

Briefing Paper

# **MEDIA IN AFRICA 20 YEARS ON: Our Past, Present and Future**

*Celebrating the 20th anniversary of the  
Windhoek Declaration on Promoting an Independent  
and Pluralistic African Press*

By Guy Berger

Commissioned by the Media Institute of Southern Africa



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# 1 Introduction

To assess the 1991 Windhoek Declaration in terms of African media history requires recognising that this seminal document came from the hearts of journalists. Generally around the world, but in Sub-Saharan Africa especially, journalism is bound up with idealism. This is notwithstanding the many persuasions and pressures that can lead its practitioners to fall short of the ideal. The desire to strive for the best applies to even the most constrained journalists, who – when they set aside any self-rationalisations – would invariably prefer to do the right thing journalistically. To this end, they hunger to be free of distorting controls by government officials, politician owners or unscrupulous bosses. This idealistic motivation includes even the most underpaid reporter on a private outlet who persistently supplements his or her erratic income with bribes. It is also something which supercedes most other senses of identity that an African journalist may have, at least in terms of aspirations. It is central to the appeal of being a true journalist who works as a professional to serve the noble cause of circulating information in the public interest. It is this idealism that underpins the power of the Windhoek Declaration.

The journalists who drew up the Declaration set up a beacon that illuminates the goal of conveying stories for honourable reasons, rather than for the narrow pursuit of power, wealth or religious orientation. It is this objective that sustains most African journalists in the face of daily challenges to compromise and is often upheld at great personal cost. More than 100 journalists in the region have paid the ultimate price since 1990, and many others have endured other serious hardships. The idealism that powers their work is not a Western concern, even if it is shared in much of the West. Instead, it is a universal driver of why people choose to become journalists in the first place. It transcends various national or continental journalisms (in the plural) – i.e. various cultural forms and traditions of journalism. Although the record of some African media is serving as an instrument of power, disinformation and even hatred, the news workers in these outlets tend to operate with either a sense of shame or a disavowal of their identity as journalists. In contrast, legitimate journalism – even when partisan – retains an ethical conscience that respects the values of truth-telling and public interest, and subscribes to the need for all key interests to be represented fairly in the public sphere.

What then have been the prospects for coming closer to the Windhoek Declaration's ideal of untarnished journalism in the past 20 years? The answer to this involves pinpointing what the limits have been, and what kinds of journalism have developed in relation to them. Two vantage points can be taken on this matter. On the one hand, for observers like Francis Nyamnjoh writing in 2005, there has been no real improvement in most of the continent. In his view, the “mediascape in Africa in the age of intensified globalization speaks more of continuity than change and more of exclusion than inclusion”.<sup>1</sup> In a similar vein, analyst CW Ogbondah wrote in 2002: “There is as much continuity as there is change in the current political situation in Africa.”<sup>2</sup> From such perspectives, instead of positive change building incrementally over the years, there has been a continuity of journalism being corrupted by state controls, business imperatives and the weaknesses of practitioners themselves. In addition, there is still ongoing self-censorship as well as sensationalised presentations of reality, and there is also journalism that has inflamed violent conflict.

A different, less fatalistic and more optimistic view, points to unprecedented pluralism over the period, even if there is not a utopia of diversity and quality of journalism. It highlights the journalism heroes and heroines who have exposed social ills without fear or favour, and it recognises media that promoted peaceful resolutions of conflict. In this camp, writers like Charles C Okigbo and Festus Eribo wrote in 2004: “On the whole, most people in Africa were better off in 2001 than a decade earlier – albeit modestly – and most of them enjoyed the benefits of a freer – albeit not necessarily free – press.”<sup>3</sup> In the

analysis provided later in this report, the trends over the whole two decades since the Windhoek Declaration tend to confirm this assessment, even though the immediate past decade has not sustained the initial progress.

Overall, despite the fact is that the glass may still be seen as half-full or half-empty, it certainly contains a lot more liquid than was the case before 1991. Of course a mere Declaration cannot be held to have been the primary cause of these partial improvements. And yet it would also be a grave distortion if a media history ignored the contribution that Windhoek did make. This achievement was, in effect, to set standards for the optimum conditions of African journalism, and to help change realities so as to move more in line with these standards.

Looking ahead with the inspiration of the Windhoek Declaration, over the next 20 years mass communications capacity will spread rapidly beyond the institutions of the mass media. As discussed in the conclusion of this report, the vista is one of greater choice for media consumers and greater participation by non-media people and institutions who believe they have stories to tell and points to make in the public arena. Pressures will grow for more transparency in the state, business and the mass media itself. In this future, amidst all the information put into circulation, the idealistic nature of journalism will be of even greater relevance than it has been. But there will still be many battles to wage and to support, including new ones relating to the Internet platform. Drawing on the legacy of the Windhoek Declaration, however, it should be possible to further create the conditions that are conducive to the contribution of fully fledged journalism to Africa.

## 2 Where it all began

In 1991, the Internet was almost unheard of in Africa. Very few people on the continent knew about cellphones, let alone had heard a range of ringtones interrupting a gathering. Back then, Nelson Mandela had not even been a year out of prison, and FW de Klerk was still the president of South Africa. No one at the time envisaged quite how badly Zimbabwe could turn out, let alone how Tunisian resistance would have a domino effect even beyond the African continent. Rwanda in 1991 was just another African state. Twenty years ago, it was not a case of African election results being violently disputed as has happened in Kenya and Cote D'Ivoire in recent years – elections were few and far between. And in that distant past, outlets for ethical journalism were but a dream. Most Africans were not just blighted by underdevelopment, but also severely malnourished in terms of quality information.

It was the wider social context that set both possibilities and parameters in the pre-Windhoek era. Prior to 1991, media development in most African countries was almost everywhere subjected to the whims of self-interested elites who had captured power for personal gain, using combinations of force and nationalism to do so. Journalism operated within (and often against) such difficult confines. Many post-colonial African states had freed themselves from foreign rule in the 1960s only to evolve in the 1970s into systems where an authoritarian ruler controlled every key institution of power – including parliament, the security and civil services, the electoral machinery, and often even the judiciary as well. In this context, it would have been highly unusual if not just the state-owned media, but also the privately-owned media (where it existed) could somehow have been exempt. Through coercion or co-option, most media served these corrupted systems. As is well known, the instruments deployed against journalism in particular included the self-same laws and institutions that the erstwhile colonial authorities had used for their political domination.

By the mid-1980s, the lack of will and/or ways for these stagnant regimes to deliver a viable development project had produced a political impasse. This was intensified by the failure of structural adjustment programs imposed by international agencies, and the results were an increase in popular dissatisfaction, including even amongst elite factions who were not accommodated within the ruling bloc. At the same time, the Cold War came to an end, suddenly reducing international stakes in propping up regimes that had been friendly to one side or the other. Many Africans protesting for change took extra courage from the overthrow of discredited political and economic models in Eastern Europe. The pre-1991 context, in short, was ripe for change, even in tough-nut apartheid South Africa. The form and timing of change would be uneven around the continent, with elections and their consequences differing between countries. But in most cases the 1990s saw, at least initially, a qualitative change away from the previous period of powerful and centralised authoritarianism. Africa's second wave of democracy had arrived, and with generally positive implications for journalism in the short-term.

Around this time, the influential international body UNESCO emerged from Cold War paralysis to develop a new communications agenda that stressed both freedom of expression and media development, thereby securing broad-based support from previously opposed international interests. It was under these auspices that the winds of change bustled into Windhoek in early May 1991. Intentionally coinciding with the symbolism of the recently liberated Namibia, UNESCO's Alain Modoux convened a conference on the role of a free, independent and pluralistic press in Africa's new democratisation. The prestige of the event even managed to persuade the Cameroonian government to free a jailed journalist in order to attend. As the period was one in which broadcasters were firmly part of government structures, it was logical that the attendees and the focus of this watershed event would be linked to the private press. It was these journalists who

produced a focused statement that would become well known around Africa and beyond. Although their declaration speaks of “press freedom”, the clearly intended import is not limited to newspaper freedom, but designates “media freedom” more widely and “journalistic freedom” in particular.

Windhoek was no ordinary talk-shop. Its momentum was such that the Media Institute of Southern Africa (Misa) was formed a year later (see [www.misa.org](http://www.misa.org)). This organisation was a custom-built vehicle to advocate for the vision of the Windhoek Declaration. Misa went on to build chapters across the Southern African Development Community Region, and the NGO continues to serve as a public alarm service about press freedom violations in southern Africa. The energy unleashed by Windhoek also fed into the ethos in which the International Freedom of Expression Exchange was founded in 1992 as a worldwide coalition of free speech and free media advocates (see <http://ifex.org/>). Meanwhile, UNESCO was on a roll, initiating similar or extended declarations in other regions of the world: Alma Alta (Kazakhstan), Santiago (Chile), Sana'a (Yemen) and Sofia (Bulgaria). At the same time, painstaking lobbying produced the successful adoption of the Windhoek Declaration by the United Nations General Assembly in 1993, and by UNESCO's own General Assembly in 1995. The result was an enduring gift from Africa to the globe, delivered by UNESCO. The contribution that all this made to humanity was the securing of international recognition of World Press Freedom Day, which today is observed every 3 May on the anniversary of the historic deliberations. It is a profound recognition of the importance of cherishing journalism.

The dynamics of the Windhoek Declaration ranged far and wide in other ways as well. The values underpinning the statement influenced the drafting of the media freedom clauses in the new South African constitution, and they also helped persuade numerous authorities to open up space for print media in many countries. Donors were enthused and support was mobilised for media law reform, skills training, and general sustainability. All over Africa, scores of new publishers were both permitted and inspired to launch newspapers.<sup>4</sup> In Gabon, after a multi-party system was accepted in 1990, more than 200 papers were registered within a few months. The lifting of restrictions on publishing had a similar effect in the then-Zaire, where from 1990 to 1995, 638 press titles were registered. Nearby, the lifting of the lid in Cameroon saw 1300 papers registered in 2000, even though barely 30 sustained a degree of publication. Amongst the continuing success stories from that period have been the weekly papers *The Namibian* (founded in 1985) and *The Post* (launched in Zambia in 1991), which became thriving dailies notwithstanding the many obstacles (including printing and advertising bans) strewn in their paths by the authorities in their respective countries.

As one might have expected, however, Windhoek's aspirations did not materialise in many countries, and nor did they not always remain in place where some progress had been made. In many instances, the second democratic wave was short-lived. New predatory and kleptocratic regimes replaced ousted ones, often exploiting ethnic or regional identities to secure and maintain their power. Even today, a scan of headlines on websites like the International News Safety Institute (<http://www.newssafety.org>) or the Center for the Protection of Journalists ([www.cpj.org](http://www.cpj.org)) shows just how much the abuse of power by these authorities continues and how it constitutes a primary obstacle to free and independent journalism. But the early years after Windhoek were still a period of optimism that came to be further fuelled by the notion of the African Renaissance and the New Partnership for African Development. It was not surprising therefore that in 1997, analyst Tendayi S Kumbula wrote: “Press freedom is making a comeback in Zimbabwe”.<sup>5</sup> As we now know all too well, the repression in that country worsened with increased intimidation, violence and bannings. The architect in much this was cabinet minister Jonathan Moyo – a man who in 1992 had blasted the docility of the government-controlled media as “sometimes takes on disgusting proportions” in propagandising for President Robert Mugabe.<sup>6</sup> Elsewhere, many other newly elected governments also retained, and even intensified, media controls, and there were infamous remarks like that of then Malawian President Bakili Muluzi who spoke ominously of dealing with “watchdogs that display symptoms of rabies”. Despite the Windhoek Declaration, in Cameroon more than 100 journalists were

sent to prison between 1990 and 2003, while in the Democratic Republic of the Congo (DRC), 160 journalists were jailed between 1997 and 2001 in repression after the seizure of power by Laurent-Désiré Kabila.<sup>7</sup>

In some cases, conditions even worsened. A study by Marie-Soleil Frère details how, in six central African countries, elections and liberalisation of the media in the 1990s, were followed by an explosion of violent conflict where journalism became part of the polarisation and hatred. In Burundi, for example, “the papers became weapons of war” and those fragments of the media that tried to stay neutral were severely pressured to take sides.<sup>8</sup>

Nevertheless, such clouds in the African sky were not sufficient to overshadow the sunlight spreading elsewhere on the continent, and the momentum of Windhoek persisted. Ten years after the original conference, the Southern African Development Community (SADC) adopted the Culture, Sport and Information Protocol. This explicitly adopted the media freedom aspects of the Windhoek Declaration, although it also took an ambiguous position on the issue of statutory registration of journalists in the region. In the same year of 2001, under Misa-auspices, a new generation of media activists put the focus onto radio and TV, with the development of the African Charter on Broadcasting. This specific attention to broadcasting at “Windhoek+10” had been encouraged in the original Windhoek Declaration, and it reflected two developments: (i) escalating calls for an end to governmental abuse of state-owned stations, and (ii) the liberalisation of the airwaves to allow non-state players to set up their own stations. There was a potential danger to liberalisation such as had happened in Rwanda in 1994 where the private-owned Radio Télévision Libre des Mille Collines (RTLM) had played an extreme part in the genocide. However, that role had also been able to emerge without effective regulatory constraints, and within a context where 48 journalists (including 25 Hutu journalists) had been murdered by the end of July 1994. It is noteworthy, too, the state-owned Radio Rwanda had initially played a moderating role in the build-up to the genocide. In contrast to RTLM, Burundi’s private stations had promoted peace in that divided country, while UN Radio Okapi had also played a positive role in promoting understanding in the DRC.<sup>9</sup> As a measure that the 2001 Charter was spot on, it is today only extremely retrograde states like Eritrea, Zimbabwe and Algeria that retain a state monopoly in broadcasting. However, while the African Charter on Broadcasting recognised that democracy needed to transform state-owned radio and TV stations away from being mouthpieces of governments and towards becoming impartial public service broadcasters, this – along with independent regulation of broadcasting – still remains a huge challenge across the African continent.

The broadcasting Charter, along with the original Windhoek Declaration, also had further effects, in particular helping to shape the 2002 Declaration on Principles of Freedom of Expression. This important document was agreed by the African Union’s Commission on Human and People’s Rights, and it continues to serve as a benchmark for best practice media environments in Africa. In it, the key conditions for media freedom are spelled out, and there is elaboration on independent broadcast regulation and press self-regulation (as distinct from governmental regulation).

Today, 20 years on, and with some progress made as regards print and broadcast journalism, a third area is coming into focus for taking the Windhoek idealism yet further. This is the right to information, something that is critical to journalism as well as to citizens and groups striving for transparency and openness. It is essential to good governance, accountable international relations, honest business practices and environmental concerns, amongst others. The earlier demands in Windhoek were that the state should permit the right to free expression through the press and subsequently broadcasting, and these issues understandably dominated the flavour of the two decades after 1991. Today, the other side of the coin is for the state to not just stay out of unwarranted control of information in society, but to also open up its own information resources for public inspection and control. That requires governments practice transparency and also proactively empower citizens to access public information, such as by using (and promoting the spread of) Information and Communications Technologies (ICTs).

The schema above lays out how Windhoek prompted the evolution of African standards appropriate to the ideal of journalism. It also points us to investigating in more depth how actual practice compares to these standards over the past 20 years. Accordingly, this brings us to an assessment of progress since 1991 in the conditions for African journalism, including the wider environment of free expression and media freedom. Also relevant is an assessment of the state of access to information. The verdict, as elaborated below, is that there have been major improvements in regard to the vision for a free print media, partial progress in broadcasting, but still a lot of work needed in regard to the right to information. Warning lights need to flash, however, in relation to a general retrogressive trend in the past decade. The terrain for journalism is still far from optimum, and new issues are also arising in relation to the spread of the Internet. All of this is explored below.

# 3 What we're looking at:

Windhoek 1991 set out several ideal standards for African (print) journalism to flourish, and these can be grouped into in four broad categories. They are: the context, capital, capacity and knowledge needed for African journalism to contribute fully to democracy and development on the continent.

## Contextual standards – political, legal, social:

- a. **A society should have free and diverse media institutions:** As a standard, there should be the establishment, maintenance and fostering of an independent, pluralistic and free press. (This aspiration was further elaborated in the Declaration: (i) independence was from governmental, political or economic control; (ii) freedom was from government control of materials and infrastructure essential for production and dissemination; (iii) pluralism was specified as being an end to monopolies and ensuring, instead, the widest range of media outlets and opinions).
- b. **There should be professional and economic freedoms:** This standard requires freedom for jailed and exiled journalists; an end to repression against individual journalists; and the lifting of restrictions (eg. on newsprint and licensing systems) that constrain the opportunity to publish and to circulate media within and across national borders.

## Capital:

- a. **There should be support:** Windhoek urged direct donor funding for non-governmental publications, with the limitation that any external support for state-owned media should be only “where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.”
- b. **Collaboration is needed:** The standard to be striven for here is cooperation between publishers within Africa, and between publishers of the North and South, and support for the creation of regional African press enterprises.

## Capacity of personnel:

- a. **Media groups should be organised:** This refers to the establishment of independent, representative associations of journalists, and associations of editors and publishers.
- b. **There should be training:** for both journalists and media managers.
- c. **Ethics are part of the picture:** There should be development and promotion of nongovernmental regulations and codes of ethics in each country “in order to defend more effectively the profession and ensure its credibility”.

## Knowledge:

**Research is required:** This would be into the state of press freedom in African countries, into economic barriers, and into the feasibility of establishing an independent press aid foundation.

It can immediately be seen how progress on any one of these ideal standards was, and is, dependent ultimately on success in all the others. As a holistic vision, the Windhoek Declaration requires all components to be in place in order for journalism to be really

pumping. For example, it is not possible to envisage a meaningful code of ethics being developed, or an effective self-regulatory system being put in place, without journalists also having the legal freedom to make ethical choices. Similarly, media freedom is also a prerequisite for pluralism. As a third example, one simply cannot imagine having collaboration in Africa without having vibrant associations in industry, and without some support being made available for this (at least initially). Finally, if all of these elements are to perform optimally, they need to be informed by knowledge and hence there needs to be research.

It should be noted, however, that while achieving each aspect of the Windhoek Declaration is essential to the other, progress on one does not inevitably guarantee the progress of another. To illustrate this, one can acknowledge that while media freedom is essential for ethical journalism, on its own it does not automatically generate this outcome. That said, though, without media freedom in politics and law, very little else can happen. In this regard, if there is one fundamental condition in the Windhoek Declaration, it is media freedom. To study this key aspect of African performance, it is possible to draw on frameworks that are somewhat more narrowly focused than the Windhoek Declaration – such as that of Reporters Sans Frontiers, the Committee to Protect Journalists and Freedom House (see below). The point of such a focus is that the most important ingredient since Windhoek has been, and for a long time will continue to be, the quality of contextual freedom for journalism. This central pillar does not construct the entire house as envisaged by Windhoek, but the dwelling depends on it being in place if the other components have a chance of being assembled.

Even taking all the Windhoek Declaration points, it is also clear that the document never set out to cover the entirety of media issues. Its principles of independence, plurality, diversity, sustainability and pan-Africanism are also very relevant to broadcasting and Internet media, even though these matters also raise issues of their own. However, Windhoek's particular focus has also been enriched by several other (later) frameworks which have taken further the task of highlighting, to use the words of the Declaration, what it takes for the media to be “essential to the development and maintenance of democracy in a nation, and for economic development”. Prominent amongst such subsequent frameworks are the following: (i) the African Media Development Initiative, (ii) the Media Sustainability Index by the International Research and Exchange Center (IREX), (iii) UNESCO's “Media Development Indicators” and (iv) the African Media Barometer of the Friedrich Ebert Stiftung and MISA, which is based upon the Declaration on Principles of Freedom of Expression in Africa. These frameworks all highlight Windhoek's central concerns, while adding other aspects as well. Accordingly, other standards beyond Windhoek (although linked to it) can be included in an assessment of conditions for the optimum role of journalism in Africa:

Adding to **Context** standards:

- Freedom of information dispensations
- Independent regulation of broadcasting, and reform of state-owned media

Adding to **Capital** standards:

- Access and use of modern media technology for both inputs and outputs of journalism
- Media service for marginalised groups and languages

Adding to **Capacity** standards:

- Importance of editorial independence from owners and outside influences.
- Existence of media support groups
- Self-regulation and complaints systems for the public

- Local content production and topic-based expertise
- Participation in news and media discourse by people outside the media industry

Adding to **Knowledge** standards:

- Development of news- and media- literacy amongst audiences and public officials.

From some points of view, not even this expanded horizon is enough to get a complete handle on key matters. Some people could, for instance, suggest explicit focus on gender across all indicators; others might propose attention to the image of Africa. For the purposes of this report, these themes will be touched on where they permeate the issues raised. Other critics could oppose the separation of some categories. It is true that there is a cross-cutting character of many of the aggregated standards. One example is that the right of access to information is not just an aspect of political-legal-social context, but is also about practical access which includes capacity, technology and knowledge. However, for the purposes of exposition in assessing how far Africa has come since Windhoek, and where we still need to go, this report keeps a focus on the four broad concerns of Context, Capital, Capacity and Knowledge. At the same time, it also strives to be responsive to the kinds of criticisms that could be made of this analytical framework.

Although it might be obvious, it bears mentioning that what follows should not be taken to constitute sweeping generalizations about African journalism as a whole. African countries differ enormously, and not least in terms of Francophone and Anglophone colonial legacies and in terms of the forms of governance in them. It is also important to be mindful that where an average is calculated, it is often significantly brought down by horror cases in 2010 like Eritrea (17 jailed journalists), Ethiopia (4 jailed journalists), Equatorial Guinea and Zimbabwe, even these offenders are, in the bigger picture, just four countries out of the total.<sup>10</sup> The reader should therefore read the material below mainly as providing illustrations of the kinds of gains and the types of problems that can be identified over the 20 years since the Windhoek Declaration. Further, much of the data and the cases cited are indicative, rather than statistically definitive.

With these caveats, the ensuing chapters delve into the question of how African journalism has fared since 1991 in the key areas of context, capital, capacity and knowledge.

## 4 Context – political, legal, social:

As per the original Windhoek Declaration, it is important in this section to examine whether Africa exhibits a context that meets the standards of political and economic freedoms for media and journalism. In addition, we can add the points raised in the other frameworks post-Windhoek: freedom of information; independent regulation of broadcasting and reform of state-owned media.

### 4.1 Political context:

According to Francis Nyamnjoh, there is a danger that theories from the North are used to underpin the norms of what media in Africa should look like. “This is why African media often does poorly on global indices of press freedom, for instance, because freedom is measured in a particular way.”<sup>11</sup> A somewhat similar sentiment was echoed in 2007 by then CEO of the South African Broadcasting Corporation, Dali Mpofu, who criticised journalism that was “foreign, frigid, and feelingless”. He argued that it should instead be based on “African values” with privacy and dignity taking preference over the right to free speech. For Nyamnjoh, “we should be much more careful in negotiating and arriving at the ethics and values that we think we can afford to impose on African media”.<sup>12</sup> Such views suggest that Africa should be judged by a different and indeed lower standard of free speech than the West. Overlooked, however, is the way that public interest anywhere can often justify occasions when free speech (and by extension media freedom) can – and should – take legitimate precedence over other rights. At any rate, and notwithstanding their reservations, neither Nyamnjoh nor Mpofu would surely want to see African countries condoned for rights violations like killings, jailings and intimidation of journalists, or politically-driven closures of media outlets. These kinds of extreme indicators can be universally accepted as evidence of a context that is not conducive to journalism. Notably, such violence is also reflected prominently within Western indices such as those of Reporters without Borders<sup>13</sup> and Freedom House. For example, Reporters without Borders says that it gives major attention to: “every kind of violation directly affecting journalists (such as murders, imprisonment, physical attacks and threats) and news media (censorship, confiscation of newspaper issues, searches and harassment).”<sup>14</sup> (There is further discussion of Freedom House’s scoring matrix in the concluding section of this report). We can also note that paying attention to these kinds of gross violations of press freedom is also in line with the formal position of the African Union, as contained in the Declaration of Principles of Freedom of Expression Africa as adopted by the body’s Commission on Human and Peoples’ Rights. So how has Africa fared in these respects?

Figures from the Committee to Protect Journalists ([www.cpj.org](http://www.cpj.org)) provide a count of 102 journalists killed in Africa from October 1992 to September 2010, with the highest annual counts being in war-torn countries.

| <b>Journalists killed in Africa</b> |           |                                 |
|-------------------------------------|-----------|---------------------------------|
| <b>1992</b>                         | <b>1</b>  |                                 |
| <b>1993</b>                         | <b>8</b>  | <b>Mainly Somalia</b>           |
| <b>1994</b>                         | <b>25</b> | <b>Mainly Rwanda</b>            |
| <b>1995</b>                         | <b>2</b>  |                                 |
| <b>1996</b>                         | <b>1</b>  |                                 |
| <b>1997</b>                         | <b>1</b>  |                                 |
| <b>1998</b>                         | <b>8</b>  |                                 |
| <b>1999</b>                         | <b>13</b> | <b>Mainly Sierra Leone</b>      |
| <b>2000</b>                         | <b>4</b>  |                                 |
| <b>2001</b>                         | <b>0</b>  |                                 |
| <b>2002</b>                         | <b>0</b>  |                                 |
| <b>2003</b>                         | <b>2</b>  |                                 |
| <b>2004</b>                         | <b>1</b>  |                                 |
| <b>2005</b>                         | <b>3</b>  |                                 |
| <b>2006</b>                         | <b>1</b>  |                                 |
| <b>2007</b>                         | <b>10</b> | <b>Mainly Somalia</b>           |
| <b>2008</b>                         | <b>2</b>  |                                 |
| <b>2009</b>                         | <b>11</b> | <b>Mainly Somalia</b>           |
| <b>2010</b>                         | <b>9</b>  | <b>Somalia, Nigeria, Angola</b> |

In 2005, the UK's Department for International Development (DfiD) classified 25 African states as fragile, and it is no surprise that journalism in fragile states is also fragile.<sup>15</sup> Yet some of the worst cases of killings have also been in more stable countries. For instance, the assassins of Deyda Hydara in The Gambia in 2004 and Norbert Zongo in Burkina Faso in 1988 have never had to face the consequences. In the case of the murder of Metical's editor Carlos Cardoso in Mozambique in 2000, there was not impunity, but "the criminals had not only killed a top economic editor, but also a publication ..."<sup>16</sup>

Other brutal extra-legal measures against journalists include harassment and detention, verbal intimidation, beatings, arson, court cases, imprisonment, arbitrary confiscation, seizures and sabotage, and actual closure of media outlets. In the very year of the Windhoek Declaration, 1991, 91 African journalists were incarcerated, 46 prosecuted, and 19 publications banned – and this data set is only for 30 countries, because strife in countries such as Chad, Somalia and Togo made it impossible to get information there.<sup>17</sup> At least since then, there has been a comparative improvement. For 2010, there were 28 journalists in jail (including 17 in Eritrea, 4 in Ethiopia, 3 in Sudan, and 1 each in Burundi, the Gambia, Egypt and Tunisia).<sup>18</sup> The murders that year were as follows: 2 in Nigeria, 2 in Angola, 2 in Somali, 1 in Rwanda, 1 in Cameroon, and 1 in Uganda, totalling nine.<sup>19</sup>

However, while fewer journalists are jailed today, closures of media houses still occur regularly. In 2010 alone, a newspaper and a radio station were each suspended for two months by the High Council on Freedom of Communication in the DRC, while Tanzania suspended a publication for three months. Rwanda's Media High Council barred two publications for six months on charges of insulting the head of state and provoking insubordination in the army. Other repressive actions have arisen in relation to new media. SMS was banned during food riots in Mozambique in 2010. Prior to this, the Ethiopian Government had banned SMS for two years after the contested elections in 2005. This year, the besieged regimes in Tunisia and Egypt cut off the Internet altogether for a number of days. Subsequently, Zimbabwe has arrested activists for watching DVD news clips of the north African protests as well as a citizen who posted a message on Facebook that the demonstrators' unity of purpose was worth emulating. Uganda in 2010 adopted the Interception of Communications Act, giving the state sweeping powers to tap phones and monitor e-mails. These measures show that basic information rights are still not sufficiently respected in a number of countries.

Despite Windhoek, those in power also sometimes use belligerent language that shows little regard for due legal process. In 2010, the brother of the Swazi king warned: “Journalists who continue to write bad things about the country will die.” In 2008, Ezekiel Mutua in his position as Kenya’s top civil servant for information and communication assumed he had the legal power to disband the Media Council of Kenya: “If the MCK cannot work in tandem with its parent ministry, then... I will have compelling reason to deregister the Wararu team and appoint a team that will cultivate a much more professional, lawful and symbolic relationship with the ministry”.<sup>20</sup> Two years earlier, Kenya’s Internal Security Minister George Ogola threatened the press: ‘If you rattle a snake, be prepared to be bitten’. In concrete context, such remarks have a chilling effect. According to Gerard Loughran writing of *The Nation* group’s limp assessment of electoral rigging in Kenya in 1998: “It was an extraordinarily supine and uncharacteristic response to a flagrant abuse of the democratic process. Where in the past *The Nation* had taken pole position in defence of wananchi’s rights, now it was leaving the battle to lawyers and churchmen.”<sup>21</sup> As Loughran points out, this was at a time of threats and intimidation all over. Nevertheless, it is also observed that journalists on occasion acquiesce too readily. According to the then-editor of the ruling party’s paper *Kenya Times*, Philip Ochieng: “*The Nation* got into problems partly by not arguing”. He believed that it could have challenged and persuaded the government at the time.

Killings, jailings and wartalk are extreme cases, even though sadly they are still not altogether uncommon two decades since Windhoek. The happier fact is that they are not the rule, and that is partly due to how democratisation in many countries has entailed some improvements in the conditions for journalism. In 2000, 42 of 48 countries in sub-Saharan Africa had held multi-party elections, according to the World Bank.<sup>22</sup> This explains why most African governments nowadays refrain from the worst abuses and proclaim respect for press freedom, even when they do not really mean it. Generally a negative environment for journalism is a function of contestation around power that lacks legitimacy, whether the right to rule is won through military coup, civil war, revolution or even election. Thus although improvements in the media environment generally result from elections, there is no inevitability about this. As researcher Tom Rhodes notes, the experiences of the DRC, The Gambia, and Ethiopia should serve as a warning that staging an election is in itself no guarantee of democracy or the development of media freedom.<sup>23</sup> For instance, in Djibouti, allowing multi-party elections led not to the establishment of free and independent media, but rather to a stand-off between government and opposition media.<sup>24</sup> In Ethiopia in 2010, the prelude to the elections saw journalists being intimidated and imprisoned, foreign broadcasters being jammed, and websites being blocked.

Elections have also not necessarily changed undemocratic patterns of governance. Ogbondah describes “a neo-patrimonialist regime” as one “in which the ruler personalizes the government and the regime and, in an uninstitutionalised but erratically pervasive way, penetrates the state and society at large.” He contends that African elections in the 1990s did not end neo-patrimonialism. “The old leaders have either continued or the new leaders voted into power have adopted a similar behavior as their predecessors, thereby confirming the pervasiveness of these values in the political elite.”<sup>25</sup> In this context, the new rulers have felt no shame in resorting to the same tactics as their post-independence predecessors in seeking to control critical journalism – deploying very crude tools if need be. That there is still a way to go is underlined by Misa director Kaitira Kandjii who in 2010 stated: “While we have made strides since the Windhoek Declaration in 1991, the last five years have witnessed a steady deterioration of media freedom, reminiscent of Africa’s one party state era of the 70’s and early 80s, characterized by the suppression of the basic fundamental rights of freedom of expression, assembly and human dignity.” He added: “The southern Africa envisaged in the Windhoek Declaration of 1991 is a far cry from the arrests, beatings, torture and detention of journalists and the general repression of media freedom that are characteristic in the region today.”<sup>26</sup>

Even when polities are more secure, political contestation can still play a part in threatening journalism. In South Africa, the country’s 16<sup>th</sup> year of democracy saw increasing rhetoric and threats by ruling party politicians and severe mistreatment of journalists by police. The

Protection of Information Bill provided for up to 25 years prison for disclosing classified information. Even Benin, long admired for a progressive environment for journalism, saw a march by six media organisations in 2011 in protest against what the organisers called “the barbarity of security forces” against journalists.<sup>27</sup>

In this overall context, besides for this focus on direct repression, it remains important to look at how the legal dispensation for press freedom has evolved in sub-Saharan Africa over the past 20 years, and whether it has come closer to the freedoms Windhoek called for.

## **4.2 Legal context**

### **4.2.1 Constitutionality and the rule of law**

A constitutional guarantee of free speech and freedom of expression is a starting point for the ideal conditions for journalism envisaged in 1991. A study of 10 African countries for UNESCO in 2007 found that eight had constitutions with media freedom clauses,<sup>28</sup> and these were largely introduced in the post-Windhoek period. In South Africa, the constitution has proved to be an important check on government desires to control broadcasting, and the ruling party has accepted that this basic law could be used to block its desire for a parliamentary-appointed “Media Appeals Tribunal” to overrule the newspapers’ self-regulatory system. A progressive constitution has also been important in countries like Mozambique where there are even strong provisions laid down protecting journalists’ right to keep their sources confidential. However, constitutions also often have had clawback provisions included in them. Probably most notable here is Swaziland where the 2005 constitution enshrines press freedom but also provides that the King may waive rights at his discretion.<sup>29</sup>

The constitutional dispensation for media freedom can also be analysed at the formal level and at the implementation level. For instance, The Gambia has constitutional guarantees of free speech, but despite these, freedom of expression and of the press “are the most violated rights in the country”.<sup>30</sup> In addition, as Ogbondah states, “The tendency for constitutional paragraphs to remain contradictory and ambiguous allows the political leadership to find justification for interferences aimed at limiting the freedom of the media”.<sup>31</sup> Another common problem is that constitutions are not consistently translated into laws – this is particularly evident in regard to the right of information.<sup>32</sup>

In some cases, constitutionally-valid laws have been passed, but vague provisions allow governments to circumvent the intended spirit. For instance, Zambia broadcast laws passed in 2002 have yet to see the full light of day, not least because the government was determined to interpret the law to allow it retain final powers of appointment. A recent troubling case is Chad which in 2010 introduced prison sentences for journalists and suspensions of media outlets found guilty of inciting racial or ethnic hatred, but on the basis of very vague definitions of incitement in the law.

On the positive side, a culture of law-governed actions has grown over the past two decades. Accordingly, the courts have played an increasingly important role in shaping the context for free and independent journalism. But they have sometimes upheld defective laws or interpreted reasonable laws in a highly conservative manner. For instance, since 2005, Lesotho, South Africa, Swaziland and Zimbabwe have all seen controversial rulings against the media, including fines and injunctions against publication.<sup>33</sup> For Ethiopia, exiled editor Mesfin Negash says: “when it comes to freedom of speech, the legal apparatus is basically an appendage of the executive”.<sup>34</sup> In one of the most disgraceful cases, in 2010 a Zambian magistrate dished out not just a four month jail sentence, but made this a hard labour term. His target was Fred M’membe, editor of *The Post*, who was found guilty of contempt of court for publishing a column by a US-based Zambian law professor.

However, courts have also sometimes supported freedom of expression and press freedom. In 2010, Uganda’s Constitutional Court declared the criminal sedition statute to be unconstitutional. There have been instances, though, where some problems do not

even get to court because laws are selectively applied. For instance, Rwanda's press law of 1991 as well as its inherited penal code clearly outlawed appeals to ethnic hatred. However, in 1994 impunity was allowed to RTLM broadcasters whose poison helped to instigate the genocide.<sup>35</sup>

#### **4.2.2 Criminal defamation**

A major obstacle to journalism over the past 20 years has been laws that make defamation a criminal (as opposed to a civil) matter, and insult laws banning criticism of government officials. These provisions are often hangovers from colonialism, although the former colonial power Britain itself eventually scrapped these in England and Wales in 2009. The archaic nature of such provisions is evident in places like Botswana and Zambia where there is still language in the law that prohibits defamation of "foreign princes". Lest this is seen as a merely quaint throw-back, Libyan despot Muammar Qaddafi has used exactly this provision in Ugandan law against that country's *Red Pepper* newspaper.<sup>36</sup>

It is in infamously problematic states like The Gambia that apply insult laws extensively, for example with six journalists recently being jailed for criticising the country's despot Yahya Jammeh for his comments about murdered editor Deyda Hydar. In a similarly repressive state, Swaziland's parliament passed standing orders in 2007 to make it mandatory for journalists to be fined for offending parliament or MPs.<sup>37</sup> However, other less-reactionary countries are not exempt from using such tactics. In the DRC and Nigeria, journalists have been charged for stories about presidential health problems. A Kenyan journalist spent eight months in prison after a conviction for criminal defamation in 2009. Last year, Gabon jailed a reporter for three months on charges of criminal defamation. In Cameroon another journalist was released in 2010 after serving 20 months on charges of publishing "false news" and in 2011, an editor was convicted of criminal defamation, given a six-month suspended prison sentence and a fine, and had his newspaper indefinitely suspended. In Uganda, there have been prosecutions for cartoons, while even in South Africa, cartoonist Zapiro has faced numerous (civil) defamation charges from the seemingly thin-skinned president, Jacob Zuma.

More heartening is that by 2005, criminal defamation was in use against journalists in only 5 of 17 countries surveyed by the Africa Media Development Initiative: Cameroon, Mozambique, Sierra Leone, Somalia and Zimbabwe.<sup>38</sup> Limited progress can be seen in Cote D'Ivoire introducing a new press law in 2004 that retained insult laws, but at least scrapped imprisonment as a penalty for press offenses.<sup>39</sup> This is a country where there were 20 cases for insult of the president of the republic or a foreign head of state between 1992-1994.<sup>40</sup> A similar slight improvement occurred in Guinea in 2010. Chad and Niger last year decriminalised defamation, following belatedly in the footsteps of Ghana which did so in 2001. Another positive development against insult laws in the past decade is the Declaration of Table Mountain adopted in 2007, and endorsed by Archbishop Desmond Tutu in 2010 ([www.declaration.org](http://www.declaration.org)). This is a campaign by the World Association of Newspapers and is evidence of the North-South solidarity recommended in the Windhoek Declaration.

Despite such trends, new laws in Burundi and Rwanda missed opportunities in 2003 and 2009 respectively to scrap these kinds of provisions, and instead explicitly retained them. Meanwhile, Angola in 2010 passed a law that bans speech that insults the president, the state, or official institutions, and provides for up to two years jail for offenders.

#### **4.2.3 Licensing journalists and media**

Journalists and media houses are still subjected to registration (and hence potential de-registration) in places like Zimbabwe, Cameroon, Equatorial Guinea and even Botswana. This is a restriction that is increasingly illogical in terms of the spread of the Internet, although it does allow for governments to undertake selective prosecutions. But registration is a cumbersome instrument, which may be why it is not enforced in Uganda where journalists are supposed to be registered or face a fine or three months jail. This has not stopped Rwanda, however, from introducing a recent "licensing" requirement that

all practicing journalists must have an educational qualification if they wish to continue practicing. However, compulsory registration of journalists seems overall to have little enduring traction in the post-1991 era. The African Media Development Initiative study of 17 countries revealed that 14 of these at the time did not require compulsory registration for journalists.<sup>41</sup> Recently, Nigerian journalists won a case on the unconstitutionality of the Nigerian Press Council which had enforced registration of journalists, and could impose penalties for noncompliance. The right to practice journalism, as distinct from a privilege to do so, appears to be increasingly recognised around Africa.

#### **4.2.4 Broadcasting law**

Matching the spirit of the Windhoek+10 and the African Charter on Broadcasting, many African countries have now passed laws allowing for liberalisation and deregulation of broadcasting. Although these are not always ideal, and not always fairly implemented, they led to a flourishing of commercial, community and religious radio stations, as well as TV in many (mainly urban) areas. In 2008, for example, the DRC had 41 radio stations and 51 TV stations in Kinshasa alone. There were 381 radio stations and between 81 and 93 TV channels in total in the country.<sup>42</sup> In Benin, there were 73 radio stations in 2006/7. Uganda now has over 120, and Mali 200.<sup>43</sup> In some countries, religious media outlets have been the main or sole area of non-state media development since 2000.<sup>44</sup> There have also been periods of great public debate through live outside broadcasts, as in the Ugandan ebimeeza radio programmes until government stopped them. Today, private broadcasters are almost everywhere, barring Eritrea and Zimbabwe.

One enduring issue, however, is that state-broadcasters tend to retain a monopoly on national broadcast signals in almost every country. This has seen an absurd situation in Zambia, where a Lusaka-based channel was initially forbidden from making its content available to other parts of the country via a satellite network owned by another company. Another ongoing area of concern is that provisions and legal dispensations for community media are lacking in many countries: for instance, this was so in approximately a third of the 17 countries surveyed by the African Media Development Initiative.<sup>45</sup>

Independent regulation and licensing of broadcasting is another dimension in short supply. In most countries, the Ministry of Information still directly or indirectly dictates who can receive a licence. Unbelievably, Zambia has dragged its feet for nearly a decade in implementing legislation to set up an Independent Broadcasting Authority. However, South Africa has a communications regulator that is constitutionally-enshrined as being independent, even though there are continual battles over the balance of power between it, government and industry interests. Generally, regulators are also weak and under-resourced, and especially feeble as regards state-owned broadcasters. In Congo Brazzaville, a lack of regulation has seen a near chaotic flourishing of radio stations run by unchecked rival political interests. Likewise, though Togo has 96 radio stations, “with a few exceptions, the media have become mouthpieces for political parties”.<sup>46</sup> Despite these problems, it would seem that at least the days of direct government favouritism in licensing are numbered, and decisions are at least mediated by a separate regulatory body even if its independence and impact is not at optimum level.

Another issue for the role of broadcast journalism is the matter of ensuring the neutrality of state-owned media. Only a few countries (eg. the DRC) have laws on this, and even fewer (like Ghana) also have institutions to promote this (see below). During elections, neutrality is an especially critical issue, and it is at such times that most abuse occurs. African countries where state-owned broadcasters perform politically as independent public service broadcasters can probably be counted on the fingers of one hand. In 10 of the 17 states researched by the African Media Development Initiative, there were no regulatory obligations for state broadcasters to fulfill a public service remit.<sup>47</sup> And in Rwanda, a decade after the genocide, a report noted that state-owned broadcasting carried not a single report on the political opposition in coverage of the anniversary.<sup>48</sup> Even in South Africa, which was thought to have a “bullet-proof” system of independence for the state-owned SABC, has experienced problems. The broadcaster was wracked for

division for two years after interference by the ruling party in the appointment of the board in 2007, which intervention even served to undermine its own members of parliament as regards the choice of board members. Elsewhere, Radio-Television Senegal and the government-run daily newspaper *Le Soleil*, obey the president's direct orders.<sup>49</sup> However, Ghana's National Media Commission, set up in terms of a constitutional mandate to insulate the state-owned media from governmental control, operates autonomously and serves as a model for other countries to consider.

### 4.3 Social context:

Windhoek spoke of journalism that was independent of governmental and political control, and in state-owned media this is not only a legal issue: it also applies to the culture and practice of employees in these institutions. An example worth looking at in detail here is Zambia's ZNBC's which has a legal mandate as a public broadcaster and is therefore supposed to provide impartial editorial content.<sup>50</sup> The broadcaster also proclaims a commitment to the highest ethical standards of broadcasting and to balanced and diverse news content. But although a 2002 law foreshadowed a new and representative board of ZNBC directors, the previous system of Ministerial appointees has simply continued. In this context, the culture of editorial interference in the news has been extensive. During 2008 at least, reporters were told to avoid stories that dented the image of government leaders, and yet damaging stories involving opposition leaders were aired. As a result, ZNBC staffers stopped pursuing stories that they knew would not be broadcast. Even in the 2006 elections, opposition parties were covered only inasmuch as they made points that were not anti-government, or points that would have to wait for a government reaction if they were ever to make the airwaves. Many staffers believed that ZNBC was a "government institution" and that it followed that government officials received the upper hand in the news. Significantly, the newsroom had no proper guidelines and policies, which lacuna was seen by some of the news workers as a deliberate ploy to enable manipulation to take place. Further, some staffers were seen as being ruling party political cadres who say a story has to be changed, claiming to have been called by the president. Said one staffer: "It is just people here fighting for favours from the ruling regimes."

A similarly difficult culture has been identified in Ethiopia's state-owned media. There, the abolition of open censorship in the law in 1992 and 1995 led to greater reliance on control through self-censorship.<sup>51</sup> The practice is particularly effective on sensitive issues such as election coverage and foreign policy. It works through unwritten rules enforced by editors, and it involves both active withholding of some information and avoidance of collecting other information.<sup>52</sup> Some of the staffers who implement it say their hands are tied, thereby shifting responsibility to the media institution. There is also the frequent justification that the audience know that the state-owned media represents the government's view.<sup>53</sup> This kind of culture is a barrier to independent journalism, even where there is a change of government.

Another case is Lesotho's state-owned newspaper, *Lentsoe la Basotho/Lesotho Today*.<sup>54</sup> Here, news workers negotiate different kinds of journalistic identities (avoiding the watchdog one, but at least striving towards that of being a neutral or impartial forum). They try to harmonise this kind of journalistic identity with the identities of being a civil servant and a government employee, and they do all this in the absence of editorial independence. One journalist at *Lentsoe* stated: "We add salt there and there to ensure that the government is always protected". Some news workers attempt to cover opposition parties knowing that the story could be published if they obtain government comment and run that as the major angle of the story. Other news workers rationalised the same technique as being in the interests of not publishing half a story: "It does not make sense to rely on second-hand information when with just a little patience we can get the whole story from the horse's mouth." When government is the newsmaker, however, opposition views are not sought out. The result is that the *Lentsoe's* news workers tend see themselves primarily as government information disseminators, rather than as journalists. While they sometimes seek to uphold professional journalistic obligations towards truth and fairness, there is also an unwritten code that they do not bite the hand that feeds them.

These cultures are very hard to change. Yet, as state-owned media faces increasing competition, the pressure will increase for these entities to solicit audience share by becoming more journalistic in their news practices. Pluralism à la Windhoek will pressure state-owned media to include some real journalism or lose audience share and influence regarding news. In this context, state-employed news workers who wish to act as journalists will no longer have to do so by subterfuge and circumvention, and even their colleagues may catch the spirit of independent role fulfilment.

#### **4.4 Freedom of information**

This standard is a critical part of the context for free and independent journalism, but it is also one which has been severely handicapped at both the legal and cultural level during the 20 years since Windhoek. Only five African countries have relevant legislation (South Africa, Uganda, Angola, Ethiopia and Liberia), and even they still exhibit a culture of centralised and tight-fisted control of public information with little use of ICT to make information available. While governments are quick to complain about private media publicising rumours, they overlook that this problem is often a function of their failure to make information available comprehensively and timeously. Such was the case when there was a Nelson Mandela health scare in South Africa in early 2011. In general, officials are forbidden from giving information to the media, and even written questions to designated spokespersons are often ignored. In Uganda, many journalists experience delays of up to a year when requesting access to government records supposedly covered by the law.<sup>55</sup> A recent example has been the difficulty of getting hold of the profit-sharing agreements between the government and oil companies working in Uganda. The private sector takes its cue from government foot-dragging. Thus journalists trying to cover the extractive industry find that businesses are generally tight with information.<sup>56</sup>

South African media had to go to court to get access to a contract between their government and FIFA, but even access to uncontroversial information remains a problem. As has been pointed out by Marie Soleil Frère, especially regimes where leaders have military backgrounds, such as central Africa, where power was won and maintained by force and intimidation, appear to find it hard to change their outlook to embrace open styles of information management.

Generally speaking, the environment for access to information is better than it was in 1991. But gains have been very limited. In 2006, laws governing access to information were still pending in four of 17 countries (Ghana, Kenya, Nigeria and Zambia), but nothing had materialised by 2011.<sup>57</sup> And yet neither journalism nor transparency can easily flourish in an environment where public information is withheld.

#### **4.5 Pan-African context**

Unfortunately, progress at a pan-African contextual level has yet to be achieved across a range of fronts, even though it is arguable that this realm is vital for promoting contexts conducive for journalism at individual country levels. The African Union does not have an instrument to enforce standards for free speech and media freedom. As noted, a valuable indirect spin-off of Windhoek has been the African Union's Declaration of Principles of Freedom of Expression. However, this is not a binding document on African states. Also, the African Peer Review Mechanism has ignored the condition of media freedom as a measure of good governance. Very few election benchmarks in use have given due weight to the importance of media freedom and independence in terms of whether a poll is deemed to be free and fair. The African Court of Justice has not yet heard a case dealing with media issues, in part because of the way it limits who may bring cases to it. On the other hand, the Economic Community of West Africa (ECOWAS) court has played a valuable role in holding the regime in The Gambia to account for the torture of journalist Musa Saidu Khan.

One pan-African initiative that seemed particularly ominous for contextual freedom was a proposal by the European Union and the African Union for a continent-wide media observatory, dominated by state personnel, which would enforce a media code of conduct

across all countries. Opposition from many journalists and media support groups put paid to it.

Overall, the Pan-African context is slightly improved since 1991, but it still has a long way to go.

The character of politics, law and social culture as discussed above covers probably the central shapers of the journalisms within any given African country. But there are also other institutional connections and controls which play a part – in particular, ownership, economics and business models. As discussed in the next section, these forces can be profitably assessed in terms of Windhoek's standards.

## 5 Capital: paying for the pipers

It will be recalled that the Windhoek Declaration called for funding for non-governmental publications, and it stated that state-owned media should only be supported if they existed in a context of freedom and independence. The Declaration also advocated a standard of cross-country collaboration. To this can be added technology and services for the marginalised. Not a great deal of progress has been made in these areas.

### 5.1 State ownership

As outlined in the section above, a major form of press control across Africa remains governmental ownership and control within the sector. As Louise Bourgault noted in 1995: “Government ownership makes it all too easy to slip into the familiar and comfortable pattern of self-censorship, with the eye of the journalist on job security and possibly an eventual professional promotion”.<sup>58</sup> The hopes that new governments would change the situation with regard to state-owned media were soon dimmed. In Zambia, the Movement for Multi-Party Democracy (MMD) pledged to privatise the *Times of Zambia* and the *Daily Mail* before coming to power in 1992, but soon reneged once in office. A 2002 law setting out a public service character for the ZNBC has been implemented in one key regard: the implementation of TV licence fees. By 2008, this source of funding was the second largest revenue stream at 20 percent, after commercial revenue (mainly advertising) at 70 percent.<sup>59</sup> Although ZNBC is still not a public service broadcaster, the public now have to pay for it directly.

Not content with holding onto state-owned media, some African governments have also demonstrated predatory designs on private media. Back in 1976, Kenya’s president Jomo Kenyatta tried to get his nephew appointed as chair of the board of *The Nation* group.<sup>60</sup> Such controlling strategy is not dead: in 2005, it was revealed that the Zimbabwean government had clandestinely bought the controlling shares in three private newspapers.<sup>61</sup>

### 5.2 Unfair competition and advertising power

The problem is not just that the abuse of state-owned assets for narrow political purposes violates democratic principles. The continued capture of these entities by governments can make it hard for private sector entrants to compete. This is especially in cases where state support, such as partisan advertising and favoured access to reporters, are biased towards state-owned sector media. In the 1980s, *The Nation* had to pay 30% import duty on newsprint, while the *Kenya Times* did not have to.<sup>62</sup> This kind of situation is happily no longer widely prevalent post-Windhoek. However, in Botswana, one result of state enterprise competition has been the collapse of Tswana-language paper *Mokgosi*, which could not survive in the face of government pouring resources into the state-owned *Daily News*.<sup>63</sup>

According to Bourgault: “Press freedom in Africa will flower only if new sources of finance can be harnessed in a new economic order, i.e., if the management of capital can be wrested away from the all-controlling powers of centralized government on the one hand and from foreign-dominated government or multinational sources on the other.”<sup>64</sup> Her remark resonates particularly with the power that governments and corporations have through advertising. In the post-1991 history of *The Nation*, government advertising and tenders have often gone to the state-owned *Kenya Times*, even though at one point the cost of doing so meant the ads reaching 1000 readers for 78 cents vs 7 cents.<sup>65</sup> In Ghana more recently, state-owned media are reported to receive the bulk of advertising support from the public sector.<sup>66</sup> Some states have gone as far as abusing public resources in order to punish critical papers. In 1989, when *The Nation* was banned from reporting the Kenyan parliament, a number of parastatals and local governments cancelled their advertising. In 2006, Kenyan police stormed the offices of *The Standard* newspaper and

government followed up by withdrawing advertising. In like vein, state advertising in Namibia, Botswana, Malawi, Lesotho and South Africa has been misused as a retaliatory tool against critical coverage in certain newspapers.<sup>67</sup>

Corporations have also sometimes been bullies, even of major media houses. At one point Bata Shoes withdrew ads from *The Nation* because the paper reported a strike at its factory. Kenya Cannery cancelled a label-printing contract after it was reported how the company gained a monopoly of the pineapple market. Firestone stopped its adverts in the group after reports about the difficulties of getting foreign exchange and spare parts.<sup>68</sup> Fast forward to today, and it is evident find that much African media steers clear of criticising cellphone companies, given their extensive advertising. On the other hand, in Uganda “it is almost commonplace that every advertiser expects some coverage”.<sup>69</sup>

However, an even bigger problem is when economies are too weak to have advertising. The significance of this is evident in Marie-Soleil Frère’s analysis of the DRC: “In a context where there is virtually no advertising and the little that exists is given according to political sympathies, and where the population is too poor to buy a newspaper that costs as much as several meals, only those media that have a sponsor (political or funding agency) survive.”<sup>70</sup> One journalist has vividly put it: “Only the politicians have the means to support the press. If we are neutral, we don’t get any money and we die.”<sup>71</sup> And when there is war and conflict, the impoverishment that results can also be deadly from a media business point of view.

### **5.3 Business imperatives and access to finance**

The Windhoek Declaration has not managed to change the economic problems discussed above. It also has not, and could not, ameliorate other business challenges. Distribution problems are not always as immense as in Kenya in 1960, where on *The Nation*’s Mombasa run, “one van was charged by a rhino, and on two successive nights vehicles ran into herds of elephants”. It was also a time when “one driver was swept five miles downstream in a flood...” But the costs of navigating poor road infrastructure around the continent are still huge. The challenge of selling adverts for private media has also not changed since the early days of *The Nation*, where the advertising manager recalled: “The job wasn’t just tough, it was overwhelming”.<sup>72</sup>

An area insufficiently addressed in the original Windhoek Declaration concerns the need for well-established and nationally-networked advertising and marketing agencies, and related research data. These are essential if private media are to serve as market place that not only attracts audiences for editorial content, but also successfully links specific buyers and specific sellers through commercialised information. Progress here has been almost non-existent in many African countries, and the resulting dampening effect on advertising has a negative impact on the financial bottom line of many media houses.

However, the Windhoek Declaration did encourage donor support for independent African media, and this has seen injections of finance in many countries. These contributions have mainly been to private media (including community media) from Western donors. Sometimes in violation of Windhoek’s concerns about funding state-owned media in unfree environments, China has recently become a supplier of aid in these instances. In conflict zones like the DRC, donor support for UN-associated radio like Radio Okapi in the DRC has been important. But there is a particular question about who will control and fund this credible station when international underwriting stops. More broadly, numerous media ventures have collapsed when external subsidies come to an end. As indicated earlier, however, some private media houses like *The Namibian* have been able to convert foreign funding into vibrant businesses. Likewise in Zambia, *The Post* newspaper has been able to grow beyond publishing to set up parallel enterprises in printing, courier services and internet provision.

Yet, capital for media businesses – one of the key concerns in the Windhoek Declaration – remains scarce. Private media – even like *The Nation* – take even up to a decade to reach profitability and invariably face severe cash flow problems in their early years.<sup>73</sup>

In Cameroon, for example, print journalists have sometimes gone unpaid for up to 10 months at a time.<sup>74</sup> In South Africa and East Africa, the strength of entrenched corporate media houses also makes it difficult for new competitors to emerge.

Hopes were high with the founding of the Media Development and Diversity Agency in South Africa, and the creation of a sub-regional facility called the Southern African Media Development Fund. These entities have played valuable roles, albeit on a small scale. In Francophone countries, a degree of state support has been forthcoming for private media, although as in Senegal the specific allocations have been controversial. In the DRC, a donation of \$1 million to the private press was selectively distributed,<sup>75</sup> and the same pattern was repeated in Congo, over a donation of \$600 000.<sup>76</sup> Cameroon has had similar experiences.<sup>77</sup> The 2005 Blair Commission for Africa gave renewed impetus to Windhoek's calls for an independent finance facility specifically for African media, and the resulting African Media Initiative has been pushing this agenda forward, although by early 2011 no concrete results had yet emerged. The reality of tight financing for media is also related to the political precariousness of investing in this business sector in many countries.

For government-controlled media, a vicious circle exists: state subsidy has been drying up and so the institutions that are supposed to prioritise public service end up giving preference to content where the primary motivation is to bring in advertising and sponsorship to pay their bills. As a result, costly or small audience programming – such as rural news and minority language provision – falls by the wayside, to the detriment of the public. Weak commercial media also mean poor investment in human resources. In Lesotho, media operate from hand-to-mouth on such shoestring budgets that none hire staff with the requisite educational and professional qualifications to understand the dynamics around the Lesotho Highlands Water Project which is central to the country's economy.<sup>78</sup>

#### **5.4 Tabloid success**

One area where there has been business progress in African media in the past decade has been the rise of tabloid newspapers. In 2008, some 15 percent of 182 newspapers in 10 African countries were said to be tabloids, characterised by sensationalised stories and superstitious incidents being reported as fact.<sup>79</sup> The success of tabloids in South Africa, Zimbabwe, Botswana, Senegal, Nigeria, Uganda and Tanzania, amongst other countries, is in some ways an indictment of the mainstream press which has tended to be for and about elites. Talk radio stations have also thrived, often opening up local advertising markets which could not be economically catered for by state-owned national broadcasters. A study of three African countries has found that most tabloid readers still got their news from TV, and that they regarded the tabloids as light entertainment and escapism.<sup>80</sup> Notwithstanding these issues, the tabloid phenomenon is undeniably a media success story. There are, however, question marks over whether tabloidism is equally a success for ethical journalism (see below).

#### **5.5 Sustainability, collaboration and technology**

Given the political drivers of many media enterprises, especially newspapers in relation to elections, it is not surprising that only few endure. When power objectives are won or lost, such media ventures lose their rationale as a means to a political end. But another factor in all this has been the dependence of many private initiatives on a single champion, and the lack of a wider institutional base of shareholders who could otherwise raise an enterprise's sustainability above dependence on a particular person. In 2000, it was observed that you could not talk about newspaper companies in the Central African Republic – papers there consisted of one person who did everything.<sup>81</sup> The point here is that in terms of Windhoek's standard of pluralism, media outlets need to be sustained and to be able to play a more autonomous role, and for this a stronger business basis is required.

Another point falling under “capital” as an enabling factor for journalism concerns

cooperation between publishers and the creation of regional African press enterprises. A once thriving news exchange amongst publications in the SADC countries fizzled in the 1990s. Vibrant content exchanges in broadcasting have never really gotten off the ground. At the same time, businesses like *The Nation* group have successfully developed operations across several states, while South Africa's MultiChoice successfully provides satellite TV in numerous African countries. MultiChoice has also accumulated a wealth of African-originated video content, with the prospect of more indigenous material being made available to audiences around the continent. In central Africa, the radio station "Africa No. 1" based in Libreville has covered many large cities in Francophone Africa. Kenyan entrepreneur Salim Amin launched Africa 24 Media in 2005 as a pan-African video content agency ([www.a24media.com](http://www.a24media.com)). These initial steps represent some positive progress since 1991 when all that existed back then was the propagandistic Pan African News Agency. The Southern Times, a joint venture by state-owned newspapers in Zimbabwe and Namibia focusing on southern African pro-government news, continues the propaganda angle of PANA on a smaller scale.

As regards media technology, it is clear that great strides have been made in using ICT to enrich the inputs into African media, to broaden the reach (especially to the diaspora), and to interact with audiences. The prospects for smart cellphones to increasingly serve as viable media platforms are strong, although barely utilised as such to date. There is thus much room ahead for increased exploitation of new communications technologies, for example in regard to social media in Africa. A key standard for African journalism going forward will be how effectively it can harness ICT.

# 6 Capacity of personnel

The Windhoek Declaration's standards here are organisation, training and ethics. To these can be added the existence of media support groups, self-regulatory and complaints systems, and participation by outsiders in media discourse.

## 6.1 Achievements

When they are allowed to do their work unhindered, most African journalists do an impressive job of informing their publics. The work of the best is recognised on a continental basis by competitions such as the CNN-MultiChoice awards and the Highway Africa awards. A perusal of the winning entries shows many quality journalists making optimum use of the post-Windhoek freedoms to produce outstanding contributions.

Notwithstanding these achievements, the view of analyst Francis Nyamnjoh is that African journalists are victims, and not least of Western culture and a very narrow view of democracy. Furthermore, for him: "In most of Africa the threats to a free, open and participatory media system and society are as much from repressive governments as from the interests of rich nations, international financial institutions and communications multinationals".<sup>82</sup> He further generalizes that "in most countries, journalists are ordinarily perceived as mouthpieces for competing political pressure groups". These views are, however, open to challenge. Most African journalists are certainly not passive dupes of an inappropriate professional ideology, nor are the bulk of them mindless puppets of ulterior political forces. They are active creators and reinforcers of various traditions and diverse influences. Most subscribe to the core universal ideals of journalism, and they are generally sensitive to African situational issues such as the need to promote development.<sup>83</sup> On the other hand, Nyamnjoh is correct to criticise simplistic assumptions that the press necessarily works in the direction of liberal democracy if it is free of governmental control.<sup>84</sup> What makes a difference is the consciousness, power and expertise of the practitioners themselves in terms of whether and how they attempt to actualise journalistic idealism. At minimum, where media people are organised and united, they can better resist pressures from state, business or belligerents, as is evident in the cases of South Africa's editors, Burundi's private radio stations, and the written press in Chad.<sup>85</sup> For journalism to be really strong, its custodians need to be proactive in earning the confidence of the public, and they need to be well organised to develop, promote and defend their craft.

## 6.2 Organisational capacity

Associations representing journalists, editors and publishers have emerged around Africa since 1991, with noticeable successes and shortfalls. There has been relative success by The African Editors Forum, although some regional components such as the Southern African Editors Forum have become defunct. A network of owners and executives is crystallising in the annual African Media Leaders Conference (arranged by the Sol Plaatje Media Leadership Institute and the Konrad Adenauer Stiftung), and the annual African Media Leaders Forum (convened by the Africa Media Initiative). The Southern African Broadcasting Association (SABA) has managed to hold annual conferences for many years in an effort to promote public service concepts, despite the political and economic constraints of their national broadcast members. The continental body, the African Union of Broadcasters, is weak, but it has played a role in negotiating with FIFA on affordable broadcast rights for the 2010 World Cup for African broadcasters. In the year 2011, the Highway Africa conference focussed on professional empowerment will mark its 15<sup>th</sup> anniversary as the world's largest annual meeting of African journalists. Its sister gathering of bloggers, the Digital Citizens Indaba, will mark its 5<sup>th</sup> anniversary.

In South Africa, the SA National Editors Forum already mentioned above has been a bulwark of engaging with the government and blocking restrictions. But aside from the

West African Journalists' Association (formed in 1986 as an umbrella for organisations in ECOWAS), networks of journalists elsewhere on the continent remain weak. They often play a role more akin to a pressure group than having a firm base in their constituency. While the significance of this work is not to be under-estimated, the challenge for a group like the Federation of African Journalists is that its strength relies on component organisations sinking more substantive roots in the newsrooms. Many countries lack labour legislation that would assist in this task, and it is also often nigh impossible to bridge the divides between those working in government-controlled media and those outside of it, particularly in politicised and polarised cases like Zambia and Zimbabwe. Journalists working for state-owned media are often employed as civil servants, which further complicates the organisational project. Another hurdle is weak media economics where very many African journalists are forced to freelance as individuals, and as a result are not often gathered together in a newsroom collective. In the Congo, over the last decade there were barely any paid employees in the privately-owned press, while even those in the state-media faced permanent delays in salary payments.<sup>86</sup> Meantime, fulltime employees have little bargaining power, and payments for journalists compare poorly to other professionals.<sup>87</sup> The common consequence is to make journalists more vulnerable to taking bribes.<sup>88</sup>

Over 20 years, it still remains the case that journalists' capacity to assert at least basic editorial independence against owners, advertisers, sources or powerful social groups is far from strong. There is a long history, dating back to colonial times, of media being seen in an instrumentalist manner by governments, owners or political movements. For this reason, while a pluralism of many "tools" serving as channels for vested interests is better than a monopoly, it is not as good as having media with capacity to maintain autonomy and be shielded by editorial independence that is guided only by journalistic ethics. Editorial independence, vital as it is, is too seldom codified, with one interesting exception being in the SABC's Editorial Policies.

Taking stock overall, if one were to ask if there has been progress since Windhoek in the organisational capacity of African journalists as a constituency, the answer would have to be in the affirmative – even if a lot more still needs to be achieved.

## **6.3 Ethical capacity**

### **6.3.1 How ethics are practised across the mediascape**

Journalism ethics as signalled in the Windhoek Declaration make up a realm in which capacity increases have happened since 1991, but insufficiently. In most state-owned media, journalistic ethics continue to be subordinated so as to favour of the government of the day. In private-owned media, especially those outlets that take on an oppositional role or which specialise in tabloid sensationalism, many ethical problems persist. Included in the list of ills are the bribes to journalists by sources, alluded to above. This widespread problem is known variously as brown envelope, coupage, soli, gratu, gumbo, camorra and plugging. It has corrupted journalistic content through reporters electing to take underhand payments from sources who seek "below the line" media play. This is especially serious in regard to elections coverage. As stated by Nigerian journalist Lanre Idowu, the effect is that "media access remains largely determined by the size of the candidates' purse and not the richness of their ideas."<sup>89</sup> Another consequence is that there is little incentive, let alone moral high-ground, to cover corruption in the state or business if it is also a feature in the media.

Already in 1996, Panos's Diana Senghor wrote that the new pluralism for private media had produced a perverse effect with some ethical practices arising that threatened democratisation.<sup>90</sup> In her estimation, a decline in the number of papers in some West African countries had less to do with government sanctions, than public rejection of unethical journalism. Ethical violations, she proposed, could be examined in four dimensions: (i) their character, (ii) which media they occurred in, (iii) their victims, and (iv) the prescriptions for correction. She listed the principles as being most compromised as: social responsibility; truthfulness, respect for human rights, and professional integrity.

Private media were most to blame for libel, but all sectors had media that were overly partisan to the point of being unfair. The victims, she wrote, were largely the political elite (and therefore the quality of democracy). These points remain broadly relevant in 2011. However, one should be wary of going as far as academic Francis Kasoma once did. He noted that that even the little freedom of the press which many independent newspapers were enjoying in 1997 could be drastically curtailed if they continued to flout basic ethics. As a cautionary note, his point is correct. But he went on to add: “When this happens, the irresponsible independent press will be as much to blame as the governments taking the draconian measures to stop irresponsible journalism.”<sup>91</sup> Kasoma missed the point that governments that respect freedom of expression are required to tolerate a range of unethical speech (within democratically reasonable law), and further that journalistic speech is enjoined to be ethical purely on a voluntary basis inasmuch as it claims to be a form of speech that is “other-regarding” rather than merely “self-regarding”.<sup>92</sup>

### **6.3.2 Ethics and populism**

Analyst Herman Wasserman has noted that democratisation in Africa changed the media environment not only in terms of media regulation, but also as regards professional norms.<sup>93</sup> He points to the flourishing of tabloid journalism which was formerly a taboo genre. This new practice of journalism for many African countries has provided a form of “media citizenship” for people who are otherwise marginalised in mainstream discourse, and its success is also partly a sign of readers having interest in politics as something that will change their lives. However, these media are also often accused of fabrication, stereotyping, and denigratory imaging of Africans. Interestingly, while the Windhoek Declaration saw ethical journalism as essential to building audience credibility, some of the tabloids, despite their questionable ethics, have been able to secure high reader trust through their populist tone and style (as Wasserman shows). This highlights that ethical practice should not be reduced to an expedient means towards the end of survival, but rather regarded as a good in itself. Ethics is what constitutes journalism as a communications practice for the higher public interest, which is something quite distinct from serving the interests of particular publics as the tabloids do.

Talk radio in Africa has also been a relatively new form of journalistic discourse, often merging private issues with public ones, and involving the audience in the making of meaning. Again, there are ethical issues here – such as in Kenya 2008, when hosts of several radio call-in shows were ill-equipped to deal with participants espousing hate speech. A similar issue occurred in the 2008 xenophobic violence in South Africa when moderators confronted hate speech in online comments on the Thoughtleader.co.za blog.<sup>94</sup>

All these developments point to the importance of continuing to build capacity of journalists to shape their work in the fluid ethical parameters that have become possible where governmental control has eased and where new technologies are broadening the participants in media discourse.

The most serious ethical shortfalls since 1991 have been cases where media have been used, wittingly and sometimes unwittingly, to foster hate crimes. Some ‘journalists’ have been ideologues or hired-hands of forces using ethnic or xenophobic hatred as a political tool, but there has at least not been a case as bad as that of Rwanda in 1994.

### **6.3.3 Actions to improve ethical journalism**

An observation is sometimes made that existing systems of ethics are not working, given the gap between some African journalists’ lip service to ethics, and their actual practice. One suggestion has been that the concept of personal individual ethics should be replaced by a more institutionalised and community-based one that stresses communitarian values.<sup>95</sup> This approach risks a notion that romanticises and homogenises African culture, and it can detract from each journalist’s individual choice and responsibility. Depending on the point of view, according to Diana Senghor, remedies range from training, strengthening the business side of media, increasing independence from government, and improved

ethical regulation.<sup>96</sup> The business and independence dimensions have been touched upon earlier, including in the discussion on the state of organisation of media constituencies. As regards training, this has not always kept pace with new developments such as how digital technologies pertain to privacy on Facebook or plagiarism from the Internet.

Regarding regulation of ethics (as distinct from law), progress has been made over the years in regard to self-regulatory and complaints systems. There are cases of success, such as in Tanzania, and Cote D'Ivoire prior to its recent election crisis. However, in some cases, self-regulation bodies remain bedevilled by divisions between media, and lack of universal recognition and authority, while at the same time also attracting attack from governments for being toothless. Statutory regulation is a perpetual threat dangled in the background, and it is sometimes introduced as well. These statutory bodies are seldom independent of government, and even as in Kenya where media stakeholders predominate, they risk becoming a cartel of vested players which does some of the government's dirty work for it. There is also unresolved debate about whether self-regulatory bodies should function only to hear complaints, or whether they should initiate cases themselves as well as defend press freedom on the Francophone "observatory" model. Since the Windhoek Declaration, however, stakeholders have evolved much more clarity about the complexities around self-regulation as a key standard for an optimum journalism environment.

Other cases of progress include institutional initiatives to promote better ethical adherence. Some Nigerian papers have begun publishing notices to readers that their journalists should not be paid by sources. An innovative contribution has come from the Media Council of Tanzania ([www.mct.or.tz](http://www.mct.or.tz)), which in 2010 published proposed codes not only for African journalists (including special codes for broadcast and photojournalism), but also for owners, managers and editors.

#### **6.4 Support capacity**

Capacity also relates to the existence of media support groups such as training institutions and advocacy NGOs. Besides for the NGOs that provide training, numerous public and commercial educational facilities have arisen over the past 20 years. These operate mainly at the entry-level into the media, providing would-be practitioners with foundational skills. Nineteen African schools were recognised by UNESCO in 2006 as having potential, and they have been strengthened through the resulting linkages.<sup>97</sup> In a time of increasing technology change, however, many trainers are in need of further training, and the journalism schools also urgently need to take on an experimental and knowledge-creation role – and not just stick to transferring existing knowledge and skills. It is safe to say, however, that African journalists and would-be journalists today have many more opportunities than even before to access education, from both offline and online providers.

Media NGOs have risen and fallen in Africa since the 1990s, often as a function of changing fashions amongst donors. The NSJ-training centre in Mozambique did sterling work for a decade, but closed after it lost donor support. *Journaliste en Danger* in the DRC is much respected for opposing press repression in that country. Many other NGOs have done valuable work in legal support, content critique and law reform. However, many of them have yet to build maximum relationships with the media practitioners and media houses whose cause they help to advance. In a context of growing competition for resources and attention, the NGOs will also need to begin to up their performance and collaborate more if they are to avoid closure. Nevertheless, as valuable support organs of journalism in Africa, they have become a critical part of the ecosystem of journalism in Africa over the past 20 years.

#### **6.5 Specialist expertise capacity**

Windhoek set a standard of media training in the original Declaration. Although this was not elaborated, it has a bearing on the value-add that journalists can bring to public discourse. African journalists have improved their expertise over the past two decades, learning from short courses, life itself and from secondary information such as available

online. However, the focus on state power and politics as the route to power and wealth has left many other topic areas short-changed in most African media. The capabilities of the journalists themselves in regard to coverage of economics, health and ICT are inhibited by a lack of specialisation and training.

This situation accounts for why research has found that in Nigeria, Ghana and Uganda, the media's coverage of the extractive sector generally lacks depth and investigative stories are a rarity.<sup>98</sup> In ICT reporting, journalists regurgitate public relations releases and fail to link state policy frameworks to issues like Internet access or cellphone pricing.<sup>99</sup>

It appears that specialist capacity has not kept pace with the need over the years, meaning that Windhoek's objective of a fully-fledged role for journalism in development as well as development has not been properly materialised.

## **6.6 Capacity and social-cultural issues**

Capacity also concerns gender issues. Only a fifth of print journalists in SADC countries were female in 2007, according to Gender Links, with women being cited as sources in approximately the same proportions.<sup>100</sup> Even more marginal in content and staffing are rural people and their concerns. Capacity – including consciousness – is also an issue as regards the portrayal of gay people. A point on this has been contributed by the African Union's Special Rapporteur for Freedom of Expression and Access to Information, Pansy Tlakula. She advised journalists in 2010 to recognise that freedom of adult sexual orientation is part of the continuum of freedom of expression. Some homophobic private newspapers in Cameroon and Uganda have yet to perceive the connection.

Capacity also impacts on local content production. However, there is little hard information on this topic, aside from some attention in the African Media Development Initiative.<sup>101</sup> Suffice to say that much African media is still weak on domestic content, and on content from elsewhere in Africa, as compared to content imported from abroad.<sup>102</sup> This applies particularly to entertainment programming, but also affects news. While local content production has flourished in the cultural industries in places like Nigeria, much international news even about African countries is still sourced from international agencies whose content is mainly designed to serve audience interests in the developed world.

## **6.6 Capacity and media audiences**

Weakest of all since 1991, has been capacity development amongst the public to enable it to understand and take part in the news discourse. We can celebrate that calls-in to radio shows have been boosted by the spread of cellular telephony, and that many African media platforms also run vibrant sections of SMSs sent in by their audiences. However, attempts to build cadres of citizen journalists have been limited. The skills and avenues for ordinary people – especially women, minorities and rural people – to do reporting and get their news (as distinct from views) into the public domain, have not been adequately developed. Public knowledge of journalism and media is limited, and this applies no less to politicians, civil servants and ministries of information.

There is also still much progress needed around promoting news- and media- literacy amongst audiences and amongst state officials. Public suspicion of media's role and its claims to truthfulness may sometimes be warranted. However, audiences should be better informed about the standards and mechanisms by which they can hold journalists to account in regard to self-proclaimed ethics. Their abilities to participate meaningfully in media discourse and media policies also deserve attention.

## 7 Knowledge

Windhoek called for research, but “there is a dearth of publicly available data on the media sector in sub-Saharan Africa,” according to the 2006 report of the Africa Media Development Initiative.<sup>103</sup> Strategic awareness of the media sector as a whole is low, according to same report. “The impact of new technologies on information and knowledge transfer, for example, creates huge opportunities and threats for every newspaper, magazine radio and TV channel. Mobile telephony and the rapid roll-out of satellite sports channels, especially of football, have changed the way even very poor people consume information in Africa.”<sup>104</sup> Media personnel themselves need far more understanding of audiences. On the one hand, such knowledge is vital if advertisers are to be convinced about who they are reaching. The Pan-African Media Research Organisation, which holds an annual conference around the continent, is a good step in this direction. However, other knowledge such as how people understand and use media, and not forgetting here the use of social media and cellphones, is still in short supply. In addition, hard information about the significance of independent journalism for development and democracy is difficult to come by. Policy and law is too often being made in the absence of both comparative and local data, and dependent on experiences of developed economies or on simple guess work.

Probably the largest study that has been conducted since 1991 has been the 2006 African Media Development Initiative (AMDI), which was complemented by the UN Economic Commission for Africa’s continental consultation called “Strengthening African Media” (STREAM), both funded by Britain’s DFID. Audiencescapes is a newer initiative by the NGO Internews, which offers valuable updates on African media ([www.audiencescapes.org/](http://www.audiencescapes.org/)). The website <http://ujima-project.org/> is a valuable collation of African information reported outside of the continent, although designed more for media use than providing information about the media industry. The African Media Barometer by Misa and the Friedrich Ebert Stiftung has useful analysis of particular countries’ media situations.<sup>105</sup>

Academic studies remain limited, although a number of journals do serve as platforms for scholarship about African media (for example, *Ecquid Novi: African Journalism Studies*, *African Communication Research*, *Journal of African Media Studies*). A recent initiative agreed by the African Union and the European Union to support a portal on information about African media has been agreed and it may yet take off. There remains a shortage of books and textbooks on African journalism, but some innovatory items exist such as “Secrets of online and multimedia journalism” by Mudathir Ganiyu and Qasim Akinreti, which was published in 2010 in Ibadan, Nigeria.

Also adding to the stock of knowledge about African journalism, there have been some studies into the specific areas stated by Windhoek. One is into economic barriers (such as by the Sol Plaatje Institute for Media Leadership).<sup>106</sup> Another is into the state of press freedom in African countries (such as by UNESCO).<sup>107</sup>

However, it is hard to conceive of extensive knowledge about African media in the absence of rights and access to information. Access to information is thus not just relevant to journalists’ performance in informing their audiences, but also to knowledge that can feed into shaping the character and contours of the media itself. As blogger Steve Song points out, regulators could do a lot more to require cellphone companies (and one can add, broadcast as well) to disclose more data that could help us understand the changing electronic communications environment.

In conclusion, we know more today than we did in 1991 about journalism in Africa. Yet there is still a need for much more knowledge generation and dissemination about African media.

# 8 Assessment and new issues ahead

## 8.1 The view over 20 years is good; not so for the last decade

Ideal standards for context, capital, capacity and knowledge all remain very relevant for African journalism two decades after Windhoek. Configured to enable optimum performance, they represent an integrated set of standards against which progress can be assessed. As this report demonstrates, they arise directly from the Windhoek Declaration and its successor frameworks, and there have been many advances towards achieving them since 1991. The caveat is that overall progress is not only insufficient, but much has been reversed in the past decade. While journalism is still in a better place than it was 20 years back, a worrying decline in the fundamental area of context has been taking place when the entirety is analysed. This assessment derives from wide-ranging evidence that is reflected in the holistic annual scores of Freedom House. Although this NGO is substantially funded by the US government, its views are not particularly skewed towards a US model of media freedom.<sup>108</sup> Thus, its latest media freedom index is based on an assessment of three areas which are quantified to contribute up to 100 points:

- The legal environment (which contributes 30 percent of the total),
- The political environment (which is more important than the other two, making for 40 percent of the whole assessment), and
- The economic environment (30 percent).

The points that a country scores are taken as penalties, meaning that a country with 100 points is at the extreme of no press freedom, while one at zero would be perfect press freedom.

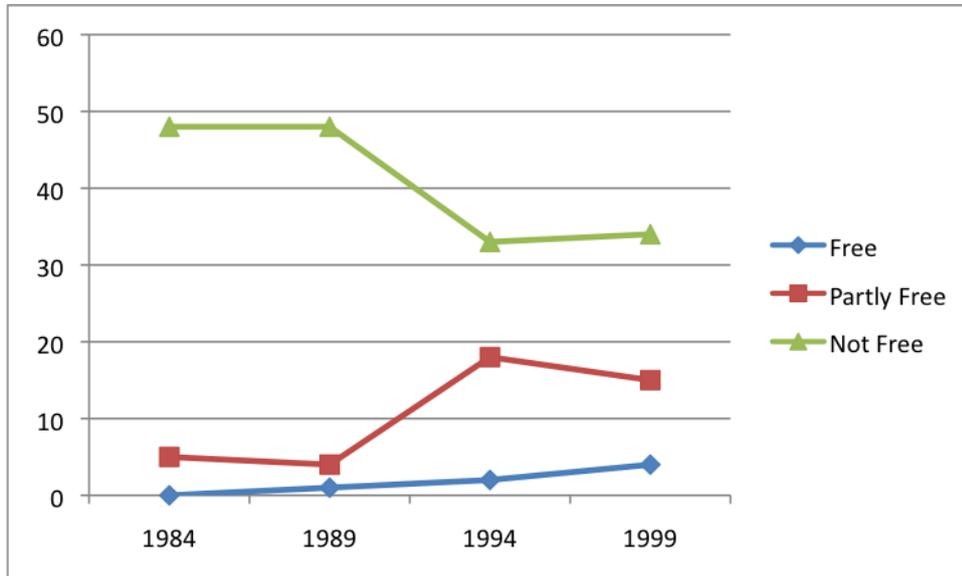
Within the three Freedom House areas of focus, different indicators count for different amounts of penalty points. For example, if there are not effective freedom of information laws, a country incurs a maximum of 2 penalty points, but the non-existence of effective constitutional provisions to protect press freedom can understandably attract up to 6 negative points. Government ownership and control that influences diversity of views can also reach up to 6 negatives. The highest penalty is where journalists or media outlets are subject to extra-legal intimidation or physical violence, with the ceiling here commendably established as high as 10 points. A country with many penalty points (60-100) is categorised as Not Free; 0 to 30 places a state in the Free press group; while 31 to 60 constitutes the Partly Free press categorisation.

Having regard to this methodology, there should be no real concerns about drawing on the Freedom House data to reach conclusions about the state of press freedom around the continent since the Windhoek Declaration. That the Freedom House scores are also deemed fit to be utilised in the respected Mo Ibrahim African governance index also highlights the applicability and legitimacy of these measures.

Although detailed data is not available for the years before 2000, maps provided by Freedom House's website yield the following count for 52 African countries as regards Press Freedom scores:<sup>109</sup>

|                   | 1984 | 1989 | 1994 | 1999 |
|-------------------|------|------|------|------|
| Free media        | 0    | 1    | 2    | 4    |
| Partly Free media | 5    | 4    | 18   | 15   |
| Not Free media    | 48   | 48   | 33   | 34   |

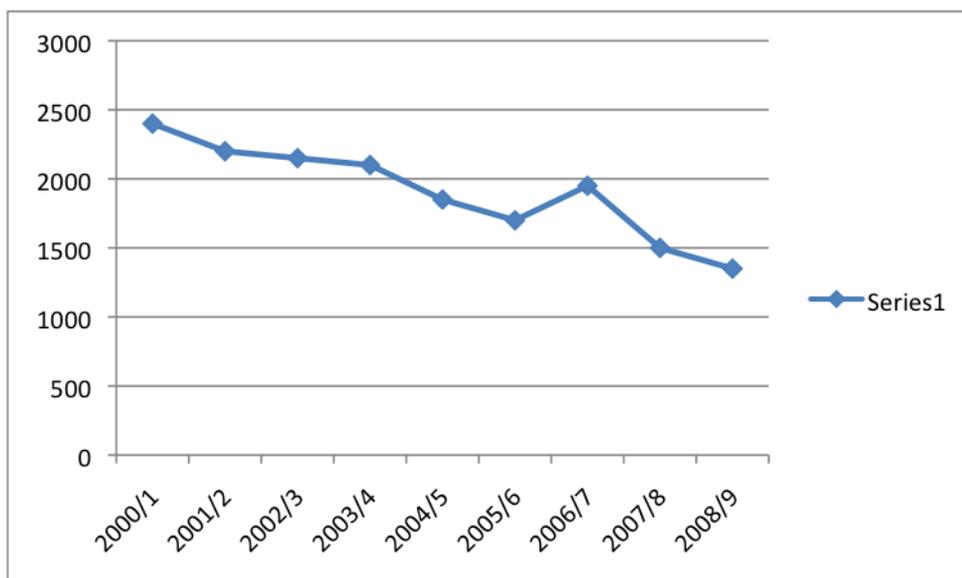
Seen in chart form, the overall improvement is evident:



However, over the second decade after 1991, there is a reversal. Using the Freedom House data as recalibrated by the Mo Ibrahim foundation,<sup>110</sup> there is a clear overall decline in press freedom between the years 2000 and 2009 for 52 African countries (excluding Somalia for which there was not data). In the tables below, unlike Freedom House's original measuring system, the higher scores signal better conditions, and the lower ones represent worse performance:

| 2000/1 | 2001/2 | 2002/3 | 2003/4 | 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 2400   | 2200   | 2150   | 2100   | 1850   | 1700   | 1950   | 1500   | 1350   |

The visual trend in the overall ranking is very evident in the chart below:

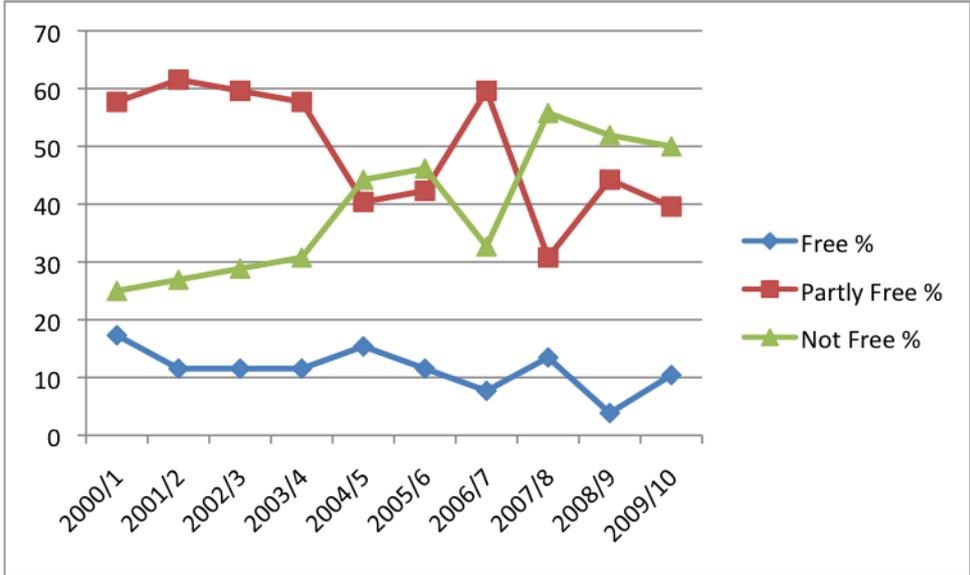


Correlating this picture is data from Reporters without Borders. Using this information in conjunction with their measuring system to compare 2002 and 2010, the African average rating has worsened from 28 to 34 negative points.<sup>111</sup> (Eritrea ranked worst at 105 points;

while Namibia was best at incurring only 7 points in 2010). As noted earlier, averages can obscure the diversity of situations in that a handful of bad countries can skew the trend downwards. But even if one takes a more nuanced and modal approach, there are fewer countries with a “free media” and even the “partly free” category has shrunk while the numbers of “not free” countries has grown over the last decade. This depressing pattern is evident in Freedom House ratings for the percentage of African countries (out of a total of 52) which were scored as Free, Partly Free, or Not Free:

|               | 2000/<br>2001 | 2001/<br>2002 | 2002/<br>2003 | 2003/<br>2004 | 2004/<br>2005 | 2005/<br>2006 | 2006/<br>2007 | 2007/<br>2008 | 2008/<br>2009 | 2009/<br>2010 |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Free %        | 17            | 12            | 12            | 12            | 15            | 12            | 8             | 13            | 4             | 10            |
| Partly Free % | 58            | 62            | 60            | 58            | 40            | 42            | 60            | 31            | 44            | 40            |
| Not Free %    | 25            | 27            | 29            | 31            | 44            | 46            | 33            | 56            | 52            | 50            |

Shown in trend form, the downward slope is evident:



As was the case back in 1991, the verdict for media development today chimes with the observation by the African Media Development Initiative in 2006: “the key barrier to media development is the control that states exert over media”.<sup>112</sup>

Much work is needed to claw back parts of the ‘promised land’, prevent further attrition by governments, and ensure a universal yield of high quality journalistic ‘crops’.

**8.2 Looking ahead: new media**

The growth of private and community media highlights that state-owned media has proved unable to satisfy the market in Africa. The rise of tabloids shows the same in regard to mainstream media genres. More recently, the advent of talk radio and blogging in Africa signals the limitations of the professional media sector to reflect the input of individual citizens. Just as the fax machine and cheaper media production equipment underpinned the growth of new African media outlets since 1991, so the increased accessibility of digital platforms will intensify this trend in expanding the media in the years ahead.

In some parts of Africa, particularly mobile media uptake is moving ahead. Smart mobile operators like Safari.com provide zero-rated Facebook access to students in Kenya, while Twitter offers updates by free SMS in Nigeria, Kenya, Madagascar and Cameroon (the last until March 2011 when it was banned). These strategies incentivise online mobile behaviours, and they turn people instantly into micro-media publishers on the one hand, and super-consumers of content on the other. Language barriers are being tackled with Google working on services in Swahili, Amharic, Wolof, Hausa, Afrikaans, and Zulu in addition to English, Arabic, French and Portuguese.

At present, the potential is far from being realised. According to David Montez, a survey of Tanzania in 2010 found almost two thirds of adults using cellphones on at least a weekly basis. And of these users, 15 percent received regular SMS-text message information services, but fewer than 4 percent used their mobile phone for Internet access. In comparison, the survey found that 85 percent of adults have a radio in their home and 72 percent listen to the radio for news on a daily basis.<sup>113</sup> On the other hand, it can be confidently predicted that where radio fails to meet people's needs, and where there is affordable access to alternatives, many individuals take up these options. In February 2011 it was estimated that 39% of urban South Africans and 27% of rural users over the age of 16 were now browsing the internet on phones, meaning that six million South Africans had internet access via cellphone.<sup>114</sup> About 140,000 Tunisians joined Facebook every month last year, using it to bypass local media censorship. There were about 17m Facebook users in Africa at the start of 2011, and there are expected to be 28m by the end of it.<sup>115</sup> It is the case that the real media force in the Tunisian and Egyptian revolutions was television news received by satellite, and particularly Al Jazeera. But the role of new media in terms of recirculating news, deliberating on information, and organising physically on the basis of it, should not be discounted.

According to Linus Gitahi, CEO of *The Nation*, in March 2009 more Kenyans had used or touched a mobile phone than had watched a TV screen. "Mobile phones are now ubiquitous in villages as well as cities. If an individual does not have a cell phone, they almost surely know someone who does." Young people were growing up as "digital natives" and the prospect was becoming one of individualisation and customisation of mass communications. To add to his points, we can note the coming transition to digital TV broadcasting. The digital switchover will make technical space for many more players on the airwaves and for more wireless internet access. As viewers acquire a set-top box to convert digital signals to view on their analogue TV sets, they will effectively gain a computer in the home. In many cases, this could be used with a simcard and modem to enable these people to email, social network, interact with content and publish content – all via their large screens and smart set top boxes.

Significantly, these new technologies are harder for governments to control than traditional media, not least because more and more people use them and the volume of information put into circulation escalates. It is the case that selective actions can be taken, such as the jailing for three years of blogger Maikel Nabil Sanad by the Egyptian army after the 2011 revolution, simply because he had criticised the military.<sup>116</sup> Furthermore, there is surveillance of individuals and the under-regulated co-option of cellphone operators and internet service providers into monitoring, filtering and blocking legitimate journalistic content that is unpalatable to autocratic regimes. Nevertheless, the overall mediascape is becoming sufficiently vast for new outpourings of journalism to emerge, survive, replicate and be enriched.

The authors of the Windhoek Declaration would not have been able to envisage the African communications world that is beginning to unfold. It is up to their successors to apply the old standards and develop new ones in a networked world, and to advocate for these against the forces who seek to maintain unfree environments even in the traditional media space.

### **8.3 Summing up**

This review set out to analyse the Windhoek Declaration and its significance. Central to this has been the recognition of how journalistic idealism runs throughout the history since 1991. Independence, pluralism and freedom as Windhoek values that nourish journalism are not ends in themselves, but essentials for the quality of democracy and development in Africa. Windhoek has meant historic movement beyond the previous commandist situation to an acceptance that a mediascape monopolised by state-owned and government-controlled enterprises does not provide for society's needs. There has been extensive rise of commercial-private, and to an extent of community-based, media platforms since 1991. But this wonderful progress since then should not blind us to the

data which show that the contextual environment for journalism has taken a turn for the worse since 2000. More effort is therefore needed to establish and maintain enduring systems for journalism to thrive. But if it is a case of two steps forward and one back, at least we are still facing forwards as regards journalism, and have not turned around to face backwards. This is because Windhoek's standards as elaborated in this report are thus as important today as ever, in terms of specifying the relevant goals to be achieved. Energies are needed to advance these across context, capital, capacity and knowledge. And this momentum is necessary in the face of both the ongoing challenges and the newly emerging new ones such as the issues of Internet freedom, regulation, access and ethics.

It is likely that the dissemination and uptake of new communications technologies will become a strong factor in favour of helping to actualise the vision of Windhoek. More and more direct stakeholders will enter the mass communications environment and find common ground with the cause of traditional journalists. However, within this scenario of increasing numbers of voices from non-media sources beginning to use new technologies, it is highly important to ensure the health of the news media (including online news media) and the professional journalists working there.

To illustrate this point, it can be noted that in Zimbabwe, where independent media has been decimated since 1991, there was only 1 journalist to 34 404 residents in 2006, compared to 1 to 11, 155 in Kenya. In more liberalised Nigeria, the figure was 1 journalist to 4,290 citizens.<sup>117</sup> There are likely to be differences in the definitions of journalist in these statistics, and data are not always easy to come by. But the point is that even looking ahead, the ratio of fulltime journalists to the population shows the success of an environment to provide a society with the entirely unique communications contribution that comes from professional journalists with a base in free, viable and independent media institutions.

In conclusion, the original focus of the Windhoek Declaration not only endures, but also helps to keep us focused on the importance of specifically journalistic communication, as distinct from personal news or propaganda from political or commercial quarters. As the original document itself stated: "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 ideal continues to be valid and relevant. Even 20 years after the Declaration was developed, the document remains a living reason for why conducive conditions for journalism in Africa are a continental priority.

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# Windhoek Declaration on Promoting 10 Independent and Pluralistic Media

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

*Recalling* the Universal Declaration of Human Rights,

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

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

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

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

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

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

Declare that:

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

6. In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression—they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one-party States control the totality of information.
7. Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.
8. The General Assembly of the United Nations should include in the agenda of its next session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.
9. African States should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.
10. To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community—specifically, international organisations (governmental as well as non-governmental), development agencies and professional associations—should as a matter of direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.
11. All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.
12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.
13. The national media and labour relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.
14. As a sign of good faith, African Governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.
15. Cooperation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.
16. As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in cooperation with governmental (especially UNDP) and non-governmental donor agencies, relevant non-governmental organizations and professional associations, into the following specific areas:
  - (i) identification of economic barriers to the establishment of news media outlets, including restrictive import duties, tariffs and quotas for such

things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;

- (ii) training of journalists and managers and the availability of professional training institutions and courses;
  - (iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;
  - (iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;
  - (v) the state of press freedom, country by country, in Africa.
17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence pluralism to those media.
18. The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.
19. This Declaration should be presented by the Secretary General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.

# 11 Endnotes

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- 36 Melzer, 2010, p.106
- 37 Misa, 2008, p.98
- 38 AMDI, 2006, p.56
- 39 Melzer 2010, p. 83
- 40 Nyamnjoh, 2005, p.74
- 41 AMDI, 2006, p. 39
- 42 Frère, 2007, p.189
- 43 IREX, 2008, pp. 3, 353, 207.
- 44 AMDI, 2006, p.31
- 45 AMDI, 2006, p.57
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- 47 AMDI, 2006, p.58
- 48 Frère, 2007, p.99
- 49 IREX, 2008, p.279
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58 Bourgault, 1995, p.221  
59 Sourced from Hamasaka, 2009  
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110 Thanks go to Andrew Kanyegirire for this data; the responsibility for interpretation, however, lies with the author of this report  
111 The average figure is worked out because the 2002 figures exclude three countries that are covered in the 2010 report (Somalia, Botswana, Lesotho). The inclusion of offender Somalia (scored at 66 negative points) in 2010 would add to the average of that year, as compared to the 2002 figures  
112 AMDI, 2006, p. 106

- 113 Montez, 2011  
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