FREEDOM OF EXPRESSION AND MEDIA FREEDOM IN AFRICA

The Role of Trade Unions

A handbook for trade union and community activists

Freedom of Expression and Media Freedom in Africa

The Role of Trade Unions

A handbook for trade union and community activists

A Workers' World Media Productions Publication

Acknowledgements

Writing: Jane Duncan (except Foreword and Introduction)

Project Co-ordination, Editing and Proofreading: Martin Jansen

Design and Layout: Nicolas Dieltiens

Cover illustration: *Egyption revolution got real* by eng_sam

Project Support: Lynn Taylor

This publication is a product of the Africa Labour Media Project (ALMP) which is funded by the Olof Palme International Centre (Sweden) and Solidar Suisse.

SOLIDAR
SWITZERLAND
Swiss Labour Assistance SLA

ISBN No. 978-0-620-53476-5

Published by Workers' World Media Productions
41 Salt River Road, Salt River, P.O. Box 245 Cape Town 8000, South Africa
Tel: +27 21 447 2727 Fax: +27 21 448 5076 Website: www.wwmp.org.za

May 2012

Copyright and Copyleft: Permission is given to copy and use this publication in line with its intended purpose. In doing so please ensure that the source is acknowledged.

Contents

Foreword 1

Introduction 3

Freedom of Expression and Media Freedom: principles and trends in Africa 5

What is freedom of expression? 5

Limitations on freedom of expression 5

National security 7

Are freedom of expression and media freedom negative or positive freedoms? - The political economy of freedom of expression 9

Freedom of expression and media freedom in Africa: broad trends 11

Transformation of broadcasting 14

The regulation of broadcasting 16

Setting up an independent regulator 17

Transformation from state to public broadcasting 19

Print Media Freedom and Transformation 22

Print media regulation 23

Trade unions and the concept of self-regulation 27

The future of state owned newspapers 29

Print media ownership concentration 29

Internet Freedom and Censorship 31

Internet censorship 31

Freedom of expression and social media companies' terms of service 33

Other Internet censorship measures 33

Countering Internet censorship: what you can do 35

Advocacy strategies 36

References 37

Appendices

1. Report-back on freedom of expression and media freedom 39

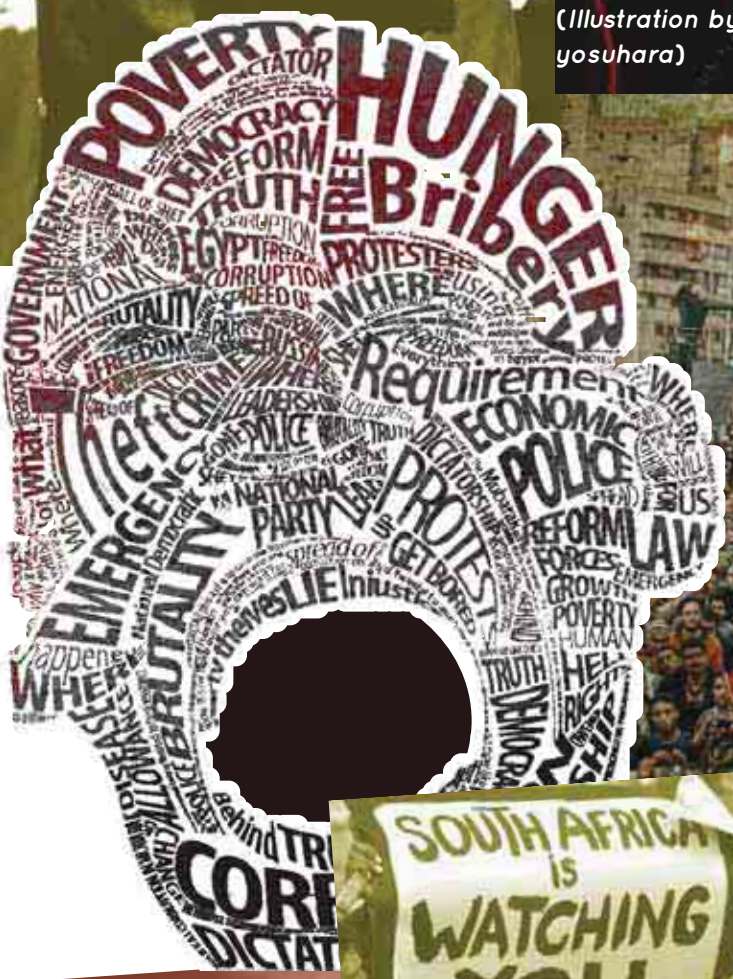
2. African Charter on Broadcasting (1991) 41

3. Extracts from South Africa's Constitution 44

4. Africa Labour Radio Project (ALRP) Summary of our Plan of Action as agreed on 15 April 2011, Johannesburg 45

5. Draft Resolution on the Struggle for Freedom of Expression and Media Freedom for Ituc-Africa Conference 2011 47

(Illustration by yosuhara)



(Pic: In the Egyptian Revolution by Caesar Diablo)

Foreword

The idea for producing this publication arose from the experience of the Africa Labour Media Project during 2007 – 2011. Initially the project started out as the Africa Labour Radio Project and proceeded to support the development of media capacity of the African trade union movement located in ten countries (Ghana, Kenya, Lesotho, Malawi, Nigeria, South Africa, Tanzania, Uganda, Zambia and Zimbabwe) and was later expanded to include Botswana and Swaziland.

The overall aim of the project was to strengthen the response of the African labour movement, working class and poor sections of civil society to socio-economic and political challenges that confronted it through a media intervention in the form of local and regional participatory labour radio productions and broadcasts. This included;

- establishing weekly, Africa-wide & local labour radio broadcasts in each participating country,
- publicly exploring issues of relevance to the working class from a labour perspective
- complementing and strengthening new and existing labour education efforts by unions
- building trade union media capacity across the continent and strengthening organising capacity
- developing labour media and broadcasting skills and capacity in each country.

However there were (and still are) several political and organisational factors that have undermined the project and prevented us from achieving our goals. Top of these was the complacency on the part of most of the trade union leadership. This indicated a lack of appreciation for the power of media and a disinterest in the extent to which having greater media capacity could contribute towards building the unions' and workers' power.

The other related factor was the lack of opportunities and space in the public and commercial media for trade unions and workers to have their views and voices expressed. This was a reflection of the relative weakness of trade unions and the working class in those countries as ruling classes viewed them with utter contempt or as subservient and compliant social partners. Whilst most of the project participants and their trade union federations were genuinely committed to the project and attempted to secure air-time for weekly labour shows on their countries' public or commercial broadcasters, most of them were shunned or confronted with difficult hurdles to overcome, such as paying exorbitantly high broadcasting fees. The bigger problem it seemed however was the reluctance on the part of the participating trade unions to actually put up a struggle to claim their rights in terms of their freedom of expression to have a platform on the public broadcaster.

More recently in the life of the project (early 2011) two North African countries' trade union formations from Tunisia and Egypt were invited to participate in the project. This was in direct response to the mass uprisings in those countries against autocratic rule and for democracy. These countries are now experiencing "democratic transitions" with various levels of difficulty and reaction to the political and economic aspirations of the working class masses.

The production of this publication was therefore initiated to play a multi-purpose role of providing education, information and support for enhancing the role of trade unions in the struggle for democracy in their countries from an international perspective – specifically for promoting freedom of expression and media freedom on the African continent and elsewhere.

Introduction

During the past three decades, poor and working people all over the world have experienced a neo-liberal capitalist onslaught against their socio-economic conditions through government economic policies and capitalist restructuring of economies and the labour market. These attacks by ruling classes all over the world have also ensured a weakened trade union movement and a downturn in working class struggle. Despite this and the permanent loss of millions of jobs, the growth in poverty and inequality, most trade union leaders still have illusions in their governments and the capitalist system. They remain hopeful that through "social partnership", they can deliver improvements in working and living conditions for their members.

But since 2008, with the capitalist system reeling from one crisis to the next, this hope for improvements in living standards through social partnership have been shattered and continue to be illusory. This is amply demonstrated by the experience of the masses of Greece, Spain, Portugal and Italy who are in rebellion against a new wave of neo-liberal measures.

A major component of ensuring continued disillusionment and lack of belief in viable alternatives to the destructive and oppressive capitalist system is the unchallenged predominance of pro-capitalist ideology. The experience and collapse of Stalinist bureaucratic socialism in Eastern Europe have also ensured the long-term and widespread discrediting of left-wing and pro-working class socialist ideology.

Facilitated by the centralisation of media ownership and the development of media oligopolies, together with the rise and rise of media based entertainment industry, pro-capitalist ideology has become all too pervasive. The past few decades have seen the growth of regular business reporting in newspapers, radio and TV with big sections and airtime allocated to it on a daily basis. Yet no such space is allocated to labour or the working class, the biggest consumers of the mass media. The specialist 'labour reporter' of old is virtually extinct and dumped on the dustbin of journalism history.

However, if trade unions are to remain true to their original purpose of being fighting organisations of the working class and active defenders of their interests it is imperative that they take seriously the ideological struggle. This involves developing their own alternative positions on the key issues that confront their members, working class people and society as a whole and challenging and fighting for space and platforms in the public and commercial media to espouse their positions.

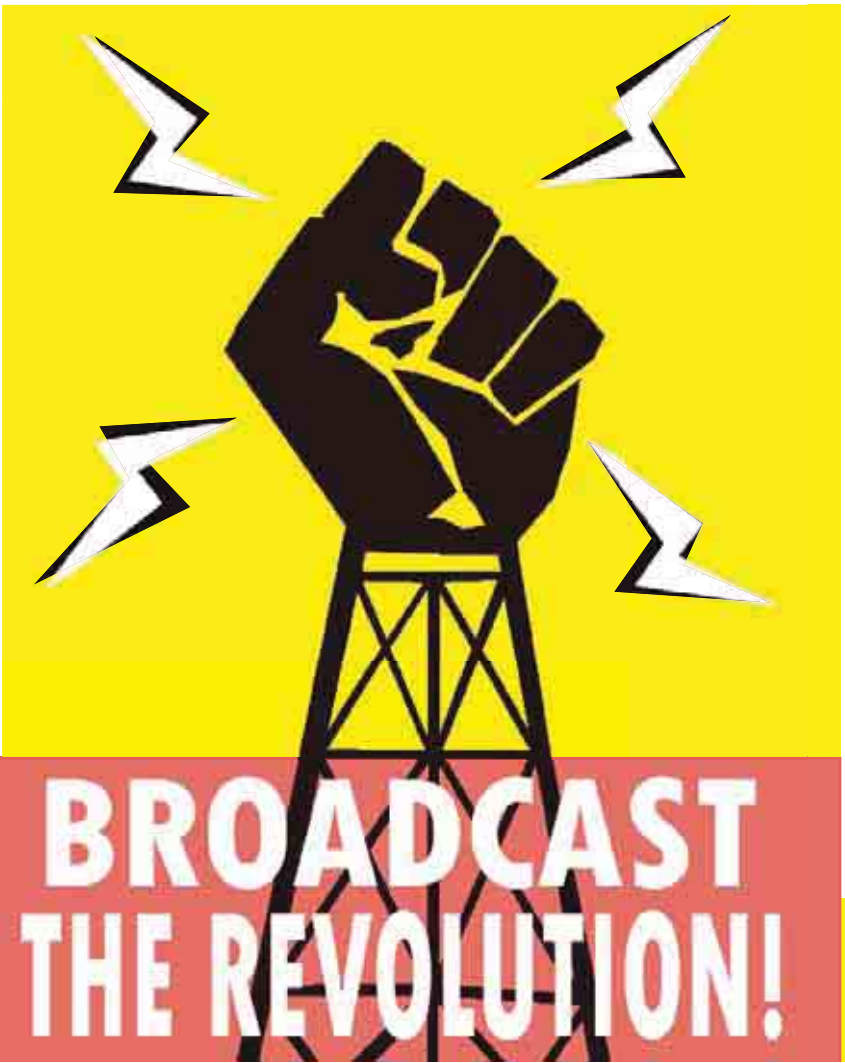
The ideas are in every epoch the ruling ideas: i.e. the class which is the ruling material force in society is at the same time its ruling intellectual force. The class which has the means of material production at its disposal has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it.

Marx and Engels – The German Ideology

The new developments in ICTs – Internet and digitalisation and with the constant lowering cost of technology and consequent greater access to information also present new and greater possibilities for labour solidarity locally and internationally. The left internationally has traditionally tended to underestimate media and "The Media" and consequently has neglected it as an important part of its work and a site of struggle. We have not kept pace with changing popular media forms and have continued to solely produce publications instead of branching out into more popular forms of radio and TV. Very few trade unions also make full use of new social media to promote their organisations and promote mobilisation for struggles. In South Africa, trade union investment companies have significant shares in large media companies yet do not have independent access to the very same media outlets that they own.

When we do produce media we do so in a manner that has scant regard for our own emancipatory principles of collective and democratic ownership and production. The production process and content are dominated by a few top leaders and full-time officials without any involvement of ordinary union members, who are reduced to recipients of the line from above. Most trade union leaders, let alone ordinary members, are not provided with training around the media nor media production. In this way they limit their own freedom of expression and subject themselves uncritically to the mainstream capitalist media.

In the context of worsening economic and social conditions, genuine trade unions worth their salt will have no choice but to mount a defence of the interests of their members and join in to be part of broader working class movements for economic emancipation against the tyranny of poverty. **In this context freedom of expression and media freedom will become crucial as governments and ruling elites will seek to repress and do away with any form of opposition that seriously challenges their dominance and rule.** Trade unions on the continent must take this democratic right and freedom seriously and play a leading role in campaigning for the right to be fully enshrined in their country's constitution and legislation.



Moreover, this right must be given concrete, meaningful expression for ordinary working class people and their organisations with the creation and constant development of the public institutional and material support – including within their own organisations.

chapter 1

Freedom of Expression and Media Freedom: principles and trends in Africa

What is freedom of expression?

Freedom of expression involves the freedom to express oneself without fear of censorship, either through speech, in published form, or through expressive conduct. Some countries' constitutions protect freedom of speech, which is a narrower concept. Freedom of expression, however, protects speech as well as expressive conduct. The right also includes the freedom to hold opinions, and to seek, receive and impart information and ideas through any media.

Media freedom is a component of freedom of expression, as the media are a conduit for exercising the right to freedom of expression. Some constitutions may state explicitly that freedom of expression includes media freedom. The fact that the right is given special emphasis does not mean that the media enjoy greater protection from censorship than the rest of society. It merely indicates that media freedom is considered to be at the core of the right.

Limitations on freedom of expression

There are very few contexts in which the right to freedom of expression is absolute. Trade unions need to debate whether freedom of expression should be absolute, and if not what limitations are appropriate, and how to prevent abuse of those limitations to censor legitimate speech. The following are limitations that often affect trade union activity:

Defamation

Defamation is the impairment of an individual's reputation through the publication of untrue statements. Unfortunately, defamation is often abused by repressive governments and corporations to threaten and even jail critics. Employers may also use defamation to stop criticism of employment practices.

In evaluating whether defamation law in your country favours freedom of expression, ask yourself the following questions:

- Do individuals or publications that publish defamatory statements have access to defences that justify publication, such as the fact that the publication was reasonable under the circumstances (even if it was untrue), in the public interest or fair comment?

- Is defamation criminalized? Defamation should fall under civil law so that it does not attract criminal sanctions. Fear of sanctions like a jail term could deter individuals from voicing legitimate criticism.
- Does the law recognize the right of people who feel they have been defamed to approach court and ask for a declaratory order, declaring certain statements to be wrong and ordering an apology? This is a much quicker and cheaper process than pursuing a costly defamation case that may take years to conclude, leaving the incorrect accusations to linger in the public mind long after they have been made.
- Does defamation law protect political speech more strongly than other forms of speech?
- Does the law recognize that public figures have less right to protect their reputations than private individuals?

Hate speech

Hate speech is speech that is intended to incite hatred of individuals on the basis of their race, gender, ethnicity, sexual orientation or other characteristic. However, there is considerable disagreement about a more precise definition. An overbroad definition can lead to the criminalization of speech that criticizes the government of the day.

In evaluating whether hate speech laws in your country favour freedom of expression, ask yourself the following questions:

- Does hate speech involve an element of advocacy, that is, does the speaker have to be a conscious proponent of a cause, and should s/he intend to inflame hatred? At times, speech that is branded hate speech is made without the speaker being aware of the consequences. Such speech could not be considered hate speech.
- Is hate speech limited to categories of speech that are particularly inflammatory in your country, such as ethnicity or religion? This can only be determined by analyzing the fault lines in a society: for instance, while ethnicity may be used to inflame hatred very easily in one context, such speech may be innocuous in another. Hate speech laws that are not limited in this manner are open to abuse.
- Does hate speech involve an element of incitement? In other words, does the speaker intend to inflame others to act? Incitement must be an element of hate speech.
- Does the speaker intend his or her audience to harm others on the basis of stated characteristics, such as gender or race? The intention to harm must also be elements of what gets classified as hate speech.

Right: A demonstration organised by the right2know campaign in Cape Town against the Public Information Protection Bill which sought to limit the access that the South African public has to government information, 17 September 2011 (*Pic: Clare Louise Thomas*)

National security

National security is a particularly controversial ground for limiting speech, as governments often use it to justify censorship on the grounds that the survival of the state is threatened. It may be used against transformative social movements, including trade unions, to limit democratic space for industrial and political activity. It is important that this term is defined as narrowly as possible. Workers and trade unions experience this especially in relation to their right to collective bargaining and strikes. In the case of public sector workers (such as in Botswana during 2011) or workers in strategic industries such as energy or electricity generating plants, governments tend to limit these rights with fairly wide legal declarations of "essential services" or "national key-points" in the interest of national security.

In evaluating whether national security laws in your country favour freedom of expression, ask yourself the following questions:

- Is national security defined in the law, and if so, does it require the state to prove a significant harm to society (and not just the government of the day) for national security to be threatened, and that the harm is an inevitable consequence of the speech, rather than speculative?
- Is the restriction of free expression on national security grounds prescribed by law, and does it state that it is necessary for a society to protect a legitimate national security interest in a democratic society.
- Does the government have to prove that there are no less restrictive means to achieve the intended purpose?
- Is it necessary for speech that threatens national security to incite imminent violence?

If the laws in your country do not pass these tests, then your union should consider campaigning for the laws to be repealed or amended.

A case in point

Six Zimbabwean activists found guilty of inciting 'public disorder'

March 2012, six Zimbabwean activists were found guilty of 'inciting public disorder, for screening a film about the uprisings in Tunisia and Egypt. According to Magistrate Kudakwashe Jarabini, who made the guilty finding, 'Watching the video is not a crime, however, the manner at which they watched it was meant to arouse feelings of hostility to those present in the meeting. Watching it in those circumstances was nasty and pathetic'. He said people who attended the meeting knew what was going to be said since it was highlighted on the invitations. "It is not in dispute that the invitations had all the issues to be discussed. Taking into account what was written on the invitations and the agenda of the meeting, one can safely conclude that the meeting was not innocent and academic, but was meant to urge people to revolt against the Government of Zimbabwe'.

One of the convicted activists, Munyaradzi Gwisai from the International Socialists' Organisation, commented after the sentence, 'To the ordinary people, this is not surprising. This is a staple of what is happening in Africa and across the world. So we take it as it comes, the struggle continues'. Gwisai had told the court during his trial that the charges were 'meaningless', 'outright silly' and 'a case of political harassment by the state'.

Munyaradzi Gwisai and Tatenda Momberara, outside the Harare Magistrates Court that would later find them guilty of 'public disorder', 18 July 2011 (*Pic: Lenin Ti Chisaira*)

Are freedom of expression and media freedom negative or positive freedoms? - The political economy of freedom of expression

In outlining the conditions for freedom of the working class, Karl Marx recognised a difference between negative freedom and positive freedom.

- Negative freedom - means the lack of forces which prevent an individual from doing whatever they want.
- Positive freedom - is the capacity of a person to determine the best course of action and the existence of opportunities for them to realise their full potential.

For Marx, negative freedom was a bourgeois concept, as it is the freedom primarily of those who own the means of production. Positive freedom is built up as a result of the struggle of the working class, and gives the working class an opportunity to develop as human beings. But he argued that both negative and positive freedoms need to be advanced.

The problem is that where freedom of expression is protected, it is often protected as a negative right involving a obligation primarily on the government not to censor communication, although this obligation can extend to non-governmental actors. For instance the United States First Amendment is framed largely as a negative freedom, where the government has a duty of non-interference in freedom of speech.

This understanding of freedom of expression has its weaknesses, which are as follows:

- **It fails to acknowledge that in capitalist societies, access to the means of expression such as the media is highly uneven, as media ownership is often highly monopolized by a few actors.** During the most recent, imperialist phase of globalization, commercial media ownership has become more concentrated, which has reduced the diversity of voices, as fewer and fewer people are engaged in the control of more and more information. Political economy theory examines how power structures relations of production and consumption of the media, and is useful in helping unions to understand why the media is often structured in ways that do not promote meaningful, popular freedom of expression.
- Freedom of expression is understood mainly as an individual right, not a collective right. Situations where a collective right to freedom of expression is violated are not really recognised. This means that in historical accounts of freedom of expression violations, censorship of individuals (journalists in the main) receives priority, not the repression of organisations such as trade unions, which may mean that the extent of censorship may be deliberately underestimated. Some countries may respect media freedom, as they fear adverse publicity if they clamp down on the media, but they may routinely violate the free expression rights of ordinary people.

- Closely related to the previous point, ***there may well be unstated class biases on how freedom of expression violations are recorded, as records tend to be skewed towards what could crudely be termed bourgeois forms of expression*** (such as the mainstream media), rather than working class forms of expression (such as pickets, pamphlets and marches, or other forms of non-media related expressive conduct).
- ***Freedom of expression is understood as a right that is claimed mainly against the government***, whereas in reality in repressive situations, governmental and non-governmental actors such as monopoly-capitalists and foreign investors often collude, e.g. Royal-Dutch Shell in Nigeria.
- ***Furthermore, media theorists have argued that market forces can also be highly censorious of information***. For example, commercial and state publishers and broadcasters exclude certain issues and views that express working class interests as they claim that audiences will not appreciate them or they will offend their advertisers.

If freedom of expression is understood mainly as a negative right, this makes it difficult to place positive obligations on governments and other power-holders to provide resources to enable the freedom of expression.

(Pic: Clare Louise Thomas)

A progressive definition of freedom of expression would need to prioritise freedom of expression as a positive freedom while defending it as a negative freedom. This means that while unions should lobby for governments and corporations to adopt measures taken to stop censorship, **they must also lobby for positive obligations to be put on power holders to level the playing field when it comes to access to the means of communication.**

In addition to undertaking anti-censorship campaigns, unions should consider lobbying for the following:

- Freedom of expression should be broadened out from being interpreted as a 'media right', and take violations of the rights of collectives as seriously as violations of the rights of individuals.
- The adoption of limitations on concentration of media ownership, and where appropriate, limitations on foreign media ownership.
- The development of legislated subsidies and quotas of space in the public and mainstream commercial media for representatives of working class and poor people's groups and interests to ensure greater access to the means of communication for them (the majority), and greater media diversity.

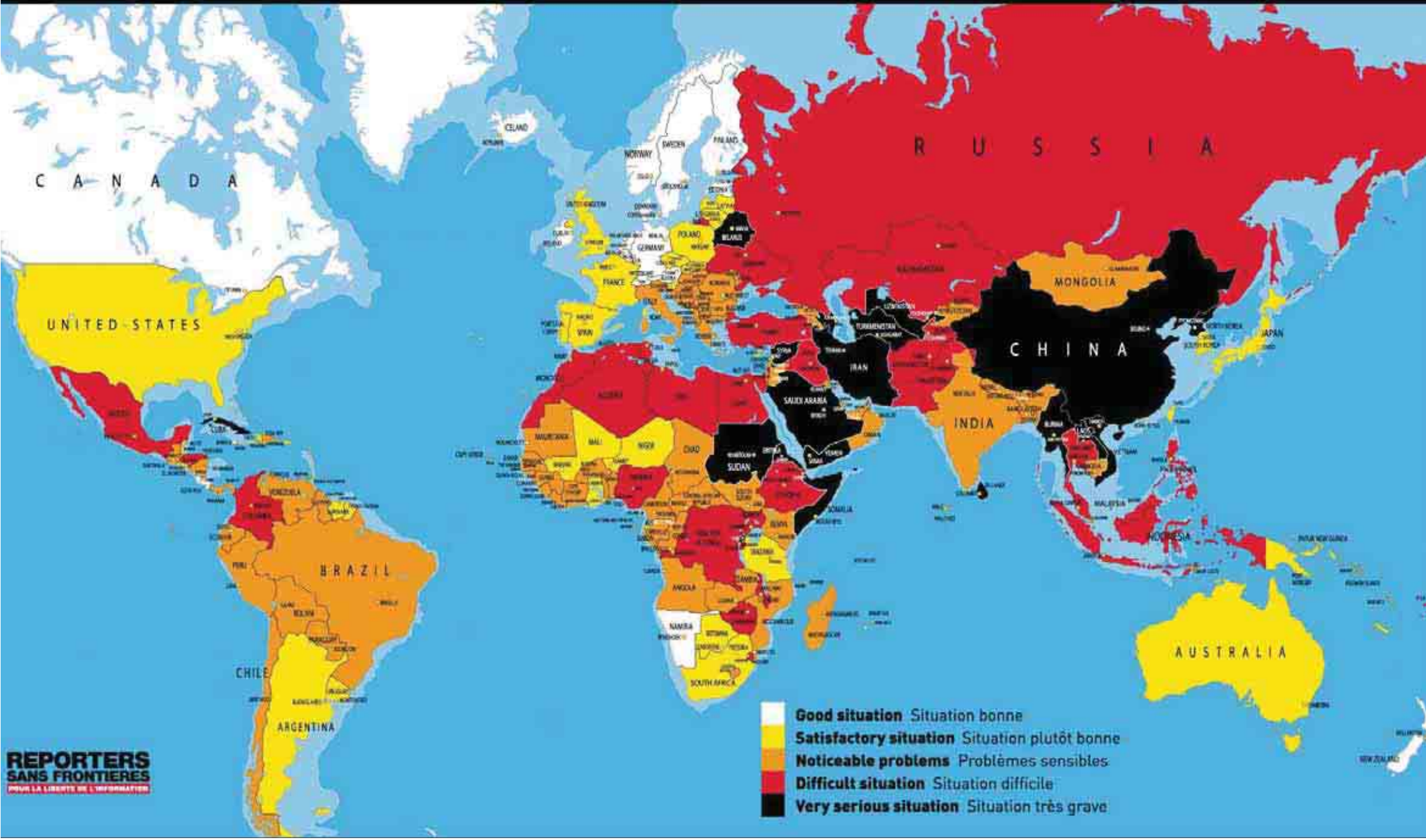
Freedom of expression and media freedom in Africa: broad trends

Several non-governmental organisations produce media freedom monitoring tools that evaluate the extent of media freedom in various countries. Because of the bias explained above in how freedom of expression is defined, most of these tools monitor media freedom violations in the main, which means that they do not offer a complete picture. All of these tools have their strengths and weaknesses and should be used as resources with this in mind.

The French organisation Reporteurs sans Frontiers (RSF) produces an annual media freedom index. The US-based Freedom House monitors the state of freedom more broadly, as well as press freedom and Internet freedom. The African Media Barometer, a project of the Friedrich Ebert Stiftung (FES) and the Media Institute of Southern Africa (Misa), is an Africa specific media freedom monitoring tool that assesses both the negative and positive aspects of media freedom. Misa and the Media Foundation for West Africa (MFWA) also monitor media freedom violations. Many of these violations are posted on an online global media freedom monitoring and advocacy site called the International Freedom of Expression Exchange (IFEX).

According to the RSF's 2010 press freedom index, there is no African country where the media freedom situation could be considered good. The horn of Africa has experienced particularly severe censorship. Common problems include violence against journalists, jailing of journalists and surveillance of the media by the intelligence agencies. Of the ten most dangerous places to practice journalism in 2011, six were in Africa. However, according to RSF, the situation is not all bad: in 2011, Namibia, Cape Verde, Ghana, Mali, South Africa, Tanzania and Burkina Faso were among the top 50 countries that respect media freedom.

FREEDOM OF THE PRESS WORLDWIDE IN 2012



Source : www.rsf.org

DISCUSSION QUESTIONS & TASKS

1. Read the quotation below and discuss; is "**Freedom of Expression and Media Freedom**" important to trade unions and other working class organisations? Why?

Theory, as well as historic experience, testifies that any restriction to democracy in bourgeois society, is eventually directed against the proletariat, just as taxes eventually fall on the shoulders of the proletariat. Bourgeois democracy is usable by the proletariat only insofar as it opens the way for the development of the class struggle.

Leon Trotsky, August 1938

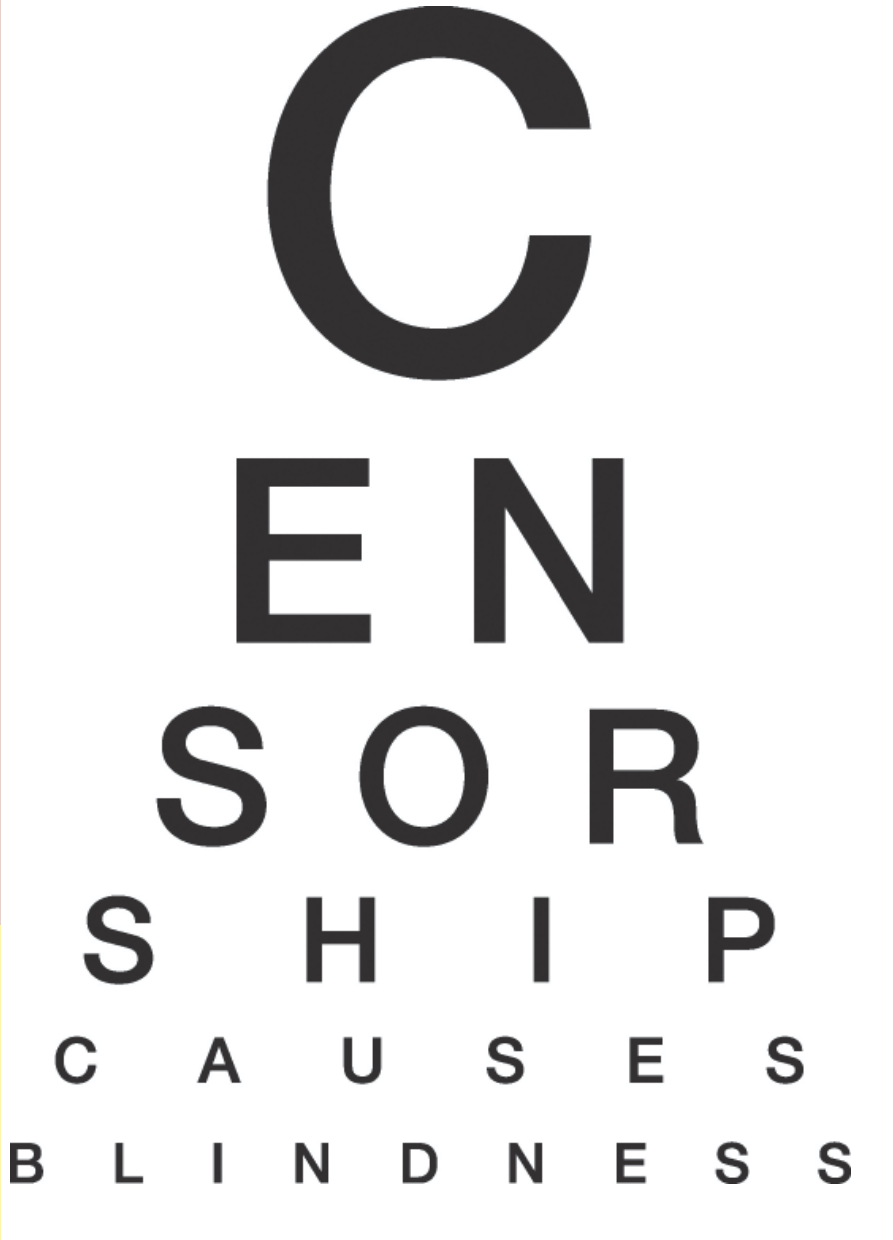
2. To what extent are these democratic rights promoted or curbed in my/our own country?

3. Should trade unions and other formations play a role in promoting and struggling for the maximum extension of these rights? How?

4. What should the key strategic components be of a campaign to maximize our rights to Freedom of Expression and Media Freedom?

5. How do we ensure maximum knowledge and participation by our ordinary members and leaders in such a campaign?

6. How can we integrate and ensure that our universal trade union political principles of UNITY, INDEPENDENCE & DEMOCRATIC METHODS are at the heart of our campaign efforts and all our media activities?



chapter

2

Transformation of broadcasting

Broadcasting is meant to have three tiers:

- For-profit commercial broadcasting
- Non-commercial community (or local) broadcasting
- Non-commercial public broadcasting

The purpose of having three tiers of broadcasting is to ensure pluralism and diversity in the broadcasting system. Pluralism refers to the number of broadcasters and diversity to the types of voices they represent, such as women, the disabled, rural communities, etc.

Over the past 30 years, broadcasting globally has changed very rapidly. Neoliberalism has encouraged the liberalization, deregulation and privatization of broadcasting. Commercial principles and practices have come to dominate broadcasting, and non-commercial sectors, such as public and community broadcasting, have been subject to extreme commercial pressures. Broadcasting is also being digitized, which is creating a new multichannel environment, which supposedly offers viewers more choice than ever before. Digitisation is also leading to the convergence of the previously distinct sectors of broadcasting and telecommunications. Cellphone networks are being used to transmit broadcasting content, for instance.

Before neoliberal globalization, many African broadcasting systems were dominated by the state. Some African governments have allowed a degree of liberalization, but most have been extremely reluctant to cede control of state broadcasters. Furthermore, very few have been willing to concede the establishment of independent regulators. Where liberalization has taken place, there has been a tendency for state dominance to be replaced by capitalist market dominance that tends to resort to "dumbing down" of content to lower costs and draw in wider audiences and exclude serious content that raises political awareness. Other manifestations include the obsession and extreme regularity of business news and information to please their sponsors and benefactors. Of course this is to the often complete exclusion of programming that focuses favourably on working class and poor people's issues. This means that the trade union movement faces huge challenges in transformation of this sector.

Commercialisation has affected broadcasting in the following ways:

- The most expensive aspect of broadcasting is the creation of content, not its transmission, which drives broadcasters to buy in programmes rather than make them. As foreign content is generally cheaper than local content, commercialization can lead to the dominance of the airwaves by foreign content that does not serve a country's informational and cultural needs.

- To exploit content to the fullest, commercial broadcasters may attempt to syndicate their content or even buy up other broadcasters, leading to the dominance of a few voices and a reduction in diversity of opinion.
- Broadcasters are also driven to acquire mass audiences, which may lead to 'lowest common denominator' programming where only those programmes with mass appeal will be broadcast. Adventurous programmes, those containing politically radical views, programmes in minority languages, and socially important but expensive programming genres (such as religious or arts programmes) may be crowded out of the schedule, which can become dominated by genres with the greatest commercial appeal such as entertainment. Most importantly for the trade union movement, commercialization has led to programming focusing on the most financially lucrative audiences, leading to the marginalization of working class viewpoints.
- Programming may also look and sound the same from station to station, as they compete for the same middle and upper class audiences by producing the same kinds of programmes. This introduces homogeneity into the broadcasting system.

As a trade union, you need to decide what kind of broadcasting system you want to see, and what the role of the various tiers of broadcasting should be, how many broadcasters there should be and what the percentage of local to foreign ownership and content should be. Your union should be active in ensuring that broad visions should be set down in national policy, which should be developed through a public, participatory process, and then codified into legislation.

(Illustration: Mass Media Brainwashes by Hughie522)

The regulation of broadcasting

In the media, regulation seeks to balance the right to freedom of expression of media producers with the rights of media users, and acts as a check on unconstrained industry action that may threaten users' rights.

There are three components to regulation: rule-making where the basic ground rules of the sector are established; enforcement, where action is initiated against parties who have broken the rules; and adjudication, where decisions are taken about whether rules have been upheld or not.

Broadcasters make use of a public resource – namely the frequency spectrum – to broadcast, which means that the resource needs to be managed for a diversity of views and in the public interest. If the spectrum was unregulated, then wealthier broadcasters with the most powerful equipment would drown other broadcasters out. Diversity would not be possible without regulation.

In order to manage the spectrum for fairness and a diversity of views, the regulator issues broadcasters with licenses. Typical license conditions are as follows:

- Ownership conditions, which may include limitations on foreign ownership and cross-media ownership between broadcasters and newspapers;
- Local content quotas;
- Programming quotas for specific genres such as news and current affairs;
- Limitations on the amount of advertising;
- Requirements to carry specific programming (what are generally known as 'must carry rules').

Licenses can be auctioned to the highest bidder, or prospective broadcasters may be required to compete for them. It may not be in the interests of trade unions to support auctioning of licenses, as commercial considerations tend to dominate all others in determining the suitability of a broadcaster.

Broadcasting regulators generally tend to enjoy fairly intrusive powers of investigation, to enable them to establish whether licensees are keeping to their

Television Industry Emergency Coalition march to the SABC, 4 June 2009 (*Pic: supportpublicbroadcasting.co.za / Marc Schwinges*)

license conditions; these powers may also include powers to issue fines and to initiate their own investigations where it suspects that breaches have taken place.

In order for regulators to command public confidence, they need to demonstrate that they are independent (both from government and from the industry they claim to regulate), effective, accountable and transparent. One of the big dangers of regulators is that, while they may claim to be independent, in reality they may be subject to industry capture.

Trade unions should have a vested interest in the establishment of independent regulators, as regulation is needed to reverse the effects of commercialization on broadcasting, including the marginalization of union voices.

There is an argument that regulation is no longer needed with the opening up of the multichannel environment, as broadcasting is no longer a scarce resource. While the shift from analogue to digital broadcasting may increase the number of available channels, quality content will continue to be scarce, commercially successful genres and formats will continue to dominate, and working class voices will not automatically find expression in the multichannel environment. This means that regulation is as important, if not more important in the digital environment as it was in the analogue environment.

Setting up an independent regulator

Historically in Africa, Ministries of Information, or Ministries of Post, Telecommunications and Transport, have regulated broadcasting, and issued licenses. This means that the regulatory process is not independent of the government, which opens the sector up to political interference. In countries where this model still prevails, **trade unions should consider lobbying and struggling for the establishment of a genuinely independent regulator and continue to act as a watchdog of it.**

Trade unions should also consider lobbying for a regulator that covers both broadcasting and telecommunications, as this will be more cost effective than having two regulators, and will also ensure that the converging environment is regulated for common objectives. But if such a regulator is set up, it is important to be sure that the regulator is independent as historically, telecommunications regulators have been more tightly controlled by governments than broadcasting regulators.

In order to ensure that a regulator is independent, it should fulfill the following criteria:

- It should be located outside government, but not necessarily outside the state.
- It should have sufficient resources to enable it to discharge its mandate
- It should have control over those matters directly connected with the functions it has to perform under its founding statute.
- Its leadership and staff should not have any business or other vested interests in the media or related industries.
- The tenure of its members should be governed by appropriate appointment and removal procedures, and should only be removed on objective grounds

relating to job performance. Parliament must be involved in the appointment and dismissal procedures, and not government.

Broadcasting councils should be selected through an open and transparent process, with public participation. There is considerable controversy about the most appropriate method of selecting the Council, but what is clear is that the executive arm of government must play no role in the selection process. Other selection possibilities are as follows:

- Parliament could be made responsible for the process, which at least ensures some measure of transparency and public debate about the suitability of candidates.
- An independent panel could be established to select candidates and hold public hearings: this could be a judicial or lay panel, or a panel of experts, or a combination of the three.

The most suitable method will be determined by the specifics of the country concerned.

A case in point

The Independent Communications Authority of South Africa (Icasa)

Icasa was established after multiparty negotiations on South Africa's future in the early 1990's. A coalition of civil society organizations and trade unions, the Campaign for Independent Broadcasting, was instrumental in bringing Icasa about, as one of its demands was the establishment of an independent regulator to oversee broadcasting.

Icasa's independence was written into South Africa's final constitution, adopted in 1996. Icasa is meant to regulate broadcasting for fairness, freedom of expression and a diversity of views, and it was also meant to free the airwaves from apartheid-era government control. After its establishment, it licensed a whole new layer of community, as well as some new commercial radio stations and one commercial television station. These changes brought much needed diversity to broadcasting.

However, in the past ten years, Icasa's role as an independent regulator has waned. According to SOS – Save Public Broadcasting Coalition, a public interest lobby group that includes the Congress of South African Trade Unions (Cosatu), Icasa has failed in its monitoring role and as a result it is unable/unwilling to assess whether broadcasters are complying with their license conditions. SOS has also argued that Icasa has failed to investigate and act upon the causes of the numerous crises at the public broadcaster, the South African Broadcasting Corporation (SABC). It also failed to intervene when there was political interference in the appointment of the SABC's Board in 2007 (SOS 2011).

Icasa's failure to fulfill its mandate in these respects has been widely attributed to its lack of capacity, the erosion of its independence by the government and its capture by the very industry of big commercial players that it is meant to regulate.

These developments around Icasa have been a serious setback for an important democratic gain that resulted from the mass struggles against Apartheid.

Transformation from state to public broadcasting

Public service broadcasting remains a crucially important feature of the broadcasting landscape. This is especially the case for many African countries that struggle with poverty, inequality and mal-development. If broadcasting was left to the market only, then existing social inequalities would merely reproduce themselves in broadcasting, leading to the division of society into a few information-haves and many information have-nots. Also, commercial broadcasters are less likely to broadcast programmes that articulate working class and union issues than public broadcasters. Because they are controlled by the state, state broadcasters are also less likely to produce programmes that give platforms for working class movement views that are critical of the government. This is why it is in the interests of the trade union movement to ensure strong, healthy, viable public broadcasting services.

However, worldwide, public service broadcasting has been undergoing a crisis. The explosion in channel capacity and the disappearance of audio-visual borders made possible by new satellite and digital technology, has led to a marginalisation of public broadcasting in countries where it does exist. The upsurge in market oriented commercial broadcasting and the introduction of mixed broadcasting systems in the countries with former public service monopolies has also hastened its demise.

In Africa, many attempts to transform state to public broadcasters have largely failed, mainly because governments have refused to relinquish control of the broadcasters. This transformation will occur only if progressive forces in society, including trade union movements, place governments under constant pressure to ensure transformation. Even once laws have been changed, governments and ruling parties may still attempt to influence broadcasters informally. Changes to laws are not enough: there also need to be changes to organizational culture, where the prevailing culture of subservience and deference to authority is replaced by a culture of independent journalism.

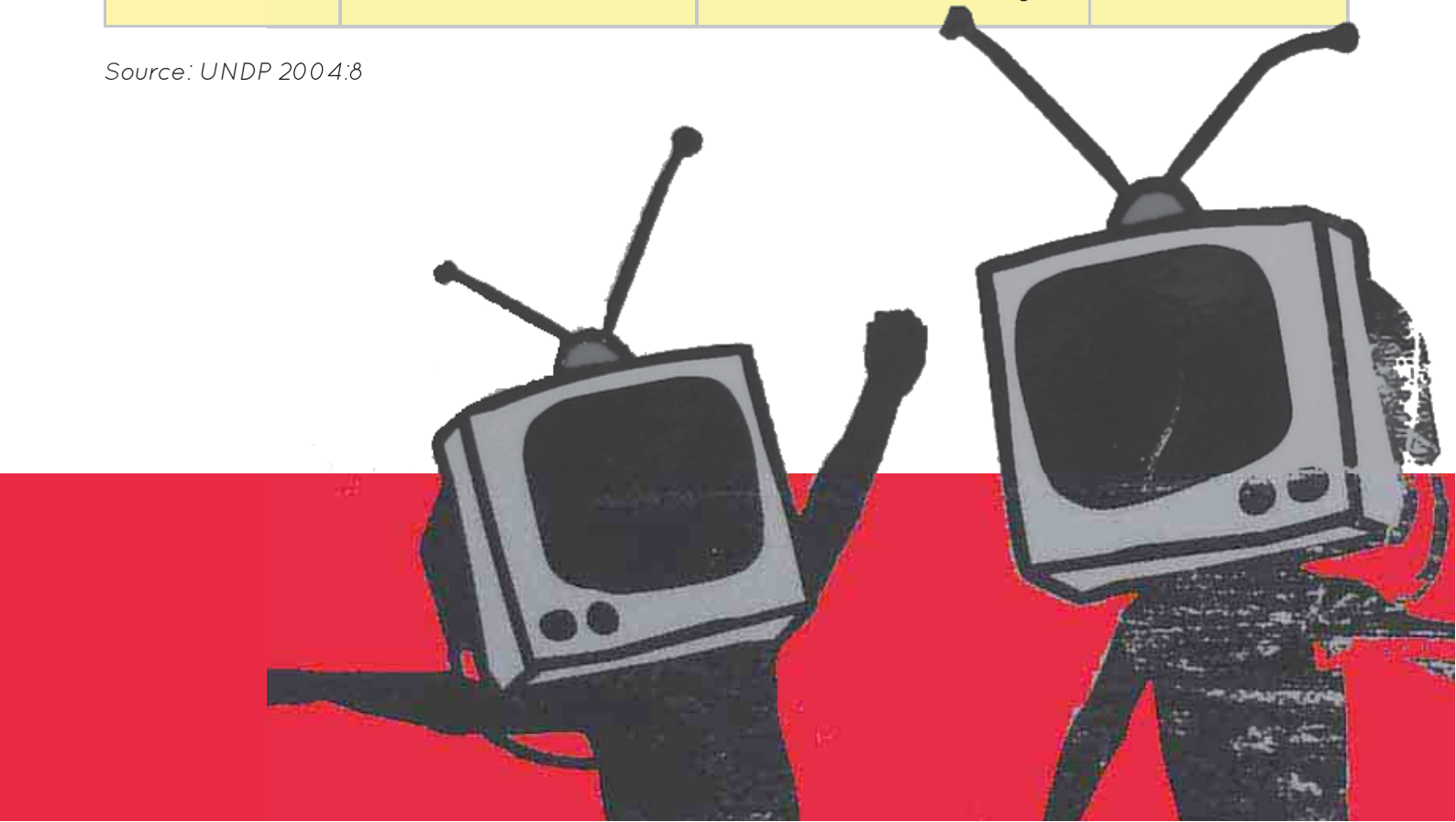
Television Industry Emergency Coalition marched to the SABC, 4 June 2009 to protest the freezing or cancellation of local television drama productions to cut costs at the public broadcaster. (*Pic: Marc Schwinges*)

State broadcasters are often confused with public broadcasters, because both are generally owned by the state; but in terms of operating principles and practices, they are poles apart.

Below are some essential differences between state, public service and commercial broadcasters:

Type	State	Public service	Commercial
Description	State authorities directly supervise the media system and have full control over content/programming	The media system is defined through a carefully articulated legislative framework in which the media is in public hands but management/ operations enjoy substantial programming autonomy	Private ownership usually accompanied by some degree of state regulation
Operating rationale	Programming driven by political interests	Programming driven by public interests	Programming driven by commercial interests
The audience	Citizens	Citizens	Consumers
Revenue source	Taxes	Subscription fees from viewers/ listeners; Statefunding; Small amount of advertising	Advertising; Private investment

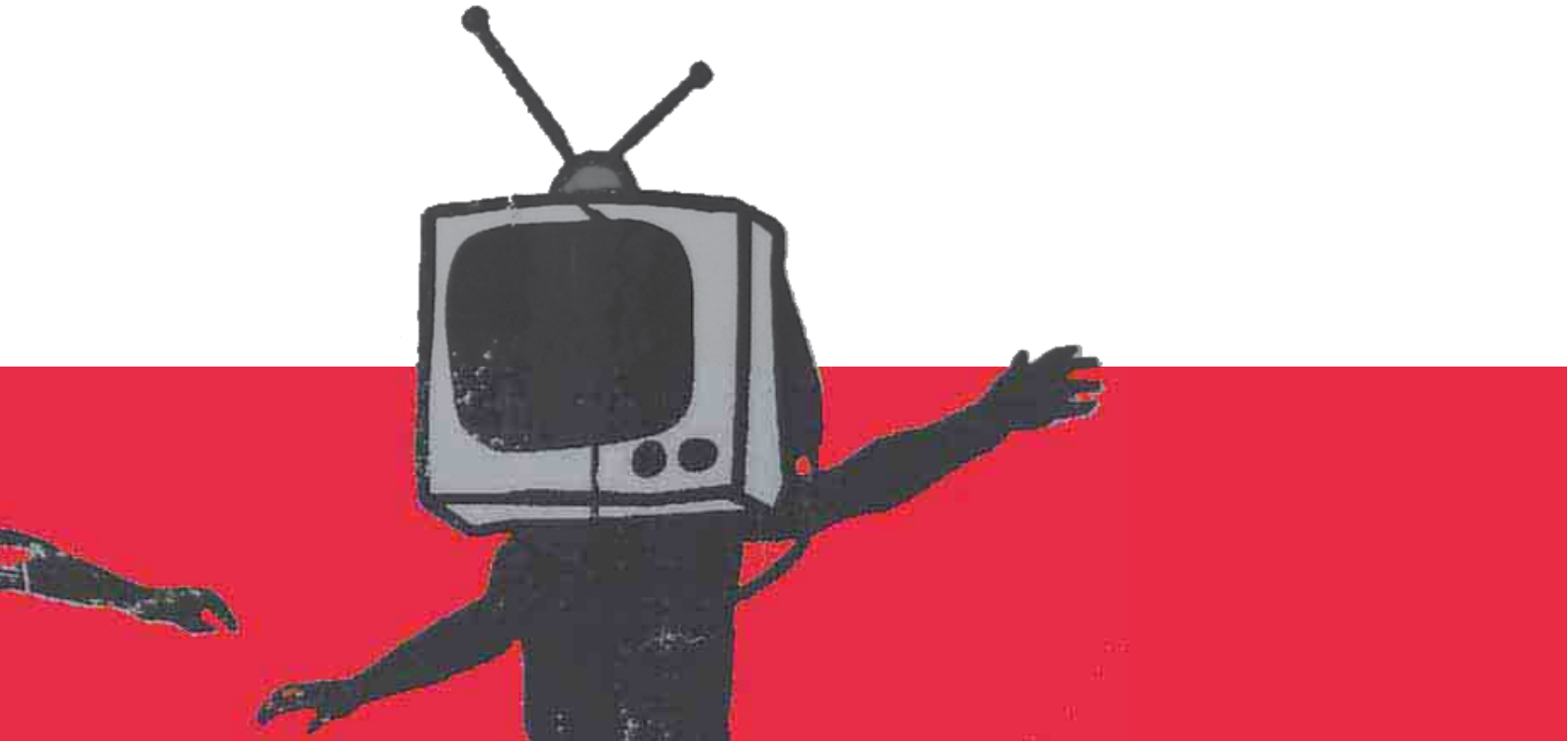
Source: UNDP 2004:8



In order for a broadcaster to qualify as a public broadcaster, it needs to have at least seven qualities.

- **Universality** – the service should be universally available, and programming should cater for the entire population in terms of language and other social characteristics.
- **Diversity** – at the same time, programmes should cater for a diversity of tastes, and should serve educational, informational and entertainment purposes.
- **Protect and promote national identity** – this is often done through the adoption of local content quotas to prevent dominance of foreign content. The broadcaster should aim for the bulk of its programmes to be locally produced.
- **Public financing** – the broadcaster should derive the bulk of its funds from public funding rather than commercial sources. These funds may be raised through a levy on electricity or electronic equipment, a tax on advertising, a dedicated license fee, or through a parliamentary appropriation.
- **Independence and impartiality from the state and commercial sources** – the broadcaster should serve the public interest, and not the interests of the government or the ruling party, or a faction of the ruling party, or commercial interests.
- **Distinctiveness** - services offered must be distinguished from those offered by other broadcasters.

Independent public broadcasters can account to a regulator (providing it too is independent), or they can be self-regulating, or a combination to the both. Public broadcasters should also have their remits spelt out in law, preferably in a charter that is debated and reviewed periodically. The controlling Boards of public broadcasters should be selected through a public process, and in this regard one of the methods described earlier for selecting of regulatory Councils could be used. All staff, including the Chief Executive Officer and other top managers, should be selected and appointed by the Board, and not by the government.



chapter

3

Print Media Freedom and Transformation

In 1991, African civil society organisations developed the Declaration of Windhoek on Promoting an Independent and Pluralistic African Press. This declaration was subsequently adopted by the United Nations (UN) General Assembly, and remains a key tool to measure transformation in the African press.

The Declaration is unequivocal on the need for press freedom and transformation. According to the Declaration, '...the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation and for economic development. By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals. By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of news papers, magazines and periodicals reflecting the widest possible range of opinion within the community' (*Windhoek Declaration 1991, Appendix 4*).

Since the adoption of the Declaration, African countries have seen a growth in the number of print media publications that are not state-owned and controlled, especially newspapers, which has led to a degree of pluralism and diversity. But there has also been an emerging problem of the newspaper industry ownership becoming over-concentrated.

Some of these privately-owned papers have become consistent government critics, providing space for reviews of government performance that have been more difficult to achieve in broadcasting. However, they have also been the target of government wrath, as well as attempts to control them through the establishment of statutory regulators and the licensing of journalists and/or newspapers. Old colonial censorship rules have been revived in some cases, or new repressive laws promulgated.

Media commercialisation and concentration of ownership

In many countries, governments and newspaper readers complain about excessive media commercialisation and concentration of ownership, declining ethical standards and the rise of tabloidisation, and the ineffectiveness of Press Councils in dealing with these problems. The media have been accused of exercising power without accountability, so media accountability, and ways to achieve it, have become burning issues internationally (*Duncan 2011a*).

As a trade union, you may find yourself facing the uncomfortable question of whether to defend the freedom of a press you may not be entirely happy with. While many of these newspapers may be entrepreneurial in nature, and focus on urban middle class audiences and issues, they may nevertheless provide important spaces for unions to get their messages across; hence the need for unions to defend their freedom, while calling for them to transform to better reflect the societies in which they operate, and in the process ensure greater media accountability to society.

Media accountability refers to any non-state means of making media responsible towards the public, with the intention of raising media standards, as well as 'the process by which media organisations may be expected or obliged to render an account of their activities to their constituents' (von Krogh 2008, p. 12).

Print media regulation

The print media need to be regulated in order to ensure the highest ethical standards. There are several models of print media regulation. The three main ones are as follows:

- Statutory regulation, where either Parliament or the government sets up a regulator and runs it.
- Self-regulation, where the media industry sets up and runs the regulator.
- Co-regulation, which involve a co-regulatory system between the industry and members of the public, or between industry and the state. This may involve co-operation between a public authority and the regulator, the delegation of public authority or public policy tasks to the regulator with the regulator enjoying a statutory backing, or a public body reviewing the activities of the regulator

Two other options – closely related to co-regulation – are available, namely statutory self-regulation and state approved self-regulation. In the former, the state monitors and approves codes of practice, but these do not necessarily have a statutory backdrop, leaving the self-regulatory system to enforce them without statutory backing.

In the latter, the rules, institutions and procedures of the regulatory

(Pic: Clare Louise Thomas)

body are spelt out in a statute, but the system is run by the industry itself (Bartle and Vass 2005: 29). As a union, you need to decide which of these options you favour.

Some of the advantages of statutory regulation are as follows:

- Rules can be legally enforceable.
- A statutory regulator has the power to compel media organizations to respond to a ruling, and the ability to enforce a ruling.
- Statutory regulation can also be used to ensure universal coverage of the regulatory system by compelling all media organizations opt in to the system (Barker and Evans 2007: 12).

Some of the disadvantages of statutory regulation are as follows:

- It can lead to state control of media content, either through direct intervention in rule making or the enforcement of punitive sanctions for reporting that is critical of the government, or through indirect means through, for instance, control of appointments processes.
- Compulsory opt-in arrangements for all media organizations can quickly lead to licencing of non-broadcast media organizations, and even all journalists, which in turn can threaten media freedom as journalists and media organizations who criticize the government can have their licenses to publish withdrawn.
- The development of legislation and regulations takes time, which can slow down the work of statutory regulators, making them less responsive to rapid changes in the sector.
- It can be a costly drain on the public purse.
- Individuals who are not necessarily conversant with the sector may be appointed to the regulator, leading to inappropriate decisions being made.

(Pic: flickr.com/cool_skatcat)

Some of the advantages of self-regulation are as follows:

- Self-regulation can be more agile than statutory regulation, which allows the system to respond rapidly to changes such as technological changes.
- They also tend to have credibility with the sector they regulate, as the sector has developed the rules itself.

- As the sector self-funds the regulator, the taxpayer is relieved of the burden of having to fund the regulator.
- Self-regulatory systems also lends themselves to a less formal, inquisitorial approach, rather than a formal, adversarial approach (Barker and Evans 2007: 12-13), which can also hasten the speed of decision-making, while making the system more accessible to ordinary people who cannot afford legal fees.
- As the system is run by the sector itself, the regulatory body is more likely to be staffed by individuals who know the sector, and who are therefore able to make informed decisions.
- The system can design rules that are fit for purpose and do not stray outside the immediate objectives of self-regulation, while the mandates of statutory regulators may grow larger and more unwieldy.

Some of the disadvantages of self-regulation are as follows:

- Self-regulation can be self-serving, claiming to represent the public interest, but in reality serving the very industry it claims to regulate. The system may even act defensively as a self-protective mechanism that works against the public interest, and may be used in an opportunistic way to deflect criticism and stave off legal and governmental threats with minimal financial damage (Marthoz 2010: 13).
- Members can opt out, leaving their ethical conduct effectively unregulated (Barker and Evans 2007: 12). Renegade publications could take advantage of this lack of regulation.
- As self-regulators do not use statutory power, their power to sanction relies mainly on moral suasion, which may be a weak form of sanction that media organizations may simply choose to ignore.
- Pure self-regulatory systems can exclude constituencies that may help to give them legitimacy, such as public representatives.

Some of the advantages of co-regulation are as follows:

- Industry – public co-regulation has obvious advantages in that it can ensure public buy in to the regulatory process, and greater public involvement makes it more likely that there will be public ownership of the system.
- Industry – government co-regulation can combine elements of self-regulation with state power, which may lead to a voluntary system being able to use statutory power to achieve public interest objectives, thereby mitigating one of the main weaknesses of voluntary regulation.
- The regulator can also be free to develop its own rules, and has a great deal of latitude in making decisions.
- Co-regulation could also be a practical way of regulating converging sectors that traditionally have operated according to different regulatory traditions (Palzer and Scheuer 2004: 9-10). Co-regulation may also help the regulator to overcome the perception that self-regulation is self-serving, or that 'self regulation is a tool of the private sector…[much] of self-regulation has nothing to do with public policy' (Bartle and Vass 2005:13)

Some of the disadvantages of co-regulation are as follows:

- Public members of the system may not be fully conversant with the ways in which the sector works, leading to ineffective decision-making.
- Controversies may arise around who gets to represent the public, which may also damage the system's credibility if selection processes are not sufficiently representative.
- In situations where media-government relations are adversarial, co-regulation may not be possible or even desirable.
- Non-compliance with the system may also lead to statutorily enforced sanctions, which if inappropriate may undermine freedom of expression.
- Compulsory opt-in clauses may also undermine freedom of association, which includes the right not to associate with a regulatory agency.
- The voluntary agency may need to apply to the relevant government structure for recognition or even accreditation, which creates the risk of accreditation being withdrawn if it earns the displeasure of government.
- These disadvantages have led critics to argue that co-regulation is really a disguised form of statutory regulation.

A case in point

Newspaper-citizen co-regulation in Mexico

Grupo Reforma is a family owned organisation with four newspapers circulating in Mexico's largest cities. One of the papers was particularly concerned about the disconnect between the paper and its readers, and developed a model that incorporated readers into its editorial decision making. This led to the establishment of an editorial Council, which intended to help the newspaper determine what the readers wanted to see published and to obtain reader feedback. The paper then expanded its efforts into participatory journalism by establishing thematic Councils to advise the paper on specific issues they knew a great deal about, and another paper followed suit. Since then, 63 Councils have been established and consist of editors, journalists, and active readers. These Councils democratise journalism by making it more directly accountable to readers and ensure popular input into editorial decision-making (*Chavez 2005*).

(Illustration by Erik Drooker)

Trade unions and the concept of self-regulation

Over the past twenty years, various donor agencies and civil society organisations have promoted the establishment of voluntary, self-regulatory Press Councils as alternatives to statutory Councils, to regulate the print media and in the process, to hold the media accountable to society.

Media practitioners generally consider voluntary self-regulation to be the 'gold standard' for the print media, as codes imposed by bodies external to their newsrooms without their consent would deprive them of their editorial independence, and hence their freedom of expression. State accountability is distrusted, as it can all too easily lead to state censorship of media content.

A different set of arguments apply in relation to the regulation of broadcast media content, as these media use a public resource, the frequency spectrum, to communicate. Therefore statutory regulation is needed to ensure that this scarce public resource is used in the public interest, and not for private or other sectional benefits only. However, many countries have one regulator run by the industry that regulates print media and broadcasting. In this regard, there are no right or wrong models; it all depends on the country context, and whether a particular country will tolerate independent statutory bodies.

The concept of press self-regulation has strong roots in the trade union movement. The first Council was set up by journalists in Sweden, as a system of peer review, and it also dealt with industrial disputes as well. The largest federation of journalists, the International Federation of Journalists (IFJ) stated in its founding code of conduct in 1954 that '...within the general law of each country the journalist shall recognise in matters of the profession the jurisdiction of colleagues only, to the exclusion of any kind of interference by governments or others' (*IFJ 1954*).

True journalism has an ethical basis, and must be driven by a deeper moral purpose, namely to expose wrongdoing and make society better. Self-regulation necessitates journalistic self-organisation and self-activity, as it involves journalists promoting and protecting the principles of their craft through peer review.

Peer review is an important principle for journalists as they have (or should have) no vested interests other than protecting the principles of their craft, while the same cannot be said for media owners, big business, governments, parliaments and others in positions of power. At some stage or another, all these power-holders will probably come into conflict with the democratic role of journalism, which is why it is important to keep journalistic decision-making as far away from them as possible (*Duncan 2011b*).

However, in many contemporary media organisations, journalists have lost power to editors, managers and owners. This weakness is also reflected in the composition of many press councils. In cases where journalistic and public representation is weak, councils can become easily captured by the industry, leading to self-serving decisions. This is what happened in Britain, leading to a major decline in ethical standards, which the Press Complaints Commission failed to stem.

Other issues you would need to address are as follows:

- Should the council have the powers to issue fines to errant publications?
- Should the council accept third party complaints, or complaints only from directly affected parties?
- Should the council require complainants to sign a waiver, waiving their right to take a complaint to court?

Cases of strong and weak self-regulation

The Media Council of Tanzania and the British Press Complaints Commission

Self-regulation is susceptible to industry capture, especially of the Press Council is dominated by media managers and owners. The Media Council of Tanzania, which regulates both the print and broadcast media, is a good example of a Council that exercises strong regulatory powers. Formed in 1995, it is a non-statutory body. Some of the Council's functions are as follows:

- Promoting and defending media freedom
- Maintaining journalism standards
- Conciliating, mediating and arbitrating on complaints
- Encouraging the development of the media through training, assisting in the formation of press clubs, conducting media freedom campaigns, etc.
- Maintaining a registry of developments likely to restrict information flow
- Promoting and defending the interests of readers

Membership of the Council consists of media outlets, media training institutes, media associations and unions, press clubs and editors fora. The Council accepts all complaints from the public, including third party complaints, and has the powers to suspend a member or issue fines in serious cases. It also has the powers to 'undertake any investigation into any matter of public importance concerning the conduct of or any report on the media'.

The Press Complaints Commission of Britain has much narrower powers and functions. It conciliates and adjudicates complaints, offers pre-publication advice, issues guidance notes on ethical issues and offers training. The Commission has a combination of editors and members of the public. It does not have the powers to issue fines. Although the Commission has the powers to initiate its own investigations, it has rarely used this power. In the one instance where it did, where phone hacking of celebrities by journalists was alleged, the Commission gave the industry a clean bill of health, in spite of hacking actually taking place. This failure on its part to protect ethical standards has led to widespread criticism that the Commission is a 'poodle of the publishers'. This incident has now led to a Parliamentary enquiry into phone hacking and has prompted the Commission to review its powers and functions.

The future of state owned newspapers

In many African countries, the state owns newspapers as well as radio and television stations. All too often these state newspapers have become mouthpieces of the ruling party, which enables them to dominate the public space, especially if they control the state broadcaster as well. The competitive landscape is often heavily skewed in favour of these papers, which often enjoy state subsidies of various kinds. They may also command the lion's share of advertising, the very same self-serving government.

What should happen to state-owned newspapers? Some of the options for unions to consider are as follows:

- Partially or fully privatise the papers, with shares being held by private individuals or in public trust, or broadly by citizens, or by foreign owners. The papers could also be sold to employees through a staff or management buy-out. The advantage of this approach is that it should dispense with the problem of state control decisively. The disadvantage is that the papers may lose their state subsidies, threatening their viability in future. Furthermore, privatisation may replace a state monopoly with a private monopoly, and the widespread availability of the papers may decrease as the papers are repositioned to target more lucrative audiences.
- Retain state ownership, but convert them into publicly controlled papers, along similar lines to public broadcasters. Public control would then be exercised by a board selected by civil society (Bussiek 2005). The advantage of this approach is that they can continue to target readers that are ignored by commercial newspapers. The disadvantage is the risk that state or even ruling party influence could still be felt through the political direction of appointed board members.

Print media ownership concentration

Many countries have become increasingly concerned about concentration of press ownership, which risks reducing the diversity of voices and placing control of the flow of information in a few, powerful, often politically connected private hands.

The newspaper industry is highly susceptible to concentration. Owning several newspapers allows owners to bring the first copy costs of newspaper production down through bulk discounts that are not easily achieved by smaller competitors. Market power can also be leveraged to raise the profiles of all the newspapers in the group, procure advertising for them and distribute their products more cost-effectively.

Large media groups are often vertically integrated, owning their own printing presses and distribution agencies, and are also susceptible to conglomeration, offering content across several platforms to maximise exploitation of the content.

Concentration may assist newspapers that may not otherwise be able to survive and compete against state-owned newspapers. But concentration can be socially detrimental as it can lead to the following:

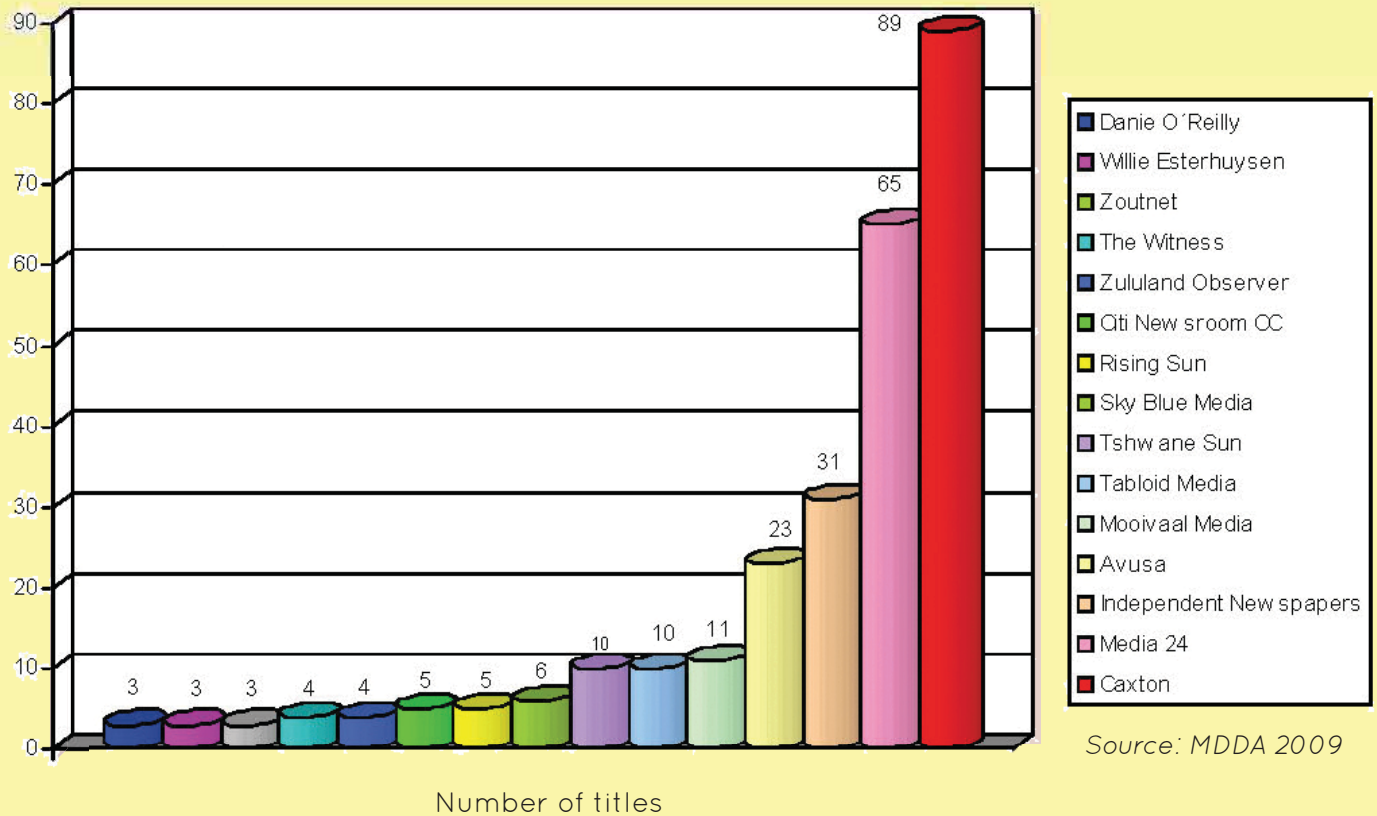
- A reduction in the plurality of media outlets and diversity of opinion, the homogenisation of media content
- The prioritisation of the views of an elite minority
- The dominance of commercial interests over the public interest; all these negative effects can result in a poorly informed public.
- Foreign ownership may lead to asset stripping of local titles.
- If media owners do attempt to censor editorial content, then the risks of a misinformed public are profound, whereas the existence of a plurality of ownership mitigates this risk (Duncan 2011c).

When is a newspaper market too concentrated? There is no one-size-fits all answer to this question, but the following tests have been suggested in other parts of the world:

- If one groups owns more than 25% of market, OR
- If a market with fewer than 4 voices with a market share of 20% each, then it is too concentrated.
- France has legislation preventing ownership of more than 30% of circulation.

As a trade union, you need to take a stand on the questions of print media concentration and foreign ownership, and whether you want to advocate for laws limiting concentration and foreign ownership. The foreign ownership question is particularly tricky, as in highly repressive contexts, where local newspapers are state-controlled, foreign owned papers may be vital sources of news.

Newspaper Owners with at Least 3 Titles



Source: MDDA 2009

chapter

4

Internet Freedom and Censorship

The spread of the Internet throughout the world has meant that it has become increasingly important as a means of communication. It also has the capacity to democratise information as well, with just about anyone with an Internet connection can produce and disseminate information. This has led to the development of online social networks such as Facebook, YouTube and Twitter, which allow individuals to develop online profiles and interact online with a specific group of people.

Internet censorship

Movements worldwide have embraced the strong democratic potential of new media, including the trade union movement. However, governments all over the world have also become increasingly concerned about the growing power of new media, especially the Internet, and are seeking to control it in much the same way as they controlled old media. The North African democratic revolutions in Tunisia and Egypt, where social media was used to organise protests, as well as convey information about crackdowns on the protests, has added impetus to government efforts to control these media.

Some of the ways in which governments prevent freedom of expression on the Internet are as follows:

- Blocking pages containing political information the government finds subversive and blacklisting people who request these pages;
- Forcing portals and search engines to remove pages that the government finds offensive, so that they cannot be found through searches;
- Installing online filtering software to filter online information the government feels threatened by;
- Shutting down the internet entirely using an internet 'kill switch', where governments ensure that there is a single point of entry to the country for the internet that can be shut down in times of national crisis;
- Mounting distributed denial of service attacks against the websites of the government's critics, where the government bombards a particular site with information, making the site crash;
- Passing legislation that prohibits particular types of information;
- Making internet service providers legally liable for internet content, which means employing large numbers of people to monitor the internet for potentially illegal content;

- Influencing publishers to remove or distort published information;
- Suing publishers to punish them for expressing particular views;
- Threatening, attacking or even killing publishers of views the government does not like;
- Licensing internet service providers of publishers of online content, and then withdrawing the license if they publish controversial views;
- More governments are promulgating monitoring and interception legislation, which allows them to intercept voice an internet communications, allowing them to monitor their critics and even act against them;

The Digital Counter-Revolution

Big Brother is Watching You!

A super-secret, $2 billion, one-million-square-foot data centre the NSA is building in Bluffdale, Utah. Focused on data mining and code-breaking and five times the size of the U.S. Capitol, it is expected to house information beyond compare, "including the complete contents of private emails, cell phone calls, and Google searches, as well as all sorts of personal data trails -- parking receipts, travel itineraries, bookstore purchases, and other digital 'pocket litter.'"

The NSA, adds Bamford, "has established listening posts throughout the nation to collect and sift through billions of email messages and phone calls, whether they originate within the country or overseas. It has created a supercomputer of almost unimaginable speed to look for patterns and unscramble codes. Finally, the agency has begun building a place to store all the trillions of words and thoughts and whispers captured in its electronic net."

Which brings us to yottabyte -- which is, Bamford assures us, equivalent to septillion bytes, a number "so large that no one has yet coined a term for the next higher magnitude." The Utah centre will be capable of storing a yottabyte or more of information (on your tax dollar).

Large as it is, that mega-project in Utah is just one of many sprouting like mushrooms in the sunless forest of the U.S. intelligence world.

In cost, for example, it barely tops the $1.7 billion headquarters complex in Virginia that the National Geospatial-Intelligence Agency, with an estimated annual black budget of at least $5 billion, built for its 16,000 employees. Opened in 2011, it's the third-largest federal building in the Washington area. Or what about the 33 post-9/11 building complexes for top-secret intelligence work that were under construction or had already been built when *Washington Post* reporters Dana Priest and William Arkin wrote their "Top Secret America" series back in 2010?

Its urge is to data mine and decode the planet in an eternal search for enemies who are imagined to lurk everywhere, ready to strike at any moment. Anyone might be a terrorist or, wittingly or not, in touch with one, even perfectly innocent-seeming Americans whose data must be held until the moment when the true pattern of eneminess comes into view and everything is revealed.

In the new world of the National Security Complex, no one can be trusted -- except the officials working within it, who in their eternal bureaucratic vigilance clearly consider themselves above any law. The system that they are constructing (or that, perhaps, is constructing them) has no more to do with democracy or an American republic or the Constitution than it does with a Soviet-style state. Think of it as a phenomenon for which we have no name. Like the yottabyte, it's something new under the sun, still awaiting its own strange and ugly moniker.

Freedom of expression and social media companies' terms of service

Governments are not the only actors that threaten online freedom. The conduct of companies that own the social media networks is also increasingly being questioned. Since the online whistleblowing site Wikileaks published US diplomatic cables, which embarrassed the US administration, companies like PayPal, Amazon.com, Mastercard and Visa severed their relations with the site.

Major social media sites like Facebook, Twitter and YouTube reserve the right to pre-filter content at their sole discretion and without prior notice, meaning that a social media users will not even know that content has been removed and cannot appeal the decision. Furthermore, terms of use can prohibit anonymous use of social networking sites, or use under pseudonyms, which means that activists who need to disguise their identities to make information available, risk having their sites removed. As a result, social media companies enjoy enormous power to decide what information should be posted, although they do not have to account for their decisions.

Other Internet censorship measures

The Internet is a worldwide communications network originating in the US; hence if the Internet is censored successfully on one part of the world, it can affect Internet users in other parts of the world. As a result, it is necessary to be concerned about Internet censorship worldwide, as users have a right to access the same version of the Internet, whether they are sitting in the US, in an African country or in China.

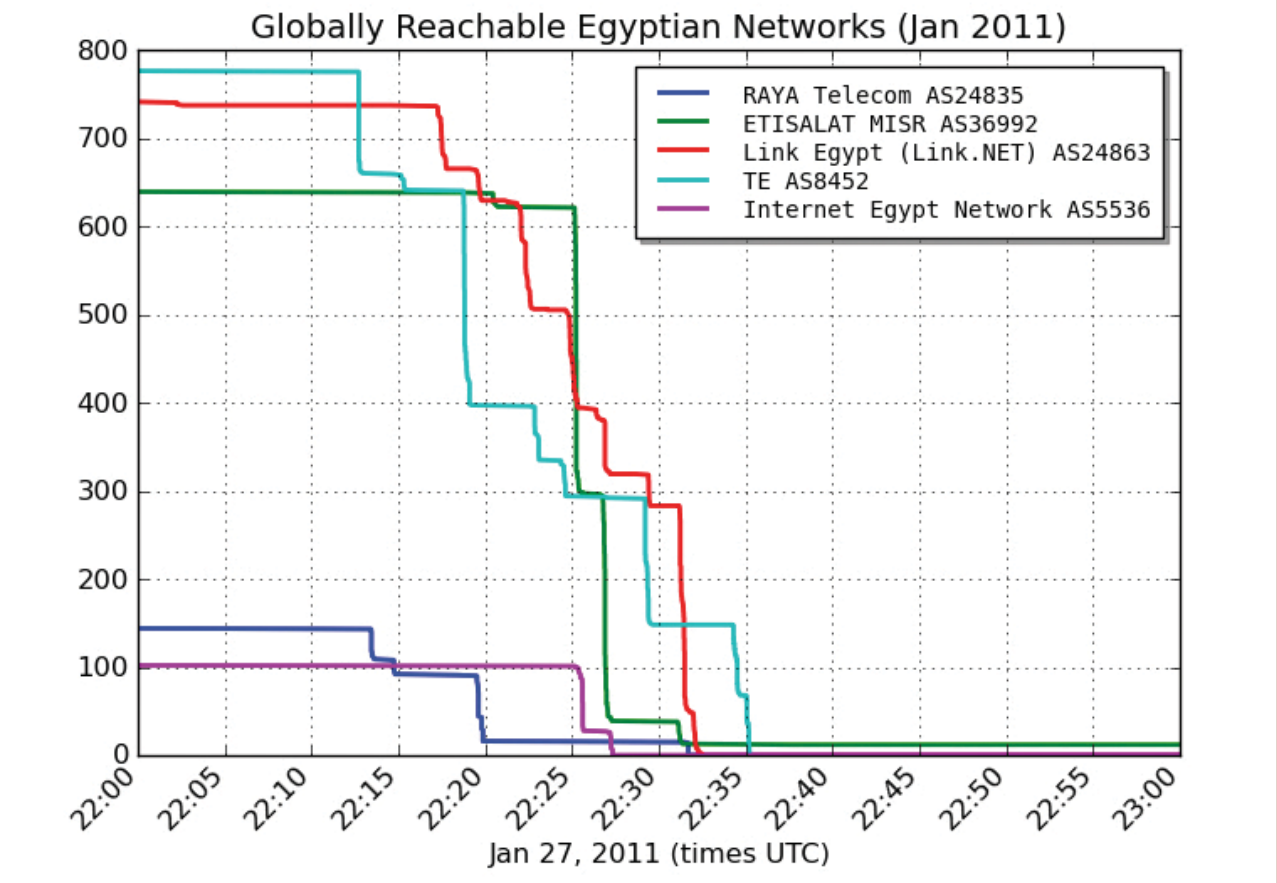
Large media conglomerates are also pushing several governments to pass anti piracy laws to protect their intellectual property by enforcing copyright of their media, preventing websites dedicated to infringing copyright or promoting counterfeit goods, allowing copyright holders to seek court orders against websites accused of copyright infringement and also allowing for the criminal prosecution of copyright infringers. As a result, the US is pushing for these measures to be included in free trade agreements with other countries.

Such measures can quickly create a culture of surveillance, where countries push for stricter intellectual property laws, which fail to recognise the rights of users to fair use of copyrighted material for non-commercial purposes, or that it may be in the public interest that the information should be in the public domain. Repeat offenders may even be blocked from using the Internet entirely.

Governments are also increasingly cracking down on pornography on the Internet, but these measures can lead to 'mission creep', where the mandates of censors are gradually broadened to include political content as well.

A case in point

At the height of the January 2011 protests in Egypt, the Egyptian government ordered the country's Internet service providers to shut down all international connections to the Internet, and all did with the exception of one. This meant that virtually all of Egypt's Internet addresses were unreachable, worldwide. The graph below from shows how each communications service provider disconnected the Internet as they were ordered to do so. This disconnection was possible because there are only two Internet exchange points in the country and four Internet service providers in the country. Conversely, the Internet is far harder to shut down if there are many Internet service providers.



Source: Reneysis 2011

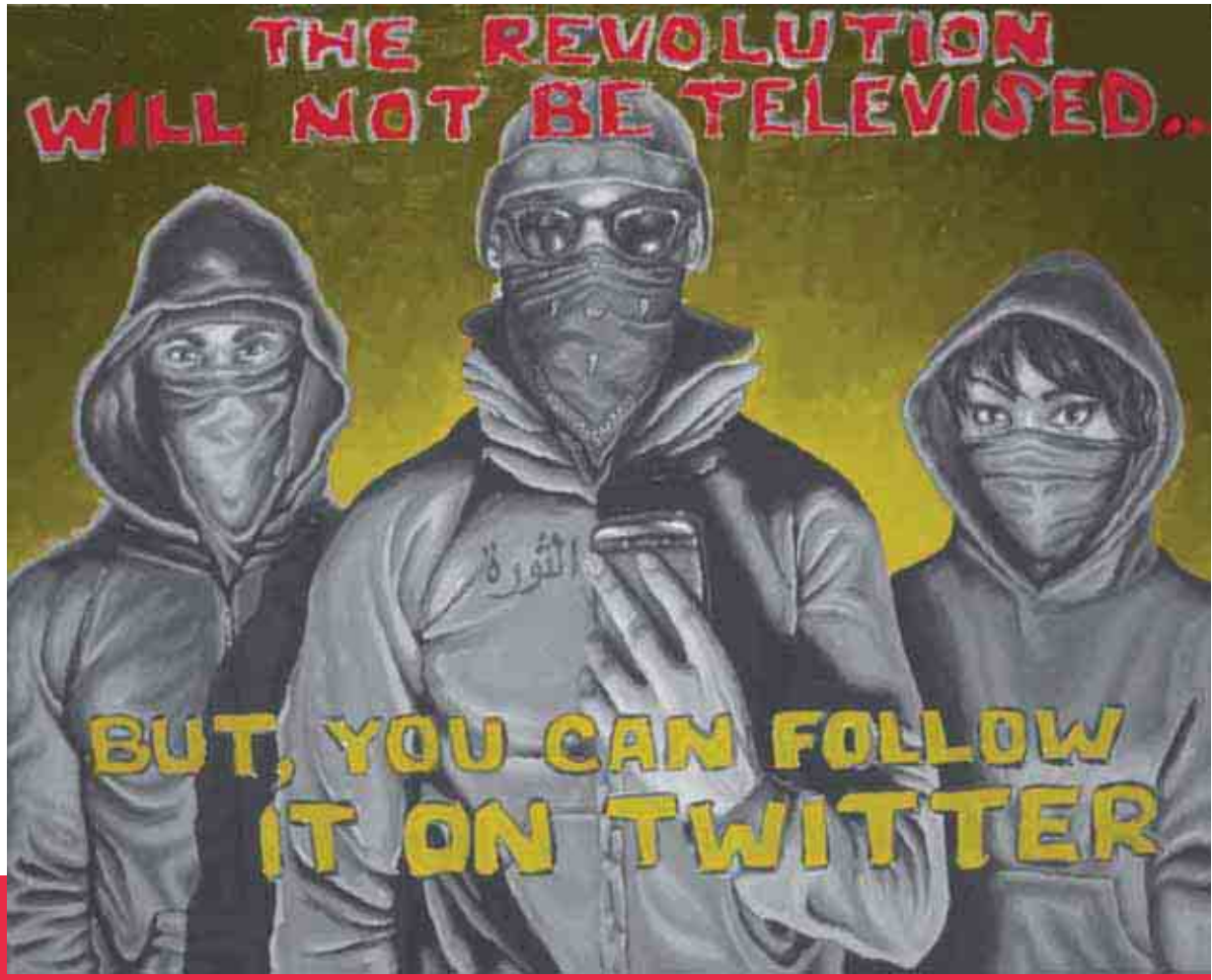
The United States is considering a Bill that will allow the President to shut down the Internet in the event of a cyberattack on key infrastructure in the country such as banks. The legislation has become known as the 'internet kill switch Bill' as it will allow the President to shut down the internet using a single shutoff mechanism, made possible by a single point of control over the internet: a power that could be used potentially to curtail freedom of speech online. However, if the Bill is passed into law, it will be extremely difficult to implement as there are an estimated 7800 Internet service providers in the US.

Countering Internet censorship: what you can do

Censoring the Internet is extremely difficult, as there are many ways of countering Internet censorship. However, there are many free tools available online that allow you to increase the security of your communications online.

Practical tips:

- If you use unencrypted Internet browsing, every Internet site you visit will be accessible by your Internet service provider and anyone else spying on your network. By using a proxy website to access the Internet, you can access the Internet anonymously.
- You can use a virtual private network to access the Internet, which encrypts your Internet traffic and stops hackers and eavesdroppers from intercepting your Internet traffic and allows you to use it with any application.
- You can use 'sneakernets' to transfer electronic files, rather than transferring them online, which involved physically transferring to an intended recipient on a USB stick or other storage device. This method of transfer is more secure than electronic transfers.
- When you browse online, your computer or phone generally defaults to an unencrypted transfer protocol called http. If you want to browse securely, to prevent anyone from tracing which websites you have browsed you should change your Internet settings to use an encrypted secure transfer protocol called https.



(Illustration by Estabonjay)

- The Internet address you are assigned when you log onto the Internet (known as the IP, or internet protocol address) is geo-location specific, allowing people to trace your geographic location from your Internet usage. A system called the Tor allows you to access the Internet using a worldwide network of servers, concealing your actual physical location.

However, be aware that more countries are banning the use of the above tools, to ensure that you cannot hide from surveillance.

Advocacy strategies

- Ensure that members of your union or organisation are aware of how to protect the security of their communications.
- If unlawful monitoring of communications is taking place, expose this and insist that any surveillance that takes place is lawful and undertaken only after an interception order is granted by a judge. Warrantless surveillance should be illegal. Also ensure that the law specifies that a person whose communications has been intercepted is informed as soon as possible after the conclusion of a criminal case, or as soon as possible after an investigation is dropped if the prosecuting authorities decline to prosecute.
- Ensure that there are as many Internet service providers as possible, preferably unregistered, to make it more difficult for the government to shut down the Internet. Do not allow the government to regulate these providers; they should be self regulating. Any Internet content that needs to be taken down because it is harmful or offensive or simply wrong, should be taken down according to a procedure that is agreed to by all service providers and their users on an upfront basis. Takedown notice procedures should give the author of the posting an opportunity to make representations before the takedown.
- Resist any government attempts to introduce legislation that censors the internet except for legislation that pursues a legitimate purpose, is proportionate to its aims and where the public interest in having the legislation outweighs the harm to freedom of expression, access to information and privacy.
- Expose any undue censorship of content by social media sites, and launch a campaign to pressurise them to change their terms of service to ensure that, at the very least, users are given an opportunity to make representations before their content is removed. Develop a 'name and shame' list of sites that censor content.
- Track the international free trade agreements your country is signing, and oppose any clauses that will prevent internet users from being able to use copyrighted material for fair use.
- Lead by example, and don't allow any of your own materials to be copyrighted. There are alternatives that will require your work to be acknowledged and not distorted, while giving others the right to use your work. Information should be free!

References

Banda, F. (2006). Key issues in public service broadcasting in sub-saharan Africa. Paper commissioned by the Open Society Institute.

Barker, I. and L. Evans. (2007). Review of the New Zealand Press Council. *Newspaper Publisher's Association and the Amalgamated Printing Engineering and Manufacturing Union*. Electronic document. http://www.presscouncil.org.nz/articles/press_council_review.pdf (accessed 29/08/2010).

Bartle, I. and Vass, P. (2005). Self regulation and the regulatory state – a survey of policy and practice. *University of Bath School of Management*. Electronic document. http://www.bath.ac.uk/management/cri/pubpdf/Research_Reports/17_Bartle_Vass.pdf (accessed 11/12/2011).

Bussiek, H (2005). 'What to do with state-owned newspapers?'. Paper produced for brainstorming exercise held by the Friedrich Ebert Stiftung. May 27-29, 2005, Stellenbosch.

Campbell, A. (1999) Self-regulation and the media. *Federal Communications Law Journal*. Vol. 51. Number 3. 712-749.

Chavez, M. (2005) News agendas and community participation: a Mexican model for change. Centre for Communications and Community. UCLA. Electronic document. http://www.c3.ucla.edu/research-reports/reports-archive/reports-archive/news-agendas-and-community-participation-a-mexican-model-for-change (accessed 20/03/2012).

Duncan, J. (2011a). The ANC's poverty of strategy on media accountability. *Ecquid Novi*, Volume 32(2), 90-105.

—(2011b). Submission to the Press Freedom Commission on media self-regulation, co-regulation or statutory regulation in South Africa.

Freedom House (2011). Freedom of the press 2011. Electronic document. http://www.freedomhouse.org/report-types/freedom-press (accessed 20/03/2012).

Freedom of Expression Institute (2008). The Broadcasting Independence handbook: lessons from South Africa. Electronic document. http://www.journalism.co.za/images/elibrary/broadcastinghandbook.pdf (accessed 5/01/2012).

Hills, J. Regulatory models for broadcasting in Africa, in Kupe, T. 2003. Broadcasting Policy and practice in Africa. London: Article 19: 34-70.

International Federation of Journalists (1954). IFJ Declaration of Principles on the Conduct of Journalists. Electronic document. http://www.ifj.org/en/articles/ifj-declaration-of-principles-on-the-conduct-of-journalists (accessed 12/12/2011).

Marthoz, J-P. (2010). Calling to account: how the telephone hacking row makes the case for reform of the Press Complaints Commission. Report produced for the International Federation of Journalists.

Media Diversity and Development Agency (2009). Trends of Ownership and Control of Media in South Africa. Electronic document. http://www.mdda.org.za/TrendsofOwnership and Control of Media n South Africa -Ver3.3 Final -15June 2009.pdf (accessed 05/05/2012).

Palzer, C. and Scheuer, A. (2004). Self-regulation, co-regulation, public regulation. Unesco Clearinghouse Yearbook. Electronic document. http://www.emr-sb.de/news/Palzer_Scheuer_Unseco-Clearinghouse_Yearbook2004.pdf (accessed 11/12/2011).

Raboy, M. 1996. *The world situation of public service broadcasting: overview and analysis, in Public Service Broadcasting: cultural and educational dimensions*. Paris: Unesco: 21-56.

Renysis (2011) Egypt leaves the Internet. Electronic document. http://www.renesys.com/blog/2011/01/egypt-leaves-the-internet.shtml (accessed 19/03/2012).

Reporteurs Sans Frontiers (2011) Press Freedom Index 2011. Electronic document. http://www.en.rsf.org (accessed 20/03/2012).

SoS – Save Public Broadcasting (2011). Memorandum to Icasa. 25 March 2011.

United Nations Development Programme (2004). Supporting public broadcasting: lessons from Bosnia and Herzegovina's experience. Electronic document. http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/supporting-public-service-broadcasting/A2I_Pub_PublicServiceBroadcasting.pdf (accessed 19/03/2012)

Africa Labour Radio Project workshop participants, 14 April 2011, Johannesburg (*Pic: ALRP*)

appendix 1

Report-back on freedom of expression and media freedom

by Africa Labour Media Project 11 – 14 April 2011, Johannesburg

Uganda

- Free to express yourself but within established laws
- Media is free to report as long as it does not break the law
- Access to the internet is easy
- Media works closely with the government
- There is also a media ombudsman

Zimbabwe

- No media freedom, report has to favour the government
- Access to information is restricted
- Public broadcaster is biased towards the government
- Journalist who write stories of dissent get arrested
- There has been direct interference on The Worker

Nigeria

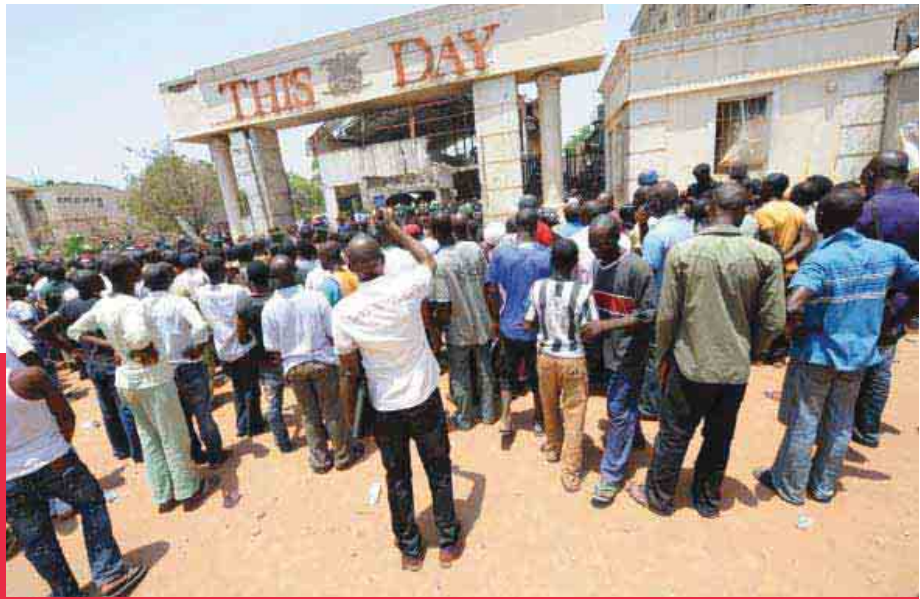
- Over 200 radio stations, over 100 TV stations (national, federal and private)
- Media is commercialized, sometimes politicians/ political parties have to pay to be on air
- Media freedom is there, but media is expected to conform to big business or government
- In the last 2 years, two prominent media personalities were killed
- Social media is popular
- There is also an online newspaper that does investigative journalism based in New York, its called Sahara reports.
- Clear limitations

Tunisia

- 3, 6 million people use social media.
- Before the uprisings the media was merely the mouthpiece of the government
- Media is slowly changing and its opening up
- New laws need to be put in place

Zambia

- People can express themselves within the law



Onlookers gather outside the premises of ThisDay Newspapers bombed in Abuja on April 26, 2012 (*Pic: Pius Utomi Ekpei/AFP/GettyImages*)

- Private media goes overboard, pushing the media freedom
- Different reporting is evident between private and public media
- Freedom of information bill is being introduced, to regulate the media.
- A journalist council is going to be established.

Ghana

- Media freedom is good, but some people go overboard
- Media laws support media freedom

Malawi

- Freedom of expression is there
- Freedom of information bill is being introduced
- Public media is still a mouthpiece of the government

Tanzania

- Freedom of expression is there
- No repression against the media from government

Lesotho

- There isn't really media of expression, it's not easy to say something against the government

Botswana

- No freedom of expression at all
- Tapping of conversations
- Media freedom is not free

Egypt

- Media is still controlled by the government
- Media laws need to be put in place

Trade unions and the Media:

- Trade unions in Malawi have come up against the media law that aims to repress the media
- Ghana TUC conducted a study on media workers working conditions and laws that protect them.
- Ownership and control of media
- Big business and government owns and controls media

Development of new media laws

- Not enough follow-up on declarations
- There should be laws that counter-act the abuse of laws
- The Windhoek declaration was just a meeting of media specialists and civil society i.e. Labour was not represented

***General Conclusion**:*

On paper we have laws that ensure media freedom but they are not implemented in reality and in fact regularly undermined by those in power and they do not favour the poor.

- Windhoek declaration content is progressive and it leads us in the right direction for example Tunisia and Zimbabwe should be prioritized in being assisted in using the declaration as a guide.
- We need to fight the fact that public broadcasters in Africa have turned into state broadcasters (mouthpiece of the government).
- Promote the establishment of community broadcasters that are owned and controlled by the community.
- Trade unions to campaign for inclusion and implementation of rights and laws that promote the freedom of expression and media freedom – especially for the working class.
- Apathy and fear are our biggest obstacles and we need to conquer them.

appendix 2

African Charter on Broadcasting (1991)

Acknowledging the enduring relevance and importance of the Windhoek Declaration to the protection and promotion of freedom of expression and of the media;

Noting that freedom of expression includes the right to communicate and access to means of communication;

Mindful of the fact that the Windhoek Declaration focuses on the print media and recalling Paragraph 17 of the Windhoek Declaration, which recommended that a similar seminar be convened to address the need for independence and pluralism in radio and television broadcasting;

Recognising that the political, economic and technological environment in which the Windhoek Declaration was adopted has changed significantly and that there is a need to complement and expand upon the original Declaration;

Aware of the existence of serious barriers to free, independent and pluralistic broadcasting and to the right to communicate through broadcasting in Africa;

Cognisant of the fact that for the vast majority of the peoples of Africa, the broadcast media remains the main source of public communication and information;

Recalling the fact that the frequency spectrum is a public resource which must be managed in the public interest;

We the Participants of Windhoek +10 Declare that:

PART I: GENERAL REGULATORY ISSUES

1. The legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as well as a three-tier system for broadcasting: public service, commercial and community.

2. All formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities which are protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party.

3. Decision-making processes about the overall allocation of the frequency spectrum should be open and participatory, and ensure that a fair proportion of the spectrum is allocated to broadcasting uses.

4. The frequencies allocated to broadcasting should be shared equitably among the three tiers of broadcasting.

5. Licensing processes for the allocation of specific frequencies to individual broadcasters should be fair and transparent, and based on clear criteria which include promoting media diversity in ownership and content.

6. Broadcasters should be required to promote and develop local content, which should be defined to include African content, including through the introduction of minimum quotas.

7. States should promote an economic environment that facilitates the development of independent production and diversity in broadcasting.

8. The development of appropriate technology for the reception of broadcasting signals should be promoted.

(Pic: ALRP)

PART II: PUBLIC SERVICE BROADCASTING

1. All State and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.

2. Public service broadcasters should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.

3. The public service mandate of public service broadcasters should clearly defined.

4. The editorial independence of public service broadcasters should be guaranteed.

5. Public service broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.

6. Without detracting from editorial control over news and current affairs content and in order to promote the development of independent productions and to enhance diversity in programming, public service broadcasters should be required to broadcast minimum quotas of material by independent producers.

7. The transmission infrastructure used by public service broadcasters should be made accessible to all broadcasters under reasonable and non-discriminatory terms.

PART III: COMMUNITY BROADCASTING

1. Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.

2. There should be a clear recognition, including by the international community, of the difference between decentralised public broadcasting and community broadcasting.

3. The right of community broadcasters to have access to the Internet, for the benefit of their respective communities, should be promoted.

PART IV: TELECOMMUNICATIONS AND CONVERGENCE

1. The right to communicate includes access to telephones, email, Internet and other telecommunications systems, including through the promotion of community controlled information communication technology centres.

2. Telecommunications law and policy should promote the goal of universal service and access, including through access clauses in privatisation and liberalisation processes, and proactive measures by the State.

3. The international community and African governments should mobilise resources for funding research to keep abreast of the rapidly changing media and technology landscape in Africa.

4. African governments should promote the development of online media and African content, including through the formulation of non-restrictive policies on new information and communications technologies.

5. Training of media practitioners in electronic communication, research and publishing skills needs to be supported and expanded, in order to promote access to, and dissemination of, global information.

PART V: IMPLEMENTATION

1. UNESCO should distribute the African Charter on Broadcasting 2001 as broadly as possible, including to stakeholders and the general public, both in Africa and worldwide.

2. Media organizations and civil society in Africa are encouraged to use the Charter as a lobbying tool and as their starting point in the development of national and regional broadcasting policies. To this end media organisations and civil society are encouraged to initiate public awareness campaigns, to form coalitions on broadcasting reform, to formulate broadcasting policies, to develop specific models for regulatory bodies and public service broadcasting, and to lobby relevant official actors.

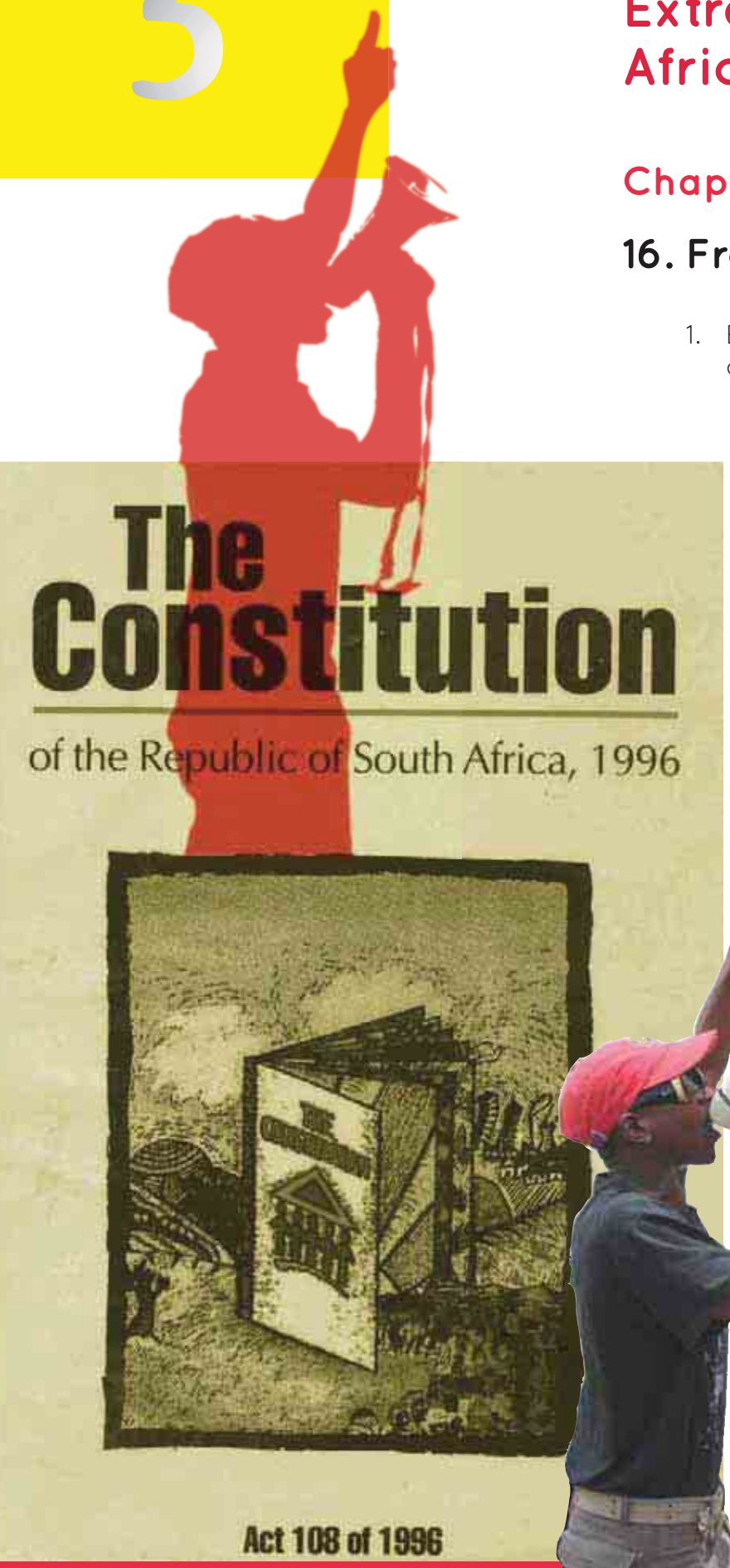
3. All debates about broadcasting should take into account the needs of the commercial broadcasting sector.

4. UNESCO should undertake an audit of the Charter every five years, given the pace of development in the broadcasting field.

5. UNESCO should raise with member governments the importance of broadcast productions being given special status and recognised as cultural goods under the World Trade Organization rules.

6. UNESCO should take measures to promote the inclusion of the theme of media, communications and development in an appropriate manner during the UN Summit on the Information Society in 2003.

Extracts from South Africa's Constitution



Chapter 2 – BILL OF RIGHTS

16. Freedom of expression

1. Everyone has the right to freedom of expression, which includes
   a. freedom of the press and other media;
   b. freedom to receive or impart information or ideas;
   c. freedom of artistic creativity; and
   d. academic freedom and freedom of scientific research.

2. The right in subsection (1) does not extend to
   a. propaganda for war;
   b. incitement of imminent violence; or
   c. advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

appendix 4

Africa Labour Radio Project (ALRP)

Summary of our Way Forward Plan of Action as agreed on 15 April 2011, Johannesburg

1. **Formation and functioning of local labour media production teams**

- Participating country trade union federations are to build strong labour media production teams of at least 6 people. The teams need to include representatives from affiliated trade unions other working class formations (see 2. Below).
- Each country team should be formed by June 2011.
- Unions should strategically recruit members who are already working in the media and are committed union members.

2. **Drawing in and collaborating with other working class organisations**

- Unions should identify and approach other groups to work or partner with for the ALRP.
- Unions are to introduce ALRP within civil society coalitions based on project content and themes, such as homophobia, gender, media freedom etc.
- Journalists should be organised into the labour movement to cover such initiatives and also as activists.

3. **Interviews and Reporting**

- All participants committed themselves and agreed to complete their required recorded interviews in time and send to WWMP for final production.

4. **Developing local labour radio shows and securing airtime**

- Federations to discuss, decide and campaign for broadcasters to give them airtime
- WWMP to write to Federations and ITUC in support of the development of radio labour shows
- There should be research conducted with the view of developing an Africa labour radio channel.

5. **Country Media Production Facilities**

- Each country to have audio recording equipment and Botswana stands to get recording equipment, budget allowing. Tunisia and Egypt will acquire their own.
- Each year 1 – 2 country federations will receive media production facilities for editing their audio recordings and producing radio documentaries as well as print media and eventually video editing. Each country federation will be given this additional equipment depending on its commitment and good performance in the project.

6. Expansion of the ALRP to Lusophone, Arabic and Francophone Countries

- Egypt and Tunisia are already on board and we will organize a special workshop as soon as possible to take place in Tunis or Cairo for Arabic speaking countries to join the ALRP.
- ITUC and WWMP to start engaging Lusophone and Francophone countries' federations later this year regarding the ALRP.

7. Relations with and the role of ITUC-Africa

- Federations encouraged to send at least one Africa Labour Radio project participant to cover the ITUC Conference set for October 24th -26th in Abuja, Nigeria.
- WWMP and the Ituc-Africa representative to arrange for the ALRP to be invited and be present at the conference.

8. Working with ITF affiliates

- ITF to create a facebook page to engage with stakeholders.
- ITF to consider handing out labour programme CDs to truck drivers to listen to, en-route to their destinations
- ITF affiliated drivers could also be approached to serve as couriers to transport country production CDs
- ITF member countries to also assess how they can assist in couriering of productions.
- Participants advised to use free online software for editing such as audacity.com sendmethisfile.com and yousendit.com

9. Long Term Sustainability

- Federations to build country teams and own the Labour Radio Shows
- Federations should not only focus on radio productions but also target other media such as the press to disseminate labour issues and make the desired impact.

10. Collaboration with other networks

- WWMP and Federations to conduct research and education throughout the whole of Africa.

11. Media Freedom/Freedom of Expression Campaign

We propose that trade union federations assess their situation with regard to freedom of expression and media freedom in their own countries and work on leading a campaign with other organisations to secure these rights in law and practice. South Africa seems to have the most rights in this regard and could be used as a positive example.

It was agreed that the promotion of freedom of expression and media freedom should be an integral part of the ALRP.

appendix 5

The Struggle for Freedom of Expression and Media Freedom and Developing a Partnership with the Africa Labour Media Project (ALMP)

Draft Resolution for Ituc-Africa Conference 2011

Noting that:

- The struggle for democracy in all countries on the African continent must include the democratic right of freedom of expression and media freedom as an integral part of our democratic struggles and liberation from poverty.
- In our countries in Africa and the Middle East these rights are not guaranteed and need to be constantly extended.
- Without freedom of expression and media freedom our ability to organise, represent our members' interests and struggle for democracy and socialism is severely curbed.
- It is the working class and poor who suffer the most when these democratic rights have not been won, not only in law but in practice too.
- Developing our capacity for labour media is essential for practically realising our congress theme of *"Renewing the African Trade Union Movement Towards African Emancipation"*.

And noting further that:

In most countries and societies where these rights are enshrined in law they are actually undermined in practice due to the unequal distribution of wealth, resources and the concentration of ownership of media production companies in the hands a few monopoly capitalist companies and the state.

In many African countries others, public broadcasters that are meant to give voice to the people have been taken over by ruling parties and elites who have transformed them into state broadcasters and narrowly reflecting the interests of the ruling party and capitalist elites.

We therefore resolve to:

1. Actively campaign for freedom of expression and media freedom to be enshrined in our countries' constitutions and fully expressed in legislation. This must include the provision of public and community broadcasting, owned and controlled by the public and fully supported by state revenue.
2. Fully participate in the Africa Labour Media Project in partnership with Workers' World Media Productions.

(Illustration by Enzo Cavalli)