very easy to know the people who own radio stations and newspapers by noting those who have interest in it. There are several news sources that readers depend on for factual news. Typically, people rely on particular newspapers or radio stations to get specific information.

Social issues are widely covered in all media without restriction, including issues related to women's and minority interests. Use of minority languages does not exist in Rwanda, as all people use Kinyarwanda to communicate, in addition to French and, recently, English.

OBJECTIVE 4: BUSINESS MANAGEMENT

Rwanda Objective Score: 2.01

Indicators in this objective were spread out, with a few poor performers, a few more somewhat above the average, and one, Indicator 5, related to government subsidies, scoring well. The poorest performers were Indicators 3 and 7, related to advertising agencies and audience and circulation figures.

The panelists agreed that private media are run purely as profit-making businesses and managed in a generally efficient way. Panelists also admitted that a few media outlets have been mismanaged by their bosses and hence find it difficult to compete.

Panel members agreed that different media outlets have common sources of revenue, ranging from sales of their products and advertising to sponsorship and loans from financial institutions. The advertising sector is not well developed, but media outlets depend on companies, the government, and individuals who may need advertising space. Some big companies have used this chance to influence editorial policies of some media outlets, and as such certain media end up not reporting objectively on these advertisers.

Rwanda has not had advertising firms apart from public-relations companies that work for big companies, but moderator Nshekanabo said that recently firms like Creative Communications, Data Pro, and Creaxio have emerged. These firms are new, and it is hard to tell how effective they will be because they do not have any relationship with media outlets at the moment.

Panelists agreed that most media outlets, especially electronic media, allocate more time to running commercials than news items because it is a major source of their revenue. Even print media sometimes sacrifice space for news stories and place in advertisements; however, print media better balance news and advertising space.

Panelists agreed that private media do not receive direct subsidies from the government, but some of them are seen to be loyal in order to receive advertisements placed by government agencies. This compromises editorial independence of these media outlets since they fear losing this revenue.

Panelists said that no media outlet has ever carried out research to find out what their readers or listeners want. They do not know their most popular programs or columnists. No specialized firms exist in Rwanda to do this work.

It is not easy to get reliable circulation figures for newspapers or broadcasting ratings because of the lack of professional firms to carry out this work. Hence, every media outlet, electronic and print, regularly makes claims that they are most popular.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Rwanda Objective Score: 1.95

The majority of indicators fell close to the average. However, the lack of any trade associations resulted in a low score for Indicator 1. On the high side, panelists gave a high score to Indicator 7, as they felt that channels of media distribution are relatively unrestricted.

There are no associations dedicated to media owners or managers in Rwanda at this time. However, panelists did discuss the work of professional associations, including the Rwanda Journalists Association (ARJ), Press House (set up by PANOS), whose members are journalists and junior editors, and the High Council for the Press, which has representation from all media stakeholders, including the government. Gasana, of *Newsline,* opined that "the High Council of the Press is…useless because it's funded and controlled by the government and reports to the president's office." Most panel members said that only the ARJ has historically defended journalists and continues to fight for their rights whenever they are violated. ARJ is also involved in training programs for journalists.

However Sulah Nuwamanya, managing editor for *The Weekly Post,* disagreed with other panelists, saying that the ARJ has done little to help journalists in trouble. "When some media outlets were closed, the ARJ just kept quiet," he added.

The panelists also said that Rwanda lacks nongovernmental organizations that promote freedom of speech or press freedom.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Kalisa said that most media professionals are not formally trained, adding that many have dropped out of teaching or demobilized from the army. Panelists attributed the poor state of training to a lack of training facilities. The government has taken a step toward improving this by advising journalists to obtain training in the basics. It has also worked with PANOS to set up a media training institution, the Great Lakes Media Training Centre, to provide training to practicing journalists without formal qualifications and also to train new people with ambitions of becoming journalists.

The quality of academic journalism courses offered by the two existing institutions is very good, panelists said. Most graduates prefer to find public-relations jobs or to work with electronic media. The training is practical, and students who graduate from these universities are well trained and ready to start work without further training. Training opportunities abroad are also available but very competitive; some who opt for these programs end up not returning to Rwanda.

Panelists also agreed that short-term and in-house training opportunities are available for journalists to upgrade their skills. These programs are sponsored by media outlets and donors like PANOS. PANOS training is well respected because it is conducted by both local and foreign trainers. Panelists did feel that the duration of the courses, between one to two weeks, is too short; they suggested that this should be extended to between one and three months.

Sources of newsprint are in private hands. The only good printing facility is in the hands of the state and is not easily accessed by some media outlets, especially those seen as critical of the government. Private media also fear losing their good stories to the state paper or having their print run delayed deliberately by the state printer because of the stiff competition in the print sector. There are other facilities in private hands, but they are considered sub-par. The panelists said that because of the lack of enough quality printing facilities, some media outlets have found it better to print in neighboring countries like Uganda and Tanzania. Costs are reasonable, but delays are inevitable under such situations. The government is planning to buy a modern printing press that it has promised to make available without prejudice.

Media distribution channels, like kiosks, are in private hands and are managed efficiently. The Internet is not restricted. Private broadcasters control their own transmitters, though panelists decried political influence in the government process of determining area of coverage.

List of Panel Participants

George Kalisa, supplements editor, *New Times*, Nyagatare

Sulah Nuwamanya, managing editor, *The Weekly Post*, Kigali

James Munyaneza, news editor, *New Times*, Kigali

Godwin Agaba, freelance reporter, *Omuseso Newspaper*, Gishenyi

Magnus Mazimpaka, freelance reporter, *New Times and Ingazo*, Byumba

Didas M. Gasana, managing director, Newsline (Rwanda Independent Media), Kigali

Sam Rubulika, reporter, *Focus Newspaper*, Kigali

Faruk Nduwumwe, reporter, Orinfo/Rwanda TV, Kigali

Julius Mbaraga, reporter, *New Times*, Nyagatare

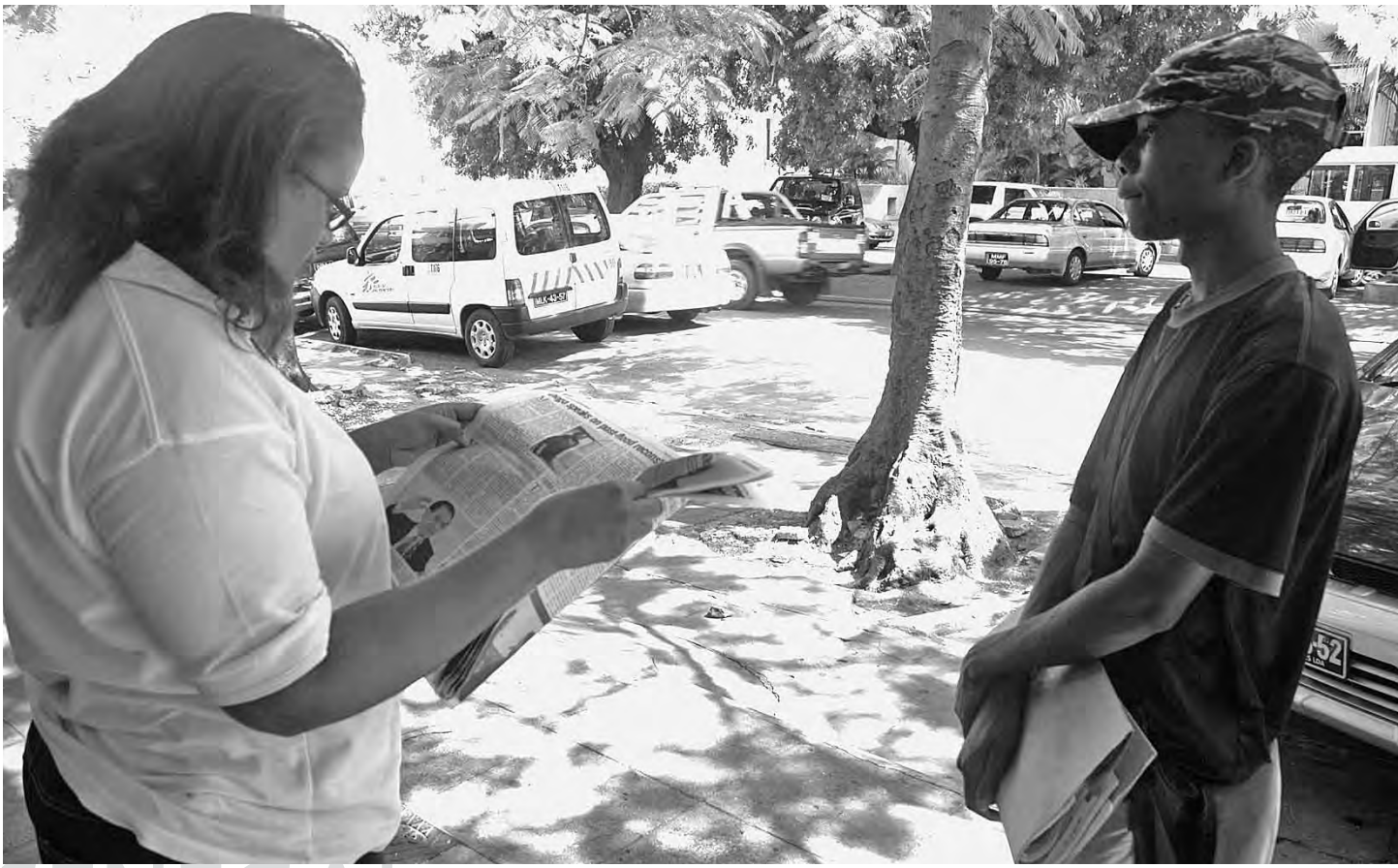
Gasheegu Muramila, reporter, Rwanda National Radio, Kigali

Moderator

Emma Nshekanabo, media consultant, Kigali

The Rwanda study was coordinated by, and conducted in partnership with, the Eastern African Journalists Association.

The election of the "liberal" Abdoulaye Wade as president in 2000, ending 40 years of Socialist Party reign, was very much due to the role played by private media, which provided accurate information leading to a transparent election. Despite this, media sector reforms once promised by the current regime, such as the decriminalization of press offenses, the lifting of the state monopoly on television broadcasting, and free access to public information, have not been realized.



SENEGAL

OVERALL SCORE: **2.35**

Since 1974, Senegalese media has evolved from a state monopoly on both broadcast and print media to a situation of real media plurality. Today, there are more than 20 private radio stations and more than 15 publications under the leadership of the Sud Communications Group and Walfadjri Group.

Journalists working in the private media turned out to be major players in Senegal's socio-political changes. The election of the "liberal" Abdoulaye Wade as president in 2000, ending the 40-year reign of the Socialist Party, was very much due to the role played by private media. They provided correct and true information leading to a transparent election. Despite this, the reforms of the media sector once promised by the current regime, such as the decriminalization of press offenses, the lifting of the state monopoly on television broadcasting, and free access to public information, have not been realized.

On the contrary, according to the 2006/2007 MSI panelists, in Senegal the private press operates in a very constrained political and social environment. No journalist is safe from hassles at the hands of the Criminal Investigations Department of the National Police in the name of preventing or investigating "offenses against national security." The public media, particularly Radio-Television Senegal (RTS) and the government-run daily newspaper *Le Soleil*, obey the president's direct orders.

Significant constraints have appeared within the profession: a large number of journalists lack real training, access to the profession is often determined more by necessity than calling, the ethical values of journalism are ignored or deliberately sidestepped, a globally accepted self-regulatory body has proved difficult to establish, media companies are unprofitable, and press owners and publishers are incapable of uniting to protect their own interests. The panel concluded that the dynamics of media outlets built up in recent years has been seriously compromised.

Despite the challenges, Senegal still scored well in Objectives 3 and 5, plurality of news and supporting institutions; scores here were 2.60 and 2.81, respectively. The scores for Objectives 1, 2, and 4, free speech, professional journalism, and business management, all lagged behind, however, with scores in the low 2 range.

SENEGAL AT A GLANCE

GENERAL

> **Population:** 12,853,259 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Dakar

> **Ethnic groups (% of population):** Wolof 43.3%, Pular 23.8%, Serer 14.7%, Jola 3.7%, Mandinka 3%, Soninke 1.1%, European and Lebanese 1%, other 9.4% (*CIA World Factbook*)

> **Religions (% of population):** Muslim 94%, Christian 5% (mostly Roman Catholic), indigenous beliefs 1% (*CIA World Factbook*)

> **Languages (% of population):** French (official), Wolof, Pulaar, Jola, Mandinka (*CIA World Factbook*)

> **GNI (2006-Atlas):** $9.117 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,560 (World Bank Development Indicators, 2007)

> **Literacy rate:** 39.3% (male 51.1%, female 29.2%) (2002 est., *CIA World Factbook*)

> **President or top authority:** President Abdoulaye Wade (since April 1, 2000)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: N/A; Radio: 28; Television stations: 1

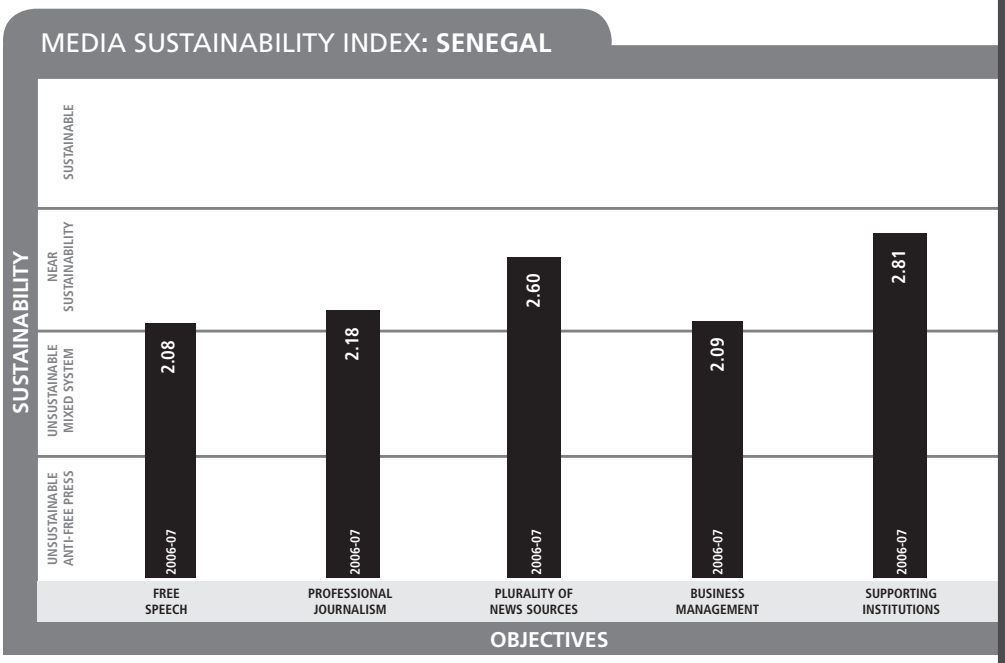
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Senegalese Press Agency

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 650,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Senegal Objective Score: 2.08

Whereas most Francophone African countries with long ruling authoritarian regimes started their democratic reforms at the beginning of the 1990s, Senegal began that process in 1974. This allowed the early emergence of a pluralistic local press. This democratic advance with respect to other countries has always made Senegal look, from the outside, as a country where journalists can practice their profession being muzzled, coerced, or even assassinated, as in Burkina Faso (the Norbert Zongo affair).

However, the Objective 1 score does not really confirm this image. Instead, Senegal appears as a country where journalists may be seriously hampered while doing their job by political and social forces who strongly oppose freedom of the press. According to panelists' scores, this objective showed strength in Indicators 8 and 9, media access to international news sources and free entry into the journalism profession. However, Indicators 2 and 3, broadcast licensing and market entry, lagged behind the other indicators by a little more than half a point.

Article 8 and the following sections of the constitution situate Senegal among the law-abiding countries in terms of freedom of the press legislation, according to Ndiaya Diop with the Information and Communication Professionals' Union (SYNPICS). The freedom of the press is not obstructed at the level of laws, but rather by their application, he asserted. Panelist Pape Cheikh Fall, correspondent of Radio Future Medias (RFM) in Mbacké, said that he was beaten with iron bars by five disciples of a Mourid religious leader as a result of his report on the latter's debut on the political stage in support of President Wade's re-election in 2007. His aggressors were identified but never arrested, he claimed. "The judicial system that is supposed to watch over the observance of the law proves to be repressive when a journalist must be punished but very lenient when dealing with cases of violations of the freedom of the press by the ruling regime and the religious brotherhoods," he concluded.

Bouna Manel Fall, a professor of media law, pointed out that the law does provide some constraints, particularly article 255 of the Criminal Code concerning "false news" propagation, which falls within the competence of article 139 of the Criminal Procedure Code; according to this article the judge must remand any accused journalist.

While the panelists said that access to radio frequencies is generally free, they criticized the application of the legislation that covers broadcast licensing, as it is considered to be inequitable and non-transparent. The Telecommunications and Postal Services Regulatory Agency (ARTP), which is supposed to grant the licenses, is dependent on the Ministry of Information, the panel pointed out. They strongly decried the fact that news organizations that have been recently launched by politicians close to the government, like the News Channel (a television channel owned by Macky Sall, former prime minister and current president of the National Assembly), Ocean FM (a radio station owned by Pape Diop, former president of the National Assembly and anticipated future leader of the Senate), and FM radio station Ann nù (owned by Minister Farba Senghor) were granted licenses in short order, while other outlets not as politically connected have waited years for licenses.

At the time of the panel discussion, ARTP, with the assistance of the Gendarmerie, suspended the license of Première 92.3 FM for 45 days, sealing the premises and equipment. Première FM's owner, Avenir Communications, had just bought Iso Trading Technology, former owner of the frequency 92.3 FM, and Première had started broadcasting on that frequency. ATRP accused Première of operating without a license, saying that 105.9 FM had been allocated to them instead. The panel saw this as another sign of the Ministry of Information pressuring ARTP on licensing matters: Avenir Communications media outlets have, in the past, been critical of the president. Panelists recalled the case of Madiambal Diagne, general manager and proprietor of Avenir Communications, who was imprisoned in July 2004 for "undermining state security," following a state complaint about an article appearing in Avenir's daily newspaper that included information from documents stamped "state secret."

The panelists did not think payment of bribes to ARTP occurs to help acquire a frequency, rather traffic in mutual influence between the state and friends of the state in terms of granting licenses and the subsequent editorial bias at that station.

In terms of nationwide television broadcasting, the state has a monopoly through RTS. RTS2 has been privatized and is now 2STV, although this is only broadcast in Dakar. Panelists seemed to think that owners have entered into direct negotiations with the government to receive forthcoming television licenses. For panelists, proof came when Sidy Lamine Niasse, owner of the media company Walfadjri, recently announced that his group would soon launch its television channel (Walf TV) following an audience he had with President Wade. These direct negotiations are not transparent.

Newspapers require no licensing. To publish a newspaper, one simply declares this to any prefecture administration.

Entry into the market for media companies is free and subject to the same legal framework as any other business. However,

While the panelists said that access to radio frequencies is generally free, they criticized the application of the legislation that covers broadcast licensing, as it is considered to be inequitable and non-transparent. The Telecommunications and Postal Services Regulatory Agency (ARTP), which is supposed to grant the licenses, is dependent on the Ministry of Information, the panel pointed out.

panelists lamented that there is still no preferential tax regime for the press. All companies in Senegal are subject to the same general tax regime. The panelists argued that media is not a business in the traditional sense, as it is engaged in serving the public interest. They believed that media outlets should receive preferential tax treatment over other types of businesses. The panelists speculated that another reason why the media do not receive favorable tax treatment is because the government is aware of their precarious financial situation and are keeping the burdensome tax structure in place in order to undermine private media.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Attacks on journalists are rarely prosecuted, the panelists said. Attacks on journalists and media outlets have become common since the "liberals" came to power in 2000. In 2001, the headquarters of Walfadjri was burned. It is widely suspected that the new regime was behind this act. Under the current regime, journalists—like Pape Sheikh Cheikh Fall—have been beaten by individuals or groups close to the government. Recently in Mbacké, government lawyer Moustapha Cisse Lô, wielding a pistol, and a group of supporters stormed a local radio station in the middle of a live interactive broadcast in response to listener comments against him.

The press does cover violence toward journalists, and has in some cases tried to exact justice in lieu of state action. In the case of Moustapha Cisse Lô, the Information and Communication Professionals Union (SYNPICS) issued a press release, calling on all media outlets in the country to cease coverage of his political activities, and not to invite him to be on their programs. To date, this request is still being honored throughout the country.

In this respect, Bouna Manel Fall lamented the passivity of the general public in Senegal, as opposed to the popular protest demonstrations that took place in Venezuela in 2007 when the regime of Hugo Chavez closed the RCTV in an "authoritarian" fashion.

In discussing preferential legal treatment of public media, panelists mentioned the CFAF 400 million received by the public media from the government for coverage of the 2007 legislative elections. In addition, journalists in the public sector generally have access to information before it is circulated to the private media. Ndiaya Diop head of international relations with SYNPICS, explained that this kind of treatment is inequitable. Racine Kane with Sud FM noted however, that this discrimination is a lesser evil. She said it can avoid compromising freedom of the private media and keep them from becoming politicized as their counterparts in public media.

The leadership of the public media is appointed by the government, and their job security depends largely on maintaining strong relationships with key ministers and others in positions of power within the government. Under these conditions, they are obliged to respect and maintain an editorial line that is largely pro-government.

The Criminal Code continues to criminalize press offenses. The two most common "crimes" are "spreading false news," applicable to a media outlet, and defamation, applicable to both individuals and media outlets. It is difficult for journalists and media outlets to get a fair trial because the judiciary is appointed by the executive branch. The defendant in these cases is the only one forced to produce evidence in support of

an alleged defamatory text or broadcast. In defamation cases, media outlets are sometimes required to pay a fine for lack of evidence, although many cases are dismissed.

Moreover, in some cases brought by individuals, such as powerful businessmen, against a newspaper, one often sees the shadow of the state. One example occurred in 1997 and 1998, when the newspaper *Sud Quotidien* was sued for defamation by powerful businessman and industrialist Jean Claude Mimran, ally of the socialist government and owner of Compagnie Sucrière Sénégalaise (CSS). CSS holds the monopoly on the production and the marketing of sugar in Senegal. *Sud Quotidien* accused Mimran of skirting tariffs, costing the Senegalese economy billions of CFA francs. Mimran won the case.

This trial was very important to the future ability of media to conduct investigative reporting, becoming the trial of the CSS and the state, on the one hand, against Sud Communications Group, on the other. Sud Communications Group claimed to have all the evidence, including customs documents, but they could not show the judge for fear of another lawsuit brought by the state against them for "concealment of administrative documents," and because they did not want to damage the careers of customs officials who shared the documents with the newspaper.

Many journalists have been sent to prison for publishing government documents, the panel pointed out. Even today, when journalists publish "sensitive" articles concerning the state, they are accused of "false news" propagation. There is a project seeking the establishment of a national committee for access to government information to facilitate access to public information. Bouna Manel Fall noted, however, that the law to accomplish this was passed in June 2006, but the respective decree to implement it has not yet been signed. Media professionals consider this law to be very good, even revolutionary. It will, they hope, prevent criminal trials and prison sentences for journalists and improve professionalism. In the past, since journalists have not enjoyed access to public information and documents, they have often resorted to guesswork, leading to both poor quality reporting and defamation suits when they were wrong (and preventing them from proving their innocence when they were right, as in the CSS case).

There are no legal restrictions on media outlets' access to international news. Thanks to the Internet, this is now more accessible. Media also have access to international news agencies, such as AFP and Reuters.

According to the collective bargaining agreement signed by media owners, SYNPICS, and the government, the criteria for obtaining a press card (the professional media credential) are a degree from a school of journalism and drawing at least 50 percent of one's income from the profession. There are also levels of seniority based on years of experience and publications of articles and reports. Lack of a press card does not prevent anyone from covering nearly any event as a journalist.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Senegal Objective Score: 2.18

The score in Objective 2 shows that the media are generally more solid in terms of reporting, the balance between entertainment and news, and the coverage of key events. All indicators were close to, and in most cases better than, the average score. Indicator 5, pay levels for journalists, brought down the average with a score that was a point lower.

According to Racine Kane with Sud FM, "when they work on their reports, Senegalese reporters try their best to get reliable information, although they can be misled by an unreliable source; also it often happens that Senegalese reporters use experts' opinions." But he had reservations concerning the choice of experts on technical issues. He concluded that more efforts must be made to improve the understanding how to choose experts when gathering news.

While news reports are credited as relatively reliable, the profession faces a huge ethical vacuum. "The Senegalese journalism charter is very recent, since 2006, but I would be surprised if anyone among us is familiar with it. Secondly, what editorial team has its own charter, a kind of group consciousness? Not many. We know there are practically no

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

According to Racine Kane with Sud FM, "when they work on their reports, Senegalese reporters try their best to get reliable information, although they can be misled by an unreliable source; also it often happens that Senegalese reporters use experts' opinions."

limits in terms of gifts, privileges, etc.," Bouna Manel Fall declared. Broadly speaking, indeed, there has been no clear effort among media outlets to encourage the establishment of a journalistic code of ethics. This is not an accident, as not all media outlets appear to be serving the interests of democracy.

Moreover, to avoid paying regular wages to their employees, there are media managers who do not look down upon journalists from receiving third-party money for the preparation of reports. Generally, ethical issues, which can be cloudy at times, are left to journalists to decide for themselves because the Council for the Observance of Ethics and Deontology, the self-regulatory body set up by SYNPICS, is dormant for lack of legitimacy. Part of the reason for this is that its members are appointed, not elected, by their peers.

The panel unanimously agreed that self-censorship is a common practice in editorial rooms at both radio stations and newspapers, especially with regard to business and religious issues. The debt that media outlets owe to various businesses was mentioned as sources of self-censorship. For instance, highlighting technical problems and unorthodox commercial practices at SONATEL, the country's main telecommunications company, is an unofficial reason for firing a journalist: a number of media companies have unpaid telephone bills of up to CFAF 80 million.

Touty Séye with Sud FM in Diourbel mentioned that in regions such as Touba, the stronghold of the Mourid religious community, journalists must practice self-censorship concerning issues related to this community to avoid being lynched.

When it comes to stories about government or political matters, the media generally does not engage in self-censorship, except when covering matters involving national security or state secrets. For example, in 2005, Sud FM journalists were imprisoned after broadcasting an interview with separatist leader Salif Sadio, who fought for the independence of Casamance, an area in southern Senegal that has been the scene of an armed rebellion since 1982. The interview was described by the Ministry of Interior as undermining state security.

As a general rule, the media cover the country's key events, but only private media reports both sides of an issue. For example, public media coverage of a recent demonstration against enduring and repeated power cuts across the country focused only on the government perspective (and coverage was pro-government), while the private media also covered the protesters' point of view. However, as mentioned in the case with Sud FM and its interview with Salif Sadio, on matters of national security, the government has taken actions to deter journalists from covering certain key issues.

The economic and financial crisis affecting most private media companies forces many owners to provide low—according to the panelists—salaries to some journalists and no salaries at all to others. That is a source of corruption. Touty Séye asserted that a low salary is not necessarily a source of corruption, given that numerous editors-in-chief and publication managers are corrupted in spite of their relatively high salaries.

Speaking about the balance between entertainment and news, the panel indicated that there are differences according to each media outlet's policy. In the 9 pm to 12 pm primetime, newscasts come first in the Sud FM schedule, whereas entertainment is paramount on Walf FM, panelist Ndiaya Diop noted. In general, both public and private radio broadcasting is a mixture of information and entertainment. The panel lamented an excess of entertainment programming on RTS1 television.

There are pages in newspapers or broadcasts dedicated to issues such as health, economy, trade, and environment, and written by professional journalists, but these are often overshadowed by the political section. Also, newspapers that do cover more hard news are more expensive than other papers that focus on less important issues, and are therefore losing out to the cheaper competition. In Senegal, Latif Coulibaly, a journalist with Sud Communications Group and director of the Higher Institute of Information Sciences and Communication (ISSIC), is the only investigative journalist. His many books on corruption in Senegal won him, in 2006, a distinction from Transparency International.

The panel estimated that the newsgathering, production, and distribution facilities and equipment are relatively modern. However, two problems were mentioned. One is the proximity of numerous frequencies often affecting good reception (examples mentioned included Sud FM and Océan FM). The other was the strong disparity between Dakar and the regions. For instance, the regional correspondents claim that they are not as well equipped in terms of means of transportation for news gathering as are their colleagues in the capital.

OBJECTIVE 3: PLURALITY OF NEWS

Senegal Objective Score: 2.60

The only problems identified with respect to Objective 3 were balance at the state media and the lack of transparency regarding private media ownership. Indicators 3 and 6, therefore, were the lowest in the Objective by a significant margin. However, several indicators showed strength, including those gauging the amount of news sources, access to the media, and operation of news agencies. In particular, Indicator 5, private radio news production, scored noticeably higher than the average.

The panel noted that Senegal now enjoys a plurality of media sources. However, they pointed out that apart from the public media, radio stations are confined to urban areas, lacking the power necessary to cover the entire country. Installing community radio stations in the rural areas is a viable solution in theory, but most villages cannot offer sufficient financing or potential sources of revenue to support a station. Print media readers are generally in the cities, but readership is limited due to economic constraints on the average citizen. Print media outside of the cities is a less important source of news and, as Timéra with AFIA FM said, daily newspapers may take 24 hours to get to Bakel (in northern Senegal) it is very far from the capital and there is no modern distribution service for the press.

Because of the low literacy rate, the Internet is only accessible to a small minority of educated people. Furthermore, Touty Sèye with Sud FM in Diourbel noted that connectivity is poor in rural areas.

Panelists concluded that citizens' access to national media is limited only for economic, and not legal, reasons. The panelists also saluted the free access to foreign media. "RFI broadcasts freely here, this is not Guinea," Ndiaya Diop boasted. Voice of America and the BBC also retransmit some of their programs on local partner stations.

On the other hand, the panel was not impressed with the functioning of the public media, accusing them of covering the president exclusively. The major problem, according to the panelists, is RTS television. According to Amadou Kah, "the Senegalese television is a catastrophe; there is no equivalent in West Africa other than Mali." "The current general director of the RTS television continues to be the head of the state's communication advisor," said El Hadji Ndiaye, RTS correspondent in Mbour, trying to explain this situation. Viewpoints that go against official government policies and actions are virtually absent from state media. While there is no explicit policy on omitting opposition views, media officials who are appointed by the government almost automatically follow a black-out policy on opposition views, particularly before elections. This has been the case since the country's independence in 1960. The public had hoped that this pattern would change after the regime change in 2000, but this has not been the case.

There is only one national press agency, the state-run Senegalese Press Agency. The panel credited it with real professionalism and neutrality. Panelists added that there is a working partnership between the media and the international press agencies. Even though it has happened that local newspapers have used an AFP dispatch without "sourcing" it, as a general rule the press agencies always quote their sources.

Private radio stations produce their own newscasts, the panel pointed out. Ndiaya Diop said that the press insists so much on producing their own shows that Sud FM radio refuses to "accommodate" RFI programs despite constant requests offering financial considerations to do carry their programming. This refusal, he said, is justified by Sud FM's desire to protect its identity. In reality, Ndiaya Diop added, RFI realized that it ranks first in audience share in all the African countries where it broadcasts except Senegal and that it needs to go through a successful radio station in order to increase its local audience.

Media ownership is generally characterized by relative opacity, the panel noted. Bouna Manel Fall said that research on the ownership of communication companies has always come up against a total lack of disclosure. Racine Kane

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

recognized that journalists are the only ones who have a more exact idea about the identity of the communication companies' main shareholders. The general public ascribes ownership of the Sud Communications Group to Babacar Touré, that of Walfadjri to Sidy Lamine Niasse, but informally, Bouna Manel Fall detailed. The panel commented that knowing the identity of a media owner affects the credibility of the news. Therefore, they said, Sud's credibility capital is immeasurable, unlike that of a radio station or newspaper unofficially ascribed to Farba Senghor, a minister in the current government.

The journalists on the panel said that, with the exception of the RTS television, issues of social interest are generally covered in the broadcast media, including relevant cultural issues important to the various ethnic groups in the country. Amadou Kah, professor of administrative law at Gaston Berger University, did not share this view. Rather, he felt there is excessive political coverage in the media, that they only reflect the feuds among the politicians. He invited the press to address issues that really carry an interest among the population.

Radio stations make an effort to broadcast in different languages. In addition to Wolof broadcasts, there are also transmissions in Pulaar, Diola, Serer, Mandingo, and other languages spoken in the country. Newspapers are primarily written in French, although there have been unsuccessful attempts in the past to launch newspapers in other local languages, particularly Wolof. However, there is little government support for honoring diversity and reporting in different languages, as a policy of national unity has been in effect since the country's independence in 1960.

OBJECTIVE 4: BUSINESS MANAGEMENT

Senegal Objective Score: 2.09

This objective shows that all the media companies face highly significant economic and financial constraints compromising their editorial independence. Overall, the panel concluded the more they use marketing as a means of development, the more solid they can become. In this objective, all indicator scores hovered near the average.

The panel pointed out that all media companies are unprofitable. One of the reasons mentioned by Ibou Lissa Faye with *Sud Quotidien*, speaking about the print media, is that—apart from the low readership—the cost of producing one copy is CFAF 250, while its cover price is CFAF 200. In the case of radio, Touty Séye added, a station's profitability depends on the market where it is located. Thus, the radio station where she works in Diourbel is unprofitable compared to the stations based in Touba, a city with a high economic potential.

Many media outlets find themselves in poor condition financially because their management does not have the proper skills to run a business. Some private outlets have begun recruiting leaders with marketing and management expertise, and this in turn is putting pressure on public outlets to improve their management.

The panel commented that the media companies are financed by their shareholders, advertising, sponsorships, and sales of copies for print media. Some media companies have managed to land CFAF 50 million per year advertising contracts with Orange, SONATEL's cellular branch. This affects their independence. For instance, the panel told the story of how Orange recently forced RFM radio to rectify an unfavorable piece of news using the contract signed with this station as a basis for blackmail. In fact, in order to confront their economic and financial constraints, the media companies appeal more and more often to shadowy sources of financing, such as politicians, businessmen, and other lobbies, in exchange for favorable coverage.

The panel pointed out that in Senegal the advertising market is on the order of CFAF 10 billion per year. It is considered significant, but Ndiaya Diop raised the problem of distribution: between CFAF 4 and CFAF 5 billion is directed to RTS (both radio and television), CFAF 1 to CFAF 2 billion to Hors Média, and the rest to the private media. Furthermore, there is still no advertising agency, which would help smaller media access advertising. Advertising, which is officially the main source of funding for media, is directly negotiated

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

between advertiser and media company. Each medium has its own rate cards. Advertising is not allowed on community radios, which is a tough blow to their finances.

Bouna Manel Fall stressed that in terms of advertising time, there is no limit or quota policy as in France, where the law imposes a six-minute per hour advertising period on the radio. Ironically, here, in Senegal, he specified, a radio station can air commercials for 24 straight hours without objection. With respect to the print media, he noticed that the editorial space of *L'Observateur* has diminished to the benefit of advertisements. However, Ndiaya Diop mentioned that there is a 1983 law setting the advertisement space to a quarter of a page, but it is not observed.

According to the panel, the state offers CFAF 300 million per year to private print and broadcast media. To access this assistance, the media must apply or submit an application to the Ministry of Information. This does not affect editorial independence. This is proved by the fact that, when the head of state refused to release these funds in 2007 under the pretext that he would not finance journalists who insult him, all journalists mobilized to successfully oppose this stance, saying that the aid comes from the Senegalese taxpayers and that it is the result of a law voted by the National Assembly.

The panel lamented that the granting conditions of these funds are not transparent, to the extent that completely fabricated or marginal media companies benefit from it without observing the previously set criteria. This hurts legitimate, reputable media companies, such as Sud Communication Group. For example, *Wal Fadjri L'Aurore* consistently places as the highest circulating daily paper of more than 12 pages and selling for CFAF 200; it receives a subsidy of CFAF 7 million. A paper like *Le Courrier*, which in the same category is second to last in circulation, receives CFAF 8 million. Similar examples exist in the radio sector as well. This issue is being challenged by some in the industry.

In terms of using market research to establish strategic plans, improve advertising receipts, and personalize their product according to the needs and interests of the audience, the Senegalese media appeal regularly to commercial polls, the panel pointed out. In Senegal, the BDA Institute conducts surveys on the media through street and phone polls. These polls are primarily used by newspapers for commercial purposes, such as establishing advertising rates, and applying for foreign funding. That is how, according to Ndiaya Diop, Sud Communication Group won CFAF 150 million worth of American financing to cover the local elections.

The panelists mentioned that the media companies, by means of the BDA Institute, regularly produce reliable statistics based on radio listening indexes and newspaper runs.

> *The panel pointed out that all media companies are unprofitable. One of the reasons mentioned by Ibou Lissa Faye with* Sud Quotidien*, speaking about the print media, is that—apart from the low readership—the cost of producing one copy is CFAF 250, while its cover price is CFAF 200.*

However, Yacine Diouf of the newspaper *Le Matin* doubted their reliability. "Some newspapers announce publicly that they print 10,000 daily copies in order to attract advertisers whereas they actually print 5,000," she said angrily. To support her claim, Diouf informally surveyed the workers at the company print shop, who indicated that circulation levels are lower than the newspaper's advertised statistics.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Senegal Objective Score: 2.81

The Senegalese media show the highest level of vitality with respect to this particular objective. The professional associations for journalists and those supporting the freedom of the press are credited with creating a dynamic media sector. The best scoring aspect of this objective was Indicator 4, covering academic journalism programs. However, the press publishers and owners are the only ones outside this dynamic, and Indicator 1 scored more than a point lower than the average.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

A Press Publishers' Association was created in order to help to unite the business associations of publishers and distributors. Yet the panel indicated that it is dormant because its members cannot work together. This failure illustrates how difficult it is to set up an association in this environment. In 1999, trying to confront the increase in newspaper prices, the Sud Communication Group, Walfadjri, and the government daily newspaper *Le Soleil* created a trading association so they could purchase supplies in bulk at lower prices. This experiment also failed.

On the other hand, the panel pointed out that there is supportive climate in terms of professional associations protecting journalists' interests. Such associations include SYNPICS, the most important press union in the country. This union frequently works to secure the release of journalists who are detained unjustly. In July 2004, their efforts expedited the release of Madiambal Diagne, jailed for "undermining state security." In 2006, when Pape Cheikh Fall of RFM radio was attacked with iron bars by followers of a cleric, SYNPICS supervised the filing of a complaint against his alleged attackers.

According to Bouna Manel Fall, ever since Diatou Cissé became the union's chairman, one of SYNPICS's strengths, apart from its role protesting against the state and the media owners, is its training of regional correspondents, who do not normally have access to training sources. SYNPICS is also lobbying the government to change laws unfavorable to journalists, particularly those that criminalize of press offenses. The panel indicated that other associations such as the Young Reporters of Senegal Convention, the Political Journalists' Network, the Cultural Journalists' Network, and others are also providing training despite their limited means.

Among the NGOs working with journalists to support the freedom of speech and media independence, the most active are The Panos Institute for West Africa, Amnesty International, the Friedrich Ebert Stiftung, and the Konrad Adenauer Stiftung. Their role is considered to be positive, particularly in terms of organizing training seminars for journalists. Other organizations are also participating in the defense of journalists. The African League of Human Rights and Peoples' Rights and the Civil Forum have all mobilized their membership in defense of jailed journalists in the past.

With respect to the programs provided by training institutions, the panel commented that the Center for the Study of Science and Information Technology (CESTI), a state institution, and ISSIC, operated by the Sud Communications Group (the only press group owning a school) offer acceptable degrees of journalism given the scarcity of their resources: CESTI only receives CFAF 65 million per year from the state, a panelist lamented. The programs from CESTI and ISSIC provide theoretical and practical training. ISSIC has the distinction of having students who are already carrying out some activities journalism. Both schools are well regarded in the country. The only concern in terms of training was that, in the context of an increasing demand for journalism training, some institutions offer their help without actually having the competence to give it.

For non-academic training, apart from training seminars financed by NGOs, the panel noted another opportunity: in-service training within the state aid for the press program. In 2005, CESTI and HIICS each received CFAF 30 million from the government to train 40 journalists each. The problem noticed by the panel was that such training was provided for only one month. Moreover, the training certificates granted were used by their beneficiaries to request promotions and salary raises, which generated work conflicts with the press owners. The owners thereupon started to refuse the journalists' leave applications to attend trainings.

Altogether, in-service training is very important to improvement of the journalism profession. According to the book *Miseries of the Press* (2001) by the former editor of the government newspaper *Le Soleil*, El Hadji Kassé, up to 95 percent of journalists are trained "on the job."

Speaking about newspaper distribution and printing houses, the panel pointed out that they are not restricted, while not being completely apolitical. Apart from Graphisol, the printing house of the government-owned daily newspaper, *Le Soleil*, there are private printing houses such as Tandian Printing. The panel specified that the only reason for refusing to print a paper could concern any arrears of payment and not its contents. No private printing house is subsidized by the state to the best knowledge of the panelists.

Regarding print distribution services, there is the Press Distribution Agency, that the government had shares in for a long time, and Marketing Press belonging to the Sud Communications Group. According to the panel, there is no discrimination here either. Given the geographical distance and due to the slowness of transportation, a newspaper appearing in Dakar will be read in Kolda, a town in the South of the country, the next day at 6 pm.

Ndiaya Diop pointed out one new phenomenon: the appearance of yellow kiosks (color of the ruling party) belonging to Minister Farba Senghor, who launched his own media group. This includes the newspaper *Express News* and the radio station Ann nù FM. But this new kiosk network does not discriminate in terms of selling newspapers, however vehement the tone they might take with respect to the authorities.

List of Panel Participants

Racine Kane, journalist and newscaster, Sud FM, Dakar

Yacine Diouf, economic department head, *Le Matin* Newspaper, Dakar

Ndiaya Diop, head of international relations, Information and Communication Professionals Union, Dakar

Abdoulaye Timéra, journalist, AFIA FM Radio, Dakar

Bouna Manel Fall, professor of media legislation, Information and Communication Sciences Center, Dakar

Amadou Kah, professor of administrative law, Gaston Berger University, Saint-Louis

Touty Séye, regional correspondent, Sud FM, Diourbel

El Hadji Ndiaye, regional correspondent, RTS, Mbour

Pape Cheikh Fall, correspondent, RFM Radio, Mbacké

Latif Mbengue, director, SIFE NGO, Dakar

Bacary Dabo, economic journalist, *Sud Quotidien*, Dakar

Ibou Lissa Faye, journalist, *Sud Quotidien*, Dakar

Moderator

Mor Faye, professor of sociology of the media and communications, Gaston Berger University, Saint-Louis

The Senegal study was coordinated by, and conducted in partnership with, PANOS Institute West Africa, Dakar.

As the MSI assessment clearly shows, the international attention that Sierra Leone received helped lead to a commitment by the then-ruling Sierra Leone People's Party (SLPP) to promote free speech and freedom of the media. Except for a few cases, the media became free to write or say anything about the government.

SIERRA LEONE

OVERALL SCORE: **1.95**

Sierra Leone has undergone profound social, economic, and political changes over the last 15 years. After one-party rule, characterized by tribalism, nepotism, widespread corruption, and political harassment, Sierra Leone was plunged into what the UN described as the most brutal civil war on the continent of Africa. During the war, which started in 1991 and lasted for 11 years, thousands were killed or lost limbs to amputation. Many thousands more fled into exile in neighboring countries. The socio-economic fabric of the country was destroyed completely.

Today, Sierra Leone has to rely on donor support, in the form of direct budgetary support, for more that half of its recurrent expenditures. The nation's productive capacity is destroyed. Direct foreign investment is almost non-existent. To raise domestic revenue to meet donor requirements, the government has resorted to increasing the tax burden on the few, mostly Asian-owned businesses, which have then passed the burden on to the average Sierra Leonean.

By the formal end of the war, the media had become one of the most high-profile casualties. Journalists were divided, with some openly supporting the rebels, the government, or the remnants of the defeated Sierra Leone army. Some journalists fled abroad. Newspapers were replete with journalist-on-journalist squabbles. As a result, journalism was overtaken by petty infighting. High school drop-outs became journalists and editors overnight on newspapers set up by faceless and unscrupulous politicians to settle scores or project their images for political appointments or lucrative government contracts. The media lost whatever credibility it had. To the ordinary citizen, the message was no longer credible if the messenger was a journalist.

However, in the years following the war, a lot of work has been done to restore the image of Sierra Leone journalism, ranging from physically rehabilitating media institutions to training the personnel. As the MSI assessment clearly shows, the international attention that Sierra Leone received helped lead to a commitment by the then-ruling Sierra Leone People's Party (SLPP) to promote free speech and freedom of the media. Except for a few cases, the media became free to write or say anything about the government. The panelists reflected progress here, by giving their highest score (2.31) of the five MSI objectives to Objective 1, freedom of speech.

Many newspapers are published on a daily basis and community radio stations have come on air. International interest in the media as a tool to check the excesses of government and its agencies has increased support for media development. That created more news sources, although the professionalism of journalism suffered badly as the nation now had to contend with a flood of people who found their way into journalism in their search for jobs or to fulfill a politician's agenda. Even weaker are the business skills of media owners, leading the panel to deliver their lowest score (1.34) to Objective 4, business management.

SIERRA LEONE AT A GLANCE

GENERAL

> **Population:** 6,165,000 (Statistics, Sierra Leone 2005 est.)

> **Capital city:** Freetown

> **Ethnic groups (% of population):** 20 African ethnic groups 90% (Temne 30%, Mende 30%, other 30%), Creole (Krio) 10%, refugees from Liberia's recent civil war, small numbers of Europeans, Lebanese, Pakistanis, and Indians (*CIA World Factbook*)

> **Religions (% of population):** Muslim 60%, Christian 10%, indigenous beliefs 30% (*CIA World Factbook*)

> **Languages (% of population):** English, Mende, Temne, Krio (*CIA World Factbook*)

> **GNI (2006-Atlas):** $1.357 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $850 (World Bank Development Indicators, 2007)

> **Literacy rate:** 35.1% (male 49.6%, female 24.4%) (2004 est., *CIA World Factbook*)

> **President or top authority:** President Ernest Bai Koroma (since September 17, 2007)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print outlets 33, Radio stations 47, Television 1 (*Independent Media Commission*, 2007)

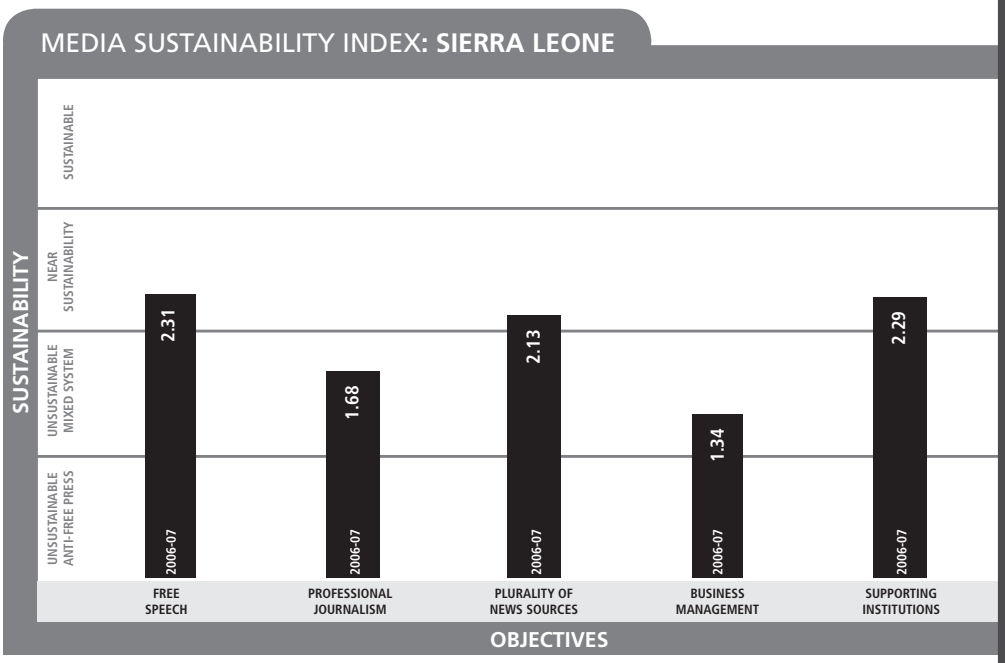
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** Sierra Leone News Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 10,000 (2005 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Sierra Leone Objective Score: 2.31

Panelists rated the first four objectives close to the final average. However, their scores for Indicators 5, 6, and 7 show that several details still need to be worked out to make further gains in this objective. These indicators cover preferential legal treatment for state media, libel laws, and freedom of information; the last one scored more than a point below the average. However, panelists appreciated the freedom of media to access international news sources and the lack of restrictions on entering the journalism profession, and rated Indicators 8 and 9 more than a point higher than the average.

The laws of Sierra Leone and the 1991 Constitution, largely modeled on the United States Constitution, promote free speech. Section 25 (1) guarantees the freedom to express views and impart knowledge. In section 11 of the Constitution, the media is obliged to "… uphold the fundamental objective contained in this Constitution and highlight the responsibility and accountability of the government to the people." Panelists largely agreed that the common law and the Constitution provide enough guarantees for the promotion and protection of free speech in Sierra Leone.

However, there exist a number of inhibiting common law provisions brought over from the period of British colonial rule, contained in the Public Order Act 1965, which the government could invoked against the media; this includes criminal libel provisions. The panel agreed that even though there are other Constitutional and legal instruments curtailing media freedom, governments in recent times have refrained from using them except in few cases.

Generally, there is very little public sympathy, however, for media practitioners in cases of infringement of press freedom guarantees. Cases receive wide coverage from both radio and television, at least in Freetown, principally because they impact the media. Outside of the capital there is hardly any knowledge about cases of infringement.

Dennis Nelson Streeter of the media advertising agency Media Magic pointed out, however, that "the reality on the ground [regarding media freedom] shows a lot of progress from what we used to know about the media, especially with the advent of community radio stations …. In terms of the libel and malicious provisions, we also know that there is another school of thought, which believes that there is still a lot of irresponsible journalism around and there has to be some check to ensure some maturity is shown."

In 2000, the government set up the Independent Media Commission (IMC) in consultation with the Sierra Leone Association of Journalists (SLAJ) to oversee registration of media organizations and regulate content. In the past, this was the responsibility of the Ministry of Information and Broadcasting. The establishment of the IMC was the result of years of agitation by journalists at home and abroad and a botched attempt at introducing the so-called Media Practitioners Act and the Newspaper Registration Act of 1997. Both acts provided for university qualifications and practical experience for editors and reporters. Parliament passed both bills but the president refused to sign them into law.

The IMC has received wide-ranging powers from the outgoing parliament, including strengthening its powers to suspend publications. Because of lacking expert personnel capacity, the work of the IMC is limited to Freetown, meaning that it cannot regulate more than 20 radio stations outside the capital. In Freetown it deals with complaints about taste and decency issues regarding both private and state media that are formally reported to it from both the public and government. In court cases it becomes involved only to testify that a particular media organization is duly registered. However, the IMC may decide petitions on its own, and has recently received statutory powers to levy fines. This does not, however, prevent the aggrieved parties from seeking redress in court. Indeed, in the Paul Kamara case (described below), former President Kabbah petitioned the IMC, won the case there, and then proceeded to the High Court.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Panelists agreed that the IMC has been largely fair in doing its job to date, particularly in the registration of broadcast media. Sallieu Kamara, of the NGO Network Movement for Justice and Development (NMJD), which operates a community radio station in Kenema, noted that "… some radio stations started broadcasting before even applying for licenses, but they were never stopped. Rather they were asked and encouraged to regularize their license application and they continued broadcasting. So I think that is a very big plus."

Other panelists were concerned that a few radio stations appear to enjoy special privileges. David Tam-Baryoh, of the Center for Media Education and Technology, said that such developments ought to be taken seriously: "An individual applies for a commercial license and it is not given. But eight months down the line, you just wake up one morning and you hear a political radio and they [the operators] say they have applied, they have got their license and their frequency. On the whole … it is open. But sometimes, when the times are not normal, which maybe happens in any society, you discover that they are swayed by political considerations."

Joshua Nicol, of Initiative for the Mobile Training of Community Radio, argued that for the IMC to be fair to everyone, "frequencies should be auctioned … nobody should hold a broadcast license till kingdom come … The idea is to ensure that people who have the competence and the resources to go into the business of broadcasting are the ones that are issued with licenses."

According to statute, the commissioners of the IMC are appointed by the president on the advice of the SLAJ and then approved by Parliament. Despite this, there have always been arguments about the political neutrality of the commissioners once they are approved by Parliament. The media, however, more or less contends with the IMC because it serves as a bulwark against direct government regulation.

The panel noted that registering a newspaper normally takes less than two weeks from the date an application is made to the IMC. It costs less than $50 in fees, and this accounts for the almost daily increase in the number of newspapers on the streets of Freetown. To set up a media business, the proprietor must register a company with the Registrar General's Office. This involves paying income tax and other registration expenses that are separate from the IMC registration fee. For radio and television stations, the proprietor also pays an annual registration fee of not less than $1000 to the National Telecommunications Commission in addition to the other fees.

Taxes are a very serious issue in Sierra Leone. The government is required to collect an agreed amount of money to be able to attract matching funds from international donors. However, the panel agreed that media organizations have found a way of evading taxes. Lawyer Mohamed Pa Momoh Fofanah said he was disappointed that the media is not doing its part. "In all honesty, in response for free speech, there is also an obligation to show some responsibility by being fair with the system. A lot times … people do not pay tax at all or they ignore it." Mohamed Samoura, director of the Sierra Leone News Agency, made the same argument: "Most of our media institutions are not well established and managed. You go to most of these media houses, it is just the editor or sub-editor … They do not have a system so how can you impose taxes on them? If you impose taxes, the journalists will say they want to muzzle the press."

For Streeter, the problem is that the country's tax system "is very weak in terms of tax collection. Tax evasion is one of the simplest things in Sierra Leone." Panelist Mariama Khai-Fornah added, "Another thing is that most journalists do not receive salaries … How can the community be supporting the government or the state when the community is supporting the radio? Most community radio have volunteers. They do not have paid staff."

Except in the war years, when journalists were deliberately targeted by all the fighting factions, including the government army, the panel was unanimous that crimes against journalists are very rare in Sierra Leone now. The killing of journalists during the conflict was prosecuted together with all other war crimes and crimes against humanity in the UN-backed Special Court for Sierra Leone.

One unresolved case involves a journalist with the private *For Di People* newspaper, Harry Yansanneh. He died in the hospital several weeks after a May 2005 fight with the children of the paper's landlord, Fatmata Hassan, member of parliament with the former ruling SLPP. Hassan's children were attempting to evict *For Di People* from a building housing more than 20 newspapers. The MP's children fled abroad and, although a coroner's inquest indicted all three children and Hassan for involuntary manslaughter, there has been no further action. Hassan has lost her seat in parliament and is out of the country, and there appears to be no will to pursue the matter vigorously. Journalists in Sierra Leone believe that *For Di People* was being singled out for its critical stance and, at the time of this incident, its editor Paul Kamara was in prison.

There was no disagreement among panelists that state media enjoy absolute legal immunity. There is no record of the Sierra Leone Broadcasting Service (SLBS) being sued even for the most unprofessional conduct. Fofanah suggested the bias in favor of the state official stems from the fact that "the government will find a way to block anyone with a case against the state media. But when they have a case against

you it goes easily." State media are also free from paying all taxes to the IMC and have exclusive access to the State House as the only media organization accredited to cover the work of the president at home. However, state media's editorial independence is not guaranteed by law. The very structure of the organization makes it difficult for it to be independent. The director is appointed through normal civil service procedures. Invariably, the government of the day must be pleased with whoever becomes director.

In Sierra Leone, libel is both a civil and a criminal issue. Sometimes, public officials have pursued both options. In one case, involving *For Di People* editor Paul Kamara and the former president of the Sierra Leone Football Association, Justice Tolla Thompson, the latter sought both options. Kamara accused Tolla Thompson, who was also the president of the Appeal Court of Sierra Leone, of corruption in the management of the football association and of holding the office in contravention of the Sierra Leone Constitution of 1991. Kamara was convicted and jailed for six months in a criminal trial. Later, the high court granted Tolla Thompson damages of $30,000 in a civil trial. The most recent case, in 2004, again involved *For Di People*. The editor was accused and found guilty of defaming former President Alhaji Ahmad Tejan Kabbah and served 13 months of a two-year sentence before being freed on appeal.

Juries are not included in such trials and the burden of proof rests with the accused, panelists noted. Even then, proving truth is not always a successful defense, according to Fofanah. Panelists argued for a total repeal of the criminal libel laws. David Tam Baryoh of the Center for Media Education and Technology added, "For the fact that they [the criminal libel laws] are not being [overly] utilized does not mean that they are not in the law books …. While we accept what exists now because of democratic tolerance, we must also attempt to look back and say, these laws could be used by a bad leader." Since 2002, SLAJ has engaged the government in discussions to have criminal and seditious libel provisions repealed. These efforts are still on-going.

The Constitution is silent on the specific issue of access to public information, and there was very little discussion about the issue. The panel concluded that public information definitely was not easily available to any person or organization, public or private. Government officials often hide behind the Official Secrets Act, another colonial legacy used as a tool to stonewall journalists, panelists said. In the last two years, a freedom of information coalition involving many civil society organizations and the SLAJ has been lobbying parliament to enact a freedom of information law. The document received thousands of signatures across the country but had not come before parliament by the end of President Kabbah's government. In his maiden speech to parliament, the new president, Ernest Bai Koroma, made no mention of the issue, merely asking the media to be "more responsible."

There is no restriction on accessing and using foreign news from any source. There is no record of the government attempting to control access to foreign news. People are only restricted either because they do not know where to find it or have no money to pay to access it, panel members said.

After the former government failed in its attempt to push through the Media Practitioners Act and the Newspapers Act of 1997, both of which required editors to hold university degrees backed by substantial hands-on experience, there has been no official attempt to restrict entry into journalism. A former minister of information from the recently defeated government, Julius Spencer, was the main proponent of the idea of opening up the field to all. He argued that there was no educational qualification required to practice freedom of speech. Fofanah said, "There is a difference between free speech and journalism. When it comes to journalism, it is a profession that we must respect. That is why we have laws against reckless writing, defamation, or what have you."

Recently, even some journalists have complained that their profession is being invaded by quacks and have advocated for academic requirement to be included for membership in SLAJ and other affiliated bodies such as the Reporters Union of Sierra Leone.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Sierra Leone Objective Score: 1.68

Panelists were critical of the quality of journalism in Sierra Leone. In particular, they rated Indicators 1 and 8, reporting is fair, objective, and well-sourced and niche reporting poorly, just above 1. Indicators 4 and 6, journalists cove key events and entertainment news balance fared the best, but only Indicator 4 barely exceeded a score of 2.5.

Fair, objective, and well-sourced reporting is one of the most problematic areas in Sierra Leone journalism. A major problem in Sierra Leone, even among some senior journalists, is how to draw a line between news and comment. The two mix freely and, in too many cases, journalists fill their pages with highly opinionated, one-sided stories, panelists said. While there are examples of quality journalism at a few outlets, panelists felt that these are "a drop in the ocean."

It has taken a long time to agree on a set of ethical standards, but in late 2007 an ethics code was agreed to in cooperation with the IMC. The code is very much in line with international

standards, but enforcing it remains a challenge. Even a much-trumpeted code for election reporting introduced for the last general and presidential elections was widely violated with no consequences. Sallieu Kamara of NMJD admitted, "I do not think editors are doing much to stop this … because they know that reporters are doing something unprofessional …. These people are not paying reporters well … the ID card is your tool to go out and fend for yourself."

Mohamed Samoura, managing editor of the Sierra Leone News Agency (SLENA), said ethics violations are more "prevalent among newspapers," and Joshua Nicol made that case that "It's a whole culture thing … you become 'aculturized' … it cuts across all ages and levels of professionalism…."

Self-censorship is also a problem. "We in the government media normally practice self-censorship because you may want to keep you job … you have to go by the dictates of your principals and as a government journalist, there are certain things you cannot report," said Samoura. Sallieu Kamara, who for many years worked as editor of *For Di People*, thinks that even so-called private newspapers are guilty. "Sometimes you look at the story and look at the person behind the story. That person might be your friend … or because of the support you've been getting from the people involved in the story, you decide to just shelve it."

With their limited capacity, such as lack of enough well-trained personnel and operating funds, the media are restricted in the number of key issues they can cover, panelists said. Events taking place outside the capital are largely ignored or are covered from the perspective of the organizers, who often spin the coverage. Most coverage outside the capital concerns NGOs opening a new school or fighting cholera in a remote rural community. There are a number of secret societies, the activities of which are virtually taboo for the media. The relevance of these bodies and their impact on governance at the national level should be noted, panelists said. Politicians are known to openly flaunt their membership in these societies to win votes.

David Tam Baryoh said a problem occurs when "the government will be concerned, for example, about the rights of children. Then they [secret society groups] take a three-year-old boy to a society, [the initiation] has an adverse effect on the child's health and the government wants to come into that based on media reports. It is going to clash with that society …. On the side of the media, a reporter could be warned by his editor to go slow on such matters. Even when the media report such matters, they are not consistent to effect change. We lack follow up mechanisms. It appears time is not on our side and we practice fire brigade journalism: get in and get out as soon as possible." Sallieu Kamara added that avoiding coverage of secret societies is not laid out in any policy "but there are sensitive issues when you cover them [and] you should be ready to face problems."

State media journalists are paid but very badly. Williette John, managing editor of *Salone Times* newspaper, called salaries "outrageous." The average pay is $50 per month and only a handful of media outlets actually pay a salary. The rest of the media pay absolutely no money to their staff and that impacts negatively on what passes off as news on a daily basis. Media owners expect journalists to make a living once they receive accreditation in form of an identity card. It is customary in Sierra Leone for a journalist to receive money for covering a news conference or taking part in a media training project. Also, journalists who interview politicians and business executive customarily receive transportation and gifts. SLAJ only frowns on such gifts and payments made as a precondition for reporting. In community media most of the staff are local volunteers who supplement their income by working for local NGOs or as teachers. In these circumstances such reporters find it difficult to meet deadlines or perform painstaking investigations that produce critical stories.

"When some information is leaked to some reporter, instead of going on to write the story, the reporter will take the document to the person concerned and that person will give them money," said Sallieu Kamara. "The sources of the leak would now be scared to continue. It is really happening, let's not fool ourselves." "Local journalists practice what is called attack-collect-defend-collect journalism. They are paid to attack politicians or business rivals and they are employed and paid to defend them again," said Joshua Nicol.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

There is no guarantee that people will get the news when they need it. More often than not, on radio stations that broadcast news at all, the news is late or completely absent. The majority of the radio stations carry no news at all. Newspapers are almost always late. Recently, a helicopter crashed at the international airport, killing Togolese nationals returning home from a football match in Freetown. Because it happened at 8 pm, most papers reported the event 48 hours later. In the absence of the capacity to be up-to-date with the news, entertainment takes over, panelists said.

The two dozen community radio stations located in the rural areas of Sierra Leone are equipped with reasonably modern broadcast facilities provided by foreign donors. Although appreciated, this also creates a problem: most of the local journalists using the equipment are coming in contact with it for the first time. Should that equipment be damaged or improperly maintained, replacing it will be difficult, if not impossible. State radio and commercial stations have very old equipment, panelists said, and the newspapers face an even worse situation.

The panel concluded that there is no evidence of niche reporting. Most journalists are generalists, trying to do everything, and there are no foundations promoting excellence in journalism that would have inspired specialization, the panel agreed. While there are a few existing associations for specialized journalists (see Objective 5), and from time to time these journalists try to produce good quality reports in their niche areas, they are nonetheless limited by the lack of training and experience.

As mentioned previously, Sierra Leone has an intricate web of secret societies that are taboo areas for journalists. Their interaction and influence on governance would be a good area for investigative journalism, but exploring that topic could lead to self-destruction.

OBJECTIVE 3: PLURALITY OF NEWS

Sierra Leone Objective Score: 2.13

Panelists scored indicators in this objective varyingly. Indicators 3 and 4, state media represent the political spectrum and independent news agencies, equally low, more than a point less than the average. On the other hand, Indicators 5 and 6, private broadcasters produce their own news and transparency of media ownership, scored noticeably higher.

Coverage in both print and broadcast is normally restricted to a media outlet's area of operation. For newspapers, Freetown is the main market, despite the fact that some efforts are made to cover issues outside the capital. No newspaper maintains an active bureau in rural areas.

Normally, one journalist covers an event and syndicates it to several newspapers. Sometimes, newspaper copy is transcribed from news carried on radio stations. Mariama Khai Fornah, producer with Eastern Radio in Kenema said, "We have evidence that some journalists working for the print in Kenema copy news from our programs and send it to their newspapers in Freetown. The only thing wrong with that is that they never credit our station." The radio stations broadcast news from their operational areas and frequently copy international news from international broadcasters' websites and air it without crediting the original source, panelists said.

The panel agreed that Freetown residents have a larger choice of radio stations. All newspapers are produced in Freetown and only about 15 percent of the population actually reads them. Radio is the most popular source of information in Sierra Leone. One reason for this is that literacy in Sierra Leone stands at only 35 percent. Radio established itself as the most effective way of accessing news during the war years, when every Sierra Leonean in refugee camps in neighboring countries had a cheap portable radio to follow the news. Only the elite and students use the Internet, but that use is severely restricted by poverty. Internet cafes are everywhere—in fact they are the fastest growing business in Sierra Leone today—but at $1 per hour, it is very expensive for the average person.

Television sets are very expensive, and only the middle class or above can afford it. One television set may serve four or

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

five houses in one area. Local television, owned by the state, is largely ineffective and broadcasts only between 6 pm and midnight. It serves mostly government and the upper class people. ABC/TV collapsed early in 2007. During its live time it served only parts of the capital, but it was very popular, with 98 percent foreign programming. It recently came back on-air in January 2008 only with rebroadcasts of international programs.

There is no government restriction on accessing local or foreign news broadcasts. The BBC, RFI, and VOA all have transmitters in Freetown operating 24 hours per day. They also have re-broadcast arrangements with local broadcasters. Foreign newspapers, mainly from the United Kingdom, are available at shopping centers that upper middle class Sierra Leoneans and the huge expatriate community access. Less than 10 percent of the population can afford satellite television.

State media institutions are firmly in the hands of the ruling party, and the views of other political parties and critical civil society groups are not encouraged. During election periods, with the presence of international observers and diplomatic pressure, some opposition rallies and events are covered on a limited scale. Mohamed Samoura noted, "Public interest in the true sense of the word is normally not what we look for. We reflect the views of the government." The president and his ministers lead every news bulletin without any respect for the event and its relative newsworthiness. However, state media are grossly under-funded and have lost trained personnel to commercial broadcasters and public relation outfits. The consequences of this staff attrition for program quantity and quality is devastating, panelists said. Electricity also is a major problem, and providing diesel to run generators is expensive. Educational and cultural programs are not priorities during the six hours of daily state television broadcasting and 18 hours of radio.

The panel noted that Sierra Leone has no record of independent news agency operations. The closest the country came to that, panelists said, was when the Sierra Leone News Agency SLENA was set up in the late 1980s with UNESCO support. SLENA had correspondents across the country and sold news to foreign missions and media organizations. Once UNESCO funding dried up, the panel said, SLENA started its decline and its operation has been scaled back considerably to one-quarter of its original capacity. International news agencies are not used by local media.

Most broadcasters produce their own programs, which differ considerably from state media programs in terms of approach to controversial topics. This is particularly true when covering governance issues. Community radio stations depend heavily on syndicated programming from independent producers who pay for air time. In fact, more than half of broadcast time at community stations is taken by such programs, up to five of eight hours daily, according to Mariama Kahi Fornah. The other three hours are filled with local programs and entertainment.

On the face of it people know those who own the media, in the sense that there is somebody registering a newspaper or radio station at the IMC. However, in Sierra Leone, there is a culture of powerful faceless people using others to set up media to achieve a business or political objective. Sallieu Kamara said that from "1997 onwards we saw the emergence of a lot of newspapers and some of those newspapers faded away after the return to democracy and some are still publishing. Some of us who were around know how some of those papers were established. They were established as a coordinated force to build up the propaganda machine of the government then in exile …. Even today, you can see that kind of relationship clearly in their stories." It is not easy to discover the true owners of media and there are no laws compelling full disclosure. In Sierra Leone, individuals, as opposed to business conglomerates, own and control the media.

There exists no resistance to the inclusion of a broad range of social issues in the media. There are no specific media organizations dealing with minority issues in Sierra Leone. Almost every media activity as far as newspapers are concerned is done in the mainstream. Community radio stations are the only outlets that may target specific groups with their information. Another example is Voice of the Handicapped, covering part of Freetown and a few nearby areas. However, such stations prove difficult to sustain in a niche format. While this station is still in existence, recently it only broadcasts on Saturdays. It now carries a mixture of BBC programs, local music, and a talk show. As far as panelists could remember there have been no programs in the last two years specifically targeted at handicapped people.

OBJECTIVE 4: BUSINESS MANAGEMENT

Sierra Leone Objective Score: 1.34

In this objective, most indicators fared equally poorly, a result of the poor economic and business climate. Although no indicators scored above a 2, Indicator 3, advertising agencies and the advertising market, scored best. Indicator 7, audience and circulation measurement, scored poorest, more than a point lower than the average.

The business aspect of the Sierra Leone's media is extremely weak. Panelists noted that effective management is almost completely absent, particularly at newspapers. The proprietor

is business manager, editor, reporter and all other roles. There are perhaps only two examples of reasonably well-managed newspapers in Sierra Leone: *Awoko* and *Concord Times*. Because setting up a radio station and keeping it on the air is expensive, owners are a little more prudent in their financial dealings. With newspapers, the editor is normally the owner and fills almost all other rolls. Sallieu Kamara noted that: "almost all the media houses, newspapers specifically, are not run as business entities … even in terms of recruiting people… you get the best of your staff if they have security of employment, … most of these papers are owned by one man and the same man doubles as the editor and proprietor, the accountant and everything. Most of the editors who are perpetuating this thing find themselves also as executives of the Sierra Leone Association of Journalists." Most private media groups are only able to break even, panelists said.

David Tam Baryoh had a different take on the issue: "I want to situate the very poor management of media in Sierra Leone into the normal economics of the country itself because in as much as the management aspect is there, resources also help… the reality is that the media is very impoverished in Sierra Leone and because it is impoverished people [journalists] offer themselves for work in a mismanaged system. It is a general trend."

Only three newspapers have a printing press, *Standard Times*, *Concord Times*, and *Awoko*. The rest have to queue at private printing houses. Sometimes newspapers miss certain editions because of breakdowns or the private printers being simply overwhelmed. All radio stations have their own transmitters.

Newspapers are financed principally from advertisements. Sometimes, newspapers barely break even in the fierce competition for scarce advertising resources. This affects the quality of journalism in more ways than one, panelists noted. They said if one depends on one NGO or a public official, then one is disinclined to make them the subject of any critical story.

The same applies to radio, even though radio stations carry more advertisements and also arrange sponsorships for lengthy periods. Sponsorship ebbs and flows, but the four mobile phone companies and UN agencies are the most constant sponsors of radio programs. Other NGOs provide sponsorship based on specific programs they advocate for. This type of support is particular important at community radio stations, as the communities that support the stations are too poor supply the resource to keep them operational. This makes sustainability a major concern, the panel said, since donor funds are bound to dry up at some point.

In recent times a few advertising agencies have come on line. Advertising has always been produced and broadcast by radio stations and newspapers, but now agencies specifically established for this purpose have contracts with the biggest advertisers: mobile phone companies and government agencies. The agencies produce and distribute advertisements across all media outlets. Because radio stations are not too strict on timing for advertising and fear of losing out to less scrupulous rivals, large segments of a broadcast schedule can be taken over by advertising. Many newspapers do not care how many pages go towards advertising as long as their clients are satisfied. Panelists said that if clients demand half of a radio station's broadcast time or the pages of a newspaper, the outlets will be ready to do business because they need the money for transportation, fuel to generate electricity, and other overhead costs.

The government does not subsidize private media, but, as mentioned above, is an important source of advertising revenue. "If your paper is deemed to be anti-establishment, you do not get advertising on the scale of those pro-government papers," said Joshua Nicol. Community media enjoy some government assistance in the form of tax exemptions but these are sporadic and small.

The panel recognized the benefits of market research but regretted that there is no market research tradition. On the issue of circulation and audience figures, no measurement organizations exist in Sierra Leone. Listening to radio stations and reading papers in Freetown, panelists said, can give the feeling that all of them are taking the audience for granted. "The editor tells you what he wants you to believe so that you know that his paper is the highest selling," a panelist said. "Everybody just claims supremacy, whether it is in print or on radio."

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Sierra Leone Objective Score: 2.29

With the exception of Indicator 1, trade associations, all indicators scored close to the average. The lack of unity among media owners precludes an effective trade association and panelists' low scores reflected this reality.

SLAJ is the main body recognized by law as representing the interest of all journalists in the country, both broadcast and print. There are subgroups such as the Guild of Newspaper Editors and the Sierra Leone Reporters Union, which are affiliated with SLAJ. SLAJ has the responsibility to work in the interest of all journalists and is independent of the government, although the government sometimes supports its activities with funding. When journalists are arrested for their work, SLAJ intervenes by lobbying or, as a last resort, providing legal services.

There also are a few organizations representing specific sectors of the profession, such as health reporters, education reporters, etc. Community radio stations are linked organizationally by the Community Radio Network.

SLAJ Secretary General Ibrahim Karim Sei said activities undertaken to improve the media profession include advocacy for constitutional review, pushing for a freedom of information law, and court challenges to the constitutionality of the criminal and seditious libel provisions. A freedom of information law was proposed in a wide-ranging constitutional review document that could be put to a referendum, held concurrently with local elections in 2008.

NGOs supporting media development exist and provide training, equipment, and general advocacy for media freedom. Such organizations are located mainly in Freetown. No organization specifically targets media freedom and free speech as a core activity, the panel said. When international free speech organizations have programs to implement in Sierra Leone, they link up with local groups and representatives, who report violations to them.

The School of Mass Communications in the Faculty of Arts at Fourah Bay College at the University of Sierra Leone offers diploma and degree programs in journalism, which are internationally recognized. The practical side of the Faculty is not very strong, as the institution has only recently acquired radio and newspaper teaching facilities, the panel said. Demand for admission to the university nonetheless far exceeds what it can offer, and spaces are keenly contested. Students wishing to study journalism abroad make private arrangements, but obtaining scholarships or visas is a significant obstacle.

David Tam Baryoh said the impact of the training available to journalists still is not being felt in the market place because "there are not many media house to absorb them. Even if they are taken in, many would not be able to pay these guys." Mohamed Samoura noted that the new graduates "have the theoretical background, but when it comes to practical work, they find it difficult." Williette agreed, but then argued that unless organizations taking interns for their six-month work experience are "honest enough in their evaluation, the university will be unable to improve its practical course requirements." Sallieu Kamara found that young graduates are sometimes frustrated in the new workplaces because "you are taught something and when you want to put it in practice—when you try to be professional—you step on the toes of your boss." Panelists said that many graduates up in public relations jobs at NGOs and government agencies.

There are an increasing number of short-term training opportunities for journalists, and they are quite open. They are mostly arranged by international organizations, with training modules developed abroad. David Tam Baryoh said that "usually, it is what suits the international donor. The need may come from the ground [but the local organization does] not have the money—you may have 10 aims but they take two." Joshua Nicol added that "to some extent, they [the trainings] are sporadic and thematic. They are not predictable. They come as and when funds are available from external donors."

Media outlets do support staff wishing to attend such trainings merely by putting their names forward. It is a different matter altogether if payment is required, but no fees are normally charged. The journalists attending trainings always expect per diem at the end of such exercises, which is

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

sometimes foreign to international organizations not familiar with the West African situation.

The panel was unanimous that sources of newsprint and other supplies required by the media are largely apolitical in Sierra Leone, but government taxes impact heavily on the final cost of newsprint and hence the cover price of newspapers. Private printing facilities are very selective about which newspapers they print. The criminal and seditious libel laws cover printers and even vendors (to date, however, this principle has not been applied to Internet service providers). A controversial story could only be printed in-house, and very few newspapers own their own presses. The state has no newspaper, but ruling parties have always had their own papers, which operate basically like others newspapers, although they always enjoy a lot of government advertising.

Newspapers are distributed exclusively by an association of vendors, which is well-organized. All newspapers are based in Freetown, but the vendors' association has members across the country. Newspapers are always hours, and sometimes days, late in reaching rural areas. All radio stations own their own transmitters. The Internet is operated by private businesses, apolitically, and the government makes no effort to control it.

List of Panel Participants

David Tam Baryoh, executive director, Center for Media Education & Technology, Freetown

Dennis Nelson Streeter, executive director, Media Magic Advertising, Freetown

Ibrahim Karim-Sei, secretary general, Sierra Leone Association of Journalists, Freetown

Joshua Nicol, program coordinator, Initiative for the Mobile Training of Community Radio, Freetown

Mariama Khai Fornah, producer, Eastern Radio, Kenema Province

Mohamed Samoura, managing editor, Sierra Leone News Agency, Freetown

Pa Momoh Fofanah, private legal practitioner, Defense for Children International, Freetown

Sallieu T. Kamara, head of communications and knowledge management, Network Movement for Justice and Development, Freetown

Umaru Fofanah, correspondent, BBC Radio, Freetown

Williette John, station manager, ABC Television, Freetown

Richie Awoonor Gordon, managing editor, *Peep Magazine*, Freetown

Moderator

Isaac Massaquoi, lecturer, Mass Communication Department, Institute of Library and Communications Studies, Fourah Bay College, University of Sierra Leone, Freetown

The Sierra Leone study was coordinated by, and conducted in partnership with, Media Foundation for West Africa, Accra, Ghana.

In this first study of Somalia for the MSI, the overall average of 1.68 reflects a mix of low scores for free speech and business management, slightly higher scores for professional journalism and plurality of news, and a better score for supporting institutions. In general, instability in Somalia creates a number of serious challenges. Whether certain advantages enjoyed by the media—and allowed by a weak government—are entrenched cannot yet be determined.

SOMALIA

OVERALL SCORE: **1.68**

In the aftermath of the fall of Somalia's military regime, privately owned media outlets were established in 1991 after 21 years of a state monopoly on the media. Belligerent clan factions founded radio stations to advance their propaganda, mislead the public, and inflame hostilities against other clan sects. Ordinary citizens set up a print media that compared favorably to the radio stations of the warlords, although the new print journalists were unskilled and their reports rarely met professional standards. During this time, rival political groups failed to implement several peace agreements that they reached abroad. The anarchy spread into almost every region—except the northwest, which divided the country by declaring independence from Somalia.

In early 2000 privately owned radio stations grew rapidly and TV stations began broadcasting. Now more than 60 newspapers are produced in major cities. Many online media emerged and hundreds of people joined the journalism profession, albeit without adequate training. The Transitional Federal Charter (TFC) now oversees the parliament and government and guarantees freedom of media and information. The ongoing media law development process is consulted by all concerned parties, including the transitional government, the media community, and civil society members.

In spite of the establishment of numerous private media, the multifaceted crisis of politics, economy, security, and governance in Somalia presents severe challenges. Local journalists have paid a heavy price for reporting on Somalia's long-standing conflict, as fatal attacks orchestrated by powerful elites on members of the press have increased. Financial problems also plague the media, creating a dependence on politically minded sponsors. The number of journalists is increasing but the profession is compromised by their low skill levels. Media owners have little interest in credible journalism, and the panelists noted that while the working environment of journalists and electronic media professionals may have changed, the public's interests are not being served.

In this first study of Somalia for the MSI, the overall average of 1.68 reflects a mix of low scores for free speech and business management, slightly higher scores for professional journalism and plurality of news, and a better score for supporting institutions. In general, instability in Somalia creates a number of serious challenges. Whether certain advantages enjoyed by the media—and allowed by a weak government—are entrenched cannot yet be determined. Events that have transpired since the MSI panel discussion, such as the attack on Radio Shabelle in September 2007, could be a sign that the state of media will suffer further as the government becomes stronger. These developments will be tracked in the 2008 edition of the MSI for Somalia.

SOMALIA AT A GLANCE

GENERAL

> **Population:** 9,118,773 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Mogadishu

> **Ethnic groups (% of population):** Somali 85%, Bantu and other non-Somali 15% (*CIA World Factbook*)

> **Religions:** Sunni Muslim (*CIA World Factbook*)

> **Languages:** Somali (official), Arabic, Italian, English (*CIA World Factbook*)

> **GNI (2006-Atlas):** N/A

> **GNI per capita (2006-PPP):** N/A

> **Literacy rate:** 37.8% (male 49.7%, female 25.8%) (2001 est., *CIA World Factbook*)

> **President or top authority:** Transitional Federal President Abdullahi Yusuf Ahmed (since October 14, 2004)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** 64 print media (of which, 17 in Somaliland), 21 radio stations (of which, 1 in Somaliland), 4 television stations (of which, 1 in Somaliland)

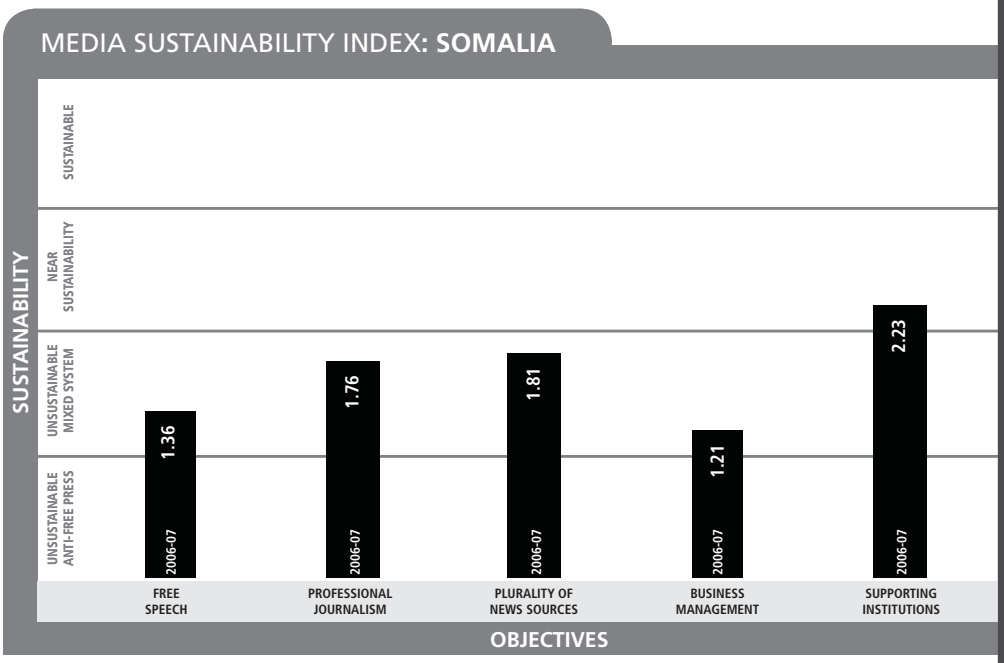
> **Newspaper circulation statistics:** Top newspapers and estimated circulation: *Xog-Ogaal* (800), *Qaran* (500) and *Ayaamaha* (400) in Mogadishu; *Jamhuuriya* (1000) in Hargeisa.

> **Broadcast ratings:** Top three radio stations: Shabelle Radio, Somali Broadcasting Corporation, and Horn Afrik. Universal TV covers the whole country, Somaliland TV covers an area with an estimated 1500 television-watching households, and Somali Broadcasting Corporation TV covers an area with an estimated 1000 television-watching households

> **News agencies:** No local news agencies operate in Somalia.

> **Annual advertising revenue in media sector:** Not available

> **Internet usage:** 94,000 (2006, *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Somalia Objective Score: 1.36

In general, the legal underpinnings of freedom of the press in Somalia are fragile. A few of the indicators somewhat brought up the average for Objective 1, but the higher scores are limited because insufficient time has passed in order to indicate sustainability. The weakness of the government allows for a certain amount of media freedom, but that freedom might not withstand a stronger government that intends to consolidate power in the near future.

The MSI panel recognized that freedom of speech, freedom of the press, and freedom of thought in the country are harshly curtailed and are becoming even more threatened. Abdiqani Sheik Mohamud, news editor of Radio Jowhar, said, "Freedoms of press and of speech are important foundations for a democratic nation, but virtually, our country [both the government and public] has slight respect for these freedoms, and we as media people must devise ways to prevent such practices of oppression. I strongly believe that media can protect freedom of speech and freedom of press."

Article 20 of the TFC guarantees freedom of the press and independent media in accordance with the law. The process of developing a media law started in Baidoa, when three Ministry of Information lawyers wrote the first draft. The draft fell short of international free expression standards, containing ambiguities that would permit the government to clamp down on media freedom. Following discussions with the National Union of Somali Journalists (NUSOJ) and other media representatives, the Ministry of Information allowed full consultations with media and civil society groups regarding the process of developing a media law that adheres to international norms of freedom of expression. A task force composed of representatives of the government, media, and civil society was appointed to carry out necessary consultations and align the current draft to international standards. Generally, the government has been receptive to the suggestions of the task force.

Abdiqani Sheik Mohamud, news editor of Radio Jowhar, said, "Freedoms of press and of speech are important foundations for a democratic nation, but virtually, our country [both the government and public] has slight respect for these freedoms, and we as media people must devise ways to prevent such practices of oppression. I strongly believe that media can protect freedom of speech and freedom of press."

The panel noted that although all of these concerted efforts are continuing, clauses in article 20 of the TFC have not been applied and protections for media independence are ignored or not enforced. Further, the Somali government does not have the strength to widely enforce laws promoting free speech and protecting the media, even if it were willing to do so fully.

Members of the media suffered several severe attacks in 2006, and four journalists have been killed in 2007, making this the most fatal year for journalists in a decade. Political groups, the Union of Islamic Courts (UIC), regional administrations, clan militias, and independent outlaws knowingly target journalists. No perpetrator has ever been brought to justice for offenses against journalists, which encourages repeat attacks. The lack of protection also causes fear and self-censorship in the media community, according to the participants of the panel. In Somaliland, for example, the media law states that libel cases shall be addressed in civil courts, but this year four journalists of the Haatuf daily newspaper were charged with slandering the family of the president and tried under the penal code. In 2005, Abdi Farah Nur, editor-in-chief of *Shacab* newspaper in Puntland, was charged with defaming the Puntland president, found guilty under the penal code of Somalia, and jailed.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

Journalists are struggling to include in the current draft of the media law clauses guaranteeing editorial independence. Panel participants stated that leading Mogadishu broadcast media outlets (such as Shabelle Media Network, Simba Radio, and Radio Banadir) have adopted policies enabling editors to make independent decisions on news reports without any other interference.

Somalia's private media outlets, especially the print media, have increased rapidly after the ousting of the military regime in 1991. Throughout the 1990s, broadcast media outlets were owned or dominated by clan warlords. However, privately run electronic media mushroomed in early 2000. In Mogadishu and much of the southern and central regions of Somalia, either no license is required or no official body issues licenses. To date, this has not resulted in overlapping frequencies. Given the relatively small number of stations operating, broadcast frequencies have not yet become a scarce resource. In Puntland, the Puntland Ministry of Information provides broadcast media with licenses, and does so apolitically. In Somaliland, the authorities restrict issuing licenses for private broadcast media. As a result, it has no private radio stations; however, two private television stations were awarded licenses to operate. Somaliland's 2004 media law enables the establishment of private media, including broadcast outlets, but this provision remains unimplemented.

In south-central regions, market entry is free and media pay no taxes. In Puntland, the marketplace is open and media owners pay reasonable taxes in line with other commercial enterprises. Newspapers in Somaliland pay fair taxes, and formation of newspaper publishing companies is not limited by any regulatory scheme. Entry into the journalism profession is not regulated by any of the governments.

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Throughout Somalia, local and national authorities do not seek to provide information to the media. No particular laws guarantee access to information. However, when asked for information, officials will typically provide comment, and they do not show significant favoritism for particular outlets. The media establishments also have access to news and information from international news media organizations and other media organizations based outside Somalia.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Somalia Objective Score: 1.76

During MSI discussions, participants observed that professional media have a vital role to play in peace-building efforts, establishing effective governance, and developing a democratic system in Somalia. But in most cases, the news delivered to the public lacks credibility.

According to the panel, the quality of news reports and programs is low because no code of ethics is established and no editorial policies or laws that guarantee editorial freedom are in place. Many reporters barely differentiate facts, biased comments, and speculation, the panel agreed. Thus, the media are not fully aware of their own responsibility even as they seek protection of freedom of the press and freedom of expression.

In Somalia, including Somaliland, a growing number of young journalists are joining the profession despite the unparalleled risks they face. High turnover, cheap labor, nepotism, and unscrupulous owners taking advantage of inexperienced journalists all contribute to the tainted reputation of the

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

media in certain cases. Some news reports are not well sourced and are not based on sound evidence. Several media outlets compel their reporters to file at least two to three news reports each day, and if they do not, their daily salaries are lowered. This policy forces reporters to compromise honesty in their news reporting and to make groundless assumptions, the panel noted.

With regard to reporting, discussants cited the longstanding problem of always depending on a single source of information. Some media outlets fail to reveal sources due to a wish of not promoting that source. Organizations and individuals rarely get a right to respond to allegations in the media, as the allegations are often deliberate and malicious and based on the personal or political interests of the media owners. Finally, there is no specialty reporting (such as economic or health), and investigative reporting is not undertaken, out of either fear of retribution or lack of training. Participants stated that the quality of journalism in Somalia could benefit most from training in covering stories and better production techniques.

Mohammed Abdi Farah of Somalinet.com said, "Somali media must remain independent of enthroned interests or outside influences, with the result that media will freely discharge news, information, debates, and critical comments on society and will allow different viewpoints to be expressed."

Mohammed Ibrahim of the Somali Forum for Freedom of Expression said, "We need media that can impart news and information without partiality, and such media must also show fairness in dealing with news and sources of information."

The people of Somalia have dissimilar standpoints on how members of the media adhere to journalistic values of fairness, balance, diversity, and reliability. The majority of the public puts more trust in the news and information from international broadcasters than from local media on the basis of accuracy and soundness, the MSI panel agreed.

Since the conflict between UIC and the defeated Alliance of Restoration of Peace and Counter-Terrorism ignited in early 2006, bitter hostilities have grown between TFG and UIC. Subsequently, journalists and editors began to exercise self-censorship as a way to protect themselves. For example, journalists operating in UIC-controlled areas censored their reports so as not to be critical of UIC, while those stationed in Baidoa avoided criticism of the TFG. Journalist Abdullahi Yasin Jama of Radio Warsan, who reported the presence of Ethiopian troops on Somalia soil, was jailed in Baidoa by the TFG because of that report.

In Somalia, including Somaliland, a growing number of young journalists are joining the profession despite the unparalleled risks they face. High turnover, cheap labor, nepotism, and unscrupulous owners taking advantage of inexperienced journalists all contribute to the tainted reputation of the media in certain cases.

At its general assembly in 2004, the NUSOJ adopted a professional code of conduct but some media managers and owners refused to provide their media outlets with this code, fearing it was the first step toward unionization. The panel said that most journalists cover key events, but the news reports of some journalists working with particular media outlets cover events unfairly to satisfy the political dispositions of the managers and owners of these outlets. Sometimes the entire event will not be covered, but typically another media outlet with an opposing viewpoint will cover it.

"Journalists try to do what they think is best, but they are rarely acquainted with what is right and what is wrong," said Mohammed Shiil Hassan of Radio Simba.

Somali journalists are poorly paid professionals. Monthly salaries range from $18 to $300, with a tiny fraction of media workers paid in the top range. Poor salaries encourage corruption in the news media; bribes paid to journalists, called *sharuur* or *duub* in Somali, are considered vital to making a living.

The panel pointed out that entertainment programs do not eclipse news and information put out by the media. The broadcast media in Mogadishu are technologically advanced in comparison to those in other regions, but print media in Hargeisa in Somaliland have more technical facilities then those in Mogadishu or regions in Puntland. The panel noted that SBC in Bossasso has high quality technical facilities.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Somalia Objective Score: 1.81

Some Somalis have access to a large number of news sources, the panel agreed, but scores were negatively affected because the choice for news is severely limited outside of Mogadishu, Hargeisa, Bossasso, and some other large cities. Furthermore,

Discussants noted that because the majority of media outlets are based in Mogadishu, its residents have more varied sources of news and information than residents of other regions. "A significant number of media outlets in Mogadishu enable[s] people in Mogadishu to participate in the political process more than people in other regions," said Qamar Salad Omar, chairperson of the Somali Women Journalists Association.

throughout the country, poor economic conditions impact the average consumer's ability to access many types of news and the local media's ability to deliver news.

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Most of the radio stations are FM and cannot reach rural areas, the discussants said. Residents in rural villages and districts rarely receive information from newspapers because they rely on oral traditions and buying print media is cost prohibitive, according to the panel. The panel observed that residents of rural villages admired how Shabelle Media Network addressed the droughts affecting southern regions in early 2006 by sending a team of reporters to highlight malnutrition and starvation in these regions. Although information was hard to come by, their story was being told in the capital.

People in densely populated areas have access to both domestic and international media. Across the country, including Puntland and Somaliland, more than 20 radio stations consisting of private and public broadcasters provide news and information. More than 60 daily, weekly, and monthly newspapers are published in major cities. Five television stations currently operate. People also receive news and current affairs from international broadcasters such as VOA, Al-Jazeera, BBC, and RFI. Where they exist, state-run media outlets are little more than mouthpieces for the government. There is no community radio as such. No radio stations operate in rural areas, and in urban areas, radio stations are commercially oriented.

Foreign news agencies gather news, and the local media distribute this information at times. However, there is no local news agency. Private radio and television stations produce their programs in-house and gather their own local news. Somali nationals own all the local media outlets, the panel said; there is no foreign investment. Generally, media ownership is transparent, if politically driven, and the public judges the information disseminated by the media accordingly. Most media outlets strive to present a broad spectrum of different interest groups. But often, because of their political ties or viewpoints, media owners prevent the dissemination of information regarding certain politicians or civil society groups by their outlets.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Somalia Objective Score: 1.21

This objective scored the lowest of the five for Somalia and reflects difficult economic conditions; a lack of business experience by the top journalists who run the individual media outlets; and in some cases, the intent to use media outlets for political advocacy rather than as profit-generating businesses.

Although media outlets are mushrooming in Somalia, the business side of media is not effective or resourceful, the panel said. Most media outlets have sole proprietors. They operate in small markets in which they strongly compete to

gain customers and offer discounts in order to attract and keep new advertisers. For the electronic media, employees are designated as marketers to sell advertisements. But many print media outlets have small staff, so owners, managers, editors, and/or senior journalists will sell advertisements. Most news media outlets, particularly the print media, face threats of financial insolvency; print media do not attract advertisers as readily as the electronic media. Media outlets in the country are not directly sponsored by political groups; however, the TFG owns two radio stations that are financially weaker than the private radio stations. Newspaper profits are also undercut by vendors making and selling hundreds of copies of publications for the price of one copy of the publication. "The vendors are forced to do this so that they can earn their daily bread," said Mohamed Abdi Farah of somalinet.com.

The coverage of radio stations is between 30 and 90 km, while the circulation of newspapers is tiny: between 500 and 2000 copies each. Television stations cover a maximum 30 km, except Universal TV, which covers the whole country. Despite its low penetration, radio is still the number one source of information and has the best prospects for advertising revenue.

Large numbers of media outlets are unable to pay salaries of their employees on a regular basis. "Our revenues largely come from advertisements, but are not adequate to cover producing [the] newspaper [or] pay administrative costs and payments for the staff," said Abdi Adan Guled, editor-in-chief of *Xog-Ogaal* daily newspaper.

Private media outlets were established to generate income, but ultimately, most serve political purposes and profit does not determine longer-term viability. The primary source of income for the private media is advertising, and some media outlets also are supported by foreign donor organizations. But the pool of possible income is severely limited. For example, radio stations charge around $10 per minute, and approximately 50 merchandisers place advertisements in the media. Circulation is woefully low, and design and layout of print media is substandard. Media staff design advertisements or receive them from the merchandisers; there are no advertising agencies that independently produce ads on behalf of clients. Many electronic media do not deliver high-quality products.

Although media outlets are mushrooming in Somalia, the business side of media is not effective or resourceful, the panel said. Most media outlets have sole proprietors. They operate in small markets in which they strongly compete to gain customers and offer discounts in order to attract and keep new advertisers.

Media managers have few of the leadership skills necessary to run their outlets efficiently, such as developing clear missions, policies, and procedures; and they have difficulty establishing strong ties with advertising clients. Neither do they have business skills such as knowledge of accounting methods or use of business plans and annual budgets. Most media managers do not have the ability to work cooperatively with other media outlets in order to share best practices or attain joint goals that would create a more favorable media climate.

Broadcast ratings and circulation figures of newspapers are not produced. While there is no market research or audience surveying, some advertisements are tailored to specific programs that draw a high level of interest. For example, advertisers with Radio Shabelle in Mogadishu want their advertisements to be aired during the widely listened-to drama *Qoomamo* (Ruefulness).

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Somalia Objective Score: 2.23

Despite the difficult conditions in Somalia generally and those afflicting the media specifically, a dedicated cadre of individuals work to support the development and ongoing operation of the media sector. Their efforts are reflected in

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NUSOJ is a journalists' trade union that endeavors to defend and promote journalists' rights, freedom of the press, and editorial independence. In addition to issuing alerts on violations of press freedom and representing the labor interests of journalists, NUSOJ also actively protects media professionals. For example, in April 2007 the head of Universal TV and an accompanying journalist and camera operator were arrested for asking a critical question of the Somali president. NUSOJ lobbied the government and rallied the international community behind the cause, and the three were released.

The Somali Independent Newspapers Association brings together owners of newspapers in Mogadishu but typically does not engage in lobbying activities. The Somali Women Journalists Association promotes and protects interest of women journalists. The East Africa Media Institute's Somalia chapter promotes media freedom and builds professional capacity of media professionals. The Somaliland Journalists Association unites media executives and journalists in Somaliland. In Puntland, however, authorities outlawed the creation of new media associations and now require authorization for conferences or other public events regarding the media, although these restrictions are applied irregularly.

International and local NGOs are actively engaged in supporting the media in Somalia. Several universities announced the launch of faculties of journalism or their intention to establish an academy of mass media and communications, but to date they have made little movement and the pool of potential professors is limited. In-house and short-term journalism training programs have helped some new and mid-career journalists to gain professional skills, but many of the programs are fragmented, and given the turnover rate as journalists seek more lucrative and safer opportunities, the training programs do not achieve significant impact overall. In general, the panel felt that journalism training programs in the country are lacking coherence and are not tailored to the basic needs of journalists, and the duration (three to five days) is viewed by journalists as insufficient.

The businesses that support the media are in private hands and do not exercise political favoritism. Sources of newsprint and other printing materials are freely accessible by newspapers and magazines. The printed press is generally sold by street vendors, and no established distribution company controls the sale of publications.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panelists

Mohammed Amin Sheik Adow, deputy director, Shabelle Media Network, Mogadishu

Mohammed Abdi Farah, reporter, Somalinet, Mogadishu

Qamar Salad Omar, chairperson, Somali Women Journalists Association, Mogadishu

Mohammed Shiil Hassan, deputy director, Simba Radio, Mogadishu

Abdi Adan Guled, editor-in-chief, Xog-Ogaal Newspaper, Mogadishu

Abdiqani Sheik Mohamud, news editor, Radio Jowhar, Jowhar

Sahro Mohammed Ali, assistant editor, National Post Newspaper, Mogadishu

Mohammed Ibrahim isak, secretary, Somali Forum for Freedom of Expression, Mogadishu

Fahad Mohammed Abukar, newscaster, Warsan Radio, Baidoa

Iidle Moallim, director, Puntland Journalists Club, Bossasso

Sahro Abdi Ahmed, executive member, Jubba Independent Journalists Association, Kismayu

Abdulkadir Mohammed, producer, Radio Darban, Beledweyne, Hiran Region

Moderator

Ali Moallim Isak, organizing secretary, National Union of Somali Journalists

Observer

Omar Faruk Osman, secretary general, National Union of Somali Journalists

The Somalia study was coordinated by, and conducted in partnership with, the National Union of Somali Journalists, Mogadishu.

IN MEMORIAM: **Abshir Ali Gabre**

Radio Jowhar journalist Abshir Ali Gabre, 35, was killed on May 15, 2007 in the Middle Shabelle Region of central Somalia. He was riding in the convoy of the regional governor, on his way to cover the governor's mediation in a land dispute, when the group came under fire from clan militias. His colleague, Ahmed Hassan Mahad, was also killed in the attack.

Abshir was a talented journalist who was determined to tell Somalia's untold stories. He covered Somali political news and strove to report on the many conflicts within the country. He had previously been subjected to the dangers of being a journalist in Somalia, having endured a number of arrests and threats. Earlier in 2007, in the company of five other journalists, militiamen stopped the journalists' vehicle on their way to Beledweyne and stole their digital cameras, mobile phones, and pocket money. He had worked with Radio Jowhar since its establishment in 1997. He was twice elected to be member of the Supreme Council of the National Union of Somali Journalists and led the union's branch in the Shabelle Region. He had also volunteered to be on the Somalia MSI panel. Abshir is survived by his wife and one child.

South Africa's overall score of 3.10 underscores its rich media tradition and the benefit of political stability. Objective 1, Free Speech, came in at the top with 3.43. The weakest objectives, though not far behind the overall score, were Objective 2, "Professional Journalism," and Objective 3, "Plurality of News Sources."

SOUTH AFRICA

OVERALL SCORE: **3.10**

In January 2006, 12 years into democracy, the South African National Editors' Forum (SANEF) submitted a document titled "The South African Media and the Moral Agency of Individuals" to the African Peer Review Mechanism, part of a larger African Union initiative to strengthen good governance in Africa. The SANEF submission recognizes South Africa's engagement with the rest of Africa on critical issues including democratization and reinforcing the media's role as a "fourth estate." SANEF stated:

> South Africa's long oppressive history has contributed to a society which values public debate even when it is acrimonious. The tradition may predate defiance of the Dutch East India Company and British colonial rulers and it has survived the coming of democracy. The foundations of our democracy were laid, and the new Constitution was framed, discussed, and endorsed by a consensus of all South African viewpoints.[1]

South Africa enjoys a relatively stable political environment, but several notable events have occurred, or will soon occur, that affect the media and the key issues covered.

In mid-2007, the country experienced one of the longest industrial actions by public servants. The strike, called by the Congress of South African Trade Unions (COSATU), sought a wage increase from the government. COSATU and the South African Communist Party (SACP), both traditional allies of the ruling African National Congress (ANC), criticized the ANC for pursuing economic policies that neglected the poor. Government figures show that 50 percent of South Africans live below the poverty line, and that about 25.5 percent are unemployed.[2]

In 2006 and 2007, the Film and Publications Amendment Bill raised heated media discussions on government attempts to bring censorship through the "back door" under the auspices of shielding minors from pornography. The Electronic and Communications Act 36 of 2005, creating a new broadcast regulatory framework, was effective as of June 2006. A new ANC leader will be elected in December 2007, with national elections to follow in 2009; if the ANC wins the national election in 2009, its leader is likely to be the next president.

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[1] SANEF Submission to the African Peer Review Mechanism, January 2006, p. 5.

[2] US Central Intelligence Agency World Fact Book [http://www.cia.gov/library/publications/the-world-factbook/print/sf.html]

SOUTH AFRICA AT A GLANCE

GENERAL

> **Population:** 47.9 million (stats SA, 2007)

> **Capital cities:** Pretoria (Administrative Capital), Cape Town (Legislative Capital), Bloemfontein (Judicial Capital)

> **Ethnic groups (% of population):** black African 79%, white 9.6%, colored 8.9%, Indian/Asian 2.5% (2001 census)

> **Religions (% of population):** Zion Christian 11.1%, Pentecostal/ Charismatic 8.2%, Catholic 7.1%, Methodist 6.8%, Dutch Reformed 6.7%, Anglican 3.8%, Muslim 1.5%, other Christian 36%, other 2.3%, unspecified 1.4%, none 15.1% (2001 census)

> **Languages (% of population):** IsiZulu 23.8%, IsiXhosa 17.6%, Afrikaans 13.3%, Sepedi 9.4%, English 8.2%, Setswana 8.2%, Sesotho 7.9%, Xitsonga 4.4%, other 7.2% (2001 census)

> **GNI (2006-Atlas):** $255.3 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $11,710 (World Bank Development Indicators, 2007)

> **Literacy rate:** 86.4% (male: 87%, female: 85.7%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Thabo Mbeki

MEDIA SPECIFIC

> **Number of active print outlets, radio stations, television stations:** 24 daily newspapers (plus several other daily tabloids), 25 major weekly newspapers, over 300 community newspapers, and over 500 consumer magazines (SANEF). 13 private commercial radio stations, 92 community radio stations, and 18 public radio stations; radio is the most influential medium, with an audience of more than 91% of adults. 3 public (SABC) television channels, 1 free-to-air private television network, e.tv, 1 private subscription broadcast channel, M-Net, and 1 satellite provider, DStv (ICASA).

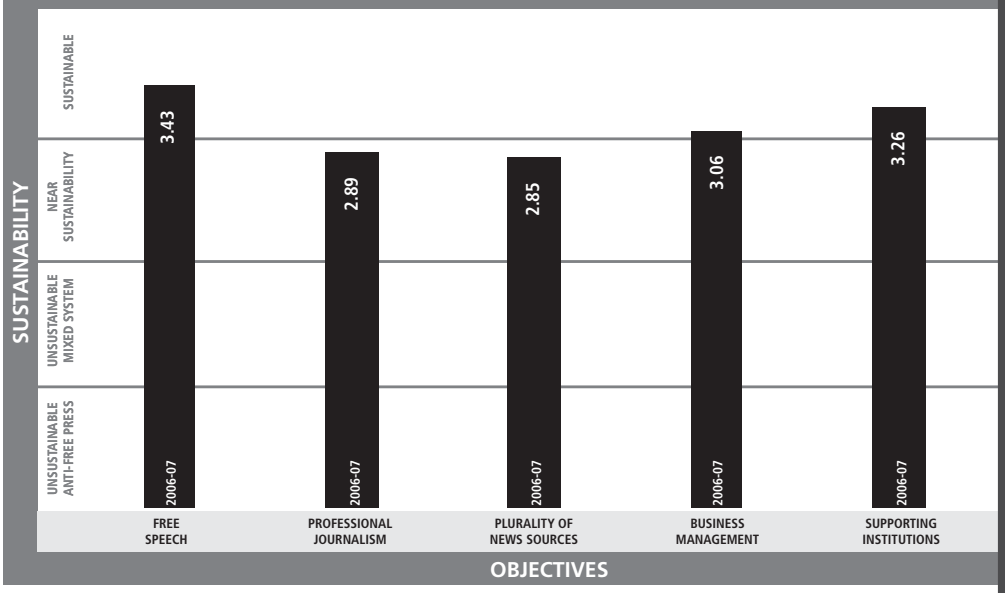
> **Newspaper circulation statistics:** Top 3 dailies by circulation are *Daily Sun* (500,000), *The Star* (175,000), and *The Sowetan* (140,000), all private. Top 3 weekly/weekend newspapers are *Sunday Times* (500,000), *Soccer Laduma* (320,000), and *Rapport* (320,000) (Audit Bureau of Circulation).

> **Broadcast ratings:** Top 3 radio and television channels are all publicly owned. Radio: Ukhozi FM, Umhlobo Wenene FM, and Lesedi FM. Television: SABC 1, SABC 2, SABC 3 (AC Nielsen).

> **Annual advertising revenue in media sector:** Print R8 billion, television R7.6 billion, radio: R2.6 billion.

> **Internet usage:** 7.6% of total adult population (2.355 million) (SAARF 2006)

MEDIA SUSTAINABILITY INDEX: **SOUTH AFRICA**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

South Africa Objective Score: 3.43

The strong score for this indicator was led by a high ranking for the ninth indicator, which covers entry into the journalism profession. Most other indicators fell close to the average, with only Indicator 5, preferential treatment of public media, a bit behind the others.

South Africa adheres to continental and regional media protocols.[3] Panelists acknowledged that the 1996 Constitution guarantees "freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research." However, the constitution has constraints, and freedom does not extend to "…propaganda for war; incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender, or religion and that constitutes incitement to cause harm."[4]

In addition to these constraints, there is another limitation: the 'law of general application.'[5] As SANEF pointed out, "the Constitution has also influenced the development of civil law in regard to the media and particularly the law of defamation. While previous judicial decisions sometimes leaned towards holding the media strictly liable for the publication of defamatory information, the media may now escape liability by showing they made substantial efforts to check the accuracy of their information, even if what was published was not completely accurate."[6]

As South Africa is a new democracy with a large population that was previously disadvantaged, the population at large has yet to internalize many new freedoms, including freedom of the press. However, panelists acknowledged that the legal system allows for civil society challenges to the drafting of legislation and that the robustness of civil society allows it to effectively advocate on behalf of the public. Section 17 of the Bill of Rights covers the rights for activism and/or active engagement in civil society issues. Such rights are practiced, as demonstrated by the picket held by the Freedom of Expression Institute (FXI), a media watchdog NGO, outside the South African Broadcasting Corporation (SABC) on February 6, 2007. The FXI was calling for the public broadcaster to respond to queries about its editorial policy for news.

Panelists lauded South Africa's legislative framework but pointed out that its implementation is sometimes problematic. SANEF noted that "although the South African Constitution guarantees media freedom, free access to information held by the state, and freedom of expression, and South Africa has subscribed to a number of regional and international protocols to this effect, the performance of our ministers, politicians, and civil servants in carrying out these principles is highly variable and requires urgent corrective attention by the government."[7]

Specifically, panelists indicated that the practice of free speech is at times undermined subtly by government officials who later claim to be acting in accord with government procedure. The Film and Publication Amendment Bill was cited as a serious attempt by the government to censor the media under the banner of combating child pornography. Panelists heavily criticized the government for attempting to tackle a real problem in a way that would lead to censorship of the media. As SANEF noted, Reporteurs sans Frontiers' 2005 research found that compared to 167 other countries, press freedom had declined in South Africa. On the other hand, the informed debate over this issue and fact that the government did amend the bill—although it should be noted not to the satisfaction of South African media advocates—do shed a positive light on the nature of democracy in South Africa.

South Africa is now also faced with the issue of Internet regulation. The leader of the opposition Independent Democrats (ID) Patricia De Lille criticized its text messaging system and Internet blogs, saying they have the potential to allow for opportunistic attacks on children by pedophiles.[8] FXI said that "what the ID was calling for would be a violation of Section 16 of the Constitution," which allows people to say what they feel. FXI also argued that Internet technology aided democracy.

Furthermore, SANEF maintains that "a number of restrictive laws remain." [9] Despite a November 8, 1996 letter from President Nelson Mandela's office pledging to address concerns about legislative issues impacting on media freedom, SANEF's pleas for the government to scrap or amend these laws have been to no avail. Particularly onerous is Section 205 of the Criminal Procedure Act 51 of 1977, which compels journalists to reveal their sources. It "empowers the courts to imprison any person who refuses to disclose information relating to a criminal investigation." [10]

[3] African Charter on Human and Peoples Rights, entered into force in 1986. SADC Protocol on Transport and Communication, The African Charter on Broadcasting (Windhoek+10 Declaration)

[4] The Constitution of the Republic of South Africa, May 8, 1996: Bill of Rights: Chapter 2, Section 16.

[5] IBID, Section 36.

[6] SANEF, January 2006, ARPM Submission, p. 6.

[7] SANEF, January 2006, ARPM Submission, p. 9

[8] 'MXit' is a mobile instant messaging application developed in South Africa that runs on GPRS/3G mobile phones with java support" (IOL Article: Anti-MXit DeLille accused of censorship; 26th May 2007, http. www.iol.co.za).

[9] SANEF, January 2006, Submission to the ARPM,p. 7

[10] SANEF, January 2006, Submission to the ARPM, p. 7

In 2007, however, there were a few victories confirming the existence of protection by the judiciary of freedom of expression. In a libel case against the newspaper *Beeld*, the Department of Transport sought a court injunction against the paper for printing the findings of security anomalies in a report about e-NaTIS, the government's controversial electronic traffic information system. The Department of Transport was unsuccessful, and the newspaper won. More recently, the Pretoria High Court rejected a total media ban on the trial of two foreigners, Swiss engineer Daniel Geiges and German businessman Gerhard Wisser. The two had argued that the publication of details on the trial would jeopardize national security.

Regarding broadcast regulation, the Electronic and Communications Act 36 of 2005, a new policy development, was effective as of June 2006. According to the Independent Communications Authority of South Africa (ICASA),[11] "the Act provides a regulatory framework for the convergence of broadcasting, broadcasting signal distribution, and the telecommunications sectors. The Act also repeals the Telecommunications Act of 1996, the Independent Broadcasting Authority Act, and portions of the Broadcasting Act 4 of 1999"[12]

ICASA issues licenses to the broadcast media, its decisions are made public, and its processes are transparent. Charlene Deacon, editor-in-chief at Kaya FM, is concerned that commercial radio stations have stringent performance levels compared to that of public broadcasters in their Promise of Performance, which are agreed upon between the ICASA and the broadcaster prior to the issuing of a broadcasting license. Other panelists disagreed with this statement and asserted that there is a difference in regulating commercial, public, and community broadcasters. The South African Broadcast System is divided into these three tiers, and according to the Broadcast Act, each has a different *modus operandi* in legislation and in regulation. However, Deacon stated that in practice, the SABC, as well as commercial broadcasters, depend on revenue earned from the commercial sector, and that this has resulted in a blurring of the distinction between their mandates.

Starting a small-, medium-, and micro-enterprise (SMME), including a media SMME, requires registration under the Companies Act of 1973. An SMME can also apply for funding from the government, provided that its business model is viable.

One question that panelists posed is whether or not Black Economic Empowerment (BEE) requirements and BEE score cards[13] influence the market. Lumko Mtimde, CEO of the Media Development and Diversity Agency (MDDA), added that affirmative empowerment imperatives could be a barrier to starting a media enterprise. On the other hand, a newspaper may be started with no greater restriction or tax burden than any other business. According to Gavin Stewart, an independent editorial consultant, "The major obstacle is the severity of the competition and the size and capability of the competition" among newspapers and broadcasters alike.

The panelists affirmed that crimes against journalists in South Africa are rare. Journalists are not victims of crime because of their profession, but because the rate of crime in the country is high and rising, as the most recent statistics show.[14] Any attacks, the panelists said, were random criminal activities. "The editor of one of the Natal newspapers, who was shot, was just being hijacked [and] he wasn't being attacked as a journalist," said Roberta Makhambeni, one of the panelists.

However, other panelists pointed out that a journalist was held up recently in what is termed "Mama Jack High School." Other panelists said there is general intimidation, especially

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

[11] ICASA is a regulatory authority, its establishment is recognised in the Constitution of South Africa, 1996

[12] http://www.itu.int/ituweblogs/treg/Electronic+Communications+Act+2005+Promulgated+In+South+Africa.aspx

[13] "BEE Scorecard is a scorecard for the measurement of broad based black economic empowerment for a particular Enterprise, as set forth in terms of a Code of Good Practice issued under The Broad Based Black Economic Empowerment Act 53 of 2004" (www.dti.org.za), December 2004, p. 50, Broad Based Black Economic Empowerment Framework).

[14] For the recent crime statistics see: www.saps.gov.za

of journalists working in community media, by government officials. However, panelists expressed a concern no official record or register exists for complaints received of journalists' rights being violated. The panelists attributed this to the lack of unions working on labor disputes affecting journalists.

Panelists' opinions were divided between what the law stipulates and public perceptions regarding the editorial independence of the SABC Newsroom. The editorial independence of the public broadcaster is declared to be guaranteed as evidenced in Broadcast Act No. 4 of 1999. Panelists observed that the SABC initiated an inquiry into the "blacklisting"[15] of some analysts and commentators. The blacklisting report found that Dr. Snuki Zikalala, group executive of news for SABC, tends to "intervene at a micro level inappropriate to his level of management."[16]

Tsheliso Thipanyane, CEO of the Human Rights Commission, took a different view, saying that "we must also distinguish between the integrity of individuals in the system and the independence of the system as a whole." Amina Frense, television news editor, added that in the case of the SABC, "the newsrooms do not receive orders from Shell House, Luthuli House, or the union buildings, or general interference with day to day…news-making."

However, apparently self-censorship is an issue, with some senior editors' reportage anticipating what their superiors promote as appropriate journalism. The influence on the SABC of the huge amount of revenue generated from private business advertisements is often overlooked, and some panelists thought that this might impact on the editorial independence of the SABC.

In South Africa, libel is a civil issue and is not a criminal offense. However, Lumko Mtimde of the Media Development and Diversity Agency sympathized with public officials whose lives are made difficult by the media, and who then have to prove falsity and malice to win a libel case.

Panelists were also concerned that literacy levels constrain access to information, pointing out that the Promotion of Access to Information Act 2 of 2000 *itself* needs a high level of literacy to understand. They also agreed that access to information exists for those with access to resources, making socio-economic issues a barrier. Amina Frense, television news editor, noted, "Access is pretty expensive for any public person. If you're not a media practitioner, all that information is out there. How do I gain access to it if I'm not a journalist, just a member of the public? Access to the Internet is there, but it requires an entry level … literacy or access to a computer, access to the Internet, to get it."

As South Africa is a new democracy with a large population that was previously disadvantaged, the population at large has yet to internalize many new freedoms, including freedom of the press. However, panelists acknowledged that the legal system allows for civil society challenges to the drafting of legislation and that the robustness of civil society allows it to effectively advocate on behalf of the public.

And editors among the participants said that the "juniorization"[17] of newsrooms had related repercussions: most junior journalists did not always know their rights, and as a result, they might not be able to argue effectively for access to information they need.

Another issue related to this act is that some public officials may not be aware of their obligation to provide information. Panelists agreed that incompetent or ill-informed government officials pose barriers to information access.

According to Roberta Makhambeni, media liaison for the North West Legislature, information can be obtained from government, provided that the information requested is not a threat to national security. Some cases have arisen in which access to information is denied to journalists by imposing closed court proceedings on high-profile cases.

South Africa has unrestricted access to international news and news sources. Media outlets can generally afford to access these sources, but not all broadcasters can—least of all community broadcasters. Regarding media consumers, one needs to be able to afford to watch international news on the Internet or on subscription television.

There is no entry requirement into the journalism profession. Any person can study or practice as a journalist.

[15] The Chief Executive Officer of the South African Broadcasting Corporation Limited: Dali Mpofu appointed a Commission of Inquiry on 29 June 2006. *SABC Commission of Inquiry into Blacklisting and related matters*, Published 2006.10.14, in the Mail &Guardian Online www.mg.co.za on

[16] *SABC Commission of Inquiry into Blacklisting and related matters*, Published on the Mail & Guardian Online www.mg.co.za on 2006.10.14

[17] Term used to describe the increasing number of young reporters in South Africa's newsrooms

OBJECTIVE 2: PROFESSIONAL JOURNALISM

South Africa Objective Score: 2.89

All but one of the indicators fell close to the overall average, the exception being Indicator 1, related to fair, objective, and well-sourced reporting. This indicator was roughly one-third of a point lower than the average.

Reporting fairly and accurately is a contentious issue because of strict deadlines. As Charlene Deacon, editor-in-chief of a local commercial radio station, said, "Technology is indeed posing a threat to accurate reporting," given that sources of news are questionable due to the easy access of "inaccurate information via the Internet and press releases." Most panelists thought that reporting standards are good despite some inaccurate reporting, primarily by community newspapers and radio, but also sometimes in the mainstream media.

However, the panelists also felt that the standard of reporting is declining, particularly when one looks at community media. This was generally attributed to the juniorization of the profession, the absence of adequate coaching/mentoring, skills, and the lack of resources to conduct proper research and investigation into stories. A suggestion was made that older and experienced journalists in the newsroom be utilized sufficiently to mentor and coach junior journalists, in order to improve journalism in the country.

The declining standards are exemplified in a May 2007 case in which a major weekend newspaper, *City Press*, was taken to court by three powerful political figures on charges of defamation. An article titled, "ANC Top Brass Spied on Each Other—Apartheid Agent" appeared on August 7, 2005 on the front page of *City Press*. Photographs of Premier Sibusiso Ndebele and the Minister of Defense Mosioua Lekota were accompanied by the caption: "ANC top brass." The case revolved around the claim by *City Press* that the article was based on a book titled *On South Africa's Secret Service: an Undercover Agent's Story*. Judge ZLL Tshiqi of the Johannesburg High Court said that in his view, the way the defendants had handled the matter illustrated that "the contents of the book were deliberately distorted to create sensation, which would sell the paper. And this was done with no regard for the dignity and personality attributes of the individuals concerned." According to the Judge Tshiqi, the editor of *City Press* was entrusted with ensuring the "correctness and lawfulness of the content of all *City Press* editions."[18] Judge Tshiqi ruled in favor of Premier Sbu Ndebele and Minister of Defense Mosioua Lekota in the case, compelling *City Press* to pay the two parties R300,000.

In the panel discussion, Tsheliso Thipanyane, CEO of the Human Rights Commission, cited a similar incident that involved the commission and a mainstream newspaper. He said that the journalist concerned did not approach the commission for a balanced report on the story. "We said to him, 'you know this is wrong.' He said 'Well, sorry, it was not me—it was my editor who said I must write the story.' It was one of the leading newspapers in this country."

Deacon pointed out that there are many cases in which people do not respond to a journalist's inquiries in time to check information before their deadlines, even after several follow-ups by the journalist.

Another politician at the ARPM seminars held by SANEF gave an example "of the victim of an alleged rape, who was named by some newspapers while the trial was still pending." Legislation in South Africa prohibits the naming of rape survivors. However, SANEF stated, "While there have been numerous cases of debatable taste and balance and even the ethical conduct by the media since 1994, there have been very few proven cases of deliberate dishonesty, and almost none of fabricating material. In fact, the media have been quick to take action against journalists guilty of plagiarism.[19]"

Mfanafuthi Sithebe from the Communications Workers' Union was concerned that "coverage of civil society by journalists is bad." He said that journalists give preference to business stories, saying that the awarding of gifts to journalists by corporate businesses and the hospitality sector is to blame.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

[18] http://home.kwazulunatal.gov.za/press_releases/14-05-2007b.pdf

[19] SANEF submission to the ARPM, January 2006; p. 7

Amina Frense, television news editor, concurred, saying that journalists do receive gifts, especially for tourism writing or broadcasting. Mainstream newspapers have procedures for journalists to declare such gifts, but accepting them is a personal choice, and the blame for wrongful acceptance lies with the journalists themselves.

Journalists citing women as sources increased from 17 percent in the SADC region in 2002 to 19 percent in 2005. Comparative research conducted across 76 countries has found that this is below the global average of 21 percent.[20] Dumisani Gandhi noted to the panelists that gender representation and use of gender-balanced sources is still lacking in all media sectors. Furthermore, he remarked that the coverage of HIV and AIDS often lacks rigorous research and perpetuates stigmas and stereotypes.

The panelists agreed that journalists generally follow ethical standards in reporting. The public broadcasters have a code of ethics for journalists. Similarly, major newspapers, including *The Star* and *Sunday Times*, have ethical codes that include acceptable practices with regards to accepting gifts and freebies. The African Media Barometer found that:

> Codes of conduct and self-regulatory bodies are in place for both print and broadcast media. Print media companies have established a one-person self-regulatory body, the press ombudsman. A code of professional standards was developed by all stakeholders. Participation is voluntary but most major media houses are part of the process. There are two broadcast bodies—one statutory and one voluntary—and broadcasters have a choice. The Broadcasting Monitoring Complaints Commission is part of ICASA and headed by a judge. The Broadcasting Complaints Commission is a self-regulatory body under the National Association for Broadcasters. Both bodies have essentially the same code and similar sanctions. SABC and commercial operators being members of the National Association for Broadcasters (NAB) have opted for self-regulation, while community broadcasters come under BMCC. There is also the Advertising Standards Authority, which is self-regulatory. There is the perception that too often self-regulation is guided by self interest, i.e., that the authorities are biased towards the industry.[21]

The panelists did have some concerns regarding ethics. They said that reporters tend to write their reports first without back checking, and if they are wrong, they apologize after the fact. Panelists also felt that at times, people in power influence the newsroom. The potential undermining of journalistic ethics through bribery, especially gift giving, was another concern.

Amina Frense raised a critical issue concerning plagiarism. She insisted that this practice is not dealt with adequately by the media. SANEF stated, "The media itself has been quick to take action against journalists guilty of plagiarism."[22] On the other hand, Deacon saw the issue from a different angle and suggested that technology challenges ethics. "The issue is speed of delivery of information." she said. "In terms of broadcasters, for example, you make your name on being relevant and credible based on really good journalism, but you also make your name with listeners based on how fast you deliver the information to them."

Professor Keyan Tomaselli from the University of Kwazulu Natal said that the public perceive the media as having an agenda, and that the public points this out whenever there is an inaccurate report in the media. He questioned why the public does not attribute the mistake to the journalists who wrote the incorrect report, and treat such matters as isolated cases instead of being representative of all media.

There seemed to be consensus that self-censorship does exist in various forms and at all organizational levels. Panelists said that this indicator is loaded and one needs to tread carefully, because comments can easily be based on perceptions rather than facts. Lumko Mtimde, CEO of the Media Development and Diversity Agency, remarked, "There is self-censorship, and [for me] the answer… is for us to diversify the media ownership landscape…As much as print media is largely owned by four or five groups, if their owners are not happy with a particular method, there would be…self-censorship. But if you diversify media ownership, you will get different views and opinions."

Roberta Makhambeni concurred, adding that people tend to focus mainly on the pervasive mainstream media. She pointed to recent debates regarding the SABC's editorial independence, which came under the spotlight in its Commission of Inquiry. The report claims that Snuki Zikalala's interference with the day-to-day management of the newsroom affects the independence of news editors. And this creates an atmosphere of self-censorship at the public broadcaster, especially when dealing with political stories.

[20] *Gender and Media Baseline Study (GMBS),* conducted by Gender Links (GL) and the Media Institute of Southern Africa (MISA), 2006

[21] MISA, African Media Barometer (AMB), 2006; p. 27

[22] SANEF; January 2006, Submission to the African Peer Review Mechanism, *The South African media and the moral agency of individuals*, p. 7)

The issue of what constitutes a "key event" is debatable, according to panelists. They thought for the most part, key events are those that interest their target market. Events that are of national interest might not necessarily be key or relevant for community media, and key national events are not necessarily of interest to community media, who focus on local stories.

Frense commented, "We don't have sufficient diversity in broadcasting, although we have so many outlets. There is no adequate air time to cover those key events adequately…there are more national bulletins instead of more regional and local. So we need more diversity, especially in broadcasting and especially in local television broadcasting." Therefore, one can deduce that diversifying media organizations is crucial to adding more coverage of key events.

Panelists seemed to believe that journalists' salaries are inadequate and cited several examples. However, according to a research report conducted by Genderlinks and SANEF in 2006, apparently salaries are market-related: "The average annual salary in newsrooms is about R210,000 per annum, with black women earning the least at R178,404 compared to white men earning R236,205 and black men earning R232,534. White women earn R189,264 on average per annum."[23]

Makhambeni stated, "An editor, if [he or she is] lucky, makes R200,000 per annum. As a director of communication, or a chief director of communication in a provincial government department, you can make R400,000 or 450,000 per annum." Panelists noted that this salary difference is not causing corruption, but rather a shifting of journalists from the independent media to government media.

Professor Tomaselli observed, "Migration from the academic sector to journalism happened when I started teaching at Rhodes in 1981. Editors [and] assistant editors were joining the department because they could get higher salaries. The trainers of the journalists are now getting very low salaries in relation to what the journalists are getting in the corporate sector and the state sector."

Panelists agreed that there is enough news and information programming in print and broadcast, with access to the SABC as well as subscription television which includes CNN, BBC News, Sky News, and many more. Radio stations such as Kaya FM are licensed as 40 percent talk and 60 percent music stations. There are radio stations broadcasting in indigenous languages, which cater to previously disadvantaged communities. Makhambeni affirmed that "they will break whatever [is on air] to give you the news bulletin when it is supposed to take place. It may be shorter, but I do believe that the entertainment does not eclipse…the news."

In terms of quality and modern equipment, South Africa is on par with the rest of the world, according to Gavin Stewart. Yet he acknowledged that the country's "vast rural areas...remain under-equipped, under-covered and under-represented." Makhambeni said that regional broadcasters in provinces such as North-West struggle with inadequate and inefficient equipment that at times limits their ability to cover certain areas and stories.

"The best niche—investigative reporting—comes from the financial press," said Tomaselli. "It is process-oriented, it's explanatory, and it addresses a reader that they assume understands what they are talking about. I think that financial journalism, for me, offers the best that journalism in South Africa can offer. And I would like to see that kind of intensity and quality spread to the other beats."

Stewart also stated that "good journalism exists in South Africa," although "good journalism is costly and time-consuming and reporting staffs are too small and too volatile to sustain long-term surveillance of most institutions, whether municipal councils, business, education, health, etc."

Panelists thought that the same rigor seen in financial reporting should be applied to broad investigative journalism. Makhambeni said that tabloids also need to be seen as a rising niche in South Africa.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

South Africa Objective Score: 2.85

The panelists rated all indicators relatively close to the overall objective average. The lowest was Indicator 7, relating to the breadth of social interests represented in the media.

Panelists are not concerned about the availability of news sources, but are worried about the cost of access to television, both pay TV and public broadcasting. Two issues were raised with regards to print news sources. First, panelists perceived a decline of the newspaper-reading culture in South Africa. Secondly, the fact that the majority of newspapers are in English poses a barrier for some communities. And of course, panelists commented that thriving newspapers write mainly about urban issues that are not relevant to [mainly] rural non-English speaking communities.

Panelists agreed that South Africa has a multiplicity of news sources in broadcast, Internet, and print, with radio the most accessible, affordable, and linguistically diverse medium in urban and rural areas of the country. SABC television

[23] Sanef & Genderlinks, *Glass Ceiling Two: An Audit of Women and Men in South African Newsrooms*, 2007, p. 16

news accommodates a plurality of languages, including sign language, and airs a wide variety of day and evening programs and newscasts. The direct-to-home digital satellite service operates under the brand name DStv, owned by MultiChoice. It consists of well established and highly rated local and international channels, premium sports, news, and entertainment. News 24 is a 24-hour news channel available by subscription from DStv. Only consumers in higher income brackets can afford this service. Community media is growing, thanks to support from MDDA and start-up subsidies given to small media organizations.

The majority of newspapers have online editions, and other Internet-based national and international news sources are available around the clock with breaking news stories. Amongst these are I-Africa, IOL (Independent Online), All Africa, the Newspapers Directory (newspapers.co.za), News 24, Afrol News, Rap21, and Biz Community. At the moment a small percentage—7.6 percent of South Africans—are Internet users.[24]

There are no legal limitations on citizens accessing foreign news sources, though as reported in Objective 1, panelists referred to literacy and cost constraints for rural communities.

Regarding the nature of public media, Lumko Mtimde echoed the views of panelists, saying, "There is diverse reporting that shows the political spectrum equitably, not equally, but equitably." He explained that the profile and size of a political party's constituency are considered for broadcast stories. "One cannot come from a one-man party and expect the same airtime in Kaya with a party that represents the entire Kaya constituency. This is what I mean by equitable reporting," he said.

Panelists agreed that South Africa has a multiplicity of news sources in broadcast, Internet, and print, with radio the most accessible, affordable, and linguistically diverse medium in urban and rural areas of the country. SABC television news accommodates a plurality of languages, including sign language, and airs a wide variety of day and evening programs and newscasts.

There have been complaints that the SABC favors the views of the presidency and thus of the ruling party. Last year, the SABC was criticized by the FXI for failing to account transparently to the public. FXI emphasizes that the SABC has to act on the findings of the Blacklisting Commission of Inquiry. The Inquiry investigated the conduct of Dr. Snuki Zikalala (Group Executive for News at the SABC), who was accused of attempting to silence views that are critical of the government. Dumisani Gandhi cited a report by the Media Monitoring Project that examined "whether the SABC was meeting its public mandate." Apparently, observations showed no systematic bias on the part of the public broadcaster. Gandhi added, "So there are high professional standards in what they do."

Roberta Makhambeni, media liaison for the North West Provincial Legislature, also referred to an incident in which the deputy president, Phumzile Mlambo Ngcuka, was booed on stage by supporters of Jacob Zuma (former deputy president of South Africa and a contender in the succession race) at a rally in Kwazulu Natal. Makhambeni pointed out that when e.tv showed this footage, it was hailed for being first with the news.

The South African Press Association (SAPA) is a national, non-governmental news agency distributing consistent, reliable, and credible breaking news and photographs to the print and broadcast media. Other entrants on the market are Inet-Bridge, Eye News Service, East Cape News Agency, Touchline, Backpage Pics, and Health-e News Agency, some of which distribute news primarily on HIV/

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

[24] (AMPS 2006, www.saarf.co.za) SAARF uses an adult population group: 30 903; adults of the age of 16

Apparently, private print organizations are taking advantage of the government's failure to implement legislation relating to media ownership issues and cross-media ownership guidelines, and therefore leading print media owners have interests in television as well. This situation makes it difficult for new entrants to survive in the market.

AIDS and health related matters.[25] While SAPA is the main supplier of international news to the media, international agencies such as Reuters and AP are also available. However, panelists are of the opinion that not enough news agencies exist for the number of media that exist in South Africa. As Charlene Deacon of Kaya FM noted earlier, news agencies are sometimes unaffordable for radio stations, and their news must be sourced from other media, for example newspapers and the Internet.

Deacon commented how Kaya FM's ability to produce its own news. "If I had to give you a percentage of original stories created by Kaya, on average [it's] roughly about two percent, maybe three," she said. "This depends on how your promise of performance goes as a radio station and how you are licensed."

Mtimde also commented that licensing conditions are different for commercial, public, and community broadcasters. He noted especially that community broadcasters frequently go out to cover newsmakers and that this is a component of their licensing. He added that their news has to be relevant to their community; hence the greater need for relevance through local stories. Commercial television station e.tv produces its own news and information programming, and, more often than not, if SABC has not covered a story, e.tv has.

Ownership of media is fairly transparent, although panelists think that a number of people still are not aware of who the media owners are. Panelists also think that ownership is monopolized, and with the few owners mainly being of European descent, there is no visible racial transformation. There are debates in the country about transforming and diversifying the media ownership landscape, an issue currently being researched by the Association of Independent Publishers. Lumko Mtimde of MDDA said, "[Media owners] will have to comply with the Electronics Communications Act, which requires a minimum of 30 percent of all licensees to be in black hands."

Print media is dominated by Independent Newspapers Group, Media24, Johnnic Communications, and Caxton. Caxton owns the majority of community newspapers. SANEF describes the nature of the three largest companies:

> The three publishing companies [Independent Newspapers Group, Media 24, and Johnnic Communications] differ widely in their ownership and character. Media24, originally Naspers and one of the foundations of Afrikaner nationalist publishing, is determined to secure a place in the mainstream of post-apartheid South Africa. It launched the Welkom Share Scheme in 1998 to bring on board 17,000 "previously disadvantaged" shareholders and it has employment equity, procurement, and mentoring policies (www.media24.com), and has recently launched several tabloids into the under-served lower middle of the consumer market, including *Son* and the phenomenally successful *Daily Sun*. Johncom, a wholly-owned subsidiary of Johnnic, describes itself as a black empowerment company committed to 'enhancing its empowerment credentials' (www.johnnic.co.za). In December 2005 Johnnic was taken over by Hosken Consolidated Investments. The third group, Independent Newspapers, is owned by Irish newspaper tycoon Tony O'Reilly's Independent Newspapers in Britain.[26]

In 2007, Media 24/Naspers launched another black empowerment share scheme called Puthuma Nathi and Welkom Yizani to give South African citizens from previously disadvantaged backgrounds an opportunity to own shares in the company.

The SABC is by far the largest owner of radio, with commercial stations 5FM, MetroFM (both national broadcasters), and Good Hope FM (a regional station in the Western Cape). PBS radio incorporates 12 stations, broadcasting in all 11 official languages. Other commercial radio groups are: 1) Primedia, with Highveld 94.7, Talk Radio 702, Kaya FM, KFM, and Cape Talk; 2) Radmark, a radio sales and buying house representing Jacaranda and East Coast Radio; 3) United Stations, with Algoa FM and OFM; and 4) Independent, with YFM, Classic FM, P4 KZN (IGAGASI), and P4 Cape (Heart 104.9).

Apparently, private print organizations are taking advantage of the government's failure to implement legislation relating

[25] MISA, 2006, *African Media Barometer.*

[26] SANEF, January 2006, Submission to ARPM, p. 2

to media ownership issues and cross-media ownership guidelines, and therefore leading print media owners have interests in television as well. This situation makes it difficult for new entrants to survive in the market.

ICASA, due to issue new Subscription Television Licenses, has received over 10 applications and is short-listing the applicants. Presently, however, television is dominated by the SABC, the publicly owned service, with the government as sole shareholder. Appearing as the first private commercial terrestrial broadcaster in 1998, e.tv is owned by black empowerment group Hosken Consolidated Investments Limited and Venfin Limited, according to its web site.[27] The subscription television stations are M-Net and DStv, both owned by media conglomerate Media 24/Naspers.

South Africa recognizes 11 official languages, but they do not appear in the media as frequently as English, which is dominant. Tomaselli summarized it well, saying that "the reality of the situation in South Africa is not that the minority but the majority languages are actually disadvantaged." One of the panelists noted that Isolezwe, a newspaper in Kwazulu Natal, is one of a few indigenous-language newspapers doing well. Most indigenous-language newspapers in South Africa tend to be small. Proficiency in the English language among some newspaper readers is also seen as a barrier. The panel discussion also highlighted the under-coverage of the rural parts of South Africa. Most media's coverage is urban-centric, especially in the print media. Community media, however, most often distribute information in vernaculars with content that is relevant to their respective communities.

OBJECTIVE 4: BUSINESS MANAGEMENT

South Africa Objective Score: 3.06

The business and management operations of the South African media sector are generally strong, and South African media and media-related companies can be found operating in several other countries in Africa. All indicators fell close to the overall average, with the score assessing the use of market research in the lead.

With community media as an exception, all media in South Africa operate efficiently and as profit-making businesses. Tomaselli mentioned ICASA closing the "open time window" for M-Net, thus ending an agreement made during apartheid that gave subscription television service M-Net what he called "an unfair advantage" over other commercial channels by allowing it to air freely for two hours per day. Other media outlets such as the SABC, Media 24, and Johncom

Gavin Stewart noted, "Sponsorships by commercial companies are also used to pressure publications into giving favorable coverage of sponsor's events, with frequent sponsor mentions. Fully sponsored events are becoming an ever-greater problem worldwide."

are professionally managed and are profitable businesses, according to the panelists.

Charlene Deacon stated that the main source of revenue for commercial radio stations is advertising. As mentioned before, usually they compete with public broadcasters and community broadcasters for this revenue stream. The latter group has an unfair advantage, according to Deacon, because it can vary its rates. However, advertisers will opt for the services of a broadcaster that offers a competitive rate for a good service. Panelists felt that in general, the base of advertising for media is diverse, though this does not prevent interference. Gavin Stewart noted, "Sponsorships by commercial companies are also used to pressure publications into giving favorable coverage of sponsor's events, with frequent sponsor mentions. Fully sponsored events are becoming an ever-greater problem worldwide."

The Advertising Standards Authority (ASA) has a sponsorship code aimed at ensuring good sponsorship practice. ASA set up the "The Sponsorship Dispute Resolution Committee and Sponsorship Appeal Committee consisting of members

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

[27] http://www.etv.co.za/

nominated by signatories to the Sponsorship Code of Practice," and its committee has representatives from the media. According to its web site, "The Advertising Standards Authority of South Africa (ASA) is an independent body set up and paid for by the marketing communications industry to regulate advertising in the public interest through a system of self-regulation. The ASA works closely with government, statutory bodies, consumer organisations and the industry to ensure that the content of advertising meets the requirements of the Code of Advertising Practice."[28]

The Broadcasting Act requires that license revenue be used only for the public broadcasting activities of the SABC, and this source accounts for a growing share of SABC's revenue—currently 19 percent. Direct government funding has been reduced to 1 percent. SABC generates 76 percent of its overall revenue from advertising, with SABC 1 attracting 14 percent more advertising revenue than the commercial arm, SABC 3. Panelists stated that the growing importance of commercial operations has diverted the broadcaster's priority into airing content and advertisements that appeal to the business sector's client base.

Community media thrive on government advertising but there have been cases where this is used to apply pressure on organizations reporting negatively about the government. Municipalities have also been starting up their own publications in a move to a new corporate- and market-oriented model and image, and this has also caused financial problems for community media.[29]

Total ad spend in South Africa, excluding self promotion, was R20.1 billion in 2006, up by R3 billion or 17 percent from 2005. Of the R20.1 billion spent on advertising, print holds the highest share, at 40 percent. This includes newspapers (28 percent) and magazines (12 percent), and it amounts to just over R8 billion. Television has the second highest ad spend, with about 38 percent. Radio ranks third, attracting about 14 percent.[30]

Regarding self-promotion, the TV sector leads all media and has invested 32 percent (R3.7 billion) in promoting their own stations on their own media. Radio follows with 16 percent (R505 million). In contrast, print only invested 4 percent (R334 million). It is clear that the battle for audiences is growing and the market is becoming fiercely competitive.

The top advertisers in South Africa keep media funded. Topping the list in 2006 was Unilever, spending a total of R442 million across all media types. Next is the cellular phone company Vodacom, while the top-spending retailer is Shoprite Checkers and the top bank is First Rand Group.

Television is a high-profile medium of South Africa, and the SABC is continually increasing its broadcast footprint. M-Net is commercially viable through subscriptions that amount to over R6 billion a year and advertising revenue derived from all platforms: SA Analogue (M-Net), SA Digital (DStv), and SA Dual View. M-Net is now owned 100 percent by Naspers. Privately-owned, free-to-air-station e.tv depends 100 percent on advertising. The top television advertisers are Unilever, Reckitt & Benckiser, Procter & Gamble, Mobile Telephone Network, Vodacom Communication, JD Group, Ford Motor Company, Coca Cola South Africa, Tiger SA, and Distell.

Radio advertising revenue in South Africa is worth R2.645 billion. Top radio advertisers in 2006 were First Rand Bank limited, Vodacom Communications, National Government, Standard Bank, MTN, Unilever, ABSA, Nedbank, Shoprite Checkers, and SAB Miller.

Print media receive the most advertising revenue in South Africa, at R8.018 billion annually. Revenue is derived both from sales of publications and advertising. However, cover prices tend to cover production and printing while advertising funds the rest of the business. Media 24 is by far the largest print media owner, with interests in many different publishing houses, and it earned R3.016 billion in 2006. The Independent Newspapers Group, publishers of most of the largest daily newspapers, is second, with revenue of R1.663 billion. Johnnic Publishing is publisher of the *Sunday Times* and earned R1.093 billion from advertising in 2006. The profitable newspapers are the more established and mainstream publications such as *The Star* and *Beeld*. *The Daily Sun*, a national tabloid, is still building its revenue base and only achieves a 36 percent premium from advertising sales. The top ten advertisers for print media are Shoprite Checkers, Pick n Pay, MTN, Vodacom, Standard Bank, ABSA, Nedbank, Spar SA, Cell C, and Mass Stores.

The advertising industry is well managed, vibrant, innovative, and internationally competitive. The industry still needs to transform its racial demographics and encourage entry by previously disadvantaged communities. Panelists agreed that the advertising market is thriving in South Africa. Tomaselli said, "The ad industry is very sophisticated, with international

[28] www.asa.org.za

[29] Milne, C., Rau, A., Du Toit, P., and Mdlongwa, F. *Key Editorial and Business Strategies: A case study of six independent community newspapers*. Rhodes University, Sol Plaatje Institute for Media Leadership, Grahamstown, South Africa, 2006. http://eprints.ru.ac.za/379/

[30] This information, and the subsequent breakdown by media type, is provided by AC Nielsen; Director, Janet Proudfoot. Advertising information services from the global Nielsen Company represent the most comprehensive source of competitive advertising intelligence available to the South Africa media industry. Nielsen measures advertising across seven different media types, including TV, radio, print (newspapers and magazines), outdoor, cinema, Internet, and direct mail.

agencies linked to South African [investor] equity, and many are 100 percent South African-owned."

The ASA deals with complaints on content produced by advertising agencies and also ensures that the industry is fair and competitive. Regarding government subsidies, community media receive start-up funding from the MDDA, but the government does not subsidize any large independent media organizations.

Most large media organizations rely on market research conducted by the South African Advertising Research Foundation (SAARF), which conducts an All Media and Product Survey (AMPS), a Radio Audience Measurement Survey (RAMS), and a Television Audience Measurement Survey (TAMS). According to the SAARF website, the foundation's "main objective is to direct and publish media audience and product/brand research for the benefit of its stake-holders, thereby providing data for target marketing and a common currency for the buying of media space and time."[31] The results are presented annually, but access to this information comes at a cost.

SAARF is also working towards including community media in the research survey. SABC Television conducts its market research by augmenting the research of SAARF. Independent media also use SAARF's AMPS. Charlene Deacon noted, however, that commercial radio stations experience difficulty in implementing and sourcing the final survey results because of resource shortages.

Regarding the influence of marketing on the print media, Tomaselli noted that editors are increasingly obliged by ownership to work with the paper's marketing department to enhance commercial viability. This impacts on editorial independence and is hotly debated in the industry.

Broadcast ratings are produced by SAARF, and from time to time, the SABC produces audience ratings for its television programs, using standard audience research software from AGB Nielsen Media Research. The Audit Bureau of Circulation produces reliable research data on newspaper circulation in South Africa, including some community newspapers. Professor Tomaselli felt that the type of research that is missing "is reception analysis on how audiences make sense of media (soap operas, news, and dramas) and how they use media, etc. This research used to be done by Broadcasting Research at the SABC, but is now being done mainly by academics and students, [and] it is quite fragmented." Professor Tomaselli believes that this kind of research would qualify or dispute perceptions about programming in the public broadcaster and other broadcasters.

[31] www.saarf.co.za.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

South Africa Objective Score: 3.26

In this objective, panelists returned scores of above 3 for all indicators, though none were significantly higher than the overall average.

Bodies representing the broad and common interests of media houses and individuals are SANEF, Media Institute of Southern Africa (MISA), Print Media South Africa, and the NAB. The NAB is an NGO funded by its members that engages with policy makers and provides ICASA, the government, and parliament with information and updates on the broadcast industry. For example, the NAB made a submission on the proposed amendments to the Film and Publications Act to the Portfolio Committee on Home Affairs in 2003. Professionals in the media form the core of these organizations, which are particularly active on issues of media freedom and freedom of expression.

The Association of Independent Publishers (AIP) seeks to grow small community and grassroots newspapers. The National Community Radio Forum is a platform for advocacy, lobbying, and networking for community radio stakeholders.

As mentioned earlier, no unions represent the interest of all journalists. Gavin Stewart had this to say about the demise of unions in South Africa: "Journalists believed they could gain great strength by opening the doors of their union to everyone in media post-1994. They failed to foresee that few non-journalists would join and they would fall below the ratio required for recognition as a union. Their employers promptly withdrew recognition. Their [employers'] delight (I was among them at the time) told me how grave a mistake the journalists had made."

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

The Communications Workers' Union represents the interests of large communication companies and parastatals [semi-government owned organizations] such as Vodacom and Telkom, but it is not a *journalists'* union. SANEF represents the interests of editors, but is not a union. Panelists generally seem to believe that the revival of a journalists' union is a priority because there is an absence of representation for journalists.

Longstanding media NGOs such FXI, MISA, and SANEF monitor, advocate, and lobby for freedom of expression and media advancement. The MDDA, as a government-run agency, supports the start-up and development of community and small media. FXI is an NGO at the forefront of advocacy, education, and mobilization of civil society involvement in media issues and lobbying for media freedom and freedom of expression in South Africa. The institute is a member of the International Freedom of Expression Exchange, a global monitor of media freedom and freedom of expression. FXI and other NGOs such as MISA and SANEF are city-based national organizations. Dumisani Gandhi from Genderlinks said, "There is no doubt that there are organizations but there is need for more activism."

However, Gavin Stewart felt that the NGO sector is good and resourceful. "Among other things, these NGOs have found everything from sound legal opinions to cash for legal actions," he said.

Panelists generally perceive existing NGOs as effective, although they believe that more such organizations should exist in order to create greater understanding on the need for media freedom and freedom of expression. These organizations can also help the public to understand the roles and purposes of media in society.

Rhodes University, the University of the Witwatersrand, Stellenbosch University, and the Nelson Mandela Metropolitan University offer well developed, high quality journalism degrees that contribute to the high standard of journalism in the country. The extent of their practical training, however, was debated by the panelists, many of whom said that degree programs are lacking such training.

Some South African journalism students study abroad, although Tomaselli said, "It is prohibitively expensive. Journalists get their degrees in South Africa and most graduates are absorbed by the non-news sectors [of the broader communications industry]." Stewart asserted, "Good candidates from the formerly disadvantaged groups are in short supply, largely due to a failing school system in these areas."

Numerous complementary short-term training programs are offered at organizations such as the Sol Plaatje Institute for Media Leadership, Institute for the Advancement of Journalism, Genderlinks, and the National Media Electronic Institute. The Sol Plaatje Institute provides training for media managers and leaders. The Institute for the Advancement of Journalism offers short training courses for individual journalists and members of the government, corporate, and NGO sectors. Genderlinks approaches training differently, using training tools from the virtual resource center on their website. Panelists noted that journalists are busy people and it is difficult for them to take time off to go for week-long training programs, a statement supported by recent research into training needs across the SADC region.[32]

Panelists also mentioned the issue of access to, and funding for, training. Roberta Makhambeni commented, "It is accessible but it seems to be in large cities, metropolitan areas….[If] those same institutions are willing to travel to us, [then] we can pay for one person instead of paying for five people. People can't travel to Johannesburg, pay for accommodation for a week and pay for the course, unless they are subsidized." Most panelists agreed, especially on the need for trainers to travel to organizations to do in-house training.

Newsprint in South Africa is mainly in private hands, and as Lumko Mtimde remarked, "printing facilities are commercially driven and owned for profit making, and serve the newspaper industry." Mondi Shanduka is a major player in newsprint in South Africa and provides newsprint for publishing to Independent Newspapers, Media 24, and Johnnic Communications. SAPPI is another major paper company that is entering the newsprint market.

Community newspapers have difficulty accessing standard newsprint because it is expensive, and Mondi Shanduka does not provide to community media, as this sector is unable to afford it. Stewart said, "There is something of a monopoly of ownership by Caxton of web-fed tabloid presses. Caxton is the major publisher of community newspapers and its smaller rivals can no longer obtain sheet newsprint."

"Most print media are in private hands," said Tomaselli. "Broadcast transmitters are divided between private and state. Nonetheless, a few media distributors are in state hands, including the SABC, and very few local government publications."

[32] Milne, du Toit, Rau & Mdlongwa, 2006, Sol Plaatje Institute for Media Leadership

Panel Participants

Tseliso Thipanyane, CEO, South African Human Rights Commission, Johannesburg

Roberta Makhambeni, media liaison, North-West Provincial Legislature, North-West Province

Lumko Mtimde, CEO, Media Development and Diversity Agency, Johannesburg

Mfanafuthi Sithebe, trade unionist, Communications Workers Union, Johannesburg

Amina Frense, news editor, South African Broadcasting Corporation, Pretoria

Dumisani Gandhi, program manager, Genderlinks, Johannesburg

Dumisani Nyalunga, media and advocacy officer, Media Institute of Southern Africa-South Africa Chapter, Johannesburg

Charlene Deacon, editor-in-chief, KayaFM, Johannesburg

Keyan Tomaselli, senior professor, University of Kwazulu Natal, Kwazulu Natal

Gavin Stewart, independent editorial consultant, East London

Moderator

Shehnaaz Bulbulia, print department head, Institute for the Advancement of Journalism, Johannesburg

Observers

David Katz, project coordinator, Association of Independent Publishers, Johannesburg

Johanna Mavhungu, researcher, Sol Plaatje Institute for Media Leadership, Grahamstown.

The South Africa study was coordinated by, and conducted in partnership with, the Sol Plaatje Institute for Media Leadership, Rhodes University, Grahamstown.

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Despite the dim picture of media freedom in Sudan currently, some panelists expressed hope. "Gaining our freedom is still a long way off, but we believe that one day we shall achieve this and enjoy our profession as our colleagues in other countries, because these are our basic rights," said James Lemor, news editor for Radio Juba.

SUDAN

OVERALL SCORE: **1.28**

SUDAN

Sudan is one country with two governments. Years of civil war devastated the country and, according to some estimates, resulted in millions dead or displaced. A peace agreement signed in 2005 effectively left the country in two pieces, north and south, until 2011, when a referendum on independence will be held. The northern part, referred to as the Khartoum Government, is headed by General Umar al-Bashir; the other part, known as the Government of Southern Sudan (GOSS), is headed by Lt. General Salva Kiir. Separately, the conflict in Darfur, in the west of the country, has grabbed headlines since it began in 2003; violence continues there despite international peacekeeping missions.

Predictably, years of strife have taken their toll on civil liberties, including freedom of the press. There is very little press freedom in the north, as the government controls both the state and private press and implements a strict form of Shari'a law that justifies denying many civil liberties. The few private media that have voiced critical opinions are closed or operate under tight control. The south is exempt from Shari'a law under the interim constitution, and the media there are allowed more leeway. Nonetheless, press freedom suffers when private media issue reports that the authorities there consider negative.

Despite the dim picture of media freedom in Sudan currently, some panelists expressed hope. "Gaining our freedom is still a long way off, but we believe that one day we shall achieve this and enjoy our profession as our colleagues in other countries, because these are our basic rights," said James Lemor, news editor for Radio Juba.

Objective scores stayed fairly close to the overall average. Objective 2, professional journalism, was the highest-scoring objective, at 1.63. The lowest-scoring objective was Objective 1, freedom of speech, coming in at 0.99. Objective 3, plurality of news, also scored low, at 1.09. The remarks of the MSI panelists show that the weaknesses in these two objectives are indeed the biggest threat to free-flowing information, opinions, and ideas in Sudan.

SUDAN AT A GLANCE

GENERAL

> **Population:** 40,218,455 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Khartoum

> **Ethnic groups (% of population):** N/A

> **Religions (% of population):** Sunni Muslim 70% (in north), Christian 5% (mostly in south and Khartoum), indigenous beliefs 25% (*CIA World Factbook*)

> **Languages (% of population):** Arabic (official), Nubian, Ta Bedawie, diverse dialects of Nilotic, Nilo-Hamitic, Sudanic languages, English (*CIA World Factbook*)

> **GNI (2006-Atlas):** $30.07 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,780 (World Bank Development Indicators, 2007)

> **Literacy rate:** 61.1% (male 71.8%, female 50.5%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Umar Hassan Ahmad al-Bashir (since October 16, 1993)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print : 7 daily newspapers; Radio: 5 main stations; Television stations: 2 main stations

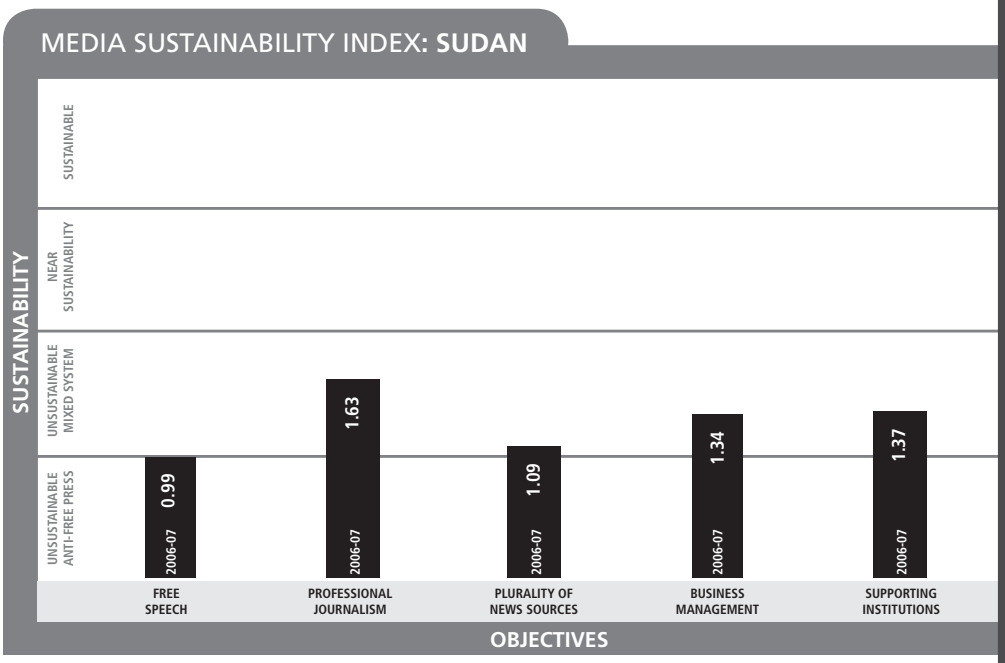
> **Newspaper circulation statistics:** Top three by circulation : *Al-Ra'y al-Amm* (private), *Al-Ayam* (private), *Khartoum Monitor* (private)

> **Broadcast ratings:** Top three radio stations: Mango 96 FM (private), Miraya FM (private), Radio Juba (state-owned)

> **News agencies:** Sudan News Agency (state-owned)

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 3,500,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Sudan Objective Score: 0.99

Most of the indicator scores in this objective hovered near the overall average. Some of the exceptions included Indicator 6, libel laws, which was significantly lower, and Indicators 3 and 8, market entry and media access to foreign news sources, both of which finished noticeably higher.

There is no press freedom in Sudan, and neither the previous constitution nor existing laws guarantee this freedom. For a long time, the country has been governed under Shari'a law, which has not included tenets of press freedom. In society at-large, freedom of speech is not valued in Sudan, especially in the north. But even in the South, which is currently exempt from Shari'a law, and despite provisions for freedom of expression and of the press in the interim constitution, panelists asserted that these freedoms are mostly absent. "In the whole of Sudan there is no press freedom, per se, because journalists are being arrested and harassed regularly," said Apollonia Mathia, senior editor with the *Juba Post*.

GOSS, with its semi-autonomous status, is in the process of drafting new laws, including those for the media. This has been undertaken in consultation with different stakeholders and will soon be tabled before the Council of Ministers and then to the interim parliament. The new media bill has several good provisions, including one that guarantees access to public information. "We hope that once these laws are put in place, they will protect us from several problems we are facing now," said Bullen Kenyi from the Southern Sudan Journalists Union.

In the south, five private media outlets and a state-run television station operate, despite the fact that no media laws are currently in place. There is relative—but limited—press freedom in this part of the country. But even here, this can be interrupted by security personnel and GOSS authorities, who might be angered by reports in the media considered to be negative.

In the north, the government controls both private and state-run media. Under the existing media laws, every media outlet must employ security personnel to review stories before publication. The only private media outlets that have tried to be independent—the *Khartoum Monitor, Al-Ayaam*, *Al-Sudan*, and *Juba Post*—have faced regular closure, harassment, and arrests of their staff by security agents.

The panel agreed that in the north the judiciary is controlled by the government and has never been independent. In the south, the pillars that make up the government, like the judiciary, are being established and have yet to be tested.

In the north, the National Press Council is charged with licensing of broadcasting media and has put in place a number of laws that make it difficult for private media to operate or gain licenses. In the south, this role has been assigned to the Ministry of Information, Telecommunications, and Postal Services, although in the future an Independent Broadcasting Authority will undertake these tasks. In either location, the panelists noted that entry into the media is not easy, unless you are a supporter of the government. In the south, however, the government has reduced registration fees by 20 percent to attract investors in the media.

Regular arrests, torture, and intimidation are the most common crimes committed against journalists in Sudan—north and south—and panelists noted that culprits are not prosecuted. In the south, security personnel have interfered with some media by entering newsrooms and threatening journalists. A case in point was Mirror FM, a UN radio station, which found itself occupied by soldiers after it ran what GOSS viewed as a critical news item. Similarly in the north, security operatives storm newsrooms and studios to intimidate or carry off critical journalists.

The laws favor state media. Editors and managers are appointed directly by the government and have no guarantee or expectation of editorial independence. State media can more easily access public information than the private media.

Unlike in the north, where access to public information is not simple, in the south the situation is fairer, although at

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

times the situation depends on the person in charge of the sought-after information.

Under Shari'a law, several journalists have been handed prison sentences through trumped-up libel charges. It is incumbent upon the state to prove guilt in such cases, but because the judiciary is not independent the defendants almost always wind up losing. The US State Department's 2007 Country Report on Human Rights Practices reports that government critics are also charged with other crimes, such as being accused of plotting coups.

The panel stated that entry into the journalism profession is free in Sudan, if risky. However, licensing requirements exist. The National Press Council tests editors to determine qualifications. Journalists must also pass stringent language tests in order to receive accreditation.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Sudan Objective Score: 1.63

Panelists ranked only two indicators as appreciably different from the average. Indicator 3, self-censorship, came in nearly a point lower. Indicator 6, entertainment does not eclipse news, finished well ahead of the average.

Journalists do their work professionally and in most cases double-check their sources of information. They also will, on occasion, consult experts when the need arises. Some media do a better job than others in covering niche topics. Overall, some reporters and their editors are ill-trained, with only basic journalism skills, while others are more experienced and able to produce better-quality news reports. Society also shapes the media by pointing out mistakes and other deficiencies. The panel noted that the media have also worked on a draft of code of ethics, although this is not yet complete.

As much as editors and reporters may wish to be independent, under the circumstances in Sudan doing so is not easy. The media end up serving the interests of those in power, killing stories when they feel that releasing them may injure the relationship. Self-censorship, therefore, is a normal procedure. However, the panel noted that journalists cover most key events, even security issues. Sensitive assignments must be handled with caution, panelists added.

Some owners do not interfere with the daily management of their media outlets and are just interested in profits. Others, however, do interfere and go to the extent of dictating programs to be run at particular times. Other media owners interfere with the editorial independence and censor some of the programs that they think do not serve their interests.

Pay levels are very low, with average pay for a staff reporter between $200 and $250 per month. Working for the state media is more lucrative, with salaries ranging from $250 to $600 per month, depending on the position. Freelancers in the south are paid about $7 per story, and those attached to only one media outlet are paid a retainer of about $250.

Low salaries have resulted in corruption in the media. However, "those who are paid well, such as editors, end up killing good stories after getting kickbacks," added Lemor. David Aruai Dau, senior bureau producer for Sudan Radio Service, gave an example of a story on a company's sewage pipe that was flowing directly into the Nile. An initial story appeared in one of the newspapers but was suddenly dropped.

Advertisements and entertainment are given more time on broadcast media than news.

In the north, facilities and equipment for gathering news are relatively modern. There are also several printing companies to support the work of print media. However, the panel said that in the south there are no modern facilities or equipment. Private broadcasters, for example, lack good recording equipment, editing facilities, and cameras. Print media owners depend on Khartoum and Kampala for printing their newspapers. This affects the media negatively, as the products are of poor quality and there are some delays in delivery and distribution.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Sudan Objective Score: 1.09

Three indicators in this objective fell noticeably far from the average. Indicators 2 and 5, citizen access to media is not restricted and private broadcasters produce their own news, ended up somewhat higher than the average. Indicator 3, state media reflect the views of the political spectrum, finished well behind the average.

As indicated above, the north has fewer media outlets, and those that are private are burdened with meddling and harassment by the state. In the south, panelists said, one finds a wide range of media, including both state-run and private daily, weekly, and monthly newspapers, magazines, and radio stations. In both the north and south, television is state-controlled. Because of the history of the media in Sudan, it has not been easy to establish community broadcast media. However, in the south a group of businessmen and politicians is planning to set up rural radio stations to broadcast in local languages.

Private media provide both local and national coverage, but only a small portion of the population can afford to buy newspapers. The majority of the population listens to radio, and others, mostly in cities, watch television. Panel members agreed that those who live in cities have more access to the media than those who live in villages. City dwellers are able to compare different news sources available to them.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Internet access is available only in cities and some small towns. Due to low income levels, most people cannot afford to access the Internet. The US State Department's 2007 Country Report on Human Rights Practices indicates that e-mail traffic is monitored in the north.

Panelists said that government restrictions on access to both local and international media exist but are indirect. There are no laws that bar people from accessing foreign media, but security operatives prevent people from listening to foreign radio or watching foreign television, except for stations from Arab countries. Panelists said that very few Sudanese are interested in reading foreign languages apart from Arabic.

Panelists felt that state media serve as a mouthpiece for their ruling party, and as such spend most of their time promoting government programs. Even most private media in the north do the same; the few that have tried to deviate from this have been closed on several occasions or have had their reporters arrested or harassed by state agents.

There is only one news agency, which was established by the government. It is fully under state control and is not independent. It provides news for both electronic and print media that need it, but mostly for those that support the government. In the south, media professionals are attempting to establish an independent news agency, but these efforts have not gone very far to date.

Independent media produce their own news programs; the degree to which they differ from those produced by state media depends on whether they are in the north or south. Those in the north differ only slightly and do not offer a different perspective. Those in the south may differ but are guarded in their criticisms. In the south, furthermore, private broadcast news programs are of low quality because of a lack of facilities.

Media ownership is not very clear, and it is difficult to obtain this information from any government office. At the same time, panelists said, most people have no interest in knowing this information. Media owners, in most cases, do not want people to know the revenue they get from this business, circulation figures, area of coverage, and audience size.

OBJECTIVE 4: BUSINESS MANAGEMENT

Sudan Objective Score: 1.34

Panelists rated all indicators close to the average, with the exception of Indicator 4, advertising revenue is in line with accepted standards, which finished nearly a point ahead of

the average, and Indicator 7, audience and circulation figures, which finished at nearly 0.

Panelists reported that private media are run efficiently and as profitable business by owners. They employ professionals who manage different departments and sections of media outlets. Printing and distribution of newspapers is done privately and not subsidized by the state. This is carried out efficiently in the north; however, the story is different in the south. Publishers of serious, quality newspapers rely on printing services in either Khartoum or Kampala, Uganda. At times this causes delays for the newspapers to reach the market, panel members said.

Private media depend on a number of sources of revenue. These include advertisements, sale of printed copies, and, for some, sponsorship from the state. Panelists noted that this last source definitely influences the editorial independence of such media. The panel agreed that independent private media outlets that exist in Sudan have found it difficult to operate because of a lack of funds. Some community media have been forced to close for similar reasons.

The advertising industry is well developed in cities in the north, and one can find several advertising agencies that work with all types of media. In the south, panelists said, the advertising sector requires a lot of development to operate in a streamlined fashion. The size of the advertising market is difficult to judge, as media managers will not reveal their advertising revenues.

The panel noted that advertising takes about 15 percent of broadcasting time. In print media, advertisements are given more space as well because of the revenue they attract.

Officially, private media do not receive any subsidies from the government, but the panelists said that some media outlets in the north quietly receive support from the state, which in the long run affects the editorial independence of these media outlets. Only those outlets that are sympathetic to the government are given subsidies through advertisements from state agencies. While this is common in the north, this phenomenon has yet to be observed in the south.

To get feedback from their readers and listeners, a few media outlets carry out research. Some of the media outlets that follow and implement their research results have benefited by increasing sales and volume of advertisements. Media have used call-in programs, questionnaires, focus groups, and commissioned research to acquire information on the preferences of their readers and audiences. However, no companies monitor circulation figures or measure broadcast audiences.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Sudan Objective Score: 1.37

Only Indicator 1, trade associations, did not finish within a half point of the average.

Several media associations have been established to defend journalists' rights and promote their welfare. These include the Sudan Journalists Association, which covers all of Sudan, the Association of Independent Media in Southern Sudan, and the recently founded Union of Journalists of Southern Sudan. The panel noted that despite the existence of these professional associations, they have not been very useful

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

because of the country's political situation. Even the few members of these associations do not pay membership fees, which makes it difficult to run them. "The associations have tried to advocate for media independence, but government does not listen to them, and most times leaders are intimidated and threatened with arrest," one panelist said. "When journalists are arrested, it's the media houses they work for that make follow-ups with relevant authorities," said Mathia.

The panel agreed that nongovernmental organizations (NGOs) work in defense of press freedom and freedom of speech. Some of these NGOs include Norwegian Church Aid, with an arm to build capacity for media outlets through training, and the BBC World Service Trust.

Several universities and other institutions in the north offer degree and diploma courses in journalism. Panelists felt that they are of good quality. The only problem, they said, is that the courses of study are in Arabic. This has been a big problem for people from the south who may wish to study these courses but do not speak Arabic. There are no training institutions in the south.

However, a few media outlets in the south, like the *Juba Post*, have come up with in-house training programs for journalists who join the profession without any training. Based on this experience, the *Juba Post* plans to set up a training institution for the media, a first of its kind in the south. It plans to start by offering certificates and then expand training opportunities in the future.

Several printing companies in the north are in private hands. They import newsprint for themselves, and this industry is handled as a profit-making business. As mentioned above, in the south print media rely on printing companies in Khartoum or Uganda. Media distribution agencies in the north are in private hands. In the south, distribution is handled informally by each newspaper. The panel noted that, in the past, broadcast transmitters were controlled and owned by the government, but the situation is changing slowly; today some transmitters are in private hands.

Panelist List

Isaac Billy Gideon, freelance reporter and photographer, Lambek

Surur Ali, journalist, Khartoum Radio, Khartoum

David Aruai Dau, senior bureau producer, Sudan Radio Service, Juba

Nyero Alex, deputy news editor, Bakhita Radio, New Site

James Lemor, news editor, Radio Juba, Juba

Bullen Kenyi, chief editor, *Juba Post*, Yei

Veronica Lucy, director of english news desk, Radio Juba, Juba

Florence Okono, coordinator, Sudan Human and Media Rights Monitor, Dafur Region

Jane Kenyi, advertising manager, Morongo Community Radio, Morongo

Moderator

Apollonia Mathia, senior editor, *The Juba Post*, Juba

The Sudan study was coordinated by, and conducted in partnership with, Eastern Africa Journalists Association.

Tanzania's media sector has a long history. Out of a population of about 36 million people, about 3,000 are journalists working both with print and electronic media. It is estimated that 40 percent of journalists are women. There are 38 radio stations, eight television stations, 13 cable television providers, 18 daily newspapers, and 53 weekly papers. There are over 15 media associations, including ones for national, regional, and niche interests and constituencies.

TANZANIA

OVERALL SCORE: **2.21**

TANZANIA

Under the leadership of President Jakaya Kikwete, Tanzania has witnessed three multi-party elections under the political system introduced in 1999 following the death of Mwalimu Julius Nyerere, who had ruled since independence.

Tanzania's media sector has a long history. Out of a population of about 36 million people, about 3,000 are journalists working both with print and electronic media. It is estimated that 40 percent of journalists are women. There are 38 radio stations, eight television stations, 13 cable television providers, 18 daily newspapers, and 53 weekly papers. There are over 15 media associations, including ones for national, regional, and niche interests and constituencies.

The public, including opposition politicians, enjoys freedom of speech. Traditionally, journalists have been able to gather and disseminate information without restrictions. However, the trend is changing with the introduction of new media laws that are likely to be very restrictive to press freedom and freedom of expression. There are several media laws inherited from colonial rule that the government wants to replace. The proposed replacement has been copied from Uganda, but media professionals oppose it because it introduces a number of restrictions to press freedom.

Tanzania's overall score reflects a mix of one relatively high score in Objective 5, supporting institutions (2.68), and scores below 2 in Objectives 2 and 4, professional journalism and business management (1.70 and 1.88, respectively). Panelists felt that there is a mutually reinforcing link between lackluster journalism quality and weak financial performance of media outlets.

TANZANIA AT A GLANCE

GENERAL

> **Population:** 40,213,162 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Dar es Salaam

> **Ethnic groups (% of population):** African 99% (of which 95% are Bantu consisting of more than 130 tribes), other 1% (*CIA World Factbook*)

> **Religions (% of population):** Christian 30%, Muslim 35%, indigenous beliefs 35% (*CIA World Factbook*)

> **Languages (% of population):** Kiswahili or Swahili (official), Kiunguja (name for Swahili in Zanzibar), English (official, primary language of commerce, administration, and higher education), Arabic (widely spoken in Zanzibar), many local languages (*CIA World Factbook*)

> **GNI (2006-Atlas):** $13.40 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $980 (World Bank Development Indicators, 2007)

> **Literacy rate:** 69.4% (male 77.5%, female 62.2%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Jakaya Kikwete (since December 21, 2005)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print : 71, 18 of which are daily newspapers; Radio: 38, one of which is state owned; Television stations: 8, one of which is state owned

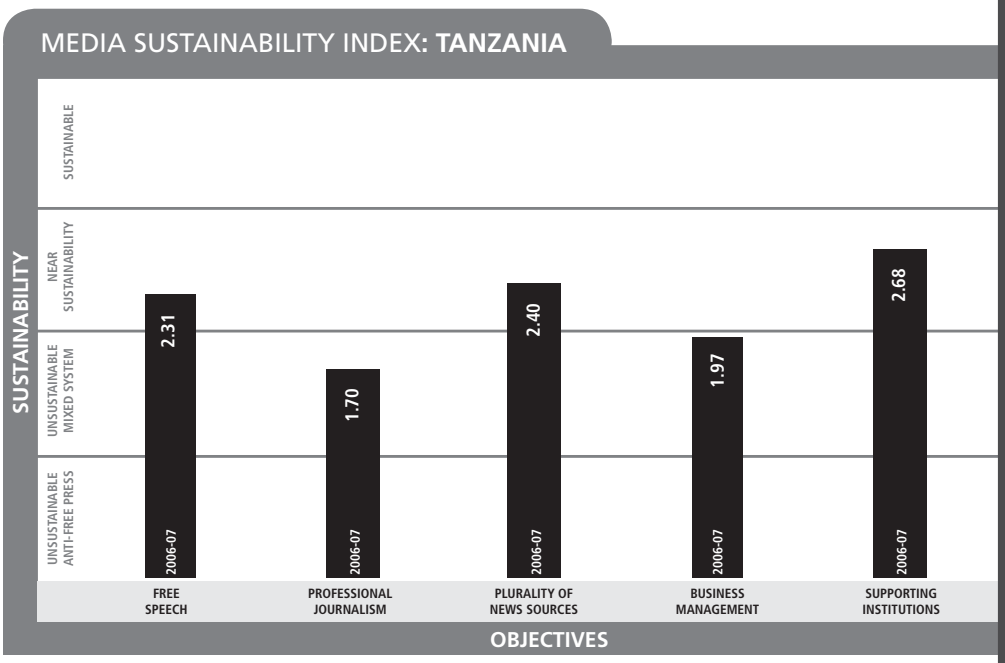
> **Newspaper circulation statistics:** Top three by circulation : *Mwanainchi* (private, circulation 32,000), *Tanzania Daima* (private, circulation 28,000), *Nipashe* (private, circulation 25,000)

> **Broadcast ratings:** Top two radio stations: Radio One (private), Radio Free Africa (private)

> **News agencies:** Tanzania News Agency (state-owned), Press Services of Tanzania (private)

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 384,300 (2005 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Tanzania Objective Score: 2.31

Indicator scores in this objective were spread out into three categories. Indicators 3, 5, 6, and 7 all scored well below the average but still above 1. Indicators 1, 2, and 4 scored slightly above the average but below 3. Indicators 8 and 9 scored on the high side, above 3. Overall, panelists felt that Tanzania is secure from drastic measures such as restricted access by the media to foreign news or government regulation of who may become a journalist. They further felt that the legal groundwork is in place to support freedom of speech and that journalists do not feel threatened carrying out their work. However, many of the legal details and regulatory aspects of the media sector still need development, such as market entry, accessing public information, and the nature of state broadcasting.

The Tanzanian constitution clearly states that freedoms of speech and expression are guaranteed. However, several laws and acts contradict these constitutional provisions, including the Newspaper Act of 1976, the Security Act of 1970, and the Anti-Terrorism Act of 2003. The penal code also has sections that the authorities may use to restrict or even shut some publications. The MSI panel felt that, despite the above laws, the media in Tanzania enjoy operating freedom.

The proposed Freedom of Information of 2007 bill, mentioned in the Introduction above, includes provisions that restrict access to some public information and licensing of journalists on an annual basis. Members of media-related professions oppose this bill. One panelist said, "In Tanzania, journalists write and report freely compared to our colleagues in the region. The only fear is the carelessness of some of our colleagues while doing their work. We think this [carelessness] has forced government to come up with new media laws that are likely to affect us."

The panel felt that licensing of new media outlets, including both broadcast and print, is supposed to be done in a free and fair manner. The process of acquiring a license from the Tanzania Communications Regulatory Authority is not easy. One panelist gave an example of the Catholic Church television and radio stations that took a year to be licensed and received a restricted area of coverage.

Taxes on newspaper inputs, such as imported newsprint, are high. Although the current president, Kikwete, promised to cut such taxes during his campaign, one year later this has not been implemented. This has kept the prices of newspapers high and unaffordable to a large number of people who may wish to read them.

Cases of violence against journalists are very rare. The only one cited by the panel was that of former Minister of Information Omary Mapuki, who lost his job after assaulting a journalist, Mpoki Bukuku, who had reported critically about him.

The existing media laws apply in the same way to both state and private media. Panelists noted, however, that it is much easier for journalists working for the state media to access information from government sources. Editorial independence for state media is not guaranteed, and at no time can it run stories that criticize the government or its officials.

Public information is more freely available depending on how it portrays the government. If information is not considered "negative," it can be freely provided to both state and private media. Negative information is either withheld altogether or else reported with an angle favorable to the government by the state media.

Panelists stated that there is no restriction on accessing international news sources by media outlets and media that can afford to can use the Internet freely.

Entry into the journalism profession is open. The new media law proposed by the government, however, includes proposals that would require minimum educational requirements in order to enter the profession.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Tanzania Objective Score: 1.70

Most of the indicators fell close to the overall average, with the notable exception of Indicator 5, pay levels for journalists. Panelists rated this indicator a full point lower than the average. Panelists' comments reflected a feeling that the economic squeeze has most affected journalists' performance, leading to most of them being poorly paid or not paid at all.

The panel agreed that most journalists in Tanzania report objectively and follow the required steps to prepare balanced stories. However, self-censorship exists in some media outlets, especially state-run ones. Reporters and editors practice this for fear of losing their jobs. Media owners have editorial policies in place, which journalists are supposed to follow. Stories that contradict these policies, however good they may be, will not see the light of the day.

The panel gave the example of an editor of *Mwanainchi* newspaper who was dismissed in the middle of the night by its owners because he had run a story about the construction of the Central Bank building. This controversial project has cost the government $280 million, and the editor was planning to run a second story about the subject. Some of the paper's owners are friends of government officials, and the story was looking into corruption surrounding the project.

Similarly, as much as journalists may wish to cover all key events, in certain cases media outlets will not provide coverage if it would promote a point of view that does not conform to the outlet's editorial bend. Further, there are some planned events where the organizers will specifically exclude "unfriendly" media. While this is not a formal government policy, officials choose to do this on their own.

Most journalists are poorly paid, and this has encouraged corruption in the media, such as killing stories in exchange for money. Staff reporters are paid between TZS 60,000 and TZS 70,000 (about $50) per month. Correspondents and freelancers are paid an average of TZS 2,000 ($15) per story. Most journalists working for broadcast media are paid better than those who work for print media. On balance, however, most professions in Tanzania are poorly paid.

In addition to low pay, cash-flow issues add to the miserable situations journalists face. The panelists mentioned cases where some journalists working with certain media houses have gone without pay for months. "These problems will be addressed by the new Employment Labor Relations Act of 2004, enacted in 2006, which guarantees contracts for every employee in Tanzania," said Godfrey Kambenga, general secretary for the Tanzania Union of Journalists. Other panel members disagreed with him, saying that many good laws have been enacted before, but when it comes to implementation they are kept in books.

Media outlets try to balance their programs by giving equal coverage to both news and entertainment; however, consumers are more interested in entertainment than news.

The panel noted that some media owners have managed to import modern facilities and equipment for use in news gathering and broadcasting. Those outlets with better equipment, the panel felt, produce better-quality news reports.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

OBJECTIVE 3: PLURALITY OF NEWS

Tanzania Objective Score: 2.40

Panelists rated most indicators in this objective close to the average. Indicator 6, transparency of media ownership, scored more than a full point higher because panelists felt this information is open and accessible. On the other hand, the government's use of state media for what panelists termed "propaganda" and the lack of an independent news service meant that Indicators 3 and 4 scored much lower than the objective average.

Most media outlets are concentrated in the cities because of market and economic factors. However, both private and state media, broadcast and print, cover all parts of the country. Most people depend on electronic media, particularly radio, for information because it is more affordable than buying newspapers. The panel says that, although radio

is a vital source of information for rural people, in some areas they cannot afford to buy batteries for their radio sets. Panelists remarked that in some rural areas there are community papers that publish obscene stories and pictures instead of covering informational issues that would support development and participation in civil society.

Panelists also pointed out that Zanzibar, the largest city, has no functioning private media, broadcast or print, as a result of local policies.

There are no government restrictions on accessing foreign or domestic news sources. The panel agreed that citizens mainly access foreign radio or television broadcasts rather than foreign print titles. For those who can afford it, the Internet also provides access to foreign news. The Internet is available primarily in cities.

State media is controlled by the government and allocates most of its airtime to covering activities of the ruling party and, panelists said, pro-government propaganda. Opposition political parties are given little time. "The good news is that, despite the fact that state media is in the hands of government, it also uses it to promote educational and development programs, which are given reasonable time," said one panelist.

No independent local news agencies exist; however, foreign ones are available and used by local media outlets on a subscription basis. Panelists agreed that their fees are affordable.

The panel agreed that private broadcast media produce their own programs generally, but news segments come from different sources, including the government, and therefore these programs do not effectively add a different perspective.

Most media outlets are concentrated in the cities because of market and economic factors. However, both private and state media, broadcast and print, cover all parts of the country. Most people depend on electronic media, particularly radio, for information because it is more affordable than buying newspapers.

Media ownership is generally known. Panelists said that anybody interested in finding this information may do so easily. However, panelists felt that very few citizens are interested in knowing this information. The panel said that most media owners want to keep secret their revenue and audience or circulation figures. Panelists noted a recent trend where groups of investors or companies have started to dominate media ownership. A case in point is the Nation Group that owns a newspaper, radio station, and television channel. Another example is IPP, a consumer products company that also owns several publications, FM stations, and television channels.

A minority-language issue does not exist in Tanzania because all citizens speak Swahilli. Most media use this language.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Tanzania Objective Score: 1.97

All indicators scored close to the average, except for Indicator 4, advertising revenue is in line with accepted standards, which was somewhat higher.

Panelists described a mixed system of managing media outlets. Those owned by large companies, as described in Objective 3, generally have better management practices and are more or less profitable. Smaller outlets have a harder time, though some are not intended to be profitable businesses but rather an outlet for certain viewpoints. Community media have a hard time becoming sustainable because of a lack of consistent revenue from sales difficulty attracting advertisements.

Printing and distribution of papers is done by private-sector companies through a network of agents and vendors who are able to reach significant parts of the country. However,

delivery delays regularly occur, especially with small print media. Panelists depicted printing and distribution companies as profitable, even lucrative.

Private media owners finance their businesses by using savings and bank loans to supplement sales of copies and revenue from advertising. The government does not subsidize private media. The panel agreed that revenue from advertisements affects editorial independence at most media outlets: media are unlikely to run stories critical of a big advertiser.

Though the advertising industry is still in its infancy, efforts are being made by media owners, managers, and advertising personnel to establish an infrastructure to help its growth. In some cases already, advertisements are run at the expense of news space. News takes 60 percent of space in newspapers, and advertisements typically occupy 40 percent. However, at times advertisements are allowed to take more space if managers need to increase revenue. At times, this causes stories to be dropped at the last minute to create space for late advertisements, panel members said.

Media outlets do no market research, and the only research that is carried out is at the initial stages leading to the launch of a new product. Broadcast ratings, circulation figures, and Internet statistics, if carried out, are not made public, but there are means of getting them from competing media outlets. Steadman carries out surveys on circulation figures, but most outlets prefer not to accept their outcome, panelists said. From the information available, organizations that carry out surveys employ both professionals and semi-skilled people to perform the work.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Tanzania Objective Score: 2.68

Panelists rated all indicators relatively close to the overall average. Higher scores went to Indicators 1 and 6, trade associations and sources of newsprint and printing. Lower scores were given to Indicators 2 and 4, professional associations and formal journalism education programs.

Trade and professional associations exist in Tanzania, but some of them are not active and of less help to members. The better associations, according to panelists, include the Media Council of Tanzania, the Tanzania Media Women Association, the Media Owner's Association of Tanzania, the Tanzania Union of Journalists, and the Tanzania Association of Journalists, which was founded by the ruling party in the 1960s but is now waning in influence. In general, members do not pay subscription fees to these organizations, and, combined with the generally poor economic situation, this limits the effectiveness of lobbying and advocacy efforts. However, all these organizations carry out training programs for journalists in different fields, ranging from professional issues to human rights.

Certain nongovernmental organizations (NGOs) support journalists and media-related causes. They include the Center for Basic Human Rights, the Tanzania Gender Networking Program, and the National Organization for Legal Aid.

Three universities offer degrees in journalism and mass communications: State University of Dar-es-Salaam, St. Augustine University, and Tumani University. Several other colleges provide diploma and certificate courses in journalism, but panelists felt that the quality of courses is poor. The panel

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

said that most graduates of journalism programs—panelists estimated about 60 percent—end up as freelancers; only a few get permanent jobs.

Some media outlets have set up in-house training for their reporters, and panelists remarked that this has worked well with some. Training opportunities abroad and exchange programs used to be available, but are not presently. However, some international organizations—like IFJ, which works with local NGOs—have assisted in training journalists in Tanzania through short courses. This has helped those who joined the profession without formal media training. These training efforts help journalists acquire new skills. Such courses are fully sponsored by the organizers, and attendees do not pay any registration fees.

Printing facilities and access to newsprint is now free, unlike times when Tanzania was under one-party rule. During those times, the two biggest printers, Print Pack and Uhuru, were restricted to printing only state papers and those that supported the government. There are several private printers today, and many businesses import newsprint and sell it to media without restriction.

Media distribution channels for private media are in private hands and carried out without interference. State media also rely in part on private businesses for distribution. Vehicles and kiosks are used to distribute print media in cities, while papers are sold in small shops outside large cities.

Panelist List

Samuel Kamndaya, business reporter, *The Citizen*, Arusha

Paul Mallimbo, journalist, IPP Company Group, Dar-es-Salaam

Simon Kivamwo, senior reporter, *The Guardian Limited*, Mwanza

Lugano Uli Mbwina, editor, Mwanainchi Communications, Dar-es-Salaam

Alpha Isaya Nuhu, features editor, Media Communications, Mombasa

Boniface Luhanga, news editor, *The Guardian Limited*, Dar-es-Salaam

John Mungole, coordinator, Human Rights Commission of Tanzania, Dar-es-Salaam

Mapwaki Denge, advertising and circulation expert, Tanzania Media Consultants, Bukoba

Moderator

Godfrey Kambenga, journalist and general secretary, Tanzania Union of Journalists, Dar-es-Salaam

The Tanzania study was coordinated by, and conducted in partnership with, the International Federation of Journalists.

The media industry in Togo has been experiencing a boom since the 1990s. Togo has 96 radio stations, seven television channels, and some 40 newspapers. Despite these impressive numbers for a geographically small country, the media have yet to attain professionalism. With a few exceptions, the media have become mouthpieces for political parties.

TOGO

OVERALL SCORE: **1.75**

TOGO

Togo attained independence in 1960 after a history of German and French rule. Gnassingbé Eyadéma presided over a military government from 1967 to 2005. Upon Eyadéma's death, his son Faure Essossinam Gnassingbé became president. The opposition considered the elections that formalized this arrangement to be rigged, which touched off political violence. When the strife ended, Togo finally moved toward democracy and all political parties agreed to form a transitional national unity government. The first legislative elections to be regarded as free and fair were held in October 2007.

The media industry in Togo has been experiencing a boom since the 1990s. Togo has 96 radio stations, seven television channels, and some 40 newspapers. Despite these impressive numbers for a geographically small country, the media have yet to attain professionalism. With a few exceptions, the media have become mouthpieces for political parties.

The results of the MSI panel discussion show clearly that freedom of speech provisions have become effective in Togo and are protected by the legal framework. Based on these developments, Objective 1, freedom of speech, led all objectives with a score of 2.31. The sticking point, however, is the inadequate application of these laws by the responsible government institutions. Similarly, journalists' compliance with standards of professional ethics is one of the major weaknesses, and Objective 2 received a score of 1.61. The lowest score was Objective 4, with a 0.84, reflecting both poor economic conditions and a lack of development in business practices in the media sector.

TOGO AT A GLANCE

GENERAL

> **Population:** 5,858,673 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Lomé

> **Ethnic groups (% of population):** African (37 tribes; largest and most important are Ewe, Mina, and Kabre) 99%, European and Syrian-Lebanese less than 1% (*CIA World Factbook*)

> **Religions (% of population):** Christian 29%, Muslim 20%, indigenous beliefs 51% (*CIA World Factbook*)

> **Languages (% of population):** French (official and the language of commerce), Ewe and Mina (the two major African languages in the south), Kabye (sometimes spelled Kabiye) and Dagomba (the two major African languages in the north) (*CIA World Factbook*)

> **GNI (2006-Atlas):** $2.265 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $770 (World Bank Development Indicators, 2007)

> **Literacy rate:** 60.9% (male 75.4%, female 46.9%) (2003 est., *CIA World Factbook*)

> **President or top authority:** President Faure Gnassingbe (since May 4, 2005);

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 400 regularly registered publications, out of which 45 are currently operational; Radio: 98 registered radio stations, 96 operational countrywide; Television stations: 8 registered television stations, 6 fully operational, 2 on test transmission

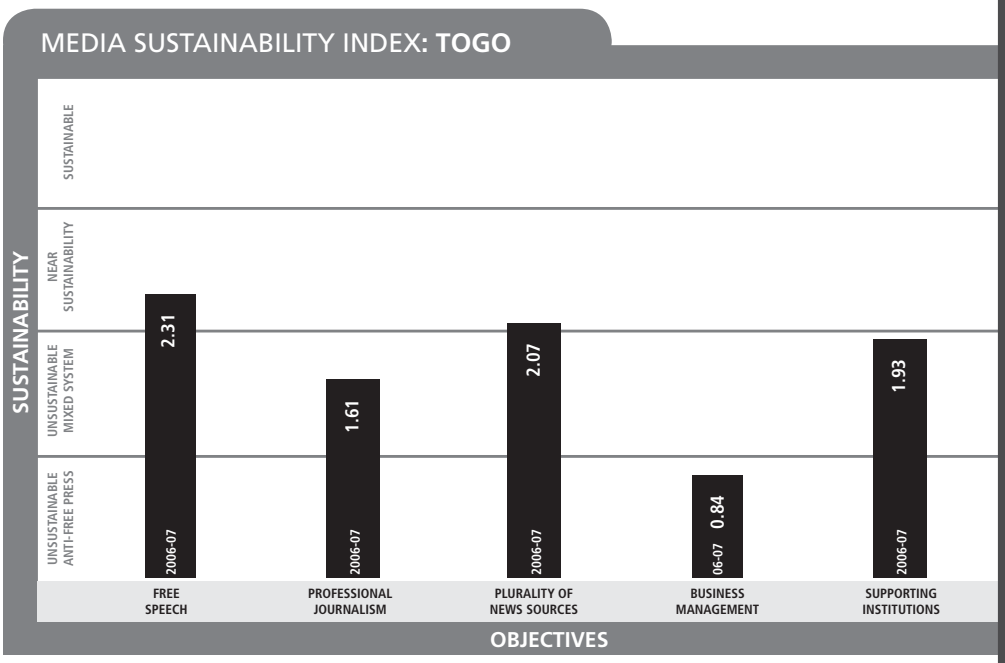
> **Newspaper circulation statistics:** N/A

> **Broadcast ratings:** N/A

> **News agencies:** The Togo News Agency (state-owned)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 320,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Togo Objective Score: 2.31

While most indicators were near the average in their scores, panelists did recognize some particularly weak areas and other that were relatively stronger. Panelists rated Indicators 3 and 4, market entry and crimes against journalists, significantly lower than the average. Indicators 8 and 9, media access to foreign news sources and unrestricted entry into the journalism profession, lifted the overall average.

Panelists highlighted the existence of freedom of speech as defined by the laws. However, they limited their scores due to a history of the government not respecting these laws. While recent events have eased the situation somewhat—and panelists awarded relatively good scores as a result—progress is recent in this regard. The government does not regulate who may become a journalist.

Theoretically, allocation of broadcast licenses is just and competitive according the law, but it has long been manipulated by political actors. The High Authority for Communication and Broadcasting, which grants licenses, and the Public Telecommunications Regulatory Authority, which distributes frequencies, are tools of political oppression rather than regulatory and control institutions. To maintain licenses, broadcast media pay an annual fee; print media are not subject to this regime.

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The perpetrators behind assaults against journalists are never punished. Although such instances are rare, investigations opened by the authorities have never been conclusive.

The state media operate exclusively at the service of the government. Panelists noted some improvement in the balance of news and information over the past year, although they stated that much room for improvement remains.

Defamation is typically treated as a criminal offense, covered by Section 58 of the Togo criminal code, and court rulings can sometimes be arbitrary. Other press offenses have been decriminalized.

Public information is not accessible to everyone, and the state media are often given preferential treatment in receiving information.

While media are legally able to access foreign news sources, such as the BBC and RFI, connections to those sources can be unreliable.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Togo Objective Overall average: 1.61

Panelists scored all indicators very close to the overall average for this objective, with the exception of Indicator 5, pay levels for journalists. Panelists pointed to the lack of training and the non-observance of the professional code of ethics as the main deficiencies in the Togolese media.

Reporting is partisan, superficial, and tendentious. The norms of professional ethics are regrettably violated in

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Togolese journalists do not cover all events and key issues, least of all those related to security and national defense. They avoid issues such as corruption by public officials and abuses by members of the president's family.

order to survive in the profession. Most journalists and editors practice self-censorship for fear of being chastised, dismissed, or even assaulted. Their ignorance of the rules of ethics and professionalism expose them to all manners of pressure, including lawsuits. Salaries in the profession are very low or even non-existent, creating further vulnerability to corruption, clientelism, and pressures.

Togolese journalists do not cover all events and key issues, least of all those related to security and national defense. They avoid issues such as corruption by public officials and abuses by members of the president's family.

Though broadcast media offer no specialized programming, some media outlets do broadcast basic stories on health, education, and the economy. However, entertainment programming exceeds 75 percent of broadcast time. The news information that is available tends to be superficial. Television channels in particular are woefully lacking in the financial resources necessary to produce in-depth news and information programs.

Though digital equipment is being introduced, facilities and equipment are still rudimentary. Old rotary machines, cameras, and other archaic equipment are still in use.

OBJECTIVE 3: PLURALITY OF NEWS

Togo Objective Score: 2.07

Although Indicators 1 and 2 (plurality of public and private news sources and citizen access to news) received relatively high scores from the panel, Indicator 6, which covers transparency of media ownership, received a much lower score. Other indicators fell close to the average.

Togo has multiple sources of news and current affairs, although they do not effectively cover the full political spectrum and range of opinion in the country. On the national level, essentially only two points of view are covered: that of the opposition and the ruling party. State-owned media do not often present alternative points of view. They devote most of their reporting to stories favoring the government.

Cultural and educational programs are few and far between. Social issues are covered, even if the range is limited. Private newspapers do not publish in indigenous languages. The selection of programs broadcast by the media does not meet the expectations of citizens, according to panelists.

Among the local radio outlets, only three are community radio stations. They are funded by the International Organization of the French-Speaking World. These stations are still in their infancy, but show promise to better serve local populations.

Citizens have free access to the national and international media. However, in rural areas, which lack electricity, telephone, and Internet connections, obtaining information is difficult.

Togo has no independent national news agency. The only existing agency, The Togo News Agency, belongs to the state. International news agencies, such as AFP and Reuters, are utilized heavily by the Togolese media.

Broadcast media produce few current affairs programs of their own. They rely on foreign productions such as those from TV5-Monde, RFI, Deutche-Welle, Voice of America, and BBC.

With a few exceptions, identifying the real owners of Togolese media outlets is difficult.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Togo Objective Score: 0.84

Most indicator scores in this objective received scores similarly as low as the overall average. Only Indicator 2, media receiving revenue from a multitude of sources, scored noticeably higher. Indicators 6 and 7, market research and audience measurement and circulation figures, both scored almost 0.

The Togolese media as a whole are microenterprises or small-scale businesses. Hardly any media companies are managed as profit-making entities. Journalists who are placed in more senior positions of management have no idea how an enterprise is run. Management practices, on balance, do not meet professional standards.

Advertising agencies are mediocre production studios or simply distribution offices for advertisements. Given that the advertising market is practically non-existent, the media only benefit from token gestures of charity here and there. Further, Togo has no genuine supporting enterprises for the media.

The Togolese government offers no official subsidy for the private media, nor does any law authorize a state subsidy. However, over the past year, the state has given the private media CFAF 50 million, which panelists said that they feel is tantamount to buying journalists with state money. Generally, the state does not grant any preferential treatment, such as tax waivers, to the media.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

Advertising agencies are mediocre production studios or simply distribution offices for advertisements. Given that the advertising market is practically non-existent, the media only benefit from token gestures of charity here and there.

No market research, audience surveys, or other means of measuring media consumption and the habits or preferences of media consumers have been employed.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Togo Objective Score: 1.93

In this objective, panelists rated all indicators close to the overall average, with one exception. They regarded the work of professional associations as effective, and therefore Indicator 2 scored close to 1 point higher than the average.

Togo has a large number of supporting associations, but they lack sufficient influence to help the media develop. Media associations, for their part, have been working together to try and regain their lost prestige. Discussions are centering on how to unite these associations under one entity to serve a more useful purpose.

Togo does have media owner associations, such as the Togo Media Owners' Association, Organization of Directors of the Independent Media, Newspaper Publishers' Council of Togo, and Union of Free Radio and Television Stations of Togo, but they are disorganized and, at this time, ineffective for the most part. However, professional associations such as the Union of Independent Journalists of Togo, the Free Communication Union, and the Union of Information Workers, Technicians, and Journalists of Public Media Outlets do work to protect the rights and promote training of journalists. Their training programs are limited to seminars and workshops, but because few other training policies are offered, they are the best that Togolese journalists can access.

Panelists said that they felt that no national NGOs are supporting freedom and independence of the media. But some lawyers, of their own initiative, come to the aid of journalists that are being dragged into the courts.

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Togo has no school of journalism—only centers for training in business communications and public relations. Young journalists have little formal training. The qualified, high-caliber journalists from previous generations are almost all in retirement. Members of the Togolese media do not subscribe to a culture of excellence. A good number of journalists do not want to attend mid-career training; some claim that they know everything already, despite their lack of even basic journalism skills.

Private newspapers do not have printing presses, and rely on commercial printing companies. There are no real newsstands; newspapers are displayed in the open, sold in a few bookshops and grocery stores, and peddled by hawkers. The country has no formal newspaper distribution service, making for delayed and inconsistent availability of the printed press outside of Lome.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Participant List

Yacoubi Tchatchibara, trainer, ESTAC School of Communication, Lomé

Victor Toulassi, journalist, Wézon Communications, Lomé

Edem Sowu, human rights activist, ACAT-Togo, Lomé

Ebénézer Latévi Lawson, director, CFPC Communication Training School, Lomé

Mawouwoyona Gone, director, Notsé Community Radio, Notsé

Claudine Assiba Akakpo, director, Togo News Agency, Lomé

M. Daniel Lawson-Drackey, director, Press Center UJIT, Lomé

Kodjo Mawuli Agbotse, director general, Network of Africa Cultural Promoters, Lomé

Anoumou Kate-Aziaglo, director of editing, Togopress, Lomé

Agboh Komlanvi Basile, managing editor, *Le Scorpion*, Lomé

Jonas Viényéménou Forent Sokpoh, lawyer, Cabinet Me SOKPOH, Lomé

Michelle A.A. Noussouessi Aguey, jurist, Activist Groupe Femme Démocratie et Développement, Lomé

Moderator

Assiogbon Francis Pedro Amuzun, managing editor, *Crocodile* Newspaper, Lomé

Observers

Franck Ayawo Assah, correspondent, MFWA, Lomé

Séraphin Ajogah, communication officer, Goethe Institute, Lomé

The Togo study was coordinated by, and conducted in partnership with, the Media Foundation for West Africa, Accra, Ghana.

The executive branch of the government still tries to exercise control over the media, and critical outlets sometimes find themselves temporarily shuttered on technicalities or on the receiving end of obtuse threats from officials. The police and other security forces sometimes manhandle journalists while they are covering controversial events such as demonstrations.

UGANDA

OVERALL SCORE: **2.41**

UGANDA

Ugandan media have enjoyed relative freedom for the past 20 years, since the current National Resistance Movement government came to power in 1986. Under the leadership of President Yoweri Museveni, who has been in power since that time, the media, including the public media, have generally operated without any direct intervention by the government.

In this atmosphere the media have flourished. Ugandan media provide coverage of whomever they want, regardless of political affiliation and following their in-house policies. Uganda has registered over 120 radio stations, including many private, commercial FM stations as well as community radio. Ugandans enjoy a selection of more than 30 local television stations on top of several foreign ones. Many newspapers and magazines, both private and public, publish on a daily, weekly, and monthly basis.

However, challenges remain. The executive branch of the government still tries to exercise control over the media, and critical outlets sometimes find themselves temporarily shuttered on technicalities or on the receiving end of obtuse threats from officials. The police and other security forces sometimes manhandle journalists while they are covering controversial events such as demonstrations. Media professionals feel that certain laws contravene freedom-of-the-press provisions found in the constitution and provide loopholes for the government to intrude on the media. Beyond government interference, important businesses also exercise influence over editorial content, and some media are reluctant to cover stories that might jeopardize advertising contracts.

Uganda's average of 2.41 reflects similar performance of all objectives. Objective 4, business management, had the lowest score, coming in at 2.12. Objective 5, supporting institutions, received a relatively strong 2.77.

UGANDA AT A GLANCE

GENERAL

> **Population:** 30,262,610 (July 2007 est., *CIA World Factbook*)

> **Capital city:** Kampala

> **Ethnic groups (% of population):** Baganda 16.9%, Banyakole 9.5%, Basoga 8.4%, Bakiga 6.9%, Iteso 6.4%, Langi 6.1%, Acholi 4.7%, Bagisu 4.6%, Lugbara 4.2%, Bunyoro 2.7%, other 29.6% (2002 census, *CIA World Factbook*)

> **Religions (% of population):** Roman Catholic 41.9%, Protestant 42% (Anglican 35.9%, Pentecostal 4.6%, Seventh Day Adventist 1.5%), Muslim 12.1%, other 3.1%, none 0.9% (2002 census, *CIA World Factbook*)

> **Languages (% of population):** English (official), Ganda or Luganda, other Niger-Congo languages, Nilo-Saharan languages, Swahili, Arabic (*CIA World Factbook*)

> **GNI (2006-Atlas):** $8.917 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,490 (World Bank Development Indicators, 2007)

> **Literacy rate:** 66.8% (male 76.8%, female 57.7%) (2002 census, *CIA World Factbook*)

> **President or top authority:** President Lt. Gen. Yoweri Kaguta Museveni (since January 26, 1986)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 30 total, three of which are daily newspapers; Radio: 124 registered; Television stations: 20 local, 10 channels that relay external programs

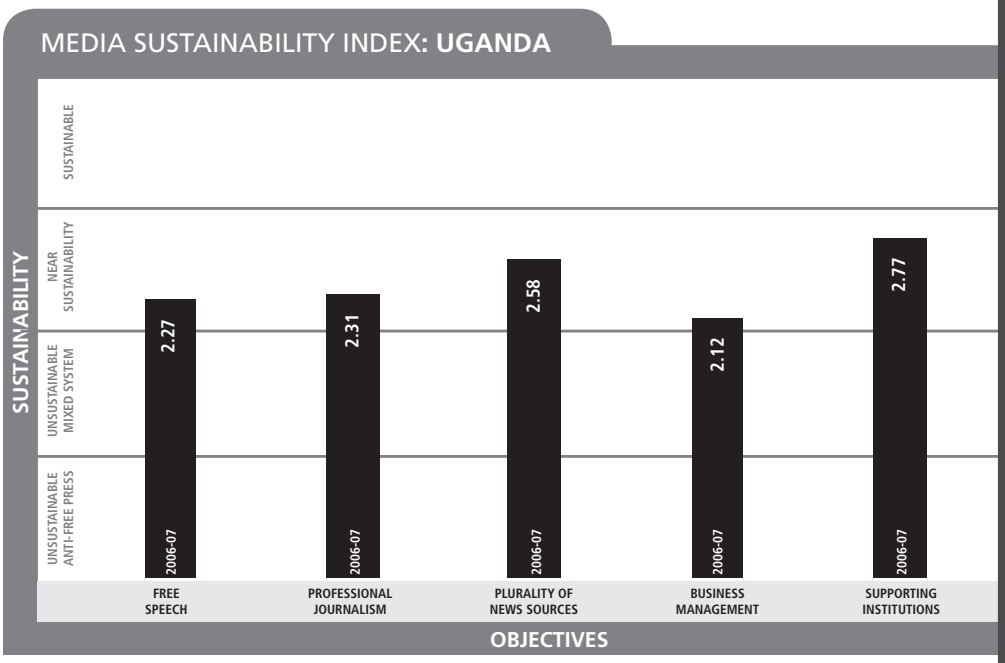
> **Newspaper circulation statistics:** Top three by circulation: *The New Vision* (state-owned, 45,000 circulation), *The Monitor News* (privately-owned, 32,000 circulation), *Bukedde* (state-owned, 25,000 circulation)

> **Broadcast ratings:** Top three radio stations: CBS fm (private), Simba fm (private), UBC Radio

> **News agencies:** Uganda News Agency (state-owned), Uganda Radio Network (private)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 750,000 (2006 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

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Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Uganda Objective Score: 2.27

The final average, 2.27, shows Uganda is in the early stages of approaching sustainability in terms of press freedom. Most of the indicators fell close to this average. Panelists rated Indicator 8, media access to international news sources, very highly, nearly a point higher than the average. However, panelists still see access to public information as a weakness, and Indicator 7 came in more than half a point lower than the average.

Article 29 (1) (a) of Uganda's constitution guarantees freedom of speech and freedom of the press. Uganda is also a signatory to several international human-rights treaties. However, panelists felt that the spirit of the constitution and treaties is sometimes not respected. There are laws in place, including the Press and Media Law of 1995 and the Anti-Terrorism Act of 2002, that contradict the constitution. "Even if we have a good constitution, the implementation has been wanting. We have seen political activists and opposition politicians arrested on several occasions for organizing public rallies termed as illegal by government," said panelist Mike Arerenge from WBS-TV. He added that some journalists have even been taken from their stations or summoned to police offices and grilled by police because they host talk shows seen to be critical of the government. Others, who have not been lucky, have ended up appearing before courts of law on similar charges and sent to prison.

Indeed, over the past few years, government security operatives, police, and others have targeted private media outlets, closing them down for weeks and confiscating some of their computers and notebooks. Journalists have been battered intentionally by security personnel during political and civil riots. The president criticizes reporters for running stories he sees as "negative" with respect to his government. At times he has threatened to sack certain editors. In 2006, an editor for the only government-run English daily, *The New Vision,* was forced to resign after the president termed "persistent, negative reporting" about his government by its own newspaper.

However, to the credit of Uganda's political system, the judiciary acts independently and has effectively limited the power of the executive to strangle the media. The executive branch has pursued defamation charges in some cases, yet has never won any of these cases. This independence includes general freedom-of-expression issues as well. Stephen Ouma, general secretary of the Uganda Journalists Union, discussed proceedings brought against Kizza Besigye of the opposition Forum for Democratic Change, and other petitions by the state challenging actions of the opposition, that have been thrown out by the courts.

At one time the current government promised to abolish legacy colonial laws it regarded as contrary to media freedom, but this later turned out to be an empty promise. Worse, the government passed legislation targeting the media, such as those described above. However, after protests by the media profession, the government is in the process of amending some of these laws. The minister of information has asked for input to better inform this process, but no one, not even journalists' associations, has responded with anything concrete.

The panel agreed that licensing of broadcast media is fair and not political. This is handled by two bodies: the Uganda Broadcasting Council and the Communications Commission. Because two bodies are charged with this responsibility, it becomes difficult to know which of them has more power than the other. One of them may decide to withdraw a license of a media outlet without consulting the other. A case in point was the decision by the Communications Commission to temporarily suspend the operations of NTV. "We need to harmonize the licensing process by having one body to be charged with this duty. The Broadcasting Council should be the overall body, like we see in South Africa, where SABC controls all the radio stations and airwaves," said Arerenge.

Uganda has liberal laws on starting businesses that provide an opportunity for people wanting to start any business, media inclusive, to do so without undue impediments. However, because most private broadcast stations are city-based, the government now enforces a policy that all new entrants in broadcast media must be in rural areas. Taxes for the media

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- Legal and social protections of free speech exist and are enforced.
- Licensing of broadcast media is fair, competitive, and apolitical.
- Market entry and tax structure for media are fair and comparable to other industries.
- Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
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industry are similar to those for other sectors; however, investors in other businesses are given tax holidays at times, something not extended to the media.

The panel noted that crimes against journalists and media are very common, and suspects in most cases are not punished. Recent riots in Kampala saw police and other security operatives openly beating and harassing journalists. Although journalists, through their different associations, have protested against such actions, the government has kept silent. One panelist noted, "We were forced to suspend coverage of all police activities, and this moved the inspector general of police, Major General Kale Kaihura, to meet the president of the Uganda Journalists Association and his team, and [he] apologized for the actions of his men." Violations of journalists' rights are well publicized in the media, and the public and human-rights groups condemn such acts.

The panel agreed that as much as the state media are supposed to be independent, this is not the case with both radio and television. In most cases, state broadcasting runs stories that favor the government, which appoints all its editors. However, the panel noted that this is different with the public print media, whose editorial staff has, for a long time, shown a sense of independence despite the fact that government appoints all the top editors and managers. One state paper, *The New Vision,* has published stories critical of the government, attracting the president's attention, who at times has threatened to sack the paper's editors.

The panel noted that the laws that govern the media treat state and private outlets the same, but in practice the state media are favored. One example is easier access to public information by state media. Powerful businesses do interfere with both state and private media's editorial content, as they provide advertisements that are a major source of revenue.

Libel is handled by both criminal and civil laws. Should a journalist lose a criminal case, s/he serves a prison sentence after which the complainant is free to file a civil case for damages. The panel stated that it is up to the complainant to prove guilt beyond reasonable doubt. Very few libel cases have resulted in guilty verdicts against journalists. Panelists were concerned, however, that some journalists abuse freedom of speech to injure others through their media.

Article 41 of the constitution guarantees citizens the right to access most information in possession of the state and authorizes parliament to promulgate laws to allow for such access. These laws have helped media outlets obtain needed information. However, the panel noted that these laws do not cover files in the cabinet and that the procedure for getting information is too cumbersome and should be revised.

Access to international news and news sources is free, and several media outlets use stories from foreign news agencies like AP, Reuters, and AFP. The panel noted that Internet access is not restricted and is available in most cities, towns, and urban areas.

In the past, anyone who wished to join the journalism profession was free to do so, but the passage of the Press and Media Law put in place regulations that spell out who a journalist is and required educational standards in the form of a diploma. Under the same law, journalists are supposed to be licensed and renew the license every year. This change attracted a lot of protest from the media through their associations and has not been put into practice.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Uganda Objective Score: 2.31

Most indicators in this objective fell close to the overall average. Only Indicator 4, journalists cover key events and issues, was noticeably higher, while only Indicator 5, pay levels for journalists, came in more than half a point lower.

The panel agreed that most journalists do their work professionally and provide balanced and fair stories to their readers and listeners. However, panelists said there are some lazy journalists who do not bother to crosscheck their facts and end up producing biased stories; they indicated that this is not common.

There is a code of ethics that aligns with international standards and was developed and agreed upon by all journalists' associations. However, panel members said that some journalists

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

have violated the code of ethics by taking gifts for coverage and accepting bribes to kill stories; panelists said this is more common in broadcast media. Those who have been caught have been punished by associations through suspension of membership, and others have been sacked by their employer.

Self-censorship exists but is not very common. Panel members agreed that it is mainly due to political pressure, business interests, fear of persecution or arrest, or losing a job when a story would go against the media outlet's editorial policy or bias.

Most key events are covered by journalists without any restrictions, apart from presidential functions, which need clearance from security. The panel states that even security issues are covered and that it is only in times of war and other military actions that the army restricts the media from accessing some geographic areas and information.

The panel agreed that most freelance journalists are poorly paid for their work, especially by radio stations. However, they added that the pay levels depend on the media outlet: some pay better than others, and it is not easy to get a job with those that pay well. But the panel noted that media managers and senior editors are paid very well and that the difference between their packages and those of their reporters is very big. At broadcast media, some announcers, news readers, and DJs get more money than professional journalists, which the panel said is unfair. The low pay levels contribute to the ethical abuses described above, according to the panel. "We have registered a Journalists Union to work and advocate for the welfare of all journalists in Uganda, and we hope it will help solve this problem in future," said Ouma, the Union's general secretary.

The panel says that more time (close to 60 percent) is allocated to entertainment and commercials in broadcast media, with 40 percent or less time allocated to news and educational programs. But in the print media, more space (60 percent) is allocated to the news and about 40 percent to advertisements. "Some media houses have come up with special pullouts to give extra coverage to specific issues like those of women, children, and others," said Sarah Muwanga, a panel member.

The facilities and equipment for gathering, producing, and distributing news have improved gradually; however, the media, especially freelancers, in Uganda still need assistance in this area. Lack of proper equipment has led to production of incomplete stories without elements such as sound bites or action pictures. Ugandan journalists still need digital video and still cameras, recorders, and computers with Internet connections. Panelists added that assistance efforts that provide equipment should be channeled through professional associations like the Uganda Journalists Union and the Uganda Journalists Association, which give them out as awards in organized competitions geared toward improving the skills of their members. The same associations may also set up Internet cafés, allowing members, especially freelancers, to send their stories to different media houses for a small fee.

Specialized reporting is present more in print media but is not well pronounced. The panel agreed that some media houses have tried to train and prepare their reporters to specialize in particular fields, but a lot of work is left to be done.

OBJECTIVE 3: PLURALITY OF NEWS

Uganda Objective Score: 2.58

Panelists rated the indicators in this objective nearly equally well; all were close to the final objective score.

Both private and public media exist as affordable sources of news for society. To date there are more than 120 operational radio stations registered and over 30 television stations. Internet facilities are available in urban areas and small towns at fair rates. Although a number of people use the Internet, they do so mainly for e-mail and not news or information. Overall, the panel said, access in cities and towns is much better than in rural areas.

The panel agreed that community media exist in some areas (e.g., Maama FM, Radio Kagadi, etc.) and are doing well. Community print media outlets, however, were forced to close down because of economic reasons. Business people and politicians have also started regional and district radios, which they use for both their political mobilization and developmental issues.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

The panel noted that there are no restrictions preventing citizens from accessing both domestic and international media. Access to the Internet is free to whoever can afford to pay; rates are not overly high (less than $1 for one hour). People are also free to subscribe to cable or satellite television in areas that are covered.

State media provide coverage to alternative views from opposition politicians, but this is limited. Such media spend most of their time covering the government. Editors and reporters from public media must follow established editorial policies, which favor the government. The panel agreed, however, that state media fill in gaps left by commercial broadcasters by covering developmental, educational, and other programs that commercial media neglect.

The panel decried the decline of most African news agencies, unlike in the Middle East, for example, which enjoys the services of a big media agency like MENA. However, panelists were hopeful that a new agency called Uganda Radio Network, established with foreign funding, would succeed. While it provides news at affordable rates, most existing media outlets already have reporters and correspondents in most parts of the country. Panelists added that some media outlets also use stories and information from international agencies like AFP, AP, and Reuters.

Most private broadcasters produce their own programs, and the content differs greatly compared with that of state media. Private broadcast media's news programs tend to be produced more for the benefit of the public, unlike those of state media, which are biased in favor of the government.

Media ownership is generally known to those who may wish to know; however, there are some media outlets whose ownership is convoluted and therefore hidden. The panel felt that it is easy to establish who owns a media outlet, at least officially, by obtaining registration documents. Some media owners hide information related to their income and political affiliation for fear of being persecuted.

Social issues are well covered in the media, and the government does not restrict any aspects. Panelists felt that minority issues are not taken seriously in the media, and as such minority-language speakers are at a disadvantage and have to read or listen to other media.

OBJECTIVE 4: BUSINESS MANAGEMENT

Uganda Objective Score: 2.12

This objective received the weakest score from the panelists. All indicators were relatively close to the final objective, with the exception of Indicator 5, state subsidies for private media, which received a score about a half point lower due to government advertising's being used to exert political pressure.

Both public and private media operate as profit-generating businesses and are generally run in an efficient manner. Apart from state broadcast media, all other media, including public print media, are not directly supported by the government. All sales outlets and distribution is in private hands, managed as professional businesses. The panel agreed that the same applies to printing houses, which are very well managed and numerous enough to support the needs of print media. At times there are delays in distribution of newspapers to remote areas due to transport problems, but this is not common.

Individual media outlets have different sources of revenue, including from sale of copies, advertising, commercial printing, and sponsored programs. State broadcast media depend on both the government and revenue generated from advertisements, and as such influence from the state impacts content. The public print media depend entirely on own-source revenue, and therefore government influence is much less effective. Big advertisers tend to influence news content to the point that one would never see a story critical of a big advertiser, said panel members.

The largest percentage of revenue for most media outlets comes from advertisements, although some print media depend on sold copies and secure advertisements only to supplement their revenue. Most media outlets, state and private, engage advertising agencies to facilitate advertising sales. Advertising is well developed and is handled by both local and international agencies that match favorably in competition. Advertising firms work with all media formats but mainly in cities and towns.

Independent media do not receive any subsidies from the government, but they do receive government advertising that is stopped at times when they run stories that are critical of the state.

Some media outlets like *New Vision*, *Monitor*, and some radio stations carry out research on their own related to their sales, but at times they commission companies to do it for them, said Muwanga Kakooza, a freelance journalist. Some of them use call-in shows, focus groups, or questionnaires given out to readers and listeners.

Two companies produce circulation figures and broadcast ratings: the Audit Bureau of Circulation and Steadman. Their findings can easily be accessed by anybody, including all media outlets. The panel agreed that figures produced by these companies have never been disputed by any media outlets, though that does not prevent some radio stations from claiming to have the widest listenership.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Uganda Objective Score: 2.77

Panelists noted that Uganda has a history of vocal support by media-related associations, a relatively large number of universities offering journalism studies, and that distribution and printing services benefit the media. These factors resulted in a fairly high score for this objective, and all indicators scored close to the final average.

There are several media associations. Organizations such as the Uganda Newspaper Editors and Proprietors Association and the Uganda Publishers Association work for the interests of owners and editors. Working journalists are represented by associations including the Uganda Journalists Union, a trade union, and the Uganda Journalists Association, which specializes in professional issues. The Journalists Safety Committee handles press freedom and media-rights issues. The panel noted that many of these organizations have actively defended journalists' rights whenever they are threatened. Membership is determined by application and payment of membership dues.

Recent government activity aimed at silencing the media has been met with strong reactions from journalists' organizations and human- and civil-rights groups, especially those who work hand in hand with the media. As a case in point, the Uganda Journalists Union and the Uganda Journalists Association recently petitioned the police chief to protest harassment of the media by his department, and a probe has been initiated to determine those responsible. The Uganda Journalists' Human Rights Network also petitioned the Uganda Human Rights Commission over the same issue, and they await the outcome of the investigation.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Certain NGOs also defend journalists' rights. The panel agreed that the Uganda Law Society has been very helpful to the media in areas of legal reform and has also provided legal assistance for journalists arrested and taken to court.

Makerere University, a public institution, was the first to offer a degree program in journalism and mass communication in 1988. Even before that, other institutions offered diploma courses in journalism. More than 15 universities, both private and public, now offer degree courses in journalism. The quality of graduates from these programs is good, but the media industry cannot absorb them all. Some journalists have received scholarships to study abroad and are now at work in Uganda.

Some media outlets have designed and implemented short-term in-house training programs for their employees, and panelists said these efforts have resulted in professional improvement.

Printing facilities are in private hands and are run as profit-making businesses without any government interference. The panel agreed that even where a printing facility is in the hands of the government, it provides services to private media without any restrictions. Media distribution channels are also in private hands and are efficiently managed.

List of Panel Participants

Muwanga Kakooza, journalist, *The New Vision*, Masaka Municipality

Sarah Muwanga, journalist, *Bukedde*, Kampala

Ahmed Kateregga Musaazi, president, Uganda Journalists Association, Kampala

Wokulira Ssebaggala Jr., program coordinator, Human Rights Network for Journalists, Mukono District

Attactor Kamahoro, freelance journalist, Mityana

David Muwanga, freelance journalist, Jinja

Malinga Doya David, business writer, *East African*, Kampala

Robert Mugagga, journalist, Weekly Observer, Kampala

Arerenge Micheal, editor, WBS TV/VOA, Kampala

John Sserwanga, journalist, Community Based Radio, Entebbe

Moderator

Stephen Ouma, general secretary, Uganda Journalists Union, Kampala

The Uganda study was coordinated by, and conducted in partnership with, the Eastern African Journalists Association, Kampala.

The Mwanawasa presidency has received international attention for its anticorruption activities. Despite both being members of the same party, Mwanawasa successfully pursued extensive corruption investigations of the Chiluba government, including winning a $41 million civil case in the UK. Because of these activities and improved economic performance under his first term, Mwanawasa was reelected in 2006.

ZAMBIA

OVERALL SCORE: **2.25**

ZAMBIA

Zambia is a country rising from economic turmoil, where over 50 percent of the total population of about 12 million is living in poverty. The country has one of the highest public debts, which accounts for 65.7 percent of its annual GDP. During the presidency of Kenneth Kaunda in the mid-1980s, the country economic declines, which forced the president to request financial aid from the International Monetary Fund (IMF). The IMF imposed severe conditions for aid by demanding that the government withdraw food subsidies and float the kwacha. This sent food prices skyrocketing and sparked nationwide riots that killed many people. However, by July 2007, out-going World Bank country manager Ohene Nyanin was impressed with the country's economic growth in the previous four years, especially the economic boom in the country's North Western province.

Formerly Northern Rhodesia, Zambia is now a multiparty democracy under president Levy Mwanawasa of the ruling Movement for Multi-Party Democracy (MMD). Mwanawasa succeeded Frederick Chiluba who, as the first leader of the MMD, ousted Kaunda in Zambia's first democratic elections held in 1991. Under Chiluba's presidency, the right to free speech was entrenched in the constitution. Although Chiluba's government also promised to bring about other legislative reforms, including addressing the government's controls over media, nothing much has happened so far.

The Mwanawasa presidency has received international attention for its anticorruption activities. Despite both being members of the same party, Mwanawasa successfully pursued extensive corruption investigations of the Chiluba government, including winning a $41 million civil case in the UK. Because of these activities and improved economic performance under his first term, Mwanawasa was reelected in 2006.

The scores for Objectives 1 though 4 did not differ much from the overall average. Of these, Objective 4, business management, scored lowest with a 1.95 and Objective 3, plurality of news, scored highest with a 2.22. However, Objective 5, supporting institutions, was far and away the strongest with a 2.88.

ZAMBIA AT A GLANCE

GENERAL

> **Population:** 11,669,534 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Lusaka

> **Ethnic groups (% of population):** African 98.7%, European 1.1%, other 0.2% (*CIA World Factbook*)

> **Religions (% of population):** Christian 50%-75%, Muslim and Hindu 24%-49%, indigenous beliefs 1% (*CIA World Factbook*)

> **Languages (% of population):** English (official), major vernaculars - Bemba, Kaonda, Lozi, Lunda, Luvale, Nyanja, Tonga, and about 70 other indigenous languages (*CIA World Factbook*)

> **GNI (2006-Atlas):** $7.413 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** $1,140 (World Bank Development Indicators, 2007)

> **Literacy rate:** 80.6% (male 86.8%, female 74.8%) (2003 est., *CIA World Factbook*)

> **President or top authority:** president Levy Mwanawasa (since January 2, 2002)

MEDIA-SPECIFIC

> **Number of active print outlets, radio stations, television stations:** Print: 7 daily newspapers, 5 others; Radio: 34; Television stations: 5

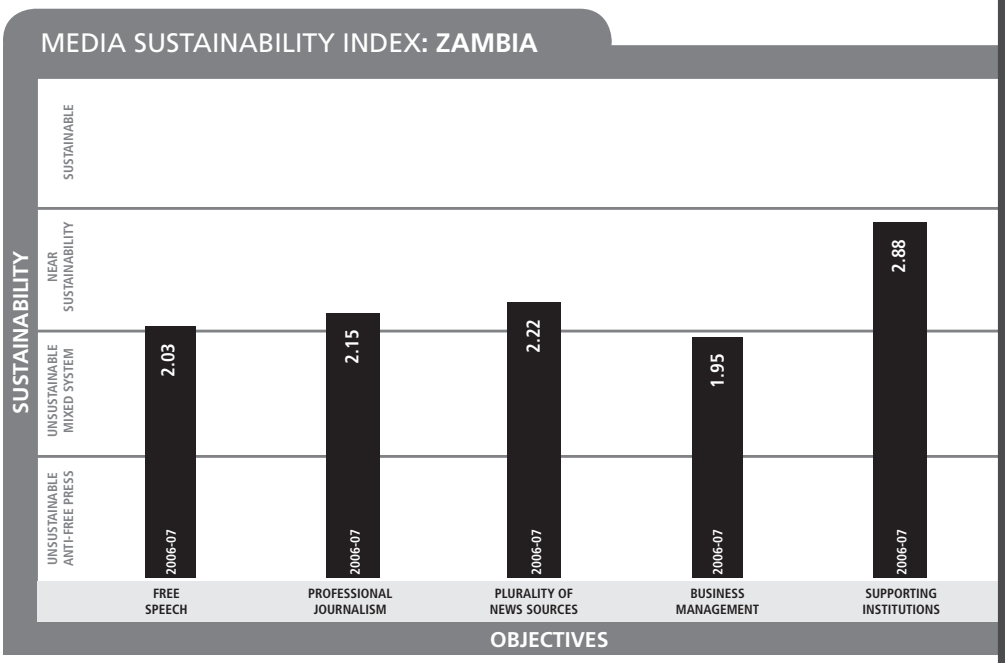
> **Newspaper circulation statistics:** Top three by circulation: *The Becon* (privately-owned), *The Lusaka Star* (privately-owned), *The Post* (privately-owned)

> **Broadcast ratings:** Top three radio stations: Radio Breeze FM (Chipata) (privately-owned), Hot FM (privately-owned), Sky FM (privately-owned)

> **News agencies:** Zambia National Information Service (state-owned), Palesa (private)

> **Annual advertising revenue in media sector:** N/A

> **Internet usage:** 334,800 (2005 est., *CIA World Factbook*)



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREE SPEECH

Zambia Objective Score: 2.03

In this objective, most of the indicators were spread out away from the final average. Indicators 2, 5, and 7, broadcast licensing, preferential legal treatment for state media, and access to information, scored lowest, with access to information more than a point lower than the average. On the high side, Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, scored more than a point higher than the average.

In Zambia, section 20 (1) of the constitution guarantees freedom of expression. The constitution does not expressly guarantee press freedom, although Article 20 (1) does state, "subject to the provisions of this Constitution no law shall make any provision that derogates from freedom of the press." These grounds are so broad and vague that virtually any decision to override the guaranteed freedom can be justified. Zambia Community Media Forum (ZaCoMeF) country coordinator Elias Banda said that, "free speech is not equal to media's free speech, these two should be separated." Fackson Banda, in the BBC's African Media Development Initiative (AMDI) 2006 report noted that this freedom is subject to curtailment on such "reasonably" justifiable grounds as those relating to the interest of defense, public safety, public order, public morality, or public health. He wrote, "If you try to practice freedom of expression, you find yourself in a lot of problems because in the same constitution you get to find other laws that are against media freedom." The general secretary of the Zambia Council of Churches, Suzanne Matale, added, "This guarantee of freedom of speech has not been unpacked into legislation and policies, which people can then use to realize their freedom of speech."[1]

Evelyn Hone College lecturer Douglas Hampande stated that press freedom should allow a journalist freedom at each point of covering a story but "at the stage of newsgathering there is a type of freedom that should be given to the journalist, which is not guaranteed in the Constitution." Hampande was referring to the difficulties some journalists experience in trying to access information during the process of newsgathering.

Chamilesu Kapaipi from *Zambia Tourism Review* pointed to a case in 2003 involving *The Today* as an infringement to freedom of expression. The editor, Masautso Phiri, was harassed and prosecuted by the president's office after publishing a report on sex scandals at the president's residence. The government also bought in bulk, burnt, and banned the newspaper for publishing this story concerning former president Chiluba. News editor Changwe Kabwe from Hot Radio FM cited another case of an infringement to a journalist's right to free speech. The former editor-in-chief of *The Post*, now the publisher, Fred M'membe[2], and columnist Roy Clarke[3], defeated separate defamation cases brought against them by the president. Kabwe added that usually when a journalist is detained there is an outcry from civil society, and this was so in the case of M'membe and Clarke.

The Telecommunications Act of 1994 established the Communications Authority to manage and administer the frequency spectrum. The Independent Broadcasting Authority Act 17 of 2002 was passed to establish the Independent Broadcasting Authority (IBA), but this institution has not been established. Therefore broadcast licensing currently resides with the Ministry of Information and Broadcasting Services. The Ministry does this with the assistance of the Zambia National Broadcasting Corporation (ZNBC) and the Communications Authority (CA). The two organizations sit on the screening committee that determines the suitability of applicants for radio and television licenses. ZNBC and CA report to the Ministry.

Kabwe said that the licensing of broadcast media is political and not conducted fairly. Other panelists also seemed concerned by the political affiliations of individual members who sit on the screening committee, and the minister of information and broadcasting services' active role in the issuing of licenses. John Kamwanga, the station manager of a community radio station in Solwezi known as FCC Radio, added that the minister's active role compromises the credibility of this process. He said the licensing committee is not independent and "applicants have no right of appeal and many are denied a license." Appeals by media stakeholders in the country for the establishment of an independent broadcast authority have thus far amounted to nothing.

The process of applying for a license is cumbersome. It includes an application fee of K 300,000 ($85) for administration purposes. After your construction permit has been approved, one pays K 750,000 ($200) for that. After being granted a full broadcast license, one must pay K 3,000,000 ($850). Finally, to obtain the actual full license,

[1] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 18

[2] "In 2001, Zambian authorities arrested Fred M'membe, reporter Bivan Saluseki, and a member of parliament, Edith Nawakwi. Nawakwi had publicly accused president Chiluba of theft, which Saluseki subsequently reported in the paper. M'membe reiterated the claim in a later editorial." Konrad Adenauer Stiftung, 2004, SADC Media Law: A Handbook for Media Practitioners: Volume 2, p. 77

[3] "In 2004, Roy Clarke wrote a satirical piece about the Zambian government in which he compared president Levy Mwanawasa to a 'foolish elephant' and two government ministers to 'baboons.'" Konrad Adenauer Stiftung, 2004, SADC Media Law: A Handbook for Media Practitioners: Volume 2, p. 77

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

> Legal and social protections of free speech exist and are enforced.

> Licensing of broadcast media is fair, competitive, and apolitical.

> Market entry and tax structure for media are fair and comparable to other industries.

> Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.

> State or public media do not receive preferential legal treatment, and law guarantees editorial independence.

> Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.

> Public information is easily accessible; right of access to information is equally enforced for all media and journalists.

> Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.

> Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

one pays a fee of K 2,000,000 ($550). The annual license fee is K 1,000,000 ($285).[4] One must also advertise in the national daily paper giving notice. There are security checks that are carried out by the Zambia Security Intelligence Service on the applicant, who is also required to get clearance from civil aviation that s/he will not interfere with Civil Aviation communications. The construction permit allows the applicant to put up a building and/or a mast and other radio equipment. When the Ministry has tested the signal and the media outlet owner has fulfilled all his/her obligations, a license will be granted. Although the process is lengthy, the primary criticism by media commentators is nonetheless the lack of independence of the IBA.

One of the more recent legislative developments in the country is the National Information and Communication Technology Policy document of 2005. The policy proposes the restructuring and transforming of "The existing regulatory agency(ies) into an independent and autonomous Converged Regulatory Agency for the ICT sector." The policy recommends the repealing and/or amending of the following pieces of legislation: (i) the Telecommunications Act 1994; (ii) the Radio Communications Act 1994; and (iii) the IBA Act 2002. These policy developments testify to the emergence of broadband Internet connectivity in the country and the possibilities it presents for online media content.[5]

Panelists said that market entry is not restricted except for the onerous application processes for a broadcasting license. The Printed Publications Act of 1994 requires that a newspaper be registered with the National Archives. Hampande said, "There are no tax breaks for the media, although media associations last year managed to successfully lobby the government against introducing VAT on newsprint, which would have affected the citizens' ability to access/receive information and ideas through the printed press due to inhibiting costs of newspapers." Others said that the existing tax on newsprint is still high and, as Ken Makungu, lecturer from the University of Zambia said: "The taxes on news print are high as a newspaper costs more than a loaf of bread and the reading culture is poor." While it is easy to set up a newspaper, problems ranging from the high cost of newsprint to low sales figures have continued to bedevil the sector. This explains why most of the private newspapers set up in the aftermath of the Third Republic subsequently folded.[6]

Research could not establish any assaults on journalists' perpetrated in the recent past. But panelists spoke of a few such cases up until 2005. There was also concern about the independence of the judiciary. "The judiciary does not act independently in issues of violation of freedom of expression. The journalists are not protected, they go to court, they are harassed and some of them are being sent to prison," said Suzanne Membe Matale. Panelists were generally concerned about the lack of a legislative framework that protects the rights of journalists, suggesting that while these are enshrined in the constitution the actual laws do little to protect the journalists. Hampande explained that a journalist who used to work for Radio Phoenix, Kangwa Mulenga, was once assaulted by ruling party cadres. "Mulenga sustained cuts on his forehead," he said, noting that some of the violations are physical violence and are perpetrated by "The police and political party zealots." Shadreck Banda, editor of the *Weekly Angel*, was concerned that "senior government officials and security agencies abuse the Security Act and tramp down on nosy journalists."

There are two laws that have been drafted in Zambia to guarantee the independence of media owned by the government: the National Broadcasting Corporation (Amendment) Act of 2002 and the Independent Broadcasting Authority Act 17 of 2002. Panelists linked the independence of public media with the appointment of board members to these public media institutions. The two Acts justify state participation as a means for oversight in the interest of taxpayers, but that the board members should be selected by an independent appointment committee, with the power to determine their own procedures in the execution of their

[4] MISA – Zambia, 2004, Planning To Start a Community Radio Station

[5] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 42

[6] IBID, p. 23

work. This is one of the difficulties that have delayed the enactment of the two proposed acts.

In one incident, the appointment committees selecting members of the boards of the IBA and for ZNBC did compile their names and submitted these to the information minister for approval. The minister said some names were not suitable and told the appointments committees to remove these or add new names. The implication of the minister's latter request was that she needed greater latitude to make her own choice as to who would be 'suitable' to sit on either the ZNBC or IBA board.[7]

This incident caused media NGOs to challenge the Ministry of Information and Broadcasting Services in the High Court. The court ordered the Ministry to submit to the court all the names proposed by the independent media panel. The Ministry has appealed this judgment in the Supreme Court. It would appear that the state is worried that the IBA Act confers overall regulatory authority over all forms of broadcasting, including public-service broadcasting,[8] to the IBA. Research suggests that the government is also concerned about the specific loss of executive and political control over ZNBC.

The Penal Code was inherited from the colonial government and it is still being used in the country. Furthermore, Section 35 of the Code gives the president the power to gag a publication that, by his discretion, is acting contrary to the public interest. Libel can be a civil and a criminal issue. The country has seen few cases where journalists have been jailed for libel. Legal practitioner Matabini stated that, "Masautso Phiri is one of the very few and most unfortunate journalists who had to serve a jail sentence" for publishing a story about a sex scandal at State House. Hampande noted that you can be accused of libel "when you attack [someone's] reputation [or what you say leads] to a breach of public peace, or is blasphemous, seditious, and obscene."

However, Hampande added: "In Zambian law, the burden of proof lies with the plaintiff. It is generally an accepted yet unwritten standard that public officials are held responsible for their deeds." Other panelists said that libel tends to be criminalized when it involves the defamation of the president. Shadreck Banda noted that "inadequate [financial] capacity makes it difficult for the media to challenge injunctions."

In 2001 the Freedom of Information Bill was criticized by members of the Zambia Independent Media Association (ZIMA; now MISA Zambia). They objected to Section 21 of the bill, which would give the president power to appoint a commissioner for public information. The commissioner would receive applications for disclosure of information and hear appeals for denial of information. ZIMA instead proposed a five-member commission to be appointed by Parliament and opposed the 30-day waiting period, instead proposing 14-days. Section 5 said that information is to be obtained in document format, but ZIMA proposed an amendment that would give journalists the right to set up meetings with public officials to seek information.

The bill was withdrawn in November 2002 and to date there is no freedom of information law. Currently, access to information is covered by the State Security Act, which makes it almost impossible for the media to penetrate the veil of official secrecy. The concept used for invoking this Act is that of the amorphous "national security."[9] In the absence of a law, panelists noted that journalists have become creative in bargaining for information with public officials. Access to information is a particular weakness in the media sector, and several panelists scored this a 0.

Panelists said that media stakeholders are currently canvassing the government to pass the Freedom of Information Bill. Shadreck Banda said "media practitioners have joined hands to fight for the return of the Freedom of the Information Bill to parliament …to make it mandatory upon the government and authorities to disclose information of public interest upon request by the media." Media practitioners are becoming frustrated with the delay by Parliament in tabling the review of this Bill.

Pat Mwase, the head of *Mining Mirror*, mentioned that the debate to gain access to information should also extend to large multinational corporations. These are often reluctant to account to the public about their business plans and some of the private mining work taking place in Zambia, she said. "I think access to information is broader than just government, it's about these big guys who are coming to play, it's about being able to find out why KCM [a mining company] could get away with polluting the entire river." She cites examples such as the lead pollution causing sickness in children and acid rain in the towns of Kitwe, Chamboli, Mufulira, and Ndeke.

Panelists agreed that accessing foreign news sources is subject to no restrictions, although most media outlets cannot afford to pay for international news and news sources from international news agencies. John Kamwanga also saw another problem linked to this issue. "It is very difficult for a journalist to have access to international news or sources because of restrictions imposed in the conditions set in the radio license." Kamwanga was referring to conditions imposed on community media, which are required to focus

[7] IBID, p. 21

[8] IBID, p. 9

[9] IBID, p. 18

reporting and programming on their communities and not on international events.

There is no law imposing restrictions and licensing on journalists who wish to practice the profession. Patrick Matabini, a legal practitioner, said "I don't think it is necessary for any journalist to seek any special reporting license." Nonetheless, the Ministry of Information recommends that journalists could apply to the Zambian News and Information Service for accreditation, using a standard application form.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Zambia Objective Score: 2.15

Although most indicators in this objective were relatively close to the average score, two scores did stand out. Indicator 5, pay levels for journalists, scored more than a point lower than the average. Indicator 6, balance of entertainment and news, scored noticeably higher than the average.

Panelists said that journalists try their best to follow professional standards, albeit in the absence of ethical standards being enforced by a non-voluntary regulatory body. Changwe Kabwe reported that facts about news stories are checked with experts in the respective fields. "Whenever a big economic pronunciation is made, we do run to the Economics Association of Zambia, private economic consultants, and major voices about the economy to consult them."

Patrick Matabini said that there is a difference in the standard of reporting conducted by the private and public media, arguing that the private media exhibits high standards of quality in reporting, especially when it comes to objectivity. "I think journalists have professional, well-defined standards of ethics, which should be practiced irrespective of who owns the paper," he said. The quality of newspaper coverage of political news is not balanced in the case of state-owned newspapers. However, state-owned newspapers do make an attempt to balance stories other than those of a political nature.[10]

Douglas Hampande said reporters do uphold ethics by checking their facts and consulting with a variety of sources. But he acknowledges that there are cases when the lack of basic communication facilities such as the Internet and telephones become a barrier for journalists. Changwe Kabwe said: "I think in all the media spectrums, we have seen very big stories being one-sided. We have seen some very damaging stories in terms of personality attacks."

Television news broadcast by ZNBC, especially the main news bulletin at 7 pm, comes under the eagle eye of ZNBC executives, the state, and the opposition political parties. Studies by Coalition 2001 have demonstrated the channel's biased nature. In the AMDI report, Fackson Banda highlights the levels of scrutiny displayed by public officials, and its negative impact on good reporting.[11]

The Media Council of Zambia (MECOZ) was initiated by journalists in Zambia and it functions as a media watchdog for ethics in journalism. According to research conducted by the Media Institute of Southern Africa, (MISA)[12] MECOZ implemented a Code of Ethics in July 2003. The research notes the good work being done by MECOZ, although no formal evaluation of the council's work has been conducted yet. However, other research indicates that some newspapers that are members do not seem to treat MECOZ with any seriousness. This poses an ethical challenge and impacts on quality control. Hampande cited a case of the *Zambian Daily Mail*, where MECOZ had recommended that the paper "issue an apology after injuring the interest of the Royal Foundation of Zambia" and the paper ignored this. He added that MECOZ, because of its self-regulatory nature, "lacks teeth to bite and it can only recommend corrective action." Kabwe was concerned that adherence to ethics by some journalists could be declining and said although "we do strive, to a certain extent, especially in the recent past, we have seen less and less regard to ethical considerations, which I think is worrying."

Patrick Matabini stated that journalists do their best to adhere to ethical standards, which not necessarily mandatory. Matabini had this to say about journalists working for public media: "I think they do strive to keep the relatively high standards of journalism, especially our colleagues in the public sector. I think they have a very peculiar situation. I know some personally who actually try as much as possible to maintain those ethics, but they do so against severe odds."

Kabwe said that editors are bound by work conditions and at times they censor themselves. He explained that self-censorship also happens as a result of misplaced loyalty by some journalists to big corporate organizations. While this is not common behavior, he said it happens when a journalist becomes seduced by gifts and benefits offered by big companies. Kabwe used an example of mobile phone companies: "Celtel Zambia has got 80 percent of the market share and they've constituted what they call the Celtel media club, where they invite journalists for lunches, where they take journalists out to very nice resorts [and] facilitate training workshops on business reporting. I think to that extent it has influenced the way local journalists view Celtel

[10] IBID, p. 40

[11] IBID, p. 34

[12] MISA, 2006, African Media Barometer – Zambia, p. 21

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Zambia as a corporate player, so to a greater extent it will influence a journalist when they have a very good story in the public interest against such a big corporation like Celtel." Kabwe suggested that such "perks" can lead to self-censorship and a lack of critical inquiry when writing and selecting stories that concern such large corporations.

Shadreck Banda said that self-censorship is leading to the demise of quality reporting. "In fact, in Zambia, editorial policies which are shaped by owners fail the test of objective reporting. Subjective reporting is the most practiced," he said. Panelists agreed that editors are cautious when it comes to publishing reports that might offend important advertisers. Hampande said that self-censorship will happen "in instances where the owner is politically inclined or averse to the ideologies or ethnic orientation of certain political groupings. At another level, the reporters in the private media may engage in self-censorship if their personal safety is threatened should they negatively report on some political parties or commercial interests." He said further that story selection has more to do with sales than "considerations like fear of reprisals." Therefore newspapers will sell more copies if there is a political story than an issue-based one.

Ken Makungu said that self-censorship is more prevalent in state-owned media. In fact, research conducted by the Media Institute of Southern Africa suggests that at state media, top managers—who are state appointees eager to protect their jobs—often "doctor" or stifle stories critical of the government in contrast with their juniors who genuinely desire to work professionally.[13]

[13] IBID

Panelists said that news coverage focuses mainly on political stories and it is also urban based, covering mostly cities such as the capital Lusaka. Pat Mwase said: "I think that *The Post* newspaper has been exemplary in trying hard to allocate resources to a diversity of news and events. It has become generous and diverse in its reporting. Reporters generally have the zeal to go out and cover HIV/AIDS, ICTs, development, business, mining and economics. However, the editor who I feel is the line manager does not provide the training, support, and guidance that a journalist needs to grow, specialize, and be competent." Hampande highlighted the good coverage of major national events and said "key events are covered equally in both print and broadcast, although this may change to unbalanced coverage by state and private media in both categories if the matter is anti-government." Generally, the coverage of important national issues reflects the views of the same people at the top, be they in the government, NGOs, or the church.[14]

Ken Makungu proposed that "There is a need for journalists' pay to be looked at actively by the trade organizations so the envelop syndrome need not make a journalist stray from professional standards of quality." Hampande said low pay in journalism has resulted in many journalists pursuing careers in public relations, "which is slowly gaining wide-use among corporate and public bodies and is well-paying." According to M'membe, the lowest paid worker at *The Post* gets no less than $300 per month. This compares to an approximate average teacher's pay of $250 per month. Generally, however, journalists are paid less than most other workers in the civil service bracket. This has resulted in the most talented of them leaving for the private sector.[15]

Panelists mentioned the culture of the "brown envelope" as prevalent. Money is often given to journalists either in the private or public media as an incentive for writing a favorable report for the government or the corporate sector. Mwase said "I don't think corruption is about the level of pay. Corrupt journalists are corrupt whether they earn $100 or $100,000." She said, "corruption is a sickness of conscience, ethics and personality."

Panelists said that print and broadcast media try to balance news and information versus entertainment, even at ZNBC, although political coverage is preferred by different media outlets. Makungu differed in his opinion, stating "ZNBC has too much information than entertainment but the problem comes from television subscription as they water-down most of the information." Subscription television MultiChoice has more entertainment programs than local news bulletins. MultiChoice's Digital Satellite Television (DStv) has news

[14] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 26

[15] IBID, p. 24

channels dedicated to international news such as BBC, Sky News, and CNN. However, most of the news channels carried on the DStv program lineup are foreign, with little or no political content relevant to Zambia.[16]

Makungu added that "newspapers in Zambia are fairly balanced, especially *The Post*, which has an entertainment insert." Regarding commercial radio, Changwe Kabwe said, "Commercial private stations play a lot of music, a lot of entertainment programs, but we still do have a strong emphasis on news and information."

The amount of entertainment, news and information programming is determined by the broadcasting license conditions of different media outlets. These will normally be determined by the program schedule submitted during the application process.

Technical facilities used in most media houses are old and outdated, panelists said. Even at ZNBC, panelists believed that that equipment is outdated, leading to poor quality on both radio and television. Viewers generally prefer foreign broadcasts, which are becoming more affordable to access.

In addition, journalists in most circumstances lack basic resources such as transport to go out and cover news effectively. Hampande explained that in some cases the facilities and equipment for gathering, producing and distributing news are efficient and modern, and in some media outlets they are not. He noted the detrimental effect this has on news coverage. "The lack of technical equipment applies most at the news gathering and production stages, and that is where help should be channeled most efficiently. This problem leads to few sources being brought into the news; delayed responses from accused persons, this leading to unbalanced, unfair copy; failure to verify news; poor content due to lack of thorough research. There is also lack of Internet access; lack of vehicles to gather news; inadequate computers, up to date software for digital photography, sub-editing, lay out and design."

Kabwe had this to say about the development of niche reporting in Zambia: "I am interested in business reporting, so I would say I have got a niche for business reporting. I cover the market, the mining, small and medium businesses. In my newsroom, I am trying to expose these people to one beat, one kind of reportage and probably we'll get there some day." Other forms of niche reporting, such as investigative reporting, were researched in 2004 and the findings of the Kantumoya Report, cited by Fackson Banda in the AMDI report, suggest that the difficulty in practicing this type of reporting lies in the following: unclear media institutional editorial policies; a lack of institutional support for individual reporters attempting investigative journalism; a lack of resources, even where institutional support is present, particularly with respect to transport, communication facilities, equipment and low salaries; sources not willing to divulge information, and; legal impediments such as the State Security Act and the absence of a Freedom of Information Act.[17]

Patrick Matabini explained that he often helps journalists by providing them with summaries of most labor court cases, although he said some of the journalists still make mistakes in their reporting of these cases. Matabini attributes this to the lack of specialized training in niche reporting. Chamilesu said print is seeing new information dimensions contributing to niche reporting, such as "reporting on aspects of accounts, marketing, tourism, economics, and so forth." She added that reporting in community newspapers such as the *The Community Voice*, *Lusakan*, and the independent *Southern Times* provide unique information "from the communities across the nation and bring in aspects of information away from usual reporting on government or what the country's leaders are up to."

Douglas Hampande said quality niche reporting is growing in Zambia, and some of the issues gaining acceptance for reporting are gender, HIV/AIDS, and education. "The major constraint is a lack of deliberate policy in media organizations to encourage specialization. The education system does not fully promote specialization as many constraints exist at the practical level during teaching. The theory is there but not [enough] practices."

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Zambia Objective Score: 2.22

In this objective, panelists' scores for individual indicators were mostly close to the objective average. However, Indicator 2, restrictions on public access to the media, and to a lesser degree Indicator 5, private broadcasters produce their own news, finished above the average. On the low side, Indicator 3, public media reflect the views of the political spectrum, finished more than a point below the average.

Multiple sources of news and information exist in Zambia. With the introduction in 1994 of the Zambia National Broadcasting Corporation Regulations Act, the sector became more liberalized, with new entrants appearing on the scene. Whereas there were only 12 radio stations in 2000, there were about 26 in 2005, an increase of about 117 percent.

[16] IBID, p. 35

[17] IBID, p. 26

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Compared to other media, radio is more widespread.[18] Citing CSO and ORC Macro data from 2003, Hampande said, "Newspapers are read by 37.1 percent of the population, [roughly between 3.5 million and 4 million people] compared to 50 percent [about 5 to 6 million] who listen to the radio.

Panelists note that radio is a popular media in the rural areas, with three PBS radio stations and community radio reaching deep into the remote areas. Hampande said that "The spread of community media countrywide is not evenly balanced in terms of provinces and districts. This notwithstanding, radio is generally more widespread compared to other media."

There are a number of community radios, and rural community radio is growing. Research indicates that of the 26 licensed radio stations, 14 are designated "community."[19] Community radio stations serve a defined community in their geographical areas, bringing news and information that is of community interest and preferably in the specified community language. In Zambia community radio is now recognized as a distinct sector both in legislation and in practice. The Independent Broadcasting Authority Act of 2002 acknowledges the sector in its own right.

Independent and public media exists in print and broadcasting, plus there is DStv, partly owned by a South African company, MultiChoice, and by the ZNBC. Three television channels have been established, which provide citizens with news. In 1998, the free-to-air Christian Trinity Broadcasting Network (TBN), allied with the American TBN, was set up, mainly to "spread the gospel." Then in 2002, Muvi TV, another free-to-air television channel, was established, and CASAT TV, an entrepreneurial venture, started its test broadcasting in 2005. Though CASAT TV did not last very long, it did demonstrate that local entrepreneurs could run a satellite television subscription company.

In addition to ZNBC, other media outlets owned by the state include the national press agency Zambia National and Information Service (ZANIS), the *Daily Mail*, and the *Times of Zambia*.

Hampande added that "Internet usage is limited as access depends mostly on workplace availability and cafés. Even those that access it use it for entertainment and other use and rarely for news." Elias Banda noted, however, "The Internet is still an unaffordable source of information." Nonetheless, major newspapers such as *The Post*, *Daily Mail*, and the *Zambian Times* have online versions of their newspapers. A marginal number of the Zambian population is connected and able to use the Internet.

In Zambia, citizens' access to international and domestic media is not restricted by law. Panelists cited indirect restrictions that are a result of socio-economic conditions and at times interference with the law. Hampande stated that "government does not directly restrict citizens' access to media, although the state uses threats to media houses which may lead to denial of diversified content for the citizens." Adding to this, he cited a recent example "when the minister of information threatened to withdraw the license for a community radio station in Petauke [Petauke Radio] in the Eastern province for allowing an opposition leader to be on air for a paid-for program. This was during campaigns for parliamentary by-election which the ruling party was re-contesting, having lost the seat after the court nullified its earlier victory.

International content is restricted if it displays elements of corrupting the morals of the people and threatens national security. Patrick Matabini noted that DStv has made international media available in terms of broadcasting, even though "restrictions are not arising out of regulation but are a matter of small multi-economics of accessing international media."

A challenge for Zambia's media is accessibility of media by all sectors of the community—urban and rural—because most media coverage, broadcasting, and distribution are done in Lusaka. Most rural communities are unable to receive some radio and television stations because of problems with frequencies and signals. Rural access to newspapers is limited by distribution. Panelists commended *The Post* and *Weekly Angel* for distributing their newspapers, even where the

[18] IBID, p. 28

[19] IBID

public broadcast signal has not succeeded, in the remote rural areas. Recently, ZNBC increased its footprint in the remote areas by entering into a partnership with MultiChoice Africa, where ZNBC has been granted access to MultiChoice's satellite platform.

All media have cost limitations. Hampande said, "People in urban areas have more access to media due to economic empowerment, libraries, and pass-on readership compared to villagers."

Public media in Zambia is owned by the state. Its political reportage is criticized by media commentators as having a bias for the ruling party. Panelists suggested that the control of media by the state affects the balance of news content, especially political reporting. Ken Makungu stated that "The influence from government in Zambia can be seen in the news content… the information is usually concerning what the government is doing and little or no information about achievements from their adversaries." He also suggests that this tends to happen even when the editor is a "resilient editor or manager." While the state-owned media have remained largely undiversified in terms of their political reportage, the privately-owned newspapers, most notably *The Post* and the *Weekly Angel*, have sought to focus on alternative voices.[20]

The main news agency in the country is state-owned and not independent. The Zambian News Agency (ZANA), established in 1969, merged with the Zambian Information Service (ZIS) to become ZANIS. ZANIS is based in Lusaka, with district offices in different parts of Zambia. The agency provides domestic news coverage and provides international news through its long-standing relationships with news agencies like Reuters, Xinhua, and the continental agency PANAPRESS.[21] Kapaipi said that ZANIS is under-used by the print media, but said these agencies focus mainly on political news and have little relevant news on "community developments and successes." There is an independent news agency known as Palesa which, according to Hampande, is "struggling to break even." The agency is also said to be agriculturally oriented. International news agencies are also used in the country.

Elias Banda said that "independent media do produce their own news which differs from state media." Hampande added that radio stations produce more of their own news than television, which "combines its own productions and outsourced ones." Chamilesu Kapaipi said, "Two recently introduced independent broadcasters, Muvi and Mobi television stations, provide independent news totally different from the state-run television station ZNBC."

[20] IBID, p. 31

[21] http://www.zana.gov.zm

Panelists said that private media tends to better represent the public interest. According to Hampande, other media houses depend on the public broadcaster "for items they cannot capture due to long distances from the capital or other logistical reasons." Panelists highlighted that community media produces news and information that serves the interests of their respective communities.

Panelists were divided on the transparency of media ownership. Some felt that most Zambians were not aware of who owned the media. All noted that there was no legislation that made it mandatory for owners to disclose their holdings. On the other hand, John Kamwanga said, "There are regulations which disclose media ownership through the Registrar of Societies."[22] Hampande added that whether people are aware or not "There is no oligarchy or monopoly, although the Roman Catholic Church has emerged as a dominant actor in Zambian broadcasting."

There are eight major spoken languages in Zambia and over 70 other indigenous languages, most of which are catered for by the public broadcaster and community radio stations. While the general conclusion is that ZNBC radio channels have not diversified their sourcing of news and views, some programs appear to reflect a diversity of content. Radio 1, broadcasting in local languages, has a series of sponsored programs that cater for some marginalized sections of society. For instance, the channel runs a program based on content generated by rural women.

Community media is the medium through which the marginalized in the rural areas and communities out of the urban centers are catered for, using programs that are in indigenous languages and addressing local issues. Elias Banda noted that "There is no broad spectrum programming being represented in the [mainstream] media and community media is trying to improve on this."

New independent radio stations that have entered the broadcast radio media market are also offering more diverse content. The stations are available to NGOs seeking to advocate their issues. The programs solicit participation from a range of alternative voices. Although according to Fackson Banda in AMDI, a general observation would seem to suggest that these "voices" tend to be the same "media pundits who are urban-based, literate, vocal, structurally linked to the NGO and political movements in the country."[23]

[22] Under the Societies Act, all NGOs, political parties, churches etc. have to be registered with the Registrar of Societies. This was a old colonial requirement that has survived into the independence era. Konrad Adenauer Stiftung, 2004, SADC Media Law: A Handbook for Media Practitioners: Volume 2, p. 80

[23] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 31.

As early as 2004-2005, a Panos Southern Africa media monitoring project, cited by Fackson Banda in AMDI, showed how women's voices were marginalized from ZNBC TV's news agenda. Less than five percent of the content revolved around women. Even where it did, women's voices were largely urban-based and event-centered (such as Sixteen Days of Gender Activism).[24] Clearly, the dominant voices at ZNBC TV are governmental, particularly those of the ruling party. Alternative voices are paid lip service.

OBJECTIVE 4: BUSINESS MANAGEMENT

Zambia Objective Score: 1.95

Panelists rated all indicators close to the final average with the exception of Indicator 7, audience and circulation measurement, which received a score more than a point lower.

Panelists stated that media outlets do their best to operate efficiently and generate profit, given that the economy cannot sustain high consumption of media products. The instability of the Zambian kwacha was also given as a challenge to doing business. Panelists said the lack of human and financial resources, as well as substantial investment, is a barrier. "We have seen such stories where very prominent newspapers had to close down or be forced out of the market, or have to cut down on circulation," said Kabwe. According to Hampande, "Efficiency and professionalism are hampered by many factors, among them ownership, management structures, and the use of untrained people as journalists. The private media, especially community and some commercial media, tends to use untrained people, while the state-owned is affected by systems of reporting and to whom management is answerable."

Discussing printing, Hampande said, "Printing [capacity] is not sufficient in Zambia and this is one area that makes sustainability of the print media very difficult due to high printing costs." Discussants also cited the issue of rapid change of ownership in media houses, where owners would buy a newspaper, make money and then sell it off. Distribution and distributors take a huge chunk of profit margins, the panelists noted. They said that these costs were too high and had forced some media houses in Zambia to use public transport to distribute their publications.

Different media receive revenue from various sources, although most media do struggle financially. Community media exist through donor funding and, as panelists noted, "most of them need financial assistance." Other community radio stations are finding alternative income streams to sustain their outlets. Breeze FM, for example, is appealing to local businesspeople, as well as benefiting from some NGO sponsorship of issue-focused programs, although this is not a guaranteed ongoing income for the radio station. Radio Phoenix has also found an unassailable market for its products and continues to enjoy a reasonable market share, which has arguably increased from a documented 6.5 percent audience share in 1998 (ZNBC Audience Survey, 1998) to 9.3 percent in 2004 (ORC Macro, 2004).

Donors such as the Open Society Initiative of Southern Africa and UNESCO and local investors have supported a number of independent radio stations and some newspapers. Hampande explained that other sources of income exist. "Private media are mainly financed through advertising, sponsorships, and sales of copy for newspapers." ZNBC receives income in the form of a government grant and from advertising. Hampande cautioned that private media "…should be concerned about direct and indirect influence by advertisers on editorial content of the media as owners may not have a passion for journalism ethics, let alone know about them, since they are businessmen driven by the profit motive than serving society journalistically."

The AMDI report explains that ZNBC is usually the advertisers' first choice because of the broadcaster's large audience. This makes it difficult for privately-owned media to get a share of advertising revenue. The advertising market is also small and it would seem that ZNBC occupies a near-monopolistic position.

The newspaper industry is heavily dependent on advertising. The small advertising sections attract much revenue from small-scale businesses, but the market is proving too small to accommodate new entrants. Fackson Banda, in AMDI, gives

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

[24] IBID, p. 35.

a variety of reasons for this, including depressed economic activity, the lack of entrepreneurial skills among media owners, low literacy levels, cross-media competition, and the lack of proactive and effective financing mechanisms with bank and other financial institutions.[25] However, some private capital from banks is beginning to flow to various media outlets. Panelists agreed that independent media have never received government subsidies.

Discussants said the advertising market in Zambia is still small but growing. Nevertheless, panelists said, most broadcast media houses do not understand how to sell airtime and this affects their business development. In addition, striking a balance between content development and financial management is critical. Hampande lamented the lack of advertising skills in private media outlets when they deal with advertisers, except for *The Post* and Radio Phoenix. Furthermore, "advertising is more developed in the capital, with international firms enjoying more market share than locals," Hampande said. Changwe Kabwe stated that advertisers are not fair because "They hold onto your payments, they push you, especially if you are small players in the market."

Elias Banda highlighted the lack of an advertising culture among local businesses. He explained that "The government discourages community media from making money through adverts [because they are community media] and also bars them from having more discussion programs and lengthier news items. They are barred from covering political topics and instead stick to 'developmental' issues." Shadreck Banda stated that the advertising market is not growing rapidly. "Even the much reported copper boom has not seen any increase in advertising revenue for the media. It is the same companies that are placing adverts mostly in electronic media. The public media has an advantage over the private newspapers as most advertisements from government institutions are placed in the *Times of Zambia* and *Daily Mail*," he noted.

Elias Banda stated "advertisement revenue is still low in the country." With difficulties in finding any recently conducted market research, this study was able to establish that total advertising spend for the market at the moment is $22 million, split fairly evenly between television, print, radio, and outdoor. Outdoor advertising is the fastest growing media.

Changwe Kabwe commented that, "We really don't have a consistent flow of market research by reputable organizations." Kapumba explained that "The Steadman marketing research however did try to bring in the aspect of market research as a sure way of ensuring media houses are well managed; although when businesses discovered how expensive it was—costing $10, 000—most businesses did not buy into it, though some of the aspects are what *The Post* is utilizing now to ensure that their business continues running efficiently." Hampande noted that media houses have resorted to guessing, with editors using sales figures as a guide. "This, in fact, could account for the failure to design media products and content according to identified gaps/needs that could be discovered if research was to be used as a core component of media strategic planning." John Kamwanga noted the lack of consistent research and said, "The radio meets research through using the 'call in' method, which seems to be cheap."

Since 2000, no market research has been conducted for the media in Zambia. In 2003 Steadman Research Service, which is based in Kenya, conducted a market survey in Zambia. According to Fackson Banda in AMDI, the survey was insufficient and could not serve the needs of the local media. He said that although these surveys generated useful statistics on the media in Zambia, their main aim seems to have been to capture statistical data about consumption patterns of international media.[26]

Broadcast ratings and circulation figures conducted in the country are not independently produced. Print media outlets estimate their circulation figures based on copy sales and the ZNBC posts its estimated ratings on its website. Elias Banda noted that "broadcast ratings, circulation, and Internet statistics are neither seen nor heard of." Hampande had this to say: "Ratings for circulation are not done by any organization, although previously ABC of UK used to do this. So there is no reliable source of ratings currently, though most media houses dispute this and exaggerate their circulation."

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Zambia Objective Score: 2.88

The indicators in this objective scored similarly as strong as the objective average, with the exception if Indicator 1, trade associations, which was notably lower.

Two panelists had different views on trade associations. John Kamwanga noted that one needs to apply to become a member of existing trade associations in the country and pay membership fees. "They [trade associations] also promote journalism to the public in a positive way though they are inadequately sponsored by government." Sipo Kapumba is discouraged by the lack of seriousness of these organizations. "There are no trade associations in the country," he said,

[25] IBID, p. 38

[26] IBID

adding that "The groupings fail to coordinate their work and have no set capacity and organizational skills." Hampande noted that there is no association for broadcasters.

The Press Association (PAZA) accounts for 80 percent of the good journalism in the country, a result of its watchdog activities, according to the panelists. They also note that *The Post* has signed a strategic memorandum of understanding (MOU) with PAZA to cooperate on a number of issues. As a result, *The Post* has two lawyers who are members of the staff and these could be deployed if any member of PAZA, for some reason, needs legal assistance. The MOU also aims increase the respect of ethics by journalists.

Other professional associations include the Zambia Media Women's Association, the Society for Senior Zambian Journalists, the e-Brain Forum, ZaCoMeF, and the Zambia Union of Journalists. According to panelists, these institutions have played a key role in ensuring that the rights of journalists are respected by the government. These institutions also help to provide journalists with access to computers and the Internet.

Panelists noted that professional organizations work in collaboration with one another. Hampande said that professional associations "have been very active in lobbying for the freedom of Information Bill, the Independent Broadcasting Authority Act, and the ZNBC Amendment Act which deregulates government control on issuing broadcast licenses. The associations support journalism positively and they are independent of government."

Research by the International Federation of Journalists indicates that in 1999 there were roughly 700 journalists in the country, 200 of whom were unionized. Trade unionism in the country is mostly confined to those journalists working in state-owned media organizations. Freelance journalists and those working for privately-owned media companies are not as organized.

NGOs in Zambia are supportive of media freedom and independence, and to this end have been campaigning with other associations to lobby Parliament on behalf of the media. Media in Zambia are working to get regulations that compel the government to issue public information when requested. NGOs also advocate for the enactment of the ZNBC Amendment Act and the Independent Broadcasting Authority Act. Panelists said media NGOs also facilitate training programs for journalists, although for some this is not part of their core business but do it to increase capacity in certain areas. Hampande, however, pointed to areas where media NGOs could improve by highlighting some of their shortfalls. "The NGOs are not adequately involved in reviewing legislative changes, do not provide legal support to journalists, and do not work with international free speech organizations."

MISA-Zambia (previously ZIMA) has been in the forefront of lobbying for the Freedom of Information Bill and other press freedom and industry issues. The institution supports an independent media and provides legal aid and advocacy should any member of the media be prosecuted. Panelists said that the Law Society of Zambia also plays a critical role in supporting media and human rights. Finally, the recently formed *The Post* Press Freedom Committee, promises to contribute to the betterment of the rights of journalists.

Among the international media support organizations located in Zambia are the Panos Institute (Southern Africa), the Business Development Services/International Labor Organization, Pact Zambia, and the Commonwealth Press Union. These are donor-funded organizations working to promote communication programs around policy debate, public health, entrepreneurship, journalistic skills training, the environment, and other issues. They represent a definite increase in the donor budgetary allocations to the media development sector.[27]

The Department of Mass Communication at the University of Zambia offers a four-year professional bachelor's of mass communication. In addition, it has two master's programs, the master of mass communication and the master of communication development.[28] Evelyn Hone College's department of media studies offers a one-year certificate and a three-year diploma course in journalism.[29]

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

[27] IBID, p. 42

[28] Media Institute of Southern Africa, 2006, African Media Barometer – Zambia, p. 25

[29] Media Institute of Southern Africa, 2006, Southern African Media Directory, p. 130

Changwe Kabwe stated that one has to search to find a suitable journalism degree program in Zambia. He said "The University of Zambia, which runs a four-year mass communication degree program, has got its own limitations but I think for starters it's good." Hampande said that public institutions have better journalism training programs than private institutions but noted that some public institutions lack resources for practical training. "The market is saturated as media growth is slower as compared to the rate of graduates being offloaded by training institutions," he noted. Panelists said that previously students would be attached to a newspaper for close to three months to gain practical experience before graduating. These days, students do attend these internships, but they vary from six weeks to a month.

Sipo Kapumba said that most training courses are dependent on donor funding and they are meant for practicing journalists. Organizations such as the Zambia Institute of Mass Communication (ZAMCOM) offer a diploma program and in-service training for working journalists. Panelists stated that ZAMCOM seems to have good support from donors. "They appear to be well-resourced and I would like to believe that in that sense they are actually measuring up to expectations," said Patrick Matabini. ZaCoMeF has also been involved in training, with a special focus on community radio station board members.[30] Hampande said, "The most popular courses are basic skills in journalism, but the most needed are layout and design and web-design and online journalism."

Sources of newsprint and printing facilities are not owned by the government. Elias Banda said "private printers do exist and are doing business for everyone and not just for the media." Generally, there are few reliable printing presses and those that are available tend to be expensive and over-subscribed. The case can be made that state newspaper companies have tended to monopolize printing presses, although this is no longer the case. *The Post*, for instance, has invested in its own printing press. The *Zambian Monitor & Digest* has also invested in its own printing press.[31] Newsprint is imported from South Africa by private companies and freely sold.

Sipo Kapumba noted that some media houses control their own distribution. Although print distribution is in private hands, Kapumba questioned whether distributors have adequate capacity to deal with an increased number of newspapers at any given time. The privately-owned *Post* uses its own courier service to deliver copies daily to all provincial centers and accessible districts, suggesting that its own capacity to distribute *The Post* newspaper has grown exponentially. The state-run *Daily Mail* and the *Times of Zambia* use public service buses to distribute their newspapers to provincial centers and rural towns.[32] Panelists said that the less efficient distributors are cheap while efficient ones take a cut of about thirty to forty percent on the cover price. Hampande explained that "distribution and printing is obstructive to the work of the media as it leads to delays in terms of getting the paper to the streets on a daily basis, as well as weeklies."

Alternative forms of distributing content are also being used by the various media platforms. The process of technological convergence has given rise to a form of web casting. Many broadcasters are now online via audio or video streaming. Radio Phoenix, Q-FM, and ZNBC are online with audio streaming capabilities. Newspaper Internet presence, described in Objective 3, allows newspapers increased competition for audiences with broadcasters.[33]

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[30] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 58

[31] IBID, p. 62

[32] Media Institute of Southern Africa, 2006, African Media Barometer – Zambia

[33] Banda F, 2006, BBC World Service Trust, AMDI-Zambia, p. 41

List of Panel Participants

Sipo Kapumba, information and research officer, MISA Zambia, Lusaka

John Kamwanga, station manager, Solwezi FM, Solwezi

Amos Chanda, news editor, Press Association of Zambia, Lusaka

Susan Membe Matale, general secretary, Council of Churches in Zambia, Lusaka

Beenwell Mwale, executive secretary, Media Council of Zambia, Lusaka

Changwe Kabwe, news editor, MISA Zambia, Lusaka

Chamilesu Kapaipi, managing editor, *Zambia Tourism Review*, Lusaka

Goliath Mungonge, business development manager, *Post Newspaper Ltd.*, Lusaka

Douglas Hampande, lecturer, Evelyn Hone College, Lusaka

Florence Mwanza, marketing manager, Yatsani Radio, Lusaka

Shadreck Banda, editor, *Weekly Angel*, Lusaka

Patrick Matabini, lawyer, PAT MAT Legal Practitioners, Lusaka

Elias Banda, country coordinator, Zambia Community Media Forum, Lusaka

Ken Makungu, lecturer, University of Zambia, Lusaka

Moderator

Patricia Mwase, chief executive officer, *Mining Mirror*, Kitwe

The Zambia study was coordinated by, and conducted in partnership with, the Sol Plaatje Institute for Media Leadership, Rhodes University, Grahamstown, South Africa.

While selective application of draconian legislation has been the chief means of violating media freedoms and the right to free expression, extra-legal attacks on these rights has also been commonplace. Violations have taken the form of assaults, raids on journalists' offices and homes, and bombings of offices and printing facilities belonging to independent media outlets, among other tactics.

ZIMBABWE

OVERALL SCORE: **1.27**

In theory, Zimbabwe's major media legislation and constitutional provisions—although not guaranteeing absolute free speech and press freedom—should be able to provide for a reasonably free media. In practice the situation is quite different. In 2002, the government of Zimbabwe introduced the Access to Information and Protection of Privacy Act, which makes the practice of journalism a criminal offense if done without a license. The law, ostensibly meant to regulate the media industry, is, to the contrary, a pernicious control law. It has been responsible for the closure of at least four publications since its inception, the deportation of several foreign correspondents, and the impoverishment of many journalists who found themselves jobless with the attendant suffering of their families. The law is selectively applied against the private media and their reporters.

While selective application of draconian legislation has been the chief means of violating media freedoms and the right to free expression, extra-legal attacks on these rights has also been commonplace. Violations have taken the form of assaults, raids on journalists' offices and homes, and bombings of offices and printing facilities belonging to independent media outlets, among other tactics. Tight government controls, a stifling political environment, hostility toward opposition views, and government criticism of the private media have all contributed to a Zimbabwe where journalists are always at risk: they can be arrested or physically assaulted, and the perpetrators will go unpunished.

An environment wholly non-conducive to free expression persists in Zimbabwe under the control of a government that enforces policies seemingly calculated to severely limit fundamental liberties. Therefore, it is not surprising that Objective 1, freedom of speech, scored poorly, at 0.78. Even worse was Objective 3, plurality of news, which scored 0.68. One of the key tactics the present government uses to maintain political control is domination of the media at the expense of other sources of information that might challenge its hegemony. However, vestiges of the stronger media sector of old linger on, albeit having suffered. Objectives 4 and 5, business management and supporting institutions, scored much higher, each at 1.94.

ZIMBABWE AT A GLANCE

General

> **Population:** 12,382,920 (July 2008 est., *CIA World Factbook*)

> **Capital city:** Harare

> **Ethnic groups (% of population):** African 98% (Shona 82%, Ndebele 14%, other 2%), mixed and Asian 2% (*CIA World Factbook*)

> **Religions (% of population):** syncretic (part Christian, part indigenous beliefs) 50%, Christian 25%, indigenous beliefs 24%, Muslim and other 1% (*CIA World Factbook*)

> **Languages (% of population):** English (official), Shona, Sindebele (the language of the Ndebele, sometimes called Ndebele), numerous but minor tribal dialects (*CIA World Factbook*)

> **GNI (2006-Atlas):** $4.466 billion (World Bank Development Indicators, 2007)

> **GNI per capita (2006-PPP):** N/A (World Bank Development Indicators, 2007)

> **Literacy rate:** 90.7% (male 94.2%, female 87.2%) (2003 est., *CIA World Factbook*)

> **President or top authority:** Executive President Robert Gabriel Mugabe (since December 31, 1987)

Media-Specific

> **Number of active print outlets, radio stations, television stations:** Print : 15 total, mostly in Harare and Bulawayo; Radio: 4 main stations, with several other local ones that broadcast for a few hours a day; Television stations: 1 (ZTV)

> **Newspaper circulation statistics:** Top two by circulation : *The Herald* (state-owned), *The Chronicle* (state-owned)

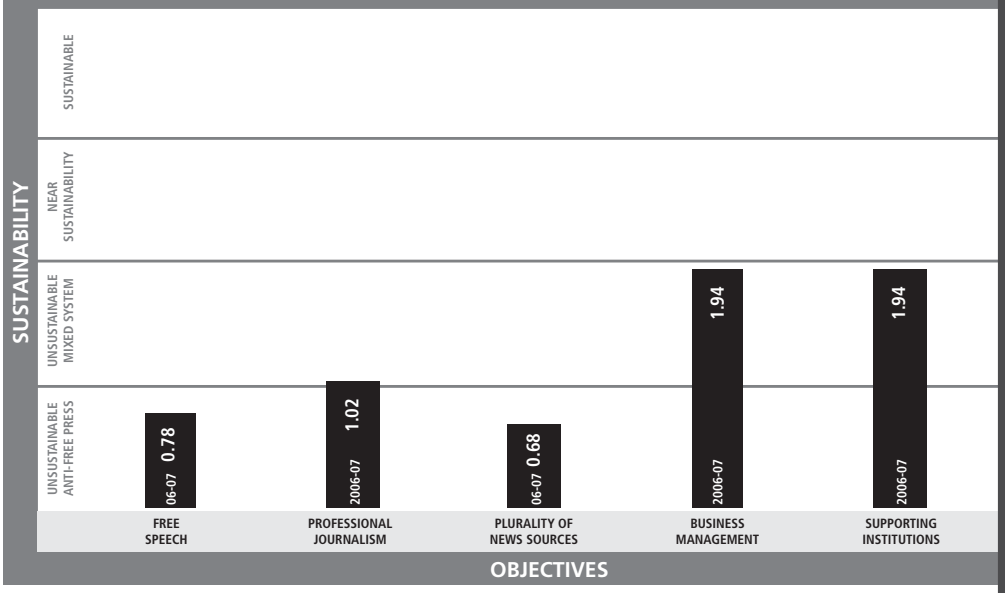
> **Broadcast ratings:** N/A

> **News agencies:** New Ziana (state-owned)

> **Annual advertising revenue in media sector:** N /A

> **Internet usage:** 1,220,000 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: **ZIMBABWE**



Unsustainable, Anti-Free Press (0-1): Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2): Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3): Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4): Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Zimbabwe Objective Score: 0.78

Most indicators scored close to the rather dismal average. Only Indicators 8 and 9, media access to international news sources and free entry into the journalism profession, exceeded a score of 1; the latter was more than a point above the average. Indicator 2, media licensing, received the lowest score, barely breaking 0.

Freedom of expression, historically fragile in Zimbabwe, has been increasingly restricted in recent years. This right, as protected by Article 9 of the African Charter on Human and People's Rights and domestically guaranteed under Section 20 of the Constitution of Zimbabwe, has been chiefly violated by the promulgation of legislation and later amendments that heavily curtail media freedom and the free flow of information. Such legislation includes:

- The Broadcasting Services Act of 2001 (BSA), Chapter 12:06
- The Access to Information and Protection of Privacy Act of 2002 (AIPPA), Chapter 10:27
- The Public Order and Security Act of 2002 (POSA), Chapter 11:17
- The Criminal Law (Codification and Reform) Act of 2006, Chapter 9:23

Mathew Takaona, president of the Zimbabwe Union of Journalists, said the existence of free-expression guarantees in the constitution is in itself laudable, although the laws take away the guarantees. He said, "We then subtract all the marks we could have awarded because of these laws." Chris Chinaka, Reuters' chief correspondent in Zimbabwe, contended that justice and freedom are not just a commitment, but a practice. He said that in terms of practice, Zimbabwe is one of the hardest places in which any journalist could work. He said the zero rating he gave was arrived at as punishment for not enforcing what is provided for in the constitution. There are worse places, said Chinaka, but they do not make any pretenses about having in theory a free press. In Zimbabwe's case, he said, there is a commitment on one hand and heavy doses of laws that take it away on the other.

Lack of judicial independence in cases involving media freedom was also pointed to as a cause for concern. Media lawyer Rangu Nyamurundira gave the example of the Associated Newspapers of Zimbabwe case, where the courts proved bias on the part of the Media and Information Commission (MIC) but to date have failed to take action against the MIC to compel it to license the banned publishing house. Muchadei Masunda, chairman of the Media Council of Zimbabwe (MCZ), also lamented the deterioration of the judicial system. Whereas in the past judges used to actively protect rights, today they hand down partisan judgments, in some cases, he said, "because of blissful ignorance" on the part of judges involved. Most judges in Zimbabwe have not practiced law.

Masunda also said Zimbabweans value freedom of expression and the press. They used to get outraged when these rights were violated, but now there is no outlet to express themselves. *The Daily News,* the only independent daily paper that used to carry people's opinions, has been closed, and demonstrations are outlawed. This unfortunately creates the impression that Zimbabweans are not moved by the violations.

All panelists agreed that licensing of broadcast media is political and not transparent or competitive. The media regulatory and licensing bodies, MIC and the Broadcasting Authority of Zimbabwe (BAZ), impose stringent license application conditions. BAZ is not an independent body; it was established by the government, which appoints its members. Staff appointments at BAZ and MIC are political. BAZ has rejected applications for licenses in some instances, while failing to process applications it had called for on other occasions. The powers vested in the BAZ to issue calls for applications, instead of potential broadcasters just applying, has been used to delay the licensing of new broadcasters.

Nyamurundira noted that there are no private broadcasters despite a law that, on paper, should facilitate their entry. Those who have applied, such as Voice of the People radio,

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

> Legal and social protections of free speech exist and are enforced.

> Licensing of broadcast media is fair, competitive, and apolitical.

> Market entry and tax structure for media are fair and comparable to other industries.

> Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.

> State or public media do not receive preferential legal treatment, and law guarantees editorial independence.

> Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.

> Public information is easily accessible; right of access to information is equally enforced for all media and journalists.

> Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.

> Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

There are worse places, said Chinaka, but they do not make any pretenses about having in theory a free press. In Zimbabwe's case, he said, there is a commitment on one hand and heavy doses of laws that take it away on the other.

have been denied the licenses because, according to John Masuku, Voice of the People's executive director, "they are not the people that they [BAZ] expected to apply."

In the past, newspapers just registered with the General Post Office to publish. Now, however, they must register with MIC, which routinely threatens to shutter newspapers that criticize the government.

Regarding taxation of the media, Raphael Khumalo, chief executive officer of the *Zimbabwe Independent* and *The Standard* newspapers, said those levied by the MIC were too high when added to the corporate tax and the cost of running a publishing house. He also noted that tax is charged on gross profits without taking into account overhead expenses. There is a fine for late payment of fees to the MIC that adds to other expenses the media encounter.

Generally, journalists are very insecure in Zimbabwe, the panel agreed, because many crimes are committed against journalists. The crimes include unlawful arrests, illegal detention, harassment, assault, intimidation, and closure of media houses. Offenders are rarely prosecuted, the majority go unpunished, and a culture of impunity pervades society, making journalists afraid to execute their duties despite a constitutional right to gather and disseminate information. For example, arrests have yet to be made in connection with the bombings of offices belonging to *The Daily News* in 2000 and 2002, of *The Daily News* printing press in January 2001, and of the premises of the private radio station Voice of the People in August 2002.

A de facto monopoly of broadcast media persists in the country despite a Supreme Court ruling in 2000 that declared this monopoly unconstitutional. The BSA was subsequently enacted, ostensibly to provide a framework for the regulation of a diverse broadcast media. However, these regulations extend far beyond the mere administrative regulation of the airwaves, providing government with the means to control applications and their review, as well as the content of aspirant broadcasters.

There is preferential treatment for state media. Among other things, this is illustrated by the fact that state media can write or air whatever stories they want without consequence, while independent media would be dragged to court for similar stories.

Libel is treated as a criminal offense, punishable by prison sentences and fines. Worse, citizens who utter statements that may be construed as insulting the president or undermining his authority—even if they are not published in the press—are vulnerable to prosecution and may be fined or imprisoned under POSA or the Criminal Law (Codification and Reform) Act. Several such cases have occurred since POSA became law.

Public information is not easily accessible to all journalists. AIPPA governs access to public information, but the law makes it difficult for journalists and the public to access information. There is no law precluding certain media from access to public information, but, in practice, AIPPA does exactly that. Independent media journalists know how to get public information, by "hook and crook," said Masunda. But they are blocked, and sometimes false information is deliberately delivered and the journalists end up trapped and in trouble with the law.

On paper, the government does not restrict entry into the journalism profession. In reality entry is restricted: you must register under AIPPA first. The government imposes licensing for journalists overseen by the MIC. Masunda said that, while government does not directly control entrance to journalism schools, "they go on to let their loyalists head schools of journalism." Abigail Gamanya, coordinator for the Media Alliance of Zimbabwe, said entry might be restricted as a result of the proposed national service training before one had the chance to enroll in a training institution.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Zimbabwe Objective Score: 1.02

Most indicators scored close to the overall average, with two exceptions. Indicator 5, pay levels for journalists, scored extremely low, near 0. Indicator 6, balance of entertainment and news, scored much better, approaching a score of 2.

Journalism in Zimbabwe does not meet professional standards of quality, said the panelists. The reasons were multifaceted, ranging from fear, to lack of training, to the prevailing socio-political and economic environment, to restrictive media laws and self-censorship, to lack of equipment and vehicles to cover events. As Angus Shaw, correspondent for the Associated Press, put it, "there is no professional pride

among journalists because doing what is necessary to survive is greater than ethics."

Rashweat Mukundu, director of the Media Institute of Southern Africa (MISA)-Zimbabwe, argued that journalists do not meet standards because of fear—leading to self-censorship—and bias. He pointed out that many journalists concentrate on particular figures as newsmakers and on particular stories despite the fact that there are a number of other issues that deserve space in the media. The Ministry of Information's interference in the state media also leads journalists there to censor themselves. Chinaka noted that polarization has undermined the media. Panel participants agreed that political reporting is biased. Further, politicians set the agenda for the media, and the media ignore key events and issues such as industrial strikes, HIV/AIDS, and poverty.

Masunda said Zimbabwean journalists are not as well-read as they should be, and that manifests itself in the way they cover news. He also identified lack of mentoring by seasoned journalists as one of the problems compromising the quality of news coverage by Zimbabwean journalists. He said journalists are not tenacious enough, that they "cut corners," and that they do not consult a wide variety of relevant sources. The majority of stories claim that the relevant sources were not available for comment when journalists sometimes make no effort to consult them at all. Nyamurundira said journalists now rely on third parties for news, which compromises objectivity. To clarify his point, he said journalists no longer attend court hearings but call lawyers after court hearings to get the outcomes.

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- Reporting is fair, objective, and well sourced.
- Journalists follow recognized and accepted ethical standards.
- Journalists and editors do not practice self-censorship.
- Journalists cover key events and issues.
- Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- Entertainment programming does not eclipse news and information programming.
- Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- Quality niche reporting and programming exists (investigative, economics/business, local, political).

Chinaka noted that polarization has undermined the media. Panel participants agreed that political reporting is biased. Further, politicians set the agenda for the media, and the media ignore key events and issues such as industrial strikes, HIV/AIDS, and poverty.

Gamanya hailed the promulgation of the Code of Conduct for journalists by the MCZ. Zimbabwean media outlets also have in-house codes of ethics. She lamented the poor salaries of journalists, which has resulted in the flight of skilled and experienced journalists from Zimbabwe.

Stenford Matenda, a university lecturer, said the prevailing political economy makes it a challenge for journalists to be fair and effective, adding that the MCZ has a lot of work to do in terms of ethics to improve journalism. Khumalo agreed, saying it was difficult to be ethical under the current political and economic environment. Another example of unethical behavior pertained to entertainment and sports reporting. This is characterized by patronage: certain journalists write about certain personalities.

Khumalo said journalists practice self-censorship, although they deny it. He added that the substitution of words is one example of censorship: when the president diverts a plane, some journalists will not use the word "hijacked." Chinaka bemoaned self-censorship that he said is practiced criminally: editors choose events that can be covered while ignoring others.

Besides the economic environment, Khumalo pointed to journalists as part of the problem of pay levels. He accused journalists of stringing for online publications and depriving local publications of quality stories that may sell the papers and guarantee higher incomes. Gamanya agreed with this point, going as far as to say that some journalists save their best stories for online sources. Chinaka described journalists' salaries as scandalously low and suggested it was better to have a small staff and pay decently. Maureen Kademaunga, gender- and human-rights officer for the Zimbabwe National Students Union, agreed, saying poor salaries lead to compromised ethics. She also said journalists "cook up" stories to make them appealing and use file photos in their stories. The exodus of seasoned journalists, she added, has resulted in inexperienced personnel staffing newsrooms, thus decreasing the quality of news reports.

The Zimbabwe media industry has shrunk into a very small sector in the past seven years as a result of the government's closure of several private newspapers. The government-controlled newspapers are openly biased against those believed to be government opponents or critics.

OBJECTIVE 3: PLURALITY OF NEWS

Zimbabwe Objective Score: 0.68

None of the indicators in this objective scored well; panelists gave their lowest score to this objective. All scores but one were relatively close to the average; Indicator 5, private broadcast media produce their own news, scored near 0.

The Zimbabwe media industry has shrunk into a very small sector in the past seven years as a result of the government's closure of several private newspapers. The government-controlled newspapers are openly biased against those believed to be government opponents or critics. Faith Ndlovu, a journalism student at the National University of Science and Technology, said rural areas have limited access to media compared with urban centers. She also pointed out that those who have access to the Internet use it more for communication than as a news source. Further, Internet access is available only to a few urban people because of its high costs and is unavailable beyond urban centers.

The government has refused to license private broadcasters and has, over the years, maintained a campaign against journalists working for foreign-based stations such as Voice of the People, Studio 7, and Shortwave Radio Africa. In addition to Zimbabweans having no access to alternative electronic media, the government continues to abuse the state broadcaster, ZBC. They use it as a propaganda tool for the ruling party, and ZBC Radio and ZBC TV are openly biased against those believed to be government opponents or critics. Government officials have been accused of directly interfering with the editorial independence of the public broadcaster. This situation compromises the public's ability to access fair, balanced, and accurate information.

Chinaka emphasized that poverty plays a big role in accessing media. He felt that media consumption becomes secondary to basic necessities in rural areas, which he said have "gone back to the stone age" in terms of communication.

While there is no law prohibiting the receipt of international news, the cost involved makes this an option for few. Only the elite can afford access to subscription television. Rangu said the government is blocking access to the news, international and domestic, and pointed to the government's blocking of the distribution of radios to rural areas as an example. Kademaunga said news on the Internet is not easily accessible because of the slow speed and difficulties involved in downloading. John Masuku lamented the jamming of foreign radio stations by the government.

Panel participants said international news agencies are doing a great job. Although international news agencies such as Reuters, AP, and AFP have bureaus in Harare, other agencies, including BBC and CNN, have either been banned from setting up offices in the country or are routinely denied permits to send in journalists.

The lack of transparency on political affiliation and business interests of media owners also contributed to the low rating in this objective and concerned panelists. Panelists discussed the examples of the *Financial Gazette* and the now-defunct Mirror group of newspapers, where state agents are suspected to be involved in the ownership.

The government's effort to dedicate radio stations, such as National FM and Radio Zimbabwe, to local languages was commended by Walter Vengesai, media studies lecturer at Midlands State University. However, Khumalo said his low score in this indicator reflected the one-party government policy that had spread to all aspects of society, resulting in a lack of development and diversity in terms of languages used in the media.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- Citizens' access to domestic or international media is not restricted.
- State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- Independent news agencies gather and distribute news for print and broadcast media.
- Independent broadcast media produce their own news programs.
- Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

OBJECTIVE 4: BUSINESS MANAGEMENT

Zimbabwe Objective Score: 1.94

Panelists rated five of the seven indicators near the average. Indicator 5, government subsidies for private media, scored more than one and a half points above the average. Panelists scored indicator 6, market research, noticeably lower than the average.

Independent newspapers are run as successful business enterprises, relying on sale of copies and advertising revenue for sustenance. They receive no government subsidies, as the government does not offer any financial aid to the private press. State media benefit from such privileges as cheap fuel and loans from the central bank, according to Khumalo. Matenda said it is a miracle that the private press is still operational given how the operational environment is skewed against them. Generally all government departments, universities, municipalities, and rural district councils will not advertise in the independent newspapers, although there is no law stopping them from doing so. They all opt to use government-controlled newspapers.

In view of Zimbabwe's economic meltdown, managers in the private media have worked extremely hard to maintain their operations. "Galloping inflation has made printing a very big challenge, planning a nightmare, and survival a miracle," said Chinaka. Advertising agencies have hit hard times, as commerce and industry have been ravaged by the economic crisis.

Research and market surveys are largely unscientific, and their work and findings are disputed across the board.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- Media receive revenue from a multitude of sources.
- Advertising agencies and related industries support an advertising market.
- Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- Independent media do not receive government subsidies.
- Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- Broadcast ratings and circulation figures are reliably and independently produced.

State media benefit from such privileges as cheap fuel and loans from the central bank, according to panelist Khumalo. Panelist Matenda said it is a miracle that the private press is still operational given how the operational environment is skewed against them.

The Zimbabwe All Media Products Survey (ZAMPS) was acknowledged, but as Mukundu observed, its findings are more quantitative than qualitative. Khumalo expressed reservations about the accuracy of the ZAMPS survey, which he said is politicized.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Zimbabwe Objective Score: 1.94

Other than two indicators, panelists' scores placed the indicators very near to the average. Indicator 3, nongovernmental organization (NGO) advocacy of media issues, rated very well and came in more than a point ahead of the average. However, panelists decried the politicization of media distribution and therefore rated Indicator 7 three-quarters of a point lower than the average.

The Advertising Media Association represents all publishers. According to publisher Khumalo, the association is generally weak because of government interference, and it hardly serves members' interests.

Professional associations and unions, including the Zimbabwe Union of Journalists, have worked hard to protect the interests of journalists and to promote the good of journalism. Media NGOs MISA-Zimbabwe and Media Monitoring Project Zimbabwe have also been staunch supporters of the professional development and legal rights of the media industry. Under the umbrella of the Media Alliance of Zimbabwe, all three organizations campaigned for, and sponsored the establishment of, the MCZ, a voluntary council dedicated to upholding high media standards and ethical reporting. Panelists commended the role played by other civil-society organizations, such as the Zimbabwe Lawyers for Human Rights, which advocates for free speech and provides legal representation to journalists whose rights are violated.

Journalism degree programs are good in theory, but they do not address practical issues needed to prepare journalists

Journalism degree programs are good in theory, but they do not address practical issues needed to prepare journalists for their profession, said the panelists. In addition, quality of training for journalists, whether at the universities or polytechnic, has been severely compromised by the departure of lecturers, limited media outlets in the country, and the existence of harsh media laws.

for their profession, said the panelists. In addition, quality of training for journalists, whether at the universities or polytechnic, has been severely compromised by the departure of lecturers, limited media outlets in the country, and the existence of harsh media laws. Training institutions are also poorly equipped.

Khumalo encouraged training institutions to support the private press by placing advertisements with them and not only with the state press. Matenda said he and his colleagues generally want to help, but it is not in their jurisdiction to determine which publication a university places its advertisements with. This is at the discretion of the vice chancellor, who is a political appointee.

There is no fallback position in the event of a breakdown of the printing press used by the private press. The only other available printing press is owned by the state, which is unwilling to work with the private press.

Shaw said intimidation in the distribution of private publications has become a characteristic of Zimbabwe. Although distribution channels are in private hands, in small towns distribution is often politicized, thereby endangering those distributing papers not seen as favorable to the ruling party. Certain areas, mainly rural and suburban, are often declared no-go areas for the private press.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- Trade associations represent the interests of private media owners and provide member services.
- Professional associations work to protect journalists' rights.
- NGOs support free speech and independent media.
- Quality journalism degree programs that provide substantial practical experience exist.
- Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Panel Participants

Chris Chinaka, chief correspondent, Reuters Zimbabwe, Harare

John Masuku, executive director, Radio Voice of the People, Harare

Angus Shaw, correspondent, Assosciated Press, Harare

Raphael Khumalo, chief executive officer, *Zimbabwe Independent* and *the Standard* Newspapers, Harare

Walter Vengesai, media studies lecturer, Midlands State University, Gweru

Mathew Takaona, president, Zimbabwe Union of Journalists, Harare

Rashweat Mukundu, director, Media Institute of Southern Africa- Zimbabwe, Harare

Faith Ndlovu, media student, National University of Science and Technology, Bulawayo

Rangu Nyamurundira, media lawyer, Zimbabwe Lawyers for Human Rights, Harare

Stanford Matenda, chairperson, Media Studies Department, National University of Science and Technology, Bulawayo

Maureen Kademaunga, gender and human rights officer, Zimbabwe National Students Union, Harare

Abigail Gamanya, coordinator, Media Alliance of Zimbabwe, Harare

Muchadei Masunda, chairman, Media Council of Zimbabwe, Harare

Moderator

Abel Chikomo, advocacy coordinator, Media Monitoring Project (Zimbabwe), Harare

Observer

Andrew Moyse, project coordinator, Media Monitoring Project Zimbabwe, Harare

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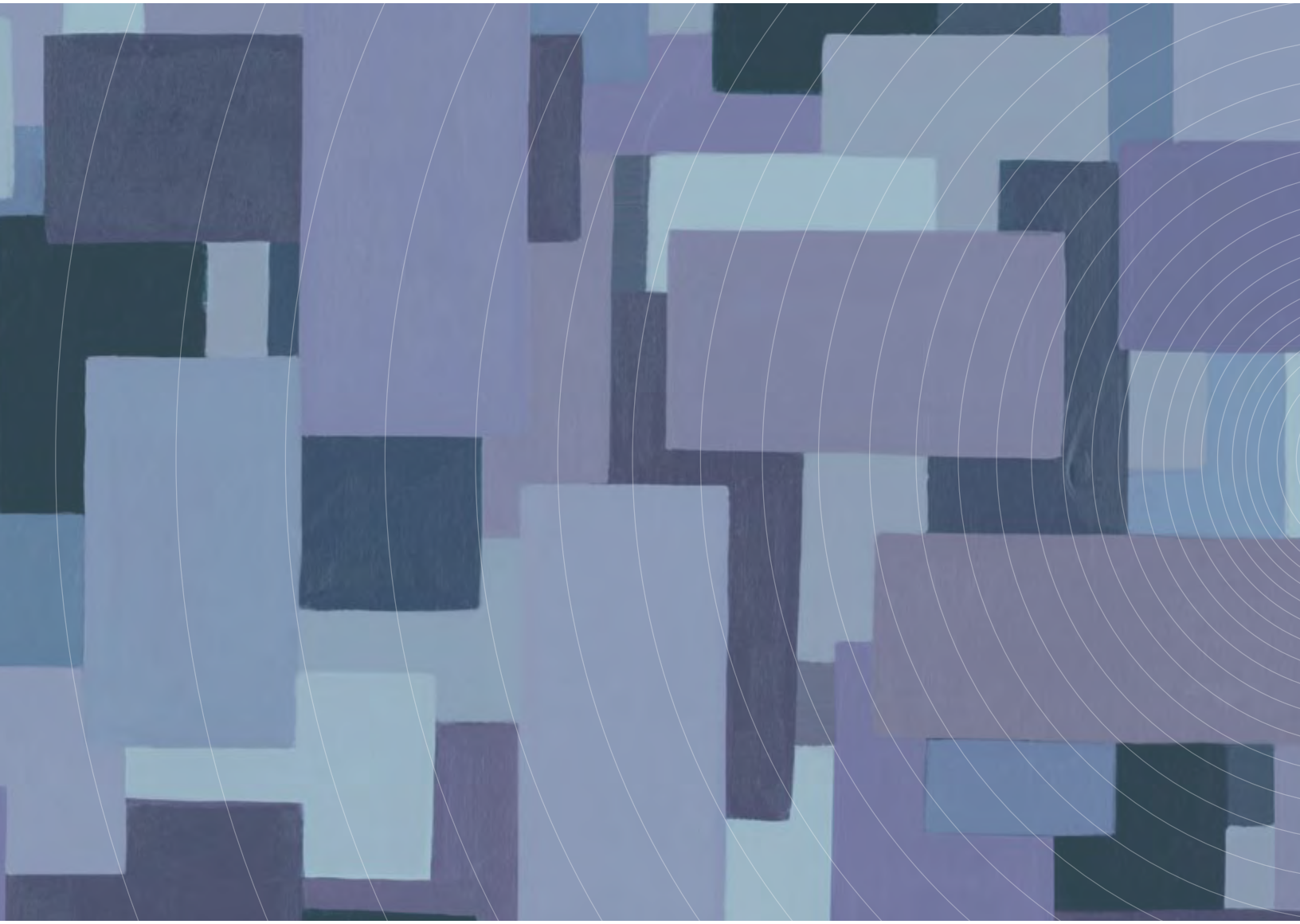

Eastern Africa Journalists Association
The Inter Africa Network for Women, Media, Gender and Development
Journaliste en Danger
Media Foundation for West Africa
Media Monitoring Project Zimbabwe
Multi-Service Information Systems Madagascar
National Union of Somali Journalists
NSJ-Southern Africa Media Training Trust
Panos Institute West Africa
Rhodes University School of Journalism & Media Studies