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**Monograph:**
Lohner, J, Banjac, S and Neverla, I (2016) Mapping structural conditions of journalism in Egypt, Kenya, Serbia and South Africa. Working Paper. MeCoDEM . ISSN 2057-4002 (Unpublished)

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Media Conflict and DEMocratisation

Judith Lohner, Sandra Banjac, Irene Neverla

# Mapping structural conditions of journalism in Egypt, Kenya, Serbia and South Africa

June 2016

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Media, Conflict and Democratisation (MeCoDEM)
ISSN 2057-4002
Mapping structural conditions of journalism in Egypt, Kenya, Serbia and South Africa
Copyright for this issue: ©Judith Lohner, Sandra Banjac, Irene Neverla
WP Coordination: University of Hamburg/Irene Neverla
Editor: Katy Parry
Editorial assistance and English-language copy editing: Emma Tsoneva
University of Leeds, United Kingdom 2016

All MeCoDEM Working Papers are available online and free of charge at www.mecodem.eu

For further information please contact Barbara Thomass, barbara.thomass@rub.de

This project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no 613370. Project Term: 1.2.2014 – 31.1.2017.

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## Executive Summary

Based on a multi-dimensional scheme as a conceptual framework, this working paper maps the structural conditions relevant to journalism and conflict communication in Egypt, Kenya, Serbia and South Africa, using a wide range of country-specific academic literature and reports compiled by various non-academic organisations active in the media sector.

- 'Structural conditions' are to be understood as the totality of (formal and informal) orders and structures that characterise media and journalism in a certain space, most commonly, a country.
- Eleven interrelated and interdependent dimensions of structural conditions relevant to media and journalism have been extracted and adapted from existing literature, guiding structured and comprehensive analysis within specific (country) contexts: (1) historical development, (2) political system, (3) political culture, (4) media freedom, (5) level of state control and regulation of media by the state, (6) media ownership and financing, (7) structure of media markets and patterns of information distribution, (8) orientation of media, (9) political/societal activity and parallelism of media, (10) journalism culture, and (11) journalistic professionalism.
- Country reports feature a unique set and combination of structural factors shaping media and journalism in the four countries, demonstrating the importance of conflict communication as a case study with regard to structural conditions. For example, different degrees of democratisation regarding media structures become evident in varying levels of media freedom and state interference in the media sector. Moreover, there are significant differences in media landscapes and the structure of media markets, reflecting the different size, economic situation, infrastructure and cultural, ethnic and linguistic diversity of the four countries, as well as the differing degrees of literacy and spending power of inhabitants.
- As to cross-national similarities, media and journalism face highly complex, ambivalent, contradictory and changing structural conditions in all four countries. These are shaped by the legacies of a non-democratic past, hybrid forms of political governance and a political culture which features a strong cleavage of ideologies and high level of clientelism. The constitutional

guarantee of media freedom which exists in all countries is challenged by ambivalent or openly repressive media laws and a reluctance of governments to implement fundamental media reforms. Accordingly, the state plays an important role in the media sector, mirrored in political influence especially in the governance of (public/state) broadcasting and regulatory bodies, financing and interference in editorial decisions. Journalists in all four countries are likely to face pressures, harassment and the risk of prosecution, leading to a considerable gap between legal provision and the practice of media freedom. Furthermore, all countries are confronted not only with a relatively high level of media concentration but also with a considerable degree of political ownership. While the journalistic profession faces challenges regarding journalistic education and training, professional organisation and self-regulation, journalists in all four countries execute their jobs under precarious conditions, marked by professional insecurity, low salaries, as well a low professional status and fragile social reputation.

## Introduction

In specific situations such as democratisation conflicts and in certain countries, as well as in general terms journalistic performance and journalism culture are informed by various interrelated constituents: journalistic work practices, role perceptions, ethical orientations, and, last but not least, the *structural conditions of journalism* (Neverla et al. 2015).

Based on Kleinsteuber (2005, p.275), by *structural conditions*, we understand the totality of (formal and informal) orders and structures that characterise media and journalism in a certain space, most commonly, a country.

These structural conditions are established on four levels: (1) the respective society in general, (2) the media system, (3) the professional field of journalism and (4) the particular media organisation.

It is important to keep in mind that while structures are often referred to as something static or 'given', they are established by different *actors* and always subject to *changes* (Hallin and Mancini 2012b, p.302–303). This particularly applies to countries in transition. Thus, agency and the procedural dimension are also an important focus of analysis when investigating the structural dimensions of journalism.

In this working paper we aim to map the structural conditions of journalism in the four MeCoDEM countries and by doing so:

- Develop a consistent and comprehensive scheme of dimensions relevant to structural conditions of journalism by existing literature
- Systematically and comprehensively map the structural conditions relevant to journalism and conflict communication in the four MeCoDEM case study countries - Egypt, Kenya, Serbia and South Africa - based on this scheme
- Provide a useful basis for an informed analysis of the data gathered in MeCoDEM's interviews with journalists
- Identify the shortcomings of existing research and knowledge gaps with regard to structural conditions of journalism in the four countries and outline how MeCoDEM's interviews with journalists can expand existing knowledge in this context.

This working paper is ***structured as follows***:

Section 2 will provide an overview of existing literature focusing on structural conditions of media and journalism, largely based in the field of comparative studies on media systems. Based on critical discussion of the state of research, several dimensions constituting structural conditions of journalism, extracted and adapted from existing literature, will be listed and introduced.

The scheme of dimensions will serve as a conceptual framework for critical exploration and systematic in-depth analysis of structural conditions of media and journalism in Egypt (chapter 3.1), Kenya (chapter 3.2), Serbia (chapter 3.3) and South Africa (3.4) These reports will build on *country-specific literature* that touches on subjects raised within each of the dimensions, allowing for a comprehensive overview of the structural conditions of media and journalism within each of the countries under study. Moreover, using country-specific literature will enable identification of possible additional factors relating to structural conditions of relevance to the specific country.

In terms of the levels mentioned above, the focus of existing literature means that this paper will concentrate on the structural conditions regarding (1) the respective society in general, (2) the media system, and (3) the professional field of journalism. Structural conditions at level 4 (particular media organisation) will be examined in detail in the MeCoDEM interviews with journalists in Egypt, Kenya, South Africa and Serbia.

In conclusion (chapter 4), we will summarise and categorise findings from the country reports, point out knowledge gaps with regard to structural conditions in the four countries and outline how the empirical data gathered within work package 4 can broaden existing knowledge in this context.

## Dimensions of Analysis for mapping structural conditions of journalism

There is a long tradition of research into the structures relevant to media and journalism in specific societal contexts. As a starting point, one can consider ***"Four theories of the press"*** by Siebert et al. (1963) which presents four models of media systems ruled by (1) the authoritarian theory, (2) the libertarian theory, (3) the communist theory and (4) the social responsibility theory. Influenced by the cold war, the model reflects a polarised conception of the world and an ethnocentrism on the United States. Weischenberg labelled the "four theories" as a "normative divergence-approach" (1998, p.86) and they were criticised for "judging the world press systems in terms of their distance from the liberal ideal of a neutral 'watchdog' press free from state influence" (Hallin and Mancini 2004, p.12).[1]

There have been attempts to classify media systems ever since, for example by Denis McQuail (1983) in "Mass Communication Theory", Wiio (1983) in "The Mass Media Role in the Western World", Altschull (1984) in "Agents of Power", Picard (1985) in "Five theories of the press" and by Ostini/Fung (2002) (see overview in Blum 2014, pp.25–51). All these approaches have been built on general philosophical and political theories rather than in depth empirical analyses of particular systems (Hallin and Mancini 2012c, p.1).

In contrast, ***Hallin and Mancini's*** (2004) developed a set of media models based on empirical data and the methodological premise "that the conceptualization of media systems needs to be rooted in detailed empirical analysis of particular systems in their own historical and structural context" (Hallin and Mancini 2012b, p.280). With this in mind, Hallin and Mancini were interested "not in measuring media systems against a normative ideal, but in analysing their historical development as institutions within particular settings" (Hallin and Mancini 2004, p.14), an approach that is of relevance to MeCoDEM's aims to explore media systems as outcomes of their particular setting, as opposed to comparing them against a normative – western – media model. The authors "develop a framework for comparing media systems and a set of hypotheses about how they are linked structurally and historically to the

[1] Normative and often western inspired understandings of the press widen the gap between the ideal and reality, so much so that journalists working within other media models will often "express allegiance to the Liberal Model of neutrality and objectivity" even if their journalistic practice is rooted in other model traditions (Hallin and Mancini 2004, p.14).

development of the political system"; however they "do not claim to have tested those hypotheses" (*ibid*., p.5). Their study focuses on media systems in the United States, Canada and most countries of Western Europe, which share "comparable levels of economic development and much common culture and political history" (*ibid*., p.6). Based on this 'most similar systems' design, the outcome of Hallin and Mancini's study was three media models: The *Liberal Model* (Britain, Ireland and North America) which is "characterized by a relative dominance of market mechanisms and of commercial media"; The *Democratic Corporatist Model* (northern continental Europe), defined by "a historical coexistence of commercial media and media tied to organized social and political groups"; and the *Polarized Pluralist Model* (Mediterranean countries of southern Europe), characterised by "integration of the media into party politics, weaker historical development of commercial media, and a strong role of the state" (*ibid*., p.11). Although their models made a significant contribution to the field, they faced various criticisms that were then acknowledged in their 2012 publication (Hallin and Mancini 2012a). Given the initial study's limited focus on 18 western countries, one of the risks noted was that the Polarised Pluralist model was seen as a "catch-all residual model" against which a diversity of non-western media systems would be analysed – a model whose conceptualisation "involved negative normative implications" (*ibid*., p.279).

Against this background, rather than relying too heavily on specific models to categorise media systems, more useful are the variables/dimensions which allow us to note similarities and differences among media systems as opposed to "apply" or to "classify" them (while bearing in mind that these are nevertheless linked to a specific set of media systems, and cannot be isolated from a particular time and space and treated as general categories) (Hallin and Mancini 2012c, p.4). Though the original dimensions developed by Hallin and Mancini's to analyse media systems in Western Europe and North America are to an extent transferable to the analysis of media systems outside these regions, they are rooted in the systems from which they originated, and therefore require reconceptualising for analysis of other media systems (*ibid*., p.6). In examining the non-western countries analysed by contributors to their 2012 compilation, Hallin and Mancini summarised that in some of the countries, their original variables held up "reasonably well" (*ibid*., p.5). However, reconceptualisation was necessary particularly for political dimensions conceived away from West European and North American political systems and histories making the variables

difficult to apply outside of this geographical context (*ibid*., p.5). Although Hallin and Mancini's work provides a "much needed intellectual toolkit for understanding the immense variations between systems of public communication in different cultural and political contexts" (Voltmer 2012, p.224), Voltmer stresses that understanding media systems outside of western democracies, requires that we "expand and refine" the dimensions of analysis used by Hallin and Mancini (*ibid*., p.225). As an example, Voltmer suggests that rather than measuring only the degree of influence of a certain dimension, we also need to consider the nature of that influence (e.g. the degree of state intervention in media, and also the objectives of that intervention) (Voltmer 2012, pp.227-228).

Another comprehensive, empirically based approach has been published by ***Blum*** (Blum 2014). He develops his "pragmatic difference/deviation-approach" to analysing media systems based on an empirical study which includes 23 'western' and 'non-western' countries from six world regions (including Egypt, Iran, Syria, Lebanon as Arab countries and Senegal and Ghana as African countries) and representing different political systems. Based on his analysis, Blum developed six models which he describes using 11 criteria for analysis: liberal model, public-service-model, clientele model, shock model, patriotic model and command model.

Existing literature on media systems allows us to conclude that understanding a country's media system also requires understanding the "social and political structures within which it operates" (Siebert et al. 1963, pp.1–2): the structural conditions of media and journalism cannot be understood without understanding the country's history, the nature of the state, the system of political parties, the patterns or relations between economic and political interests, and the development of civil society, among other elements of social structure (Hallin and Mancini 2004, p.8). The underlying argument for using the political system to understand the media system is that it is the "political system that ultimately has the power to make binding decisions and thus shapes the basic structure and functioning of the media system" (Voltmer 2012, p.240). However, also with regard to structural conditions, it has to be kept in mind that a close relationship and mutual dependence exist between the political and the media system, and "media institutions can have an impact of their own on other social structures" (Hallin and Mancini 2004, p.8). This is of particular relevance to MeCoDEM and particularly the project's research into the role of journalists, as we try

to examine whether and to what extent journalists and media institutions – through their coverage of democratisation conflicts – have an impact on the democratisation process itself, contrasting the perception that journalists are merely reporting on the events within their environment. Moreover, structural conditions as to media and journalism are shaped w*ithin the media system and professional field*.

Current literature underlines the importance of the *(nation) state* as a framework for structural conditions of media and journalism, as "media systems have historically been rooted in the institutions of the nation state, in part because of their close relationship to the political world" (Hallin and Mancini 2004, p.13). However, as this statement refers to the historical development of journalism in Western countries throughout the 19th and 20th century and globalisation has also had an impact on the media sector in the 21th century, one should take into account that influences on structural conditions of media and journalism might possibly be broader than the nation state.

Based on these considerations**,** 11 dimensions have been extracted and adapted from existing literature and will be further elaborated on below.

- Historical development
- Political system
- Political culture
- Media freedom
- Level of state control and regulation of media by the state
- Media ownership and financing
- Structure of Media Markets and patterns of information distribution
- Orientation of media
- Political/societal activity and parallelism of media
- Journalism culture
- Professionalisation/Professionalism of journalism

These dimensions have been developed empirically and represent broad patterns of comparison outlining characteristics of both media and political systems. As such they can be considered an extensive foundation for further critical exploration and analysis of structural conditions of media and journalism in different countries.

However, it should be kept in mind that the dimensions are not mutually exclusive but *interrelated and interdependent*. Moreover, as they have been deduced from existing literature, they are certainly not exhaustive; it is possible that additional structural conditions of relevance to the MeCoDEM countries will be extracted from country-specific literature and empirical research within work package 4 and MeCoDEM as a whole.

**Historical development**

This dimension refers to the *political history* and *political stability of a country,* i.e. the way and frequency with which the political system has fundamentally changed over time. It is obvious that this impacts on the media system, since stable media systems are unlikely to be developed in countries undergoing continuous fundamental changes to their political framework. In this sense, Blum (2014, pp.296-304) differentiates three patterns of historical political development: (1) countries which have been politically stable since 1900 and are marked by continuity, (2) countries characterised by a "broken continuity" and regimes changed fundamentally up to three times throughout last 100 years, (3) countries which show discontinuity as their political regimes have changed at least four times in last 100 years.

Apart from political stability over time, history comes into play in other dimensions, as *general legacies of a society and its collective memory* impact on structural conditions of media and journalism: This applies first and foremost to transitional societies, since, as Voltmer states:

> Media are not newly created after regime change. Rather, they are transformations of existing institutions that carry with them the norms and power relations of the old regime (…) The result is a unique mix of persisting structures inherited from the past alongside newly adopted elements from existing – usually Western – role models and, in addition, specific features born out of the desire to implement something different and better than the institutional predecessor (2012, p.235)

While media systems are built on their institutional predecessors and have inherited some of their features, they are also the cognitive constructions of the policy

makers of the *transition process*, who shape them according to their own values, worldviews, and interests (*ibid.*, p.238).

**Political system**

The form of government informs media freedom and "power distance" (Hanitzsch 2007, pp.373–374), journalism´s autonomy and independence from (political) sources of power – this aspect of a political system is central to a country's structural conditions of media and journalism.

On a general level, political systems can be distinguished by the levels of *freedom of people to vote* and different degrees of *division of power,* i.e. the *system of checks and balances* among the executive, legislative, and judicial branches of government (Blum 2014, pp.304-309). An additional indicator is the institutionalisation of the *rule of law* and *civil liberties* (Voltmer 2012, pp.241).

Based on these factors, Blum extrapolates three general types of political system.

Taking a pragmatic approach in response to "the question as to what can be regarded a democracy and what not is highly disputed" (Voltmer 2012, p.225), a democracy is characterised by a multi-party system, in which the government is held accountable to citizens by free and fair elections, and changes if majorities change (Voltmer 2012, p.225, Blum 2014, p.309). Moreover, based on a system of checks and balances, both executive, legislative, and judicial branches of government are subject to mutual hindrances in holding too much power. These structures are complemented by a number of "necessary preconditions" such as basic liberties, including freedom of association, expression and the press (Voltmer 2012, p.225).

On the other hand, an *authoritarian* system is characterised by a controlled pluralism of parties and managed elections in which the political system has developed mechanisms to keep elites in power. As to the division of power, the elite in power execute control over the judiciary/courts.

A *totalitarian* system is characterised by the permanent rule of one party or caste; the ruling ideology is not questioned by elections which have only a single list

of candidates and the character of plebiscitary consultation. Moreover, there is very little of or no division of power as the jurisdiction is based on the ruling ideology.

Of course there is not always such a clear distinction between political systems in reality. Rather, many political systems, especially those of transitional countries, can be defined as *hybrid regimes*, incorporating logic from various political systems. These hybrid regimes are not a transitory state, immanent to transition processes, but persist in many cases. As Voltmer (2012, p.240) points out, hybrid regimes introduce competitive elections of some kind, but fail to deepen democratic governance "beyond basic formal requirements" and thus manifest a "peculiar mix of democratic and autocratic practices".

Hybrid systems have adopted democratic practices to varying degrees. Hence, there are many sub-types of hybrid regime, ranging from non-democratic "competitive authoritarianism" to democratic hybrid regimes characterised by the "existence of competitive and reasonably free elections, but a weak institutionalization of the rule of law and civil liberties" (Voltmer 2012: 241).[2]

It is important to take into consideration which type of political system was in place prior to the transformation process, especially with countries in transition. Given the "continuity of organizational structures, personnel, and practices", the specific patterns of politics-media relations of the preceding authoritarian regime are likely to affect the outcome of the transformation process of political and media institutions after the demise of the old regime (Voltmer 2012, p.236).

A political system is established by *formal and informal rules.* While formal rules are laid down in written constitutions, laws, and organisational directives, informal rules consist of unwritten norms that are enforced through often unspoken sanctions and rewards. Both, but particularly informal rules, tend to support the status quo and the

[2] Two hybrid regime types that Voltmer considers particularly relevant to understanding the specific constellation of politics and the media in hybrid regimes and make up a significant number of new democracies are 'delegative democracy' and 'one-party predominance*'.* A *delegative democracy* which is characteristic for presidential systems of government is "based on the premise that 'whoever wins election to the presidency is thereby entitled to govern as he or she fit'" (Voltmer 2012, p.241). In this sense, incumbents claim to represent the nation as a whole and employ presidential rule in a way that weakens democratic institutions such as parliament and judiciary" (*ibid.*). O*ne-party predominance* applies to countries which "are dominated by one political party even after the introduction of free and fair elections" and are usually characterised by a "hegemonic public sphere in which the ruling party interpretation of the political situation prevails while oppositional views are marginalized and even delegitimized" (*ibid.*, pp.242–243).

interests of the actors which they serve (North 1994, pp.360-363; 366, see also Mueller 2008, pp.194–195). This links to the *political culture* as an additional constitutive dimension for structural conditions of media and journalism.

**Political culture**

When we speak of political culture, we refer to concepts, ideas and structures that rule and are embedded within the functioning of institutions and the agency of political and societal actors, as well as citizens. Aspects of political culture are manifested in various ways, including the nature of the state's intervention in society (including media), the distribution or concentration of political power, the relationship between political institutions and the public, the level of political/ideological pluralism, adherence to and respect for rules and regulations by political actors and citizens, and lastly, the political culture of citizens - how they understand the role of the state, and participate in community and political life.

According to Hallin and Mancini (2004), an indicator of the nature of political culture is the ***centrality of the state within various aspects of society*** such as health, education and the media. They suggest two sub-dimensions or categories of definition, namely the *liberal system* where the state's intervention is limited, and the *welfare system* where the involvement of the state in society and the media is high. This in turn dictates the extent to which political communication is regulated by monitoring paid political advertising, the length of a campaigning period and media time allocated to political parties. At the same time, these factors are affected by the way in which media is defined, whether as a social institution or a private business, and which orientation prevails. (Hallin and Mancini 2004, pp.49-50)

The way in which ***political power is distributed*** can be seen as another point of influence on the expression of political culture, and how that is reflected in the structure and role of the media. Here, Hallin and Mancini (2004, pp.50-53) suggest two types of power models: *majoritarian politics* which is defined by majority rule or power concentrated in the ruling party within a two-party system consisting of the government and the opposition. The ruling party holds the concentration of power and maintains cabinet dominance; there is a clear distinction between them and the opposition. Because of this concentration of power, the majoritarian model is characterised by

'catch-all' political parties which seek to appeal to a broad collective of people and society as a whole (also evident in the media within such a system). The second model is *consensus politics*, defined by a multiparty system, proportional representation and power sharing, and compromise and cooperation between opposing forces. Here, the media are more likely to be externally pluralistic, and politically aligned to one of a multitude of political ideologies. In the former model, the media is characterised by internal pluralism.

Political culture is also evident in the ***way political institutions relate and communicate to the public***. In evaluating this relationship, two categories emerge, namely individual pluralism (or liberalism) and organised pluralism (corporatism). In countries where the relationship between the public and political bodies is governed by *individual pluralism*, individual citizens are likely to have access to mechanisms which allow them to represent their multiple individual interests independently and directly. Where *organized pluralism* is established, the relationship between the public and governing institutions is facilitated via organised social groups representing segments of the population around certain interests, such as education, culture, sport, trade unions and so on. Within organised pluralism systems, the media tend to be politically parallel and externally pluralised, to an extent reflecting the diversity of social groups and interests (we will come back to this when elaborating on the dimension of political and societal parallelism).

The ***level of cleavage between political parties (and their ideologies)*** is also an indicative of the nature and degree of polarisation of political culture and political conflict (Voltmer 2012, p.229). Here, *polarised pluralism* describes a wide political spectrum with deep divisions between sharply defined political ideologies and disagreement about the basic shape and norms of the political order. In the same vein, media is likely to be ideologically aligned with political parties. Historically, this kind of pluralism is associated with regime changes where media are instrumentalised or used as "instruments of struggle" by opposing political parties (Hallin and Mancini 2004, p.61). In a political system characterised by *moderate pluralism*, the political spectrum is narrower and parties tend to gravitate ideologically towards the centre with fewer and less distinct differences between them, while also exhibiting stronger acceptance of "the fundamental shape of the political order" (*ibid*., p.60). Consequently, media are less likely to be defined by parallelism and intrumentalisation. Voltmer (2012) suggests

that pluralism can be fragmented or hegemonic in nature. In *fragmented pluralism* the political spectrum is divided between numerous smaller political groups, none of which holds power or control of the political scene. In the absence of compromise or the formation of a coalition between these groups, over a longer period of time, "this type of fragmented pluralism can result in a permanent stalemate and the inability of governments to make binding decisions" (Voltmer 2012, pp.229–230). *Hegemonic pluralism*, on the other hand, is an outcome of "continuous dominance of one camp or party at the expense of all the other groups, so that elections rarely result in an alteration of power" – and control of resources remains in the hands of the ruling party (*ibid*., p.230).

The extent to which ***political actors and society adhere to and respect formal rules and procedures*** can also be indicative of the nature of a political culture. Hallin and Mancini suggest that the presence of the *rational-legal authority* system encourages autonomy of institutions and functions around established and universal procedures which serve the society as a whole. Characterising this system are two institutional developments: "a civil-service system that governs the hiring, promotion, and tenure of administrative personnel" and secondly, "an autonomous judicial system" (Hallin and Mancini 2004, p.56). Media instrumentalisation for purposes of political influence is low in this type of system, and professionalism (autonomy and public service) is high. State involvement in public broadcasting and regulatory institutions is low. In contrast, *clientelism* characterises a system where adherence to formal rules and procedures is undermined and pursuit of particular interests dominates. Political clientelism, which is commonly present in Southern European countries, "refers to a pattern of social organization in which access to social resources is controlled by patrons and delivered to clients in exchange for deference and various forms of support" (Hallin and Mancini 2004, p.58). Personal connections are formed through political parties or religious organisations, and the ethos of serving the common good, is overpowered by the pursuit of particular interests. Within such a system, there is strong political loyalty and parallelism of the media which guide the appointment of media professionals. At the same time, journalists tend to be particularistic and maintain relations with powerful networks and elites, because access to information is often dependent on the strength of such relations. For private media, this kind of relationship ensures that broadcast licences and contracts with the government can

be obtained easily and media has the ability to intervene in political processes – sometimes this is "the primary purpose of media ownership" (Hallin and Mancini 2004, p.58).

To a large extent, the ***political culture of citizens*** is influenced and dictated by the structures of the political and societal systems. Blum (2014, p.309) suggests that political actions of citizens are determined by unwritten ideas, basic values, knowledge and emotional commitment to a particular political culture. This is reflected in how people perceive the role of the state, how they treat different ethnicities, religious and linguistic groups, how they participate in the community and particularly in political life (including voter turnout), what kind of political debates people are engaged with, and the historical traditions to which they adhere.

Taking these various components and dimensions into account, Blum (2014, pp.309-314) distinguishes three ***types of political culture***: *Polarised*, where political parties differ strongly with regard to their underlying ideology, and are therefore deeply divided across two camps resembling principles of the majority rule model; *Ambivalent*, where political parties are in oppositional camps but also engage in compromise, therefore resembling elements of majority and proportional representation; and, *Consensual* political culture which manifests differently in democratic systems where representation is proportional, compromise high and minorities are included in democratic negotiations, or non-democratic systems where unity is maintained through forced consensus and rallying around an ideology of those in power.

**Media freedom**

The basic legal precondition of media freedom is the guarantee of freedom of expression, media and information in a country's *constitution*. However, the validity of this indicator of media freedom is limited, since media freedom is guaranteed in nearly all constitutions in the world, irrespective of the regime's character. Moreover, a constitution cannot provide for the level of detail needed to provide sufficient media regulations in a society (Blum 2014, pp.314-317).

Therefore, in order to evaluate the factual degree of media freedom in a country, one has to investigate the *concrete legislation* governing media in a country as well as actual media policies.

Common media laws include, for example, media concentration and ownership laws, broadcast licensing laws and broadcast content regulation laws (Hallin and Mancini 2004, pp.43-44). Moreover, the existence and content of *access to (government) information laws* is crucial for media freedom.

Both constitutional and the additional legal frameworks might restrict media freedom. One crucial curb to media freedom consists in the *possibility of censorship*: While in some countries, censorship is forbidden any time, in others it is allowed by law under certain circumstances, for example in time of war (under martial law) or when a state of emergency is declared.

As for the *status and protection of journalistic actors by law*, it is important to look at whether the conduct of journalists is judged under criminal or penal law and existing regulations relating to the immunity of witnesses, libel, defamation, privacy and professional secrecy (protection of source). Also, the *legal status and autonomy of regulatory bodies* is a crucial indicator of media freedom [3]

Besides overall formal rules inscribed in a constitution and legal framework, the current state of media freedom is shaped by actual media policies. This links to the level of state control and regulation of media.

**Level of state control and regulation of media by the state**

As Blum points out, two divergent objectives inform control and regulation of media by the state: on the one hand, the state might intervene in order to *secure freedom of information and expression,* for example by enhancing media pluralism, protecting audiences against manipulation and limiting the media power of specific companies or individuals. On the other, control of the media by the state might aim at *securing the government's control over the media* in order to prevent them from distributing information that might undermine the state's, or rather the ruling

[3] In this sense, Blum (2014: 321) distinguishes between countries with rare interventions in media freedom, slight interventions from time to time, both slight and strong interventions, frequently strong interventions, permanently strong interventions.

government's interests (Blum 2014, pp.322-323, see also Voltmer 2012, p.228, Brüggemann et al. 2014).

In this regard, analysis of media control by the state has to focus on whether state authorities *control* media politically or *regulate* media in a formal and 'apolitical' way. In this sense, there are different *means of intervention* which differ tremendously with regard to their coercive character: direct, excessive state control takes place through *extensive interference* into the running of media organisations in terms of *organisation, personnel and content*. Formal regulation of broadcast media is carried out, for example, by *distributing frequencies* and *limiting the advertising* of public service broadcasters. Other means of state influence might include special *taxation* applied to the media sector, *subsidies*, and *privileges* granted to certain media outlets and individual media practitioners (Voltmer 2012, p.228, Brüggemann et al. 2014, p.1041). Another possible instrument of state intervention refers to *licensing of media outlets*. In this sense, it is important to note the kind of media outlets which need to be *licensed,* whether a state body is responsible and the criteria on which licensing is based. Accordingly, requirements for entry to the journalistic profession require analysis; here again, the bodies authorised to *accredit journalists,* whether a state (controlled) body is responsible and the criteria on which accreditation is based are important.

Moreover, analyses of media control should look at *the types of media* are being controlled or regulated by the state. While in authoritarian countries the state controls radio and TV as well as press and internet, in other (often democratic) countries, the state regulates (public-service) radio and TV only.

In addition, the *targets of media control* must be analysed: is it media organisations and owners (e.g. through media concentration and media ownership laws), single media outlets (e.g. through licensing and content regulation) and/or rather individual journalists (e.g. through accreditation, libel laws, penal codes)?

While analysing the level of media freedom and state intervention in the media sector it is important to keep in mind that the term 'intervention' used by Hallin and Mancini signifies that the state and media are separate entities, which is not always the case particularly in authoritarian countries where there is a mutually beneficial

synergy between the state and media. Moreover, *'the state' should not be considered as a unified actor*, but is "often complex, internally pluralistic, and in some cases unable to exercise power effectively, for good or ill" (Hallin and Mancini 2012b, p.299). Against this backdrop, (coercive) interventions might not originate only from the state but could also stem from private actors, individual power holders and their allies, who succeed in instrumentalising factions of the state for their benefit (McCargo 2012, Hallin and Mancini 2012b, p.299). In this context, one has to look at the *concrete actors of media control*: while supervision bodies can be characterised as *state institutions* in some countries (as they are directly appointed and controlled by the government), in (democratic) countries they are rather independent *public institutions*, consisting of representatives from different societal groups.[4]

Beyond the formal rules and legal framework, informal rules are crucial in order to evaluate the level of media freedom and state control. In this context, *effective interventions against media outlets* and the *safety of journalists* need to be investigated: do journalists fear prosecution and intervention by state actors and legal bodies and *how often* does this happen? What is the *nature of intervention*: is pressure from government officials, parliament, political parties and other political actors overt or subtle, do media outlets fear economic sanctions or withdrawal of licences, do individual (oppositional) journalists risk legal proceedings, psychological threats, physical attacks or even murder?[5]

[4] In this context, Hallin and Mancini distinguish four models of governance of public broadcasting systems and regulatory agencies: 'Government Model' (state broadcasting controlled by government); 'Professional Model' (broadcasting is insulated from political control and run by broadcasting professionals); 'Parliamentary or Proportional Representation Model' (regulation is divided among the political parties by proportional representation); 'Civic or Corporatist Model' (similar to the Proportional Representation Model but representation is extended beyond political parties" to other kinds of groups such as trade unions and religious organisations) (Hallin and Mancini 2004, pp.30–31).

[5] Based on the characteristics of state intervention mentioned above, the following six patterns of media control have been listed by Blum (2014, p.329):

(1) The State controls and regulates every kind of media (press, radio, TV and internet) and the media are legally and factually bodies of the state or the ruling elite. The legal framework manifests an influence of the state with regard to both organisation, personnel and content, since it controls who communicates and what is being communicated. As to the factual situation, oppositional journalists are consequently being prosecuted and punished. Blum (*ibid.*, p.323) gives North Korea as an example for this pattern of media control.

(2) The State regulates every kind of media (press, radio, TV and internet) but does not control everything in the media sector: While there is an extensive organisational influence by the state, who has the right to censor under certain circumstances and licenses all media, those media which received those licenses have to obey certain obligations but have a certain degree of liberty in this framework or legal proceedings. As to the factual situation, journalists have to regularly fear accusations, prosecutions and disorder. If state authorities do not approve reporting of certain media, they will react by withdrawing licenses and initiating legal proceedings. According to Blum (*ibid.*, p.324), Egypt is an example of this pattern of media control.

**Media ownership and financing**

When looking at ***media ownership*** and financing structures we are most likely to find that media institutions are either *privately owned companies, public institutions* or *state-owned*. Blum (2014, pp.329-331) suggests four basic structures of media ownership: (1) Media are owned by private companies founded and led by individual business men/women, or stock corporations; (2) Media institutions belong to both private companies and the public, where most media are in the private ownership camp, and public service broadcasting is a public institution with a public service mandate and is financed by fees established by the state; (3) Media belong to both private companies and the public, however, in this case the power of the state prevails by maintaining ownership of national news agencies, public broadcasters and even newspapers; and lastly, (4) all media belong to public institutions (state, parties, parliament, unions, army) and receive state subsidies, and the foundation or establishment of new media outlets requires approval by state authorities.

Depending on the characteristics and structure of media ownership, different patterns of ***media financing*** can be distinguished: *Market-driven media* which is financed through advertising, sponsoring, sales revenue, and other forms of income generated by the institution; *Mixed-source financing* by both the market (advertisement) and contributions from the state, such as public broadcasting fees, and newspaper subsidies which may take the form of reduced rates for postal or telecommunications services, and be directed at the media organisation as a whole or at individual journalists; and lastly, media which are *financed entirely by the state* and

(3) The state does not regulate everything but does intervene massively into the media market on a regular basis. While the state controls many of the important media, criticism is allowed, however only to a degree. If this limit is crossed, the state will intervene economically, legally or administratively. Print media in general have more freedom than broadcast media. From time to time, journalists are threatened or even murdered. Russia is an example (*ibid.*, p.324)

(4) The state regulates radio, TV and press but not the internet and rarely intervenes additionally. State institutions provide licences and supervise content. Every media outlet needs to be licensed and there is a close relationship between state actors and journalists of state media. According to Blum (*ibid.*, p.325), Ghana is an example of this pattern of media control.

(5) In general, regulation by the state is limited. However, the state intervenes on an informal basis in order to enforce media compliance. The state regulates broadcasting media first and foremost through supervision bodies (by distributing frequencies, limiting adverts). Blum (*ibid.*, p.326) gives Italy, France and Austria as examples of this pattern of media control.

(6) TV and radio are regulated cautiously (and apolitically) through independent supervision bodies (which decide on distributing frequencies or limiting adverts). Thus, public broadcasters act independently based on own public-service mandate. Apart from this, the state intervenes only in order to protect the audience. According to Blum, Germany, Switzerland and the United States would serve as examples of this pattern of media control (*ibid.*, p.328).

could not exist without them, making the cost of newspapers low. (Blum 2014, pp.332–333)

**Structure of media markets and patterns of information distribution**

Ownership and financing structures can have an impact on the overall ***structure of the media market*** (share of private and public/state-owned media) and hence inform ***patterns of information distribution and the market shares of different media types***, such as levels of newspaper circulation, the degree to which audiences rely on TV and radio, and internet penetration. These *structures and patterns of usage* can also dictate the level of distinction between tabloid/sensational and 'quality' press and different types of media, and their relation to *specific target audiences* (elite, educated, politically active, broadly speaking ordinary citizens), how different types of media are consumed (*individually or collectively*), as well as the role these media perceive themselves to have in communicating social and political issues and debates (Hallin and Mancini 2004, pp.22-26 and Hallin and Mancini 2012, pp.288-290). According to Hallin and Mancini (2004, p.22), in Southern Europe, for example, the press is targeted at an elite, educated and politically active audience, enabling horizontal debate among elite groups, whereas in Northern America and Northern Europe, the press is targeted at a broad audience of ordinary citizens, with a more vertical communication process between elites and ordinary people. Further variances can be noted in the *gender of media consumers*.[6] Some of these discrepancies can (historically) be tied to *literacy rates* and political engagement, both of which excluded or were limited for women (Hallin and Mancini 2004, p.23, Blum 2014, pp.359–360). Likewise, the *level of access to the media* is determined by class, whether an area is urban and rural and linguistic groups (Hallin and Mancini 2012b, p.288).

Another set of factors to consider in evaluating the structure of media market and pattern of information distribution is the ***size of the market and the level of internationalisation***, that is, whether the media market is large or small and autonomous or dependent on import of media outlets and content from a variety of countries (linguistically compatible or not) (Blum 2014, pp.375–377). According to Voltmer (2012), the "initial response of the media industry to globalization was to

[6] Especially in countries of Southern Europe, the gender ratio is very big, compared to countries in Northern Europe, where the gender ratio is narrow

produce media products of high uniformity to make them saleable everywhere in the world". However, media products are often modified to reflect viewing habits and cultural values of local audiences, making the media markets international and local simultaneously (Voltmer 2012, p.231).

***De-centralisation*** of the media market arguably increases the diversity of media outlets (local, national, regional, international) and consequently pluralism within a media system. It is therefore important to consider the level of state regulation of media, and how diverse and representative the media market is of the cultural, linguistic, ethnic and racial structure of a country or region (Blum 2014, pp.363-370, pp.373-375).

***Pluralism or concentration of media ownership*** also shapes the media market, that is, whether private media are owned by multiple competing companies or dominated by a small number of firms, whether ownership is in the hands of national companies or international media conglomerates, and whether media owners have a particular political stance or affiliation with political parties (see political parallelism) (Blum 2014, pp.378–381). In this context, it can be argued that news organisations financed primarily by "interest" sources are far less likely to place emphasis on impartiality and newsworthiness but are more likely be reflective of the psyche of the hegemony (Simiyu 2014, p.118). A common threshold for highly concentrated industry is identifying whether the four largest companies control 50 per cent or more of the industry's revenue (*ibid.*, p.126).

**Orientation of media**

Both media ownership and financing possibly shape the orientation of media, i.e. the primary ***social focus that guides news production***: This dimension of structural conditions refers to the "integrated schizophrenia of media" (Scholl and Weischenberg 1998: 170), a term describing the fact that on the one hand media are obliged to attract big audience and prevail against competing outlets in order to be economically successful – one the other, they pursue ideal goals of informing and educating the public, discovering misconduct, communicating values, serving society and promoting certain political causes.

According to Blum (2014: 342-346), one can distinguish between three types of media orientation: *Market-oriented* media strive first and foremost after economic success. Hence, for them, audience rate and circulation is paramount.

A *divergent orientation* applies to media for which economic and journalistic or societal goals are more or less balanced.

For *society-oriente*d media, public service is paramount. The news is therefore produced primarily in the public interest and the audience is first and foremost addressed in its role as citizenry: However, this societal orientation may take different forms dependent on the overall (political) framework. While in democracies, society-oriented media – either voluntarily or based on a legal public service mandate – commit themselves to public service and journalistic credibility, in authoritarian countries, societal orientation signifies a commitment to support state goals and interests of ruling elite: Here, societal orientation equates to educating people in accordance with the ruling party and support developing goals of the country.

**Political/societal activity and parallelism of media**

***Political/societal activity*** refers to the general tendency of media to intervene in political debate, to engage in advocacy and to try to influence political events (Hallin and Mancini 2012b, p.295). The role of journalists and their positioning in relation to politics has evolved to varying degrees across different geographical regions. While in some countries, political journalism includes promoting particular political causes and influencing public opinion, in others, it is understood that journalism acts as a "neutral arbiter" sharing information and analysis (Hallin and Mancini 2004, p.26).

The term *political and societal parallelism or partisanship* refers to the nature and degree of political conflict and its reflection in the media system (Voltmer 2012, p.229).

***Political parallelism*** describes the level of consonance of media and political factions, i.e. the degree to which the media system reflects major political divisions in society, and whether journalists or media institutions align themselves with a particular political party or identify more broadly with a certain political ideology or tendency (Hallin and Mancini 2004, pp.26-33, Blum 2014, pp.333-342).

As the idea of 'political parallelism' was conceptualised primarily in relation to Western Europe, and built on a framework of 'distinct political orientations' where certain media can be said to lean to the right or left on the political spectrum, there are several reasons why it needs to be reconceptualised before it is applied to other media systems. Firstly, not every country builds on a diverse political party system with the same levels of division and competition (Hallin and Mancini 2012b, p.293).[7] Moreover, in most non-western countries the ideological distinction between left and right-wing is not as relevant as other political factions (Voltmer 2012, p.229) and in some cases "political diversity is organized around factions of the state,more than around separate political parties" (Hallin and Mancini 2012b, p.294).

As in various (especially non-western) countries "religious, ethnic, and regional identities, but also clientelistic loyalties play a much more important role" (Voltmer 2012, p.229), it makes sense to introduce ***societal parallelism*** as an additional form of partisanship. This dimension refers to the nature and degree of alignment between media and societal actors such as religious institutions, groups representing the interests of language or ethnicity, clans, trade unions, business organisations, etc. (Hallin and Mancini 2012b, p.294).

Both political and societal parallelism might not only be relevant on the (sub-) national level – rather, for example in the Middle East, "transnational parallelism" is also germane, i.e. affiliations with transnational (political and societal) actors (Kraidy 2012, Hallin and Mancini 2012b, p.294).

The level of partisan tendencies is reflected in the following structural patterns of the media system (Hallin and Mancini 2004, 2012, Blum 2014):

First, it is important to look at whether media are *externally pluralised* (external diversity of media institutions with varying political tendencies and societal factions) or *internally pluralised* (internal diversity of political/societal views within a single media organisation – balanced content). While both internal and external diversity of media are considered a legitimate way of representing relevant viewpoints in the public

[7] This is not only the case in authoritarian and totalitarian states but also in some (emerging) democracies. For example in South Africa, there has been a 'one-party dominant-system' since the end of Apartheid, the ANC being the only political party to win successive elections and defeat is unlikely for the foreseeable future (Hallin and Mancini 2012b, p.294).

sphere if media reflect the strength of the conflicting parties on a more or less equal basis, media allegiances become problematic if media disproportionally ally with a particular group, resulting in a "distorted pluralism in the system (…)" and generating a "spiral of silence", "in which the continuous underrepresentation of large party of existing interest and identities on the media agenda lead to their marginalization in political life" (Voltmer 2012, p.230). For this reason, public broadcasting is often intended to function as a kind of 'forum medium' though attempts to establish public service broadcasting in recently emerging democracies have been largely unsuccessful (*ibid*., p.230).[8]

As we have mentioned above*, the financial and organisational connections* of media are pertinent indicators of political and societal parallelism: the degree of partisanship is the increased if a political party or societal group finances a media outlet and appoints the senior personnel. It is the decreased if only one media outlet is sympathetic to a specific party or group but is not dependent on it (Blum 2014, p.33). Here again, the governance of public broadcasting comes into play: the level of political and societal parallelism is reflected in whether broadcasters are controlled by government, run by broadcasting professionals without political control, proportionally governed by multiple political parties, or more broadly by political and other organisations.

Apart from the affiliations of media outlets, the *political and societal affiliations and ties of individual journalists* are also important. Hallin and Mancini point out that journalists' careers can be "shaped by their political affiliations", for example, by working for media groups that align with their political views, or by receiving assignments because of their political persuasion (Hallin and Mancini 2004, p.28). McCargo (2012) has identified a further pattern as "partisan polyvalence" which describes individual journalists' ties with a wide range of politicians and political groups, making it possible for them, as well as their employers, to adapt to shifting political alliances (see also Hallin and Mancini 2012b, p.293).

[8] External diversity might be of beneficial influence in transitional contexts of high electoral volatility and weak party alignment, but could also be dangerous where there are no mechanisms to moderate conflicts between antagonistic groups (often the case where ethnic or religious differences are salient markers for the definition of group membership and political interests). This might be risky especially in highly commercialised market conditions, where media partisanship often results in a journalistic culture of scandal and the hunt for sensational headlines tends to becomes more important than the scrupulous investigation of facts (Voltmer and Rawnsley 2009, p.244).

Parallelism of media outlets is interdependent with *parallelism of audiences*: On the one hand, the public might be polarised according to the political and societal orientation of the media which they consume. On the other, as consumers are more likely to support news media which speak to their political views, this may further strengthen the partisanship of media (Hallin and Mancini 2004).

According to Blum, the following *levels of political (and societal) parallelism* can be distinguished: (1) all political media permanently support one specific (political) party or group, (2) the majority of media permanently supports one (political) party/group, (3) the majority of the press permanently supports one (political) party/group, (4) a minority of the press permanently supports one (political) party/group, (5) media decide from case to case whether to temporally support a (political) party/group.

**Journalism culture**

An ***overall journalism culture*** is also likely to inform structural conditions of journalism and media, as far as the *general status of journalism* and the *role perceptions and mission statements* of journalists are concerned: Is journalism considered to be an autonomous social system or part of another social system (politics, economics, and culture)? Are journalists in general critical of those in power or close to them? Are the journalistic functions of criticising and controlling paramount or rather the function of articulating information and reporting the opinions of others?

In this context, Blum (2014, pp.346-350) identifies three types of journalism culture:

In an *investigative journalism culture*, journalists are critical towards (those in) power and the functions of criticising and controlling dominate. Media act as a counterpoint to the political-administrative system.

An *ambivalent journalism culture* is characterised by the fact that one group of journalists are close to power and wish to participate indirectly in governing, whereas the other group is critical of (those in) power and upholds investigative journalism. Hence, both proximity and distance dominate from time to time.

In a *concordant journalism culture*, (nearly) all journalists are close to those in power. This might be either a consequence of a concordant political culture (such as in Japan) or a result of totalitarian or authoritarian political structure.

**Journalistic professionalism**

Whereas the dimensions discussed above describe the "media's relationship with their economic, social and political environments" the dimension of ***journalistic professionalism*** describes the "internal rules and norms" of the professional field and media institutions (Voltmer 2012, p.227). Blum (2014, pp.350-355) and Hallin and Mancini (2004) highlight several (structural) indicators which can be considered in evaluating the level of journalistic professionalisation, i.e. how far the profession has developed and what defines it: *level of professional education* obtained either through approved or formal training programs (university degrees in journalism/media/communications) or on-the-job newsroom training; *presence of professional organisations* such as journalism unions and associations; *maintenance of prestige and competitiveness of the profession*, measured through salary levels, reputation and employment security, in contrast to other professions; *systems of self-regulation of the professional field* through press councils and other self-regulatory bodies, ombudsmen and codes of conduct; *awareness of a professional culture* and *distinct professional norms and practices*, such as ethical principles, protection of sources, newsworthiness criteria, autonomy and mitigation of advertising influence (Hallin and Mancini 2004, pp.33-37).

In summary, Blum (2014, p.354) highlights criteria against different levels of professionalism. A high level of professionalism exists where obtaining a journalism degree is standard, journalists have a good awareness of their role and journalistic tasks, a strong ability to reflect and function ethically within wide-spread mechanisms of self-regulation. Medium level professionalism exists where a journalism degree is not standard and only a few masters programs in journalism are available, there is a medium level of role-awareness, limited discourse on journalistic ethics, and few self-regulation mechanisms. A low level of professionalism is characterised by university degrees in journalism with content determined by state authorities, and journalists who have a weak awareness of their role and ethics, and an absence of self-regulation mechanisms.

The table below lists and summarises the structural dimensions that have been introduced as constituting structural conditions of journalism.

**Table 1: Structural conditions of journalism: dimensions**

| Dimension | Description |
|---|---|
| Historical development: Political stability of country | • Changes of political systems / regimes over time and impact on the media system |
| Political system / form of Government | • Formal and informal rules regarding:<br>  ○ Freedom of people to vote<br>  ○ Degrees of division of power (system of checks and balances among the executive, legislative, and judicial branches of government)<br>  ○ Institutionalisation of the rule of law and civil liberties |
| Political culture | • Concepts, ideas and structures ruling both the functioning of institutions (media) and agency of political and societal actors as well as citizens:<br>  ○ Centrality of the state in aspects of society (low state intervention of liberal system vs. high involvement in welfare system)<br>  ○ Distribution of political power (majoritarian vs. consensus politics)<br>  ○ Relationship between political institutions and the public (individualised vs. organised pluralism)<br>  ○ Level of cleavage of political parties and ideologies (polarised vs. moderate vs. fragmented vs. hegemonic pluralism)<br>  ○ Adherence to formal rules, procedures and political institutions (rational-legal authority vs. clientelism)<br>  ○ Political culture of citizens: How people see the role of the state, treat different ethnicities, religions, linguistic groups, participate in community / political life (voter turnout), the kind of political debates/historical traditions they support |
| Media freedom | • Level of media freedom in legal framework (constitution, media laws and regulation on censorship, information access and control, legal protection of journalistic actors, legal autonomy of regulation bodies)<br>• Policies and actions by state actors or legal bodies |

| | |
|---|---|
| State control / regulation of media | • Intention of state control (Political control through organisational, personnel and content-oriented intervention vs. apolitical regulation via distributing frequencies, limiting advertising)<br>• Media types that are being controlled/regulated, addressees of media control<br>• Procedures regarding licensing of media outlets, accreditation of journalists<br>• Character of regulation bodies (state or independent public institutions)<br>• Nature of prosecution of journalists by state actors |
| Media ownership and financing | • Whether media are owned by private companies and/or the public or state<br>• Market driven media, mixed-source financing, and state financing |
| Structure of media markets and patterns of information distribution | • Audience and market share of different media types<br>• Size of media market / Level of internationalisation<br>• (De-)centralisation of media market / system<br>• Pluralism / concentration of ownership<br>• Patterns of media distribution and circulation of information |
| Orientation of media | • Primary social focus that guides news production: commerce/market oriented, divergent, society oriented |
| Political / societal activity and parallelism of media | • Tendency of media to intervene in political debate / engage in advocacy / influence political events<br>• Alignment between media outlets/individual journalists and political parties and societal actors (religious institutions, trade unions, business)<br>• Polarisation of the public/audiences according to the political orientation of media which they consume |
| Journalism Culture | • Overall status of journalism and role perception of journalists in relation to other social systems: investigative/critical, ambivalent, or rather concordant to those in power |
| Journalistic Professionalism | • Internal rules and norms of the professional field and media institutions:<br>o Level of professional education/training<br>o Level of professional organisation<br>o System of self-regulation<br>o Awareness of professional norms and practices<br>o Prestige/competiveness of journalistic profession |

## Country reports: Current structural conditions in Egypt, Kenya, Serbia and South Africa

Based on the scheme of dimensions we will now analyse the structural conditions of media and journalism in Egypt (3.1), Kenya (3.2), Serbia (3.3) and South Africa (3.4). The reports build on country-specific literature that touches on subjects raised within each of the dimensions, allowing for a comprehensive overview of the structural conditions of media and journalism within each of the countries. However, as the given state of research and the availability of current facts and figures vary from country to country, the country reports differ with regard to level of detail relating to certain dimensions.

It should be noted that the editorial deadline of the working paper was April 2015 and any subsequent developments and publications relating to structural conditions of journalism in the four countries are not reflected here.

### Egypt[9]

From its emancipation from colonisation and the formation of a presidential republic in 1952 until the 2011 revolution (or uprising), a military-led, authoritarian regime ruled Egypt under the presidencies of Gamal Abdel Nasser (1954-1970), Anwar Al Sadat (1970-1981) and Hosni Mubarak (1981-2011). Sadat introduced a multi-party system in the years prior to his assassination, but multi-candidate presidential elections were not introduced until 2005, allegedly as part of a bid to institutionalise a succession mechanism for Mubarak's son, Gamal (Blaydes 2006, p.3).

Each president shaped the media system differently: Nasser used the media as an instrument of political mobilisation to promote his radical ideology of socialism, anti-imperialism, and Pan Arabism while Sadat adopted a form of liberalisation, reinstating political parties and returning to them the right to publish newspapers. When Sadat was assassinated in 1981, a State of Emergency was imposed, restricting press freedoms (Mabrouk 2010, p.3) with laws allowing censorship and the right to close down newspapers in the name of national security (Amin n.d., p.4).

[9] We thank our colleagues Gamal Soltan and Yosra El Gendi for their valuable contribution to the Egyptian report. Moreover, we thank Shorouk El Hariry for co-authoring the Egyptian report.

Hosni Mubarak's 30 year rule witnessed few modifications to the restrictive legislation governing the media (Richter 2008). In practice however, there were significant changes. During the 2000s, the Mubarak regime tolerated significant reforms to the Egyptian media landscape including the introduction of private satellite television channels, the spread of privately owned opposition newspapers (both in print and online), and growing Internet accessibility (El Shaer, 2015, p.2). While the regime continued to exercise extensive control over media operations and used intimidation to silence opposition (El Masry 2012, pp.3-4), the political cost of prosecuting the media increased, helping to extend media freedom though without the necessary legal safeguards. This situation allowed the media, particularly the private media, to contribute to shaping public attitudes towards the regime, leading to the fall of Mubarak early in 2011.

In post-revolution Egypt, the Supreme Council for Armed Forces (SCAF) took power from February 2011, when Mubarak stepped down, until the beginning of Muslim Brotherhood-affiliated Muhammad Morsi's term as president in June 2012. The Brotherhood led the government for a year until the military removed Morsi from power in July 2013 (El-Sherif 2014, pp.3-4). After the election of General Abdul Fattah El Sisi in June 2014, Egypt was effectively placed under military rule (El-Sherif 2014, p.26). Egypt's **political history** can be summarised as experiencing relatively *high political stability* over several decades, marked by authoritarian and centralistic rule (Blum 2014, p.103). As further elaborated below, the country has also witnessed political continuity since the revolution despite rule by different regimes over a short period of time since 2011.

As for the **political system**, before the uprising, Egypt was an electoral authoritarian country (Blaydes 2006, p.1). Despite high hopes for democratic reform in 2011, the uprising led to deep political and ideological polarisation between Islamists and secularists, allowing the re-emergence of military power that returned Egypt to authoritarianism, and underlining the failure of democratic alternatives to capitalise on opportunities presented by the uprising (El-Sherif 2014, p.5). The only truly open and free presidential ***elections*** took place in 2012, when Morsi narrowly defeated the Mubarak regime's candidate, Ahmad Shafik. In 2014, General el-Sisi won 93 per cent of the votes, with a turnout of 47 per cent, lower than the 52 per cent turnout in the

2012 presidential election runoff. This may be attributable to the ban imposed on the Muslim Brotherhood and their Freedom and Justice Party (Blum 2014, p.105).

The executive (in Egypt's case, the president) traditionally monopolises power; parliament, controlled by the governing party, plays a relatively insignificant role. The judiciary is prone to interference by the executive. Morsi, who as Blum points out, is considered an "authoritarian revolutionary leader in the service of Muslim Brotherhood" maintained this ***division of power*** after his election as president in autumn 2012 (Blum 2014, p.105).

In many ways, Egypt has returned to its position pre-2011; the "old state" persists and the authoritarian, clientelist and elitist politics of the Mubarak era have been reproduced (El Sherif 2014, p.4, Blum 2014, p.104). The military has significant control over the economy and holds power in every national political arena (Dunne 2014, p.1). As Ahdaf Soueif (2014) writes in The Guardian, "the country (has) gone back into autocratic mode". El Sisi is an elected and, so far, popular president and according to Soueif (2014) the usual bargain has been struck: "we'll give up on our freedoms in return for security". Meanwhile, the process of creating a new political system and an effective state has been plagued by power struggles between state institutions, a lack of a political class, and the state's inability to deliver solutions to the socio-economic crisis (El-Sherif 2014, p.5).

According to Hallin and Mancini (2004), indicators of **political culture** and the ***cleavage between political parties and ideologies*** point to Egypt's place in the "polarized pluralist category". Following the revolution, the political spectrum has broadened and there are distinct and sharply defined differences in ideologies between the Islamist Muslim Brotherhood, secular movements and groups supporting the old, military regime (Powers 2012, p.72). Morsi's deposition from power exacerbated political polarisation in the country and deepened the divide between pro- and anti-Morsi camps. Opposition forces (both Muslim Brotherhood and non-Islamist critics) were marginalised by the military in the following months (Freedom House 2014a, Freedom House 2015a). In December 2013, the Brotherhood was declared a terrorist organisation, allowing the authorities to charge anyone participating in a pro-Morsi demonstration with terrorism and laying the foundation for the Islamist opposition's

total political isolation. The new constitution banned parties founded on religion (Freedom House 2015a).

However, even today, competition both within and between national institutions such as the military, police, judiciary, religious institutions and civil society demonstrates a lack of consensus regarding the country's direction (El-Sherif 2014, p.25).

Current literature indicates that the political corporatism of the old regime is likely to re-emerge (El-Sherif 2014, p.6; p.26). The ***state is central*** to all aspects of Egyptian society and any attempts to break genres and modes of representation established by the state are "deemed illegitimate by an elitist, centralized and securitized approach to culture" (Aly 2014, p.103). The military is deemed autonomous and unaccountable (El-Sherif 2014, p.25) and in practice, the spirit of law is not respected by authorities, particularly within bureaucratic institutions (Teti and Gervasio 2012, p.107). This ***clientelist*** *system* reflects the relationship between voters and candidates in elections; while some voters cast their ballots based on ideological beliefs, many expect to receive direct benefits in the form of goods or services in exchange for their vote. In such cases voters, who tend to be members of lower classes, are clients of a regime of patronage (Blaydes 2006, p.2).

This regime is connected to the ***citizens' political culture***. Al-shakhsiyya al-misriyya, (Arabic: the Egyptian character) constructed by the mass media industry, is seen as an instrument of power and governance. According to Aly (2014, p.104), Egyptian media spoon-feeds citizens an image of the 'real' Egyptian through pedagogic modes of production: a stereotype formed by fixed nodes of belonging, gender, class, religion and social stratification. These images, mainly broadcast on state-owned television, are created through simplistic scripts, where "large swathes of Egyptian society either remain invisible or are misrepresented within the national public sphere" (*ibid.*, p.105). Even after the revolution, state media continued to reflect the PR needs of the SCAF and subsequent governments, leaving the role of public information campaigns around civic participation and responsibility to private satellite channels and social media (*ibid.*, p.105). While many scholars focused on the role of social media in fuelling the uprising, little attention has been paid to traditional, face-to-face communication outlets, such as Friday mosque sermons and coffee shop

gatherings, which are considered to play an important role in developing the Arabic public sphere (Dajani 2014, p.207).

Government control also manifests in ***civil society***. Egypt is often described as having one of the most vibrant civil society sectors in the developing world, with around 40,000 locally registered NGOs (Mikhail 2014, p.1). However, these groups have struggled with laws overseeing non-governmental organisations, a conflict which has intensified in the wake of the 'foreign funding' debate. Minister of International Cooperation Faiza Aboulnaga accused NGOs of receiving unauthorised foreign funding and operating without licenses, an accusation that was labelled duplicitous given that Aboulnaga was responsible for overseeing NGO activities under Mubarak's rule, and that the largest recipient of 'foreign funding' is the state itself, with nearly USD 1bn going to the military (Teti and Gervasio 2012, p.107). The NGO 'foreign funding' case has "wreaked havoc on democracy promotion efforts in Egypt", and was described as a "tactical maneuver in the grand scheme of Egyptian politics" (Dunne 2014). As a result, prominent foundations such as Freedom House have been banned. The organisation was forced to cancel its grants to several Egyptian NGOs, and four of its employees fled the country in fear of jail sentences (*ibid.* 2014).

**Media freedom** is heavily controlled by a severely complex web of legislation such as the constitutional framework, Press Law, Penal Code and Intelligence Law, which prevent journalists from operating freely and limits their room for manoeuvre (El Issawi 2014, p.8; Mabrouk 2010, p.3). Egypt currently ranks 159th of 180 in the Reporters Without Borders World Press Freedom Index, due to the "deliberate chilling of media freedom and free speech through arrests and criminalization of legitimate journalism" (Reporters Without Borders 2014a) and according to Alison McKenzie, Executive Director of International Press Institute, the continual scapegoating of journalists and their news organisations (International Press Institute 2013). Egypt's status in the Freedom House Freedom of the Press ranking declined from 'Partly Free' in 2011 to 'Not Free' in 2012 and 2013 due to officially tolerated intimidation of journalists, increased efforts to prosecute reporters and commentators for insulting the political leadership, violent crackdowns on Islamist political groups and civil society, and state surveillance of electronic communications (Freedom House 2012, 2013, 2014a, 2015a).

According to the ***constitutional framework,*** freedom of expression and the press is guaranteed and censorship forbidden by the provisional constitution adopted by SCAF in 2011, the constitution adopted under Morsi's presidency and the current constitution approved by referendum in 2014 (Freedom House 2012, 2013, 2014a). However, this freedom can only be exercised 'within the law' and there is no further clarification of its limitations. Despite the political and constitutional changes since 2011, the Mubarak-era press laws and Penal Code have remained in place and include an array of articles that allow journalists to be prosecuted for their reporting (Freedom House 2014a). As El Issawi reports there are around 35 articles in various laws that prescribe penalties for the media, ranging from fines to prison sentences, which are imposed for offences such as "insulting the president", "insulting religions", or "the publication of material that constitutes an attack against the dignity and honor of individuals" (El Issawi 2014, pp.21-23).

While the current constitution bans ***censorship*** of media outlets and repressive sanctions against journalists, this protection does not apply in times of war or when a state of emergency has been declared (Freedom House 2014a, El Issawi 2014, pp.24-26). To avoid legal confrontation with the government, it is reported that journalists resort to self-censorship, drawing lines around areas deemed too sensitive to tackle (Mabrouk 2010, p.4; Abdulla 2014, p.4), and thus avoiding direct government intervention. El Issawi suggests that another common way to impose self-censorship in newsrooms is by offering journalists the potential to earn additional income by appointing them to higher positions in government bodies or within media outlets owned by wealthy businessmen compliant with the regime (El Issawi 2014, p.33). However, in some situations direct state intervention has been visible: after the ousting of Morsi, several famous journalists' articles that were critical of the situation were banned from publication in their respective media outlets (Abdulla 2014, p.25). Another example of direct censorship is "Al-Bernameg" (Arabic: The Programme), a popular show presented by political satirist Bassem Youssef on the CBC channel, which was taken off air for 'violating the editorial policy of the channel' after mocking the post-Morsi regime and referring to the ousting as a 'coup' (Abdulla 2014, p.25).

There is no right to information or ***access to information*** law in Egypt. Article 8 of the Press Law states that journalists have the right to access information from public and government sources, but it also stipulates that this is subject to 'applicable

laws' with no clarification as to what these may be (Mendel 2011, p.20). As only 6,000 of around 15,000 of the journalists working in Egypt are members of the Egyptian Journalist Syndicate (EJS), the profession's official governing body, and EJS membership is the sole source of professional accreditation, the situation leaves thousands of media professionals without an official press card or access to professional sources (Berger 2014, pp.244-245).

In practice, the ***protection of journalists*** is weak. Article 7 of the Press Law protects the right of journalists not to reveal their confidential sources, and prohibits the coercion of journalists to reveal those sources. However, "these protections are subject to relevant laws", meaning that any law may override the right to protect confidential sources. The Press Code of Ethics (1988) restricts journalists from causing harm and seeks to establish their right to protect their sources and not be subjected to blackmail; however, it is not clear how the Code is applied; it is only binding for journalists while the usual expectation would be adherence by other actors such as the police or security forces (Mendel 2011, p.19).

Consequently, the opaque media framework in Egypt has been used to ***intimidate journalists, bloggers and broadcasters*** (Abdulla 2014, p.4).The military-backed government's rule is witnessing "an unprecedented campaign of media repression with frequent intimidation and journalists' arrests described by media watchdogs" (El Issawi 2014, p.8, Freedom House 2015a).

Private TV stations are subjected to pressure when their programming content is deemed to be 'causing trouble' (El Issawi 2014, p.23); for example, within hours of Morsi's ousting, the army shut down Islamist TV channels *Misr 25, Al Nas* and *Al Hafez* (Abdulla, 2014, p.21). According to Reporters without Borders, five journalists were killed and at least 80 detained by police in the second half of 2013 (Reporters without Borders 2014a). A large number of these journalists are not accredited by EJS, which causes some confusion concerning their professional identity.

Although the government has never censored blogs, bloggers are subjected to offline harassment and several have been detained or questioned by security agents (Abdulla 2014, p.8). The Arab Network for Human Rights and Information reported that 24 cases were filed against journalists in the first 200 days of Morsi's rule, with charges

relating to defamation of the president, the judiciary or Islam, and broadcasting content inciting hatred (*ibid.*, p. 17). Private TV channel *Al Faraeen* was shut down, and its owner, Tawfik Okasha, faced over 30 court cases accused of defaming Morsi and inciting others to kill him. Journalist Al Husseiny Abou Deif, who was critical of Morsi and the Brotherhood, was shot dead with rubber bullets outside the Presidential Palace during a protest (*ibid.*, p.18).

After Morsi was ousted by the military in July 2013, the government launched a systematic crackdown on Islamist media, shutting down television and print outlets and targeting and arresting both local and foreign journalists attempting to cover pro-Morsi protests. Five journalists were killed at the hands of the security forces in July and August of that year, for example in August, *Sky News* cameraman Mick Deane was shot and killed during a bloody crackdown on pro-Morsi sit-ins. In July, the *BBC*'s Jeremy Bowen was injured by birdshot pellets fired by security forces during a pro-Morsi protest (Freedom House 2014a).

In August 2013, several journalists, among whom were freelance photographer Mahmoud Abu-Zeid (professionally known as Shawkan) and *Al-Jazeera* journalist Abdullah Al-Sham, were arrested while covering violent clashes between supporters of ousted President Morsi and security forces. While Al-Shami was released on medical grounds in June 2014 following a 130 day hunger strike in protest over this detention, Shawkan's incarceration has been extended repeatedly (Amnesty International 2015). Since December 2013, three *Al-Jazeera* journalists (Peter Greste, Mohammad Fahmy and Baher Mohammad) have been jailed following allegations of conspiring with the Muslim Brotherhood to destabilise the country and reporting false news, belonging to a terrorist organisation and working without a permit. In June 2014, Baher Mohamed was sentenced to ten years' imprisonment, a ruling that was labelled "a clear message to journalists: adhere to official narratives or risk severe punishment" by Index on Censorship (Index on Censorship 2014). Despite the international outcry over the sentencing of the three *Al-Jazeera* journalists, the then newly elected president Al Sisi initially said he would not interfere in the judicial ruling (Reuters 2014). However, Al Sisi ultimately criticised the detention of *Al-Jazeera* journalists, not because of concerns about freedom of expression but as a result of pressure from the journalists' respective countries and the embarrassment their detention caused. He issued a presidential decree allowing deportation of convicted prisoners who are

citizens of other nations. Greste was therefore released and deported to Australia and Egyptian-Canadian Fahmy renounced his Egyptian citizenship and was deported to Canada in February 2015. After Baher Mohamed's conviction was overturned on appeal in January 2015, he was released in February of that year (International Federation of Journalists 2015, Freedom House 2014a, Kirkpatrick 2015).[10]

With regards to **media regulation and level of state control**, Abdulla summarises that media narratives have been controlled by successive regimes through a state media apparatus that supports whichever regime is in power, and private media outlets whose owners are linked to that regime (Abdulla 2014, p.1).

Generally, the media apparatus, especially state media, is still firmly linked to the political regime (El Issawi 2014, p.29), resulting in continuous *state interference* that serves as a tight constraint on Egyptian journalism (Rayman 2014, p.110, Blum 2014, p.106). Historically the Minister of Information oversaw the management and appointments of senior officials to the government controlled public broadcaster *Egyptian Radio and Television Union (ERTU)* (El Issawi 2014, p.16, Freedom House 2013). However, even after the position of the Minister of Information was abolished with the passing of the 2014 constitution, the state continues to wield power over public broadcasting and television through the appointment of managerial staff. There are some 18 managers and senior personnel with military backgrounds in *ERTU*, all of whom have been appointed by direct presidential orders (El Shaer 2015, p.4). Not only does the state hold a monopoly on terrestrial broadcasting through *ERTU* (Mendel 2011, p.7), but the channel is also prohibited by its own Code of Ethics, to broadcast any material critical of the state or the national system (El Shaer 2015, p.4). Under Morsi's presidency, the government—through the Ministry of Information, *ERTU*, and the Shura Council, Egypt's upper house of parliament—were authorised to oversee licensing and determine what is appropriate for broadcast. Under the 'Morsi' constitution, the government and the judiciary were entitled to withdraw the licences of

[10] But the important geopolitical issue here is that this incident was part of the political rivalry between Egypt and the government of Qatar who owns Al-Jazeera and influences its editorial policy. This is a very important case for the role of state owned pan Arab media on the media landscape and politics in the Arab World.

stations that violated a wide range of social, cultural, religious, and political sanctities (Freedom House 2014a, Abdulla 2014).

*Print media* are also controlled by the state, which owns the most important national newspapers *Al-Ahram*, Al-*Akhbar* and *Al-Gomhuria*. While there is a long tradition of politically appointing the administrative and editorial leadership, Morsi handed control of editorial and executive appointments to state publications to the Shura Council. Responsibility has now been passed to the Supreme Press Council established by the interim government in 2013 (Blum 2014, p.106, Freedom House 2014a). All private media outlets need a licence from the Press Council, whose members were initially appointed by the Shura Council until it was abolished in Egypt's 2014 constitution and subsequently by the Prime Minister.

Recently state control has extended to internet communications despite online media traditionally enjoying greater freedom than its offline counterparts (although the Mubarak regime did briefly shutdown the country's internet and mobile phone network during the 2011 protests). On June 1st, 2014, El Watan newspaper published a leaked proposal by the Ministry of Interior that recommended monitoring online social networks such as *Facebook*, *YouTube* and *Twitter*, as well as private messaging applications like *WhatsApp* and *Viber*. The Minister of Interior responded through state-owned *Al Ahram*, claiming that the monitoring software was "no threat to liberty" (Al-Ahram 2014).

As to the **media landscape**, in numbers, Egypt enjoys a great diversity of media outlets with more than 500 newspapers, magazines, journals, and other periodicals. While during Mubarak's rule, the vast majority of outlets were in state hands, including all newspaper distribution networks, there have been significant changes in the media sector since the 2011 uprising as new outlets have proliferated (Freedom House 2014a). Today, the national state-owned dailies such as *Al-Ahram*, *Al-Akhbar* and *Al-Gomhuria* still dominate circulation, while party press only achieves only a small circulation. Among independent press, *Al-Masry-al-Youm, Al-Watan*, and *Al-Shorouk* belong to the most successful (Blum 2014, p.106). Under Mubarak, all terrestrial television broadcasters—two national and six regional—were owned and operated by the government through *ERTU*. However, there were four privately owned, independent satellite channels and several pan-Arab stations that attracted wide

viewership. At least 25 new privately owned channels have emerged in the post-Mubarak era. (Freedom House 2014a).

In terms of **ownership**, Egyptian media are currently a blend of state-owned and private newspapers and broadcast stations (Mendel 2011, p.3). Television channel ownership was monopolised by the state until the rise of satellite broadcasting in 2001. The emergence of private satellite television channels was celebrated as the "emancipation of the media from state control" (Atallah and Rizk 2011, p.7). There was an initiative to open up the ownership scheme of the media sector to the Egyptian people through a shareholding system managed by independent bodies (El Issawi 2014, p.31), prohibiting individuals from owning a stake of more than 10 per cent in any outlet. However, the lack of transparency of media ownership makes monitoring this impossible (Abdulla 2013, p.9). Attallah and Rizk (2011, p.8) argued that in the aftermath of the revolution the old regime continued to hold Egypt's wealth as well as controlling large shares of the media market. Webb suggests that the assumed limited range of ownership was insufficient to produce diversification of political views and information (Webb 2014, p.15).

As with ownership, **funding sources** are not truly transparent (El Issawi 2014, p.60). With the mainstream media acting as "pseudo-empires", fundamentally influencing public opinion, "the amount of money involved in operating a media business is also deemed to be a barrier to diversity" (Attallah and Rizk 2011, p.8). In a market driven by advertising, competition between the private sector and the state media resulted in poor programming unable to stir the appetites of advertising agents on state television (El Issawi 2014, p.46), leaving the sector indebted to the government by around EGP 13.5 billion (*ibid.*, p.30). The government supports state media both directly and through advertising subsidies, although the nature of these is unclear. It also has the potential to influence advertisers leaving independent media at risk of financial pressure, as was the case for media critical of the Morsi government and the Muslim Brotherhood in late 2012 (Freedom House 2013).

In terms of the **structure of media markets** regarding ***use and reach of the different types of media*****,** in a traditionally oral society with a literacy rate of 71 percent (out of 82,06 million inhabitants), satellite television has much better penetration than newspapers (Mabrouk 2010, p.v; Abdulla 2014, p.4). Broadcast remains the most

powerful medium in terms of reach: almost all households own a television set (94 per cent in 2010) while the percentage of radio set ownership has declined (Abdulla 2013, p.15). Satellite reception grew from 32.5 per cent in 2005 to almost 60 per cent in 2009 (*ibid.*, p.16). Recently, newspaper circulation has decreased dramatically after a sudden circulation surge that accompanied the revolutionary developments of 2011; 33 per cent of Egyptians, mostly members of the younger generation, read the news online (*ibid.*, pp.19-20). According to the Ministry of Communications and Information Technology's ICT indicators report, the number of Internet users amounted to 47.52 million in November 2014, with an annual growth rate of 24.26 per cent; the most frequently visited website being *Facebook* (some 13.83 million users). This growth is constrained by high rates of illiteracy and inequalities in income, gender and demographics (Abdulla 2013, p.6; p.22).

***International media*** played a crucial role in the uprisings, particularly *Al-Jazeera*, which offered an alternative to state media. The channel provided news unfiltered by the Ministry of Information, and offered live, continuous coverage of the protests in Tahrir (Peterson 2014, p.89). However, *Al-Jazeera's* reputation for professional news reporting among its Egyptian viewers has suffered since it was accused of allying itself with the Brotherhood, making factual errors and giving false representations of the situation (Abdulla 2014, p.23). Cairo-based *Al-Jazeera* affiliate, *Al-Jazeera Mubashir Misr*, was shut down by a judicial ruling when it was accused of operating illegally and threatening national security. Its offices were raided and some staff were detained (El Issawi 2014, p.61). The detention of the three *Al-Jazeera* journalists mentioned previously was viewed as part of the political rivalry between Egypt and the government of Qatar which owns *Al-Jazeera* and influences its editorial policy (Kirkpatrick 2015). This case might be seen as an example of the strong role of state owned pan Arab media on the media landscape and politics in the Arab World.

In terms of **media orientation**, Egyptian private media are profit and advertising-driven within a market-oriented economy (Aly 2014, p. 107; Amin n.d., p.3).There is no obligation for private, commercially-funded media to disseminate public service content, and no incentives for them to do so (Abdulla 2013, pp.31-32). State-owned *ERTU*, is paralysed by institutional problems that resulted in it missing the opportunity to act as public media rather than state media (Abdulla 2014, p.27). While it "has been trying to act as a commercial broadcaster", by aiming to "provide

content to attract advertisers" (*ibid.*, pp.29-30), *ERTU* clearly represents the government and portrays messages supporting the regime. The Egyptian state media, therefore, has been described as a mobilisation press; the purpose of state media personnel is to rally the audience to nationalist cause and defend the country's leadership and current power structure (Chammah 2014, p.279).

In terms of **political activity and parallelism**, Egyptian media have always been deeply involved in political discourse. The introduction of satellite television and the emergence of opposition papers during Mubarak's era increased media pluralism. The media were thought to be acting as safety valves that allowed the public, unable to exercise its political rights, the chance to vent frustration at socio-political problems (Khamis 2011, p.1162). Partisan papers offered a quasi-alternative voice, though they were controlled by the state and their coverage was "largely dictated by the interests of their respective affiliated parties" (Attallah and Rizk 2011, p.6). Following the revolution, the "rampant politicking" (El Issawi 2014, p.30) of media production was explained: "there was no real political life, and media was replacing the lacking political parties, so it was overwhelmed by politics" (*ibid.*, p.30). Rather than becoming pluralised, the media was polarised, and there was a large gap between state and independent coverage (Chammah 2014, p.282).

During Morsi's rule, the polarisation between Islamist channels and 'secular' private media outlets increased. This polarisation intensified for a period after the ousting of Morsi, though currently most media is supportive of the military. State television and most private channels ran banners with the Egyptian flag that stated "Egypt fights terrorism" in reference to the conflict with the Brotherhood (Abdulla 2014, p.23). Although it is also polarised, social media provided a platform for pursuit of the middle ground where activists could voice their opinions (Abdulla 2014, p.1). Following the ousting of Morsi, it became increasingly difficult to publish voices that are not pro-regime. The military started considering and approaching private media as a distribution channel for their own information as their trust in state press decreased when state media editors sided with the Muslim Brotherhood during Morsi's rule (El Issawi 2014, p.49; Abdulla 2014, p.25). As Freedom House states in its report, at the end of the 2013, "most news outlets were sympathetic to the military government and failed to provide objective reporting or diverse viewpoints on the crisis" (Freedom House 2014a). In this context, both state and private media were accused of embracing

propagandist tabloid-style narratives and demonising oppositional voices (El Issawi 2014, p.48).

Political activity and partisanship are directly linked to **journalism culture**. As a result of the changing political landscape in post revolution Egypt, a state of confusion as to how to define journalistic roles in both private and state media has arisen (El Issawi 2014, p.70). However, there is a common understanding that ideals of impartiality are incompatible with the nature of the Egyptian audience (*ibid.*, p.77). Existing literature suggests that state media journalists in particular do not perceive their role as independent of the political sphere, showing a quite concordant culture (Powers 2012, p.76, El Issawi 2014, p.12, Webb 2014, p.72). Similarly, most private media journalists feel a 'patriotic duty' guiding their practices, which suggests to some extent, allegiance to the regime (El Issawi 2014, p.77; Chammah 2014, Blum 2014). A community of independent journalists advocates on behalf of narratives favoured by activists (Chammah 2014 , pp.277-288). The development of activism in the name of the revolution, however, has also been seen as hindering the development of independent, critical reporting, and aggravating the political instrumentalisation of the media (El Issawi 2014, p.12).

As to **media professionalism**, ***professional education and training*** are considered to be important structural indicators. In the immediate pre-revolutionary period, in 2010, Saleh referred to journalistic education in Egypt as "politically hazed and socially confused" (2010, p.132). He also stated that not a single media entity was satisfied with the quality of journalism education in Egyptian universities (*ibid.*, p.116).This deterioration in journalism education has been linked to nepotism, and lack of career guidance and media ethics (*ibid.*, p.126). While students attend ethics courses, they understand they will work with people who do not necessarily apply these standards (Webb 2014, p.87). Furthermore, most journalism departments do not adapt the Western curricula they import leading to a lack of balance between theory and practice (Saleh 2010, p.126).

Given the massive state interference in the media sector, ***self-regulation*** of the profession is undeveloped in Egypt. The press syndicate – the journalists' union – faces interference by the state as a statutory body and is dominated by the state-owned press, despite an increasing diversity of private and alternative media (Berger 2014,

p.245). When the revolution broke out, the EJS released no calls for the protection of journalists in the field, and failed to provide legal or professional support for journalists (*ibid.*, p.238). Members may be removed from the Syndicate on various grounds, including disciplinary sanctions (Mendel 2011, p.16) – however, the fact that these sanctions have not been imposed in the last four decades could be indicative of solidarity among journalists against major violation of journalists' rights, though there is very little agreement regarding less serious violations. The Press Code of Ethics does not function as a public complaints system; "instead, it is more of an administrative rule" (Mendel 2011, p.19).

Another factor impacting professionalism and journalistic standards is ***professional security***. In 2010, print journalists' salaries were as low as USD 90 per month (Saleh 2010, p.131). Members of the EJS receive stipends and monthly allowances paid by the government – a practice that has been identified as an indirect way of buying off journalists, as the stipends of between USD 140 and USD190 a month (Al Arab 2015), exceed the salaries many journalists receive from their employers. Presumably the financial burden caused by receipt of stipend is among the reasons for denying membership in EJS to many practicing journalists. The poor salaries of journalists are a further reflection of the financial burdens facing Egyptian media institutions, and lead to claims of corruption and illicit gains through business and government buy-offs. As Berger reports, some members of the syndicate are accused of being corrupt, taking "bonuses" that sometimes equal their salaries (Berger 2014, p.247). These accusations go largely unchecked because ethical violations and corruption in the press are never discussed in the EJS (*ibid.*, p.247).

In conclusion, existing research suggests that although there were temporary tendencies towards media liberalisation in Egypt in the aftermath of the 2011 revolution, structural conditions of media and journalism remain characterised by an oppressive legal and regulatory framework, significant state control and interference, a climate of fear, prosecution of journalists, limited professional training, self-regulation, professional insecurity and a weak consensus on professional roles and ethical standards amongst journalists.

## Kenya[11]

Kenya is a country situated in the Eastern part of Sub-Saharan Africa with 45 million inhabitants belonging to a range of ethnic groups such as Kikuyu, Luhja, Luo, Kalenjin and Kamba.

Since its independence from British colonial rule in 1963, Kenya has faced several, fundamental changes to its political system. According to Blum's typology, its political history can be seen as an example of "broken continuity" (Blum 2014). Ogola points out that Kenya's news media system has developed and progressively redefined itself against the complex political and economic structures characterising the country's distinct political phases between the 1960s and the present day (Ogola 2011).

While the first years of Jomo Kenyatta's rule as the first president of independent Kenya between 1963 and 1978 were "briefly but broadly attended by national political goodwill" (Ogola 2011, p.80), under his presidency Kenya soon evolved into a coercive and repressive state. The political goal of "nation-building" was pursued through an "ideology of order" (Atieno-Odhiambo 1987) and opposition was systematically contained and delegitimised on the grounds that competing (political, ethnic and religious) interests would impede the country's development. In this context, media were modelled on the developmental journalism paradigm and seen by the state as partners and a central instrument to promote the narrative of national unity in the nation-building project (Ogola 2011, p.80). This project gradually led to the co-option of the mainstream media by the state. The print market was monopolised leaving only two mainstream newspapers, The Daily Nation and the East African Standard. While these newspapers were privately owned, they were directly and indirectly controlled by the state, particularly through their advertising revenue as the government was the largest advertiser at that time (ibid., p.81).

Under Kenyatta's successor Daniel Arap Moi who served as President from 1978 to 2002, Kenya evolved from a de facto to a de jure one party state, a situation formalised by law in 1982 (Mueller 2008, p.189). Moi was a member of the Kalenjin

[11] We thank our colleagues Nicole Stremlau, Nic Cheeseman and Toussaint Nothias for their valuable contribution to the Kenyan report.

ethnic group and disempowered the Kikuyu elite. Governing in an authoritarian and corrupt manner, Moi quickly consolidated his position and concentrated all political and economic power in the hands of his Kenya African National Union (KANU), dominated by the Kalenjin tribe, and a handful of allies from minority groups. The "Moi era was infinitely more repressive than that of Kenyatta's rule" (Mueller 2008, p.188) and has been described as "imperial presidency" (ibid., p.197). The first phase of Moi's authoritarian presidency was marked by an increase of government involvement in the media sector. The government continued to use state mechanisms to intimidate political opposition and alternative media.

In the absence of a press law, intimidation of media workers and organisations, and the detention of newspaper editors was commonplace. Between 1988 and 1990, nearly twenty publications were banned. Moi also tried to increase state control over the two major newspapers. While connections with KANU members enabled him to buy a majority share in the *Standard*, he did not gain direct control of the *Nation*, but asserted his influence through business relations with the group's principal shareholder, the Aga Khan (Ogola 2011, pp.82–83). This interdependence allowed both newspapers to grow economically under the Moi regime, with only occasional state intimidation. Additionally a national party newspaper, Kenya Times, was established as a "government mouthpiece" (*ibid.*, p.83) acting alongside the state broadcaster, the Voice of Kenya (the name was changed to Kenya Broadcasting Cooperation in 1989).

Increased economic decline and "informalization of the state" (Ogola 2011, p.83), with executive power almost exclusively assigned to the president and KANU party, seriously eroded the government's legitimacy in the late 1980s and early 1990s. This "opposition culture" (Haugerud 1995, p.15) also applied to the media sector. Opposition politicians funded a number of press outlets and alternative voices were now heard within mainstream newspapers. Due to increasing political pressure exerted by opposition groups, civil society, sections of the church, and the international community, the government was forced to readopt multipartism in 1992. The reintroduction of political pluralism allowed for the liberalisation of the media: several new media outlets emerged and existing mainstream news media switched from their traditional developmental focus to the market model. The *Nation Media Group* saw massive growth in its portfolio because of new private capital, making it gradually less

reliant on state patronage and allowing more adversarial reporting, although criticism was limited so as not to endanger good business relationships between the Aga Khan and the Moi administration (Ogola 2011, p.84). By contrast, due to the KANU's shareholding in the company and governmental involvement in editorial decisions, The *Standard* remained loyal to the regime, campaigning for Moi in the 1997 presidential elections.

Although the Nation and Standard continued to dominate the print sector despite liberalisation of the media, the broadcast sector experienced fundamental change with the introduction of the first private broadcast media such as the FM radio station, *Capital FM* and the TV station, *Kenya Television Network*. However, the fact that these two stations were both owned by the *Standard Group* (through a subsidiary, Baraza Limited) and another new entrant *Royal Media Group*, belonged to Samuel Kamau Macharia, a prominent Nairobi businessman with strong government links, demonstrated that broadcast licence acquisition "was based mainly on political connections and state patronage" (Ogola 2011, p.84).

Hence, although the early 1990's were marked by liberalisation, Kenya "became a case study of the problematic relationship between multi-party elections and genuine political reform" (Cheeseman et al. 2014, p.5). President Moi and KANU maintained their hold on power and national elections in 1992 and 1997 "were each preceded by the explicit mobilization of ethnic constituencies and substantial violence, which sought, at least in part, to drive Kikuyu, Luo, Luhya and Kisii voters – then associated with the opposition – out of particular areas" (*ibid*., p.5).

A two-term limit forced Moi from power in 2002 and his misjudgement of succession politics facilitated a new era in Kenya's political development. Moi backed Uhuru Kenyatta, the son of his predecessor Jomo Kenyatta, as the KANU presidential candidate, and so unwittingly aided an alliance of major politicians and ethnic constituencies in the National Rainbow Coalition (NaRC) (Cheeseman et al. 2014, p.5). In December 2002, voters overwhelmingly elected members of the NaRC to parliament and NaRC candidate ***Mwai Kibaki*** to the presidency. The largely peaceful elections "in which multiple minor irregularities were made irrelevant by the size of Kibaki's overall victory" (*ibid*., p.5) marked an important turning point in Kenya's democratic evolution. There were high expectations of the new government, with some calling the

landslide win a “second liberation” or even “revolution” (Schmidt and Deselaers 2015, p.12).

However, the “appearance of political transition was partly illusory” (Cheeseman et al. 2014, p.5). The new government came to power with a commitment to create a new constitution, but debate over its terms soon created a rift in the NaRC. Raila Odinga, who had supported Kibaki in the 2002 elections, switched his allegiance on the grounds that the party did not offer sufficient reform and failed to create the position of Prime Minister that he had been promised in return for his electoral support. Subsequently, Mwai Kibaki’s government did not succeed in the 2005 Constitutional Referendum. Kenya’s political stability “crumbled for a while” (Schmidt and Deselaers 2015, p.12), and finally collapsed in December 2007; at the presidential elections, Kibaki and Odinga ran against each other. Kibaki was declared the winner by the Kenyan Elections Commission amidst widespread accusation of malpractice and multiple failings of the electoral process triggering unprecedented violence between the country’s different ethnic groups. The Commission of Inquiry into Post-Election Violence and the government confirmed that the outbursts resulted in 1133 deaths, and up to 700,000 more were people displaced (Cheeseman et al. 2014, p.5).

The *post-electoral violence 2007/2008* came as a “shock for Kenyans and to an international community that assumed that 2002 had marked a stable political transition” (Cheeseman et al. 2014, p.5). The violence offered terrifying evidence both of the need for real political reform and the value of peace and stability.

A diplomatic deal mediated by international negotiators appointed by the African Union ended the violence. Following the agreement, power was shared between the two rivals, President Kibaki and Prime Minister Odinga; Kenya was governed in a grand coalition between 2008 and 2013 (Cheeseman et al. 2014, pp.5–6). Considered as a “necessary step that must precede more ambitious reforms” (Cheeseman 2008, p.180), the ***‘unity government’*** managed to pass a long awaited new constitution (also offering a changing framework for media as will be elaborated below).

In 2013, the unity government ‘experiment’ ended when the ***Jubilee Alliance*** of Uhuru Kenyatta and William Ruto won both the presidential contest and a parliamentary majority in contested but mostly peaceful elections, opening the current

chapter of Kenya's political history (Cheeseman et al. 2014). In the meantime, Kenya was confronted with a new threat to national security. From 2011 the country faced several major terrorist attacks by Al-Shabaab, characterised as retribution for the Kenyan military's deployment in the group's home country of Somalia.

To summarise, the legacy of different political phases, political volatility due to ethnic divisions and the threat of terrorism from Al-Shabaab impact on the current structural conditions of Kenya's political and media system in many ways.

One of the hallmarks of a democratic **political system** is the structure of checks and balances established by formal as well as informal rules among the executive, legislative, and judicial branches of the state.

Cheeseman (2008, pp.180–181) noted that between 2002 and 2007, Kenyan politics had failed to implement comprehensive political reform and establish adequate formal rules to ensure elections with democratic outcomes:

> Democratic elections do not sit well with an authoritarian constitution, and coalition building and elite compromise are undermined by the dominant nature of the presidency and the lack of institutions that operate independently of the executive. The potential for conflict in Kenya would have been significantly diffused if the government had not deliberately manipulated the process of constitutional reform to prevent the decentralization of power away from the executive.

As Mueller (2008, pp.197–198) argues, conditions favouring institutional change did not apply in Kenya after the election of the NaRC government in 2002. Rather, politicians feared institutional innovation which might have led to the loss of political power. According to Mueller (*ibid.*, pp.194–195), it was informal norms which increasingly undermined formal rules by trumping the autonomy of independent branches of government in favour of a highly personalised presidency. This phenomenon of deliberately weak autonomous institutions outside the presidency was considered a precipitating factor in Kenya's implosion following the 2007 election; institutions such as the Electoral Commission and the courts, which in theory could have dealt with the challenges, were viewed as partisan and as being tied to the

executive rather than independent from it (Cheeseman et al. 2014, p.3, Mueller 2008, pp.197–199).

With the *new constitution of 2010*, Kenya seems to better meet the standards of a democratic system (listed in chapter 2: pluralism of parties, governmental change following a change in majority, the division of powers). According to the constitution, the politics of Kenya take place in a framework of a presidential representative democratic republic: the President is both head of state and head of government. Executive power is exercised by the executive branch of government led by the President, who chairs a cabinet composed of people chosen from outside parliament. Whereas this presidential strength seems conform to the long-lasting tradition of a strong executive, the new constitution grants the National Assembly relatively high levels of independence from the executive and introduces new procedures for the conduct of elections, new judicial safeguards to ensure integrity, and a new regulatory framework for political parties (Cheeseman et al. 2014, p.6). It also promotes decentralisation, establishing 47 new county governments (*ibid.*, pp. 3–4). Thus, the constitution is considered to feature “stronger checks and balances, and is potentially far more effective at integrating marginalized communities into the political system” (*ibid.*, pp.17–18).

Elections are the central test case for newly introduced rules and institutions and the polls of 2013 were intended to be a major step in Kenyan political transformation. Indeed, Kenya experienced a very high official voter turnout (86 per cent) and, while the Jubilee Alliance of Kenyatta and Ruto won both the presidential contest and secured a parliamentary majority, elections for the newly devolved structures of government left many county governments in the hands of other parties. Though there have been numerous legal appeals over the outcome of many of the contests, the decisions of the courts have been accepted, “albeit often grudgingly, by the losers“ (Cheeseman et al. 2014, p.3). However, although the 2013 elections passed off largely peacefully, according to Cheeseman et al. (*ibid.,* pp.3-4) they did not confirm a process of democratic consolidation or herald the end of inter-ethnic tension and mistrust. Rather, they argue that the course of the elections might have been made possible by specific circumstances which can be evaluated rather ambivalently in terms of their ‘democratic value’:

First, the decision of the International Criminal Court (ICC) to prosecute Kenyatta and William Ruto for crimes against humanity for their alleged role in the postelection violence of 2007/08 had the unexpected effect of bringing these former rivals together in the Jubilee Alliance, which reduced the prospect for violence between their respective Kikuyu and Kalenjin communities. Second, a pervasive 'peace narrative' emerged that was associated with a plethora of monitoring and early-warning mechanisms, but which also delegitimized election protests and political activity seen to challenge the status quo and encourage instability. Combined with the heavy deployment of security forces in potential 'hot spots', this significantly constrained the options available to the losing candidate: civil disobedience was both less popular, and more risky, than in 2007/08.

For all of the limitations in Kenya's democratic system, the country may be undergoing a gradual process of democratisation: although incumbents have constantly sought to block reform, remarkable progress has been made over the last 20 years. Over five successive elections, "Kenyan voters and opposition parties converted political openings into political change" (Cheeseman et al. 2014, p.17). Even dramatic setbacks such as the breakdown of the political system around the 2007 elections did not bring an end to the slow process of institutional change; rather, they created a "new window of opportunity" within which long awaited institutional reforms were initiated and Kenya finally received a constitution that features stronger checks and balances (*ibid.*, p.17).

In summary, present day Kenya can be described as a *hybrid regime*, incorporating the characteristics of both a democracy and an authoritarian system (Levitsky and Way 2010). This is even more evident when one takes a closer look at the political culture and current developments in the media regulations shaping structural conditions of journalism in Kenya.

Basic characteristics of the **political culture** in Kenya have already been indicated above.

Given its authoritarian history, the state has traditionally played a central role in regulating many aspects of Kenyan society. This ***regulatory power of the state***

declined when market-oriented reforms began in the latter half of the 1980s and the onset of economic, and later, political liberalisation extending to other aspects of society (Barrett et al. 2006, p.250). However, the state remains an important regulator, granting licences, permitting and, to an extent, controlling credit. This political culture of a 'strong state' also has an impact on media regulation. It is important to note however, that Kenyan society traditionally builds on authorities other than the central state, including ethnic groups and clans, reflecting a "traditional ordering of relations based on hierarchy and authority" (Frederiksen 2000, p.209).

In terms of preferred ***modes of distribution of political power***, Kenyan elites traditionally favour majoritarian politics. The former authoritarian regimes clearly supported the principle of 'winner takes it all' and the current presidential system continues to place the concentration of power in the hands of the dominant political force. However, since 2002, several coalition governments have been elected, weakening the two-party model and demanding a certain degree of consensus and cooperation. Whereas under authoritarian regimes 'national unity' was a pretext to cumulate power to one political and ethnic group, in recent times, a 'power-sharing model' has come to prominence leading to the construction of a generally inclusive government representing a broad range of parties. However, the "unity government" (Cheeseman and Tendi 2010, p.203) of the grand coalition between 2008 and 2013 was not guided by a democratic quest for compromise – rather, as Cheeseman and Tendi suggest, government members overcame their mutual animosity and managed to find common ground mainly for the purpose of defending the system through which they had secured access to resources (*ibid.*, p.223). Accordingly, the combination of opportunity and incentive (access to state resources in order to form a union against prosecution by national or international tribunals) explains the alliance formed between Kenyatta and Ruto since the run-up to the 2013 elections; a connection which, at first glance, is remarkable, as the communities of these leaders, Kikuyu (Kenyatta) and Kalenjin (Ruto), fought against each other in the postelection violence of early 2008 (*ibid.*, pp.223-224).[12]

[12] Mueller argues, that for International Criminal Court (ICC) indictees, Uhuru Kenyatta and William Ruto, "winning the election was part of a key defence strategy in order to undercut the ICC by seizing political power, flexing it to deflect the ICC and opening up the possibility of not showing up for trial if all else failed." (Mueller 2014,p.26)

This is directly linked to the ***level of cleavage of ideologies and the role political parties***. Traditionally, political mobilisation has evolved from ethnicity rather than distinct political ideologies: Kenyan politicians mostly obtain power by employing ethnic arithmetic and clientage as mobilising factors, whether openly articulated or otherwise. Since political change and continuity has revolved around the manoeuvrings of prominent personalities often creating parties specifically for the purpose of elections, loyalties have shifted from party to party and in this process, a salient feature of Kenyan multipartyism has been the weakness and "ephemeral nature of political parties" (Cheeseman et al. 2014, p.6). As their ideologies, policies, and programmes are largely indistinguishable, Kenyan political parties can be seen as non-programmatic "ethnically driven clientist parties" (Mueller 2008, p.186).

Against this backdrop, there is limited adherence *to a rational-legal authority* and respect for formal rules, procedures and political institutions. Rather, Kenya´s political culture is marked by a ***Clientelism*** which is routed in ethnic divisions as well as colonial and authoritarian legacy. While under colonial rule tribalism was instrumentalised for political means, all presidents since independence have been accused of favouring their own ethnic group both politically and economically (Schmidt and Deselaers 2015, p.12). As Mueller (2008, p.200) argues, politics is viewed primarily as a "winner-takes-all zero-sum ethnic game" with the national economic cake being the prize and various ethnic groups arguing openly "that it is their turn to 'eat'".[13] This system results in poor governance and corruption. In 2014, the Corruption Perceptions Index of Transparency International which measures perceived levels of corruption in public sectors around the world, ranked Kenya 145 out of 174 countries, with a score of 25 (on a scale from 0 =highly corrupt to 100 = very clean) (Transparency International 2014). As the rule of law is still weak and politicised in Kenya, varying degrees of non-compliance and attempts to ignore or undermine the law and other formal rules still seem to be business as usual (Mueller 2014, p.26).

[13] During Jomo Kenyatta's rule, other ethnic groups complained that the Kikuyu benefited, obtaining land and civil service jobs at their expense. Moi in turn used his power to weaken the Kikuyu's economic base while rewarding his own ethnic Kalenjin and other marginal groups with jobs and appointments in government. Since assuming power, Kibaki also has been criticised for favouring the Kikuyu from his area, and ignoring high-level corruption in his inner circle (Mueller 2008, p.201, Otieno 2005) – a system that has not been stopped either under the Unity government of the Grand Coalition or under the Jubilee government.

To summarise, ***ethnicity*** plays a central role in Kenyan society, impacting significantly on political culture as well as everyday life, both as a resource and form of social capital, as well as a potential challenge to a peaceful and fair community life. As will be further elaborated below, ethnicity and ethnic/patron-client ties are also very important in understanding how the **media** in Kenya operates.

In evaluating **media freedom**, it is important to distinguish between formal rules inscribed in constitutions, media laws, and the actual media policies in the country.

In terms of the ***constitutional framework***, the new constitution passed in 2010 did not only comprise a generally improved system of checks and balances but was considered a turning point for Kenyan media, granting freedom of the media, expression and information, "in a way the country has not seen before" (Schmidt and Deselaers 2015, p.15). In fact, it was considered one of the strongest guarantees of its kind in sub-Saharan Africa (Maina 2015, p.29). Articles 33 and 35 of the constitution guarantee freedom of expression and access to information respectively, while Article 34 assures independence and freedom of all types of media, and protects individual journalists and media organisations from state control and interference. The regulation also bars the state from imposing penalties for "any opinion or view or the content of any broadcast, publication or dissemination" (*ibid.*, p.29). Although the comprehensive restrictions of Article 33 regarding incitement to violence, hate speech and war propaganda also apply to freedom of the media, these potential curbs on media freedom are not considered as severe as those in the preceding constitution (Schmidt and Deselaers 2015, p.15). Unlike its predecessors, which were easily amended according to the whims of political expediency, the 2010 constitution is considered more of a "hard law" (Maina 2015, p.29) by experts as no amendments can be effected without a very high approval threshold in a popular referendum.

However, a constitution cannot provide the level of detail needed to offer sufficient regulations at national level. The Fifth Schedule of the Constitution therefore stipulated a three-year (2010-2013) timetable for implementing specific aspects of the document through ***concrete legislation pertaining media freedom*** (Article 19 Eastern Africa 2014, p.9). Maina (2015, p.29) states that, although there have been some significant constitutional developments, implementation is hampered by "deep-seated interests that grasp every opportunity to threaten it".

Against this backdrop, the guarantees of the constitution still compete with anachronistic government legislation, documents and policy instruments containing provisions which are "an antithesis to freedom of media" (Simiyu 2014, p.127). The 1960 Books and Newspapers Act obliges "any person who wants to start a newspaper to be registered with the Registrar of Books and Newspapers and pay a bond of KES 1 million", a provision that has tended to lock small players out of the media market (Open Society Foundations 2011, p.26). The 1967 Preservation of Public Security Act gives the president sweeping powers to censor, control or prohibit information that is deemed a security risk (*ibid.*, p.29). Although the majority of libel and defamation cases are tried under civil law, defamation is a criminal offence under the penal code of 1930 *(ibid.,* p.27). It is argued that the mere possibility of charges such as criminal defamation is often used to intimidate journalists (Freedom House 2014c, see also Article 19 Eastern Africa 2014, pp.9–10).[14]

The reluctance of governments to implement media reform is particularly evident in *access to information rights*. The Access to Information Bill 2013 is the product of years of campaigning; previous versions were published in 2005, 2008 and 2012. After public consultations led by the Constitutional Implementation Committee, the 2012 bill became the Access to Information Bill 2013, which was still awaiting parliamentary debate at the end of 2014 (Article 19 Eastern Africa 2014, p.10).[15]

An even greater risk than persisting archaic media laws and missing regulations relating to access to information appears to be the *new media laws* enacted under the new Jubilee government: The Kenya Information and Communications (Amendment) Act 2013 (KICA) and Kenya Media Council Act (MCA) 2013. As these pieces of legislation grant the executive more power to regulate the media and impose heavy fines, they *de facto* repeal a considerable number of the guarantees granted by the 2010 Constitution and have been called some of "most repressive media legislation in the country's 50-year history" (Freedom House 2014c). It is this failure to implement constitutional reform by constantly trying to maintain the status quo of archaic media

[14] According to the Freedom House Report 2014, In May 2013, newly elected deputy president William Ruto threatened to sue the *Sunday Nation* for defamation over a story about his use of a luxury private jet to visit several African countries (Freedom House 2014c). As Maina points out, the law has been used to censor films, publications and artistic expressions unfairly in the past (Maina 2015, p.34).

[15] However, it is worth noting that the Kenyan government launched the "Kenya Open Data Initiative" in 2011, making key government data freely available to the public through a single online portal: opendata.go.ke.

laws or reversing the reforms with repressive new regulations that Maina (2015) calls "constituticide".

Indeed, the recent laws have essentially modified the **system of media regulation and control,** as well as **the role of the state in regulating media,** by establishing new regulatory bodies and changing mandates as well as structures of existing institutions.

The Media Council Act 2013 created a new legal framework for the *Media Council of Kenya (MCK)***,** "the leading institution in the regulation of media and in the conduct and discipline of journalists" (Media Council of Kenya 2015b). The MCK was established in 2004 as a self-regulating body overseeing the Kenyan media industry but was transformed into a statutory, independent public institution under the Media Act 2007.

The Media Council Act 2013 has retained some elements of the "co-regulation media regulation approach" (Media Council of Kenya 2015b) which was introduced by the Media Act in 2007 to regulate appointment procedures of the MCK members. As opposed to provisions in previous versions of the bill giving the executive ultimate decision making powers for selecting members of the Council, according to the final draft of the 2013 Act, members of the MCK are appointed independently and the role of the executive is limited to merely formalising appointments (Article 19 2013).[16] However, the Act does allow some state interference in the selection of council members as the 'selection panel' includes not only representatives of media stakeholders such as the Media Owners Association, the Kenya Union of Journalists or the Kenya Correspondents Association but also the "Ministry responsible for matters relating to media". Moreover, the Council receives funding from the government and is obliged to table "through the Cabinet Secretary, before Parliament reports on its functions" – factors that could undermine section 12 of the Act, which states that the "Council shall be independent of control by government, political or commercial interests" (Republic of Kenya 2013b).

[16] The draft version of the Act, which was introduced into the National Assembly in July 2013, stipulated in section 8 (9) and (10), that the cabinet secretary would appoint a chairperson and six members of the Council out of "three persons qualified to be appointed as chairperson and twelve persons qualified to be members of the Council" (Republic of Kenya 2013a: 596).

Under the official vision of “a professional and free media accountable to the public” (Media Council of Kenya 2015b), the MCK is mandated to register and accredit journalists, register media establishments, handle complaints from the public, and create and publish an annual audit of the Media Freedom in Kenya (Republic of Kenya 2013b). Several mandates and procedures have been criticised by analysts and media NGOs. The MCK’s function to “accredit journalists and foreign journalists by certifying their competence, authority or credibility against official standards based on the quality and training of journalists in Kenya” is problematic for several reasons. Firstly, it was found that the regulation created unjustifiable restrictions on entry to, and practice of journalism by prescribing minimal educational standards as entry qualifications (Maina 2015, p.32, Article 19 2013). Secondly, the regulation was criticised for inconsistencies: it is difficult to see how the MCK can accredit journalists based on “competence, authority or credibility against official standards based on the quality and training of journalists in Kenya” (as stated in the Act) and simultaneously apply the Code of Conduct for the Practice of Journalism in Kenya which defines ‘journalist’ as anyone who “collects, writes, edits and presents news or news articles in newspapers and magazines, radio and television broadcasts, in the internet or any other manner as may be prescribed” (Article 19 Eastern Africa 2014,p.27).[17]

With regard to the MCK’s mandate to “facilitate resolution of disputes between the government and the media and between the public and the media and intra media”, the Act established the *Complaints Commission of the Media Council (CC)* as an independent arm of the Media Council of Kenya (Media Council of Kenya 2015a).

The Kenya Information and Communications (Amendment) Act (KICA) grants direct power to the State to control broadcast media regulation through the creation of the Communications and Multimedia Appeals Tribunal and the Communications Authority of Kenya (Schmidt and Deselaers 2015, p.16). The *Communications Authority of Kenya (CA)* replaced the Communications Commission of Kenya (CCK) as the regulatory body governing the communications sector, including broadcast and online media. Its main tasks include licensing “all systems and services in the communications industry, including; telecommunications, postal, courier and

[17] In this context, it has been also deemed problematic that a Code of Conduct which was created by media practitioners and stakeholders in 2001, has been included as part of the legal text in the Media Council Act, as the code can now legally be revised by legislators at their discretion (Maina 2015, p.32).

broadcasting" and frequency allocation, through "managing the country's frequency spectrum and numbering resources" (Communications Authority of Kenya 2015). The KICA was widely criticised allowing the executive power to appoint the authority's board and chairperson (without stakeholder input); the Cabinet Secretary is given a choice of candidates from which to select the final appointees (Article 19 2013, Freedom House 2014c, Maina 2015, p.31).

The *Communications and Multimedia Appeals Tribunal,* which falls under the Communication Authority*,* is authorised to hear appeals on complaints. This provision has been criticised as undermining the independence and legitimacy of the MCK's Complaints Commission by giving the state controlled tribunal jurisdiction to hear appeals from the CC "without prescribing when such appeals may be entertained in matters of law as opposed to facts" (Maina 2015, pp.31–32, Article 19 2013). The tribunal is also authorised to revoke journalists' press credentials and recommend de-registration, again undermining the MCK's accreditation competences.

Contrary to recognised regional and international standards, KICA created punitive penalties for media outlets and journalists. The tribunal can impose fines of up to KES 500,000 (EUR 4,160) on individual journalists and a maximum of KES 20 million (EUR 167,000) on media companies found to be in breach of the journalistic code of conduct. The tribunal is authorised to seize property or other assets to cover these fiscal penalties (Schmidt and Deselaers 2015, p.16, Maina 2015, p.31, International Press Institute 2014b).

To summarise the ***characteristics of supervision and regulation bodies*** under the framework of KICA and MCA 2013, it can be stated that both individual journalists and media outlets in all sectors, are regulated by "oversight institutions favouring the government as opposed to non-government stakeholders" (Article 19 Eastern Africa 2014, p.29); the state is given a significant measure of control over their establishment and conduct. Thus, although co-regulation is in force, the Kenyan state has (re-)gained a very strong position with regard to media supervision.[18]

[18] Both laws have been condemned in the strongest terms by Kenyan journalists as well as by international media NGOs such as International Federation of Journalists (IFJ), the Federation of African Journalists (FAJ) or Freedom House, as the new statutory power over journalists seems to conflict with the 2010 constitution (Freedom House 2014c, Reporters without Borders 2013, International Federation of Journalists 2013). Two constitutional challenges were filed against both laws through the High Court, one by a number of Kenyan media houses, the second by

Another indicator for evaluating the state's role in media regulation is the ***governance of public broadcasting.*** The *Kenya Broadcasting Corporation (KBC)* is an enterprise wholly owned by the state. According to the Kenya Broadcasting Corporation Act 1989 (amended in 2009), the *KBC* was established "to assume the Government functions of producing and broadcasting programmes or parts of programmes by sound or television." In line with this definition of the broadcaster's function, the *KBC* is a largely government-controlled entity. The government appointed Board of Directors consists of government officials, and the Managing Director is appointed by the Minister for Information and Communication and as such is answerable to the Minister rather than the Board (Open Society Foundations 2011, pp.69–70). Notwithstanding its character as a government-controlled entity, the *KBC* has a public mission and shall – according to the Act – "provide independent and impartial broadcasting services of information, education and entertainment", "conduct the broadcasting services with impartial attention to the interests and susceptibilities of the different communities in Kenya" and "keep a fair balance in all respects in the allocation of broadcasting hours as between different political viewpoints" (Open Society Foundations 2011, pp.70–71).

In the context of digitisation, another instrument of broadcasting regulation refers to ***distribution of digital broadcasting signals***. The government has licensed two signal distributors, 'Signet', a subsidiary of *KBC* and the 'Pan Africa Network Group', a Chinese company that allegedly has links to the government. This has led to accusations that the government is seeking greater control over the broadcast media, and that the Chinese company may be willing to block certain signals in the future if

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Kenyan media professional associations (Kenya Editors Guild, Kenya Union of journalists, Kenya Correspondents Association) (Maina 2015, p.32). Although the High Court decided to temporarily stop the Minister of ICT from implementing the laws as petitions were still pending, the ruling was ignored by the government on two occasions (Maina 2015, p.32).

**Despite criticism of the 2013 laws, President Uhuru Kenyatta signed another controversial bill into law in December 2014: The Security Laws Amendment Act (SLAA) was adopted** in response to the increase in Al-Shabaab terrorist attacks in Kenya. Section 12 penalised media coverage "likely to cause public alarm, incitement to violence, or disturb public peace" or that "undermines investigations or security operations by the National Police Service or the Kenya Defense Forces". Under the new law, journalists have to seek permission from the police before reporting on anti-terrorism investigations and operations. The maximum sentence for violators is three years in prison and a fine of KES 5 million (USD 55,000) (Reporters without Borders 2015b). Thus, under the pretext of improving national security, the bill contains provisions carrying the potential to severely restrict freedom of information and media when covering terrorist acts and issues related to national security (International Press Institute 2014a, Committee to Protect Journalists 2014a). In February 2015, the **Kenyan high court** struck out the media-related sections of the law; the government reacted by stating its intention to appeal against the high court ruling and that, pending the outcome of the appeal, all of the law's disputed sections would remain in effect (Reporters without Borders 2015b) – an announcement that underlines the government´s determination to establish media regulations at its discretion.

requested to do by the government. After a two-year court battle, the Supreme Court granted the four TV stations *NTV, KTN, Citizen* and *QTV* a joint licence to distribute digital signals in January 2015. However, the analogue signal was turned off in February 2015 by CA before the four media houses had been able to establish their own digital distribution platform, resulting in widespread "blackouts" in parts of the country (Magango 2015).

Apart from the legal background, media freedom and state control is to be measured by the ***actual safety of journalists*.** According to Media NGOs and academic papers, Kenyan reporters regularly face threats and attacks. Although homicides are rare,[19] "the safety of practicing journalists in Kenya once again became more volatile lately" (Schmidt and Deselaers 2015, p.19).

Throughout 2013, journalists faced increased pressure and threats when attempting to cover sensitive or controversial events, such as the March elections, corruption, the impending International Criminal Court trial of President Uhuru Kenyatta and other top officials, and issues related to the security forces and the terrorist attack on the Westgate shopping centre (Freedom House 2014d). A 2013 national baseline survey of 282 Kenyan journalists showed that 91 per cent faced threats in the course of their work. Only 23 per cent reported that they had never been threatened, with the rest having received threats at least once and 19 per cent more than five times (Hivos Kenya 2013). Freedom House reports 21 incidents across the country in 2013, ranging from harassment, warnings and intimidation such as death threats[20] to temporary detention[21] and physical assaults (Freedom House 2014c).[22] It is stated that the

[19] In 2009, a reporter for the *Weekly Citizen*, was brutally murdered in western Kenya while investigating suspected corruption in a police construction project. Investigations did not lead to any arrests (Committee to Protect Journalists 2013b).

[20] According to Freedom House, investigative journalists for the private *KTN* television station received death threats from suspected security agents shortly after airing a program that suggested foul play in a helicopter crash that killed former interior minister George Saitoti (Freedom House 2014c).

[21] The Committee to Protect Journalists reported that Kenyan police in Kisumu city, threatened and briefly detained a reporter for the privately owned daily *The Star*, in connection with a story he wrote alleging criminal activity by police officers in the region (Committee to Protect Journalists 2014b). According to Freedom House, the government relied heavily on hate speech laws to monitor and curtail inflammatory reporting ahead of the elections in 2013. In January, a National Steering Committee on Media Monitoring was set up to monitor hate speech, particularly on blogs and social media, and several people were arrested (Freedom House 2014c)

[22] According to Freedom House, in January 2013, residents in the Tana River Delta area attacked several journalists with machetes and other weapons when they went to cover a peace meeting organized organised by a local human rights group; the reporters were forced to flee (Freedom House 2014c). During the 2013 elections, in Homa Bay, a town in western Kenya, paramilitary police attacked newspaper reporters when they tried to take pictures of a dispute that broke out between supporters of two rival candidates (Freedom House 2014c). As the Committee to Protect Journalists reports, a correspondent for *The Star* who was found dead in his house in Mombasa had

threats and attacks on journalists are perpetrated mainly by the police and (both national and local) government officials (Freedom House 2014c). This is in line with the Hivos study which states that the polled journalists link the biggest portion of threats to politicians and political goons (Hivos Kenya 2013, p.ix). As the International Press Institute reported in 2014, threats have severe consequences: Kenyan journalists are prompted to go underground or even leave the country (International Press Institute 2014c).[23]

It is not only individual journalists who face threats. The Hivos study states that "media houses have been intimidated against covering some particular individuals" (Hivos Kenya 2013, p.1). Under the Jubilee Alliance, there is also a practice of telephoning editors to 'persuade' them not to run certain stories. Threats to withdraw government advertising and acting against the business interests of media owners were key strategies. Critical coverage of the September 2013 terrorist attack on the Westgate shopping mall in Nairobi was met with one of the most blatant and significant examples of government media intimidation in recent times: in October 2013, Inspector General of Police David Kimaiyo singled out two journalists during a press conference, accusing them of "provoking propaganda" and threatening to "deal with [them] firmly" for their investigative reports on security operations at the mall (Freedom House 2014d, see also Schmidt and Deselaers 2015, p.19). As Freedom House reports, the foreign press also is targeted. In March 2013, information ministry official Joseph Owiti threatened to deport foreign journalists who did not have proper accreditation, despite the fact that authority for accreditation rests with the Media Council (Freedom House 2014c).[24]

received anonymous threats via text message in connection with a story that described allegations of unlawful shipment and sale off fertiliser that had passed its expiry date (Committee to Protect Journalists 2013b).

[23] According to Freedom House one journalist covering the ongoing International Criminal Court (ICC) felt compelled to flee the country after being routinely followed and monitored by unknown individuals (Freedom House 2014c).

[24] In this context, the Committee to Protect Journalists reports that the tougher government stance towards the press appears to be reflected in its response to the documentary "Inside Kenya's Death Squads," produced by Al-Jazeera in Qatar and broadcast on December 7, 2014. The documentary implicated the Kenyan security forces and foreign governments in extrajudicial killings. It included interviews with people that Al-Jazeera alleged were officers from special units who claimed the killings were part of anti-terrorism efforts and had backing from the British and Israeli governments. Although the documentary was not aired in the country, Kenyans were able to watch it via satellite TV and online. The government denied the claims and, in a press release, said it had instructed the relevant authorities to begin investigations on whether charges could be brought against the network (Committee to Protect Journalists 2014a).

This situation has led to media practitioners and organisations calling for measures to provide better protection for journalists. The Media Council of Kenya has launched the "Enhancing and Up-scaling Media Safety and Journalistic Professionalism in Kenya project" which includes the creation of safety and protection mechanisms (Protocols), a safety fund, trauma counselling, safety training, and promotes dialogue between media and security institutions. It also runs a web-based alert system for journalists in distress and carries out a rapid response operation for journalists based in Kenya (Media Council of Kenya 2015c, Schmidt and Deselaers 2015, see also Hivos Kenya 2013).[25]

The legal framework relating to actual and developing media freedom and the safety of journalists is reflected in the latest ***media freedom rankings of media NGOs.*** In the 2015 Reporters Without Borders world press freedom index, Kenya is ranked 100 out of 180 countries. Since 2010 (when it was placed 70$^{th}$ in the ranking), Kenya has continuously lost ground; it has not been positioned so far down the index since 2006 (Reporters Without Borders 2015a). The latest Freedom House Global Press Freedom Ranking categorised the press status as being 'Partly free' and internet as being 'Free', thus judging Kenyan media as overall 'Partly free' in 2013. Having improved consistently between 2009 and 2012, the score declined as a result of MCA and KICA passed in December 2013. Although Kenya's position has declined to 122 of 180 globally and the country is outperformed by 24 other African states, one should note, that in 2005, Kenyan media had the status of 'Not free' (Freedom House 2014c, Freedom House 2014b, Article 19 Eastern Africa 2014).[26]

There is a great diversity of outlets in the Kenyan **media landscape**. Kenya currently has about 100 radio stations, around 20 TV channels and approximately 20 regularly published print products (Schmidt and Deselaers 2015, p.13). There are four daily newspapers, one business daily, and several regional weekly newspapers in Kenya. The Daily Nation has the largest circulation, followed by the Standard, Taifa

[25] Despite the frightening developments on journalistic safety, it is worth noting that Kenya continued to be the main regional country of refuge for journalists fleeing their home countries in fear of attack or imprisonment. Since 2007, at least 52 journalists have resettled in Kenya, but often under extreme hardship (Committee to Protect Journalists 2013a).

[26] It is of course important to note that these media freedom rankings can be criticised for focusing on structural factors based on western norms. The rankings do not measure diversity of different points of view in the media, with a lot of stories criticising the president, ministers, and corruption. We will come back to this later.

Leo, The Star, Business Daily, and The People. Weekly newspapers like Saturday Nation, Sunday Nation, the Standard on Saturday, the Standard on Sunday, The East African, as well as Citizen Express all have a wide readership (Simiyu 2014, p.126). In addition, a number of independent tabloids are published irregularly. Six private television broadcasters and one state broadcaster operate alongside a myriad of private and community radio stations (Freedom House 2014c).

When considering **media ownership and financing**, it should be noted that media liberalisation in Kenya was initially a gradual process. While private newspapers existed under the authoritarian regimes of Yomo Kenyatta and Moi, the liberalisation of the airwaves and introduction of private broadcasting media occurred in the 1990's and reflected the parallel liberalisation of the political system. The first private (English language) FM station, *Capital FM*, was licensed in 1996 and was followed by a steady increase in numbers of other English and then Swahili language stations (Ismail and Deane 2008, p.322). A notable trend in media liberalisation was the introduction of vernacular media (Nyanjom 2012, p.26). In 2000, *Kameme FM*, a Kikuyu language station, broke the state monopoly on local language broadcasting (Ismail and Deane 2008, p.322) and in 2004, a new law liberalised the media further, opening the way for a wave of new local language radio stations targeting listeners from the largest ethnic communities (*ibid.*).

Today, there are three types of media in Kenya: state-owned media, private media and community media. *State Ownership* centres on the *KBC*. It operates the national free to air public service TV station *Channel One* and MW radio services (in both Kiswahili and English and three regional services broadcasting in a total of 17 languages), as well as three commercial FM radio stations (*Metro FM, Coro FM, Pwani FM*), Pay TV and the movie entertainment channel *Metro TV* (Open Society Foundations 2011, pp.72–75, Nyanjom 2012, p.48). With regard to funding, the Kenya Broadcasting Corporation Act 1989 (as amended in 2009) states that the government may "make grants to the Corporation as are necessary for the purposes of the Corporation". Although the government cut funding to the *KBC* in the 1990s, the Ministry of Information and Communications has granted more than KES 400 million (USD 4.9 million) for various purposes and projects over the past few years (Open Society Foundations 2011, pp.81–82). However, the Act requires the corporation to operate as a commercial enterprise with prescribed annual returns: addition to state

funding, the *KBC* therefore creates revenue through its commercial services by selling airtime through advertising, casual announcements and greetings, and renting out space on its masts for private broadcast transmitters. Of a total KES 31.4 billion (USD 387 million) spent on radio, television, print and outdoor media advertising in 2009, the *KBC*'s share came to around KES 800 million (USD 9.9 million).[27] The Open Society Foundation (2011, p.83) states the *KBC* is "technically insolvent", making losses every year and facing substantial debts.

*Private media* dominate the print sector. There are also six private television networks. In addition to various mainstream FM stations, private enterprise has been the driving force of the development of vernacular radio (Schmidt and Deselaers 2015, p.13). Today, Kenya has about 30 vernacular broadcasting stations, providing at least one local language radio station for each of Kenya´s largest ethnic groups (Nyanjom 2012, p.26, Schmidt and Deselaers 2015, pp.13–14).

The vernacular radio is the only *non-commercial community media*. With only a handful of community radio stations, they are still an emerging element of the broadcasting sector and differ fundamentally from commercial FM stations in that they are non-profit-making, local and participatory (Schmidt and Deselaers 2015). In order to qualify as non-profit making, community broadcasters' funding should come from membership fees, grants and donations. Stations are "prohibited from carrying advertising, but may broadcast sponsorship announcements and limited adverts specifically relevant to the community" – a clause, which has been broadly interpreted (Kimani 2015, p.53).

In terms of the structure of media markets and patterns of information distribution in Kenya, structural conditions of journalism are influenced by the *usage of the different types of media*.

*Radio* is by far the most popular medium in Kenya. Although the rapidly growing and changing media sector means there is little reliable data on newspaper circulation

[27] According to the Broadcasting Regulations 2009, however, *KBC* is not allowed to carry advertisements or accept sponsorship for programming on its public service stations such as the national English and Swahili channels, regional radio services or television *Channel One*. These services should be funded mainly by the government and cross-subsidisation from its commercial services (Open Society Foundations 2011, p.82).

and readership or radio and TV audiences, it is safe to say that almost every Kenyan has access to a radio and most listen to it regularly. The average listening time is high at 37 hours per week (Schmidt and Deselaers 2015, p.13) often occurring in a community setting as one radio usually serves multiple ears in a matatu or village (Nyanjom 2012, p.22).

*TV* is the second most popular medium in Kenya and has reached 39 per cent of the population in the last years (Nyanjom 2012, p.24, Schmidt and Deselaers 2015, p.14). Both the reach of TV and the quantity of channels is likely to increase in future years due to the introduction and extension of the digital broadcasting signal (Schmidt and Deselaers 2015, p.14).

*Newspapers* are not a common source of information for Kenyans when compared to television and radio. Figures for 2010 show that only 320,000 newspapers were bought daily (Simiyu 2014, p.126). While this low circulation reflects both literacy and cost constraints (Nyanjom 2012, p.24), it is important to note that a 'library system' is quite common and readers can borrow newspapers for a limited period of time in return for a small fee. Consequently, it is estimated that each newspaper in Kenya is typically read by 10 to 14 people considerably strengthening the reach of this media type (Schmidt and Deselaers 2015, p.14, Simiyu 2014, p.126). According to findings by Ipsos-Synovate, Kenya's daily print readership stands at slightly over three million while the weekend figure exceeds six million (Simiyu 2014, p.126).

While offline media still predominate in Kenya, there has been a remarkable increase in *internet access and mobile phone usage* during the last few years. About 39 per cent of Kenyans accessed the internet in 2013 making Kenya the leader in usage in East Africa, boasting a thriving online community including a series of critical blogs (Freedom House 2014c, Nyanjom 2012, p.33). The rise of internet usage is largely due to recent developments such as a drop in the cost of mobile phone services and equipment. Twenty-nine million Kenyans (70 per cent of the population) have a cellular service subscription and about 93 per cent of households own a mobile phone – compared to only 7.9 per cent able to access a computer (Committee to Protect Journalists 2013a, Schmidt and Deselaers 2015, p.13). However, due to the lack of infrastructure and poor electricity supply, distribution of internet services is still limited to certain areas and social groups in the country (Schmidt and Deselaers 2015, p.15).

The ***geographic structure*** of the Kenyan media market is, in part, characterised by centralisation. National newspapers and TV programmes are mainly based in Nairobi, though they have regional branch offices (Open Society Foundations 2011, p.36). Of approximately 100 licensed FM radio stations that were on air in June 2011, almost half are based in Nairobi (Schmidt and Deselaers 2015, p.13). On the other hand, *ethnic and linguistic diversity* has an impact on the media market, attaching target audiences to different media outlets.[28] While print publications mainly use English as their primary language of communication, with some media houses employing Swahili (thus reaching highly educated parts of Kenyan society), broadcasting media offer more linguistically diverse programmes. Both the *KBC* and the largest private national broadcaster *Royal Media Services* offer programmes in both English and Swahili, plus various local languages (Nyanjom 2012, p.32). Apart from this, vernacular radio stations attract large audiences and by 2007 held a 27 per cent share of the radio market (Ismail and Deane 2008, p.322, Open Society Foundations 2011).

Despite the large amount of national outlets, the *influence of international news media* on the Kenyan media market is significant. International broadcasting stations like BBC, Voice of America, Radio France Internationale, Radio Netherlands, and Deutsche Welle Radio, all of which have a Kiswahili service, are widely available in Kenya (Schmidt and Deselaers 2015, p.14). It is likely that international influence will become even more important in future years due to digitisation, even more so as a result of the recent entry of newer, international media players such as the Chinese government's China Central Television (CCTV) to the Kenyan media market (Schmidt and Deselaers 2015, p.14, Freedom House 2014c).

However, the pluralism of media outlets is confronted with a high ***concentration of media ownership***. As Schmidt and Deselaers (2015, p.17) summarise, despite continuous growth in the number of media outlets, media ownership concentration and especially cross-media ownership continue to pose a threat to the plurality of Kenyan media. In fact, a handful of major players dominate the industry: Nation Media Group,

[28] Whereas Kenya has two official languages, English and Swahili, a large minority of people in the country rarely speak either and for a majority of Kenyans, these are secondary languages used as lingua franca, but not the preferred languages of communication. For most, the preferred language is that of their community. More than one hundred unofficial languages and dialects are spoken in Kenya (Ismail and Deane 2008, p.321).

the state-run Kenya Broadcasting Corporation, Royal Media Service, Standard Media Group, Radio Africa Group and MediaMax Communication Group (Schmidt and Deselaers 2015, p.17, Open Society Foundations 2011, pp.33–38).

*Media Concentration* differs by sector, with the newspaper and TV market being more concentrated than radio.[29] More alarming in terms of media pluralism is extensive *cross-media ownership* (Nyanjom 2012, p.31). The most striking example of this is the *Nation Media Group* which is not only the largest private media house in East and Central Africa with offices in Kenya, Uganda, and Tanzania but owns both important print outlets, TV channels and radio stations in Kenya. The *NMG´*s flagship product *Daily Nation* accounts for a daily newspaper market presence twice that of its nearest rival, the Standard Group's *Standard* (Nyanjom 2012, p.31). In total *NMG* owns seven newspapers, and several magazines (Simiyu 2014, p.125). Within the broadcasting sector, the company owns *Nation TV*, the second largest news channel in Kenya, *QTV* and the radio stations *Easy FM* and *QFM*. Likewise, *Standard Media Group*, as well as *Media Max* own both print titles and broadcasting channels. While *Royal Media Services* is not a significant player in print media RMS-operated radio stations and TV channels dominate the market (Nyanjom 2012, p.27; p.48). In a recent survey by Simiyu, over 69 per cent of polled journalists believe that media diversity is at risk due to trends in private media ownership (Simiyu 2014, p.139). Seventy-one per cent of those surveyed do not believe that Kenya has adequate media diversity in broadcast media and agree that legislation is needed to promote this (Simiyu 2014, p.139).

It is true that concentrated private media can act as a check on the government, lying outside of direct state control. However, threats to media pluralism and diversity are also rooted in the fact "that media and politics are closely linked in Kenya" with regard to ownership (Schmidt and Deselaers 2015, p.17), with political patronage being an obvious example. ***Political ownership*** in Kenya, however, has to be described as "factually true, legally untrue" (Nyanjom 2012): although there is no

[29] In 2011, approximately 20 print products (daily, weekly and monthly newspapers) were regularly available in Kenya; the share of the biggest two dailies (Nation and Standard) and four newspapers was 81.2 per cent and 96.7 per cent respectively (Simiyu 2014, pp.126–127, Schmidt and Deselaers 2015, p.13). The (free to air TV) market is concentrated most notably in terms of viewership as, in a market with around 20 TV channels in total, the four most popular TV stations have acquired 90 per cent of the viewers (*Citizen TV*: 39 per cent; *Nation TV*: 20 per cent; *Kenya Broadcasting Cooperation*: 19 per cent; and, *Kenya Television Network*: 12 per cent) (Simiyu 2014, p.127, Schmidt and Deselaers 2015, p.14). In contrast, the radio sector (with about 100 stations) faces "moderate concentration at the Group level" as there are five main radio groups, with no player having a market share above 35-40 per cent (Simiyu 2014, p.127, Schmidt and Deselaers 2015, p.13).

gainsaying that the political class in the country has invested heavily in the media industry, media ownership structures lack transparency and politicians' names often do not appear in the legal documents of the companies (Nyanjom 2012, p.36, Schmidt and Deselaers 2015, p.17, Simiyu 2014, pp.124–125). Documentary evidence is unavailable, particularly in cases where media groups have multiple shareholders, rather political affiliations have been assumed based on historical and current political alliances. This is the case for *the Nation Media Group* which was thought to be against the Moi regime and in favour of Kibaki, supporting his re-election bid in 2007 – hence the assumed control of Nation Media Group by a Kikuyu elite (Nyanjom 2012, Simiyu 2014, p.125). The *Standard Group*, whose largest shareholder is Baraza Limited (owned by the family of former President Daniel Moi), endorsed Uhuru Kenyatta in his race to the presidency in 2002 (Simiyu 2014, p.125, Nyanjom 2012, p.42). As Nyanjom (2012, p.44) summarised the situation in 2012, various politicians own FM stations, directly or by direct (e.g. spouses, kin) or remote proxy. In his report, he lists at least six declared political candidates for the 2013 elections with direct or proximate ownership links to media houses (Nyanjom 2012, p.46). Interestingly, the *Media Max group*, which owns the *People Daily* as well as *K24 TV*, *Kamene FM, Meru FM* and *Milele FM* has been associated with current president Uhuru Kenyatta although his ownership status cannot be confirmed (Nyanjom 2012, pp.45–46). At the time of Simiyu's research, *Kass FM* had allegedly sold a 49 per cent stake to deputy president William Ruto (Simiyu 2014, p.125). Ruto is also associated with *Chamge FM*, a radio station that broadcasts to a largely Kalenjin audience in the Rift Valley region. Simiyu (*ibid.*, p.125) notes that four other allies of Uhuru Kenyatta have recently invested in the media industry in Kenya.

These structures of media ownership impact on the **orientation of media** and its **societal and political parallelism.** Studies state that *market-orientation* seems to have become the paramount ***social focus that guides news production*** in recent years, potentially conflicting with journalistic normative ideals and reporting for public interest. Wasserman and Maweu observe that Kenya's "economic liberalization" has also led to a "corporatisation and finalisation" of the media driven "by capitalist imperatives of maximizing profits for investors, stockholders and advertisers" (Wasserman and Maweu 2014, p.1, see also Helander 2010, p.522)

On the other hand, studies have confirmed a ***high level of political/societal activity and parallelism of media in Kenya*** reflecting ethical and political divisions in Kenyan society, and the political ownership of media. This tendency became most visible in the context of the elections held in 2007 and 2013, when it led to oppositional forms and outcomes in reporting.

In coverage of the 2007 elections and post-electoral violence, Kenyan media clearly showed a high level of *political and societal activity*, engaging in political debate and societal developments. Several studies have pointed out that, for many journalists, covering the post-election conflicts in 2007 and 2008 was not only "personally difficult", but "threatened impartiality in the newsroom" causing divisions along ethnic and political lines (Bunce 2010, pp.522–523). While the majority of journalists working at major newspapers did an average job, some media organisations, particularly local language radio stations, were accused of "fanning the flames of ethnic hatred, of having become politically co-opted, of marginalizing voices of reason at a time of ethnically polarized politics, and failing to uphold its function as a source of investigation of abuse of power" (Ismail and Deane 2008, pp.320–321, see also Wachanga 2011, Ireri 2013). The media was indicted as a contributor to the escalation of violence. One should note however, that while these accusations have been made by those within the media itself, the criticism of the media was also partly fuelled by politicians looking for a scapegoat.

In contrast, coverage of the 2013 elections was characterised by the paradigm to remain "neutral" and adopt a "'Do No Harm' framework" (Oluoch and Ohaga 2015, p.120). Given the experience of postelection violence in 2007–08, many journalists covered the elections "with extreme caution, often avoiding sensitive issues such as election irregularities and even incidents of violence" (Freedom House 2014c). Many journalists admitted to self-regulating their reporting content in the interest of peace preservation – thus committing self-censorship under the paradigm of peace journalism (Oluoch and Ohaga 2015). This behaviour can be considered as societal parallelism, as it conforms with the "pervasive 'peace narrative'" (Cheeseman et al. 2014, p.4) mentioned above, which dominated Kenyan society at that time.

In addition, studies reveal that partisan reporting once again guided journalists in 2013. In the run-up to the elections, the alignment of media owners to certain

politicians was very apparent. Many journalists found themselves facing a conflict of interest, admitting that self-censorship was necessary in order to accommodate the interests of their respective media houses in the election coverage (Schmidt and Deselaers 2015, p.17, Freedom House 2014c).

In summary, vernacular media function is particularly partisan in Kenya. Due to obvious ethnic and/or political alignments, these media outlets are externally rather than internally pluralised. Moreover, the state's notable influence in public broadcasting governance and its "emphasis on the state rather than the public" (Nyanjom 2012, p.61) render the state broadcasting media "amenable to government manipulation" (*ibid.*, p.48). On the other hand, journalists working for (mainstream) private media face market pressures and the political alignments of their respective media houses, a particular challenge if the two fall together due to political ownership.

Consequently, according to Blum's typology (Blum 2014), **journalism culture** in Kenya can most accurately be described as ambivalent, switching between critical and concordant, clientelist reporting. This is also reflected in the Freedom House report: "Kenya's leading media outlets, especially in the print sector, are often critical of politicians and government actions. They remain pluralistic, rigorous, and bold in their reporting" – however they also frequently "pander to the interests of major advertisers and influential politicians" (Freedom House 2014c).

In fact, investigative journalism is hindered by political intimidation and the financial structure of the media as well as ambivalent structures relating to **journalistic professionalism**. One of the structural factors indicating the level of professionalisation and development of journalism as a profession in its own right is the condition of ***professional education and training***.

Scholars and Kenyan media practitioners have blamed the perceived lack of professionalism on the absence of professional training and orientation (Schmidt and Deselaers 2015, pp.18–19, Nyanjom 2012, p.34, p.58). Indeed, as Nyanjom points out, very many prominent members of the media sector practice without any paper qualifications (Nyanjom 2012, p.34, p.58). However, the first programmes of study were launched under the authoritarian regime of Jomo Kenyatta and the number of institutions offering courses in media studies has grown extensively in recent times.

Today, numerous schools and colleges offer both academic and vocational journalism education and training (Schmidt 2015, p.7).

According to Nyanjom, in 2012 all eight public universities in Kenya offered degree-level media studies courses; full degrees in media and journalism are offered by about six universities. The University of Nairobi's School of Journalism and Mass Communications established in 1971 and Daystar University which pioneered private sector media studies in 1973 are both UNESCO Centres of Excellence in the field (Nyanjom 2012, p.34, p.60). A raft of other qualifications is offered by a vast number of private institutions (Schmidt and Deselaers 2015, p.18–19).

The real challenge appears to be that the media training environment remains unregulated and the standard of journalism education varies considerably. Although the UNESCO Model Curricula for Journalism Education is taken into consideration by several institutions and the MCK is mandated to "set standards in consultation with the relevant training institutions" (Media Council of Kenya 2015b), various schools offer seemingly self-structured courses where training needs are identified in an *ad hoc* manner sometimes by unqualified lecturers, undermining sustainability (Nyanjom 2012, p.61). Most schools and colleges offer courses that are general in nature and experts have claimed a need for a more specialised journalism training in order to mainstream topical issues and concerns such as gender, development and media reporting in conflict contexts (Schmidt and Deselaers 2015, p.19, Nyanjom 2012, p.61, Egybujor 2015).

In terms of the ***level of professional organisation***, several professional unions and media associations exist, though their role in the development of the profession has to be considered ambivalent as it is undermined by business interests. The *Kenya Union of Journalists* (KUJ), a statutory trade union, originally championed media reforms and has pioneered the search for media self-regulation; however, the organisation has recently "faded from the limelight" (Nyanjom 2012, p.59). As Nyanjom (2012) points out, ironically, this loss of influence may be due to the growth of the private media sector, in which competition for employment enables media owners to prohibit union activity. A primary non-statutory media organisation is the *Media Owners Association* (MOA), whose membership includes the most financially and politically powerful media houses. While the MOA has successfully campaigned for media

reforms (such as the Media Council Bill of 2007) and prevented some repressive regulations, its primary concern is said to be its members' private business interests. This profit motive has overrun social sensitivities and explains the MOA's failure to use its political and financial power for "strengthening the weak media professional bodies, instead undermining them by inducing professional conflict" (Nyanjom 2012, pp.59–60).

Due to the media laws recently introduced, systems of ***self-control and self-regulation*** have declined in the last few years. Although the introduction of the Media Council of Kenya by media stakeholders in 2004 was intended to prevent government from creating a regulatory body, in 2007 media stakeholders agreed to convert the MCK from a self-regulatory to a statutory body under the Media Council Bill. The Code of Conduct and Practice of Journalism in Kenya, which was created by media practitioners and stakeholders in 2001 to enhance professionalism, demands that Kenyan journalists and media outlets "openly account for their conduct"; however, since it was included in the Media Council Act, the code can now be revised at the discretion of legislators (Maina 2015, p.32). A further example of self-regulation came ahead of the 2013 general election when the MCK together with the MOA and editors developed and signed a code of conduct to guard against their journalists fanning violence, as was the case in 2007 (Simiyu 2014, p.120). However, the system of self-regulation has been undermined by the state and 59 per cent of the journalists participating in Simiyu's study rate the performance of MCK as low, which can be seen as "indicative of MCKs inability as a media regulator to act independently" (Simiyu 2014, p.141).

Another structural factor of professionalism is the ***prestige and competitiveness*** of the journalistic profession. Kenyan citizens had become increasingly reliant on the media following the liberalization process, investing it with greater credibility than almost any other source of information (Ismail and Deane 2008, p.320, Nyanjom 2012, p.24). The reputation of journalists, however, has been challenged after coverage of the postelection violence 2007/2008 was criticised (Ismail and Deane 2008, pp.320–321). Studies suggest that public confidence in media was also low at the time of the 2013 elections (Simiyu 2014).

Apart from their damaged reputation and the pressures from media owners to adhere to certain lines of reporting as well as threats from third parties mentioned earlier, a major challenge for journalists is ***low professional security***, as many have little job security and receive low salaries. While working conditions for journalists vary significantly depending on the size of the media house they work for, about 80 per cent of journalists are employed as 'correspondents' meaning that they do not receive a regular salary and depend on short term contracts. As stringers, many only get paid for pieces that are published. Freelancers often earn "as little as USD 100 per month" (Schmidt and Deselaers 2015, p.20, Helander 2010). This low level of security makes it very difficult for journalists not to respond to pressures or incentives (brown envelopes) and many find themselves forced to request bribes to write a story because they are not paid enough to survive otherwise. The economic vulnerability of journalists facilitates intimidation by third parties and encourages a form of self-censorship, with journalists only submitting pieces that they know will be published and thus will be paid for.

In summary, media and journalism in Kenya face highly complex and changing structural conditions shaped by the country's colonial and authoritarian legacy, cultural and ethnic diversity, hybrid forms of current political governance, an ambivalent political culture, a complex, inconsistent legal, economic and political framework marked by political interference and intimidation as well as economic pressures and ambivalent structures regarding journalistic professionalism.

### Serbia[30]

Key to understanding Serbia's[31] democratic transition is the country's **historical development**, marked by a series of wars of independence against the Ottoman Empire in the 1800s and 1900s, followed by unification of Serbia and other republics into a communist Yugoslav state in 1945 after World War Two, a development that stemmed out of a communist led liberation movement. Serbia's transformation therefore also needs to be understood in the context of a socially, economically and

[30] We thank our colleagues Nebojsa Vladisavljevic, Filip Ejdus, Aleksandra Krstic and Ana Stojiljkovic for their valuable contribution to the Serbian report.

[31] An important point about the ethno-national composition of Serbia (population around 7.2 million) is that it is comprised of many minority groups and 37 ethnic groups, primarily Hungarians, Bosniaks and Roma (Marko 2013, Krstić 2014 and Surćulija et al. 2011). The largest minority group in Serbia is Hungarian at 3.5 per cent, while the largest portion of the population is Serb at 83.3 per cent (CIA 2015).

institutionally communist historical set up. With its leader, Josip Broz Tito, at the helm, ***Yugoslavia's political system*** was "an authoritarian regime with limited societal pluralism, in which power was divided between the constituent republics and federal government" (Zakošek 2008, p.590). After Tito's death in 1980, communist leaders considered it critical to preserve the political status quo, and in so delayed imminent reform. Yugoslavia's socialist market economy had been suffering economic deficits, resulting in differences among the republics' levels of development, and in conflicts over access to investment capital. Growing dissatisfaction made it clear that reform needed to happen. Three different reform paths were proposed (by various republics and at a federal level), one of which was advocated by Milosevic and the Serbian Communist leadership and characterised by populist, nationalist mobilisation, which according to Zakošek (2008) set the country's subsequent democratic transformation apart from that of the other republics (for further information on various reform proposals refer to Zakošek 2008, pp.591–592).

Yugoslavia began to disintegrate against the backdrop of the fall of communism and a slow brewing of nationalist conflicts between 1989 and 1990. ***Multiparty elections*** took place within the different republics and new party systems were established, facilitating the breakup of Yugoslavia. Serbia's elections (although considered unfair) produced the country's new leader and head of the ***Socialist Party of Serbia (SPS), Slobodan Milosevic***. By 1991, the SPS had a membership of 350,000, in contrast to 60,000 loyal to the opposition party, the Serbian Renewal Movement (SPO). With access to the old regime's organisational resources and control over print and electronic media, the ruling party was able to maintain power by portraying the opposition as "corrupt and quarrelling traitors of the nation" (Vladisavljević 2014, p.6) and excluding them from accessing media, while simultaneously depicting themselves as "patriotic, moderate and experienced" (*ibid*. p.6). (See also Gordy 1999 on Milosevic's success in sustaining a regime on the exclusion of alternative politics, media and culture.) Vladisavljević (*ibid*. 2014) chronicles the numerous ***protests and demonstrations throughout the 1990s,*** which eventually led to Milosevic's ousting.

The first of many mobilisations happened in March 1991, when thousands protested against the anti-opposition media propaganda, to which Milosevic reacted by jailing the opposition leader and banning the broadcasting of two independent TV

and radio stations (a ban that was lifted in 2000, following another four-day student march). A second set of demonstrations and protests took place in 1992 with the creation of a federal constitution without consulting opposition parties and the announcement of federal party elections. At this point a coalition of various opposition parties (albeit otherwise fragmented and hostile) was formed (the Democratic Movement of Serbia), calling for resistance and a boycott of the elections, which resulted in a week-long demonstration by 100,000 participant. Although these protests did not result in the overthrowing of Milosevic's rule, these campaigns did have the effect of dividing the country into two strong political forces – the regime, and a democratic opposition, now united and with a broader focus on the anti-authoritarian struggle (*ibid*. 2014). In 1996, the opposition coalition 'Zajedno' ('Together'), won the local elections – a victory which the regime tried to annul through election fraud, resulting in further demonstrations and the eventual reinstatement of the opposition's victory and its control over Belgrade and other cities. It was at this time that privately-owned media outlet BK TV moved their support from the regime to the opposition. Over the next few years, Milosevic's original electoral popularity of the early 1990s transformed into a leadership maintained through "personalist and arbitrary rule" with a weakening connection to society (contributing to this was independent media's exposure of his family's excessive lifestyle while Serbia's citizens were struggling) (*ibid*. p.9). Another set of protests with over 100,000 participants occurred in 1999, but once again failed in overthrowing Milosevic's regime, primarily because the protests happened so soon after the conflict over Kosovo's independence[32] and NATO's bombing, a series of events which consolidated Milosevic's power at the time. Milosevic's regime collapsed following the September 2000 presidential elections which were won by the opposition candidate Vojislav Kostunica. This time the opposition coalition was supported by international funding, NGOs and opposition media (independent from Milosevic's regime) who mobilised the public to vote, along with peaceful student resistance. Milosevic refused to leave office, resulting in a march on the Federal Assembly building in October which led to the "collapse of the regime's power structure" (*ibid*. p.11). (For further insight into Serbia's recent political history see Vladisavljević 2008, Lenard 2001, Cohen 2001). Observing the ***post-Milosevic political period***, during which President Vojislav Kostunica was in power, and the

[32] For further historical context see Zakošek (2008, pp.590-591).

Prime Minister Zoran Djindjic was assassinated, Gordy (2004) highlights some of the dimensions and opportunities these events presented for democratic transition, and reasons why they were unsuccessful. During the early 2000s calls for democratic transition were fostered, with Kostunica advocating a 'soft' or gradual transition, and Djindjic proposing a 'hard' or rapid approach to democratisation – a disagreement which reflected those between supporters of Milosevic's regime and the opposition. Djindjic's assassination, Gordy (2004) argues, mobilised a realignment in the public's support for a 'hard' transition, based on a growing perception that advocates of a 'soft' transition were merely following in the footsteps of the old regime and purposely slowing down transformation. Despite this momentary shift in popular orientation, Gordy (*ibid*. p.16) suggests that its failure to become an ongoing and solid transition can be put down to an unwillingness of the "Serbian political elite to demolish its own opportunities and devalue its own political capital".

Both Zakošek (2008) and Ramet (2011) explore some of the factors and dimensions which could explain Serbia's post-Yugoslav transformation in contrast to other republics (namely Croatia). Zakošek (2008) looks at the relationship between state-building, democratisation and war, and whether or how these processes played an interconnected role in Serbia's (and also Croatia's) road to democratic consolidation, and suggests that even though both countries were affected by war, in Serbia's case state-building was attempted through nationalist mobilisation, which resulted in the development of authoritarian rule and slowed down the process of democratisation. Additional factors were Serbia's polarised party system and a low level of institutionalisation. According to Zakošek (2008), four specific factors defined Serbia's regime change: the communist elite, captured by Milosevic's political party (the SPS which was communist in ideology in terms of wanting to retain state ownership while incorporating nationalist ideology); the nationalist movement; the centrist opposition (a coalition of parties which in essence were also proponents of nationalism but pro-democratic, and a set of marginal parties that fundamentally opposed the regime and the war); and lastly, the army of Yugoslavia under Milosevic's control (*ibid*. pp.595–596)[33]. Ramet (2011) contributes a further three dimensions to consider when analysing Serbia's and Croatia's divergent paths to democratisation –

[33] For further perspective see Vujačić (2004) who examines and illustrates some of the political-cultural factors which defined the conflict-driven nature of Serbia's separation from Yugoslavia, in contrast to the simultaneous and relatively conflict-free breakup of other multinational states such as USSR and Czechoslovakia.

the countries' political corruption and criminalisation, structural and institutional composition, and political culture manifested through history books and media (propaganda) - stressing that the biggest differences between the two countries occurred within the second and third dimensions. Of particular interest is Ramet's consideration of the countries' textbook accounts of history, and the continued inaccuracies noted in the portrayal of Serbia's history, stressing that "historical revisionism is dangerous for the democratic potential of Serbian society" (Ramet 2011, p.283). Ramet adds, "Political culture sets the limits of what the citizens of a country can imagine for their future, and the limits of imagination have much to do with the limits of political evolution" (*ibid*. p.283).

Stojiljković (2012) provides further analysis of the extent of Serbia's success in the process of democratic transition over the past two decades. Reflecting on Huntington's (2004) concept of consolidation, and Linz and Stepan's (1998) five indicators of democratic development, Stojiljković suggests three criteria for measuring democratic development and a further three for evaluating the democratic health in Serbia. The first development criterion should be the presence of a multi-party political system, which, Stojiljković (2012, p.9) argues, is present in Serbia, classifying it as an "electoral democracy" and which, although not perfect (due to weak electoral administration) is free of post-election conflicts (see also Pavlović and Antonić 2007 for discussion on electoral processes in Serbia). The second criterion measures governments' levels of responsibility to their citizens and voters (kept in check by the risk of losing power in subsequent elections), and here Stojiljković (2012) observes a disconnect in effective communication between Serbia's civil society and government. The third indicator refers to **political culture** – a strong citizen participation defined by an active civil society as well as politically engaged and literate citizenry, which Stojiljković argues continues to be weak because of an absence of a culture of democracy (see also Kirbiš 2013 on political participation and political culture in post-communist countries, including ex-Yugoslav states). Citing Zoran Djindjic[34], Stojiljković says:

> If in addition to the project and institutions, the third part does not occur, if democracy does not become culture, if in the value system of a society there is

[34] Prime Minister of Serbia from 2001 until his assassination in 2003.

> not the norm that democracy is lived as a form of everyday life, then institutions are worth very little and democracy will depend on the balance between political powers, and not the will and consensus in the society itself (2012, p.10).

The development of this final indicator, it seems, most closely informs the evaluation of the "health" of democracy across the further three indicators as argued by Stojiljković: the first of these speaks to "democratic sentiment" or the attitude and level of citizens' trust in the values and effects of democracy; the second refers to a "dominant legitimacy formula" of a **political system** or regime demonstrating a clear strategy for the development of the country, in Serbia's case, importantly, that of democratisation; the third indicator evaluates the legitimacy of electing people to power (Stojiljković 2012, p.11). Based on the above indicators, Stojiljković concludes that Serbia remains a "semi-consolidated, 'lacking' or 'defective' democracy" – an assessment also observed in European Commission reports (*ibid*. p.13; for an overview of Serbia's democratic development in relation to EU standards see Orlović 2008). It is worth noting at this point Vladisavljević's (2011) assessment of Serbia's democratic development and his argument that the concept of consolidated democracies creates unrealistic expectations and may not be the best concept against which to measure democratic progress or success. Instead, he calls for typologies which would allow for the analysis of democratic development to take into consideration its different stages and progressions (as a process of transition from one type of democracy to another) by focusing on the positive traits which a transition has achieved (and therefore avoiding perpetual disappointment). Within broader procedural definitions of democracy, Vladisavljević (2011) suggests that Serbia could be considered a democratic country, in so far that elections are free (of election fraud and threats to voters, there are no limits to political campaigning, or repression of access to media); freedom of speech and media has been significantly improved, and is equal to that in neighbouring countries (Croatia or Bulgaria) which are EU member countries; and lastly, despite suggestions that the Milosevic era security apparatus has managed to maintain its power, this does not necessarily support the argument that Serbia is undemocratic, but rather that this particular domain has remained unreformed and that subsequent democratic elites have continued to rely on these structures in the same way as previous socialist elites.

In these terms, Serbia has met several key principles of democracy, though further improvement is necessary, such as ensuring that political powers respect constitutional and legal procedures. Pressures imposed on Serbia's political leaders to conform to EU standards of democratic transition are often misaligned with those that are most immediately relevant to Serbia and reflective of standards outlined in democracy literature, while on the other hand, changes most pressing to Serbia are often not prioritised by the EU (Vladisavljević 2011).

It is with this overview of Serbia's political history in mind that we now move on to discuss the country's **media**. As mentioned above, Milosevic's regime controlled much of the media space in the 1990s. The rise of nationalism empowered a regime, allowing the ruling political party to misuse and control the media by appointing editors and directors loyal to the party, adopting undemocratic media laws and using the media space for propaganda. The media was divided into state-owned and controlled media (supportive of the regime) and independent (or opposition) media which tended to align with the political and anti-regime opposition (and were mainly supported and funded by international donors). The state broadcaster *RTS*, and the newspaper called *Politika* were under the control of the regime. It was during this time that international donors started supporting the development of independent media, to counteract the regime-aligned media. Even within the independent media camp, there were divisions between those who were oppositional to the extent that they aligned with the political opposition, and those who were independent in the sense that they claimed to practice professional and unbiased journalism. It was the opposition media with international assistance[35] that sustained the revolution which led to the downfall of Milosevic and the regime, and with this political change the division between the media camps

[35] Throughout the 1990s and 2000s, international media assistance organizations have played a significant role in the development of the Serbian media system, including assistance in "the adoption of an adequate legal framework, the establishment of regulatory bodies and practices, the transformation of the state TV into a public service broadcaster, and the empowerment of journalists and media managers to cope within the market conditions" (Marko 2013, p.10). Based on his analysis of foreign donor assistance to the Serbian media (focusing on the Republic Broadcasting Agency, public broadcaster *RTS* and private TV station B92), Marko (2013) concludes that three forms of assistance efforts characterized the development of media during the 1990s and 2000s: vital support, which was concerned with helping independent media survive, support for political change, and lastly, support for building a long-term sustainable media. The problem with the first two approaches was that they lacked long-term vision for a sustainable media environment, and instead created dependency of media on external support for survival, and once the political changes of the late 1990s occurred, funding was often withdrawn and some of the media dwindled or disappeared. Following democratic changes, support received from the EU through technical or financial assistance, as well as expertise and consultancy, or training of journalists in professional and journalistic skills, was characterised by a long-term strategy. Foreign assistance failed largely because the enormous importance of "economic sustainability" to the media was not recognised during the 1990s (Marko 2013, p.50; for details on how each of the three analysed media were supported and the outcomes of that support see Marko 2013, p.20).

narrowed too. Nevertheless, by slowing down the transition process, creating media laws that lacked long term vision and strategy for change, or preventing the adoption of some laws, media development and freedom continued (and still continues) to be suppressed and misused by politicians, the business elite and the judiciary (Marko 2013).

According to the IREX (2013) Media Sustainability Index, discussions with Serbian media professionals[36] reveal that **media freedom** and freedom of speech has stagnated, and although levels of media freedom increased between 2000 and 2012, the 2013 report notes a decline in 2012. Journalists are influenced by political pressure, which leads to high self-censorship and editors reluctant to criticise political figures and officials: media professionals and participants in the study agreed that "widespread self-censorship is obviously returning the media sector to conditions similar to the 1990s" (IREX 2013, p.122). Although media freedom is constitutionally enshrined and protected, and laws such as the Broadcasting Act and the Public Information Act are in line with European standards and provide a foundation for media development, Milivojević (2012) observes that the presence of inadequate laws and a saturated media market continues to pose challenges for media practitioners, namely limitations on media freedom through the influence of powerful elites (political and economic, and state institutions) as well as courts where journalists are often charged with defamation and slander (Milivojević et al. 2012).

Lawsuits are filed against journalists, most often by police, judges, politicians and businessmen and laws are not applied correctly by local court judges, or are misinterpreted because judges remain unaware of legal standards (for example defamation law, or libel law, which remains criminalised). The gap between legal provision and the actual practice of media freedom is widening. Local judges are also likely to be influenced by pressure from politicians or interest groups, and succumb out of fear of placing themselves in danger. Crimes against journalists in Serbia include assaults, threats or having their cars burned; these crimes are not prosecuted because the police and judiciary often do not get involved (IREX 2013; see also Janković et al. 2009). The combination of political pressure, physical threats and attacks, and limited

[36] These consist of a panel of local experts – reporters, editors, media managers or owners, professors and human rights professionals – selected from diverse media outlets, NGOs or academic institutions throughout Serbia.

legal protection has had the effect of restricting investigative reporting (also compounded by financial pressure, discussed later). Journalists and media outlets are often banned from press conferences (or simply not invited) depending on their reporting reputation or relationship with the political elite, or are denied scoops on exclusive stories (IREX 2013).

Through a series of interviews and focus groups with journalists, editors and managers and media owners in Serbia, Milojević and Ugrinić (2011) explored the level of media freedom by relying on three indicators: the effect of political and economic pressure on the work of journalists, market conditions (expanded on later) and professional community standards (also discussed further on in the paper). The study finds that the media and its professionals still cannot be seen as practicing in an environment conducive to democracy building, evident in the overall politicisation of the media system, pressure exerted by political and economic parallelism, dominance of tabloidisation and sensational media, and a lack of professional journalistic identity (expanded upon further on in the paper, see Milojević and Ugrinić 2011).

As highlighted earlier (see footnote[2]) international media assistance organisations and donors played an extensive role in Serbia during the 1990s and 2000s in supporting the development and strengthening of independent media. While much of this funding had initially been directed at opposition media with a view to providing alternative voices in support of political resistance to the regime, post-2000 it was being redirected towards the ***transformation of Serbia's state broadcaster***, *'Radio Televizija Srbija'* (*Radio-Television Serbia, RTS*) into a public service broadcaster (PSB). Thompson (2013) looks at the development of PSBs in several ex-Yugoslav states, including Serbia, where the development of a functioning PSB was part of the country's engagement with the EU and the process of EU membership (Serbia became an EU candidate country in 2012). Serbia's state broadcaster *RTS* became a PSB in 2006, and at that point split into two services, one for Serbia and the other for the province of Vojvodina (Thompson 2013, p.10). According to the new Public Media Services Act, adopted in 2014, *RTS* is financed through the state budget and will continue to be until 2016, when subscription fees will become obligatory again.

During the transition process, international assistance included "external audits, technical assistance, training in journalism and management, various kinds of

expertise, sales and marketing" (*ibid*. pp.15–16). A series of surveys and interviews conducted by Knežević (2012) with participants in later journalism training (in this case by the *BBC*) at the *RTS*, revealed that attendees found it beneficial. The training program was part of broader media reform aiming to strengthen the professional capacity of journalists and improve technological capacity and programming diversity, thereby improving the media's democratic performance and the country's partnership with the EU (*ibid*., 2012, see also Matić 2012 for an overview of Serbia's state of media freedom in relation to EU standards). While there is limited insight into whether *RTS content* fulfils its public service mandate, it is "widely considered to have the best quality news of any Serbian television station" with a high level of public trust (Thompson 2013, p.16). Funding remains a challenge due to a weak advertising market and low monthly licence fees. Although the broadcaster is legally independent, its independence from interference by political or business powers cannot be confirmed. According to Matić (2012) the Public Broadcasting Agency has monitored the public broadcaster's performance in terms of "commercial advertising restrictions, […] special programming obligations [and] code of conduct"; however, no assessments have been made of the broadcaster's level of independence (*ibid*., 2012, p.62). Matić (*ibid*., p.62) explains that media legislation at the time of writing did not feature mechanisms "to account for fulfilment of what they [*RTS*] have been mandated to achieve, including programming production independent of political influence". Protection from political interference is insured through independent editorial policy and management as well as independent financing through subscriptions and advertising; however, these have been inadequate to ensure financial stability, while a lack of transparency regarding the broadcaster's sources of funding raises suspicions that *RTS* is "susceptible to external influences" (*ibid*. p.62).

Serbia has a ***dual broadcasting system*** consisting of public service broadcasters and private electronic media (radio and television) – and an ***independent regulatory body***, the Republic Broadcasting Agency (RBA) (Marko 2013). According to *Glas Srbije* (*Voice of Serbia),* the RBA changed its name to 'Regulatory Body of Electronic Media' in August 2014 (Glas Srbije 2014), in accordance with the newly adopted Electronic Communications Act. The RBA is responsible for the distribution of broadcast licenses and the monitoring of media content to ensure programming compliance, but is seen as lacking transparency and underperforming its mandated

responsibilities (in spite of evidence that it is well funded and sufficiently resourced). It is also suspected of not being truly independent of political and economic pressures, evident in a lack of transparency when it comes to decision-making processes and criteria on broadcasting licence distribution and refusal to make licensing debt data publicly available. For example, the agency took licences away from some TV stations who owed licence fees, but wrote off the debts of others (IREX 2013).

In 2011, a ***'Strategy for the Development of the Public Information System in Serbia'*** to the year 2016 was initiated by a coalition of media associations, outlining a five year plan which includes the withdrawal of the state from media ownership (Krstić 2014; Milivojević et al. 2012 and Marko 2013). The new media strategy's vision aims to address issues such as: "amendment of new media legislation, privatization of state owned media, new rules on state aid, and transparency of media ownership" (Surćulija et al. 2011, p.8). Krstić (2014, p.240) points out that until the time that this strategy is fully implemented, private broadcasters will continue to compete with state-owned broadcasters, which "operate under much favourable conditions" such as for example being exempt from paying broadcasting taxes to the RBA and the Serbian Authors' Music Organisation. It is important to note the process of switchover from analogue to digital which was originally set to take place in 2012, but due to various challenges has been rescheduled for mid-2015. Krstić (2014) argues that the delay can be attributed to political and legal inconsistencies as well as financial challenges faced by broadcasters, the complex media ownership landscape and lack of public awareness of digital switchover requirements. One of the first obstacles is the complexity of Serbia's media market, and outdated regulatory laws that did not account for digital and technological shifts in the media but are also required to put "order into the media market" (*ibid*. p.243).

Following the end of Milosevic's regime, three major ***media regulation laws*** were passed – the Broadcasting Act, the Public Information Act, and the Telecommunications Act (as well as the Strategy for the Development of Telecommunication in Serbia from 2006 to 2010). These laws were created by media and legal experts as well as EU representatives, and envisioned various strategies which would ensure the transformation of the media system in Serbia (Đoković 2004, p.10; Veljanovski 2012). The aim of the Public Information Act was to promote the protection of sources, media freedom of journalists and public communications

participants, while The Broadcasting Act would regulate the broadcasting system and establish a public broadcasting system and independent regulatory bodies (Milivojević et al. 2012). Krstić (2014) highlights some of the limitations of these laws in the digital switchover process: the Strategy for Development of Telecommunications stresses digital broadcasting as a main goal but does not provide details of the process; the Broadcasting Act[37] was created for the purpose of regulating electronic media in the analogue environment; the Public Information Act, does not deal with digital broadcasting; and the Telecommunications Act does touch on the issue, but briefly (Krstić 2014). The adoption of the Electronic Communications Law, which provides a regulatory framework for media that minimises political influence on spectrum allocation, was a step in the right direction (Krstić 2014). Delays can also be attributed to political circumstances between 2006 and 2014, during which period several elections took place also resulting in changes in the jurisdiction responsible for digitisation. Likewise, Krstić (2014) notes that the high cost of the digital switchover, for both broadcasters and government, has been another obstacle, as has the weak campaign to inform citizens and consumers about the switchover process and its benefits. Surćulija et al. (2011) add that subsidy schemes which would allow households to purchase digital television sets and decoders were not implemented.

Serbia's **media market** is saturated, the majority of TV stations are commercial and privately owned and approximately 70 TV stations are owned by local governments (Krstić 2014). According to Surćulija et al. (2011, p.7), **media ownership** lacks transparency, and points out that there is no "publicly available register of media owners". Several media outlets continue to be owned and controlled by the state or local governments, while at the same time, commercial media ownership lacks transparency, and is often controlled by financial lobbies and advertisers (for a breakdown of ownership of several media outlets in Serbia in 2004 see Đoković 2004). The high media saturation has increased competition for the limited advertising

[37] Veljanovski (2012) observes that at the time of its establishment the Broadcasting Act did not take into account or adequately predict some of the limitations (and necessary solutions) which would emerge in light of digital and technological shifts in the media. A lack of adherence to the law and establishment of contradictory laws resulted in the slowing down of the transformation and finally a call for a re-evaluation of the existing law. Changes to the Broadcasting Act were mandated to be made in 2007 but those tasked with the responsibility realised that it was no longer sufficient to make amendments, but rather to create a new Electronic Media law. In line with European broadcast media standards, some of the changes outlined in the new law include a clear separation between the providers of programming (radio, television and online media) and providers of broadcast satellite/cable networks. Another important provision of the new law is the introduction of an electronic media agency, whose elected members would be diverse and representative of a variety of groups including civil society and human rights groups, creative industries (film, theatre and music) and national minority groups (Veljanovski 2012).

revenue (Milivojević et al. 2012). Additionally, the financial crisis had a negative effect on the media market; during the crisis over 50 print media outlets were closed, foreign media companies left the Serbian market and commercial stations stopped broadcasting because they could no longer afford to pay broadcasting taxes to the RBA (Krstić 2014). Advertising revenue in 2010 was EUR175 million, of which EUR98 million went to television media, EUR42 million to print outlets, EUR8 million towards radio and EUR6.5 million to internet-based media. Such relatively limited access to financial support makes media arguably "vulnerable and easy to manipulate by the state" especially where EUR15 million of this advertising revenue came directly from the state (Marko 2013, p.16, see also BIRN 2012). This level of competition, financial vulnerability and active monetary support by the state arguably pressure the media to produce "positive coverage of the incumbent politicians and parties" (Marko 2013, p.16). Overall financial sustainability of media was at its worst in 2012 with a continued decline (IREX 2013). On a positive note, Surćulija et al. (2011) write that telecommunication operators are among the largest advertisers in the market; however, it seems that they have not taken advantage of their position to exert pressure on the media.

The Balkan Investigative Reporting Network's (BIRN) (2012) overview of the ***distribution of government funding*** among broadcasters in Serbia highlights the need for these channels of allocation to be transparent in order to maintain fair competition and neutrality in budget distribution across the media market, ensure editorial autonomy, and that funding supports the production of programming content (as opposed to human resource costs). Among the channels of financial support are the Ministry of Culture and Information, various other ministries, the secretariat for culture and public information pertaining to national minorities, local government bodies, and public companies. Although consolidated figures are difficult to obtain, according to BIRN (2012), state budget funding contributed 15 per cent to the entire Serbian media market. A total of 159 media institutions receive state funding, and among those, electronic media (TV and radio) are the biggest, followed by print media (for a detailed breakdown of financial distribution according to media type, ownership type, regions/cities, etc. see BIRN 2012). The state bodies rely on different methods/models of financial allocation to media institutions, and the report highlights that the absence of standardisation across distribution practices results in a lack of

transparency. Media institutions are funded through four major models: subsidies; direct contracts; competition for the improvement of public information; and public procurement (for further breakdown of subcategories of each model see BIRN 2012, pp.17–32). Some media institutions in receipt of state funding are obliged to deliver reports (depending on type of funding model/relationship with government) outlining expenditure – an obligation which is often not fulfilled. In analysing the institutions' financial reports submitted to the study, BIRN (2012) concludes that funding is primarily spent on human resources and operational costs, instead of programming content as intended. In her report "Hidden Control", Matić (2013) explains that state financing mechanisms and their preferential and non-transparent funding methods are having the effect of subtle and indirect censorship and control, by affording those in power and their activities positive media portrayals (and by penalising, by the withdrawal of financial support, those who publish critical coverage). Matić (2013, p.6), who argues that the Serbian media system has not much improved since 2000, stresses that the current ownership and financing situation is "seriously distorting free market competition and obstructing the development of free, independent and plural media". In-depth interviews of journalists in Serbia, by Milojević and Vobič (2014), found that journalists felt increased responsibility to those in power (politicians and media owners) as opposed to the public (based on normative definitions, see Milojević and Vobič 2014). In considering the Hallin and Mancini's media systems dimensions, Marko (2013) draws comparisons between Serbia's media system to that of the ***polarized pluralist model***, as characterised by political parallelism, a strong role of the state in the media, and a weak development of the rational legal authority. The media landscape is externally pluralised and reflective of a political and ethnically diverse society. Krstić (2014) adds that Serbia's media system shares many characteristics of the Mediterranean media system, as recognized by Hallin and Mancini (2004) and Papathanassopoulos (2007): a "tradition of advocacy reporting, politicization of public broadcasting and broadcast regulation, as well as limited development of journalism as an autonomous profession" (Krstić 2014).

The number of **licensed media outlets** on the Serbian market is constantly fluctuating. Compared to the start of the 2000s, when over 1000 electronic media outlets were in existence, Milivojević et al. (2012) write that in 2012 there were 500 print media, 186 radio stations, 96 TV channels and 90 online publications, while Marko

(2013) reports there were 173 TV and 186 licensed radio stations in 2013 – numbers which indicate a high ratio of media per capita. Consulting the Republic Broadcasting Agency and the Business Register Agency as sources, IREX (2013) breaks the media market down as follows: print, 591 outlets (including 20 dailies, 94 weeklies, 43 bi-weeklies, and 224 monthlies); radio stations, 214 radio stations (2 public service + 4 national coverage, 48 regional, 267 local); television stations, 111 on air, 134 licensed (2 public service, 4 national, 30 regional, and 98 local, plus 39 cable stations); internet, 107 news and information sites (IREX 2013).

Print media circulation is low and ***television is the most popular medium*** and the dominant form of public communication in Serbia, with almost all households owning a television set resulting in a 77 per cent audience concentration across major TV channels (Surćulija et al. 2011; Milivojević et al. 2012). Commercial channels are observed to lack programming diversity and the most popular and successful content tends to be sensational in nature, while investigative reporting is dwindling (Milivojević et al. 2012). Digital migration has led to a decrease in print sales; however, those newspapers that have migrated online have seen a rise in online visits. Growing segments of the population in Serbia are accessing online news, and media outlets are investing more in transferring their content online (Surćulija et al. 2011). With the help of social media, news outreach has expanded, however due to low income and a great digital divide between rural and urban internet access, many continue to rely on traditional media (IREX 2013). At the end of 2009, almost a quarter of the Serbian population (7.2 million) had internet access (increasing to over 40 per cent by 2012) with greatest consumption being among the youth aged 12 to 29 (Surćulija et al. 2011; Milivojevic et al. 2012). According to Krstić (2014), 43.4 per cent of households in Serbia had internet access in 2013. With digital migration likely to continue growing, Šijan (2013) emphasises the need for Serbian media to better utilise the internet and social media, not only to improve the distribution of information and programming to its audiences, but also to boost targeted advertising, and therefore financial sustainability. She suggests Serbian media need to shift away from broadcasting towards narrowcasting, by producing programming which targets specific audiences, and therefore advertisers (Šijan 2013). According to IREX (2013) media are willing to report on social issues such as gender, sexual orientation, ethnicity and religion, but often these topics are reported on in the context of accidents or extreme events. There has

also been a drop in cultural and educational programming, though there are efforts by RTV Vojvodina to increase programming on issues affecting minorities (IREX 2013).

In 2012, the Serbian media industry had approximately 4000 active media professionals. Journalists regard education as an important condition for entry into their **professional field**. Just over 70 per cent of journalists surveyed in one study claimed to have ***formal education***,[38] (Milivojević 2011) and many consider it vital to continue attending mid-career development media training which is often offered by international organisations (Milivojević et al. 2012). Throughout the 2000s professional media associations were important, but remained ideologically divided (in continuation of political division during the regime). Nevertheless, in 2010 five different associations formed a media coalition aiming to draft the Strategy for the Development of the Public Information System in Serbia (Marko 2013).

The ***Ethical Code,*** created in 2006, outlined professional values such as objectivity, independence, protection of sources and so on; however, these values are often violated, and most frequently by tabloids which frequently discredit or campaign against particular people or organisations (Marko 2013). The ***Press Council*** was established in 2010 to monitor media adherence to the Ethical Code and deal with complaints in relation to violations of the code (Marko 2013). According to a study by Milivojević based on surveys and focus group interviews with Serbian journalists, less than 2 per cent of journalists are familiar with and adhere to the principles of the ethical code and some of the biggest problems facing media are a lack of journalistic quality and the dominance of tabloid journalism (Milivojević 2011). Tabloid media content is populated by stories on criminal arrests and charges, used to discredit public officials. In a race to break stories and report scoops, journalists are failing to check facts and information before publishing, and often do not adhere to ethical codes. Some are even believed to intentionally commit ethical violations to attract public attention and increase sales (IREX 2013).

Digitisation has allowed journalists greater access to diverse sources and information (Surćulija et al. 2011). However, access to technological resources varies

[38] 'Formal education' refers to a completed university degree. Of the 73 per cent surveyed journalists, 32 per cent completed a degree in journalism studies, 35 per cent in social sciences and humanities, and 6 per cent in technical and natural sciences.

greatly and there can be vast contrasts between outlets, some of which rely on outdated forms of communication (Milivojević et al. 2012). Although digitisation has technically given journalists greater opportunity to carry out investigative journalism, they remain hindered by political and economic pressures. In addition to that, increased demand for information by the public, has forced journalists to practice "Google journalism", a trend allowing journalists to quickly recycle internet content into news media products (Surćulija et al. 2011, p.7). IREX also notes that due to the high cost of news production, media outlets rely on the internet and a variety of other free sources, to illegally download programs (IREX 2013). ***Low salaries*** are also putting a strain on professionalism. In 2012, the average salary at a local media outlet was EUR250 per month and salaries are often up to four to seven months late (IREX 2013). In 2011, journalists stressed that 'bad salaries' are the biggest problem facing their profession, with only a quarter of those surveyed earning more than RSD50,000 (Serbian dinars) per month, which at current exchange rates equates to just over EUR400 (Milivojević 2011). As a result of the decline in professionalism, "the public's confidence in the media is becoming undermined and journalists are not seen as members of a respected profession" (IREX 2013, p.122). Journalists consider low professional status and social reputation to be the third biggest threat to their profession (Milivojević 2011). Also important to mention here are debates on the role of citizen journalism within traditional journalism. Here, Krstić (2011) explores the relationship between the two and their meaning for free expression within a democratic society, while considering traditional indicators of journalistic professionalism such as editorial obligations, regulation and transparency. Based on a literature review, the monitoring of online content and interviews with professional and citizen journalists, Krstić finds that citizen journalism cannot be seen to interfere or jeopardise journalistic norms, if it is perceived as an opportunity for participating citizen journalists to collect, exchange and distribute information, as opposed to perform journalism (Krstić 2011, see also Bogdanović 2013).

To sum up, against a background of the communist legacy and nationalist ideological conflicts of the 1990s, the structural conditions of journalism in Serbia are characterised by political institutions in the process of consolidation towards democratisation and a media system which is influenced by the state as well as by market-driven constraints. Thus, structural conditions indicate an increasing

institutionalisation of professional and independent journalism, as well as in many respects, fragility and ambivalence. Media and journalism are in line with the ongoing democratic process though do little to push it forward.

### South Africa[39]

Dutch settlers first arrived in South Africa in 1652. In 1800 the first newspaper was established, and 20 years later freedom of the press was introduced (adapted from the British Great Charter). The Union of South Africa, made up of Cape, Natal, Free State and Transvaal was founded in 1910. In 1913, the Black Land Act was legislated, marking the beginning of segregation for all people of colour, a process that was "formally legalized into apartheid" (an *authoritarian regime*) in 1948 when the National Party came into power (Wasserman and de Beer 2005, p.196). In 1960, sixty-nine people were killed in police clashes during the Sharpeville demonstration against pass laws[40] after which the anti-apartheid movement shifted from non-violent resistance to armed struggle, leading to the imprisonment of African National Congress (ANC) leader, Nelson Mandela in 1963. The ongoing liberation movement was marked by another historically significant protest on 16 June 1976, known as the Soweto uprising, during which thousands of high school students marched peacefully against the introduction of Afrikaans as the language of instruction at school, but were met with armed police. The brutality of the event, which received international exposure, "signalled the beginning of the end of apartheid" – a two-decade-long process which culminated in 1994 with the *first democratic elections* and the election of Nelson Mandela as president (Wasserman and de Beer 2005, p.196). In 1996, a democratic constitution was adopted, guaranteeing freedom of expression.

South Africa's *democratic transition from apartheid to democracy* began almost simultaneously alongside the democratisation processes in post-communist Eastern Europe shortly after the fall of the Berlin Wall, bringing with it "political pluralism, free market economics and media liberalization" and making the country an interesting case for comparative analysis with other emerging democracies (Wasserman 2010, p.568). Bond (2004) highlights some of the events and decisions that in many ways

[39] We thank our colleagues Herman Wasserman, Tanja Bosch and Wallace Chuma for their valuable contribution to the South African report.

[40] An internal passport system which limited the movement of black South Africans

determined the nature and direction of South Africa's transition and subsequently saw the country go from racial apartheid to one defined by class. The transition, characterised by the adoption of neoliberal policies, failed to address the fundamental and structural wealth gap between the black majority and white minority (which was allowed to retain ownership of the mines, large portions of the best land, and financial institutions). Bond (2004) explains that one of the first decisions that led to socioeconomic inequality was the decision by the then interim government to accept a loan from the International Monetary Fund which came with a set of conditions, including cuts to public sector wages. The second decision involved South Africa's implementation of an economic strategy built on a World Bank econometric model, with a promise to create 400,000 jobs every year. The strategy did not benefit anyone other than private businesses, and the country has since experienced "systemic underdevelopment and segregation of the oppressed majority through structured economic, political, legal, and cultural practices" (Bond 2004, p.67). Instead of job creation, the economic model saw unemployment rise in the decade that followed, primarily affecting the black population, while white people continued to thrive economically due to the post-apartheid transition deal affording them continued ownership of economic institutions. Poverty increased, as well as the cost of water, electricity and telecommunications. These basic amenities were disconnected from many homes, or residents were evicted. Public health services have declined due to healthcare privatisation, while male unemployment and the feminisation of poverty has led to an increase in violence against women (*ibid.*). Another proposal (made by the World Bank) rejected the development of public housing (because of a reliance on commercial instead of state development) – an initiative that would have enabled the socially and economically disadvantaged to reside across various parts of the city – but has instead forced the poor to live on the peripheries of urban and rural areas, resulting in a form of residential/class apartheid (*ibid.*). Duncan (2000) observes a contradiction between the government's quest for nation-building while pursuing a neo-liberal approach to transformation, and argues that South Africa's development needs to be informed by an "economic justice" perspective which would address the cause of racial and gender inequality, and would shift away from the argument and conviction that the only way for the country to transform is to continue to be part of the "competitiveness race" (Duncan 2000, p.59).

It is within these **historical developments** and the consequent social and economic reality that the media in South Africa negotiate their democratic role and responsibility. During apartheid, media freedom was restricted through censorship and threat of imprisonment, and journalists were forbidden from quoting or using pictures of anti-apartheid leaders. The outcome of these measures was an "essentially White public sphere, polarized along ethnic lines with an English press tied to capital putting forward a liberal critique in terms of human rights (rather than structural inequalities) and a largely subservient Afrikaner nationalist press supportive of the apartheid state" (Wasserman and de Beer 2005, p.196). Even though the media contributed to a peaceful first election, it was biased in its representation of political choices to South African voters, which could be attributed to the fact that media content remained largely characterised by white values (Duncan 2000). Top editorial and sub-editorial positions and newsrooms continued to be largely occupied by white, male journalists (Berger 1999), and the media was politically polarised, with English and Afrikaans press being the most dominant and supportive of their respective political parties; only the *Mail & Guardian* and *Sowetan* backed the ANC (Wasserman and de Beer 2005). The transformation of editorial appointments along racial and gender lines was slower for print than for broadcasting but eventually black journalists (men and women) took up these positions (Wasserman 2010) and print content began to feature images and voices of black citizens (Berger 1999). Since the collapse of apartheid, in response to data showing that 50 per cent of Cape Town-based newsrooms were white, with Johannesburg the exception where more than 50 per cent were black, and Durban where 51 per cent of reporters were women, the ANC has been calling for the transformation of race and gender representation in the media industry (Daniels 2013, p.23). A 2013 study looking at the gender and race breakdown across newsrooms of major, largely Johannesburg-based media houses (*CNBC Africa, Eyewitness News, City Press, Mail & Guardian, Sunday Times, Beeld, SABC, The Witness* and the *Sowetan*), found that 61 per cent of journalists were black (African, Coloured, Indian), and 49 per cent were women, while 55 per cent of editors were black and 55 per cent were male (Daniels 2013, p.22). Looking at the racial and gender diversity of editors across the country showed further imbalances, where out of 49 editors, 23 were white

and 29 were male (Daniels 2013, p.22). (For a detailed breakdown of employment equity policies and gender/race distributions per media house see Daniels 2013).[41]

Relying on political discourses, Berger (1999) suggests four different perspectives from which to analyse the **role of media** in South Africa post-1994, against its role under apartheid, bearing in mind that "(…) the media does not, and cannot, stand outside of the social relations within which it operates," and that any analysis of South Africa's media post-apartheid therefore needs to "focus on the expected, indeed inexorable, alignment of media to the changed power structure" including racial make-up of media ownership and professionals – journalists and editors (Berger 1999, p.83). Using the first perspective, Berger (1999) argues that the media was *"a factor in the production and reproduction of a racist authoritarian system"* (*ibid.*, p.82) and in this sense, an essential part of the political and legal system, which was reflected in the media's "ownership and control, revenue streams, staffing, content and audiences" (*ibid.*, p.82). In contrast, evaluating the media's role in post-apartheid South Africa requires examination of the nature of the media's relationship with the new system by evaluating whether it is genuinely part of a democratic transformation, or merely "servicing a new ruling class alliance" (*ibid.*, p.83). A possible conclusion here is that the media has not made enough of a shift and contribution to the new South Africa in terms of building up democracy (*ibid*. 1999).

The second perspective considers the media during apartheid as having played the *role of "resisting and/or reforming that system"* (Berger 1999, p.82). Relying on this perspective would inform post-apartheid analysis differently: the media is seen as having acted as the fourth estate, characterised by autonomy and professional journalistic values. Therefore, in evaluating the post-apartheid media, one would have to ask whether the media continued to exercise the same liberal values or succumbed to the "illiberal pressures of a new government" (*ibid.*, p.84). Here two assertions emerge: that media aligned with the new system and failed to play a democratising role; and that it exposed flaws in the new government (*ibid.* 1999).

The third perspective argues that the media, which once enjoyed its place in the privileged apartheid system, took on a *critical watchdog role* once that privilege was

[41] According to StatsSA 2014 demographics, 80% of the South African population is black, 4.77 million is coloured, 4.55 million is white, and 1.34 million is Asian/Indian. Over 51% of the total population is female (Stats 2014, p.7).

taken away – not because of a responsibility to support or reinforce the new ruling power but because of vested interests reflected in the ownership of media. Here the suggestion is that the media did not support the interests of democracy either during or after.

The fourth perspective argues that media, who felt their role was to be critical of apartheid governments and systems, became ***"'redundant' once the newly elected, democratic government came into power***, raising the question whether journalists who opposed the old government should automatically support the new one. Berger (1999) concludes that the media carried their critical role over to the new system and inadvertently hindered democratic growth by opposing the new government.

Overall, the first two perspectives could be seen as having contributed to democratic transformation, while the second two hindered it. At the same time, in observing elements of all of the above four perspectives emerging and interplaying, it becomes clear that at the time of Berger's study the media was complex and its role overlapping and contradictory (Berger 1999).

A topic dominating debates within South African journalism scholarship is the question of the media's *role and responsibility in facilitating the ongoing consolidation and deepening of democracy in South Africa;* a discussion evolving against the background of the country's authoritarian political history, racial segregation and a racially, culturally, religiously and linguistically diverse society, within a population of approximately 54 million people and 11 official languages (StatsSA 2014).

South Africa's media system is based on the British-American media system of *democratic libertarianism* (Wasserman and de Beer 2005). Since the first democratic elections, remarkable political changes have had a significant effect on the reorganisation of media and civil society structures; a process which has rendered the media in South Africa both "a site and an agent for change" (Wasserman 2010, p.568). In many ways, this reform has allowed the media to "emerge as a political player in their own right" and take on the quasi role of opposition to the ruling ANC party. This in turn encourages the government to validate their interventions in the media, such as threatening to pull advertising (*ibid.*, p.573). Based on interviews with journalists and political actors in South Africa (and Namibia) which explored their understanding of

freedom of speech, democratic role and responsibility of the media, Wasserman (2010) found that the most important role and responsibility of journalists was to act as a watchdog and opposition to the government (*ibid.* 2010). The 'watchdog' role has been so tightly defined and fiercely defended that the media has often been perceived as antagonistic and "seen to undermine the fragile trust in a new government" (*ibid.*, p.569).

Ongoing debates on the responsibility and role of media have progressed alongside emerging definitions of what might be a useful ***ethical framework*** guiding South African media. The relationship between the new government and the media has been strained and characterised by clashes over respective perceptions of their roles in transforming post-apartheid society. The definition of the media's role – that is, whether it should act in the 'public interest' or the 'national interest' – has been contested and debated against the normative ethical frameworks of *libertarianism* and *communitarianism* (Wasserman and de Beer 2005). Wasserman and de Beer (2005) propose conceptual clarification of the relationship between the two, and finding the middle ground within a framework of *mutualism*; a space where the two established concepts, overlap (*ibid*. 2005). While it is still unclear whether an orientation towards a public or national interest focus would be of greater benefit to the country's transformation, national interest is often understood in the context of apartheid era government control of media, and is therefore looked upon unfavourably by the media who defend their independence and ability to self-regulate under the public interest concept (*ibid.* 2005). South Africa's democratisation process, accompanied by a ***liberalisation*** / ***commercialisation*** / ***marketisation*** **of** ***media,*** has seen the media driven by economic imperatives over responsibilities to the public or community which would be encouraged by an ethical framework of communitarianism. The media's reorientation towards the market has been criticised for privileging those in a position to access the media - reinforcing elite voices and narrow interests while marginalising others - and appears to be at odds with the media's post-apartheid vision of promoting social cohesion and nation building (*ibid*. 2005). Wasserman and de Beer (2005) call for an ethical framework resembling "*civic journalism*" guided by a "people-centred approach" – an approach that emphasises the media's responsibility to the public, by devoting attention to the needs of the marginalised and poor, not only as watchdogs of the government's performance and accountability to the public but also as solution-

seekers to societal issues: “With its emphasis on participation and interdependence, journalists working according to this normative framework will not only highlight problems and conflicts but also attempt to find solutions for the problems of ‘ordinary people’” (*ibid*. 2005).

Adding to this, Blankenberg (1999) and Hyde-Clarke (2011) suggest the relevance of liberation journalism and peace journalism practices. Blankenberg (1999) explores some defining elements of the philosophy of *Ubuntu,* and how it might be relevant to the development of a form of journalism that is of value to South Africa, and globally. Ubuntu could be used as a foundation for *liberatory or liberation journalism* (borrowing elements of participatory communication and development journalism) which in its ideal would combine various roles: facilitator of participation in political and public spheres; mediator of conflict; catalyst for development of critical consciousness (the empowerment of people to think critically about surrounding power dynamics); and storyteller, where ultimately the information received from the people is also returned to and for the people (*ibid.* 1999). Hyde-Clarke (2011) argues that there is a need for South African journalists to employ *peace journalism* practices especially when reporting on issues of race, adding that commercial media often rely on “sensational and inflammatory discourse” in order to attract audiences (*ibid.* p.41). Hyde-Clarke (2011) analyses media coverage of a controversial political figure, Julius Malema, known for his antagonistic discourse, to evaluate whether the media narrative is conflict driven, and if so, whether peace journalism could be a solution (*ibid.* 2011). Terms considered as markers of *conflict discourse* and found in the monitored media were: attacks, threat, factions, battle and warnings, as well as power struggles, internal differences, and divisions. The terms ‘racism’ and ‘hate speech’ appeared in almost half of the entire sample. The author argues that in a sensitive and fragile democratic environment such as South Africa, use of conflict discourse and media frames, is “highly problematic” because of its “potential to stir up public outrage and possible violent action” (*ibid*., p.49). Alternatively, peace journalism practices would avoid use of inflammatory language which appears to take sides, and rather seek peaceful solutions and alternate sources (not just official ones) and highlight peaceful initiatives.

South Africa’s media system is ***highly legalised*** and ***self-regulated***, bodies such as South African National Editors Forum (SANEF) protect **media freedom** and the South African Press Council regulate ethical conduct. Despite this, government

and political actors are often perceived as exerting pressure on both independent media and the public broadcaster, the South African Broadcasting Corporation (*SABC*), through accusations of interference in governance and editorial decisions, and by subtly pressuring journalists, and especially black journalists expected to "toe the line" and play a role in "nation building" (Wasserman 2010, p.573). The Press Council, which has received an increasing number of complaints each year, (nearly 300 in 2012 compared to 150 in 2009), has faced criticism by the ruling party for being "toothless", that is, lacking the "power to sanction the press in a meaningful way" (Daniels 2013, p.46), leading to a proposal by the government to establish a statutory media regulation body, the Media Appeals Tribunal. The proposal was rejected and criticised by journalists and the media industry as an attack on media freedom (Wasserman 2010). (For further analysis of complaints to the Press Council, outcomes of rulings and nature of resolutions see Daniels 2013). The first of two reviews into the system of press regulation took place in 2011 and was carried out by the Press Council itself, resulting in a report "reasserting the principle of self-regulation" (Daniels 2013, p.47). The second review, initiated by the Press Freedom Commission, an independent body set up by Print Media South Africa and the South African National Editors' Forum, was tasked to "investigate the best possible regulatory system suitable for the South African print media" calling for a "system of co-regulation" (IREX 2012, p.376). The South African Press Council has led reforms on the establishment of the co-regulation system which allows the public and media equal representation within the council and greater opportunity to "appeal directly to ordinary courts" (Freedom House 2015b). Most recently, a Press Council Appeals Panel has called on the ruling party to publish an official document outlining the intentions of the Media Appeals Tribunal to initiate informed public debate (ENCA 2015).

Journalists interviewed by Wasserman (2010) stressed that the commercialisation of, and state intervention in *SABC* was threatening press freedom. Although South Africa's press freedom progress in 2014 was "marked by laudable legislative developments" (namely the decision by President Zuma not to sign into law the Protection of Information Bill) and saw South Africa rise 11 places to 42nd in the World Press Freedom Index (Reporters without Borders 2014b), according to Freedom House (2015b) press freedom has declined in recent years. There is growing ***pressure from political and economic actors*** on both private and public media outlets, as well

as an “uptick in violence” (*ibid.* 2015b) marked by the killing of a journalist, the first such incident since the democratic elections in 1994. Based on data collected by the Committee to Protect Journalists, four journalists have been killed since 1992, two of these deaths being classified as murder, one in 1993 and another in 2014 (CPJ 2015). According to IREX (2012), between 2011 and 2012, 12 journalists and photographers reporting from crime scenes were “detained and arrested”; journalists have experienced harassment while attending political conferences and there have been claims that investigative journalists’ phones have been tapped (*ibid.*, p.378). Journalists have been intimidated and forced by the police to delete photos (CPJ 2015). Legislation such as the Law on Antiterrorism prevents threats to the ‘national interest’ by restricting journalists’ reporting on security or penal institutions. The coverage of political or business actors carries the risk of fines or legal action (defamation), while the National Key Points Act prohibits journalists from accessing, photographing or conducting investigations in a number of locations such as President Zuma’s Nkandla home, which was controversially remodelled at an estimated cost of over US$200 million (Freedom House 2015b). Until the start of 2015, the list of national key points was not publicly available, meaning journalists could be arrested for accessing a restricted location unknowingly. Even after local civil society organisations successfully campaigned for the document’s public release, the list is incomplete and contradicts prior declarations of key points (Right to Know 2015). In 2014, a journalist was detained for taking photographs of one such national key point (a coal silo collapse at a power station) and was only released once copies of his press credentials were made by officials.

Applications under the Promotion of Access to Information Act (PAIA), which allows members of the public to request *access to information* held by the State or any private and public institutions, were granted in 16 per cent of cases between August 2012 and July 2013 (Freedom House 2015b). Approval of access was a slow and stalled process, viable only to journalists working on investigative stories with extended deadlines (IREX 2012, p.378). The Protection of State Information Bill, dubbed the ‘Secrecy Bill’, mandated to protect classified information and national security is perceived to be in direct conflict with the PAIA. The Bill “aims to regulate the classification, protection, and dissemination of state information [and] gives ministers the power to classify documents as state records” (*ibid.* p.373) and threatens up to 25

years' imprisonment for journalists found in possession of information deemed by state agencies as communicating issues of 'national interest' (Freedom House 2015b). Following ongoing debates and numerous reviews and amendments over the past five years, in April 2015 the bill was voted through parliament and passed on to President Zuma to sign into law, while media practitioners and civil society organisations continue to appeal on the grounds of the bill's alleged unconstitutionality (International Press Institute 2015; IREX 2012) and the risk of its misuse to "cover up crime and corruption by government officials" (FreedomInfo 2012).

Berger (1999) describes South Africa's historical **media ownership** as an oligopoly, made up of state-owned broadcasters and a privately-owned print industry dominated by English and Afrikaans language newspapers. After 1994, the introduction of foreign ownership to the media landscape resulted in an increase in newspaper titles, racial diversification of ownership (media were increasingly owned by black professionals) and greater competition (for detailed breakdown of newspaper titles and ownership at that time see Berger 1999, pp.97–98). Media ownership restructuring was seen as proof of a political transition happening in line with democratic principles, resulting in a media industry which, although free and pluralised, continues to reinforce "societal polarizations of the past" (Wasserman and de Beer 2005, p.38). A vision for post-apartheid media in South Africa was one that would serve as a space for "national unification and democratic citizenship" (Barnett 1999, p.649). However, the legacy of apartheid means that structural limitations created by separating broadcast programming along linguistic, cultural and racial lines continue to affect the media by creating a fragmented media market and audience. Radio and television were not equally distributed geographically, with urban areas having greater access to broadcast signal and programming than rural (and often poorer) areas. More money was invested in broadcasting services targeted at white audiences, and programming content was aimed at black and white audiences separately. On this basis, South African broadcast media "has not been organized either culturally or technologically to provide a common space of communication" (Barnett 1999, p.650). The South African media market remains racialised and class-determined, with tabloid newspapers mainly targeted at a black audience, challenging the extent to which the media's post-apartheid diversification and pluralisation has contributed to the construction of a participatory and democratic public sphere (Wasserman and de Beer

2005). The bulk of the media is owned by four companies: *Times Media Group*, *Independent News and Media*, *Media 24* and *Caxton/CTP*, alongside *TNA Media* which owns *The New Age newspaper*, *Primedia* and *Kagiso* which dominate radio, Sa*bido Investments* which own *e.tv* and *eNCA*, and *Naspers*-owned *DStv*, as well as smaller independent media houses (Freedom House 2015b; IREX 2012; Daniels 2013). In 2012 and 2013 two major ownership changes occurred when *Independent Newspapers* were sold to *Sekunjalo Independent Media* and *Avusa* was bought out by *Times Media Group* (Daniels 2013). According to Freedom House (2015b), ownership of private media is increasingly dominated by government allies, bringing with it growing political interference. One such case is the newspaper publisher *Independent News and Media South Afric*a whose change in ownership in 2013 resulted in several editors and journalists leaving or being fired (Freedom House 2015b). Alongside calling for race and gender transformation within newsrooms, the ruling party has criticised the print media sector for being "highly concentrated" and lacking black ownership, which, according to Media Development and Diversity Agency's statistics, in 2013 stood at 14 per cent (Daniels 2013, p.4). Further highlighted imbalances in the print media industry were a lack of diversity of voices, marginalisation of rural and poor communities and white-dominated ownership, which trickled down into selection of issue coverage; all these challenges were noted and measures to tackle them were taken by the 'Print and Digital Media Transformation Task Team' instituted in 2012 by industry bodies following the parliamentary Communication Portfolio Committee's emphasis on the need for a Media Charter (Daniels 2013, p.4). (For a breakdown of responses by individual print media members see Daniels 2013, pp.5-6).

When observing **broadcasting governance** in South Africa, it is important to note that the Independent Broadcasting Authority (IBA) Act was passed in 1993, with a mandate to oversee the transition of the *SABC* from a state-owned and controlled broadcaster to a public service broadcaster, ensuring diversification of the broadcasting landscape by including and catering for all linguistic and cultural groups in South Africa, and diversifying media ownership (Barnett 1999). Over the past two decades, several other pieces of legislation aimed at regulating broadcasting have been developed and implemented, including the Broadcasting Act, the Icasa Act, and the Electronic Communications Act (ICASA 2015). A policy review, known as the Triple Inquiry, (published in 1995), to which the IBA submitted recommendations on the

restructuring of the *SABC*, concluded that the *SABC* would sell off six of its eight radio stations to independent/private bidders, retaining three television stations. The process was seen as a test of the government's commitment to the privatisation of media and black empowerment, by setting up a regulatory framework which "obliged white-owned capital to forge partnerships with black empowerment groups" (Barnett 1999, p.657; for a detailed breakdown of stakeholders in the sale of *SABC*'s radio stations see also Barnett 1999, p.657). No matter how noble the intention, Barnett (1999) argues that due to the limitations of market-driven broadcasting, the diversification of ownership did not necessarily lead to a greater diversity of programming and opinions (and therefore nation-building). In fact, this increase in diversity has instead led to bigger competition among existing audiences, namely, an "affluent minority", socio-economically placed as consumers of advertising (*ibid.*, p.660). With this in mind, the media's position as a space for an inclusive public sphere or agent of nation-building should not be overestimated, especially in a country where access to media and technology is unequal (*ibid.*). Duncan (2000) adds that the restructuring of the *SABC* had a negative effect on the financial sustainability of the broadcaster following government's decision to kept proceeds from the sale of its six radio stations. By dividing itself into commercial and non-commercial arms, with the intention of the former funding the latter, the *SABC* aimed to become self-sufficient. However, increased competition led to decreased advertising revenue, and high unemployment rates and poverty meant that the broadcaster was unlikely to be able to rely on licence fees. Given that the non-commercial arm of the *SABC* consists of radio stations serving many of the rural and non-English speaking communities, any financial strain would undermine these radio stations and the vital role they serve in informing these communities (Duncan 2000). *SABC*'s commercial radio stations Metro FM and *5FM,* as well as commercial TV channel SABC 3, depend on advertising revenue meaning the broadcaster is "constantly caught between the conflicting demands of public service and commercialism" (Daniels 2013, p.7). In recent years, the *SABC* has been facing "a credibility challenge" (IREX 2012, p.378). The public broadcaster has been criticised for "displaying a pro-ANC bias" (Freedom House 2015b) and struggling with financial mismanagement, irregular recruitment practices for senior staff, and self-censorship following cancellations of political programming deemed critical of the ruling party (Freedom House 2015b; IREX 2012, p.382). In the lead up to the 2014 national elections, *SABC* journalists were instructed to reduce coverage of protests and

opposition parties, and the broadcaster refused to air political advertising by two of the major opposition parties, the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) (Freedom House 2015b). Journalists were also warned by the broadcaster's chair at the time that the *SABC* was a 'national key point' meaning journalists' phones were monitored and information on internal practices was not to be leaked (Freedom House 2015b). In light of these challenges within the *SABC,* a coalition of trade unions and civil society organisations called 'SOS: Support Public Broadcasting' was set up in 2007 to "create a public broadcasting system dedicated to the broadcasting of quality, diverse, citizen-oriented public programming committed to deepening South Africa's constitution" (Daniels 2013, p.7).

South Africa's **media landscape** has witnessed considerable changes over the past two decades. In the immediate post-apartheid period radio was the most popular medium, followed by television, with newspapers' circulation falling dramatically (with the exception of new mass-market tabloids that gained, and seem to retain, huge popularity). Reasons behind this decline are thought to be a drop in the quality of news content and lack of investment in investigative journalism due to transition towards a profit-driven media; alternatively, following the democratic elections, the public lost interest in serious news content and developed a preference for entertainment (Berger 1999). At that time, South Africa had the second lowest number of newspaper titles and fifth lowest level of circulation in relation to its population, attributed to high unemployment rates (Duncan 2000). ***Radio*** continues to be the "most widespread and popular medium in the broadcast landscape" in South Africa: there are 18 public radio stations (*SABC*) and several private ones (*702 Talk Radio*, *Cape Talk 567*, *Kaya FM,* etc.) with a listening population of 31.26 million of which 8.74 million tune into community radio (Daniels 2013, p.7). According to 2013 statistics there were 16 commercial, 20 public and 130 community radio stations in South Africa, with audiences listening to radio for an average of 3.5 hours a day (*ibid.*, p.9). (For a detailed breakdown of major public and community radio listenership see Daniels 2013, pp.9-10). In 2013, 241 ***newspapers*** were registered with Print and Digital South Africa; however, according to circulation statistics monitored by the South African Audit Bureau of Circulations, within the first quarter of 2013 there were 359 newspapers of which 219 were free publications. The majority catered for English language speakers, followed by Afrikaans and isiZulu (*ibid.* 2013). According to the South African Audit

Bureau of Circulations, newspaper circulation has steadily declined by an average 5.5 per cent each year since 2008, with biggest effect on English titles (*ibid.*). (For a detailed breakdown of circulation per newspaper see Daniels 2013, pp.2-3). The downward economic trend has resulted in staff cuts, redundancies, voluntary and early retirement packages (*ibid.*). The *SABC* operates three national ***television*** channels, each catering to different audiences, with S*ABC1* focusing on youth, drama and sport, in Nguni languages and English; *SABC2* focusing on nation building, culture, tradition and history broadcasting in Sesotho, Afrikaans, XiTsonga, TshiVenda and English; and *SABC3* with a spectrum of programming, broadcasting in English (*ibid.*, p.8). Although *SABC* dominates television viewership, availability of a relatively affordable paid channel (*DStv*) is reducing viewership of the public broadcaster (*ibid.*). Despite that, *SABC*'s most highly watched channel, *SABC1*, continued to attract over 27 million viewers per week, while subscription TV was reaching 27 per cent of South African households, with *DStv* claiming 9.1 million viewers weekly (IREX 2012, p.381). Similarly, *SABC3*'s 7pm nightly news has also been losing its audience to *e.tv*'s 7pm news (Daniels 2013, p.8). Although there is a ***plurality of media channels***, the diversity of news sources is limited, particularly evident in the gender distribution, with only 19 per cent of sources being female (IREX 2012, p.382). Information is often shared among major media houses resulting in the replication of urban-centric news; some of this geographic and economic disparity is bridged by community radio which has a growing reach of over 24 per cent of South Africans (*ibid.*, p.382) and community papers based in smaller towns and focusing on local issues, as well as the national newspaper The New Age, which focuses on regional and rural news coverage (Daniels 2013). The South African Press Association (SAPA) is the country's leading local news agency (IREX 2012, p.374) alongside international organisations such as Reuters, AFP and Bloomberg which often employ local journalists (IREX 2012, p.383).

South Africa's **journalistic professionalism** has also been affected by commercialisation of the industry. Newsrooms have been juniorised and staff numbers have been cut; there has been an increase in tabloidisation and an erosion of investigative and in-depth reporting (Wasserman and de Beer 2005, p.39; Wasserman 2010). Journalists find this development ironic and consider it a wasted opportunity: although there is more press freedom than before, *investigative reporting* has suffered, which is "particularly problematic in a new democracy where the media should

contribute to the strengthening of democratic institutions and root out corruption" (Wasserman 2010, p.577). Investigative reporting was said to be "costly and time-consuming" and focuses more often on "politics and economics" over issues around "health, education, gender, and poverty" (IREX 2012, p.381). Following concerns and criticisms that the journalistic profession was failing to transform to the highest standard, the South African Editors Forum (SANEF) instigated a skills audit in 2002 looking into the reporting and writing skills and accuracy of 112 reporters across 32 media institutions, who had been in the industry for up to five years (Steyn and de Beer 2004). (For the full media section of the skills audit, see de Beer and Steyn 2002). More recent investigations into the state of news reporting in the country (Daniels 2013) also show that the South African media is in turmoil, partly as a result of commercial pressures and the need to adapt to a global industry undergoing rapid change as a result of technological developments and shifts.

SANEF's 2002 study noted at the time that due to residual and persistent socio-economic inequality black journalists often left the profession to pursue jobs paying higher ***salaries***. While some editors maintained they would not hire black journalists for the purpose of achieving racial quotas, others said they would pay black journalists a higher than average salary to stop them from leaving the profession. Over a decade later, interviews with journalists and editors showed continued disagreement over the extent to which newsrooms were "balanced and diverse", with some saying that more needs to be done to increase black representation (Daniels 2013, p.33). In 2002 reporters were being paid between ZAR1000 and ZAR5, 999 (USD 96-573) per month (Steyn and de Beer 2004). A more recent survey of 196 respondents (South African journalists, editors and sub-editors) randomly recruited via journalism forums and various social media platforms found that in 2013 the average salary for men was ZAR26, 906, while for women it was ZAR23, 821, with some women earning more than the average (The Media Online 2013). In 2002 most journalists had a diploma in journalism, and employers preferred some ***formal education*** over none at all (Steyn and de Beer 2004), while the 2013 survey indicated that the majority of respondents had a bachelor's degree (The Media Online 2013). South African journalists do not need licences to practice the profession, and are "free to form unions or professional organisations to protect their rights" though they are said not to take full advantage of this freedom (IREX 2012, p.379).

In 2002, ***juniorisation*** was not found to be as much of a challenge (with only 10 per cent of reporters classified as junior) however, the progression of junior reporters into higher positions too early in their career, before they acquired the necessary skills, was seen as problematic (Steyn and de Beer 2004). In recent years, efforts to cut costs and increase profit have seen media institutions lose experienced, more costly journalists and increase juniorisation of newsrooms. Exacerbating the situation further are high unemployment rates, especially among students and junior journalists, who are prepared to work for low salaries in order to gain employment. Those who leave the profession tend to do so after five years in order to pursue higher paying jobs, often in government (IREX 2012, p.380). Wasserman's (2010) study revealed that journalists and political actors perceived juniorisation to be a problem and stressed that many journalists are "inadequately skilled to obtain all sides of a story or to provide context to news events" (*ibid.*, p.579). Faced with pressing deadlines and increasing workloads, journalists often succumb to accessing the most readily available and reliable news sources, often those in government and the corporate world (Duncan 2000). Journalists and political actors interviewed by Wasserman (2010) expressed that the media are increasingly perceived to be irresponsible and inaccurate, while tabloid newspapers were seen to be sensational, superficial and lacking context in stories. Politicians stressed that newspapers were rarely willing to admit mistakes or correct inaccurate reporting leading politicians to cut off journalists working for them from any further engagement (Wasserman 2010). In 2002, reporters were found to lack awareness of media ***ethics***, especially the sensitivity to deal with issues such as violence against women or HIV/Aids, while media law was something that editors most often dealt with and was therefore out of the scope of the journalists' everyday practice and knowledge base (Steyn and de Beer 2004). According to IREX (2012) the standard of the South African Press Code developed by the print media industry is "in line with international codes" and "promotes the principles of fair, balanced, and accurate" reporting; however, journalists are said to demonstrate lax adherence to ethical principles, engaging in unverified/inaccurate, subjective/bias reporting, brown-envelope journalism and plagiarism, and lacking diverse perspectives and opportunity for sources to respond (*ibid.*, p.379).

SANEF's 2002 audit also found that reporting accuracy suffered due to a lack of writing and interviewing skills, and an ability to think critically, signalling weaknesses

in ***journalistic skills training and development*** (Steyn and de Beer 2004). Journalists lacked the conceptual and analytical skills to develop a potential story fully, source follow-up stories looking at the issue creatively, in depth and from different angles. Reported events were not contextualized with background information, and journalists lacked awareness of important, historical news events and general knowledge. Similar challenges were noted in IREX's 2012 report; journalists often focused on covering events rather than the issues behind them, failing to unpack complexities through analytical and in-depth reporting, and concentrating more on urban over rural stories, leaving the stories of ordinary people under-reported. Specifically in reference to the coverage of 'service delivery protests' journalists are said to "follow the billowing smoke without conducting proper analysis and research" into the consequences of the protests and the government's role in delivering services (*ibid.*, p.380). In 2013, a "snapshot" study which looked into financial investment in training and skills development in three media houses, conducted discussions with media trainers and voluntary online surveys with 131 journalists on their training needs, found that in contrast to the 2002 audit, "much is being spent on training" and that journalists' training interests and needs have shifted; most journalists required more training in online and new-media journalism, followed by creative writing, investigative reporting and media law and ethics (Daniels 2013, p.55). (For further training needs and a breakdown of financial investment, training programmes and policies across media institutions included in the study, see Daniels 2013.)

The need for journalists to develop new-media skills is all the more pressing in light of media institutions shifting towards new-media strategies and growing online audiences (locally and internationally); interviews showed that South African editors encouraged media professionals to use social media (Twitter, Facebook, blogging platforms, etc.) to "break stories" and to "engage with readers" (Daniels 2013, p.38). However, new-media changes within newsrooms have affected journalists differently, with some expressing "excitement" and others "confusion and stress"; contrary to stereotypes, sometimes younger journalists felt more overwhelmed trying to cope with the changes than older journalists with more experience (*ibid.*, p.42). Journalists revealed that the digitisation of journalism has intensified the need to multitask and "repackag[e] information for different platforms" (*ibid.*, p.43). Interviews with media trainers also revealed that skills development among newly qualified journalists would

significantly improve if students were “encouraged to freelance while still studying” and more emphasis was placed on “clos[ing] the gap between university programmes and real newsrooms” (*ibid.*, p.57).

Against the criticism of traditional media’s struggle to create and uphold a space for a truly democratic public sphere, it is important to highlight the role of **digital communication** in creating an online public sphere in South Africa. According to Bosch (2010), journalists in South Africa are using online media to practice journalism and communicate to different audiences, but also to re-evaluate the meaning and role of journalism and citizen journalism, through emphasis on civic journalism. She evaluates two online platforms and their role in facilitating online public discourses – The *Mail & Guardian* newspaper’s ‘Thoughtleader’ blog, and *MyNews24*, a citizen journalism website, launched by the mainstream and commercial news site *News24* – and finds that both serve the role of forming a discursive online public sphere in different ways. The Thoughtleader invites “high-quality critical commentary” contributions from experts in a variety of fields; the public is able to comment, debate and discuss, generating a high level of engagement between the authors and readers. An evaluation of this interaction shows evidence of reasoned and sustained debate – the kind that Habermas (1991) argued was necessary in order to form a true and democratic public sphere. In looking at the *MyNews24* citizen journalism website, the website offers readers the opportunity to freely (without invitation) post comments on news reports, generating high interactivity among those who comment (Bosch 2010). In South Africa, digital journalism serves a strong democratic role in providing a space for the promotion of local news and interaction of local views. Examples of how the new online space provides opportunity for alternative voices and community-oriented journalism are the *Daily Maverick* (www.dailymaverick.co.za) and *Groundup* (www.groundup.org.za). These spaces are, however, not without challenges. Most online media content tends to be in English, which creates “linguistic and cultural barriers” and has been described as “intellectual colonialism” (*ibid.*, p.267). Another challenge is varying access to the internet as well as the different levels of computer literacy across the country, especially between rural and urban areas. Access to the internet increased from 3.6 million users in 2010 to 8.2 million in 2012 (Daniels 2013), with 7.9 million of these accessing the web via their cell phones (IREX 2012, p.374) and predictions that two out of every three South African adults would have access by

2016 (Daniels 2013). Economic constraints and the fact that most online content is in English means that a large majority still have little or no access to online news, and the most affected are those living in poorer areas and informal settlements (Freedom House 2015b). In order to address this, the Open Society Foundation for South Africa and Project Isizwe have recently launched a joint pilot project to establish two free internet zones for residents of Gugulethu and Khayelitsha, aiming to "kick start a 'bottom-up' campaign for free and subsidised internet access for people who live in under resourced communities" (OSFSA 2015).

In summary, the structural conditions of journalism in South Africa should be viewed against a background of overcoming the authoritarian apartheid regime (specifically its political system and culture, and legal framework), and redefined within a post-apartheid, neo-liberal economic context (market, ownership). In terms of professionalisation of self-regulation, journalism continues to perform its role as watchdog within a racialised and class determined media space, while evolving against notions of the philosophy of Ubuntu, peace journalism, civic and development journalism in an effort to address the country's most pressing social issues.

### Discussions and conclusions

- What are the main characteristics of structural dimensions shaping media and journalism in general, and especially in Egypt, Kenya, Serbia and South Africa?
- Where do gaps exist in knowledge of the structural conditions of journalism in these countries?
- What arguments and hypotheses can be derived from the state of knowledge on structural conditions for the empirical study in MeCoDEM work package 4?
- What conclusions can be drawn and investigated further?

On a general level, both the scheme of dimensions (Chapter 2) and the country reports (Chapter 3) confirm that structural conditions of journalism are ***complex formations***, consisting of many elements related by complex interplays and interfaces. As each country features a unique set and combination of structural factors relevant to media and journalism, 'models' or 'types' of structural conditions are best described and conceptualised as ***case studies***. There is still a long way to go in terms of conceptualising and collecting empirical data from case-studies in order to develop a

concise theory of journalism and media and the impact of structural conditions in transitional societies.

It comes as no surprise that the country reports in Chapter 3 show ***unique patterns of structural conditions*** shaping media and journalism in each of the four countries. As the MeCoDEM countries have established different levels of democratisation and are at varying stages of transition and consolidation, naturally they also feature different degrees of democratisation relating to media structures, evident, for example, in levels of media freedom and state interference in the media sector. Moreover, there are significant differences in the media landscapes and structures of media markets (audience/usage of different media types, diversity etc.), which reflect the size, economic situation, infrastructure, and cultural, ethnic and linguistic diversity of the four countries, as well as the differing degrees of literacy and spending power of their inhabitants.

In general, the comparative analysis reveals structural conditions specific to each country, despite the fact that some procedures and institutions have been borrowed from the same (western) 'sources'. This confirms an observation by Voltmer (2012, p.233): "neither the export of political institutions or of journalism and media has resulted in uniformity, let alone convergence toward the liberal model of media systems". Rather, "on their way from their western origin to their destination in a new political and cultural environment institutions change their structure and functioning, often in a subtle but almost always in a fundamental way" (*ibid.*).

Despite the many differences, there are ***various common features*** across all four countries. In each country media and journalism face highly complex, ambivalent, contradictory and changing structural conditions. These are shaped by legacies of the past (marked by non-democratic regimes and sometimes colonial rule), which can be identified as key ingredients in the structural conditions of journalism. While political systems are characterised by hybrid forms of political governance, political cultures feature a divergence of ideologies and a high level of clientelism – these patterns are (to varying degrees) reflected in the media systems of all countries.

The constitutional guarantee of media freedom, which forms part of the legal framework in all four countries, is challenged by ambivalent or openly repressive media

laws and the reluctance of governments to implement fundamental reform. Accordingly, the state plays an important role in the media sector, mirrored in (different types of) political influence. This particularly applies to governance of public/state broadcasting and regulatory bodies, financing and (accusations of) interference in editorial decisions. Though safety concerns vary, journalists in all four countries are likely to face pressure and harassment, and risk prosecution. In summary, there is a considerable gap between legal provision and media freedom in practice in all countries.

All four countries appear to have a relatively high level of media concentration and a significant degree of political ownership. While the state is a direct owner of media outlets in only some of the countries, in others political ownership is mirrored in the (obvious or subtle) alignment of media owners with politicians or political groups. These conditions lead to a concordant journalism culture in Egypt and ambivalent journalism cultures in Kenya, Serbia and South Africa, with media switching between critical and concordant, clientelist reporting.

All the case study countries face challenges relating to journalistic education and training, professional organisation and self-regulation, which impact on journalistic professionalism. Journalists in all four countries work under precarious conditions, marked by high professional insecurity, low salaries, and a low professional status and fragile social reputation.

On a general level, the country reports demonstrate the ***importance of conflict communication as a case study*** with regard to structural conditions**:** in fact, conflicts (and communication about them) can be considered as test cases for the function of media-related structures, and hence feature as possible catalysts for changes to these structures.

Although literature allowed for comprehensive country reports, ***various knowledge gaps exist*** regarding the dimensions of structural conditions in the different countries. This applies, for instance, to ownership structures which lack transparency in all four countries. Moreover, difficulties in getting reliable and up-to-date information arise from the rapidly changing circumstances, especially in Egypt.

Regarding the ***overall approach to analysis of structural conditions in this working paper***, in general, the *developed list of dimensions building* on the work of Hallin/Mancini (2004, 2012) and recently Blum (2014), has proven its validity in guiding the analysis towards the central factors of structural conditions relevant to media and journalism in Egypt, Kenya, Serbia and South Africa. However, the nature of these dimensions and their relative influence varies between the different countries. Additionally, the influence of the internet and social media on structural conditions of journalism have not been systematically considered in (theoretical) literature on media systems so far. While some of the implications for media-related structures are mentioned in the country reports, they will be explored in more detail in future MeCoDEM research, focussing on the role of information and communication technologies in democratisation conflicts (work package 7).

For all four countries, central structural factors of both the political, economic and legal framework are established at the level of the nation-state and therefore, the *country-specific analysis* of structural conditions is justified. However, several transnational influences have been identified in the country reports, for example the importance of transnational Arabic media in the Middle East region, foreign media ownership in all countries under study, the case of China as an investor in Sub-Saharan African countries such as Kenya and the impact of 'western' foreign broadcasting stations such as the BBC. Hence, although the nation-state remains the central unit of analysis at the beginning of 21st century, the transnational level should be an additional frame of investigation.

The need to consider *agency* and the *procedural dimension* while investigating structural conditions of media and journalism (as highlighted in the introduction), has been confirmed by the country reports: in all MeCoDEM countries, structural conditions have been (re-)designed by both central political incumbents, economic actors and media practitioners to serve their personal interests. Moreover, the structural conditions changed repeatedly during the different phases of transition and consolidation.

In conclusion, this working paper provides a basis for informed analysis of MeCoDEM interviews with journalists with regard to the structural conditions shaping media and journalism in Egypt, Kenya, Serbia and South Africa. While the list of

dimensions developed in Chapter 2 provides insights into the general factors with the potential to shape journalism and media on a structural level and how these factors interrelate, the country reports provide a comprehensive overview of the current structural conditions of media and journalism in respective countries – the interviewees' statements on their working practices, role perceptions, ethical orientations and overall performance in the various democratisation conflicts can be analysed and better explained against this background.

Moreover, as the paper includes analysis of political systems, socioeconomic frameworks and political cultures of politicians and citizens of the case study countries, it provides a useful background for MeCoDEM research on conflict communication by civil society actors and political activists (work package 5) and for analysis of conflict management by governmental actors (work package 6).

MeCoDEM interviews with journalists will provide additional empirical-based knowledge of cases and the types of journalism embedded in certain structural conditions, i.e. how journalists behave within these structures. This research will not only allow us to broaden knowledge of the particular dimensions of structural conditions mentioned in this working paper, but will likely elicit new structural factors of media and journalism which have not so far been considered in literature.

On this basis, findings from MeCoDEM research on journalists will constitute a first step towards reconsidering and potentially expanding existing work on media systems and structural conditions of journalism; further insights can be expected from research into civil society actors and political activists (work package 5), and governmental actors (work package 6).

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