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**This issue dedicated to
Editorial Freedom and Responsibility**

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“Is this all there is to it?”
Professor Alfred Esimatemi Opubor
(1937 - 2011)

By Ayobami Ojebode

From the classroom, to the studio, to pages of books and journals, to policy tables of governments and agencies, and back to village squares, Professor Alfred Esimatemi Opubor proved himself a person with deep dissatisfaction with easy answers and solutions. Where a ready path existed, he asked if there could be only one path; where none existed, he asked why not. This much is obvious from his autobiographical notes, his publications and his consultancy records, all of which, plus my interaction with him in his old age, formed the fodder for this piece.

From the same department in the University of Ibadan that produced literary giants such as Nobel Laureate Wole Soyinka, Chinua Achebe, J. P. Clark, and later Niyi Osundare, emerged Alfred Opubor in 1961. But rather than go on with literary and linguistic pursuits, he took a different path — broadcasting, an interest he had developed during vacation jobs in a radio house in Lagos. Even this did not hold him for a long time. Two years after, he was receiving an MA at the University of California, Los Angeles. A doctorate followed in 1969 from the Michigan State University. He became associate professor in that university in 1971. Soon after that, it was time to thread another path, the path back home. Thus, he accepted the professorial chair and headship of the Department of Mass Communication, University of Lagos in 1975, thus becoming the first Nigerian professor of mass communication, but he left even that in 1986.

It would take an unaffordable amount of space to detail more than just a small fraction of Professor Opubor’s consultancy and policy-oriented services. He was one of the founding fathers of the African Council on Communication Education (ACCE) and Vice President of the International Association for Media and Communication Research (1978-1982); founding Board Chairman of the Pan African News Agency, Nigeria (1979-1983); Board Chairman of Bendel Newspapers (1977-1982). In 1988 he was elected Chairman of the Conference of Information Experts of the Organization of African Unity, OAU. In that capacity he supervised the drafting of the African Communication Policy and the Statutes of the Pan-African Advertising Union. For a decade, he was UNFPA senior technical

adviser and later member of the Country Support Team. With UNFPA, he served in Cote d'Ivoire, Zimbabwe and in about 20 other African countries.

He consulted for UNICEF, World Health Organization, African Union, Southern African Development Community, the Federal Government of Nigeria, the Government of Ghana, the Government of Senegal among many others. From 2003, Professor Opubor was the Secretary-General and Chief Executive of the West African News-media and Development Centre, WANAD. He was also Vice-Chair of the Board of Directors of the Panos Institute (West Africa), and Member of the Africa Board of Inter-Press Service, the Rome-based international news agency with regional headquarters in Johannesburg, South Africa. He was a member of the Community Radio Coalition in Nigeria, a group lobbying for community radio development in Nigeria. In 2006, the Federal Government of Nigeria appointed him Chairman of the Community Radio Policy Committee (often called the Opubor Panel) which drafted and submitted the Nigerian Community Radio Policy. In 2010, he was appointed to the Advisory Board of the Reporting Development Network Africa, funded by the Bill and Melinda Gates Foundation, and based at Rhodes University in South Africa.

I had the opportunity to ask Professor Opubor questions that I considered important to me, but I got responses different from what I expected. At a Community Radio Coalition forum in 2009 in Abuja, I asked him what it took to be a successful academic, expecting that he would advise on the need to focus on teaching and good research, literature and theory. "What is your definition of a successful academic?", he turned the heat back on me. As I stammered out a rather imprecise answer, he counselled: "When you get to whenever and wherever anyone had stopped, always ask: is this all there is to it?"

As I teased out that short piece of advice, I saw how it connected to research, theory and pedagogy, and much more to life and *excellence*. I also saw that it had been the driving principle of his publications and speeches. Even the titles of some of his publications say that much: "If community media is the answer, what is the question?"; "Can radio build communities?"; "Managing a poisoned chalice?" Professor Opubor was a master in the art of questioning answers and pushing boundaries. Once, after reading through the draft of a paper I had written, he asked me to submit it to an international conference. "Sir", I wrote, "I'm afraid the paper has little or no relevance to the theme of that conference". He shot back an email: "let the conference organizers decide. Why do their work

for them?" As it turned out, the organizers not only decided in favor of the paper but also later published it in a book volume.

At the public presentation of the report of an OSIA-funded research in 2010, I managed to get a short private moment with Professor Opubor. I asked him another, this time, technical question: was positivism or interpretivism the better research approach for Africa? Again, I got a jolt: "Ayo, is that where the list ends? Have you thought of African authenticity in research?", he responded. African authenticity in research? Was he advocating a social science equivalence of the Negritude (literary) movement? Was African authenticity indeed a mature scientific or research approach with its own heuristic capability? Did it even exist? Was, for instance, his *"What my grandmother taught me about communication"* the product of the kind of thing he had in mind? Before he could answer my questions, he was whisked off to another corner of the hall by Tunde Adegbola, Akin Akingbulu and Professor Raph Akinfeleye for what appeared to be a more urgent business.

My last physical encounter with Professor Opubor was in August 2011 at the investiture ceremony of the Nigerian Academy of Letters (NAL). As a Fellow of NAL, he was attending the investiture of new fellows there in Lagos. I managed to reach him in the huge crowd surrounding him and other fellows. Decked in the flowing, awe-inspiring robe and hat of FNALs, he shook my hand with far more vigour than was usual for his age and said, "A little bird whispered to me that you young men are planning something ... thank you for the honor, thank you, thank you". He was referring to the international conference being planned for March 2012, to mark the 75th anniversary of his birth. The conference was being jointly planned by the Department of Communication and Language Arts, University of Ibadan; the Institute for Media and Society, Lagos; the African Languages Technology Initiative, Ibadan; and the Nigerian Community Radio Coalition. The little bird who told Professor Opubor of our plans did not tell us that he would not live to witness the conference. We lost the chance to lock him up in a room and ask him all the questions about Africanism in research, policy and community service. He died in December 2011, but we went ahead with the conference.

Professor Opubor had asked Dr Absalom Mutere (now late) and me to join him in Accra during the 2009 ACCE Continental conference to organize a forum to discuss postgraduate work and the direction of communication research in Africa. Unfortunately, he was not able to come

to Ghana because of a nagging backache. During the conference we organized to mark his birthday posthumously and honour him in March 2012 in Ibadan, we took up this concern of his at what we tagged 'Elders' Forum'. At that forum, neophyte African communication researchers sat round veterans (Professors Cecil Blake, Onuora Nwuneli, Alex Quarmyne, Andrew Moemeka etc.) to learn important lessons about the academia and research from a largely African perspective. Together, we learnt to ask: is that all there is to it?

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The need for the Dar es Salaam Declaration of editorial freedom, independence and responsibility

Robert A. White

Editorial Introduction

Many veterans of the newspaper and broadcasting world in Tanzania as in many other parts of Africa readily admit that the media have failed in their responsibilities to bring better governance and better public services. The media are not doing their share to defend human rights, especially the rights of the poor and the marginalized. The media in Tanzania are not doing their share of “naming and blaming” in the face of enormous public and private corruption. Often the media are little more than a publicity sheet for the handouts of PR offices of government, major industries and the other regular “beats” of reporters. The editorial leaders of the media, for their part, complain that they have less and less freedom to assume responsibility in the face of increasing pressures from advertisers and proprietors using “their media” to promote business empires. Often editors complain that they are increasingly coerced by the powerful coalition of political, business and ethnic/regional interests that intervene directly in media policy.

The Media Council of Tanzania (MCT), more than any other public body, has felt the responsibility to take action to further the freedom and responsibility of the media. The governing council of the MCT determined that the key actors in the media are the *editorial managers* of the media. What was needed, the directors of MCT decided, is a statement of the key responsibilities and freedoms of editors as a set of guidelines for action with organizations of media owners, editors’ forums, journalists associations, schools of journalism and mass media, government regulatory agencies, advocacy organizations such as MISA (Media Institute of South Africa), civil society organizations and a host of other public and private groups concerned with the quality of the media.

The members of the drafting team

In 2009 the Media Council of Tanzania brought together eight experts in the field of media policy and media ethics to draft a declaration of policy

and concrete guidelines for a program of advocacy and education to be carried out by the MCT and the collective efforts of all the bodies mentioned above. For lack of a better name the group of eight dubbed itself the “Think Tank” (TT) on Freedom of Expression and Media Issues. The group included not only Tanzanians but representatives from other East African countries and persons with international experience.

The TT Chairman is Professor Issa Shivji, a distinguished professor in Constitutional Law. He is a professor of international renown, having built his reputation through the publication of over 18 books, numerous articles and book chapters. Shivji was MCT’s President of the Governing Board between 2006-2008. Issa Shivji presently occupies the Mwalimu Julius Nyerere Research Chair in Pan-African Studies of the University of Dar es Salaam. The other TT members include Mr. Jenerali Ulimwengu, veteran journalist and Chairman of the Board of *Raia Mwema* newspaper and a founding member of HakiElimu. Jenerali Ulimwengu is also a political commentator and civil society activist.

Also in the team is Professor John P. Kabudi, a veteran journalist and currently head of the School of Law of the University of Dar es Salaam. Professor Penina Oniviel Mlama has been the Executive Director, Campaign for Female Education (CAMFED) Tanzania. CAMFED deals with promotion of girls’ education and empowerment of young women for economic independence and leadership for change. Dr. Peter Mwesige, a Ugandan member of the TT, is the Executive Director at the Kampala based African Centre for Media Excellence. Saïda Yahya-Othman, is Associate Professor, Foreign Languages and Linguistics Department at the University of Dar es Salaam. Wangethi Mwangi, a Kenyan journalist with a long history of field experience, brings direct editorial experience to the team. Wangethi was for long time the editorial director for the Nairobi newspaper *The Daily Nation*. He has an abiding interest in media law and economics.

Bringing international experience is Professor Robert White, teacher of media ethics, formerly at Saint Augustine University of Tanzania (SAUT), currently Coordinator of the PhD Programme at the School of Journalism and Mass Communication, University of Nairobi and also teaching in the PhD program in communication at Daystar University in Nairobi.

The program of action

The MCT and the drafting Think Tank members have now begun a broad program of workshops and training sessions with the Editors’

Forum of Tanzania, the journalists' associations (which includes editors), and the various schools of communication. The program also foresees meetings with the Media Owners Association of Tanzania, government regulatory agencies and other important advocacy groups.

The Dar es Salaam Declaration of Editorial Freedom, Independence and Responsibility is, arguably, one of the most complete statements of its kind that has been produced so far in Africa. The Think Tank members and the Media Council of Tanzania have encouraged its publication in *African Communication Research* and they invite comments and suggestions from media scholars from around Africa.



ROBERT A. WHITE



The Dar es Salaam Declaration on editorial freedom, independence, and responsibility (DEFIR)

Media Council of Tanzania

Preamble

Introduction

Over the last two decades the media scene in Tanzania, as elsewhere in Africa, has undergone significant changes. Although there has been rapid privatisation of the media, thus opening new possibilities for citizens' access to diverse sources of information, the state continues to impede editorial independence and freedom in various direct and indirect ways, thus undermining the exercise of fundamental rights and freedoms.

However, the emerging media scene also poses a new set of threats to the exercise of fundamental human rights, including the right to information and freedom of expression. The private media is increasingly concentrated in a few media houses and conglomerates and controlled by a few individuals, with similar effect. In addition to the State and private owners, non-state actors whose pressure, influence, power and interference impact on editorial independence and freedom, pose threats to the exercise of fundamental rights and freedoms of the public. The right to information and freedom of expression are both part of collective and individual rights and freedoms. These rights and freedoms are enunciated and protected by African state constitutions and several international and regional instruments, including the *Declaration of Principles on Freedom of Expression in Africa* adopted by the African Commission on Human and Peoples' Rights in 2002.¹

The right and freedom to receive, process and disseminate information, including the right and freedom to express opinion, constitute the cornerstones of democratic political and economic governance. The meaningful exercise of these rights and freedoms enables citizens to participate in their own governance, thus giving substantive content to the right of peoples to self-determination, which is recognised and fervently guarded by all international and regional human rights conventions,

including the *African Charter of Human and Peoples' Rights, 1982* and the *Universal Declaration of Human Rights, 1948*. For Africa today, the right of people to political and economic self-determination² is crucial for the exercise of their right to development³ and the assertion of their 'permanent sovereignty over natural resources'⁴.

The bearers of these fundamental rights are the people in their collective and individual capacities. The signatories to this Declaration of Editorial Independence, Freedom and Responsibility realise and fully appreciate that the meaningful exercise of these rights requires a free, independent, objective, and robust media, run and led by competent and ethically upright media practitioners.

For the media to be truly free and independent, its practitioners must also be free and independent to perform their tasks without fear or favour, and, in particular, without fear of direct and indirect pressures from powerful political, economic, and other partisan interests in society. The sources of pressure are varied, but the most prominent are the State and private business actors who control the polity and economy of a nation.

Private media owners must recognise that their ownership is neither absolute nor exclusive. The media industry is pre-eminently in the public domain, providing a public good. Therefore, the driving force of private ownership – profit – needs to be subordinated to legitimate public interest, which is to ensure and enable the meaningful exercise of the fundamental rights and freedoms referred to above. Public interest and social responsibility thus override ownership rights and interests; by virtue of being actors in the public domain providing a public service, owners and media practitioners are primarily accountable to the public.

Mindful of these considerations, in 2006 the Media Council of Tanzania (MCT) initiated a process of developing two important pieces of legislation on The Right to Information and Media Services. After country-wide consultation over a period of two years, the two proposals drafted by non-state actors, media practitioners, owners, and other civil society actors, have been submitted to the Government of Tanzania.

In addition, from 2008, MCT, recognising the importance of editorial freedom and independence, set in motion and facilitated the process of developing this Declaration. The Declaration is conceived as belonging to a community of stakeholders, who undertake the respective obligations enunciated therein. It is now open for signing and endorsement.

Resolution

Cognisant of the importance of editorial freedom, independence, and social responsibility in developing a free and robust media;

Aware of the central social and political role of a free media in the exercise of the collective right of the people to political and economic self-determination and individual fundamental rights recognised by various international and regional instruments, including state constitutions;

Recognising the importance of the right of the African peoples to assert their permanent sovereignty over natural resources in the interest of the sustainable development of their countries; and

Aware of the role which media can play in combating stereotyped images of women and men and the sexist attitudes in our society;

Concerned over the accelerated and concerted plunder and pillage of natural and other resources in Tanzania and the African continent over the last three decades;

Convinced that the free flow of information, discourse and expression of opinion play a catalytic role in raising social awareness and consciousness for people to exercise their rights and freedoms meaningfully and to assert their political and economic sovereignty;

Aware that the electronic media allow unfettered access to everyone, including children and others not able to filter and assess the import of the content transmitted;

Now, therefore, the signatories to this Declaration do hereby resolve:

1. To publicise, propagate and campaign for the endorsement of this Declaration widely by all actors and stakeholders, including state and non-state actors within the country and the region;
2. To endeavour to adhere to the principles of the Declaration and create formal and semi-formal mechanisms to facilitate their observance and enforcement;
3. To impress upon academic, research and professional organisations and institutions the importance of integrating the Declaration and its underlying principles in their teaching, training and research programmes;
4. To demand that some of the appropriate obligations which require formal adoption be enshrined in contracts and charters of agreement between public and private media owners on the one hand and practitioners on the other;

5. To demand that significant non-state actors, other than owners, recognise and publicly endorse this Declaration and its underlying principles and observe the same in their dealings with the media; and
6. To demand that all actors in positions of influence desist from interfering with editorial freedom and independence.

Furthermore, the signatories to the Declaration call upon all media practitioners generally and editors particularly:

7. To resist influences, pressures and incentives from outside actors which could undermine editorial freedom and independence and tamper with the exercise of their discretion in accordance with professional standards and the underlying principles of this Declaration;
8. To perform their duties and discharge their social responsibility with the utmost personal integrity, objectivity and competence consonant with professional standards and ethics; and
9. To be aware and conscious at all times that their duty and accountability are to the people and that they are actors in the public domain involved in delivering a crucial public service for the fostering of a democratic society free from oppression; from prejudices based on race, ethnicity, gender, and disability; and from inhuman practices.

PART I

FUNDAMENTAL GUIDING PRINCIPLES

The fundamental guiding principles below are an integral part of this Declaration. They shall guide its interpretation and application, and shall be taken into account when entering into charters of agreement between owners and practitioners and setting editorial policies and such other policy documents.

1. Freedom of expression, which includes the fundamental right to receive, process and disseminate information, belongs to the public collectively and individually.

2. The primary obligation of media owners and practitioners is to facilitate the exercise and enjoyment of these rights and freedoms by the public, collectively and individually.
3. Media owners and practitioners are accountable and responsible to the public.
4. All media practitioners should exercise their functions truthfully, ethically, competently and professionally and with the utmost social responsibility and integrity such that they earn trust and credibility in the eyes of the public.
5. Media practitioners should foster social, political, economic, and cultural unity in diversity by promoting tolerance of different views and beliefs.
6. Media owners and journalists should take measures to protect child rights and children's dignity by raising public awareness on issues such as internet violence, child trafficking and sexual slavery.
7. Media owners and practitioners should endeavour to foster, promote and facilitate public dialogue and discourse and the dissemination of ideas and information. In this regard, they should provide space in their respective media for such dialogue and discourse.
8. Media practitioners have the responsibility to promote human dignity, fight all forms of discrimination and promote equality between women and men in the society.
9. It is the responsibility of media practitioners to combat stereotypes of all kinds, including those depicting women's roles in the society..
10. Media practitioners have an obligation to refrain from inciting, or facilitating the incitement of, violence, hate, and xenophobia while always adhering to the highest standards of truth.

It is the duty of editors, particularly, to exercise judicious discretion in the reporting of news and opinions which are likely to incite violence, hate and xenophobia.
11. All actors mentioned in Part II of this Declaration have an obligation to refrain from interfering with editors and media

practitioners in a manner that could undermine editorial independence and freedom.

12. It is the basic right of members of the public to access media without let or hindrance. The State and media owners and practitioners should facilitate and enable such access, always mindful of the fact that media space and the right to acquire information are public goods.
13. Media owners and practitioners should devise mechanisms such as media watchdog committees composed of independent civil society members of high integrity to facilitate the participation of the public in the oversight of the media to ensure that it plays its requisite role in the public interest.
14. To ensure diversity and the free flow of objective and truthful information, all media actors and related groups must endeavour to prevent the monopolisation of media and concentration of media outlets in a few hands, and should consistently oppose mergers and take-overs which could lead to such monopolisation and concentration.
15. Media stakeholders should encourage co-operative forms of ownership and management by media operators and practitioners themselves.
16. All concerned players must work towards converting state-owned media to public media responsible and accountable to the public through representative organs such as the legislature.
17. Media practitioners in decision-making organs must strike a judicious balance between paid advertisements and news coverage.

PART II

RESPONSIBILITIES AND OBLIGATIONS

All the major actors in the media bear responsibilities and obligations in fostering and protecting editorial independence in order to ensure that editors and other practitioners have the freedom to make decisions based on professional requirements and ethical imperatives.

Chapter One

The State

Notwithstanding the rapid privatisation of the media, the State still plays an important legislative and administrative role which sometimes impinges on freedom of expression and editorial independence. Therefore, it has certain obligations and responsibilities in ensuring a healthy media environment.

15. Action should be taken to transform State run media into public media outlets, established by an Act of Parliament and funded through parliamentary procurement. The appointment of editors and other practitioners to run these outlets as well as the policy direction should be placed in the hands of non-partisan agencies representing the will of the wider public and with a mandate to serve all citizens without let or hindrance.
16. The State should not use legislation to curb or limit editorial freedom through draconian laws, such as those that criminalise libel. Laws pertaining to the protection of reputations ought to be in the realm of civil law.
17. Registration and licensing requirements should not impinge on editorial freedom. There should be no laws giving a minister or any government official unfettered discretion to ban, disallow, suspend or restrict media because such powers are invariably used to interfere with and threaten editorial freedom.
18. Any limitations on freedom of expression on grounds of state security must be necessary in a democratic society and serve a legitimate purpose. Such limitations must be reasonable, narrowly and clearly defined and strictly construed.
19. In defamation, libel and other related litigation, the judiciary must take cognisance of the need to promote editorial independence and freedom so as to expand the ambit of the fundamental rights of the public. Courts should refrain from awarding astronomical damages in defamation and like cases whose effect is to bankrupt media houses and thus encourage self-censorship and discourage investigative journalism.
20. Courts ought to make a distinction between defamation cases involving public figures and private persons. By taking

positions in the public domain, individuals implicitly accept greater criticism and scrutiny by the public, and courts ought to enable this important intervention by narrowing the meaning of defamation in such cases.

21. The State should desist from using strong-arm tactics, which curb editorial freedom and independence, such as police intimidation, incarceration of journalists or confiscation and destruction of media equipment. Where its agents are found to have acted brutally against media practitioners, thorough investigations must be carried out and the culprits dealt with in a firm and transparent manner.
22. Government should not use its power of being the major source of news and advertising revenue to deny information or advertising to media that it considers unfriendly. Advertisements should be placed based on objective criteria such as the reach and impact of each outlet.
23. Government should take measures to restrict the publication of advertisements which perpetuate stereotyped images of women and men in the society.

Chapter Two

Owners/shareholders/directors

The ownership structures of many media houses contain layers of people who, using the influence afforded them by ownership, shareholding or directorship; can be a source of serious interference in, and erosion of, editorial independence. It is necessary for these individuals and the interests they represent to desist from using their influence in a manner that is inimical to editorial independence.

24. Media owners should not use their decision-making powers which affect the careers of editors and other journalists, including on recruitment, training, career advancement and tenure, to grant favours or as an incentive to curb the independence and freedom of practitioners. The selection of editors and journalists and their training, promotion and remuneration should be done solely on the basis of merit and without the interference of extraneous considerations, such as family ties.

25. Editors must enjoy contractual security of tenure and they may be dismissed only for specified infractions such as misconduct or incompetence after due enquiry.
26. The context of high unemployment ought not to be used to exert unethical pressures on editors and journalists and/or make unreasonable demands on them or induce practices contrary to the tenets of professionalism.
27. Diversified ownership of media and other forms of ownership and management such as co-operatives of media practitioners ought to be encouraged by all stakeholders to enable the public to get varied sources of news, information and opinion.
28. Media owners should put in place sexual harassment policies that protect women and men from gender based violence (GBV).

Chapter Three

Advertisers, Business and Political Allies of Owners

There exists a nexus between business people, political friends of media owners and media practitioners competing for advertisements, which are the mainstay of media revenues. Depending on the conditions in the media industry, this can adversely affect editorial independence.

29. Corporate organisations, which are the second biggest source of advertising revenue after the government, should not use this power to punish or pressurise the media which carry or are perceived to carry unfavourable stories or stories inimical to their interests. Media owners should not succumb to the pressures and demands of unscrupulous business people for fear of losing advertising revenue. In no circumstances should they lean on their editors and other operators to kill public interest stories for fear of losing advertising revenue.
30. Media practitioners should endeavour to protect women's dignity by refusing to carry sexist advertisements.
31. Media owners should not use their connections with politicians or big business to tamper with stories and commentaries on their political and business friends. Editors should not allow political

and business connections of their owners to influence their stories or in any way interfere with their editorial discretion.

Chapter Four

Politicians/State Functionaries

Politicians and State functionaries maintain a keen interest in what the media is doing and will seek to influence media content to serve their particular interests. Editors must guard against such influences to avoid fostering ties that can undermine their effectiveness.

32. While contacts with politicians and political organisations are important, editors and other practitioners must guard against entertaining too close a relationship with politicians or embedding themselves in political systems which could make their work harder and balanced journalism elusive. Any relationship or affiliation that could be perceived as a conflict of interest should be disclosed to the reader or viewer to ensure transparency.
33. Politicians, including those who are media owners, must refrain from using the media and media personnel for the advancement of their own narrow political interests, against the obligations of the media to represent the general public interest.

Chapter Five

Donors/Diplomatic Community

Sections within the donor and diplomatic communities appear to be interested in promoting greater press freedom, including editorial independence. However, they must not turn this support into a vehicle for attaining their own goals, in the interest of their states or businesses.

34. Donors and members of the diplomatic community must not usurp the right of nationals to make their own decisions with regard to issues of Press freedom. They should refrain from using their financial clout to substitute their own agenda for national agenda.
35. Donor support and funding should be based on a principle of initial support designed to enable the efforts by nationals to get

strong enough to stand on their own, without further entrenching the donor dependency syndrome.

36. In order to ensure impartial selection of journalists and projects for funding, and to shield editors and media practitioners from undue pressure and influence, donors should channel their funding through professional associations and other appropriate institutions instead of directly to media and media practitioners.

Chapter Six

Partisan/Parochial Interests

37. Editors must always resist pressures from partisan and parochial interests and avoid giving them undue prominence or championing a particularistic cause.
38. Editors and journalists must always reject unreasonable and unethical demands from their own social groups if these could lead them to have a bigoted outlook or render them prone to groupthink and self-censorship.

Chapter Seven

The Public

Given that the role of the media is to serve the public by providing space for exchange of information and views, members of the public in turn have an obligation to play an increasingly active role by demanding the highest standards of media professionalism and by taking part in the generation of media products.

39. The public should promote and defend press freedom as an integral part of the broader issues of democratic governance and development.
40. The public should hold the media accountable through writing letters to the editors and other forms of feedback to correct distortions and engage journalists on their coverage of various issues.
41. Members of the public have both the right and the duty to become more active participants in the production of information, news

and views and to take advantage of the increasingly advancing new media in the promotion of responsible citizen journalism.

PART III

PROTECTION OF PRACTITIONERS

A free and independent media presumes a body of professionals who can undertake their work without undue interference, pressure or intimidation from power-wielding sources. These include the State, media owners and political and commercial lobbies in society. The current competitive context, both within and outside the media, has exposed media practitioners to new threats and hazards. It is therefore imperative that measures be instituted to protect practitioners in the conduct of their duties. Freedom from such threats will enhance editorial independence and foster a media that is committed to high professional and ethical standards.

Chapter One The State

42. All media practitioners have the right to fulfil their functions of investigating, photographing, filming, writing and reporting information and providing services without fear of interference, harassment, intimidation, restriction or repression from the State or any other public authority.
43. All media practitioners need to make use of their confidential sources of information without fear of being forced to disclose them, except where a due court order has been issued to that effect, or where the public interest outweighs the need for confidentiality. Chief Editors will obtain the source from journalists and protect it.
44. Where a party demands disclosure of a source in litigation, the onus of showing the necessity for doing so must rest on the party demanding it.
45. Judicial authorities should give narrow interpretation to the laws governing the publication of information relating to state security and official secrets provided the laws are reasonable, necessary and justifiable in a democratic society, so that the public is not deprived of important information unnecessarily.

46. State organs have an obligation to provide protection to media practitioners who may be under threat of attack to their person, their office or their working tools until such threat has passed.

Chapter Two Chief Editors

47. Chief Editors have an obligation to protect and shield journalists from interference, harassment, intimidation, or repression they face or may face from state organs, political organisations, commercial groups, employers and owners.
48. Chief Editors should ensure that journalists are protected from undue external influence and inducements from other sources by offering them just and fair remuneration and conducive working environments.
49. Chief Editors are under an obligation to maintain a high level of professionalism and ethical behaviour among their staff through merit-based recruitment procedures, provision of training opportunities, regular post-mortem reviews and exposure to wide experience.

Chapter Three Media Owners

50. Media owners and media houses should be encouraged to institute, in consultation with the chief editors, independent internal committees to receive complaints from their staff.
51. Media professionals should feel free from undue interference in the conduct of their duties by negotiating agreements with their media owners which would guarantee editorial independence and reduce the influence of political and commercial interests.

PART IV

THE SOCIAL RESPONSIBILITY OF EDITORS

Editors, by the very nature of their work, shoulder great responsibility as they are the final arbiters of what gets published and are thus required to be steadfast, upright and just.

Chapter One

Responsibility and Accountability to the Public

52. Editorial freedom and independence must mean the freedom of the public to access information which has been processed and disseminated by editors and other journalists.
53. Editors should take great care to distinguish editorial copy from advertisements and paid-for press releases so as not to deceive or confuse the public as to the source and nature of the content.
54. Editors should exercise due caution when using as sources press releases and other official communiqués emanating from government departments, corporate organisations, diplomatic missions and other official and semi-official organisations by treating them critically and investigating their veracity.

Chapter Two

Corruption, Chequebook Journalism and Inducements

55. Editors must strive to inculcate in their journalists the ethos of honesty, integrity and commitment to service; journalists should not demand or accept any form of improper incentive.
56. Chequebook journalism must be discouraged and journalists need to be nurtured in an environment that stigmatises corruption as a foremost evil to be fought by all.
57. Editors have a duty to train their journalists to recognise the various forms of inducement that may compromise them and their work, including financial and other gifts, such as meals and drinks as well as free rides while on duty.
58. Editors are called upon to investigate all allegations of, and any actions suggesting corruption, and take stern action against all proven cases in order to eradicate corruption from their

newsrooms. Under no circumstances should a journalist tainted with corruption be allowed to continue working in the newsroom.

Chapter Three

Violence, Hate and Bigotry

59. Editors must refrain from giving undue prominence to reports and commentaries promoting violence, hate and religious, racial and ethnic bigotry, likely to cause or exacerbate social tensions and conflict, or those that promote gender discrimination and other forms of social exclusion.
60. The protection of vulnerable groups, such as minors, the disabled and victims of abuse is of paramount importance. In particular, evidence-based information on GBV should be used to advocate for zero tolerance policies on GBV. Thus editors have the duty to guide their journalists regarding the appropriate way of covering stories about these groups and issues.
61. In any public debate and discourse, editors have to give all sides of the argument equal space and consideration, making sure every significant strand of public opinion is heard and that all major positions in the exchange are reported in a fair and balanced manner.

PART V

RESPONSIBILITIES OF OTHER CRITICAL PLAYERS

The safeguarding of editorial independence is a continuous struggle that requires the support of stakeholders external to the media institutions in order to advance. The capacity for training, research, advocacy and awareness-raising within the media institutions themselves is either limited or non-existent, and in this regard, they have to be assisted by other organisations where that capacity is concentrated.

62. Academic institutions, research organisations and professional bodies which provide training in journalism have a responsibility to integrate issues relating to editorial freedom and independence in their training programmes.
63. Civil Society Organisations and other advocacy groups have a responsibility to propagate and defend editorial freedom,

independence and responsibility in the interest of constructing a democratic society.

64. Strong professional associations must help strengthen professionalism in the media through continuing education programmes as well as regular public dialogues on issues of freedom of expression, editorial freedom and other contemporary issues in mass communication.
65. Media organisations should institute peer review mechanisms on a systematic basis, to do regular audits in areas of editorial freedom, professional conduct and ethical journalism, which would then be made public.

PART VI

ENDORSEMENT AND UNDERTAKING

66. Stakeholders may accede to this Declaration by signing a copy on behalf of their organisation or on their own behalf as citizens, and depositing the same with the Media Council of Tanzania.
67. By signing this Declaration, the signatories undertake:
 - to abide by its underlying principles; and
 - to publicise, propagate and campaign for it in the form and manner considered appropriate and suitable to their particular conditions and circumstances.

Authenticity and Interpretation

Both the Kiswahili and English versions of this Declaration shall be considered authentic and its interpretation and application shall be guided by the Preamble and the Fundamental Guiding Principles, which are integral parts of the Declaration.

Adopted by the Media Council of Tanzania and opened for endorsement at Dar es Salaam this day of 2011.

Hon. Justice Robert H. Kisanga
Kajubi D. Mukajanga

President
Executive Secretary

**Endorsed at Dar es Salaam this day of 2011
by:**

.....
.....

Name and position of signatory
Organisation

.....

Signature

Footnotes

¹ At its 32nd Ordinary Session held in Banjul, The Gambia, from 17th to 23rd October 2002.

² International Convention on Political and Civil Rights and International Convention on Social, Economic and Cultural Rights, both of 1966.

³ UN Declaration on the Right to Development, 1986 and the African Charter of Human and Peoples' Rights, 1982.

⁴ UN Resolution on Permanent Sovereignty over Natural Resources, 1962.



Review Article

Why don't we have more editorial freedom and responsibility in Africa?

By Robert A. White

Abstract

This review of the major lines of research on editorial freedom and responsibility in Africa touches the following themes: (1) dealing with a legal system hostile to media freedom; (2) Freedom of Information legislation; (3) self censorship; (4) editorial control of bribery; (5) development journalism; (6) proprietary control of editorial freedom; (7) finding a defence of editorial freedom in the civil society; (8) editorial skills for resisting proprietary and political controls; (9) gaining the support of public opinion; (10) a survey of editorial freedom in southern Africa; (11) the role of citizen and community media; (12) defining the role of the editor.

Key words: editorial freedom and responsibility; defining the role of the editor, development journalism

What does academic research tell us about editorial freedom and responsibility in Africa?

There has been extensive research on media freedom and editorial freedom in Africa (See Eribo and Jong-Ebot, 1997; Faringer, 1991; M'Bayo, Onwumechili and Nwanko, 2000; Wasserman, 2012). Virtually every aspect has been analyzed: the repression coming from the many authoritarian regimes, the oppressive legal systems kept on from the colonial period, the self-censorship of fearful editors, the bribing of journalists by the rich and powerful, the insidious doctrine of "development journalism" and a host of other factors limiting freedom of expression.

There are approximately 10 academic journals dealing with communication and media research published two to four times a year. Some of them such as *Equid Novi: African Journalism Studies* and *African Media Review* have appeared regularly for as long as twenty or

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thirty years. Much of the research reported deals with issues of media freedom broadly or even with editorial freedom and responsibility more specifically. There are many books published dealing with media freedom and responsibility in Africa, some with regional analysis but many also distributed by major publishers throughout Africa. And not to mention the many PhD and other theses dealing with this topic.

The central question posed in this review article is: what has all this research told us about how to accomplish greater editorial freedom and responsibility in the various media.

What advantages will editorial freedom and responsibility bring us?

The value of beginning this review with this question is that it sets out in tentative and always debatable fashion the supposed goals of editorial freedom and responsibility (EFAR) in terms of what a real African country has accomplished. What African country could we choose to illustrate the fruit of a relatively consistent context of editorial freedom and responsibility? Ghana is consistently rated as quite high in press freedom, but also has had what is considered a prime objective of EFAR, a series of regime transfers in which the public is apparently selecting the regime in terms of the expected quality of public service with minimal election fraud. In the 2012 elections, for example, the media in Ghana have been rated high in making the elections issue-based, with emphasis on education, energy, the economy, employment, women's opportunities and infrastructure (Adow, 2012) . And Ghana does objectively seem to be getting relatively good public service outcomes such as improved economic performance and other personal and public indicators of acceptable socio-economic improvement.

One advantage of illustrating the advantages of EFAR in terms of the real African world is to show that such an "ideal case" is, in fact, "messy" and imperfect. Ghanaians recognize the accomplishments in the country, but media observers are also aware of the great improvements needed, for example, in the quality of the leading newspapers and the pettiness of the hate speech in some of the broadcasting media. The rumbling background threats of authoritarian political intervention, so typical of political culture in many African countries, seems to be a thing of the past in Ghana. It is probably good to recognize that one of the characteristics of a free and open political system and media system in any country is that it always has some "despicable" elements such as hate speech and the potential of authoritarian governance. You can't "sin" unless there is an atmosphere of freedom and responsibility.

One assumption in this approach to the advantages of good EFAR is that it is assumed that every factor is interacting with and influencing every other factor. A high rating in press freedom is considered an "effect" of free elections as well as a "cause" of free regime transfer. A relatively high degree of EFAR is considered a "cause" of good governance as well as an "effect" or indicator of good governance.

What is important in the move toward the rule of law and effective governance is the *linkage* of an independent and responsible media with other sectors of civil society, all strongly committed to democratization. In Ghana, in the early and mid-1990s, a crucial period in Ghana's move away from personalistic, neopatrimonial governance toward truly constitutional governance, the media sector enjoyed the outstanding academic leadership of truly responsible media leadership in the School of Communication at the University of Ghana with persons such as Paul Ansah and Kwame Boafo. This is in contrast to the weak academic leadership--confused about editorial responsibility--in so many African schools of communication over the years. At this crucial time when the media legislation and structure of media institutions of Ghana were being shaped, Ghana was fortunate in having two of the leading media scholars of Africa, Ansah and Boafo, heavily involved in guiding the formation of key democratic institutions. One evidence of this linkage in Ghana is the presence of the Ghana Bar Association, which has prided itself on its political independence (Adjetey, 1996, p. 64), on the board of the National Media Commission (Adjetey, 1996, p. 72). The media leadership in Ghana (leading newspaper editors, leading media scholars, connections with international institutions such as Friedrich Ebert Foundation) was also linked to the churches, labor unions, woman's associations, human rights associations and, above all, with young political leaders pushing for the shaping and implementation of the new constitution of 1992.

The significance of the strong media leadership in Ghana in the early and mid-1990s is shown in the fact that not only was the press a leading force for good governance but editors were personally called by the Commission on Human Rights and Administrative Justice to give evidence against corrupt public officials. As Asante and Gadzekpo note, in the late 1990s, "The fact that on the strength of newspaper stories, these probes (of corruption) were instituted and allegations investigated shows that the Ghanaian press is a force for change in the country's fragile democracy" (Asante and Gadzekpo, 2000, p. 263).

Throughout this crucial period in the formation of Ghana's democracy, what was important was not only the relative independence of the editors but the *quality of vision* of editorial responsibility, so closely linked to important media scholars.

A first, basic distinguishing characteristic of Ghana is the evolution through the 1980s and 1990s of the conception of the executive not as a kind of kingly elder, teacher or semi-sacred figure who must always be treated with reverential respect and honor — as is typical especially in East Africa —, but rather as governments elected to be public servants to do the will of the people. In many African countries any form of criticism of government activities is taken almost as a public insult to be punished for a lack of respect (Gonzion, 2011; Matumaini, 2011). The less neo-patrimonial political culture of Ghana has led to a more tolerant attitude toward journalistic criticism of government activities and other forms of public protest.

Second, Ghana, in spite of the often bitter verbal attacks in the media, has relatively little repression of journalists, and Ghana has a consistently high rating in the area of press freedom (*Ghanaian Times*, 18 March, 2010). Under the 1992 constitution, the freedom of journalists is explicitly protected by Articles 5 on human rights and in Article 12 on press freedom. There generally are no restrictions on demonstrations or protest activities (US Embassy 2010 Human Rights Reports, p. 7).

Third, Ghana in general has a high awareness of protection of human rights, and journalists are active in human rights reporting. At the end of the Journalists' for Human Rights five year development project in Ghana from 2003-2008, 35% of the journalists of the country participated in the training, human rights reporting increased by over 100%, and human rights defense groups reported much greater cooperation in revealing human rights issues in the country (Journalists for Human Rights, accessed 8/26/2012).

Fourth, Ghana, has a quite highly developed civil society which is relatively united in itself and relatively quick to reject forms of autocratic repression. Perhaps the fact that Ghana is a somewhat smaller country with fewer major ethnic, regional divisions in its civil society enables the civil society organizations to form coalitions more easily and take a united stand against violation of civil freedoms by the Rawlings PNDC, and promote a more democratic political culture. In the 1980s and early 1990s a coalition of the Recognized Professional Bodies, the Trade Union Congress, the Ghana Bar Association, The Ghana Journalists' Association,

the Private Newspaper and Publishers Association of Ghana and other major civil society groups demanded a return to constitutional rule (Adow, 2010, pp. 163-165). The School of Communication under the competent leadership of Paul Ansah as Director played a particularly important role in drafting a media policy as part of the new constitution that came into force in 1992 as the foundation of the Fourth Republic. This constitution, based on a wide national consensus, has been a major factor in developing a free and responsible political culture and a somewhat more responsible media culture. In the view of Adow,

“ The public deliberations and the permanent deliberative bodies set up in the early 1990s established a framework for the continued negotiating that has introduced a great deal of socio-political stability in Ghanaian public life. The fact that this deliberation is carried on by academic bodies, in research and think-tank organizations and in civil society movements has been important. Decisions tend to be taken on the basis of strong principles relevant for the common good, not just the short-term gains of interest groups (Adow, 2010, p. 166).

Once these basic procedures of collaborative decision making that found solutions which more or less satisfied all groups had been worked out, then a “responsible” solution could be formulated. Perhaps the key word is “common good”, not our ethnic, individual or religious good. Ghana may have more of a sense of nation that most other African countries.

Fifth, the constitutional provisions for freedom, independence and responsibility of the media are fairly explicit in the 1992 constitution (Adow, 2010, pp.168-170). Many of the constitutions of African countries have general principles of freedom of expression, but little or no explicit applications of this to the media. At the same time, these countries leave on the law books very restrictive and outmoded laws of seditious language or criminal libel dating back to the colonial period which are invoked to defend neopatrimonial actions.

Sixth, given the explicitness of the constitution regarding the freedom of expression, the courts have generally been more favorable toward freedom of expression in the media than is found in many countries. For example, when the New Patriotic Party took to court the Ghana Broadcasting Corporation for failing to provide equal time to

present its views in the elections compared with other parties, the Supreme Court upheld the case of the New Patriotic Party obliging the state broadcasting corporation to provide time according to the stipulation of the constitution. As Adow notes (2010, p.176), "On the few occasions that the courts have been brought in to interpret the constitutional provisions, they have boldly done so to favor the freedom of the media."

Seventh, observers such as Gyimah-Boadi argue that there is progressively greater satisfaction with elections and support of the legitimacy of the elections with greater acceptance of the election results. There is also progressively greater freedom of the media in Ghana to keep the public informed of the issues in the elections (Gyimah-Boadi, 2004, pp.102-103).

The 2006 Afrobarometer report on the quality of democracy in Africa puts Ghana at the top of African countries with the highest level of satisfaction with the governance. It is rated as having the most competitive political party system (Mattes and Gyimah-Boadi, 2005, p. 247). Ghana is the second highest in Africa in terms of perception of effective action against corruption compared, for example, with Tanzania which had the lowest level of public perception of effective action against corruption (Afrobarometer, 2006). Ghana is rated as having one of the lowest levels of crime in Africa and personal insecurity in Africa (Mattes and Gyimah-Boadi, 2005, p. 241).

In many African countries radio and television licenses have often been given out to major media conglomerates that tend to restrict opposition views. In Ghana, however, the distribution licenses has attempted to prevent monopolies and to make sure that all regions have media services provided (Adow, 2010, pp. 176-177). Nevertheless, Ghana has not escaped the plague of media so generally found in Africa: the tendency of political interests taking over large sections of the media.

In 2001 Ghana introduced a widely recommended move by advocates of media freedom, the repeal of the Criminal Libel Law. It was expected that the ethos of self-regulation would take hold among journalists and in the media. Instead politicians and political parties have tended to take over some media and set aflame a war of hate speech that has alarmed long-time advocates of media freedom, Professor Kwame Karikari, the Executive Director for the Media Foundation for West Africa observed that the media, taken over by politicians, has set off an a spiral of "indecent language, false allegations, false alarms and blatant lies" (*Daily Graphic*, 2011, p. 13 cited in Adow, 2012, forthcoming). Some see Ghana becoming

another Rwanda. The National Media Commission, one of the bodies intended to promote self regulation seems to be powerless because it has no resources to control the perpetrators of hate speech. Some accuse the Ghana Journalists Association as more protective of errant journalists than trying to educate journalists in self regulation. In spite of efforts of the National Media Commission and other agencies to educate journalists regarding self-regulatory responsibilities, these efforts seem to have failed (Adow, 2012, forthcoming)

In the view of many, opening up greater freedom for journalists in Ghana has not been met by a corresponding growth in the sense of responsibility. As Blankson notes,

There are instances in Ghana of independent media practitioners resorting to blatant disregard for the rule of law, especially in situations where the courts have been fair and independent. Since 2000, the majority of contempt of court convictions in Ghana have been against journalists or broadcasters for failing to obey court rulings and for defying the rule of law (Tettey, 2002 as cited in Blankson, 2007, p. 26).

There is no doubt that Ghana allows a relatively high degree of media freedom which permits a multiplication of cheap tabloid newspapers and magazines (Hasty, 2005). However, some sectors of the journalism profession think that the tabloid newspapers and magazines are, in fact, a form of democratization. One journalistic protagonist of this area of Ghanaian media argues that "The license to write and publish does not belong to journalists alone because journalism is about the right to free expression. If you try to insist too much on professionalism you exclude a large part of the population from freedom of expression" (Diedong, 2008, p. 228). He would propose that the field should be left open to those who are ready to violate codes of ethics in the name of freedom of expression!

With this analysis of the kind of society and political culture that editorial freedom and responsibility are supposed to accomplish, let us now see the major restrictions of editorial freedom typically experienced in Africa.

(1) A legal system hostile to media freedom

Virtually all research commentary on the obstacles to editorial freedom and responsibility point to the legal restraints as the single greatest obstacle to free expression (Matumaini, 2010; Gonzion, 2010). Many of these laws have their origin in the colonial period, when colonial governors defined any form of protest against the often oppressive and unjust imperial governance as a form of “sedition” and “disturbance of the public order” (Ogbondah, 2002). Throughout Africa independence governments and parliaments kept these laws on the books, and current governments continue to resist movements to remove them.

With this evaluation of what advantages greater editorial freedom can bring to a given country, let us now examine the research on the legal limitations on media freedom generally found in Africa.

These legal restrictions are generally invoked precisely against editors and those who have editorial responsibility even when the initial reporting may be carried out by staff journalists. The recent charges of sedition brought against the editor, Makunga, of the Mwananchi media group in Tanzania, is a good example of this problem (*Daily Nation*, March 27, 2012). What makes editorial responsibility so difficult is that the invoking of laws against editors is so often linked to the unpredictable emotional reaction of some public official. The laws themselves are so vague and all encompassing that virtually any personal pique can warrant a charge against an editor. Sustaining the charges in court may be less a matter of the precise evidence than the network of powerful political friends that can be marshalled against an editor.

What makes these legal restraints so difficult to deal with in professional journalistic commitments is that often the laws are demands for personal respect for the “honor and good reputation” of public officials. A good example of this is the Article 37 of the law No 91-1033 of 1991 in the Cote d’Ivoire: “The act of ‘offense against the chief of state’ is constituted by all offensive or contemptible expressions, by all defamatory imputations or allegations whether concerning his public life or private life and which constitute an attack against his honor and dignity” (Gonzion, 2011, p. 306). Virtually any questioning of public policy, representation of public opinion or revelation of gross governmental inefficiency or corruption can be interpreted as an attack against the honor and dignity of the public official involved. Often legal action is set in motion by an emotional explosion of anger by the president, members of the president’s family or close friends.

What makes the editorial role doubly difficult is the tendency in the legal profession in many African countries not to understand the principles of media freedom and to take a hostile attitude toward media freedom and an almost personal hostile attitude toward editors and the media in general. The mindset of lawyers (and their financial well-being) is to defend the clients and to take their point of view. This lack of understanding of the importance of media freedom for good governance extends to the lawmakers, especially parliaments, where rarely do we find support for media freedom. Much research points to the need to build coalitions with the legal profession, with deans and lecturers in faculties of law who are instructing future lawyers and with the civil society that has influence with the parliaments.

What is particularly frustrating to media professionals and to scholars dealing with media law and ethics is the contradiction between the constitutional guarantees of freedom of expression and even of media freedom and the laws in force which restrict the very freedoms that the constitution supposedly guarantees. In vain do leaders among media professionals and media researchers point out these contradictions to legal scholars and to members of parliament. Most countries of Africa are signatories to the Universal Declaration of Human Rights, but legal practice in these countries continues to be a flagrant violation of these principles of human rights, especially in the area of freedom of expression in the media.

A number of excellent studies have pointed out the progress in many African countries toward removing antiquated laws that date back to the colonial period or the early independence period when constitutions gave one-party governments or military rulers almost unlimited protection. Most African countries have passed through periods of constitutional reforms or introduction of new constitutions which embody a much more enlightened understanding of the importance of press freedom for responsible governance. A good example of this is the formulation of the new constitution of Kenya which involved representatives of the media professions and which promises much more ample protection of the freedoms which the media need in order to play its responsible role in governance.

Even when there is constitutional reform or improved legislation, several studies have pointed out that there often remain "claw back" phrases which allow governments to abrogate laws protecting media freedom almost at will. Typical of these "claw back" phrases are laws giving executives almost unlimited powers under the guise of "state of

emergency” (Ogbondah, 2002). Given the autocratic tendencies of neo-patrimonial rule and the weakness of the protective voice of the civil society, media editors are often the first victims of the wild emotional tantrums of heads of state. Typical of these repressive actions in a “state of emergency” was the indiscriminate repression of media houses and editors unleashed by former President of the Cote d’Ivoire, Laurent Gbagbo at the time of the civil war 2004-2009 (Gonzion, 2011, pp. 308-309).

(2) How to introduce more liberal legislation: The case of the Freedom of Information Acts

Although the dominant attitudes in Africa from independence to the early 1990s favored strong central government and controls of the media, today attitudes are generally favorable to more liberal public debate and more liberal legislation. The major changes came in the 1990s and have developed since then. Where more regressive legal action is taken against individual editors, these are more isolated cases of very angry, vindictive attitudes.

However, to get new legislation it is necessary to mobilize the civil society, build coalitions among important stakeholders, get strong support from the moral leaders of the society, get the guidance of international support organizations and get some backing within the dominant political leadership. One of the best examples of this are the movements to introduce the Freedom of Information legislation. Nigeria offers an interesting case study (Ojebode, 2011). The effort to introduce the Freedom of Information legislation in Nigeria began in 1993 with the formation of a coalition of three major civil society groups, each of them already an umbrella group of many different civil society groups: The Nigerian Union of Journalists, the Media Rights Agenda and the Civil Liberties Organisation (Ojebode, 2011, p. 269). These three organizations brought support from groups from all over Nigeria, representing a great variety of interests. Important in the coalition were members of the lawyers professional associations. During the period from 1993 to 1999, especially the years of the repressive regime of the dictatorial Abacha, the groups worked underground, but still they were active gathering information from FOI movements around Africa and around the world.

One of the remarkable aspects of the Nigerian process of getting FOI legislation is the persistence of the coalition over almost 20 years. The efforts to continually consult widely with expert groups and the continual improvements in the legislative proposal never let up. The interested

groups had already consulted with legal groups in the early 1990s before they formed the coalition and drew up a document in 1994 titled "Draft Access to Public Records and Official Information Act" . In 1995 the group met again to draft the proposal in the form of legislation, but all was in abeyance until the end of the repressive regime of Abacha in 1999. In March 1999, the Media Rights Agenda held another workshop supported by international organizations including the Article 19 Centre in London and advanced with further refinements in the proposal. The movement continued to bring other organizations into the broad coalition and this gave them further political power.

The return to democratic governance with the election of Obasanjo as president in 1999 came with loud promises to support human rights and freedoms in Nigeria. This encouraged many civil rights movements, including the FOI movement. The first attempt to get the legislation enacted by the national assembly, supported by friendly members of the assembly, was in 2000, but without success. Notably, the major newspapers began to steadily support the action and sharply criticized the legislators for not acting in favor. The second attempt to get the FOI legislation passed, again with many amendments from the legislators involved, was in 2003. With steady pressure from civil society groups around Nigeria, the House of Representatives finally passed the bill in 2004 and the Senate passed it in 2006. However, President Obasanjo, a member of the old dictatorial regime, refused to sign the legislation because he felt that it infringed on state security. Again the legislation was stalled until Obasanjo was out of office.

The bill was then re-introduced in the regime of President Alhaji Yar'Adua in 2007. Many of the old NDP party fiercely opposed it, including the Senate President, David Mark. Many attempts were made to attach amendments which would have nullified many of the key aspects of the FOI legislation. But the pressure of the public grew. The move to enact the legislation was stepped up in 2010, and the version representing the harmonization of the proposal of the House of Representatives and the Senate was finally passed on May 24, 2011. President Goodluck Jonathan, a symbol of a much more liberal era in Nigeria, signed the bill into law on May 28, 2011 – the culmination of more than 20 years of efforts.

How the Freedom of Information legislation can help editorial freedom

One of the most important responsibilities of the media is to monitor the efficiency and honesty of government and other public agencies in providing public services and to move public opinion to pressure government and public agencies to improve services. The problem for the media is to get full and accurate information on the efficiency and honesty regarding public services. Most public officials are forbidden by law to reveal information regarding dishonesty or inefficiency of public services. The FOI legislation protects and encourages anyone aware of such deficiencies to cooperate not just with the media but with all citizens aiming to correct these deficiencies.

Subsection 2 of Section 27 of the Nigerian FOI asserts: "Nothing contained in the Criminal Code or the Official Secrets Act shall prejudicially affect any public officer who, without authorization discloses to any person, any information which he reasonably believes to show – a) a violation of any law, rule or regulation; b) mismanagement, gross waste of funds, fraud, and abuse of authority; or c) a substantial and specific danger to public health or safety notwithstanding that such information was not disclosed pursuant to the provision of this Bill". More important, "It does not matter what the consequences of that disclosure happen to be. Anyone receiving the information or further disclosing it shall *also not be liable to prosecution*" (italics added) (Ojebode, 2011, p. 276). Thus, the media or any other citizen could use this information to carry out their responsibilities in society. A major expected impact of the legislation is support of the fight against corruption.

"The Act compels public institutions to disclose details of their expenditures including contracts executed, salaries and emoluments of employees. The Act also protects whistleblowers who want to call public attention to corrupt practices by public officials in their places of work. Investigative journalists bent on fighting corruption will have more ready allies in these whistleblowers (Ojebode, 2011, p. 278),

Freedom of information legislation may open the door to access to information, but, as Ojebode (2011) points out, journalists are often

slow to take advantage of the opportunities for access because it requires some investigative skills on the part of journalists. Journalists have become accustomed to simply make the round of government offices, like one more "news beat" and pick up the public relations handouts that government PR offices hand out.

(3)Self Censorship

In spite of the fact that all media define their role in terms of monitoring the actions and policies of public institutions in terms of service to the citizens, virtually all evaluations of media's public service role report that the constraints of political and economic powers prevent editors from speaking out truthfully and forcefully. The literature is full of reports that editors are afraid of the reprisals of government, of proprietors, advertisers (Ogongo-Ogong'a, 2008), or ethnic interests (Ugangu, 2011). The major constraint is almost never direct political or economic action, but self-censorship by editors who fear that a forthright critical statement might bring reprisals against them personally as editors or against their media house (Skjerdal, 2008, p. 185).

The major conclusion of Skjerdal in his analysis of self-censorship in the Ethiopian media houses is that the *fear of imagined possible reprisals* is far greater than the actual reprisals which have happened. As Skjerdal notes, "...The *discourses* of fear are more important than fear in itself, and that the journalists can name only a few examples of significant punishment after all" (Skjerdal, 2008, p. 202). Bourgault, in her study of press freedom in Africa also suggests that the fear of reprisals is far greater than the actual reprisals (1993). Even in the cases where ministers of government call editors to task for making objective statements that are factual or where advertisers complain about factual statements about a company or product, the accusers can be questioned as to whether the reports are factual or not and if they are prepared to defend their record before the public. All parties have to recognize their social responsibilities in the matter and be ready to live according to the principles of public accountability and transparency. Often, the encounters with protesters even from advertisers can be embarrassing for the protester when editors ask the parties whether the information is factual or not.

As confrontational as these encounters may be, with their dangers of reprisals from the powerful, somewhere a stand has to be taken. The confrontations are often the occasions of a learning process. Various studies

have indicated that, in fact, journalists, feel very uncomfortable with self-censorship because it goes against their basic sense of identity.

As Skjerdal (2008), Bourgault (1993), Philip Ochieng (1992) and a host of other observers point out, the basic problem in Africa is that the principle of accountability to the public and transparency is not recognized in Africa. Because of this lack of sense of obligation of public service, a lack of the recognition of the rights of the public to be served, and the weak sense of accountability and transparency, many editors do not recognize the importance of press freedom for a functional democracy. As painful as press freedom might be, it is one of the guarantees of the quality of life for all in our contemporary societies. The issue of self-censorship points up the importance of having a strong and clear editorial policy regarding the principles of reporting and the willingness of editors to enforce it. Editors, proprietors and their journalists can, if they wish, defend their reporting of matters critical of powerful interests in terms of the objective, editorial policy of newspaper. As Skjerdal observes in the discussion of self-censorship in Ethiopian media, "The stated editorial policy...commands journalists to report objectively, truthfully and in a balanced way" (Skjerdal, 2008, p. 192). This distances the action from the personal responsibility of the editor involved. The problem is that editors are extremely careless about enforcing the stated editorial policy.

Editors at major newspapers like to emphasize that they train young journalists not to allow self-censorship to enter into the treatment of important stories. For example, in a study of young journalist's values in Kenya, the training editor at the *Daily Nation* stated emphatically, "We do not allow advertising considerations to influence our news values, our news judgments." (Ogongo-Ogong'a, 2008, p. 173). In the particular case, the editor gave an example of how the newspaper had published critical articles regarding the lack of good services of one of the major advertisers, a mobile phone company. The training editor added that readers immediately see through your "writing nice things because they are advertisers. And if you start losing readers you'll soon lose the very advertisers that you were trying to keep in the first place by being nice about them. So I mean there are commercial reasons for having integrity, not only morals, I'm afraid" (Ogongo-Ogong'a, 2008, p. 173-174). But journalists in this newspaper revealed that, in fact, there were enormous pressures not to make critical statements about major advertisers.

They also pointed out that there were often fierce controversies between the news department and the advertising department about making critical statements about major advertisers. The journalists emphasized that in most newspapers, the financial interests usually have the final word (Ogongo-Ongong'a. 2008, p. 175). This points up the need for continual updating and training of editorial staff. Many international foundations have provided a great service to editorial freedom and responsibility by offering workshops in Africa or overseas in which editors are brought together for training. This training stresses the reasons why the principles such as those in the Dar es Salaam Declaration are important in a developing democracy. In fact, many editors have little preparation and training for the role and responsibilities of an editor.

The problem of self-censorship also points up the importance of the diversity of ownership and variety of media in a given national context. Every media organization faces the peculiar pressures that come from the particular interests of its proprietors, major investors, advertising support, relations with government, and limitations of its own editorial staff. What one media house does not feel free to discuss or publish, another not only feels free but relishes publishing. When young journalists in Kenya discovered a hot story of government inefficiency or corruption or where there was an obvious violation of human rights but they knew that their own newspaper would not publish it, they often invented strategies to make it into a story that the editorial desk could not avoid. Through friends working in other newspapers, they would get it into a newspaper that was interested and not infrequently it became a major news item (Ogongo-Ongong'a, 2008, p. 179). At times, when local political leaders are repressive, journalists will manage to leak it out to international media. This is a strategy that journalists are currently using in the face of the extremely repressive Mugabe regime even at times with the tacit complicity of their own editors (Mabweazara, 2010).

A very different editorial response to the problem of self-censorship is the approach of the public journalism movement (Lambeth, Meyer, Thorson, 1998). In the face of the continual threats of powerful politicians, advertisers and public relations firms, the press made the public of the local community their reference point. What the majority of the people in a given community are interested in is not the power plays of political infighting, but rather the improvement of educational, health, security, and other public services. Instead of deploying journalists to the beats of ministries and municipal offices, the newspapers began with surveys and

analysis of the major concerns of the community and assigned journalists to cover this. Part of the reason for this shift is that, in regional cities, sales of newspapers and broadcast audiences were declining because the people were less interested in the petty infighting of politicians and the political campaigns managed by public relations spin doctors.

When the community concerns became the priority of news, the media began to force politicians to respond to issues the community considered important. This shift moved the media out from the pressures that would influence self-censorship and gave journalists much more freedom to respond honestly to the real issues that the public is concerned about.

(4) How do editors face the issue of bribery?

There has been considerable research in Africa on the problem of bribery of journalists and editors in African media. However, there is relatively little research on how editors deal with bribery in attempts to maintain their editorial freedom and responsibility. All journalistic codes of ethics of journalists' associations and in-house codes of ethics strongly condemn acceptance of any form of bribes by journalists, and most editors would make some attempt to enforce these codes. The research on bribery suggests, however, that many editors are not well-trained and do not know how to manage well their journalistic staff to maintain a certain discipline. The current research suggests that acceptance of bribes by journalists is on the increase and there is a general lack of clarity about bribery among journalists at the practical level. A major lack of clarity concerns the "little brown envelope", namely, the small payments to journalists given especially at press conferences or other public relations events to enable badly paid journalists to get to the events and to cover expenses involved in reporting these events. What seems to be an increasing problem for editors is clarity about whether the brown envelope practice is acceptable or only a minor problem in the news functions of media houses.

Underlying the increasing tendency to accept some form of remuneration for reporting public events is the practice of public relations firms and all institutions in Africa which want favorable coverage in the media to provide snacks, travel money and other monetary attractions to journalists in the now proverbial "brown envelope". Virtually all the journalists state that the providers of this remuneration expect that in return for the remuneration the hosts will get favorable coverage and

will complain to the media if they don't get the favorable coverage (Mpagaze and White, 2010; Mwabueze, 2010). Although journalists claim that this remuneration does not influence their critical judgment, in fact, most do not see any problem in reporting the information given them by their hosts as their hosts have presented it to them. Journalists and even editors see no problems in taking the remunerations, justified in part, because of their poverty (and the poverty of the industry). Journalists and editors also know that if they do not give a positive coverage, they will not be invited back, and the source of this income will be curtailed.

T. Kasoma, in her studies of the impact of "brown envelope" payments on journalism in Zambia, argues that among both journalists and public relations workers there is a great deal of confusion and equivocation about the impact of public relations practice. In interviews with public relations practitioners, all stated that they did not offer brown envelopes and considered this an unethical practice. However, journalists in interviews in Zambia all said that public relations activities were the major source of brown envelopes followed by politicians and business people. Kasoma also found that all journalists she interviewed readily admitted that the remuneration influenced their reporting and that they recognized this as unethical (Kasoma, 2007). A managing editor of a newspaper in Zambia was clear that snacks, offers of transport or remuneration are "insulting to newspaper organizations because it implies that these people can only attend if we induce them with a promise of snacks or a promise of transport refund" (Kasoma, 2010, p 467). The public relations practitioners interviewed tried to justify their offering some form of remuneration by making a distinction between brown envelopes and the assistance to come to seminars or field trips and justifying the latter as a form of "education" of journalists on how to read their more technical reports. At times, the public relations practitioners would defend themselves with the excuse that the attractions they offer are simply part of African hospitality or *ubuntu*. Although many would argue that the lack of clarity and equivocation is found among both journalists and public relations practice in its varied forms (political campaigning, business launches, institutional celebrations), the public relations practitioners are arguably the major factor in this form of bribery of journalists.

Kasoma points out that at the level of theory the distinction between journalism and public relations is clear and important. While the journalist profession is obliged to serve the citizens in their need for objective, impartial and independent information as a basis of public discussion and

decision making, the public relations practitioner is obliged to serve the client. While the journalist must be dedicated to the truth, the public relations professional must be dedicated to the perspective and needs of the client and getting the perspective of the client to the public. While some public relations theorists would see their role as primarily providing needed information to the public, many would see public relations as an industry which disguises its service to the client by hiding the real motive of getting the public to accept the perspective of the client regardless of whether or not this serves the common good and principles of justice.

Although more research in the matter is needed, there is strong evidence that the blurring of the distinction of public relations and journalism cited above has a negative impact on the kind of editorial freedom and responsibility that has been the foundation of journalism.

- Journalists and editors are increasingly justifying payment from sources on the basis of its being a “common and therefore acceptable practice”.
- Journalists argue that their poverty justifies taking the remuneration and the media then justify their low pay with the excuse that the journalists will pick up extra funding from brown envelopes.
- The public relations practice leads into justification of bribes from politicians and other powerful institutions as “normal”.
- There is a creeping cynicism in journalism that none of the media are objective, free or responsible. It is just a business to entertain the public, and truth no longer matters a great deal.
- Journalism is a dangerous business and concessions are always being made to sources. The journalistic profession is always a tainted profession.

There is a great deal of evidence that editors, in general, are very unclear about the matter and that editors in Africa do little or nothing to give guidance about bribery to practicing journalists.

(5) Does “development journalism” detract from editorial freedom?

In the great wave of independence of former colonies from 1945 to 1970, newspaper editors and later broadcasting directors were among

the outstanding supporters of national independence movements. Many of the leaders of independence proposing the goals of independence in Africa were themselves journalists and editors of newspapers. These newspapermen used the media to outline their nationalistic goals and the crucial importance of unifying different tribal and regional identities into one national vision of development. Many independence leaders in Africa such as Nyerere branded multiparty politics and editorial dissent as foreign to African culture and African political decision making. More typical of African tradition, many argued, is consultation among the elders, in this case, leaders in the nationalist movements and consensus among all major stakeholders in the nation-building process. Nyerere nationalized the media to insure their consensus-building role, and other independence presidents such as Kenyatta made it clear to media proprietors that dissent or criticism would not be tolerated. Editorial freedom such as is espoused in the Dar es Salaam declaration was considered "unpatriotic". This was the foundation of what later became known as "development journalism", a practice which became hotly debated by many African thinkers.

Terje Skjerdal (2011) has done an admirable job of charting what many have called the "rise and fall" of the validity of development journalism in the African context, but, now, the resurrection of a new type of "development journalism". Skjerdal also does an analysis of the reconceptualization of this concept by many major African thinkers. As Skjerdal notes,

'Development journalism' as a concept and journalism practice emerged in Southeast Asia in the 1960s. According to Gunaratne and Hasim (1996, p. 98 cited in Skjerdal), the term was coined at a Thomson Foundation workshop in the Philippines in August/September 1968. The reporting style had been practiced earlier, however, though not with the brand 'development journalism'. Indeed, the revolutionary journalism philosophy promoted in the 1960s by Africa's first independent leader, Kwame Nkrumah, has been viewed as an early form of development journalism (Domatob and Hall, 1983; Nkrumah, 1965 cited in Skjerdal)

The concept of "development journalism" gained acceptance as part of the New World Information and Communication Order

(NWICO) proposal that developing nations have a national communication policy which would guide the media to support the national political, economic and cultural goals of indigenous development. Political, economic and cultural independence could not be achieved, unless developing nations could protect themselves from the perspectives of the North inundating them through news services of Associated Press, Reuters and Agence France Presse and through the transnational media giants of the North distributing films, television and radio programming. Practically, what this meant in the African context was the close collaboration between the media and the authorities rather than independent, critical reporting on development efforts.

What most Africans expected independence would bring them was some degree of well-being and some share of the modern style of life existing in the developed countries of the North. The educational systems of Africa began to generate modern political, economic and professional service institutions in the 1960s and 1970s. Virtually all of the countries introduced university-level journalism training programs which idealized the kind of editorial freedom and responsibility which the DEFIR document proclaims. At the same time the independence governments became increasingly autocratic, corrupt, serving the elites, frequently taken over by brutally repressive military and, above all, ignoring the needs of the masses. In addition, by the 1980s the state apparatus in many African countries, run by many independence politicians, became practically inoperative.

It is probably fair to say that "development journalism" according to its formal definitions and concept never really became a practice in the African context. Rather, what emerged in the 1990s was the increasing demand for a competitive liberalized media in order to make all public institutions responsible, accountable to the public, transparent and providers of good services.

Media institutions in Africa were under increasing pressure to perform according to the social responsibility ideal and the norms of a professionalized media which is often termed "trustee journalism". That is, the media were to be operated by university-trained personnel who operated according to an internalized code of ethics. Above all, they were to respond to their own personal judgment guided by the principles of procedural democracy, the universal declaration of human rights, social justice, and respect for human dignity. Above all,

professional journalists were to be supportive of the rule of law, critical of abuses of power (following the long liberal tradition of the press), working with the movements and organizations of the civil society, continually investigating government critically, and providing information about public institutions so that the "citizens" could judge for themselves whether public institutions were providing the services needed. The ideal of "consensus among the elders" moved to "consensus among the citizens". But the professional journalists would decide what was important information to provide the citizens.

The initial idealistic call of African independence leaders for a uniquely African vision of national development gradually gave way in many African countries during the 1970s and 1980s to dictatorial national leadership. Some of the worst examples were the military governments in Nigeria, the one-party regime of Moi in Kenya and the Banda rule in Malawi. The appeal of these governments to legitimacy in the name of unified national development goals often covered over ethnic and regional favoritism, corrupt rewards to the circle of loyal supporters, and increasingly inefficient government. Invariably these governments contended that the primary purpose of the media was to promote the rhetoric of their development goals, and this was justified in the name of something resembling "development journalism". The often brutally repressive regimes attempting to cover over the venality of their governance with appeals to unity in development goals increasingly clashed with popular demands and the emergence of a increasingly vocal civil society. These civil society organizations included the professional associations such as the law society, student protests, literary leaders such as Wole Soyinka and Ngugi Wa'ithiongo, the churches and the new human rights organizations. As more and more media people were trained in professional journalism, development journalism in the African context came to be seen more and more as an abdication of professional freedom and responsibility. The continued stream of government handouts proclaiming its programs and successes were less and less credible, and the most responsible in the eyes of the public was a continuing critical analysis of the failures of the government in the areas of development. Skjerdal's review of the academic discussion of development journalism shows that today most would view development journalism as a hindrance rather than a contribution to editorial competence.

Skjerdal (2011), in his current review of efforts to reconceptualize and rejuvenate development journalism, cites Banda's proposal of a

style of journalism which is a synthesis of the classical promotion of national development goals, and the emerging citizen journalism. Banda's position reflects the trends in development communication which rejects the modernization and strong-state model of development as essentially failures and grass-roots initiatives of the people from the perspective of the people as the best approach to development (Cf. Melkote, 2001; Servaes, 2008). Banda suggests five guidelines for this rejuvenated development journalism:

- Focuses on citizen, grassroots development initiatives, especially community-based organizations and associations;
- Requires journalists to listen to the people's grassroots initiatives and take these initiatives rather than official government sources as the material for public discourse about development.
- The editorial policy would be to promote public deliberation regarding the initiatives of the people and especially to place these initiatives and the discussion about them before the government and political leaders.
- Given the fact that the grass-roots initiatives of the people, especially initiatives which are part of broader associations and civil society groupings, are taken as protagonists in the development process, the editorial role is to bring these initiatives into public discussion and involve experts in the matter.
- Banda's position is that the journalist and especially the editorial leadership in the media, "should be engaged in activism, emancipation and social change" (Skjerdal, 2011. p. 62)

The perspective of Banda maximizes editorial freedom and responsibility, but, as it is presented by Skjerdal, it is abstracted from the real power structure in Africa where socio-political and economic power tend to be concentrated in an elite group which also controls the media. To expect editorial leadership in the dominant national media to be engaged in activism, emancipation and social change is very challenging in most African countries.

(6) Proprietary control as a limitation on editorial freedom and responsibility

One could argue that the single greatest hindrance to editorial freedom and also responsibility is control by the owners of the media. After all, the owner selects a editorial team to make the media

enterprise profitable, but also produce a medium that will support the interests of the owner. There is also evidence, however, that the skilled editor and editorial team will be able to convince the owner that the freedom to exercise editorial responsibility is in the best interest of the proprietor (Berger and Barratt, 2008, pp 113-132).

There is much research evidence that proprietors of media in the African context do directly and continually intervene in editorial decisions, but the lines of influence and power are often a complex mix of direct proprietary interests combined with wide-reaching connections with political, economic, ethnic, regional and religious interests. Proprietors and their carefully chosen editors belong to a kind of "club" which shares a network of common interests. These lines of power may be expressed more in what the media do not talk about than explicit editorial lines.

Wilson Ugangu (2011), in a study based on consultation with many editors and people closely linked with editors in the Kenyan context, argues that there are lines of collusion to never mention certain topics which would bring up public criticism of the interests of the "club". In most cases, a newspaper, radio or television station are just one among many economic investments. These investments are closely linked to the political connections to get favorable support for various kinds of permits and for inside information on directions in government policy. Investments are also directly linked to access to capital resources of banks and investment houses. In the Kenyan context, Ugangu, citing a variety of studies, argues that a central factor linking interests is ethnic identity. This became notoriously evident in the Kenyan context at the time of the 2007 elections when media, especially the regional vernacular radio stations that represented major ethnic-centered networks of interests, came to the point of inciting violence to promote these political-economic interests.

Leading editors connected with the top media, who have a more independent perception of the media context of Kenya, lament the fact that, "although it is never openly acknowledged or talked about, the general practice is that a journalist in Kenya is often pressed not to criticize a politician or the general political leadership of the ethnic group of the administration of the particular media" (Ugangu, 2011, p. 257). The same extends to economic interests. "...it is very normal in Kenya to see most media owners and managers hobnob with political leaders from their tribes who are also their business partners (Mwita, 2010). Given the fact that the control system is an extensive network, individuals or groups which wish to take an editorial position which is responsive to the public good face coercive blocks at every move.

These interests also tend to control public policy and legal decisions regarding media freedom and tend to block major efforts to open a space of greater journalistic freedom. "...a journalist and former executive director of the Kenya Human Rights Commission laments that...the most vocal lobby group on media matters (and press freedom in particular) in the country today is the media owners association. Yet, it is the media owners who have, through the various relationships that they have formed with the political class, compromised press freedom most seriously today" (Ugangu, 2011, p. 259). In spite of human rights commissions, media councils and vocal critics of the media, the media impose a "silence" that the public hardly notices. Thus, the liberalized political institutions and the greater media freedom which were introduced in Kenya and other African countries in the 1990s have not opened a space of free public debate of fundamental issues in the public sphere.

In many African countries radio and television licenses and governmental advertising funding are given to investors who are compliant with political interests. In some cases, political leaders who are in and out of parliaments and ministerial positions, also own a media outlet. The basic motive of these politicians is to create an economic empire, often by getting grants from public funds and by deeply corrupt actions that are never allowed to be questioned in public discussion because the perpetrators also own or control the media that would criticize this. The managing editors of these media working under the owners are usually compliant henchmen who know little about traditions of editorial freedom and responsibility and are skilled only in threatening and controlling the professional journalists who are working on the staff. Radio, which is the medium most widely accessed in African countries, is a bland content of snippets of unintelligible national and international news, advertising, music produced by the national and international music industry and call-in programs which are usually individual voices that have little influence on major decisions in the country.

In a study of the socialization into the journalistic profession during the first year of employment as a journalist in two newspapers in Nairobi, Stephen Ongongo Ogong'a (2008) found that learning to avoid any criticism of proprietor's interests was one of the major challenges of their early employment. A newspaper such as *The Nation* is only one part of a large commercial empire. Ogongo Ogong'a points out that "Young journalists immediately learn what commercial activities are part of *The Nation* Corporate Group and are careful not to write anything seriously critical of those commercial interests" (2008, p.

174). Young journalists also learn quickly what are the political and religious interests of *The Nation*, and avoid all criticism of this if their articles are to be accepted by editors and they are to maintain their jobs.

Virtually all of the research on media freedom in Africa concludes that editors are severely constrained to follow the business, political and other interests of the proprietors.

(7) Where do we find editorial independence, freedom and responsibility in Africa

Although the dominant newspapers and radio-television stations in most African nations are often heavily controlled by a combination of commercial-political-ethnic interests, there is still a flourishing alternative media in many African countries, and this sector of the media has used editorial freedom with great impact. This alternative media not only remains relatively uncaptured by the coalitions that control most of the media, but are also accessible to a fairly wide and influential public. An example of this are the news magazines in Nigeria, especially *Newswatch*, whose founder was Dele Giwa, *Tell*, and *The News*, which are founded and owned by journalists. (Torwell, 2008, p. 363). *Newswatch* has a weekly circulation of approximately 100,000, *Tell*, a weekly circulation of 80,000 and *The News*, a weekly circulation of 50,000. They are not without their academic critics (Ogbonnah, 2003), but the quality of their investigative journalism is generally rated very high. In 1987 the *World Press Review* recognized the investigative efforts of *Newswatch* by naming its editor the International Editor of the Year (Ekpu, 1992, p. 199). The reporting in these news magazines is followed at some time by virtually all of the educated elites in Nigeria.

Media generally does not make news but is a carrier for the publicity created by newsmakers, entertainers, social movements and various political-economic interest groups. The alternative press such as the news magazines of Nigeria very often build their newsmaking alliances with the civil society organizations of their country (Saliou Camara, 2008). These are the advocacy groups and movements, human rights organizations, lower-status interest-group organizations such as labor unions, and professional associations that have a strong commitment to their own codes of ethics. Although civil society organizations may be reported in the mainstream press, when advocacy action that is contrary to the interests of the hegemonic alliances are reported, it is done with the trappings of "objectivity" and

even with subtle rejection. The mainstream news media are rarely willing to build an alliance with the advocacy organizations which challenge the hegemonic ideological perspective. The alternative media, however, not only report the advocacy perspective but support it with all the rhetorical skills at their command. When the alternative media have such a large audience as do the news magazines of Nigeria, they are able on occasion to delegitimize the position of the hegemonic alliance and sway public opinion to see the justice and propriety of the advocacy view to the point where the hegemonic alliance must back away from its position and concede to the advocacy position. Vitalis Torwell (2008) documents particularly well this process of delegitimation.

The details of the ideological battle between President Onasanjo's attempt to remove the petrol subsidy may be found in the article of Torwell and in the background documents he uses. Essentially the argument is that the oil boom in Nigeria has favored the elite classes in Nigeria with the exception of the efforts to keep the petrol price low because this keeps the transportation expenditure for the poor of Nigeria relatively low. The Obasanjo position argued that the petrol price had to be raised to follow the IMF guidelines to move the economy into market competition, pay the external debt of \$30 billion in order to get further loans and foster the development of refineries. One of the major contestants of the Obasanjo policy was the National Labour Congress (NLC) which called national industrial action that virtually paralysed the country. The government sought to convince public opinion that the NLC action was unjustified and harming the welfare of all Nigerians. Most Nigerians vaguely suspected that the rise in the petrol price was just one more effort of the political elite, especially the military, to enrich itself. The news magazines came into the scene with their investigative journalism skills to provide convincing information that Obasanjo's arguments were covering up elite interests—information that the major mainstream media supported by advertising and indirect government subventions were not willing or able to provide.

Torwell shows that the news magazines used three classic rhetorical devices of investigative journalism to move massive rejection of the Obasanjo by public opinion and force Obasanjo to give up the effort to raise the petrol prices:

- (1) The news magazines were able to provide clear evidence that Obasanjo, who won popular support for his term of office with a

promise of democratic procedures of consultation, was in fact pushing through his actions without consulting the legislative bodies and supervisory agencies in order to favor his political friends. The news magazines were able to show that the arguments of the NLC were based on much more democratic consultation and accountability procedures.

- (2) The news magazines were also able to show that the argument of Obasanjo's camp that raising the fuel prices would in the long run benefit the general population was false. The investigation was able to back up the NLC's proposals that what Nigeria needed was major improvements and expansion of the refineries—something Obasanjo was not proposing. The news magazines also showed the benefits of the industrial actions in that it strengthened democratic institutions and forced governance to be much more transparent and accountable.
- (3) The news magazines were able to show that each of the government's arguments was not only without foundation, but that the government was untruthful, without concern for the needs of the people, benefitting corrupt practices of old cronies, favoring the interests of national and transnational petrol importers, and rejecting fiscal transparency.

Given the editorial independence, freedom and responsibility ethic of the news magazines, linked with the pressures of the NLC and other supporting civil society groups, the news magazines were able to maintain a steady buildup of public opinion against the policy proposals of Obasanjo. Perhaps more important than the delegitimation of the patrimonial ideology of rulers in Nigeria is the developing of a alternative political culture of participatory popular governance. This campaign strengthened the institutions of consultation, accountability and the authority of the people.

The case of Nigeria where a more independent media outside the mainstream media have been able to exercise more freedom in taking up major issues of abuses of political economic power is not an isolated example. The liberalization movements in the 1990s which took African governance away from dictatorial regimes were strongly supported by media which were not so closely connected with the hegemonic political-economic-ethnic alliances (White, 2008, pp 298-300). The movement

against apartheid in South Africa was also strongly supported by the alternative media, especially such newspapers as *The Guardian*, which had the independence to support the anti-apartheid movement (Zug, 2007).

Cowling and Hamilton (2011), in their analysis of how journalism can stimulate widespread public discussion and debate of key issues in the South African context, suggest that this requires more than just balanced news reporting. What is necessary is a process of “orchestration” in which journalists become protagonists in the debate, attempting to show how lines of reasoning, especially that of the powerful, are false and misguided.

At times civil society organizations which have skills in using even the mainstream media can circumvent the resistance of proprietary interests and conservative editorial tendencies. An example of this is the Tanzanian Association of Media Women (TAMWA) (Duwe and White, 2011). TAMWA never threatened the political hegemony of the CCM political party which has had an iron grip on the governmental resources of Tanzania during the 50 years since independence, but it did manage to get women who had more alternative views into the hegemonic alliance dominating Tanzanian decision making. The leaders of TAMWA, as media strategists, played an important role in the coalition movement that raised the percentage of women in parliament and in important ministry positions. The increased presence of women with more liberal views “loosened” the hegemonic power to allow more alternative views into the decision making. The ability of TAMWA to dramatize in the media the oppression and mistreatment of women raised the awareness of human and civil rights and made governance far more transparent and accountable on many issues.

A key strategy of civil society organizations such as TAMWA is the ability to network into a variety of other organizations and build alliances which cut across parts of the dominant power groups. Thus, in certain national decisions there is far greater opening to minority positions and an opening of the opportunity structure to lower-status sectors of the society. This may bring an opening to much greater opportunities in education or in devolution of decision making to rural areas. For example TAMWA is a founding member of the Feminist Activist Coalition, a member of the Tanzanian Gender Networking Programme, a very active member of the Tanzania Law Society, active in the association of Legal and Human Rights Centres, and in the National Coalition on Youth Sexual and Reproductive Health Rights. In the area of media, TAMWA sits in on

decisions of The Media Owners Association of Tanzania, The Media Council of Tanzania, the Media Institute of Southern Africa, the journalists' associations and the press clubs of Tanzania.. At the level of the region and the continent TAMWA is a member of the Southern African Human Rights Network, the Eastern African sub-regional support initiative for the advancement of women, The African Women Development and Communication Network (FEMNET), And the Eastern African Media Women's Associations in Ethiopia, Uganda, Kenya and Zambia. Just how active representatives of TAMWA are in these networks obviously depends on the time available and interest. What usually happens is that the networks become active when there are major issues that spark the concerns of all.

Virtually all civil society groups have some connections with the dominant hegemonic political-economic-ethnic/regional coalition, but all are committed to their own constituency that suffers at the hands of the dominant hegemony. Lawyers have an interest in the independence of the judiciary because they expect fair court decisions. Medical doctors have an interest in the adequacy of public hospitals because they send their patients there. Media women suffer at the hands of male dominance in the mainstream media and the bad treatment of women's issues in the media. To the extent that these organizations are skilled in getting by the editorial controls linked with political, economic or other powerful interests, they can use the mainstream media. More often they make alliances with more alternative media, especially in times of major public crises.

(8) Editors and senior journalists who are able to resist proprietary, economic and political control

Journalists in Africa have a notorious reputation of "selling out" to proprietary, advertising, and political controls (Mfumbusa, 2008; Skjerdal, 2010; Mwabueze, 2010; Mpagaze and White, 2010), but there are some journalists who take pride in their independence and personal integrity and are able to survive and flourish with dignity even in the face of enormous pressures.

What explains the independence of "great journalists"? Africanus Diedong (2008) throws considerable light on the characteristics of "great journalists" who maintain their independence. His study was based on the life histories of a sample of Ghanaian journalists considered by fellow journalists as professionals of great integrity in journalist practice. All those selected had spent a life time in the profession in the top newspapers of Ghana. All had been leaders in the profession and

were elected at some time the head of their professional associations. All had received the “journalist of the year award”. Assuming that journalistic integrity is the product of influences stretching back to childhood, Diedong did extended interviews with the selected journalists on the complete life history but mainly on the journalistic episodes that each considered central in a life time.

In his analysis of these life histories Diedong discovered six characteristics which help to explain their journalistic integrity.

(1) Are guided in all situations by strong internal, personal value commitments.

For all those in this sample, every one was guided in all journalist decisions by personal criteria inspired by great Africans, reminded by proverbs, and had great self-confidence in the rightness of their own convictions.

In one of the cases, a senior journalist was convinced that election procedures dictated by the ruling party were a violation of democratic values and would not give opposition parties a fair chance. After a fierce confrontation with the editor (the newspaper was government owned) in which he presented evidence in favor of his positions including the views of the election commission, he wrote a letter of resignation. In the end the editor relented and let him state his position forcefully on the election procedures. The editor recognized the value of this journalist’s integrity and the great journalistic skill of the man and realized that he was important to have on the staff.

This integrity was matched, however, by deep and long-lasting loyalty to the newspaper, willingness to work long hours with great sacrifice, openness, honesty and cooperation with the editors. The journalist was also an extremely skilled journalist, especially in political affairs and had the ability to comment on political issues with consummate insight. This skill gave him a certain power over the editors. A further characteristic was his great knowledge of democratic philosophy and procedures; he was deeply familiar with political science, history, legal affairs and other branches of science bearing on his journalistic demands. Finally, he had established cordial relations with the editors and fellow journalists so that the editor could see that the willingness to resign his job rather than violate his personal value commitments was based not on aggressive rancor but on personal values that all journalists and the newspaper itself, including the editor, should have. The journalist never lost the due respect for the editors and proprietors. This journalist had

managed to establish this culture in the newsroom, and in the end the editor conceded to the demand for freedom and responsibility because he could see that it was right and for the good of the newspaper. As the journalist in question affirmed:

I do not believe that because I work for the government (the newspaper is government owned), I should necessarily sing their praise. My fundamental belief is underlined by what Chinua Achebe said about the individual who owns the cock in the community...Regardless of who owns the cock, (when it crows in the morning) it serves the good of the community in which it is found..The primary interest of every journalist must be the public interest. It is good to be free. But as a journalist, how are you using the freedom to the benefit of the larger society.

(2) A deep knowledge of human rights and an unwavering commitment to defend those rights.

One of the Ghanaian journalists interviewed recounted an experience of the discovery of violation of human rights. He was in a more rural area of northern Ghana and heard in the night a steady deep beat of a drum. When he asked the local chief the meaning of this, the chief told him that a deadly disease was sweeping through the community and they suspected that the witches of the community were throwing a curse on the community. So, in the middle of the night they dragged out old women suspected of being witches to place them in a home to punish witches and let them die. When the journalist showed his objection, the chief cautioned in a menacing voice not to intervene.

The journalist did not have the evidence to write a news story, so, instead, he wrote a feature story about the persecution of elderly women as witches and how this torture was an outrageous violation of human rights. The story caught the attention of several agencies who now intervened to protect these women. The journalist in question affirmed that he habitually writes articles where he sees the violation of human rights. Often this is a challenge to government officials and wealthy entrepreneurs. He has received threats, but he feels that his commitment to defend human rights is all important. Furthermore, he has won the confidence of the editors that it is important to take a stand on this because it is an education of the people who are often not aware that human rights are being violated.

(3) *The ability to criticize high-up politicians and live to tell the story.*

In Africa many journalists have the reputation of being in the “hire” of prominent politicians, and they make little pretence of being independent. This is a major factor in destroying the credibility of specific journalists and the reputation of the profession as a whole. The top journalists in the Ghanaian study were all sharply critical of government at some time, but none of them suffered significant reprisals for their criticism. The main reason that they and their media were not repressed is that their critique was not personal attacks on politicians but pointing out the violation of principles of the constitutions, legal violations and other criticism that could easily stand up in court—at least in an unprejudiced court. The critique also had the wide support of the business leaders, leaders in the government, religious leaders and the civil society. The criticism was the voice of opinion leaders of the country and were criticisms of actions widely considered damaging to the country. Moreover, the criticism came from journalists known for their political integrity and independence. They were not in the hire of the political opposition. They had a reputation of never taking a bribe, and all were meticulous about refusing any form of entertainment or influence from sources. In their view there is never an excuse such as poverty or low wages for any form of bribery. All of them felt a personal commitment to uphold the integrity of the profession.

Journalism in Ghana in the 1980s and early 1990s seems to have had a high level of integrity and capacity for clear guidance of public opinion to construct a functioning democracy. Paul Ansah, as Director of the school of journalism, set a standard among younger journalists, and his own joutstanding journalistic activities was a model. As is noted in the introduction of this article, one of the reasons that Ghana has today a high level of democratic governance is the work of journalists and the media at that time.

None of the journalists in this study were particularly concerned about their personal financial well-being. They have enough for a decent life, but their reputation as a professional is more important for them than a high standard of living. All have a reputation for competence so that they are always have sufficient income. Many have steady employment in the media, and their competence opens the way to side jobs for their competence such as teaching, special consultancies that leave them free, training of journalists, workshops for public and

private persons on dealing with the media, etc. In the Ghanaian study the journalists who were selected were active leaders in all associations supporting journalistic ethics, and they were conscious that they were looked upon by young journalists as a model to follow. When leading, seasoned journalists are weak in their norms of freedom and responsibility, this quickly drags down the whole profession. All the journalists in this sample considered the mutual support and influence of fellow journalists to be of great importance.

Journalism is a profession under pressure because a journalist is constantly faced with the difficulty of getting truth in critical analysis of government and other public services. What this case suggests is that journalists must have a very clear idea of the constitution, norms of good governance, the legal system and professional ethics. They must have the ability to maintain their integrity under resistance and pressure. Much of this depends not only on the initial training of journalists in schools of journalism but in the ongoing training of journalists and their continual evaluation of their professional norms.

(4) Knowing how to build on public opinion

All of the top Ghanaian journalists interviewed seem to have a taste for investigative journalism which has a basis in justice, truthfulness and legality. A first condition of all good investigative journalism is the sense of righteousness. All leading journalists in major confrontations also seemed to know well the tide of public opinion and know how to build on public opinion. Several journalists in the Ghanaian study recounted that they had to act because so many people—often leading people within political networks—felt that something had to be said. Good politicians have a sixth sense of the direction of public opinion—especially opinion of the powerful—and most politicians today rely heavily on opinion polls. But good journalists also have a sense of public opinion and the rightfulness of their actions.

A journalist knows when the powerful in a context probably will support a journalistic statement in the time of a confrontation with political leaders. At the time that many of the journalists in the Ghanaian study were most active, public opinion was building up against the actions of Jerry Rawlings. One can cite many other famous confrontations with public officials—the Watergate affair in the USA—when public opinion was running against the top politicians. Political office holders know when there is nothing to do but to back down.

To be able to become the voice of public opinion, a journalist has to build a stance of independence from political parties, major religious organizations and all other organizations, even civic organizations such as the Rotary Club. One of the journalists in the study maintained. "...we should be properly independent in every sense of the word and publish the truth at all times regardless of whatever political party is in power" (Diedong, 2008, p. 222).

Building on public opinion and riding the tide of public opinion is, of course, good business in journalism. In the USA during the early 1970s, riding the tide against the Vietnam war and in the Watergate affair against President Nixon brought enormous economic benefits to the media involved. The same was true in Ghana at the time that these journalists were building their careers.

(5) Building ties with international journalist associations and institutions of journalistic education

All of the journalists in this study seemed to have a broad education in public affairs, social studies, political science and the humanities. They knew literature, the great philosophers, the great political thinkers, and centres of world culture. Most were well-traveled. They seemed to have a sense of world journalism and the history of journalism. Many had the opportunity for contact with the world centres of intellectual and journalistic research in Europe or in the US with Neiman Fellowships. Their careers and identities were anchored in a much broader horizon and were not concerned with the petty power structure of their immediate locale. They probably knew that if they should be ousted from the local career opportunities, they had many other opportunities open to them. Some knew that if they were not directly involved with the local newspapers because of petty political reprisals, they could move into academic teaching and research or into the world of foundations with their funding possibilities. They had built up a wide range of opportunities, including financial opportunities, for their lives. This was a strong foundation for their editorial independence and responsibility.

(6) Contact with the international world of journalism and efforts to uphold the profession

Virtually all of the top journalists in the Ghanaian study knew well the different documents on the affirmation of human and civil rights and were aware of the declarations on freedom of expression of Windhoek and Banjul. Some of them had attended workshops and conferences

on human rights. Every one of them saw their journalism work as linked to the defense of human rights and could recount journalistic episodes reporting cases of violations of human rights. All had an awareness of how powerful politicians and powerful economic entrepreneurs were violating human rights, violating principles of the constitution and were exploiting the people under their control. They had gone through the early days of the Rawlings regime when torture was rampant and had experienced the revulsion from this.

These journalists had continually reported on the bribery, corruption and inefficiency of the government, but stressed that all public statements needed thorough research, and they were careful not to make unsubstantiated statements. Some felt the lack of a Freedom of Information legislation and the lack of the legal right to subpoena documents to provide evidence.

All of these leading journalists had close ties with the Anglo-American world of journalism and had worked as stringers for the BBC, Associated Press or other international news agencies. Some have had experiences working with media in the US or elsewhere outside of Ghana. One was a member of the Environmental Journalists' Association in the US. He is also a member of the National Association of Black Journalists (NABJ) and has received an award from the NABJ for his outstanding work in journalism.

(7) Leaders in the efforts to improve journalistic standards in their nation and in Africa

All of the journalists in this study have been active in attempting to draft and implement journalistic codes of ethics and assume self-regulatory responsibilities within the profession. They have served as resource persons for workshops organized by the Ghana News Agency, the Ghana Journalist Association and the Friedrich Ebert Foundation. Some are teaching journalism and journalism ethics in the institutes and at the University of Ghana. At least one has published a chapter in Kasoma's widely used ethics textbook. They have at some time helped in setting up news agencies and the All Africa Press Service. Most have had fellowships for international courses and workshops in Europe and America.

Over a period of forty years Ghana has gradually emerged from a time of great political instability and repressive military governance to gain a reputation as one of the models of democratic governance, more efficient administration and steady economic development in Africa. These journalists think of themselves as part of this process. They have

had an idea of what good governance should be and have used this idea as the norm in their journalistic activity.

Ghana has had its share of what many consider a disreputable, irresponsible multiplication of cheap tabloid newspapers and magazines (Hasty, 2005). Many of the notable people of Ghana are the target of the wild accusations and insinuations of these newspapers. Although many complain about the low ethical standards of this tabloid press, it is part of the rather open atmosphere of press freedom in Ghana which many would tolerate (Zelizer, 2009).

(8) In the Ghanaian case, what produces a journalistic culture of high professional norms and journalists who maintain their editorial freedom and responsibility in the face of proprietary editorial control and a repressive political-economic hegemony?

A first factor is the presence of teachers in professional training programmes and leaders in journalist associations who have clear and sustained professional norms and are willing to maintain these norms publicly in all circumstances. This professional leadership provides a point of reference for all. As the issue *African Communication Research* on bribery showed, many of the teachers in schools of journalism and editors of newspapers are unclear about professional norms on questions of accepting bribes and distinguishing between norms of public relations and journalism (Skjerdal, 2010; Mwabueze, 2010, Kasoma, 2010, Mpagaze and White, 2010). This lack of intellectual leadership in schools of communication is a negative factor in many African countries.

A second factor which leads journalists to affirm their freedom and responsibility in conditions of repression is the active presence of organizations dedicated to freedom and responsibility, especially international organizations, which have financial and supervisory independence from political-economic hegemony in a given country. At their best, these organizations are able to provide strong, convincing reasoning of why undemocratic procedures are detrimental to the well-being and progress of individuals, organizations and the nation as a whole. What is detrimental to professional journalistic norms is a focus of journalists on their individual selfish gain and the failure to see that an unswerving, categorical ethical stance will, in the long run, benefit the common good and the journalists' individual good. What is noteworthy is that all of the journalists in this sample are successful professionally and economically precisely because of their commitment to high ethical standards and commitment to the *common good* of the nation.

A third factor is the presence of a strong civil society with very active organizations committed to human rights, critical analysis of governance, defense of weaker sectors of society, peace building and a host of other professional and interest groups. What is often lacking is a stronger culture of independence. The civil society organizations provide material for more independent journalists and are a defense of these journalists in the face of hegemonic interests.

A fourth factor is the presence in Ghana among intellectual leaders, university lecturers, progressive politicians (most not in power) and religious leaders of a “national project” of steadily working on all fronts for a state of democratic governance and a democratic society in general. There may not have been any coherent unified organization of this leadership or any one manifesto, but there was considerable articulate communication among them — especially among leading journalists such as a Paul Ansah. Journalists were sufficiently free from political-economic-ethnic interests to rise above the continual petty political squabbles that fill most African newspapers — Kenya would be a good example of this (Ugangu, 2011; Helander, 2010)—to pose major directions toward a democratic society in very concrete issues.

A fifth factor is the type of education and continual intellectual life these journalists have. They did not consider training for journalism just the tiny details of how to write correctly that currently characterizes most journalism schools in Africa, but a broad background in political science, sociological analysis, literary studies, good historical formation, African philosophy and a liberal religious view. It is true that currently many graduates of secondary schools in Africa are so illiterate that it is necessary to teach them the basics of written and vocal expression. Students of journalism have had so little contact with the intellectual world of good journalism that they need to be given the most elemental orientation of how to function in the newsroom.

The current trend of encouraging the graduates of the typical rather infantile BA journalism programs to go on for a an MA which grounds them in the fields of political science and other fields mentioned above is perhaps a good one. It is also good to enable promising journalists to take sabbaticals in Europe, America and now in Asia to get an introduction to the highest ideals of good journalism.

(9) The complexity of issues of editorial freedom and responsibility

The numerous declarations such as the Windhoek, Banjul and now the Dar es Salaam Declaration on editorial freedom and responsibility make the rightfulness of such freedom seem clear, but in concrete circumstances it can become far more complicated. The implication in this is that if editors had the freedom they desire, they would be responsible. Unfortunately, it is not always clear who they should be responsible to and why.

Many of these issues have been stated in an article of Jane Duncan (2011) in her analysis of the complaint of the ANC in South Africa that the media are not representing responsibly the ANC and the vast majority of the poor blacks of the country. The media, especially the print media, serve a white minority audience, are dominated by the white minority, by advertising, and by commercial interests largely under control of the white minority. In September the National General Council of the ANC declared the existing self-regulatory system of the print media to be ineffective and eventually the ANC national conference decided to investigate and propose “the establishment of a statutory Media Appeals Tribunal (MAT), to be accountable to parliament and to adjudicate on complaints heard by the press ombudsman” (Duncan citing the ANC 2007). As Duncan notes, “This decision created enormous controversy in South Africa, and led to accusations that the ANC was attempting to introduce statutory regulation of the print media, to stifle criticism of the party and of the government” (Duncan, 2011, p. 90).

Generally, when statutory regulations are proposed, the media argue that voluntary self-regulation is the time-honored means to maintain freedom of expression, taken for granted as the best form of accountability. However, around the world there are complaints that self-regulation as the basis of accountability has become increasingly meaningless with “excessive media commercialization and concentration of ownership, declining ethical standards and the rise of tabloidization, and the ineffectiveness of (voluntary) press councils” (Duncan, 2011, p. 91). One could add the evidence of control of editorial decisions by proprietary commercial empires and demands of advertisers. Researchers globally are comparing media accountability systems that will avoid state-controlled accountability systems while promoting responsible and ethical journalism on the part of the media themselves. However, there is little consensus on these issues. In the background of the current debate in South Africa is the argument of the ANC that the media in South Africa do not “articulate

the needs of the poor, rural people, women, labour and other marginalized constituencies" (Duncan, 2011, p. 92). With the proposal for the statutory controls, the ANC repeats many of the arguments of media scholars regarding the weakness of self regulation and add that a statutory relation does not necessarily lead to government censorship.

Duncan, along with other scholars, acknowledges the fundamental bias and extreme difficulty of editors within a commercial media organization having freedom to follow their enlightened values. However, she feels that this is a fundamentally a social structure issue that is not countered by a statutory council that essentially entertains complaints. All over Africa research has argued the negative influence of statutory media councils on open public debate (Mutere, 2010, 121-144). Councils are a measure that supports negative freedom—what the media should not do—rather than positive freedom which emphasizes what the media should do. Many would argue, as does Duncan, that a council, statutory or non-statutory, is not the answer to the fundamental bias in a commercial media dominated by concentrated economic power linked closely with political-economic-ethnic and other hegemonic power. Structural concentrations of power, as this review has argued, can only be countered by other social structural measures such as the vigorous civil society, a cultural context (especially education) which generates independent critical models (as we saw in the case of the Ghanaian journalists) and a radical reform of the professional formation of journalists, especially editors.

As an intermediate step Duncan (2011, p. 99) would support truly independent public-funded media, public funding for the struggling participatory community media and indirect forms of financial support of investigative media linked with civil society (see the review of the article of Torwell in Nigeria).

(10) What are the major factors influencing press freedom and responsibility?

One of the few explicit studies of the state of press freedom and responsibility in Africa is the assessment carried out in June, 2008 by Herman Wasserman (2010) at Rhodes University in South Africa. Wasserman reports a survey of how journalists themselves see trends in these two crucial aspects of their professional commitments. Although the study focused primarily on South Africa and Namibia, the findings reflect much of the views of journalists throughout Africa. The study involved 49 in-depth interviews, 26 in South Africa and 23 in Namibia, with

journalists, politicians and intermediaries. The objective in the study was to discover the main themes regarding press freedom and responsibility, especially the meaning of these terms to the people interviewed.

Factors influencing press freedom

The major factor is the decreasing editorial control and the increasing influence of proprietary interests. As one veteran journalist in South Africa said, "A young reporter recently asked an editor what would you describe as our mission? ... this chap said: It's to get a decent return on capital for our proprietor" (Wasserman, 2010, pp. 576-577). The trend is toward tabloidization and avoiding major issues regarding national development. The South African press is presently white-dominated, so that the commercial press is less linked with the political interests than in other parts of Africa such as Kenya, but in Namibia the more typical linking of commercial and political control are found. In both countries, the political influence is more in the form of intimidation of journalists. The typical response to both commercial and political controls is self censorship (Wasserman, 2010, p. 576).

Another factor especially noted in South Africa is the "juniorization" of staff, that is, the dependence on young, inexperienced journalists who are more easily manipulated. This was due in part to the purging of personnel who could not accept the racial equality norms of the press. In Namibia many of the journalists were also young and less forceful in their approaches. One wonders, however, if the loss of older journalists, more experienced and forceful in their style such as we have seen in the study of Diedong in Ghana, is not a general African phenomenon. Many more experienced journalists are not willing to put up with the tabloidization, self censorship and "dumbing down" of journalism that Wasserman describes (2010, p. 576). Throughout Africa there is a trend to depend on young, inexperienced "correspondents" who are paid a starvation stipend for each article that gets published. This tendency of "juniorization" also reduces significantly the amount of investigative reporting that is done (Wasserman, 2010, p. 577)

As we have seen in the article by Ogongo-Ongong'a, the best young journalists come with the intention of defending the rights of the poorer and marginalized, but increasingly they are leaving because the proprietary interest is to serve with more superficial infotainment the elite urban classes because the advertisers want to reach this sector of the public.

In both South Africa and Namibia, political leaders are pushing for forms of statutory councils which would enable them to lodge complaints against particularly outspoken journalists and judge these complaints in a context such as parliament where there is political control. What political leaders are looking for especially is a kind of "development journalism" which would be a form of public relations, praising them for their favorite programs and holding them up before the public as elders worthy of dutiful respect and honor. What has suffered in the transition to the dominance of the ANC in South Africa is the independence and quality of broadcasting of the South African Broadcasting Corporation due to withdrawal of funding and intervention of the government (Wasserman, 2010, p. 571).

What Wasserman does not bring out strongly is the support to media freedom which might be stimulated by competing press organizations vying with each other to bring out aspects of competing political, economic and, more subtly, ethnic or regional interests. It is hard to believe that in South Africa, with high levels of education and sophisticated political interests, there are not alternative media such as the news magazines in Nigeria. As Eribo has noted, "The diversity of ownership of the media in Nigeria has enriched the climate of press freedom in the country" (Eribo, 1997, p. 61).

What is made clear is that the media, especially the press, being white-dominated with economic links to the white-dominated economy, represents a kind of opposition party (Wasserman, 2010, p. 573). Its stinging criticism of the ANC has roused the ANC to attempt to introduce a statutory council which, critics such as that of Jane Duncan above argue (2010, p.97), would never survive a constitutional scrutiny, given the relatively independent judiciary in South Africa.

For the journalists in this study of Wasserman, media freedom means that the media are performing a watchdog role and using their financial resources to investigate political-economic moves which are not consonant with the common good of the nation, especially the good of the lower-status, less powerful minorities in the nation. The greatest threat to this freedom has been, in part, the threat of politicians to stop criticisms of them, but an even greater threat is the progressive commercialization of the media where profits are the only criteria and various kinds of alternative media are absent, especially media which mobilize in some way the poor and marginalized.

Factors which contribute to social responsibility of the media

As Wasserman indicates, responsibility of the media is a corollary and justification for media freedom. Various conceptions of responsibility emerged from the study. The clearest meaning is opposition to the government power and government abuses, especially in South Africa. In Namibia, responsibility was interpreted as critique of government but also, especially by people in government, as supporting development goals and trying to educate the public to cooperate with these goals.

A second meaning of responsibility, voiced much by journalists, is reporting with accuracy, fairness, without distortion from the information sources, and selection of truly important news for the people. In South Africa, responsibility meant avoidance of any form of racial prejudice or stereotypes. The influx of many young inexperienced journalists ("juniorization") is seen as a threat to accountability. Surprisingly, some in South Africa perceived responsibility negatively, as a way to get journalists to be "good citizens", to along with or not criticize government or other public actions. Responsibility could be a means to silence strong voices of criticism. In Namibia, some journalists were suspicious of the heavily criticized "development journalism" implications of responsibility. The most common concepts of irresponsibility are the tabloidization of media. Politicians criticized journalists because they were inaccurate or insinuating falsely in their reporting.

What do freedom and responsibility mean in South Africa and in Namibia

Freedom seems to be understood much more clearly both in its negative and positive meanings especially by journalists. Both politicians and journalists in both South Africa and Namibia are proud of the fact that today there is scope for free, open and vigorous public debate. Politicians in these two countries (as in most parts of Africa), however, generally do not understand the importance of freedom for a democracy and see freedom as largely supporting them. Responsibility remains relatively unclear in the minds of all, beyond simple issues of accuracy and fairness, and is an area that needs to be developed more strongly.

(11) Citizen media as a contribution to freedom and responsibility in the media

One failure in media responsibility is the failure of the media to provide the classic goals to inform, educate and entertain for the rural populations of Africa and for the lower-status urban migrants, many of them crammed into sprawling slums. The print media are largely an elite medium. The programming of the emerging commercial radio stations are largely top pop hits produced and promoted by the international music companies working through local music producers with snippets of news that have relatively little meaning for poorly educated peasant farmers and their children pushed into the slums of the cities. Television and video has great potential for lower-status people, but the most popular programming is the melodramatic Nollywood type films. The national state-sponsored broadcasting is widely used in more rural areas, but does not have much importance for rural communities. Although melodramatic films may have considerable cultural and even educational significance for building an indigenous national African culture (Uwah, 2008; Uwah, 2011), relatively little research has been done on the educational and cultural value of Nollywood films or films produced in other parts of Africa. What has proved to be of considerable educational and development significance has been community radio, especially in countries such as Ghana where community radio (CR) has been perfected as a community development tool (Alumuku, 2006; Jallof, 2011; Manyozo, 2009). There has been great disappointment with CR when it is run according to a commercial radio model. Community radio (CR) has been most effective for development in rural or urban lower status sectors when it conducted in the following way:

(1) The CR station is managed not by persons trained in the typical communication programs for commercial or state radio, but by persons trained in community development who are skilled in bringing leaders of the community together to define community problems, propose solutions and form a community organization to carry out these solutions by mobilizing people in the community and getting resources (Jallof, 2012).

Alumuku and others have documented how Radio Ada, Radio Peace and Radio Progress in Ghana have led their communities to develop a series of problem-solving organizations that have brought a cooperative spirit to the communities and have significantly improved incomes.

(2) *Radio is a news medium.*

Whereas most radio brings news from the outside world that suggests how the people of the community should adapt to the dictates of the outside world, CR circulates news within the community or adapts and makes intelligible outside news related to the interests and questions of people of the community and stimulates a response of the people of the community to the events of the outside world. At times, CR plays an important role by sending opinions, news and information to higher-status decision-makers to have an effect on those decision makers.

(3) *Radio is an entertainment medium.*

Whereas most radio brings to the community the music or other forms of entertainment that is formulated by large international or national entertainment corporations and imposes this music culture on the community for their corporate profit, CR highlights entertainment produced locally in the community for the profit of the people living in the community or for other communities. CR trains local people to produce their own versions of outside music or drama styles. For example, CR holds regional or national festivals of music, drama, comedy and other forms of entertainment which are hugely enjoyed by local people because it is closer to the local culture. CR stimulates local, indigenous talent and culture.

(4) *Radio is an educational medium in the areas of health, agriculture and basic skills in business and management.*

Whereas most radio presents programs which are prepared by outside experts according to what the outside experts think is important, CR circulates indigenous knowledge within the community or stimulates questions of interest to people of the community to present to outside experts and attempts to adapt those outside responses to the local understanding and interest. CR blends outside technical information with the local knowledge of agriculture, health and entrepreneurial technology

(5) *Radio is increasingly a "call-in-medium", inviting people to call in to ask any kind of question that may come up.*

In commercial radio these questions are seldom responded to or focused on a particular community problem, although the call-ins do tend to cluster around problem areas. CR has "call-in" programs, but tends to direct questions to a thematic discussion group on the air or to

a particular area of programming that more systematically brings the community to seek solutions. CR tries to channel questions and problems into a process of collective search for solutions by local community groups. CR is not so much interested in strange exotic questions that are simply entertaining but is interested in involving the people of the community in the process of solving community problems that the people are chronically experiencing

(6) *Radio is a "improvement campaign" medium.*

Most radio typically becomes part of campaigns that are designed and decided upon by higher levels of government and imposed on localities. CR tends to give priority to "improvement campaigns" that originate in local community decision-making processes and that seek to mobilize the support of the local community. Whereas most campaigns try to "persuade" persons to change with psychological "behavior change" techniques, CR focuses more on consciousness-raising discussion that brings audiences to critical reflection and to freely construct solutions that are a consensus in the community.

(7) *In the African context, radio is often owned directly or indirectly by powerful political interests and these radio stations have often been used to stir up ethnic or other forms of conflict.*

The classical example is the radio in Rwanda. But this is also true of countries such as Kenya where radio has been and continues to be notorious for inciting ethnic and other forms of politically-motivated violent conflict. CR typically uses methods of mediation that brings together groups for discussing how to solve common problems of the community, especially problems that are conflictual. At its best CR promotes continual dialogue between religious, ethnic, social class and other forms of potentially conflictual groups. Of particular interest to CR are conflicts based on scarce resources such as land, water and employment opportunity (Bessette, 2009).

(8) *Radio is often a leadership forum where national, regional and local leaders can voice their opinions.*

Whereas most radio tends to privilege higher-status political leadership, CR attempts to get on the air minority groups such as women, the poor, the youth, the jobless and other less powerful groups.

(9) *Radio is an oral medium and language is an important aspect of this medium.*

Whereas most radio tends to use dominant languages in order to maximize its political, cultural, religious or commercial reach, CR tends to emphasize local languages.

The causes of the failure of CR to live up to its potential

As was noted briefly above, CR in some contexts has not been a significant factor in development and education among lower-status rural and urban groups largely because the stations often tend to be run as commercial radio stations with little participation of the people in the community. Directors and key staff have little knowledge of community development and how to bring community organizations into community problem solving. There is little knowledge of how to build news programming around the local news and local news interests. There is also little skill of how to cultivate local music and drama talent or other local talent. Most of the music played on community radios is the music promoted by the national and international music industry.

As Doreen Rukaria, the Coordinator of the Community Radio Association of Kenya, observes, there is no well-defined training for community radio in Kenya (Chiliswa, 2011, p. 58), and this would be true of many other regions of Africa. Directors and staff are typically graduates of the university communication degree programs preparing students in commercial media or for public relations. Many staff members are weaker, less imaginative students who see CR as a place to pick up a little experience while they look for a job in commercial media. This young university graduates have little or no experience of the rural or urban poor and little interest in the people in the communities. Most rarely venture out of the radio station to deal with the local people, and they have little or no idea of how to involve the leadership of local community organizations in the radio. Although CR is often characterized as a form of participatory communication, many CRs, as they are actually run, have relatively little community participation. A study in Uganda comparing CR with the adjacent commercial radio station concluded that there was more community participation in the commercial radio station than in the CR (N.I. Lukanda, 2009, p. 98). The basic problem is that directors and staff of CR often have no background or training in community development and how to involve community leadership, community movements

and community organizations in CR programming.

The single greatest deficiency is that often CR does not deal with problems of specific sectors of the community such as farmers, women and youth. The CR does not lead these groups or the whole community in discussion on how to solve their particular problems. Because the station does not relate to the groups, it has little specific information, news, or current debate that is relevant for these groups. The groups themselves are not brought in to prepare the programming and attract an audience.

(12) Defining the role of the editor

Given the central role of editors in maintaining media freedom and responsibility, it is surprising that there has been so little research on the duties of the editor and how to prepare editors for this role. An editor is expected to set the editorial line of a media organization; act as intermediary between proprietors and the news organization; continually negotiate with the powers behind the news organization to maintain a space of freedom and responsibility; make sure that the content serves the public; make sure that the news organization generates profits to stay in business; guide all staff in following this editorial line; select, hire, train, and promote the staff; guide news reporters in getting the top news; maintain the ethical standards of the medium. In short, the editors and the editorial team are central in any media organization. One of the few books in the African context which attempts to define the role of editors and provide some training guidelines is the training handbook brought together by Guy Berger and Elizabeth Barratt (2008) and the South African National Editors Forum, *The extraordinary editor: A handbook for South African media leaders*. This practical manual reflects the experience of editors in South Africa, but it also draws on the experience of the editors' forum of Highway Africa which runs workshops for editors from all parts of Africa.

The question is, what are the priority dimensions of workshops, training courses and textbooks and other forms of preparing editors to assume their role in improving editorial freedom and responsibility. It may be helpful to review the handbook of the South African Editors Forum to see to what extent it does take up crucial issues of editorial freedom and responsibility.

(1) Capacity for persuasive hard line negotiation with proprietors and advertising departments to avoid tabloidization and to systematically set the

agenda for public discussion of the important issues of human rights, national development and the plight of the poor and marginalized.

Newspaper leaders, politicians and others interviewed in the Wasserman study cited above all agreed that the major threat to press freedom is the domination of the media by pressures of commercialization and efforts to enlarge the circulation toward less- educated publics and greater advertising revenue with a tabloid type of content. A more popular style of journalism may not be against editorial freedom and responsibility in itself because the issues of the popular classes may be just as important as more abstract issues of public policy (Sparks, 2000). This requires great editorial skill and careful selection and training of reporting staff. *The extraordinary editor* has a whole chapter entitled "Managing Business and Bosses" which deals with negotiating "upward" toward proprietors and business managers. Particularly important is the advice on how to insure that all the media divisions of the company meet the journalistic ideals but also pull in circulation and advertising. One section is entitled "Are you independent"?

(2) Maintaining editorial ideals in the face of "bullying" and threats from politicians.

All over Africa politicians seemingly do not understand that they must be transparent and accountable. *The extraordinary editor* also has a separate chapter on how to deal with political pressures. One of the major editorial challenges is to educate politicians and the public to understand that accountability is essential to a democracy. All great editors have had a high degree of courage to face down bullying politicians, know well their legal rights and win in the confrontation with politicians. The hero of the "Watergate confrontation with Nixon" was the editor, Bill Bradley (1996) who was working back and forth between the journalists Woodward and Burnstein, the proprietor Catherine Graham and the lawyers. Taking a strong stand against political pressures is a central capacity in *The extraordinary editor*. This sort of editorial independence requires a good support staff with careful selection of personnel who have a good training in the university education of journalists.

(3) Skill in keeping good journalists in the news organization.

All journalists who have finally determined to continue in the profession will say that what has inspired them are their editors. Editors also have to work to get decent salaries for the staff and to guide the staff

in areas of specialization that will eventually bring in more income. Important in this is arranging for interesting training both nationally and overseas. *The extraordinary editor* has a chapter on "Managing People" with extensive discussion of how to encourage and inspire young journalists toward staying in the profession on a lifetime basis.

(4) *Building an alliance with the civil society*

The case of the research by Torwell above shows how important is the ability of journalists to be in contact with the civil society such as women's movements, human rights movements, environmental movements and a host of other organizations and movements that are in the forefront of social change and democratization. Especially important is an openness to the movements of peasant farmers, slum dwellers, poor women entrepreneurs, labor organizations and other organizations of the poor and marginalized. An opening to these sectors was indicated by all as a high priority in the study of Wasserman regarding editorial freedom and responsibility. One must ask why *The extraordinary editor* and journalistic education tends to ignore this almost entirely. The study of Ogongo-Ongong'a cited above stressed this idealism of young journalists, but the major opposition that young journalists encounter are in the editors! One of the major causes of the tendency to ignore the civil society sector and the great majority of poor and marginalized in Africa is that it is almost totally ignored in journalism education in Africa.

(5) *Keeping a watchful eye for accuracy, fairness and any form of bribery and influence from information sources.*

A series of studies in Africa show that bribery, self-censorship (Skjerdal, 2008) and accepting all forms of influence of sources is rampant in Africa (see the issue of *African Communication Research* on bribery in journalism, 2008). What is most shocking is that editors often are complicit in actually encouraging bribery, freebies and allowing source influence. *The Extraordinary Editor* has a chapter on this, and it needs to be stressed more in editorial training. The immediate cause is the bad formation and corruption among managing editors. The root of the problem seems to be the laxity of the Editors' Forums which exist in South Africa and in many other African countries. Of course, the deeper cause is the culture of corruption which seems to be a way of life throughout Africa, even among the spiritual and moral leaders of a country.

(6) *The need for continuing education of editorial staff*

Many media houses are offering promising young journalists the opportunity of promotion if they opt for an MA degree. *The extraordinary editor* strongly encourages those who are moving into editorial positions to get more education because BA programs in journalism and mass communication frequently only stress the practical training in writing and journalistic style. Editors need a much broader training in political science, development studies and public affairs. Editors also need a much more sound grounding in ethics and areas such as public morality and the methods of investigative journalism.

An editor is a human leader

This review of the research on editorial independence and responsibility has tended to stress the moral leadership of an editor in a media organization. But it is useful to conclude this review with a quotation from *The Extraordinary Editor* about the human leadership. "The first test of a communications organization should be to communicate internally, which many fail to do. Involve your staff, and their brainpower and enthusiasm...Make the magic of journalism infectious by sharing your passion for it at every opportunity. Restore the fun of it...Be there to help and counsel...pumping in ideas and sharing the long hours these (news) events demand...Celebrate the triumphs with colleagues. Deal with the defeats, but do so privately when they involve individuals. This is the only time, really, that the editor's door should close" (p. 51)

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Declaration on promoting independent and pluralistic media

Declaration of Windhoek

UNESCO

3 May, 1991

Endorsed by the General Conference at its twenty-sixth session - 1991

Background of the Declaration of Windhoek

The Windhoek Declaration is a statement of press freedom principles put together by African newspaper journalists in 1991. The Declaration was produced at a UNESCO seminar, "Promoting an Independent and Pluralistic African Press", held in Windhoek, Namibia, from April 29 to May 3 1991. It was later endorsed by the UNESCO General Conference. The context for the meeting was set by the various repressions of the media Africa had faced during the 1980s. It was inspired by the move toward democratization in the region that followed those crises, as well as the end of the Cold War.

The Declaration was an outcry against the repression the African print media had been suffering. The document proclaims a strong belief in the connection between a fully independent press and participatory democracy. Although the document is directed toward the print media, it also takes into consideration broadcasting.

The date of the Declaration's adoption, May 3, has subsequently been declared as World Press Freedom Day. The Windhoek Declaration is the first of a series of similar declarations around the world.

The Declaration

We the participants in the United Nations/ United Nations Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May 1991,

Recalling the Universal Declaration of Human Rights,

Recalling General Assembly resolution 59(I) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76 A of 11 December 1990 on information in the service of humanity,

Recalling resolution 25C/104 of the General Conference of UNESCO of 1989 in which the main focus is the promotion of “the free flow of ideas by word and image at international as well as national levels”,

Noting with appreciation the statements made by the United Nations Under-Secretary-General for Public Information and the Assistant Director-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar,

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies and organizations, in particular the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organize the Seminar,

Expressing our gratitude to the Government and people of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

1. Consistent with article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development.
2. By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.
3. By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.
4. The welcome changes that an increasing number of African States are now undergoing towards multi-party democracies provide the climate in which an independent and pluralistic press can emerge.

5. The world-wide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfilment of human aspirations.
6. In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression—they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one-party States control the totality of information.
7. Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.
8. The General Assembly of the United Nations should include in the agenda of its next session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.
9. African States should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.
10. To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community—specifically, international organizations (governmental as well as non-governmental), development agencies and professional associations—should as a matter of priority direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.
11. All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.

12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.

13. The national media and labour relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.

14. As a sign of good faith, African Governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.

15. Cooperation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.

16. As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in cooperation with governmental (especially UNDP) and non-governmental donor agencies, relevant non-governmental organizations and professional associations, into the following specific areas:

(i) identification of economic barriers to the establishment of news media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;

(ii) training of journalists and managers and the availability of professional training institutions and courses;

(iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;

(iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;

(v) the state of press freedom, country by country, in Africa.

17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to those media.

18. The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.

19. This Declaration should be presented by the Secretary-General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.

ANNEX

Initiatives and Projects Identified in the Seminar

I. Development of co-operation between private African newspapers:

- to aid them in the mutual exchange of their publications;
- to aid them in the exchange of information;
- to aid them in sharing their experience by the exchange of journalists;
- to organize on their behalf training courses and study trips for their journalists, managers and technical personnel.

II. Creation of separate, independent national unions for publishers, news editors and journalists.

III. Creation of regional unions for publishers, editors and independent journalists

IV. Development and promotion of non-governmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.

V. Financing of a study on the readership of independent newspapers in order to set up groups of advertising agents.

VI. Financing of a feasibility study for the establishment of an independent press aid foundation and research into identifying capital funds for the foundation.

VII. Financing of a feasibility study for the creation of a central board for the purchase of newsprint and the establishment of such a board.

VIII. Support and creation of regional African press enterprises

IX. Aid with a view to establishing structures to monitor attacks on freedom of the press and the independence of journalists following the example of the West African Journalists' Association.

X. Creation of a data bank for the independent African press for the documentation of news items essential to newspapers.

What has been the impact of the Windhoek Declaration?: *Summary of the main points of Guy Berger's "Twenty years after the Windhoek Declaration on press freedom"*.

By Robert A. White

Introduction

It difficult to single out particular effects of the publication of a document such as the *Windhoek Declaration* because the Declaration is, itself, part of a broader process. This process stems from a widespread desire of media professionals, the public, responsible members of government, schools of journalism and mass communication and others to improve the work of journalists in African society. What one can do is to single out major areas of media freedom and responsibility that have emerged in the twenty years since the Windhoek Declaration.

(1) The increasing influence of monitoring and educating organizations such as media councils, media professional's self-regulatory agencies and similar bodies.

Guy Berger singles out (2011, p. 32) progress in self-regulatory and complaints systems. Berger also notes the role of these organizations in drawing up and publication of codes as important and singles out the code proposed by the Media Council of Tanzania "not only for African journalists (including special codes for broadcast and photojournalism), but also for owners, managers and editors" (Berger, 2011, p. 33). The media councils have also progressed in the training courses for journalists.

(2) An increase in the number of constitutions which have explicit media freedom clauses

In the last ten to fifteen years, many African countries have had movements to make their constitutions a stronger foundation of good governance. Berger notes that in eight of these constitutions there are now explicit affirmations of media freedom (Media in Africa, 2011, p. 22). This has given the courts in these countries much stronger foundations for

rulings in favor of media freedom. For example, the ruling party in South Africa has accepted that the constitution would block its intentions of introducing a parliamentary “Media Appeals Tribunal” to overrule the newspapers’ self regulatory system. In general, there is less extra-legal harassment of journalists, and the courts have given greater support to a free and independent journalism. There has been a general trend to remove laws that make defamation a criminal rather than a civil offense or to remove it from the law books entirely (Berger, 2011, p. 223). There also less demand for the licensing of journalists, and respect for the independence of journalists is becoming a more widely accepted cultural value.

3. Virtually all African countries have introduced the liberalization of broadcasting and there is increasingly less control of these broadcasting outlets.

This liberalization of the airwaves has opened up the possibility for more open and free debate of public issues, and this seems linked with a more competitive political context and the challenging of parties which have been in power since independence. The negative side of the liberalization is the tendency to give licenses to political friends who are certain to support the dominant party.

One promising result of this liberalization is the expansion of effective community radio and forms of educational broadcasting at the grass roots level by development NGOs and religious organizations that are involved with education.

4. The introduction of Freedom of Information legislation in more than seven countries

Although there was often strong opposition to FOI legislation, the wide support for the FOI laws prevailed. In Nigeria for example, an FOI law was finally passed with the pressure of many civil society organizations and international freedom of information bodies such as the Article 19 Centre in London. The FOI legislation does offer many possibilities, but often journalists are not well trained in investigative skills to get at this information and use it effectively.

5. In increasing number of associations of journalists, editors and publishers

These associations have been part of a continuing pressure for greater press freedom, especially for the constitutional changes and for

protection of constitutional guarantees. These associations have been most effective in improving investigative capacities, especially when they have worked with media councils, advocacy organizations such as MISA and other national and international foundations providing resources for training. Increasingly, Berger notes (p.31), media are depending on badly paid and badly trained “stringers” who are not part of newsroom staff and are not brought into associations where they can be trained and incorporated into a stronger journalistic discipline.

6. The increase in the number of university degree programs and other training Institutes.

Berger points out as a positive factor the huge expansion of basic, entry-level training for journalists. The negative side of this expansion is that the rapid introduction of university programs is far beyond the teaching capacity with the resulting superficiality of the training. It does mean that media have a larger number of job applicants, enabling them to select those with real native talent and interest for journalism.

7. The growing strength of civil society groups and the advocacy pressure these groups are putting on the media.

One of the major advances in the kind of freedom the Windhoek document calls for is spurred by the increasing influence civil society groups such as women’s advocacy organizations, environmental advocacy, human rights organizations and a host of other organizations that are based on more transcendental value codes. Linkages with the civil society have been behind improvement in constitutions, FOI legislation and a variety of other areas supporting journalists’ independence from political-economic-ethnic interests.

Challenges that still remain

One of the major challenges is the decline of ethical rigor in news gathering that has accompanied the greater commercialization of the media. The blurring of the lines between public relations and journalism and the tabloidization has lowered objectivity and increased the tendency to take bribes (Berger, 2011, p. 31). Because the media are under financial pressure with Internet and citizen journalism, advertising gains more power and the media are not able to pay journalists enough to keep them independent. The major media are spending less on investigative

journalism and becoming more dependent on the public relations handouts of the “news beats”.

Berger singles out as a major weakness the lack of research. “Policy and law is too often being made in the absence of both comparative and local data, and dependent on experiences of developed economies or on simple guess work” (Berger, 2011, p. 34). In spite of the expansion of universities, very few members of faculties are doing any significant research and are not publishing. There are major universities in Africa with MA and PhD programs where almost no one is publishing in peer-reviewed journals.

Berger ends his assessment of the impact of the Windhoek Declaration on a relatively pessimistic note, the continuing and even increasing repressive actions against journalism and editorial staff. Tanzania would be an example of this. This is based largely on the record maintained by Freedom House in the USA of repressive actions against journalists over the last ten years. The lowering standards due to the commercialization and tabloidization is also a worrying trend. Contributing to the pessimism are the increasingly repressive regimes ruled by “president for life” strong men such as is the case in Zimbabwe, Cameroon and Uganda.

More optimistic long-term indicators are the trend in new constitutions with more explicit protection of journalists; the rising levels of education and a much more informed and critical electorate, with more free elections; an increasingly vibrant civil society and the proliferation of alternative sources of information; the growth of community, educational and alternative radio; and, finally, the increasing use of social media which provides an alternative to the press dominated by political-economic hegemony.

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Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and People's Rights, 32nd session, 17-23 October, 2002: Banjul, The Gambia.

Preamble

Reaffirming the fundamental importance of freedom of expression as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Reaffirming Article 9 of the *African Charter on Human and Peoples' Rights*;

Desiring to promote the free flow of information and ideas and greater respect for freedom of expression;

Convinced that respect for freedom of expression, as well as the right of access to information held by public bodies and companies, will lead to greater public transparency and accountability, as well as to good governance and the strengthening of democracy;

Convinced that laws and customs that repress freedom of expression are a disservice to society;

Recalling that freedom of expression is a fundamental human right guaranteed by the *African Charter on Human and Peoples' Rights*, the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*, as well as other international documents and national constitutions;

Considering the key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy;

Aware of the particular importance of the broadcast media in Africa, given its capacity to reach a wide audience due to the comparatively low cost of receiving transmissions and its ability to overcome barriers of illiteracy;

Noting that oral traditions, which are rooted in African cultures, lend themselves particularly well to radio broadcasting;

Noting the important contribution that can be made to the realisation of the right to freedom of expression by new information and communication technologies;

Mindful of the evolving human rights and human development environment in Africa, especially in light of the adoption of the *Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights*, the principles of the *Constitutive Act of the African Union, 2000*, as well as the significance of the human rights and good governance provisions in the New Partnership for Africa's Development (NEPAD); and

Recognising the need to ensure the right to freedom of expression in Africa, the African Commission on Human and Peoples' Rights declares that:

I

The Guarantee of Freedom of Expression

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

II

Interference with Freedom of Expression

1. No one shall be subject to arbitrary interference with his or her freedom of expression.
2. Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary and in a democratic society.

III

Diversity

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things:

- Ø availability and promotion of a range of information and ideas to the public;
- Ø pluralistic access to the media and other means of communication, including by vulnerable or marginalised groups, such as women, children and refugees, as well as linguistic and cultural groups;
- Ø the promotion and protection of African voices, including through media in local languages; and
- Ø the promotion of the use of local languages in public affairs, including in the courts.

IV

Freedom of Information

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
 - Ø everyone has the right to access information held by public bodies;
 - Ø everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
 - Ø any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
 - Ø public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
 - Ø no one shall be subject to any sanction for releasing in good faith

information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and

Ø secrecy laws shall be amended as necessary to comply with freedom of information principles.

3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

V

Private Broadcasting

1. States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression.

2. The broadcast regulatory system shall encourage private and community broadcasting in accordance with the following principles:

Ø there shall be equitable allocation of frequencies between private broadcasting uses, both commercial and community;

Ø an independent regulatory body shall be responsible for issuing broadcasting licences and for ensuring observance of licence conditions;

Ø licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting; and

Ø community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves.

VI

Public Broadcasting

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles:

Ø public broadcasters should be governed by a board which is

protected against interference, particularly of a political or economic nature;

Ø the editorial independence of public service broadcasters should be guaranteed;

Ø public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets;

Ø public broadcasters should strive to ensure that their transmission system covers the whole territory of the country; and

Ø the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods.

VII

Regulatory Bodies for Broadcast and Telecommunications

1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.
2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.
3. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.

VIII

Print Media

1. Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.
2. Any print media published by a public authority should be protected adequately against undue political interference.
3. Efforts should be made to increase the scope of circulation of the print media, particularly to rural communities.

4. Media owners and media professionals shall be encouraged to reach agreements to guarantee editorial independence and to prevent commercial considerations from unduly influencing media content.

IX

Complaints

1. A public complaints system for print or broadcasting should be available in accordance with the following principles:

Ø complaints shall be determined in accordance with established rules and codes of conduct agreed between all stakeholders; and

Ø the complaints system shall be widely accessible.

2. Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of the courts.

3. Effective self-regulation is the best system for promoting high standards in the media.

X

Promoting Professionalism

1. Media practitioners shall be free to organise themselves into unions and associations.

2. The right to express oneself through the media by practising journalism shall not be subject to undue legal restrictions.

XI

Attacks on Media Practitioners

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.

2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.

3. In times of conflict, States shall respect the status of media practitioners as non-combatants.

XII

Protecting Reputations

1. States should ensure that their laws relating to defamation conform to the following standards:

Ø no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;

Ø public figures shall be required to tolerate a greater degree of criticism; and

Ø sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.

2. Privacy laws shall not inhibit the dissemination of information of public interest.

XIII

Criminal Measures

1. States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.

2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.

XIV

Economic Measures

1. States shall promote a general economic environment in which the media can flourish.

2. States shall not use their power over the placement of public

advertising as a means to interfere with media content.

3. States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole.

XV

Protection of Sources and other journalistic material

Media practitioners shall not be required to reveal confidential sources of information or to disclose other material held for journalistic purposes except in accordance with the following principles:

- Ø the identity of the source is necessary for the investigation or prosecution of a serious crime, or the defence of a person accused of a criminal offence;
- Ø the information or similar information leading to the same result cannot be obtained elsewhere;
- Ø the public interest in disclosure outweighs the harm to freedom of expression; and
- Ø disclosure has been ordered by a court, after a full hearing.

XVI

Implementation

States Parties to the African Charter on Human and Peoples' Rights should make every effort to give practical effect to these principles.



DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION IN AFRICA





THE BANJUL DECLARATION



Being sceptical: Deconstructing media freedom and responsibility

By George Nyabuga

Abstract

This is my personal account as the former Managing Editor in charge of the weekend editions of *The Standard*, *The Saturday Standard* and *Sunday Standard*. I argue that journalists and editors in Kenya have to contend with constant business and political constraints. The rise of media commercialism means that the news agenda is continuously dictated by corporate values. The obsession with the bottom-line has had negative consequences for the capacity of news media to offer content that addresses issues of genuine public interest. Although there is nothing new about the concern over commercialization of media or the shift from public to private service, the issue of public interest in relation to the proliferation of profit-seeking media finds resonance with those worried about media corporatism and growing obsession with profitability. We must ask critical questions regarding the media's role and responsibility given rising editorial control and manipulation by proprietors. Who, for example, are the media and journalists accountable to? Is it the public, their audiences, or the owners, editors, managers or advertisers? How can journalists and editors maintain their autonomy while under intense pressure to increase circulation, readership and profitability? How can journalists promote and maintain professional integrity and independence? What can journalists do to maintain editorial freedom and responsibility? These are some of the questions this article responds to.

Key words: editorial freedom and responsibility, editorial constraints in Kenya, commercialization of media.

Introduction:

Journalists and editors in Kenya, like their counterparts in other parts of the world, operate in a pressure cooker environment. Editors are caught between the demands of owners, management, advertisers, political and commercial actors on the one hand and reporters, correspondents and managing editors on the other hand.

One of the most obvious of sources of tensions is the growing

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commodification of journalism and attendant obsession for the bottom-line characterized by pressure to increase circulation, readership or audience share in an ever more competitive media environment now suffering from reduced revenue due to the proliferation of media organizations.

Given the pressure to increase profitability, editors and other media personnel work in continual rejection of stories that the public should know about. If not suffering the wrath of founding entrepreneurs and top management, journalists are constantly under the spotlight of sources and supporters (oftentimes political mandarins, commercial and advertising executives) who seek to control or manipulate media content.

Amidst these challenges, media organizations constantly mouth platitudes about “truth-telling” and public interest as the gospel according to which they supposedly operate. There is an assumed link between professional interests and the general notion of public interest. The ideal presupposes that what is good for journalists is good for the public. But to attempt to speak on behalf of the public interest becomes problematic because what is of public interest may not always interest the public. Besides, the idea of the public smacks of a universalism that obscures the importance of differences in terms of interests and power. We need to ask whose “public interest” and whose “truth” media represent.

Whereas the media constantly claim to be interested in issues of public interest, what it often offers audiences cannot be considered to be of significant public interest. Sometimes what many consider issues of public interest are matters that do not genuinely interest the public. This is especially true of commercial media that pursue increasing profit to satisfy investors at the expense of public service.

As this article shows, journalists work in an industry where news photos, videos, and other content are evaluated not in terms of their ability to stimulate critical public debate but the income they bring. News has become commoditized. While owners and managers constantly shout about public interest, it is imperative to ask to whom the media and journalists are accountable? Whom do they serve? Is it the public, their audiences, or the owners, editors, managers or advertisers, political or commercial sources and supporters? How can journalists and editors maintain autonomy while under intense pressure to increase circulation, readership and profitability? How can journalists promote and maintain professional integrity and independence? What can journalists do to maintain editorial freedom and responsibility? These are some of the

questions I attempt to answer below. Whilst this account is based on personal experiences as a journalist, it is also partly scholarly, using academic and other refer-ences to support the arguments advanced.

A balancing act

Media and journalism play a fundamentally important role by providing information critical to society. The media are also considered a key factor in shaping how society operates by articulating ideas and influencing perceptions and attitudes. In democratic societies, media and journalism act as vehicles that reflect public opinion by highlighting public concerns and making people aware of state policies and important events and viewpoints. They play a facilitative role by “reflecting the political order in which [people] are situated” and “promote dialogue among their [audiences] through communication” (Christians et al., 2009, p. 158).

Moreover, journalists and the media have a role as a watchdog, keeping the public informed particularly about the operations of the state; they should safeguard the public against political excesses and unaccountable leadership. Accordingly, the underlying purpose of journalism and the media is to help discover “truth”, to assist in the process of solving political and social problems by presenting all manner of evidence and opinion as the basis for decisions. Fulfilling this purpose requires balance in the representation of competing positions on issues.

Ideally, then, journalists have to balance between offering information that informs and educates the public on issues that affect society while providing entertainment. This subscribes to the rather “obvious role” of the media that the public is used to, that the media informs, educates and entertains.

However, despite the rather obvious mission of the media, people have, over time, struggled to define the primary function of journalism. Is it to inform, entertain, or advocate? Is it to give people what they want or what they need? Is it to serve democracy or the economy? In contemporary journalism, the lines between information and entertainment have blurred, both in terms of corporate ownership and social function. Granted, the media is said to have an important role in society by providing information that people need in their every-day life decisions. Yet, the media have been criticized for being obsessed with profitability, for offering trivia as news, for dumbing down and sensationalizing issues. As an editor, one must find content that sells, and package it in a *sexy*, tabloid way to attract audiences or buyers. In other words, the content must sell in the crowded, competitive media

market. While serious issues like poverty, corruption, crime, human rights abuse and democracy should be a priority for space in the media, they are often packaged or framed in ways to provide an emotional attraction for audiences and buyers. The headlines should be shocking, titillating, sexy! Never mind that sometimes such headlines are not supported by well-researched, investigated, corroborated and balanced content.

The changing nature of journalism from public service to commercial media means the media are more often than not interested in the financial bottom-line than editorial excellence. In essence, the production of journalism is seen as a profit-driven business of an industry. Accordingly, journalism is a commodity which must have a buyer in a highly competitive market. It has to acquire an exchange value from which income and profit are generated. The more audience they have, the more they charge for space. It is selling audiences to advertisers. Where advertising is sought, an audience of a particular quality and quantity is important and has to be delivered to the advertiser in order to secure the maximum price for space. Sometimes advertisers who control huge budgets threaten to take their money away, revenue that journalistic media needs to stay afloat. When this happens, media houses often capitulate.

This situation is exacerbated by the fact that there is an increasing proliferation of types of media and media specializing in types of audiences and in formats for audience segment. This brings a serious reduction in audience, audience share, and available resources for the more general media. Such a hyper-competitive media environment makes survival difficult, and the ability to withstand commercial and entrepreneurial pressures becomes ever more difficult. The ensuing battle for audiences – readers, viewers, and listeners – accompanied by commercial pressures have forced journalists to often times ignore or disregard journalistic principles of truth, accuracy, balance, objectivity, and impartiality (cf. Hanlin, 1992; Belsey, 1998; Kieran, 1998). The resultant hypercommercialization of the media and the commodification of news has resulted in the tabloidization of the media in Kenya. This is modelled after the Western, especially British, tabloid press which is often “sensational, sometimes sceptical, sometimes moralistically earnest ... [and] populist” (Fiske, 1992, p. 48).

The economic successes of tabloid journalism is indubitable, and this is often hugely attractive to modern media organizations interested in finding new ways of attracting more audiences and associated

financial rewards. This is illustrated by various products, the ostensibly popular but titillating *Pulse Magazine* in *The Standard* and *Zuqka* in *The Nation*.

To some, what is printed in the two magazines borders on trivia, the celebrity “trash” published to attract more readers and the attendant advertising and monetary rewards. This is supported by arguments that media corporations often resort to salacious content to enhance their audience and attendant revenue or advertising share (see for example Allan, 2004). Some scholars, for example Stuart Allan in his book *News Culture*, argue that the news agenda is oftentimes dictated by corporate values meaning that hypercommercialized media will privilege stories revolving around crime, celebrity and “lifestyle issues” rather than the more “serious” stories which need some financial investment, time, effort and specialized knowledge. The argument here is that in a highly commercialized media environment, journalism has been forced to seek out “titillating” and negative news which may generate more revenue due to higher audience interest. On this score, the media have become highly tabloidized, a process in which news has become more sensational, superficial, and prurient (Allan, 2004).

In effect, as journalistic media seek newer, particularly “younger” audiences for their products, celebrities, defined pejoratively by Daniel Boorstin in his book *The Image: A Guide to Pseudo-Events in America* as people well known for their “well-knownness”, have become highly prized. As such, celebrity and journalism have become mutually constitutive (Evans and Hesmondhalgh, 2005). This has forced some media organizations to invest huge resources in the promotion and coverage of celebrities because of the apparent revenue they will generate from readership, viewership and listenership. As a result, celebrity culture has become a powerful force given its capacity to drive the media ideologically and economically. This is because the source of celebrity power lies with audiences who give meaning to celebrities through their consumption of media products – news stories, photographs, documentaries, analyses, etc. Kenyan media’s obsession with trivia and sensationalist reporting has caused apprehension among discerning media watchers who believe such issues do not warrant the space accorded them when more pressing problems like poverty, crime, corruption are commonplace and worthy of better coverage.

Granted, commercial media are not overly interested, nor can they be compelled to report such issues without guaranteed economic

returns on their investments. The question is, do we want to stimulate some critical thinking or simply stimulate feelings.

The competitive pressure of the market pushes the tabloids into engaging in sensationalist, and subversive journalism, a downmarket trend that has affected the general quality of journalism. In essence, the demands of the marketplace have driven the content of newspapers and broadcast journalism towards a more expository, revelatory forms of coverage. Consider the views of Bernstein (1992), for example. He posits that:

In this new culture of journalistic titillation, we teach our readers and our viewers that the trivial is significant, that the lurid and the loopy are more important than real news. We do not serve our readers and viewers, we pander to them. And we condescend to them, giving them what we think they want and what we calculate will sell and boost ratings and readership. Many of them, sadly, seem to justify our condescension, and to kindle at the trash. Still, it is the role of journalists to challenge people, not merely to amuse them (Bernstein, 1992, pp 24-25).

Franklin (1997) seems to share Bernstein's views. To him, cheap entertainment, in a commercialized environment, becomes preferred over quality as. . .

Entertainment has superseded the provision of information; human interest has supplanted the public interest; measured judgement has succumbed to sensationalism; the trivial has triumphed over the weighty; the intimate relationships of celebrities from soap operas, the world of sport or the royal family are judged more 'newsworthy' than the reporting of significant issues and events of international consequence. Traditional news values have been undermined by new values; 'infotainment' is rampant (Franklin, 1997, p. 4).

As Franklin (1997) suggests, *tabloidization* and dumbing down has significantly diminished the public role of the media and journalism.

Media ownership and responsibility

Media ownership in many countries is increasingly in the hands of a few individuals or multinational corporations. In effect, media

concentration, where a few firms or individuals own or control mass media, is now a common feature in many capitalistic societies.

In Kenya, firms like the Royal Media Group, Nation Media Group, The Standard Media Group, and Radio Africa have emerged as leading media corporations with a dominating audience and revenue share.

Concomitantly, these firms are becoming progressively powerful and profit-driven at the expense of journalistic integrity and performance. This has led to major concerns that the most powerful media players are strangling diversity and plurality of opinion, skewing public opinion and ultimately political and democratic processes.

Because most journalism is seen as private business, the owners seek to control content, or output. They often use their media houses to advance their own agendas, economic or political and even business interests.

We can illustrate the above by citing numerous examples. The Aga Khan (*The Nation*), Tiny Rowland (*The East African Standard*) in the 1980s and 90s, the Mois (*The Standard*), S K Macharia (Royal Media), Kenneth Matiba and later Uhuru Kenyatta (Media Max) often use their media organizations to support the status quo, those in power, or some of those seeking power. In this regard, the needs of people or the public are often sacrificed to the commercial needs, ideological and political positions of media organisations, owners, managers and managing editors. As the chairman of the Kenya Editors' Guild, Macharia Gaitho, said on 2 May 2012 at the East African Journalists Convention, the pursuit of profits, political, religious or ethnic causes sometimes make the media abdicate their social responsibility.¹

So we must always ask whose agenda do media people seek to promote when they talk about public interest? Whose public interest is it? Who are the media and journalists accountable to? The media, without doubt, have economic power as capitalistic enterprises, and owners and their managers have the capacity to determine content. They can even shape the political process due to the fact that information and its meaning plays a significant role in decision making. We can then rightly say that economic power translates into cultural and even political power. In essence, the owners, editors and managers are able to set and shape public agenda and opinion, and perhaps as a consequence influence politics and democracy. This is possibly why ownership is so attractive.

In terms of content, it follows that whoever pays the piper calls the tune. Owners, for example, the Aga Khan of Nation Media Group, Daniel arap Moi of The Standard Media Group, and Rupert Murdoch of News Corporation, often claim a hands-off approach. But it is naïve

to think so. If not directly in charge, they often appoint like-minded personnel, editors, managers, and other key personnel to carry out their will. Journalists who disagree with set editorial policy often have their copy spiked or are removed from their positions. In other words, journalists are as prone to entrepreneurial, political and capitalistic influences as everyone else in society. They are subject to direct economic power as other employees of capitalistic enterprises. Thus, despite claims of independence, media organizations and journalists are often forced to capitulate to government, commercial, entrepreneurial, and advertising demands due to lack of stable financial foundations, and the need to survive and compete in an increasingly uncertain media environment.

This summary analysis can be illustrated with many specific examples. On 29 December 1997, the Standard (then the *East African Standard*) published one of the most “damaging” headlines on its front page. With a big portrait picture of Moi, the headline in capital letters read: “Why I need your vote”. It was a huge gamble and a shocker to even the journalists who worked the newspaper, including myself.

While we had long suspected that the editors, especially the chief editor, then Kamau Kanyanga, regularly took orders from State House, Joshua Kulei and Mark Too, this seems to have broken even the most basic fundamental journalistic codes especially on the the voting day. This was perilous to *The Standard’s* journalists and reputation as only a few people, despite the rumors, knew who the newspaper belonged to. Moi, Joshua Kulei and others had acquired the newspaper from Lonrho Group in the late 1990s as they sought not only to invest in the media but also find a news organization they could use to advance their (mostly political) agenda.

To *Standard* journalists, it was clear that the orders to publish that kind of headline had come from “above”. As those working in the newspaper well knew, editors and managers regularly took orders from the then President Daniel Moi (and his representative Mark Too). The same was not, however, public knowledge and readers might have been surprised at such brazen bias.

Although Moi went on to win the presidential election with 40 per cent of the vote, the newspaper thereafter took a plunge in circulation, and never recovered until around 2005 when a team of new managers took over. From the outset the headline went against journalistic integrity and values of impartiality and “objectivity”. First, the headline looked like a campaign poster for the president who was competing

against 14 other candidates including Mwai Kibaki, Raila Odinga, Kijana Wamalwa, Charity Ngilu, and Martin Shikuku among others. Those who worked at the *East African Standard* say they then usually received calls from Moi's pointman Mark Too who would enquire and sometimes manage the paper's editorial direction, front page headline and content. In other words, although editors often claimed autonomy, it was clear who was in charge.

My own experience was not hugely different although the level of autonomy had increased somewhat. Without divulging specific details, it is imperative to point out that editors at *The Standard* spend a good deal of time handling financial and other operational strategies. For example, most Wednesdays at *The Standard* were dedicated to finance and strategy (F&S) meetings chaired by Paul Melly, the company's Deputy Chairman and chief Strategist Advisor who is scheduled to leave the company in December 2012. During the last seven years, his title has changed from Deputy Chairman and Strategy Adviser, Deputy Chairman and Chief Strategist and Deputy Chairman and Chief Executive Officer. While editors "are" independent, it is important to point out that this autonomy has never been absolute.

The editors, as part of the F&S committee which comprised the top managers of the company – the managing director, finance director, and assistant directors (editorial, advertising, and creative) and circulation managers – came up with ideas of what content should be carried in the newspaper as part of its operations. In other words, it was not the editors and journalists alone who decided the content. Advertising teams would have to heed the advice of the financiers of the operations by ensuring that "adverse" content on major advertisers was "killed". Other sensitive matters also had to be deliberated upon. There was, in short, interference from above in virtually every aspect of the editorial operations and decisions.

While a broad view of the factors influencing such decisions can be offered, major decisions were based not only on entrepreneurial issues but also political situations and the political popularity of some politicians, especially Mwai Kibaki, Raila Odinga, William Ruto, Uhuru Kenyatta and to some extent Kalonzo Musyoka. Ethnicity, and even religious issues entered into the picture. But within this hegemonic alliance of political, economic and ethnic/religious interests, it was almost always the political stories that carried the day. Given the fact that most of the headlines, news content, and commentary often deal with politics, this was the major deciding factor in the material published.

Besides politics in general, editorial decisions were based on the interests of individual politicians. As was always the case, issues surrounding the Prime Minister were given adequate coverage. This was based on the fact that most of *The Standard's* readers live either in Nairobi or western parts of the country. For this simple reason, most of the headlines or front page material revolve around Raila Odinga and his Orange Democratic (ODM) party. For this reason, a negative story on Raila Odinga, for instance, was almost always a no-go area. Ditto ODM.

In a way, then, the headlines in *The Standard* were fairly predictable. Positive Raila stories. Negative Uhuru Kenyatta, Kalonzo Musyoka and to some extent Ruto stories. This was a troubling trend but one that seemed to be the norm when I joined the group as, first, the Managing Editor in charge of Media Convergence, and later combining my first position with that of managing the weekend, Saturday and Sunday, editions of the newspaper.

Except Friday, when *Pulse* aided circulation, most of the other days were dominated by either Raila Odinga or ODM front page headlines. A majority of these headlines were mostly positive. This has made *The Standard* to be seen as pro-Raila.

Of course these political plants could always be tempered with other issues that genuinely interest the public. Although most of the pages were dedicated to political issues, we found space for common people's stories. Page three, for example, was always devoted to human interest issues, matters touching on the working classes or issues that were of great interest to the general public. While the front page headline is often seen as the "clincher" and a site of contestation, junior editors are given the autonomy to decide what goes into the inside pages. As such, there is always room for issues that are of great public interest. Moreover, the pullouts or magazines deal with specific issues that the managers think would sell the newspaper. For example, there is *Crazy Monday* on Mondays, a magazine that deals with "eccentric" issues although most of these are titillation and the comical. *Business Weekly* comes in on Tuesday. *Woman's Instinct* and *Eve Woman* give coverage to issues that interest women.

Granted, that it is often the front-page that "sells" a newspaper, how do editors who go against the grain make some contribution in the media? How does an editor deal with interference from above? There are several ways to look at this. First, journalism in Kenya, as elsewhere, has become an industry interested in and oftentimes obsessed with the bottom line.

This is an issue I turn to below as I seek to discuss the role of the editor in such an environment.

Journalism as an industry

Journalism has always been an industry concerned with selling of news and information, but editors also made this an industry that promoted national unity and progress. This has changed. The media in Kenya have become multifarious, transnational and interlinked. Newspapers, magazines, radio, television, and internet are increasingly coming under the control of multinational corporations (for example *The Nation*), or media empires (for example Royal Media Group, The Standard Group, and Radio Africa Group) based nowhere and everywhere. These media groups are now seeking a greater market share, profit and influence. In such a media milieu, journalists are considered mere workers in the information industry which is profit seeking. These journalists are themselves driven by the desire to make a living. They are increasingly concerned with getting jobs, job security, working conditions, future prospects, promotions, and personal satisfaction.

The journalists are also usually under intense pressure to perform, to get scoops, exclusives, to find news that sell. In such situations, commercial/financial objectives predominate and there seems little scope for ethics, irrespective of the worker's own personal motives and desires. In the so-called "industrial" journalism, journalism is seen as a mere job subject to all sorts of pressures. The appetite for what the public is interested in is constructed by the very media that feeds it. In journalism, the virtues associated with ethics – accuracy, honesty, truth, impartiality, objectivity, fairness, balance, respect for autonomy of the ordinary people – should be respected.

A challenge to editors: Evaluating journalistic objectivity

Throughout these remarks, there is an assumption that the journalist who brings in a story is objective and correct in his or her judgement. An editor has to trust the objectivity of the journalist, but in the back of the mind the editor often has doubts.

Although journalists are expected to convince audiences of the credibility and trustworthiness of their reports, these must be founded on facts that should be independent of the journalists' views, opinions, ideological positions or interests. Journalists have a licence to interpret

facts but cannot invent them. Facts are seen as things independent of individuals' perceptions, and arguably reflect a positivist view of the world, and an enduring commitment to the supremacy of observable and retrievable facts.

This is essentially a belief in the existence of reality out there beyond the individuals' experience of reality, a reality that could be observed, analysed, assessed, and in journalism recorded. But is there an objective reality? The world can only be experienced through our own perceptions. People individually and collectively construct their realities. And as such there are only interpretations of reality; it does not exist out there somewhere to be found. Unfortunately, this reality is taken to mean the truth even though it is actually journalists' perception of reality.

The question of the role of the individual journalist's interpretation of events in shaping the representation of those events has long been seen as a flaw in the objective argument. Sometimes, journalists' pre-existing attitudes shape their interpretation of events. But we know journalists have their own views, they have pre-existing stereotypical attitudes that always shape their interpretation of events. And this can create assumptions of bias. McQuail (2005) argues that any tendency in a news report to deviate from an accurate, neutral, balanced and impartial representation of the "reality" of events and social world according to stated criteria is seen as bias.

Granted, journalists are not expected to be devoid of opinion, or to entirely refrain from expressing them. In fact, this is what at times audiences want, in the form of editorials, commentary columns, and other categories of authored journalism. But the distinction between fact and opinion, information and commentary, news and analysis must be carefully made in the journalistic text. And this distinction is made normally by designating some journalists as reporters of value-free information and others as commentators – column writers, lead or editorial writers.

An editor should be guided in editorial decisions by what is of "public interest". The danger is that reporting is not in the public interest but is biased. Again this is difficult. By selecting and deselecting news stories, journalists are inherently being biased. By framing reality in a certain way, journalists are biased. The selection and de-selection process is an indication of both overt and underlying ideologies and ideological influences on journalistic practice. Facts are both selected and filtered through the newsgathering process, and framed in particular representations that they may influence the

interpretation of those facts by audiences. Audiences would then expect that public interest would be the key factor in deciding what to (or indeed not) publish. But how would public interest be served by commercial media seemingly obsessed with profitability?

There is no gainsaying that audiences are key to any media business, and a balance must be found between content that sells and that which genuinely interests public interest. Even the most profit-obsessed media houses would be find it perilous to ignore public expectation and interest. Despite the rising media “obsession” and “hype” of public interest as the guiding principle in their operations, it is difficult to define what public interest really means. As we asked above: whose public interest do commercial media serve when it is common knowledge that they regularly pander to the interests of the advertisers, the political, financial, business, and religious elite? While it is difficult to avoid or ignore “elite” issues, there is no gainsaying that it is critical for newspaper editors to offer content that talks to common people’s issues like health, education, inequality, injustice and such, and magazines or pullouts gave us a good opportunity to address such matters.

Conclusion

This article argues that whilst media pluralism is desirable, rising media commercialism seems to have had serious consequences for the quality of journalism. This is explained by the fact that in the hugely competitive media environment, owners are wont to privilege content that sells at the expense of that which may contribute to the development of society. In other words, the changing nature of media from public service to commercial seems to negatively affect the quality of media output especially when owners are obsessed about maximum profit. What’s more, the media and journalism have become subordinates to the ruling class, to the profit-driven media that has little time for collecting, packaging and distributing information that is critical to the state, and the government, and accordingly vital to society (see, for example, McNair, 1998).

In effect, the decline of public service media has brought numerous challenges to the state of the media in society. Public perception of the media has changed due to increased commercialism and corporatism. It has become quite difficult to determine the role of the media and to find a balance between its informational, entertainment, and educational roles. The declining role of public service media, especially radio and television, has made this problem even more pertinent. Besides, can the media be

said to provide a service when they routinely focus on sensationalism, scaremongering, crime, sex and violence; or when they exaggerate risk, whip up hysteria and distort reality (Kitzinger, 1999, p. 55; McQuail, 2005, p. 38)?

While the growth of the media in Kenya is an important development, it has wrought commercial challenges that cannot be effectively supported by existing economic conditions. Like other countries with multifarious media outlets, intense competition for a market share in Kenya has relentlessly devalued journalistic values in pursuit of formulaic sensationalism and frivolous entertainment. Besides, although they ought to be public watchdogs, they have become "lapdogs" in the face of commercial interest. Thus as Kohut (2001, p. 52) observes, sometimes journalists and the media act as "an ill-mannered watchdog that barks too often – one that is driven by its own interests rather than by a desire to protect the public interest".

Accordingly, it is important to ask critical questions of media owners. Who are they responsible to? The oft-chanted mantra is that public interest determines content. However, a critical examination of content reveals that output is often determined by owners, editors and advertisers who seek to use the media for their own vested interests, for particular commercial, political and other agendas. In essence, public interest is sacrificed to the commercial needs, ideological and political positions of media organizations, owners, managers and editors. Furthermore, the idea that media have become too powerful is of serious concern particularly in a world that is increasingly reliant on media information to make critical decisions. Given the fact that democratic and other vital decisions are dependent upon a reasonably informed public, media control, influence and manipulation means media moguls can and do, in fact, manipulate the political and democratic processes. In essence, it is perhaps time to rethink media ownership and redefine to whom the media are responsible and accountable to.

In doing this, it is imperative to think of the overall wellbeing of society, the public service mandate of the media of mass communication and not to pander to the needs of capitalistic forces keen on maximization and exploitation of profit. This may need a paradigm shift especially in ownership, control and regulation of media. Even though it is difficult to maintain "absolute" independence in media environments controlled by owners and shareholders keen on the bottom-line, editors should always strive to set the newsroom agenda. As professionals they should not let

owners, the management, advertisers, or commercial and political actors and interests dictate what should or should not be published. This may not be easy but it's worth trying.

(Footnotes)

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GEORGE NYABUGA



A veteran editor speaks: Facts and myths about editorial freedom and responsibility

By Wallace Maugo

The heart of the matter

“Despite all the precautions I have always taken, I have experienced many hiccups. The fact that I have not only survived but also prospered as a media practitioner is proof that one does not have to stoop low, lie, blackmail, take bribes, plagiarise or play the sycophant to make it as a journalist. In fact, often things work to the contrary. The only magic, if magic it indeed is, that has seen me through all these years moving around minefield after minefield is the conviction that living poor but honorably was a billion times much better than leading the life of a rich hypocrite. One must be so reckless as to care for the elements that combine to form the kernel of the professional activities supporting an editor’s very survival and development.”

Introduction:

About me and my life’s work

Nothing I can say about being an editor makes sense unless I tell you something about my life experiences. I joined media work soon after graduating from the University of Dar es Salaam in March 1973, and have, in between, served in a range of reportorial and editorial capacities. For 18 years I was with the government Information Department, whose parent ministries have kept changing over the years. From September 1991 to February 1994 I was a teacher with government-run Tanzania School of Journalism (now the School of Journalism and Mass Communication of the University of Dar es Salaam).

Immediately thereafter, I joined IPP Media as founding director of the group’s news agency before being appointed managing editor of the daily, *The Guardian*, in January 1995 – when the paper was hardly

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two weeks old. (It was born on January 10, 1995). I left the company (The Guardian Limited) in September 1999.

I was also briefly detailed with “resurrecting” a previously popular Kiswahili weekly newspaper published by the national trade union congress. Then I was engaged by Mwananchi Communication Limited as Revise Editor with *The Citizen* upon that daily newspaper’s birth in September 2004. Come January 2007, I rejoined *The Guardian* as one of the daily’s senior editors. I have also previously served as part-time tutor (postgraduate class) at what was then known as Tanzania School of Journalism and the Dar es Salaam School of Journalism before being one of the six people who established what is now known as Time School of Journalism in May 2000.

Over the years, I have occasionally done tutorial and consultancy work for the Media Council of Tanzania, Tanzania Media Fund and a number of other agencies and institutions. Meanwhile, I have attended journalism and allied training at certificate, advanced certificate, diploma and postgraduate levels both in Tanzania and outside the country, I am relatively widely travelled, and I have covered a number of memorable events as a reporter locally and internationally.

All this has earned me rich experience in media work, and I feel comfortable sharing that experience with my fellow media practitioners, journalism tutors and students, media watchers and researchers, as well as interested members of the larger public. I know of scores of colleges, schools and institutes offering a wide array of courses in journalism or media studies. I have been associated with a number of these institutions, some very closely for the last three to four decades. I can say with authority that my assessment of the kind of training they offer is based on years of experience and is therefore well worth describing.

You win a few and you lose a few

After some forty years experience in and out of editorial positions, I can say that I never lost my sense of responsibility about what should be put before the public. With every editorial team that I have worked with we generally set an agenda of issues that must be brought before, above all, our political and other leaders. The list of issues was long: failure of leaders to abide by the constitution, the bad public services, the violation of human rights, the miss-management of public and private institutions, the slow process of national development due to bad policies. The most touchy issues, of course, were the cases of corruption and stealing going on

in the Tanzanian government. Journalists are in a position to know the violation of virtually every law on the books.

The challenge was to find a way to bring these issues before the public. Journalism deals in *news* of current affairs and even editorializing is usually about news. We had to wait until an issue would be a news item. Then we had to calculate possible government reprisals and advertiser reprisals. We also had to know the proprietor's attitudes and agendas. At times, we had to know the limits of our journalistic staff to get the data. Not least we had to think of ways to making this item stimulating and interesting to the public. In the final analysis we had to attract buyers of newspapers (which brought in advertisers) or listeners to our radio programmes. And in the back of our minds, we all had to think of how to hold our jobs in the media.

The key word in our exercise of freedom and affirmation of our responsibility was "negotiation" of just how far one can go with each issue of a newspaper or each radio broadcast. The clever editor manages to keep all the parties more or less happy and to build a public that returns to buy your newspaper or listen to your broadcasts. In today's trend toward tabloidization, we had to find a balance between the scandalous and the responsible. At the end of one's career as an editor, one should be proud of saying that I never accepted a bribe, never sold one's independence to anyone and have been able to bring many major issues into public discussion. If one is truly lucky, an editorial team can set the agenda for a public discussion that has a major influence on the history of the nation. The best one can say is that editors win on some issues of responsibility and lose on other battles. But the most important thing is that I have stayed close to the journalism world all my life as a reporter, an editor and as a teacher.

Editorial freedom, independence and responsibility: Is it all a myth?

I stress: I know of scores of colleges, schools and institutes offering a wide array of courses in journalism or media studies. I have studied at some, and I have lectured at several. I must quickly add that, for all I remember, at none of these are students taught how best to write and publish or broadcast half-truths or outright lies, to solicit bribes, or to malign, intimidate or blackmail news sources, news makers and other people or institutions.

I have skimmed through the editorial policies and in-house stylebooks of all manner of national and international news agencies, newspaper publishing houses, and "stand-alone" daily, weekly and less

frequently appearing newspapers. In none of these are editorial and other members of staff officially or openly advised or encouraged to lie or exaggerate, distort and otherwise manipulate information landing in their hands. This “official literature” gives the impression that all are trying to be responsible as much as they can. This is the typical classroom agenda, so to so speak, and it is often a make-believe world with little relationship to the “real world” situation on the ground such as what one would refer to as the typical newsroom or real-life scenario. One cruel fact hardly any media practitioner will ever be ready to confess is that there are a lot of endlessly active undercurrents that inflict various degrees of harm and damage to editorial freedom, independence and responsibility. Ask any journalist you choose to speak to, and he or she will have no problems furnishing you with a whole list of the factors that commonly eat into the freedom, independence, integrity and credibility of media houses and media practitioners as a fraternity of real or presumed professionals.

In the specific case of Tanzania, you will also likely be told how the mid-1970s saw the government pour cold water on plans by the media fraternity to convince the government to confer on media practitioners in the country the rare “professional” status that would have guaranteed them fatter pay checks than they then received. It was clear that the government decided in the 1970s that journalism, unlike law, medicine, engineering, accountancy and various other widely acknowledged professions, was not really a profession. Unfortunately, journalists appeared all too ready to accommodate this treatment by government. Things have since improved appreciably, mainly thanks to the intervention of agencies like the Media Council of Tanzania and the understanding and cooperation of some caring journalists’ associations, media owners and other stakeholders, even though most people are yet to officially see journalism meriting the “rare” label of profession.

But there is a soothing footnote to this in that some authorities argue that, while journalism ought to stand as an ethical calling, there is essentially no major problem looking at it as an “open profession” in the sense that membership can safely be open even to people without formal professional training. Of course, this proposition is fraught with controversy.

How does an editor sustain a sense of freedom and responsibility in the midst of constant pressures?

I would attribute much of my own sense of normative guidelines to the literature on media ethics. There is no shortage of literature on the basic functions and obligations of the media as well as on what society expects from media institutions or outlets and individual media practitioners. In the main, the practice and conduct of the media are often guided by a set of non-statutory principles commonly known as codes of ethics. These are neither universally applicable nor legally binding, but are often strictly adhered to by the institutions and practitioners that have prepared and endorsed them for use. These codes of ethics have been important for me and my colleagues in trying to maintain the sense of responsibility in editorial work

Codes of ethics are an essential instrument of media self-regulation. The *Media Self-regulation Guidebook* of Yavuz Baydar (2008) notes that they are "a fundamental point of reference, guiding journalists on their role, their rights and obligations and how they can best perform their job; all the while representing a standard against which their work can be assessed". Baydar adds: "Crucially, however, codes of ethics not only serve journalists. They are useful for publishers and owners of media outlets, for their protection against legal claims and critics. Further, codes of ethics contribute to the accuracy, fairness and reliability of information, therefore also benefiting readers in general."

Most serious news organizations worldwide, among them specific news outlets, parent news companies, and trade associations working in different media have and abide by ethical guidelines of one sort or another. For example, there is this Declaration of Principles on the Conduct of Journalists, as adopted by the 1954 IFJ (International Federation of Journalists) World Congress and amended by the Federation's World Congress in 1986.

The nine-point declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

- 1 Respect for truth and for the right of the public to truth is the first duty of the journalist.
- 2 In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right to fair comment and criticism.

- 3 The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.
- 4 The journalist shall only use fair methods to obtain news, photographs and documents.
- 5 The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.
- 6 The journalist shall observe professional secrecy regarding the source of information obtained in confidence.
- 7 The journalist shall be alert to the danger of discrimination being furthered by media, and shall do the utmost to avoid facilitating such discriminations based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national and social origins.
- 8 The journalist shall regard as grave professional offenses the following: plagiarism; malicious misinterpretation; calumny; libel; slander; unfounded accusations; acceptance of a bribe in any form in consideration of either publication or suppression.
- 9 Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognize in matters of professional matters the jurisdiction of colleagues only, to the exclusion of any kind of interference by governments or others.

The Media Council of Tanzania came up with similar ethical guidelines in early 2004, underlining the need for journalists to tell, adhere to, adore and faithfully defend the truth and cross-checking facts in order to provide the public with unbiased, accurate, balanced and comprehensive information/news.

It also urged journalists to desist from soliciting or accepting bribes or any form of inducement meant to bend or influence professional performance as well as to respect individual privacy and human dignity, and to guard against breaking the law, particularly by way of defamation, and always to draw a clear line between comment, conjecture and fact.

The New York Times (NYT) Company's code of ethics states that the firm's core purpose is "to enhance society by creating, collecting and distributing high-quality news, information and entertainment". It further notes that one of the firm's core values is "content of the highest quality and integrity", adding: "This is the basis for our reputation and

the means by which we fulfill the public trust and our customers' expectations."

To show that it means business in underlining the need for its staff to comply with the guidelines, NYT states categorically that a lack of familiarity with the relevant provisions "cannot excuse a violation; to the contrary, it aggravates the violation". And with regard to the need to abide by the norm of according aggrieved parties the right of reply, the company's code of ethics stipulates: "As journalists we treat our readers, viewers, listeners and online users as fairly and openly as possible. Whatever the medium, we must tell our audiences the complete, unvarnished truth as best we can learn it. We correct our errors explicitly as soon as we become aware of them. We do not wait for someone to request a correction. We publish corrections in a prominent and consistent location or broadcast time slot." It adds: "We treat audience members no less fairly in private than in public. Anyone who deals with our public is expected to honour that principle, knowing that ultimately our readers and viewers are our employers."

With respect to the need to guard against plagiarism and desist from needlessly or excessively poking into people's lives, the NYT is very clear: "Staff members or outside contributors who plagiarise betray our fundamental pact with our public. So does anyone who knowingly or recklessly provides false information or doctored images for publication. We will not tolerate such behavior... " We treat news sources fairly and professionally. We do not inquire pointlessly into someone's personal life. We do not threaten to damage uncooperative sources, nor do we promise favorable coverage in return for cooperation. We do not pay for interviews or unpublished documents: to do so would create an incentive for sources to falsify material and would cast into doubt the genuineness of much that we publish."

Just as obtains in most other reputable media organizations, the NYT code of ethics touches on all major and crucial aspects of journalistic work and how it impinges on society. As can be seen, the list is long. For our purposes, we will touch on only three more of these aspects – and they relate to the need for the media to observe the law, to refrain from unbecoming business practices particularly in dealing with competitors, and to be especially professional in the face of "outside factors" including advertisers and business interests which are generally, political forces.

Here is what the NYT code says in respect of these three aspects: "Staff members and others on assignment for us must obey the law in the gathering of news. They may not break into buildings, homes,

apartments or offices. They may not purloin data, documents or other property, including such electronic property as databases and e-mail or voice-mail messages. They may not tap telephones, invade computer files or otherwise eavesdrop electronically on news sources. In the case of government orders or court directives, to disclose a confidential source, journalists will consult with the newsroom management and the legal department on the application of this paragraph..."

"We compete zealously but deal with competitors openly and honestly. We do not invent obstacles to hamstring their efforts. When we first use facts originally reported by another news organization, we attribute them..." Our company and our local units treat advertisers as fairly and openly as they treat our audiences and news sources. The relationship between the company and advertisers rests on the understanding that news and advertising are separate – that those who deal with either one have distinct obligations and interests, and each group respects the other's professional responsibilities."

If these considerations are of any relevance or consequence in the US, they are perhaps even more so in our part of the world where indications are that the incidence of infringements of editorial independence and freedom is much higher and more endemic.

Editorial Independence and Freedom: How is Tanzania faring?

This is a question definitely far too broad for anyone to answer comprehensively enough in a few paragraphs – and surely it is hard to have consensus.

My guess, though, remains that not very many of those media practitioners and possibly most other stakeholders who would hazard an answer would confess to the fact that there are still many and varied hurdles on our way towards a promising scenario.

But why shouldn't one, whether a professional or a non-professional, summon enough courage to stand up and declare as much instead of hiding oneself in a cocoon of fear and hypocrisy? Could it be fear of the unknown, including the fact that decently paying jobs are becoming increasingly scarce commodities and one has no option but to play the ever obedient servant whatever the cost? In other words, could it be the realization that one will have no reliable cushion to fall back on should the worst comes to the worst and one is rendered jobless?

Unfortunately, when it comes to issues like media practitioners engaging in corruption and other forms of crime or unethical practice, it is not always unskilled hands that are the most pervasive culprits. So, it is

not really a question of not knowing about the importance of abiding with social and professional ethics, observing the law, etc. Rather, for many it is more a question of not appreciating the “sanctity” of media work as a profession worth its salt and instead heeding voices that lead into temptation. Here, I concur with whoever suggested that the best contraceptive is the human conscience.

My own experience – in summary

So what is required for a journalist and an editor to live up to these codes of ethics? Repeatedly and endlessly, media experts almost without exception underscore the “inviolability” of FACTS and speak of the rich and happy kingdom believed to be part of the inheritance of journalists telling the truth, the whole truth and nothing but the truth. These experts repeatedly harp on what are traditionally referred to as news values, among the most often mentioned and acknowledged being “obsession” with and commitment to the truth and accuracy and relevance of information, fairness and balance.

But even for the oldest of hands in the media, the road leading to the observance of these basic elements is thorny indeed and not all journalists pass muster, as it entails fighting to stay out of harm’s way in the sense of reining in advertising, publishers, management and other special interest groups whose interference surely poses the greatest danger to editorial freedom and independence. Admittedly, media practitioners lacking proper professional “initiation” are often more vulnerable to the machinations of these hugely influential forces, many of whom are usually not only filthy rich but also well connected politically and in other ways and can therefore literally build or destroy at the least of provocation.

We all have our “ups” and “downs” in practicing freedom and responsibility

It would take a lot more than tons upon tons of luck to practice journalism for four decades (as I have done) in circumstances of the nature described in this article and scrape through unscathed. I have had my ups and downs in the profession always following excellent rating by those appraising my performance with respect to the former but, sadly, not owing to confirmed failure to deliver as expected with regard to the latter.

There are occasions when I have felt very unfairly treated in circumstances I have failed to understand. For example, when a junior

reporter under my editorship secretly contacted a government minister in charge of the justice portfolio, “advising” him to part with two TV sets (one for me and the other for him). Or when a reporter told a minister of government that a damaging news story associating him with a grand corruption scandal would be the lead front-page story in the next day’s issue of the newspaper I was in charge of! As it happened, according to reports reaching me long after the fact, the respective minister in turn telephoned one of my immediate bosses and intensive investigations into the matter began unbeknownst to me. The reporter in question, who was understood to be in chronically poor health, died weeks after the incident and before the probe team completed its work. Fortunately for me, he died after having intimated to my bosses (again unbeknownst to me) that he had wrongly implicated me, adding: “It was my own hunger and poverty that led me into engineering this evil scheme.” With that, at least for all I knew, that particular case was rested.

I also know of quite a few cases where my own professional colleagues, potential news makers, advertisers and various other people I came into contact with in the course of duty have sought to lead me into temptation. Close personal and professional associates of mine were given money and various other “baits” to soften me into facilitating the implementation of plans I considered evil schemes likely to finish me off as a family member, a professional and a respected member of society. Fortunately, this did little to erode the faith my employers and all other people who knew me as a true professional had in me.

My reference above to norms held in foreign news organizations is both for purposes of comparison and meant to put my views and arguments in a wider context than if I were merely to use Tanzanian cases studies. After all, whether we like it or not, institutions like the New York Times Company and the International Federation of Journalists boast much, much longer and richer experience in media work than, say, the Media Council of Tanzania, individual Tanzanian media organizations and associations or even Kenya’s Nation Media Group, whose editorial guidelines I consider one of the most authoritative in the world.

Some principles for a lifetime

As noted, despite all the precautions I have always taken, I have experienced many hiccups. The fact that I have not only survived but also prospered as a media practitioner is proof that one does not have to stoop low, lie, blackmail, take bribes, plagiarise or play the sycophant to

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make it as a journalist. In fact, often things work to the contrary.

The only magic, if magic it indeed is, that has seen me through all these years moving around minefield after minefield is the conviction that living poor but honourably was a billion times much better than leading the life of a rich hypocrite. One must be so reckless as to care for the elements that combine to form the kernel of the professional activities supporting an editor's very survival and development.



WALLACE MAUGGO



Enhancing editorial freedom and responsibility: The case of the Kenyan Editor's Guild

By Rosemary Okello

Abstract

The issue of professionalism through editorial freedom and responsibility has been a critical factor in ensuring that media houses observe objectivity and diversity. In Kenya since the advent of multi-party elections and media liberalization in 1992, editors have understood that media freedom could not be realized without editorial responsibility, and this they agreed would have an impact on professionalizing the media industry. This article examines how the Kenyan Editor's Guild was able to enhance editorial freedom and how this has impacted on greater media responsibility and professionalism. The article also examines how media ownership and lack of respect for the code of ethics by journalists is increasingly affecting editorial freedom and responsibility in Kenya.

Key words: Journalistic professionalism, media freedom, media responsibility, freedom of expression

Introduction:

Known as the gatekeepers, editors throughout the world exert an important control over what appears as news. They have a voice of their own and are managing the channels by which to make that voice heard. This was brought out by the former president in South Africa, Thabo Mbeki, when he said to the editors forum in South Africa; "What you say and do today is therefore one of the determinants of what South Africa will be tomorrow" (Thabo Mbeki, 1996).

The observation by Mbeki captures well the role of editors especially within the African context. The challenge has been on how the editors can honestly assume responsibility for letting the truth get through to the public. As George Orwell once commented, "During times of universal deceit, telling the truth becomes a revolutionary act."

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The role of editors should also involve freeing the media and making democracy effective. That is why despite the huge challenges that media and journalists in particular face every single day, editors determine how the media are perceived. As the gatekeepers in media houses, they have the power to decide what the public should read, when they read it and how they interpret societal affairs. To an extent they also decide what the public should *not* know. Their role in what voices people hear and what information people get is generally managed through editorial policies, the use of a code of ethics and efforts to ensure a high level of professionalism in media content.

However, in Kenya during the period when multi-party politics were outlawed, editors operated in an environment which was not free. Words such as national interest and state security were thrown around every time the state wanted to control the media and thus curtail press freedom. This has had an impact on editorial freedom even down to our time. Pieces of legislation such as the State Secrets Act, a colonial law that was used largely as a blanket lid on all governmental information, continues to be used even during this supposedly democratic era. Even today editors feel the attempts of government to curtail access to information and block freedom of the media.

Origins of the Kenyan Editors' Guild

Editors in Kenya soon realized that the state and allied business interests were preventing them from bringing major issues before the public, and they quickly started working together on an ad hoc basis on how to exercise editorial freedom while at the same time circumventing the threats of state clamp-down. "Any time we had a story which we felt might not go well with the government we shared the story among ourselves as editors and every media house would have the same headline the next day. This we felt was the only safety measure we could use to stop the state from arresting individual editors. If they decided to arrest any one of us, they would then arrest all of us," comments Wangethi Mwangi the former Editorial Director of the Nation Media Group.

The editors quickly started to advocate and proactively push for the expansion of democratic space and this saw the establishment of the Kenya Editor's Guild in 1997. The Guild started as an Editor's Roundtable where editors from all the media houses in Kenya would come together to share their experiences and carry on a mutual peer review. Over the years, the Guild has been instrumental in widening the democratic space the media

in Kenya are experiencing, and this has also enhanced editorial freedom.

Increasingly, the editors began to play the role of the progressive opposition while at other times they were both the catalyst and stabiliser of the country's politics. In general, the Kenyan editors played an important role in opening up the space for editorial freedom and responsibility.

How the Kenya Editor's Guild broadened the space of freedom

From modest beginnings in 1997 the Editor's Guild of Kenya has been increasingly a forum through which decision makers in the editorial departments of Kenyan media organizations could come together to discuss their performance and the issues affecting their work. At present the Guild has the active involvement of virtually all the senior editors of the mainstream media ranging from news editors, managing editors and chief sub-editors. Participants in the Editor's Guild have taken notable steps towards establishing themselves as a think tank for the media fraternity and have moved to take decisive action on emerging issues of importance to the sector.

Some of the key outcomes of the Editor's Guild include the following:

- Promoting editorial freedom within the media houses.
- Engaging with policy makers on issues affecting issues of press freedom.
- Anchoring the media freedom and freedom of expression within the new Constitution of Kenya approved in 2010.
- Exercising their editorial freedom by adhering to the journalists' Code of Conduct .

Key milestones in the efforts of the Kenyan Editor's Guild to ensure editorial independence and freedom of the media

The Editors' Guild became involved in major issues of press freedom, particularly in the advent of multi-party politics in Kenya. This period of liberalization led the government to consider the introduction of more liberal press laws. The Moi government in 1993 formed a "Task Force on Press Laws" to look into issues relating to access to information, ethical and professional standards for journalists and their enforcement, self-regulation of the media and media ownership, licensing and development.

Realizing the potential negative impact of a government-led task force, the Editors Guild quickly came together and led an initiative under the Media Industry Steering Committee (MISC) to open more

freedom for editors. In my role at that time as Secretary of the Kenyan Editors Guild, I was asked to coordinate the Guild's proposals to the government task force. The aim of the MISC was to bring together the players in the media industry to establish a set of guidelines for self-regulatory norms. The MISC initiative brought the editors to work together with Media Owners Association, the Kenya Union of Journalists, the Kenya Correspondent Association and the alternative media to establish a self-regulatory Media Council.

In 2001, a Code of Conduct for Journalists and for the Mass Media was finalized and subsequently published in 2006 by the Media Council of Kenya (Media Council of Kenya, 2006). In early 2006, the International Council of Jurists, the Media Owners Association, the Kenya Union of Journalists and other stakeholders developed a draft media bill aimed at establishing the Media Council of Kenya. The aim of the bill was to promote a pluralistic, diverse and self-sustaining media in Kenya. The role of the Media Council is to create and maintain a framework that ensures freedom of expression and allows journalists and editors to exercise their agenda-setting role freely and responsibly.

Enhancing freedom and responsibility through the establishment of the Code of Conduct and Practice of Journalism in Kenya

Aware of their role as gatekeepers and aware that the government wanted to regulate the media, in 2003, the Kenya Editor's Guild, championed an industry-led initiative which saw the development of the Code of Conduct and Practice of Journalism in Kenya. Two problems characterized media operations in Kenya at that time. First, there was the ever present threat of the government to stifle operations of the media through extra-professional legislation in the name of regulation. Second, there were persistent complaints by the public officials and others about what they considered to be unethical conduct of editors, journalists and media houses.

The event that finally led to the adoption and launching of the Code represented some of the most critical developments in Kenya's political liberalization process. For the editors to take full editorial responsibility they realized that unless they would have a code of conduct in place they could never convince the government that self-regulation was the way to freedom of the media in Kenya.

Such standards had to be developed and applied by the media fraternity itself. The Code of Conduct therefore provided the

However, even though the code of conduct for journalists in a newspaper is available, adherence by journalists is often problematic. Media houses rarely promote their house codes among new journalists entering the practice. Journalists, editors and owners are often politically co-opted and show editorial bias. Efforts of journalists to circumvent this bias is further hampered by poor working conditions. All this undermines the gains already made in encouraging professional behaviour (Oriare, Okello-Orlale, Ugangu, 2010).

The use of the Code of Conduct and Practice of Journalism to ensure editorial responsibility

The code of conduct represents what many have dubbed as the first commandment or absolute imperative for journalists: communicate unto others what you would have them communicate unto you or communicate only to willing others those things and employing those techniques which you would be willing for others to use in communication with you (Merrill, 1989). But reports indicate that in Kenya the public has become disenchanted with media performance. Whereas the public sees the journalists as the problem and lacking professionalism, the role of editors is never questioned, leaving them to assert editorial responsibility in cases where the code is observed or not observed.

There is a growing realization that the development of the code of conduct does not automatically translate to moral and ethical journalism (African Woman and Child Features, 2008). It is alleged that in countries with a national code, few journalists have read it and, worse still, the few of those who have read it do not abide by it. Many would argue that reporting journalists do not read or abide by the codes of ethics because editors do not insist on this ethics. It is the editors who generally hire young journalists and train them in the practical work of journalism. The weakness of journalism that the public notices comes back to the weakness and bad formation of many of the editors.

Why Editorial Freedom is not freedom of editors

Prof Issa G. Shivji, former Chairman of the Media Council of Tanzania in an article entitled, "Why editorial freedom is not freedom of editors" reveals some interesting insights regarding the role of editors as the gatekeepers in media houses. The media are the guardian of people's right to know, but on the other hand they must also be careful not to invade or trample upon individuals rights to privacy and

personal conscience. To protect these and other principles editorial responsibility needs to be guided by clear editorial guidelines (Shivji, 2011).

Those who take on the task of providing information and space for expression - that is, private and public owners, media practitioners and others - have obligations and responsibilities to ensure that the public fully enjoys its right to information and expression. Media services, therefore, are a public good, and public interest should override the profit motive and political interests of owners and governments. Editorial freedom is not an editors' right; rather it is the necessary condition for the editors to fulfil their obligations and responsibilities so that the public may fully enjoy its fundamental rights.

Indeed, Prof Issa Shivji's concern is captured in the BBC World Service Trust Policy Briefs on the 2007 Kenyan elections and their aftermath (March, 2008). The BBC document notes that over the past 15 years, the media in Kenya have been increasingly assertive and self-confident. They have played a substantial role in mediating relationships between citizens and state, in shaping the democratic dispensation in the country and have transformed how some of the marginalized people in society access information on issues that shape their lives. Too often, however, in Kenya the media houses rely on the reality presented by the politicians and others with a public voice and consistently fail to investigate facts for readers or to seek alternative views. Repeated criticism has been levelled against the media which show that editorial responsibility should not be the preserve of the editors alone.

The impact of editorial responsibility on journalism ethics in Kenya

Since the establishment of the Media Council of Kenya, ethical journalism has been constantly on the agenda in Kenya. The level of corruption and bribery in the media, the "juniorization" of newsrooms (the practice of depending on young "correspondents" or poorly paid and inexperienced young graduates), lack of professionalism, are among valid accusations that have been levelled against the media. In the end these deficiencies are due to a lack of editorial responsibility in Kenya.

However, the concern of moral journalism should not be restricted to journalists only. The general public—newsmakers and the media consumers alike—who are the real victims of unethical journalistic

practice, should be as much concerned about journalism ethics as journalists.

Sandra H. Dickson (1988), at the University of West Florida, argues in her article, "The Golden Mean of Journalism", that because such codes are at best superficial guidelines without a strong foundation in moral philosophy, journalists tend to make decisions on a situation-by-situation analysis of their ethical dilemmas. The problem with a situational approach is that a journalist's evaluation of his or her actions is always ad hoc in nature. Unfortunately, ad hoc evaluations based on situational ethics are insufficient to ensure that in the future journalists will act in a moral and responsible fashion. This is where responsibility by the editors becomes of crucial importance.

Conclusion

The issue of editorial freedom and responsibility in Kenya brings into focus not only the immense responsibility of the media houses, but also the freedom and managerial responsibility of editors. The responsibility of editors in major mainstream media with la arger audience is particularly important because these editors set the standards in the field of the media. Increasingly media proprietors are becoming a factor in editorial responsibility. Media owners and their editors have become the unelected and unregulated keepers of the public trust.

In this setting, the general public has relatively little control over editorial policy. As commercialization and cleansing of the internet continues, the people have little or no control over the content of their informational life-blood within major media organizations. Instead, a handful of owners, editors, and news agencies control the facts and opinions made available to the public. Given the ever greater control of the media by the business, political and ethnic interests of the proprietors and the growing commercialization and tabloidization of media, the public is getting less and less access to the information needed to make elected public officials accountable. Institutions such as the Editor's Guild, the Media Council and many other human rights organizations of the civil society are exerting what pressure they can, but it is not enough. There need to be citizen's organizations demanding much better services from the media in Kenya and elsewhere in East Africa.

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ENHANCING EDITORIAL FREEDOM AND RESPONSIBILITY: THE KENYAN EDITORS' GUILD



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