



This is one in a group of cases the Case Consortium @ Columbia developed in conjunction with the Aga Khan University Graduate School of Media and Communications (a Consortium member at the time). The cases, which look at various aspects of journalism practice in East Africa and South Africa, are being distributed under an agreement with Columbia University (and will be available on the AKU website).

Seeking Partners for Press Freedom Media Council of Tanzania and DEFIR

Since the liberalization of political and press restrictions in 1992, Tanzania had seen an explosion in the number of media outlets and the exercise of press freedom. Although the East African country had achieved independence in 1961, only in 1992 did it adopt multiparty rule and loosen the rules of media ownership. As democracy took hold, media organizations multiplied, providing Tanzanians with an unprecedented variety of voices and views.

In principle, Tanzanian journalists espoused the values of editorial independence and ethical behavior. But over the years, these values were increasingly accompanied by some disturbing trends. Journalists were underpaid, creating conditions for illegal, but widespread, under-the-table payments to reporters as inducements to write favorable stories. Advertisers too often were seen to influence stories in the press.

In 2009, the Media Council of Tanzania (MCT) decided to address the problems head-on. The council had been established in 1997 with a mandate to ensure professional ethics and protect individuals from invasion of privacy. Over the years, much of its time and energy went to arbitration of appeals from parties who claimed to have suffered injury from the press. But in 2009, it set itself a bold goal: to enlist media outlets, advertisers and others in adopting a code of editorial independence and responsibility. For 15 months, an eight-member think tank worked on wording and principles.

In March 2011, MCT unveiled the Dar es Salaam Declaration on Editorial Freedom, Independence and Responsibility (DEFIR).¹ It printed 1,000 hard copies and made another 1,000 CDs, and invited individual editors, publishers, advertisers, government officials and citizens to sign the declaration. They could either visit MCT headquarters in Dar es Salaam in person, or send a signed copy by mail.

But six months later, the response had been disappointing. Only 25 editors had signed, one government official and zero advertisers. The think tank members were troubled. What had gone wrong?

¹ See Exhibit 1.

Did Tanzanians not want a stronger press? Or was the process flawed? Issa Shivji, a professor of constitutional law at the University of Dar es Salaam who chaired the think tank, knew the team had to reassess. “We are disappointed,” he says.²

But we are not dismayed. DEFIR is a unique document. It will lift the standards of editorial freedom and independence of Tanzanian media. We must secure the buy-in for it; we must get people to sign it. The question is: How do we do it? What are our options?

Brief media history

The Tanzanian media had evolved in four distinct phases. From 1890-1916, Tanzania was a German colony and its press exclusively colonial. This remained true when Tanzania in 1919 passed into British hands, where it remained for the next 42 years. The third was the post-colonial phase, 1961-1991. In 1964, two post-colonial countries—Tanganyika and Zanzibar—combined to create the United Republic of Tanzania. Its 1965 constitution established one-party rule and the new president, Julius Nyerere, took the country down a path toward socialism. In 1967, the government nationalized factories, banks and other private companies. The media was strictly controlled; dissent was prohibited.

Nyalali. Media restrictions loosened somewhat after Nyerere resigned in 1985. But only in 1992 did the media emerge fully from under the shadow of the state³. In February 1991, President Ali Hassan Mwinyi created a commission, chaired by Chief Justice Francis L. Nyalali, to examine the choice between a single-party or multi-party system in Tanzania. The commission report, published in December, called for multiparty elections. The constitution was amended accordingly in early 1992, and the first contested presidential elections were held in 1995. While opposition parties still struggled to mount a credible challenge to the ruling party, at least the parties now were legal.

At about the same time, doors opened to private ownership of the media. Until then, Tanzania had had one radio station—Radio Tanzania Dar es Salaam (RTD)—which was owned by the state. It had four newspapers—the *Daily News*, an English daily owned by the state; *Uhuru*, a Swahili daily owned by Chama cha Mapinduzi (CCM), the ruling party; *Mfanyakazi*, a weekly owned by a trade union allied with the ruling party; and *Kiongozi*, a daily owned by the Catholic Church. Ten years later, there were 78 Swahili language newspapers, 26 English language newspapers, eight radio stations and two major TV stations. Most were owned by local entrepreneurs who had other commercial interests. “It is a measure of how far the media in Tanzania has progressed,” says Samwillu Mwaffisi, a media trainer based in Dar es Salaam.⁴

Windhoek. This transformation was encouraged by a seminal meeting of journalists. In May 1991, a group of prominent African journalists gathered under the auspices of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) at Windhoek in Namibia to draft what came to be known as the Windhoek Declaration. The declaration, issued in 1992, called for the “establishment, maintenance and fostering of an independent, pluralistic and free press which is essential to the maintenance of

² Author’s interview with Issa Shivji in Dar es Salaam on January 8, 2012. All further quotations from Shivji, unless otherwise attributed, are from this interview.

³ Martin Sturmer, *The Media History of Tanzania*, Ndanda Mission Press, 1998 ISBN 9976 63 592 3. See: <http://www.afrika.info.com>

⁴ Author’s interview with Samwillu Mwaffisi in Dar es Salaam on January 9, 2012. All further quotations from Mwaffisi, unless otherwise attributed, are from this interview.

democracy and for economic development.”⁵ It also recommended an end to monopolies and the existence of the “greatest” possible number of newspapers, magazines and periodicals, reflecting the “widest” possible range of opinions within the community. “The Windhoek Declaration marked the beginning of the end of monolithic singleparty systems and military regimes in Africa,” remarks John Kabudi, a law professor at Dar es Salaam University.⁶

As publications mushroomed during the decade, some became progressively bolder in their reporting. They focused on issues like official corruption, misappropriation of public funds, illicit drug trade and unauthorized land sales that gripped public interest and stoked reader curiosity. They covered political debates, highlighted the activities of opposition parties and provided information that would help readers evaluate the country’s political and economic leadership⁷.

A Media Council?

With the newly assertive press came government concern. “The government at the time was worried that the situation could get out of hand,” says Shivji. It was not long before the government tried to step in. In 1994, then-Minister of Information and Broadcasting William Shija introduced a Media Professions Regulation bill. It called for the establishment of a statutory media council to monitor the conduct of private media houses. Staffed by government officials, the statutory council would screen potential journalists, based on prescribed qualifications, and issue licenses before they could enter the profession. The bill also gave powers to the minister to ban publications and close down radio and TV stations. “It was a bad move,” says Professor Shivji.

It was contrary to all professional norms. It generated immediate opposition also because the government resorted to a dictatorial rather than a consultative approach. The general sense was that the government was creating a warder/prisoner relationship with the media. It just was not right.

The Media Institute of South Africa (MISA) took the lead in opposing the proposed bill. Set up in the wake of the Windhoek Declaration to promote free and independent media in Africa, MISA had a branch in Dar es Salaam. While acknowledging the need for regulation, MISA suggested an alternative. Why not have local media organizations themselves establish a council as a self-regulatory body? The government put the bill on hold.

New concept. An independent media council was an untested concept in Africa at the time. Teaming up with the Tanzania Journalists Association and the Association of Journalists and Media Workers, MISA enlisted the help of organizations like the Friedrich Ebert Foundation, a German non-profit named after Germany’s first democratically elected president, which was an avid supporter of media projects. Together, they reviewed the work of media councils worldwide.

Media councils were akin to better business bureaus. They were known as press councils in Europe and Asia and as news councils in the US. The councils were self-regulated bodies set up by media

⁵ SEE: http://www.un.org/en/events/pressfreedomday/pdf/WPFD_Concept_Paper_2011.pdf

⁶ Author’s interview with John Kabudi in Dar es Salaam on January 9, 2012. All further quotations from Kabudi, unless otherwise attributed, are from this interview. Kabudi would become a member of the MCT think tank.

⁷ Ali Mari Tripp, “Political Reform in Tanzania: The Struggle for Associational Autonomy,” *Comparative Politics* Vol. 32 No. 2, January 2000, pp.191-214. See: <http://www.jstor.org/stable/433397>

organizations themselves. Most councils devised a code of practice (often called code of ethics) which outlined professional standards for journalists above and beyond the law. Media councils also acted as a forum for complaints against the press. Individuals could lodge a protest and the council would investigate. The councils had no power to fine newspapers, order corrections, recommend suspension of an editor or seek dismissal of a reporter. Their rulings had no mandate. But their moral authority allowed for acceptance, by both parties, of their rulings.

The concept of self-regulation held appeal on two grounds. First, it preempted the cost of litigation, which was high, particularly for ordinary citizens. Second, it was an informal system that was easy, quick and effective. “The process of naming and shaming that the media council adopts,” says Shivji, “is more effective as a deterrent than the fine imposed by a court of law, however high.”

Media Council of Tanzania

A May 1995 national convention of Tanzanian journalists overwhelmingly approved a resolution creating the Media Council of Tanzania. But it could not start operations for two years, while it waited for a certificate of registration from the government. The MCT officially launched in August 1997.

The council consisted of 13 members—seven media and five public representatives and a chairperson, preferably a lawyer. Its secretariat was led by a full-time executive secretary whose role, among others, was to market the council to stakeholders. MCT had two objectives: ensure professional ethics, and protect individuals against invasion of privacy.

The council’s inauguration was well received by donors both within and outside Tanzania. In its first year, MCT collected TZS 7.01 million (\$450,000) in membership contributions, far above the projected TZS 2.2 million (\$130,000). Much of it came from local media organizations. Major financial contributions also came from international donors like the Swedish International Development Cooperation Agency (SIDA), the Dutch Communication Assistance Foundation and the Norwegian Agency for International Development. MCT sought no funding from the government of Tanzania. “The relationships between the Nordic countries and Tanzania are cordial,” says Kajubi Mukajanga, the executive secretary of MCT. “The donors from these countries value democracy. They see press freedom as the core of democratic institutions.”

MCT set two priorities—adjudication and advocacy. With time, adjudication gained greater prominence than advocacy. The process of adjudication was handled by the council’s five-member Ethics Committee, which had put together a Code of Ethics for Media Professionals. The code served as reference for the committee’s judgments. As early as May 1998, MCT had received 26 appeals for arbitration.

The committee soon sensed that its judgments were making some editors defensive. Editors did not like being evaluated on editorial decisions taken under deadline pressure; some did not appreciate being quizzed by non-journalists. “Some of the early decisions of the Ethics Committee were harsh,” says Henry Muhanika, secretary of the Media Owners Association of Tanzania.⁸ He adds:

But they were upright. They dispelled doubts that MCT would be a dog that barks and does not bite. They enhanced the credibility of MCT as an institution

⁸ Author’s interview with Henry Muhanika in Dar es Salaam on January 10, 2012. All further quotes from Muhanika, unless otherwise attributed, are from this interview.

in its own right and set the stage for it to become a benchmark for media councils that came up later in the region.

At one point, MCT hired a local law firm to examine the possibility of converting to a statutory body, thus making its rulings legally binding. But it abandoned the idea because members wanted to keep MCT a voluntary, self-regulating entity. As for advocacy, MCT monitored print media as well as others. It evaluated both English and Swahili mainstream newspapers for their adherence to journalism ethics, especially in front-page stories. It used four metrics—truth and accuracy; privacy; the right to reply; and discrimination. Results were shared with stakeholders through the council’s half-yearly and yearly reports, in addition to separate booklets. For the period July 2010 to June 2011, for example, MCT reviewed 2,284 domestic news articles and photographs.

DEFIR

In mid-2009, MCT decided it was time to take on a more ambitious task. A number of media developments disturbed MCT members. For one, media ownership was growing more concentrated in the hands of a few individuals and conglomerates. State control of the press, which had led to MCT’s formation only 12 years earlier, was being replaced with private monopolies.

Worrying practices flourished. For example, business enterprises frequently leveraged their advertising budgets to influence editorial content. Media owners in turn used the clout of their publications to serve their non-media commercial interests. Editors and reporters alike were known to develop unhealthy relationships with powerful individuals and interests. The media, says Jenerali Ulimwengu, publisher of Raia Mwema, a Dar es Salaam-based Swahili newspaper, was “still struggling to find an identity.”⁹

Too many things have happened too soon during the last decade. It has been a roller coaster ride for the local media. The industry has gone through several churns where only the fittest have survived. Its restructuring has been ongoing.

Media law. Then there were the press laws. The government, while encouraging the creation of multiple media outlets, had not repealed some of the most oppressive press laws on the books. The 1976 Newspapers Act, for example, gave government the power—which it used quite frequently—to censor all forms of public communication. The government had liberalized the airwaves by licensing new radio and television stations but, rather than allow them a national broadcast area, it restricted individual stations to a limited geographic reach. “These are contradictory signals,” says Shivji. “The government can enforce existing laws to regain control over the media. Its attempts at ensuring free press are not whole-hearted.”

Advertisers. MCT members also worried that news organizations were vulnerable to pressure from advertisers and the government—which was also a major advertiser. Over 80 percent of media revenue came from advertisements and over 70 percent of advertisements came from the government. “Both ratios are high,” says Richard Mgamba, managing editor of the *Sunday Guardian*, a weekly newspaper.¹⁰ “It is only when they come down that there will be balance; we can then see signs of

⁹ Author’s interview with Jenerali Ulimwengu in Dar es Salaam on January 08, 2012. All further quotations from Ulimwengu, unless otherwise attributed, are from this interview.

¹⁰ Author’s interview with Richard Mgamba in Dar es Salaam on January 08, 2012. All further quotations from Mgamba, unless otherwise attributed, are from this interview.

professionalism in the media.” Wangethi Mwangi, former editorial director of the Nation Media Group in Kenya and an MCT think tank member, agrees.

Media owners in Tanzania have to walk a thin line. They have to balance between seemingly contradictory goals like earning a return on their investments and managing their organizations professionally; between keeping creditors at bay and paying salaries to staff.¹¹

Readers. At the same time, readership penetration was low. The *Daily News*, the largest daily, sold an average 20,000 copies per day nationwide. Assuming a readership of 10 per copy, its coverage in a population of 42 million was less than one percent¹². “People in Tanzania do not have reading habits,” comments Mkumbwa Ally, managing editor of the *Daily News*.¹³

Pay. Finally, many journalists earned low salaries, and lacked opportunities for professional development. “When a working journalist is financially insecure, he or she can’t be assertive; it impedes editorial freedom,” says Wallace Mauggo, deputy managing editor at the daily *Guardian*.¹⁴ Reporters and editors expected to be given “little brown envelopes” at the end of a press conference in order to write about the event.¹⁵ “Some of them combine newspaper work with other businesses of their own,” says Ally. “Some also hold full-time positions with political parties and other parastatals.” What’s more, freelancers—paid per column centimeter of reporting—abounded. Some 70-80 percent of articles were written by freelancers.

A 1999 survey of 139 Tanzanian journalists sought to ascertain how they were coping with the transition from a one-party, socialist, state-controlled press to a multiparty, capitalist, relatively free press. The survey findings were telling. Tanzanian journalists professed themselves drawn to Western concepts of press freedom. They liked the journalistic values of accuracy, analysis, investigation and entertainment. They thought of news as an instrument of social good and saw themselves as change agents promoting national development. But even 10 years later, they had difficulty breaking old habits.¹⁶

Think tank mandate

MCT decided in October 2009 to appoint a small group to consider these issues. The mandate of the “think tank,” as it was called, was specific: examine issues related to freedom of expression in Tanzanian media. While working under the auspices of MCT, the think tank was free to identify issues, set the terms of reference for its work, do its own research and develop a draft in a time frame of its choosing. It would submit its final report to the governing council, which would publish it as an MCT position statement.

¹¹ Author’s interview with Wangethi Mwangi in Dar es Salaam on January 08, 2012. All further quotations from Mwangi, unless otherwise attributed, are from this interview.

¹² See: www.mct.or.tz/Scribes. January-June 2011, p.34

¹³ Author’s interview with Mkumbwa Ally in Dar es Salaam on January 9, 2012. All further quotations from Ally, unless otherwise attributed, are from this interview.

¹⁴ Author’s interview with Wallace Mauggo in Dar es Salaam on January 9, 2012. All further quotations from Mauggo, unless otherwise attributed, are from this interview.

¹⁵ Robert White, “Are Tanzanian journalists accepting bribes?” <http://www.mct.or.tz/Scribes> January-June 2011, p.4.

¹⁶ Jyotika Ramaprasad, “A profile of journalists in post-independence Tanzania,” *International Communications Gazette*, 2001. See: <http://gaz.sagepub.com/content/63/6/539>

Chaired by Shivji, the think tank consisted of seven other members chosen for their individual expertise—John Kabudi, a law professor at the University of Dar es Salaam; Mwangi, a media consultant from Kenya; Ulimwengu, a media publisher from Dar es Salaam; Robert White, a communications professor at St Augustine University in Tanzania; Peter Mwesige, a Ugandan journalist and professor; Penina Mlama, a social scientist in Dar es Salaam; and Saida YahyaOthman, a professor of linguistics at the University of Dar es Salaam. They all knew one another already. MCT paid each member an honorarium, and covered expenses.

The think tank deliberated for over a year, adopting three different work routines. The first was for all eight members to meet as a group. At a four-day retreat on April 20-23, 2010, held at Lushoto, a resort in the northeast Tanga region of Tanzania, the group tried to reach consensus on the issues to be examined. “Some of the preliminary questions we raised at the time were basic,” says Ulimwengu. “What are the forces that erode editorial freedom in Tanzania? Who are the *dramatis personae* and what drives each of them? What are the pulls and pressures that they are subject to? What are the unethical practices that prevail in the media business?” By the time it met next at Zanzibar on July 26-28, the group was ready to brainstorm on the structure and content of the declaration.

The group also formed sub-committees, which met more often. For example, three members became the drafting committee. They researched best practices of editorial freedom worldwide, networked with experts, accessed relevant documents and put together by early June 2010 a working draft for review by the group. The third work mode was online discussions, which were quick and frequent. MCT set up a dedicated Web-based forum for the group on its website. The communication channel was both cost effective and efficient. Fine-tuning the draft, for example, was done online by all members in less than a fortnight in June 2010.

The think tank submitted the final draft of what they named the Dar es Salaam Declaration on Editorial Freedom, Independence and Responsibility to the council on July 30, 2010. The cover letter suggested that DEFIR be launched at a public ceremony in Dar es Salaam. MCT’s ethics committee reviewed the draft, and the governing council adopted it by the end of the year.

DEFIR outlined the responsibilities and obligations of various stakeholders such as government, media owners, advertisers, politicians, donors, and the public at large. For example, it stipulated that the government should not use legislation to curb editorial freedom; that owners should not interfere in editorial decisions; that advertisers should not pressure the media; politicians should not use the media to advance their own interests; international donor organizations should not usurp the right of locals to make decisions; and the public should hold the media accountable by being vigilant.

“An independent, objective, and robust media, run and led by competent and ethically upright media practitioners, is one of the requirements for the people of a country to freely exercise their fundamental rights,” says Shivji. “DEFIR is a step in that direction because it is aimed at strengthening editorial autonomy.” Mwangi elaborates:

There is clearly a need to refocus everybody’s attention on a common agenda based on the common good. DEFIR does just that. For the first time, we have a document that sets out the rights and responsibilities of stakeholders in the Tanzanian media. To give an example, DEFIR offers protection to a reporter in terms of the way he or she relates to a news editor or newspaper owner. The

owner cannot tell the editor to kill a story without cause. An editor cannot ask for a change in the stance of a report without reason. They cannot hold an item from print without basis. These represent fundamental changes in the conduct of media in Tanzania.

Selling the message

MCT launched DEFIR at Dar es Salaam on March 18, 2011. The ceremony, held in the afternoon, happened to coincide with a local sports event that had greater news value for the day's newspapers. Attendance was thin. Very few media owners showed up. The few editors who did come offered to sign—but later. In the ensuing weeks, MCT distributed copies of DEFIR to various stakeholders, including newsrooms. It expected the declaration to become a talking point and resonate with reporters and editors.

Reactions. But not much happened. DEFIR did not seem to make for a good story. On the day of the launch, there were only 73 signatories: 20 editors, three media owners, 22 civil society organisations, seven training institutions and one government official. Media critic Makwaiwa wa Kuhenga says dismissively: “This is like a gentlemen’s agreement. Nobody follows it. If it is not statutory, who will take it seriously?”¹⁷

Some media leaders were supportive. Theophil Makunga, group managing editor at Mwananchi Communications Ltd, and a launch-day signatory, says that “I support it because it highlights the roles of various stakeholders in the media business. It tells an owner where to intervene and where to lay off. I can now use this document to tell an owner to leave me alone in matters where I should be in charge.” Another affirmation came from Richard Mgamba, managing editor at the *Sunday Guardian*, and one of the early signatories. He says:

I would be willing to support DEFIR because, at the end of the day, editors need to act independently. The *Sunday Guardian* is not the property of an individual, it’s a property of the public. So, as the custodian of the public interest, this declaration is important to me.

Others, however, saw no reason to sign. Imma Mbuguni, managing editor of a local Kiswahili daily, *Majira*, refused to endorse it. He acknowledged that it was an important document, a guide for media practitioners. But he did not want to sign because there was no urgency, and because it was not legally binding. “It’s like a dog without teeth,” he says.

Options. By September, the think tank realized that DEFIR had stalled. There were only a total 107 signatories, comprising 25 editors, three media owners, one government official, 30 civil society organizations, seven training institutions, 34 university and college students, and seven faculty. Shivji and his colleagues considered their options. Was there a way to reinvigorate the process? MCT had once toyed with the idea of becoming a statutory body. The lukewarm response to DEFIR rekindled the idea, reopening a debate among some in the Tanzanian media, if not within the corridors of MCT. MCT had set great score by the fact that it was a voluntary body. It valued its independence as a public institution. It

¹⁷ Author’s interview with Makwai wa Kuhenga in Dar es Salaam on January 10, 2012. All further quotations from Kuhenga, unless otherwise attributed, are from this interview.

had also built up credibility as an adjudicator whose rulings carried the force of moral authority. But maybe MCT should seek statutory status?

MCT also realized it needed to do more to communicate the spirit of DEFIR. MCT members had already started. They had written opinion pieces for the Op-Ed pages of newspapers, both English and Swahili, highlighting the goals of the declaration. They had begun to “train the trainers” by speaking to journalism teachers about DEFIR. They also planned workshops for regional press clubs. What else could they do to get buy-in from the country’s media outlets?

DEFIR was a blueprint. It set the tone for debate, among both citizens and media, on the future of Tanzanian journalism. But only when the declaration was institutionalized within individual media organizations would it make a difference. Should MCT offer to help? There was also the larger issue of MCT’s identity. Was the council doing its job? MCT planned to develop other policy papers in future and it was important to look for structured ways of getting them endorsed. Shivji and the other council members had some choices to make.

Exhibit 1

THE DAR ES SALAAM DECLARATION ON EDITORIAL FREEDOM, INDEPENDENCE, AND RESPONSIBILITY (DEFIR)

PREAMBLE

Introduction

Over the last two decades the media scene in Tanzania, as elsewhere in Africa, has undergone significant changes. Although there has been rapid privatisation of the media, thus opening new possibilities for citizens' access to diverse sources of information, the state continues to impede editorial independence and freedom in various direct and indirect ways, thus undermining the exercise of fundamental rights and freedoms.

However, the emerging media scene also poses a new set of threats to the exercise of fundamental human rights, including the right to information and freedom of expression. The private media is increasingly concentrated in a few media houses and conglomerates and controlled by a few individuals, with similar effect. In addition to the State and private owners, non-state actors whose pressure, influence, power and interference impact on editorial independence and freedom, pose threats to the exercise of fundamental rights and freedoms of the public.

The right to information and freedom of expression are both part of collective and individual rights and freedoms. These rights and freedoms are enunciated and protected by African state constitutions and several international and regional instruments, including the *Declaration of Principles on Freedom of Expression in Africa* adopted by the African Commission on Human and Peoples' Rights in 2002¹⁸.

The right and freedom to receive, process and disseminate information, including the right and freedom to express opinion, constitute the cornerstones of democratic political and economic governance. The meaningful exercise of these rights and freedoms enables citizens to participate in their own governance, thus giving substantive content to the right of peoples to self-determination, which is recognised and fervently guarded by all international and regional human rights conventions, including the *African Charter of Human and Peoples' Rights, 1982* and the *Universal Declaration of Human Rights, 1948*. For Africa today, the right of people to political and economic self-determination¹⁹ is crucial for the exercise of their right to development²⁰ and the assertion of their 'permanent sovereignty over natural resources'²¹.

The bearers of these fundamental rights are the people in their collective and individual capacities. The signatories to this Declaration of Editorial Independence, Freedom and Responsibility realise and fully appreciate that the meaningful exercise of these rights requires a free, independent, objective, and robust media, run and led by competent and ethically upright media practitioners.

For the media to be truly free and independent, its practitioners must also be free and independent to perform their tasks without fear or favour, and, in particular, without fear of direct and indirect pressures from powerful political, economic, and other partisan interests in society. The sources of pressure are varied, but the most prominent are the State and private business actors who control the polity and economy of a nation.

Private media owners must recognise that their ownership is neither absolute nor exclusive. The media industry is pre-eminently in the public domain, providing a public good. Therefore, the driving force of private ownership – profit – needs to be subordinated to legitimate public interest, which is to ensure and enable the meaningful exercise of the fundamental rights and freedoms referred to above. Public interest and social responsibility thus override ownership rights and interests; by virtue of being actors in the public domain providing a public service, owners and media practitioners are primarily accountable to the public.

Mindful of these considerations, in 2006 the Media Council of Tanzania (MCT) initiated a process of developing two important pieces of legislation on The Right to Information and Media Services. After country-wide consultation over a period of two years, the two proposals drafted by non-state actors, media practitioners, owners, and other civil society actors, have been submitted to the Government of Tanzania.

¹⁸ At its 32nd Ordinary Session held in Banjul, The Gambia, from October 17-23, 2002.

¹⁹ International Convention on Political and Civil Rights and International Convention on Social, Economic and Cultural Rights, both of 1966.

²⁰ UN Declaration on the Right to Development, 1986 and the African Charter of Human and Peoples' Rights, 1982.

²¹ UN Resolution on Permanent Sovereignty over Natural Resources, 1962.

In addition, from 2008, MCT, recognising the importance of editorial freedom and independence, set in motion and facilitated the process of developing this Declaration. The Declaration is conceived as belonging to a community of stakeholders, who undertake the respective obligations enunciated therein.

It is now open for signing and endorsement.

Resolution

Cognisant of the importance of editorial freedom, independence, and social responsibility in developing a free and robust media;

Aware of the central social and political role of a free media in the exercise of the collective right of the people to political and economic self-determination and individual fundamental rights recognised by various international and regional instruments, including state constitutions;

Recognising the importance of the right of the African peoples to assert their permanent sovereignty over natural resources in the interest of the sustainable development of their countries; and

Aware of the role which media can play in combating stereotyped images of women and men and the sexist attitudes in our society;

Concerned over the accelerated and concerted plunder and pillage of natural and other resources in Tanzania and the African continent over the last three decades;

Convinced that the free flow of information, discourse and expression of opinion play a catalytic role in raising social awareness and consciousness for people to exercise their rights and freedoms meaningfully and to assert their political and economic sovereignty;

Aware that the electronic media allow unfettered access to everyone, including children and others not able to filter and assess the import of the content transmitted;

Now, therefore, the signatories to this Declaration do hereby resolve:

To publicise, propagate and campaign for the endorsement of this Declaration widely by all actors and stakeholders, including state and non-state actors within the country and the region;

To endeavour to adhere to the principles of the Declaration and create formal and semi-formal mechanisms to facilitate their observance and enforcement;

To impress upon academic, research and professional organisations and institutions the importance of integrating the Declaration and its underlying principles in their teaching, training and research programmes;

To demand that some of the appropriate obligations which require formal adoption be enshrined in contracts and charters of agreement between public and private media owners on the one hand and practitioners on the other;

To demand that significant non-state actors, other than owners, recognise and publicly endorse this Declaration and its underlying principles and observe the same in their dealings with the media; and

To demand that all actors in positions of influence desist from interfering with editorial freedom and independence.

Furthermore, the signatories to the Declaration call upon all media practitioners generally and editors particularly:

To resist influences, pressures and incentives from outside actors which could undermine editorial freedom and independence and tamper with the exercise of their discretion in accordance with professional standards and the underlying principles of this Declaration;

To perform their duties and discharge their social responsibility with the utmost personal integrity, objectivity and competence consonant with professional standards and ethics; and

To be aware and conscious at all times that their duty and accountability are to the people and that they are actors in the public domain involved in delivering a crucial public service for the fostering of a democratic society free from oppression; from prejudices based on race, ethnicity, gender, and disability; and from inhuman practices.

PART I

FUNDAMENTAL GUIDING PRINCIPLES

The fundamental guiding principles below are an integral part of this Declaration. They shall guide its interpretation and application, and shall be taken into account when entering into charters of agreement between owners and practitioners and setting editorial policies and such other policy documents.

Freedom of expression, which includes the fundamental right to receive, process and disseminate information, belongs to the public collectively and individually.

The primary obligation of media owners and practitioners is to facilitate the exercise and enjoyment of these rights and freedoms by the public, collectively and individually.

Media owners and practitioners are accountable and responsible to the public.

All media practitioners should exercise their functions truthfully, ethically, competently and professionally and with the utmost social responsibility and integrity such that they earn trust and credibility in the eyes of the public.

Media practitioners should foster social, political, economic, and cultural unity in diversity by promoting tolerance of different views and beliefs.

Media owners and journalists should take measures to protect child rights and children's dignity by raising public awareness on issues such as internet violence, child trafficking and sexual slavery.

Media owners and practitioners should endeavour to foster, promote and facilitate public dialogue and discourse and the dissemination of ideas and information. In this regard, they should provide space in their respective media for such dialogue and discourse.

Media practitioners have the responsibility to promote human dignity, fight all forms of discrimination and promote equality between women and men in the society while combating stereotypes of all kinds.

Media practitioners have an obligation to refrain from inciting, or facilitating the incitement of, violence, hate, and xenophobia while always adhering to the highest standards of truth. It is the duty of editors, particularly, to exercise judicious discretion in the reporting of news and opinions which are likely to incite violence, hate and xenophobia.

All actors mentioned in Part II of this Declaration have an obligation to refrain from interfering with editors and media practitioners in a manner that could undermine editorial independence and freedom.

It is the basic right of members of the public to access media without let or hindrance. The State and media owners and practitioners should facilitate and enable such access, always mindful of the fact that media space and the right to acquire information are public goods.

Media owners and practitioners should devise mechanisms such as media watchdog committees composed of independent civil society members of high integrity to facilitate the participation of the public in the oversight of the media to ensure that it plays its requisite role in the public interest.

To ensure diversity and the free flow of objective and truthful information, all media actors and related groups must endeavour to prevent the monopolisation of media and concentration of media outlets in a few hands, and should consistently oppose mergers and take-overs which could lead to such monopolisation and concentration.

Media stakeholders should encourage co-operative forms of ownership and management by media operators and practitioners themselves.

All concerned players must work towards converting state-owned media to public media responsible and accountable to the public through representative organs such as the legislature.

Media practitioners in decision-making organs must strike a judicious balance between paid advertisements and news coverage.

PART II

RESPONSIBILITIES AND OBLIGATIONS

All the major actors in the media bear responsibilities and obligations in fostering and protecting editorial independence in order to ensure that editors and other practitioners have the freedom to make decisions based on professional requirements and ethical imperatives.

Chapter One. The State

Notwithstanding the rapid privatisation of the media, the State still plays an important legislative and administrative role which sometimes impinges on freedom of expression and editorial independence. Therefore, it has certain obligations and responsibilities in ensuring a healthy media environment.

Action should be taken to transform State run media into public media outlets, established by an Act of Parliament and funded through parliamentary procurement. The appointment of editors and other practitioners to run these outlets as well as the policy direction should be placed in the hands of non-partisan agencies representing the will of the wider public and with a mandate to serve all citizens without let or hindrance.

The State should not use legislation to curb or limit editorial freedom through draconian laws, such as those that criminalise libel. Laws pertaining to the protection of reputations ought to be in the realm of civil law.

Registration and licensing requirements should not impinge on editorial freedom. There should be no laws giving a minister or any government official unfettered discretion to ban, disallow, suspend or restrict media because such powers are invariably used to interfere with and threaten editorial freedom.

Any limitations on freedom of expression on grounds of state security must be necessary in a democratic society and serve a legitimate purpose. Such limitations must be reasonable, narrowly and clearly defined and strictly construed.

In defamation, libel and other related litigation, the judiciary must take cognisance of the need to promote editorial independence and freedom so as to expand the ambit of the fundamental rights of the public. Courts should refrain from awarding astronomical damages in defamation and like cases whose effect is to bankrupt media houses and thus encourage self-censorship and discourage investigative journalism.

Courts ought to make a distinction between defamation cases involving public figures and private persons. By taking positions in the public domain, individuals implicitly accept greater criticism and scrutiny by the public, and courts ought to enable this important intervention by narrowing the meaning of defamation in such cases.

The State should desist from using strong-arm tactics, which curb editorial freedom and independence, such as police intimidation, incarceration of journalists or confiscation and destruction of media equipment. Where its agents are found to have acted brutally against media practitioners, thorough investigations must be carried out and the culprits dealt with in a firm and transparent manner.

Government should not use its power of being the major source of news and advertising revenue to deny information or advertising to media that it considers unfriendly. Advertisements should be placed based on objective criteria such as the reach and impact of each outlet.

Government should take measures to restrict the publication of advertisements which perpetuate stereotyped images of women and men in the society.

Chapter Two. Owners/shareholders/directors

The ownership structures of many media houses contain layers of people who, using the influence afforded them by ownership, shareholding or directorship; can be a source of serious interference in, and erosion of, editorial independence. It is necessary for these individuals and the interests they represent to desist from using their influence in a manner that is inimical to editorial independence.

Media owners should not use their decision-making powers which affect the careers of editors and other journalists, including on recruitment, training, career advancement and tenure, to grant favours or as an incentive to curb the independence and freedom of practitioners. The selection of editors and journalists and their training, promotion and remuneration should be done solely on the basis of merit and without the interference of extraneous considerations, such as family ties.

Editors must enjoy contractual security of tenure and they may be dismissed only for specified infractions such as misconduct or incompetence after due enquiry.

The context of high unemployment ought not to be used to exert unethical pressures on editors and journalists and/or make unreasonable demands on them or induce practices contrary to the tenets of professionalism.

Diversified ownership of media and other forms of ownership and management such as cooperatives of media practitioners ought to be encouraged by all stakeholders to enable the public to get varied sources of news, information and opinion.

Media owners should put in place sexual harassment policies that protect women and men from gender based violence (GBV).

Chapter Three. Advertisers, Business and Political Allies of Owners

There exists a nexus between business people, political friends of media owners and media practitioners competing for advertisements, which are the mainstay of media revenues. Depending on the conditions in the media industry, this can adversely affect editorial independence.

Corporate organisations, which are the second biggest source of advertising revenue after the government, should not use this power to punish or pressurise the media which carry or are perceived to carry unfavourable stories or stories inimical to their interests. Media owners should not succumb to the pressures and demands of unscrupulous business people for fear of losing advertising revenue. In no circumstances should they lean on their editors and other operators to kill public interest stories for fear of losing advertising revenue.

Media practitioners should endeavour to protect women's dignity by refusing to carry sexist advertisements.

Media owners should not use their connections with politicians or big business to tamper with stories and commentaries on their political and business friends. Editors should not allow political and business connections of their owners to influence their stories or in any way interfere with their editorial discretion.

Chapter Four. Politicians/State Functionaries

Politicians and State functionaries maintain a keen interest in what the media is doing and will seek to influence media content to serve their particular interests. Editors must guard against such influences to avoid fostering ties that can undermine their effectiveness.

While contacts with politicians and political organisations are important, editors and other practitioners must guard against entertaining too close a relationship with politicians or embedding themselves in political systems which could make their work harder and balanced journalism elusive. Any relationship or affiliation that could be perceived as a conflict of interest should be disclosed to the reader or viewer to ensure transparency.

Politicians, including those who are media owners, must refrain from using the media and media personnel for the advancement of their own narrow political interests, against the obligations of the media to represent the general public interest.

Chapter Five. Donors/Diplomatic Community

Sections within the donor and diplomatic communities have shown interest in promoting greater press freedom, including editorial independence.

Donors and members of the diplomatic community must not usurp the right of nationals to make their own decisions with regard to issues of Press freedom. They should refrain from using their financial clout to substitute their own agenda for national agenda.

Donor support and funding should be based on a principle of initial support designed to enable the efforts by nationals to get strong enough to stand on their own.

Chapter Six. Partisan/Parochial Interests

Editors must always resist pressures from partisan and parochial interests and avoid giving them undue prominence or championing a particularistic cause.

Editors and journalists must always reject unreasonable and unethical demands from their own social groups if these could lead them to have a bigoted outlook or render them prone to groupthink and selfcensorship.

Chapter Seven. The Public

Given that the role of the media is to serve the public by providing space for exchange of information and views, members of the public in turn have an obligation to play an increasingly active role by demanding the highest standards of media professionalism and by taking part in the generation of media products.

The public should promote and defend press freedom as an integral part of the broader issues of democratic governance and development.

The public should hold the media accountable through writing letters to the editors and other forms of feedback to correct distortions and engage journalists on their coverage of various issues.

Members of the public have both the right and the duty to become more active participants in the production of information, news and views and to take advantage of the increasingly advancing new media in the promotion of responsible citizen journalism.

PART III

PROTECTION OF PRACTITIONERS

A free and independent media presumes a body of professionals who can undertake their work without undue interference, pressure or intimidation from power-wielding sources. These include the State, media owners and political and commercial lobbies in society. The current competitive context, both within and outside the media, has exposed media practitioners to new threats and hazards. It is therefore imperative that measures be instituted to protect practitioners in the conduct of their duties. Freedom from such threats will enhance editorial independence and foster a media that is committed to high professional and ethical standards.

Chapter One. The State

All media practitioners have the right to fulfill their functions of investigating, photographing, filming, writing and reporting information and providing services without fear of interference, harassment, intimidation, restriction or repression from the State or any other public authority.

All media practitioners need to make use of their confidential sources of information without fear of being forced to disclose them, except where a due court order has been issued to that effect, or where the public interest outweighs the need for confidentiality. Chief Editors will obtain the source from journalists and protect it.

Where a party demands disclosure of a source in litigation, the onus of showing the necessity for doing so must rest on the party demanding it.

Judicial authorities should give narrow interpretation to the laws governing the publication of information relating to state security and official secrets provided the laws are reasonable, necessary and justifiable in a democratic society, so that the public is not deprived of important information unnecessarily.

State organs have an obligation to provide protection to media practitioners who may be under threat of attack to their person, their office or their working tools until such threat has passed.

Chapter Two. Chief Editors

Chief Editors have an obligation to protect and shield journalists from interference, harassment, intimidation, or repression they face or may face from state organs, political organisations, commercial groups, employers and owners.

Chief Editors should ensure that journalists are protected from undue external influence and inducements from other sources by offering them just and fair remuneration and conducive working environments.

Chief Editors are under an obligation to maintain a high level of professionalism and ethical behaviour among their staff through merit-based recruitment procedures, provision of training opportunities, regular post-mortem reviews and exposure to wide experience.

Chapter Three. Media Owners

Media owners and media houses should be encouraged to institute, in consultation with the chief editors, independent internal committees to receive complaints from their staff.

Media professionals should feel free from undue interference in the conduct of their duties by negotiating agreements with their media owners which would guarantee editorial independence and reduce the influence of political and commercial interests.

PART IV

THE SOCIAL RESPONSIBILITY OF EDITORS

Editors, by the very nature of their work, shoulder great responsibility as they are the final arbiters of what gets published and are thus required to be steadfast, upright and just.

Chapter One. Responsibility and Accountability to the Public

Editorial freedom and independence must mean the freedom of the public to access information which has been processed and disseminated by editors and other journalists.

Editors should take great care to distinguish editorial copy from advertisements and paid-for press releases so as not to deceive or confuse the public as to the source and nature of the content.

Editors should exercise due caution when using as sources press releases and other official communiqués emanating from government departments, corporate organisations, diplomatic missions and other official and semi-official organisations by treating them critically and investigating their veracity.

Chapter Two. Corruption, Chequebook Journalism and Inducements

Editors must strive to inculcate in their journalists the ethos of honesty, integrity and commitment to service; journalists should not demand or accept any form of improper incentive.

Chequebook journalism must be discouraged and journalists need to be nurtured in an environment that stigmatises corruption as a foremost evil to be fought by all.

Editors have a duty to train their journalists to recognise the various forms of inducement that may compromise them and their work, including financial and other gifts, such as meals and drinks as well as free rides while on duty.

Editors are called upon to investigate all allegations of, and any actions suggesting corruption, and take stern action against all proven cases in order to eradicate corruption from their newsrooms. Under no circumstances should a journalist tainted with corruption be allowed to continue working in the newsroom.

Chapter Three. Violence, Hate and Bigotry

Editors must refrain from giving undue prominence to reports and commentaries promoting violence, hate and religious, racial and ethnic bigotry, likely to cause or exacerbate social tensions and conflict, or those that promote gender discrimination and other forms of social exclusion.

The protection of vulnerable groups, such as minors, the disabled and victims of abuse is of paramount importance. In particular, evidence-based information on GBV should be used to advocate for zero tolerance policies on GBV. Thus editors have the duty to guide their journalists regarding the appropriate way of covering stories about these groups and issues.

In any public debate and discourse, editors have to give all sides of the argument equal space and consideration, making sure every significant strand of public opinion is heard and that all major positions in the exchange are reported in a fair and balanced manner.

PART V

RESPONSIBILITIES OF OTHER CRITICAL PLAYERS

The safeguarding of editorial independence is a continuous struggle that requires the support of stakeholders external to the media institutions in order to advance. The capacity for training, research, advocacy and awareness-raising within the media institutions themselves is either limited or non-existent, and in this regard, they have to be assisted by other organisations where that capacity is concentrated.

Academic institutions, research organisations and professional bodies which provide training in journalism have a responsibility to integrate issues relating to editorial freedom and independence in their training programmes.

Civil Society Organisations and other advocacy groups have a responsibility to propagate and defend editorial freedom, independence and responsibility in the interest of constructing a democratic society.

Strong professional associations must help strengthen professionalism in the media through continuing education programmes as well as regular public dialogues on issues of freedom of expression, editorial freedom and other contemporary issues in mass communication.

Media organisations should institute peer review mechanisms on a systematic basis, to do regular audits in areas of editorial freedom, professional conduct and ethical journalism, which would then be made public.

PART VI

ENDORSEMENT AND UNDERTAKING

Stakeholders may accede to this Declaration by signing a copy on behalf of their organisation or on their own behalf as citizens, and depositing the same with the Media Council of Tanzania.

By signing this Declaration, the signatories undertake:

to abide by its underlying principles; and to publicise, propagate and campaign for it in the form and manner considered appropriate and suitable to their particular conditions and circumstances.

Authenticity and Interpretation

Both the Kiswahili and English versions of this Declaration shall be considered authentic and its interpretation and application shall be guided by the Preamble and the Fundamental Guiding Principles, which are integral parts of the Declaration.

Adopted by the Media Council of Tanzania and opened for endorsement at Dar es

Salaam this day of 2011.

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Hon. Justice Robert H. Kisanga

President

.....

Kajubi D. Mukajanga

Executive Secretary

Endorsed at Dar es Salaam this day of 2011 by:

.....

Name and position of signatory

.....

Organisation

.....

Signature