
The panelists identified the following as challenges limiting the Congolese media's ability to fulfill its role to strengthen democracy: regulation and self-regulation; continuous and permanent training of journalists; the reinforcement of operational capabilities of unions; and the increase of economic sustainability of media companies.



REPUBLIC OF CONGO

"The African Tom-Tom has died out." It was in these terms that journalists announced to their peers the sudden death, on June 26, 2007, of one of Congo's greatest journalists. Joseph Gouala had been for many years the Agence France-Presse correspondent, and he had also founded the Brazzaville newspaper *Tam-tam d'Afrique*. This journalist left behind the image of a great professional, always very critical of African policies that send countries into chaos; Republic of Congo (Congo-Brazzaville) has endured its share of such policies.

Congo-Brazzaville gained its independence in 1960 and was ruled by a one-party regime between 1963 and 1991. Successive civil wars ravaged the country in 1990 and 1997, partly because of hatred and rivalry between political-party leaders. The last civil war ended with General Sassou Nguesso's victory over the coalition of his main competitors, President Pascal Lissouba and Prime Minister Bernard Kolelas. Nguesso then legitimized his power by being elected president in elections that excluded these two key would-be opponents.

In June 2007, the country was seized by political fever as 1,237 candidates vied for 137 seats in the first-round elections for the National Assembly. The opposition and a few scattered voices within the majority protested against the early date of the election, denounced its poor organization, cast doubt on the reliability of the candidate lists, and questioned the independence of the Electoral Commission. Some 40 parties and associations asked for a boycott of the elections, but, in the end, the main opposition parties did not withdraw. Further, second-round elections were in fact deferred from late July to early August.

The Congolese Labor Party, the president's party, and its allies ended up keeping their absolute majority in the assembly. For many observers of the Congolese political scene, these elections represented a disaster: international observers reported many problems with voter cards, voter registration rolls, and operation of polling stations.

Panelists unanimously felt that an independent and professional press is a *sine qua non* of a pluralist democracy. They identified the following as challenges limiting the Congolese media's ability to fulfill its role to strengthen democracy: regulation and self-regulation; continuous and permanent training of journalists; the reinforcement of operational capabilities of unions; and the increase of economic sustainability of media companies. Their scores reflect an unsustainable, mixed system. Only Objective 3, plurality of news, scored above a 2. Objectives 1 and 5, freedom of speech and supporting institutions, scored halfway between 1 and 2. Objectives 2 and 4, professional journalism and business management, showed the greatest need for improvement, coming in at 0.70 and 0.87, respectively.

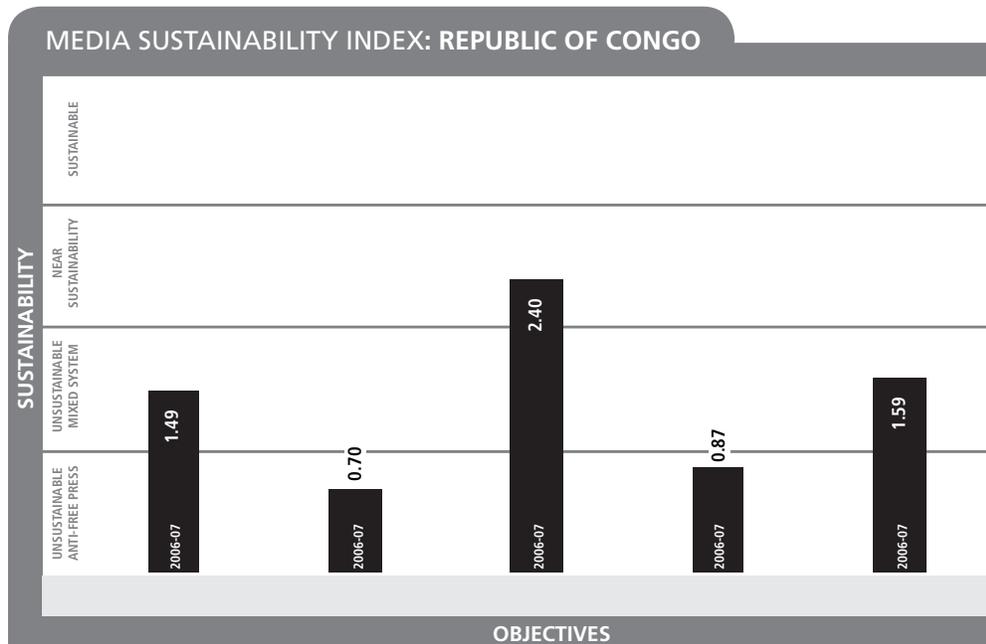
REPUBLIC OF CONGO AT A GLANCE

GENERAL

- > **Population:** 3,800,610 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Brazzaville
- > **Ethnic groups (% of population):** Kongo 48%, Sangha 20%, M'Bochi 12%, Teke 17%, Europeans and other 3% (*CIA World Factbook*)
- > **Religions (% of population):** Christian 50%, animist 48%, Muslim 2% (*CIA World Factbook*)
- > **Languages (% of population):** French (official), Lingala and Monokutuba, local languages and dialects (of which Kikongo is the most widespread) (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$3.806 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$940 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 83.8% (male 89.6%, female 78.4%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Denis Sassou-Nguesso (since October 25, 1997)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**
Print: 1 daily newspaper (*Dépêches de Brazzaville*), 40 private newspapers, 10 weekly magazines; Radio: 18 stations, including Radio Liberté; Television stations: 10 channels
- > **Newspaper circulation statistics:** N/A
- > **Broadcast ratings:** N/A
- > **News agencies:** Congolese News Agency (CNA) (state-owned)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 70,000 (2006 est., *CIA World Factbook*)



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

Republic of Congo Objective Score: 1.49

While a couple of the indicators in this objective fared relatively well, only a handful ended up near the overall average, and four had very low scores. On the high side, panelists awarded a score just above 3 to Indicator 6, which covers libel laws. Indicator 9, entry to the journalism profession, scored nearly as well. On the low side, Indicators 2, 3, 5, and 7, which consider licensing, market entry and tax structure, state media receiving preferential treatment, and access to information, all scored nearly a full point or more below the average.

Since the beginning of the country's democratization process in 1991, all fundamental legal texts of Congo-Brazzaville—the Fundamental Act of Transition, the 1992 constitution, the Fundamental Act for a Flexible Transition (1997-2002), and the current (2002) constitution—reaffirm the principle of freedom of expression and freedom of the press.

In reality, however, Congolese authorities have adopted specific press laws that establish boundaries on the exercise of press freedom, such as laws affecting licensing. Panel participants felt there is a lack of political will to put into practice freedom of the press. This lack of political will is echoed by the underlying absence of any kind of pressure from unions and professional media organizations to force the government to respect freedom of expression and freedom of the press.

For example, Law No. 8-2001, passed on November 12, 2001, regarding freedom of information and communication, loosened the stranglehold on freedom of the press by ending prison sentences for journalists accused of press offenses, but it still lacks decrees and orders to implement several articles. In regulating the private sector, there is a labor code but no collective or institutional agreements as yet. Panelists felt that the Congolese press still needs to work on the legal and institutional environment in order to better protect its journalists.

Participants also included as a legal shortcoming the formation, in 2003, of the 11-member Higher Council for Freedom of Communication (HCFC). This constitutionally mandated regulatory institution is not yet functional: it has never granted an operating license to a radio or television station in Congo-Brazzaville.

Edouard Adzotsa, an independent journalist, says that there are 18 radio stations and 14 television channels in Congo-Brazzaville but that they all function unofficially, if not illegally, since they have no operating licenses. However, in a meeting held in May 2007 with the directors of private

radio and television stations, the chairman of the HCFC gave "a three-month grace period, from June 8 to September 8, 2007, to the managers of radio and television stations in the departments of Pointe-Noire and Kouilou to allow them to regularize their situation with respect to anarchic frequency usage, which is a criminal offense." Despite the obvious need to regulate broadcast frequencies, directors of the private stations took this decision as a way for the government to control the media. The problem lies in the relatively high costs of frequency allocation: CFAF 7,900,000 (\$15,000) for radio stations and CFAF 1,700,000 (\$3,500) for television stations.

The cost of registering a media outlet—as well as the fines paid for noncompliance—can be exorbitant for media lacking income or reserves. Such costs are between CFAF 100,000 and CFAF 3,000,000 (\$200 and \$6,000). However, in Congo-Brazzaville there is no law, decree, or order subjecting the public or private media to the value-added tax system. Further, the market is free, and competition is fierce, even merciless. Newspapers and radio and television stations are not required to submit their balance sheets or accounts information to authorities.

Physical attacks on media workers are rare; however, journalists are the object of incessant blackmail or threats of suspension of their accreditation every time they freely address controversial topics such as water and electricity issues, the armed opposition, or the management of oil incomes. This applies to representatives of the foreign media as well those who are mostly Congolese nationals.

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.

Bilala Erica Yvette, a journalist for Télé Pour Tous, a private channel based in Pointe Noire, the country's economic capital and second-largest city, denounced the fact that the HCFC privileges the state-owned media to the detriment of the private media. "A few weeks ago, the chairman of the HCFC, Jacques Banangandzala, sat down in a working session with the knights of the pen and microphone going over the guidelines that private and state media had to follow during the 2007 legislative elections. In his speech, he said that special shows involving electoral platforms and conflicting debates would only be broadcast live by the state media."

The greatest achievement in terms of legal protection for journalists in Congo-Brazzaville is the elimination of prison sentences for journalists who commit press offenses, with the exception of a second offense of libel against the president. This law is known as the Ibovi Law, named for the former minister of information, and Congo-Brazzaville was one of the first African countries to decriminalize libel and other media-related breaches of the law. Defamation is punished only by fines and compensatory damages. However, the participants pointed out that press offenses are rare in Congo-Brazzaville due to the political and administrative pressure affecting journalists working in both the public and the private sector.

According to Bernard Mackiza, one of the veterans of the Congolese press and chairman of the Congolese Media Monitor (CMM), "The most important issue [facing the media] is the journalists' access to news sources. The administration excels in keeping information. Under these circumstances, how can journalists be expected to provide reliable news?" It often happens, another participant added, that foreign journalists have access to news sources more easily than locals. Participants explained this phenomenon by saying that the ranks of the profession are swollen by young people who improvise being journalists and do not know all the mechanisms of news-gathering and research.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Republic of Congo Objective Score: 0.70

This objective received the lowest score from panelists, and all indicators earned similarly low scores. The only one to receive a score noticeably above the average was Indicator 2, journalists follow ethical standards, which came in about double the overall average.

The professionalism of Congolese journalists leaves a lot to be desired. All the panel participants admitted and regretted this situation. The Congolese Press Code, issued

by the Information and Communication Convention held in Brazzaville in 1992 and entitled "The Information and Communication Professional Charter," details the rights and duties of journalists, particularly the obligation to abide by the truth and objectivity when processing information.

The CMM, a self-regulatory body, is charged with enforcing the Code. However, balanced, objective, and well-documented reports still belong in the realms of imagination. Panelists gave a number of reasons for the low level of professionalism of Congolese journalists. One was a lack of prior training in gathering, processing, and distributing news. Another is general poverty: journalists' salaries vary between CFAF 10,000 and CFAF 20,000 (\$20 and \$40) per month. One panelist added that "in order to practice virtue one needs a minimum amount of means." Exacerbating low salaries is the fact that, despite existing laws, press owners do not follow the labor code and there is no collective-bargaining agreement for journalists.

Mackiza, chairman of the CMM, stated: "The distinguishing characteristic of the Congolese press is that it is practiced by journalists who do not abide by the standards of the profession. Ethics and deontology preoccupy neither employers nor journalists. Many practice self-censorship for fear that they might lose their sponsor or job."

Not all is completely bleak. In June 2007, the chairman of the HCFC, Banangandzala, called a meeting with journalists and other media professionals to praise them for a job well done during the electoral campaign. Banangandzala said that the media, particularly broadcasters, observed—despite financial and equipment problems—the guidelines of the HCFC on

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).

equitable coverage of political parties. He encouraged them to rebuild the profession.

Censorship is not officially enforced, but journalists prefer to cover the activities of politicians, ministers, or company managers. This kind of news is more “profitable” for them and allows them to supplement their low incomes. “We practice rent-paying journalism to earn a living,” confessed Donguia Messan, journalist with the Ouesso-based Radio Benie. Panelists echoed this sentiment and used the 2007 elections as an example. “This electoral campaign is a windfall for journalists. They have the opportunity to make some money by hanging on to different candidates, since Congolese journalists and the media employing them are in a state of deep poverty,” one panelist declared.

Media keep quiet on issues such as good governance, corruption, the use of oil income, and others. For example, in recent years hundreds of refugees returned home from the neighboring Democratic Republic of Congo (DRC) and disappeared immediately upon their arrival in Beach, the main port of Brazzaville. The case quickly received international attention and became known as the “beach disappearance affair.” But this issue is taboo in the national media.

“Members of Parliament or ministers sometimes create their own media outlets that they use as a vehicle for personal promotion and not intended to be true media companies,” Adzotsa said. Since some media are directly or indirectly owned by people with political ties, or politicians themselves, they control the news so as not to upset the regime. The result is a lack of freedom for journalists. Media are private and essentially official at the same time.

While many key events are covered, in some cases journalists are prevented from doing so by the government. One of the participants, Moussa Ewangoy, a lawyer, reported that “in the case of big lawsuits, such as the one generated by the financial scandal involving the Congolese Sinking Fund, local journalists were not able to cover the debates normally because many of them were thrown out by the president of the court because they did not have authorization to cover the session from the public prosecutor’s office or the president of the court.”

Panelists said that media outlets lack appropriately modern equipment to produce quality broadcasts. “All working equipment was stolen or ravaged during the many civil wars (1993-1994, 1997-1999, and 2002), and the authorities refuse to invest further in the media,” said Adzotsa. “*La Nouvelle République*, a 16-page state-owned newspaper, has only two computers, but not a printer or a photocopier. Hence, it is an irregular publication replete with mistakes and typo-filled articles,” reported Kouamba Matondo Annette, who has

worked for the newspaper for several years. “Further, incessant electricity cuts and other technical breakdowns” hamper operations, he said.

Broadcast media spend most of their airtime broadcasting music or foreign films. Newscasts that are aired (typically limited to morning, noon, and evening) are often unoriginal.

OBJECTIVE 3: PLURALITY OF NEWS

Republic of Congo Objective Score: 2.40

The comparatively high score in Objective 3 is the result of high scores in Indicators 2, 6, and 7, which cover citizens’ access to news, transparency of media ownership, and representation of social and minority interests in the media. However, 1, 3, and 4 kept the average from being higher. These indicators, covering plurality of news sources, state media’s reflecting the views of the political spectrum, and news agencies, all scored about a point or more below the average.

Radio Liberté, the first private radio station in Congo-Brazzaville, first aired during the 1997 war. Since 2001, the media landscape includes 18 radio stations, 10 television channels, 40 private newspapers, 12 of which appear regularly in Brazzaville, 10 weekly magazines, and several newspapers appearing irregularly in Brazzaville. Only one of the newspapers appears daily, *Les Dépêches de Brazzaville*. Community and local radio is still weak, as rural radio stations were damaged by the wars of the past decades, thus taking away the most precious source of news from the rural population: the radio.

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.

While there are several local news sources, almost all of them provide the same news and reflect the political opinions of their owners. Panelists found that overall there is not a significant difference in newscasts aired by broadcasters. Those who have the means buy satellite dishes and watch foreign channels. Viewers in Brazzaville are able to access a significant number of foreign channels through satellite. Radio stations such as the BBC, VOA, and RFI are broadcast in FM. Foreign newspapers are openly sold in Brazzaville, but they cost CFAF 1,500 (\$3), which makes them unaffordable for most Congolese.

Overall, panelists said that there are no legal or technical barriers to access the media of one's choice. Radio, television, periodicals, and the Internet are all available. There are, of course, financial barriers for those lacking the means to access some media, particularly satellite channels, foreign press, or the Internet. Access to all media in rural areas is worse than in urban areas.

There is only one press agency in Congo-Brazzaville, the state-owned Congolese News Agency (CNA). Despite the professionalism of its journalists, panelists said that the CNA has fallen into a state of deep lethargy in recent years and no longer has the necessary equipment to properly distribute news to press outlets.

Radio, television, and newspaper ownership is transparent in Congo-Brazzaville. According to the panelists, of the 10 private radio stations and eight television channels in Brazzaville, Pointe Noire, and Dolisie, almost all of them belong to politicians from the ruling party. All the radio stations in the inland territories are owned by ministers or deputies as well.

Broadcasters use two national languages: Lingala and Kituba. Given the low literacy rate, broadcasts in these languages are the only source of news for most people.

OBJECTIVE 4: BUSINESS MANAGEMENT
Republic of Congo Objective Score: 0.87

Panelists rated all indicators poorly, with the exception of Indicator 5, subsidies for private media. They were unanimous in saying that there is no media company worthy of this name in Congo-Brazzaville. There are only small personal or family enterprises controlled by politicians or journalist-owners. In addition, all the existing—public as well as private—media organizations are characterized by their precariousness due to the difficult economic environment and, even more, to a blatant lack of proper management. There are no sales or marketing representatives and no market research showing

the needs of the readers or audience. Also, ratings and circulation are not measured by any press-monitoring bodies, and no press distribution services exist.

Politicians establish and/or finance private media in the place of real businessmen who are reluctant to invest in an unprofitable sector. Therefore, “these politicians who are also media owners do not chiefly seek to render their ‘companies’ profitable, but to make a name for themselves in the press,” one participant pointed out. The private press companies are managed just like any “family shop,” with no seed capital and no annual balance sheet. Any owner can and will sacrifice scheduled content or show times in exchange for commercials or a paid insertion in a newspaper.

Newspaper print runs are low, and large numbers of copies remain unsold. No newspaper prints even 2,000 copies. The Baongo-based Auguste printing house works with obsolete equipment. The St. Paul printing house is old. The printing house of *Dépêches de Brazzaville*, in service since May 2007, functions more or less in accordance with modern standards. All these printing houses are privately owned.

Theoretically, the state media live on state budget allocations and subsidies. However, the budgets allocated to the state media have become considerably thinner since 1998. The main income source for media outlets is advertising. But advertising is placed at the advertiser's discretion according to nontransparent and/or political criteria and is not based on the market performance or ratings of the media outlet in question. Cellular telephone companies are the chief advertisers in the public and private media. “They set the prices and the airing times themselves. You can take it or

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.

leave it," one panelist said. Some media have advertising contracts with airlines and pubs.

In 2001, the private media had received a CFAF 300 million grant from the state, which in the end was badly managed and distributed. Direct and indirect support for the media is specified in Law No. 08-2001 concerning freedom of communication in Congo-Brazzaville, but in fact none of these advantages are granted to the media.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Republic of Congo Objective Score: 1.59

All indicators in this objective scored close to the average, with Indicator 7, channels of media distribution, scoring the highest.

There are two associations for press publishers in Congo-Brazzaville: the Association for Press Publishers in the Congo and the Congolese Journalist and Press Publishers Association. The CMM, mentioned above, is charged with overseeing adherence to the Press Code. Not all the associations are fully operational, but rather undertake activities sporadically. Broadcast owners do not have an association, though panelists said this is needed.

There are approximately 12 professional associations in the Congo, but they do not function properly. There is a journalist union, however.

While no NGO is exclusively dedicated to freedom of expression or freedom of the press, organizations supporting the protection of human rights, such as the Congolese Human Rights Monitor, protest against certain restrictions imposed on these freedoms.

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.

Training for journalists is provided by the School of Letters and Human Sciences and the Department of Communication Sciences and Techniques at the Marien Ngouabi University in Brazzaville. Some professionals are trained at the National Secondary School of Administration's Department of Journalism. Panelists felt that graduates of these institutions need to improve their professional skills, particularly connecting the theory of journalism to the practice of it. Further training should also include using the newest and most modern technological equipment and techniques. Created in 1998, the Training and Improvement Center for Information and Communication Personnel is not yet functional.

Printing companies in the private sector are free from state interference. They do not discriminate against any media. Kiosks, transmitters, and the Internet are apolitical and unlimited. Radio transmitters are controlled by the government through the Frequency and Transmitter Management Commission of the Post and Telecommunication Ministry.

List of Panel Participants

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Eugène Gampaka, journalist, *Tam-Tam d'Afrique*, Brazzaville

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