



# **The role of the media and press freedom in society**

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In this chapter, you will learn:

- ▷ why freedom of expression is important
- ▷ why freedom of expression is a key building block of democracy
- ▷ what freedom of expression means
- ▷ the relationship between freedom of expression and freedom of the media
- ▷ the role of the media in society
- ▷ why broadcast and digital media are so important, particularly in southern Africa

## **1 Introduction**

In the day-to-day life of a busy journalist, publisher, broadcaster, blogger, vlogger or media owner, it is easy to overlook the fundamental principles that are at stake when going about one's work. Newsroom constraints (whether print, broadcast or online), include deadlines, squeezed budgets, limited electronic and library resources, demanding managers, distribution difficulties (including internet shut-downs) and draconian media laws, to say nothing of news subjects who are often wary of journalists, if not overtly hostile. This makes for a challenging work environment, and it is easy for journalists, including so-called citizen-journalists, to lose sight of the big picture.

The big picture is that the work of journalists reflects how we, as humans, interact with each other and is a measure of how well our society is functioning. The principles of interaction that apply to us as individuals are carried through and apply to how broader social institutions, such as the media and government, interact with each other. You can tell a lot about the state of a country's governance, as well as its commitment to democracy and economic and social development, by looking at whether it respects its citizens and its media, print, broadcast and online.

This handbook unpacks the internationally developed standards and best practice models of democratic media regulation. It examines internationally agreed norms for best practice democratic media and democratic broadcasting regulations, as well as the standards for imposing restrictions upon, or otherwise regulating, media content. Thirteen southern African countries are examined in this work.

Each country's media laws are identified and analysed to assess their compliance with best-practice standards.

## 2 Why is freedom of expression important? Constitutive rationales

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### 2.1 Overview

This handbook begins with a look at certain principles of basic human interaction, in particular, freedom of expression.

It is important to understand why freedom of expression has achieved global recognition as being foundational to human rights generally. There are several reasons why we protect the right to freedom of expression. These fall within two broad groupings:

- ▶ *Constitutive rationales*: These are based on the recognition that freedom of expression matters because human beings matter, irrespective of whether or not their views are correct, true or valuable.
- ▶ *Instrumental rationales*: These are based on the recognition that freedom of expression leads to something valuable — that having freedom of expression advances important goals.

### 2.2 Constitutive rationales for freedom of expression

Human beings matter; their exploits (mistakes or successes) and experiences have shaped and impacted on the world from time immemorial. However, only in fairly recent times has human society come to recognise the importance of the autonomy of every human being. The international community now acknowledges that humans matter intrinsically: who we are and what we think matters. From where does this recognition come? On what is it based? What are the hallmarks of that recognition?

#### 2.2.1 Equality

The international community has grappled with the notion of equality since the mid-20th century. The previous century had seen the almost worldwide recognition that slavery — the notion that one human being could be owned by, and live in bondage to, another human — was barbaric and an affront to humanity as a whole. In the latter half of the 20th century, reflections upon colonialism, apartheid and the Holocaust and other genocides caused much of the community of nations to accept that every human being, irrespective of age, gender, sex, race, ethnicity, nationality, language, class, social origin, or religion, is inherently deserving of equality.

### **2.2.2 Dignity**

The recognition of equality is intrinsically linked to the recognition of the inherent dignity of human beings. A key notion that underpins international recognition of human rights is that each person, regardless of the differences between that person and any other, is entitled to have his or her dignity respected. The recognition that a person is entitled to dignity, simply for being human, represents a profound change in human relations and is a recent and fundamental departure from historical practices and beliefs.

### **2.2.3 Autonomy and personality**

Once there is widespread recognition of the equality and inherent dignity of each human being, there is recognition of the right of all individuals to be free to develop their personalities, and themselves, to their fullest potential. It is this recognition of the right to personal fulfilment and autonomy — the right to be who you are, based on inherent dignity and equality — that underscores so many of the internationally agreed-upon statements on fundamental basic human rights and freedoms.

## **2.3 Foundational international instruments and the constitutive rationales for freedom of expression**

Below are excerpts from some of the foundational international human rights instruments that give recognition to the concepts of the inherent dignity and equality of human beings, as well as to our right to autonomy and self-fulfilment.

### **2.3.1 The Universal Declaration of Human Rights**

The first sentence of the preamble to the Universal Declaration of Human Rights,<sup>1</sup> adopted by the United Nations (UN) General Assembly in 1948 as Resolution 217A, states: '*Whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.' The second sentence of the preamble states: '... the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.'

Article 1 of the Universal Declaration of Human Rights states: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' The first sentence of Article 2 states: 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' The first sentence of Article 7 states: 'All are equal before the law and are entitled without any distinction to equal protection of the law.'

The Universal Declaration of Human Rights is one of a triumvirate of international instruments that make up what is called the International Bill of Rights.<sup>2</sup>

### 2.3.2 The International Covenant on Civil and Political Rights

The Preamble to the UN International Covenant on Civil and Political Rights<sup>3</sup> (ICCPR), which was adopted by the UN in 1966 and came into force in 1976, reaffirms that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world' and, consequently, that rights 'derive from the inherent dignity of the human person'.

The ICCPR (together with its optional protocols) is the second of the triumvirate of international instruments that make up what is called the International Bill of Rights.

### 2.3.3 The International Covenant on Economic Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>4</sup> which sets out several economic, social and cultural rights, was adopted by the United Nations in 1966 and came into force in 1976. It too reaffirms that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world' and, consequently, that rights 'derive from the inherent dignity of the human person'. It goes on to recognise that 'the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights'.

The ICESCR is the third of the triumvirate of international instruments that make up what is called the International Bill of Rights.

### 2.3.4 The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights,<sup>5</sup> known as the (Banjul Charter), adopted by the Organisation of African Unity and later by the African Union (AU), entered into force in 1986. Its protocol establishing an African Court on Human and Peoples' Rights came into force in 2005. The Banjul Charter contains several noteworthy statements that underpin the concept of human rights.

- ▶ The preamble to the Banjul Charter specifically considers that: 'freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples'.
- ▶ Article 2 of the Banjul Charter states that:

*Every individual shall be entitled to the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.*

The first clause in the first sentence in Article 5 states that 'Every individual shall have the right to the respect of the dignity inherent in a human being ...'

International recognition of the basic dignity, equality and autonomy of all people has impacted strongly on the formulation of fundamental rights, particularly concerning freedom of expression.

Freedom of expression is seen as a fundamental human right. It is internationally protected precisely because the notions of equality, dignity and individual development or fulfilment require that, when human beings talk or otherwise express themselves, what they are expressing or communicating is a reflection of who they are and, therefore, worthy of respect and protection.

## **3 Why is freedom of expression important? Instrumental rationales**

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### **3.1 Overview**

The other broad set of rationales for freedom of expression is that free expression is a means to an end — it is necessary for achieving important social goals. There is no closed list of these goals, but there is consensus on at least two of the main ones:

- ▶ The search for truth in the marketplace of ideas
- ▶ That freedom of expression is essential for democracy

### **3.2 The search for truth in the marketplace of ideas**

The argument behind this rationale is that it is only through the ongoing and open expression of different ideas that we can test the ‘truth’ of any single idea. This rationale is based on the recognition that freedom of expression is central to people’s ability to:

- ▶ develop, hone and refine their ideas, opinions and views
- ▶ reject, discard or replace ideas, opinions and views
- ▶ convince others of their arguments, ideas, opinions and views
- ▶ consider and assess the arguments, ideas, opinions and views of others.

The process of sifting through the notional ‘marketplace of ideas’ is effectively a search for truth. This point is powerfully made concerning academic or scientific research, which relies heavily on frank peer review ‘expression’ to sift out erroneous conclusions. The same is also true for our general discourse.

Only through free expression can one ensure that there will be competing ideas or views which human beings can adopt or reject for themselves. The enterprise of

human development is based on ideas, viewpoints and arguments. For there to be progress, these need to be continually assessed, challenged, validated, refined or discarded. This cannot happen fully without free expression.

### **3.3 Freedom of expression is critical to democracy**

This rationale is based on the notion that democracy — which recognises that people have the right to elect a government of their choosing — cannot exist in any meaningful way without the right to freedom of expression.

There are many aspects to this rationale, but the fundamental concept is that, for democracy to be effective, the citizenry that votes in elections and engages in public processes with the government must be informed and must have the right to participate freely in public discourse. The Southern African Development Community (SADC) has recognised, in the preamble to its Protocol on Culture, Information and Sport, 2001,<sup>6</sup> which came into force in 2006, that ‘information is a prerequisite for political, economic, social and cultural development’.

If there is no freedom of expression — if people are not free to share information and express a range of ideas, opinions and political views; and, the corollary to that, if people are not free to receive information in the form of a range of ideas, opinions and political views — they will not be sufficiently well informed to make appropriate and meaningful political choices, whether at the ballot box or in their more general interactions with government.

## **4 Freedom of expression**

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### **4.1 Freedom of expression in various international human rights instruments**

To understand what falls within the freedom and what does not, it is useful to look at how international human rights instruments define the scope of freedom of expression. This section examines the relevant provisions of certain universally accepted human rights instruments which set out the internationally agreed scope of the right to freedom of expression. Comment is made on certain aspects of the international human rights instruments.

#### **4.1.1 The Universal Declaration of Human Rights**

Article 19 of the Universal Declaration of Human Rights provides that: ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’

Article 19 deserves some discussion as so many elements of the right to freedom

of expression are contained in these few lines. Importantly

- ▶ the right is granted to everyone; there are no qualifiers, such as citizenry or age.
- ▶ the right is to: ‘freedom of opinion and expression’. In other words, not only is everyone entitled to hold their own opinions on any issue (encompassing thoughts, ideas and beliefs), they are also entitled to express these.
- ▶ the right is to freedom of ‘expression’. This is broader than speech as it encompasses non-verbal or non-written expression, such as dance, mime, art, photography and other non-verbal action.
- ▶ the right specifically includes the right to: ‘seek, receive and impart information and ideas’. This is a critical aspect of the right as it means that everyone has the right to obtain information. Thus, states that deny media freedom also trample on the rights of their citizens to freely receive information.
- ▶ the right includes the right to seek information and ideas: ‘through any media’. This is a critically important statement for the press and media because it clarifies that newspapers, radio, television and the internet, for example, are all contained within the right.
- ▶ the right exists: ‘regardless of frontiers’. In other words, this is internationally recognised as a universal right that is not dependent on or determined by, national borders.

#### **4.1.2 The International Covenant on Civil and Political Rights**

Article 19 of the ICCPR elaborates on several of the provisions of the Universal Declaration of Human Rights. It provides:

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) *for the respect of the rights or reputations of others;*
  - (b) *for the protection of national security or of public order, or public health or morals.*

Article 19 of the ICCPR needs some discussion as it reveals certain important differences between its provisions and those of article 19 of the Universal Declaration of Human Rights.



Some particularly noteworthy aspects are discussed below.

- ▶ Perhaps the most noteworthy aspect is that article 19 of the ICCPR, unlike the Universal Declaration of Human Rights, contains, in paragraph 3, a statement on how the right to freedom of expression may be restricted by states. We all know that rights may conflict with each other. Some examples of this are that the right to freedom of expression can be used unfairly to:
  - ▶ Ruin a person's reputation through the publication of untrue, defamatory statements and therefore infringe upon that person's right to dignity
  - ▶ Justify the taking of intimate photographs of a person and therefore violate his or her right to privacy
- ▶ The provisions of sub-article 3 in article 19 of the ICCPR acknowledge this clashing of rights and recognise the right of states to pass laws to restrict freedom of expression in certain limited circumstances — namely, where this is necessary to protect the rights or reputations of others, as well as to protect national security, public order, public health or morals.
- ▶ The use of the word 'necessary' is noteworthy. It means that unless freedom of expression is restricted, the protection of reputations, national security and public health will be endangered. This is a high standard to meet.

Continental and regional international human rights instruments contain similar protections of the right to freedom of expression and/or its corollary, access to information. Two examples are highlighted below, namely the African Charter of Human and Peoples' Rights and the SADC Protocol on Culture, Information and Sport.

#### **4.1.3 The African Charter on Human and Peoples' Rights**

The provisions on the rights to freedom of expression in the African Charter on Human and Peoples' Rights' (known as the Banjul Charter) are weak. They do not provide anything like the protection of freedom of expression afforded by global instruments such as the ICCPR. Article 9 of the African Charter states:

1. *Every individual shall have the right to receive information.*
2. *Every individual shall have the right to express and disseminate his opinions within the law.*

There are two particular aspects to article 9 of the Banjul Charter that require further discussion:

- ▶ Unlike some other international human rights instruments, there is no express corresponding right to impart information in clause 1 of article 9.
- ▶ The right to express and disseminate opinions appears to be curtailed as this must be done 'within the law'. What is noteworthy about this restriction on the right to freedom of expression is not that there are legal restrictions upon the right (as can be seen from the instruments discussed above, this is common)

but that there are no requirements in article 9 that such laws be necessary to protect some other social good, such as the rights of others, public health or national security. At face value, the Banjul Charter elevates restrictions upon freedom of expression found in ordinary national laws — however, passed and no matter what their content — above the right to freedom of expression. This is extremely disappointing as it appears to provide no guarantee of freedom of expression. However, this is not, in fact, the case because the African Court of Human and Peoples' Rights has interpreted the words 'within the law' as being 'a reference to international norms which can provide grounds of limitation on freedom of expression'.<sup>7</sup> The court went on to make several important rulings regarding such grounds of limitation, namely:

- ▶ for a restriction to be acceptable, it must serve a legitimate purpose<sup>8</sup>
- ▶ reasons for limitations must be based on legitimate public interest and the disadvantages of the limitation must be strictly proportional to and absolutely necessary for the benefits to be gained<sup>9</sup>
- ▶ the only legitimate reasons to limit these rights and freedom are stipulated in Article 27(2) [of the Banjul Charter], namely that rights shall be exercised in respect of the rights of others, collective security, morality and common interest.<sup>10</sup>

This interpretation of the meaning of 'within the law' is extremely important, and brings the protections afforded by the expressive rights provided for in Article 9 of the Banjul Charter in line with international human rights standards.

#### **4.1.4 The SADC Protocol on Culture, Information and Sport**

Although the SADC Protocol<sup>11</sup> does not expressly deal with the right to freedom of expression, it does contain wording affirming SADC's commitment to the right of access to information.

## **4.2 Summary of key elements of the right to freedom of expression**

It is clear from the international instruments that the scope of the right to freedom of expression is generally accepted to be as follows:

- ▶ The right is available to everyone — individuals as well as juristic persons, such as companies.
- ▶ The right to freedom of expression is broader than freedom of speech and includes non-verbal or non-written forms of expression.
- ▶ The right generally encompasses the right to receive as well as to impart information and ideas.
- ▶ The right includes the freedom of means of communication, demonstrating that there is no limitation on the medium that may be used to express ideas or opinions.

- ▶ Broadcasting licensing requirements do not constitute undue infringements on the right to freedom of expression.
- ▶ The right to freedom of expression is not absolute, and states are entitled to limit it. However, such limitations must be necessary for a democracy to protect the rights of others or important societal interests, such as national security or public health.

## 5 The relationship between freedom of expression and freedom of the media

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It is clear from the international human rights instruments examined above that the right to freedom of expression requires, not only that everyone is free to express themselves, but that they are free to do so over a range of different types of media, including print, broadcast or online media, subject to licensing requirements in respect of the broadcast media. Indeed, one academic, Michael Bratton, has said:

*In order to be politically active, citizens require means to communicate with one another and to debate the type of government they desire for themselves. Civic discourse can take place in various forums, the most important of which are the public communications media, both print and electronic.<sup>12</sup>*

It is also clear from the international human rights instruments that freedom of expression includes the right to receive information and ideas. This is a critical component of the right. The effect of this is that, when a state acts to silence or curtail the operations of the media, whether print, broadcast or online, it is not only violating the expressive rights of the media and the journalists, editors and publishers thereof, but also violating the rights of its citizens to receive information and ideas freely.

Consequently, the internationally recognised basic contours of the right to freedom of expression and inherently protect the right to freedom of expression of the media, too. The expressive and information rights of individuals and the media are thus inextricably linked.

## 6 The role of the media in society generally

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### 6.1 Definition of the media

The media is not a monolithic entity but rather a broad term encompassing a

variety of content provided to the public, or sectors of the public, over a range of platforms. There is no closed list of content provided by the media: news, politics, business, current affairs, entertainment, motoring, gardening, religion, home decor, fashion, food, celebrity and lifestyle are some of the many topics covered by the media.

Furthermore, these topics are provided over a range of platforms. Traditionally, when thinking of the media one thinks of newspapers, magazines, radio and television. This is no longer the case. The so-called 'new' or 'digital' media encompasses a range of platforms, including web-based platforms, such as internet sites and apps. Internet-based media can be merely electronic versions of what is available in the print media (for example, a newspaper's website will carry an electronic version of the newspaper for that day), or such media can carry unique content not available in hard-copy form. New media is changing the way citizens and the media relate. Social networking sites such as Twitter and Facebook, for example, have played a significant role as sources of news and information in repressive countries.

Just as there is no monolithic 'media' entity, similarly, there is no single role that it plays. Indeed, the role of a particular part of the media is very much determined by a range of factors relating to the nature of the media itself, in particular, the content of the media (news or current affairs versus light entertainment) and the medium used (print, broadcasting or internet-based). Thus, the media plays several different roles in society, including being informative, educational or entertaining. Media can be narrowly focused by appealing to a particular interest (for example, a fishing magazine), religion (such as a Christian broadcaster) or area of specialisation (such as a trade publication). It can also appeal to a mass audience by being a full-service television station or a daily newspaper covering a variety of news and current affairs, whether local, national or international.

It is common to conflate the terms 'the media' with 'the press'. This is not necessarily a problem; however, when thinking about media and press freedom concerns, it is helpful to see the term 'the press' as a sub-set of 'the media'. The press has a connotation that is associated with the news media, whether provided in print or electronically. Within the term 'the press' (meaning the news media) there are various kinds of press outlets — state media, public media, commercial media and even certain forms of community media can be included in 'the press'. It is important to bear these distinctions in mind when considering the role of the press in particular and of the media more generally.

## **6.2 General role of the press**

Academic commentators have often characterised the media or the press as being 'a separate player on behalf of the public against the agencies of power', and that media organisations: 'take a position between government agencies and the public'.<sup>13</sup> This is true only to a certain extent as several media outlets (print, broadcasting or otherwise) are fundamentally part and parcel of government and, therefore, cannot, and will not, play any role that is not supportive of the government. However, it is true that a strong and independent media, together with

other organs of civil society, can play mutually reinforcing roles to exert pressure on governments to support democracy and socio-economic development.<sup>14</sup> Media commentator and academic Masudul Biswas said that the major aim of the independent media is to make: 'political participation meaningful'.<sup>15</sup>

This leads to one of the instrumental rationales for freedom of expression — namely that the free flow of information and exchange of ideas is good for democracy because it makes for better democratic decision-making by government, improves transparency and accountability and gives citizens the ability to make informed political choices.

To achieve the important aim of assisting in giving democratic participation 'meaning', the press must fulfil several other roles. These are expanded on next.

## **6.3 The press as a public watchdog**

### **6.3.1 Overview**

The role of the press as a watchdog is a traditional characterisation of the role of the news media in particular. Biswas describes the media as 'a watchdog of the society [monitoring] the activities of public administrations and other institutions and practices that directly and indirectly affect the public'.<sup>16</sup>

This watchdog role can take many forms, depending on the nature of the medium concerned, as well as on the state of democracy and development in a particular country. Essentially, this role is to provide information — to be the 'eyes and ears' of the public in monitoring what is happening in public life by reporting on daily events as they unfold.

### **6.3.2 Reporting on government**

When one thinks of the press as a watchdog, one thinks of the press as reporting on the happenings of government. In and of itself reporting on government

is a huge task. It involves reporting on the programmes and activities of the three branches of government:

- ▶ *The legislature:* Its activities include not only deliberating upon and passing legislation, but also important committee work, overseeing the executive's operations and being the body to which public authorities are generally accountable.
- ▶ *The executive:* Its activities include the day-to-day management of government and government policy development. The activities of all ministries and government departments fall under the auspices of the executive, which is essentially the 'engine room' of governance in a country. The media needs to be able to report on all these ministries — finance, health, trade, education, sports and more.

- ▶ *The judiciary:* These are the courts — that is, the administration of justice within a country. The media needs to be able to communicate judgments and court proceedings.

However, reporting on government also involves reporting on the activities of other related bodies, including:

- ▶ international bodies to which the country belongs, such as SADC, the AU, the UN and the Commonwealth
- ▶ public authorities, such as the central or reserve bank, the independent broadcasting authority, the public broadcaster, the independent electoral commission, the public protector or public Ombudsman (if any)
- ▶ parastatal companies, such as national airlines, electricity utilities, railways and telephony companies
- ▶ different spheres of government, such as provincial and local government, the latter being the most relevant tier of government to the daily lives of readers, viewers or listeners.

### **6.3.3 Reporting on economic development**

Economic issues can be as important as political ones. Hence, a watchdog press also needs to report on economic developments and news. While these will often overlap with government-related reporting (for example, when covering issues such as interest rates, unemployment figures, gross domestic product figures, the budget, development projects or the use of international donor aid), this is not always necessarily the case.

Often economic issues involve the private sector, and a watchdog press will need to be able to report on the activities of major corporations and concerns in all spheres of the economy, including energy, mining, oil operations, agriculture, manufacturing and services. In doing so, the press needs to keep the public informed about the side-effects of economic activity, such as the actions of polluting companies.

### **6.3.4 Reporting on social issues**

The press also needs to be able to report accurately on the social life of the nation. This means covering artistic and cultural happenings and sporting events, as well as social trends and developments that impact on the daily life of all, including children, the youth, the elderly and the disabled.

## **6.4 The press as detective**

The role of detective is a critical adjunct to the role of the press as public watchdog; however, it is dealt with separately here to emphasise the difference between reporting on public affairs and journalistic investigations into wrongdoing in the administration of public affairs.

When journalists are well trained and have trusted sources of information, the press is able to investigate wrongdoing by public officials. Such wrongdoing would include perpetrating fraud or engaging in corruption to divert, and personally benefit from, public funds or other public resources.

This 'press as detective' role is demonstrated when the press can engage in fairly long-term, detailed, in-depth investigative journalism — the kind that can report to the public on large-scale systematic wrongdoing by public (or private) officials, which may include nepotism, corruption, fraud or other kinds of criminality. These exposés often rely on more than one journalist and require the backup of the media publication or outlet as a whole (be it broadcasting, or online) to provide the necessary resources for the investigative exercise. A good example of this was the investigation into so-called 'State Capture' in South Africa by the amaBhungane Centre for Investigative Journalism,<sup>17</sup> which resulted in the exposé known as the 'Gupta Leaks'.<sup>18</sup> The Gupta Leaks coverage, exposing high-level corruption, has resulted in the appointment of several commissions of enquiry whose work is ongoing.

In many countries, the ability and willingness of the press to engage in investigative journalism are crucial to encouraging the police and prosecuting authorities to act against corrupt public figures, even if this only occurs as a result of the immense pressure that the resulting publicity puts on the police and prosecuting authorities.

## **6.5 The press as a public educator**

The press also plays a general educative role in society. This can be done at several levels. For example, in support of early childhood development, broadcasters can, and often do, air basic educational materials aimed at teaching children the alphabet, colours or animals.

In support of secondary education, print media outlets sometimes include supplementary educational materials for schoolgoers. Similarly, broadcasters can and do, air historical, scientific or even mathematical programmes also aimed at school-goers.

However, education is much broader than simply formal schooling, and the press can play a general educational role. For example, the media (print or electronic) can inform the adult population about a wide range of educational topics, including climate change, nutrition, health (especially concerning diseases such as HIV and Aids, malaria and diabetes) basic money management and budgeting, developments in agriculture, child care and the like.

## **6.6 The press as democracy and good governance advocate**

Linked to its general educational role but, more controversially, the press can also play the role of democracy and good governance advocate. This role is controversial because it envisages the press as both advocate and impartial reporter. In this role, the press comments on issues of the day and advocates improved democratic practices and good governance.

In this advocacy role, the press sees itself firmly on the side of the ordinary citizen, whose life can be improved or worsened depending on how public authority is exercised. This advocacy role is also closely linked to the watchdog role of the press; however, it goes further. The press as an advocate will report not only on what is happening but on what *should* be happening.

The press in many developing countries is almost forced to play this role because improving basic human living conditions cannot happen without democratic practices and good governance.

An example of this democratic advocacy function is the role of the press during an election. As well as reporting on election issues (for example, the polls, party programmes and party tactics), the media can help to strengthen democratic processes by encouraging the public authorities to hold a free and fair election through educating the public about what this would entail. In this role, the press can, for example, inform the public about how democratic elections ought to be run. The press can provide information on, among others, the importance of having an up-to-date voters' roll, a secret ballot, election observers, multiparty officials at different ballot stations, the security of the ballot boxes, an independent electoral commission and the role of the media, particularly the public broadcaster. In other words, the press can demonstrate a democratic standard by which public authorities should be held to account for conduct during an election. In this way, the press educates the public about holding public officials accountable for their actions.

Other areas where the press can play a democracy advocacy role include:

- ▶ clean administration versus corruption and nepotism
- ▶ appropriate use of public resources versus mismanagement and waste
- ▶ proper policing and public safety versus public violence, particularly if meted out by the security or intelligence forces
- ▶ economic and social development versus growing poverty and unemployment
- ▶ generally increasing living standards versus glaring inequality and wealth disparities
- ▶ responsive and public-oriented public services versus bloated and self-serving bureaucracies
- ▶ transparency, openness and accountability versus secrecy, neglect and repression.

Importantly, a press that plays a democracy advocacy role will not target only government for coverage and comment. In many developing countries, companies (including subsidiaries of large multinational companies) and others in the private sector do not always adhere to basic standards concerning working conditions, occupational health and safety or environmental issues. The press needs to be able to point out actions by companies and other private sector entities that fall



short of national or international standards and which cause damage to individuals, communities or the environment. In a similar vein, policies of international bodies such as the International Monetary Fund, the World Bank, the International Telecommunications Union and the World Trade Organisation can, and often do, have a significant economic impact on developing countries. An advocacy press ought to be able to point out to citizens how, for example, a fair-trade regime concerning the country's exports and imports ought to look.

## 6.7 The press as a catalyst for democracy and development

Even if the press can perform only its most basic function — that is, reporting on matters of public interest — it nevertheless acts as a promoter of transparency, openness and accountability. Governments (even repressive ones) and the private sector dislike negative press coverage. Of course, a government may try to respond to negative press coverage by clamping down on press freedom through legal and illegal means, but this is not a sustainable long-term response and usually only serves to hasten the erosion of public confidence in, and support for, the government.

If the press can perform some, or all of the roles, set out above, it can act as a catalyst for democracy and development, helping to make public participation meaningful. The public supports a press that reports accurately and provides reliable news and information about matters of public concern. As this public support grows, governments come under public pressure to be more transparent and accountable and to work with, and not against, the press. As governments learn how to respond appropriately to press criticism, so the space for the media opens up and a positive cycle of more sophisticated government–press relations can ensue. In this way, the government sees the independent media as an important vehicle for communicating with the public about its programmes and actions and also as a gauge to measure its popular standing and support, as the press often (although not always) reflects public opinion.

In thinking about the press as a potential catalyst for democracy and development, it is crucial to bear in mind that several post-independence African governments have expressly used the mass media:

*as a tool for national consolidation, development, and authoritarian control ... The reach of the mass media was extended to rural areas, supposedly to promote development and technical diffusion, but in actuality, the media was used as a tool of state control and propaganda.<sup>19</sup>*

This kind of government-controlled media is not the model of the 'press as democracy and development catalyst' that we are talking about here.

The stronger the media becomes in a particular country, the better it can fulfil its various roles as a watchdog, detective, educator, good governance advocate and even catalyst for democracy and development. The more the press can fulfil these roles, the more the public is informed about public interest issues. The more the

public is informed, the more it can hold public power accountable and relate to the government (through the ballot box, or in consultations or other interactions), the private sector and even civil society in an informed manner. The government of an informed citizenry is often able to engage in focused decision-making as there is a free flow of information and ideas that the government can access to improve its operations.

The former president of the World Bank, the late James Wolfensohn, has elaborated on this:

*A key ingredient of an effective development strategy is knowledge transmission and enhanced transparency. To reduce poverty, we must liberate access to information and improve the quality of information. People with more information are empowered to make better choices. For these reasons, I have long argued that a free press is not a luxury. It is at the core of equitable development. The media can expose corruption. They can keep a check on public policy by throwing a spotlight on government action. They let people voice diverse opinions on governance and reform and help build public consensus to bring about change.<sup>20</sup>*

## 7 Importance of the broadcast and online media

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When thinking about the press and the media, people have traditionally focused on the print media — essentially, newspapers. In Africa, particularly southern Africa, this makes little sense for five important reasons:

- ▶ With few exceptions, newspapers are often only distributed in the larger cities and towns. In other words, they are not available in many rural areas.
- ▶ Relatively speaking, newspapers are expensive. Many countries in southern Africa have extremely high rates of poverty. The little money people have is far more likely to be spent on food and essentials rather than newspapers which are out of date within a day or so.
- ▶ In southern Africa, newspapers tend to be published in English, French or Portuguese — the languages of government. However, a country's broadcasting landscape can be characterised by several radio stations broadcasting in different local, indigenous languages, thereby enabling listeners to access news and information in their home languages.
- ▶ Adult literacy: if people cannot read, they obviously cannot access the content contained in the print media. While SADC has higher average adult literacy rates than other regions in sub-Saharan Africa,<sup>21</sup> there are still many adults who are unable to read and write.

- ▶ Internet Access:<sup>22</sup> More and more people have access to the internet, although internet penetration rates in SADC remain relatively low and uneven. The country with the highest internet penetration in the SADC region is Seychelles (72%) while the country with the lowest internet penetration rate is the Democratic Republic of the Congo (6%). Of the 16 member states in SADC, only seven have internet penetration rates above the African average of 35.9%, namely Botswana, Mauritius, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. Only two have internet penetration rates above the world averages of 56.1% (including Africa) or 60.2% (excluding Africa), namely Mauritius and Seychelles.

Consequently, the broadcast media — which provides content visually, by the spoken word, or both — and online media which can provide content in a variety of ways are extremely important. Of the options provided by the broadcast media in SADC, most people access news and information via radio rather than television.<sup>23</sup> This is due to three main reasons:

- ▶ Terrestrial television transmission or signal distribution facilities and infrastructure are extremely expensive to roll out. Terrestrial television is therefore often limited to urban areas. Radio or sound transmission facilities are far less expensive, and so radio coverage is invariably greater than television coverage.
- ▶ In countries with erratic electricity supply or in areas where electricity is not available, watching television is simply not possible — although people sometimes make do by, for example, connecting television sets to car batteries or generators. As radio sets can be battery operated or even wind-up, the technology is far more suitable to conditions of no, limited or erratic electricity supply.
- ▶ The (relatively) prohibitive cost of television sets means that many households cannot afford them. Given the high levels of poverty in southern African countries, a television set is a luxury item. Radio sets are far less expensive.

Broadcasting, particularly radio, is the medium through which most people in southern Africa access news and information, although with internet penetration increasing rapidly, online resources are also becoming increasingly important. Historically, broadcasting has been a neglected area in the context of press freedom battles in Africa, particularly in southern Africa. It is only fairly recently (in the past 20–30 years) that state monopolies over the airwaves (both radio and television) have been abandoned and a more pluralistic broadcast media has begun to emerge.

This handbook contributes to that movement by setting out (in Chapter 2) what a democratic media regulatory environment looks like, as well as by analysing the print, broadcasting and online regulatory environments in each country chapter to test whether or not they meet international best practice standards.

## Notes

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