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This issue dedicated to
The state of media freedom in Africa

African Communication Research
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Editorial
Is there progress in media freedom in Africa?

In the view of the authors in this issue of *African Communication Research* the media are expected to set the agenda for debating the national development goals. These authors assume that editorial and journalistic freedom is essential for such agenda setting. This presupposes that the media have the editorial capacity and leadership to set such an agenda—a very big "if" indeed.

This also presupposes that there is the "vision", "the will" and "the unity" in the civil society to push national political, economic and other forms of leadership toward goals such as those enunciated in the Millenium Development Goals. If the media would open a forum for coming to some form of consensus regarding national goals, would there be articulate leadership to point out clearly where the nation should go? And would this leadership be able to persuade or apply sufficient persuasive coercion to bring those controlling the political, economic and other sources of power to cooperate. In virtually all African countries a fundamental problem is the self-serving political leadership that places its own enrichment and the enrichment of their friends above the national welfare. Have the media been able to bring this political leadership to a sense of responsibility? There have been rare moments of unity and new vision in the civil society—the liberalization coalitions in the early 1990s, the occasional movements to throw off intolerable dictatorships, the outcry in the face of insane genocides. There have been rare moments when the political leadership has steered a nation toward consensus that there should be universal, free, high-quality primary and secondary education with easy access to technical or professional education—and that those with the resources should pay for it! Can we say that the media utilized the their freedom of expression to set the agenda to build this consensus?

Are the media free to support the national welfare?

Wilson Ugangu in his article points out a crucial issue when he shows that the media are too controlled by partisan ethnic, business, regional, religious or class interests to build consensus on action that would benefit people of all backgrounds.

All the articles provide evidence that with the passing of the typical brutal repressive action of single-party governance, many politicians are developing new tactics of terrorizing the media into fear of any form of public evaluation of their activities. The articles also point out that occasional irresponsible action of some journalists are used as a pretext for punishing all media workers. Media institutions often are not engaging in serious dialogue with political leaders, special interest groups, religious leaders and other civil society organization regarding the importance of free and responsible public debate. The articles in this issue also point out that attempts to defend media freedom are often inconsistent, with occasional loud protests followed by long silences, and outcries not entirely well-founded in basic principles.

How to bring about competent, responsible media freedom
The authors in this issue have brought out a number of valuable suggestions and recommendations.
 (1)   A priority among all the authors is to develop a legal framework defending media freedom consistent with the liberal rights set forth in the national constitutions and subscribed to in the Universal Declaration of Human Rights and in other African declaration of rights.
 (2)   To develop this consistent set of legal guarantees, institutions and organizations defending media freedom must build a coalition with the legal profession, members of the judiciary, specialists in constitutional law, and specialists in parliamentary law in order to come to consensus not only on legal guarantees of media freedom but also consensus on norms of ethics of the legal, judicial and parliamentary professions.
 (3)   A special effort should be made to eliminate legal prescriptions and interpretations which have their roots in colonial control systems, military regimes, the one-party states or other forms of "states of emergency".
 (4)   The media professions need to introduce effective monitoring of their own practitioners and maintain independent commissions to sanction violations of codes of media ethics.
 (5)   In each national context a coalition of institutions monitoring repression of media freedom, institutions doing research on free and responsible media, and academic training institutions should carry out periodic assessment of the state of media freedom and responsibility, the factors limiting media freedom and the damage

that repressive actions are causing to public debate of national issues. The type of assessment that Matumaini presents in his article provides one example of this.

(6) The appropriate civil society organizations in all African nations should move toward introducing Freedom of Information legislation, and there might well be a continental association to monitor the functioning of such legislation. The article of Ayobami Ajebode on the FOI act of Nigeria provides some background information on this.

(7) Academic institutions need to improve considerably the training of media professionals so that media workers are much more competent in using the range of freedom available to them and much more responsible in the use of these freedoms.

(8) The media professions and institutions monitoring violations of media freedom need to develop a consistent and cordial dialogue with political leaders regarding the benefits for them of accountability, transparency and willingness to accept critical evaluation of their political leadership.

(9) The monitoring of media freedom and responsibility ought to pay special attention to the damage that the "silences" in public debate, the refusal or inability to discuss key issues, may cause the national welfare.

Yes, there is progress toward media freedom in Africa

Virtually all of the articles in this issue of *African Communication Research* cite some notable elements of progress toward a public sphere where there is free debate of public issues, and they point out the factors in this. The article of Ojebode on the Freedom of Information Act in Nigeria shows that there must be a coalition of civil society leadershp, liberal politicians and academics to clearly outline goals. The help of international bodies such as the Article 19 group are important guides and allies. And this coalition must be persistent, continually returning to the political fray after every setback.

The article of Ugangu suggests that in Kenya the introduction of a new constitution has been the occasion for forumulating a new set of constitutional principles and a new legal framework for guaranteeing greater freedom for public debate. Again, the new legal provisions are the result of a coalition of the legal profession, the civil society and academics in political science and communication. Although the ethnic divisions persist, there is hope that the agonizing soul-searching

of Kenya over the disastrous ethnic conflicts in the 2007 elections is bringing a new resolve to implement a liberal rule of law.

The articles of Matumaini in Tanzania and Mhagama and Kanyang'wa in Malawi point out the important monitoring role of the Media Institute of Southern Africa and similiar institutions to persistantly bring to the attention of political leaders the gap between their rhetoric and their actions.

The article of Gnonzion on the historical process in the Côte d'Ivoire suggests that with each new major poliltical change, bringing in a new political party or a new political coalition which distances itself from the institutions of single-party rule or domination, there is a relatively new political dispensation that is, again, the result of a degree of dialogue with the civil society, the legal professions and the leaders in communication advocay.

All of the articles point out that political maturity must be matched with the maturity and greater responsibility of the media professions - if we can speak of media workers as truly professionals. But the steady improvement of the education of media professionals along with the improvement of journalists associations and associations of editors and media owners constitute important factors in this maturity.

An invitation for suggestions from our readers

The list of nine important factors in greater media freedom listed above is certainly incomplete, and our readers may have many futher views.

To stimulate this exchange of views, we invite the suggestions of our readers regarding the steps that must be taken to bring greater media freedom and we take the liberty to solicit some contributions in this regard . The views submitted will be published in the May 2012 issue of *African Communication Research* with comments from peer reviewers.

<div align="center">
Prof. Robert White
Coordinating Editor
Coordinator of the PhD Programme at the
University of Nairobi.
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The state of media freedom in Tanzania

By Joseph Matumaini

Abstract

Although the constitution of Tanzania provides a foundation for the protection of freedom of expression in the media, in fact, Tanzania has a series of laws that are continually invoked to punish critics of the fifty-year-old hegemony of the CCM government. The courts and parliament are fundamentally hostile to journalistic freedom. Although institutions such as the Media Institute of Southern Africa in Tanzania are monitoring these violations of media freedom and making some efforts to enable journalists and media houses to defend themselves against the corruption spreading out of governmental circles, what is needed is a coordinated, consistent, long-term effort to monitor the *deeper causes* of the violations of media freedom. The present article proposes that there must be a coherent, agreed-upon set of concepts and concrete guidelines for improving media freedom, involving the legal profession and institutions doing research on the development of democratic governmental institutions. The present article reports a base-line study measuring the present state of media freedom and recommends that this monitoring be repeated to measure the progress and problems of media freedom in Tanzania.

Key words: media freedom, concepts of media freedom, Tanzanian laws regarding media, research on media freedom.

Introduction

The constitution of Tanzania of 1977, like most African countries, provides basic constitutional guarantees for freedom of expression. Article 18 states that every person has the right to freedom of opinion and expression of his or her ideas. Every person has the right to seek, receive and disseminate information regardless of national boundaries. Every person has the right to communicate and the freedom to communicate with protection from interference with his or her communication. Every person has the right to be informed at all times of

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various important events of life and activities (Media Council of Tanzania, 2009, p. 5). Tanzania also subscribes to the UN Universal Declaration of Human Rights with its famous Article 19 stating "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (Article 19, Global Campaign for Free Expression, p. 7)

However, Tanzania does not have among its legal parliamentary statutes specific legal protection of free expression in the media. Instead, Tanzania has a series of active legal restrictions on freedom of media expression that are invoked with frightening regularity. The National Security Act No 3 of 1970 states that any person suspected of any offense specified by the Act may be arrested without a warrant (Matumaini, 2010, pp. 20-27). The Newspaper Act of 1976 took the requirement of registration and the execution of a bond from the colonial newspapers ordinances and combined them with the offence of sedition from the penal code of conduct which can also be traced back to the British administration. In 1977 the government added to this law a supplementary law giving considerable authority to the president, the minister in charge of the information sector and the registrar to control, ban or prohibit publications. These restrictions cannot, in practice, be challenged easily in court. The Broadcasting Service Act No 6 of 1993 gives the government great powers for arbitrarily intervening in vernacular broadcast. Although this legislation was introduced to prevent disunity and tribalism, in practice, it is invoked to protect members of the government.

Other legislation places rigorous curbs on the availability of public information. For example, the Civil Service Act of 1989 prevents any civil servant from disclosing information received during the course of government employment without the express consent of the permanent secretary of the relevant ministry or department. The anti-corruption bureau of the government of Tanzania has been especially restrictive in disclosing information to the media. An explicit restrictive order regarding information dealing with cases of corruption was issued in the period before the 2010 elections in Tanzania.

The public leadership code of ethics of 1995 does not allow media to investigate and report on the property holdings of public leaders. This curtails the media's ability to play a watchdog role over those responsible for the management of public affairs.

The Tanzania Revenue Authority Act of 1995 makes it difficult for journalists and others working in mass communication to access information on individuals or companies implicated in tax evasion. The Records and Archives Management Act No 3 of 2002 provides that public records may not be available for the public for thirty years. Similar legislation puts restrictions on information from the police or other security agencies, information on the corruption of public officials, information on the management of public corporations and severe restrictions on the freedom of expression granted by Article 18 of the constitution cited above. In short, the government, built on more than half a century of absolute hegemony of the dominant CCM political party, has used whatever legislation is useful to build a wall preventing access to any form of information which would reveal the repression, corruption and arbitrary power of the CCM leadership.

One of the problems is the lack of public knowledge of what media freedom is and who are the guarantors of media freedom. In a survey carried out by MISA in 2003 and referred to by Kilimwiko (2009, p. 60), the results show that there is little clarity in public opinion about who are to be the major actors in maintaining a free and responsible media system in Tanzania.

Who is responsible for media freedom	Percentage of public attributing responsibility
(A) All media consumers are responsible	25.00 %
(B) The government is responsible	26.66 %
(C) The parliament is responsible	18.33 %
(D) The media are responsible	30.00 %
Total	**99.99 %**

This survey shows that the public thinks that it is primarily the duty of the media industry itself to guarantee media freedom. But the government and parliament are also seen as responsible for media freedom. Just how all of these stakeholders are going to work together to improve the state of media freedom is not clear in the mind of the general public.

To summarize, Tanzania does not have adequate legislation similar to other emerging democracies which is consonant with the constitution and which will promote open public debate favoring responsibility, accountability and transparency not only of government but of all other public institutions. There were some efforts toward drafting a communication policy document in 2001, but this movement died because of lack of consistent support from major stakeholders. In 2003 the Information and Broadcasting Act was ratified. This is still operative, but its deficiencies are evident in the constant violation of the freedom of the media.

In 2006 the government put on its website a draft bill for a "Freedom of Information Act". The proposal stirred up much controversy among media stakeholders claiming that it violated the fundamental principles of the freedom of information. The bill was rejected, and it was argued that there should be widespread public consultation regarding the contents of such a bill. Then, a bill for the Right to Information Act was submitted in August 2007 and another Media Service Bill in 2008. Till today, it is not known whether the government has rejected or accepted the stakeholders recommendations.

What is clear from all of this is that the political leaders and members of major government entities are not providing enlightened leadership to introduce legislation which will favor a media environment which will promote good public discussion of responsible governance and efforts toward social and economic progress in Tanzania. There is enormous stagnation in action on issues such as a good transportation system, power supply and the development of the East African Community. But it is difficult to get information on who is responsibile for this stagnation. Also lacking is *concerted* leadership among major stakeholders such as media owners, professional associations, schools of journalism and important research and advocacy institutions including the Media Council of Tanzania and MISA. The damage flowing from this lack of concerted, coordinated leadership to guarantee a space of freedom to debate public issues is indicated by the samples of continued violations of media freedom indicated below.

Concrete incidences of the restriction of freedom of expression by the government

The Freedom House Report on the freedom of the press in Tanzania in 2010 judges that Tanzania is "partly free". This report gives the following scores: (1) legal environment, 17; (2) political environment, 18; (3) economic environment, 15; with a total score of 50. Usually, low scores are given to contexts where a political dictatorship is operating while high scores are given to contexts where all of the major supports for media freedom are operating. The score of 50 suggests that Tanzania has the institutions of freedom, but that these are not functioning well. The Freedom House Report and other similar reports indicate that in Tanzania there is little consistency in conditions of media freedom. In recent years there have been so many repressive actions against newspapers that many newspapers are now extremely careful about touching many areas of criticism of the government. In December 2005, the 1976 Newspaper Act was used by the government to suspend an opposition aligned newspaper, *Tanzania Daima*, for three days for publishing a photo and comment deemed offensive to President Benjamin Mkapa. On 13th October 2008 the Minister of Information banned the *Mwana Halisi* newspaper for three months for publishing an article which implied that the elder son of President Jakaya Kikwete was involved in illegal, even criminal, activity. The Minister argued that the article endangered the peace and abused the President of the nation. When the Editors Forum protested the action as illegal and threatened to boycott the news coming from the Minister of Information, the Minister replied that the action was justified and legal under the 1976 Newspaper Act.

In practice, the government continues to withhold official advertising, a major proportion of advertising revenue in Tanzania, from the media attempting investigation of the corruption and mismanagement of government officials. Only the media positive toward the government have easy access to government information or government announcements. The judiciary and the parliament have shown a notorious lack of independence in protecting media involved in anything unfavorable to political leaders. Although specific data is lacking, there is evidence that the government officials are monitoring Internet content and activity. The restrictions on media freedom are even greater in semi-autonomous Zanzibar than on the mainland (www.ifex.org/tanzania/media organization journalist; www.unhr.org/ref world/docid/4cab061).

There have also been attacks on individual journalists. For instance, on January 7, 2008 two editors of *Mwana Halisi* newspaper, Saed Kubenea and Ndimara Tegambwage, were attacked and beaten by three anonymous assailants in their editorial offices in Kinondoni (MISA, 2008, p. 108). On November 19th, 2009, a freelance journalist, Jumbe Ismailly, was summoned and interrogated by the police in Singida for two hours and nine minutes on the allegation of defaming the Regional Commissioner, Paseko Kone, in some articles (MISA, 2008). In December, 2010 five assailants attacked Frederick Katulanda, with Mwananchi Communications in his home in Mwanza because of his investigation of embezzlement of government funds.

All of these repressive actions are relatively spontaneous outbursts of anger against particular newspapers or journalists, but with the backing of sympathetic lawyers. Criticism of the actions of specific public officials is easily interpreted as insulting individuals and is criminalized under the country's libel legislation which places the burden of proof on the defendant. This random action causes fear in the media, great hesitancy in carrying out the normal reporting activities and even greater hesitancy in performing the usual watchdog and investigative roles of the media.

Needed: A coordinated analysis of the causes and solutions to the problem

Over the years there has been no coordinated, systematic study of the cause of this relatively random repression of editors and individual journalists by government or equally random repressive action by advertisers and proprietors. What is needed is a systematic monitoring of the deeper causes of the repressive actions. In fact, there are in Tanzania a number of institutions which are monitoring the incidents of attacks on media or journalists. The best known is the Media Institute of Southern Africa (MISA), Tanzanian office, through its annual book publication, *So This is Democracy*, and its reports of the African Media Barometer. The Media Council of Tanzania, inaugurated in 1995, conducts occasional workshops and symposiums on media freedom.

There are also research reports and publications from many other organizations and institutions monitoring the state of media freedom. The International Research and Exchanges Board (IREX), the International Standardization and Accreditation Service (ISA), Freedom House, the BBC World Service Trust, the World Bank, the UNESCO

Centre for Peace and Human Security, Danish International Development Agency (DANIDA), UNDP, UK Department for International Development (DFID), Reporters Without Frontiers, Transparency International, and the International Telecommunications Union (ITU). The research reports and publications from these organizations provide further materials for monitoring the state of media freedom.

What is needed, however, is a consistent monitoring of the various violations of media freedom, the weaknesses in the legal defenses of the rights and roles of the media in a democracy, the specific causes of the infringement of media freedom and the legal and institutional measures needed to defend and implement what is implied in the national constitution of Tanzania. The present study is intended to be a first step toward this.

The conceptual goals of media freedom

As is outlined below, the goal proposed is to set up a long-term monitoring, analysis and action program regarding media freedom and responsibility which will involve the coordinated efforts of many institutions. This may also involve moving toward new legislation which implies the consensus of all stakeholders, including political and governmental leaders and media proprietors.

Some of the key conceptual guidelines are the following:

1. "<u>Freedom for</u>": **The right of media organizations and individual journalists to collect, process and disseminate news and information** (Berlin, 1969, p. 5).
    - Fairness and accuracy respecting professional formation and personal conscience: (Kilimwiko, 2009, p. 57). This implies that freedom must be exercised with editorial responsibility to respect truth, the relative importance of issues, and the public value and utility of information (Randal, 2008, pp. 250-251)
    - Freedom to empower the voiceless of society. This will involve the promotion of community, popular, institutional or alternative media so that groups presently marginalized will be able to participate in the democratic process.
    - The freedom to establish independent media which can support a variety of civil society movements and a variety of political movements.

- The freedom to open up public discussion on issues crucial to democratic decision making involving all stakeholders on a given issue.
- The support of positive legislation encouraging journalists to speak out according to their conscience and the needs of the public.
- Media managers/editors should "encourage employees to enhance their professional competency through training and further studies. Moreover, the managers/editors should ensure that their staff are updated with innovations in communication (technology)" (Code of Ethics for Media Professionals in Tanzania, 2010, p. 2)

2. **"Freedom from", negative freedom, the right of media organizations and individual journalists to provide information without interference from other powerful entities** (Berlin, 1969, p. 7).
   - This includes being independent of government censorship, political pressure, economic monopolies, social pressure, advertisers, media owners and consumers.
   - Judgments about fact, truth and importance must be made without coercion.
   - Editors must respect the freedom of journalists to bring forward important issues.
   - Media should be free of powerful social classes manipulating political leaders. This includes freedom from the pressures of interests groups that are typically dominant in a liberal society (Kilimwiko, 2009, p. 57).
   - Freedom from the pressures of powerful sources which use threats of physical harm, bribes, threats to employment and other uses of power. This freedom implies that media professionals are adequately remunerated so that they are not easily subjected to financial pressures.
   - Freedom from threats of character assassination, dissemination of concocted stories, and double standards especially when journalists are reporting corruption and mismanagement (Nuhu, 2010).
   - Freedom from the limitations of technology, capital resources, and the low educational and literacy levels.

- Freedom from the threats of advertisers to withdraw advertising revenues (Code of Ethics for Media Professionals in Tanzania, 2010, p. 9).
- Media owners should "not…interfere in editorial work including the checking of facts in all articles and the other printed matter (Code of Ethics for Media Professionals in Tanzania, 2010, p 30)

3. **The criterion of absolute equality and freedom of the citizenry in a democratic society.**
   - All citizens, especially the marginalized people, must have the opportunity and the freedom to participate in the formation of public opinion on major issues.
   - All conflicts in society must be debated openly and settled through legitimate institutions (Christians, Glasser, McQuail, Nordenstreng and White, 2009).
   - Media must be able to offer the opportunity for a coordinated debate about major issues.
   - Debate must be rooted in policy, laws, regulations, political regimes, and the mechanisms of civil society, avoidance of media concentration and major power struggles in the society.

The framework for long-term analysis for establishing guarantees of media freedom

A first dimension of this long-term analysis is a coordinated system of consistent monitoring to detect the pattern of violations of media freedom, the causes of these violations and the damage this causes to democratic governance. This monitoring would include all of the above mentioned monitoring institutions, but would also include editors in media houses, all local representatives of international institutions especially dedicated to media freedom, local research organizations and individual scholars. The monitoring would follow efforts to report on corruption in government and other forms of public services, the validation of the degree of credibility of sources of information, the protection of journalists who are carrying out investigation, and efforts to form civil society organizations in the area of specific forms of services such as education and health. (Cf. Global Integrity, 2006).

The monitoring would also include the African Media Barometer which follows the protection and promotion of freedom of expression

including freedom of the media. This focuses on the ability of new media such as Internet to open up new avenues of diversity of expression, the diversity and sustainability of existing media, the transparency and independence of broadcast regulation, the transformation of state broadcasting into a entity of public broadcasting and the improvement of professional standards of journalists and others working in the media (MISA, 2010).

A second dimension of this long-term analysis is monitoring the professional working environment of journalists. The central indicators are:

- Are there threats or intimidations from proprietors, editorial staff or outside agents, especially from political actors?
- Is there support from training institutions and the promise of further training?
- Does the Media Council of Tanzania offer support for professional autonomy?
- Do press clubs, journalist associations, and civil society organizations offer reinforcement of professional integrity?
- Do moral and religious leaders provide support for professional integrity?
- Are salaries and other forms of remuneration supporting integrity?

A third dimension of the long-term analysis is the guarantee of editorial independence grounded in autonomy from the government, media owners (government and private), advertisers and sources:

- Autonomy from government;
- Autonomy from media owners;
- Autonomy from the advertisers;
- Habitual refusal of bribes from sources

A fourth dimension of freedom is to have full access to sources, especially to check the veracity of data. This would include full access to Internet sources, Google-literacy and freedom from cyber regulation and telecom regulation.

A fifth dimension of media freedom is to have freedom of public information from government offices, public officials, and legal support in getting information.

A sixth dimension of media freedom is the freedom to exercise one's profession without the hindrance of laws requiring the registration of

journalists by government. It would also include just remuneration for journalistic services offered.

A seventh dimension is the freedom from onerous government licensing of publication, including the freedom to start printing an online publication without licensing. Furthermore, regulation on broadcasting should encourage a positive contribution to open and free debate. The Tanzania Communication Regulatory Authority should derive its policies from consultations between the government and the various stakeholders.

An eighth dimension is the monitoring of professional self-regulation to insure that all journalists are following public codes of ethics and in-house codes of ethics. Journalists should be protected from arbitrary harassment by police, courts of law and other security forces. There should not be a statutory regulatory authority which would hinder journalists from investigations and prevent interference from government or other media stakeholders. The indicators of this dimension are progress in removing laws which infringe on the media's responsibility for making public institutions accountable and transparent before the public. Also, media houses should abide by self-regulatory norms established in codes of ethics of media owners.

A ninth dimension is the monitoring of discrimination on the basis of gender, ethnicity, or other subjective criteria.

A tenth dimension is to monitor the independence of courts in issues of media freedom, insuring that they are fully competent and respect Pan-African Protocols of jurisprudence.

An eleventh dimension is monitoring of progress in institutional reforms. This includes media policy, legislation, regulatory action and action against media houses. The monitoring should focus especially on freedom from political interests. This would include reform of legislation with involvement of media institutions, civil society organizations and major donors supporting professional upgrading of journalists, media management and capital access.

A baseline study
As a first step toward the concerted effort involving major stakeholders to bring Tanzania to an acceptable legal and operative level of media freedom, the Graduate Centre of the Faculty of Social Sciences and Communications St. Augustine University of Tanzania in Dar es Salaam carried out a baseline study of the state of media freedom. The study followed models exemplified in the Global

Integrity Report (2006) and the African Media Barometer (MISA, 2010). The intention is to periodically repeat this study to provide information on progress toward the goals outlined above. This study was carried out with two dimensions: (1) the distribution of 100 questionnaires to media houses, media owners, training institutions, the Media Council of Tanzania, the office of Information Services of the government, and the advocacy organizations MISA-TAN and TAMWA. A detailed account of the sampling procedures is found in Note 1;[1] (2) focus group discussions involving journalists working in media houses, public relation offices and training institutions. A list of the participants in the focus group discussion is found in Note 2 below.[2]

Although only 66 of the questionnaires were returned, these 66 had proportional numbers from all the major institutions where questionnaires were distributed. The questionnaire covered the following areas touching on media freedom: (1) the professional working environment of journalists; (2) editorial independence; (3) the current status of access to online information; (4) access to communication; (5) the relevance of the law of registration and accreditation of media in the Tanzanian context; (6) media operation, legal framework of the licensing regime and policies; (7) self-regulation; (8) freedom from discrimination; (9) courts and parliament; and (10) enabling institutions providing funding.

The results of the baseline study

(1) The professional working environment of journalists
- **Threats and intimidation of journalists**
  Some 81 % of the respondents supported the claim that there are threats and intimidation of journalists. The focus group discussions also affirmed that virtually all journalists experience threats from time to time, especially threats to apply the draconian laws against the press on the books. For example, the former editor of the newspaper, *Kulikoni*, published information stating that some military personnel were joining the army using fake birth certificates. Although they had firm evidence of the matter, the Minister of Information decided to apply the Newspaper Act of 1976 for revealing sensitive information and prohibited the publication of the newspaper for 90 days. As in most cases of this type, they were not given the opportunity to appeal the case.

- **Do journalism training institutions provide skills for exercising freedom and face the hostile environment of the media in Tanzania**
Although 70% of the respondents supported the view that journalism education programs provided the skills for exercising their freedom in the often hostile environment in Tanzania, many in the focus group discussions thought that many journalists were not clear about the importance of following their conscience and exercising the monitorial, watchdog role of journalists. Most journalists were not prepared to confront threats and harassment, especially from branches of the government.

- **Do press clubs, associations of journalists and human rights organizations support journalistic freedom?**
Significantly, 60% said that the contribution of press clubs and associations of journalists to press freedom is inadequate. The focus group discussions brought out the fact that some press clubs condemn politicians who abuse journalists. In some cases press clubs provide a forum where journalists can air their complaints. They also organize training sessions for journalists to give them the skills they need for these situations. Occasionally, they provide financial support for journalists to defend themselves. For example, the UNDP provided funding for training journalists for election reporting three months before the 2010 elections in Tanzania. However, most felt that press clubs, journalist associations, NGOs and rights organizations need to be more focused and consistent in taking up specific cases and specific issues of violation of media freedom. Most important, such organizations needed to be able to speak with one nation-wide voice in defending and promoting media freedom.

- **Do political and religious leaders support the freedom and independence of journalists?**
The respondents were divided in their responses to this question. Only 50% said "yes". The same attitude was found in the focus group discussions. Although some religious leaders have been pressing for media freedom, many religious leaders have actually been hindering media freedom out of ignorance. Both politicians and religious leaders need more training in the basics of democracy and media freedom.

- **The influence of salary levels on journalistic freedom**
  Virtually all respondents said that salary levels are so low that this exposes journalists to threats of bribery and other influences. The focus group discussions brought out that although the private sector proposed a minimum salary of Tsh. 250.000 per week (US$ 20), most employers still have not implemented even this. The low salaries of journalists has been a perennial theme in conferences, meetings and workshops. Many said that there is a need for bold, aggressive action among journalists so that they will have one voice in the matter.

(2)   Editorial Independence

- **Is editorial independence protected against the pressures of government, media owners and advertisers?**
  According to this sample of respondents, 59% stated that editorial independence is not protected adequately against government intervention: 60% stated that there is not sufficient protection against owners, and 69% that there is not adequate protection from advertisers. Editors of one newspaper noted that they could not resist Vodacom buying the whole of a front page. Although editors of government newspapers stated that they entered employment to do the bidding of their government directors, editors of commercial media admitted that they also had to bow to government pressures at times. Some reported that they are simply denied government advertising because they are seen as opposition. Editors at private newspapers admitted the influence of advertisers.

- **Acceptance of bribes by editors**
  Most respondents agreed that there is a mushrooming of bribery among journalists in Tanzania; 51% admitted openly that acceptance of bribes is a fairly frequent occurrence. One participant in the focus group discussion observed that an editor of *The Citizen* newspaper once received incentives from Barrick Goldmine and killed the story which gave a negative view of the company. Focus group participants also affirmed that editors require journalists to share whatever they get from sources and, if not, they are never assigned to that "beat" again. Companies will also "blacklist" media that do not give them favorable coverage by not providing them news and not inviting them to press conferences. A case was mentioned of how the owner of a dispensary in Kahama bribed newspapers

to prevent the negative information about the closing of the dispensary because it did not meet required standards. When the news was discovered by one journalist, Paul Mabuga, the owner took one journalist and they both went around to different newsrooms distributing money to journalists and editors, including Mabuga's, so that the negative news about the closing of the dispensary would not reach the public.

(3) Use of Internet to access information

- **The cyber regulations favorable to media freedom**
  In general, the cyber regulations are not very clear to the majority of journalists in Tanzania. No clear policy and no specific regulations have been put out by TACRA, the Tanzanian regulatory agency. There have been some pieces of regulation, however; for example, the banning of *The Utamu Blog*, but the use of *Wickileaks* has not been banned.
      The respondents were divided as to whether the cyber regulations are satisfactory: 30% were neutral, 27% satisfied, 24% dissatisfied, 12% very satisfied; and only 6% very dissatisfied.

- **The telecom regulations regarding media freedom**
  The telecom regulations in Tanzania are not very clear nor satisfactory regarding media freedom. Among respondents only 6% were very satisfied, 26% satisfied, 36% neutral, 24% dissatisfied and 6% very dissatisfied. What is not very clear in telecoms regulations is the advent of the social media. How to regulate social media remains a major challenge.

- **Google literacy**
  The level of computer literacy in Tanzania is very low. For example, electric power is not found in villages and, consequently, people there do not have access to computers. However, computer literacy among journalists can be described as only moderate. The respondents were divided on the degree of google literacy among journalists: 25% were satisfied, 21% undecided on the matter, 32% dissatisfied and 5% very dissatisfied.

- **Access to government sources of information**
  Out of 66 respondents, 85% said it is very difficult to obtain information from public officials. Only 15% of the respondents claimed that there is a free flow of information from

government sources. The government of President Mkapa established units of education and information in each ministry in 2003. Since then, there has been a continual tug of war between journalists and public officials. However, recently, some offices have set some policy strategies in this regard. For example, at the Higher Education Loans Board (HELB) there is a circular which sets down who, what and how to communicate information to different stakeholders, including journalists. This was remarked upon in the focus group discussions. However, 74% of the respondents claimed that the legal recourse of journalists to get information is very inadequate.

(4) The relevance of the law of regulation and accreditation of media in the Tanzanian context.

- **The application of the law of registration and accreditation**

  The law of registration and accreditation in Tanzania does not favor media freedom according to 67% of the respondents. However, respondents were divided regarding the forthcoming law of accreditation. Fully half, 51%, favored the new law while 48% claimed that it would be restrictive. On the other hand, in the focus group discussions, many felt the effects of the new law would be favorable because it reduces the number of unqualified journalists (*kanjanjas*). The new law would recognize the status of trained journalists as in the case of other professions. It will also introduce standards for practicing journalism. The challenge will be how it will avoid the violation of the basic human rights of all to communicate and be informed. There is also the question of who qualifies as a journalist and who has the right to decide who is a journalist?

- **The terms of employment of journalists**

  According to 76% of the respondents, the terms of employment of journalists are not satisfactory. The focus group discussions cited one instance of this problem. Most journalists who have only certificates earn more than graduate journalists. Generally, however, terms of employment differ from one media organization to another. For example, at MCL, correspondents and permanent staff have different terms of employment. At *The Guardian* newspaper it depends on the negotiation of the

reporter and the owner. At the TSN, terms of employment depend on whether applicants are graduates, non-graduates and other forms of experience. Most of the newsrooms lack a systematic record of service experience. For example, at *The Guardian*, it depends on negotiation with the owner while Mwananchi Communications has a scheme of services for correspondents, retainers and full-time employed journalists.

(5) Government legal framework, licensing regime and policies.
Not surprisingly, 67% of the respondents maintained that the laws, licensing and policies of Tanzania do not support media freedom. The most frequently mentioned limitations are the Newspaper Act of 1976, the National Security Act of 1970 and the National Defense Act. All have specific provisions on classified information which encroach on the freedom of the press.

(6) Self-Regulation
The concept of self-regulation and the mechanisms of self-regulation are not clear or precise in terms of what ought to be done. The respondents are divided: 55% of the respondents stated that media houses and individual journalists tend not to respect codes of ethics, legal guidelines or professional norms held up by institutions such as the Media Council of Tanzania. Nor do media houses respect their own in-house codes of ethics. Participants in the focus group discussions felt that compliance with MCT decisions and rulings is relatively high (they mentioned the figure of 70% compliance) but since the MCT guidelines are not punitive the compliance is quite inconsistent.

(7) Freedom from discrimination
   -   Gender discrimination
Most female journalists hold lower positions in the newsroom (mostly reporter level) and most of the editors are male. Also, most women are disadvantaged because they have the responsibility of care of children. Women tend to have a lower educational level and thus experience job discrimination. The responses to the question as to whether there are equal opportunities for women in the newsroom confirm these observations: 29% strongly disagree (that there are equal oppor-

tunities), 32% disagree, 11% are undecided or noncommittal. Only 26% think there are equal opportunities and a minimal 3% strongly agree that there are equal opportunities.

- **Ethnic discrimination**
  Ethnic discrimination is not generally considered a major issue in Tanzania as in other countries of Africa. However, there are occasionally a few incidents in newsrooms which raise the issue. The focus group discussion revealed that in one case an applicant got a job because he was of the same tribe as the editor while his friend, supposedly highly competent, was turned down. On the question as to whether ethnicity is a factor in media houses, 15% strongly disagree, 16% disagree, 32% are undecided, 29% agree and 5% strongly agree.

- **Religious discrimination**
  Religious identity is not considered a major question in media houses, except in some religious media institutions. In some media owned by religious groups, one has to belong to that particular religious denomination. But such discrimination is the exception. For example, in the focus group discussion it was learned that at Tumaini Media, which belongs to the Catholic Church, there are Muslims employed. The answers from the respondents on whether religious background is taken into consideration in media houses supported the general view in that 26% strongly disagree, 35% disagree, 9% are undecided or neutral, 13% agree and 13% strongly agree.

Concluding reflections

The above analysis has shown that although the Tanzanian constitution provides the foundation for protecting media freedom, the existing legal structure, interpreters of that legal tradition in the courts and parliament and the political culture of Tanzania contradicts the constitutional foundation. Over fifty years the political leadership embodied in the hegemonic domination of the CCM party has built up an enormous concentration of power deeply resistant to any serious debate of its actions.

The media and media professionals in Tanzania have, in fact, attempted to open some space for discussion (one hesitates to use the word "debate") of the accountability of the Tanzanian political leadership and accountability of other areas of institutional leadership

such as the business community. One can see continual efforts of the moral leadership of the media trying to raise the standards to acceptable international levels of social responsibility. The media are trying to some degree to play their role as watch dog, defender of human rights, promotion of democratic values and, above all, bring the political culture to some sense of "public service" instead of the self-serving corruption that seems to dominate so many major areas of government. The political culture of Tanzania and the culture of many other institutions are not all ready to accept what is generally considered the "normal role" of the media in a democratic society. Instead the culture of political and other forms of leadership has tried to distract and corrupt the media world from playing its role, as the evidence of growing bribery in the media cited in this article has shown.

A series of institutions such as the Media Council of Tanzania and MISA-TAN and to some extent the professional associations, civil society organizations and the schools of communication in universities are attempting to strengthen the resistance of the media world against the invasion of political corruption and other forms of self-serving interests such as those of the commercial world. But this has not been very successful, largely because there has been so little cooperation and coordination of all these efforts. The defense of the ambit of media's freedom to exercise its role in a democratic society has not been very successful, especially in the face of the hostility of the courts and the parliament. What is proposed in the present paper is a long-term, coordinated effort involving the following steps:

(1) A coordinated effort involving the institutions which are doing the monitoring of violations of media freedom and attempting to set goals and carry out training of leaders in professional formation to <u>analyze the deeper causes</u> of an atmosphere of hostility and violation of media freedom in Tanzania. This would include institutions such as the Media Council of Tanzania, MISA-TAN, and an association of the major schools of communication which are doing research with graduate students in this area. This would also include international organizations which are working for media freedom such as Reporters Without Frontiers, the UNESCO-RELATED International Programme for the Development of Communication, the UNDP, and many other similar institutions which can play different roles. On the basis of

the analysis of the causes of the threats to media freedom, a series of measures could be introduced to improve this situation.

(2) This monitoring, analysis of causes and moves to improve the situation should involve a much closer alliance with the legal profession in Tanzania and the institutions which are carrying on research and analysis of the problems of governance and strengthening of democratic institutions in Tanzania. This is important because, in the view of the people working in the media, much of the problem is coming from the legal profession, the courts and the parliament of the country. One needs to ask whether the political and legal leaders of the country are getting any significant advice from the intellectual leaders working on governance and the intelligent development of the constitutional foundations of Tanzania?

(3) Efforts should be made to clarify the conceptual goals and criteria of media freedom. The framework of long-term analysis attempting to establish guarantees of media freedom and responsibility needs to be made much more explicit. The section above setting out the eleven dimensions of such an analysis is a very useful start in this direction, but this needs to involve other stakeholders such as the "Think Tank" group sponsored by the Media Council of Tanzania which prepared the "Dar es Salaam Declaration of Editorial Freedom, Independence and Responsibility (DEFIR)".

(4) There needs to be a periodic survey of the perceived state of media freedom among leading figures in the media world. This article includes a base-line survey of the views of these leaders, but this needs to be repeated, and in a much more thorough, well-financed way, at least every three years so that it is possible to gauge whether there is any significant progress in media freedom—and responsibility!—in Tanzania.

(5) Finally, the monitoring of the state of media freedom and responsibility needs to be placed within a much wider context of monitoring of the development of democratic institutions in Tanzania, the type of monitoring that the Afro Barometer is currently doing.

(Endnotes)

[1] The sampling procedures used in the distribution of 100 questionnaires to different media houses and other institutions were the following: IPP Media, 10; *Business Times Ltd*, (BTL), 5; Habari News Corporation, LTD (HCL), 5; Media Communication LTD (MCL), 5; Mwananchi Communication Ltd, 5; Global Publishers, 5; Sahara Communications and Publication Company, 10; Tanzanian Broadcasting Corporation (TBC), 10; Tumaini Media, 5; Alnur Newspaper, 3; Radio Heri, 2; Media Owners Association (MOAT), 5; Tanzania Communication Regulatory Authority (TACRA), 5; MISA-TAN, 5; Tanzania Media Women's Association (TAMWA), 5; and Tanzania Press Clubs, 10.

[2] The members of the focus group discussion included representatives from newspaper, radio, and television newsrooms; and students from the MA and PhD programmes at the Dar es Salaam Graduate Centre of St. Augustine University of Tanzania. Also, a desk review of African Media Barometer and MISA-TAN publications was carried out, focusing on the reports of the status of media freedom in Tanzania from 2005 to 2010

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The "silences" in public debate created by lack of freedom in Kenya

By Wilson Ugangu

Abstract

In the pre-1992 era, the sole threat to press freedom in Kenya was the government and the influence it wielded over the media. Various tools of coercion were used with open abandon to stifle the media. Journalists who expressed contrary views to those of the state and its agents were harassed, beaten and in most cases jailed. However, after 1992, a new reality started to emerge. This was mainly a result of the changes that were taking place globally, mostly in the form of the global wave of democratic change following the end of the Cold War era. In the Kenyan case, state control over the media and other sectors of the economy and social life began to loosen – gradually, allowing private players space in the changing communications reality. Yet, almost two decades after these monumental changes, the country has not really developed a sustainable culture of freedom of the press and free expression generally. This article explores the nexus of factors that have continued to constrain freedom of the press even after the country adopted plural politics in 1992 and embarked on various constitutional changes which ultimately bore fruit with the enactment of a new constitutional dispensation in 2010.

Key words: Press freedom, threats, ethnicity, ownership, religion

Introduction:

By way of introduction, this article was born out of a conversation Professor Robert White and I had soon after the New Year celebrations in January, 2011. We sat at a favourite restaurant – *the Blues* — in Nairobi's Hurlingham area one afternoon and in the course of our chat found ourselves talking about the state of press freedom in Kenya, particularly given the several developments on the political, social and economic scene that had taken place in recent years. Had anything changed? Were the Kenyan media free to serve the Kenyan public better than they were in the pre-1992 era[1]?

Towards the end of our conversation, it was apparent that there were still a number of threats to press freedom in spite of the fact that the country had liberalized its media sector almost two decades earlier — and which had now gradually evolved into a complex landscape

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characterized by media corporatism and increased cross-media ownership (see also Ali, 2009). In addition, the country now has a new constitution[2], enacted in 2010, which has explicit provisions for freedom of expression, freedom of the media and freedom of access to information.

More importantly, the tenor of debate on press freedom in Kenya is different when compared to that of the pre-1992 period and the subsequent transitional period of the 1990s. One distinguishing feature is that threats to press freedom in Kenya today are not talked about with as much intensity as was the case during the one-party dictatorial era before 1992, when most criticism was directed at the state and its agents. In this new reality, cases of the state openly harassing, detaining, or forcibly closing down media institutions are rare or non-existent. Yet, the Kenyan media are still not very free to exercise their fourth estate mandate, and debate on press freedom is not robust and open. In recent times, there has been much debate regarding new regulation particularly in the electronic media sector[3], but this is not as animated as compared to similar debates during the brutal totalitarian regime of the pre-1992 era.

Given this backdrop, what is the problem underlying media freedom in Kenya today? What is apparent to many analysts are the "silences" in public debate, the issues no one dares to talk about. Why are there these silences, this fear of many to speak out about major issues in Kenya? What causes such silences, particularly within major media institutions such as the leading newspapers in the country? If anything, in this new reality, the state is just one among the several potential threats to press freedom in the country. What are the other threats to press freedom? How do these threats manifest themselves and what is the potential effect of the new constitution enacted in 2010 on press freedom in Kenya?

This study has attempted to find answers to these questions, exploring the present status of press freedom in Kenya. The goal is to critically examine the various factors which are undermining press freedom and preventing open public debate in the country today.

A brief historical review of issues of press freedom in Kenya

Threats to press freedom cannot be discerned without examining the performance of the media in the context of broader power struggles in Kenyan society. The media's criticism, or lack of it, of powerful interest during key moments of the formation of the power

structure of Kenya reveals the degree of independence and freedom of the media at any one time in the nation's history. Abuoga and Mutere (1988) have narrated the instances in the early years soon after the country's independence in 1963 when the country's nascent press sang happily praising the whims of the state. The historical moment of independence, the divided state of Kenyan society at the time and the new leadership's desire to build a united nation provided good justification for this. The media saw its role then as the channel for transmitting to the rest of Kenya the government's intentions and policies and provide the necessary cues for change. This would also explain the desire by the state to nationalize the electronic media and to control and focus it towards the developmental goals of Kenya's leadership (see also Ali, 2010). Abuoga and Mutere (1988, p. 79) note that in this context the press interpreted its freedom as simply supporting what the political leadership was doing.

By the 1970s it was clear that the media had been taken hostage by various political interests keen on consolidating influence at the national level. By exercising control over information flows, this elite political class was able to manipulate a largely illiterate Kenyan mass by making sure that alternative views did not find expression through the mass media. Abuoga and Mutere (1988, p. 79) argue that the media were thus beholden to powerful economic and political interests in the country. It is this relationship which ultimately determined understandings about press freedom and social responsibility in the country. The media were free to the extent that they did not upset political leaders, particularly those close to the presidency as well as their economic, political and social interests.

Odero (2000, p. 17) confirms this cooptation of the media by the political leaders in the first decades after independence with many examples. He singles out, for instance, the behavior of the leading newspaper publications, the *Daily Nation* and *The Standard*, following the assassination of firebrand legislator and politician J.M. Kariuki in 1975. The *Daily Nation* chose to uncritically report the government position that JM had fled to Zambia where his plane appeared to have crashed. The editors continued to maintain this despite the evidence that JM had been assassinated and his body dumped in Ngong Forest near Nairobi. This example illustrates a trend by the media at the time to act as a mere conveyer belt for the government even if it meant misrepresenting known facts. This incident dented the image of The

Nation Media Group in the eyes of the general Kenyan public who now perceived it as pro-establishment.

Similarly, Opiyo (2010) [4], a former director of information within the Kenyan information ministry, speaks about the character of the Kenyan press at different points during former President Moi's rule. Opiyo singles out the 1982 attempted coup as a monumental turning point for the media in Kenya particularly from the point of view of press freedom[5]. After the August coup attempt led by elements of the Kenya Airforce failed, Moi became increasingly sensitive to free expression particularly through the media. Journalists who did not follow the dictates of the state were arrested and detained while others were forced into self-imposed exile outside the country.

In many ways, this coup seems to have handed Moi's regime the justification that it needed to use state machinery to crush dissent and any contrary opinion of the public as well as other interest groups within Kenyan society. The media, particularly print media, were not spared as they provided the means by which those opposed to Moi's rule could reach the general public. In the 1980s, Kenyan journalists were repeatedly arrested and detained for writing stories critical of government. Odero (2000, p.19), for instance, writes about the detention of journalist Paul Amina and the subsequent denials by the police regarding his whereabouts.

Similarly, several highly regarded publications that were perceived as being critical of the government such as *Beyond*, a monthly publication of the Kenyan National Council of Churches, were publicly burned. This trend of harassment continued unabated into the early part of the 1990s when the country adopted a new political order. This came as a result of the repeal of Section 2A of the old constitution thus allowing for the establishment of a multiparty political order and the subsequent liberalization of various sectors including the media.

These examples are only brief indicators of the history of the repression of press freedom in Kenya in the stated period. A more nuanced and deep analysis is available in the work of Odero and others. Nevertheless, this brief study provides a general historical mapping of the state of press freedom in Kenya from the early years of independence under President Kenyatta to the late 1980's when the country was led by President Moi. This analysis demonstrates the central role played by the state as a major inhibiting factor in the establishment of a culture of press freedom in the country. The wave of

liberalization and democratization in the 1990s apparently unveiled a new era as far as press freedom is concerned. The following section shows, however, that there are still major obstacles to a press freedom in Kenya today that would allow the media to play its role in a supposely democratic society.

Current threats to press freedom in Kenya

The 1990s were momentous for Kenya as they were for many African countries. A great wave of change started sweeping across the continent soon after the fall of the Berlin Wall in 1989. Generally, this change had a significant effect on national media systems such as Kenya's, particularly in regard to press freedom. Again, it is not within the scope of this article to detail the whole process of evolution of the new media era after 1992. The focus is on more recent events and debates in the country that provide a picture of the state of press freedom in Kenya today. One such event is the disputed election of 2007, its aftermath and the role of the Kenyan media during these events[6]. The press handling of the elections and the post-election violence is symptomatic of the factors which constrain press freedom in Kenya today.

The failed general election of 2007 has come under increased scrutiny by human rights groups and international security bodies in recent years. The analysis of the role of the media in these events shows that press freedom remains an important issue in the country despite the apparent social and political liberalization. The forces and relationships in the post-election violence which have and continue to impact press freedom in Kenya is underscored by authors such as Mwita (2009); Makokha, (2010) and Ismail & Deanne, (2008).

Similarly, two commissions that were set up as part of the recommendations of the National Peace Accord[7]- to investigate the conduct of the 2007 election (Kriegler Commission) and the second whose mandate was to investigate the violence which followed the disputed election (the Waki Commission), have also brought attention to the important place occupied by the media in the Kenyan society at the time. The findings of these two commissions show that the questionable role that the Kenyan media played is related to the lack of press freedom in the country. In other words, to what extent did the lack of or availability of press freedom affect the behavior of the Kenyan press during this moment?

The question is whether this perceived failure of the media to serve their fourth estate responsibilities at this critical moment in the country's history was brought about due to lack of independence in the media or sheer incompetence (Ismail and Deane, 2008). Ojiambo (2011)[8] ,a former senior editor with the Nation Media Group, is of the view that this failure was occasioned largely by the lack of independence. According to him, the Kenyan media appeared emasculated by forces behind the scenes which dictated the editorial agenda and particularly how the election dispute was subsequently reported. Kagwa (2011) a senior editor with *The Standard* newspapers seems to agree with this view when he states that there were many moments before and after the elections in 2007. Senior editors were seriously compromised – either because they as individuals supported certain political positions advocated by political parties or that they were compelled by the owners of their media institutions or other external social and political forces within Kenyan society.

Others have argued that the Kenyan media were probably just unprepared to deal with the events that followed the disputed election. For instance, Gaitho, the current chair of the national editor's guild, in his testimony to the Waki Commission indicated that the media were not to blame. He noted that politicians promoted violence and incited people, and when things got out of hand they quickly shifted the blame on to the media.

However, Chaacha Mwita, in his book titled: *Citizen power: A different kind of politics, a different kind of journalism,* summarizes a general disappointment of many Kenyans with the media. He raises several questions about the media in Kenya and its potential to serve the goals of democracy. One such concern relates to the fact that the Kenyan media still mythologize the leader[9]. They are beholden to the leader, and tell stories in the perspective that the leader would generally wish to see them told. In doing this, Mwita (2010) laments, they forget the common citizen whose interests the media ought to serve as well.

To illustrate this challenge, Mwita (2009, pp. 1-12) gives one striking example. On the 30th of December 2007, senior media managers from the leading media institutions in the country were summoned by two top ranked government officials to the president's office in Nairobi.

This summon came three days after the voting exercise had been completed. At the time, there was growing anxiety across the country because the announcement of the result of the election had apparently been delayed and little information was coming through from the

Electoral Commission of Kenya as to what the cause of the delay might have been. This was rather unusual (see also Makokha 2010). At this meeting, Mwita (2010, p. 2) writes, this group of senior media managers was informed by the top government official that the Electoral Commission of Kenya (ECK)was going to declare Kibaki winner of the presidential election[10](despite the fact that the ECK was still tallying results). In short, the top government official wanted the media to collaborate[11] with the incumbent and subsequently lull the public into believing the government's verdict on who had won the presidential poll.

According to Mwita (2010, p. 6) there are several questions that the media could have raised regarding this development. For instance, how did this government official know that Kibaki, the incumbent, had won when the ECK had not completed its work? Why did he find it necessary to ask the media to prepare the nation for this unusual announcement? Who was he speaking for? Was this part of his mandated constitutional responsibilities? These questions were never raised by any of the media institutions in the country. The media instead chose to remain silent. Indeed, it would seem that the group of editorial managers who attended the meeting were either stopped from taking relevant action by some force that they would not speak about or that they did not know what to do. Later that evening, Makokha notes (2010, p. 272), as the ECK chairman began to announce the official results of the presidential race in a special sealed room at the Kenyatta International Conference Centre (KICC), police were used to forcibly eject all journalists from the tallying centre. Soon after, the government banned live radio and television transmissions in the name of state security.

Clearly, this election and all the attendant issues it had raised were indeed serious and immediate matters of public interest. The silence on the results of the presidential poll had created a huge amount of anxiety in the days preceding the meeting at the President's Office on Harambee Avenue in Nairobi. It was already feared that certain forces were tampering with the results in favor of the incumbent. For Mwita (2010, p. 3) this revelation by the senior government official provided useful information that should have been made available to the public almost immediately, given this state of anxiety. But as it turned out, this story was not given such urgency. In fact, it was not reported at all! In this instance, the Kenyan media (in its *entirety!)* failed to serve the public interest in a matter of supreme importance. Had this story been

reported, would it have shaped the history of the country in a different direction than the one it took with the onset of unprecedented violence and destruction which started soon after Kibaki's hurried swearing in on the 30th December 2007? Would it have affected the public's view of the subsequent Peace Accord which was signed between Mwai Kibaki and Raila Odinga. The question is, why did the Kenyan media choose not to report this story? Is it that they feared the big man or that they simply abdicated responsibility?

Ironically, this impotence of the Kenyan media in the face of the big man was happening at a point in time when the Kenyan media system was increasingly being counted among the best on the continent. Ismail & Deanne (2008, p. 320), for instance, have characterized the Kenyan media at the time as one of the most sophisticated, most thriving and respected on the African continent. Similarly, The African Media Development Initiative (AMDI) in its 2006 Report on the status of the Kenyan media had praised its vibrancy and dynamism demonstrated, for instance, in the number, spread and diversity of new FM radio and television stations that were operational at the time (see also BBC World Service Trust, 2006).

Ismail and Deanne (2008, p. 321) further argue that before the events of 2008, the Kenyan media had been hailed internationally as an important indicator of the country's progress towards a stable democratic culture. However, the media's behavior during the 2007 election period put a damper on all this. It exposed the weaknesses behind the façade of a formidable, vibrant and free media landscape. The Kenyan media's failure to assert its independence and commitment to the citizens confirmed the view that the apparent liberalization, new diversity and the other changes witnessed in the better part of the first NARC government[12] had not changed the general subservient mindset of the Kenyan media.

Sadly, the events in Kenya of 2007/2008 show that the Kenyan media was still captive to the whims of the powerful and therefore could not be relied on to sustain a democratic culture[13]. Indeed, the accusations against the Kenyan media included political co-optation, fanning ethnic hatred and violence and generally behaving in a manner that ultimately compromised their democratic responsibility to the Kenyan society. The Commission set up to investigate the post-election violence considered the possible role the media might have played in regard to post election violence in the country. Several witnesses were asked to testify before this commission. This included ordinary

citizens, church leaders, NGO representatives, media personalities and government officials among others. The report notes:

> Many of them (witnesses), recalled in horror, fear and disgust, the negative and inflammatory role of vernacular radio stations in their testimony and statements to the commission. In particular, they singled out KASS FM, as having contributed to a climate of hate, negative ethnicity and having incited violence in the Rift Valley (PEV Report, 2008: 295).

The question is, why was KASS FM behaving this way? And was this behavior by journalists at KASS FM any different from that of those in the big media establishments in the country? Some have argued that it was only the small media institutions particularly those that broadcast in local languages which were affected. Indeed, Odindo, the *Daily Nation*'s editorial director, mentions that most of the local language radio stations are captive to ethnic interests. However, while this may be true, it is also important to remember that individual journalists across the board were constrained by these same forces.

The urge to sympathize with political figures from one's ethnic backyard seemed to affect most of the editors, an attitude forcing a spiral of silence on their part. Yet, to understand why the group of senior managers who were summoned to the president's office behaved in the manner in which they did, one may need to consider the nature of the African state itself. Muiru Ngugi (2010)[14,] a lecturer of journalism at the University of Nairobi, talks about the fragility of the African state, and the fact that this reality makes it incompatible with an independent style of journalism. Such fragility, argues Ngugi, is brought about by several factors, the most important of which is the endemic corruption and inefficient neo-patrimonial leadership of Kenya and other African countries. Over time, this concentration of irresponsible power has undermined the dream of democracy for the continent. Inevitably, in this context, press freedom is obviously constrained.

The fact that journalists were co-opted in a political scheme that brought misery and destruction during the historical moment of the 2007 general election raises critical questions about the potential future impact of the new constitution on press freedom in Kenya. Despite the constitution's progressive provisions on the media and freedom of expression. In a context where ethnic loyalty is considered the mark of

good journalism, it is not possible that an individual journalist can stand up for the truth in these circumstances without getting intimidated.

Given the way the media of Kenya have compromised themselves, it is probably not possible for the country's constitution alone (and its guarantees for press freedom, freedom of the media and expression) to stop a politician who wants to use every means to hold onto power from instrumentalizing the media to protect interests. This was the case with many politicians in the 2007/2008 election period. Yet ethnicity is just one of the factors that have constrained democracy on the African continent. Barkan (2000, p. 227), in his analysis of Africa's transitions to democracy, looks at several countries, including Kenya, Zambia, Uganda, and Nigeria to illustrate the weakness of democratic institutions. He points out that there is a common set of factors which have ultimately complicated the transition to democracy for these typical African societies. Barkan's analysis supports the main thesis of this article that the common weakness of democratic institutions is at the heart of the problem of press freedom in Kenya today.

A nexus of factors

According to Barkan (2000, p. 228) Africa's short experience with democracy is a particularly critical issue that has characterized the general political landscape across the continent. The resulting ill-formed democratic culture ultimately has a constraining effect on press freedom in many African countries, Kenya included. Yet this is not the only factor influencing press freedom, and the weakness of political institutions is related to many other factors such as ethnicity. As Mwita (2010, p. 103) observes, ethnicity and its corrupting influence on national leadership is a major underlying constraint on media freedom.

Several writers, Mwita (2010), Mbeke (2010) and Oyugi (1997) have shown how ethnicity has gripped and completely emasculated Kenya's national psyche in general and the media in particular. In the view of these authors, ethnic identity is a primary determinant of media performance in Kenyan society. Indeed, the Waki Commission Report details the testimonies of different individuals who accused specific media institutions, particularly local language radio stations, of ethnic bias in their reportage (see for instance PEV Report, pp. 296-297).

Ethnicity is closely linked to the violation of the laws of honest government. According to Mwita, the two vices co-exist rather

comfortably. The links of business and other commercial interests between different major players within the Kenyan society becomes a conspiracy vitiating good governance. As Mwita further notes (2010, 2003), 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. Makokha (2010, p. 285) holds a similar view and further observes that in the Kenyan case, a strong link appears to exist between the business interests that own the media or receive licences to use the radio spectrum on the one hand and their political interests on the other. In effect, this has led to undue influence on the country's media which become subjected to manipulation by the owners. This manipulation is done either through direct orders or other certain mechanisms such as appointing editorial boards and editorial leadership that can support the desired political view.

Ethnicity exerting pressure on editorial independence
In several major recent political crises, ethnicity was a defining factor which established the basic frame in which the drama of various political events were played out. Examples include the Referendum campaigns of 2005, and the disputed election of 2007. Individual editors and ordinary journalists find themselves contrained by higher administrators to slant stories to fit these requirements without objection. Despite the bitter lessons of the post-election violence of 2008, it would seem this trend still continues across media institutions in Kenya.

According to Odindo (2011),[15] the Nation Media Group's editorial director, the pressure on the media today to follow the line of ethnicity is enormous. In most cases, he argues, decisions that are otherwise purely editorial end up being made on ethnic, class or even religious bases. 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 adminisration of the particular media. Even if a journalist would make an independent interpretation, in most cases, depending on the power that the individual holds, such stories never see the light of day. In most cases, journalists are simply expected to "know better" and therefore do what is expected of them by the ethnic leadership of the media group, namely, to protect one of their own from undue public exposure.

Kipkemboi, a sub editor with the Standard Group, notes: "I cannot criticize the Kalenjin political leadership in my stories. That would automatically earn me a bad tag within the community". Kipkemboi (2011) further reveals that most Kenyan journalists normally will meet politicians from their tribes after work, and subsequently get paid to ensure continued positive coverage for the big man, thus compromising the basic responsibilities to their media institutions and society in general. Thus, ethnicity not only forces them to conform to the expectations of their communities but also forces a spiral of silence so that they will never say negative things about their tribesmen. According to Makokha (2011) those who criticize are regarded as bad people, while those who conform are celebrated.

Nyamnjoh (2005), in his critical analysis of the relationship between the media and democracy in Africa, acknowledges the centrality of ethnicity in understanding the organization and functioning of journalism in Africa. He, in fact, warns against the western-derived notion of democracy and social organization which tends to obfuscate the reality of ethnicity in the organization of the African society. While Western style democracy has its focus on the autonomy of the individual, one's independence of one's communities and other personal relationships that might exist, the African reality takes the opposite view. The community is central in all decisions. This reasoning explains the dilemma that a Kenyan journalist is confronted with in the face of the strong pull towards protecting community interests by writing favourably about its leaders. To behave otherwise is it to betray the community which no individual will want to risk.

These various ethnic interests have such enormous power that they can easily manipulate the media. Odindo (2011) observes that they do this in very clever ways. For instance, managers manipulate the other media institutions around you so that ultimately, you, supposedly the bearer of the truth, appear to be the mad man. He further argues that they have seemingly unlimited amounts of money at their disposal to achieve their goals, making it difficult for struggling media institutions to survive unless they agree to be co-opted or be bought.

The implications for journalism are far-reaching. At the level of the individual journalist, these pressures create a perpetual fear in them, making it difficult for them to exercise a level of control over their stories. While at the level of the media institution, self-censorship sets in denying media institutions the autonomy they require in their service to society.

Media ownership, ethnicity and press freedom in Kenya

The problem of ethnicity in the media in Kenya starts at the top, precisely with the ownership, and stretches down all the way to the junior editorial staff. Thus, although the Nation Media Group and Radio Africa are largely owned by non-Kenyans, the cadre immediately below such ownership may easily fall prey to negative ethnic schemes. Wanyeki (2011)[16] -, a journalist and former executive director of the Kenya Human Rights Commission, laments that although the Kenyan media today seem to be trying out new ideas, the deeper problems and contradictions which informed their behavior during the 2007 election period have not been addressed adequately. According to her these concerns include ethnicity as a factor in the ownership of media and the influence of politicians, particularly their associations with media owners in the country. She argues that it should concern Kenyan society 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 media owners who have, through the various relationships that they have formed with the political class, compromised press freedom most seriously today. Makokha (2007, p. 284) shares a similar view, noting that in a liberalized media space such as Kenya's radio and television, licences have tended to be concentrated in the hands of those that already own media enterprises and are politically connected.

Indeed, this is the very frustration that Ndemo (2011)[17], the most senior civil servant in the Ministry of Information and Communication, expresses when he laments the fact that media owners in the country have continued to use their radio stations to propagate their selfish political and ethnic agendas. Ndemo's criticism is that even after the events of the 2007/2008 violence, media owners do not seem to have learned a lesson. In Ndemo's assessment the intentions of media owners are an important determinant of the level of freedom that the media can enjoy at any one time. Ultimately the media owners and leading politicians are major factors in the state of press freedom in the country. In a sense, this is a nuanced analysis which evades most observers of the emerging media reality in the country. A key lesson here is that for one to understand the media's place in forging a democratic culture, it is important that they also consider the motives that media owner's project at any one time.

Religion and press freedom

Religion and its place in the Kenyan society is identified as another impediment to press freedom in Kenya today. According to Makokha (2011) religious groups within the Kenyan society have in the recent past not hesitated to demonstrate their intolerance towards a free media in the country. Journalists are extremely hesitant to deal with issues of violence or human rights when religion is involved.

Odindo (2011) notes that religious sensibilities have complicated coverage of stories related to terrorism. While such sensibilities result in self censorship within the media, journalists and the management of media institutions hardly get the opportunity to address these issues. Thus, Makokha (2011) argues that it is difficult to dialogue with such ultra-conservative groups on press freedom, as this ideal does not serve their goals. For Kagwa (2011), a senior editor with *The Standard*, the issue of religion cannot be taken lightly by any journalist in Kenya today. While noting that extremist groups, such as the Al shabaab have killed in the name of religion, Kagwa (2011) says this elicits fear among journalists who are forced to be careful in the way they report.

Such intolerance was demonstrated during the debate on the new constitution in 2010, as well as the recent vetting of two nominees to the positions of the country's chief justice and deputy chief justice.[18] The subsequent appointment of Willy Mutunga and Nancy Baraza to the two positions respectively was opposed particularly by several religious groups who felt that the two were sympathetic to the rights of gay and lesbian people in society. These religious groups further expressed doubts about the sexual orientations of these individuals thus prompting members of the parliamentary vetting committee to publicly ask the two to indicate whether they were actually gay.

Assuming that the two individuals were actually gay, the question is whether the Kenyan media would have been bold enough to provide the platform on which such debate could have happened. Most probably the backlash from the church would have intimidated even the boldest of journalists keen to project such debate in a rational way. While it is difficult to prove direct influence of religious groups on editorial independence, Makokha (2011) argues that the power of certain religous groups imposes the same silence that has in the past prevented open debate on matters of sexuality and religion, and the rights of groups such as commercial sex workers in the country.

Advertisers and press freedom

The other category of threats to press freedom in Kenya today comes from advertisers and their influence on the media. Generally, media institutions in Kenya are expanding and growing. The general expectation is that such growth should lead to more independence from different forces within society. The reality, however, is quite different. Kwamchetsi (2010), for instance, observes that the bigger the media institution, the greater the amount of pressure it faces. This comes from an expanded investor base as well as other economic and political bases of power in society.

For most of these media institutions, the desires of their top advertisers soon take precedence over their vision of how to best serve society. This is the reason why, in most cases, they will stake huge amounts of resources in targeting major markets such as Nairobi to make advertisers happy, mostly at the expense of the needs of the broader Kenyan society (Godia, 2010). Moreover, media institutions in Kenya find themselves under continuous pressure to entertain and provide certain kinds of specific information to those potential audiences that are preferred by leading advertisers.

Mshindi (2010) disagrees with the notion that all Kenyan media institutions are under increased pressure, particularly from economic interest groups. Instead, he believes that if a media institution is big enough, then it is quite capable of withstanding pressure from advertisers. By way of example, Mshindi (2010) points to the Nation Media Group, which, in his view, has remained steadfastly committed to its editorial agenda without becoming vulnerable to external pressure. Such cases notwithstanding, Mshindi (2010) nonetheless concedes that media institutions are finding it difficult to balance social responsibilities with the profit-making goal. Oftentimes, freedom and editorial independence lose out, as media institutions struggle to maintain their competitive advantage in the market.

Conclusion

This article has attempted to isolate a number of factors which have continued to constrain press freedom in Kenya. Foremost is ethnicity and its influence on media ownership. This mix becomes even more potent when business interests are involved. The silent hand of the owner determines the political view that a media institution will project. In most cases, this is always in favor of the owners' business friends who, in most cases, will also be from his or her ethnic group.

The media in this case are mobilized to protect ethnic and business interests. The journalist who is used to ensure this happens is corruptly rewarded and thus forced into a state of silence. Such journalists quickly acquire a presence in the newsroom that is the envy of their colleagues. Ultimately, this trend becomes the norm as new entrants into the journalism profession aspire to make a name using similar tactics.

More often, however, the vice of ethnicity fosters exclusion of qualified journalists from advancement in the profession. A *free* press is one sure way of ensuring that voices across the board are represented. Ethnicity, however, makes this impossible to realize and leads to labelling of the groups that do not belong. Yet ethnicity as an impediment to press freedom is never discussed with the same vehemence as state interference in the freedom of the press. Partly, the reason for this is that those who benefit from it are not in a position to understand exclusion. From this come the silences that have tended to prevent such debate from emerging as an important issue.

Other constraining factors that have been discussed include religion and the attendant sensitivities and the influence of advertisers on the media in Kenya. The influence of these forces on the editorial independence of the media is hardly ever a matter of debate. According to Makokha (2011) the reason for this is that these forces are not accountable to society in the same manner as the government. In addition, religious matters are essentially steeped in complex myths and beliefs, which are, in most cases, difficult to deal with. This explains much of the hesitation of journalists to report on issues that are likely to provoke religious controversy.

Endnotes
[1] The Pre-1992 era is better captured in the work of several authors such as Abuoga and Mutere (1988), Heath (1997) In summary, these authors conclude that the era spanning from independence in 1963 up to the early 1990s was mainly characterized by the strong hand of a dictatorial regime. The country's media were thus suppressed by the state and its agents of coercion. In fact, according to Heath (1997), totalitarianism was the dominant media tradition in the country before the age of liberalization.
[2] Kenya's new constitution has been praised as the most progressive in Africa. The expanded bill of Rights provides for media freedom under Article 35 as a distinct right. The previous constitution subsumed media freedom under freedom of expression.
[3] For instance the Kenya Communications Amendments Act 2009, which makes several stipulations regarding broadcast media in the country. This legislation addresses several issues including media content, ownership of electronic media among others.
[4] Interview with author in Nairobi on 10/7/2010.

[5] The failed coup provided the administration with the reason to crack down on dissent. Publications which provided space to alternative voices were thus targeted by the regime

[6] The 2007 general election ended in a dispute about the presidential election result. After an unusual delay, the result of the presidential race was released under curious circumstances, and it showed that the incumbent had won by a narrow margin. This sparked widespread violence across the country leaving several thousands dead and hundreds of thousands displaced. The international community stepped in and helped the two sides in the feud settle on a compromise coalition government which was formed after a national peace accord was signed between Mwai Kibaki of the Party of National Unity and Raila Odinga of the Orange Democratic Movement.

[7] The agreement that was signed between PNU and the ODM making way for the formation of a coalition government.

[8] Interview with author in Nairobi on 10/7/2011.

[9] Individuals in coveted public leadership positions or those who have control over economic wealth

[10] Mwai Kibaki was the Party of National Unity (PNU) candidate and Raila Odinga, the number one contender to the presidency, was the Orange Democratic Movement's (ODM) candidate

[11] It would be useful to consider Christians, Glasser, McQuail, Nordenstreng and White's (2009, p. 197) definition of the collaborative role of the media. They argue that there are instances when it is important for the press to collaborate with the state- but that such collaboration is voluntary on the part of the media, for instance, when they withhold information about the location of troops during times of war. In the case of what happened in Kenya on the 30th of December 2007, the lingering question is whether this was voluntary on the part of the media or that they felt a certain amount of pressure to withhold information from the public.

[12] The first National Rainbow Coalition (NARC) government took power in early 2003 after the Moi era which has been characterized as dictatorial. Mwai Kibaki became president and head of the new coalition. This transition marked an important milestone in the country's political history. The new government promised constitutional and institutional reforms that would, among other things, include freedom of the press.

[13] This view corroborates Tomasseli's (2002) view that communication spaces that have resulted from economic liberalization may not exactly serve the goals of democracy for society.

[14] Based on an interview with the author in Nairobi on 17/2/2011.

[15] Interview with the author in Nairobion 9/2/2011.

[16] Interview with author in Nairobi on 8/3/2011.

[17] Interview with the author in Nairobi on 11/3/2011.

[18] Some religious groups in the country were opposed to the nomination of Willy Mutunga and Nancy Baraza to the positions of Chief Justice and Deputy respectively arguing that there stand on same sex marriage and relationships was not in keeping with Christian values. This position by several church representatives generated a long-drawn-out debate in the country's media. Opinion polls on the matter showed most Kenyans strongly approving of the appointment of the two individuals despite the much publicized stand taken by some churches and related religious- based organizations in the country.

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Nigeria's freedom of information act: Provisions, strengths, challenges

By Ayobami Ojebode

Abstract

It took well over ten years to pass the Freedom of Information bill into law in Nigeria. It also took the bill three journeys to the National Assembly. This article connects the reluctance of the concerned authorities to pass the bill to the age-long struggle in Nigeria (and elsewhere) between the press, citizens and civil society on the one hand and the government on the other, with the former trying to widen the circumference of government activities that should be made public and the latter trying to shrink the same. The article traces the journeys of the FOI Act, and examines its provisions, first attempts at applying it and the challenges to its full implementation.

Key words: Freedom Of Information Act (FOI), FOI coalition, Nigeria, Nigerian press, Nigerian mass media

Introduction:
The antecedents

Accounts of government-citizen relations in Nigeria are filled with reports of a struggle over what activities of government and public institutions are to be seen and known by the citizens. This struggle often pitches citizens and groups such as journalists against government with journalists attempting to widen the circumference of what should be seen and known, and government trying to shrink the same. In Nigeria's recent past, that struggle did turn bloody, resulting in blackmails, detention and even deaths of citizens, especially journalists. Scholars (Omu, 1996; Oduntan, 2005) have implied that citizen access to information on government activities is an old struggle dating back to the emergence of

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modern journalism in Nigeria. According to these scholars, the first newspaper in Nigeria, the *Iwe Irohin fun Awon Egba ati Yoruba*, which made its debut in 1859, attracted opposition from the British colonial government over its inquiry into government activities and revealing this to citizens. The struggle to make government accountable has never ceased.

More recent Nigerian political history shows desperate attempts by government, especially the military, to conceal its acts, and the ruthless punishment inflicted on those who pried into the activities of government or of its officials. For instance, in 1992, the military government of General Ibrahim Babangida proscribed all the thirteen titles of the stable of Concord Newspapers Limited and promulgated five decrees all aimed at punishing those who investigated or commented about government activities. Notable among these were Decree 29 which set a penalty of death for anyone who spoke or wrote anything capable of disrupting the society, and Decree 48 which proscribed 17 publications owned by five newspaper organizations perceived to be anti-military. Others were Decree 23 which proscribed *The Reporter*; Decree 35 which conferred on the president the power to confiscate or ban any publication, and Decree 43 which set up stringent regulations for registration of newspapers (Olukotun, 2005; Adebanwi, 2008).

In those years and during the government of General Sani Abacha, these and other decrees were rigidly enforced. Several editors were arrested, detained and tortured; some for up to two years. In 1997 alone, 94 journalists were attacked. Where offending journalists could not be found, their children, spouses and/or parents were arrested and incarcerated. In these circumstances, at least two journalists (Bagauda Kaltho of *The News* and Tunde Oladepo of *The Guardian*) were killed (Malaolu, 2005; Olukotun, 2005; Adebanwi, 2008).

It was not surprising, therefore, that when Nigeria returned to democracy in 1999, one of the first moves by civil society was to lobby for a law that would enable Nigerians to demand information about government and public institutions and would protect government officials that did disclose such information. The unwavering public interest in the bill as well as the euphoria that greeted its passage was also not surprising. What was surprising, however, was that it took well over ten years for the bill to be passed and signed into law.

The journeys of the Freedom of Information Act

What finally culminated in the Freedom of Information Act began as independent campaigns by three major civil society groups: the Nigeria Union of Journalists, the Media Rights Agenda and the Civil Liberties Organisation. After working independently for the establishment of the legal principles for the right of access to documents and information in government custody, the groups met in 1993 and began collaborating. In 1994, the Media Rights Agenda produced a document titled "Draft Access to Public Records and Official Information Act" which became the basis for consultations among the three groups.

In March 1995, the coalition met to revise and refine the document. At the end of the two-day meeting, participants came to the conclusion that the "Draft" document must get real legal backing and become law. The totalitarian style of leadership adopted by General Sani Abacha made it impossible to achieve any progress on the project for several years until 1999 when Nigeria returned to democracy (FOI Coalition, 2003).

In March 1999, Media Rights Agenda held another workshop, supported by some international organizations including ARTICLE 19 (formerly known as the International Centre Against Censorship). The workshop was devoted to further refinement of the 1995 document which by 1999 had been published by the coalition of the Nigeria Union of Journalists, Media Rights Agenda and Civil Liberties Organisation (FOI Coalition, 2003).

The first journey of the FOI Bill to the National Assembly was in 2000. Presented by Media Rights Agenda, the Bill was sponsored by Hon. Tony Anyanwu and Hon. Nduka Irabor[1]. The Assembly did not pass the Bill, and the Assembly finished its term in 2003 without action. This attracted sharp criticisms from the public especially journalists (See for instance, *The Guardian*, 2008).

The second journey of the Bill began later in 2003 when another National Assembly was convened. This time, because the original sponsors did not get re-election, they could not sponsor the Bill. It was then sponsored by Ms Abike Dabiri[1], eminent journalist and a member of the House of Representatives. The House of Representatives passed the bill in 2004 and the Senate passed it in 2006. However, the president, Chief Olusegun Obasanjo, refused to sign the bill into law despite entreaties from Nigerians. His refusal was based on the grounds that, according to him, the bill provided too little space for the president to refuse information. It was only in matters of defence that the president could deny information, whereas, in his view, matters of state security should

also have been exempted. He also disagreed with the title of the legislation. He would have been more pleased with a 'Right of Information' bill than with a 'Freedom of Information' bill (FOI Coalition, 2003).

Chief Obasanjo also refused to return the bill to the National Assembly so that if it wanted, it could amend it or veto the president's stand on the issue. The bill was re-presented to Chief Obasanjo's successor, Alhaji Umaru Yar'Adua, who doubted if it was legal to sign a bill carried-over from a previous administration (FOI Coalition, 2003).

The bill's third journey began in 2007, and the National Assembly commenced fresh work on it in that year. Then came allegations that the National Assembly doctored the bill, introducing clauses that would make it completely powerless. For instance, it was said that a Section 2 was introduced that required those requesting information to first seek "judicial clearance or approval" from the Court before approaching a public institution with their request. This was not part of the original bill (*The Guardian* Editorial, 2008a). The loud public outcry against these "amendments" led to the elimination of the "oppressive provisions" (*The Guardian* Editorial, 2008a) and to a re-reading of the bill.

For over two years, the bill suffered one setback after another including deliberate filibuster with some legislators describing it as a trap set by the media. Senate President, Mr David Mark, was quoted as saying that passing the bill would amount to mere surplussage because the constitution had made sufficient provision for public access to information. But the supporters of the bill kept up their lobbying and the public maintained pressure (Idonor, 2011; Josiah, 2011).

The House of Representatives passed the bill again in February, 2011 and the Senate in March 2011. The harmonized version of the bill was passed on May 24, 2011. The President, Dr Goodluck Jonathan, signed the bill into law on May 28, 2011 (Idonor, 2011; Josiah, 2011; *Punch*, 2011; *Punch* Editorial, 2011; *This Day*, 2011).

This short article presents an overview of the provisions of the Freedom of Information Act, and discusses what are considered to be the potential challenges to the full implementation of the law.

The five-fold goal of the FOI Act
The explanatory memorandum that opens the Freedom of Information Act sets five objectives of the Act thus:
   i.   make information more freely available;
   ii. provide for public access to public records and information;

iii. protect public records and information to the extent consistent with public interest and protection of personal privacy;

iv. protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization; and

v. establish procedures for the achievement of those purposes.

The Freedom of Information Act has 32 sections. I have grouped the sections into seven thematic categories: establishing a freedom of information; procedure for requesting public information; duties of public agencies or institutions; when access to information should be denied; what to do when access to information is refused; judicial review of refusal; and protection of public officials. In some categories, I created thematic subcategories. My intent in the next section is to provide a readable overview of the provisions of the Act shorn of all the encumbering legalese.

Establishing a freedom of information

Section 1 and Section 2 (6) establish the freedom of information rights for Nigerians. Every Nigerian has the right to request information in the custody or possession of any public official, agency or institution no matter whether the information is written or not. The applicant for information does not need to demonstrate any specific interest in the information being applied for. Sections 1 (3) and 2 (6) state further that, if refused information, an applicant has the right to institute legal actions to compel the public official, agency or institution to supply the requested information.

Procedure for requesting public information

Sections 3, 4, 5, 6, 8 and 18 specify the procedure for applying for information from a public agency or institution. Section 3 (2) states that even if a piece of information is not available but can be produced from a machine normally used by the institution, it is deemed to be information under the institution's control.

Illiterate or disabled persons can make applications by employing a third party. According to Section 2 (4), an authorized public official of the institution to whom application is made shall reduce the application to writing and provide the applicant with a copy. Section 4 states that when an application is made for information, the institution to which application is made has seven days to make the information available. If, however, the institution decides that the information should be denied, it ,

should within seven days give written notice to the applicant that access to that piece of information cannot be granted, stating reasons for denial with reference to specific sections of the Act.

If the information being sought was originally produced in or for another institution other than the institution to which application is made, the institution to which application is made shall transfer the application to that which originally owns the information and shall do so within three to seven days. The application is deemed to have been submitted to the institution to which it was transferred on the day such institution receives the application (Section 5, 1-3).

Where the information sought is in the form of large records or where consultations have to be made before the information is released, the concerned institutions can extend the deadline for releasing information beyond seven days. However, the institution shall give a notice to that effect stating also that the applicant has the right to have the deadline extension reviewed by court (Section 6). Section 8 describes the fees payable for application for information. The fees should not exceed what it normally costs to duplicate documents, or transcribe them where necessary.

Section 18 gives permission for provision of only sections of a piece of information. This is allowed if some sections of the information are exempted by the Act. The public institution is permitted, under such circumstances, to release only the sections that are not exempted.

Duties of Public Agencies or Institutions
The Nigerian Freedom of Information Act places extensive duties on public agencies or institutions. These duties can be summed up in four categories: keeping, maintaining and making information available; updating information regularly; training officials on the Freedom of Information Act, and submission of an annual report to the Attorney-General of the Federation. The various sections of the Act outlining these duties are Sections 2, 9, 13 and 29.

Keeping, Maintaining and Making Information Available: Section 2 (1) and (2) as well as Section 9 (1) and (2) require the public institution to record and keep information about its activities, operations and businesses, and to organize and maintain such information in a manner that facilitates public access. Subsection 4 of the same Section 2 requires the public institution to ensure wide dissemination and availability of such information through various electronic and print means.

Updating Information Regularly: In addition to keeping and making information available, a public institution must also update its information periodically and whenever changes occur (Section 2,5). The categories of information which should be maintained and regularly published are listed in Section 2: 3, a-f. They are a description of the organization and its responsibilities including details of its programs and functions of each division; an index of records under its control as well as manuals used by employees. They also include a description of documents containing final opinions including concurring and dissenting opinions and orders made in adjudicating cases.

Also included are documents containing substantive rules of the institution, statements of the institution's policy, final planning policies and recommendations, all kinds of reports including reports of studies by or for the institution. The list also includes information relating to receipt or expenditure of public funds; names, salaries and date of employment of employees; rights of the state, public institutions or of any private persons, and names of every official and final records of voting in all proceedings. Also included are files containing contract applications, permits, grants, licenses or agreements; reports, title and addresses of the appropriate officer of the institution to whom an application for information under the FOI Act should be made.

Training of Public Officials: According to Section 13 of the Act, public agencies and institutions are expected to train their personnel on the provisions of the Freedom of Information Act. This is to facilitate the effective implementation of the Act. Such training should also include creating awareness of the public's right of access to information and the role of the institution.

Submission of Annual Reports to the Attorney-General of the Federation: Section 29 requires that on or before February 1 every year, each public institution shall submit an annual report to the Attorney-General. The report must include records of all applications for information that were made to the institution as well as records of applications granted or refused; the number of appeals made by persons under the Act; a description of the decisions of the courts regarding appeals made when the institutions refused applications. The report must also state the number of pending applications, the amount of fees collected as payment for applications and the number of full-time staff of the institution devoted to providing application for information.

When access to information should be denied

Sections 11, 12, 14, 15, 16, 17, 19 and 26 state circumstances under which access to information can be denied. A public institution may deny an application for information if the disclosure of such information may be injurious to the conduct of international affairs and the defence of the country (Section 11) or if the information is personal (Section 14). Personal information includes such information as pertaining to clients, patients, residents, personnel files and information revealing identity of persons who file complaints with or provide information to administrative, investigative, law enforcement and penal agencies on the commission of any crime.

Information can also be denied if it contains records being compiled by any public institution for law enforcement and investigation (Section 12). If the disclosure of certain records can interfere with enforcement proceedings or obstruct an ongoing criminal investigation, or is injurious to the security of penal institutions, such information should not be disclosed.

According to Section 15, trade secrets, financial or commercial information obtained from a person or business, proposals and bids for any contract, grants, or agreement whose disclosure can give undue advantage to a party in the agreement or bid, and certain other third-party information may not be disclosed by a public institution. Major conditions that apply here include the likelihood that the disclosure might cause harm to the interests of the third party; or might interfere with contractual or other negotiations of a third party; or may frustrate procurement or give advantage to any person.

Exempted information also includes professional or other privileges conferred by law such as health worker-patient privilege, journalism confidentiality privileges, legal practitioner-client privileges (Section 16), as well as course or research materials prepared by faculty members of an academic institution (Section 17).

Application may also be denied if made for the disclosure of tests questions, scoring keys and other examination data, architects' and engineers' plans for buildings (if such disclosure is likely to compromise security) and library circulation and other records capable of linking library users with specific materials (Section 19). Materials ready for publishing or made available for purchase by the public, library or museum materials acquired solely for reference or exhibition, materials placed in the national library or museum by persons or organizations other than the government or public institution are all exempted from being disclosed or handed

over to an applicant (Section 26). However, if the public interest in disclosing the information outweighs whatever injury the disclosure is likely to cause, the information should be disclosed. This condition applies to all kinds of exempted information (Section 12: 2).

When access to information is refused

Section 7 of the Act states that where access to information is refused, the public institution refusing the access shall give notice of the refusal in writing. The notice should contain grounds for refusal and cite relevant sections of the Act. The notice is also to state the names and designation, and carry the signature of the official(s) responsible for the denial. Where the case of wrongful denial is established, the defaulting officer(s) or institution is deemed to have committed an offence and is, on conviction, liable to a fine of five hundred thousand naira (₦500, 000. 00) which is about US$3,200. It is a criminal offence to wilfully destroy records or to falsify or doctor them before releasing them to applicants. The offence carries a minimum penalty of one year imprisonment.

Judicial review of refusal

Sections 20-25 discuss judicial review of denial of access to informationWithin thirty days after a public institution has (or is deemed to have) refused access to information, an applicant may apply to the Court for a review of the matter (Section 20) and the Court shall hear and determine the case summarily (Section 21).In the course of the proceeding, the Court itself may ask for and examine any information to which the Act applies that is under the control of a public institution (Section 22). However, the court should take precaution to avoid the disclosure of any information on the basis of which the public institution will be authorized to disclose the information being applied for (Section 23).

The burden of proof that the public institution is authorized to deny access to the particular information sought lies with the public institution. This applies to any proceeding arising from an application (Section 24). The Court shall order a public institution to disclose the information or part of it if the Court finds out that the institution is not authorized to deny access to such information or, even when so authorized, the institution does not have reasonable grounds on which to deny access. The Court shall do the same if it determines that the public interest in disclosing the information is more important and more vital than the interest being served if the application is denied (Section 25).

Protection of public officials

According to Section 27, public officials who disclose information in accordance with this Act are not to be prosecuted, much less punished, for doing so. In this Section, the Freedom of Information Act clearly ousts the powers of the Official Secrets Act and the Criminal Code (operational in the southern states) and the Penal Code (operational in northern states). In its Section 27, 1, the FOI Act states: Notwithstanding anything contained in the Criminal Code, Penal Code, the Official of Secrets Act, or any other enactment, no civil or criminal proceedings shall lie against an officer of any public institution, or against any person acting on behalf of a public institution, and no proceedings shall lie against such persons thereof, for the disclosure in good faith of any information, or any part thereof pursuant to this Bill, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Bill, if care is taken to give the required notice. As if to make "assurance doubly sure", subsection 2 of the same Section 27 repeats:

> 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.

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.

Section 30 of the Act declares the status of the Act in relation to existing procedures for making public records and information available to citizens. It describes such status as complementary rather than supplantive. Section 31 is interpretation while 32 is citation.

Observations and comments

The Nigerian Freedom of Information Act is a comprehensive Act. Right from the start, it makes it clear that it is not a media law meant to empower only journalists, but a law meant for all Nigerians. All through the years

that it took to pass the bill into law, the misconception that the law was meant to benefit journalists was strong and accounted for opposition from many legislators, some of whom were already displeased by their image in the media. Section 1, 1 establishes "the right of any person to access or request information" whether they be journalists or schoolchildren.

The law also opens up access for information and yet protects certain kinds of information. The circumference of what should be known by citizens is much wider under this law but also the circumference of what should not be known by the public is clearly marked. Information that has to do with the conduct of international affairs and defence of the country may not be made available to an applicant. Matters of security and some kinds of proceedings are also exempted from disclosure. The Act also protects personal information thereby guaranteeing citizens' privacy. Contrary to fears expressed by many (Ameh, 2010), the Act is not a no-holds-barred Act. This no-holds-barred allegation was the major reason cited by Chief Olusegun Obasanjo for not signing the bill into law in 2007. It appears now that his allegation was largely unfounded.

The Act empowers officials to disclose information and protects them from being punished for doing that. The Official Secrets Act, the Criminal Code and the Penal Code prescribe heavy penalty for officials who disclose official secrets. The Freedom of Information Act spreads a thick protection over such officials who disclose in "good faith" official information even "without authorisation" (Section 27, 1), and Explanatory Memorandum of the Freedom of Information Act). By doing this, the proponents of the bill showed a deep understanding of the civil service culture in Nigeria. Civil servants in Nigeria have been described as the most secretive and fearful of all categories of workers cringing under fear of sanctions that accompany disclosure of official information. Many, it has been alleged, have also found a hiding place in provisions of such legislations that forbid disclosure and have labelled even apparently innocuous files as "Secret" or "Classified"(Idowu, 2011). A proper application of the Freedom of Information law holds the possibility of ending this practice.

The Act also protects professionals whose professions forbid disclosure of certain kinds of information. These include legal practitioners, health workers and journalists. Fear had been expressed that the Act would be used to compel journalists to disclose their sources of information. If the Act allowed that to happen, it would have done more harm to journalism than good.

The Nigerian Freedom of Information Act has all the signs of a law that will serve everyone including the disadvantaged. A demonstration of this is the low fee that has to be paid for obtaining information. The fee is just whatever it costs to make photocopies of the required document. Photocopying is quite cheap in Nigeria. On most Nigerian campuses, it costs about N3.00 to photocopy a page. Elsewhere in the country, it costs about N20.00 to do the same. The least paid employee of the Federal Government earns about N18,000 monthly (about US$120). It appears reasonable to conclude that paying for the photocopy of, say, a ten-page document (at most N200, about US$15) should be affordable to the average Nigerian. Again, the proponents of the bill showed their understanding of livelihood in Nigeria. If the cost were fixed or made higher, it would be a good reason for most people not to demand information, or for corrupt officials to demand a bribe and release the information at a lower rate.

Another demonstration of the bill's consideration of everyone is its special provision for illiterate and disabled Nigerians. These categories of people also deserve access to public information. They can demand information through a third party, and the public official in charge is to reduce their request to writing (Section 3, 3). Given the level of literacy in Nigeria which has been put at as low as 57.9% for adults or 76.3% for youth (National Bureau of Statistics, 2010), not including a provision like this in the Act would have excluded many citizens from benefiting from the Act.

The Act is also capable of making information available even before it is solicited, so that requesting information becomes unnecessary. Annually, public institutions are expected to declare a wide range of information, including information on income and expenditure of public funds. This is to be submitted to the Attorney-General who then makes it available to the public in print and electronic forms (Section 29).

A major area where the Act is expected to make an impact is in the fight against corruption (*The Guardian* Editorial, 2008b; Chukwuezam, 2011). 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.

First deployments

Widespread deployment of the provisions of the Act followed its passage into law. In June, 2011, an organization known as the Social and Economic Rights Accountability Project (SERAP), citing the relevant sections of the Act, approached the governors of Enugu, Kaduna, Rivers and Oyo States demanding details of budget allocation and expenditure of their Universal Basic Education Commissions (UBEC), since 2005. When, two months after, the information was not supplied, the organization approached the courts citing the appropriate sections of the FOI law (Abdulah, 2011).

On August 17, 2011, the Legal Defence and Assistance Project (LEDAP), citing the FOI Act, dragged to court the accountants general of the 36 states of the federation, as well as the Auditor General of Kwara State, for refusing to make available to it details of security votes allocated and released to the states from 2007 to 2011 (Maduabuchi, 2011). This was after the organization had allowed the waiting time to lapse.

In August, 2011, another organization, the Nigeria Association for the Care and Resettlement of Offenders (NACRO), citing the FOI Act, approached the Ogun State government for information on the concessioning of government-owned Gateway Hotels (Gyamfi, 2011). The Hotels were said to have been concessioned by the immediate past governor of the state.

On August 19, 2011, Eddie Williams, editor of *The Envoy*, a weekly newspaper in Port Harcourt, Rivers State, approached the Deputy Governor of Rivers State asking for all the relevant files on the activities of the Media and Publicity Sub-Committee of the National Sports Festival which had just concluded the year's national sports festival (*AkanimoReports*, 2011). The Deputy Governor was the chairman of the Local Organizing Committee of the event. Eddie Williams said his request was "by virtue of the provision of Section 2 of the Freedom of Information (FOI) Act, 2011".

On September 26, 2011, SERAP, "under the Freedom of Information Act," approached the Accountant-General of the Federation, asking for details of how money recovered from former military leaders and their allies was spent from 1999 to 2011. It asked him to "provide within 14 days information on the spending of recovered stolen public assets since the return of civil rule in 1999, and to publish widely the information on a dedicated website" (Omoniyi, 2011, online).

It is noteworthy that, judging by the events following the passage of the FOI Act, journalists are not at the forefront of the application of the Act. Rather, it is non-governmental organizations that are deploying the

Act. A recent report shows that journalists are [still] getting "set to test the Act" (*Next*, 2011). It is also noteworthy that all the deployments have to do with resource allocations and suspected acts of corruption. There is no instance of the law being applied to human rights and other aspects of governance where the law has potentials.

Challenges to the implementation of the Freedom of Information Act

In spite of the foregoing widespread application of the Act, it is too early to judge the effectiveness of the Nigerian Freedom of Information Act. What I discuss here as challenges are what I reasonably envisage will be the issues to grapple with in the implementation of the Act. First of these is the challenge of consensual interpretation of the slimy but important concepts that appear in the Act. One of such concepts is "public interest". In the Act, nearly everything depends on or revolves around "public interest". For example, even defence information as well as information on the conduct of government affairs can be divulged if the "public interest outweighs whatever injury that disclosure would cause" (Section 11 (2)). Similar weight is given to "public interest" in Sections 12 (2); 14 (3); 15 (4) and 19 (2). Yet this is a concept that is difficult, if not impossible, to define. What is public interest? Whose definition of public interest is *the* definition? How do we weigh public interest in a case in order to compare it with "injury that disclosure would cause"? These and other questions are matters for the Court.

The second envisaged inhibition to the full deployment of the Freedom of Information is the lack of a supervisory body to coordinate the implementation of the legislation. Unlike other pieces of legislation such as the anti-corruption law that established the Economic and Financial Crimes Commission (EFCC), the Freedom of Information Act does not make provision for the establishment of a coordinating body. The implication of this is that civil society has to remain vigilant and active in ensuring that the law remains effective.

Connected to the absence of a supervisory body is the need for litigation support for Nigerians. Many Nigerians will simply walk away if their information requests are turned down rather than call a lawyer. Cost of litigation is, in the views of many, high and better avoided. Human rights lawyers and citizens' rights organizations must plan to offer free or subsidized legal services for Nigerians who are too poor to pay for them. The Act places tremendous responsibilities on public institutions. It seems that each institution must create an FOI desk or office with officials designated to handle FOI matters. Funds will also have to be set aside for

processing FOI-related reports, and hiring legal experts to advise about applications for information and represent the institution in the Court where proceedings ensue. This has budget implications for government agencies and ministries, some of which already complain of underfunding.

Finally, some legal tussle may need to occur for the jurisdiction of the Act to be firmly established. It is unclear whether the FOI law, a federal instrument, is binding on other tiers of government without separate domestications of the law by those tiers. Opinions are divided between those who argue that the states (second-tier of government) must domesticate the law (i.e. enact it into their own statutes) before its provisions can apply to them, and those who insist that the law covers all public institutions in all tiers of government. Ogun state government (south-west Nigeria) belongs in the former group. In responding to the request for information by NACRO, the Commissioner for Justice of Ogun State claimed that the organization could not invoke the FOI law because it was yet to be domesticated in the state (Gyamfi, 2011). A key voice in the latter group is Richard Akinjide, a senior lawyer and former Justice Minister, who argued that under the "doctrine of covering the field", the FOI law as enacted by the federal government is binding on all the 36 states and the Federal Capital Territory, Abuja. (See *The Guardian*, June 22, 2011, p. 6). A court decision may be required to put this issue to rest.

Conclusion

Notwithstanding the public attention attracted by the Act, and the care taken by the proponents of the Act to ensure its contents cater for the interest of a diverse range of Nigerians, the Nigerian Freedom of Information Act remains an elitist Act. This is not a fault of the Act; it is just the nature of Nigeria. There is a chasm between law making and governance on the one hand, and the daily concerns of the average citizen on the other. It is probable that more than half of Nigerians are unaware that a bill became law which can protect their interests. Therefore, for the Act to truly serve the poor and the illiterate, those at the lowest rung of the political and economic power, there is need for massive awareness creation.

The ordinary Nigerian with little formal education and meagre means of livelihood needs to be helped to see the importance of the Freedom of Information to his/her struggles and concerns. More Nigerian adults are literate in all languages (71.6%) than are literate in English language only (57.9%) (National Bureau of Statistics, 2010). It is therefore important to

translate the Act into as many Nigerian languages as have orthography. This will give access to the Act to many more Nigerians.

Journalists also need to be educated in order to not only use the opportunities presented by the Act maximally but to also educate their audience on the provisions of the Act and their connections to the basic desires of the audience. The Act will also need to be reviewed to remove contradictions, redundancies and more specifically pin down nebulous expressions and concepts.

(Footnotes)

[1] Nduka Irabor was a famous journalist who was jailed along with Tunde Thompson by the General M. Buhari Administration, under Decree 4 of 1984 for allegedly publishing information capable of bringing disrepute to government.

[2] Later, Abike Dabiri-Erewa

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State of media freedom in Malawi

By Peter Mhagama and Maclan Kanyang'wa

Abstract

This article assesses the state of media freedom in Malawi by drawing on concrete examples of violations that have undermined the commitment to the universal declaration of human rights, the very principles to which the country is a signatory. The article also analyses the violations of the set of principles found in the constitution and other government declarations. Given the public protest and debate regarding these repressive actions, there is growing concern about violations and abuse of media freedom in Malawi. Thisstudy shows that Malawi has developed and adopted some key policy and legislative instruments for the promotion of media freedom. However, colonial and post-colonial legal instruments, especially laws enacted during the one-party system of government, continue to be damaging negative limitations on media freedom. This has prompted an outcry from various media organizations, religious groups, civil society organizations and international human rights bodies.

Key words: media freedom, constitution of the Republic of Malawi, freedom of expression, penal code, human rights

Introduction:

The constitution of the Republic of Malawi, adopted at the end of the one-party system and the re-introduction of multiparty democracy in May, 1995, provides citizens with the right to freedom of expression and to report and publish freely. This also guarantees access to information (GoM, 1995). Section 36 states that:

> The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information.

In addition, Section 34 of the same constitution says that every person shall have the right to freedom of opinion, including the right to

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hold opinions without interference, to hold, receive and impart opinions, while Section 35 provides that every person shall have the right to freedom of expression (GoM, 1995, p. 17). Other related media rights and freedoms found in the constitution include freedom of association, freedom of opinion, freedom of expression, freedom of information, freedom of assembly, and freedom of speech.

To support these basic rights, several policy instruments have been developed to allow for the regulation and the exercise of these freedoms. For example, the 1998 Communications Act provides direction for regulating both public and private media so that they may serve the public interest (GoM, 1998). This Communications Act establishes the Malawi Communications Regulatory Authority (MACRA) as an independent body to allow a level playing field in the practice of broadcasting. Further, MACRA issues licenses to broadcasters and manages the liberalization of the airwaves. This has led to the establishment of numerous FM stations. For example, by the end of 2010, there were some 22 registered radio stations in Malawi. Similarly, the period spanning the early 1990s to date has seen an influx of organizations providing media goods and services in Malawi. Dozens of newspapers, many very short-lived, have appeared on the streets of Malawi since 1992.

However, according to Louw (2004, p. 43) "despite [the] ostensible attempt to create a favourable climate for the adjudication of issues involving fundamental rights and freedoms, Malawi has on its statute book a number of laws that not only unduly restrict media freedom, but in some instances confer arbitrary powers on the authorities to ban or take other action against the media".

This present article assesses the reasons why media freedom in Malawi remains severely limited in spite of applications of international conventions and apparent acceptance of domestic legal and policy reform. I further analyze the state of media freedom in the country by drawing on concrete examples that have undermined the Universal Declaration of Human Rights, the very principles to which Malawi is a signatory. Released in 1991, the Windhoek Declaration, which borrows from the Universal Declaration of Human Rights, observes that, "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". This Declaration also affirms that the role of the media in democracy is to facilitate public participation in national issues, and

socio-economic development of a country. This will, in turn, promote development and improvement in all spheres of a country's life by disseminating relevant information.

The meaning of media freedom in Malawi

Essential to our analysis of how media freedom is being exercized in Malawi, how it is being abused or violated, and how it affects the citizenry is our understanding of media freedom. The definition is also important for assessing the impact that the restrictions on media freedom have on the performance of the media industry and on the rights of individuals. This clarification is important in the context of the often confusing rhetoric and debate about media freedom violations and abuse in Malawi.

The issue of media freedom is a highly contested concept but in this article our working definition is one offered by McQuail (2005) who summarizes the conditions for freedom of mass communication as follows:

- Absence of censorship, licensing or other controls by governments so that there is unhindered right to publish and disseminate news and opinions and no obligation to publish what one does not wish to publish.
- The equal right and possibility for citizens for free reception of (and access) to news, views, education and culture.
- Freedom of news media to obtain information from relevant sources.
- Absence of concealed influence from media owners or advertisers on news selection and on opinion expressed.
- An active and critical editorial policy in presenting news and opinion and creative and innovative and independent publishing policy in respect of art and culture.

Commenting on normative theories of the media McQuail (2004, p. 142) defines a normative theory of the mass media as one that prescribes how the mass media should carry out tasks that society sets up for them to fulfill. These tasks take the form of rights and responsibilities, which in turn society uses to evaluate media conduct and performance.

In the African context, the 1991 Windhoek Declaration on Press Freedom provides a clear definition of media freedom which is:

(i) that an independent, pluralist and free press is essential to democracy, and to economic development;

(ii) 'independence' means freedom from government, political or economic control in its various forms; and monopolies should be prohibited and a wide variety of media forms reflecting a wide range of opinions should exist. (Tomaselli and Dunn, 2001, pp. 89-90).

In short, The Windhoek Declaration calls for free, independent and pluralistic media throughout Africa and the world. The Declaration also asserts that a free press is essential to democracy and is a fundamental human right.

Methods of data collection and analysis

The present study is based largely on interviews with key opinion leaders, media practitioners and researchers, editors of different media houses, chairpersons of media associations and the media councils in Malawi. The objective was to get a multiplicity of views, including opinions from journalists and other media practitioners themselves.

Secondly, the Communications Act, the Constitution of the Republic of Malawi, newspaper reports and articles dealing with the issue of media freedom were reviewed. The Communications Act of 1998, which is the principal statute governing the mass media in Malawi was a focus of study because, "as a general rule, the Act grants the minister the overall power to set the policy for the communications sector in terms of Section 105, and confers the role of regulation and implementation in the regulator" (Konrad-Adenauer-Stiftung, 2003, p. 14).

However, the mere adoption of laws and polices related to freedom, as is the present case in Malawi, is not in itself a guarantee that freedom of the media has been achieved. Continued violations of media freedom and other associated freedoms and rights pose a threat in the relationship that exists between the media and the government. In Malawi as elsewhere, the press and the government have conflicting interests; the government on the one hand wants to see nothing but positive coverage of its social responsibilities while the press and other media institutions thrive on a critique of government. Given the expected watchdog role of the media, governments in Malawi have an uneasy relationship with the media, especially since the relaxation of strict censorship that was practiced during the single-party rule. Thus, in spite of the affirmations that Malawi is a democratic state supporting

media freedom, some media laws and the way freedom of the press is exercized seem to contradict this principle. These contradictions are a particular concern in this study.

The contraditions between principle and practice

Within the constitution of Malawi, it is paradoxical to find laws that unduly restrict media freedom when the same constitution apparently guarantees such freedoms. For example, the Printed Publications Act, dating from 1947, stipulates that:

> One of the objects of this Act is to provide for the registration of newspapers. In terms of section 5, no person shall print or publish a newspaper until there has been registered at the office of the Government Archivist the title of the newspaper and the particulars of its proprietor, editor, printer or publisher. Contravention of this provision constitutes an offence, and a person convicted under the section is liable to not exceeding 100 Pounds.

The recent victim of this statute is the *Weekend Times*, a weekly tabloid, which was banned in October 2010, a year after its first publication was issued. The National Archives invoked the above-stated Act to ban the *Weekend Times* on the pretext that it was not registered with the agency. The newspaper mostly exposes the fraudulent and corrupt acts of politicians and other top government officials. The ban received nationwide as well as international condemnation as it was seen as an attempt by the government to gag the media from reporting such issues. Registration itself is not a hindrance as all publications are registered. What is surprising is that it took almost one year for the National Archives of Malawi to realize that the newspaper was not registered. However, the owners of the newspaper sought the court's intervention restraining the government from effecting the decision.

At the time of writing this article, the government had finally lifted the ban imposed on the *Weekend Times* after negotiations involving the owners of the newspaper, the Ministry of Information and Civic Education, the Ministry of Justice and the Ministry of Tourism.

Laws that restrict media freedom

In November 2010, the Malawi Government amended Section 46 of the Penal Code, and this attracted widespread attention as well as public condemnation. The section gives powers to the information

minister to prohibit the importation of a publication which is deemed by the minister not to be in the public interest. This section restricts media organizations from publishing material contrary to public interest. Before the amendment, Section 46 – Publication contrary to the public interest - stated that:

> In terms of this provision, the Minister of Information is empowered to ban the publication or importation of any publication that in his/her discretion is contrary to the public interest.

As of now, the amended Section 46 reads:

> If the Minister has reasonable grounds to believe that the publication or importation of any publication would be contrary to the public interest, he may, by order published in the 'Gazette', prohibit the publication or importation of such publication

It is also worth noting that the notion of "public interest"in this context is highly debated in terms of what constitutes it and who determines it. In the statement released by the Media Council of Malawi (MCM) soon after the section was amended, the MCM argued that what is problematic with the amended section is that "the council believes the provision permits arbitrary exercise of power on the part of the minister who invariably is a political appointee deciding on political criteria. The provision also gives the minister powers of judgement regarding what constitutes public interest" (Interview with MCM, 2011). Recently, parliament promulgated yet another controversial law called the Injunctions Law which has been described by many as "aimed at stifling people's access to interim relief through court injunctions on government decisions" (Gwede, 2011). The Bill states that:

> The court shall not, in any proceedings against the government or a public officer, grant relief by way of an injunction if the application for such relief was made ex-parte. It also states that the court shall not in any proceedings grant an injunction or make any order against the government or a public officer, if the effect of granting the injunction or making the order would be to give any relief against the Government or a public officer which could not

have been obtained in a suit against the government or a public officer (Gwede, 2011).

The implication of this for media or press freedom is that any government action or decision against the media cannot be challenged immediately. For example, if the government decides to ban a newspaper, it means that the ban will be put into effect immediately without giving opportunity to the newspaper to seek the court's intervention. This is viewed as a threat to the future of media freedom in Malawi. It also means that even individuals and institutions cannot seek immediate redress on government decisions that seem to infringe on their rights and freedoms.

Unjust and punitive actions against media organizations by government

In recent years, one of the notable features of the Democratic Progressive Party (DPP) government has been open air press conferences where the president answers questions from journalists in the presence of political party supporters. Journalists have complained that the arrangement is intimidating because when they ask the president critical questions, political party supporters threaten them, beat them up and even confiscate their cameras. On 15 November 2010, for example, a journalist working for Blantyre Newspapers Limited, publishers of the *Daily Times*, was manhandled by DPP supporters after an open air press conference held at the Kamuzu International Airport grounds on the president's arrival from a G20 summit meeting in Seoul, South Korea. They alleged that he had asked the president difficult questions. This confirms the report of MISA and International Freedom of Expression Exchange (2008) that "occasionally, media workers have faced physical intimidation at the hands of state and opposition actors [in Malawi]".

In other related developments, the Malawi Communications Regulatory Authority (MACRA), a body which regulates broadcasting and issues licenses to broadcasters, has also been a tool of government's interference with the media especially those which seem to be sympathetic with the opposition parties, for example, Joy Radio, *Chronicle* newspaper, and the *Nation* newspaper. Using powers in its jurisdiction, in 2007 MACRA blocked a private television station owned by former president Bakili Muluzi from broadcasting, and confiscated its equipment because of its critical reporting of the DPP-led government. In the same year, "MACRA threatened Joy Radio with

punitive action after it aired an unfavourable recording of the president. Shortly afterwards, the information minister directed the agency to bar all private radio stations from airing live broadcasts without government permission" (VonDoepp, 2010, p. 7).

Newspapers, too, have not been spared from these punitive actions. "In May 2006, for example, three journalists from the *Chronicle* newspaper were arrested on criminal libel charges for publishing a story that implicated a former government official in a theft case" (VonDoepp, 2010, p. 7).

The government's attempts to muzzle the press is also evident in the withdrawal of advertising. In 2010 the government ordered all public institutions and departments to stop advertising in all papers published by Nation Publications Limited. In their press statement issued on 3 September 2010, MISA-Malawi:

> … commends the government for taking notice of the appeal to change its stand on advertising in some private media outlets such as the Nation Publications Limited (NPL). We have noted that some government departments and institutions that had stopped advertising with NPL have resumed doing so albeit on a small scale (Misa-Malawi, reported by Chikungwa and Ligomeka, 2010).

Many commentators saw this development as one of government's tricks to kill newspapers which are critical of its administration. Ugly scenes of media freedom violations were seen recently as severe fuel and forex shortages, rising prices of commodities and high unemployment sparked two days of protests in Malawi on 20 and 21 July 2011, one of the largest anti-government demonstrations in Sub-Saharan Africa in 2011. The Malawi Human Rights Commission (MHRC) reported that at least 20 people were killed and a dozen wounded in clashes between riot police and demonstrators. Several reporters were detained by the police, while the government banned radio stations from live coverage of demonstrations fearing that the demonstrations could spread to many parts of the country if people listened to what was happening in the three major cities of the country.

Unidentified people attacked two vehicles belonging to Zodiak Broadcasting Station (ZBS), a privately owned radio station located in the capital Lilongwe, on two separate occasions prior to the 20 July demonstrations. The first incident took place on Sunday 17 July while

the second occurred on the night of 18 July. Masked people were seen throwing stones and petrol bombs at the ZBS branded vehicles. The attacks were believed to be in connection with the 20th July demonstration and were aimed at intimidating the radio station and preventing it from covering the demonstrations live.

Role of the Media Council of Malawi and Journalists Union of Malawi in defending freedom of the press

Media organizations with the aid of civil society organizations are working on the enactment of a statute dealing with access to information that harmonizes the different statutes regarding provision of public information. Underlying many of these problems in media freedom is the lack of a coherent national media policy. At the time of writing this article, Malawi still does not have a media policy. The policy was still in draft form but its realization is a far-fetched dream as there appears to be no political will to finalize the document. While the government acknowledges professional media institutions like the Media Council of Malawi, the Journalist Union of Malawi and the National Media Institute of Southern Africa (Malawi Chapter), the independence of these bodies is compromised without the existence of a media policy to guide their operations and ensure that the media adhere to the principles of freedom of expression as enshrined in the constitution. The Media Council would ensure that those in positions of power and influence do not threaten and interfere with the media, and that parliament does not pass laws violating human rights. It would also enforce the code of ethics for the media industry and ensure that journalists abide by it to promote responsible journalism.

In spite of this opposition, MISA-Malawi and the Media Council of Malawi issued a joint statement on the amended Section 46 of the penal code following a joint meeting they held on the issue urging government to lift the advertising ban on Nation Publications limited, the ban on *Weekend Times*, and to repeal Section 46 of the penal code. The government was also asked to ensure that presidential press conferences are held in secluded places such as the Very Very Important Person (VVIP) lounge at the airports as has been the case in the past or at state residences where journalists would feel more protected, and that government should restrict press conferences to the media practitioners only (M'mana, 22 February, 2011; Chapulapula, 22 February, 2011; Chapulapula, 25 February, 2011).

Media freedom activists joined by human rights groups, and religious and civil society organizations have described Section 46 as a threat to freedom of expression and have called for the repealing of the section but without success because the government insists that it is a good law which would guide the media to be accountable to society. The Malawi Human Rights Commission (MHRC), a state agency, has spoken strongly against the amendment to Section 46 of the Penal Code. MHRC even went further to sue the government over the same matter in March 2011. "The Malawi Human Rights Commission (MHRC) has filed an application with the High Court of Malawi asking it to declare invalid the recent amendment of section 46 of the penal code which empowers a minister to ban publications" (Chapalapata, 13 March, 2011). MISA-Malawi also wrote to the Attorney General expressing its intention to take that office to court on the same issue. They also petitioned President Bingu wa Mutharika on 16 November 2010 to send the bill back to parliament for further consultation because local media practitioners felt that the media were not consulted. This is yet another negative consequence of lack of a media policy. The proposed media policy states that "any bills that affect the operations of the media will be passed into law only after thorough and exhaustive consultations with media practitioners and other stakeholders" (Interview with MISA-Malawi, 2011). However, what is happening is that government is unilaterally making decisions that affect the operations of the media.

The Malawi Human Rights Commission (MHRC) has sent reports to international human rights groups such as the United Nations Human Rights Council (UNHRC) on the abuses of human rights and violations of media freedom in Malawi appealing to them to come to Malawi to assess the situation on their own and intervene where possible as the situation is worsening day by day.

The call for freedom of access to information in Malawi has also been supported by the British Council and the Scottish Government. Recently, the United Kingdom Minister of the Department for International Development (DFID) wrote a letter to the president demanding a response on a number of issues including that of press freedom (Kashoti, 2011). This follows the expulsion of the British High Commissioner to Malawi after he too criticized the Malawi government on a number of issues including deteriorating media freedoms.

These are some examples of what the Media Council of Malawi and other human rights groups are doing to address the situation and that

in itself tells a story that not all is well with media freedom as exercized in Malawi.

Government reprisals or controls through its media licensing policies

During the single-party rule of Kamuzu Banda (1964-1993), the media in Malawi were heavily censored and the government had powers to ban any publication whenever it wanted to. "Emerging publications were required to obtain a license before they could commence publishing and the editorial staff had to be cleared by the police (De Beer et al., 1995, p. 220). Two decades later in a neo-authoritarian political regime (under a democratic dispensation) ruling parties have adopted indirect measures of media control such as enactment of laws and adoption of policies that indirectly target media freedom.

Media monitoring data from MACRA suggests that MACRA is able to monitor weekly political broadcast news coverage. These reports are sometimes published in the local press. In addition, the study reveals that MACRA has summoned MBC radio and television to account for the disparities depicted on their graphs and on public complaints. Using the same evidence MACRA has summoned managers of Joy Radio and eventually sealed the radio for breach of license but allowing MBC to continue.

Both MBC radio and MBC television provide live coverage for functions attended by the president followed by a repeat of the broadcasts on tape in the evening. In the run up to the 1999 presidential and parliamentary elections the issue of special treatment for the president arose. A meeting in Mangochi district between the Malawi Electoral Commission (MEC) and political parties agreed that all candidates should be given equal coverage on MBC radio and television during any campaign period and that no single party should be covered more than the other (Article XIX, 2000)[1]. The then acting director general of MBC, told Article XIX that former president Muluzi would be given live coverage arguing that presidents ought to enjoy privileges. He observed that it was a principle that has been there through time (Article XIX, 2000). This was in direct reference to the single party rule of Kamuzu Banda.

In June, 2011 the Malawi government announced that newspapers in the country would have to pay 16.5% value added tax (VAT) in the 2011/12 financial year. In Malawi's case the tax is not exclusive of

newspapers; it is part of the government's new tax regime that has affected a substantial number, but not all, sectors of the economy. The 16.5 % VAT on newspapers is not a tax targeted at the media house. The VAT is aimed at newspaper buyers. What this entails is that Malawians who want to spend their money on a newspaper are people with higher incomes able to pay. The general feeling in the media industry regarding the introduction of VAT on newspapers has been one of resentment. Journalists feel that the introduction of VAT is likely to eat into the market as, in fact, not many people can afford to buy a newspaper. Interviews with MISA-Malawi, reporters and editors of selected newspapers, and statements in editorial columns view the applicaiton of VAT to newspapers as taxing information . The net effect of the VAT will therefore be reducing the number of actual newspaper buyers, shrinking the already small newspaper market.

Following this development, Malawi's two major print media houses, Blantyre Newspapers Limited (BNL) and Nation Publications Limited (NPL), have announced new cover prices. Through separate notices published in the two dailies, NPL and BNL announced that *The Nation* and *The Daily Times* respectively, as well as *Nation on Sunday* and *The Sunday Times* would raise their prices from from MK 170 (about US$1.13) to MK200 (about US$1.33). The two media houses have also announced that their weekend papers, *Weekend Nation* and *Malawi News,* would increase prices from from MK200 to MK240 per copy(about US$1.60).

The Consumer Association of Malawi (CAMA) argues that taxing the source of information which gives people an opportunity to have the right to choose goods and services is one way of denying people's access to crucial information. This is also restricing access to information that is released by government and the private sector. The National Media Institute of Southern Africa (Namisa) Malawi chapter also sees the action as an effort to kill newspapers for carrying critical articles about its policies.

Restrictions on investigative journalism

As stated earlier, Section 36 of the Constitution of Malawi provides that the press shall have the right to report and publish freely. However, this constitutional provision is not backed by an access to information law. Consequently, public officers are not mandated by law to provide a chance to journalists to gain access to public records. The situation is made even worse by the fact that the head of state

clearly does not champion media freedom. Instead of defending and being in the forefront of protecting human rights and freedom of expression, President Bingu wa Mutharika was recently quoted as saying he would not hesitate to shut down newspapers that report negatively about his administration. Uttering such statements poses many challenges for investigative journalists to pursue suspected cases of corruption and other forms of public or private malfeasance.

Executive controls on the public broadcasting system

In Malawi, the broadcasting sector, during the one-party era (1964-1994), was dominated by the MBC. Television was not allowed. No other radio station was allowed to operate. The MBC Act of 1964 incorporated the functions and powers of the body establishing the monopoly and control of the radio by the state. A Christian Radio Station, Lakeland Radio, came on air but for a short period. At present, the principal law regulating public broadcasting in Malawi is the Communications Act (1998). Other regulations include the president's constitutional powers over state organizations, and bureaucratic procedures that are part of the role of the minister of information and the boards of MBC. In addition, the other institutions include oversight roles played by the committee system of parliament through Public Appointments Committee (PAC), and Media and Communications Committee.

Consequently, the emphasis placed by the Communications Act (section 87 (2a) emphasizing that a public broadcaster must function without political bias and independent of any person, merits special consideration in this investigation. In terms of content, therefore, one can argue that the public broadcaster (the organization) must be seen to be non-partisan. That is why MACRA emphasizes, in its media monitoring, that a percentage coverage must be given to each political party by different radio stations in their dissemination of news and information. Public broadcasting must not be seen to discriminate against a group of people on the basis of their political affiliation. Thus, Section 87 (2b) of the Communications Act obliges the public broadcaster to support the democratic process.

KAS Media Programme (2003) observes that some of the provisions in the Communications Act (1998) give the executive controls over the independence of the regulatory agency. For example, Sections 7 and 8 give the president powers to appoint the members and chairperson of MACRA without reference to anyone else, not even parliament. The

minister is to appoint the director general. MACRA is also supposed to comply with directions that the minister may give them in relation to allocation of radio communication frequencies. The minister may even make exemptions from the requirement to hold a license. It is clear from the study that the framers of the Communications Act concentrated these powers in the president and the minister while the regulatory authority and the regulatory institutions are limited in their powers, especially if it touches on political control.

Conclusion

From the discussion above it is clear that much needs to be done for the people of Malawi to enjoy greater media freedom. This study finds that since the end of the one-party rule and the adoption of the multi-party system of government, ruling parties have adopted various indirect measures of media control. This includes the enactment of restrictive laws and adoption of policies that indirectly and negatively target media freedom. Especially notorious is the introduction of taxes on paper and other inputs needed for media production.

Since abolishing the controls of one-party government, one of the favorite tactics of politicians is the random outbreaks of anonymous threats, public intimidation and harassment of media practitioners in the course of duty. Although constitutional provisions give assurance of freedom of expression, independence and freedom of the media, the policies that prevent access to information policy and the presence of laws that unduly restrict media freedom in the country's constitution introduce fundamental obstaces to the enjoyment of such rights and freedoms.

The fact that different media organizations, including civil society groups, religious organizations and international human rights bodies have increasingly spoken against the way media freedom is exercised in Malawi. This is evidence that the situation is getting more difficult. That governments continue to introduce restrictive laws that deny people the opportunity to exercise their rights and freedoms is a strong indication of intention to continue muzzling freedom of the press. A major conclusion is that overt oppression of media freedom of one-party rule is being shrewdly replaced by covert and insidious instruments of media control. The current ruling elite has found new ways to manage the media for its own interests and prevent greater popular participation. One way to muzzle the media is to instill a sense

of fear and uncertainty of reprisals for any critical statement of the government or other powerful interests of the day.

Endnotes

[1] Article XIX is a global campaign for free expression. It is a human rights pioneer, which defends and promotes freedom of expression and freedom of information all over the world. It was established in 1987. See **http:// www.article19.org**

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The struggle for media freedom in Côte d'Ivoire

By Célestin Gnonzion

Abstract

Freedom of the press in Côte d'Ivoire is recognized by article 9 of the constitutional law and is supported by several important juridical guarantees. But in spite of all these juridical bases which recognize and supposedly guarantee the freedom of expression and protect the freedom of the press, the evolution of this freedom in the Côte d'Ivoire is linked to the political culture. It is also strongly influenced by the degree of journalistic experience and the level of professionalism among journalists in the media. Much of the weakness of journalism is the direct involvement in party politics, and the political control of the media. It appears illusory to expect a better exercise of freedom of the press in a social context where the democratic process which freedom of the press is supposed to sustain is itself so underdeveloped. The weakness of democratic institutions in Côte d'Ivoire is also influenced by more than a decade of political crises and political-military interventions. Until journalists gain real professional status, it is likely that they will be instrumentalized by politicians

Key words: Côte d'Ivoire, freedom of the press, violations of freedom of the press, political democracy in Africa, press councils, journalist associations.

Introduction:

Freedom of the press is recognized as a fundamental right by the Universal Declaration of Human Rights in Article 19: "Every individual has the right to freedom of opinion and of expression; this includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

The freedom of the press is recognized juridically in the Côte d'Ivoire, but in the difficult conditions of the unstable political leadership and the relatively weak media institutions, it is a freedom often violated.

The law No 200-513 passed August 1, 2000 is in the constitution of the Republic and the preamble states its compliance with the rights

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and liberties as these are defined in the Universal Declaration of Human Rights of 1948 and in the African Charter of Rights of Man and of Peoples of 1981. This same constitutional law specifies in its Article 9 that the freedom of thought and expression, especially the freedom of conscience and religious and philosophical opinion, are guaranteed for all, within the specifications of the law, the rights of others, national security and public order.

However, in spite of all of these juridical foundations which recognize and guarantee the freedom of expression, especially the freedom of the press, the guiding hypothesis in this study is that the exercise of this freedom is strongly linked to and influenced by the level of expertise among journalists and the professional commitment of public communicators (see Goffman, 1991; Gnonzion, 2008). We are dealing here with a journalistic tradition strongly marked by the controls from the political institutions and involvement of journalists in party politics. To put it more bluntly, it is illusory to expect a better exercise of the freedom of the press in a social context where political processes that are supposed to be defending democratic procedures are themselves so strongly anti-democratic, and journalists are themselves involved in this politics. To explain the state of freedom of the media in the Côte d'Ivoire, one must look more closely at the socio-political evolution of the country during the last two decades.

From the declaration of multi-partyism in 1991 to the coup d'etat of 1999: The juridical recognition of the freedom of the press in Côte d'Ivoire

The legal recognition of the freedom of the press in the Côte d'Ivoire came as part of the declaration of multi-partyism (or, better put, the "return to multi-partyism"[1]) brought about in the early 1990s by popular demands, the pressure of the civil society and growth of opposition political parties newly recognized by the official party of the PDCI-RDA. The pressure of the opposition parties led to the recognition of and commitment to freedom of the press in the form of two laws: The law No 91-100 passed on the 27 of December, 1991 establishing the legal framework of audiovisual, television communication and the law No 91-1033 of the 27 December, 1991 introducing the legal guarantees for the print media.

The legal guidelines for audiovisual, television media make clear in its Article 8 that "access to audiovisual communication is free", even if the exercise of this freedom can be subordinated to "the payment of

taxes, rental fees or membership subscription". The law also makes clear the exercise of the right of response which can be used, if needed, by physical or moral persons".

The law dealing with the press, No 91-1033 of December 31, 1991, authorizes the publication of privately owned, independent publications, controlled up to that time by the state media and the single-party regime. This law could be considered to be the first law which guarantees the freedom of the press in Côte d'Ivoire, in the strict sense of the term. One reads in Article 2 of the law, "Every newspaper or periodical may be published without previous authorization and without a cautionary deposit other than the usual registration with the office of the Procurator (Treasury) of the Republic indicating the seat of publication of the newspaper or written periodical and the declaration of the intent to publish stating the usual formalities of publication such as the title of the newspaper or written periodical and the frequency of publication, the name and complete address of the director of the publication, the site of the printers, and the nationality of the publisher.

The legal guarantees of complete freedom of the press dating from 1991

The 1991 law providing a legal framework for the press represented a notable point of progress in issues of press freedom in the Côte d'Ivoire. More than simply allowing private publications, the law introduced not only the total freedom of publication but also the freedom in the perspective of news writing and freedom to adopt an editorial line in the particular publication. As Konangui (2003) points out in a publication of the Faculty of Law and Political Science of the University of Cocody in Abidjan,

> The removal of the stipulation of previous authorization for publication is a factor which favors the birth of publications and insure that such enterprises are no longer submitted to any legally impose prior deposit. Such prior deposits subjects publishers to the machinations and threats of the administrative authorities and assumes that these authorities have the right to stop initiatives in publication which will not be favorable to the administration. The removal of these conditions provides effective guarantees permitting the creation of publications with diverse editorial lines and is a condition of a plurality of opinions. Furthermore, the removal of the cautionary deposit is without question a positive step in so far as such deposits constitute a

restriction regarding the free creation of new publications in
which there will be freedom of expression" (p. 15).

The press law of 31 December, 1991 does offer a favorable context
for freedom to establish print publications since it limits or dissuades
the administrative harassments that persons wanting to establish a
newspaper or other publication are likely to be the victims of. It
should be noted, too, that Law No 91-1033 is not the only legislation
which makes explicit the intention of legislators of the Côte d'Ivoire to
defend freedom of the press. The law 91-1034 of 27 December 1991,
defining the juridical status of professional journalists also makes
explicit in article 6, line 1 that journalists shall enjoy total freedom in
the collection and use of information. This legislation thus recognizes
the freedom of journalists in the exercise of their profession.

The legislation also makes clear that freedom of the press in the Côte
d'Ivoire entails not just freedom to establish newspapers, freedom of
editorial positions and freedom in the exercise of the profession, but
also "the right belonging to the journalistic profession of breaking the
work contract with an employer with the obligation of employers to
make payments which would be due in cases of dismissal from work"
(Konangui, 2003, p. 35). This clause stating obligations recognized by
the legislation and mentioned explicitly in Article 7 of the law 91-1034
dealing with the status of professional journalists is also found in the
code of ethics of journalists of the Côte d'Ivoire in the clauses 1 and 2 of
Article 3 under the title of rights of journalists. Article 3 of the code
states explicitly:

*The refusal of all subordination which is contrary to the general
editorial line of the publication in which the journalist collaborates and all
subordination which is not clearly implicated by this general editorial line.*

- *Section 1: In virtue of the "clause of conscience", a journalist may not
  be constrained to carry out a professional action or to express an
  opinion which would be contrary to his convictions, his honor, his
  reputation or his moral interests*

- *Section 2: In case of a conflict linked to the "clause of conscience",
  the journalist may be relieved of his contractual commitments with
  regard to his enterprise, in the same conditions and with the same
  effects of a normal dismissal.*

This particular arrangement which constitutes a clause of conscience offers a legal framework for the protection of journalists in matters of compensation when dismissed from a press institution that is demanding that the journalist act contrary to his/her conscience

The special case of the national public service of radio and television

Although the laws of 1991 dealing with the print media seemed to introduce a regime of complete freedom, the law states that "the national public service of radio and television" remain a monopoly of the state. However, article 5 of the law No 91-1001 stipulates that radio and television broadcasting licenses "may be conceded to national public establishments, companies of mixed economic base and other organizations of industrial and commercial character. Licenses may also be granted to one or several physical or moral persons for a determined period of time with the possibility of renewal or extension."

Thus, in virtue of this article 5 of law No 91-1001 a relatively large number of radio frequencies in FM have been granted:

> A first selection granted frequencies to six radio projects from the 17 proposals presented. The award of frequencies of 23 December 1992 gave priority to the four foreign-based radio networks (RFI, Africa No 1, *Radio Nostalgie*, BBC). The fifth was JAM FM…By February 1998 the government had granted 52 radio licenses for local stations. Of these, 26 were granted to municipalities and 26 to privately owned rural radio stations (Konangui, 2003, p. 22).

The controls and constraints of freedom of the press.

The legal support of freedom of the press introduced with the law No 91-1033 of 1991 still does not prevent the legislators of Côte d'Ivoire from imposing their own limits in the exercise of this freedom. Even in the wording of the law itself one finds articles which can be used to limit this freedom, especially the institution of "violation of press norms". For government officials this provides an opportunity to accuse journalists of an abuse of the freedoms accorded them. Three sections of the Law No 91-1033 have opened the door to particularly restrictive action.

Section VI: Infractions concerning press enterprises

Article 33: All infractions of the conditions set down in articles 14, 16 and 17, first clause, are punishable by imprisonment for a period of from two

months to one year and a fine of from 100,000 to 1,000,000 francs or by one of these two penalties singly.

Section VII: Concerning crimes and violations incurred by the press:

Article 37: The act of "offence against the chief of state" is constituted by all offensive or contemptible expressions, by all defamatory imputations or allegations whether concerning his public or private life and which constitute an attack against his honor or dignity.

The following offenses maybe prosecuted by the Office of the President of the Republic without appeal:

Article 43: The defamation directed toward the courts, the tribunals, the terrestrial, naval or airborne armed forces, the special forces and public administrative bodies may be punished by imprisonment from eight days to one year together with a fine 100,000 to 1,000,000 francs or by one of these penalties singly.

The penalties of imprisonment are also mentioned in the Articles 44, 45,46, 47 so that the apparent advances in the legal defense of press freedom supposedly reinforced are, in practice, rendered ineffective. Especially threatening to journalists is the clause which refers to acts of "offence against the chief of state" because it leaves the door open to the emotional whims of the presidential office. In fact, the experiences of the 1990s have shown clearly that the threat of imprisonment for "offences to the honor and dignity" of the head of state has hung over the heads of journalists like a menacing cloud (Bleou cited by Konagui, 2003). Unfortunately, the lack of clarity and "claw back" phrases of the law, along with the lack of professionalism of many raw young journalists, have encouraged judicial interpretations that many have called "freedom killing".

Attacks on freedom of the press in the 1990s

Many cases of repressive action against freedom of the press have occurred in the Côte d'Ivoire during the period from the introduction of the press law apparently guaranteeing freedom up to the time of the military coup in 1999. The courts have continually sanctioned newspapers which dared to speak out and in some cases have suppressed publications. Some of the most repressive cases have gained considerable notoriety.

- In May 1991, following the occupation of the university residences of Yopougon by armed military personnel, two journalists of the daily newspaper *Liberté*, Jacques Kacou, the Director of the publication, and Georges Koffi were imprisoned following the publication of the article, "Houphouet has lost his mind".

- In February 1994, following the publication of his article, "Letter of Kong to his brothers and sisters of Côte d'Ivoire", Ahmed Bakayoko, director of the newspaper, *Le Patriot*, was condemned for "an offense against the Head of State". He was freed only months later ion July 3, 1994.

- In March 1994, Aboudramane Sangaré, Director of the daily newspaper, *La Voie*, and four of its journalists were imprisoned for the "Offense against the Head of State" and condemned for inciting violence, civil disobedience and disturbing the public order. They were sentenced to three years of prison under guard. The sentence accused them of flagrant public violation which permits arrest without warrant and is usually applied to persons caught in the act.

- In 1995 General Ouassénan Koné, then Minister of Security, ordered the beating of the Director of the daily, *La Voie*, on the bare buttocks for the publication of an article by one of his journalists. The Minister declared that "In Africa when your honor is scoffed at, above all by a mere cadet, our customs demand that a severe beating be inflicted on him".

- Again in 1995, the director of *La Voie* and two of his editors were condemned to two years in prison under guard for establishing a link of cause and effect between the presence of the Chief of State in the stands and the defeat of the football team of the ASEC of Abidjan in the final of the Cup of Africa playing against the South African team Orlando Pirate.

In many of these cases of imprisonment, the publications were also suppressed. This history of threats, imprisonment and other brutal punishment of editors and journalists gained for the Côte d'Ivoire between 1995 and 1997 the sad record in "attempts against freedom of the press" of the second most repressive nation of Africa after Sudan.

Freedom of the Press in the Era of the Second Republic

The entry of the regime of Laurent Gbagbo in 2000 in many ways brought a greater respect for press freedom, but, with the emergency of the civil war and partition of the country in 2002 there were new forms of limitations.

Many thought that the coming of Gbagbo was welcoming a new era. In addition to the press announcements of Gbagbo and members of his government that the era of imprisonment of journalists was over, the new laws of 2004 affirmed that the television medium is free and removed many restrictive penalties on the press referred to above, especially Article 68 of Law No 2004-643 which stipulates that "the penalty of imprisonment for offenses of the press are excluded". What continued in force, however, were the legal restrictions in the form of monetary fines imposed on publications for the infractions of journalists employed by these publications. The new laws also imposed the condition that a new press enterprise must have a capital base of at least 5,000 francs (Article 12 of 2000-643).

A freedom curtailed by the civil war and the partition of the country

With the cout d'etat of 19 September 2002 and the division of the nation, the activities of journalists now became subject to the orbit of power of the two military regimes. In the areas of governmental control in the south the editorial offices were often sacked, journalists were brutally harassed and there were not a few incidents of killing of journalists. In the north journalists suspected of being pro-Gbagbo were threatened and humiliated by the rebel regime. In this period of civil war it is not surprising that there was much repression of journalist activity in both zones. Very few of the media of the South dared send journalists into the rebel zone. In the area of rebellion freedom of the press was practically eliminated, but freedoms were equally restricted the area of governmental control.

The violations of freedom of the press in the governmental zone during the civil war

The curtailment of journalistic activity during the civil war is best summarized by Méité Sindou, then director of the daily newspaper *Nord-Sud.*

In the history of the curtailment of freedom of the press (in Côte d'Ivoire)we have now passed a new threshold. Formerly under Houphouët we had a"paternalistic" repression. The "recalcitrant" journalists were transferred out to the military camp of Séguéla for a week of "mental straightening out". Following the events of 1994 Bédié reprimanded the impertinences of the press with imprisonment. After the *coup de'etat* of Général Guéi Robert, the head of the military junta, punished press criticism with beatings. Today, however, the henchmen of Laurent Gbagbo sack, destroy and burn the editorial offices of the press (M. Sindou, 2004).

During the rule of Gbagbo, the summary arrest and imprisonment of any journalist thought to represent the opposition was frequent. Many journalists were threatened with death warnings. More outrageous, however, was the burning and destruction of the editorial offices of many publications. The offices of *Le Patriote* and the daily, *Le Liberal* (with eight printing presses), were burned as also the studios and equipment of *Radio Nostalgie*. Not a few journalists were found dead in the exercise of their reporting activities, including Gonzeu Toué, correspondent of the Ivorian Press Agency, d'Antoine Massé, journalist with the *Courrier d'Abidjan* and Jean Helene, a correspondent with Radio France International, shot dead by a police officer. The French-Canadian journalist, Guy-André Kieffer, disappeared and was never found.

The state broadcasting system Radio and Television of Côte d'Ivoire, considered a strategic site for political power, was a scene of continual violence and violations and, from 2002 to 2009, underwent continual changes of management with four different teams of Director General. Throughout the period from 2004 to 2009 any hint of criticism of Laurent Gbagbo in the press, radio or television could mean imprisonment without warrant or legal grounds. At public events the police would destroy cameras and recording equipment of journalists at the least suspicion.

The punitive actions of the government in the post-election crisis of December to April, 2011

In the civil war that continued after the elections in December 2010, the media were often caught in the middle of the cross-fire. The newspapers and journalists seen to be in opposition to the government were the main targets. The daily newspaper, *Nord-Sud*, perceived to be close to the forces from the north, was occupied, but the journalists continued to send out their articles by email. On March 11, 2011, eight

dailies, seen as supporting the opposition were occupied. On February 4, the president of the national press council (CNP) was dismissed and the secretary general was forced to resign. They were replaced by journalists favorable to Gbagbo. Soon after, the CNP imposed a fine of CFA 1,000,000 for publishing a picture of a corpse with the scull blown off. The daily, *Le Patriote*, was fined CFA 1,000,000 for publishing gruesome pictures of the dead and accused of inciting rebellion.

With the end of the post-election civil war and the victory of Ouattara, a number of the daily newspapers have reappeared. A top official of Côte d'Ivoire's new government has assured Reporters Without Borders that it will respect media freedom. Coulibay, Ivorian ambassador to France said that the state broadcasting agency, *Radio-Television Ivoirienne*, (RTI) would have to be professionalized. But until peace returns to the Côte d'Ivoire fully, there are still threats of reprisals, and it is not likely that real press freedom will be restored.

An important condition of press freedom: the professionalization of journalists

Many of the leading journalists in Côte d'Ivoire would be the first to admit that it is not only repressive governments that threaten press freedom, but, unfortunately, reprisals are caused by a lack of a sense of responsibility among journalists themselves. Too often, the inflammatory statements with little news value set off needless disputes and vindictive action. With the return of multiparty democracy in the 1990s a number of the leading journalists attempted to improve the standards of journalism with the formation of the association, l'Observatoire de la Liberté de la Presse, de l'Éthique Professionnelle et de la Déontologie (OLPED), for the purpose of monitoring the ethical violations of journalists. To have an idea of the monitoring activities of OLPED, we have analyzed the cases of violations of the ethical codes from the 13 July to 6 September 2006.

Table 1: The list of cases of violations of ethical codes observed by OLPED from 13 July to 6 September, 2006

1.	Inciting to revolt, violence and crime	60 cases
2.	Abusive language	48 cases
3.	Inaccurate treatment of information	37 cases
4.	Inciting to tribalism, racism or xenophobia	26 cases

5.	Imbalanced treatment of information	12 cases
6.	Attempts against human dignity	10 cases
7.	Lack of respect for the spirit of confraternity	8 cases
8.	Inciting to religious fanaticism	1 case
9.	Attempt against good morals	0 cases
10.	Blackmail and "rackets"	0 cases
11.	Plagiarism	0 cases
	Total number of violations	250 cases

As one can see from the table above the most frequent violations are "inciting to revolt, violence and crime". This "violence in the media" is one of the most worrying aspects of the journalism of Côte d'Ivoire, and this has come to the forefront in the recent turbulent years of Ivorian history. Particularly notable in this respect are seven daily newspapers: *Fraternité Matin, Notre Voie, Le Patriote, Le Jour Plus, Le Nouveau Réveil, l'Inter et Soir Info.* Also noteworthy for the violent tone are the type of articles, namely, the editorials.

The aggressiveness of editorials and editorial journalism

The top four categories of the monitoring in the months of July to September 2006 reveal one of the principle problems of the press in Côte d'Ivoire, namely, the often irresponsible critical expression. This is often influenced by the links of these publications to political parties and factions. Almost always the excesses are found in the style of political infighting in the pages of these newspapers. As Dan Moussa, editorial director of the daily, *Fraternité Matin,* has noted, this illustrates the excessively politicized character of the Ivorian press. In this perspective, it is because of the emotional treatment of political issues that journalists of the Côte d'Ivoire incite national opinion to violence and defamation of their political adversaries. As I have commented in one my earlier writings:

> We are little more than mouthpieces for the political parties and specific political leaders. If the political leaders change their opinions, I observe that the journalists also change their line. We might expect that if the politicians throw petrol on the fire, we journalists would moderate the language in our writing. It is a question of ethics and journalistic principles which would bring us to take into our own hands what we may be able to do to bring about more peaceful and reasonable debate of public issues. We

> journalists should realize that that we also have a role in shaping the public discourse and bringing about responsible political decisions. Both political leaders and journalists have a mutual role in the politics of the country (Gnonzion, 2008, p. 178)

We must conclude that political leaders are drawn into their excesses, in part, because of the unbridled aggressiveness of certain journalists, as the editorial director of one of the Ivorian daily newspapers comments.

> A journalist should be able to write about politics without becoming a politician. If we journalists take on the role of the politician we are disqualifying the politician. If, at a given moment, we think that we must play the role of the political leader the politician can say to the journalist, "I have not asked you to substitute for me". From this moment the journalist takes up a role which is contrary to journalistic training and makes journalism politics...he should not become a politician and abandon his own profession (Gnonzion, 2008, p. 179).

Which newspapers showed the worst excesses in the OLPED monitoring

We have seen in the list of violations of OLPED above, for example, that "inciting to revolt, violence and crime" constitutes the most common violation in all of the newspapers. But this violation is not committed in the same degree in all the publications. Thus, one notes in Table 2 below that the daily, *Notre Voie*, is most given to this kind of violation with as many as 39 citations while *Le Patriote* had 34 citations, *Le Nouveau Réveil*, 25 citations. *Fraternité Matin* had only 19 citations and *Le Jour Plus* only 17. The daily, *Notre Voie*, is also at the top of the list for citations for "inciting to tribalism, racism and xenophobia".

Table 2: The distribution of journalistic faults committed by different daily newspapers.

Dailies	Notre Voie	Le Patriote	Le Nouveau Réveil	Fraternité Matin	Le, Jour Plus	l'Inter
Excesses Committed						
Inciting to revolt, violence And crime	39	34	25	19	17	14
Defamation	11	15	14	3	5	
Inaccurate treatment of information	19	5	2	1	5	4
Inciting to tribalism racism and xenophobia	11	5	2	3	2	
unbalanced treatment of information	5	3		1		1
attempts against human dignity	1		1			1
Lack of respect for the spirit of brotherhood	1	2	5			
Inciting to						

One sees also that the newspapers which are most cited for excesses are those which belong to or are near to political alliances or political parties. *Notre Voie* belongs to the FPI Party, *Le Patriote,* rated high in abusive language, is close to RDR, and *Le Nouveau Réveil,* also high in abusive language, is close to the PDCI, and is the newspaper which was rated high in "inciting to revolt". The government newspaper, *Fraternité Matin*, and the private newspapers *Le Jour Plus,* *l'Inter* and *Soir Info*, are much less cited for violations of journalistic codes of ethics.

Given the politicization of the Ivorian press, it is not surprising that the dailies close to political parties are the most incriminated by the OLPED monitoring . It may be possible, however, for a journalist to write in a newspaper of a political party and be a good journalist, that is, a journalist capable of maintaining a high level of critical analysis and follow strictly a code of ethics. To write in a political daily does not seem, then, to be a sufficient reason for not maintaining levels of journalism excellence. What impedes a journalist from living up to the norms of one's profession is something else. One does find in all of the newspapers journalists who show a high degree of professionalism, especially more experienced journalists whose careers began in an earlier period in Côte d'Ivoire

The role of the associations of journalists and press councils in press freedom

One of the main objectives of the journalist associations and press councils in Côte d'Ivoire, as elsewhere in Africa, is to work toward greater press freedom. It is widely assumed that a context of press freedom is a guarantee of a high level of professionalism. The explicit objectives of the National Press Council and the National Council for Radio and Television are to defend freedom and professional standards. To evaluate their activities, I would like to approach the question from the perspective of sociological analysis. A premise in this is that structuralist assumptions (such as those derived from the Durheimian tradition) which supposedly guide the good functioning of the professions are limiting and will never reveal the demands of high professional standards based on a strong ethics and the premises of a free press. The present analysis takes a different perspective for understanding the foundations of a profession, namely, the framework

of the experience and activity of the professional set forth by the sociologist, Erving Goffman.

The limitations of the functionalist sociology for understanding journalist associations and the problematic of professional ethics.

The problem of the social linkage

To ask what is the role of journalists' associations in the promotion of freedom of the press is, in some way, to pose the problem of the relation between the individual (in this case, a journalist), the group (here, the community of journalists and the institution of the press) and the Ivorian society in general. In other terms, the problem posed is to determine the factors influencing the adaptation of the individual to the rules of the group, that is, to the morals of the group. What is it that links an individual to the group and its norms? What binds a journalist to the institutions of the press with the values that these institutions presuppose? Why must a journalist be involved with and committed to the moral values of the community so that he or she subscribes to the ethical framework of that community?

The problem of the linkage of the individual to the group and its norms is not a new one in the social sciences. Durkheim, for example, maintained that "the social linkage is, above all, a moral bond". Morality, understood here in its broadest sense, sets out "the rules which govern the relations of the people who form the society". In this view, the moral rules "set the terms of the fundamental conditions of social solidarity" (Steiner, 2000, p. 18). For Durkheim, the division of labor becomes an indicator of the social solidarity of a community or society. That is, the system of law reproduces the principal forms of social solidarity. Durkheim, if one is to accept the argument of Steiner, subdivides law in two categories: the repressive law which has as its objective to prevent violations and punish and the restorative law which has as its objective repair the wrongs done and re-establish the original state of relations.

In the view of Steiner, Durkheim is here proposing, beyond the typology of law, a theoretical frame based on two types of social solidarity, mechanical solidarity and organic solidarity which support his conception of the role of law (Steiner, 2000).

> Mechanical solidarity corresponds to a society in which individuals are similar in the ways that all participate so that each individual has the same knowledge and the same intensity of identification with the common consciousness. The society (of

> mechanical solidarity has little knowledge of specialized tasks and there is, therefore, very little specialization. On the contrary, the society of organic solidarity is based on a differentiation of tasks and the roles of the individuals who perform these tasks. The existence of specialized subgroups within communities and broader social groupings opens a space for individuation, that is, for the existence of an individual understood as an autonomous source of thought and action.

In the view of Durkheim, the organic interdependence gradually becomes the foundation of one's belonging to the group, and the linkages of interdependence gradually become so important that these linkages become legal claims. Thus, following Durkheim, one can respond to the question of what is the basis of the journalist's sense of ethical obligation that ethical commitment emerges from the bond of the journalist to the association of journalists, the institutions of the press and to Ivorian society in general. Ethics can be assured simply by the existence of norms, rules, the law and codes of deontological ethics. There is much of the Durkheimian perspective in the view that simply by introducing codes of ethics in journalist associations, journalists will want to follow them. But, anticipating a prior question, does the mere existence of these norms imply an identification with them? Our discussion of the continuous violations of these codes in the context of the Côte d'Ivoire suggests that quite a different supposition is operating. The numerous laws and codes of ethics seem to have no significant effect. The continuous violations by journalists and others working in the media poses the question of how journalists are socialized into groups and come to accept the moral norms of those groups.

The moral reality according to Durkheim is something which is situated outside of the individual and is incarnated in something which is stronger than the individual (Jankélévitch, 2007). We agree with this appraisal that according to the functionalist, Durkheimian perspective the function of moral rules is to prescribe how an individual must conduct himself. But the existence of the rules does not in itself provide any guarantee of the conformity of the behavior with these rules. The moral norms can be prescribed by an authority above the individual. This authority can be an institution or a group of individuals which holds the power of decision and coercion of individuals. In the case of the institutions of the press, the authority prescribing the moral norms may be the national union of journalists, the group of editors of newspapers or even the team of editorial directors of a newspaper. But the existence

of an authority and the establishment of moral norms do not suffice in themselves to guarantee the application and execution of these norms. Indeed, Durkheim himself notes well that it is necessary that the sensibility of the agent (in this case, a journalist) be motivated. It is necessary that the rules be desirable, attractive before the journalist would be willing to accept the proposal of the agent. It is necessary that the authority and the agent attract the obedience of the journalist (See Jankélévitch, 2007). In this logic, the conditions of obedience may be introduced by the education of the motives and age of the purposes of the norms. Also important may be the social and institutional context in which the journalist finds himself/herself. Following this functionalist view of the profession and professionalization, the professional organizations of journalists have been created in Côte d'Ivoire. The presupposition is that certainly the _need_ for an organic, interdependent solidarity will be able to engage the social cohesion of journalists. Unfortunately, the functionalist "need" for conformity with norms does not actually generate such a conformity.

Toward a new paradigm of ethical responsibility based on the experience and activity of the journalist

In the pages above we have documented both the continued repressive action of government and, in the monitoring activity of OLPED, the irresponsibility and excessive politicization of much journalistic activity in Côte d'Ivoire. In spite of the declared intention of every new regime to respect freedom and, on the part of the journalism associations, to act more responsibly, both the repression and the irresponsibility of much of the press continues. How to explain this? Somehow, the recognition of the functionalist need for responsibility does not generate such responsibility.

The sociology of Goffman suggests a different perspective based on three axes: the individual interests of the journalist, the institutional framework of the profession, in this case, journalism, and the field of action. In this perspective, each of the three axes of action has to be understood in order to construct an explanation of how they interact among themselves. Unless we understand the motivations underlying the institution of the press, all attempts to introduce normative regulation and self-regulation will be in vain. Let us examine more in detail each of the axes of action indicated above:

1.   The motivations of the individual journalist: Every journalist has a biographical identity, the stamp of a primary social formation among family, friends and early school experience. This motivational structure

attracts a journalist into a particular life role. And, if you will, it allows the journalist to be seduced and flattered.   This motivational structure builds his or her focus on what is attractive in the situation. Each has his or her own perceptions of every situation, follows the norms according to individual understandings of the situation and has his or her own interests.

2.   The institutions of the press: If the institution of the press is directed by an editorial team which makes decisions in a top-down, vertical manner, without consulting those working at the bottom of the organization, without any participatory framework, it is not surprising that young journalists will not share the interests and objectives of the editorial managers. Many young journalists are involved in reporting only for the income it brings. They often do not understand well the purposes of their activity. They have no idea of the relation of the norms and principles of journalism to the purposes of the press institution in a supposedly democratic society. There is no institutional framework which might inspire them or motivate and mould their perception of the situation in terms of ethical norms. Left to their own perceptions of the situation, they do what they can with the means of discernment at their disposal. Weakened by the lack of institutional motivation and training, along with the uncertain conditions of work, with salaries judged ridiculously insufficient, dealt with by a generally dictatorial managerial style, the journalist arrives at the location of reporting as an object of easy prey for the system of clientelistic dependence that exists in most of Africa. In such a context, what motivations exist for them to identify with the ethical codes of journalistic associations?

3.   The field of action, namely, the interaction with the sources of information: The journalist arrives at the field of action, reporting, already weak in motivations and or even demotivated. The typical journalist often works with an underlying sense of bitterness toward the institution: the begrudging salaries, the hazardous conditions of work, the shallow professional training by teachers themselves interested only in the money in teaching, the lack of a sense of teamwork, and the lack of experience of participating in the newspaper enterprise. A given journalist will fall among colleagues of other publishing houses that may well be taken care of with resources for covering expenses or may be much more open to the "little brown envelope" that comes from sources.

In this context it is not surprising that a journalist does not have sufficient motivations to resist the pressures of the clientelistic system of politics and political information.

This kind of Goffman-based frame analysis helps to understand that the policies of regulation and self-regulation must go beyond the individual and must take into consideration the institutions that form part of the practice of journalism in a context such as Côte d'Ivoire. Journalists are responding not simply to their own ethical motivations but are measuring their own response to the situation in terms of what other members of the institution such as their journalist colleagues and editorial directors are likely to do. Journalists are also entering into contact with political leaders and leaders of the public manifestations who have interests and understandings very different from the journalistic occupation.

The "Reductionist Role" of the institutions of regulation and self-regulation of the press.

In Côte d'Ivoire there are a great variety of institutions for the regulation of the media. The National Press Council (CNP) supposedly oversees the print media while the National Council for Audiovisual Communication (CNCA) has the oversight function for the electronic media. The Telecommunication Agency of Côte d'Ivoire (ATCI) has been established for the new technologies of Internet and the mobile phone. The Higher Council for Advertising (CSP) also exists. And in addition to the government agencies of regulation, there is the body for self-regulation and monitoring, OLPED, discussed at length above.

For the government-based regulatory agencies such as the National Press Council (CNP), the basis for regulation are the laws establishing the codes of ethics and deontology. These agencies have the right, for example, to censure the daily newspapers. The central idea in all of this regulatory activity is that it is possible to control the professional practices and human behavior of journalists and others working in the media. If these agencies do, in fact, have the capacity to regulate those working in the media, how does one explain that, in spite of the many years of existence of agencies such as OLPED and the CNP, journalists continue to produce a press that does not respect the codes that are intended to give some guidance of responsibility for their activities. We wish in these pages to draw attention to the fact that in the area of human behavior, a search for an understanding of the realities these actors are facing appears far more important than the proposals to establish still more bodies of regulatory

control and self-regulation. What is important is the understanding of a social context that is not detached from the situation that media workers are facing. Above all, it is important not to see as a solution a reduction to a functionalist reasoning that predicts that if there is a rational need for regulation, then simply spelling out the norms in regulatory bodies is sufficient. We would agree with Aghi Bahi (2004) who has critically examined this reductionist aspect of the debate in Côte d'Ivoire regarding the issues of professional ethics and deontology. The studies of Aghi Bahi and of Blé (2000) point to the necessity of a much deeper analysis of the issues in the debate on ethics in Côte d'Ivoire. In this analysis, based on the studies of these authors, it seems much more convincing to deal with the question of the continuous violations of freedom of the press (in spite of each new government's promise of respect for freedom) not from a "top down". "external" perspective, but rather from inside the newsroom, the editorial process and the institutions of the press themselves.

One must add that the institutions of a free and responsible press are part of a much broader process of democratic governance in which elected representatives are expected to be monitored and held accountable through a professional and trained journalism. If these expectations are not being met, then the analysis must also take into consideration the factors influencing the weakness of the democratic political institutions Côte d'Ivoire as a whole.

Conclusion

We have noted from the beginning of this article that freedom of the press is a historical process. The degree to which this freedom is allowed and responsibly exercised is strongly conditioned by the general socio-political context, especially conditioned by the health of the democracy in the country. And for a democracy to function in a country it must be based not on "strong men" but on a leadership which is willing to respect the lawfully constructed constitutional guarantees of a country. This leadership must respect the credibility placed on them by citizens and with a respect for the common good of all the nation. The process of the freedom of the press in Côte d'Ivoire has known several stages each of which have been influenced by the changes and progress of a democratic political culture. If, under the system of single-party governance, it was virtually unthinkable to take up the question of civil liberties in the full sense, then much less was it possible to expect freedom of the press in that political context. To some extent, at least, respect for civil liberties and social responsibility

THE STRUGGLE FOR MEDIA FREEDOM IN CÔTE D'IVOIRE

of public officials improved at the proclamation of a return to multi-party democracy. The legalization of the newly emerging political parties, until then working clandestinely, added to the pressure for a nascent civil society at the beginning of the decade of the 1990s. This proclamation supported the juridical recognition of the freedom of the press with a series of laws passed in 1991. But this legal recognition of press freedom did not really function, in part, because political leaders did not know how to live and work with press freedom and, in part, because journalists and the owners of the press did not know how to use press freedom responsibly. The result was the continual repression, imprisonment and assassination of journalists. To some extent it was the initiation of the Second Republic with the coming to power of the Ivorian Popular Front that seemed to introduce a more mature respect for a free press within a greater respect for the democratic processes of accountability. One of the visible indicators of this maturity was the removal of the much criticized arbitrary penalties for "lack of respect" for the head of state.

Unfortunately, these moves toward a more workable, free and responsible press were introduced in the midst of a much deeper political problem of the north-south relations. The unfortunate option of resolving this problem with a civil war and the partition of the country into two zones—a zone controlled by the government and another under rebel control—disrupted profoundly the steps toward a more responsible democratic governance. The institutions of a free and responsible press, evidenced by the monitoring institution of the OLPED, were seriously weakened. The political turmoil of the civil war opened a space for an irresponsible politicized press that has continued to influence journalists and journalism so deeply. One must conclude that Côte d'Ivoire, like so many African countries, continues to struggle to establish a responsible and accountable democratic political system and a public media system operated by media professionals which can support a responsible and accountable democratic political system with its own responsible accountability.

(Endnotes)
[1] The first constitution of the Côte d'Ivoire of 1960 provided for a multi-party state. There were several political parties operating in the Cote d'Ivoire in the years after independence, but, in fact, the country was governed under a one-party system until 1990. Thus, one can speak of a return to a multi-party system even if this return has been forced by international political pressures, the manifestation of students and the emerging protests of the clandestine.

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Newspaper coverage of corruption issues in Nigeria

By Nicholas S. Iwokwagh and Herbert E. Batta

Abstract

This article reports a study of the importance the Nigerian press has given to reporting corruption in the Nigerian government. The analysis of the content of four major newspapers over a period of May 1 to December 31, 2010 attempted to measure the frequency and prominence the Nigerian press gives to corruption-related content. Findings show that Nigerian newspapers do not give significant prominence to corruption reports. In only a negligible percentage of the selected newspapers did corruption receive front cover treatment. It was also found that Nigerian newspapers tend either to ignore or pay least attention to the most central aspects of corruption, namely, legislative and administrative corruption. The paper argues that Nigerian newspapers need to aggressively mobilize public opinion on corruption by giving holistic treatment to all aspects of corruption, proposing preventive mechanisms and punitive measures. It is also recommended that Nigerian newspapers make consistent efforts at giving corruption reports the prominence they deserve with front page treatment.

Key words: Nigeria, press corruption, governance, Fourth Republic

Introduction:

In the Fourth Republic of Nigeria, issues of corruption have become a central problem in governance and public policy. For example, the formation of a number of anti-corruption bodies such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC) illustrates how much issues of corruption have been of concern to the nation.

Corruption has been a matter of particular worry to Nigerians because of its devastating and debilitating effects on the political, social

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and economic fabric of the nation. For instance, there is consensus among economists that corruption contributes to rising profiles of socio-economic crimes, hinders the influx of foreign investments, and constitutes formidable obstacles to democratic consolidation (Apter, 1987).

According to Kalu (1991) "poverty persists in Nigeria because of the mismanagement of resources and corruption ... found in the public sector."(p. 2). Kalu and many others argue that the widespread poverty in Nigeria and the gross mismanagement of public resources are direct products of the perennial corrupt practices that characterize public service in the country. The current policy discussions and economic research pose a series of important questions. Can Nigeria allow corruption to thrive in the body politic of Nigeria unchecked? How effective have anti-corruption bodies (EFCC, ICPC) been in exterminating the various forms of corruption in the government of Nigeria? Are there agencies other than the EFCC and ICPC that can help or have helped in the fight against corruption in Nigeria? If yes, in what capacity and to what extent have these agencies helped in the fight against corruption? What has been the impact of such efforts on the endemic corruption being experienced in the country?

Answers to these questions are high on the agenda of responsible bodies. In Nigeria's Fourth Republic the EFCC and ICPC, to the extent of their resources, supposedly have been in the vanguard of the fight against corruption. Some evaluatons, however, have suggested that the activities of these bodies have not been able to stem, in some significant, measurable way, the rising tide of corruption in the country. Important as the activities of these organizations may appear to have been, there have been heavy criticisms of their operations. For instance, it has been said of EFCC, particularly under Ribadu, that it was using methods of selective justice and that it was used as an agency to subject all anti-Obasanjo politicians and officials to a form of witch hunt. The ICPC has been accused of similar tactics. Public opinion has continually questioned whether these agencies have done anything significant to stop the monster of corruption in the country. At the same time, citizens in Nigeria are notoriously uneducated and unclear about their own obligations regarding corruption.

One response to the lack of effectiveness of these agencies is that they are relatively unknown, and public opinion is not putting pressure on the political leadership to make them effective. If public opinion and the civil society are not demanding more effectiveness, then one

can ask whether the media are doing their share to educate and motivate citizens to take a stand against corruption. The mass media have been identified as being very strategic in bringing transparency and accountability to the country. The anti-corruption role of the media has been clearly articulated in Section 22 of the 1999 Constitution:

> The press, radio and television and other agencies of the mass media shall at all times be free to uphold the fundamental objective contained in this chapter and uphold the responsibility and accountability of the government to the people.

By this constitutional provision, the mass media are given the social mandate *to hold the government responsible and accountable to the people.* This mandate implies that the mass media are legally empowered to investigate the level of corruption in Nigerian society and expose it. It also means that journalists have the obligation to make clear the violations by government officials to the people so that public opinion can be brought to bear on the actions of government officials. Kasoma (cited in Okigbo, 1994) has been particularly outspoken in this: "the mission of journalism and the press in a democracy is to expose incompetence, corruption, inefficiency, misconduct and misgovernance by the people in power…"(p.328). In other words, the mass media are expected in democratic societies to play a major watchdog role against corruption. They are to create awareness, conscientize, galvanize and mobilize public opinion against corruption. This they can achieve by stepping up surveillance against corrupt practices in the society, with the view of making public it's manifestations and occurrences. Perhaps, it is in the light of this position that Ujo (1981) observes that:

> …media organisations are expected to monitor the day to day activities in the country, educate the people to express their views and warn and advise the rulers through their editorial contents, by so doing, gain control of the public opinion (p.1).

Given the professional and moral obligations of the media, the central question is: to what the extent are the Nigerian media, particularly the print media, seriously combatting corruption, inefficiency, misconduct and misgovernance in Nigeria's Fourth Republic through their editorial content and news reporting. Before outlining the theoretical assumptions, objectives and methods of this study, it may

be helpful to review the discussion regarding the history of corruption in Nigeria. This clarifies the concept of corruption used in this study.

Historical Overview of Corruption in Nigeria

Studies have traced the origins of corruption in Nigeria to colonialism. Although the pre-colonial political organization may have had its forms of corruption, scholars have shown that corruption was an isolated or rare occurrence in the traditional Nigerian society (i.e. before the advent of colonialism). According to Dureke (2003):

> The advent of colonialism with its capitalist ideology. . . destroyed the cherished value systems of the people of the area called Nigeria . . . The egg of endemic corruption in Nigeria was laid by the British colonialists and nurtured by the indigenous bureaucrats who took over from the British colonialists (p. 90).

Dureke further observes that British colonialists were sophisticated and careful in their practice of corruption, attempting to insure that their activities left no room for suspicion. The coercive governance of imperialism favoring the interests of the foreign occupiers without any accountability to the native people was a governace inherently corrupt. The ideology of bringing the enlightenment of "civilizaiton" created a false scenario of innocence. Only in rare cases in which the actions of corrupt administrators threatened the interests of colonialism did her majesty's government resort to setting up judicial or administrative commissions of enquiry in which convicted officials were recalled by the home office from the colonies concerned. Falana (cited by Dureke, 2003) stresses the point that ". . . even though corruption was identified and criminalised by colonialism, administrative officials who engaged in corrupt practices in the colonies were never brought to book"(p. 91).

At the exit of the colonial regime, many indigenous leaders who were formed in the colonial bureaucracies with no accountability to the native people assumed positions of auhority and continued in the self-serving, exploitative practices. Without accountabilty to monitor the independence government, many deepened and entrenched the practices of theft of public resources. Evidence abounds that Nigeria's First Republic was lost to corruption. According to Adewale (1987), "The Kaduna Nzeogwu-led coup in 1966 was meant to rid the country of the political profiteers, the swindlers, the men in high places that

seek bribes and demand ten percent . . . those who have corrupted the society and put the Nigerian political calendar back by their words and deeds"(p. 89). To date, issues of corruption have continued to pervade all aspects of our social life as a nation. From one government to the next, and from military regimes to civilian administrations, Nigeria has witnessed a wide range of corrupt practices. In the Babangida, Abacha and Obasanjo regimes, governance gained special notoriety for corrupt practices. Even though Obasanjo's administration appeared to have prosecuted a considerable number of cases of corruption, the malaise has been on the increase. According to Ayua (2002):

> The history of Nigeria which is unfolding is rather a sad and pathetic one. Here is a country so beautifully blessed with more than enough material resources for all, and yet there is so much corrupt wealth interlocked with such abject and debased poverty… The situation has so deteriorated that Nigeria is now one of the poorest nations in Africa (p.1).

Mass Media and Corruption in Nigeria: A Critique
The mass media in Nigeria have played a continual critical role in the colonial period and have had an important role of surveillance of goverance since independence. According to Uchara (1997):

> Right from the formation of the press in Nigeria, the press position has been a glaring one on national issues. The most potent instrument used in the propagation of nationalist ideas and radical consciousness has been the Africa nationalist press (p. 8).

Rick (2002) further elaborates on the role of the media in the fight against corruption, particularly in Nigeria. According to him:

> The role played by the media in curbing corruption has proved to be extremely valuable. Often, reports on corrupt practices by government officials have provided the starting point for investigations, judicial proceedings or resignations. More broadly, media reporting has proved the level of pluralism and accountability in the society (p.22).

What is clear from Rick's observation is the fact that the media have been extremely useful in the fight against corruption in Nigeria by providing contextual information that often promotes processes of investigations leading to resignations from public offices. Landmark cases that quickly come to mind are those of Alhaji Salisu Buhari and

Patricia Etteh, both of whom held the position of Speaker of the House of Representatives, and Prof Adenike Grange, former Minister of Health. These public officers resigned their appointments on the evidence of corrupt practices reported in the media. The information that people in these positions would ordinarily have suppressed, but which the media made public through investigative journalism were key factors in their resignations. There is considerable evidence that the media have played an important role not only in the notorious cases of resignation indicated above but have contributed to achieving honesty and transparency in governance in Nigeria in general.

This analysis of the role of the media in the fight against corruption is predicated on two aspects of their investigative functions; their ability though surveillance, to investigate and report incidences of corruption, and their ability to create and raise public awareness on the causes, consequences and possible remedies of the menace.

Concept of Corruption

As a concept, corruption defies a universally accepted definition. Most authors define it within the ambits of their disciplines or through the filters of their professional inclinations. The most commonly accepted definition is that corruption deals with the actions or decisions of public or private officials that contravene acceptable norms, values and standards. More technically, this paper shall consider two definitions of corruption and shall propose a workable definition of the concept.

According to the Asian Development Bank (cited in Ayua, 2002), corruption refers to:

> The behaviour on the part of officials in the public and private sectors in which they improperly and unlawfully enrich themselves and/ or those close to them or induce others to do so by misusing the position in which they are placed (p.4).

On his part, Ayua, (2002) defines corruption "as the abuse of public office for private gain"(p.2). Further, he states that public office is abused for private gain when an official accepts, solicits or extorts a bribe. He also maintains that public office is abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. He is also of the opinion that such abuses can happen even if no bribery occurs, through patronage and nepotism, theft of state assets or diversion of state revenues.

A close look at the foregoing conceptions of corruption will reveal that corruption has to do with:
(1)   Unlawful appropriation of public funds;
(2)   Abuse of public offices for personal aggrandisement;
(3)   Patronage of public officers for the purpose of circumventing public policies;
(4)   Theft of state assets or diversion of public resources;
(5)   Soliciting for, offering and receiving bribes.

Based on these concepts, corruption has been defined in this study as the art or process through which public or private officials unlawfully appropriate funds, abuse their offices for monetary or material gains, influence public policies through patronage, steal state assets or divert public resources.

The theoretical assumptions in this study

Agenda setting has been known to be a cardinal function of the mass media. This is because the media have the ability to set before their audiences what to think and what to worry about. Media agenda setting according to Dominick (1993) refers to the ability of the media "to choose and emphasise certain topics, thereby causing the public to perceive these issues as important"(p. 12). This means, in other words, that the media determine, in very concrete terms, the social issues, events or persons that are able to gain society's attention.

In recent times, however, there has been a new twist to the concept of agenda setting: *framing*. According to Griffin (2000), framing suggests that "the media may not (only) tell us what to think about, they may also tell us how and what to think about it, and, perhaps, even what to do about it"(p. 366). This means that through framing, the media suggest to the people the perception of the event and whether urgent action is needed.Agenda setting theory is relevant to our study, particularly from the framing perspective, because it infers that the mass media, in our case newspapers, can bring Nigerians to accept social responsibility for dealing with corrupton. The media can contribute to the goal of a corruption-free or near corruption-free Nigeria by re-defining, changing and shaping the opinions, attitudes and behaviour of Nigerians towards corrupt practices This media can do via the perspectives and frames they give corruption stories.

A second assumption is that the media subscribe to the social responsibility theory and that this commits the media to serve the interests of people. According to Nwosu (1990), a newspaper that

operates with the tenets of social responsibility will have the advantage of serving better the particularistic information needs of the nation as a whole. McQuail (2005) sets down two basic commitments of the media implied in social responsibility theory: (1) enlightening the public to make it capable of self governance; and (2) safeguarding the rights of the individual by serving as watch dog on the government. This implies that the newspapers have the responsibility of preserving democracy by holding the government accountable to the people by serving as a watchdog regarding its activities. It further implies that the media have a legal right to expose the corrupt practices of the government and other institutions involved in corruption

The objectives in this study

Especially important in revealing corruption are the actions of the leading newspapers which set the pace of journalism, the *Guardian*, *Vanguard, Punch* and *ThisDay*. These newspapers were selected for the present study because they constitute the first four of the top ten newspapers in Nigeria in terms of percentage of national readership and circulation (*http://downloads.bbc.co.ukworldservice/trust/pdf*).

The focus of the study is the news content of these newspapers which provides convincing evidence of corrupt practices. Both daily and weekly editions of the chosen newspapers have been examined, during the period from May to December, 2010. The time seemed particularly significant because corrupt practices appear to gain special publicity at this time. It was expected that newspapers would give much more coverage on the topical issues of corruption.

The objectives of the study, as noted above, were the following:
(1)   Identify the corruption-related issues covered by Nigerian newspapers in the Fourth Republic.
(2)   Determine the frequency of newspaper coverage of such corruption-related issues.
(3)   Find out the level of prominence given to such corruption-related issues by Nigerian newspapers.

Method

This study adopted a research design based on content analysis The method was used because it is known to be "a powerful and highly reliable research tool, developed specifically for investigating problems in which the content of communication serves as the basis of inference" (Akpan, 1990, p. 301).

The overall population of this study was made up of all the editions of 69 daily newspapers (Udoakah, 2001) published in Nigeria within the study period. As noted above, four newspapers, *Guardian, Vanguard, Punch,* and *ThisDay* were sampled using purposive methods. It was judged too cumbersome and unnecessary to study all the dailies in circulation during the study period, which spanned from May 1 to December 31, 2010. Each of the four selected newspapers had 245 issues for the eight months study period, a total of 980 issues. A systematic sampling method was adopted to select the sample from the 245 issues using a sampling rate. Many scholars (Kerlinger, 1979; Babbie, 1990) accept or recommend a sampling rate of 20% for the purpose of determining sample size. In the light of this, 20% of the 980 newspapers was sampled. This yielded 196 issues of the four newspapers for study as sample, with each of the four newspapers contributing forty nine issues. The skip interval was derived by dividing the sample frame by the sample size: 196/49=4.The sample dates were picked at an interval of four, starting from May 1 and counting every four till the researchers picked the dates to represent the sample for each of the four newspapers. News stories constituted the unit of analysis in the sampled editions of the newspapers, while coding was achieved using four content categories: political corruption, financial corruption, legislative corruption and administrative corruption.

By *political corruption*, reference is made to the use of financial inducements to gain political power. It also refers to all aspects or processes of rigging of elections, falsification of results, and similiar categories. Therefore, all news stories that suggested these were coded in this category.

Financial corruption refers to all manifestations of financial impropriety. This includes actions such as bribery, over-invoicing, phony contracts, diversion of public funds, and other indicators of financial corruption. All stories that concerned these activities were coded in this category,

Legislative corruption refers to situations where legislators, members of state assemblies, the federal house of representatives and the senate are involved or implicated in matters of money laundering, embezzlement, bribery and a wide gamut of financially related crimes. Consequently, all news stories that made reference to these practices were coded in this category.

Table 1 shows a total of 260 corruption related articles within the study period. A rank order of the distribution shows priority aspects of corruption content. Accordingly, financial corruption content 100(38%) ranked first, while political corruption content 89(34%) ranked second. Legislative corruption content 43(17%) and administrative corruption content 28(11%) ranked third and fourth respectively. *Adminisrative corruption* refers to situations where administrative structures, decisions and processes are influenced by monetary considerations. It also refers to instances where due diligence and due process are neglected in the prosecution of administrative duties. All news stories which suggested these were coded in this category.

Results

An analysis of the contents of the four newspapers studied produced the data presented in Tables 1-6 below:

Table 1: *Prioriy Aspects of Corruption-Related Content*

Categories	Guardian	%	Vanguard	%	Punch	%	This Day	%	Total	Rank
Political corruption	23	30	21	40	24	35	21	34	89	34(2nd)
Financial corruption	32	41	21	40	23	33	24	39	100	38(1st)
Legislative corruption	10	13	7	13	14	20	12	19	43	17(3rd)
Administrative corruption	12	16	3	7	8	12	5	8	28	11(4th)
Total	77		52		69		62		260	

Table 2: *Frequency Distribution of Corruption-Related Content*

Categories	Guardian	%	Vanguard	%	Punch	%	This Day	%	Total
Political corruption	23	30	21	40	24	35	21	34	89
Financial corruption	32	41	21	40	23	33	24	39	100
Legislative corruption	10	13	7	13	14	20	12	19	43
Administrative corruption	12	16	3	7	8	12	5	8	28
Total	77		52		69		62		260

Table 2 shows the frequency distribution of corruption related content 260 items. A breakdown of the distribution shows that *Guardian* had 77(30%) items, *Vanguard* 52(20%) items, *Punch* 69 (27%)

items and *ThisDay* 62(23%) items. With regards to the categories, *Guardian* accounted for 23(30%) of the items, *Vanguard* 21(40%) items; *Punch* 24(35%) items and *ThisDay* 21(34%) items in the political corruption category. In the financial corruption category *Guardian* accounted for 32(41%) items, *Vanguard* 21(40%) items; *Punch* 23(33%) items and *ThisDay* 24(39%) items. Legislative corruption accounted for 43(17%) items. Of this, *Guardian* had 10(13%) items; *Vanguard* 7(13%) items; *Punch* 14(20%) items and *ThisDay* 12(19%) items. The last category administrative corruption had 28(11%). The distribution shows that *Guardian* had 12(16%) items, *Vanguard* 3(7%) items; *Punch* 8(12%) items and *ThisDay* 5(8%) items.

Table 3: *Prominence Accorded Corruption Related Content by the Guardian Newspaper*

Categories	Front page High prominence	%	Back page Medium prominence	%	Middle page Low prominence	%	Total
Political corruption	7	33	4	25	12	30	23
Financial corruption	11	52	6	38	15	38	32
Legislative corruption	2	10	2	12	6	15	10
Administrative corruption	1	5	4	25	7	17	12
Total	**21**		**16**		**40**		**77**

Prominence in this study refers to the placement of corruption content on the front or back pages of the studied newspapers for the purpose of attracting readers' attention. Corruption stories which appeared on front cover of the issues studied were categorized as high in prominence; those stories which appeared on the back cover of the studied issues were described as medium in prominence, while these stories which were buried in the inside pages were termed low in prominence. Corruption contents of the studied newspapers were therefore coded on the grounds of this categorization. Table 3 indicates that *Guardian* had a total of 77(100%) stories on corruption within the study period. Of this number 23(30%) stories were on political corruption, 32(42%) stories were on financial corruption, 10(13%) stories treated legislative corruption issues and 12(15%) items centered on administrative corruption. The data also suggests that *Guardian* gave corruption content low prominence within the study period. For instance 40(52%) stories on corruption were given middle page

treatment. Only 21(27%) stories had front page treatment (or were given high prominence). The remaining 16(21%) stories were given medium prominence by being given back page treatment. Put together, the number of stories on corruption which appeared in the middle pages 40(52%) of the *Guardian* outweighs those which were given high and medium prominence 37(48%). In other words, *Guardian* accorded low prominence to corruption content.

Table 4: *Prominence Accorded Corruption Related Content by the Vanguard Newspaper*

Categories	Front page High prominence	%	Back page Medium prominence	%	Middle page Low prominence	%	Total
Political corruption	3	25	8	53	10	40	21
Financial corruption	5	42	4	27	12	48	21
Legislative corruption	3	35	3	20	1	4	7
Administrative corruption	1	8	-	-	2	8	3
Total	12		15		25		52

Table 4 shows the distribution of corruption content by the *Vanguard* newspaper within the study period in relation to prominence. A total of 52 stories were identified. Of this number, 21(40%) stories were on financial corruption, another 21(40%) stories were on political corruption, legislative corruption accounted for 7(13%) stories, while administrative corruption had 3(7%) stories. In terms of page placement, 12(23%) stories were given front page treatment (high prominence), 15(29%) stories were given back page treatment (medium prominence), while 25(48%) stories were given middle page treatment (low prominence). However, when put together, *Vanguard*, unlike *Guardian*, gave weak prominence to corruption content. In terms of figures, stories that were accorded high and medium prominence 27(52%) had a slightly higher percentage over those stories that were given low prominence 25(48%).

*Table 5:*Prominence Accorded Corruption Related Content by the *Punch* Newspaper

Categories	Front page High prominence	%	Back page Medium prominence	%	Middle page Low prominence	%	Total
Political corruption	10	48	8	27	6	33	24
Financial corruption	9	42	9	30	5	28	23
Legislative corruption	2	10	8	27	4	22	14
Administrative corruption	5	16	3	17	8	17	8
Total	**21**		**30**		**18**		**69**

Table 5 shows that *Punch* had a total of 69 stories on corruption within the study period. Of these stories, political corruption had 24(35%) stories, financial corruption had 23(33%), legislative corruption had 14(20%), while administrative corruption had 8(12%) stories. With regard to placement of stories, 30(44%) were given back-page treatment (medium prominence) 21(30%) had front (high prominence) while 18(26%) stories middle page treatment, (low prominence). *Punch* unlike *Guardian* and *Vanguard* gave corruption content medium prominence. As the distribution shows, 30 (44%) stories appeared on the back page of the newspaper thus giving it medium status in the coverage of corruption. Put together, corruption content in (the high and medium prominent categories) 51(74%) far outweighs that in the low prominence 18(26%) category.

Table 6: *Prominence accorded corruption related content by ThisDay Newspaper*

Categories	Front page High prominence	%	Back page Medium prominence	%	Middle page Low prominence	%	Total
Political corruption	5	29	7	47	9	30	21
Financial corruption	8	47	6	40	10	33	24
Legislative corruption	3	18	2	13	5	17	12
Administrative corruption	1	6	-	-	6	20	5
Total	**17**		**15**		**30**		**62**

Table 6 shows that *ThisDay* had a total of 62 (100%) stories on corruption within the study period. A breakdown of stories shows that 21(34%) stories were on political corruption, 24(39%) stories captured financial corruption, 12(19%) addressed legislative corruption, while 5(8%) dwelt on administrative corruption. Distribution by prominence shows that 30(48%) stories had middle page treatment (low prominence), 17(27%) stories were given front page treatment (high prominence) while 15(25%) had back page treatment (medium prominence). Put together, stories in high and medium prominence categories 32(52%) were slightly over those in the low prominence category 30(48%). Therefore, it can be said that *ThisDay* gave corruption issues weak prominence. This was also the case with *Vanguard*.

Discussion

This study was conducted with three objectives: to identify the corruption-related issues covered by selected Nigerian newspapers in the Fourth Republic; determine the frequency of newspaper coverage of such corruption-related issues, and to find out the level of prominence given to such corruption related issues by selected Nigerian newspapers. Tables 1 to 6 present the data, which forms the basis for discussion and findings.

The data in Table 1 addresses the kernel of the first objective. It shows corruption-related issues that are covered by the selected newspapers. Accordingly, political corruption, financial corruption, legislative corruption and administrative corruption were identified as aspects of newspaper corruption-related content. A rank order of the coverage of these issues however shows financial corruption 100(38%) to be the first priority aspect of newspaper corruption content. Issues of political corruption 89(34%) ranked second, legislative corruption ranked third 43(17%) as a priority aspect of corruption coverage, while issues of administrative corruption 28(11%) were given least priority in newspaper coverage of corruption-related issues. In other words financial corruption is the priority aspect of corruption coverage in Nigeria newspapers while issues of administrative corruption are accorded least priority.

This finding suggests that Nigerian newspapers tend either to ignore or pay least attention to the coverage of issues that might be seen as the critical and crucial aspects of corruption: legislative and administrative corruption. Indeed, newspapers need to give issues of political and

financial corruption the utmost priority they deserve, these however, should not overshadow the coverage of equally fundamental aspects of corruption (legislative and administrative), which areas are preponderantly strategic to the on-going fight against corruption in the country. In other words, newspapers should give these four areas equal emphasis, in terms of coverage.

Data in Table 2 shows the frequency of distribution of corruption-related content. The distribution shows a total number of 260 stories within the study period. Of this, political corruption had 89(34%) stories, financial corruption had 100(38%) stories, and legislative corruption had 43 (17%) stories, while administrative corruption had the least frequency of stories 28 (11%). In other words, the four newspapers did not frequently report on legislative and administrative corruption as frequently as they did on financial and political corruption.

Tables 3 to 6 show interesting patterns of prominence the selected newspapers accorded corruption content. Table 3 for instance indicates that *Guardian* gave low prominence to corruption content, this position is clearly demonstrated in the fact that the total number of stories which were buried in the inside pages 40(52%) far outweighed those which were given high and medium prominence treatment 37(48%).

Table 4 shows that *Vanguard*, unlike *Guardian* gave weak prominence to corruption content. This assertion finds support in the fact that high and medium prominence corruption stories 27(52%) were slightly higher than low prominence corruption content 25(48%).

Table 5 however shows that *Punch* gave corruption content a relatively medium status. Of the total number of stories, 51(74%) were given high and medium prominence treatment while a paltry 18(26%) stories featured in the low prominence category.

Table 6 indicates *ThisDay*'s coverage of corruption related issues. Data shows that *ThisDay* gave corruption issues weak prominence. This is because stories in the high and medium prominence categories 32(52%) slightly out number those in the low prominence category 30(48%).

On the whole, it may be observed that the selected newspapers and by extension, Nigerian newspapers as a whole give only moderate prominence to corruption content. This conclusion is supported by the fact that most of their corruption content was buried on the inside pages; where they were given prominence, most stories were given

back page treatment (medium prominence) while high prominence (front cover) received least number of corruption stories.

In other words, findings of this study imply that Nigerian newspapers do not give what may be referred to as significant prominence to corruption reports; this is because a negligible percentage of their corruption content receives high prominence (front cover) treatment. Viewed from the context of the theoretical underpinning, it is clear that Nigerian newspapers have performed below expectation with regard to agenda setting on corruption-related issues. Newspapers also do not live up to their social responsibility of holding the government accountable to the people. This conclusion is also sustained by the finding that Nigerian newspapers not only do not give significant prominence to corruption reports but also do not fix responsibility for the corruption.

A similar finding was made in a recent study by the International Press Centre (IPC) in Lagos and the European Union (EU) on media coverage of four EFCC cases, ICPC activities and other corruption issues in 16 newspapers and magazines , four radio and four television stations (Ciboh, 2009). The study (Ciboh, 2009) " raised critical questions on the credibility of corruption reports, especially the tendency among reporters to make use of anonymous sources which suggests inability of newspapers to investigate and generate stories on corruption in line with their constitutional responsibilities" (p. 61).

If stamping out corruption in Nigeria is a priority of the government, and the media are ready to support and collaborate with the government's effort, they ought to give more prominence to corruption issues. This would help to create the required awareness that would set the public agenda on corruption. Nigerian newspapers, should, therefore, as a matter of urgency, assume more strongly their social responsibility of holding the government accountable to the public for their corrupt practices as prescribed by Section 22 of the 1999 Nigerian Constitution.

These findings also have implications for public policy, public action and public opinion. That Nigerian newspapers do not give significant prominence to corruption in government implies that they do not significantly support the government's own anti-corruption policy. To reverse this trend, they should evolve a deliberate policy to consciously give corruption issues the desired prominence. Again, by dumping corruption stories on the inside pages of newspapers, the Nigerian press is not likely to create the required awareness which would

mobilize public pressure to end corruption. It is therefore necessary for newspapers to set the agenda on corruption-related violations in Nigeria by repositioning coverage on these issues. Most importantly, Nigerian newspapers need to mobilize public opinion on corruption by giving holistic treatment to all aspects of corruption, offering concrete preventive mechanisms and punitive measures. Above all, reporting should fix responsibility for corruption on specific governmen agencies and individuals. This will stimulate public debate and discussione on how to deal with corruption in the body politic of Nigeria.

Conclusion

This research examined newspaper coverage of corruption-related issues from May to December, 2010 in the Fourth Republic of Nigeria. It assessed the priority aspects of coverage of corruption by the selected newspapers, determined the frequency of coverage and established the prominence of corruption reports. It was found that financial and political corruption were the priority aspects of coverage. It was also found that financial and political corruption had the highest frequency of stories, 100(38%) for financial corruption and 89(34%) for political corruption. It was also found that the selected newspapers and, relying on our sampling procedures, the generality of Nigerian newspapers, do not give significant prominence to corruption reports.

Recommendations

Emerging from the conclusions and findings of this study are the following recommendations:

- Nigerian newspapers should make deliberate and consistent efforts at giving corruption reports the prominence they deserve by regularly giving them front page treatment.

- Reports on corruption should be giving holistic treatment. Issues of legislative and administrative corruption are equally critical for national development and should be given the deserved attention.

- The Nigerian Union of Journalists (NUJ) should organize periodic training and re-training courses for journalists on the art and process of reporting corruption and corruption-related issues.

- Institutions of higher learning where journalists are trained should review their curricula to accommodate specialized reporting courses on corruption and corruption-related issues.

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Talking health: HIV/AIDS in Kenyan "toons"

By Levi Obonyo

Abstract

Cartoons do provide a much quicker means of communication, particularly in oral societies where illiteracy rates are high. It was our assumption that this means of communication would be considered a critical avenue for communicating serious health isues, particularly during times of crisis such as HIV/AIDS. In Kenya the HIV/AIDS epidemic has assumed perilous dimensions given the impact that it had on the Kenyan society. Kenya has a fairly lively media with nearly three million people accessing the print media in the country every day. This study sought to find whether cartoons were used as one of the means of communicating the HIV/AIDS message and, if so, then to investigate how these messages were communicated. The findings suggest that cartoons were not the predominant medium used to communicate the HIV/AIDS message and that, even in instances where they were used, there was not a sufficient degree of generalized application of the symbols leading to the capacity of recognizing the HIV AIDS message.

Key words: cartoons, health, HIV/AIDS, Kenya, development journalism, MaddMadd World, Gado

Introduction:

The infection of HIV/AIDS reached epidemic proportions in Kenya about a decade and a half ago, in the mid-1990s. At that time roughly 700 people died of AIDS every day (Mogambi, 2001). The teaching profession alone suffered an average of 15 deaths a day (Car-Hill, Katabaro, Katahoire, & Oulai, 2002). While information on many other professions was scant, anecdotal data from news media and studies in labor market trends (Fox, Rosen, MacLeod, Wasunna, Bii, Foglia, Simon, 2004), have suggested that sectors such as the armed forces, civil service, and the legal profession were also seriously affected (Achieng, 1999).

The impact of this on the workforce and on the ability of the state to provide social services to the public was immense. At the turn of the

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decade in 2000 patients suffering from HIV/AIDS-related infections occupied 70% of hospital beds (Okwemba, 2000). The trend has since declined somewhat following concerted efforts by the government to reverse it. At present, the group that is said to be at the highest risk is not the young and the single, but rather Kenyans in stable relationships (USAID, 2011). At the height of the HIV/AIDS epidemic, life expectancy dropped by more than 20% to 45 years[1].

The HIV/AIDS epidemic hit Kenya just at the time that other factors were affecting the economic status of the country. The United Nations' estimates indicate that Kenya's GDP "reduced by –0.3 in 2000 and [was] expected to worsen in coming years"[2]. In the later years Kenya has gone through many social upheavals with direct impact on the economy. For example, factors affecting economic growth negatively included the impact of public official's corrupt dealings that raised the cost of doing business in Kenya, the violence that attended the 2007 general elections, and the subsequent bloated cabinet and government employment. While there are many factors that have contributed to the emergence of this gloomy national economic picture, the HIV/AIDS infection is considered one of the major factors.

Part of the problem was the government's slow response to the problem. Although the infection was first reported in 1984 (USAID, 2011), it took the government three years to announce even the intent to launch a program to study the plague, and even longer for that program to take off. Following that, sections of society responded to the epidemic in a variety of ways, one of which was the advocacy strategy that the media adopted.

One aspect of that strategy was the introduction of cartoons dealing with the HIV/AIDS epidemic, a publicty approach particularly appreciated in Kenya. In the opinion of many, cartoons are a particularly effective form of communication. This paper is an examination of cartoons' symbolization of HIV/AIDS, and the contribution of that representation to the understanding and management of the condition.

The research (Singhal & Rogers, 2003) on health communication recommends immediate and rapid response to counter disease outbreaks. Arguin et al (Arguin, Navin, Steele, Weld, & Kozarsky, 2004), for example, credited rapid communication using all systems as effective in limiting the impact of SARS outbreak in Asia. Initial information on AIDS was minimal and in Africa was shrouded in myths and cultural veils. Subsequent to that, however, there was an

explosion of available information (Ondeng, 1993). Networks of communication systems, such as radio and television programming, soft and hard news articles in the print media, informal networks of communication such as public meetings and word of mouth in government and civil society circles, were used to counter the spread of HIV/AIDS. In Myhre and Flora's (2000) comprehensive review of studies investigating the role of communication in combating HIV/AIDS in about 25 countries, they reported that HIV/AIDS-related research took various forms including audience analysis, examination of channels of communication used in HIV/AIDS message transmission, content analysis of HIV/AIDS messages, evaluation of media campaigns, and measurement strategies of both the outcomes and effectiveness of media messages.

Although Africa is the continent most widely affected by the disease, this study found at its outset only two articles analyzing communication, one on Uganda and the other on Zambia. Much of the information available on the sociology of AIDS in Africa has been compiled by transnational organizations such as WHO and USAID. Since the Myhre and Flora study, however, at least two studies (Fox, et al., 2004; Agot, Ndinya-Achola, Kreiss, & Weiss, 2004) have looked at HIV/AIDS in Kenya, none of which focused on communication. This present study, unlike other efforts that assume a clinical perspective, focuses only on symbolic representation of HIV/AIDS in the media.

While research has covered use of visual communication in HIV/AIDS (Myhre & Flora 2000) there has been no analysis of the use of cartoons in the same field, although cartooning offers abundant opportunities for disseminating information on HIV/AIDS. Cartooning is one of the popular and convenient forms of presenting information to Kenyans especially because it is capable of breaking the boundaries of illiteracy. A variety of characteristics of the Kenyan society give evidence regarding the suitability and currency of an increased use of cartoons in national communication efforts. This East African nation with a population of nearly forty million has a substantial number of illiterate people for whom visual communication is the most appropriate form. But cartoons have other communication advantages. It is simple and quick, provides conversational talking points, and substitutes easily and simply for the complicated vocabulary of medical science (McCloud, 1994). As a consequence this study assumed that Kenya, as a developing country with a substantial illiterate population,

would use cartoons, as a form of visual communication, in transmitting information on HIV/AIDS.

The appropriateness of cartoon communication in Kenya

Given the status of Kenya as a developing country, the means of communication available to health officials is relatively limited. The broadcasting infrastructure and the government's budgetary capacity to invest in various sectors of information dissemination networks is also limited. Kenya is largely an oral society, and oral means of communication have both credibility and influence. As talking points, cartoons are a convenient way to initiate conversation on a subject such as HIV/AIDS, especially because anything related to sex is considered a culturally taboo topic. Given the cultural inhibitions, this is a subject hard to broach verbally. But cartoons, with their characteristic humor and abstract form, cut through this thick cultural barrier. Given these cultural limitations, cartoons in newspapers would seem to have considerable potential for transmitting information about HIV/AIDS. While the daily circulation of newspapers in Kenya is a little under 400,000 (Lukalo & Wanyeki, 2000), the combined circulation figures of the newspapers on weekends is over twice that number. Also, given the high "pass along rate" averaging fifteen readers per paper (Opanga, 2003), newspapers would appear to be a convenient way to communicate critical information dealing with subjects such as HIV/AIDS.

Newspapers in Kenya, as in many emerging democracies, subscribe to the practice of developmental journalism (Rowlands & Lewin 1985; Sussman, 1978). According to the philosophy of developmental journalism newspapers assume many development-related responsibilities such as education and national economic progress by highlighting government efforts to serve the needs of society. Although newspapers in Kenya lead in the practice of development journalism, all media, including broadcasting, give priority to national goals at times of national crisis. The HIV/AIDS plague certainly rates as one of Kenya's greatest crises. This has been reflected in the frequency of HIV/AIDS-related stories being carried in newspapers. A word check over a six-year period on the website of the *Daily Nation*, the leading newspaper in Kenya, returned more than 2,100 articles on HIV/AIDS. Given that the electronic version of the *Daily Nation* does not carry all the articles that its hard copy edition has, it would appear that the paper had, on average, a HIV/AIDS story a day. This is replicated in the other three English language newspapers.

The production of cartoons in Kenyan newspapers

The process of developing a cartoon for a newspaper in Kenya is a joint team effort involving either the editorial group, or the editor on the one hand and the cartoonist on the other (Harrison, 1981) such that cartoons on HIV/AIDS would involve input from both sides. As a result this study assumed that the editorial policy of Kenyan newspapers would frequently feature cartoons with HIV/AIDS themes. A further assumption is related to the appropriateness and effectiveness of the symbols cartoonists employ in presenting HIV/AIDS messages. An artist's symbols are drawn from the cultural context of their operation (Peirce, 1955; Hall, 1993; Barthes, 1972). Comparable to the use of verbal language, the artist, as a speaker, has the limited breadth of vocabulary available to him for communication purposes.

The choice over what symbols to use would be guided by the creator's assumed ability to communicate the reality that the artist intends. This study considered three newspapers each of which employed either permanently, or on contract, several cartoonists. Assuming individual idiosyncrasies that influence style, it was expected that there would be variances in the symbols they chose not only among the three newspapers but within the newspapers themselves. However, given that the cartoons targeted the same audience and had the same repertoire of symbols to choose from, they were likely to be similar. The symbols they chose would have been judged effective in communicating HIV/AIDS messages. As a result this study assumed that the symbols cartoonists employed were appropriate representation of HIV/AIDS for Kenyan society and would contribute to a better understanding and management of the condition.

Fig 1. Gitau's first cartoon reproduced here was published in *Tazama* in 1955.
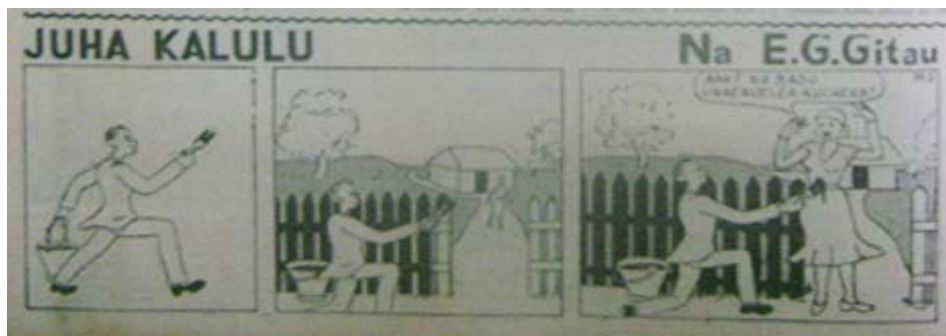
Cartooning in Kenya

Cartooning as a means of communication in Kenya is a recent phenomenon whose growth has depended on the development and circulation of print media and the largesse of newspaper editors. Indigenous comic strips first emerged about half a century ago with the birth of "Juha Kalulu" (Cf. Fig 1) . "Kalulu" is the creation of Edward Gitau, a former electrician who discovered his cartooning talent following a work place accident that left him with broken arms (Gitau, 2003). He first drew "Kalulu" for *Tazama*, then *Baraza*, papers that were both initially aligned with the colonial government before merging with the *East African Standard* (Scotton, 1972), which, although privately owned, was sympathetic to colonial government policies. When the Kiswahili newspapers ceased publication about 1960, "Kalulu" found a home in *Taifa*. "Kalulu" started out as a social comic strip featuring an obtuse husband. This early "Kalulu", like its contemporary, "Agutu", traded on literal translation of words for humor. Both the character Kalulu and his wife were poor but rather than focus on the misfortune of their circumstances, they used their low social status as a source of humor. Over the years Kalulu's family disappeared, to be replaced by the ubiquitous dog companion. With his dog, Kalulu wanders into the wild where his curiosity is satisfied by the adventures in the jungle. Gitau has employed a unique genre, adventure stories, which differentiate his work from editorial cartoons and other comic strips. Kalulu does not feature social commentaries.

In the early 1970s, Hirst, who previously taught art at the then Kenyatta College on the outskirts of Nairobi, teamed with Kenya's celebrated editor, Hilary Ngweno, to launch *Joe Magazine*. The cartoons in *Joe* were lively and engaged in social conversation setting the precedent that later cartoonists followed. These later cartoonists, however, were slow in catching on because of the limited opportunities Kenyan media presented. Still, Nairobi's lively newspapers attracted cartoonists from the region, the most prominent of which were Philip Ndunguru of Tanzania, Frank Odoi of Ghana, and James Tumiisime of Uganda. Ndunguru[1] is since deceased, but Tumiisime moved back to Uganda where he has had considerable success in publishing and in politics (Salahi, n.d.). Odoi is still a prolific cartoonist in Nairobi. In the last two decades, however, cartooning has attracted some Kenyans of considerable ability including Paul Kelemba, Stanislaus Olonde, James Kamawira, Joshua Nanjero and David Njuguna Karogu. Probably the most prominent of the current cartoonists is Godfrey Mwampembwa.

Fig 2. Kelemba's column of composite cartoons

Little research on cartoons has been done in Kenya, particularly with regard to the readership of cartoons. However, editors and cartoonists report a broad following of cartoons (Opanga, 2003; Odindo, 2003). For instance, Kelemba introduced a full page of composite cartoons in the *Daily Nation*, which he later moved to *The Standard* where the column is published in full color on Saturday (Cf. Fig 2). When the cartoon column was still being published in the Saturday *Daily Nation*, the paper led the Saturday *The Standard* in sales but that quickly changed when Kelemba's "It is a Madd Madd World" started appearing in *The Standard*. Both the executive editor of *The Standard* and the managing editor of the *Daily Nation* attributed this surge in *The Standard*'s circulation to "Madd World". Given the success of the cartoon, many other papers started replicating this strategy. Elsewhere, there has been a proliferation of the use of cartoons for civic education by the church and other non-government organizations, by the government in AIDS education, and by health institutions in public health campaigns. Kenya's anti-corruption department has used cartoons in its fight against corruption by commissioning cartoons that deal with corruption, or collecting those that have appeared in the daily newspapers for its use in their anti-corruption education programs. Generally, the use of cartoons in civic education is widespread even if there has not been a study to establish the extent to which they are used and how effective they are.

Why Use Cartoons?

Several factors make the use of cartoons attractive in a country with Kenya's demography. A lot of information on HIV/AIDS is by nature scientific and complex for the rural community and local dialects that have limited vocabulary in this subject area. It is a complicated and futile process coming up with dynamic equivalents in the local dialects that would communicate the same concepts. Cartoons, using symbolic language and visual images, circumvent that. Cartoons are also capable of quick communication. This suits Kenya's largely rural audience in at least two ways. First, they get the message at a glance but secondly, given the high "pass along" rate it reaches more people (Opanga, 2003). An article takes longer to read, may run on several pages, is only available to literate people, and uses complex vocabulary in a society where, generally speaking, English is learned as a third language. Cartoons are easy to pick out and are available at a glance. The fact that cartoons use humor to communicate cushions any harsh edges in a

message. This is particularly helpful in health communication and with communities among whom death as a topic is often avoided lest its discussion inadvertently invite ubiquitous evil spirits assumed to roam the dark. But further, cartoons are cheap, and at times posted everywhere, particularly within the precincts of health facilities.

The main media for cartoons are the four major daily newspapers: *Daily Nation*, *The Standard*, *People*, *Taifa Leo* and the weekly *East African*. The *Daily Nation* outsells the *The Standard* four to one. While the English language newspapers carry editorial cartoons every day, they also carry a rather large number of comic strips over the weekend. The Kiswahili language papers carry cartoons daily, but their cartoons seldom feature current affairs. As such these papers in Kiswahili were not included in this study.

The processes by which ideas for cartoons are initiated and carried through to publication tend to be the same in all the papers. Basically there are two ways. In the first, the editorial team, which does not include cartoonists (except at the then *Kenya Times*), may want the editorial cartoon commentary to feature a specific story or a specific angle. The editorial team will, in such a case, develop a cartoon idea, which the cartoonist will improve on and feature (Kamawira, 2003). As a general rule they will simply give the story to the cartoonists and ask him[2] to come up with an illustration. In the second approach the cartoonist will come up with an idea, draw the cartoon and pass it to the editors for publication. At the *Daily Nation*, the final word on whether the cartoon will be published rests with the managing editor or the individual he designates to oversee the production of the paper (Odindo, 2003). Whichever way, the editor usually has the last word on whether a cartoon will be published or not. In some of the papers, such as the *The Standard*, the editor may not have a day to day overseeing role of the cartoon, but that is with the understanding that the cartoonists tacitly knows the rules, where the boundaries lie, and abides by them (Kamawira, 2003). To that extent the editor may let cartoons be published without physically checking their content but, generally, the cartoonist knows well how to follow the editorial line (Opanga, 2003).

News Values and Cartoons

The values that apply to news selection are not different from those that apply to cartoons. Galtung and Ruge (1965) propose twelve factors influencing selection of news. Sande (1971) summarized those factors

thus: frequency, threshold, unambiguity, meaningfulness, consonance, unexpectedness, continuity, composition, elite nation, elite people, personification, and negativity. For an event to be rated as news, Galtung and Ruge argue, an event must rank higher on a combination of several of these factors. Rosengren (Rosengren, 1974) disputes Galtung and Ruge's theory arguing that, whereas some of the positions Galtung and Ruge present, specifically the frequency, the threshold and unambiguity are less contentious, the others are "either incorrect, dangerous from the point of view of falsification, or based upon false premises" (p. 145). But Galtung (1974), in a response, says that Rosengren "is only concentrating on some formal aspects of the approach, not on the precise content of these factors" (p. 155). Ahern (1984) suggests two research approaches that proffer other factors that may equally come into play.

The first, the social psychology paradigm, centers on the role of gatekeepers and assumes that the potential of an event appearing in the papers will depend on the gatekeepers' interpretation of the factors of news. The second approach centers on the role of economics and physical logistics of newsgathering, which, Ahern says (1984), emphasize "the economic and political conditions under which coverage takes place" (p. 218). But as Bagdikian (1983) and Trelford (2000) argue, newspaper ownership has a crucial role in determining not only what is included in the newspaper, where it is placed, but also how the chosen event is framed. Besides the factors already mentioned, the emphasis a government lays on its agenda, has equal force in determining what becomes news. While this tends to be associated with governments in developing nations, Western governments do appear to be equally and increasingly involved in putting emphasis on issues that they expect the media to cover. Thus, the notion of development journalism, while its theoretical proponents are based in the emerging democracies, in practice finds soul mates across the world of news. Some editors, particularly but not exclusively those in the developing part of the world, see their role as supporting the government of the day (Barton, 1979). Irrespective of how newsworthy a story may be, government officials may frustrate efforts to publish certain stories because they see them as open or implied threats to their power. These factors converge to determine whether a story qualifies for the pages of a newspaper. The same procedure, in varying measure, applies to selecting a cartoon.

HIV/AIDS as News

Using Galtung and Ruge's scale as well as Sande's scale, HIV/AIDS qualifies as a news event and, indeed, has been covered extensively in the media. While a search of the *Daily Nation*'s online archive returned over 2,000 links a similar search could not be done for the other papers, the now defunct *Kenya Times* and *The Standard*, since their websites do not support extensive searches. The *People* is not available on line. But besides coverage on the newspapers, HIV/AIDS has been extensively covered in the electronic media, particularly radio. Such coverage has taken the form of news stories and, especially, in sponsored educational programs promoted by international organizations such as UNAID, National Aids Control Council, the Ministry of Health and other state and non-state agencies. Some of these institutions have also sponsored drama and comedy shows on television that have contributed to the information bank on the disease.

Other means through which information on HIV/AIDS has been disseminated include posters along roadsides and market places, educational meetings and programs through churches and in the village meetings of chiefs. Events that have kept coverage of HIV/AIDS alive, besides information directly related to AIDS, include side bars such as turf wars among government departments over the control of AIDS purses. Other factors include disputes over alleged corruption in organizations dealing with AIDS, conferences on the subject, debates over the costs of the drugs and debates over social acceptability of promoting condoms as a prevention measure. Some brief information on HIV/AIDS that lends it social prominence may be in order. Kenya is estimated to have the ninth worst rate of HIV/AIDS infection in the world, a situation that led the country to declare the condition a national disaster, both events qualifying as news in their own right. Kenya's disaster status continues to make HIV/AIDS high-rated as news. About 14% of the population of Kenya either has the HIV infection or is living with full-blown AIDS (USAID). Some regions obviously are more affected than others. This widespread infection, and the emaciated look that attends the advanced stages of the disease, guarantee that newsrooms would feature the subject. It is estimated that literally every sector of Kenyan society is affected.

According to national estimates, at the height of the plague nearly 700 people per day died of HIV/AIDS related causes. In certain parts of the country there is hardly a village that has not recorded an AIDS-related death. There is hardly a Kenyan who does not have a relative,

however distant, living with the virus or who has already died as a consequence of exposure to the virus. Many families have been orphaned and are headed by children. Further the condition has had an impact on social structure. Previously in Africa, a social network existed that supported the elderly and the weak, but AIDS strikes the strongest in society, particularly ages 15-45 (KNLS)[3] that would otherwise form the bedrock of this social support.

In terms of a national base for human resources, the plague has struck at society's most productive sectors: the professional middle class. In some instances entire schools were forced to close down either because the teachers were dead or they were too weak to work or the kids were too busy providing for themselves to go to school. Other professions have just been as hard hit. Most African governments have been slow to respond to the plague or if they did, their response was ambivalent. This also has contributed to keeping HIV/AIDS on the headlines. A good example is that of the former South African president, Thabo Mbeki, whose initial opinion on the disease raised the opposition of the professionals in the field. Mbeki's strange campaign appeared to be simply an intellectual oddity in the debate on HIV/AIDS and provided a good opportunity for commentary. Other presidents had a more simple and less sensational response: denial and apportionment of blame. When this denial became difficult to sustain, it metamorphosed into theories of racial conspiracy attributed to the West's prejudiced perceptions of the Black race.

Such comments by government officials have often helped keep interest in the subject alive. An example, again from South Africa, is the claim by the then Health Minister Manto Tshabalala-Msimang that AIDS was treatable with garlic and olive oil. The debate about the moral issues connected with HIV/AIDS, particularly the church's initial response to HIV/AIDS also helped keep the subject in the news. Africa's approach to sex is conservative. Anything that gets churchmen to talk about sex in public is obviously of interest to social commentators. That HIV infection tended to be prevalent and associated with gay and hard drug consumption gave the church an apparent high ground. But the church could not continue with a cavalier attitude for long. A public debate about HIV/AIDS was set off by the ambivalent response by the Kenyan government. This was further magnified by the then President Daniel arap Moi declaring HIV/AIDS a national disaster but at the same time limiting accessibility to condoms arguing that free provision of condoms rather than offer a solution would

exacerbate the problem[4]. Moi's stand was buttressed by images of priests burning condoms in public. This is fodder for a cartoonist. Many factors have combined to elevate the prominence of HIV/AIDS as a newsbeat. If it is not news directly related to the disease then it could be the sideshows such as the failures of the government with respect to the limited services they offer, the human rights of victims whether at the work place, in getting insurance cover, and in getting equal treatment in society. Government actions, such as declaring the infection a national disaster, in debating the issue in parliament, in providing antiretroviral drugs, and in setting up VCTs (Voluntary Counseling and Testing Centers) all helped raise the subject on the editorial agenda.

Methods and Results

While the art of caricaturing has existed for a long time, interest in empirical analysis of cartoons is relatively recent. Studies of cartoons using semiotics in one form or another, although not numerous, now form a body of growing literature. Among the the most well-known is Dorfman and Mattelart's political analysis of the Donald Duck cartoons (1975). Others (Edwards,1997; Edwards, 2001; Morris, 1989a; Gilmartin, 1998; Morris, 1989b; Gamson, 1992; Hung, 1994; Carl, 1968; Penner, 1994) explore the use of cartoons as a form of social criticism. Briefly stated, semiotics is the study of signs and how they work. As Fiske (1990) suggests, the early models of communication were linear-oriented, depicting communication as a unidirectional phenomenon. But not all communication processes assume this format. Semiotics models communication, not as a linear process by which meaning is transmitted, but rather as a process through which meaning is read out of the narrative. The audience plays an active role in creating meaning from the observed symbols.

As noted above, the cartoons analyzed in this study were collected from the online archives of the three dailies. The editorial cartoons on the website are the same ones carried in the hard copy of the newspaper. The *Daily Nation* has the most complete online collection of past issues beginning January 1, 1998. All the online editorial content, including cartoons, are retrievable from the site (*Daily Nation* has recently redesigned their website eliminating easy access to their online data). The *Daily Nation*'s cartoons are also archived in the website of the paper's lead cartoonist, Gado. On Gado's website the cartoons on AIDS have been subcategorized for easy access. While the *The Standard* has a

website collection going back about two years, the site is not easily navigable. *The Standard* cartoons, however, were collected on a daily basis as they appeared and were stored. The now-defunct *Kenya Times* posed the greatest challenge for collecting their cartoons. The online edition was not consistently loaded every day, making the daily collection of the cartoons near impossible. Sometimes the editorial content was updated daily but the cartoon may have not been updated for a week or even longer. However, the cartoons from *Kenya Times* have been included in this collection on the basis that this study emphasizing the interpretation of the cartoon message, every cartoon contributes to the overall understanding of the message.

Fig 3. Distribution of cartoons by categories
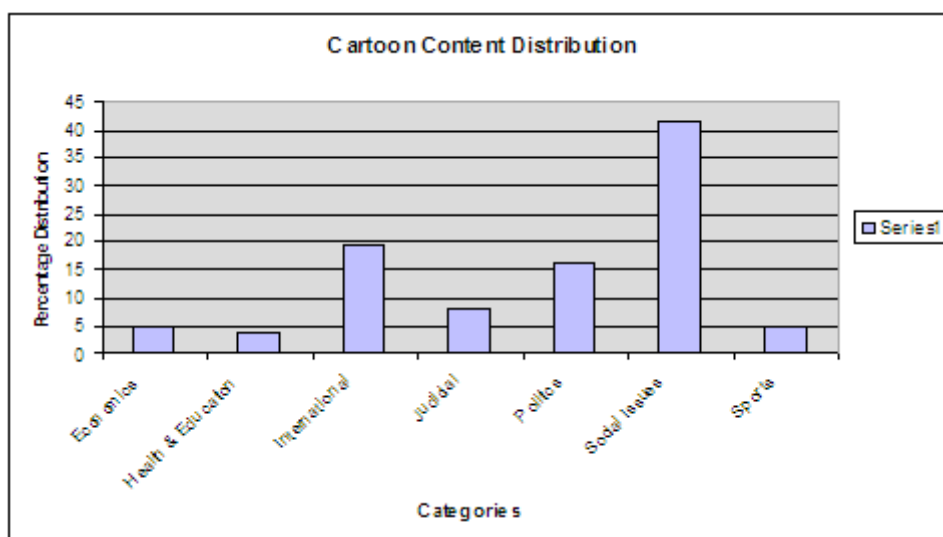
More than 3000 cartoons were collected and examined. These cartoons were first categorized broadly according to their featured themes. The majority of the cartoons, about 42%, were on social issues. The second category, nearly 20%, were cartoons dealing with international subjects. This was followed in third place by cartoons on politics, averaging slightly over 15%. The rest of the other content-sports, judicial matters, and economics-each averaged about 5%. Cartoons dealing with health issues all added together were negligible, adding up to only about 40 in number. This debunks my first

assumption that given the level of illiteracy efforts to transmit HIV/AIDS messages would utilize cartoons as forms of visual communication.

Forty cartoons out of a total of over 3000 is just slightly over one per cent of the published cartoons. Some of the symbols featured in these cartoons are also featured in cartoons whose central message has nothing to do with HIV/AIDS. These cartoons generally tend to develop a life of their own after appearing in the newspapers. Institutions involved in health services tend to use some of these cartoons or symbols already popularized by these cartoons to continue the same messages. Often, these organizations draw from the same cartoonists to spread their messages, and the cartoonists would draw from the same symbols to represent the realities they seek to communicate.

What are some of the predominant images of HIV/AIDS represented in the cartoons? These cartoonists employ grotesque images to represent the plague (Cf. Fig. 4). Three predominant images are common: skull, unidentifiable beasts, and skeletons dressed up in black. These images tend to be influenced by the theme that was current during the period of publication. For instance, at the height of church-orchestrated debate and protests on the issue, images of priests, young people and condoms are featured frequently (Cf. Fig 9). These images can also be categorized by themes which include educational, confrontational, debates, commentaries, cure, and comparison with other diseases, sidebars, and associated images.

Fig 4. Bush and Blair depicted fighting HIV/AIDS

It is estimated that the majority of Kenyans are familiar with information on HIV/AIDS but there is a lack of corresponding behavior change (Ondeng, 1993). Gado's cartoon depicting a bridge construction starting from both sides of the chasm but at different levels (Cf. Fig 5) captures the image appropriately. The awareness level is shown starting higher while the corresponding behavior change begins way below, denoting that it is impossible to successfully complete the process. Other cartoons in this category provide statistics of the infection, popularize condom use, suggest counseling and testing, offer caution regarding the challenges ahead represented by the passing of the torch. There seems to be little imagination on the part of the cartoonists on the educational role.

Fig 5. Although research indicate HIV awareness there is no behavior change
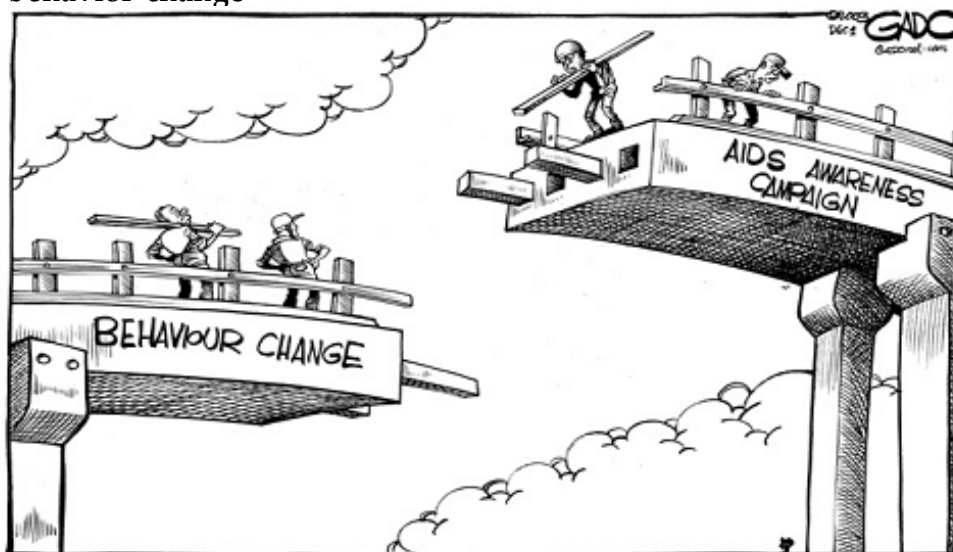
In the analysis of these cartoons, it must be assumed that the audience is informed by their context. These cartoons always appear in a communication context framed in a similar discussion and are often a commentary on that discourse. The initial instance of such discussion may have been a statement by some significant public figure, by news articles whether electronic or print, or by some social event. The uniqueness of the cartoon commentary is not the information but the

visualization of the commentary, the entertainment component, and the cartoonist's interpretation of the message.

The second category of cartoons, the confrontational ones, portrays mankind's response to the plague. HIV/AIDS is framed as a struggle between two forces: the constructive represented by humanity and the destructive manifested in the images of the beasts (Cf. Fig. 4). The beasts are grotesque. Some of the features that contribute to this grotesque include the uncharacteristic three eyes, extraordinary noses and sizes. In this the cartoonists are exploiting a time-honored manipulative technique of disproportional representation of selected features. But in this case the cartoonist exploits the format for presenting pictures by bleeding the images off the frame of the cartoon. This technique extends the imagination of the audience and probably simultaneously the magnitude of the problem. In all cases the danger is menacing, and is pitied against a society ill equipped to match it.

Fig 6. The challenge is often depicted as insurmountable

The constructive forces on the other hand are represented by images that are smaller(Cf. Fig. 6) and can be placed in categories of the international community, the organized civic groups, governmental efforts, the scientific community and the general population. In each case the symbols representing the efforts of the community are not

only feeble but tend to fade in comparison to the challenge they face. The use of a spear (Cf. Fig 7), for example, as an offensive technology is a commentary on the archaic nature of the tools society is employing and predictive of the outcome of the confrontation. The scientific community does not seem to fare better either: their instruments include, in one case, a crude axe and in another a syringe mounted on a canon. In either case they hardly make an impression on the infection. The efforts of the international community appear ineffectual in spite of the dollars at the command of the community. Other images include the depiction of AIDS in the form of flames consuming all that lay before it leaving the economy on the edge of a precipice.

Fig 7. Old tools for new challenges
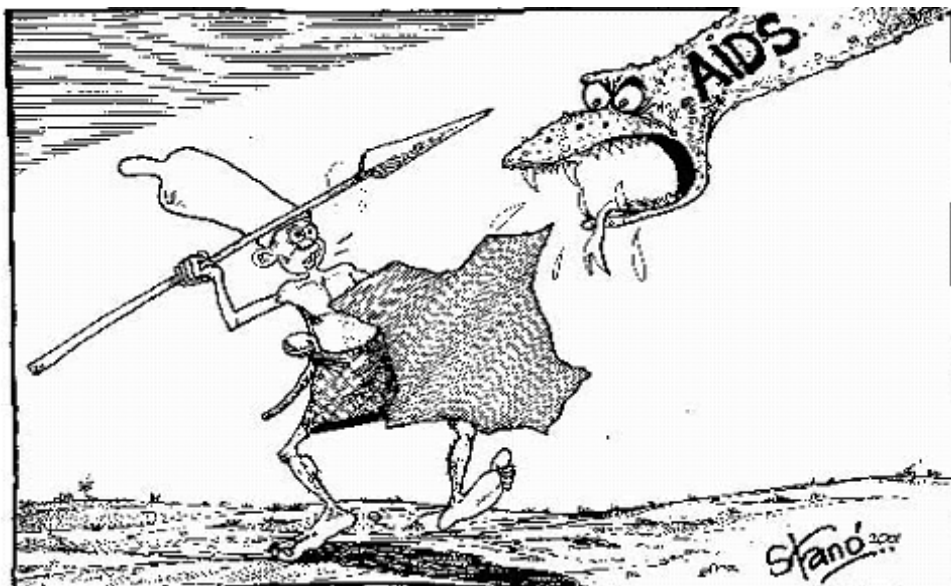
In general, the symbolic representation of confrontation with HIV/ AIDS does not hold much hope for society. The portrayal of the images bleeding from the frame make them much larger in the mind of the reader, probably to indicate the magnitude of the problem. And this may be the case given that society has not yet found a solution to the problem. However, this effort of representation does not account for the efforts that the scientific community has made in coming up with the retroviral drugs. Although ARVs are not a cure for the disease, they do offer relief for those afflicted.

Fig 8. The inaccessibility of cure

Closely tied to the message of confrontation is the symbolic representation of the lack of access to the curative drugs (Cf. Fig 8). These symbols are striking. The AIDS drug is in a sturdy bottle tightly corked. The size and the sturdiness of the bottle symbolize the extent to which the cure is out of reach. Poor Africa has only a short ladder that could hardly allow for scaling a quarter of the bottle. The symbol of the dollar is representative of the economic barrier that the continent faces in accessing the drugs. Most of Black Africa, living on a dollar a day, is not in a position to afford drugs. The theme of helplessness is perpetuated in these images.

The continuing debate about the disease offers an interesting selection of symbols. Unlike the earlier category of symbols depicting ordinary folks participating in the debate, in this case the framing symbols represent the general population as hardly participating at all. The proverbial head-in-sand bird symbolizes this message. The message appears to be that in the face of this dire situation the mass of African humanity is largely doing nothing in response. This symbolism could also represent the reluctance in the community to discuss the disease or even to change behavior in the light of the information that people have. While it is widely known that many of the patients who occupy hospital beds suffer from diseases that are associated with HIV/AIDS infection, it is noteworthy that their deaths

in the obituary pages, and during eulogies, are usually attributed to long illness bravely born. This could contribute to a preference to discussing the disease in symbols or to avoid open discussion of the topic altogether.

In the case of Kenya, probably one of the hottest debates is between the church and the larger society on whether condom use should be publicly advocated (Cf. Fig. 9). The church, but particularly the Catholic Church , holds the position that single people should abstain from sex, thus keeping them free of the infection. Once married they should be faithful to their partners thus avoiding any risks. This debate has often provided fodder to cartoonists. Again, it is a debate that offers little enlightenment as to the efficacy of either side. Its depiction in the cartoons makes a point, as the symbols representing infection are often alone, amused or laughing outright. And that probably is the point that the cartoonists wish to make, namely, that the focus on anything but the substance of the debate is seldom to the benefit of society. Generally, cartoons that seek to focus debate on policy succeed in showing how aloof society is to the problem.

Fig 9. There is a disconnect between the church's message and the audience

Debates on the side of an issue that nevertheless qualify as news given their magnitude and the prominence of the people involved offer an opportunity to educate society on the subject. However, this is usually an opportunity lost. The symbolic strategies employed in these cartoons amuse by using symbols that poke fun at the characters involved. Whereas the symbols may embody other AIDS-related

symbols, they lack educational purpose because they detract from the central message. Grotesque symbols are used not only to depict HIV/AIDS but many other social maladies and sickness. The same dressed up skeleton is used to represent many other plagues such as SARS and Ebola, and other social maladies including road carnage, computer virus, interethnic strife, terrorism, a coup d'état, crime in society and political feuding. This mixing of symbols pauses a problem in the effort in communicating the specific danger of HIV/AIDS when the symbols are interchanged. While most of these maladies, such as road accidents and corruption have remedies, HIV/AIDS does not and does not fall within the category of that symbolism. So there is a danger that audiences may confuse the symbols believing that since these maladies are manageable, AIDS too is manageable.

Conclusion

Cartoons have a function to play in society when used as part of journalism as they are in the case of Kenya. Given the oral and visual culture of this society cartoons are a medium that is useful for reaching the majority of the population. But in order to do that care must be used regarding the choice and construction of the symbols that are employed in representing the plague. The country probably faces no greater challenge than confronting HIV/AIDS. However, given the inadequate symbols that cartoonists use in representing the disease, the intended audience may not be able to read the intended message from the cartoons. The message tends to be confused and confusing because the same symbols used to represent HIV/AIDS are used in representing other social maladies. Our analysis suggests that the possibility that an audience may read a message that was not intended is very high. This confusion is there in the best of cartoon art. But the choice and depiction of symbols that cartoonists select in this case makes misreading the message even more possible.

Secondly, when symbols representing HIV/AIDS are constantly portrayed in large sizes, bleeding over the page they pose a danger that the readers will become even more convinced of the hopeless situation in which they find themselves. If such danger is magnified, it seems likely that the audience will focus on the magnitude of the problem rather than their ability to solve the problem.

Relative to other social concerns, HIV/AIDS poses one of the biggest challenges to the Kenyan nation. But in the medium that is well placed to communicate to the larger public, little is being done. Given that the percentage of cartoons that deal with HIV/AIDS is less than 5%. It is noteworthy, for example, that cartoon content peaks towards December 1, the world HIV/AIDS day, and then slacks off after that. For instance, between 2003 and 2005, when the new administration in Nairobi placed greater emphasis on HIV/AIDS, including appearance by the president in one of the commercials, *The Standard* newspapers did not feature a single cartoon on a HIV/AIDS related topic. In the case of the *Daily Nation*, the images have dealt with the sidebars in the effort to combat HIV/AIDS. It can thus be argued that cartoons have not played as critical a role in the media campaign against HIV/AIDS as they probably could play.

(Footnotes)
[1] BongoToons, http://www.vmcaa.nl/bongotoons/engels/pages/ndunguru.htm
[2] Kenyan cartoon scene is dominated by males – there is only one female cartoonist
[3] KNLS, Aids information unit, http://www.knls.or.ke/aids.htm
[4] http://www.aegis.com/news/afp/1999/AF991135.html

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Liberian pastors' communication about sexual behavior and HIV/AIDS

By Nancy A. Booker, Kristin L. Davis & Ann Neville

Abstract

In what little literature exists on local churches and HIV/AIDS, attention is rarely paid to the specific messages that churches preach, or the context within which those messages are disseminated. This article presents results of in-depth interviews with leaders of 8 churches in Yekepa, Liberia, regarding content and context of messages they disseminate to their congregations about sex and HIV./AIDS. Content of messages was nearly consistent across denominations. However, three tensions were identified within pastoral communication of these topics: the need to discuss sexual issues versus societal taboos against speaking about those issues from the pulpit; traditional versus current cultural norms; and the ideal of abstinence and fidelity versus the real sexual behavior of congregants. Pastors differed in their response to these dilemmas; Only the Lutheran church appeared to be openly addressing HIV and sexuality in public communication. Other churches addressed these issues, if at all, in private counseling forums.

Key words: churches, religious communication, HIV/AIDS, Liberia

Introduction:

Religious organizations have been identified as both resources and obstacles in the fight against HIV/AIDS in sub-Saharan Africa (World Health Organization, 2007). On the one hand, some scholars point out that even in the remotest, most inaccessible locations churches are regularly involved in key life events of their members and serve as sources of strength and support for them in times of need (e.g.

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Cochrane, 2006). Furthermore, churches constitute a central voice of moral authority in African societies and can speak credibly about abstinence, fidelity, and care for PLWHAs (people living with HIV/AIDS) (Parker & Birdsall, 2005). On the other hand, a number of scholars and practitioners have expressed concern that because HIV transmission is associated with transgression of religious values about sex, religious messages are likely to promote stigmatization of PLWHAs (UNAIDS, 1999; Susser & Stein, 2004; Rankin, Brennan, Schell, Laviwe, & Rankin, 2005). Moreover, churches adamantly refuse to endorse condom social marketing—the centerpiece of international HIV prevention efforts (Pfeiffer, 2004a)—on the grounds that such support is tantamount to sanctioning pre- and extra-marital sex.

Despite frequent and sometimes heated discussion of the topic, however, investigation into the part religion plays in HIV/AIDS prevention and care in sub-Saharan Africa is surprisingly sparse (Olivier, Cochrane, & Schmid, 2006; Trinitapoli, 2006; Miller, 2009; Casale, Nixon, Flicker, Rubincam, & Jenney, 2010). In two comprehensive literature reviews on public health, HIV/AIDS, religion, and stigmatization in Africa, for example, the most notable finding was that there was very little literature to review (Parker & Birdsall, 2005; Olivier, et al., 2006). In particular, little attention has been paid to what is happening in local churches, even though churches are clearly the category of grassroots organizations on the continent with the broadest reach (Trinitapoli, 2006; Sadgrove, 2007).

The purpose of this study, therefore, was to examine perceptions of church leaders in the West African nation of Liberia regarding content and context of teaching on sex and HIV in their churches, and to investigate whether those messages varied across denominations.

Literature review

The most recent estimates by UNAIDS place HIV/AIDS prevalence in Liberia among persons 15 to 49 at between 1.3% and 1.8% (UNAIDS, 2010). Although this is considerably lower than in much of eastern and southern Africa, it is still epidemic level. Furthermore, although the HIV/AIDS prevalence rate in Liberia leveled off around 1997, in the past three to five years it is showing signs of increasing again, and the estimated number of AIDS orphans in the country has doubled in the past ten years. Meanwhile, the percent of people in the country who need anti-retroviral therapy who are actually receiving it is less than 20% (UNAIDS, 2009).

In Liberia, as in most of sub-Saharan Africa, Christian churches are an integral part of the societal fabric. Approximately 69% of the Liberian population is now estimated to be affiliated with Christian churches. Of the remainder of the population, 19% are Muslim, and 12% are adherents of traditional African religions (Pew Forum, 2010). On the surface, at least, it would appear that Christian churches would be well situated to impact a large proportion of the population. Although we were unable to find any data regarding the communication Christian churches in Liberia are disseminating about sex and HIV, the rare data from other parts of the continent indicate that some pastors in the sub-Sahara are addressing sexuality and/or HIV in their preaching. Ninety percent of Ghanaian participants in Bazant and Boulay's (2007) study reported having heard their congregation leader speak about HIV. Trinitapoli (2006) concluded after researcher attendance of over 100 religious services that religious leaders in rural Malawi both Muslim and Christian talked about HIV explicitly and frequently.

In approximately 30% of the services they observed the leader made at least one direct reference to HIV or AIDS. Another 10% of services contained references to "illness" more generally, which were judged likely to have been interpreted by the listener as references to AIDS. Religious leaders promoted HIV prevention by encouraging "non-genital friendships" between males and females, stressing the idea that friendship does not require sexual involvement. A subsequent report by Trinitapoli (2009) indicated that over 88% of religious leaders in Malawi reported preaching about morality in general on a weekly basis, and over 70% said they addressed sexual morality, AIDS, and illness on a weekly basis as well. Even early in the epidemic, Orubuloye, Caldwell and Caldwell (cited in Trinitapoli, 2006) found that Christian and Muslim leaders in Nigeria reported regularly addressing the dangers of HIV by urging their congregations to avoid sexual relations outside of marriage.

Nevertheless, a significant proportion of African clergy appear to struggle with dilemmas in balancing theological understanding with resistance from their congregation members toward discussion of sexual topics (Eriksson, Lindmark, Axemo, Haddad, & Ahlberg, 2009). Pfeiffer (2004a) reported that in Mozambique HIV was seldom referred to in sermons except by euphemism. Condom use, too, was seldom mentioned openly (Pfeiffer, 2004a), and when it was discussed it was frequently cast in a negative light (Trinitapoli, 2006). Apparently this is

not universally the case, however. Several Christian pastors in Trinitapoli's Malawian study, said they had relaxed prohibitions against condom use, and at least one Kenyan religious leader interviewed by Authors (n.d.) also reported having preached a sermon in which he encouraged youth who could not abstain to protect themselves via condom use. Kagimu et al. (1998) reported similar shifting in viewpoints among some Muslim clerics in Uganda.

Beyond preaching from the pulpit, a few studies have examined interpersonal communication of religious leaders with their congregants in the form of home visits and counseling. Frank interpersonal communication by religious leaders about HIV appears to be common in some contexts; 95% of religious leaders in Malawi reported privately advising individual members to cease promiscuous behavior; over half report conducting "sexual surveillance" on a weekly basis (Trinitapoli, 2006). Tanzanian families reported welcoming the prayer and social support provided by the church leaders during home visits related to HIV, although a few stated that they resented the pastoral visits as they felt they signaled to the community that a family member had AIDS (Hartwig, Kissioki, & Hartwig, 2006).

Churches also infuse communication about HIV into other aspects of ministry. Parsitau's (2009) ethnographic research at the Deliverance Church in Kenya revealed that church leaders integrated HIV/AIDS education into most of the church's existing activities, such as Sunday school, baptism, camps, retreats, premarital and marital counseling sessions, Bible study, and prayer meetings. Other church health initiatives cited by researchers include mandatory HIV testing before marriage and inviting health professionals to speak in workshops, seminars, and Sunday services (Trinitapoli, 2006; Parsitau, 2009).

However, although some literature exists on *how often* pastors address sex and HIV, little literature is available on *what* they say and in what forums. As Sadgrove (2007) has observed that in what little literature exists on local churches and HIV, "attention is rarely paid to the specific messages that churches preach, or to existing world-views and values that determine the interpretation and application of such messages on the part of congregation members" (p. 119). In light of this paucity of research, we posed the following research question:

RQ1: What is the context and content of messages Liberian pastors say they disseminate to their congregations about sex and HIV?

With research into religious communication on HIV in its early stages, little has been done to examine differences between religious groups regarding content of messages about sex and HIV. It is clear that denominations differentially influence their members' sexual behavior (Krakauer & Newberry, 2007). Isiugo-Abanihe (1994) found that in Nigeria Protestant and Catholic men were more likely to have accurate knowledge of HIV risk factors than were Muslim men and adherents of indigenous religions. Protestants, especially Pentecostals, were less likely to say they had had an extramarital affair than were Catholics, Muslims, and members of indigenous religions. Pentecostals also reported lower alcohol consumption and were more likely to say they were abstaining from sex. Takyi (2003) found that Ghanaian Christians were significantly more knowledgeable about HIV than were Muslims or members of African traditional religions, but this superior knowledge did not translate into difference in behavior.

Comparing different Christian groups, Agadjanian and Menjivar (2008) found that members of mainline Christian denominations in urban Mozambique were more likely to have discussed HIV at an interpersonal level with other congregation members than were members of more marginal, independent denominations. However, these studies do not provide information about what characteristics of denominations might lead to these different outcomes. As a step toward understanding differences between denominational groups we posed a second research question:

RQ2: How do content and context of messages Liberian pastors say they disseminate to their congregations about sex and HIV differ between denominations?

Sampling

As a means of initially exploring these issues we planned to interview 10 pastors in Yekepa, in eastern Liberia. Christianity is the majority religion of Liberia. As noted above, about 69% of Liberians are Christian, 19% are Muslim, and the remainder are adherents of traditional African religions (Pew Forum, 2010). We aimed to interview pastors from the Christian denominations most strongly represented in Liberia including Methodist, Baptist, Catholic, Lutheran, Assemblies of God, Episcopal, Pentecostal and Church of the Lord (Aladura). We were unable to obtain interviews with pastors from the Methodist or Church of the Lord denominations. In the end we interviewed 8

religious leaders from 8 different denominations: United Liberian Inland, Pentecostal, Catholic, Assembly of God, Baptist, Lutheran, Episcopal, and interdenominational. Churches represented in the sample varied in terms of socio-economic status of congregations.

Procedure

Data were gathered in June 2010. Interviews were conducted in English and with occasional pidgin mixed in, and took 30 to 60 minutes. At the beginning of the interviews the researcher reminded interviewees of the purpose of the interviews and asked permission to audio-record the discussion. Pastors were then asked introductory questions about characteristics of their churches, and then asked to describe their teaching about sex and HIV.

Recordings were transcribed verbatim. Data for each research question were transformed into a matrix and analyzed by means of repeated passes through the content until patterns were identified (Lindlof & Taylor, 2002). Ethical permissions for this project and exemption from written informed consent were obtained from the Institutional Review Board of the University of Central Florida in the U.S. and the Office of Research, Publication, and Consultancy of Daystar University in Nairobi, Kenya.

Results

The purpose of this study was to determine what messages Liberian religious leaders said they disseminated to their congregations about sex and HIV/AIDS, and to compare these messages among Christian denominations. All respondents clearly stated that neither sex nor HIV/AIDS were discussed openly during sermons. However, across denominations leaders situated teachings about sex and HIV/AIDS as components of workshops and private counseling sessions.

Most Christian denominations incorporated various activities for parishioners throughout the week beyond the Sunday service, for instance the World Outreach church leader listed Bible study and choir practice on Monday evenings, prayer meetings and choir practice on Friday evenings, and rehearsal for praise and worship team and choir practice on Saturdays. Pastors explained that some of these additional activities provide space for religious leaders to discuss sex and HIV/AIDS with their members. Only the Catholic priest was a notable exception to this pattern, explaining that "presently we do not have any activities where we are involved in each other's lives outside of Sunday."

When asked to discuss a typical Sunday sermon, the majority of religious leaders across all denominations responded that they begin a Sunday morning with Sunday school, which often lasts for about an hour, and then they move to the main service. The pastor of a United Liberian Inland church provided details about his sermons: they begin with singing, testimonies from parishioners, choir singing, and then the offering. Afterwards, they have a session entitled "health talk" in which the pastor discusses with church members how best to take care of their physical bodies. Subsequently, the preaching begins, and then they close the service. Any issues that need addressing after the sermon are handled with individual counseling sessions.

When asked to elaborate on their "theology of sex" most leaders explained that they taught abstinence to their single adults and youth, and faithfulness to one's partner for married persons. Typical of this type of response was that of the Baptist pastor:

> We teach our people abstinence, and then we tell them the only
> way you will not contract [HIV/AIDS] is to abstain from illicit sex.
> We encourage the young to wait until they are married….
> Marriage is a lifetime thing, so we want our members to know
> what they are getting in to. We teach them to be faithful and to
> abstain because abstinence is the best thing….

Several interviewees began with positive statements to the effect that sex is a beautiful gift from God and should be used the way God planned. Without exception they said God's plan for sex was within the marriage bond. As the Pentecostal leader explained, "We teach the Christian ethics of sex, that sex is something that God has ordained. We teach that God intends for us to enjoy sex for good purpose, and it must be treated in a holy way. It also creates intimacy among couples. Sex outside of marriage God is against."

Although religious leaders in our sample without exception voiced a commitment to these standards of sexual behavior, they appeared to be negotiating three major dialectical tensions as they made decisions about communicating those guidelines to their congregations: a) the need to discuss sexual topics versus societal taboos against speaking about those issues from the pulpit; b) traditional versus current cultural norms; and c) the ideal of abstinence and fidelity versus the real of congregants' sexual behavior. Whereas the central tenets of teaching on sex did not vary among participants, their means of dealing with these attending tensions did.

Societal taboos versus need to discuss sexual topics

Many respondents began with statements to the effect that substantial obstacles stood in the way of open discussions from the pulpit related to sex. By their description, traditional African culture prohibits open discussion of sexuality. Typical was this response of the Pentecostal pastor:

> It is a tradition in our setting that you do not approach the issue of sex from the pulpit. True that issues of sex are in the Bible, but you have to choose your words carefully so that you do not offend people, if you must talk about it in the church.... It is extremely difficult to preach or even talk about [sex] from the pulpit because the perception people have is that sex is a secret and cannot be talked about openly.

Another issue that arose in a few interviews was the idea that many Liberians doubt the existence of HIV/AIDS. When asked about which types of HIV/AIDS issues religious leaders focus on when speaking to their congregations, the Lutheran minister stated,

> Our focus presently is on how it gets started, then the issue about care, which is a little bit deeper and takes time.... We focus on managing the disease and living a positive lifestyle even when you find yourself with the virus. A number of people in the community do not accept that they could be living with the disease; they believe that they are bewitched.... People have not learned to accept what they have been told medically. The other side of the story is that people are not willing to find out about their status. They fear talking to a counselor because this is a very closed community, and almost everyone knows everybody.

The United Liberian Inland pastor gave a similar response to the question of whether HIV is a big problem in Liberia: "As far as I am concerned, this is a big problem, but the challenge is that many people still doubt that it exists. But in my church we are aware that HIV is real. We have seen people die of AIDS; we have seen sick people, and there is no way around it."

Several religious leaders appeared troubled that they had not been able to break through the cultural barriers to talking about HIV. The World Outreach leader stated, "Issues of sex are hard to talk about in Africa, so I need to know how to do it in the church, especially. If only

we could get some pamphlets and other resources that can be used to pass on that information, then we can be better placed as the church leadership because, so far, my communication has been ineffective.

We should make it clear at this juncture that societal taboo was not the only reason pastors said they did not preach about HIV. Some church leaders defended their avoidance of teaching on sex and HIV by explaining that they needed to stick with strict Biblical teachings from the pulpit. For instance, the World Outreach leader described his preaching as "heavily Bible-based…. Basically, it is purely Bible-based teaching that we are carrying out." Similarly, the Pentecostal leader maintained, "We are a Bible-based church, and we preach from the Bible." "The Fundamental Baptist Church is not liberal," our Baptist interviewee related, "they are highly very much conservative and so they stick to the course of things."

Current versus traditional/urban vs. rural

Our interviewees regularly spoke of a clash between traditional African norms and newer, urban perspectives. Urban, younger church members were likely to hold relatively open views about sex and HIV; rural and older parishioners were traditional and conservative. The Liberia Inland pastor highlighted the difference.

> After the war, we are getting to be open to discussing [sex], but it is categorized. It is not discussed from the pulpit because the older folk will feel embarrassed. We have meetings from time to time to mix it up because if sexuality is discussed with the message from the pulpit, couples from traditional background feel embarrassed. So we conduct special workshops from time to time. Our greatest challenge is the means of communication. I want to talk about these issues, but the church is very conservative here. Because in Africa, mainly in Liberia, for a younger person to communicate sexual issues among older folk, it is very difficult. Even in church trying to explain things to the congregation, we are caught up in the issue of how to communicate this information with the fathers and mothers.

The Episcopal pastor agreed that discussions regarding sex or HIV/AIDS were not suitable topics for a rural community like his own: "We have tried to communicate about HIV from the pulpit because we attended a workshop in Monrovia that helped us to do that, but Monrovia is the capital city. Here in Yekepa, we are in a very closed

community so we have to see how best to incorporate these topics into our preaching." The Baptist leader argued that HIV is part of their mission, and even though they don't discuss it in sermons, on the national level teachings are held on the topic. "HIV is part of our society so it has to be talked about", he admitted, "but it is a different thing when you leave the city to come inland to talk about these issues because of the culture. Most communities are still very closed about talking about these things." A Lutheran minister who was trained as an HIV/AIDS counselor through the United Nations acknowledged,

> Our major activity is teaching awareness. HIV is a big issue in our community. Because of our cultural setting, culturally, the older folks think the younger people should not be talking about sex openly or even engaging in sex, and main issue of HIV/AIDS is sex. So if you want to discuss HIV you just first begin with sex. Culturally people find it as a problem to just talk about sex openly. At times when I talk about these issues, people decide to close their ears, and sometimes, people decide to walk away.

He provided the following example: "I was asked to do facilitation in Bomi County in 2008 and had to ask for the older people's permission. I had to ask if they would permit me to name the body parts. Since I was a pastor they said to go ahead, but you have to use techniques like these. Sometimes you may not be given permission so you cannot talk about there."

The reality of congregant behavior vs. the ideal of the biblical message

Although religious teaching on sex is sometimes construed as unbending and even naive, our interviewees expressed acute awareness that by no means all of their members adhered to church standards of sexual behavior. Several religious leaders expressed the desire to discuss these issues with their parishioners because they knew their members struggled with issues of sex and HIV/AIDS on a regular basis. For example, the World Outreach pastor stated, "We have been a victim because last year we lost one of our members who died of HIV/AIDS, and she left a child behind." This same pastor told the story about a young girl in their church who became pregnant, but didn't want her family or pastor to know, so she went to a doctor for an abortion. After taking the medicine prescribed, she "ended up dying, so our young

people need a lot of information on sexual behavior so that they even know where and how to apply it."

Even though leaders were aware that their parishioners engage in pre-marital sex, of the eight leaders interviewed, six were against the use of condoms for sex outside of marriage. Many believed that condoning condom use promotes pre-marital sex. Typical was the response of this Baptist pastor, "We do not encourage people to use condoms. It is just a promotion of sex outside of marriage. You can have sex anytime and use condoms, which is contrary to the message of abstinence."

However, the Pentecostal and Lutheran leaders both allowed for condom use among unmarried parishioners. "Let's be real here," the Pentecostal leaders stated, "I give them two options. If one is not able to abstain then use condoms; go ahead and use condoms, and if not, then abstain." The Lutheran minister, in fact, adamantly championed condom use.

> The church is 100% in support of condom use. If for any reason there is life-threatening disease, and there are other ways to prevent yourself, the interest of the church is to save lives; hence, we accept the use of condoms among those who are sexually active. You cannot put a stop to young people's desires, but you can encourage them to use condoms to avoid teen pregnancy, STIs, and HIV/AIDS.

Although the pastors we interviewed did not explicitly associate HIV with sin, the Lutheran leader raised the idea when commenting on why other denominations were not addressing the issues of HIV/AIDS:

> I do not believe that other denominations have the same understanding as the Lutheran church because Lutheran has looked at HIV as a threat to life as a whole, and she intends to help. That's why she is engaged in programs to help people. Other denominations don't want to talk about because they feel the issue is not scripturally based, and see it as a result of sin. Other churches need education to help them understand the issues around HIV/AIDS so they can help their members and their community. You cannot talk about what you do not know.

Across denominations, most religious leaders also argued that they had tried at different times to address issues of sex and HIV/AIDS, but they were not given the resources and support they needed from higher church levels, so they stopped altogether. The Episcopalian

leader acknowledged, "We started an HIV program in the Episcopal church but actually it is not active. All of the churches were asked to carry on awareness, but as you are aware, there are a lot of things that are going on in this country after the war, and it is hard teaching people to have self-control." The Catholic leader noted that they had been facilitating workshops in the local communities by having awareness days with the youth. The church stopped carrying out those activities a year prior, he said, because without financial assistance they could no longer afford to offer workshops.

Overall, with a few exceptions, even as religious leaders indicated some willingness to speak about sex to their congregations, most stated that they did not address HIV/AIDS during sermons. Most ruefully admitted that they should do so more often. Several pastors told the interviewer that her presence had led them to reconsider their stance. As the Baptist pastor noted,

> . . . this research is a wake-up call to us in church leadership to give this issue the seriousness it deserves. We need to adjust and see how to incorporate it in our teachings. I think we have avoided it for too long, yet it is part of our mission as a church. We can no longer shy away from it. . . . The Spirit of God lives in the human body, and the human body needs to be protected as well.

Discussion

Our results differ from findings from other parts of Africa indicating that many pastors are addressing issues of sexuality regularly (Pfieffer, 2004a, b; Trinitapoli, 2006; Bazant & Boulay, 2007; Trinitapoli, 2009). Among rural Liberian pastors we interviewed, few felt comfortable sermonizing about sex, and virtually none raised the issue of HIV from the pulpit. They stated that they infused messages about HIV through a range of contexts including premarital counseling, messages at weddings and funerals, youth meetings, and special speakers (Parsitau, 2009; Sadgrove, 2007). However, given the inclination of respondents to tell the interviewer that her questions had made them think about their teaching, we suspect that even in personal counseling sessions they may have addressed these issues less than they indicated.

The core content of the message our interviewees said they communicated about sex and HIV was consistent across churches and denominations: sex is gift from God, but one that needs to be used in

the right way, that is, only within marriage. Churches in our sample all taught essentially the same doctrine regarding sex. Only in one area did content of teaching about sex and HIV differ among our respondents. As in Kagimu et al. (1998) and Trinitapoli's (2006) research, two of our interviewees said they did not object to promotion of condom use "if one cannot abstain," whereas others voiced adamant opposition to that very position. Contrary to previous literature that predicts that openness to secular prevention messages is more likely in mainline as opposed to healing churches (Agadjanian & Mejavir, 2008), one of these pastors was the Pentecostal pastor.

All pastors described struggling with tensions when it came to communicating any information about sex and HIV, but their response to those tensions varied. At one extreme was the Lutheran pastor, and to a lesser degree the Pentecostal pastor, who had been educated about HIV and were actively looking for means to share their knowledge with not only their churches but also the community. Baptist, Episcopal, and Catholic pastors alluded to past denominational-level programs, some of which had withered due to lack of funding or interest. They, like the rest of our interviewees, were uncomfortable initiating such communication in their local churches, even as they were well aware that the epidemic had affected people in their congregations. In fact, pastors in our study seemed behind pastors in some areas of the continent (e.g. Author et al., n.d.; Parsitau, 2009; Trinitapoli, 2006) when it came to having the resources to deal with HIV and sex, a fact that some attributed to the long-running civil war in the country in previous years.

This study was limited by the nature of our sample. We interviewed only 8 pastors, so results cannot be generalized to all churches in sampled denominations. Nevertheless, as the institution with the greatest grass-roots reach in Sub-Saharan Africa, it is time churches were the subject of rigorous research. Understanding what they teach, how they teach it, and which factors make churches effective in translating that teaching into member behavior can enable both churches and public health agencies to better leverage their influence into effective HIV prevention.

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The media world of the poor and marginalized of Africa: *A review of the book, Popular Media Democracy and Development in Africa*

By Robert A. White

The editor and various authors point out correctly that research and debate about media, politics and development in Africa deals almost exclusively with the "elite media". The issues of media ethics, media freedom and democratizations deal almost entirely with struggles with the hegemonic political elites who are largely responsible for the political and economic stagnation of Africa. The popular media—the tabloids, the Nollywood films, popular music, street posters, reality TV—are treated like embarrassing step children that are kept hidden in the back room. As Wasserman comments, the "tabloids have been lambasted for their sensational content, homophobia and xenophobia, accused of diverting readers' attention from important news and stories about sex and gossip and providing entertainment instead of information" (p.2). Yet tabloid newspapers such as the *Red Pepper* in Uganda or the *Daily Voice* in South Africa are enjoying amazing popularity. The *Daily Sun* has by far the largest circulation in South Africa and is read by estimate five million people every day. The media poor may, in fact, may, in fact, live in a far richer and more creative media world than we think.

Wasserman and the seventeen leading African or Africanist media researchers contributing to this book argue that it is time to take the popular media seriously. A central question is how the popular media are articulating the voice and shaping opinions about politics and development of those who form the great majority in Africa. Are popular media just a quaint African oddity, or do they "feed meaningfully into a substantial political engagement?" (p. 4.) One view

is that the tabloids, for example, provide readers who feel excluded from the closed conversations of the elite media with the pleasure of seeing the establishment's pretensions "subverted, undermined or satirized" (p. 3)

Wasserman and the various authors take up a series of questions that are often neglected in African communication research. How do the popular media link the poor and marginalized to global political and economic trends and hybrid cultural movements? How do global popular formats such serial soap operas and music take an African shape? How do the popular media bring the people of the informal economy and back alley housing into major political movements, economic struggles and cultural identity debates of Africa? What do popular media contribute to the question of what it means to be African today? How do popular media link together the growing African diaspora around the world with "the folks back home", a theme that the elite media hardly touches. Is the spread of the new media, especially ICTs, liberating the discourse of popular Africa from the close surveillance of repressive governments that elite media must work under? Are the popular media, obviously a lucrative form of income for media moguls, simply entrenching the dominant neoliberal power formation, or do they feed into popular movements that make a difference at the ballot box?

A central objective of the book, however," is to engage with media studies on a theoretical level from the perspective of African experience" (p. 7). This would avoid the theoretical frameworks of the north, but rooted in a negotiation between local and global frameworks and experiences. Each of the chapters in the book attempts to explore a "sustained and open engagement between media theories developed in the Global North and theoretical perspectives emerging from encounters with African popular media" (p.8). What is attempted is "attention to the varied and complex ways in which media are produced, consumed and re-mediated "….in the various African contexts.

One of the best examples of this is the chapter of Audrey Gadzekpo on "Street News: the role of posters in democratic participation in Ghana". The posters are a collage of photographs, mainly current news events such as electoral campaign but also frequently accident themes or funerals of celebrities, with just a minimum of print headings. One finds the posters on an open wall of public places— usually with a cluster of commenting onlookers—but also in some

private homes. The street posters of Ghana take news from the mainstream media and translate them into the cultural world of the semi-literate Ghanaian of Accra. The captions are largely in pidgeon English or mixed in with the local *twi.* In contrast to the mainstream news which represent the current events with some balance, the posters highlight a popular folk hero who is performing according to the folk imagination and interests of the current popular discussions. A poster on the Obama victory shows the victorius American president winning a foot race with McCain One of the hottest selling posters celebrated the popular concert party comedian Kofi Adu, aka Agya Koo who was given a national award, the Order of the Volta, at a controversial national awards ceremony. While the mainstream media derided the award as a "dumbing down" of the prestigious national honor, the producers for the poster market considered this semi-educated actor in Ghanaian movies to be "a living legend" to be immortalized.

The power of the people to laughingly deride and satirize the elite views is evident in this and most of the other posters. Gadzekpo shows how the "framing" techniques of the posters are able to order a multitude of details into an image that the people of the street can enjoy, identify with, laugh with and celebrate their own authentic values. In every poster, the people are the winners. As one vendor explained, "it is what people are already talking about and what people want to see and read". The enjoyment is seeing one's own life meaning celebrated. Indeed, Gadzekpo describes the communication process as "meaning making" in that it helps the ordindary people who are continually put down establish the meaning ansd aspirations of their lives.

Winston Mano describes popular music as a similar process of "meaning making" from the perspective of the people of the streets. A typical example was the translation of the popular support for Zuma into a song, "Msholozi" that was "excluded" from the lists by the South African Broadcast Corporation but soared to 50,000 copies sold in a few weeks. In Kenya, popular music was a major form of mobilizing the people in the Mau Mau uprising and was a major factor in the downfall of the oppressive Arap Moi. The popular music takes international styles, but mixes them with local rhythms, instrumentation and formats. Winston Mano cites similar examples from Nigeria, Zimbabwe, Cameroon and other African countries. Popular music in Africa is everywhere and is what sustains and mobilizes the people in

reaction to repressive regimes is the popular music. What is so characteristic of music is that is an open text, asking questions and inviting the people to answer them.

Monica Chibita, with the final chapter in the book, sums up very well some of the major characteristics of popular media in Africa. Most popular media such as the Nollywood film industry operate in the informal economy and most of the leadership and key operatives are not professionally trained. They would not, for example, have degrees in communication from universities. They are almost universally a voice of protest against the concentration of power in a political elite, but usually in comical "laughing at", lightly ridiculing and satirizing so that it is not certain whether it is a joke or heavy criticism in order to escape the repressive action that is almost always taken against "disrespect" for heads of state or those associated with them. It is usually in popular, informal non official language and formats of communication. The heroes are all slightly comical so that they seem non-threatening. All this tends to locate their highly aggressive action outside the area of policing control which would almost be certainly taken against media in the more formal, "respectable" sectors of the political economic structure of society.

The present book is a most welcome addition to our theorizing regarding media, democratization, development—and socio-cultural contexts—because we have so little serious theory of media and socioeconomic-sociocultural contexts in Africa. The present book is an important "must" for students in Africa—especially for MA and PhD writers.

If there is any tinge of disappointment, it is the lack of a concluding synthesis chapter which would attempt to build on the theoretical reflections in each of the chapters. There is much material for such a synthesis in this book, and perhaps thus would have been the opportunity to go just a step further to do this. One is much aware of the great amount of editing work that went into this, and one wonders when another work in this direction is likely to be attempted. Building a stronger foundation for theories of media and socio-cultural contexts in Africa is a task that remains to be done.

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