Registering Reporters:
How Licensing of Journalists Threatens Independent News Media

A Report to the Center for International Media Assistance

By Steven Strasser

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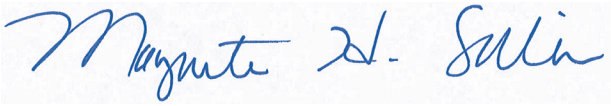
Preface

The Center for International Media Assistance (CIMA) at the National Endowment for Democracy commissioned this study about licensing and certification of journalists. The report examines the different methods used in many countries to certify journalists in order for them to work and analyzes how these practices affect the independence of news media.

CIMA is grateful to Steven Strasser, a veteran journalist and journalism educator, for his research and insights on this topic.

We hope that this report will become an important reference for international media assistance efforts.



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Executive Summary

How should a society choose those who can be entrusted with the power of the news media? For a time after World War II, many developing countries emerging from colonialism thought they had the answer: Governments should license journalists to support the crucial work of forging modern national identities. In a world of violently competing political ideas, these governments carefully vetted those who would follow the correct line. Freedom of the press was considered an unaffordable luxury. New countries attempting to find stability inside and outside of their borders needed a press that promoted patriotism, unity, and strong government.

Today the international landscape has changed. In a more global economy, propaganda and ideological wars have lost some of their edge. The mass media are losing their institutional exclusivity, breaking down into smaller niches and broader networks in which a lone operator can build the authority of a professional journalist. In short, the old media are on the decline. The new media, with their growing ranks of journalists powered by the Internet and digital communications, are on the rise. This is also, on the whole, a democratizing world, in which developing countries are giving more weight to openness and freedom of expression.

As a consequence of these modernizing forces, the issue of licensing journalists–at one time the subject of loud Cold War disputes–has lost some of its prominence. But it has not gone away and may re-emerge in a new form, as governments attempt to define the job of journalist in the Internet age. Those committed to independent journalism and freedom of expression should continue to pay close attention to licensing.

As most of the world now acknowledges, freedom of expression—including freedom of the press—is crucial to democracy and good governance. Any government policy that restricts that independence—including licensing—must be examined closely.

Licensing continues to thrive as one way (among many) used by governments to control the press. An examination of regulatory practices in more than 100 developed and developing countries found that in at least one out of every four, governments have a role in licensing—that is, in approving who can work as a journalist and who can not. In some cases governments merely set parameters for the job—minimum age, education level and national origin of prospective journalists. In others, governments explicitly issue press cards only to journalists certified to follow the official line.

Licensing exists in democracies that consider journalism to be a profession on the level of doctors and lawyers. It retains a place in many Latin nations, where journalists themselves fight for laws that keep their profession strong and exclusive, enhancing their bargaining power against publishers. It still plays a role elsewhere in the developing world, where governments

feel they must control the power of the press as an element of their countries' domestic and national security. It helps Arab governments keep control of their populations. And its echoes still help shape media policies in some of the remains of the communist world.

If anything, the inclination to define who is a journalist may grow more tempting for governments. The question is gaining more importance in Western countries that have adopted shield laws to protect journalists from revealing confidential sources. In the United States, for example, a debate already is developing: Who is, and who is not, a "journalist" eligible for this protection? Similar questions are emerging everywhere as Internet communications expand. Among the growing masses of bloggers and online news providers, who deserves to be recognized as a journalist and who does not? And who should have the power to answer that question?

Although governments may feel that only they can give the answer, the ultimate principle must be clear: To the extent government licensing policies interfere with a free press, they also damage freedom of expression. This study concludes that organizations of journalists themselves are best equipped to regulate the ethical and professional standards of journalism, whether in the old media or the new. Media laws in particular need rethinking. In many developing countries, the laws on licensing must be brought into line with international conventions on free expression. Most laws still do not include formal restrictions on Internet journalism—and it should stay that way. Governmental and non-governmental organizations can best contribute by providing high-quality education to aspiring journalists and seasoned professionals alike.

As most of the world now acknowledges, freedom of expression—including freedom of the press—is crucial to democracy and good governance. Only if news media maintain their independence can they play a watchdog role in society. Any government policy that restricts that independence—including licensing—must be examined closely.

Introduction

Governments have many ways to control the press. They can own it outright, permitting only official publications to circulate—or they can all but own it, licensing only broadcasters and publishers who stick to the official line. They can censor the news by approving or rejecting reports before publication. They can control the access of journalists, accrediting reporters to see only the official side of the story. They can grant access only to sympathetic reporters. Or they can control access to the journalism profession itself, allowing only cooperative reporters to work in the media.

This report concerns that last strategy: the range of government policies that determine who can work as a journalist and who cannot. Broadly considered, these are all forms of licensing. In some cases, governments license journalists as they would any professional with specialized skills, issuing documents that authorize reporters and editors to work in the profession for a period of time under specific performance standards. In many countries, the licensing requirements are more subtle. Some governments require journalists to be graduates of approved educational institutions. Some require journalists to join approved unions or other associations in order to practice their craft. Some define journalists in terms of age, education and citizenship record. In all such cases, the government comes between the employer and the journalist, shaping who can cover the news.[1]

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The modern theory of licensing journalists dates to the Cold War and to the emergence of new nations in Africa and Asia after World War II. The idea itself no longer generates the passions that it did in earlier days, yet licensing policies have not gone away—and may be gaining momentum at the dawn of the digital age. A few developing countries, including Nicaragua and Zimbabwe, continue to license their journalists to practice. In many Latin American countries, journalists themselves—seeking to increase their collective bargaining power–support national laws requiring practitioners to have journalism degrees. In much of the Arab world, governments and approved syndicates certify those who may practice as journalists.

It is easy to understand why governments cling to the power to license. It is the power to shape the national agenda, to provide the raw material of history books—in short, to dictate the news. Some governments, including Uganda's, see control of the press as a critical ingredient in their nations' domestic tranquility and foreign relations. Beyond simple power equations, controlling journalists still plays a role in some countries' development plans. Licensing is one way to increase the level of education and expertise in a country's corps of journalists. In Rwanda,

for one, raising the standards of professional journalism is seen as a way of preventing a repeat of the genocide that took place in 1994, when media outlets encouraged the bloodletting.

Licensing retains a role even as more nations accept the two great international beacons of individual rights–the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights–both of which include passages endorsing the freedom of expression. These foundational guarantees of independent journalism already are widely accepted everywhere in the world. Nonetheless, putting these guarantees into practice remains a major challenge. Some governments see no contradiction in endorsing free expression while at the same time restricting who may express themselves freely as journalists.

In the twenty-first century, a new impetus is at work. Governments today, even in the developed world, are considering ways to certify journalists they consider to be legitimate. This comes at a time when journalism is fragmenting, losing its exclusivity, slipping from the hands of professionals, increasingly practiced by crowds, spread virally via cellphones, and changing in many other ways that are difficult to understand.

One predictable government reaction to all this confusion is to come up with ways to define who is a journalist. A Michigan legislator introduced a bill to voluntarily register journalists in the state who meet certain standards of education and professionalism. The initiative was symbolic, with no chance of passing into law, but it received significant attention around the world, an indication that more such efforts will follow. The Michigan legislator was not alone in his confusion over the future of mass media. As the journalistic profession changes so rapidly, the challenges governments face in trying to control—or at least deal with—the press have multiplied as well.

A Brief History of Licensing

The licensing regimes in place around the world today date to a more activist era in the history of mass media. In the early years after World War II, new nations were taking shape in postcolonial Africa and Asia, each searching for its place on a stage dominated by the growing confrontation between the United States and the Soviet Union. By force of numbers alone, this emerging Third World found its voice in another new institution, the United Nations, founded in 1945 to help keep world peace and foster international cooperation.

If these disparate nations found any agreement on global issues at all, it was under the banner of anti-imperialism. They rejected the dominance of former colonial powers, and promoted the idea that the new world order would give a bigger share of riches to former subjects who now were gaining independence and power.

The new governments wanted a stronger voice in global affairs. They staged a major campaign to level the playing field between North and South through the United Nations Educational, Scientific and Cultural Organization (UNESCO). By the early 1960s, UNESCO officials were hailing the rise of indigenous information agencies that were at least supplementing Reuters and other British agencies in the old colonial world. These included the Middle East News Agency, the All Africa News Agency, the Nigerian National News Agency and many others. "The development of information in the young countries depends to a great extent on the development of national news agencies," wrote UNESCO official Hifzi Topuz, a Turkish journalist and academic.[2]

In the 1970s, UNESCO staged a series of meetings on information policy. In 1977 UNESCO leader Amadou-Mahtar M'Bow, a Senegalese educator, formed an International Commission for the Study of Communication Problems, chaired by Sean MacBride, winner of both the Nobel and Lenin Prizes. The MacBride Commission set about developing a "new world information and communications order" intended to broaden the representation of the world's media.

The MacBride report, published in 1980, read like what it was: the product of a broad-based committee of competing voices. In one section it called for the independence of journalists, reporting the view "widely held in the profession itself that measures for special protection could result in journalists being guided and watched by representatives of authority, so that it might be harder rather than easier for them to do their work."[3] In particular, the report criticized "licensing schemes," which "might well lead to restrictive regulations governing the conduct of journalists; in effect, protection would be granted only to those journalists who had earned official approval."[4]

At the same time, many commission members had ideas about what kinds of journalists were needed to accelerate the new world information order–and these news gatherers would not be dispassionate, independent observers. The final MacBride report called for strong national news agencies and urged formation of media councils to monitor journalism. In particular, it proposed consideration of an "International Centre for the Study and Planning of Information and Communication" under UNESCO.[5]

In its most controversial section, labeled "democratization of communication,"[6] the MacBride report advocated open governments, free expression, and a strong role for the media in the fulfillment of human rights. "The media should contribute to promoting the just cause of peoples struggling for freedom and independence and their right to live in peace and equality without foreign interference," the report stated. "This is especially important for all oppressed peoples who, while struggling against colonialism, religious and racial discrimination, are deprived of opportunity to make their voices heard within their own countries."[7]

To Western sensibilities, the idea of a major international organization dictating the themes of news reporting sounded very much like an effort to control the work of journalists, no matter what it had said about their independence. Inevitably, the role of journalism became another front in the Cold War. UNESCO's new world information order "is a formula for a global socialist state which has become the master plan for Third World development at the United Nations," argued the Heritage Foundation in the United States.[8] "The thrust of the NWIO strategy has been to attack the commercial free press of the West, while promoting and supporting the government controlled press and media of the Soviet bloc and the radical Third World."

The idea that journalism is an important development asset—and that journalists must be approved and regulated—lives on strongest in the former colonial areas of the Middle East and Africa.

Although the rhetoric cooled after the end of the Cold War, the old battle lines remain faintly visible today. The idea that journalism is an important development asset—and that journalists must be approved and regulated—lives on strongest in the former colonial areas of the Middle East and Africa (and of course in countries such as China, North Korea and Cuba, where socialism survives). Most of the democratic world, by contrast, still abides by the idea that journalism works best when produced by independent news gatherers and analysts beholden to their consumers, not to their governments.

A Variety of Traditions

A society's approach toward its journalists has a lot to do with its own history and traditions. Freedom of expression—the right that drives independent journalism—is a fixture in constitutions around the world, yet different places take such constitutional mandates with different degrees of seriousness. This study looked at a sampling of licensing policies around the world, roughly 100 countries in all.[9] About 25 percent of the governments in these countries required journalists to be licensed in one way or another. The requirements can be quite precise. In Yemen, one of the handful of countries that issue a full-fledged license to practice, the law requires that "any person working as a journalist shall: a) be a Yemeni national, b) be at least 21 years old, c) enjoy full citizen's rights, d) not have been found guilty by a court of an offence against honor and integrity unless his/her reputation has been restored in accordance with the law, e) be the holder of a qualification from a college or institute or have journalistic experience of not less than three years, f) work effectively and continuously in journalism."[10]

As we have seen earlier, some societies regard journalists as professionals, some see them as craftspersons. Some regard the practice of journalism primarily as a constitutional issue—as a bulwark of freedom of expression. Other nations treat journalism largely as a labor issue; any policy that makes journalism a more exclusive, cohesive profession gives journalists more power as a bloc against publishers and the government. One of the clearest traditions of licensing emerges in Latin America, Spain, and Portugal, where journalists fight for the exclusivity of their profession by seeking protective laws. In Chile, a law passed in 2001 permits only graduates of recognized journalism schools to take the title of "journalist." Anyone not admitted to that club cannot take advantage of laws protecting journalists and their confidential sources.[11]

These licensing practices are in some cases a threat to independent journalism—and in others an opportunity to improve the professionalism of journalists in developing countries.

Others see journalists mainly as important cogs in their development plans; journalists are part of the team that builds nations. In these countries, educational credentials become a tool for increasing the professionalism of journalists—if not their independence. Haiti, for example, awards its highest level of press access only to journalists who have a job at a registered publication as well as a university degree.[12]

At the extreme, a few nations regard journalism as a potential source of instability that must be controlled at all costs. For nations most worried about the powers of journalism, licensing may play a relatively minor role in efforts to control the press. Zimbabwe, for one, licenses journalists, requiring them to be accredited to the publication they serve. But that is one of the lesser inconveniences in a nation that harasses private media companies;

arrests an editor for publishing the work of an opposition leader; taxes newspapers as luxury items; and permits journalists to be assaulted, kidnapped, arrested, and in one case murdered, according to a 2008 report by the International Research & Exchanges Board (IREX).[13] Similarly, it is irrelevant that North Korean journalists must join a union–since every aspect of their society is under full state control in any case.[14]

Licensing is only one of the ways to control media around the world. But all the same, licensing is a hardy perennial in governments' efforts to restrict journalists and their profession. These licensing practices are in some cases a threat to independent journalism—and in others an opportunity to improve the professionalism of journalists in developing countries. In other words, licensing traditions offer both threats and opportunities to anyone promoting independent journalism. For that reason alone, it is worth examining the major traditions more closely. It's convenient to break down their champions into rough categories: constitutionalists, professionals, trade unionists, nation builders, conflict correspondents, and socialists and autocrats.

Constitutionalists

In most democratic countries, the ideal of a free press flows from constitutional guarantees of free expression. This connection creates the most powerful trend in global journalism today, as democratizing nations in the former Soviet bloc and in the developing world adjust to the idea of the press as a foundational pillar—what U.S. citizens would call part of the checks and balances of a democratic society.

These countries are prodded by the major aid organizations working to encourage independent journalism. "International standards of freedom of expression are very strong," said Miguel Castro, special projects manager of the Open Society Media Program. The Open Society Foundations and other non-governmental organizations are working to ensure a strong connection between free expression and free media, Castro said. "It's pretty fundamental for the donor community," he said. "When we approach a country, we look at the environment. If freedom of expression is repressed, part of our work goes into opening the environment. We monitor, suggest legal changes, propose legislation, and support litigation if needed."[15]

As a major international aid donor, the United States also influences journalism standards around the world. These U.S. standards all flow from a historical tradition of free speech as well as the First Amendment to the U.S. Constitution, which has guided U.S. law and has protected U.S. journalists since 1791. It states simply: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[16]

As interpreted by courts, the First Amendment gives journalists the right to publish without prior restraint. Journalists also have great leeway in criticizing public officials, to the extent that it is almost impossible to imagine a U.S. President, for example, successfully suing a journalist for libel.

This right to a free press, driven by a U.S. tradition of mistrusting governments, raises huge constitutional barriers against any administration in Washington that might try to license American journalists. The U.S. government often tries to control press coverage by granting access to favored journalists, using its powers of accreditation and shaping the message journalists hear. But the First Amendment gives journalists a powerful weapon that allows them to publish anything they learn.

This bias toward openness in the U.S. system has led to freedom-of-information laws requiring the U.S. and state governments to conduct more of their business in public and to release documents in the public interest. In recent years, it also has encouraged many states to enact "shield laws" protecting journalists from jail time for refusing to divulge their confidential sources—the kind of law that some journalism organizations hope will be enacted at the national level, as well.

The U.S. tradition flows smoothly into the contemporary global enthusiasm for charters pledging freedom of information—often now called the right to information—and free expression. In 1990, according to a UNESCO report, only 13 countries had freedom-of-information laws allowing citizens access to information held by public entities. By 2008, more than 70 such laws were in place, with another 20 to 30 under active consideration.[17]

This coincides with the international movement to foster freedom of expression. The foundational document of this movement is the U.N.'s Universal Declaration of Human Rights. Its Article 19 states:

> "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."[18]

Those words are considered a general standard for the 192 U.N. member states. In 1966 the U.N. General Assembly went on to adopt the International Covenant on Civil and Political Rights—a treaty committing its parties to enforce these rights. The covenant has its own Article 19:

> "1. Everyone shall have the right to hold opinions without interference.
>
> "2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."[19]

The covenant includes duties that go along with these rights—to respect the rights and reputations of others, for one, and to protect national security. But any restrictions on the freedom of expression must be "provided by law," the covenant dictates; that is, they cannot be arbitrary. They also must protect only the private and public interests specified, and they must be "necessary" to safeguard these interests.[20] As human-rights advocates read these provisions, the emphasis of the foundational U.N. documents clearly favors rights, not restrictions.

The International Covenant on Civil and Political Rights is now having its own day in the sun. Nearly half of its 166 state parties have signed on or acceded to its provisions in the last 20 years, since the dissolution of the Soviet Union.[21] This trend is having an impact on journalism. If the post-colonial period featured journalism as a development tool, today's developing world increasingly recognizes journalism as a tool enabling freedom of expression and freedom of information.

The growing acceptance of U.N. covenants involves more than high principle. There is also money involved. The U.N.'s Millennium Development Goals—eradicating hunger, achieving universal primary education, reaching environmental sustainability and others—call on donor governments to increase their contributions by hundreds of billions of dollars—by $152 billion in 2010, for example, and $195 billion in 2015, the target year for achieving the goals.[22] Developing countries in line for the aid generally have been willing to agree to the U.N.'s rules of behavior as a prerequisite, including those on human rights.

The movement for free expression is good news for journalists everywhere, of course. The right that it espouses has become a human right itself, activists argue–the right to communicate. "It is common ground that the right to communicate is deeply rooted in the established right to freedom of expression," writes free-speech advocate Toby Mendel, "a fundamental human right which is key to the fulfillment of other rights and an essential underpinning of democracy."[23]

> ***"Formal licensing or registration requirements for individual journalists or media workers have long been considered illegitimate."***
>
> *— Toby Mendel, free-speech advocate*

Among other things, this requires that governments keep their hands off the media. In international law, writes Mendel, "formal licensing or registration requirements for individual journalists or media workers have long been considered illegitimate."[24]

That does not mean governments everywhere actually are keeping their hands off journalists. Just about anywhere in the world it's easy to see that constitutional guarantees of various rights are one thing, enforcement another. In the United States, which considers itself a bastion of freedom of the press, the government in recent years has become much stricter in what it allows journalists to cover. A generation ago, during the Vietnam War, U.S. journalists roamed the battlefield practically at will, interviewing officers, hitching rides on helicopters, and joining field patrols for a first-hand look at the action. Compare that with today's journalists, who must agree to elaborate protocols on what they can report and not report before the military consents to "embed" them in a unit. Such rules govern many other sensitive stories. Reporters applying to cover proceedings at the U.S. detention base in Guantánamo Bay, Cuba, for example, must sign a 13-page agreement on Media Ground Rules, which includes restrictions on photos, interviewees, and the release of any information

considered "protected."[25] After media complaints, the ground rules were loosened—permitting the publication of sensitive photos after the government had cropped them, for example.[26]

Covenants that protect free expression often are honored sporadically or not at all by justice systems in more restrictive countries. "There is no dispute as to the strength of international law on freedom of expression," said Enrique Armijo, a media lawyer with the Covington & Burling law firm in Washington, D.C. "The issue is not what Article 19 says; the issue is its enforceability and the use of international law as a tool of litigation in support of prosecuted journalists when you are arguing in domestic courts."[27]

Armijo advocates for independent media in the borderlands between free expression and government regulation in the Middle East, Africa and Latin America. He sees developing countries putting on shows of openness in order to attract international aid. But the new laws commonly include legal loopholes. Take the African Charter on Human and Peoples' Rights. Its Article 9 says: "Every individual shall have the right to express and disseminate his opinions *within the law*" (emphasis added).[28] Journalists often find that they can act within the law only by sticking to the line of the government they cover. Otherwise, they're in trouble. "Some vice-minister of communications in Country X is not governed by the fact that his country has signed an international declaration," said Armijo. "That's just not on his radar."[29]

> ***"Licensing requirements are inconsistent with international law on freedom of information."***
>
> *— Enrique Armijo, attorney, Covington & Burling*

The job of reformers is to recalibrate that bureaucratic radar. "Licensing requirements are inconsistent with international law on freedom of information," said Armijo. "The key is just to get an opportunity to make that argument—to talk to regulators, talk to people in ministries, remind them they're signatories to those documents."[30]

Professionals

Is journalism a trade or a profession? That question lies at the heart of efforts to define the practice in Western Europe. In northern Europe, including the United Kingdom and Germany, journalism is regarded as a trade that anyone can practice. In southern Europe, such as in France and Italy, it has the status of a profession requiring suitable credentials (although these credentials are issued by professional organizations, not governmental bodies).

In reality, there is very little difference in the qualifications of journalists north and south. In a tighter job market for professional journalists, it helps to have academic credentials and experience to get a full-time job in the field anywhere in Western Europe. In a simpler era, "You could start as a cub reporter and work your way up," said Bettina Peters, director of the Global Forum for Media Development in Brussels. "Now some people have three degrees and still are working as interns."[31]

Across Europe, only the credentials are different. France has its Commission on the Identity Card of Professional Journalists, a non-governmental group that provides national press cards for journalists. Those who work more than half time as a journalist for a press agency or journalistic enterprise (written or broadcast) qualify. They don't have to have a card to work as a journalist, but the card makes it easier to get access to events and gives them a few benefits, including tax breaks and cheaper train rides.[32]

Italy has its own Order of Journalists, a council that issues credentials. There is a national council as well as regional councils around the country.[33] In the Internet age, the old French and Italian institutions may sound outmoded, but their pull can still be strong–and aggravating, as the story of a young Italian journalist shows. (See sidebar on following page.)

Trade Unionists

As parts of Africa and Asia emerged from colonialism after World War II, Latin America was struggling with its own colonial legacy: an economic system massively weighted in favor of business tycoons and land barons–and against workers. In the Latin America of the mid-twentieth century, the wealth from agricultural products, minerals, and raw materials was overwhelmingly controlled by the business and agricultural elite, who took huge profits and contributed little in the way of investment and public welfare.[34]

An unequal distribution of income between rich and poor still is a critical feature of life in Latin America. According to the Gini index, a widely used measure by which a country's family income distribution is measured on a scale between 0 (perfect equality) and 100 (perfect inequality), Central and South American countries were still scoring below average in the mid-2000s. In that general period, the Latin American average was 52.2.[35] That was better than individual countries such as Sierra Leone (62.9) and Haiti (59.2),[36] but significantly worse than the United States (46.3)[37] and the European Union (31.0).[38]

To address these inequalities, Latin American workers on the wrong side of the income gap traditionally have turned to unions, legalized early in the twentieth century, and populist governments to fight for their cause. Journalists have been part of that trend. In many Latin American countries, they have fought at least as hard for their labor rights as for their freedom of expression. From their perspective, a system that lets the law define journalists—through some kind of licensing scheme—is better than a system that lets publishers dictate who is a journalist.

Throughout Latin America–as well as in Spain and Portugal—journalists still support laws and regulations that set them apart. In some cases, it is difficult to enter the profession without an academic degree, which may be required by law. Journalists' associations and unions support requiring these credentials, and so do the hundreds of communications schools in Latin America. More than 200 of these schools are united under the Latin American Federation of Communication Faculties, which supports stronger journalism education in 23 countries, mostly in Latin America.

How to Become a Journalist in Italy

By Damiano Beltrami

If you want to join the ranks of *professionisti*–professional journalists in Italy–you can work for 18 months as a so-called *praticante*, an apprentice in the newsroom of a newspaper (one whose editor-in-chief is a professional journalist). But it usually takes family connections to get that gig. About 90 percent of aspiring journalists take the other route–attending one of 17 certified journalism schools for 18 months, roughly six of which are for internships.

That's not easy either. You have to pass an admissions test to get in. Once you do, tuitions range from 5,000 to 20,000 Euros or so–a lot of money for Italy, especially since few substantial scholarships are available.

After you've completed the 18 months of preparation, you take an exam in Rome organized by the Ordine dei Giornalisti (Order of Journalists; ODG in its Italian initials). The exam is made up of two parts: a written test and an oral test. You take the written test in a hangar-like building on the outskirts of Rome. When I took it in January 2007, 800 fellow applicants showed up. We used old typewriters because the ODG didn't want to buy, say, 50 computers and have 16 exam sessions. (In 2008 they finally switched to computers.)

The written test has three parts. You have to write an op-ed piece choosing from a range of topics–politics, business, national news, culture, science, technology, sports or entertainment. You have to sum up a long report in 30 lines, each line with 60 characters including spaces. Finally you have to answer six questions about legal and ethical issues, the history of Italian journalism and Italian journalistic jargon. You have eight hours to do all this.

If you pass the written test, you have to take an oral exam in which you're asked more legal and ethical questions connected to recent news stories. You prepare by studying a few recommended books, but the questions can be totally random, ranging from how the Italian parliamentary system works to the name of Giuseppe Garibaldi's favorite lover. The latter question was actually posed to a guy who took the oral test in my session. Unfortunately, he failed.

A lot of writers for Italian publications are not *professionisti*, but *pubblicisti*–contributors

In recent years, supporters of licensing have been losing ground as Latin America joined the world's democratizing trend and courts began ruling in favor of unfettered free expression. The decisive blow may have been struck as long ago as 1985, when the Inter-American Court of Human Rights unanimously ruled that the compulsory licensing of journalists violated the American Convention of Human Rights "if it denies any person access to the full use of the news media as a means of expressing opinions or imparting information."[39]

The case concerned a newspaper employee in Costa Rica who was sentenced to prison for refusing to join the national College of Journalists, which licensed journalists as required by law.[40] "Journalism is the primary and principal manifestation of freedom of expression or thought," the court's decision stated. "For that reason, because it is linked with freedom of expression,

who are not fulltime journalists. These may be columnists or other occasional writers. For example, a professor of political science at the Università La Sapienza in Rome might write editorials for *Corriere della Sera*, a leading Italian daily. In order to become a *pubblicista*, you have to demonstrate that you have written for a newspaper, magazine or an officially recognized online publication for at least two years, that you produced at least 60 articles and you were paid for your work (although the rules do not specify how much).

Everybody recognizes that this system is outmoded. The Ordine dei Giornalisti was founded in 1963, succeeding an association of journalists set up in 1925, during the fascist era. Today, the ODG would argue that Italy still needs it to weed out unethical reporters or journalists who don't understand the rules of privacy or other professional issues. Of course, that fails to acknowledge that Italy has plenty of ethically challenged reporters even with the old licensing system in place.

What if a young journalist simply refuses to jump through these hoops? Such a renegade could never be hired to work for a national newspaper. In theory you could start up your own online news site. I thought about doing this myself with a team of two or three other excited and tech-savvy lads. But there are a few problems.

Most important, you're not allowed to link to original content. If you start generating something like 100,000 visitors a day, major newspapers can sue you. Italian newspapers are not like the Santa Claus *New York Times*, which lets anyone link to its site. If you came up with something like the *Huffington Post* in Italy, the main newspapers and trade unions would do everything they could to stop you.

In any case, the number of Italians who use the Internet, including social networks like Facebook and Twitter, is still low compared to the online population in the United States. Bloggers are around, but only one is really successful–Beppe Grillo, a comedian (http://www.beppegrillo.it/english.php).

In a way, Italy's outmoded licensing system somehow fits the character of the people. As Luigi Barzini Jr., an Italian journalist who lived most of his life in the United States, wrote in his 1964 book *The Italians: A Full Length Portrait,* "The Baroque is the mood in which most Italians live." When you can draw a straight line from A to B, we prefer to draw a curve.

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which is an inherent right of each individual, journalism cannot be equated to a profession that is merely granting a service to the public through the application of some knowledge or training acquired in a university or through those who are enrolled in a certain professional 'college.'"[41]

After that opinion, Costa Rica eliminated its licensing rules, and that has been the regional trend ever since. Several other Latin American countries still have such laws on the books—including Bolivia, Colombia, and Honduras—said Ricardo Trotti, press freedom director of the Inter American Press Association (IAPA), headquartered in Miami.[42]

In Honduras, journalists are required by a 1972 law to have a degree in journalism and to obtain an accreditation number from the College of Journalists of Honduras. The law may not respect

the ruling of the human-rights court, but many journalists nonetheless support the law. "As a journalist you are protected in terms of employment, and in terms of somebody who wants to sue you for publicizing information," said Karol Escalante, a Honduran journalist who works as a second secretary at the Honduran Embassy in Washington. "You have the freedom to write what you want, and it is just so you can have a number that can protect you. And just in case the government is doing something irregular, we have the freedom to express ourselves."[43]

Another restrictive law may be on the way in Latin America. The left-leaning government of Ecuador proposed a law that would require journalists to have a journalism degree and would create a watchdog to supervise the media.[44]

But for the most part, said Trotti of IAPA, licensing laws are disappearing, and those on the books are indifferently enforced. "I believe mandatory licensing is something that is really getting weaker and weaker and weaker over time," he said.

Brazil has become another recent test case for journalistic licensing. In June 2009 the country's supreme court overturned a 45-year-old law that had required a diploma in journalism for anyone who wished to practice the profession. Chief Justice Gilmar Mendes wrote that the law had violated the constitutional protection of freedom of expression. The country's journalists' unions had a different opinion. They blamed Brazil's publishers' association, the National Association of Journals, for pushing the change in order to weaken the pay and protections of professional journalists.

> ***"Requiring a diploma for journalists is not stopping someone from exercising freedom of expression."***
>
> *— Suzana Blass, president, the Syndicate of Professional Journalists of the Municipality of Rio de Janeiro*

The issue is not freedom of expression, the unions argue; it's the strength of independent journalism. "Freedom of expression is protected in our constitution," said Suzana Blass, president of Rio de Janeiro's union, the Syndicate of Professional Journalists of the Municipality of Rio de Janeiro. "Requiring a diploma for journalists is not stopping someone from exercising freedom of expression."[45]

The court decision's real effect, she said, is to weaken her profession. Now that no degree is required, she said, publishers can hire cheaper workers with no professional grounding. "Anyone can request a professional registration at the Work Department—drug dealers, politicians. They don't have to know anything about ethics or the responsibility of journalism in the contemporary society."

The court ruling suits Brazil's newspaper owners, as Blass sees it. "It was decided to answer private interests," she said. "That contradicts the nature of journalism: focus on the public interest." Blass and other journalists now are lobbying to restore the law.

The Brazil case has attracted attention from other journalists' groups around the world, including the International Federation of Journalists, based in Brussels. The IFJ opposes state controls on the independent press, said Aidan White, its general secretary. "We are against any registration or control on journalism—by any group—that is too restrictive," he said. "Journalism is an open profession. Anyone should be able to practice it without restraint."[46]

At the same time, White added, in countries like Brazil "journalists try to ensure that journalism is practiced by people who are competent to do the work. There should be some kinds of minimum standards. The question is whether or not it's right for journalism to protect its standards, to make sure its people have enough background knowledge and can practice journalism competently."

Nation Builders

In the early 1990s, the private Rwandan newspaper *Kangura*—"The Voice that Awakens and Defends the Majority People," according to its subtitle—began to rally the country's Hutu majority against countrymen of the Tutsi tribe. One of its covers asked: "What weapons shall we use to conquer the Inyenzi [Tutsis] once and for all?" It was accompanied by a picture of a machete.[47]

The call to violence was taken up by a private radio station, Radio-TelevisionLibre des Milles Collines, or RTLM. Its broadcasters sometimes read Kangura editorials over the air. When Hutu violence against Tutsis grew into the genocide that began in April 1994, RTLM broadcast the names, addresses, and license plate numbers of those to be killed and identified where groups of Tutsis were attempting to hide. Murderers would call the station with word of their deeds and be congratulated on air. The station called on Rwandans to "exterminate Tutsi from the globe [and] make them disappear once and for all."[48]

That spring as many as 1 million Rwandans, most of them Tutsis, were killed–perhaps 15 percent of the country's population.

For years since then, Rwanda has been struggling to develop a new media policy that would, among other things, preclude the possibility of such deadly propaganda in the future. That has been no easy task. As media lawyer Armijo noted: "Where the media was so prominent in destroying the country, officials have been exceedingly cautious in deciding how the media should be used to rebuild it."[49]

Rwanda's 2002 press law restricts those who may work as journalists to candidates with education and experience. They must carry a press card issued by the High Council of the Press, a body seen as closely allied with the ruling party. Publishers starting up newspapers must register with the government, explaining the "orientation" of the paper; broadcasters, similarly, must outline the kinds of programs they would offer.[50]

Leaders of Rwanda's media acknowledge that their journalists need better professional training. At present, the country has only one journalism school, located two hours

from the capital, Kigali. Given the history of journalism in their country, Rwandan journalists generally support the concept of developing minimal standards and creating better educational opportunities to help aspiring journalists meet those standards.

Rwanda is not the only African nation whose media operate under government controls. In Zimbabwe, private enterprises–including independent media—have effectively disappeared under an increasingly autocratic government. In Gambia, the law still requires every newspaper to post a bond before opening for business—money that would cover any government judgments against the paper for libel, blasphemy, sedition, and the like. In Sudan, dozens of newspapers were banned after the 1989 military coup, and newspapers today still require a government license to publish.

Yet Rwandans also are not alone in working toward a responsible as well as more independent press. That's the trend across their continent. The autocratic and military governments that controlled many African nations after independence have gradually given ground in recent years as a democratizing trend takes hold. For African media, that means a trend away from journalistic restrictions. "On the whole, licensing is not a trend in Africa," said Kabral Blay-Amihere, chairman of Ghana's National Media Commission. "Most African countries have a free press today."[51] Freedom House, a U.S. watchdog group that monitors freedom around the world, disagrees, categorizing the press in the majority of African nations as "not free."[52] But the organization does categorize Ghana's press as "free."

That has not always been true. For years, Ghana's government controlled the media in the former British colony, appointing boards of directors and editors of the state-owned print and electronic media. That system resulted in editorial control and interference by governments.

In 1993, after a new government restored constitutional rule, the National Media Commission was set up to change the system. The 18-member commission, whose members are elected from different sectors of society and work independently from government, now appoints the board of directors and chief executive of each state-owned media enterprise. The board in turn appoints the editor. The new system effectively takes politics out of the process and insulates even state-run media from direct government control. The media commission "is a moral instrument," said Blay-Amihere. "We do not have the power to discipline or sanction anybody."[53]

It has become easier for private media enterprises to enter the market. Before the reforms of the 1990s, anyone who wanted to establish a private newspaper had to apply for a license—which sometimes was refused before the newspaper could even go into business. Under the new law, the proprietor of a private newspaper simply has to register its title with the commission. Under this relaxed system, more than 200 newspapers and journals have been registered in Ghana in recent years.[54]

Restrictions against the broadcast media also have been relaxed. The National Communications Authority, which allocates frequencies, has issued its approvals liberally. For example, more than 150 FM radio stations now are registered in Ghana.[55]

Ghanaian journalists are not registered or licensed at all. The Ghana Journalists Association, a non-government independent group, issues press cards, but these are not required in order to work. For that matter, many journalists have not even joined the association–and the government has no problem with that. As a 2000 national policy committee put it, Ghana is aiming for "a free, independent, dynamic and public-spirited media that will provide access for all, and not only some, of our people …"[56]

> ***"The right to freedom of expression which journalists exercise is a fundamental human right which does not require licensing."***
>
> *— Kabral Blay-Amihere, chairman, Ghana's National Media Commission*

The policy puts Ghana on the side of global and national values, said Blay-Amihere. "My view is that there is no earthly reason to license journalists," he said. "The right to freedom of expression which journalists exercise is a fundamental human right which does not require licensing."[57] Governments that give more weight to security issues still don't agree. Blay-Amihere joined representatives of a number of African media groups who met in Kampala, Uganda, in May 2010 to discuss—and generally criticize—Uganda's much more restrictive proposed media law.[58] The draft law required Uganda's Media Council to license only newspapers that could demonstrate acceptable social, cultural, and economic values. Newspapers could renew their licenses yearly if they could show they had published nothing the government deemed harmful to national security or other interests. The draft law also would require journalists to have university degrees and to join the national journalists' union before they could work in the field.

Uganda's leaders worry that an unregulated media could stir up local tensions and hurt the government's relations with other countries. But Blay-Amihere argued against restrictions. In Ghana, he said, the approach has been to increase journalists' professional education and to build a media industry that can regulate itself. Media sins like libel, slander, and pornography still pose problems, he said. But the media council and the journalists' and publishers' associations "work on the conscience of offending journalists," he said. "Nobody has been prosecuted for hate speech in Ghana. The level of public debate and discourse often highlight the need to avoid hate speech."[59]

As a long-term remedy, the Ghana Journalists Association organizes training seminars on journalistic values, and the National Media Commission publishes guidelines on best practices of political reporting, election coverage and other issues. While some African governments like Rwanda's and Uganda's may see journalism as a dangerous field that needs supervision, Ghana sees it as a tool of nation building—a profession that needs education and patient development.

Conflict Correspondents

In war, goes the old saying, the first casualty is truth. In any major conflict, the governments involved almost invariably browbeat, mislead, restrict, and censor

journalists, doing everything they can to shape coverage according to their interests. That is the case in some regions of the world more than others. In North Africa and the Middle East, a region that has become virtually a permanent war zone, journalists work under constant government restrictions, including licensing.

Journalistic controls are a permanent feature of the Arab states bordering Israel. To practice their craft in Egypt, for example, journalists must join the Egyptian Journalists' Syndicate. According to a 1970 law, the owners of press and publishing houses are prohibited from employing anyone who is not a syndicate member. Aspiring journalists typically work as freelancers, said Tarek Mounir, a correspondent who covers Egypt for Reporters Without Borders, an organization that campaigns for press freedom around the world. These beginners hope to acquire enough credentials to be able to join the syndicate—and thus be hirable.

It's a process that requires discretion. Journalists in this vulnerable position know that if they write the wrong thing about a corruption scandal or a powerful politician, their career prospects can vanish. At any point, said Mounir, an offended official can "file a lawsuit against the freelance journalist under the allegation of impersonating a journalist and practicing the profession without union accreditation."[60]
Since many of the laws that regulate journalism were written years ago, they make no room for Egypt's proliferating corps of bloggers, some of whom are trying to establish themselves as online journalists. Bloggers who belong to unauthorized political parties risk imprisonment under a 1958 law declaring a state of emergency that still applies in Egypt. Any blogger who offends the powers that be could end up behind bars. In 2007, Alexandria blogger Kareem Amer was sentenced to four years in prison for insulting Islam and defaming President Hosni Mubarak. Bloggers and online journalists get no help from the official journalism establishment. After all, they're not members of the syndicate.

Lebanon is similarly restrictive in its efforts to define and restrict professional journalists. To practice journalism there, by law one must be older than 21, hold a degree in journalism from a Lebanese university, and work in the profession during a four-year probationary period. If prospective journalists meet the conditions, a committee for press registration (formed by a combination of the publishers' and journalists' syndicates) approves them to work in the field and issues them press cards. Those who do journalistic work without meeting these conditions risk fines and imprisonment. A 2009 reform proposal eases the rules for publishing periodicals but keeps many of the controls that restrict journalists.

Perhaps no Middle Eastern country has struggled with its press policy more than has Jordan. The government adopted the country's first press law in 1993, a year before it normalized relations with Israel. The law introduced new freedoms, guaranteeing Jordanians' right to start up newspapers and barring the government from shutting down newspapers without judicial review. In 1998, however, after enduring five years of criticism from private newspapers, the government passed a much more restrictive law. It prohibited publishing anything disparaging about the king, the army, or government policy and slapped on numerous other coverage restrictions. It restored the government's power to license and shut down

newspapers, required that editors in chief have a minimal level of experience, and required journalists to join the state-sanctioned Jordan Press Association. Amendments in 1999 and 2007 softened some of the law's provisions (and toughened others), but licensing remained.[61]

The focus of these frontline Arab states–Israel–has long felt threatened from all sides, making it one of the most security-conscious places on earth. All the same, Israel has the liveliest, most critical, and most diverse press in the Middle East, and entry to the profession of journalism is wide open. "Israeli journalists are pretty much free. They do not have to join a union and don't even need a degree or experience for the most part," said Ruth Marks Eglash, a reporter for the *Jerusalem Post*. "Anyone can become a journalist if they have the inclination, interest, and pushiness required to make it into the newsroom."[62]

In Israel, journalists experience the limits they would face in any state on a war footing. Israeli officials don't control journalists by licensing them; the government instead restricts what they can cover. Military censorship remains in effect. Journalists considered security risks–most of the Arab-language and Palestinian press–face controls. In the Palestinian territories, where most journalists are prohibited from working, "Israeli security forces operate in a near arbitrary fashion," according to Reporters Without Borders. The organization reports that "at least 33 Palestinian journalists were physically assaulted and injured by Israeli soldiers on the West Bank during 2009."[63]

Since many of the laws that regulate journalism were written years ago, they make no room for Egypt's proliferating corps of bloggers, some of whom are trying to establish themselves as online journalists.

The government is quick to crack down on any reporting that it considers compromising. In 2010, the hottest case involved a 23-year-old journalist, Anat Kamm, accused of leaking documents that suggested Israeli troops killed Palestinian militants in the West Bank in a premeditated strike. Kamm was put under house arrest in December 2009.[64]

The hallmarks of the frontline Arab states–defining who may practice journalism and requiring journalists to be licensed one way or another—are common throughout the broader region. In Sudan, the National Press and Publications Council has 16 responsibilities enumerated by law–among them, establishing a register of journalists, holding professional examinations in journalism, and most important, certifying journalists qualified to practice the craft.

Sudan, like other countries, also sets standards for editors. An editor-in-chief must be a Sudanese citizen, must be at least 35 years old, must have practiced journalism professionally for not less than 10 years, and must have obtained a university degree in journalism.[65]

A variation of these rules applies in Syria, the United Arab Emirates, Qatar, Yemen, and Oman. In all of these cases, controlling the journalistic profession is considered a matter

of national security. "It is important for me as a government employee to know who is a journalist and who isn't," said an official at Oman's embassy in Washington. "If we opened the door to everybody, then everybody would be a journalist."[66] Only a minority of Arab countries, including Kuwait and Bahrain, have no certification requirements to speak of.

In the other major conflict zone of the region, where the United States established its beachhead in the war against terror, journalists face even more danger and chaos.

The U.S. invasion of Iraq in 2003 destroyed the tightly controlled state media left behind by Saddam Hussein—five state-owned dailies and one satellite television channel—and cleared the way for hundreds of newspapers and several satellite television channels. Some outlets still were owned by the state, others by ethnic parties, others by Islamist groups, and others by independent investors.[67] As a group, scholar Ibrahim Al-Marashi called them "ethno-sectarian 'media empires.'"[68] Al-Marashi quoted an Iraqi journalist who described the media landscape of the post-invasion years: "Every party, every party leader, basically everyone who can afford it has launched a newspaper," said journalist Saleh Al-Shibani. "And each newspaper speaks for the entity it represents, makes a claim to the truth, assuming the right not only to criticize but to insult its adversaries."[69]

> ***"You cannot practice as an independent journalist if you always need government permission for everything."***
>
> *— Roozbeh Mirebrahimi, an Iranian journalist*

That level of professional chaos has led the new Iraqi government to attempt a crackdown on unfettered journalism. One proposed measure would establish a special court to consider complaints of defamation, libel, and other media offenses.[70] In addition, a proposed media law offered measures to protect journalists—at least 140 were killed between 2003 and 2009[71]—and defined a journalist as "one who works for press [outlets] that may be read, heard or viewed, and who is affiliated with the Iraqi Journalists Syndicate."[72] Article 19, the London organization that campaigns for freedom of expression around the world, criticized the measure as "very restrictive," adding: "If the Draft Law is to protect the full range of journalists, it should expressly stipulate at an early stage that it applies to all persons involved in a journalistic process."[73]

The situation for Afghan journalists also remains chaotic. Many more newspapers and broadcast outlets have been licensed since the United States overthrew the Taliban government in 2001, but a new press law intended to give individual journalists more independence has been indifferently enforced.[74] It should be noted that journalists across the border in Pakistan have maintained and defended a vibrant, generally free media, bolstered by strong unions that do not hesitate to fight back against occasional government pressures and bans.[75]

In Iran, a time of journalistic liberalization ended in 2005, when President Mahmoud Ahmadinejad took office. Ahmadinejad's government began requiring journalists to submit documents to the government administration, the judiciary, and the intelligence service in order

to be approved. One independent assessment concluded that under Ahmadinejad, "Tehran's press courts appear to be focusing legal action against individual journalists and executives" rather than on publications–although numerous publications have been closed in recent years.[76]

Given the focus on individual journalists, "they can monitor you easier, and also they can expire your card any time they want," said Roozbeh Mirebrahimi, an Iranian journalist who was briefly imprisoned for his work in 2004 and now lives in New York. "Or they can issue for you a short-time card, which you need to renew every six months or every year. Then, you always worry about your press card and you will be a journalist who is ready to listen to government orders about different issues. You cannot practice as an independent journalist if you always need government permission for everything."[77]

It is not surprising that governments in unstable regions try to control journalists. After all, communication can be a potent weapon. But in a society's rebuilding stages after a conflict, free expression and a free press also can be powerful construction tools. That is true even though advocates of independent journalism might have to wait a long time before they can successfully make that case in the Middle East and western Asia.

Communists and Autocrats

During the Cold War, the mass media were considered key propaganda and ideological tools in the European and Asian communist systems. In order to get a job, a journalist needed the approval of the ruling Communist Party–and any journalist who did not follow the party line was gone in a flash. "The question of employing journalists was of high importance for the Communist Party," said Urmas Loit, chairman of the Estonian Press Council, a professional organization.[78] A journalist did not have to join the party per se, Loit said, but such a move often was "necessary for career-making." Similarly, nobody had to join the journalists' union, he added. "It was rather a question of prestige, and enabled some benefits."[79] In the shadow world of that era, figurehead governments did not explicitly license journalists, but the ruling parties chose journalists and controlled every aspect of their careers.

In the last 20 years, that kind of rigidity has broken down across the former communist world. In China, the largest remaining nominally communist state, the rules on licensing depend very much on whether a media outlet is considered a central government or national level, provincial, or local organization. Journalists at national organizations, including *People's Daily* and China Central Television, have press credentials and are at least expected to join the All-China Journalists Association. Today, however, even these key national organs sometimes use the work of journalists who aren't officially on staff and therefore may not be as stringently controlled.[80]

At provincial and local levels, regulations and enforcement become murkier. Different regions are developing different media approaches, so that the media overseers in the southern manufacturing center of Guangdong province, for example, located across the border from the international city of Hong Kong, are widely perceived as being relatively less heavy-handed. When it comes to online media and blogs, the picture

is murkier still. Technical levers of control–such as requiring credentials—become less important, and the role of a journalist's supervisors more important; editors and webmasters are responsible for making sure content adheres to government expectations.[81]

Officially, all Chinese news services have ties to the Propaganda Department, which censors the media, among other responsibilities. Even so, Beijing's administrative controls are weak. "As a whole, journalists work like a plate of sand," wrote veteran Chinese journalist Xiao Jingdong. "They don't have a strong and effective organization to administer them." China's journalism culture is highly competitive. If a local publication refuses to print a story, for example, the reporter may pass the scoop to an out-of-town or national publication, according to Xiao. In mid-2010 the Propaganda Department staged a crackdown against such practices, but its effect remains to be seen. "Generally, most journalists are really trying hard to report all the news, including stories that may cross the lines set by the government or other organizations," Xiao wrote.[82]

Contrast China's system with little Singapore's, where an efficient bureaucracy requires resident journalists to obtain accreditation, valid for up to three years, to cover any government ministry or function (although accreditation is not required to cover non-governmental news). According to the Ministry of Information, Communication and the Arts, no journalists have had their accreditations revoked in the last decade.[83]

The mother of all communist systems, Russia, has dropped licensing requirements entirely since the dissolution of the Soviet Union in 1991. Journalism is open to all entrants, regardless of education and experience. Publishers and broadcasters face similar easy hurdles. A publisher must register a new newspaper with the Federal Service for the Oversight of Communications, Information Technology, and Mass Communications, for example, but the process is easy and the fee is only about $70 for a national paper, $35 for a regional or local paper.[84]

All the same, the Russian system heavily favors state institutions. The tax system and various benefits give strong preferences to Russian state media. In addition, libel is prosecuted as a criminal offense, threatening serious consequences for any editor who takes on a government official. Generally speaking, constitutional protections of free speech work selectively.

Russia can be a dangerous place for independent journalists. Eight were killed and dozens assaulted in 2009 alone, according to the Glasnost Defense Foundation.[85] And in Russia, according to IREX, which compiles the Media Sustainability Index, the cases of murdered journalists often are not prosecuted vigorously (due mainly to the general ineffectiveness of the justice system).[86]

In the countries within the sphere of influence of the former Soviet Union, the record is mixed. In Central Asia, governments generally have preserved elements of party-like control. "The legacy of the Soviet media environment remains problematic for today's journalists in the region," said a report on the region by Article 19. "The remnants and consequences of the old structures that formerly served to hinder or restrict independent journalism are still observed in some areas of Central Asia."[87]

Kazakhstan, for one, has ratified international covenants on human rights, and the government has played up its support for human rights in its role as chair of the Organization for Security and Cooperation in Europe in 2010. On the surface, this record is "very good. They want to be seen as good guys," said Peter Noorlander, legal director of the Media Legal Defence Initiative, which helps media defend their rights in legal cases. "But if you scratch the surface you see the most horrendous repression of journalists. The international community looks at the top level of reform and does not bother to scratch the surface and look underneath."[88]

> ***"The remnants and consequences of the old structures that formerly served to hinder or restrict independent journalism are still observed in some areas of Central Asia."***
>
> *— Article 19*

In Uzbekistan, Noorlander helped bring a case involving the arbitrary closing of a newspaper to the U.N. Human Rights Committee. In a 2009 expression of views, the committee criticized the government for refusing to renew the registration of Oina, a minority Tajik-language newspaper. Uzbekistan's government claimed that the publication had incited interethnic hostility. But the committee said the government's action had violated the newspaper's and its readers' freedom of expression. "The use of a minority language press as means of airing issues of significance and importance to the Tajik minority community in Uzbekistan, by both editors and readers, is an essential element of the Tajik minority's culture," the U.N. committee stated.[89]

In Eastern Europe, where governments have worked hard to develop ties with the West, a much more Western-style press has developed in the last 20 years. Poland prohibits censorship and press licensing. Its media have formed their own self-regulating Council of Media Ethics.[90] In the Czech Republic, only a minority of journalists belong to the Union of Czech Journalists. The Ethical Commission of the Union of Journalists acts as an independent professional body and handles complaints from the public.[91]

Licensing in the Internet Age

There is a wild card in any contemporary discussion about licensing journalists: the spreading power of digital communications. On one hand, the world has witnessed the rapid growth of Internet access and the proliferation of sites ranging from individual blogs to sophisticated online news services. That comes along with rising cellphone usage, text messaging, cable television, and digital radio. On the other hand, governments have just begun to consider the regulatory implications of this explosive new power.

The question that lies at the heart of licensing has new resonance at a time when anybody with an Internet connection can command a worldwide audience. With so much news and analysis available, who is a journalist?

That's not an issue that concerns only despots. Even in the United States there is confusion about this. In Michigan, for example, state Senator Bruce Patterson introduced a bill to register journalists. Those with a degree in journalism, three or more years of experience, at least three writing samples, awards or recognition for their work, "good moral character," and acceptable "ethics standards" could voluntarily apply to a special board for registration as professional journalists, a credential that supposedly would set them apart from other bloggers.

The question that lies at the heart of licensing has new resonance at a time when anybody with an Internet connection can command a worldwide audience. With so much news and analysis available, who is a journalist?

This was needed to help consumers understand which news reporters to take seriously, Patterson argued. "We have to be able to get good information," he told one interviewer. "We have to be able to rely on the source and to understand the credentials of the source."[92]

Although Patterson's bill received attention around the world, it had little chance of passing. Other governments—including China's—have considered measures that would forbid bloggers from posting anonymously. A French Senator, Jean-Louis Masson, submitted a draft law that would require bloggers to provide their names, addresses, and phone numbers on their blogs.[93]

None of these initiatives likely will go very far, said Miguel Castro of the Open Society Media Program.[94] Chinese officials ultimately backed down, saying they would rely on blog service providers to practice self-discipline.[95] Many countries contemplating stricter measures have to consider that they may be taking on a growing global consensus.

In an attempt to come to terms with the new media more precisely, some governmental entities are moving away from defining journalists according to their professional

affiliations–working for a newspaper, say, or a television network–toward a more functional definition. A U.S. federal court in the District of Columbia, for example, stated that the term "news media" identified "in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."

Since that 2003 ruling, the D.C. federal courts, which are primarily charged with defining the bounds of the U.S. Freedom of Information Act, appear to have adopted this functional approach to define journalists.103 If that becomes a trend, other jurisdictions around the world might start defining journalists not according to whom they work for, but according to what they do.

Conclusion

In an earlier era, when the world was divided between East and West, the policy of licensing journalists had an ideological tinge: Licensing was a way to enlist the profession in the cause of nation building. Today licensing survives in a variety of national efforts to control the media and to empower journalists themselves. And a form of licensing seems likely to continue as governments seek ways to define journalists in the Internet age.

Yet the forces encouraging press freedom also are gathering momentum. The movement to foster independent journalism around the world rides on the progress of democratization that began with the fall of the Soviet Union and the spread of international standards of human rights, including free expression.

In that light, the approach of international organizations toward the media oppressors of the world–Sudan, Zimbabwe, and others—is clear: Any organization that supports independent journalism should oppose the media policies of such governments and fight to change them.

But most cases are much less clear. Should human-rights and aid organizations fight against Rwanda's efforts to restrict who can practice journalism, given that country's history? Should such groups insist on an unfettered press in Jordan, if that would mean more prominence for radicals preaching war against Israel?

Instead of opposing licensing per se, advocates of independent journalism may do better to devise policies that will make licensing unnecessary or irrelevant over time. These policies might include:

- **Linking free expression to a free press.** The growing number of countries adopting the major global and regional human-rights covenants should constantly be educated on how these rights apply to journalists.

- **Promoting journalistic self-regulation.** Societies concerned about the disruptive potential of unregulated journalism can be encouraged to adopt systems like Ghana's, in which journalists regulate themselves–maintaining fairness and responsibility without government interference.

- **Providing skills-based rather than theoretical journalism education.** Licensers that require journalistic degrees give international aid organizations an opportunity to enhance the professional preparation of journalists. In any system, education is the key to upgrading a profession that needs well-developed skills of reporting and writing–and an understanding of balance, fairness, and transparency.

- **Defending online journalism.** Advocates of independent journalism can work to ensure that media laws, including licensing regimes, understand the value of online journalists working alone or in small groups while at the same time freeing them from onerous restrictions.

Recognize that they are a new kind of journalist, operating independently of old institutions and old rules. That would keep the latest journalistic medium relatively free of regulation and preclude the harassment of bloggers on grounds that they have not registered as journalists.

There is little doubt that international media developers and human-rights advocates should be opposed to licensing; journalists have to worry about any government that defines and regulates them. But the test for those promoting independent journalism should be how a licensing policy restricts entry into the field. Does a government policy allow fair access to anyone who qualifies, by reaching the right age, earning a college degree, and acquiring some experience, for example? Or does the policy allow a government to pick and choose who is considered worthy of being a journalist?

Journalists can build their skills and work around obstacles involving censorship, accreditation, criminal codes, intimidation, and even government licensing—but only if they are given fair access to their profession and permitted to work independently.

Endnotes

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