Soft Censorship:

How Governments Around the Globe Use Money to Manipulate the Media

A Report to the Center for International Media Assistance

By Don Podesta

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CIMA Center for International Media Assistance

NED National Endowment for Democracy
Supporting freedom around the world

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.

CIMA convenes working groups, discussions, and panels on a variety of topics in the field of media development and assistance. The center also issues reports and recommendations based on working group discussions and other investigations. These reports aim to provide policymakers, as well as donors and practitioners, with ideas for bolstering the effectiveness of media assistance.

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Table of Contents

Preface 3

Executive Summary 4

Overview: Indirect Censorship Around the World 6

- Latin America 8
- Asia 14
- Africa 17
- Eastern Europe 19

Looking Ahead 22

Recommendations 24

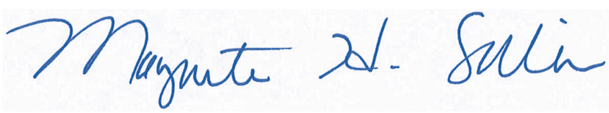
Endnotes 25

Preface

The Center for International Media Assistance (CIMA) at the National Endowment for Democracy (NED) commissioned this study on governments' use of advertising to control media. The purpose of this report is to examine this important and often overlooked method of manipulating the news, particularly in countries where democracies are fragile and there is no culture of strong, independent news media.

CIMA is grateful to Don Podesta, a veteran journalist and media expert, for his research and insights on this topic. CIMA would also like to thank Eva Constantaras, for her valuable assistance with Podesta's research.

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



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Executive Summary

As once openly authoritarian regimes have moved toward more democratic societies —or at least toward the appearance of democratic ones—an insidious form of censorship has arisen.

Typically, authoritarian regimes exert control over what can and cannot be published or broadcast by requiring news content to be submitted to a censor prior to publication, by seizing control of media outlets or by intimidating or arresting journalists and media company owners. In many countries, censorship of the news media now manifests itself in far more subtle ways, phenomena sometimes referred to collectively as "soft censorship." This report explores the spread of these indirect means of censorship and examines possible remedies that might be employed to attack the problem.

Soft, or indirect, censorship can be defined as the practice of influencing news coverage by applying financial pressure on media companies that are deemed critical of a government or its policies and rewarding media outlets and individual journalists who are seen as friendly to the government. Examples of this practice abound in countries in every part of the world. It takes several forms:

- The use of advertising by national and local governments to support media outlets financially. Often this is legitimate official advertising: public announcements conveying information about government business to the citizenry, such as putting government contracts out for bids. But where there are no rules or transparency about where and how such advertising may be placed, the sudden withdrawal of this revenue stream can threaten the independence—and even the survival—of newspapers and broadcasters.

- Pressure by the government on commercial enterprises to advertise in certain media and not in others. This is a more indirect form of the use of advertising as a club, but the effect on media companies is the same.

- Direct payments to journalists in exchange for writing articles conveying the government's position on specific topics or promoting the agendas of politicians or companies.

These practices are particularly prevalent in Africa, Latin America, South and East Asia, and some of the countries of the former Soviet Union. In much of Latin America and Africa, national, provincial, and local governments exert pressure on the media by withholding or threatening to withhold advertising. In Colombia and Ukraine, journalists are often paid directly by sources, government or private parties to produce news content that advances the patrons' agendas. And in Hong Kong, one publishing house has suffered a loss of commercial advertising because of pressure on advertisers by the Chinese government.

Proposed remedies have been put forth by non-governmental organizations, such as the Open Society Justice Initiative and the

Association for Civil Rights in Argentina and various media watchdog groups, as well as regional institutions, such as the Council of Europe and the Organization of American States. They include, among others:

- Greater transparency in awarding advertising contracts to independent newspapers and broadcasters, including passing legislation that clearly spells out the rules.

- Litigation to end the practice of withdrawing advertising as a means to exert pressure on media outlets.

- Regulations requiring governments to place advertising in media outlets that can deliver the intended audience, without regard to the news content published or broadcast by those outlets.

- Steps to ensure that the allocation of government advertising is not concentrated in the hands of political appointees.

- Efforts to increase the compensation of journalists so they can support themselves without resorting to seeking advertising individually or taking payments from news sources.

Overview: Indirect Censorship Around the World

The exercise of power and the use of public funds by the state, the granting of customs duty privileges, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express threaten freedom expression, and must be explicitly prohibited by law.

- Declaration of Principles of Freedom of Expression, Inter-American Commission on Human Rights

The problem of indirect censorship and manipulation of news coverage through the use of government advertising appears to be growing in some regions of the world. There are many ways that governments use financial carrots and sticks to influence news coverage, including calling senior editors or station managers and lobbying against or for specific news items, denying access to official information, and selectively allocating broadcast licenses or control of access to newsprint. This report focuses on the financial aspects of indirect censorship:

- Paying journalists directly to write stories in support of government officials or their policies. This is a particularly effective tool during election campaigns.

- Placing advertising in newspapers and broadcast media that support the agenda of the government or political candidates—in essence, rewarding friends—and withholding it from media whose coverage is critical.

- Pressuring private businesses to advertise in media friendly to the government and to refrain from advertising in media that covers the government with a more critical eye.

While these methods, collectively known as "soft censorship," are less draconian than overt means of censorship—taking over control of media companies or requiring news content to be reviewed by government officials before publication—they nonetheless inhibit independent media from publishing or broadcasting certain information. Though these advertising contracts outwardly appear to be straightforward commercial transactions, media watchdog groups and multilateral organizations such as the Organization of American States and the Council of Europe have argued that the use of advertising as a means to punish or reward media for its content is a clear infringement of freedom of expression. In 2007, the Supreme Court of Argentina ruled that "government discrimination in the placement of advertising is an act of indirect coercion that is contrary to freedom of speech."

The most common practice is simply to withhold government advertising from newspapers and broadcast stations whose coverage meets with the government's disapproval. For some media outlets, particularly smaller newspapers and radio stations heavily dependent on advertising from provincial or municipal governments, choking off such revenue streams can be financially devastating.

Where there is not a strong commercial advertising environment, the "media begin to live off official advertising," Catalina Botero, special rapporteur for freedom of expression for the Organization of American States, said in an interview. In such environments, she said, the government can exercise "decisive interference in the press through official advertising."[1]

Botero's view is that government advertising is not meant to be a subsidy: "The determining criterion should be reaching the audience that it is supposed to reach." For example, if a state government advertises to attract tourists, it should not subsidize local media with that advertising; rather it should place those ads in media whose audiences are located elsewhere, Roberto Saba, executive director of the Association for Civil Rights in Argentina, said in an interview.[2]

Guy Berger, dean of the school of journalism at Rhodes University in Grahamstown, South Africa, and chairman of the board of directors of the newspaper *Grocott's Mail*, said that while the media are not entitled to receive any advertising at all, "what they are entitled to is not to be discriminated against."[3] This view is shared by Botero and others, including courts that have ruled on the issue.

One of the problems for independent media in Africa—aside from the lack of strong private sectors—is the shortage of reliable, and sometimes any, market research. That means governments can feel free to place advertising where they like. "Most governments don't seem to care whether they are reaching their target audience," Berger said. "Governments have a duty to communicate proactively, not just responsively. That means not favoring sweetheart media."

Soft censorship is particularly prevalent in Latin America and Africa, but it also turns up with some regularity in Eastern Europe and South and East Asia. The specifics of how soft censorship is applied vary from region to region and even from country to country within a region.

The following survey shows how indirect censorship manifests itself in a variety of places. Based on interviews with media analysts in several regions, as well as on reports, news items and other existing literature, it is not meant to be all-inclusive. Nevertheless, even such a limited survey clearly illustrates the truly global breadth of the problem.

Latin America

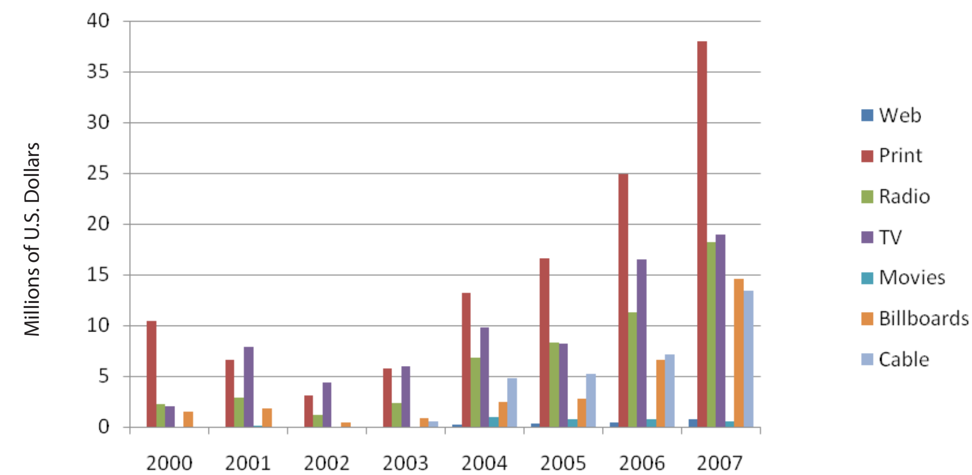
Argentina

The Price of Silence: The Growing Threat of Soft Censorship in Latin America, a study of soft censorship in seven Latin American countries published in 2008 by the Argentine Association for Civil Rights and the Open Society Justice Initiative, found that in Argentina, the "national government regularly abuses its advertising powers, including through excessive allocations to political favorites and denial of advertising in retaliation for critical coverage. Such abuses are even more marked at the local level, where media are, as a rule, more dependent on provincial and municipal advertising."[4]

The volume of advertising by governments at every level makes up a large enough share of media revenues that officials can easily exert financial pressure on certain media outlets if they so choose. In some provinces, government advertising accounts for the majority of media revenue. In Tierra del Fuego province, for example, 75 percent of the local media's advertising revenue comes from the government.[5]

The amount of government advertising has been rising rapidly. The accompanying chart shows the level of spending by the Argentine national government in U.S. dollars.[6]

The total expenditure by the Argentine national government alone in the first seven years of this decade was more than 880 million pesos (more than $347 million at the average rate of exchange from 2000 through 2007).



Argentine National Government Spending on Advertising

"What we need to discuss is whether the government has to advertise at all," said Laura Alonso, executive director of Citizen Power Foundation, a Buenos Aires-based group that advocates for civic empowerment and transparency in government. "Why does the government have to advertise?"[7]

At the end of 2008, the foundation was preparing to launch on its Web site an extensive searchable database of all Argentine government advertising in every media sector as part of its efforts to promote more transparency and fairness in the process.

The Committee to Protect Journalists, citing the work of veteran journalist Maria O'Donnell, reported in 2007 that in the presidential election campaign of 2006, a media company in outgoing president Nestor Kirchner's home province of Santa Cruz received about $960,000 in advertising from Kirchner's government. The firm is owned by one of Kirchner's close advisers and received ad revenue from the government "exceeding that of many news outlets with national reach," the CPJ reported.[8]

"It's two-way blackmail."

— Andrés Monroy, Colombian chapter of the International Federation of Journalists

Kirchner's wife, former senator Christina Fernández de Kirchner, was running for president and ultimately was elected. Fernández's campaign was prominently covered in *El Periodico Austral*, an 8,000-circulation free daily newspaper that circulates throughout Santa Cruz province and is owned by the media company that benefitted from the government's advertising.

Nevertheless, Argentina offers one of the few success stories in the effort to combat the abuse of government advertising to influence news coverage. In September 2007, the Supreme Court of Argentina ruled that the government of Neuquén province had violated the right to free expression of the daily newspaper *Rio Negro* by withdrawing government advertising as a reprisal for critical coverage of the provincial government. The court found that the province's dealings constituted an act of indirect censorship and ordered the government to refrain from discriminatory practices in placing official advertising in private media in the province.

The Inter American Press Association (IAPA) awarded the Supreme Court of Argentina its annual Chapultepec Grand Prize for defense of the principles of a free press in 2008 for its ruling.

In announcing the award, the IAPA cited the court's ruling that "'the government may not manipulate advertising by giving it to or taking it away from media outlets on the basis of discriminatory criteria,' that advertising may not be used 'as an indirect means of undermining freedom of speech,' and that 'government discrimination in the placement of advertising is an act of indirect coercion that is contrary to freedom of speech.'"[9]

Colombia

In several Colombian cities outside the capital, radio stations sell air time to individual journalists, who make their living by selling advertising. As there is almost no market for commercial advertising for local radio in these cities and towns, journalists rely on advertising from the same government institutions they are covering. The government splits up its advertising budgets among radio journalists without regard to their stations' audience reach. And the radio stations then treat the government with deference.

As radio journalist Carlos Hurtado of Cartagena, Colombia, put it: "The government agencies that advertise are very few … and journalists who seek advertising compete for them. Therefore the journalist who aspires to say that government entities are doing something badly abstains from putting out the information… One tends to soften the criticism."[10]

Andrés Monroy, judicial adviser to Colombia's chapter of the International Federation of Journalists, describes this practice as journalists paying the radio stations to be allowed to work for them. The result is that some journalists are denied the right to make a living and the public is denied the right to an independent press, he said in an interview. [11]

"It's two-way blackmail," Monroy said. Government officials tell journalists that if they don't treat them well in their reporting they will not receive any advertising. And, in the case of unscrupulous journalists, Monroy said, the obverse is true: Journalists threaten "to destroy" politicians and officials if they don't advertise.

In Cartagena, newly elected Mayor Judith Pinedo sought to put an end to this cycle by creating a committee to regulate government advertising and to distribute it with greater transparency and fairness. The reaction of the journalists' union, the Colombian Federation of Journalists, was strongly negative. The union put out a statement protesting that working journalists were not to be represented on the committee and pointing out that many of its members are "obliged to sell advertising, not by their own decision, but because unscrupulous media impresarios, motivated by an anti-democratic lust for lucre, thwart the labor laws and the international pacts on this issue, refusing to pay salaries."[12]

Where once the local media in Cartagena shied away from reporting on government scandals or malfeasance, the coverage of the new city administration turned sharply negative after the advertising contracts were subjected to review by the new committee.

Jaime Abello, executive director of the Foundation for New Iberian-American Journalism, based in Cartagena, supports Pinedo's efforts to bring order and transparency to the process of assigning government advertising. In an interview, Abello pointed out that the government needs to advertise to communicate with citizens and that the journalists in small local media markets need the revenue to stay in business. Pinedo's committee tries to ensure that the advertising money is distributed fairly and with an eye to maintaining diversity in media voices.

Before the committee was established, Abello said, "the importance of the message was secondary to rewarding reporters who would provide favorable coverage." Since the establishment of the commission, which requires government agencies to bring plans for ad campaigns before it on a quarterly basis, the journalists who routinely used to get the larger share of the advertising pie have lost revenue. They have since launched "fierce criticism" in their coverage of Pinedo's administration, Abello said. Abello called the practice an "instrument for buying journalists' consciences while diminishing criticism."[13]

The Colombian chapter of IFJ acknowledges that corruption in the use of government advertising is a serious problem, but it approaches the question as a labor issue. In its view, if strict rules about placing government advertising are put in place—tied to measurements of the size of the audience, for example—the bulk, if not all, of the advertising will go to the big national media chains, local media will lose their revenue streams, and many journalists will lose their livelihoods.

IFJ's Monroy said there are also cases of local officials applying pressure on private businesses to stop advertising in media whose coverage has been critical of their administrations. His group is investigating two such cases.

Colombia's Congress is considering a bill to regulate advertising at all levels of government. The measure would prohibit the use of advertising to call attention to government success stories and calls for advertising to be limited to announcements of programs, services, or regulations about which citizens need to know. The bill does not address how media outlets are selected to receive government advertising.[14]

Mexico

The withdrawal of government advertising on the local and national levels has become a common tactic for discouraging criticism of the government in Mexican media over the last two years.

The Center for Journalism and Public Ethics (Centro de Periodismo y Etica Publica, or CEPET) reported in September 2007 that the media coordination office of the government of Chiapas (Coordinación de Comunicación Social, or Cocoso) threatened to withdraw official advertising from the newspaper *Expreso de Chiapas* for writing on "forbidden topics." The journalist involved in the case, Arcadio Acevedo of the newspaper *Expreso de Chiapa,* told CEPET: "My employers pay me, but they do not publish my work if I touch on certain topics or people. Jacobo Elnecavé, a Cocoso official, conditioned their advertising contract with us on my good behavior." [15]

Nearly a month later, CEPET reported that the national political weekly *Proceso* had published an editorial claiming, "The government of President Felipe Calderón uses public money to punish and pressure, or to reward and favor media outlets according to their editorial line." *Proceso's* government advertising allocation had been reduced to one-fifth its former amount, even though it is the most widely circulated magazine in the country.[16]

In July 2008, members of the presidential press team instructed all government agencies not to place announcements in the magazine *Forum*, which had become increasingly critical of Calderón's administration.[17] Finally, on October 30, CEPET reported that *La Tijereta* magazine, which circulates in the southern part of Baja California, had been informed that the state government would not be granting it future advertising contracts nor pay the balance owed for past advertising in retaliation for an interview that *La Tijereta's* owner/editor had with *Proceso* in which he provided information about the alleged involvement of the state's governor, government officials and business owners in plans to sell beaches to American business owners.[18]

In another local case, in March 2008, District Delegate Germán de la Garza successfully called for the passage of a resolution at a meeting of the Benito Juárez District Council of Mexico City that canceled the district's advertising contract with *Libre en el Sur* after the newspaper published interviews and articles critical of his administration and of the use of public funds, according to the national media coordination office. The resolution violated the current advertising contract, and as of September 2008 the district authorities had not renewed their advertising contract with *Libre en el Sur*.[19]

Later that month, CEPET released word that Governor Mario Marín Torres of Puebla state denied advertising contracts to three online news sites that were critical of his administration and reported on his alleged connection with a businessman implicated in a pedophile ring. Rodolfo Ruiz Rodríguez, the director of one of the three online newspapers, *e-consulta*, told CEPET, "It's absurdly unfair; they provide contracts to media outlets that have no ratings and that cannot provide valid circulation numbers, yet they cut us off because we are critical." His paper is also coming under advertising pressure in neighboring states.[20]

"The granting or withdrawal of government advertising may not be used to reward or punish the media or individual journalists."

— Declaration of Clapultepec

In June 2008, the Inter American Press Association (IAPA) accused the state government of Guanajuato of advertising discrimination against the newspapers *a.m.* and *Correo* following the publication of an investigative report in *a.m.* linking the state government with a secret extreme right-wing group. *Correo* adopted a critical editorial stance following the report in *a.m.* The IAPA urged Guanajuato Governor Oliva Ramírez to comply with Article 7 of the IAPA-sponsored Declaration of Chapultepec, which states, "Tariff and exchange policies, licenses for the importation of paper or news-gathering equipment, the assigning of radio and television frequencies and the granting or withdrawal of government advertising may not be used to reward or punish the media or individual journalists." The Guanajuato Human Rights Ombudsperson's Office called upon government agencies to establish "clear, fair, objective and non-discriminatory criteria" in decisions concerning official advertising.[21]

Bermuda

In March 2008, the government of Bermuda cut its advertising budget of about $800,000 for the *Royal Gazette*. The government explained that the decision was a cost-cutting measure and said it planned instead to "concentrate its advertising in electronic media, especially radio and the Internet." The government also announced it was suspending all its subscriptions to the newspaper. It did not explain why it believed electronic media would be more effective in reaching the people, and government advertising continues in the island's other privately owned newspaper despite its lower circulation.[22] The Inter American Press Association reported that an editorial in the *Royal Gazette* argued that the cut in advertising was in retaliation for its campaign, "The Right to Know—Giving Power to the People," which supported access to public information legislation in Bermuda. Reporters Without Borders, the Inter American

Press Association, the World Association of Newspapers, and the International Press Institute sent letters to Premier Ewart Brown expressing their concern about the government's decision.

Brazil

The influence of government advertising on media is most evident in radio news in the northeast of the country, where private advertising is scarce. According to an investigation by the Committee to Protect Journalists, "Radio reigns as the most popular news medium in the isolated, impoverished Brazilian Northeast where on-air commentators are passionately populist and widely known figures. Many are closely tied to politically owned or controlled radio stations, which are booming in number throughout the interior, often in defiance of the law." Under these conditions, journalists are both politically influential and economically vulnerable. With a shortage of private advertising, radio hosts accept contracts from municipal administrations in exchange for airing government propaganda. Such contracts are legal and often sought after by journalists who also accept illegal payments on the side in exchange for political loyalty.[23]

Chile

Municipal and regional governments in Chile regularly use advertising allocations to influence editorial direction in the media. National and local government advertising has risen significantly in the last several years, especially during elections. In *The Price of Silence*, an editor of a regional weekly magazine in Coquimbo reported that governments make advertising payments in exchange for space to print news items generated by the government. Other editors and a senior government official in the region of Tarapacá confirmed that this practice is widespread.[24]

Guyana

Guyana's leading daily, the *Stabroek News*, the country's first post-independence privately owned newspaper, faced down a 17-month-long total government advertising ban that ended in 2008. The newspaper takes a critical editorial stance towards the administration. As of November 2006, only one state advertiser remained, and in February 2007 the last state advertiser, as well as two public companies under private management, discontinued advertising, according to a Reporters Without Borders alert.[25] On May 25, the Inter American Press Association released a statement in support of the Guyanese news media, which had called for the government of President Bharrat Jagdeo to reconsider its withdrawal of advertising of 29 government ministries, agencies and state-owned corporations from the *Stabroek News*.[26] The government backed down on April 16, 2008, under pressure by various press organizations and promised to reinstate advertising.[27] In an appreciation of the newspaper's founder and editor-in-chief, David de Caires, following his death in November 2008, the staff of the *Stabroek News* wrote "the greatest threat to the survival of the *Stabroek News* newspaper was the punitive withdrawal of state advertising."[28]

Honduras

Government advertising is allocated through the office of the president's private secretary and therefore is easily used to pressure media for favorable coverage. Local officials often buy positive stories from individual journalists through direct contracts.[29] According to a May 26, 2008, bulletin issued by the anti-corruption journal *PROBIDAD*, journalist Wendy Guerra was dismissed by the owner of Canal 49 television station in Santa Rosa de Copán in western Honduras and reinstated after her case sparked national and international attention. Station owner Amid Cárdenas, a former member of Congress, fired her for reporting on three municipal council members' opposition to the construction of a youth sports center. Cárdenas, who belongs to the governing Liberal Party, told Guerra that her reporting had caused him trouble among fellow party members and that he didn't want negative coverage of "Mel's" [Honduran President Manuel Zelaya's] government on air, because "he's my friend and he won't give me any more advertising contracts."[30]

Peru

Although Peru passed a government advertising law in 2006, it has not been enforced due to vague provisions, and a pattern of government abuse of advertising allocation continues. The housing minister provided government advertising in exchange for positive coverage of his ministry in three national newspapers, and the practice of buying favorable coverage through advertising is common on the local level as well.[31] The Press and Society Institute (Instituto Prensa y Sociedad, or IPYS) reported that on September 24, 2008, the owner of La Existosa radio station, Higinio Capuñay Zerpán, ordered the cancelation of the *El Látigo* news program after its hosts, Víctor Manuel Vidaurre Ñopo and Jorge Pizarro García, criticized the local mayor on issues of public security in Chiclayo, in northern Peru. He later forbade the two journalists from mentioning the mayor on the air as a condition of continuing their show. Several journalists told IPYS that any time that the mayor criticizes the media, he inevitably comes out on top.[32]

Uruguay

Though government advertising abuse had been common in past administrations, there was no evidence of the practice under the current administration until recently.[33] The Inter American Press Association called attention to a decision on May 2, 2008, by a state-owned bank, Banco de la República Oriental del Uruguay, to withdraw official advertising from the weekly Montevideo newspaper *Búsqueda*. On April 17, the newspaper reported that the bank had canceled the debt on a loan to Uruguay's Vice President Rodolfo Nin Novoa two months after he took office in 2005.[34] Though a new law to overhaul advertising contract regulations is currently being drafted, and several agencies have taken similar steps to prevent discriminatory allocations, the current lack of an advertising framework allows these types of abuses.[35]

Asia

Hong Kong

Government influence on news coverage by the media takes a different form in Hong Kong than in other parts of the world. Rather than placing or withholding advertising paid for with public funds in selected media outlets, the government of China exerts indirect pressure through traditional commercial advertisers. Next Media's experience in recent years offers an instructive case study.

Hong Kong's *Apple Daily* (circulation 306,000), published by Next Media, was founded in 1995, two years before the former British colony reverted to China. Jimmy Lai, the head of Next Media, is a prominent pro-democracy advocate whose publications actively opposed a proposed security law, known as Article 23, banning treason, sedition, subversion, and the theft of state secrets. Opponents were concerned that the law could lead to suppression of freedom of expression and political freedom in general in Hong Kong.[36]

On July 1, 2007, about 500,000 people marched in the streets of Hong Kong to protest the legislation, which eventually was withdrawn.

"From that point forward, life got very tough for us," Mark Simon, marketing and advertising director for Next Media, said in an interview. Advertising sales to mainland Chinese companies in the *Apple Daily* fell off precipitously, and pro-Chinese competitors started putting pressure on advertisers. According to Simon, their message was essentially: "If you want to do business successfully in China, don't do business with Next Media."[37]

"They smack us around to let every other newspaper owner know that if they go down that road, this is what can happen to them."

— Mark Simon, marketing and advertising director, Next Media, *Hong Kong*

"We started feeling it right away," Simon said. Some of the businesses that used to advertise—an airline, a major bank, investment groups, the travel industry—just stopped advertising altogether. Next Media representatives would hear, "We have our orders; we can't advertise with you."

"We've gotten no advertising from any state-owned corporation in three years," Simon said. "They just want to keep us tied up, and if they could kill us they would." Next Media estimates that it has lost 200 million Hong Kong dollars (approximately $25.8 million) a year since the Chinese government began applying pressure on advertisers.

Next Media is big enough to cope with the boycott, but it has a chilling effect on anyone else hoping to break into the media business in Hong Kong, Simon said. "They smack us around to let every other newspaper owner know that if they go down that road, this is what can happen to them."

Pakistan

In 2007, Pakistan's media faced deteriorating conditions as the government of then-president Pervez Musharraf imposed emergency rule and clamped down on media outlets. According to a report issued in January 2008 by the Pakistan Federal Union of Journalists (PFUJ), which is affiliated with the International Federation of Journalists, the government's tactics included measures designed to put financial pressure on the media.[38]

"Pakistan's Government has used not only direct means but also indirect economic means to pressure media houses to conform to the regime's line," the PFUJ reported. "This was occurring throughout 2007, but intensified with the emergency declaration. The IFJ and the PFUJ were already concerned about regulatory issues in regard to government bodies denying advertising to media establishments seen to voice criticism, and supported efforts before the emergency to evolve a transparent and fair system of allocation of government advertising budgets."[39]

In December 2006, the Pakistani government cut its advertising in the Dawn Group, one of Pakistan's leading English-language media companies, after Dawn refused a government request for a news blackout of military action against the Taliban and al-Qaeda near the Afghan border and an insurgency in parts of Baluchistan in the western part of the country.[40]

The following April, Human Rights Watch protested what it called "increasing attempts by the Pakistani government to muzzle the media." In a letter to Musharraf, Brad Adams, executive director of Human Rights Watch's Asia division, said: "The federal and Sindh provincial governments have attempted to pressure the newspaper *Dawn* into supporting its view on events in Baluchistan, the volatile tribal border areas with Afghanistan, the Taliban, al-Qaeda, 'disappearances,' covert support to militancy in Kashmir, and human rights issues by withholding government advertising, a revenue source on which Pakistani papers rely heavily. Since December 2006, *Dawn* has seen its designated share of government advertising slashed by two-thirds. The government is the largest advertiser in the country and under well-established procedures agreed between journalist bodies and Pakistan's Ministry of Information advertising is supposed to be distributed fairly on the basis of such criteria as newspaper circulation, language, geographic reach and target audience."

Robert Ménard, then secretary-general of Reporters Without Borders, wrote to the minister of information in protest. "Under Pakistani law, state advertising is supposed to be distributed fairly on the basis of such criteria as newspaper circulation, but the *Dawn* daily newspaper, the *Star* and the *Herald* have been the victims of targeted sanctions," Ménard's letter said.

The Committee to Protect Journalists issued a statement of protest: "We are very concerned by threats to the independent Pakistani press," CPJ Executive Director Joel Simon said. "When the government pulls advertising and holds up licenses, it sends the unmistakable signal that it wants critical coverage to be toned down."

The Jang Group, which publishes the *Daily Jang*, the country's leading Urdu language newspaper, and the *News*, in English, has faced pressure from the government since 1998. In 2002, the CPJ pointed out in a press release that the government stopped nearly all its advertising with the Jang Group after the *News* published a story linking the prime suspect in the abduction and murder of *Wall Street Journal* correspondent Daniel Pearl with an attack on the Indian Parliament, which India blamed on militants supported by Pakistan.

Nepal

The course of Nepal's long-running civil conflict, government advertising was blatantly used to manipulate the media during the 14-month period of direct rule under King Gyanendra in 2005 and 2006. On April 8, 2005, three months into the state of emergency, the Committee to Protect Journalists reported on a new directive that ordered all government agencies to stop payment for advertising to private media as of March 15, and Information Minister Tanka Dhakal confirmed the ad suspension at a press conference in Kathmandu, the *Kathmandu Post* reported. "We are seriously thinking of giving incentives to those media working for the nation and the crown, so we have stopped giving ads to the private media temporarily," Dhakal said. The government planned to allocate advertising among those media outlets deemed "responsible," the minister said.[41] In its 2006 report on Nepal, CPJ reported that the Seven Party Alliance government scrapped anti-media ordinances and policies promulgated after the king's coup, including a practice of purchasing advertising from loyal news outlets only, but that pressure on the media by local governments is still prevalent.[42]

Thailand

During telecommunications billionaire Thaksin Shinawatra's five years as prime minister, corporate and government advertising was used to reward media outlets that followed the government line and punish those that did not. According to a 2004 Human Rights Watch Report, Thaksin's business empire enabled him to manipulate both government and private advertising budgets to exert pressure on the media. The Thai Journalists' Association reported that some newspapers reconsidered criticism of government officials who purchased advertising or controlled the advertising placements of large government-owned entities. [43] An open letter by Reporters Without Borders sent in November 2005 recommended that the government take steps to ensure that state advertising in the news media is allocated in a fair and transparent manner.[44] Under the military junta that ousted Thaksin in September 2006, protection of press freedom was inconsistent, according to the most recent World Press Freedom review by the International Press Institute.[45]

> ***While the media are not entitled to receive any advertising at all, "what they are entitled to is not to be discriminated against."***
>
> *— Guy Berger, dean of the School of Journalism, Rhodes University, South Africa*

Africa

South Africa

In recent years, several newspapers in South Africa have faced government advertising boycotts or threats of boycotts designed to punish them for unfavorable coverage or to influence the coverage. Among them are the *Sunday Times* (national distribution), *Talk of the Town* (Port Alfred), the *Witness* (Pietermaritzburg) and *Grocott's Mail* (Grahamstown). The case of *Grocott's Mail* serves as an illustrative example: The municipal government of Grahamstown withdrew advertising from *Grocott's Mail* beginning in 2007 because it disapproved of the paper's coverage. Government officials also stopped talking to the paper's journalists.

Editor Jonathan Ancer said at a journalism workshop in Johannesburg that as a result, "stories about toxic water crises, power outages, dumping, sanitation and the plight of people living in informal settlements" were often accompanied by the standard line "that the municipality cannot be reached for comment." Ancer indicated that the loss of advertising revenue for exposing corruption represented a "serious blow to press freedom and democracy," according to an account of his remarks posted on the University of the Witwatersrand's journalism department's Web site.[46]

After appeals to the municipal government failed, the newspaper filed a lawsuit. In October 2008, the municipality settled out of court.

"They backed down when we threw the constitution and other legal arguments at them," said Guy Berger, dean of Rhodes University's school of journalism and chairman of the board of directors of *Grocott's Mail*.[47]

While the government was withholding advertising from *Grocott's Mail,* which has paid circulation, it was advertising in a free-distribution newspaper, which has less credibility. *Grocott's Mail* was able to bolster its legal case by documenting circulation figures that showed the paper was "a must spend of taxpayers' money," Berger said. "The municipality backed down because they knew they would lose."

Unlike the case of *Rio Negro* in Argentina, however, no new laws or regulations governing the use of government advertising resulted from the newspaper's victory in its dispute with the municipal government.

Botswana

The Media Institute of Southern Africa's Botswana chapter expressed concern in 2007 about "a growing tendency to use the placement of advertising as inducement to influence editorial decisions. Freedom of expression cannot be held at ransom to economic factors; otherwise, the right to information, as enshrined in various international and regional conventions and protocols, would have no meaning." The immediate cause of MISA's concern was the withdrawal of advertising from the *Tswana Times* by the parastatal Botswana Telecommunications Corporation. Editors of the *Times* said the move was in retaliation for publishing an unfavorable report, which officials had tried to persuade the newspaper not to publish. The head of public relations for the corporation denied the accusation in an interview with MISA-Botswana, saying, "There are several newspapers that we have not yet placed advertisements on for the simple reason that we have not found them suitable for particular campaigns."

Kenya

In April 2007, the public services ministry sent an e-mail message to several agencies instructing them to cancel advertising with Standard Group media, parent company of Kenya Television Network and the daily newspaper, the *Standard*, according to a statement by Reporters Without Borders, citing Kenyan and foreign media reports. The move came after nearly a year of tension between the Standard Group and the government. Reporters Without Borders condemned the move. "The culmination of a war of words in which the police and courts have at times been enlisted, this decision is absurd and dangerous," the press freedom group said. "A state advertising boycott is not just a low blow, it is also unacceptable inasmuch as public funds should not be used for political or personal advantage."

Namibia

The daily *Namibian* not only lost advertising to another paper, the government stopped subscribing to it for its employees—a circulation boycott as well as an advertising one. But circulation went up in part because instead of buying a few copies and passing them around government offices, now government workers buy their own copies. In Namibia there is a strong private sector that can provide a revenue stream through advertising—something not the case in much of Africa. So even though the government has not advertised in the *Namibian* for the past eight years, the paper is doing well.[48]

Rwanda

In 2007, the government denied advertising to newspapers that had been covering government mismanagement and corruption. According to the Committee to Protect Journalists' report, "Attacks on the Press 2007," the government "suddenly terminated advertising contracts with Rwanda's leading private Kinyarwanda-language newspapers, including *Umuseso, Umuco, Umuvugizi* and *Rushyashya*," citing local journalists. The CPJ said these papers are heavily dependent on advertising revenue and were struggling "to maintain normal circulation and staff."

Eastern Europe

Ukraine

Manipulation of the news media through financial incentives takes a different form in Ukraine. There, it is common for news sources—both government officials and private-sector parties—to pay for articles or television interviews to promote a particular agenda, a practice known as *jeansa* (pronounced jeen-SAH; it takes its name from the blue jeans that Ukrainian journalists typically wear).

The practice was widespread in the 2007 parliamentary election, according to Taras Shevchenko, director of the Kiev-based Media Law Institute. Shevchenko, who was also head of the Independent Experts Commission on Media and Elections for parliamentary elections in 2006 and 2007, said one television channel charged $50,000 for a ten-minute appearance.[49]

In the former Soviet Bloc, "merchants didn't want to buy an ad; they wanted to buy a story."

— Ann C. Olson, Internews Network, Ukraine

A group of Ukrainian journalists has launched an initiative called "Not for Sale" that is attempting to end the practice of *jeansa*, but some of those journalists have lost their jobs as a consequence of their participation. "It is practically impossible to combat this," Shevchenko said. "Most journalists don't see the problem. They see a TV station as a business entitled to make money." The initiative includes the media watchdog group Telekritika, run by Natalia Ligacheva, a former reporter and now a media critic. The idea is to appeal to journalists to refuse to take money and to boycott news sources who offer it.

Few journalists in Ukraine have received extensive journalism training, according to Ann C. Olson, deputy chief of party and senior advisor for Internews Network in Ukraine. Often, journalists go into the field because the work is interesting, but media owners do not pay them well and, as happens in other parts of the world, expect the journalists to supplement their incomes through the tradition of taking payments for stories. For the owners, the arrangement makes financial sense. They can pay less in salary and taxes by hiring less experienced journalists.[50]

Ukraine needs "a public conversation about … what paid-for journalism looks like. If you see a story about a new airline talking about how great it is with only one source, you can pretty much tell it's paid-for journalism," Olson said. The problem of *jeansa* "in the Ukrainian media is that it has stunted the usefulness of journalism for people," she said.

In a region where they were always used to exert power, the news media went from being a tool of the government to a tool of the wealthy. Advertising did not exist in the Soviet Bloc. So, trying to switch from being funded by the government to being funded by advertising is difficult, Olson said. "Merchants didn't want to buy an ad; they wanted to buy a story."

Western media-development programs face a stiff challenge in trying to end the practice of paid-for journalism embedded in the culture of media in the former Soviet republics. Following the collapse of the Soviet Union, media assistance was chiefly concerned with the economic sustainability of media. "What got transferred here [from the West] was media as a business," Olson said, but not journalism as a public trust.

Moldova's public procurement law is "not transparent enough ... This leads to the application of subjective, discriminatory and inefficient criteria in the distribution of public funds destined for the media, which favors in an unjustified way certain media over others ... and stimulates corruption."

— From a 2008 report by Moldova's Independent Journalism Center

Moldova

An exhaustive study conducted by the Independent Journalism Center (IJC) between November 2007 and September 2008 found that "Advertising paid for from public funds is the most visible form of funding of the media by the state and is an important economic lever used to influence them."

The report, which painstakingly monitored government advertising in national and local media in Moldova and analyzed it by source and by individual media outlets, found that "state agencies prefer the former national governmental newspapers and the local publications funded from public money, which thus benefit from a higher amount of advertising, despite their smaller print-runs as compared to some private publications included in the study. An important finding of the study is that the print-run does not seem to be a criterion that public agencies take into account when they decide to post advertising in newspapers."[51]

The number of media organizations receiving government advertising has been increasing steadily since 2005. In 2007, 134 media organizations received government advertising, up from 107 in 2005. The budget for advertising in broadcast media in those three years was approximately $1.75 million and $2.2 million for print, the Finance Ministry told IJC.[52]

The IJC report offers a draft law, modeled on similar laws in France, Belgium, and elsewhere in Europe, to bring transparency to the process of placing government advertising in the Moldovan media. Its study was conducted in the context of the beginning of denationalization of state-run media in favor of a system under which independent media would have equal access to government advertising. The report, funded by the Eurasia Foundation, USAID, and the Swedish Agency for

International Development, shows this has not happened.[53]

The IJC called Moldova's existing laws governing the use of government advertising, which include a law on public procurement "one of the most important legislative tools, whose use at present significantly determines the economic relations between the state and the media. Unfortunately, the use of public funds for the media under this law is not transparent enough, especially in what concerns the expenditures for advertising, assistance and subscriptions. This leads to the application of subjective, discriminatory and inefficient criteria in the distribution of public funds destined for the media, which favors in an unjustified way certain media over others, affects loyal competition on the media market, and stimulates corruption."[54]

The problem in Moldova is that "legislation on media … does not ensure the necessary transparency for the allocation of public funds. The current legal framework does not ensure the free play of competition on the respective market." [55]

Albania

Albanian media are financially unstable, and government advertising is reserved for newspapers with a shared political agenda—a phenomenon that began to receive international attention when a 2002 Human Rights Watch report was released. "The Albanian government is stepping up the pressure on local media," Elizabeth Andersen, executive director of the Europe and Central Asia division of Human Rights Watch, said in the report. "Financial pressure and other subtle forms of government interference have become commonplace, posing a serious threat to media freedom." According to the IREX Media Sustainability Index of 2008, the placement of advertising has become less visible but no less prevalent. Bashkim Hoxha, the owner of Teuta TV, one of the most successful local television stations, told IREX, "Many of the notifications on tenders or privatizations are made by public entities based on political preferences."[56] Andi Tela, editor-in-chief of the daily newspaper *Panorama*, reported that "the pages of newspapers close to the government are filled with notifications of public institutions, while they are absent in other newspapers." However, the journalists were unwilling to push for a change in government advertising policy because the loss of revenue would further weaken the media and, regardless, the division between pro- and anti-government media would persist.[57]

Montenegro

Independent media relies largely on donor funds for survival, and while the government allocates a small percentage of media subsidies, in the past it has used the few discretionary funds that it has to punish critical media. In May 2003, the South East Europe Media Organization protested the Employment Center of Montenegro's decision to stop advertising available jobs in the Montenegrin daily *Vijesti*. Editors believe that the decision was politically motivated, as *Vijesti* is the largest circulating daily and the government decided to advertise jobs in the two smaller dailies with less than half the total circulation of *Vijesti*.[58]

Looking Ahead

As journalists, media advocates, and even governments gradually come to recognize the need to address to problem of soft censorship, another problem has arisen: Given the precarious economic condition many smaller media organizations find themselves in, weaning them from government advertising will be no easy task. As this survey shows, journalists in some countries have vehemently objected to any remedy for soft censorship that will rob them of revenue.

Add to that the culture of underpaid journalists taking money from sources, either as advertising or directly in payment for articles and interviews, and the task seems almost impossible. Many parts of Africa, Latin America and Asia might need to await growth in the private sector so that small media outlets are not as dependent on government advertising.

Further complicating the situation is the issue of whether stricter rules about how government places advertising will serve to push some smaller, regional media out of business. Will the result be a reduction in the diversity of voices?

One possible solution could be a non-profit or foundation model for media ownership. As Drew Sullivan of the Journalism Development Group and the Center for Investigative Reporting, based in Bosnia, put it in an e-mail interview: "Advertising is always closely linked to political interests in developing countries, and Bosnia is no exception. That pertains to state companies, but also private companies as well. You can't operate a large company here or anywhere in South East Europe without having to agree to some concessions with someone in government, a local oligarch or organized crime. It makes it very hard to use the advertising business model AND do truly independent journalism. That's why we and a lot of other organizations adopted the non-profit investigative reporting model. We feel non profits are the only truly independent media in the region."[59]

"We feel non profits are the only truly independent media in the region."

— Drew Sullivan, Journalism Development Group and the Center for Investigative Reporting, Bosnia

Another approach is being tried by the Foundation for Freedom of the Press (Fundación para la Libertad de Prensa, or FLIP) in Colombia, which is working with mayors and governors in five states to sign on to an agreement to fight indirect censorship arising from the use of government funds for advertising.

The one tool that has proven to be effective, as shown in the cases of *Rio Negro* in Argentina and *Grocott's Mail* in South Africa, is litigation. In those cases either the court ruled against blatant discrimination in the placing of advertising or the government settled out of court in the face of a likely adverse ruling.

However, Guy Berger, of *Grocott's Mail*, does not see lawsuits as a panacea. "Lawsuits take money," he said. If there are not sound laws in place to back up the contentions that the government is acting improperly in withholding advertising or discriminating for political reasons, lawsuits are less likely to succeed. Indeed, there have been cases where governments have pointed to the absence of such laws as justification of their authority to advertise in whatever media they wish. And in some countries, such as Peru, there are laws on the books that are ignored without challenge from media owners or the public.

The OAS's Botero disagrees, pointing out that even countries without laws affecting the use of government advertising have constitutional guarantees of freedom of the press and of expression. Even though small, local media outlets "that don't have good lawyers and don't know the laws are left at the margin of [constitutional] protection," she said, the courts should rule that there was discrimination in individual, concrete cases, Botero said. "The fight is won drop by drop."

Recommendations

Multilateral organizations, such as the OAS and the Council of Europe, and several non-governmental organizations and media-development groups have put forward recommendations to deal with the problem of indirect censorship. Among them:

- Promoting greater transparency in awarding advertising contracts to independent newspapers and broadcasters, including passing legislation that clearly spells out the rules.
- Putting in place regulations to end to the practice of withholding advertising as a means to exert pressure on media outlets.
- Using litigation to fight discrimination in placing advertising and withdrawing advertising as a means to exert pressure on independent media.
- Requiring governments to place advertising in media outlets that can deliver the intended audience, without regard to the news content published or broadcast by those outlets.
- Ensuring that the allocation of government advertising not be concentrated in the hands of political appointees.
- Increasing the compensation of journalists so they can support themselves without resorting to seeking advertising individually or taking payments from news sources.
- Making the government responsible for measuring audiences, rather than leaving it up to ratings studies paid for by the large media companies.
- Establishing a government policy of promoting diversity of media voices.
- Strengthening public radio by removing it from government ownership and putting it in the hands of an independent organization, along the lines of National Public Radio in the United States or the British Broadcasting Corporation.

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