

# **CENTER FOR DEMOCRACY AND GOVERNANCE**

*“...promoting the transition to and consolidation of democratic regimes throughout the world.”*

## **The Role of Media in Democracy: A Strategic Approach**



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## I. INTRODUCTION

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A leading Palestinian journalist is jailed in the West Bank for broadcasting sessions of the Palestinian Legislative Council. Restrictive media laws in many post-communist countries curtail media freedoms guaranteed by these countries' constitutions, or by international conventions that these countries have signed. In Central America, a select group of powerful families control the media and threaten democratic gains realized through the peace processes of the 1990s. Government control of print and broadcast media in many African countries leave little scope for dissenting opinions and, therefore, public debate.

Such are the obstacles to media freedom. The U.S. Agency for International Development (USAID) and its partners have attempted to address these obstacles and to develop media sectors around the globe that would contribute to democracy. As such, support for media is an important prong of U.S. democracy and governance assistance. USAID's objective of the increased development of a politically active civil society provides a strategic rationale for media-related activities. In addition, a desired result of an enhanced free flow of information broadly states the Agency's target for media activities.

While there is a significant range of activities which could fall under the heading "media support," a distinction is made in this paper between those activities which might indirectly contribute to media development (such as civic education or communication campaigns in the health and education sectors), and those which are directly targeted to strengthen the media as an institution, specifically media sector support. As this strategic approach lays out, this media sector support extends beyond training and includes reforming media laws, removing barriers to access, strengthening constituencies for reform, and capitalizing the media. Historically, there have been few, if any, tools available to USAID country missions and their

partners to help them think strategically about the relationship between media and society, and the most effective ways to strengthen the media's contribution to democracy. Given this, some missions have been hesitant to engage in media sector support, even though they recognize the important role it plays in democratic transition and consolidation. Other missions, daunted by the difficulty of reporting results in this field, have decided not to undertake media activities or to focus exclusively on training. Contextual factors such as the lack of a legal enabling environment and political will within the government, business, or civil society to support media freedom all constrain missions' efforts in media sector support.

The majority of these media activities has been carried out in the Europe and New Independent States region (ENI), with another significant amount taking place in the Latin America and the Caribbean region (LAC). Total USAID support for media development ranges from equipment provision and journalist training to media law and policy development.

In addition there exist various USAID mechanisms to support media sector development from the regional bureaus, field missions, and the Office of Transition Initiatives (OTI) in the Bureau of Humanitarian Response. For example, OTI programs have focused on the following:

- Supporting objective news and information programs, so that people can make informed decisions and counter state-controlled media
- Cultivating alternative media, so that multiple voices and opinions will be heard
- Mobilizing popular participation in the transition process
- Multiplying the impact of transition activities by disseminating information on successful local peace and participatory efforts

Within the Center for Democracy and Governance, technical assistance and field support can be provided by Center staff, or by accessing one of its civil society indefinite quantity contracts (IQCs). The primary purpose of these IQCs is to provide rapid-response technical assistance to support civil society programs (including media) of USAID missions and regional bureaus.<sup>1</sup>

Other U.S. government agencies have experience in training media professionals and carrying out exchanges. Democracy officers should confer with the Center as well as these other agencies, in particular USIA, to ensure that our in-country activities are complementary.

The strategic approach presented in this paper offers guidance to USAID missions, rather than any blueprint, for making choices about which media activities might be most appropriate in a given context. In addition to suggesting a goal to guide USAID media programs, the approach provides examples of successful media assistance activities and discusses factors influencing their success.

In Section II, the role of media in democracy is defined and media's place in USAID's strategic framework and international conventions is outlined. Section III addresses mapping the media sector. Outside of the specific outlets that deliver news and information, what constitutes "media" and its support? The principal questions used to help shape media sector support strategies are identified in Section IV. They are used to determine who holds power to communicate in a society, who has access to the means of communication, and who is communicated to. Section V provides macro-level guidance on how to design media strategies.

With Section VI this paper turns to an examination of a strategic approach for the

media sector. Chief components of any strategy are shaping the legal enabling environment, strengthening constituencies for reform, removing barriers to access, training, and supporting capitalization of media. Best practices are detailed for each of these issues.

Appendix A provides a list of partner organizations, web sites, and contact information. Appendix B suggests a methodology for conducting media sector assessments, based on the Center's *Strategic Assessment Methodology*. Appendix C contains the text of the 1991 Windhoek Declaration. This declaration guides the work of a USAID partner, the Media Institute of Southern Africa (MISA).

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<sup>1</sup> For further details, see the *User's Guide* for the Center for Democracy and Governance, USAID.

## II. DEFINING GOALS: THE ROLE OF MEDIA IN DEMOCRACY

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Access to information is essential to the health of democracy for at least two reasons. First, it ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation. Second, information serves a “checking function” by ensuring that elected representatives uphold their oaths of office and carry out the wishes of those who elected them. In some societies, an antagonistic relationship between media and government represents a vital and healthy element of fully functioning democracies. In post-conflict or ethnically homogenous societies such a conflictual, tension-ridden relationship may not be appropriate, but the role of the press to disseminate information as a way of mediating between the state and all facets of civil society remains critical.

Support for media is a critical prong of U.S. democracy and governance assistance. USAID Strategic Objective 2.3, “Increased development of a politically active civil society,” provides a rationale for media-related programming. Intermediate Result 2.3.4, “Enhanced free flow of information,” broadly states the Agency's goal for media activities.

While media is considered by USAID to be a part of the civil society arena, it is well known that media overlaps other functional areas of democracy and governance. For example, support for media may yield results in governance activities, particularly those related to decentralization, anti-corruption, and citizen participation in the policy process. The rule of law may be further institutionalized by support for an independent media that keeps a check on the judiciary, reports on the courts, and promotes a legal enabling environment suitable for press freedom. Free and fair elections conducted through transparent processes require a media sector which gives candidates equal

access, and reports the relevant issues in a timely, objective manner.

International conventions buttress USAID's media activities. Most notably, Article 19 of the 1948 Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.”

Within the context of supporting democratic transitions, the goal of media development generally should be to move the media from one that is directed or even overtly controlled by government or private interests to one that is more open and has a degree of editorial independence that serves the public interest. If the media is to have any meaningful role in democracy, then the ultimate goal of media assistance should be to develop a range of diverse mediums and voices that are credible, and to create and strengthen a sector that promotes such outlets. Credible outlets enable citizens to have access to information that they need to make informed decisions and to participate in society. A media sector supportive of democracy would be one that has a degree of editorial independence, is financially viable, has diverse and plural voices, and serves the public interest. The public interest is defined as representing a plurality of voices both through a greater number of outlets and through the diversity of views and voices reflected within one outlet.



### III. MAPPING THE SECTOR

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Supporting media as an institution requires an understanding of what constitutes the sector. Clearly, the media sector consists of something beyond the specific outlets that deliver news and information. But is it so amorphous that it encompasses everything from the universities that train future journalists to the courts that protect their rights? One extremely useful attempt to map out the media sector comes from the USAID-funded Media Development Program (MDP) in Russia. Jointly designed and implemented by the Russian American Press and Information Center (RAPIC) and Internews/Moscow, MDP's goal is "to speed the development of a commercially viable media sector in Russia." The objectives devised to achieve this goal suggest a particular approach to defining and supporting the sector:

- Help foster advocacy for media with legislative and regulatory bodies
- Increase flows of advertising revenues to the regions (decentralization)
- Increase access to and ownership of production and distribution
- Increase investment and loan opportunities for regional media
- Increase horizontal ties among media professionals
- Expand educational and practical programs in electronic information gathering and dissemination
- Expand educational and practical programs in business, management, and technical skills
- Increase professional contacts and collaboration between domestic and foreign media companies and institutions

- Protect key resources, such as film and archive materials that document historical developments, outside news feeds, electronic information sources (such as Lexis-Nexis), access to public records, policymakers and government officials, etc.

A related approach is offered by the RAPIC proposal to establish the Russian NGO as a permanent legacy of U.S. democracy assistance. The proposed program plan for RAPIC/National Press Institute (NPI) includes the following activities, which illustrate a sectoral approach:

- Promoting investment, equity and debt financing, leasing, and other mechanisms to capitalize the media industry
- Developing media management capacity
- Participating in the development of the legal and administrative infrastructure
- Fostering the development of a mature information culture
- Promoting industry-wide trade organizations and professional associations
- Overcoming government domination of information
- Raising the level of journalistic professionalism

These sectoral approaches illustrate the ways programs can have an overarching understanding of the interrelationship of the media industry's many parts and why the reform of the media sector necessitates a "web" of mutually reinforcing activities, the lack of any one of which can endanger any others.



## IV. IDENTIFYING KEY ACTORS

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Some of the most important questions to consider when designing media support activities that strengthen democracy are, “Who holds the power to communicate in a society, who has access to the means of communication, and who is communicated to?” Answers to these questions will help to shape media sector support strategies by targeting obstacles and pinpointing opportunities for reform.

For example, in some countries the state has exclusive control over the media, directly or indirectly, and dictates the terms of public debate. Egypt has one news agency, the Middle East News Agency, which is the property of the state. Radio and television are state monopolies, and, as a result, news is presented as policy dictates.<sup>2</sup> In Mexico, freedom of expression is constitutionally guaranteed, but the government controls the distribution of paper.

In these cases, a suitable sector support strategy might be geared around civil society organizations which are publishing or broadcasting alternative viewpoints, or it might be focused on training state journalists to cover news in a more objective fashion. If it is a particularly innovative strategy, it might include a training component for government ministers in an effort to raise their awareness about how a balanced and objective press contributes to political and economic well-being.

The question of “who is communicated to” is often overlooked, yet it is essential to develop a cadre of critical audience members who will demand information and will have the capacity to analyze what is presented to them. The answer to this question helps to determine which medium to target in media sector assistance. For example, if a strategy aims to reach the rural

masses, a radio campaign—particularly in countries with low literacy rates—might be more effective than a television or print strategy, which tends to reach urban, educated elites. On the other hand, if the political environment is very constrained and few groups are involved in reform, focusing media sector support on urban, elite-based print outlets might be appropriate in the short term in order to leverage change in the system through these reformers' efforts.

In sum, the following actors are relevant allies in media sector reform, and strengthening their capacity will support media sector development:

- Consumers
- Individual producers (reporters, editors, technicians, business managers)
- Content provider companies (wire services, think tanks, NGOs)
- Training institutes, universities
- Independent regulators
- Media monitors (political polling agencies, policy institutes, advocacy groups, governments, advertisers)
- Professional organizations (journalism and business associations)
- New technology gatekeepers (infrastructure developers, software creators, trainers, investors)

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<sup>2</sup> Idriss, Shahira. 1996. “Egypt Gets the News the Government's Way.” *IPI Report*. February/March: 28.



## V. DESIGNING MEDIA STRATEGIES

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### A. Steps to Strategy Development

After defining the goals, mapping the sector, and identifying the key actors, the next issue is how to use this information and the strategic approach chart on pp. 15-16 to design a strategy. There are four basic steps to strategy development for media sector support:

- Defining the problem

Is the problem the mission faces due to legal restrictions, limited sectoral support, restricted pluralism, technical/professional capacity, and/or financial constraints?

- Finding targets of opportunity

What political, economic, and/or social opportunities exist to embark on media sector support? Who are the key actors who can assist these efforts?

- Assessing the feasibility of activities

In large part, this will involve an analysis of the mission's resources (time, funding, technical expertise) and the country's context.

**"The Committee believes the sustainability of non-state-controlled media is critically important...Capacity building through training in commercial management and basic journalism, as well as development of an independent media infrastructure are all necessary elements to further enhancing economic and political reform."—The Senate Foreign Operations Bill for 1998**

- Evaluating USAID's comparative advantage in carrying out these activities

This last step will determine what value is added by USAID becoming involved in media sector support in a particular country. What can USAID contribute?

As the U.S. government engages in media sector support, several issues arise which should be carefully considered in order to maximize impact and effectiveness. First, decisions should be made at the outset whether it is possible to work at a macro level in areas like media law and policy reform, or whether, given political concerns, assisting individual outlets or journalists is a more appropriate approach. Ideally, missions would be able to engage in a holistic, sectoral support strategy much like the one outlined by the MDP program in Russia, but limited budgets and technical capacity constrain such endeavors. As a result, difficult choices must be made based on which targets of opportunity will yield long-term sustainable results.

Support for media outlets raises issues regarding choice and duration of support. There are pros and cons to targeting particular outlets versus a more ad-hoc, inclusive approach. Direct support to one outlet may tend to bias the reporting which comes from that outlet in favor of the U.S. donor, and may overdevelop the outlet in relation to the context in which it exists. As a result, it may not be sustainable in the long term and it may have less credibility. Support for many outlets, on the other hand, may distribute limited resources so widely that little is achieved in terms of impact. At times, it is more important to have alternative voices in the short term rather than sustainable outlets, particularly in post-conflict or transitional environments. If these alternative voices, however, espouse viewpoints critical of U.S. foreign policy, some might question the wisdom of continued support for

them. Others may see this as an indicator of independence.<sup>3</sup>

Such dilemmas highlight the need for clear distinctions between media assistance and public information campaigns that promote U.S. policies and viewpoints. Democratic transitions may not be strengthened through the creation of a media which, while free from its own government control, espouses views of foreign governments and reflects their interests. An outlet's credibility depends on its ability to report news freely.

One of the most important issues to address before engaging in media sector support is whether to fund local actors directly or to rely on U.S. private voluntary organizations as intermediaries. Funding local actors can be cost-effective, yet it may be time consuming to monitor recipients, and some may have such limited administrative capacity that they can not manage the money or activities. Relying on intermediaries is beneficial particularly in some political contexts since this distances the local

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<sup>3</sup> Many USAID intermediaries who are engaged in training journalists or supporting independent outlets report that this is a problem that will not go away and must be “creatively managed.” On the one hand, support for programs comes from U.S. taxpayers' money so it is naive to think that there would be political support for activities which appear, at face value, to develop voices critical of the United States and its policies. On the other hand, the ultimate goal of journalism training or outlet support is to develop the capacity for professional, objective reporting. If this reporting is critical of the United States or its policies, then in some respects this should be seen as a sign of success. When relying on intermediaries to channel U.S. funds for media activities, the instrument for doing so is very important to protect the beneficiaries from excessive U.S. interference. Where grants are used instead of contracts, more flexibility is allowed, and less oversight expected. Many field missions, however, use contracts to hire intermediaries so that they can have direct influence in programs and even participant selection, and, as a result, manage the activities in such a way as to avoid raising concerns.

actor from U.S. policies and politics, as well as the substantial accounting requirements associated with USAID funding.

As outlined in the next sub-section, accurately defining the problem faced by the media sector will lend itself to a particular programmatic approach. A final decision on which approach to adopt should then be based on an analysis of the targets of opportunity, the feasibility of activities, and USAID's comparative advantage in carrying out these activities.

## **B. Identifying a Programmatic Approach**

In designing a media sector support strategy, a key undertaking is an analysis of the problem to inform the adoption of an appropriate programmatic approach to forward media sector development. These approaches may take a number of forms: shaping the legal enabling environment, strengthening constituencies for reform, removing barriers to access, supporting the capitalization of media, and/or training. Ideally, of course, programs would undertake a combination of these approaches to provide a holistic mix of activities. However, understanding the political concerns as well as financial and technical constraints, missions may be able to adopt only one or two approaches at a time. This strategic approach will present five programmatic approaches, or “menu options,” from which democracy officers should calculate trade-offs based on the country-specific concerns and priorities, financial constraints, and available technical assistance/capacity.

### **1. Shaping the Legal Enabling Environment**

In some environments, democracy and governance officers will identify legal restrictions as barriers to media sector development. This may be characterized by limited freedom of information and/or expression, restrictive licensing of print journalists, violations of international human rights conventions, and violations of national constitutions.

In working to remove this obstacle, focusing on shaping the legal environment has proven to be a useful programmatic approach. Activities that characterize it include support for an independent judiciary, a media law curriculum in law schools, an even application of existing laws, legal defense funds, and drafting media laws. They may also take the forms of cross-national media law advising, information dissemination, and information.

Various types of training activities have also proven useful under this approach. Training may be successful on establishing independent regulatory bodies, for media lawyers, on international laws and standards, and on drafting media laws.

## **2. Strengthening Constituencies for Reform**

Limited sectoral support is another sectoral weakness often identified in the media sector. Media sector support is characterized by the presence of effective media law and policy organizations, media watchdogs, research institutes and think tanks, advocacy organizations, and professional associations. It is also found with training institutes and universities, as well as critical readers who value the news function.

To strengthen these constituencies for reform, programming should rely on capacity building support, advocacy training, sustainable financing strategies, endowments, and networking at the national, regional, and international levels. It is also important to reach out to readers, develop an informal code of professional conduct, and acknowledge excellence, discourage unethical behavior, and publicize the contributions of press to society.

Other activities in this area may include press council development or other mechanisms for self-regulation, and civic education to inform readers. Civic education, in particular, can help readers evaluate the news sources for credibility,

use information to lobby the government, encourage informed action and decisions, and engage media outlets.

## **3. Removing Barriers to Access**

Another obstacle takes the form of limited pluralism, both internal and external. It can be found as a result of government control, with media oligarchs and economic elites, and through commercial concerns dominating the media.

Removing these barriers to access may involve reforming regulation regarding entry into the market or regarding public service broadcast to reflect minority interests. It may also be useful to undertake activities that limit advertising revenues for government subsidized media, reform commercial law, create incentives for regional and community media, strengthen production skills, encourage media interaction with civil society organizations, and support alternative media. Other recommended options with this approach provide small grants and loans to media outlets, sensitizing newsroom and management training, and training on omitting discrimination from news stories.

## **4. Supporting the Capitalization of Media**

Financial restraints also impose barriers to media sector development. Such restraints may be characterized by limited advertising revenues, start-up capital and investors, business skills, and an understanding of audience share or audience preferences.

Activities designed to eliminate these sectoral weaknesses have supported the capitalization of media. Specific activities include lobbying for higher journalist salaries, strengthening distribution mechanisms, and providing financial and technical support to develop nongovernmental advertising. Training may also play an important role in this approach through training in business and newsroom management

to support the financial operations, and in encouraging and documenting success stories of credible, non-sensationalistic outlets that have achieved commercial success.

## **5. Training**

Finally, limited technical and professional capacities also mar the development of a successful media sector. These are marked by the absence of basic skills, ethics, investigative and specialist reports, and new technologies.

Comprehensive training activities can address a number of these weaknesses. In particular, they may be advanced through international fellowships and visitor programs, regional seminars and workshops, internships, on-site newsroom seminars, textbook and CD-ROM production, video conferencing, and staff attachments. Training activities may also take the forms of reforms to university curricula and introduction of new technologies, particularly the Internet.





## VI. PROGRAMMATIC APPROACHES

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After identifying an appropriate programmatic approach for media sector support, attention should then fall to the details of that approach. Drawing on examples of successful media activities undertaken by USAID field missions and their partners, as well as those of other donors, this section further details the most common barriers to media sector development described in Section V and highlights some of the best practices and lessons learned from work to remove these barriers.

The activities outlined in this approach begin with the macro-level approaches and end with more micro-level activities, such as those that target individual outlets. Broad recommendations are given to identify opportunities to adopt a particular programmatic approach and to prioritize activities. However, the final choice of activities will ultimately depend on the country context, mission finances, and available technical expertise to implement activities. Some of the lessons learned and best practices are provided to help missions think about how these activities could be replicated in different contexts, and what factors would need to be considered in order to ensure success.

These five programmatic approaches are shaping the legal enabling environment, strengthening constituencies for reform, removing barriers to access, training, and supporting capitalization of media.

### A. Shaping the Legal Enabling Environment<sup>4</sup>

Especially where respect for rule of law exists, activities that focus on implementation of laws guaranteeing freedom of the press and/or reformation of codes that restrict this freedom

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<sup>4</sup> For a detailed analysis of media law reform issues, see *Democracy Dialogue*. July 1998. USAID Center for Democracy and Governance.

would help develop a legal environment that nurtures a free, independent media. Since most countries have not passed media laws, another pre-condition for reform activities is the presence of institutions (e.g., courts, university media programs, opposition political parties) and individual leaders who comprise a strong enabling environment and pressure for legal reform.

### LESSONS LEARNED: Media Law Reform

- \* **Media law reform/passage is a high-level goal; where opportunities exist to engage in this area, they should be seized since these efforts have the potential to yield long-term, institutional changes.**
- \* **Implementation of reforms is as important as having laws on the books, which creates an enabling environment for media freedom.**
- \* **Societies where rule of law is already institutionalized and respected are ripe for media law reform assistance.**
- \* **Training media lawyers is an often overlooked, yet critical part of media law reform assistance.**
- \* **Partnerships with law firms which can provide ad-hoc, pro bono media law assistance can be very fruitful. [see for example the ProMedia program]**
- \* **The provision of legal defense funds for journalists is one way to assist media law reform in restrictive political environments.**
- \* **Linkages between local or national NGOs and regional and international NGOs engaged in lobbying and advocacy significantly increase impact. [see for example the Media Institute of Southern Africa]**

Just as the boundaries demarcating the media sector are permeable, so are those defining the legal enabling environment for media development. Wherever these lines are drawn, they must allow for the minimum conditions of access and objectivity necessary for citizens to have information and for government to be held accountable. Reforming media laws should be undertaken to affect or strengthen the role of media as a conduit, a channel to connect the government and the people and to lessen the distance between the two.

Institutions as well as laws support media development and are instrumental players in media law reform. These institutions include courts, regulators, and the executive branch of government. The latter is important since it is often not the laws that are problematic or restrictive but their application, and this often comes through the executive branch. Universities, particularly law schools, contribute to media development by training journalists or media lawyers, as well as advocates for media freedom.

Legal issues are more easily discussed where constitutional principles have been clearly articulated, so the constitution is another institution that may support media law reform. Reference within a country's constitution legitimizes the direct applicability of constitutional norms, even if the legislature has not given legislative form to those norms. This has been of great importance in Russia, for example, where the direct applicability provision of the constitution has been used to by-pass the legislature in those areas where it has not drafted legislation. The U.S. constitution provides a particular example, one which focuses on restricting government, whereas constitutions in developing countries more often reflect the European tradition of outlining positive as well as negative obligations for the media.

Since the media depends on opposition parties for sources and leads which are critical of the government, viable, minority, protected

opposition parties are other institutions that may support the development of an independent media and of a supportive legal environment for it. Opposition parties also help to institutionalize a culture where critical views are tolerated. Likewise, the media creates space for opposition parties in many cases. Yugoslavia is one example where civil society has rallied around the oppositional media, most notably Radio B92 and its network. In Poland in the 1980s, countless individuals acted as publishers, writers, printers, and distributors in order to provide people with alternative information and commentary, views that were not officially sanctioned by the regime.<sup>5</sup>

While some governments view this activity as destabilizing, it may be just the opposite since, where press freedom is denied, the opposition may turn to more violent forms of expression and protest. For example, when *La Prensa* was closed in Nicaragua, Violeta Chamorro said, "By closing down the last reserve of civic opposition in Nicaragua, the Sandinistas reveal they have decided on a military solution, although they preach the opposite. They have closed the doors to dialogue and opened the doors to war."<sup>6</sup>

Every media system in the world functions under certain kinds of restraint, so the ultimate objective of media law should be relative rather than absolute freedom.<sup>7</sup> One of the most

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<sup>5</sup> Matynia, Elzbieta. 1997. "Some Notes on Civil Society, Media, and Democracy." Paper prepared for roundtable discussion on "Media Law Reform, Civil Society and Transition States" co-hosted by the Squadron Program on Law, Media and Society, and USAID Center for Democracy and Governance, New York, NY, 30-31 October.

<sup>6</sup> Ungar, Sanford. 1990. "The Role of a Free Press in Strengthening Democracy." In *Democracy and the Mass Media*, edited by Judith Lichtenberg, 368-398. New York: Cambridge University Press.

<sup>7</sup> Asante, Clement. 1997. *Press Freedom and Development: A Research Guide and Selected Bibliography*. Westport, Connecticut: Greenwood Press.

effective protections against restrictive legislation may be self-regulation and media accountability, developed through professional associations and unions. It is more difficult for a government to challenge press freedom when the reporters and editors of the mass media perform at a professional level, verify facts, and adopt a balanced, even if partisan, approach in presenting stories. Therefore, training and media law reform may go hand in hand.

Two categories of laws support media's ability to provide information and to check government power. The first relates to laws outlining media-government inter-relationships, while the second pertains to patterns of media ownership and control. Media-government relations are largely structured and affected by laws relating to freedom of information, libel, sedition, obscenity, and invasion of privacy. Tax laws are important here, and these should be analyzed to determine the extent to which they encourage the growth of private media. NGOs' tax status is also relevant since duty free concessions and tax privileges affect NGOs' ability to provide training to media, advocate for the sector, and, in some cases, help to develop infrastructure and programming.

The second set of laws affecting media's ability to provide information and to check government power relates to ownership and control. Ultimately, this set of laws should ensure a level playing ground so that all media—private, governmental, domestic, foreign—operate under exactly the same rules without preferential treatment in the licensing process. In addition, a limit may be placed on how much ad income government-subsidized media can take from the private sector. For example, in the Czech Republic no more than 5 percent of state television income can come from advertising. It has been suggested that government-owned transmitting stations and printing presses should be subject to tariff regulation, if they are monopolies, and that they must charge the same rates to all customers. Likewise, another means of avoiding bias is to ensure that ownership of

media by anyone in the close family of a high government official is handled through a blind trust.<sup>8</sup>

Registration, licensing, and access to information are important concerns under this category. Issues of foreign ownership and restrictions of foreign-produced content are highly relevant here. Media law scholar Monroe Price, addressing the issue of broadcasting law, has said, "A system of domestic media law that prohibits competition internally, that constrains the capacity of program distributors to meet the interests of consumers, will be a fragile one. It is not only constitutional reasons but pragmatic ones, in this view, that justify a far more open system of competition and freedom for broadcasters."<sup>9</sup>

There are related commercial laws that may impinge media development, and these as well as other laws should be assessed in order to determine where there is scope for reform. In Russia, for example, RAPIC/NPI has identified obstacles that currently prevent the use of leasing and lease-to-own mechanisms. RAPIC/NPI is trying to promote commercial relationships between equipment manufacturers/dealers and regional media organizations. Laws pertaining to commercial lending and investment also affect the media industry, since they have implications for the capitalization of the industry.

Examples of types of activities in this area are cross-national media law advising, training/institutional support to establish independent regulatory bodies, training in international law and standards to which countries' media laws must comply, and support for legal defense funds. More specific best

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<sup>8</sup> See Eric Johnson's contribution to *Democracy Dialogue* (July 1998), Center for Democracy and Governance, USAID.

<sup>9</sup> Hudock, Ann. 1998. "Concept Paper: The Role of Media in Democracy." Concept paper, USAID, Washington, DC.

practices supported directly by USAID and its partners follow.

**Best Practices**

**Analyzing legislation to limit restrictions placed on new, independent media**

ProMedia is USAID's second-generation media assistance program in Central/Eastern Europe, following on from a multi-year grant through USA to the International Media Fund, a private non-profit organization set up in 1990.

Currently, ProMedia has field operations in Albania, Belarus, Bulgaria, Croatia, Hungary, Romania, Slovakia, Ukraine, and Yugoslavia, with Bosnia to be included shortly. ProMedia is run by IREX, with Freedom House, the International Center for Journalists, and Internews as the primary sub-contractors.

ProMedia addresses the profusion of rules and regulations that inhibit the development of new independent media. Most countries have yet to pass media laws, which set the ground rules for starting and operating private newspapers, as well as radio and television stations. On the political side, most governments prefer direct control of the media and are clearly uncomfortable with any criticism of their policies. Since media in the ENI region were historically all state-owned, there is no tradition of protecting free press and rights of journalists. This status quo allows some governments in the region to actually suppress free media while casting themselves as modern western states that respect human rights and political liberty.

The primary function of ProMedia is to provide thorough analyses of media legislation and help local journalists understand how media laws operate in western countries. The media law component has concentrated on analyzing proposed or enacted laws, providing legal experts to help in program design and to participate in policy debates, supporting seminars for journalists, training journalist groups in self defense, and providing U.S.-based training to media lawyers and associations.

Slovakia provides a telling example of how ProMedia legal assistance works. In 1996, the Meciar government tried to pass a law that would have punished journalists and media owners who failed to print or broadcast “the truth” about Slovakia—as the government saw it. Through the pro bono services of a Washington law firm, Covington & Burling, ProMedia provided an analysis of this law, which showed where it violated the Slovak constitution and many international conventions that the Slovak government had signed. As a result, the government relented. In early 1997, when the government looked ready to reintroduce the original legislation, ProMedia and Covington & Burling helped Slovak journalists mobilize to counter any such initiative.

**International Conventions Supporting Media Freedom**

- \* **Universal Declaration of Human Rights**
- \* **International Covenant on Civil and Political Rights**
- \* **International Covenant on Economic, Social and Cultural Rights**
- \* **Charter of Paris for a New Europe**
- \* **Budapest Summit Declaration: Towards a Genuine Partnership in a New Europe**
- \* **European Convention on Human Rights**
- \* **American Declaration of the Rights and Duties of Man**
- \* **American Convention on Human Rights**
- \* **African Charter on Human and Peoples' Rights**

*Source: Covington & Burling*

Not all of ProMedia's activities, however, are rear-guard actions. With the election of a democratically-minded government in Bulgaria, ProMedia helped Bulgarian media and journalist associations convene a "media law task force." This task force set about drafting a new media law that provided open access to the broadcast spectrum, protection of free speech, private ownership of media outlets, and a public broadcasting role for state media. ProMedia sent a media lawyer who provided analysis of the draft legislation and offered recommendations that would enable the law to meet European standards.<sup>10</sup> Copies of draft media law analysis completed by Covington & Burling are available from the civil society team at the Center for Democracy and Governance.

#### **Hiring staff attorneys to redraft restrictive laws and regulations**

Internews is an internationally-active non-profit group working to enhance tolerance and understanding among people by supporting nongovernmental television, radio, and print media in emerging democracies. With USAID support, Internews has assisted media law reform mainly in the ENI region and, more recently, in Indonesia. In response to restrictive laws and regulations that were restraining the independent broadcasters Internews supported, Internews hired lawyers in its Central Asian and Southern Caucasus offices to offer their services to private broadcasters and to government organizations drafting and implementing media legislation.

Internews has a permanent staff lawyer in six of its seven Central Asian and Southern Caucasus offices. Each of these lawyers has, where possible, done the following:

- Gathered all media-related legislation into one place, distributed copies to private broadcasters around the country, and prepared copies in the local language as well as in Russian and English for posting onto

Internews' web site in each country (e.g. , [www.internews.am](http://www.internews.am)). Each is preparing to publish these documents in a *Broadcaster's Legal Handbook*.

- Established contact with parliamentary deputies responsible for or interested in media legislation and provided whatever advice they can use to support their efforts to liberalize media law, including providing information about how the media are regulated in other countries. Each has also provided information to stations about how to lobby parliamentary deputies on media law issues.
- Established a network of contacts throughout the government agencies responsible for preparation, consideration, and implementation of media law. This was undertaken to make it possible to know what media law is pending and to inform stations about how to prepare for forthcoming measures.
- Met with many if not all of the directors of private stations in each country to impress upon them the importance of knowing the regulations that govern their activities. The lawyers have also conducted on-site checkups of many stations to point out to directors changes they need to make to avoid giving the government a legitimate excuse to impede station operation (such as inadequate posting of emergency fire procedures).
- Worked with the local associations of broadcasters, media, and journalists. This effort is designed to help them increase their ability to represent broadcasters' interests.

#### **Comparing experiences to that in other countries to better understand media's role**

The American Bar Association's Central and East European Law Initiative (ABA-CEELI) prepared a concept paper on media that draws on the U.S. experience to address four principal

<sup>10</sup> ProMedia. January-June 1997. *Semiannual Report*.

themes essential to the understanding of media in democracy:

- Defamation law, notably when and how the mass media can be held responsible and punished for controversial, embarrassing, or inaccurate information about public officials, public figures, or private individuals
- Issues of mass media and national security, particularly the government's ability to censor or to restrict access to information
- Protection of journalists' sources
- Government ownership, control, and regulation of the mass media

### **Monitoring, reporting, and acting on media freedom violations**

The Media Institute of Southern Africa (MISA) is an NGO with member chapters in 11 of the 12 countries that make up the Southern Africa Development Community (SADC). The regional secretariat, headquartered in Namibia, plays a co-ordinating, oversight, and facilitative role with respect to the chapters. Officially launched in September 1992, MISA focuses on the need to promote free, independent, and pluralistic media as envisaged in the 1991 Windhoek Declaration (see Appendix C). MISA seeks ways to promote the free flow of information and co-operation between journalists, as a principal means of nurturing democracy and human rights in Africa. MISA receives support from a variety of donors, including USAID's regional mission, the Regional Center for Southern Africa.

MISA is a membership-based organization whose members extend beyond the media profession. MISA is unique in that it reaches beyond the media industry and media practitioners to garner support from civil society, including business leaders, teachers, human rights supporters, and others who recognize that media freedom is an important

right for all in a democratic society. The ability to leverage local, national, and international support in efforts to monitor, report, and act on media freedom violations distinguishes MISA from other more localized efforts.

MISA contributes to the legal enabling environment for media through a series of activities, publications, and information dissemination efforts. By cataloguing laws in SADC nations that impinge on media freedoms, MISA hopes to raise awareness among journalists, and others, of the constraints on freedom. In part, this is to protect journalists from breaking laws unknowingly, or to help them decide that breaking a law is worth the risk of punishment, particularly when the law might be challenged on constitutional grounds. During 1996-97, MISA launched a legal defense fund intended to assist media workers in distress or to test repressive legislation in courts of law. Each of the 11 chapters contributes to the fund, and international donors are solicited for assistance.

Training and publications enable MISA to increase capacity to advocate for media reform in the region, and to disseminate information more broadly. MISA's *Action Alerts*, sent out electronically, keep stakeholders abreast of media violations and encourage action to address critical situations. The *Southern African Media Law Briefing* informs lawyers and interested parties in Southern Africa on developments on media law and freedom of expression both within and outside the region. *Network News* explores substantive issues, chapter activities, and upcoming events. It also provides a space for editorials and cartoons. Training sessions have focused on how to change legislation, build networks, and strengthen grassroots awareness.

### **Lobbying/advocating for journalists' rights, teaching media law courses**

*Media Development Program (MDP) is a USAID partner supporting the institutional and economic development of print and broadcast media in Russia. It is administered by Internews*

*and is managed in partnership with RAPIC. There were three components of MDP that addressed media law reform:*

#### *Glasnost Defense Foundation*

The Glasnost Defense Foundation (GDF) received funding through MDP to support research, education, and publication projects. GDF is now an influential and respected advocate and lobbyist for the rights of journalists in Russia. The foundation monitors abuses of journalists' rights, lobbies for greater protection for journalists in law and in practice, and publishes and distributes reports and handbooks for journalists on a variety of legal, professional, and personal safety issues. GDF's director has also traveled to Indonesia to work with Internews in support of media law reform. GDF's publications include *Mass Media Law and Practice in Europe* and *Short Legal Handbook for Journalists*.

#### *Moscow Media Law and Policy Center*

Since its inception in October 1995, the Moscow Media Law and Policy Center (MMLPC) has vigorously pursued the promotion of the rule of law and a free and independent press throughout the former Soviet Union. MMLPC has become a leading resource nationally, regionally, and internationally for scholars, policymakers, legislators, lawyers, judges, and journalists involved with Russian and other regional media law and policy issues. The center directs a wide array of programs to encourage media freedoms, including the teaching of media law courses at the Moscow State University School of Journalism, curricula development in media law for journalism schools both in the regions of Russia and the independent states, specialized training and exchange programs for professors and students of special promise, sponsorship and participation in seminars and conferences, a vigorous publications program, and a monthly Russian-language media law newsletter.

#### *Standing Commission of Freedom of Information*

The Standing Commission of Freedom of Information advocates for the explicit, enforceable right of journalists and citizens to gain access to government and corporate information. It undertakes activities to encourage greater accountability, public awareness and involvement, and the rule of law. With support from MDP, the commission has conducted groundbreaking research into the problem of information access on the local level and has educated journalists concerning their rights to information. The commission conducted programs in six regions of Russia, published a national monthly newsletter, and raised the issue of freedom of information in dozens of national and local media outlets. Of equal importance, since the legislative environment surrounding freedom of information is still being formed in Russia, the commission educated lawmakers and government officials on freedom of information issues and provided them with many models of foreign information-access laws. The commission has also taken the lead in airing the issue of access to corporate information, and the problems faced by NGOs relating to free access of information.

#### **B. Removing Barriers to Access**

Access to entry, to means of production and distribution, to information, and for different viewpoints is essential to a free media. Some of these barriers will be removed or reduced as a natural by-product of shaping the legal enabling environment, strengthening constituencies for reform, training, and developing the capitalization of the media. Others must be more directly addressed, especially in cases where there is sufficient respect for freedom of the press and expression.

Considerations regarding access are important on a number of different levels. First, there is **access to entry**, either through broadcast licenses or print journalism. Several questions

should be considered when designing strategies for removing access barriers:

- Are there clear standards for issuing licenses?
- Who gets licenses?
- Is there a right of appeal when licenses are denied?
- Are licenses granted on the basis of content in programming?

A second area where access is essential is **access to means of production and distribution**.

Questions that should be considered here are the following:

- Do government monopolies control printing presses or newsprint or broadcast equipment?
- Are there economic constraints that could be addressed to increase access of marginalized or less powerful groups?
- Are commercial laws enabling the media sector or are there areas that could be reformed to support entry into the media industry?

A third, and often overlooked, area of access is **access to information**. In many countries, this is provided through freedom of information legislation guaranteeing the public access to government documents and records, as well as proceedings of official meetings or decision-making processes. In many cases, journalists are unaware of their rights regarding access to this information, and, therefore, do not request it or incorporate it into their reporting. In other cases, access is denied (either formally or informally) and these barriers should be addressed if the press is to serve a watchdog function of keeping the elected accountable to the electorate, and if the press is to disseminate information which

will enable citizens to make informed choices and to participate in a meaningful way.

A fourth and critical element of access is **access for different viewpoints**. This is perhaps the most difficult area to address, since to regulate for this involves giving certain groups preferential treatment, and runs the risk of precluding other groups' access which may limit their right to freedom of expression. Various forms of censorship, either direct or indirect, control information flows and who has access to it. Direct, economic, and self-censorship all stifle media to varying degrees.<sup>11</sup> The latter is often so insidious that even the person committing this may not be fully aware of it. Self-censorship is thought to be prevalent in Hong Kong, as a result of the handover to China in 1997. Hong Kong journalists, even though they technically enjoy greater freedom than their Chinese counterparts, fear reprisals if they write articles that deviate from the official line.

Economic censorship may take various forms, direct or indirect. Some examples include withholding from uncooperative newspapers advertising, newsprint, or printing and distribution facilities. Economic censorship also occurs in countries where there is a fear of advertising in the "free" press, since this may be interpreted by the government as opposition and result in political backlash that jeopardizes business instead of increasing it. Addressing censorship, whether it is direct or indirect, is difficult since it is usually done by powerful groups or entrenched interests.

Supporting information dissemination efforts of NGOs is one way to increase access for a variety of viewpoints. NGOs' publications are often the only vehicle for ideas and information which might be overlooked by the mainstream media, either because they do not appeal to a mass-

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<sup>11</sup> Another form of indirect censorship could be considered. That is the level of capability that exists in the profession to report or provide analyses. Where this skill is lacking and training is not available, there are gaps in public information about policies and events.

based audience or because they are politically contentious and might offend government or commercial interests invested in the mainstream media.

Another approach to increasing access for different viewpoints is offered by MISA:

Regulation is another way to promote plurality, diversity, quality and access within the media. There are a number of regulatory mechanisms available:

- Ownership
- Programming
- Local support
- Roll-out

#### *Ownership*

Regulation of ownership can be related to a geographical area—for instance a company or consortium might be limited to running a TV station in only one area. The advantage of this method of allocation is that greater regional diversity and more local content may result.

As a compromise between competition and monopoly, a company may be limited to running two or more stations in non-bordering areas. The advantage of this provision is that the operator gains a lowering of unit costs while the regulation prevents the possibility of too small a number of large operators.

An alternative is for the regulator to promote diversity by allowing the same company to run two stations in the same geographical area, thereby ensuring that, particularly in radio, different markets will be served by different programming formats. The problem in a small advertising market is that neither station—whether TV or radio—may make enough money to survive.

Allied to geographical area, regulation can prevent a company from serving more than a certain proportion of the population. Hence in urban areas the reach of each

station would be smaller. This provision tends to create more stations.

In order to ensure that citizens can gain information from a variety of sources, it is necessary to limit the holdings of any one company or consortia across the different distribution methods of information—newspapers, radio, off-air TV, cable TV, and satellite TV.

#### *Programming*

To sell advertising there is a tendency for advertiser-based stations to produce programming that they know to be popular. In order to promote diversity, the regulator may choose applicants with contrasting profiles serving the same market. But this approach means that the first stations established have an advantage in that they will have taken the most popular program formats. New applicants are, therefore, at a disadvantage in that they must fulfill the requirement of meeting the needs of smaller potential audiences.

In television the applicant may give undertakings that it will provide a proportion of news, current affairs, drama, or other programming. In radio the applicant may give similar undertakings for channels specializing in the spoken word, or undertakings as to the type of music that will be played.

At this stage, quality may become an issue—how much high-cost programming the station proposes in its plans. Such high-cost programming includes news, current affairs, drama, and local programming. The program promises may be extremely detailed in that they give the exact timings of news. These program promises then become included in the license to be monitored by the regulator.

#### *Local support*

A factor in the distribution of broadcasting licenses can be the extent of local support for a license applicant. The intention has been to encourage support from potential local advertisers, promote programming

suited to the needs of the local community, and increase diversity. But there are problems in applying the criterion fairly. How is local support for one applicant to be measured against that for another? Does the wealth of the supporters then become the criterion?

### WHAT IS COMMUNITY BROADCASTING?

- \* **Most of the community stations worldwide agree that a community station is one that is owned, managed, and programmed by the people it serves. It is a non-profit station responding to the community's expressed needs and priorities and is accountable to community structures. The extent of the involvement in the managing and programming differs from one station to the next.**
- \* **Commercial broadcasters define themselves as profit-making institutions. As a communications medium, they have to show the same social and cultural responsibility that all good journalists have, and have to base their programming on service to their communities. But, when a conflict arises, when they have to choose between community issues and profit, the owners of commercial stations will be inclined to the latter.**
- \* **Community broadcasters are not looking for profit, but to provide a service to society. Naturally, this is a service that attempts to influence public opinion, create consensus, strengthen democracy and above all create community.**
- \* **Community broadcast stations should be available, accessible, affordable, acceptable, and accountable to the community.**

Source: MISA, *The Role of Community Broadcasting*

The exception is “community” broadcasting, which is subsidized from public funds or aid donors, and where access by the local community to a station run by its own community is the reason for the stations coming into being. It may be necessary for such community broadcaster to have institutional structures built into the license, linking it into the local community, so that it may not, over time, become just another local commercial station.

#### *Roll-out*

Where universal access to a medium is not available, the license award may depend on how far and how fast the contesting applicants are prepared to expand their service. Specific targets in terms of potential viewing/listening households, or coverage of specific geographical areas in the first and subsequent years may be included in the license.

Examples of types of activities in this area are reform regulation regarding entry to market, reform commercial laws, support alternative media, support production of news features, and encourage media interaction with civil society organizations. More specific best practices supported directly by USAID and its partners follow.

<sup>12</sup>

#### *Best Practices*

##### **Supporting independent media in a transition environment**

Since April 1996, OTI has supported the expansion, development, and/or survival of 31 independent newspapers and news magazines and three independent news agencies, including funding for the publication and distribution of over four million copies of newspapers and magazines in the former Yugoslavia. OTI has backed the establishment of 55 independent television and radio stations and has supported more than 100 locally produced public affairs

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<sup>12</sup> MISA. *Why Independent Regulators*. (grey literature, MISA, South Africa).

documentaries and roundtable discussions. In Liberia, OTI worked with the Africa Bureau to create an independent short-wave and FM radio station serving all of Liberia and the border regions to raise standards of news reporting and to provide information. Additionally, OTI has supported media efforts in Angola and Rwanda, particularly those that increase public awareness regarding land mines or proceedings of the International Criminal Tribunal for Rwanda.

### **Broadcasting based on community ownership and participation**

Community broadcasting has enormous potential to introduce plural voices to the media sector, to deliver development messages, and to empower communities to take charge of their own information needs and to develop appropriate formats for meeting them. The essential question regarding the establishment of a community station is not one of technology but rather the question of how the community will be able to control the medium technically, politically, and culturally.<sup>13</sup> It is possible to have a community station in a poor area, and to have editorial independence even when the station receives government support. For example, in the United States, public broadcasting would not have been possible without state and federal support. Some of the first radio stations in the country were educational ones operated by state universities to extend resources to rural schools and farmers. Through legislative safeguards, there is no government interference with content of local programming.<sup>14</sup>

### **Increasing coverage of minorities to promote broader access to news**

The Roma Press Center located in Budapest, Hungary is an NGO supplying news and information towards the largest possible public regarding the situation of the Roma, the largest ethnic minority in Central and Eastern Europe.

<sup>13</sup> MISA. *The Role of Community Broadcasting*. (grey literature, MISA, South Africa).

<sup>14</sup> Fairbairn, Jean and Bill Siemering. 11-15 May, 1998. *Report on Cultivating Community Radio in Mozambique*.

The press center was established in December 1995 in order to increase the presence of the Roma in Hungarian mainstream media. Through its established domestic network of correspondents in most of the Hungarian countries and, from October 1997, its regional office in Pecs, it functions as a bridge of communication towards the largest Hungarian national dailies and the local newspapers. The press center's activities seem to have been successful so far: about 60 percent of its more than 500 news items have been published in at least one Hungarian newspaper along with about 50 features. In a number of cases the press center was the first to call the larger public's attention to an issue.

### **Monitoring the executive and legislative, and reporting on their activities**

The Political Information and Monitoring Service (PIMS) of the Institute for Democracy in South Africa (IDASA) aims to support democracy by promoting good ethical governance in South Africa. The service promotes an open and accountable executive as well as strong and independent parliaments through its work in the national and provincial legislatures. PIMS monitors the legislatures and the executive, researches public policy and legislation, and disseminates meaningful information generated through these activities to civil society and other audiences. It also advocates around selected issues, like political party funding, good governance, a parliamentary code of conduct and public service reform, and the open democracy legislation. PIMS disseminates information creatively to as wide and diverse a public as possible, filling the void created by the inadequacies of the mainstream media. PIMS publications include *Parliamentary Whip*, a tabloid-size newspaper published fortnightly during the parliamentary session; *The Provincial Whip*, produced by the Provincial Monitoring Project based in Pretoria; and the *IDASA Parliamentary Record*, compiled by PIMS and published every Monday during parliamentary session by three South African major metropolitan newspapers.

### **Accessing high-quality, independent printing presses**

MDP funded the first modern, newspaper-controlled printing press in the Russian provinces in order to break government monopoly on information. The lack of access to high-quality, independent printing presses was widely regarded as the most significant problem facing the Russian regional press. On the one hand, state control of existing printing presses is a primary source of direct and indirect control over the regional press. On the other hand, extremely poor print quality and slow printing service prevent regional newspapers from providing adequate services to potential advertisers and timely news coverage to their readers. This naturally stymies their economic development.

Despite the costs and risks involved in a project of this nature, MDP felt it was essential to tackle this problem head-on. Therefore this pilot project was developed with the goals of (1) vastly improving access to high-quality printing in at least one Russian market and (2) creating an economic model of how a small newspaper printing facility could be created and run profitably. Through the careful selection of appropriate equipment and the intense training of management and technical staff, MDP achieved both these goals.

### **Utilizing electronic publishing to reduce costs, and encouraging local control**

From its inception, MDP recognized that new media and electronic publishing would play a crucial and increasingly important role in the development of the Russian media sector. Over the last five years, Internet access in Russia has grown more than twice as quickly as it has in the rest of the world, and improvements in the telecommunications infrastructure suggest that this trend will continue for the foreseeable future. At the same time, the costs of producing and distributing traditional newspapers, especially in isolated regions like Siberia and the Far East, make electronic publishing and

information sharing especially attractive to many Russian regional publishers. Therefore, MDP has followed a policy of actively encouraging online publishing in Russia.

The MDP electronic newspaper project grew out of a previously existing partnership between the *Tacoma News-Tribune* and the newspaper *Vladivostok*. Since 1995, the two newspapers had been publishing a primitive electronic version of the English-language newspaper *Vladivostok News* on the *News-Tribune's* server, using U.S. technical and publishing expertise. The primary goal of the electronic newspaper project was to transfer all aspects of the online publication *Vladivostok News* to Russia and to develop a completely new Russian-language online publication based on the flagship newspaper *Vladivostok*. The electronic version of *Vladivostok*, which receives 25,000 hits per month, can be viewed at <vn.vladnews.ru>.

### **C. Strengthening Constituencies for Reform**

In some pre-transition or very politically oppressed environments, it may only be possible to work indirectly on media sector support. One of the ways to do so is through support for nongovernmental organizations (NGOs). These groups may act as advocates for the media sector, lobbying for freedom of information rights or for legal reforms that would provide political and economic space in which the sector could thrive. Or, these NGOs might serve as alternative information sources to counter government control over information, or to provide in-depth investigative reports that mainstream media may not be able to cover.

Such a strategy or a component of a broader strategy may be useful in more closed political environments as a form of “pre-positioning.” In this way, the goal would be to identify key actors and allies who might be willing to push forward a reform agenda, and to seize greater opportunities when they arise.<sup>15</sup> Supporting

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<sup>15</sup> See also "Constituencies for Reform", USAID

these actors may mean that, if an opening in the system occurs, there are groups with sufficient capacity to take advantage of the moment.

Work with professional associations may be constrained in highly political environments. This is often the case in post-conflict settings. In these instances, experience has shown the value of concentrating programming on simultaneous work with a number of NGOs, each allied with a

### **LESSONS LEARNED: Strengthening Constituencies for Reform**

- \* **Work with professional associations may be constrained in environments where these associations are highly political or organized along partisan lines. This is often the case in post-conflict settings.**
- \* **Media advocacy organizations are most effective when they are membership-based since this gives them credibility and legitimacy, particularly with government which is more likely to take reforms on board if there is a broad-based, powerful constituency behind them.**
- \* **Media advocacy organizations are most effective when they leverage both local and international support, since the weight of the international community provides protection and power while the local support provides legitimacy on issues around which they are advocating reform.**
- \* **It is essential to remain flexible in rapidly changing development environments, and to support those organizations that are on the front lines of reform or are good candidates to “pre-position” so that they are able to take advantage of reform opportunities when they arise.**

particular political group, or, in their absence, on training.

Several questions are worth considering when undertaking activities that strengthen constituencies for reform in the media sector:

- Is it possible, logical to work with the political opposition group(s)?
- Is there internal cohesion of the current regime? If so, does it serve to support or obstruct the media sector?
- Have there been open acts of dissent? Have these been random or organized, and, if the latter, who has organized them? How has the regime responded? What are the implications for alternative views in the media?
- What “spaces” to communicate are not being controlled by regime? (i.e., Internet, NGO publications, alternative media, print media, etc.)
- How can new technologies be used to open new spaces?
- How can the private sector become an ally?
- What role can/does the foreign press play in monitoring media freedom, setting high standards, and indirectly or directly training local journalists?

There are numerous resources available to guide capacity-building efforts for NGOs, including financial sustainability strategies and advocacy training. USAID's Office of Private and Voluntary Cooperation has created organizational self-assessment tools as well as mechanisms for delivering capacity building support to local NGOs. CIVICUS, an international umbrella organization of civil society organizations, has published a very useful book on financial sustainability for NGOs.

Examples of types of activities in this area are capacity building support, advocacy training, endowments, civic education, and outreach to readers. More specific best practices supported directly by USAID and its partners follow.

### ***Best Practices***

#### **Extending day-to-day news coverage to investigative stories**

The Philippine Center for Investigative Journalism (PCIJ) is an independent, non-profit media agency that specializes in investigative reporting. Founded in 1989 by journalists, PCIJ attempts to extend news coverage beyond day-to-day reportage by investigating news stories, following their development over time, and producing award-winning reports, which can be published in local media that would otherwise lack such substantive work.

PCIJ provides low-budget fellowships to reporters so that they can take time off to pursue stories, and the center's board of seasoned journalists serves as "coaches" to these fellows to help them develop their skills and talents. During the past nine years, the center has produced more than 200 stories, particularly on the environment, public accountability and governance, health, and the judiciary. PCIJ has won more than 20 awards for its reporting. Where stories are sensitive, the board members read stories for accuracy and balance in order to limit the number of lawsuits filed against the center.

#### **"Re-running" to redistribute programming beyond initial broadcast**

The purpose of the National Association of Teledistributors (NATD) was to create mechanisms to encourage the growth of the "re-run" market from broadcast programming. The first convention of the NATD, funded by MDP, brought together Russian producers and distributors offering re-run programming to the Russian market. The producers wanted to organize a mechanism to help them redistribute their programming to other stations and

networks after the initial broadcast. While many producers already have business relationships with distributors and stations interested in purchasing re-runs directly, all agreed that the market had been suffering from a slow start-up. The NATD convention invited MDP representatives to help address these problems. MDP designed and presided over seven seminars on related topics.

#### **Representing media associations before legislative institutions**

Under MDP in Russia, the National Association of Teledistributors (NAT) received support for its mission of representing teledistributors before Russian legislative and state institutions, and to provide distributors with technical, educational, and other practical support. NAT was formed in August 1995 as an association of broadcast television companies structured loosely on the model of the National Association of Broadcasters, a U.S. television industry association. NAT's mandate is to represent and protect the legal and commercial interests of Russian distributors in legislative, regulatory, and executive bodies, to represent members in national and regional advertising markets, and to expand international business ties. By the end of 1997, NAT had over 130 member stations, and NAT activities included lobbying, seminars, and workshops for TV professionals, an annual Teledistributors Expo, a weekly electronic newsletter, and the sponsorship of special conferences on issues of concern to the industry.

#### **Awarding media excellence to increase visibility and prestige**

This international journalism award was created as an innovative part of the Latin American Journalism Project (LAJP) funded by USAID and designed and implemented by Florida International University. The annual competition recognizes excellence and provides incentive for high standards within the journalism community of Central America. A generous cash prize is attached to the award, which is handed out at an annual banquet where heads of state, members of the journalism community, and international

guests are gathered. Corporate sponsors have provided the cash prize. The ceremonies are often broadcast on television, which raises the visibility of the recipient, and increases awareness of quality journalism practices. The awards program has been so successful that many refer to it as the “Pulitzer Prize of Central America.” In addition to the institutionalization of professional norms and the recognition the prize provides, the awards ceremony generates an interest in the training programs offered by LAJP, and reinforces personal networks that the program helped to establish in the region.

### **Independent news reporting to promote alternative views**

The Budapest Center for Independent Journalism was founded in 1995 by the New York-based Independent Journalism Foundation. The center is a non-political, non-profit organization supporting ethical, unbiased investigative news reporting. It offers opportunities for journalists and media students to learn about new advances in media technology, and organizes course, conferences, seminars, and roundtable discussions. The programs at the center are free of charge for journalists and journalism students. Special attention is given in programs and publications to minority and multicultural issues.

Within the framework of the ProMedia program, 300 journalists from local television stations were trained by the center in local news production and studio work. In addition, western advisors offered consultations for local stations on management, advertising, and business plans.

### **D. Supporting Capitalization of Media**

In many transition societies, government controlled media has been privatized only to yield a media sector which is controlled by powerful economic elites who use the media for their own financial or political gain. One of the ways to increase the editorial independence of the media is to strengthen outlets' abilities to

manage their business operations, attract advertisers, and secure loans for investments.

Training in business management and accounting is essential for the cost-effective administration of news outlets. Many print outlets or broadcast mediums are established by journalists who have little or no financial background, and as a result, find it difficult to charge for advertising, reinvest their profits, assess the assets, and adhere to a budget. Both the ProMedia program and LAJP trained media owners in these areas.

One critical skill to develop is polling or tracking audience data since this will let potential advertisers know the demographics of who is using a certain media outlet. This will increase the profits of the news outlets since they will know which business would be most likely to buy space.

Perhaps the most important area of financial support for media sector development comes in the form of revolving loan funds. Some media outlets, for a variety of reasons, find that they are ineligible for credit from the formal lending institutions and, therefore, rely on informal credit programs run by NGOs. These funding sources enable the media outlets to decline government subsidies, particularly in difficult economic environments, and retain a degree of editorial independence.

Examples of types of activities in this area are lobby for higher journalist salaries, strengthen distribution mechanisms, training in business/newsroom management, financial/technical support, and workshops. More specific best practices supported directly by USAID and its partners follow.

### ***Best Practices***

#### **Providing low-interest loans to encourage media in difficult economic/political climates**

Media Development Loan Fund (MDLF) is a not-for-profit organization that provides low-

interest loans to independent media organizations working in particularly difficult economic and political climates.

The existence of independent media in these environments is jeopardized by poorly developed banking systems, a lack of fresh investing capital, discriminatory interest rates charged by lending institutions, and, frequently, political pressure on or control of the media. The need for capital is the main obstacle for the improvement and growth of independent media organizations. It seriously limits their opportunities to reach economic vitality and commercial viability.

Understanding that self-supporting independent media organizations are the best insurance and guardian of democratic institutions and the ideal of free and independent press, MDLF takes a three-step approach to media assistance:

- Loans are extended for projects that will substantially improve the borrowers' chance to grow and become self-supporting.
- Repayment of loans is structured according to stringent reporting and monitoring rules that require the borrower to adopt a business-like attitude to the profession of journalism and improve management, financial, and business skills in the process.
- Technical assistance for management and new technology is provided to further insure the success of both the loan and the media organization.

Targets for loans are independent newspapers, magazines, radio and television stations, new media companies and media support and infrastructure organizations that are independent of government control, strive for fact-based journalistic excellence, and offer the possibility to become self-sustaining with capital investment that they can repay.

### **Mobilizing technical/financial resources to improve access to long-term finance**

With USAID assistance, the Southern African Media Development Fund (Samdef Fund) seeks to promote the development of the emergent independent media in the SADC region through financial and technical support. The fund, based in Botswana, became operational in 1998. It mobilizes financial and technical resources to help media gain access to long-term finance, and to bridge the lending gap between independent, private media operations and the commercial banking sector. In addition to providing low interest loans or credit guarantees, the fund offers technical and training support services, especially financing or facilitating the financing of project feasibility studies and business plans. Priority needs of many independent media include business planning skills, strategic management skills, financial management, cost control and pricing skills, marketing skills, technical production skills, and lobbying skills to campaign for an enabling environment for media development.

### **E. Training**

Training initiatives that increase indigenous training capacity or that support indigenous institutions may be more sustainable and effective than those that attempt to create new structures or institutions. In some cases, however, it may be impossible or inadvisable to work with existing institutions since these are fraught with political divisions, or are either directly or indirectly arms of government. For example, Florida International University decided not to work through the universities or journalists' associations when it established LAJP since the groups were fractured and did not have the credibility or capacity necessary to implement a training project.

Training is a very popular activity within the realm of media sector support and has been used effectively in a variety of political environments, in particular by USIA. It is one which has inherent limits, but which is critical to

developing a sector which can reliably, accurately, and freely report news and provide citizens with relevant information. Without trained journalists, the media is unable to check government power since information provided through the media may be seen as circumspect or sensationalistic.

Contextual factors also impinge on the success of training activities. These include corruption, low salaries, security threats, drug trafficking,

nature of political regime, degree of political polarization in society, and legal framework.

As mentioned previously, journalism training is usefully linked with media law reform, since a cadre of trained journalists who can report professionally may stave off restrictive legislation from government.

Given the limited measurable impact of training, this activity should be undertaken carefully and with a realistic set of objectives. For example, training journalists may not increase the number of investigative reports published in the media, since this is affected by a number of contextual factors such as the nature of the political regime, the power of advertisers, the financial resources of the outlet, and the willingness of owners and editors to take risks.

Internews has found through its training efforts in MDP that the best training programs are those that stress education of trainers and strive to develop long-term relationships with trainer-consultants. Combining American and European trainers also helps to avoid the dominance of one perspective, and to expose trainees to a range of approaches which may support their work. Trainees generally appreciate this, and tend to resent what they view as the imposition of U.S. values and ideals regarding the role of media in democracy.

Examples of types of activities in this area are international fellowships/visitors programs, regional seminars/workshops, on-site training, use of new technologies, and production of CD rom/self-guide modules. More specific best practices supported directly by USAID and its partners follow.

### *Best Practices*

#### **Institutionalizing journalist education in country/region served**

From 1988 to 1997, USAID provided nearly \$12 million in funding for LAJP, or Programa Centroamericano de Periodismo, to strengthen

### **LESSONS LEARNED: Training**

- \* **Contextual factors also impinge on the success of training activities. These include corruption, low salaries, security threats, drug trafficking, nature of political regime, degree of political polarization in society, and legal framework.**
- \* **Training efforts may have greater impact if a reliable alumni network is developed in order to support the journalists once they return to their news outlets, and to disseminate information beyond the initial core of trainees.**
- \* **Training may help to lessen incidents of censorship and corruption in the newsroom.**
- \* **Involving media owners, managers, and editors in training activities may increase the support which journalists receive once they return to their newsrooms and try to put in place the new skills they have learned.**
- \* **The power of advertisers or the political regime may hinder journalists' ability to pursue investigative reports.**

journalism and journalism education in Costa Rica, El Salvador, Guatemala, Honduras, and Panama. Florida International University administered the project in Miami, Florida. Specific objectives included improving professional skills in writing, reporting, editing, production, research, and management; raising awareness of journalist ethics; strengthening journalism education programs in universities; developing instructional materials; and facilitating continuing dialogue among the journalists, owners, and educators in the region. To supplement the training courses LAJP offered journalist prizes and written materials. LAJP's awards program, Premios de PROCEPER, was well received in the region. Journalists regard these awards as the highest achievement possible in the region. LAJP's monthly Spanish-language journalism review, *Pulso del Periodismo*, offered a wider dissemination of the ideas at the core of LAJP's seminars, while focusing on topics important to journalists in Latin America.

LAJP transferred the leadership and operation of the program from Florida International University to an appropriate Central American institution. The establishment of the Center for Latin American Journalism in Panama was a significant accomplishment for LAJP. Over the 10-year period, more than 6,800 journalists representing all major media took part in courses, seminars, and the master's program. LAJP was successful in carving out a training niche among professionals and had an impact on the quality of writing, balance, depth, news collecting, editing, and technical production standards. LAJP's focus on journalist ethics and on codes of ethics helped to significantly decrease corruption and conflicts of interest. Many participants are less willing to accept censorship and are more aware of the importance of strong, independent media in the service of democracy.<sup>16</sup>

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<sup>16</sup> For a full report on LAJP, including lessons learned and factors influencing its success, see the synthesis report produced by Noreene Janus and Rick

### **Developing skills for a democratic society and a market economy**

The Communications Strategies Program at World Bank's the World Bank Institute (WBI, formerly the Economic Development Institute) is designed to help journalists and government communicators develop the skills they need to operate in a democratic society and within a market economy. Part of this effort has focused on workshops in investigative journalism, one element of a broader effort to assist the promotion of national integrity and the fight against corruption. Workshops have been held in Africa, and Central and Eastern Europe.

These workshops are designed to equip journalists with the professional skills needed to investigate and report on incidences of corruption. The goal is to raise public awareness that "clean government" is every citizen's right, and that it should not be necessary to pay a bribe to receive a public service.

One case study used presents a case of graft and corruption in the fictitious country of Freedonia, mainly in Palisades, the capital. The setting is typical, and one that many participants in WBI's workshops have found familiar. The case study comprises 11 parts, to be used sequentially, and each one presents new information and challenges the journalist to make critical decisions about how to report each new piece of "news." As the case unfolds, so does an intricate web of bribery and corruption that develops both the technical skills and the professional ethics of the participants.

### **Increasing media's capacity to integrate women into media coverage**

With USAID support, WIDTECH provided Ukrainian journalists covering the economic transition training in women's focus group interview techniques in order to increase the media's capacity to integrate women into media coverage. The workshop began with two

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Rockwell. The report is available from the Center for Democracy and Governance.

classroom days to learn interview and focus group techniques. Classroom instruction emphasized skills such as listening, asking non-leading questions, remaining objective, and paying attention to the contribution of each person in a focus group. Participants also learned how to write focus group interview guides. The guides they developed became the basis of their interviews. At least five stories about women's economic contributions to the new Ukrainian market economy were published or broadcast as a result of the focus group workshop.



## VII. CONCLUSIONS

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Media activities should not be viewed in isolation from other areas of democracy and governance programs and understood to only be important in civil society programming. In fact, greater impact may be achieved by integrating USAID's media support into additional democracy and governance areas, particularly rule of law. This indirect approach may prove extremely beneficial in environments where outright media support activities might be impossible. In USAID missions where civil society budgets are limited, integrating media into other areas of democracy and governance programs (or environment or health) might be one way of leveraging additional funding for media support.

There is a need within USAID media support programs to strengthen the civil society organizations dedicated to advocating around media issues, such as the media law and policy institutes. Where these organizations are unable to access local funding, USAID support may be needed to strengthen their capacity and enable them to achieve long-term financial sustainability.

Another overlooked area of USAID media assistance is that of public service broadcast. The bulk of USAID media activities have been carried out in ENI, where the objective of support was to facilitate the transition from state media to private, independent media. In many African countries, for example, such openings or transitions are rare, and, given the amount of public money that has been invested in state media infrastructure, privatization may not be an equitable course. A meaningful alternative might be to support state media's transition to a broadcasting service that is publicly owned and run, but that reflects civil society's interest instead of state propaganda.

Finally, given limited democracy and governance budgets generally, and media sector support budgets specifically, it is important to

prioritize activities according to which areas will yield the greatest impact over the shortest period of time, or which activities will produce the most sustainable, long-term results. Media law reform is a priority area in this sense, since it addresses the structural and institutional constraints to media sector development. It is a necessary, but not sufficient, condition in order to create a media sector that will support democracy. Combined with self-regulation of journalists this can be a very powerful approach to media development.

Media sector support is a critical prong of strategies to support democracy and good governance. Challenges to media sector development are great and some—such as media oligarchs, hostile political regimes, and restrictive economic environments—may prove beyond the scope of USAID assistance. Even when there are obstacles that USAID assistance might reasonably address, the lack of political will within the country may hamper success. It is important, therefore, to choose media activities accordingly and to tailor any sector support strategies to the local realities. This strategic approach is an attempt to facilitate those choices and to highlight some of the best practices and lessons learned within USAID and other organizations involved in media development. There is no substitute, however, for creativity and flexibility at the field level, and innovations in designing and implementing media activities should be encouraged.

It is also important to continue and to improve coordination of USAID's media sector activities with other parts of the U.S. government, particularly USIA. Effective donor coordination will also improve programming, leverage scarce resources, and avoid duplication of effort in the democracy and governance area.



## APPENDIX A: Resource Organizations

American Bar Association  
Central and East European  
Law Initiative  
Eighth Floor  
740 15th Street, NW  
Washington, DC 20005-2009  
Tel: (202) 662 1950

The Asia Foundation  
Tel: (415) 982-4640  
Fax: (415) 392-8863

Asian Media Information and  
Communication Centre  
Jurong Point  
PO Box 360  
Singapore 916412  
Email:  
Amicline@singnet.com.sg  
<http://www.amic.org.sg>

Cardozo School of Law  
Contact: Professor Monroe  
Price  
Email: price@ymail.yu.edu  
Tel: (212) 790-0402

Center for Independent  
Journalism  
1053 Budapest  
Egyetem ter 5, I., #7  
Budapest, Hungary  
Tel: (361) 1175448  
Email: cij@mail.datanet.hu  
<http://w3.datanet.hu/~cij>

Center for War, Peace, and  
the News Media  
New York University  
Tel: (212) 998-7977  
Fax: (212) 995-4143

CIVICUS Secretariat  
919 18th Street, NW, 3rd  
Floor  
Washington, DC 20006  
Tel: (202) 331-8518  
Fax: (202) 331-8774  
Email: info@civicus.org  
<http://www.civicus.org>

Covington and Burling  
Contacts: Ellen Goodman,  
Esq. and Kurt Wimmer, Esq.  
Tel: (202) 662-6000  
Fax: (202) 662-6291

EDI Learning Resources  
Center  
The World Bank  
1818 H Street, NW  
Washington, DC 20433  
<http://www.worldbank.org/html/edi/home.html>

Florida International  
University  
International Media Center  
School of Journalism and  
Mass Communication  
Contact: Charles Green,  
Director  
Email: greenc@fiu.edu  
Tel: (305) 919-5672  
Fax: (305) 919-5498

Freedom Forum  
1101 Wilson Boulevard  
Arlington, VA 22209  
Email:  
News@freedomforum.org  
Tel: (703) 528-0800  
Fax: (703) 522-4831

IDASA  
PO Box 1739  
Cape Town 8000  
South Africa  
Email: info@idasa.org.za  
<http://www.idasa.org.za>

Indian Institute of Mass  
Communication  
Aruna Asaf Ali Marg  
JNU New Campus  
New Delhi 110067  
India  
Email:  
masscom@del3.vsnl.net.in

International Center for  
Journalists  
Tel: (202) 737-3700  
Fax: (202) 737-0530

Internews California  
Tel: (707) 826-2030  
Fax: (707) 826-2136

IREX, ProMedia Program  
Tel: (202) 942-9129  
Fax: (202) 628-8189

Media Development Loan  
Fund  
45 West 21st Street  
New York, NY 10010  
Email: mdlf@nyc.mdlf.org

Media Institute of Southern  
Africa  
21 Johann Albrecht Street  
Private Bag 13386  
Windhoek, Namibia  
Tel: (264) 61-232975  
Fax: (264) 61-248016  
<http://www.misanet.org>

Media Studies Center  
580 Madison Avenue  
42nd Floor  
New York, NY 10022  
Tel: (212) 317-6548

Moscow Media Law and  
Policy Center  
Moscow State University  
School of Journalism  
Room 338  
PO Box 351  
103009, Moscow  
Russia  
Tel/Fax: (7095) 203-6571  
Email: arichter@glasnet.ru

Open Society Institute  
Washington Office  
900 17th Street, NW  
Suite 950  
Washington, DC 20006  
Tel: (202) 496-2407  
Fax: (202) 296-5381

Oxford Programme on  
Comparative Media Law and  
Policy  
Oxford University Centre for  
Socio-Legal Studies  
Wolfson College  
University of Oxford  
Oxford OX2 6UD  
email: pcmlp@cls.ox.ac.uk  
<http://www.vii.org/PCMLP/>

Panos London  
9 White Lion Street  
London N1 9PD  
UK  
<http://www.oneworld.org/panos/>

Pew Center for Civic  
Journalism  
1101 Connecticut Ave., NW  
Suite 420  
Washington, DC 20036  
Tel: (202) 331-3200  
Email: news@pccj.org  
<http://www.pewcenter.org>

Philippine Center for  
Investigative Journalism  
12 Hernandez Street  
San Lorenzo Village  
Makati, Metro Manila  
Philippines

Roma Press Center  
H-1092 Budapest  
Ferenc krt. 22. 2/3  
Budapest, Hungary  
Tel: (36) 1-217-1059

Samdef Fund  
Private Bag BO 86  
Gaborone, Botswana  
<http://www.misanet.org>

USAID Contacts:  
Peter Graves, Senior Media  
Advisor  
Bureau for Europe and New  
Independent States  
USAID/Washington, DC  
20523-3100  
Email: pgraves@usaid.gov  
Tel: (202) 712-4114

Gary Hansen, Senior  
Technical Advisor, Civil  
Society  
Center for Democracy and  
Governance  
USAID  
Washington, DC 20523-3100  
Email: ghansen@usaid.gov  
Tel: (202) 712-1521

U.S. Information Agency  
301 4<sup>th</sup> Street, SW  
Washington, DC 20547  
Tel: (202) 619-4355  
Fax: (202) 619-6988  
Email: inquiry@usia.gov  
<http://www.usia.gov>

WIDTECH  
1625 Massachusetts Ave,  
NW  
Suite 550  
Washington, DC 20036  
Email: info@widtech.org

World Association of  
Community Radio  
Broadcasters  
3575, boul. Saint-Laurent,  
Bureau 611  
Montreal, Quebec H2X 2T7  
Canada  
Tel: (514) 982-0351  
Email: Amarcho@web.net  
<http://www.web.net/amarco>

## APPENDIX B: Assessment Tools <sup>1</sup>

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For maximum impact, the context in which media interventions take place should be analyzed. Based on the Center's *Strategic Assessment Methodology*, the media sector analysis should include the following areas:

### Number and types of media

What is the format (tabloid, traditional), circulation, and type of content (religious, political, entertainment, etc.)? What has been the history of the media over the past two decades?

### Inventory of journalists

Number and types of journalists, levels of professional training, regional focus and types of specialization of each. What are the political conditions in the country? Are they pre-conflict, post-conflict? What are the ethnic and political polarizations in the country?

### Analysis of journalists' conditions

Security/health and safety, salaries, bonuses, support for training

### Inventory of training programs for journalists

Which universities have programs? What degrees are available in the country? Can the profession absorb the graduates? What are the costs, which types of students enroll, and how many students finish the programs? What percentage of the courses would be considered practical vs. theoretical. Are the programs politicized? What programs do other international donors fund? How can the duplication of the work of other donors be

avoided by USAID? What are attitudes toward working with USAID? Are they willing to accept USAID funding?

### Analysis of the legal framework

Which agency controls broadcasting and print media, new licenses? To what degree are laws implemented? What are the obstacles to implementation of laws currently on the books? Which sectors of society benefit from loose implementation of the laws and how? For which offenses can journalists be jailed? How does the legal system protect journalists? Does the country have a media ombudsman? Is there a forum for settling media disputes?

### Analysis of the professional associations

How many are there, with whom are they affiliated, what types of activities do they offer? What are their goals? Are they growing or losing members? How do they appeal across political parties and generations? Which organizations could serve as local partners for a sector development program? To what extent would other organizations such as NGOs share interest in and promote the goals of such a program?

### Gender issues

How are male and female journalists treated comparatively? Is there a difference in their responsibilities, pay scales, benefits, support, advancement, and visibility? Are ethnic groups represented in the newsrooms?

### Investigative journalism

How much is there and is it increasing or decreasing over time? Is it "personality-driven"? What are the obstacles to investigative journalism?

### Ownership/concentration

Who/ what type of company owns the media, type of ownership, affiliations? Are regional or industrial groups over-represented? How is ownership changing over the years? Do workers share in the ownership?

What is the level of foreign penetration in the media? What countries of origin and which

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<sup>1</sup> This sector assessment tool was developed using the Center's IQC mechanism. Under the IQC, World Learning hired Noreene Janus and Rick Rockwell to assess the Latin American Journalism Project carried out by Florida International University. The assessment tool was developed as part of the methodology. It was substantially revised on November 19, 1998 during a one-day workshop at American University.

media are targeted. What has been the method of penetration? How has foreign penetration affected programming or editorial content? What attitudes exist regarding foreign ownership of media? Are international broadcasters carried on local stations?

Who controls technology, the private sector, or the government?

#### Censorship

What are the limits on media content and how are they imposed?

#### Ethics/Corruption

Do media professionals accept payment or gifts in exchange for coverage? How do they compare by medium, age, and time?

#### Content analysis

Compare media on the basis of balance, sources, types of stories, the level of commercial content, and use of sensationalism

#### Civil society

How many groups are there? What type of coverage do they receive? How do they make their goals and positions known? How do they compare by type of group?

What are press attitudes toward NGOs and other civil society groups?

Do senior managers welcome public-service journalism?

What are government attitudes toward the press? What international standards can be presented to the government?

#### Alternative media

How many alternative media exist? Who funds them? How do they market their media?

#### Radio

How many stations are there? For each one, what is its format (music, sports, talk), and how much news does it carry? With which organizations is it affiliated (political or religious)? What is its geographical reach? Who

owns the station and what is the status of its financial health?

#### Rural media

What types of media are available to rural consumers? Are they increasing in number or decreasing? How do they compare with urban media in terms of training of the journalists, salaries, advertising revenues, and equipment?

#### Media consumption patterns

What are patterns by media, by region, by gender, by income, by language group, and by age?

#### Media finance/advertising

How are the media financed? What percentage is funded by advertising and what part of advertising is government-originated? How large is the national advertising pie and how is it allocated among media?

## APPENDIX C: Windhoek Declaration

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*The Windhoek Declaration is a statement of principles drawn up by journalists in Africa to preserve and extend the freedom of the press. This 1991 UNESCO resolution on "promotion of press freedom in the world," had recognized that a free, pluralistic, and independent press was an essential component of any democratic society. World Press Day is commemorated each year on May 3<sup>rd</sup>, the date the declaration was approved.*

The 1991 Windhoek Declaration declares 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 are 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 multiparty democracies provide the climate in which an independent and pluralistic press can emerge.

5. The worldwide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfillment 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...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 ... should as a matter of priority direct funding support towards the development an establishment of nongovernmental 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 labor relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfill their important tasks in defense 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...should be supported.

16. As a matter of urgency, the United Nations, and particularly the International Program for the Development of Communication, should initiate detailed research [in identified areas].

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

## A STRATEGIC APPROACH FOR MEDIA SECTOR SUPPORT

FUNCTIONS	BARRIERS/SECTORAL WEAKNESSES	ACTIVITIES
<p><b>WATCHDOG</b></p> <ul style="list-style-type: none"> <li>▪ Government</li> <li>▪ Civil Society</li> <li>▪ Private Sector</li> </ul> <p><b>CIVIC EDUCATION</b></p> <p><b>NEWS ANALYSIS</b></p> <p><b>CHANGE AGENT</b></p>	<p><b>A. LEGAL RESTRICTIONS</b></p> <ul style="list-style-type: none"> <li>▪ Limited freedom of information or expression</li> <li>▪ Licensing print journalists</li> <li>▪ Violations of international human rights conventions</li> <li>▪ Violations of national constitutions</li> </ul>	<p><b>A. SHAPING THE LEGAL ENABLING ENVIRONMENT</b></p> <ul style="list-style-type: none"> <li>▪ Cross national media law advising</li> <li>▪ Training and/or institutional support to establish independent regulatory bodies</li> <li>▪ Training in international law and standards to which countries' media laws must comply</li> <li>▪ Information dissemination regarding laws and implications these have for media freedoms (e.g. registration, print licensing, criminal penalties for libel and slander)</li> <li>▪ Support for independent judiciary</li> <li>▪ Support for media law curriculum at law schools</li> <li>▪ Training for media lawyers</li> <li>▪ Information dissemination regarding laws and implications these have for health of business sector (i.e. the ability to disseminate information relevant to make investment choices, track international markets, monitor government policies, etc.), and ability to attract investors to media sector</li> <li>▪ Training/support on drafting media laws, particularly governing use and role of media around elections</li> <li>▪ Institutional support to ensure even application of laws</li> <li>▪ Support for legal defense funds</li> </ul>
	<p><b>B. LIMITED SECTORAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>▪ Media law and policy organizations</li> <li>▪ Media watchdogs</li> <li>▪ Research institutes/think tanks</li> <li>▪ Advocacy organizations</li> <li>▪ Professional associations</li> <li>▪ Training institutes/universities</li> <li>▪ Critical readers who value news function</li> </ul>	<p><b>B. STRENGTHENING CONSTITUENCIES FOR REFORM</b></p> <ul style="list-style-type: none"> <li>▪ Capacity building support</li> <li>▪ Advocacy training</li> <li>▪ Sustainable financing strategies</li> <li>▪ Endowments</li> <li>▪ Networking (national, regional, international levels)</li> <li>▪ Outreach to readers (roundtables, opinion polls, audience share data)</li> <li>▪ Development of informal codes for professional conduct</li> <li>▪ Press council development or other mechanisms for self-regulation</li> <li>▪ Awards programs to acknowledge excellence, discourage unethical behavior, and publicize contributions of press to society</li> <li>▪ Civic education to teach readers how to: evaluate news sources for credibility; analyze news; engage media outlets through letters to the editor and other feedback mechanisms; use press to promote interests; check reports for bias; use information to lobby government, mobilize citizens and encourage informed action and decisions</li> </ul>
	<p><b>C. LIMITED PLURALISM (internal and external)</b></p> <ul style="list-style-type: none"> <li>▪ Government control (formal and informal)</li> <li>▪ Media oligarchs/economic elites</li> <li>▪ Commercial concerns dominate news functions (reaching "lowest common denominator")</li> </ul>	<p><b>C. REMOVING BARRIERS TO ACCESS</b></p> <ul style="list-style-type: none"> <li>▪ Reform regulation regarding entry to market</li> <li>▪ Reform regulation regarding public service broadcast to reflect minority interest</li> <li>▪ Level playing field for private, governmental, domestic, foreign media (registration, licensing, access to information)</li> <li>▪ Limit advertising revenues for government subsidized media</li> <li>▪ Reform commercial laws, particularly related to commercial lending and investment</li> <li>▪ Support alternative media, particularly minority interest and community broadcast</li> <li>▪ Support production of news features, specials related to minority interest</li> <li>▪ Create incentives for regional media/community media</li> <li>▪ Strengthen skills in business management and technical areas (e.g. production)</li> <li>▪ Provision of small grants and loans to media outlets to cover start-up expenditures, infrastructure development, technological improvements, running costs, etc. which increase access to and ownership of production and distribution mechanisms</li> <li>▪ Newsroom and management training to sensitize management and staff to minority and gender concerns to ensure these receive adequate coverage in mainstream press</li> <li>▪ Conduct workshops and training to learn how to locate subtle and overt discrimination and edit out of news stories</li> <li>▪ Encourage media interaction with civil society organizations concerned with minority and gender issues to influence agenda- setting process in newsroom</li> </ul>
	<p><b>VII. D.</b></p>	<p><b>D. SUPPORTING CAPITALIZATION OF MEDIA</b></p>

## **FINANCIAL CONSTRAINTS**

- Advertising revenues lacking, especially in rural areas
- Limited start-up capital/investors
- Limited business skills
- **Limited understanding of audience share or audience preferences**

- Lobby for higher journalist salaries (labor unions)
- Strengthen distribution mechanisms to increase subscriptions/sales revenues
- Training in business and newsroom management to support the financing operations of media outlets
- Financial and technical support to assist the development of non-governmental advertising, particularly in regional media
- Training and workshops to encourage and document success stories of the development of credible, non-sensationalistic outlets which have achieved commercial success

## **E. LIMITED TECHNICAL/PROFESSIONAL CAPACITY**

- Basic skills
- Ethics
- Investigative reports
- Specialist reports (health, courts, economics, environment, human rights)
- New technologies

## **VIII.E. TRAINING**

- International fellowships/visitors program
- Regional seminars/workshops
- Internships/practical experience
- Reform university curriculum
- On-site training (newsroom seminars)
- Textbook production/periodicals
- Video conferencing
- Production of CD ROM/self-guided modules
- New technologies, particularly internet
- Staff attachments