

Malawi media face a number of challenges aggravated by extreme poverty and the contradictions between media-related legislation and practice. The Malawi Communications Regulatory Authority (MACRA) is considered to be poorly managed, panelists said that political interference with Malawi Broadcasting Corporation, MACRA, and Television Malawi is destroying editorial independence and fostering widespread self-censorship.



MALAWI

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Malawi attained its independence from Britain in 1964 and was ruled for 30 years by President Hastings Kamuzu Banda, who declared the country a one-party state and himself president for life. Malawi experienced an uneasy dictatorial rule that manifested itself in abuse of human rights as well as a lack of free expression and free media. In 1994, Banda stepped down and for the first time, Malawians experienced a multi-party democratic system. This was cemented by the promulgation of the Constitution of Malawi the same year. The country is now a democratic state under President Bingu wa Mutharika of the Democratic Progressive Party (DPP). However, Malawi is extremely poor: a majority of Malawians (53 percent) live below the poverty line, it ranks nearly last in terms of per capita income, and the literacy rate is 62 percent.¹

Research conducted by the Media Institute of Southern Africa (MISA) in 2006 found that “in Malawi, traditions limit freedom of expression. Most Malawians are deeply rooted in the beliefs of their forefathers and see themselves as a God-fearing people. This makes them strive to be ‘morally correct’ at all times for fear of promoting ‘cultural decadence.’”² Most Malawians have long embraced patriarchy, and this has had an impact on the greater understanding of the need for freedom of expression by civil society.

Malawi media face a number of challenges aggravated by the extreme poverty. There are contradictions between media-related legislation and practice in the country. The Malawi Communications Regulatory Authority (MACRA) is considered to be poorly managed. Panelists said that political interference with Malawi Broadcasting Corporation (MBC), MACRA, and Television Malawi (TVM) is destroying editorial independence and the practice of free media, and fostering widespread self-censorship.

The panel discussion did reveal some areas of hope related to the practice of freedom of speech compared to the past, though panelists emphasized that the government persists in attempting to censor those who write critically about the administration. Malawi’s constitution guarantees freedom of expression and media freedom, but panelists noted that this liberty needs to be implemented consistently and transparently by government officials and media stakeholders. Panelists added that the government should pass pro-media legislation, such as the Access to Information Bill drafted by the National Media Institute of Southern Africa/Malawi chapter (NAMISA).

All objectives fell fairly close to the overall average of 2.13. Only Objective 5, supporting institutions, stood out as somewhat stronger than the other objectives, with a score of 2.36.

¹ Central Intelligence World Fact Book, (www.cia.gov/cia/publications/factbook)

² Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 2

MALAWI AT A GLANCE

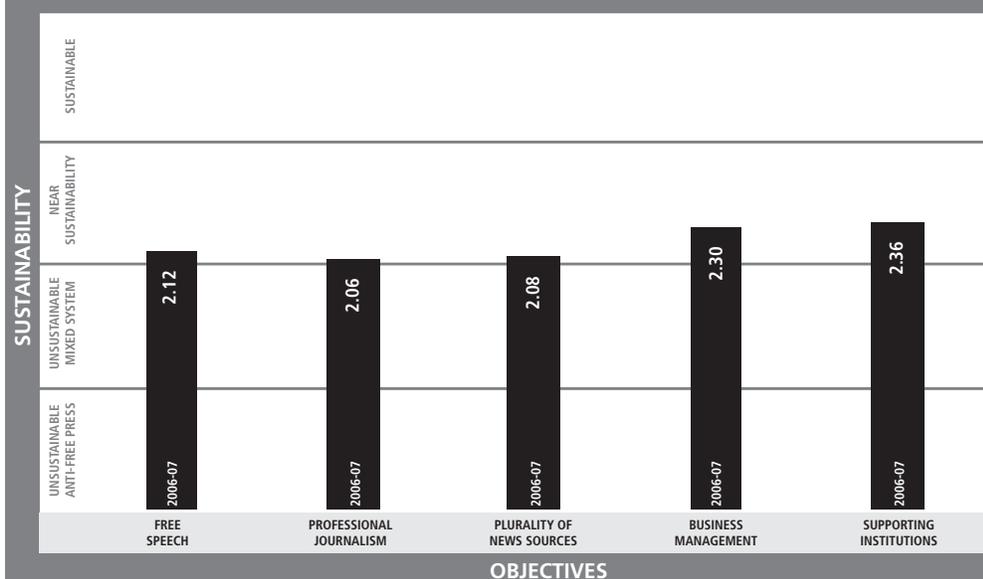
GENERAL

- > **Population:** 13,931,831 (July 2008 est., *CIA World Factbook*)
- > **Capital city:** Lilongwe
- > **Ethnic groups (% of population):** Chewa, Nyanja, Tumbuka, Yao, Lomwe, Sena, Tonga, Ngoni, Ngonde, Asian, European (*CIA World Factbook*)
- > **Religions (% of population):** Christian 79.9%, Muslim 12.8%, other 3%, none 4.3% (1998 census, *CIA World Factbook*)
- > **Languages (% of population):** Chichewa 57.2% (official), Chinyanja 12.8%, Chiyao 10.1%, Chitumbuka 9.5%, Chisena 2.7%, Chilomwe 2.4%, Chitonga 1.7%, other 3.6% (1998 census, *CIA World Factbook*)
- > **GNI (2006-Atlas):** \$3.143 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$690 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 62.7% (male 76.1%, female 49.8%) (1998 census, *CIA World Factbook*)
- > **President or top authority:** President Bingu wa Mutharika (since May 24, 2004);

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 13 newspaper, including 2 dailies; Radio: 20; Television stations: 2
- > **Newspaper circulation statistics:** Top two by circulation: *The Daily Times* (privately-owned), *The Nation* (privately-owned)
- > **Broadcast ratings:** N/A
- > **News agencies:** Malawi News Agency (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 59,700 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: MALAWI



Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Malawi Objective Score: 2.12

Panelists rated a few of the indicators close to the final objective average, but several were spread out either noticeably higher or lower than the average. Indicators 8 and 9, restrictions on media access to international news sources and entry into the journalism profession, scored more than a point higher. However, Indicators 2, 6, and 7 (broadcast licensing, libel laws, and access to information) fell significantly short of the average.

The Constitution of Malawi guarantees the right to freedom of expression, media freedom, and access to information. Specifically, Section 35, Chapter IV of the Constitution of the Republic of Malawi, May 1994, states, "Every person shall have freedom of expression." Section 36, Freedom of the Press, states, "The press shall have the right to report and publish freely, within Malawi and abroad, and to be accorded the fullest possible facilities for access to public information." The right to freedom of expression is not absolute and is subject to limitations in Section 44 (2) and (3); 45 (3) a; and 45 (2), all of which can be applied as the judiciary deems appropriate.

Panelists stated that freedom of expression and media freedom are compromised by certain laws. Al Osman, editor-in-chief at Capital Radio, said that his station is challenging one of these laws, called the Protected Names, Flags, and Emblems Act. However, he said that the pursuit of justice is usually defeated by the slow pace of the judiciary. "In practice, we have seen violation of [justice] by the authorities, by the police, indeed by politicians," Osman said.

Emma Kaliya from the Malawi Human Rights Resource Centre said that the legal provisions that protect freedom of speech and media freedom exist within the constitution, but there is a huge gap when it comes to implementation. Stanley Kenani, president of the Malawi Writers' Association, explained that journalists are at times vulnerable to "some archaic clause in some statutes that seem to contravene what the constitution guarantees. For example, the Protected Names, Emblems, and Flags Act has landed many journalists in trouble."

Kenani added that citizens have freedom of expression, but the extent to which freedom is retained after one has exercised that right is questionable. According to the African Media Barometer, 2006, close to 40 laws have a negative impact on free speech in Malawi.

Panelists also decried the fact that a number of laws from Malawi's colonial era—in addition to those mentioned above—impede freedom of speech and media freedom. According to the *SADC Media Law Handbook*, 2003, the following statutes govern the media in Malawi:

- Communications Act (Act 41 of 1998) provides for the regulation of telecommunications, posts, and broadcasting in Malawi.
- Printed Publications Act (Act 18 of 1947) governs the print media and provides for the registration of newspapers with the Government Archives.
- Censorship and Control of Entertainment Act (Act 11 of 1968) regulates the pre-approval of content that is distributed to the public and provides for the regulation of entertainment productions.
- Official Secrets Act (Act 3 of 1913) protects official state secrets against disclosure.
- Commercial Advertising (Traditional Music) Control Act of 1978 regulates the use of traditional music in advertisements.³

Kingsley Jika, editor at Chancellor College Publications, explained some of the conditions faced by journalists. "The result is that politicians take advantage and use the law of defamation as a scare...so it makes journalists fear from afar," he said.

Some panelists had a more optimistic view. "Malawians are much freer than they were 30 years ago," said Wisdom Chingwede, editor at Zodiak Broadcasting. Susan Chikuse from MBC added, "There is freedom of expression in Malawi, as compared to what it used to be in the past... these days people are so empowered in the villages, they can even take to task the members of parliament or the people from the ministries."

Panelists also brought up the issue of "hate speech" and its treatment in the context of freedom of expression and freedom of the media. They said that they were concerned that MBC's re-broadcasts of "derogatory speeches" by the former Malawi president are not in the interest of democracy, but show the government using the media for political aims. Osman explained, "Right now, there is a huge debate going on in the country about so-called 'hate speech' by the former president or complaints by the former president. MBC, the government-controlled broadcaster, is re-broadcasting some speeches that are clearly examples of hate speech. Our society...is divided into whether this is correct or not."

The Communications Act of 1998 makes provisions for the establishment of MACRA. According to this act, MACRA should be open and independent of government interference, and operate transparently. Osman said that this is not the case, and said there seems to be a conflict between what the legislation stipulates and what happens in practice. Panelists agreed that administrative problems at MACRA affect the issuing of licenses to broadcasters.

³ Konrad Adenauer Stiftung, 2003, *SADC Media Law: A Handbook for Media Practitioners: Volume 1*

Kingsley Jika said that the problem is the Communications Act, which states that, “the president shall appoint members...and the power to remove a member of MACRA is also in the hands of the president and no member of parliament, the national assembly, has a say over it.”

Jika added that the Communications Act is contradictory and states, “A member to be appointed to MACRA should not be minister or a deputy minister. Yet within the Communications Act, it says the minister of information can tell MACRA what to do. In other words, MACRA or radio stations should comply with what the minister says.”

Osman remarked that changing the act has been nearly impossible. “What has been evident so far is that no political party or successive administration has any appetite to change the act, because it suits them. They come into power, take over, and continue business as usual. But the act can be changed simply by a member of parliament introducing a private member’s bill. The question remains: Who is willing to do that as a private member?”

Various other problems faced by MACRA include transparency in the board’s management and accountability to the public about licensing processes. Osman detailed the issues. “The licenses themselves, when they are awarded to radio stations or before they are awarded to radio stations, are also supposed to be publicized through the press, and invitations are also supposed to be issued to members of the public. None of these things are being done. Another aspect is the fee charged by the regulator. The regulator, in our opinion, has certainly said licenses will only be granted if we pay up all arrears, including

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

the outstanding frequency fees. Under the Licensing Act under broadcasting, there is no mention of this, and this is something that we are challenging in the courts. MACRA is coming up with arbitrary charges that we think are clearly designed to shut us down. If a station is not able to meet its payments, they have a legal argument to shut down that station.”

Panelists also expressed frustration with the arrogance of some MACRA officials who are unwilling at times to accept and abide by court rulings.

Panelists stated that MACRA’s tax structures and high costs for transmission and airtime make entry into broadcasting prohibitive. They agreed that licenses are easily available to applicants with the “correct” political affiliation. Costly Mtogolo, head of journalism at Malawi Polytechnic, noted that the licensing fees is charged “in dollars [\$5,000], and I think when all the other companies...register to get their licenses through the Registrar General, [they] pay in kwacha. I am not very sure if this is fair and comparable.”

The cost of a license paid in dollars is very expensive for Malawians. “In fact, anybody advertising any product that is being sold in dollars—say, a newspaper carrying an advert [that] says we are selling this in dollars—has got to be prosecuted under the Reserve Bank Act,” said Stanley Kenani, president of the Malawi Writers’ Association. Other panelists said that some media organizations opt to make a small profit by evading the high taxes, but these outlets run the risk of closure.

Panelists said that other startup costs, including equipment, are a prohibitive factor for market entry. Felix Mponda, correspondent for Agence France-Presse, said, “When you talk to someone in America and say the computer here is \$500, they will think it’s cheap. But if you calculate into kwacha, it means that’s close to a minister’s salary. It’s too expensive.”

Panelists also stated that new newspapers usually appear during election times but disappear immediately afterwards. What puzzled the panelists is that some new entrants in radio broadcasting, such as churches, speedily receive a license from the regulator. They attributed this to the fact that the government is less threatened by the church than civil society. Jika explained that the government wants to control the “information square”⁴ by imposing stricter regulation for broadcast media than for newspapers “so that at least the masses—about 80 percent of the population—won’t have access to the right type of information to help them make important decisions in democracy, as we claim [to have] in this country.”

⁴ ‘Information square’ is a media term meaning the arena for debate in a democracy for people to make informed decisions. Put simply, it refers to all media outlets: radio, newspapers, and the Internet.

He called for Malawi to bring on change by "letting the public speak more and the government know that the public want the information square, want to control the square, want to make the right type of decisions. I think then and only then can we have a change."

Although panelists said that crimes against journalists are rare, investigative journalists' lives are constantly under threat from criminals and the government. Panelists said that investigative journalists continue practicing under these conditions. According to Emma Kaliya, "In 2006, two journalists were detained for writing articles about ghosts visiting the State House, where the president resides. They were being asked to provide the source of their information."

However panelists were also quick to note that these cases seem to disappear. No one hears anything about the case after journalists have been released from incarceration, who are under a silent bargain of "when we release you, do not make any more noise. All you other journalists: if you tread that carelessly, you may face the same wrath."

Jika said that this sort of threat works, noting that "conditions in prisons are harsh, and no journalist would dare find himself there. Fortunately, most of the defamatory cases in Malawi have been treated as civil and settled outside the court. Most of them, even against the president, have died a natural death."

Journalists working for the public broadcaster receive pressure from their superiors to censor themselves when writing political stories. Innocent Chitosi from MISA Malawi said, "Of late, politicians have been so subtle in their harassment of journalists...mainly it is the politicians who do the harassing, and maybe they are seconded by the business sector. Police have often taken journalists and released them after a few hours. Photojournalists, when they are taking pictures at a public rally, are arrested. Police say they should get prior permission from the police headquarters."

Generally, the public speaks out against arbitrary arrests of journalists, voicing their concerns through letters to editors in newspapers and through phone-in programs on various independent radio stations.

Editorial independence is legally protected. Innocent Chitosi, media activist from NAMISA, asserted, "Another crime which is subtly creeping in is editorial control or political control [censorship]. Public institutions like MBC and TVM—I don't know if these people will survive until 2008—are being oppressed. They are being twisted every now and then."

Other panelists stated that defamation disputes by civilians and other media against the MBC are interpreted as being anti-government. Kenani gave an example: "We had a case against MBC. They were failing to pay 35 million kwacha for royalties for musicians and we won. Although, of course,

later on, when we met the minister of statutory corporation, some quarters wanted to politicize the whole thing to say we are trying to muffle MBC." He added, "The law that protects editorial independence does exist, but I think everybody...is afraid of injuring certain political masters."

Other panelists agreed that editorial independence is threatened by political influence in public broadcasting. A report in *The Daily Times* supported this assertion: "Parliament last year [2006] refused to approve MBC's and Malawi Television's annual budgets in full, arguing the two broadcasters were biased towards President Bingu wa Mutharika's Democratic Progressive Party."⁵ The two broadcasters argued that the opposition parties do not consult them when there is an event, while the ruling party (DPP) provides notice of their events. Opposition members, however, disagreed, stating that MBC journalists are reluctant to cover stories of the opposition for fear of losing their jobs.

According to Patricia Kaliati, minister of information and civic education, "Some MBC employees have in the past complained that government's 'talk' to open up to the opposition is mere lip service as people are punished for mere suspicion of sympathizing with the opposition."⁶

Opposition parties also question the MBC's reporting ethics. They claim that it is not balanced, and that opposition parties are seldom approached for a balanced report when allegations are made against them.

Libel is both a criminal and civil issue. Panelists said that if treated as a criminal case, libel is punishable with two years' imprisonment. But according to the panelists, most libel cases are treated as civil cases and settled out of court. Other panelists said that the judiciary offers hope for journalists by treating cases against them as misdemeanors.

Zezeza Manda explained that in Malawi, journalists often have to prove that there is no falsity and malice intended, and he compared this unfavorably to international norms where the plaintiff must prove falsity. Panelists were not certain who proves falsity in a libel case.

The Constitution of Malawi, under the protection of human rights and freedoms, Section 37, Chapter IV, guarantees the right to access information. It reads: "subject to any Act of Parliament, every person shall have the right to access to all information held by the State. Or any of its organs at any level of Government in so far as such information is required for the exercise of his rights." The Constitution is the only law that guarantees the right to access information, no other legislation has enforced this right.

⁵ *The Daily Times*, May 2007, Article: 'Half budget hits MBC staff hard'

⁶ *IBID*, p. 3

Susan Chikuse from MBC stated that journalists have increasingly difficulty accessing information, due to political conflicts. She cited a situation in which she was conducting a panel discussion and invited several politicians and government officials to participate. One of the officials told her that he did not want to participate if a certain other official was going to be present, because of that person's membership in the UDF [United Democratic Front]. The discussion was canceled as a result. "I wanted information so that the communities should be helped, but [the discussion] failed," Chikuse said.

Usually, MBC and Television Malawi are the first recipients of important government information, particularly if the news will score points with the public. Other less important news is shared equally with public and private media.

NAMISA, Malawi Human Rights Resource Centre, and other media NGOs in Malawi are championing parliament's drafting and adoption of the Access to Information Bill. This law will give guidelines for procedures to be followed by civil society when requesting information. The government and, to some extent, the private sector would be compelled to make the information available when requested.

No restrictions are placed on access to international news. However, panelists said that lack of financial resources is a barrier to accessing international news sources, so media outlets rely on foreign news agencies for international news. These stories are sourced through the Internet and Digital Satellite Television (DSTV), a South African channel—provided that the media outlet can pay for a computer and for subscription television. "You can't make an international call, let's say, to talk to the World Bank president on what was happening," said Zeleza Manda, a media trainer. Josephine Semu, a producer at MBC, added that even journalists at MBC struggle to access the Internet.

Journalists do not need to be licensed. Panelists stated that some journalists believe that if licensing were to be enforced, it would delineate the different levels of professionalism based on experience and qualification.

According to panelists, the government had been issuing press cards to journalists as a standard procedure for high-profile government events, claiming security reasons. However, the press cards were a way to invite only journalists seen as favorable to the government. Journalists working together with the Media Council of Malawi stopped the government from issuing press cards. Media outlets continue to print their own press cards for their journalists.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Malawi Objective Score: 2.06

Most indicators scored near the objective average. Notable exceptions were Indicator 5, pay levels for journalists, which scored well below the average; and Indicator 6, balance of entertainment and news, which scored well above the average.

Panelists said journalists have a desire to report fairly. However, according to Wisdom Chingwede of Zodiak Broadcasting, "sometimes the environment [journalists] are working in dictates otherwise."

Other limitations include acquiring necessary resources to follow-up on a story. "Some organizations are limited in terms of transport, in terms of communications facilities, telephones, and Internet," Mtogolo said. He also noted that, at times, political and economic pressures compromise journalists' reporting. He said that TVM and MBC journalists specifically are constrained in their ability to go out and cover stories. "Their budget has been cut because the one who does the allocation has decided to punish them through allocative control," he said.

Most media organizations in Malawi do not have codes of ethics that are specific to their organizations. The Media Council of Malawi developed the Malawi Code of Ethics and Professional Conduct ("the Journalism Code"), a self-regulatory code for journalists, in 1996.⁷ Broadcasters must adhere to the Code of Conduct for Broadcasting Services ("the Broadcasting Code"), a statutory code contained in Schedule 3 of the Communications Act.⁹ Panelists said that most individual journalists in Malawi are not aware of these documents, and if they are aware, at times they do not follow what these documents stipulate. "Journalists only learn ethics when they go for training in training institutions," said Josephine Semu, producer for MBC. Zeleza Manda went so far as to say that "the journalism profession here is...corrupt."

Other panelists felt differently and stated that journalists in Malawi, especially some senior journalists, do follow the code of ethics, primarily the ethical code drafted by the Media Council of Malawi, and institute it in their newsroom. Nonetheless, there is a challenge faced by media organizations to implement codes of ethics widely. One panelist reported, "The National Media Institute of Southern Africa held two workshops to train its upcoming members on media ethics. During the workshops, the members discovered that most traditional practices in Malawi media were not in line with professional conduct as enshrined in the Media Council of Malawi code of ethics." Further, panelists reported that certain

⁷ Konrad Adenauer Stiftung, 2003, SADC Media Law Handbook for Media Practitioners; Volume 1, p. 23

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

journalists accept gifts for some types of stories, and do not necessarily declare the gifts to their media organizations.

Panelists agreed that journalists do practice self-censorship. MISA's 2006 African Media Barometer reported, "Malawi is a small country, and self-censorship is evident in many, for journalists want to protect themselves against making enemies in the community, and they act in the interest of the owners/employers."⁸

Osman from Capital Radio remarked that at times self-censorship appears to be more prevalent with journalists at state-owned media, and that some journalists have learned to censor themselves because of political and other interferences. The journalists concerned seem to write cautiously on certain issues, he said.

He also explained that Capital Radio encourages reporters to write business stories. "Our advertisers complain that they are tired of hearing and reading about constant political bickering that is going on. They want to hear and read about the stuff that is affecting their economy; that is affecting their businesses; whether it's worthwhile to expand their supermarket into Kasungu."

Other panelists noted that for some journalists, a corruption aspect is linked to self censorship. "A lot of journalists clearly know that this story is actually something that the public ought to know," Manda said. "But at the end of the day, they also know that this story is hitting the guy or the person who gives me the second salary at the end of the month." For this reason, the particular journalist will not report on the story.

⁸ Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 26

Journalists generally cover key stories that include government and the private sector. However, panelists acknowledged that more could be done to cover key events that are not political. Emma Kaliya, program manager at the Malawi Human Rights Resource Centre, disagreed, saying that unless one has money to pay for coverage of an event, it is unlikely that it will be covered. Stanley Kenani observed, "Coverage depends on what sort of business interest the media organization has in that particular event."

Panelists did agree that journalists in Malawi cover a fair amount of news and information, especially from the government. What constitutes "key events" was questioned, however. Manda said that "we think when the president is there, that is a key event." He added that other social issues (e.g., the environment) are not covered, despite being vital issues for society.

Regarding pay levels for journalists, Mtogolo said he disagreed with the implication in the indicator that low levels of pay breed corruption. Manda added, "Poverty has nothing to do with corruption." Panelists believed that journalists are poorly remunerated and that journalists' labor interests are not protected due a lack of union representation. There are huge pay differences between journalists working for the public sector and those working for the private sector. "The public media get better pay than the private sector, but then, it seems like...where journalists are better paid, corruption is institutionalized more than where there they are less paid," Manda said.

Manda also noted research on monthly salaries conducted by MISA found a range of pay scales. "These vary between Malawi Kwacha 12,000 and 20,000 (the minimum cost of living after tax for a five-member family [i.e., the poverty line] currently stands at Malawi Kwacha 21,000)."⁹

Felix Mponda alleged that certain journalists from TVM solicit payments for broadcasts. Emma Kaliya said that this sort of behavior is bringing "the journalism profession in Malawi into disrepute."

Panelists agreed that Malawi's news media needs to include more entertainment stories. They said that coverage of politics is dominant at present. Apparently, an average Malawian is content with the daily dose of serious political news. James Mphande said that at his newspaper, "when we say news—front page news—it's not always politics. You find that maybe some gibberish from a politician is given front page privilege, but a very big achievement is buried somewhere in the eleventh or twelfth of fifteenth page."

Panelists noted that technical equipment for gathering, producing, and distributing news is generally outdated and

⁹ Media Institute of Southern Africa, 2006, "African Media Barometer—Malawi," p. 27

need to be replaced. "Turning Malawi from a consumption country into a producing country, you do need certain type of equipment. It's the same thing if you are moving from terrestrial to satellite—that transmission requires some equipment," Mtogolo said.

Panelists felt that this issue needs to be addressed at a policy level. They noted the government's in drafting legislation that bridges the gap between law and implementation. Policies that have been introduced have failed to put in place financial and human resources in line with modern technology. According to Susan Chikuse from MBC, their "programs are poor in terms of quality" because they use outdated equipment.

Panelists noted that niche reporting is not prevalent, although political investigative journalism can be found, mostly in the print media. The broadcast sector was criticized by panelists for not having any kind of niche reporting. Panelists added that Malawi has no specialist magazines that report on sports, economics, or similar issues. However, foreign-produced niche financial magazines are sold in Malawi.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Malawi Objective Score: 2.08

Panelists rated only a few indicators near the final objective score. They rated Indicators 2 and 5, unrestricted citizen access to media and private broadcasters producing their own news, almost a point higher than the average. However, they rated poorly Indicator 3, state media reflecting the views of the political spectrum, at more than a point lower. Indicator 4, independent news agencies, also did not fare well.

Panelists said that residents of Malawi's urban centers have better access to public and private news sources. Malawi has more than seven religious radio stations, about five private radio stations, one television station, and a number of newspapers. The MBC is a state-run radio company in Malawi. Founded in 1964, it has two stations, Radio 1 and Radio 2, and transmits on FM, medium wave, and shortwave frequencies. Some people subscribe to DSTV, a South African-owned channel run by MultiChoice/M-Net.

Panelists also noted that radio stations do broadcast to the rural areas. They said these stations are making an effort to bring audiences in-depth and balanced news. However, broadcast frequencies are still lacking, in particularly rural communities. Community media currently do not exist, at least in the sense of media run by and for the benefit of the community. Panelists noted that current radio stations classified as "community" are in fact tied to specific development projects and were established as part of project requirements.

Citizens accessing domestic or international media is not against any law in Malawi, but panelists pointed out that the high cost of Internet connectivity and computer ownership were barriers to access online media. "While the facilities may be there, they are not affordable and also very slow to access," Kaliya added. Media is also concentrated in the urban areas and not all Malawians have easy access.

Panelists agreed that the state-owned broadcaster has a big challenge in covering politics and political events in a manner that is fair and balanced for all political parties. They also felt it does not serve the public interest. On numerous occasions, opposition parties have accused the MBC and TVM of not covering events hosted by the opposition parties and merely focusing attention on the government and ruling party. However, the Communications Act of Malawi is seeking to reconstitute the MBC as a public broadcaster.

The Malawi News Agency (MANA) is a state-controlled and owned news agency. There are no independent news agencies; international agencies such as Reuters and BBC are used from time to time. MANA's and international agencies' services include supplying media outlets with breaking news stories for print, and audio and video materials for broadcast.

Independent broadcasters in Malawi produce their own news. Osman said that his radio station has started gathering news from the rural areas. He added that "we also have programs like Tikambe ya Malawi and Maua Khumudze, which are in vernacular, and these are programs that are making a difference in the lives of Malawians." Capital Radio also collaborates with the state broadcasters in what they call

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens' access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

Development Broadcasting Unit programs.¹⁰ Osman explained that these are programs that go to communities in the rural areas and spark discussion with citizens on governance issues. For example, in a case that involved a whole village complaining about “a large company that had taken away their estate for the production of sugar...an NGO group that was listening to the program intervened and took the company to court, and those people were given back their land.”

Malawi has no law that compels media owners to be transparent, and panelists thought that such a law should be in place. The public is not aware of true ownership. Other panelists agreed that media ownership is under a monopoly, with the majority of media organizations owned by the government and a few Malawian families. Felix Mponda said, “Yes there is a monopoly, because most of the media houses in this country are family owned, including Capital FM...it’s not open for shares.”

Kaliya said that news in Malawi is broadcast primarily in English and in Chichewa. Panelists said that other languages are used, but are usually not prioritized by the broadcasters and the newspapers. With regard to coverage of gender issues, MISA found that, “according to the Gender and Media Audience Study for Malawi released in 2006, women constitute 12 percent of news sources nationwide.” The report further notes that men dominate the news on challenging topics while women appear on less important topics such as beauty and homemaking and that “women are treated as sex objects.”¹¹

OBJECTIVE 4: BUSINESS MANAGEMENT

Malawi Objective Score: 2.30

Only Indicator 2, media receiving revenue from a multitude of sources, finished close to the average. A handful of indicators scored well, including Indicators 1, 3, 4, and 5 (covering management and profitability, advertising agencies and the advertising market, the ratio of advertising revenue to other revenue, and government subsidies of private media). Panelists rated Indicators 6 and 7 much lower, reflecting the lack of serious market research, circulation verification, and audience measurement.

Panelists said that Malawi has limited media outlets and supporting firms, but the existing ones are professional, profit-making businesses. Panelists did suggest that media

¹⁰ “The United Kingdom (UK)-based Radio for Development (RfD) launched this project in September 1999, with the aim of establishing a sustainable framework for a broadcast dialogue about civil rights and citizenship in Malawi.” (www.communit.co.za)

¹¹ Media Institute of Southern Africa, 2006, African Media Barometer – Malawi, p. 25

outlets should form networks, so that the various newspapers can print and distribute with the same organization, as opposed to working in isolation. Nevertheless, some newspapers in Malawi still reach large numbers of Malawians, even those in the remote rural areas, using their own distribution.

Chingwede said that private media receive revenue mainly from advertising and occasionally through programs sponsored by international agencies. He recalled that during Zodiak’s formative years, staff had difficulty getting salary increases because advertising was the only source of revenue.

State media in Malawi receive revenue from the government. This source of income is not stable, however, as demonstrated by the proposed cuts of funding for the MBC by opposition parties. Panelists noted that print media has the following sources of revenue: advertising, sponsorship, sales of print copies, and subsidies (for state-owned print media only). Non-state media do not receive subsidies from the government.

Panelists agreed that Malawi has an active advertising industry, consisting of both local and international players. Osman had this to say: “There are a few specialized advertising agencies in the country that produce advertisements and programs for various types of media, including print and broadcast media. There are also in-house organizations that do all this.” However, panelists also noted that advertising activity is concentrated in cities, such as Blantyre and Lilongwe.

Panelists could not say exactly if the total revenue is in line with accepted standards at commercial outlets. Panelists noted also that private broadcasters are a fairly new phenomenon and that advertising rates for private media have been developed using the MBC advertising rate card as a guide.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

Malawi does not have an audit bureau of circulation for one to obtain verified circulation figures. Occasionally, broadcasters and print media organizations will estimate the number of listeners and readers, based on feedback received on certain broadcasts or articles. But these are far from being professionally produced market and media research. A few private broadcasters, using funding from donors, will from conduct audience research. Genderlinks, in partnership with Gender and Media Southern Africa/Malawi and the Malawi Institute of Journalism, conducted “the first comprehensive study of audience news consumption patterns and preferences in Malawi generally, as well as the gender dimensions of these.”¹²

To date, no organizations conduct formal market research. The lack of market research means that media organizations cannot depend on this data to inform their business strategies. Panelists also highlighted the general lack of expertise in market research in Malawi. Further, the few individuals who conduct market research for their own purposes make it difficult for the print and broadcast media to access this data.

However, panelists agreed that there is a need for professionally conducted market and audience research, similar to that of the South African Advertising Research Foundation. “We need now to do fresh research to find out how the media is doing in this country because everyone is claiming this and that,” Manda said.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Malawi Objective Score: 2.36

Most indicators scored close to the average. The exceptions were Indicators 1 and 2. Panelists rated Indicator 1 very low, reflecting the lack of trade associations. But overall, they appreciated the work of professional associations and awarded a much higher score.

Currently no trade associations in Malawi represent media owners; however, professional associations abound. They include the National Editors’ Forum, the Journalists Union of Malawi, the Lilongwe Press Club, the Mzuzu Press Club, the Kabula Press Club, the Malawi Women Media Association, and the Broadcasters’ Association of Malawi. Panelists stated that assistance received from these organizations includes professional legal advice, advocacy, and lobbying. They emphasize that the Lilongwe Press Club is very involved with ongoing media debates, but other press clubs are not as active. In its *Southern African Media Directory*, MISA noted, “The

¹² Genderlinks/GEMSA, 2006, Gender and Media Audience Study for Malawi

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists’ rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

Journalists’ Association of Malawi is in a deep coma, although there has been an attempt recently to turn it into a union.”¹³

NAMISA (formerly MISA-Malawi) is one of the prominent and active NGOs in the media sector. It is involved in advocacy and lobbying for media freedom and freedom of expression. NAMISA works closely with independent media organizations and promptly engages the government and the minister of information on behalf of the media sector. MISA notes that, “...due to the absence of other professional bodies, NAMISA has taken up some roles such as arbitrating on complaints against the media.”¹⁴ It is seeking to resuscitate the Media Council of Malawi in order to hand over these responsibilities. NAMISA is also the organization behind efforts to resurrect the Journalists’ Association.

Other NGOs, such as the Malawi Human Rights Resources Centre and the Malawi Chapter of Gender and Media Southern Africa, advocate for media-related issues as well.

A journalism degree and diploma is offered by the University of Malawi-Polytechnic. According to Kaliya, “About five years ago, the University of Malawi, through the Malawi Polytechnic, introduced a journalism degree program that has already graduated one group.” MISA reports also that “a number of private schools run by professional journalists, such as Pen Point School of Journalism and Malawi Institute of Journalism, offer a Certificate and Diploma in Journalism.”¹⁵ However, Pen Point School does not seem to be fully operational at the moment.

¹³ Media Institute of Southern Africa, 2006/7, *Southern African Media Directory*, p. 39

¹⁴ IBID

¹⁵ Media Institute of Southern Africa, 2006, *African Media Barometer*, p. 28

Panelists complained that Malawi has no media management training programs. Journalists in Malawi have to rely on training conducted by Southern Africa organizations, such as the NSJ and the Sol Plaatje Institute for Media Leadership, for varied specialized skills training. Panelists noted that journalists are busy people, they often do not have time to attend the courses, and costs for such courses are also prohibitive. However, Malawi does have a few short-term training courses. These courses have been restructured, and Manda stated that the programs should also be changed to include media management training.

Panelists also stressed the urgent need for Malawi to have a training policy. Jika said, "The programs are mostly set up by the British High Commission, the American Embassy, CIDA, and, at times, some local non-governmental organizations. The most popular courses are election and the media, HIV and AIDS, and the economy. Often, the costs are met by those setting up the program." He added that attendance is usually by those who are in the good graces of their bosses.

Newsprint is obtained from South Africa and Zimbabwe. As Jika explained, "The reliable supplier of newsprint in Malawi is a South African company, SKIPCO. And SKIPCO, through an agent in South Africa, a Van der Gust, brings to Malawi off-cuts or rejects from the newsprint left over from South African printers."

Panelists said that printing facilities are political because some of them are linked to the government-owned newspapers. Blantyre Printing and Publishing is one of the main printing presses in Malawi and, according to MISA, "it belongs to the business empire of the late president Kamuzu Banda."¹⁶ The other printing press is run by Nation Publications Limited.

Generally, channels of media distribution are in private hands and are concentrated mainly in the cities. However, some panelists said that certain owners of kiosks and other distribution points sometimes tend to be divided along political affiliations. For example, if an owner is a supporter of the ruling or opposition party, he or she will do business with people aligned with their political interests and would never put on the stand a newspaper that reports negatively about his/her party. Typically, such newspapers are smaller ones owned by politicians that tend to sprout up near elections. Almost all kiosks will, however, sell both major dailies, *The Daily Times* and *Nation*, and major weeklies under the same roof.

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