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SOUTH SUDAN

The year 2011 proved momentous for South Sudan, as it gained independence on July 9. Independence came after South Sudanese endured vast suffering in Africa's longest-running conflict. Ultimately, more than two million people lost their lives, and more than four million people were displaced during two phases of civil war spanning nearly 40 years and ending with the Comprehensive Peace Agreement (CPA), signed on January 9, 2005. The interim period of the CPA expired in July 2011, six months after a referendum on self-determination for South Sudan that resulted in overwhelming approval of secession.

With their newly won independence, South Sudanese are governing themselves for the first time, but independence has brought daunting challenges. This new country is home to over 110 ethnic groups, many living in some of the world's worst socio-economic conditions. The threat of violence still looms in the current transitional period, not only from renewed conflict between Sudan and South Sudan, but from intra- and inter-tribal conflict within South Sudan. Tribal conflicts erupt when minor disputes escalate over access to resources, sometimes driven or manipulated by elite or political interests. Ethnic conflicts and tensions are very high. There is still low understanding among citizens on how to speak up and defend their rights, and the panelists noted that this will not change unless the rule of law is observed and people are allowed to demand their constitutional rights via media outlets.

In the previous MSI study—which covered all of Sudan but included mostly southern panelists—the panelists predicted that when the country gained independence Sudanese in the south would enjoy greater freedom of speech and press than those in the north. They sounded one note of caution, however, noting fears that development in independent South Sudan may be affected by corrupt leadership, which, unless checked, could lead to greater suffering for the people than under a united Sudan.

Sadly, those fears are being realized. Soon after independence, South Sudan's relations with Sudan grew darker. Coincidentally, the government became more suspicious of the media, becoming even more restrictive than before independence. Now South Sudanese officials are tightening the belt on media freedom and free speech in the nascent country. This diminishing media freedom, especially for the independent/private media is punctuated by acts of torture, harassment, intimidation, and detention. South Sudan media also faces steep challenges due to poor infrastructure, low investment, and poor pay and training for journalists.

Efforts by journalists to fight for their rights have not yielded much progress. Journalists do occasionally speak out against the intimidation, through media advocacy and professional organizations. A new media bill has been proposed, and now the media sector is waiting to see if fair laws can be implemented that will strengthen their rights—and to see if the laws will be enforced.

SOUTH SUDAN AT A GLANCE

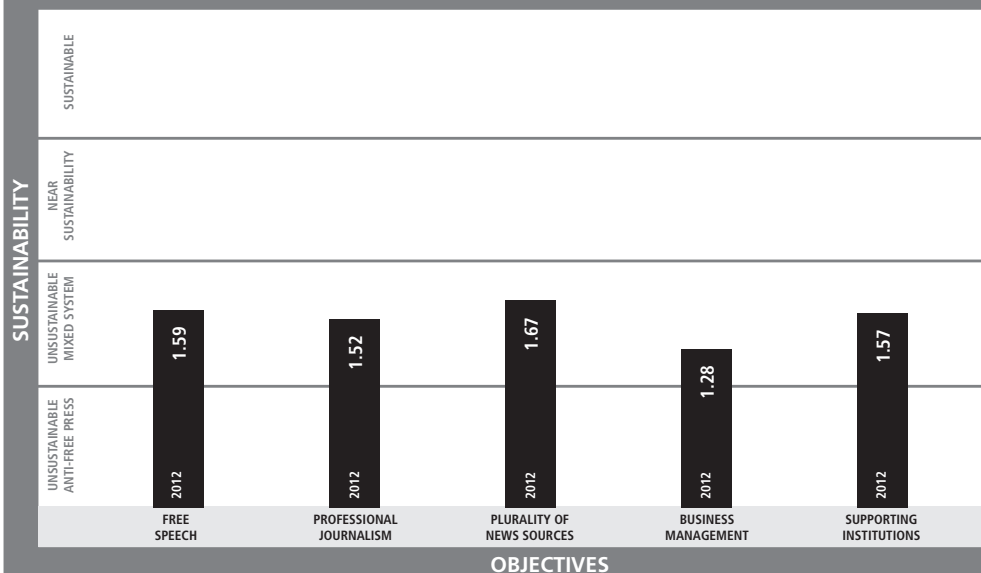
GENERAL

- > **Population:** 10,625,176 (July 2012 est., *CIA World Factbook*)
- > **Capital city:** Juba
- > **Ethnic groups:** Dinka, Kakwa, Bari, Azande, Shilluk, Kuku, Murle, Mandari, Didinga, Ndogo, Bviri, Lndi, Anuak, Bongo, Lango, Dungotona, Acholi (*CIA World Factbook*)
- > **Religions (% of population):** Animist, Christian (*CIA World Factbook*)
- > **Languages (% of population):** English (official), Arabic (includes Juba and Sudanese variants) (official), regional languages include Dinka, Nuer, Bari, Zande, Shilluk (*CIA World Factbook*)
- > **GNI (2011-Atlas):** N/A
- > **GNI per capita (2011-PPP):** N/A
- > **Literacy rate:** 27% (male 40%, female 16%) (*CIA World Factbook*)
- > **President or top authority:** President Salva Kiir Mayardit (since July 9, 2011)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** N/A
- > **Newspaper circulation statistics:** Top three by circulation: *The Citizen Paper* (private), *The Juba Monitor* (private), *The Juba Post* (private).
- > **Broadcast ratings:** Top radio stations: Miraya FM (UN-run, south), Bakhita FM (Catholic Church-run, south), Eye Radio; Television: South Sudan Television, Citizen TV
- > **News agencies:** N/A
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** N/A

MEDIA SUSTAINABILITY INDEX: SOUTH SUDAN



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

South Sudan Objective Score: 1.59

South Sudan's Interim Constitution is in accordance with international norms, and provides for several key media rights, such as access to information. Like so many other countries in the region, the problem is in the enforcement. The government and the media lack the necessary tools to enforce the law.

The legal instruments and provisions that govern the media, freedom of expression, etc., exist within South Sudan's Interim Constitution. However, these legal provisions alone are unable to improve the media situation: they require individuals within government committed to upholding them and appropriate enforcement mechanisms that are so far lacking.

Journalists who dare to criticize the government risk clashing with state officials. Arrest and detention of journalists is very common in South Sudan, and the reasons are never clear to the detained journalist and the public at large, panelists said—and those responsible never seem to face any consequences.

Therefore, while the transitional constitution candidly speaks about the freedom of the media and expression, a supporting bill of rights needs to be developed and enacted by the South Sudan National Assembly. There should be a bill on the right

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.

of expression, freedom of association, etc. The transitional constitution needs and deserves the support of civil society and the media community to be implemented effectively, panelists noted.

Proposed regulations are in bill form such as the Right to Information Bill, Media Corporation Bill, and the Media Authority Bill. Despite all these bills and the public desire for a free media and freedom of expression, concern over national security remains a major threat to the realization of these freedoms. Anne Haaksman de Koster, for the Radio Netherlands Worldwide, summed up the disappointing pace of the progress: "At present, South Sudan's parliament is considering the Broadcasting Corporation Bill, the Media Authority Bill and the Right to Access to Information Bill. But the considerations are advancing very slowly. For as long as there are no laws, the climate remains as it is and the future is insecure." She added, "For years, media legislation stayed in a grey zone. Issues like libel and defamation were not defined by law."¹

Broadcast licensing is generally free. Licensing and registration processes for media institutions have not yet been clarified and need some attention from the government to put policies in place that will benefit the media.

Market entry is free, and there is no clear taxation policy in place to adversely affect the media. It will take some time to see how this aspect evolves, as well.

Despite provisions in Article 24 of South Sudan's transitional constitution that grant freedom of expression and of the press, intimidation, harassment, arbitrary arrest and detentions, torture and illegal killings of civilians and abduction of civil society and human rights activists by security agents has become commonplace. Yet until this December 5, 2012, the panelists could not point to any killings of journalists in this period of study. Then, on that day, online journalist Isaiah Diing Abraham Chan Awuol was shot to death in a Juba suburb after receiving repeated threats to stop writing. The Committee to Protect Journalists (CPJ) noted that Awuol wrote for several news websites, including Sudan Tribune, Gurtong, and SudaneseOnline, often daring to criticize government officials in his columns.²

The panelists also described an arrest early in 2012. The editor of *Al Masier* was arrested and detained for 21 days for criticizing South Sudan's President Kiir for allowing his

¹ Haaksman de Koster, Anne. "Wanted: Media laws for the young journalists of South Sudan." Radio Netherlands Worldwide, December 11, 2012. <http://www.rnw.nl/africa/article/wanted-media-laws-young-journalists-south-sudan>

² "South Sudan should investigate columnist's murder." Committee to Protect Journalists, December 5, 2012. <http://www.cpj.org/2012/12/south-sudan-should-investigate-columnists-murder.php#more>

daughter's marriage to an Ethiopian. The editor was later released without charges or being arraigned in court.

Similarly, a journalist working for the Catholic Radio Network was thrown out of parliament by security forces while covering the parliamentary deliberations. These events all reflect lack of respect for the law by agents of the government, panelists said.

CPJ described the outcome of one libel case in this uncertain environment, and it does not reassure journalists. In March 2012, a South Sudan court absolved South Sudan's ruling party secretary-general, Pagan Amum, of allegations by the former finance minister that he accepted a \$30 million corrupt payment from public coffers in 2006. The courts said that evidence was insufficient, though the money remains at large. CPJ noted, "The odds of any journalist in South Sudan investigating the matter further are slim."

Furthermore, a Juba court ordered two independent newspapers, *The Citizen* and *Al Masir*, to pay damages to Amum, local journalists told CPJ. *The Citizen's* editor-in-chief explained that the paper survives on a shoe-string budget and could not withstand such fees, telling CPJ: "We are going to appeal this decision. All we did was quote the former finance minister—there is nothing libelous about that."³

As for entry into the journalism profession, it is still open; the government does not have any restrictive measures in place to bar journalists from practicing their profession, and there are few if any restrictions in issuing accreditation to cover major events. Panelists in the last MSI had expressed fear that officials in South Sudan were contemplating such restrictions, however.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

South Sudan Objective Score: 1.52

Persistent lapses in the realm of professionalism undercut the media's potential—a problem compounded by the absence of media laws and weak regulatory institutions. The lack of training institutions to produce good quality journalists, coupled with the absence of a strong journalist's body to address these concerns, have contributed immensely to this situation.

Most journalists do not meet professional standards of quality, panelists said. Stories are poorly sourced and one-sided; journalists sometimes claim that challenging

³ Rhodes, Tom. "Corruption a no-go zone for South Sudan's journalists." Committee to Protect Journalists, March 28, 2012. <http://www.cpj.org/blog/2012/03/corruption-a-no-go-zone-for-south-sudans-journalis.php>

logistics prevent them from reaching both sides of a story. Few journalists, especially within the government media, take the trouble to investigate a piece in great depth. Within the government media institutions, reporters typically wait for press statements and releases instead of conducting their own meaningful research. Many journalists have not learned professional interview techniques, either, and generally lack the capacity to do their job professionally.

Journalists have an ethical code, but they rarely adhere to it and have little background knowledge about journalistic ethics, according to the panelists. Media associations have just begun developing their own media code of ethics and standards.

Ethical violations include frequently copying and pasting content from other sources. Protecting intellectual property rights is seemingly a low priority, with rampant violations by media houses. This is a particular problem with online outlets. Media houses commonly regurgitate news that is accessible online without obtaining permission first. Even worse, some media outlets present materials from other agencies as their own.

There is also a growing tendency for self-censorship by editors, although there are media houses that are pro-government, and others that tilt toward the opposition. Although journalists cover many events, many topics are off limits. For example, in most cases, the public is not aware of the affairs in public offices, especially concerning how government officials spend public funds. Tom Rhodes of CPJ highlighted security as another sensitive issue: "The government of South Sudan confiscated copies of the independent biweekly newspaper *The Juba Post* last year for

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).

quoting a dissident group claiming it would launch an attack on Juba. Security tensions between Sudan and South Sudan have reached a boiling point along their border, with both sides targeting each other's oil fields. Accurate coverage of these events will no doubt prove another challenge for South Sudan's independent journalists."⁴

Payment of journalists is low; there is no minimum wage (last year's MSI noted that some journalists make less than \$100 a month in the South). "Brown envelope" journalism (accepting payment to publish, or refrain from publishing, certain reports) is common.

Last year's MSI, prior to South Sudan's independence, noted that North Sudan enjoyed better infrastructure, media investment, and pay for journalists than the South. In South Sudan, facilities and equipment for the media remain poor. Many journalists lack the most basic equipment to do their work, such as digital still and video cameras, audio equipment, and computers. In the past, the Agency for Independent Media (AIM) helped supply journalists with laptops, but as panelists noted last year, there is a great need to help journalists in the South with equipment and training—and they recommended AIM as one of the few trusted organizations through which aid can be channeled.

Media coverage in South Sudan focuses heavily on political news, with less attention to other topics like health, business, or education. Along with investigative journalism, specialized or niche reporting is extremely underdeveloped.

OBJECTIVE 3: PLURALITY OF NEWS

South Sudan Objective Score: 1.67

Shortcomings in professionalism aside, there are many private news sources that provide a degree of content diversity. Their programs are independent, so they provide an important check on the news provided by public media. Private media like Bakhita FM, Miraya FM, Voice of the People, and Eye Radio all provide a platform for multi-party discussions on topical issues. Every media outlet has its own editorial policy in South Sudan, because most of the media houses are privately owned by individuals or organizations with their own viewpoints, the panelists noted.

And yet, citizens face limited access to information because of the poor living standards, poor public infrastructure, and illiteracy. Still, those in urban areas can gain access to both local and international news through radio, Internet, and possibly through television. However, in rural areas, radio is

⁴ Ibid, Rhodes.

still the major source of information for many. As last year's MSI noted, in the South, Internet is generally available only in the cities and larger towns—and the cost is prohibitive. Similarly, as the new nation has not had much exposure to ICT, the panelists were uncertain of the extent that social networking tools are used.

There are no restrictions on accessing international media e.g., Internet, satellite television channels, etc.

As the legal situation is still unfolding in relation to the public media in South Sudan, it remains to be seen how the laws affecting the public media will take shape, and whether public media will reflect the spectrum of political viewpoints and interests. But according to the panelists, the government mouthpieces do not cover currently the viewpoints of all political parties as fairly as the private media.

News agencies such as AP, Sudan Tribune, Gurtong, and The Nile provide news to local media. Local media do acknowledge them as content providers.

The panelists did not feel that the issue of media ownership is a pressing problem. The audience generally does not feel troubled upon discovering who owns a certain media house.

A growing number of media houses are establishing websites of their own. Most of the private media in South Sudan produce their own news and programs, but they are constantly aware of monitoring by the state security services and that holds them back sometimes. Local journalists seem to have a lot of ideas and solid awareness of what constitutes news. And yet, in most cases they present poorly, especially

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.

in the newspaper and radio reports. The quality of local news reported is still below standard.

As in previous years, the panelists did not feel that there is a problem with coverage of minority issues.

OBJECTIVE 4: BUSINESS MANAGEMENT

South Sudan Objective Score: 1.28

Media outlets lack efficient professional approaches to business management—and as a result, many are running a risk of bankruptcy. The lack of marketing strategies further explains why many media houses have not survived.

Media organizations are too weak institutionally to maintain themselves after registration with the legal authorities. Several registered media companies have collapsed, including Daily Liberation, Active Nation, The Star, Younique Generation, and Stone Soup.

Revenue possibilities within the media sector are minimal. Some media houses seek patronage from former political elites, political parties, and the government so that they are able to maintain their businesses, but in general outside investors only provide non-monetary assistance, such as short-term trainings. The panelists feel that this limited financial support has compromised the ability of the media to stand independently. They did not debate whether or not such support could actually hamper editorial independence, or lead to dependency on outside sources. However, they acknowledged that over the years, advertising has proved to be the most ideal method of sustenance for media outlets,

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.

with the exception of the state owned media entities which are fully supported by the government.

And while advertising is not yet strong enough to sustain media outlets, it is gaining ground. Telecommunication companies, giant businesses, and breweries are all appearing in daily newspapers. NGOs are posting their advertising in the newspapers as well; in fact, training institutions support the media heavily in advertisements and this is how many independent media institutions survive. Still, the overall volume of advertising is still small.

Advertising rates are determined by market forces, essentially the rates of competing media institutions.

The government is a key advertiser, but it chooses which media outlets to shower with government advertisements based on their relations with the government. Newspapers that seem to run several positive stories at any given time always win the government advertising money.

For the most part, there is no market research; in fact, panelists said that the whole concept of market research is still lacking in South Sudan. Similarly, the media community has paid only limited attention to ratings, with the exception of a few opinion polls conducted by the International Republican Institute.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

South Sudan Objective Score: 1.57

There are trade organizations that lobby the government in support of the media. Some have established their own newsmedia, including Jonobna FM and Voice of the People

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.

FM, although some of these efforts were driven by individuals more than their organizations.

Professional associations for journalist exist, including the Union of Journalists and AIM, which help protect and advocate for the rights of journalists. However, few journalists are members, and their efforts have not yielded much progress. Although professional associations are meant to represent interest of media practitioners, most of them tend to serve the interest of a few individuals, the panelists believe.

International NGOs like Norwegian People's Aid, Amnesty International, and Human Rights Watch monitor media freedom in collaboration with the nascent indigenous NGOs. They also provide training programs for journalists.

There are no journalism degrees or certificate programs offered in South Sudan. Journalists in the country are typically trained on the job. AIM helped trained more than 120 journalists in the ten states of South Sudan in collaboration with various international organizations and donors such as Media in Cooperation and Transition and USAID among others. Due to financial constraints, such trainings are concentrated in major towns.

On many fronts, the panelists concluded that there is need to further build the capacities of journalists in South Sudan, many of whom still lack the basic skills, techniques, and equipment essential to the journalism profession.

There is also a great need to develop the infrastructure required to support the media. As mentioned in Objective 3, South Sudan still is not very developed in terms of ICT infrastructure.

List of Panel Participants

Atem Kuol Deng, journalist, Union of Journalists, Juba

Diing Deng Koch, journalist, *The Liberator*, Juba

Simon Deng, journalist, Agency for Independent Media, Juba

John Joseph Deng, parliamentary reporter, Juba

Julius N. Uma, journalist, *Sudan Tribune*, Juba

Lemor James Joseph, public relations officer, Jimmy Carter Foundation, Juba

Lilly Nelson, representative, Ministry of Information, Juba

Marvis Byeza, reporter, Catholic Radio Network, Kaya

Millania Itto, radio presenter, Bakhita FM, Kaya

Susan Dokolo, reporter, Miraya FM, Juba

Veronica Lucy, reporter, South Sudan Radio, Juba

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