

Print and Broadcast Media Freedom: Disparities and Openings

A Report to the Center for International Media Assistance

By Karin Deutsch Karlekar

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for Democracy**
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The Center for International Media Assistance (CIMA), a project of the National Endowment for Democracy, aims to strengthen the support, raise the visibility, and improve the effectiveness of media assistance programs by providing information, building networks, conducting research, and highlighting the indispensable role independent media play in the creation and development of sustainable democracies around the world. An important aspect of CIMA's work is to research ways to attract additional U.S. private sector interest in and support for international media development.

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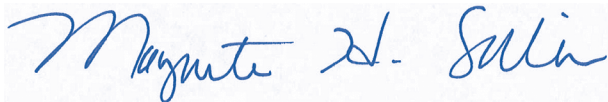
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Preface

The Center for International Media Assistance (CIMA) at the National Endowment for Democracy (NED) commissioned this study comparing media freedom in print and broadcasting. The purpose of this report is to examine trends in governments' regulation and restrictions of both broadcasting and print media in countries around the world.

CIMA is grateful to Karin Karlekar, an expert on media monitoring and evaluation with many years of experience in this field, for her research and insights on this topic. Any opinions or views expressed within this report are those of the author and do not necessarily represent CIMA or NED. Please also note that this report draws heavily on data from Freedom House's *Freedom of the Press* index, with which CIMA is not affiliated.

We hope that this report will become an important reference for international media assistance efforts.



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Executive Summary

Broadcast media have long been subject to greater government control than print media—from outright restrictions on private ownership to licensing and other regulations that maintain state control or influence content. Using historical data from Freedom House’s *Freedom of the Press* index, which has been conducted since 1980, this report assesses regional trends regarding differing levels of print and broadcast media freedom. While an initial set of data covering 1980-88 shows a clear pattern of print media ranked as freer than broadcast media in every country studied, a later data set covering 1994-2001 shows that while print media outlets faced fewer direct government controls, they were targeted more often by governments in terms of legal harassment and physical attacks on journalists and their facilities.

Governments, particularly those with an authoritarian bent, have often treated broadcast as a greater potential threat than print, largely because of its wider reach. Examples such as several cases in the former Soviet Union, including Azerbaijan in the mid-1990s and Russia starting in the late 1990s, as well as Venezuela more recently, illustrate the methods that authoritarian governments have used to assert control of the broadcast sector. This trend continues to the present day, particularly in Africa and the Middle East, where several governments try to maintain a firmer grip on broadcasting than on print through legal restrictions or tight regulation and censorship.

The controls that have traditionally affected broadcast media, from outright

prohibitions of private ownership to a range of regulatory controls over private owners and content, have all served to restrict broadcast media freedom. A case study in this report of the licensing problems faced by community radio illustrates the importance of a supportive regulatory framework for encouraging the growth of private, independent media outlets.

This pattern has changed in recent years, however, with substantial openings seen in the broadcast sector, particularly in parts of Asia and throughout the Middle East. In some cases these changes have come about because of government reforms or the ingenuity of nationally focused channels to operate within existing strictures by broadcasting via satellite from outside the country. In other cases larger transnational trends are at play, such as the spread of pan-Arab satellite television channels. These trends have combined to bring relatively uncensored broadcast media to a much larger proportion of people, particularly in environments where media is traditionally restricted. In some countries, such as Pakistan, these new outlets have played a key role in covering political and civil conflict and in shaping public opinion.

This report examines the implications of this trend for organizations that are involved in tracking media freedom and in promoting media development and independence. While the openings in the broadcast sector present new opportunities, several factors should be kept in mind in order to use these opportunities wisely and to their full potential. As seen in the historical data concerning print media, the existence

and growth of private outlets in a media environment that is still circumscribed by government or political restrictions can lead to legal or extra-legal crackdowns against independent media and journalists. Therefore, the promotion of a more open and diverse broadcast sector through the reform of licensing and regulatory frameworks needs to be accompanied by broader legal reforms. Self-regulatory mechanisms and targeted training to improve professionalism in this sector also need to be promoted.

Different methods of regulation and restriction

Historically, broadcast media have almost always been subject to greater restrictions than print media. Data from Freedom House's annual *Freedom of the Press* index suggests that while print media traditionally have been subject to fewer overt restrictions than broadcast in terms of ownership or control, the existence of private or independent print media that are pushing the boundaries can also lead to governments that attempt to muzzle criticism unduly targeting this sector. This trend is a key dynamic to keep in mind in examining more recent openings in the broadcast sector.

The most overt form of restriction on broadcast media is outright state ownership, and this still exists in a number of highly controlled media environments. In some cases, private ownership may not be permitted at all. In others, where there are more open and democratic environments, state ownership may not lead to inherent official control over content and the loss of a broadcast outlet's independence. But in practice this has been difficult to achieve except in countries with a long history of non-interference by state organs in the operation of public broadcast media. In Eastern Europe and Southern Africa for instance, nominally independent public broadcasters, formed in the 1990s following broad political openings, have been subject to pressure from government officials and political parties. For example, the South African Broadcasting Corporation (SABC),

which is owned by the state, has not been able to shake off the public perception that it is the mouthpiece of the ruling African National Congress (ANC) party. Despite having an independent board whose mandate is to serve the public and not the government, a number of news-related items over the last few years appearing to favor the ANC have led media observers to question the SABC's true independence and to accuse the board of succumbing to political pressures.¹

Traditionally, even when allowed by law, private broadcast media have been subject to a wider array of controls on their operations, even in liberal democratic political systems where there is no overt state incentive to control media content. Licensing for broadcast media and

the allocation of frequencies for television and radio by a regulatory body is the norm in most countries. In more open media systems, this would ideally be performed by an independent, non-partisan regulatory body. Under such systems, requests are processed in an unbiased manner and media diversity is not compromised. Regulatory bodies following this model are common in North America and Western Europe as well as in a number of other free and democratic media environments. In Africa, Mali provides a prime example of a country with an independent broadcast regulatory body that allocates and licenses frequencies. While the Union des Radios

Historically, broadcast media have almost always been subject to greater restrictions than print media.

et Televisions Libres du Mali (URTEL) requires broadcasters to be licensed in order to legally receive a frequency and to operate, requirements are straightforward and transparent, and bureaucratic procedures and financial hurdles are minimal. There are, for instance, no fees to receive a radio license and annual frequency charges come to only around \$20 (U.S.); applicants need only demonstrate technical competence to be granted a license. Since Mali formally legalized private broadcasting in 1991, the rural radio sector has grown enormously; currently around 200 stations operate throughout the country, most in the local languages.²

However, in less free media environments, the licensing process can be negatively affected by a number of factors. The regulatory agency itself may be subject to excessive state control, either in terms of the selection of its staff or its financial independence. Zimbabwe's 2001 Broadcasting Services Act, for example, effectively protects the monopoly of the state-controlled Zimbabwe Broadcasting Corporation by giving the ruling party total control over the Broadcasting Authority Board and the licensing process for new outlets.³ Similarly, Togo's High Authority for Audiovisual Communications, which was intended to be an independent body to protect press freedom and ensure ethical standards, is closely affiliated with the presidency and is used by the government to censor opposing media outlets.

In some cases, official foot-dragging can be an effective method of state control over the broadcast media. Applications for broadcast licenses may be ignored or not processed in a timely manner. In Ethiopia, the 1999 Broadcasting Proclamation had

provided for the licensing of private radio broadcasters, but the government waited until 2002 to open the licensing authority, the Ethiopian Broadcast Agency.⁴ It was not until 2006 that the first licenses were finally awarded to two private FM stations in the capital, Addis Ababa. By the end of 2007, the only functioning station was owned by a supporter of the ruling party.

In Tunisia, the National Frequencies Agency has licensed just one television station and three radio broadcasters in the last decade—all of which are owned by business interests close to the government, according to the Committee to Protect Journalists. The agency's approval criteria have never been disclosed, and several independent applicants have never gotten a response from the regulator.⁵ In both cases, as in a number of other countries, favoritism was shown to applicants who are somehow connected to the government or who are known to have pro-government views.

In addition, laws regulating the process may call for steep registration fees that can effectively shut many potential private operators out of the process or may include other onerous measures, such as requirements to re-register every year or to provide excessive personal information about the owners. The state monopoly over broadcast media in Jordan ended in 2003 with a new licensing system introduced for private radio and TV stations. However, many of the newly licensed outlets aired only music and entertainment, as the regulations stipulated that private broadcasters would be required to pay exorbitant fees to broadcast political news.⁶ In the Seychelles, private broadcasting has been slow to develop because of daunting licensing fees of more than \$185,000 per

year, perpetuating a de facto monopoly for the state-run broadcast media.

A government also may retain for itself the right to operate outlets with a national reach, while allowing smaller private outlets that operate only in certain geographic areas or with a limited reach because of the equipment or technology available to them. This is the case in Belarus, where there are no privately owned television stations with nationwide coverage. The Republican Commission on Television and Radio Broadcasting, the licensing authority for broadcast television, is chaired by the Belarusian minister of information, who has preserved the government's monopoly on national television broadcasting.⁷

Retaining a license may also be subject to excessive controls. For example, an outlet may be under constant threat of losing its license if it contravenes restrictive laws on content or crosses boundaries that the government finds unacceptable. The threat of license revocation or temporary suspension is a common method of harassment that has been frequently employed by authorities throughout the world. One recent example comes from Sri Lanka, where the suspension in October 2007 of the licenses for five private FM stations belonging to the Asia Broadcasting Corporation was seen as a politically influenced decision resulting from the perception that the network reported critically on current events. In other cases, the threat of suspension can lead broadcasters to self-censor or decline to cover certain stories for fear of losing their licenses. In this way, the licensing

The threat of license revocation or temporary suspension is a common method of harassment.

process can be a key method of control that can adversely affect many different areas of media freedom, including content.

In the most restrictive environments, legislation may simply forbid the establishment of private broadcast outlets altogether. For example, in Cuba, private ownership of electronic media is prohibited by the 1992 constitution: Article 53 states “Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. Material conditions for the exercise of that right are provided by the fact that the press, radio, television, cinema, and other mass media are state or social

property and can never be private property.”⁸

Similarly, in Eritrea, another extremely closed media environment, the 1996 Press Proclamation reserves ownership of radio and television for the government.⁹ However, such cases have become the exception rather

than the norm, and most countries now permit some form of private ownership of broadcast media, subject in many cases to the limitations noted above.

Apart from the licensing process itself, achieving greater state control over broadcast media has been accomplished in a number of other ways. Private broadcast outlets are often subject to a greater range of content restrictions than their print counterparts. In some cases, they are required to broadcast government-produced news segments, press releases, or official statements, either instead of or in addition to their own news coverage. Many of the countries of South Asia face

Case Study: Restrictions on and Openings for Community Radio:

The case of community radio provides an example of the importance of a good licensing framework and the benefits that the spread of a niche broadcast medium can bring. Although the term covers a broad range of typologies, community radio can be broadly defined as radio that is not for profit, participatory, and made for and by a local audience.¹¹ Along with the broadcast sector as a whole, there has been a particularly dramatic rise in the community radio sector, with a substantial increase in the number of stations covering a much wider portion of the globe than previously. Membership in the World Association of Community Radio Broadcasters (known as AMARC, for its French name, Association Mondiale des Radiodiffuseurs Communautaires) has grown to encompass more than 4,000 broadcasters operating in 115 countries.¹² Despite reforms by some governments, community radio often operates in a problematic regulatory framework with an uncertain legal status. While in the most restrictive environments no private broadcast media are allowed to operate, in other countries private media are generally allowed and are subject to licensing and regulation. But in most countries there is no specific provision for licensing community radio stations, leaving them in a legal limbo. In the best case scenario, community radio would be recognized in law or regulation as a distinct sector with a supportive policy and regulatory framework.¹³

In Brazil, a 1998 law on community radio limited stations to a transmission reach of one kilometer; mandated that they be run as non profits; and prohibited advertising or belonging to a network. Only one radio frequency in the entire country has been allotted to community stations. As a result, most stations operate illegally and face persecution or closure.¹⁴

In West Africa, Nigeria stands out as a country without a community radio sector. Although the National Broadcasting Commission's code was amended in 2003 to recognize community radio, significant bureaucratic hurdles and the high costs of a radio operating license (\$75,000-\$150,000) have effectively limited any development of the sector.¹⁵ By contrast, in Mali there has been a significant growth in community radio, with more than 100 stations operating throughout the country. With no license fees and minimal paperwork required, if a Malian individual or group has the equipment, it is very easy to open and operate a station.¹⁶

As the legal restrictions remain key, it is encouraging to note that a number of countries have taken steps to reform the regulatory environment under which many community stations operate. Uruguay passed legislation in December 2007 that designated community radio as a specific category and provided for the allocation of a third of available frequencies to such stations. In March 2008, community radio gained legal recognition in Bangladesh with the passage of a law providing for regulation and licensing of this distinct sector. AMARC actively lobbies for the passage of such legislation, on the grounds that it will develop an essential part of the enabling environment for community media to grow and flourish. Indeed, the spread of community radio over the past decade has increased the reach of broadcast media to traditionally underserved communities and has brought about greater diversity in news and information.

such rules. In Bangladesh, private outlets are required to air selected government-produced news segments (in addition to their own programming) as a condition of their operation. In Pakistan, private radio stations are not allowed to operate nationally, and those that do operate in some of the major cities are prohibited from broadcasting news programming. Even in India, which has a substantially freer media environment than its neighbors, the state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to broadcast news content.

In other cases, outlets may be forced to submit programming for pre-broadcast approval or censorship, or may be subject to other content control or directives, which may be either spelled out or unstated. In Syria, the Ministry of Information closely monitors radio and television news and entertainment programs to ensure adherence to government policies. Such censorship is mandated by the 1962 emergency law and occurs as a matter of course.¹⁰ In other cases, conflict or war can lead to increased controls

over content, as in the case of Sri Lanka, where unofficial pre-publication censorship concerning issues of “national security and defense” was imposed by the government’s Media Center for National Security in 2006.

Financial and economic restrictions may also be used as methods of control over private broadcast outlets. One of the most common is a limitation on foreign ownership, which, in poorer countries especially, may inhibit the ability of private parties to invest in the capital-intensive broadcast media sector. Such restrictions may occur in all types of media environments. The financial viability of many media outlets in Mozambique is affected by a law limiting foreign investment in any media enterprise to a 20 percent stake. Next door, Zimbabwe’s Broadcasting Services Act of 2001 bans any foreign funding of or investment in broadcast media. In another restrictive country, Uzbekistan, outlets with 30 percent or more foreign ownership are prohibited from operating at all, and the requirement to pay re-registration fees each year is a constant financial disincentive.

Why the disparities in print and broadcast freedom?

In a majority of countries—particularly in rural areas, in those with low levels of economic development, or where poor infrastructure or high illiteracy impede wide distribution of print publications—broadcast media reach a much higher proportion of the population. Given the relatively greater reach and influence of broadcast media, it is understandable that a government with authoritarian tendencies would focus on exerting control over this sector, particularly in times of crisis.

As technology has improved and expanded in recent years, the immediate impact of live news coverage and interactive aspects of live call-in programming has become especially threatening to authoritarian regimes. A glance at several recent examples illustrates some of the ways in which governments seek to control the content produced by broadcast outlets. Such instances occur particularly in the context of political turmoil or when a government feels threatened. In April 2009, the Togolese broadcast regulatory body, the High Authority for Audiovisual Communication (HAAC), issued an order banning all interactive radio and television programs in which the public would be able to express their views.¹⁷ The HAAC clamped down during a tense political standoff between the president and his brothers, when the government wished to curtail the spread of critical opinions over the airwaves. Following protests, the ban was

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lifted a week later. In September 2008 both commercial and community broadcasters (predominantly radio stations) in Zambia faced similar crackdowns by the Ministry of Information and Broadcasting, which was ostensibly worried about the effect of live call-in programs during an election period. A similar ban had been enacted during elections in 2006.¹⁸

Apart from isolated incidents of attempts to censor coverage during particular events, it is clear both historically and in the present day that governments seeking to stifle critical coverage focus on the broadcast sector. This trend was apparent in a number of countries in the former Soviet Union, where in the early 1990s media opened up considerably as part of wide-sweeping political change. However, as the rulers of some of these countries moved to consolidate political control, media freedom became a primary target. Azerbaijan is a prime example of this phenomenon.

After a period of relative openness in the early and mid-1990s, Russia undertook a concerted campaign to reassert state control over the broadcast sector. Worried about coverage of the Chechen conflict, in 1999 then-newly appointed prime minister Vladimir Putin moved to assert control over broadcast television, particularly the three stations that had national reach and political influence. Within a relatively short period,

Case Study: Azerbaijan

Azerbaijan presents an example of a government that, after an initial period of openness following the fall of the Soviet Union, moved to bring media, particularly broadcasters, more firmly under overt state control. Legislative changes in 1996 called for the registration of journalists and media outlets, and private broadcast outlets were threatened with closure. By 1998 the government owned and operated all but one broadcast outlet. In 1999, the government further restricted broadcast licensing, placing the entire process under the control of the executive branch, which had the power to give licenses and close broadcasting organizations at will. Broadcasters had no right of appeal. Meanwhile, the print media, which had remained largely in private hands and voiced more opposition views, faced considerable harassment: They were attacked or fined; their journalists were imprisoned; and their printing and distribution systems were disrupted.

buyouts of broadcast outlets, combined with a campaign of intimidation against several oligarchs with media empires—Boris Berezovsky went into foreign exile, and Vladimir Gusinsky was imprisoned on spurious charges—ensured Kremlin ownership or influence over the national television stations.¹⁹

This strategy was coupled with concerted efforts to purge foreign-produced content from many radio stations. Authorities regained control over the outlets that reached most Russians, leaving only a small number of independent print and broadcast outlets in the country.

More recently, in Venezuela, which has undergone a considerable decline in media freedom over the past decade, the government of President Hugo Chávez refused to renew the broadcast license of popular terrestrial television station RCTV, accusing the outlet of supporting a failed coup attempt and thus breaching broadcast regulations. The government ordered RCTV to stop broadcasting by May 2007, when its

license expired, and also authorized state authorities to seize RCTV's equipment and use it for a new public service channel. After RCTV was forced off the air, it resumed operations via cable and satellite, as well as broadcasting on the Internet, but this dramatically reduced its reach within Venezuela.

Seeking outright control of ownership, which involves either retaining the right for the state to be a sole operator of broadcast outlets, or shutting down those private outlets that do exist, is only one tactic a government can use to exert control. However, even in cases where a government allows private outlets to operate, other methods can be used to restrict their freedom to disseminate information. Two recent legislative attempts to regulate broadcasting serve to illustrate official tendencies in this regard.

The Kenya Communications (Amendment) Act, signed into law in January 2009, would allow the minister of information to exercise

broad editorial control over broadcast content, as well as retain the power to seize broadcast stations and equipment. It also provides for a seven-member communications commission appointed by the minister (four of whom would be government officials, with a chair appointed by the president). The commission would have the power to issue broadcast licenses and impose heavy fines and prison sentences for various offences.²⁰ The bill was passed in the face of staunch opposition from local journalists and media freedom groups. The law has resulted in tighter controls over the licensing process and has ensured that the regulatory body remains subservient to the Ministry of Information.

Similarly, a draft broadcast law proposed by Egyptian authorities in July 2008 provides for a National Audiovisual Broadcasting Regulation Authority that would be controlled by the government. A critique of the proposed legislation was carried out by advocacy groups Article 19 and the Arabic Network for Human Rights Information, which noted with concern that licensing would be required for both broadcasters and for those entities that sell broadcast equipment. The draft also stipulates that licenses would be allocated to the highest bidder, with no regard to ownership concentration or to ensuring adequate competition. Extensive controls would be placed on content, and potential penalties for non-compliance would be severe.²¹

Recent openings and opportunities in the broadcast sector

In the past decade, as the communications landscape has changed, there have been openings in the traditionally more restricted broadcast sector, particularly in certain regions of the world. Data from the 2004 to 2008 editions of Freedom House’s press freedom index that pertains to licensing, regulation, and ownership of media outlets, shows the specific regional dimensions of this trend. Little discernible improvement was evident in Western Europe, the Americas (except for costs to establish an outlet), or Sub-Saharan Africa (except for a slight easing of registration requirements).

In the former Soviet Union, conditions actually deteriorated as regulatory bodies faced increasing government pressure and interference and states increased ownership control over media outlets.

Regionally, the openings were apparent in parts of Asia and particularly in the Middle East and North Africa (MENA) region. In Asia, these openings occurred even as overall press freedom scores for the region declined. Significant improvements occurred in the scores concerning the level of state media ownership and concerning the financial restrictions to establishing media outlets. Scores on private ownership increased in Taiwan and Vietnam in 2006; Bangladesh in 2007; and China, India, and Pakistan in 2008. Scores also indicate that costs declined in Malaysia and Vietnam in 2006. A smaller region-wide improvement

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was also seen in the score measuring registration requirements. Countries showing improvement include Afghanistan, Indonesia, the Maldives, and Nepal in the 2005 edition; Malaysia in 2006; and the Maldives (again) and Pakistan in 2007. The impact of these openings was significant in a number of countries in South Asia, particularly Pakistan.

Overall the MENA region experienced a small improvement in level of press freedom, but this balanced declines in some countries such as Iran with significant

improvements in countries such as Egypt. As with Asia, scores pertaining to registration requirements, state vs. private ownership, and costs all improved. Legal regulations eased in Egypt, Jordan, and Oman in 2005; the Palestinian Authority and the United Arab Emirates in 2006; and Kuwait and Lebanon in 2008, among others.

Private ownership and control of media outlets expanded in Egypt and Lebanon in 2005; Algeria, the Palestinian Authority, and Morocco in 2006; Oman in 2007; and Bahrain in 2008.

In the MENA region, a number of the positive score changes can be linked not to reforms enacted by governments but instead to transnational trends such as the spread of satellite broadcasting, much of which has a pan-Arab reach. This has fundamentally changed the broadcast landscape in

many of the countries under study. Most governments in the region still control the content available from state-owned broadcasters, and any private domestic outlets are usually subject to regulations such as in Egypt, where they are not allowed to broadcast news. However, Egypt does permit the establishment of locally based private satellite television stations, and the government does not block foreign satellite channels. With the rapid spread in popularity of pan-Arab satellite television channels such as al-Jazeera, al-Arabiya, and al-Manar, the public's access to an array of satellite television channels has increased substantially during the last five years, eroding the state's monopoly on controlling information about domestic, regional, and global events.

This trend is also apparent in several Gulf countries where most of these stations are based. For example, in the United Arab Emirates, which hosts al-Arabiya, domestic broadcast media are mostly state-owned and offer only officially-sanctioned viewpoints. Self-censorship is pervasive, and media outlets frequently publish government statements without criticism or comment. The impact of satellite television, which has become widespread, is thus considerable, providing an uncensored source of information about local and international events. While al-Jazeera has been faulted for being critical of numerous governments in the region with the exception of its host country and funder, Qatar, there is no denying that in such a restrictive region-wide media environment, it and other similar transnational news channels have had an enormous impact. This has included news coverage of the Iraq war and of numerous other political and social conflicts, as well as live talk shows where

participants discuss controversial topics, providing a range of opinions that was unthinkable a decade earlier.

The impact on the media environment in the Arab world has been considerable. While the overwhelming majority of stations remain owned by governments or individuals affiliated with them, states have lost their absolute monopolies over television audiences. According to Jon Alterman, director of the Middle East Program at the Center for Strategic and International Studies: "Most Arabs can easily reach around the embrace of their own governments and watch a host of different views. What that means is that governments need to actually attract audiences rather than take them for granted. If they cannot compete with the most compelling television available, their audience dwindles to zero."²²

This impact has also spurred various responses from governments in the region. Gamal Eid of the Cairo-based Arabic Network for Human Rights Information (ANHRI) describes the dynamic this way: "In societies where governments are used to being the sole source of information and the role of TV stations was limited to entertainment or propagandizing the news of the king or president, governments found themselves in a bad predicament." Responses have ranged from trying to control these stations using "the same old usual methods, censorship or punishment, but these governments have totally ignored the fact that the pointer never goes in an anti-clockwise direction." In his assessment, as "Arabic satellite channels have become part of the pro-democracy movement, not only their news reporter, the Arab governments have become hostile, and this

Case Study: Broadcast Liberalization and Its Ramifications in Pakistan

The significant impact of broadcast liberalization can be seen in the case of Pakistan, where particularly since early 2007, a huge growth in private television broadcasting has transformed the media environment and has also played a key role in political developments. Satellite broadcasting emerged in the 1990s, but the expansion of stations aimed at the domestic market took off in the early years of President Pervez Musharraf's rule, which began in 1999. In 2002, Musharraf's Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance gave PEMRA authority to regulate private broadcasters (which included video images relayed over the Internet and mobile phones). A number of stations emerged, including the Geo TV network, started in 2002 by a private Pakistani media magnate who also owns the Jang newspaper group; ARY TV, founded in 2000, also by a private owner; and Aaj TV, started in 2005 by a Pakistani media conglomerate. Geo and ARY broadcast via satellite from the United Arab Emirates, where Dubai's Media City hosts a number of internationally-focused channels, while Aaj is based in Pakistan. Although the government continues to control Pakistan Television, the only free television outlet with a national reach, at least 25 all-news private cable and satellite television channels now operate, providing live domestic and international news coverage, commentary, and call-in talk shows, all of which serve to inform viewers, provide diverse and occasionally critical viewpoints, and shape public opinion.²⁵ This budding sector drew in a range of talent, from high-level journalists to many younger, more inexperienced recruits. The reach of satellite TV has spread across the country, with approximately half of all urban populations and a quarter of rural populations having access to the medium.

The impact of this dramatic expansion in broadcast TV options in Pakistan has been significant. According to Owais Aslam Ali of the Pakistan Press Foundation,

"The advent of private TV channels has revolutionized the Pakistani electronic media environment. Pluralism of opinion in electronic media has generated a dynamic for change, and channels have created forums for discourse, which for many years was monopolistic and one sided. Open and candid discussions on issues ranging from domestic politics and economy to social and cultural issues have helped strengthen civil society and the democratic process in the country. Increased access to information by the public has increased pressure for accountability of holders of public offices and other segments of society."²⁶

The particular impact of these openings on the broader political scene became apparent in 2007, when a judicial crisis that pitted Musharraf against the judiciary erupted in March. Television channels faced attacks by police and others as they attempted to cover the crisis, providing live news feeds of violent street demonstrations, protests by lawyers, and political maneuvers.

Concerned about the role of private television in reaching a critical mass of an urban audience with immediate news coverage and in shaping public opinion against the government, Musharraf attempted to tighten his 2002 ordinance, giving PEMRA the power to seize equipment and close down the premises of television channels. Following an outcry, he promised to withdraw the amendments on the condition that the electronic media develop a code of conduct. However, restrictions worsened after the November 2007 imposition of martial law. An additional ordinance imposed severe curbs on electronic media, barring them from broadcasting “anything which defames or brings into ridicule the head of state, or members of the armed forces, or executive, legislative, or judicial organs of the state,” as well as any broadcasts deemed to be “false or baseless.” Those journalists or outlets considered to be in breach of the ordinance could face jail terms of up to three years, fines of up to 10 million rupees (\$165,000), and suspension of their broadcaster’s license. Television networks were required to sign a 14-page code of conduct promoted by PEMRA—in which they agreed to discontinue specific types of programming, such as election-related content, talk shows, and live phone-in segments—in order to return to the airwaves. Those that refused, such as Geo, were kept off the air until reaching an accommodation with the authorities in early 2008. PEMRA attempted to impose restrictions on coverage of the February 18, 2008, elections, but many outlets disregarded their directives, providing real-time unconfirmed election results that pointed to an overwhelming win for an opposition coalition.

The new government promised a more open media policy and Information Minister Sherry Rehman (a former journalist) introduced legislation in April 2008 to repeal the restrictive PEMRA amendments, including the ban on live broadcasts and critical news and punishments for defamation. However, specific TV programs and some stations continued to be disrupted or pulled off the air occasionally. In June 2008, pressure from the UAE host government was brought to bear on Geo, when it told Geo to halt broadcasts of two popular talk shows or face removal from their Media City premises. Geo’s coverage of the ongoing judicial crisis in early 2009 led to a ban ordered by President Asif Ali Zardari, which then triggered Rehman’s resignation in protest.

The broadcast media’s coverage of the tumultuous political events has led to allegations of unprofessionalism and bias, both by the government of the day and by some media observers. In such a highly charged political atmosphere, live news coverage as well as opinionated talk shows could possibly trigger actions by the audience and inflame emotions. The need for live news coverage to be balanced led to attempts by the media themselves to provide a measure of self-regulation. In August 2008, the Pakistan Federal Union of Journalists drafted a code of ethics that included a system of self-regulation that “promotes editorial independence and high standards of accuracy, reliability, and quality in media”; the draft was then circulated to journalists, editors, and media owners for comment. The ARY network, meanwhile, established a 20-member media advisory board (including government representatives) to assess the channel’s level of bias in its coverage.²⁷

hostility is manifested in continued attempts to lay siege to these channels.”²³

Cases abound in the region of reporters expelled, programs halted, and legal cases filed against the satellite channels and their staff. In addition, governments in the region have moved to revisit existing regulatory frameworks. A proposed charter adopted by many Arab Information Ministers in February 2008 would impose restrictions concerning coverage of national leaders, religion, culture, and societal

issues, allowing for censorship and for repercussions against channels and staff that did not follow the guidelines.²⁴ Despite vociferous opposition from media freedom and human rights organizations within the region, all governments, with the exceptions of Lebanon and Qatar, voted to approve the non-binding resolution. While the long-term impact of the proposition on the regional media landscape remains unclear, ANHRI has noted that the Egyptian authorities did move to close local satellite channels shortly after the charter was signed.

Implications of the openings in broadcast for the media development sector

The openings in television and radio broadcasting during the past decade have increased media freedom in many countries, providing more diversity of news and information as well as exposing citizens living in more restrictive media environments to a range of news coverage and types of criticism that are unprecedented. Although these outlets have come under siege by governments that are unused to free-wheeling debate and breaking, uncensored news on the airwaves, their spread is a positive development that will be difficult to reverse or completely control. The spread of extra-territorial broadcasting is also a positive development even in partially closed media environments such as Egypt or Pakistan. And it presents an opportunity for foreign or transnational media outlets to reach populations in extremely restrictive press environments such as Belarus or Zimbabwe.

An end to state monopolies of broadcasting and greater competition both nationally as well as from extra-national or regional stations also has spurred improvements in the quality of programs. Broadcast outlets have to provide topical, relevant,

and accurate news and views to remain compelling to viewers and maintain their market share with an increasingly discerning audience. Obvious propaganda, a relentless one-sided message, or inaccurate information will be shunned in favor of stations that are responsive to audience needs. This has proved to be the case in the Middle East, for example, with government-run outlets as well as U.S.-funded broadcast outlets targeting the Arab world.

The rapid growth of broadcast media has raised questions regarding overly sensational media reporting as well as a lack of professionalism.

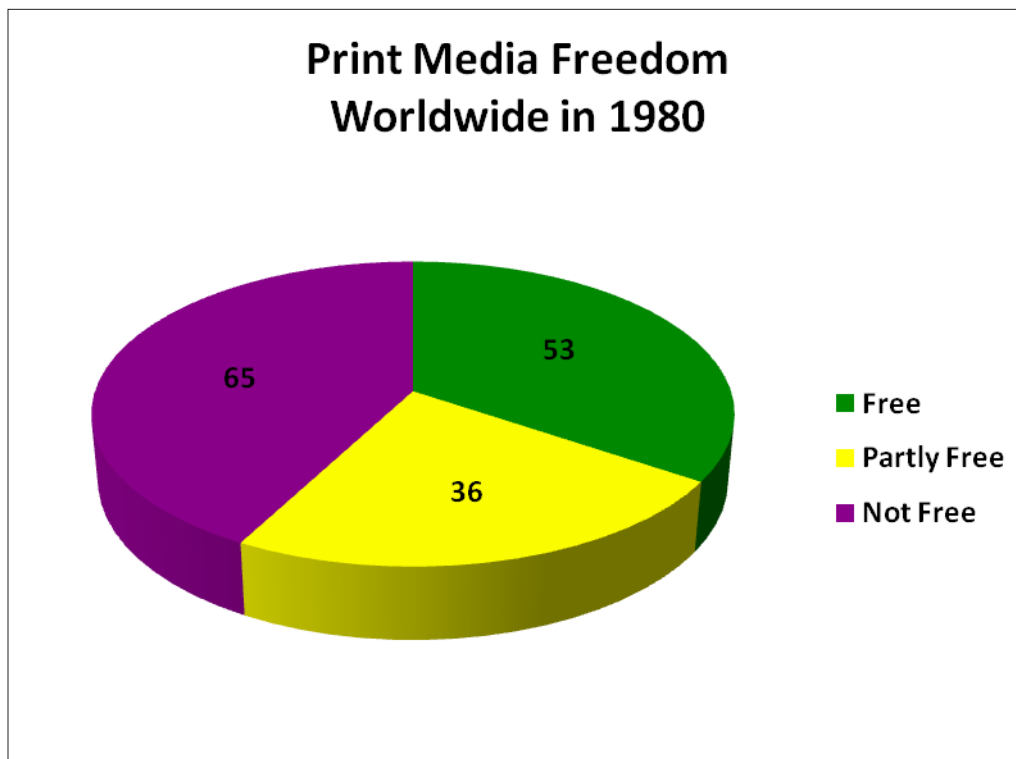
At the same time, the rapid growth of broadcast media has raised questions regarding overly sensational media reporting as well as a lack of professionalism. While in some cases

this may provide a convenient excuse for authorities to crack down, in others, media workers are operating in uncharted territory with minimal guidelines or are being pulled into larger political struggles and conflicts. While a number of countries do have self-regulatory mechanisms, such as press councils, in place for print media, it will be important for the broadcast sector as it expands to develop similar frameworks for self-regulation that can establish standards of conduct.

Disparity in the level of print and broadcast freedom: Trends over time and by region

Data from Freedom House’s annual *Freedom of the Press* index, which has been conducted since 1980, illuminates some of the trends involving restrictions on print and broadcast media. From 1980 to 1988 the index rated print and broadcast media freedom separately.²⁸ While the majority of countries covered each year had similar ratings for both print and broadcast media (in other words, both types of media received the same overall rating of Free, Partly Free, or Not Free), in 50 countries and territories covered during this time period there was a discrepancy between print and broadcast, with print media always being rated as freer than broadcast. In almost all cases, the gap spanned one category, so that countries with Free print media had Partly Free broadcast media, while countries with Partly Free print media had Not Free broadcast media.²⁹

This pattern was found among democratic countries with more open media environments, such as France, India, Botswana, and a number of other countries in Europe, Latin America, and the Caribbean, which all had print media rated Free and broadcast media rated Partly Free during all or part of the 1980s. In more restrictive environments, including a number of countries in the Middle East and North Africa, South and Southeast Asia, and Africa, typically the pattern of discrepancy would be Partly Free print media paired with Not Free broadcast media. In most cases, the broadcast media were subject to greater restrictions than print media. This included more stringent licensing and regulation, greater controls over content, and prohibitions or limitations on private or foreign ownership.

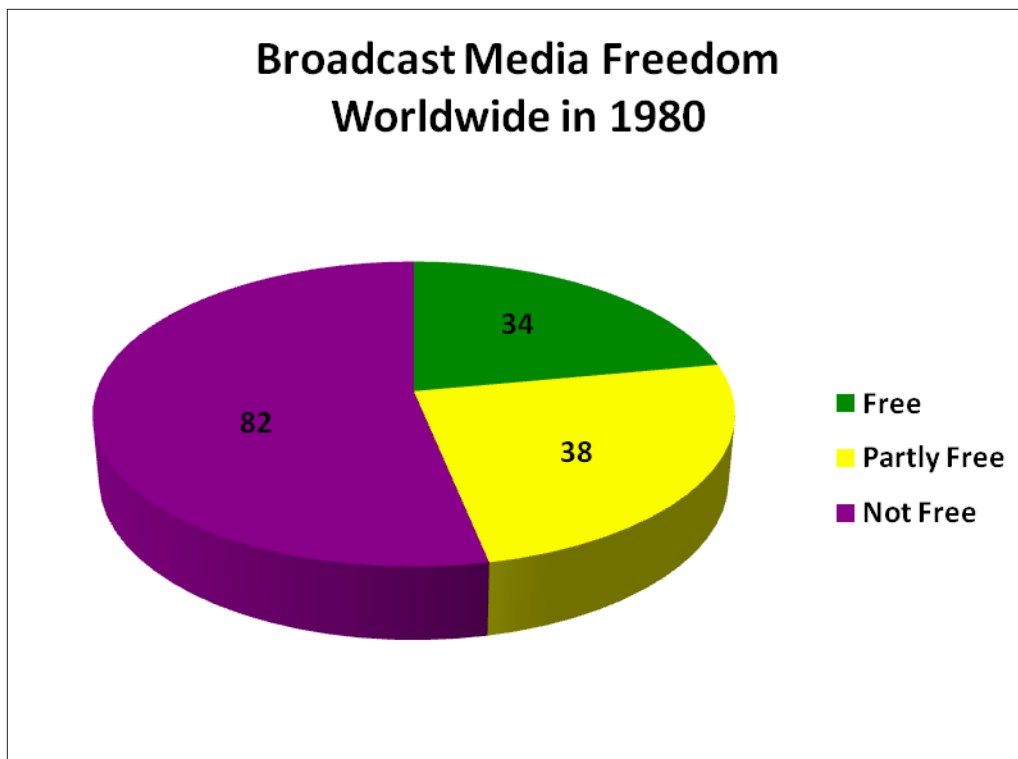


In terms of regional patterns and trends during this period, Western European countries remained largely either in the Free category or, in several cases, with a mixed Free print and Partly Free broadcast system. The Soviet Union remained firmly in the Not Free category for both print and broadcast. Poland experienced more independent print media following the openings created by the Solidarity movement starting in 1981.

The Middle East and North Africa also remained in the Not Free category, although in several countries—Egypt, Kuwait, Morocco, and Tunisia—print media were rated freer than broadcast. There were also few changes in Sub-Saharan Africa during this period, where most countries remained in the Not Free category. The few shifts that occurred were largely tied to either a shift in a government’s policies to allow more freedom of speech or to a regime change (such as a coup or serious political turbulence) that usually negatively affected press freedom.

More openings were seen in the Asia-Pacific region, particularly in South and Southeast Asia, where many countries had completely restricted media systems or some, such as Indonesia, Malaysia, Nepal, the Philippines, and Thailand, which combined Partly Free print media with Not Free broadcast media. In the second half of the 1980s, modest openings were seen in Pakistan and Singapore. In Pakistan, a completely Not Free media environment opened after the military government shifted to a mixed military/civilian regime, and the print media shifted to Partly Free. A similar trend appeared in the same survey publication year (1986) in Singapore. Around the same time, the media environment in the Philippines dramatically opened as well.

Even more significant openings occurred in the Americas, which had some generally restrictive environments as well as many with mixed Free print/Partly Free broadcast systems. Shifts in press freedom (both positive and negative, but largely, as noted



above, in a positive direction) were tightly tied to shifts to and from democracies, dictatorships, and military juntas. For example, after Argentina’s military government relinquished power in 1983 and democracy was restored, both print and broadcast media, which had been classified as Partly Free and Not Free respectively, began to operate increasingly without government restrictions. Within two years both print and broadcast media transitioned to Free, with more dramatic openings seen in the broadcast sector. Similarly, in Brazil, when a long-standing military government stepped aside in 1985, restrictions on the broadcast media were lifted and self-censorship eased, leading to both print and broadcast media being designated in the Free category.

Beginning in the mid-1990s, Freedom House data shows a shift in these patterns and dynamics.³⁰ In the 1980s, broadcast media were rated less free than print media. By the early 1990s declines in freedom for print media occurred in certain cases while broadcast media remained unchanged or became relatively more free, thus somewhat closing the gap between the two. Of the 45 countries with consistent discrepancies between 1994 and 2001, only four showed a trend of widening the gap between freedom for broadcast media and print media. The other 41 countries all showed a decrease in freedom for print media.

Analysis of the data indicates that this change is primarily the result of the

Beginning in the mid-1990s, Freedom House data shows a shift in these patterns and dynamics.

“D” subscore measuring attacks and harassment against the media, which was used during this period.³¹ As print media were freer in most cases, the level of violent repercussions directed against the press was much higher for print than for broadcast journalists and media outlets, leading to worse overall numerical scores and levels of freedom for the print category.

In terms of regional patterns and shifts, the Americas experienced very few category shifts during the mid-1990s. Countries that earlier had freer print media either tightened restrictions on

print or, in other cases, attacks against the relatively freer print media led to a less free ranking for the sector so that there was less difference between print and broadcast freedoms. In countries where print was less free than broadcast,

such as Venezuela and Mexico, the much higher level of violence against print journalists in particular was the primary cause for the gap. Greater differences generally can be seen in media and political environments that were less free overall, where restrictions affected all areas of life, not just media freedom.

Most of the Asia Pacific countries with the greatest differences between print and broadcast freedom ranked in the high Partly Free or low Not Free categories. (In Freedom House’s methodology, higher rating numbers indicate less press freedom.) An exception, Taiwan, which overall ranked in the Free category,

had significantly freer print media than broadcast during this period. During the 1980s, both print and broadcast media were ranked in the Partly Free category, so it seems that there was a considerable opening in Taiwan for print without the same for broadcast. Other countries where the print/broadcast differential was vast but where the broadcast score was better than print for a significant part of time include Nepal, Pakistan, and Vietnam. In Pakistan, broadcast media were largely under direct state control, so it was the relatively freer private press that bore the brunt of crackdowns instituted by Prime Minister Nawaz Sharif. These crackdowns targeted individual journalists as well as newspaper facilities in general—distribution was disrupted and offices were attacked.

In the early 1990s the entire region of Central and Eastern Europe and the former Soviet Union experienced a broad political opening as a result of the demise of communism, which was tumultuous and in many cases accompanied by political violence or economic hardship. This sudden opening also affected the media sector. Media systems that had been ranked in the Not Free category moved into the Partly Free or in some cases the Free category. In most situations, reforms affected both the print and broadcast sector, and each significantly improved in status. In all countries in the region that exhibited a discrepancy in scores, print scored worse than broadcast—a reversal of the trend that had marked the previous decade. These cases ranged from more open media environments in countries

such as Croatia and Kyrgyzstan to more repressive ones such as Azerbaijan, Belarus, and Serbia.

As a whole, scores in the Middle East and North Africa moved more into the Not Free category during this period, largely because of increasing crackdowns on the relatively free print press in some of the more open countries. Several countries, which earlier had Partly Free print media, such as Kuwait, Morocco, and Tunisia, also displayed the trend in the Freedom House data of print ranking worse than broadcast during the 1990s, as the “D” subscores relating to attacks increased for print during this period.

In Sub-Saharan Africa as well, a general decline in overall press freedom scores, due in large part to political turmoil, also occurred as a result of crackdowns against print media. With the exception of Gabon, the largest discrepancies between the print and broadcast cumulative scores all follow the pattern of worse scores for print than broadcast, and all occurred in Not Free media environments. Typically, in a Not Free environment where the broadcast sector remained under state control, a relatively more open print press bore the impact of direct physical attacks and repression, leading to higher scores on the “D” subscore. For example, in Kenya, a businessman with close ties to the government received the first radio broadcast license in 1996. While the station did not push any boundaries, the country’s vibrant print media was subject to legal harassment and attacks.

Conclusion

The openings in the broadcast sector present new opportunities, but as these historical trends and data show, the existence and growth of private outlets in media environments that are still circumscribed by government can lead to continuing restriction of independent media and journalists in the form of legal harassment and extra-legal threats and attacks. The promotion of a more open and diverse broadcast sector through the reform of licensing and regulatory frameworks, while an essential component in opening a closed media environment, will not necessarily lead to permanent improvements in media freedom and should be accompanied by broader legal reforms, self-regulatory mechanisms and training to improve professionalism.

Recommendations:

- Control over licensing and regulatory bodies are key methods of restricting press freedom. In more open environments or with governments that are open to enacting positive reforms, multilateral organizations, donor governments, and international press freedom watchdogs should lobby governments to promote specific reform of archaic licensing practices as well as ensuring the independence of regulatory authorities.
- Reform of legislation concerning licensing and regulation of broadcast media need to be accompanied by greater overall liberalization of media laws—otherwise new, outspoken outlets will just face more legal

and physical forms of harassment. Therefore, efforts by international as well as local pressure groups should continue to focus on ensuring reform of other restrictive laws, for example concerning criminal libel or sedition.

- National governments, with input from international experts such as AMARC as well as local stakeholders, should establish a supportive legal framework for community radio as a distinct subgenre of private radio broadcasting. The licensing process should be fair and not burdened by the high financial requirements in place for commercial stations.
- Key players in the broadcast sector, including owners, management, and staff at television and radio stations, should cooperate to promote self-regulatory bodies or frameworks on a national or regional level and these industry-led efforts should be supported by national governments.
- In addition to the reform of national laws, efforts should be made at the regional and international levels to limit additional onerous restrictions being placed on satellite broadcasting.
- Donors and media development implementers should allocate a growing share of resources focusing on media assistance for training of broadcast journalists, particularly at new radio and television stations.

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²⁸ The *Freedom of the Press* index has shifted over the course of the study’s history in terms of information provided. From 1980-1988 Freedom House (FH) provided category designations of Free, Partly Free, and Not Free, but broke down the rankings, rating print and broadcast media separately. From 1989-1993, FH provided a single category rating encompassing both print and broadcast. Starting in 1994, FH provided both an overall rating based on four numerical subscores (Legal, Political, Economic, Attacks and Harassment), but within each subscore print and broadcast were rated separately, allowing for

comparisons between the two once more. Starting in 2002, FH developed an overall numerical score based on 23 methodology questions divided into three categories (Legal, Political, Economic), and dispensed with the print/broadcast distinction. Complete historical data is available at <http://www.freedomhouse.org>.

²⁹ The only two cases where the discrepancy spanned two categories during part or all of this period were in Jamaica and Malta, which both had Free print media but Not Free broadcast media.

³⁰ From 1989-1993 FH did not rate print and broadcast media separately. Therefore, these years have been omitted from this analysis. Starting in 1994, FH provided only one overall category rating for each country, as well as assigning a more nuanced numerical score to each country on a 0-100 scale that then determined its category rating. The numerical score is a composite of scores in four categories: laws and administrative decisions, political influence, economic influence, and degree of oppression. In each category, FH returned to assessing print and broadcast media separately, thus making possible separate analysis of trends in broadcast and print freedom during the period from 1994-2001.

³¹ During the 1994-2001 period, the level of attacks and physical violations was separated out and measured separately (Subscore D) from other forms of restrictions, such as legal (Subscore A), political (Subscore B), or economic (Subscore C). During some years, the total points allotted to this subscore made up a significant percentage of the total 100 points, skewing the overall measurement of media freedom to heavily weight this form of restriction.

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