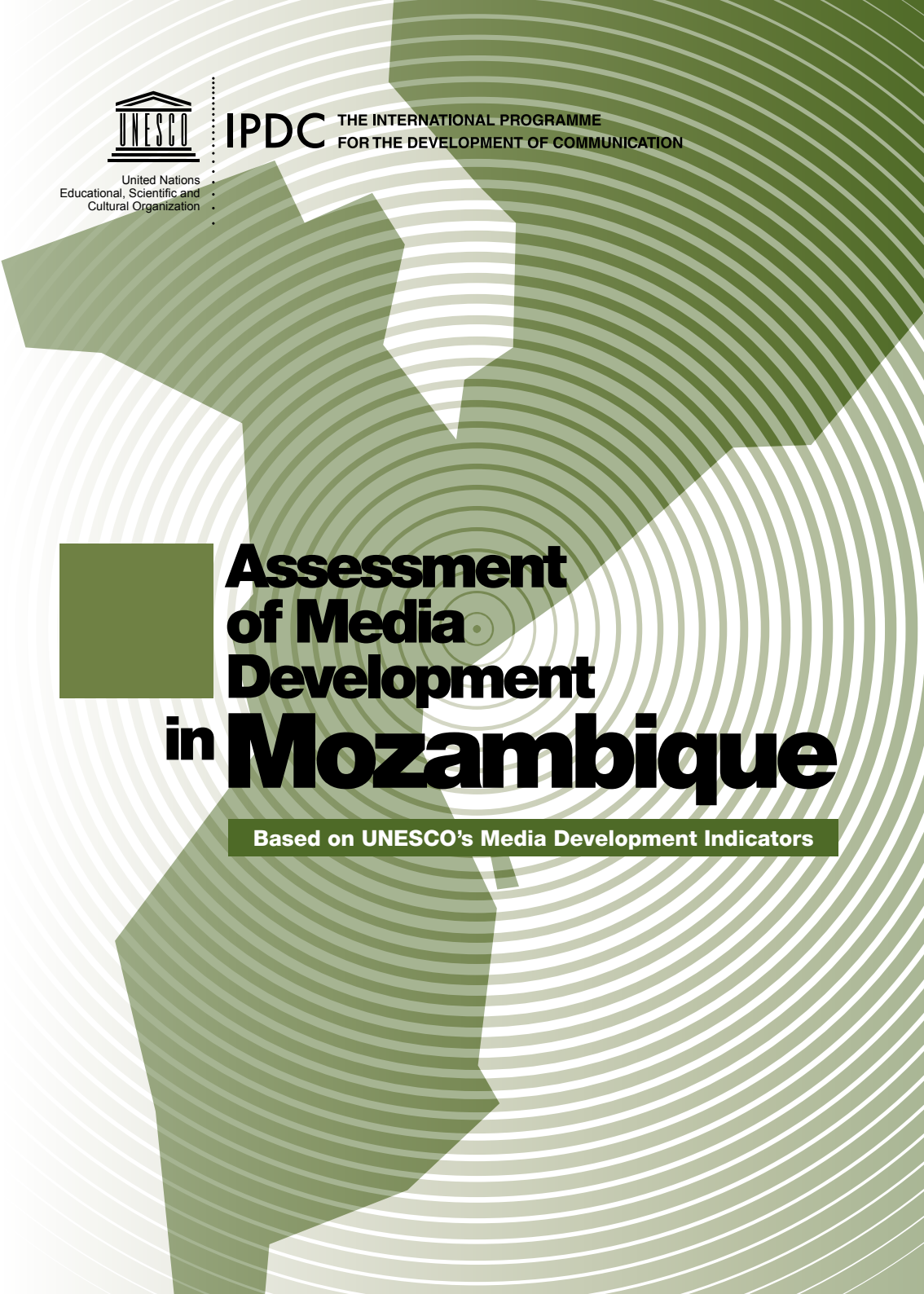




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Assessment of Media Development in **Mozambique**

Based on UNESCO's Media Development Indicators



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Acronyms

AEJ	Media Companies Association
ACHPR	African Charter of Human and Peoples' Rights
AIM	Mozambique News Agency
AMARC	World Association of Community Radios
AMB	African Media Barometer
AUC	African Union Charter
APRM	African Peer Review Mechanism
BCM	Commercial Bank of Mozambique
BNU	National Bank Overseas
CAIC	Community Information and Communication Support Centre
CCM	Christian Council of Mozambique
CCD	District Consultative Councils
CDFF	Photography Training and Documentation Centre
CEGRAF	Printing Training Centre
CFM	National Railway Company
CMC	Community Multimedia Centre
CNAQ	National Council for Quality
CPI	Investment Promotion Centre
CSCS	Supreme Media Council
CSMJ	Higher Judicial Council
CPRD	Provincial Digital Resource Centre
CRM	Constitution of the Republic of Mozambique
CSOs	Civil Society Organizations
DTIP	Department of Ideological Work of the Party
EditMoz	Mozambican Forum of Editors
EMOSE	National Insurance Company
FES	Friedrich Ebert Foundation
FORCOM	National Forum of Community Radios
FRELIMO	Mozambique Liberation Front
GABINFO	Government Information Office.
GCS	Mass Communications Office
GMBS	Gender & Media Baseline Study
GMD	The Mozambican Debt Group
MISA	Media Institute of Southern Africa
ICCPR	International Covenant of Civil and Political Rights

IMF	International Monetary Fund
INDER	Institute for Promotion of Rural Development
INCM	National Institute of Communications
IPDC	International Programme for the Development of Communication
ISP	Internet Service Providers
ISPU	Higher Polytechnic and University Institute
ISTEG	Institute of Technologies and Management
MDI	Media Development Indicators
MPD	Ministry of Planning and Development
NSJ	Southern Africa Journalism Training Trust
OJM	Organization of Mozambican Youth
OMM	Organization of Mozambican Women
ONJ	National Organization of Journalists
OTM-CS	Nation Trade Union of Mozambican Workers
PARPA	Plan of Action for Poverty Reduction
PCA	Chair of the Administration Board
PEEC	Strategic Plan for Education and Culture
PETROMOC	National Oil Refinery Company
PSB	Public Service Broadcasting
RM	Radio Mozambique
SADC	Southern Africa Development Community
SOICO	Independent Communication Group
STV	Independent Television
RTK	Commercial Radio & Television Company
RTP	Portuguese Public Television Company
SAJA	South African Journalists Association
SNAQES	National System for Academic Accreditation and Quality Insurance
SNATCA	National System for Accumulation and Transfer of Academic Credits
SOICO	Independent Communications Company
STV	Commercial TV Station
TIM	Independent Television of Mozambique
TDM	Mozambique Telecommunications Company
UCM	The Catholic University of Mozambique
UDHR	Universal Declaration of Human Rights
UEM	Eduardo Mondlane University
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children Fund
VAT	Value Added Tax

Executive summary

This study makes an assessment of the state of pluralistic media in Mozambique and current trends in its development, based on the Media Development Indicators (MDIs) elaborated by UNESCO and endorsed by the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) at its 26th session in March 2008.

The report is structured in accordance with the five categories of indicators defined in the UNESCO's MDI publication.

The first chapter covers Category I of the MDIs, and discusses the extent to which Mozambique has a system of regulation and control that is favourable to freedom of expression, pluralism and diversity of the media. The study finds that the prevailing climate is broadly positive, both in terms of the legal and political framework and in practice. However, the overall picture also shows a continuing legal deficit in certain aspects, the existence of laws that are in contradiction with the principles defined by the Constitution regarding media, and cases of infringements of the law that have been denounced by media organizations and civil society in general.

The second chapter, on Category II, discusses the degree of media pluralism and diversity of the economic base of media organizations and the question of transparency in media ownership. In this respect, the study finds that Mozambique has a mix of state, public sector, private and community media dominated by the public and community radio broadcasting sectors, which have the most extensive coverage. The economic fragility of the sector as a whole is also obvious, particularly in the community sub-sector. The study additionally finds that the superficial way in which the law deals with transparency of media ownership has raised question marks among the public that need to be resolved.

Chapter III covers the third category of indicators, which deal with the performance of the media as a platform for democratic discourse. The analysis concludes that the Mozambican media taken as a whole has functioned credibly, promoting the pluralism of ideas, and enjoys significant moral prestige within society. Broadcasters in particular have contributed to creating a sense of citizenship, especially during election processes, by holding open debates in which differing positions can be discussed. The print media's coverage of public policy and governance issues has played a meaningful role, despite its limited circulation and penetration. Increased penetration and coverage requires (i) increasing capacity in means of production, especially in the public broadcasting media; (ii) the urgent introduction of national languages into public television; (iii) bold gender policies throughout the media.

Category IV deals with professional training and support institutions that can sustain freedom of expression and media pluralism and diversity. The study finds that Mozambique is still weak in this area, and that institutions and activities are at an early stage. One important failing in all the institutions teaching journalism is that courses are limited to theoretical learning, as none of them have the technical resources necessary to enable students to have practical classes, such as laboratories or studios. At the same time, closer and more systematic links are required between the training institutions and the media industry, so that the curricula can reflect the needs of the market as they evolve. The report additionally notes the lack of effective intervention on the part of the media's professional organizations in promoting high ethical standards among journalists, reacting to cases of breaches, and arguing for improved working conditions and salaries.

Chapter V discusses the capacity of the supporting infrastructures for independent and pluralistic media, in accordance with Category V of the MDIs. The report finds that the infrastructural base for media activities has been growing stronger, and is assisting the expansion of radio and television. Radio Mozambique (RM) and the community radios, as well as the new commercial television stations, have been benefiting from expanding broadband and mobile phone networks. However, the media as a whole are still making extremely little use of the potential of information and communication technologies (ICTs) for producing and disseminating information, while the distribution and circulation of the print media continue to be limited to the main urban centres.

Finally, in the light of the dramatic growth of Mozambique's community media sector over the last 10 years, the report includes a separate overview of this important sub-sector. The relevance of community radios and community multimedia centres (CMCs) has been confirmed with regard to their role in extending the right to information to rural areas; encouraging the democratization of traditionally closed societies and promoting local cultural heritage; promoting a more direct dialogue between local government authorities and rural communities; and promoting digital inclusion. While there is a dynamic and pluralist community media sub-sector, it faces serious challenges and obstacles, including the absence of a specific and appropriate legal framework and major technical and financial sustainability issues. These and other questions require an integrated approach aimed at finding sustainable long-term solutions.

The study concludes by calling on the Government and all relevant institutions, particularly the Media Companies Association (AEJ), the Higher Council of Mass Communication (CSCS), the National Forum of Community Radios (FORCOM), the Mozambican Chapter of the Media Institute of Southern Africa (MISA – Mozambique) and the National Union of Journalists (SNJ) – to seize the opportunity of the ongoing participatory processes aimed at revising the Press Law and preparing the Radio and Television Law, to refine the existing legal framework, taking into account the recommendations presented here and the 1997 Information Policy and Strategy, which remains essentially valid.

Introduction

At its 26th meeting in March 2008, the Intergovernmental Council of UNESCO's International Programme for the Development of Communication (IPDC) endorsed a new instrument for evaluating the level of media development at a national level: the Media Development Indicators (MDIs). During the same meeting, Mozambique requested UNESCO to carry out a study that would use the new indicators to assess its national media landscape. In 2009-2010, UNESCO collaborated with MISA-Mozambique to organize the study. Mozambique was thus one of the first countries to apply the MDIs in a systematic way¹.

The study's overall goal is to examine the framework within which the media can best contribute, and benefit from, good governance and democratic development. The specific objective is to assess the existence or otherwise of a legal, political, institutional and infrastructural framework that favours press freedom, pluralism and diversity of the media in Mozambique and produce recommendations to the appropriate actors on the basis of the findings.

UNESCO's Media Development Indicators, on which the analysis is based, provide an instrument for evaluating the media sector through the following five categories: 1. System of regulation; 2. Plurality and diversity of the media; 3. Media as a platform for democratic discourse; 4. Professional capacity building; 5. Technical and infrastructural capacity.

Taken together, the five categories provide an overview of the media environment that is required for ensuring freedom of expression and media pluralism and diversity. As such, they constitute an important tool for guiding the initiatives of actors working in media development, including policy-makers.

The application of these indicators to assess the current media environment in Mozambique brought to light some reminders of the most recent processes of transformation in the country, in particular the transition from a one-party state to a democratic system with the first multi-party elections in 1994, only 15 years ago.

Thus, the assessment of some categories was inevitably more detailed than that of others, either due to the need to provide more contextual information or in order to highlight the weakest components of the environment being analysed. Nonetheless, the study sticks closely to the structural backbone established by the IPDC document.

1 A preliminary study based on the MDIs was carried out in Mozambique by Professor Helge Rønning in April 2008, for the Communication and Information Sector of UNESCO in Paris.

The team that prepared the study based its work on an extensive literature review, with an emphasis on the main applicable legislation and policy and strategy documents for the media sector in Mozambique. The main international point of reference regarding international standards and best practices was the Declaration of Principles on Freedom of Expression in Africa adopted by the African Commission on Human and Peoples' Rights in 2002. The Declaration takes up the principles contained in Article 19 of the Universal Declaration of Human Rights and makes them more explicit for the African context. It underlines that "freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy".

The African Charter on Broadcasting was seen as an important regional instrument. It was adopted in 2001 on the occasion of the 10 anniversary of the Windhoek Declaration on promoting an independent, pluralist and diversified press in Africa, which was adopted on 3 May 1991. During the period of the research, various reports discussing specific aspects of the media in Mozambique were published, in particular the following: the 2009 report of the African Media Barometer on Mozambique; a MISA-Mozambique research report on access to information in public institutions; the Genderlinks report on *Glass Ceilings: Women and Men in the Southern African Media*, and a report on *Digital Inclusion in Mozambique* published by the Informatics Center of Eduardo Mondlane University (CIUEM) containing up-to-date information on the process of mainstreaming ICTs in Mozambique. These documents were also important sources for the study.

As parallel processes are currently underway to revise the Press Law and prepare the Radio and Television Law, at the initiative of the government and with the participation of the media's professional organizations, the amendments proposed and the directions taken by the respective technical groups were also taken into consideration.

Helge Rønning's preliminary study, made in Mozambique in 2008, was likewise taken into account, as were MISA Mozambique's annual reports on the State of Press Freedom in Mozambique.

Fieldwork included collecting testimony from senior managers in a number of media organizations and visiting various public, private and media institutions in different parts of the country, where editors of both conventional and community media were interviewed alongside managers and teaching staff at journalism teaching institutions and leaders of the media professionals' associations. Three community radios and community multimedia centres were visited in the districts and municipalities of Angoche, Dondo and Xinavane in Nampula, Sofala and Maputo provinces respectively (northern, central and southern regions).

Technical meetings of the multidisciplinary research team were important for reaching a common interpretation of the end objectives of the MDIs and transposing them to the specific realities of Mozambique.

The national context of media development in Mozambique

1. The general context

Mozambique's economic, social and political agenda over the past decade has enabled the country to enjoy a peaceful, politically stable climate and positive economic development. After more than fifty years of armed conflict, the economy gradually improved, with an average annual income per capita increase of 5% between 2005 and 2009. The main focus of government policy is combating absolute poverty through the Absolute Poverty Reduction Plan (PARPA). The economy has been growing fast, at a rate of around 7.6 per cent annually in recent years. Notwithstanding this impressive economic growth, Mozambique is still struggling with poverty and underdevelopment: 4 in every 10 Mozambicans live on less than a dollar a day, and 72 per cent of the population lives in rural areas with limited access to such basic services as education and health.

Table 1: Mozambique – General facts

Population (millions)	20,367,000
Rural population (%)	70.2
Literacy rate (%)	50.4
Life expectancy at birth	47.9
Main languages (% speakers in population)	Portuguese: official language – 6.5 Emakhwa-Lomwe – 34.2 Xichangana – 11.4 Cisena – 7.0 Echuwabo – 6.3 Other national languages – 33
Assembly of the Republic	FRELIMO (191 seats); RENAMO (51 seats); MDM (8 seats).
Religions (%)	Unknown – 0.7 Anglican – 1.3 Evangelic – 10.9 Zion – 15.5 Islamic – 17.9 Catholic – 28.4 Other – 6.7 No religion – 18.8

Source: National Statistics Institute (INE); <http://www.ine.gov.mz/censo2007>.

Mozambique became independent in 1975, following 10 years of an armed national liberation struggle led by the Mozambique Liberation Front (FRELIMO) against Portugal, the colonial power. In the first 15 years of independence, the country lived in a state of war, the focus of which lay in the minority and segregationist regimes in power in the neighbouring countries of Zimbabwe and South Africa.

In 1990 Mozambique adopted a democratic multi-party Constitution, establishing the principles of the separation of powers and the right to form political parties. Among other measures, it also enshrined freedom of expression and of the press and the independence of the judiciary.

In 1992 a General Peace Agreement signed in Rome put an end to the internal military conflict between the government and Renamo – the rebel movement.

Coinciding with the year of the first democratic elections in neighbouring South Africa, Mozambique held its first multi-party elections in 1994, thus opening a new pluralist era. 40 political parties were registered by 2006, with Renamo the main opposition party.

Around 52 per cent of Mozambican adults are currently illiterate. Seeking rapid change in this state of affairs, the government's educational policy aims to increase the number of primary school enrolments. Girls' access to education continues to be a challenge for national development: figures show that only 3 out of 10 students in 6th grade are girls, as many do not go to school because they have to do domestic tasks.

2. Political institutions

2.1 Executive and legislative powers

Mozambique has a presidential political system, with political power divided between the executive and the legislature. The President of the Republic possesses wide executive powers, as he or she is simultaneously head of state and head of government (art 146 of the CRM), and can also decide to dissolve the Assembly of the Republic (Parliament). As head of state, s/he chairs the Council of State, a political consultative and advisory organ (art. 164 of the CRM). As head of government, the President chairs the Council of Ministers.

Legislative power is represented by the deputies elected to the Assembly of the Republic. In the current legislature, which emerged from the general elections of October 2009, Frelimo increased its hegemony in the country's highest legislative body: it occupies 191 of the 250 seats of the Assembly, while the main opposition party, Renamo, has dropped from 90 to just 51 seats. In third place is the newly formed Democratic Movement of Mozambique (MDM) with four per cent of the votes, equivalent to eight seats. According to the Mozambican electoral system, the deputies represent the whole country, and are therefore not bound or accountable to the electors of any particular constituency.

2.2 Judicial power

The Mozambican judiciary includes the Supreme Court, the Administrative Court and Judicial Courts (Appeal, Provincial and District). The Supreme Court is the highest organ in the court hierarchy. The Administrative Court is responsible for controlling the legality of administrative acts and scrutinising the legality of public expenditure (arts. 225, 229 and 230 of the Constitution of the Republic of Mozambique (CRM)).

A Supreme Council of the Judiciary (CSMJ) acts as the system's management and disciplinary body. The CSMJ exerts discipline and control over judges, and has the power to nominate, appoint, transfer, promote, exonerate and evaluate professional merit, and to take disciplinary action against officers of justice. This includes undertaking extraordinary inspections and inquiries to the courts (art. 222 of the CRM).

There is also a Public Prosecution Service, headed by the Attorney-General of the Republic. It represents the State in the courts and defends such interests as are determined by law, controls legality and detention periods, and institutes criminal proceedings, among other functions.

The Constitutional Council, which has the task of ensuring that all legislation is in conformity with the Constitution, only began to function in 2004. One of its most "visible" functions is overlooking election processes, including deciding on election appeals and complaints in the last instance and validating and proclaiming the election results in the terms of the law.

A number of studies, including the most recent evaluation of the impact of PARPA II (Ministry of Planning and Development, MPD, 2009), continue to identify the justice delivery system as one of the weakest State institutions, still very distant and inaccessible to the majority of citizens, very slow and expensive for the majority of the people and functioning in an extremely bureaucratic and non-transparent way. For example, one of the major criticisms of the Administrative Court is the non-publication of judgements related to its role of scrutinising the accounts of public institutions, something that would encourage transparency and public knowledge about expenditure made from the public purse. The position of the Supreme Court is also not to publish its judgements, while their publication would assist it in its functions of educating and disseminating jurisprudence.

3. Civil society

The pre-and post-Independence history of Mozambique established a context in which civil society was unable to function and exercise its rights and duties in defence of citizens. Civil society is still at an embryonic stage (UNDP/Civicus, 2007). Its emergence coincides with the introduction of democracy in 1990, which was followed by the approval of the Law on Associations in July 1991.

In recent years, the government of Mozambique has opened institutional spaces for citizen participation in the process of formulating and implementing public policies, through mechanisms such as Community Consultation and Participation and Development Observatories, these latter defined as *“instruments of the government and other active partners in the struggle against poverty for accompanying and supervising the processes of monitoring, evaluation and consultation within the framework of poverty reduction activities”*².

In response to these openings, different national, provincial, district and municipal forums have emerged which promote civic participation in the formulation and promotion of social policies and human rights in different areas such as media, elections observation; women and gender equity; environment; public integrity, etc. These forums include various NGO networks at provincial level.

In the districts, where most Mozambicans live, participatory structures, such as the District Consultative Councils (CCD), were established as part of the decentralisation process. Consultative councils made up of civil society representatives and civil servants at district level are supposed to lead district planning. However, the meaningful participation of the rural population is still limited by a mixture of self-censorship and the longstanding culture of waiting to receive and implement “guidelines from above”. Thus, according to a 2007 report on the Civil Society Index in Mozambique, civil society activities still have only a limited impact on governance and on most of the country’s key development issues.

The most important Civil Society Organisation (CSO) networks include the so-called G-20, a national network of CSOs established in 2003 to promote permanent dialogue with the government and the country’s development partners on governance issues; the Electoral Observatory, a forum comprising various CSOs that monitor election processes in Mozambique and the region; the Christian Council of Mozambique (CCM), congregating nearly two dozen Protestant churches; the Episcopal Conference, which is the assembly of the Catholic church bishops; the Women’s Forum (Forum Mulher); the National Trade Union of Mozambican Workers (OTM-CS); the Mozambican Public Debt Group (GMD) and some NGOs that support community development.

4. The media in Mozambique: a brief historical review

The media, in the pluralism of their editorial policies and diversity of their means of transmission and ownership regimes, are among the institutions whose activity have had some impact, encouraging public political participation by promoting the free expression of opinion and the open debate of differing opinions.

Understanding the current profile of Mozambican media requires revisiting, though briefly, its historical trajectory since the colonial period. In fact the history of the media begins at that

period, at a time when the colonial power itself, Portugal, was living under a dictatorship that only ended with the revolution of 25 April 1974. The regime in Portugal was extended to its colonies, including Mozambique.

In this context, one cannot speak of a climate of freedom of expression and of the press in Mozambique during the colonial period. The colonial legislation of the time put in place many obstacles to the exercise of these freedoms.

As an example, Decree 22.469 of 11 April 1933 instituted “prior censorship” in the colonies for all types of publication, whose every aspect, including information content, advertisements and photographs, had to be submitted to prior scrutiny.

With the first nationalist demonstrations in 1940-1950, agitating for independence, the authorities reinforced their repressive powers, tightening their control over the media even further. Censorship was no longer enough, and more sophisticated methods of control were required. Powerful economic interests began to take majority positions in the shareholding structures of every newspaper in Mozambique.

For example, the *Noticias* newspaper, which was founded in 1926, became the property of the National Overseas Bank (Banco Nacional Ultramarino, BNU) in 1967. This was a private bank that had been contracted by the Bank of Portugal to perform the functions of central bank in the then colony of Mozambique³. The *A Tribuna* newspaper, founded in 1962, had met the same fate in 1963, also joining the BNU group. The *Diário de Moçambique*, based in Beira, ended up being bought by Jorge Jardim in 1969, with covered funding from the colonial authorities⁴. Jardim was the most prominent Portuguese businessman in Mozambique with very strong links with the colonial authorities in the territory.

With the proclamation of Independence in 1975, and given the strategic role to be played by the media in mobilising the people for the tasks of national reconstruction, Frelimo – the only party at the time – decided to establish state control over the whole media sector through the Ministry of Information. The Ministry was in turn under the direct jurisdiction of the Department of Ideological Work of the Party (DTIP). During this period in the history of Mozambique there was no separation between State and party, and the first Minister of Information after Independence was also a member of the Political Bureau and Secretary of the DTIP.

Within this framework, the media were not seen by the authorities as platforms for the promotion of democratic discourse among citizens, but rather as instruments for disseminating the ideology of the single party, at a time when the party considered itself to be the uniting force of society. The most important milestone for the Mozambican press in the whole post-Independence period was the First National Seminar of the Press, held in September 1977

3 This system actually continued after independence with ownership passing to The Bank of Mozambique.

4 JARDIM, Jorge - *Moçambique, terra queimada*. Lisboa: Editorial Intervenção, 1976, p. 135.

in a climate of revolutionary euphoria. As one of the icons of Mozambican journalism, Albino Magaia⁵, remembers, the seminar was “historic, for the new concepts it introduced (...), for the Messianism that was implicit in its action programmes”, which were oriented towards a media that was taking up its role as an instrument at the service of the new powers, synthesised in the political ideology of the single party⁶.

In systems such as this, it is natural to expect greater political intervention by the authorities in the editorial policies of the media.

The media editors were expected to be ideologically “enlightened”, and to identify with the aims of the common struggle. Those were the criteria for appointments. In effect, the situation was that everyone felt that they were united in their thought and actions by the same ideals of serving the worker and peasant classes, within the context of a single Marxist ideology: by definition, all journalists were considered members of the ruling Party or, at least, as having the same duties as a member of the Party⁷. As Machado da Graca underlines, “if a research were done at the Independence period, the percentage of Frelimo supporters in the newsrooms would get to around 100%”⁸.

In the words of José Luis Cabaço, Minister of Information from 1981-1986, in that context “to criticize was considered to be prejudicial to the objectives of the struggle, a form of divisionism and sowing confusion in the face of the enemy”⁹. In such a context, self-censorship was the ruling principle.

But the process could not be that peaceable. Shortly after the independence euphoria, divergences on editorial policies emerged, as the authorities could not tolerate any “deviations” from the official ideology. In consequence, a number of editors from different media organizations were dismissed or removed to less prominent positions. This was followed by the introduction of a new system of control, through the creation of of an “editorial council”, whereby all the directors and editors-in-chief met weekly under the chairmanship of the Minister of Information. This Council defined the editorial view which should guide all media coverage of national and international current affairs. When the civil war broke out in the early-1980s, the control system became tighter, in the name of national security. In 1982 editor Carlos Cardoso, in his capacity as the Director of the official news agency, the

5 Albino Magaia, *Informação em Moçambique: A Força da Palavra*, Publicações Notícias, Coleção Tarimba, Maputo 1994, p. 41.

6 A. Magaia, *op.cit.*, p. 44.

7 The I Seminar’s final document clearly defined the role and place of the journalist in society, saying that “being in the first place a citizen and having the same duties as a member of the Party”, he or she should not publish criticisms, but should rather “communicate the errors or deviations noted to the competent structures of the Party and the State”. In A. Magaia, *op.cit.*, p. 44.

8 Graca, *op.cit.*, p. 187.

9 Jose Luis Cabaço, quoted by Machado da Graça, in the article “Liberdade de Informação”, included in the book “140 anos de imprensa em Mocambique”: Fátima Ribeiro & Antonio Sopa (Coordinators). AMOPL, Maputo, 1996, p. 177.

Agência de Informação de Moçambique (AIM) was imprisoned for six days after writing an article about the war in Mozambique, in which he expressly mentioned Renamo, at the time when the official media rebel movement could only mention the rebel movement as “armed bandits”.

4.3 The journalists’ struggle and the democratic Constitution of 1990

The whole political framework changed fundamentally from 1990 onwards, with the approval of the first democratic Constitution enshrining the principles of political pluralism and therefore of freedom of the press. As Albino Magaia emphasizes in the book quoted above, the principle of the “people’s right to information” enshrined in the Constitution, far from being a “gift” of the authorities, was rather a result of “the struggle of Mozambican journalists to win press freedom”. One of the most decisive moments in this struggle was in February 1990, when over 170 journalists signed a petition to the government demanding that the new Constitution, which was under discussion at the time, should include “an article that sanctions citizens’ rights to complete and truthful information, and the right to free expression through the media”¹⁰. This principle was absent from the draft document circulated by the government for public debate.

The “round robin” petition, a true manifesto for freedom of the press in classic liberal terms, contained the most important principles that would later give shape to the Mozambican Press Law: editorial independence; the right of access to information detained by public bodies; the duty to observe legal confidentiality and respect for privacy; and exclusive recourse to the right of reply and to the courts; as seen in the following points:

- a) *That editorial decisions in each media organ should be the responsibility of the respective director, advised by an Editorial Council made up of democratically elected journalists, and respecting the fundamental objectives (...);*
- b) *That the access of journalists to official information sources is guaranteed, without affecting the safeguarding of State secrets, legal confidentiality and protection of citizens’ private lives;*
- c) *That public and private entities that consider themselves wronged by an article or articles published in the press resort exclusively to the right of reply and to the courts*¹¹.

¹⁰ A. Magaia, op.cit, p. 136.

¹¹ Idem, pp. 139-140.

In the words of one of the protagonists of this demand, the text was “like a bombshell, causing shockwaves between journalists and the authorities”¹². The tension was lifted when the head of state, Joaquim Chissano, held a direct meeting with journalists at the National Union of Journalist (SNJ) headquarters, where the principle of including press freedom in the new Constitution was implicitly accepted.

Consistent with the principles contained in the journalists’ petition, the 1990 Constitution established that:

Article 74

1. *All citizens shall have the right to freedom of expression and to freedom of the press as well as the right to information.*
2. *Freedom of expression, which includes the right to disseminate one’s opinion by all legal means, and the right to information, shall not be limited by censorship.*
3. *Freedom of the press shall include in particular the freedom of journalistic expression and creativity, access to sources of information, protection of professional independence and confidentiality, and the right to publish newspapers and other publications.*
4. *The exercise of the rights and freedoms referred to in this article shall be regulated by law based on the necessary respect for the Constitution, for the dignity of the human person, and for the mandates of foreign policy and national defense.*

The approval of the Constitution was followed the next year by the approval of the regulatory instrument, the Press Law, thus opening up space for the emergence of media pluralism and diversity in Mozambique.

The origins of the pluralistic media lie in the foregoing historical framework and the current picture should be analysed in this light.

5. The place of international law as a source of the right to information in Mozambique

In the field of human rights, particularly the Universal Declaration of Human Rights (UDHR) and the African Charter of Human and Peoples’ Rights (ACHPR), the Constitution of the Republic

¹² Machado da Graça, *Liberdade de Informação*, article included in “140 Anos de Imprensa em Moçambique”, F. Ribeiro & A. Sopa (coord), p. 188.

(CRM) gives international norms an interpretative and integrating function of the content of the human rights set out in the listing of fundamental rights, establishing that:

‘The constitutional principles in respect of fundamental rights shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and the African Charter of Human and Peoples’ Rights’ (Article 43).

Clause 2 of Article 18 of the CRM leads to the conclusion that Mozambique has adopted the monist system of international law. The norms of international law thus come into effect as soon as they are ratified and published in the Bulletin of the Republic (BR), the official gazette. Their transformation is not required, since the Constitution recognises them as sources of law from that time onwards.

However, notwithstanding its clarity regarding the monist system, the CRM’s position with regard to the hierarchical position of the international norms ratified by Mozambique is not very clear¹³. It limits itself to stating that international norms have the same value as the respective instrument of ratification.

It seems that the legislator intended to say that the norms of international law will have the status of law if they are ratified by a Resolution of the Assembly of the Republic, and the status of a Decree if they are ratified by a Resolution of the Council of Ministers. But this is just one possible interpretation.

Mozambican legislators should adopt pragmatic legislative practices and opt to transform international norms into domestic laws in the same way that other laws are adopted¹⁴. The deficit in knowledge and implementation of international norms in Mozambique can be partially explained by the lack of generalised and consolidated use of the “Resolution” as a legal instrument that puts an international norm into effect. What happens in practice is that the implementation of international law ends up being relegated to a secondary level, as the implementers are psychologically predisposed to take more account of the laws, decrees and Ministerial diplomas that they are accustomed to implementing. The international norms thus stay “on the shelf”, and the valuable contribution they would make towards the evolution of domestic legislation is lost.

13 This ambiguous position of the norms of international law has been present since the adoption of the first draft of the 1990 Constitution. In this respect, Augusto Paulino argued in his Masters’s degree dissertation that the norms of international law are supra-constitutional. His arguments were based on a clause in the CRM of the time that established a norm in the same terms as clause 2 of article 17, by the force of which Mozambique accepts, applies and observes the United Nations Charter and the African Charter. In the same period, Dr Armando Dimande defended the thesis that international norms have an infra-constitutional and infra-legal value. In his view, the State’s power of legislative sovereignty confers on it the right to legislate in terms that may be in conflict with conventions or treaties.

14 Comoane, Paulo Daniel. Tribunal Penal Internacional: vantagens e desvantagens de ratificação do Estatuto de Roma. Article presented at an international conference organised by the Mozambican Order of Lawyers, June 2009.

Thus, although the CRM adopts the monist system of international law, Resolutions adopting international norms should be produced in the form of laws or decrees, in accordance with the organ that ratifies them. This practice would on the one hand clarify the status of international norms, and on the other result in their more generalised application.

At the same time, it would be extremely desirable for the Mozambican legislators or courts to take a position with regard to the Declarations issued by bodies such as the United Nations or the African Commission of Human and Peoples' Rights as well as the International Covenant on Economic, Social and Cultural Rights. While the CRM provides that Mozambique accepts, applies and observes the principles of the UN and AU Charters, a doubt remains as to the value of interpretative UN or AU Declarations of Treaties or Conventions. One such case is the Banjul Declaration on the principles of freedom of expression in Africa. Not being a true treaty, what is its legal value in the domestic legal order, given that it has an interpretative value derived from article 9 of the African Charter, which in turn has interpretative and integrative value for the content of provisions related to fundamental rights in the terms of article 43 of the CRM?

Either through the legislator or through the jurisprudence of the national courts, that Declaration should be considered to be covered by CRM's article 43, and therefore to be an instrument that must be applied in the interpretation and integration of the content of the CRM's article 48.



Category 1

**A system of regulation
conducive to freedom
of expression, pluralism
and diversity of the media**

Key Indicators

A. LEGAL AND POLICY FRAMEWORK

- 1.1 Freedom of expression is guaranteed in law and respected in practice*
- 1.2 The right to information is guaranteed in law and respected in practice*
- 1.3 Editorial independence is guaranteed in law and respected in practice
- 1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice
- 1.5 The public and civil society organizations (CSOs) participate in shaping public policy towards the media

B. REGULATORY SYSTEM FOR BROADCASTING

- 1.6 Independence of the regulatory system is guaranteed by law and respected in practice**
- 1.7 Regulatory system works to ensure media pluralism and freedom of expression and information**

C. DEFAMATION LAWS AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS

- 1.8 The state does not place unwarranted legal restrictions on the media
- 1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
- 1.10 Other restrictions to freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law, and justifiable as necessary in a democratic society, in accordance with international law.

D. CENSORSHIP

- 1.11 The media is not subject to prior censorship as a matter of both law and practice
- 1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

* Indicators 1.1 and 1.2 have been merged in this report.

** Indicators 1.6 and 1.7 have been merged in this report.

Category 1

A system of regulation conducive to freedom of expression, pluralism and diversity of the media

Introduction

Regulation implies two ideas, firstly the establishment of principles and norms; and secondly maintaining the efficient functioning of a system¹, in this case the media system. Control presupposes in turn the attribution of powers of inspection and supervision exercised over the service providers², which may be translated into hierarchical control or tutelage control.

Freedom of expression is people's fundamental right to express their thoughts freely, independently and pluralistically, through words or images³.

An integrated study of a regulatory system favourable to freedom of expression, and media pluralism and diversity requires an evaluation of the existing policy and legal framework, which should be developed with the participation of civil society and based on the highest standards of international practice, and of its role in protecting of freedom of expression and information.

Thus, for the purpose of this analysis, regulatory system⁴ is understood to mean *the set of rules and mechanisms that guarantee the exercise and control of freedom of expression, and ensure the functioning of the free, independent and plural expression of thought through the media, as well as its system of exceptions.*

More recent approaches to this topic in the contemporary reality of Mozambique can be found in Helge Rønning's study of the media development situation in the country⁵ and the work of Tomás Vieira Mário⁶: they both make a comprehensive analysis of the system regulating

1 Moreira, Vital. *A auto-regulação profissional e a Administração Pública*. ALMEDINA, Coimbra.1997, p. 34.

2 The term institution is used here in a broad legal perspective, covering bodies with public or private legal personality or the organs within those bodies that exercise power.

3 Article 19 of the Universal Declaration of Human and Peoples' Rights.

4 For Vital Moreira, regulating the economy means the establishment and implementation of rules for economic activity destined to guarantee their balanced working, in accordance with given public objectives.

5 Rønning, Helge. *The Media Development Situation in Mozambique. A study undertaken for UNESCO's Sector for Communication and Information*, 2008.

6 Mário, Tomás Vieira. *Direito à Informação e Jornalismo em Moçambique. Estudos e comunicações*. Ndjira, Maputo, 2009.

freedom of expression in its double dimension of the norms regulating its exercise and the organisation and institutional functioning of freedom of expression. For Rønning, looking at the regulatory system of the exercise of press freedom, Mozambique should be considered in both formal and practical terms as a country with a favourable legal environment for exercising such freedom of expression. Tomás Vieira Mário, in his book on the right to information and journalism in Mozambique, shows more guarded optimism. With regard to the formal enshrinement of freedom of expression, Mário agrees up to a point with Rønning's conclusions, but not without recommending substantive improvements and expressing reservations about the practical application of the legal regime. His conclusions are based on a dynamic and integrated analysis⁷ of the legislation in force, and on various events that have cast a shadow on Mozambican journalism.

Our study presents an analysis of the system of regulation and control of freedom of expression, centred on the exercise of journalistic activity, from a starting point of questioning the process of drafting the normative framework for freedom of expression, and the compatibility of this system with international best practices and standards for promoting and protecting freedom of expression and of the press. The aim is to analyse the normative framework within which freedom of expression is exercised in Mozambique with reference to the UNESCO indicators, which together with the lessons learned from comparative law enable the identification of obstacles and the formulation of recommendations.

The chapter is divided into four parts: A. Legal and policy framework; B. Regulatory system for broadcasting; C. Defamation laws and other legal restrictions to journalists; and D. Censorship.

A. Legal and policy framework

1.1 and

1.2 Freedom of expression and the right to access information are guaranteed in law and respected in practice

Freedom of expression is enshrined in article 48 of the Constitution (CRM), in terms of which all citizens enjoy freedom of expression and freedom of the press, as well as the right to information. This provision defines freedom of expression as including the right to express one's own thinking by all lawful means, as follows:

⁷ The expression "dynamic analysis" is used here on purpose, in opposition to the static analysis of legislation, which can be compared to a photograph that fixes a motionless reality. Dynamic analysis analyses legislation by looking not only at the formal possibilities it offers but also at the difficulties in its practical implementation.

Article 48

Freedom of expression and information

1. *All citizens shall have the right to freedom of expression and to freedom of the press, as well as the right to information.*
2. *The exercise of freedom of expression, which consists of the ability to impart one's opinions by all lawful means, and the exercise of the right to information shall not be restricted by censorship.*
3. *Freedom of the press shall include, in particular, the freedom of journalistic expression and creativity, access to sources of information, protection of independence and professional secrecy, and the right to establish newspapers, publications and other means of dissemination.*
4. *In the public sector media, the expression and confrontation of ideas from all currents of opinion shall be guaranteed.*
5. *The State shall guarantee the impartiality of the public sector media, as well as the independence of journalists from the Government, the Administration and other political powers.*
6. *The exercise of the rights and freedoms provided for in this article shall be governed by law on the basis of the imperative respect for the Constitution and for the dignity of the human person.*

However, by using the expressions “exercise of freedom of expression” and “exercise of the right to information” in clause 2 of article 48, the legislator treats the right to information and freedom of expression autonomously. Note that the Universal Declaration of Human rights (UDHR) considers freedom of information as a part of freedom of expression. Article 19 states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. But article 9 of the African Charter (AC) separates the right to information and the right to express and disseminate opinions in the framework of the laws and regulations. In a similar logic, the CRM enshrines the right to freedom of expression in its narrow definition, consisting only of the right to express ideas, thoughts and opinions by all lawful means. The UDHR, on the other hand, enshrines the right to freedom of expression in its broad sense, integrating simultaneously the right to impart ideas, thoughts and opinions and the right to seek and receive information⁸.

Another issue worth mentioning is that, unlike with freedom of expression, the legislator does not specify the content of the right to information. In comparative law, the Spanish

8 Penades, Javier Plaza. *El derecho al honor e la libertad de expresión*, op. cit p. 95.

Constitution, for example, clearly establishes that the right to information consists of the right to freely communicate or receive truthful information, which is not the case in the Mozambican legal order. The South African Constitution in turn establishes that the right to information means that “all people shall have the right to access any information in the possession of the State” (line a. of clause 1, article 32), and further adds the principle of the horizontal application of the right of access to information in the possession of another person for all, when that information is required for the exercise or protection of any rights (line b.)⁹.

In practical terms, the lack of precision of the Mozambican constitutional provision on what exactly constitutes the right to information makes it difficult to establish the limits of its exercise.

Undue legal restrictions to access to information can also be found in the Law of State Secrets, the Law n° 12/79 of 12 December 1979.

The law was introduced in a revolutionary environment followed by a prolonged civil war (1977-1992) but it is still in force. The law was designed to protect a one-party state. Therefore its definition of “state secrets” is rather loose and ambiguous, and open to subjective interpretations by public entities¹⁰.

Within the terms of its Article 1, the law aims to protect state secrets in relation to all documents containing classified facts and information.

“Documents” in the terms of Article 3 means any object capable of bearing information that may be passed from one person to another.

According to Article 4 documents are divided into the following groups:

- Classified Documents: those which contain military, political, economic, commercial, scientific, technical or any other information (our emphasis) which dissemination would jeopardize, prejudice, defy or disturb the security of the state and that of the Mozambican population or the national economy.
- Non-Classified Documents: those that do not possess any of the characteristics outlined above.

Article 5 provides that the classified information referred to above is divided into State Secrets, secret, confidential and restricted.

The law is not media-specific, but its provisions do have a direct impact on the operations of the media. They impose tight restrictions on freedom of information by blocking access to official documents and data containing information of public interest. The most significant

9 In line with the constitutional requirement to approve a law regulating the exercise of this right, the Parliament passed the Law on Access to Information (Law 2/2000 of 2 February).

10 MISA, Draft Bill on Access to Official Sources of Information, Maputo 2005.

problem is the absence of any exemptions or specific provisions to set out in detail the reasons that would justify the withholding of information, the level of harm applicable that would substantiate such withholding and how different interests will be balanced before something is withheld.

Article 10 provides that non-compliance with this law which gives rise to crimes against national and state security shall be decided upon and punished under the terms of Article 23 of the law on crimes against state security (Law n°19/1991 of 18 August 1991). Disclosure of any unauthorised information that is legally protected is punishable by imprisonment for three months to two years - if the information disclosed is classified as “confidential”; for two to eight years if the information disclosed is classified as “secret”; and for eight to twelve years if the information disclosed is classified as “State Secret”.

By force of CRM’s article 43, article 19 of the UDHR and article 9 of the AC are binding on the interpretation and integration of the content of freedom of expression and the right to information. In this sense, the right to information to which clause 2 of article 48 of the CRM refers consists in the ability to “*seek, receive and impart information*”, in accordance with the provision in article 19 of the UDHR.

The most precise integrative content on the right to information referred to in clause 2 of article 48 of the CRM may also result from the interpretation made by the African Commission on Human and Peoples’ Rights of article 9 of the AC, in article IV of the Declaration of Principles on Freedom of Expression in Africa, as follows:

“Freedom of Information

1. *Public bodies do not hold information for themselves, but as guardians of a public good, and everyone shall have the right to access that information, which may only be subjected to rules clearly defined by law.*
2. *The right to information shall be guaranteed by law in accordance with the following principles:*
 - *All shall have the right of access to information in the possession of public bodies.*
 - *All shall have the right of access to information in the possession of private bodies when required for the exercise or protection of any right.*
 - *Any refusal to reveal information shall be open to appeal to an independent body and/or the courts.*

(...)

3. All shall have the right to access, update or correct in any way their personal information, whether this is in the possession of a public or a private body”.

According to the AC, the African Commission has powers to “*with the aim of providing a basis for the adoption of legislative texts by African Governments, formulate and draft principles and rules that enable legal problems related to the enjoyment of human and people’s rights and fundamental freedoms to be resolved*”, as well as “*interpret any provision of the ... African Charter*”¹¹.

The Declaration of Principles therefore has interpretative importance for article 48 of the CRM in the terms of its article 43, which states that “the interpretation and integration of fundamental rights is done in harmony with the African Charter”.

Also applicable and binding are the International Covenant of Civil and Political Rights (ICCPR) and the SADC Protocol on Culture, Information and Sport. An important idea, that the CRM restricts the content of freedom of expression, can be drawn from article 19 of the ICCPR. While this article establishes the right to impart ideas, thoughts and opinions by any means that may be chosen, the CRM establishes that freedom of expression includes citizens’ right to express their thoughts by any *legal* means. In other words, according to the Constitution, the Mozambican State has the prerogative to establish the (legal) means through which thought can be imparted. This is not problematic as it stands; however, there is a risk that if one day a government that is not friendly to freedom of expression should emerge, it could establish a regime that limits the legal means of disseminating information.

Freedom of expression and the right to information are also laid out in Law 18/91 of 10 August 1991¹². In the Press Law, freedom of expression forms a part of press freedom and appears as a prerequisite. In this sense, press freedom implies the right of journalists to create, and the ability to make use of means of dissemination, namely through the establishment of newspapers and other publications¹³. Another prerequisite for press freedom, according to article 2 of the Press Law, is the right of access to information sources.

With regard to the right to information, Article 3 of the Press Law defines the content in the following terms:

“1. In the context of the press, the right to information shall mean the faculty of each citizen to inform himself and to be informed on relevant facts and opinions, at national and international level, as well as the right of every citizen to publish information, opinions and ideas through the press.”

11 Article 45, clause 3 of the AC.

12 Law 18/91, of 10 August 1991.

13 The reference to “other publications” is evidence of the primacy given by the law to print media in detriment to other forms of media such as audiovisual.

This provision however does not specifically include a right to access information held by public bodies, as defined by relevant international regulatory bodies. For all, the following statement can be taken as the principle underpinning the right to information held by public entities as a fundamental human right:

“The right to access to official information is one of the cornerstones of representative democracy. In a representative system of government, the representatives should respond to the people who entrusted them with their representation and the authority to make decisions on public matters. It is to the individual who delegated the administration of public affairs to his or her representatives that belongs the right to information. Information that the State uses and produces with taxpayer money”¹⁴.

Spanish law, for example, links the right to information to the ability to seek and disseminate or receive truthful information; in other words, the limitation on freedom of information is the veracity of the facts. This limitation is easily controllable, since journalists are guided by the objectivity of the information they transmit. However, the criterion of relevance could be dependent on the goodwill of the interpreter, as it is an indeterminate concept.

The predominant information culture in the State and in society also has important consequences for the quality and performance of the media. A limited piece of research, carried out by MISA-Mozambique and published in September 2009, on the degree of transparency and secrecy regarding information of public interest held by state bodies, reveals the persistence of a strong culture of secrecy within the State, affecting some media’s ability to exercise freedom of the press¹⁵. Five public institutions, including three ministries, were researched over four weeks, through the presentation of requests for information that could be provided verbally or in writing, on budgets, expenditure, the type and volume of services procured, procedures for contracting services and the contact details of public liaison officers. The institutions’ websites were also analysed. The research was based on principles and good practices that are internationally applicable to the transparent functioning of public institutions, namely: (i) to reply in writing to a request within a fixed period, for which the average internationally is 21 days; (ii) in the case of refusing the request, reply within the same time limit giving the due justification; (iii) have an appropriately trained officer with enough authority to be able to deal with public requests for information.

The research results, published on 28 September 2009 to mark World Right to Information Day, show that of the five institutions covered only one (the Institute for the Management of

14 Annual Report of the Inter-American Commission on Human Rights 1998, Volume III, Report of the Office of the Special Rapporteur for Freedom of Expression, 16 April 1999, OEA/Ser. L/V/II.102, Doc. 6 rev., Chapter III., MENDEL, Toby, *Right to Information – A Comparative Legal Study*. Second Edition Revised and Updated, UNESCO, Paris 2008, p. 19.

15 Direito à Informação. Relatório de Pesquisa sobre Instituições Públicas ‘Mais Abertas’ e ‘Mais Fechadas’ em Moçambique. MISA Mozambique, 28 September 2009. Maputo.

Table 1.1: List of the most relevant laws for freedom of information.

	Name of Law	Object
1	Law 18/91 of 10 August 1991	Commonly known as the Press Law. It establishes the principles that govern media activity and the rights and duties of media professionals. It regulates media registration, the regime for licensing radio and television, and other relevant matters.
2	Law 19/91 of 18 August 1991	The Law on Crimes against the Security of the State. This law includes provisions in the terms of which the crimes of defamation, slander and libel committed against the Head of State, the President of the Assembly of the Republic, members of the government, judges on the Supreme Court and members of the Constitutional Council, as well as against deputies, magistrates, presidents and secretary-generals of political parties (...) constitute crimes against the security of the State. (Note: in 1991 Mozambique was still a one-party state.)
3	Decree 22/92 of 31 December 1992	Puts into effect the end of the state monopoly over broadcasting, establishing the legal and technical conditions for access to the frequency spectrum on the part of other sectors.
4	Decree 9/93 of 22 June 1993	Establishes criteria for the participation of the private and commercial sectors in the broadcasting sector.
5	Decree 18/94 of 16 June 1994	Creates Radio Mozambique as the provider of the public broadcasting service.
6	Decree 19/94 of 16 June 1994	Creates Mozambique Television as the provider of the public television service.
7	Presidential Decree 4/95 of 16 October 1995	Creates the Office of Information (GABINFO), the successor body to the Ministry of Information, functioning under the Office of the Prime Minister.
8	Decree 65/2004 of 31 December 2004	Approves the Advertising Code.
9	Law 12/79 of 12 December 1979	Establishes the legal regime for State secrets.

State Shareholdings) provided all the information requested within a reasonable time period, while the doors of the others remained closed. The Internet websites of these institutions were also several months out of date and did not contain much useful information. Compared with the results of the same research carried out simultaneously in 11 other SADC countries (excluding Zimbabwe), Mozambique is at the bottom position.

During the third round of the African Media Barometer (AMB) in Mozambique¹⁶, held in June 2009 on Inhaca Island, the ten evaluation panel members (comprising journalists, media managers and civil society representatives) were also unanimous in their complaints against the strong culture of secrecy in public bodies, where public officials tend to avoid providing

¹⁶ The Africa Media Barometer is an index for evaluating media systems and practices in African countries through self-evaluation, inspired by the principles and aims of the African Peer Review Mechanism (APRM). The AMB is implemented through a partnership between MISA and the Friedrich Ebert Foundation's Media Project, which is based in Windhoek, Namibia. See details at: www.fesmedia.org.na

useful information even when dealing with issues that are of clear public interest and are totally uncontroversial.

A series of other legal provisions with an impact on the exercise of the rights to press freedom and access to information have been introduced since the Press Law was passed in 1991, as the following listing shows:

As shown in the above table, while a dispersed legislation on press freedom and its exceptions can be found in different instruments, Mozambique lacks a right to information law.

With a view to filling this gap, MISA-Mozambique, assisted by other NGOs and government entities, led a two-year countrywide debate during which a draft bill was developed on Access to Official Information. Various Mozambican NGOs, such as the National Group on External Debt, the Human Rights League and the National Union of Journalists, as well as academics, played an active role in the process. The campaign culminated in the official submission of the draft bill to Parliament in November 2005 for debate and possible adoption by the legislature. Up to now, however, Parliament has not included the draft bill in its agenda and it has never been debated. Hopes have been raised in February 2010 that this year the Mozambican parliament, the Assembly of the Republic, will finally pass Access to Information bill, that will grant citizens access to information held by public bodies.

According to a press release from MISA Mozambique, officials from the organization met on 28 January 2010 with Alfredo Gamito, chairperson of the Assembly's Commission on Public Administration, Local Power and the Mass Media, who assured them that one of his commission's top priorities will be to hold consultations with the various players in the media domain around the right of citizens to information. With the new parliament emerging from the 28 October general elections, some of the working commissions have changed their names and their scope. This is the first time that a parliamentary commission will deal with media affairs, and MISA regarded this as a positive development.

With regard to community media, notwithstanding all the freedoms and rights guaranteed by the Constitution and the law, compliance is not yet fully ensured in practice in the areas where the community radios are operating.

Two main causes for this may be considered: on the one hand, ignorance of the law at local level, both among government authorities and among journalists and the communities in general; and on the other lack of explicit guidelines and effective mechanisms for compliance issued at higher levels. The situation is aggravated by the lack of punishment in recorded cases of abuse or violation of the law.

The principal source of information on the implementation of legislation related to the media and to freedom of expression in general, and on violations in this area, has been MISA-Mozambique, which publishes an annual report on the state of press freedom in the country¹⁷. In addition to the general analysis, these reports present and comment on lists of events by province.

MISA-Mozambique carried out a study in 2008 aimed at measuring the level of awareness and knowledge about the right to information among people living in districts¹⁸. The fieldwork covered 33 districts, three in each of the country's 11 provinces, including Maputo City, and involved a total of 607 valid questionnaires. The study found that the level of knowledge about the content and relevance of the right to information was extremely low in all the occupational groups surveyed: civil servants, teachers, students and other educated strata.

Although the majority of respondents agreed with the proposition that “the right of access to information contained in State and government documents is important so that the people can know about State and government activities and can inspect and control those activities”, it was common to hear a defence of restricted access to information held in public institutions, particularly on the part of local civil servants and some teachers.

This climate of ignorance, combined with local high-handedness, is made even more serious by the unclear status of community journalists. The Press Law, which rules the activities of all media, defines as journalists “*any professional dedicated to investigating, collecting, selecting, elaborating and publicly presenting events in the form of news, information or opinions, through the mass media, and for whom this activity constitutes his or her main, permanent and remunerated profession*” (Article 26) – our emphasis.

Considering that the majority of community and local radio journalists are voluntary collaborators, it is clear that they do not meet the legal requirements for enjoying the status of journalists and therefore enjoying the rights and duties defined in the same law. So far, it has been tacitly accepted that they are also covered, but this tacit understanding has not yet been tested in the courts. This has implications for the ability of community journalists to work freely and for their protection as well as that of their information sources.

Thus, in addition to a legal reform, a meaningful change of attitude within the public administration apparatus is required, and the Civil Service Ministry together with the Ministry of State Administration are called upon to play a leading role through educating public servants on the right of citizens to access official information.

17 Annual Reports: Estado da Liberdade de Imprensa em Moçambique 2005, 2006 e 2007, MISA-Mocambique, Maputo, 2006, 2007 & 2009 respectively.

18 Pesquisa sobre o Direito à Informação em Moçambique: Um Olhar a Partir do Distrito, MISA-Mozambique, Maputo, 2008.

1.3 Editorial independence is guaranteed in law and respected in practice

Although article 48 of the CRM implicitly admits the principle of editorial independence, through the protection of journalists' professional independence, it is not very incisive in expressly protecting it, other than in the case of the public sector media, for which it provides as follows:

1. *The expression and confrontation of ideas from all currents of opinion shall be guaranteed in the public sector media;*
2. *The State shall guarantee the impartiality of the public sector media, as well as the independence of journalists from the Government, the Administration and other political powers.*

The Press Law follows this lead in article 11, which establishes the legal regime for guaranteeing the editorial independence of the public sector media, and states in clause 4 that:

"The mass media in the public sector shall carry out their duties free from interference by any outside interest or influence that may compromise their independence, and shall be guided in their activity by standards of high technical and professional quality."

However, the ordinary legislator, i.e. the Parliament, went even further when drafting the norm relating to the Editorial Statute (article 8). In the terms of this norm, *"Each media organization shall have its own editorial statutes, which defines its approach and its objectives and in which respect for the ethical principles of social communication and the professional ethics of journalism shall be stated"* This requirement, in addition to encouraging diversity and editorial plurality, provides a guarantee of the "rights of consumers" of information. The editorial statute is the label that guides citizens in choosing the media of their preference, and also enables them to check whether the organ is remaining faithful to its editorial commitment. Considering this aspect, which in a way forms part of the right to information, it should be mentioned that the statutes are not permanently accessible to the public.

Article 10 provides for the establishment of Newsroom Councils, conceived as platforms for democratic debates on editorial issues among journalists and editors. The Newsroom Council's composition and sphere of competence is defined in each the media organization' editorial statutes. However these democratic structures have not been active in almost all media organizations.

As the regulatory and institutional framework leading to the exercise of freedom of information in Mozambique only started taking shape in 1994, in particular through the abolition of the Ministry of Information and the subsequent legal transformation of state radio and television into public

service providers, the concern at both levels of legislator to leave a clear guarantee of professional independence for journalists working in the emerging public media sector is understandable.

The media practice that exists in various countries whereby media organizations publish from time to time the main features of their editorial statutes at the bottom of a page or elsewhere in their publications could be considered in Mozambique¹⁹. With regard to community media, MISA-Mozambique reports have denounced cases of abusive meddling by representatives of local authorities in the administrative and editorial management of community radios and local print publications. Though there are few incidents of this nature in comparison with other countries in the SADC region, their nature seems to confirm that respect for press freedom tends to diminish the further away you are from the major urban centres.

In one of the most striking cases of intimidation of local/community media, three journalists including the editor of the community newspaper Mabáruè in the Báruè district, Manica province, were detained in 2006. They were illegally arrested by order of the provincial prosecutor when they published an article denouncing the theft of cattle from local inhabitants by an influential local businessman. An interesting feature of this case is that the arrests were contested locally, both by the population and by some authorities, who considered that the newspaper story about the theft was true and deplored the provincial prosecutor's order for the arrests.

There have been other cases of veiled or direct threats aimed at inculcating a climate of self-censorship among the community journalists, many of whom are volunteers and work in the public sector as teachers, technicians and health workers, who could risk losing their jobs or being transferred. Working in areas where options are limited and where the local authorities have a huge influence on everything that happens, it can be difficult to resist the pressures, particularly when there is a lack of local support from the very associations or institutions that own the radios, and a lack of knowledge about where and how to seek assistance, for example from MISA or the National Forum of Community Radios (FORCOM).

At the third round of the African Media Barometer (AMB) in Mozambique²⁰ held in June 2009, the panel members recognised the existence of self-censorship among journalists, particularly those working in public sector media. They identified three reasons: (i) fear of negative reactions from the authorities, threatening their jobs; (ii) ignorance of the law, including of journalists' rights; and (iii) lack of professional capacity to bring properly researched facts before the public.

19 For example, the Press Law in Portugal determines that the first page of each newspaper's first edition should include the editorial statutes of the publication: Art.17 of the Law n°2/99 of 13 January 1999.

20 The Africa Media Barometer is an index for evaluating media systems and practices in African countries through self-evaluation, inspired by the principles and aims of the African Peer Review Mechanism (APRM). The AMB is implemented through a partnership between MISA and the Friedrich Ebert Foundation's Media Project, which is based in Windhoek, Namibia. See details at: www.fesmedia.org.na

The panel concluded that the climate of fear is more accentuated among journalists working far from the major urban centres in the provinces and districts. In these areas, this climate also affects the general public, as can be seen by the large number of information sources who invariably insist on anonymity.

1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice

The protection of journalists' sources is guaranteed by the CRM (art. 48, clause 3), which establishes that *"freedom of the press freedom shall include, in particular, the freedom of journalistic expression and creativity, access to sources of information, protection of independence and professional secrecy and the right to establish newspapers, publications and other means of dissemination"*. The constitutional protection for journalists' professional secrecy strengthens their independence, and is rare in many constitutions. It is regulated more fully by the Press Law, which extends it to the directors of media organisations, when they know the sources²¹. In this context, no journalist can be forced to reveal the origin of information in their possession or published. However, one question remains hanging: *can the protection of sources be lifted by a court order or not?* It seems not, since where the legislator does not make any distinctions the interpreter should not either.

Nonetheless, whether due to ignorance of the law or with the intention of infringing it, journalists charged in legal cases have been requested by judges to reveal their sources of information. One of the most outstanding editors in the country, Salomão Moyana, of the "Magazine Independente", a privately owned weekly, has spoken about how he has been asked by a judge to reveal his sources of information on at least two occasions, but declined to do so, evoking the CRM and the Press Law²².

1.5 The public and civil society organizations (CSOs) participate in shaping public policy towards the media

The final section of the CRM's article 73 enshrines the right of citizens to permanent participation in the life of the nation, and particularly in the legislative process. However, the institutionalization of public and civil society organizations' participation in shaping public policy in any area of public life is still in its infancy in Mozambique.

When journalists joined hands to demand the inclusion of the "people's right to information" principle in the draft constitution of 1990, as described above, they inaugurated a new era of civic activism in a society that was otherwise monolithic, dominated by the ruling party, that was defined by law as the sole force with legitimacy to formulate public policies and approve regulations and laws.

21 Article 30 of Law 18/91 of 10 August.

22 In Africa Media Barometer, MISA-FES, Mozambique 2009. MISA-Mozambique, Maputo.

Contrary to this experience, when in 1997 the government decided to formulate a new Information Policy and Strategy for the country it did not consider any open consultation mechanism with non-state actors or any kind of official engagement in debates on its thinking on the subject with the media. Instead the document was adopted by the Council of Ministers with limited consultation to public sector media managers only.

In 2006 however the government announced the launch of the process for the reviewing of the Press Law and called for the active involvement of the country's media organizations, including the Media Companies Association (AEJ), the National Union of Journalists (SNJ), the National Forum of Community Radios (FORCOM) and MISA Mozambique. As part of the open public consultation, joint Technical Teams integrating government officials and representatives from these media organizations led discussions and collected experiences and inputs from local media practitioners and organizations in the provinces as well as local public authorities on the implementation of the present press law, including reviewing suggestions. Unusually and commendably, Gabinfo published the draft law on its website and invited contributions from the public²³.

Rumors that the government intended to introduce a licensing system for journalists did not materialize following anticipated criticism from the media and national NGOs. The media also strongly rejected an amendment proposal that would allow the Government's Information Office (Gabinfo) to suspend publications on the allegations of publishing "obscene material". The principle that any decision to suspend a publication or any other media organization should come from a judicial decision has prevailed.

In 2007 the government again invited the media and the public to take part in the process for the drafting of a Broadcasting Law – the first such law in Mozambique since independence, in 1975. The new law should cover both Radio and Television and has become necessary to respond to the growth of the sector in the last ten years and to respond to a command from the 2004 Constitution, which has introduced important new provisions in relation to the rights of political parties to coverage by the two public broadcasting entities - Radio Mozambique (RM) and Television of Mozambique (TVM).

The relevant article also guarantees the rights of civil society organisations and trade unions to be heard on the public broadcasting services.

Article 49 of the Constitution says that:

1. *Political parties shall, in line with their degree of representation and criteria prescribed by law, have the right to broadcast time on the public radio and television services.*

2. *Political parties that have seats in the Assembly of the Republic but are not members of Government shall, under the law and according to their degree of representation, have the right to broadcast time on public radio and television services in order to exercise their right of reply and the right to respond to the political statements of the Government.*
3. *Trade unions, professional organisations and organisations representing social and economic activities shall also be guaranteed broadcast rights, according to criteria prescribed by law.*
4. *During election periods, candidates shall have the right to regular and equitable broadcast time on public radio and television stations of national or local coverage, under the terms of the law.*

Initial discussions are underway involving a small group, consisting of representatives of GABINFO, which is part of the Prime Minister's Office, the AEJ, INCM, FORCOM, SNJ and MISA Mozambique. This group is working on the initial draft of the broadcasting bill that will provide guidelines for a subsequent wide-ranging and open debate, which should take place in 2010.

The level and quality of media organizations' participation in these processes have been generally low and ineffective, including that of the Media Companies Association (AEJ). The participation of community media has been extremely limited so far, due to communication and Internet access difficulties, though FORCOM has also been invited by the MPD to take part in discussions about future programme priorities²⁴.

B. Regulatory system for broadcasting

1.6 and

1.7 Independence of the regulatory system, which works to ensure media pluralism and freedom of expression and information, is guaranteed by law and respected in practice

Unlike print media, the frequency spectrum is defined by law as a commodity of public domain²⁵, which makes public property of the State designated for promoting the satisfaction of the collective needs of the media and other spectrum users²⁶. The regime for access to and use of the frequencies therefore implies licensing that is mindful of the legal conditions of the operators and the technical requirements established by the laws and decrees mentioned above (Table 1.1).

²⁴ Interview with the Interim Executive Director of FORCOM, Paulo Libombo, on 7 August 2009.

²⁵ Article 21, clause 1 of Law 8/2004, of 21 July 2004, which approves the Communications Law.

²⁶ Cf. Marcello Caetano. Manual de Direito Administrativo, Vol. II. ALMEDINA, Coimbra. 10^a Edition, 5th impression.

The allocation of licences is under the exclusive control of the government, and this raises apprehensions about transparency, openness and equality of treatment, in particular as regards dealing equitably with situations in which a shortage of frequencies sets different interests against one another – the State, the commercial sector and the community sector. In the terms of the legal regime in force, granting frequencies forms part of the discretionary powers of the INCM, as the competent body. It can grant or refuse allocation of a frequency, using the argument of availability, and has exclusive powers to determine the criteria for reserving frequencies or making allocations to the different interested sectors. However, at the end of the day it is up to the Council of Ministers to approve or reject requests for the allocation of a broadcasting license.

The Supreme Council for the Media

The Supreme Council for the Media (Conselho Superior da Comunicação Social, CSCS) is a supposedly independent statutory body established by the Constitution (Art. 50) to “guarantee the right to information, to freedom of the press and to independence of the media, as well as the exercise of broadcasting rights and the right to reply”²⁷.

There is a generalised perception among media professionals that the way the CSCS has been operating since its inception is inappropriate for advancing the cause of democracy and media independence, as defined by its constitutional mandate. Its powers are unclear, and of a merely ethical nature. In his study of 2007, Berger corroborates this assessment: in his words, the CSCS “is limited in that its powers are limited to advising government and mere ‘participation’ in appointment and dismissal of the leadership of the state media. It is therefore not a regulatory body, but rather a moral force (of uncertain influence)”²⁸.

C. Defamation laws and other legal restrictions on journalists

1.8 The state does not place unwarranted legal restrictions on the media

As part of the protection against censorship, the Press Law gives journalists the right not to obey editorial directives that do not come from the appropriate authority in their organ, thus guaranteeing their independence when processing information. However, the question of knowing whether journalists have a duty to obey an order for censorship when it comes from their editorial superior remains hanging. The Press Law leaves this question open, but a reply can be found in the Labour Law, in the terms of which a worker is only obliged to obey legal

²⁷ Article 50, Section 1.

²⁸ G. Berger, *Media Legislation in Africa : A Comparative Legal Study*. Published for UNESCO by the School of Journalism and Media Studies, Rhodes University, South Africa, September 2007, p. 64.

orders. In most countries, however, editorial control over media is accepted as legitimate and is not considered a form of censorship.

1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

In the Mozambican legal order, when regulating freedom of expression, article 41 of the CRM protects people's right to personality and places this on the catalogue of fundamental rights. *"All citizens shall have the right to their honour, good name, and their reputation, as well as the right to defend their public image and to protect their privacy"*²⁹. The protection of these rights of personality in relation to freedom of expression is set out in the Civil Code and the Penal Code, to which it is remitted by the Press Law³⁰.

Article 484 of the Civil Code determines that *"whoever states or disseminates a fact capable of harming the credit or good name of any person, individual or collective, shall answer for the harm caused"*. This legal formulation is overly dangerous for the journalist, since the facts that he or she disseminates could make him or her answerable in the terms of article 484 of the Civil Code even if they are true, if susceptible to damaging the credit or good name of the person who is the object. Unlike article 41 of the Press Law, the Civil Code does not admit evidence to the contrary, thus leaving the journalist in a vulnerable situation.

For example, if a journalist publishes information according to which a certain commercial establishment was fined by the police for selling out-of-date products, he or she could be answerable in the overly open terms of article 484 of the Civil Code. The commercial establishment could open a court case and allege that the news item, though true, brings its credit into question. The Press Law itself remits the regime for determining civil responsibility to the general principles, i.e., those established by article 484 of the Civil Code, just mentioned³¹.

The penal regime for crimes against honour, in addition to allowing the defence to prove the truth of the facts, further permits the journalist to be exempted from responsibility if he or she can prove that there was no *animus difamandi*. The relevant jurisprudence³² from the Supreme Court takes the view that in this sense the crime of defamation only exists where there is an intention to injure the person.

According to the CRM, the exercise of freedom of expression, press freedom and the right of access to information is regulated by law on the basis of respect for the Constitution and

29 Article 41 of the CRM.

30 Articles 41 and 42 of the CRM.

31 Article 41, clause 1, in fine.

32 For the purposes of this study, jurisprudence is taken to be that which comes from the Supreme Court, given its influence in guiding the lower courts. The decisions of the lower courts, though having greater media impact, are always ephemeral.

for human dignity³³. The aspect of human dignity that is most closely related to the exercise of the right to freedom of expression is undoubtedly the protection of private life. The most original study on the right to privacy versus freedom of expression is that of S. Warren and L. Brandeis, *The Right to Privacy*³⁴, the conclusions of which highlight the criteria they propose for resolving this conflict:

- a) *That the guarantee of the right to privacy is not an obstacle to the dissemination of matters of public interest.* The norm contained in line a) of clause 1 of article 47 of the Press Law, interpreted *a contrario sensu*, enshrines this criterion, in that it enables journalists to be exempted from criminal responsibility for the crime of defamation if there is proof of the truth of the facts and that disseminating them is in the public interest. Combining the Press Law's article 3 and clause 1 of article 47 permits the conclusion that relevant facts that may be disseminated are the facts that it is in the public interest to know. But what is a relevant fact in the public interest? The law gives no answer.
- b) *The prohibition on publishing facts related to private life when their dissemination is not legally relevant, regardless of whether the facts are truth.* This is also the choice of the Mozambican legislator, whereby the law provides protection against the publication of offensive facts about an individual's private or family life³⁵. This limit is extraordinarily important, since it establishes an objective limit to the freedom of journalistic expression. Even though the facts may be truth, if they are related to private or family life they should not be published because, without the possibility of presenting evidence to the contrary, it would mean that journalists could be found guilty of the crime of defamation.

The Press Law should enshrine a regime of civil responsibility that admits evidence of the truth of the facts in the civil courts for offences against credit and good name. The facts relevant for public information would thus become subject to proof by the journalist of their veracity, even though they might harm good name or credit. In the terms in which article 484 of the Civil Code is drafted, the journalist can be placed in a vulnerable situation. However, the general principle set out in article 483 of this same document mitigates this vulnerability, since it would be necessary to prove the unlawfulness of the journalist's behaviour.

As shown in Table 1.1 above of laws with an impact on the exercise of press freedom, some laws of which the letter and spirit are in direct collision with the CRM and the Press Law remain on the statute books. One of them is Law 19/91 of 18 August. This law was passed

33 Article 48, clause 6.

34 Warren and Brandeis. *The Right to Privacy*. Harvard Law Review, Vol. IV, December 15, 1890, Nr 5, online at www.groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html.

35 Cf. Article 47 of the Press Law.

by Parliament immediately after the Press Law, and it enshrines limits that are manifestly contrary to the freedom of information. In this law, so-called crimes of honour are considered to be crimes against the security of the State when they are committed against leading figures in the State and in political parties (general secretaries). According to article 22, *“crimes of defamation, calumny and slander committed against the President of the Republic, the President of the Assembly of the Republic, members of the government, Supreme Court judges and members of the Constitutional Council shall be punished with a minimum sentence of one to two years of imprisonment and a corresponding fine”*³⁶.

This law, clearly anti-media, had remained “forgotten” for many years, until in August 2008 it was used by the Maputo City Prosecutor to charge the weekly newspaper “Zambeze” with committing a crime against the security of the State. It had published a front page story in May 2008 that cast doubt on the nationality of the Prime Minister, Luisa Dias Diogo, because in 1981 she had married someone who was allegedly a Portuguese citizen. In the terms of the Constitution prior to the democratic Constitution of 1990, a Mozambican woman married to a foreign citizen lost her nationality. The prosecution had requested a sentence of two years in prison and compensation of US\$ 540,000. A chorus of protests in the private media (see Box 1.1) embarrassed the political and judicial authorities, and on 29 August 2009 the Maputo City Court passed over the charge of a crime against the security of the State and decided to condemn the director, editor and author of the news item to six months’ imprisonment, suspended, and fines of 30 Meticais per day, for the crime of defamation.

1.10 Other restrictions to freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law, and justifiable as necessary in a democratic society, in accordance with international law

Article 483 of the Penal Code has a provision against public incitement to crime. Article 174 (1) defines as a criminal act any incitement to political conflict through violence or hate.

In terms of Article 28 of the Press Law, a publication or a broadcasting institution is not permitted by law to carry material containing hate speech, racist discourse or other elements that might violate the right of citizens, disturb the civil order or encourage criminal acts. Non-compliance with this requirement can result in the suspension of the media outlet, following a court decision (Article 51). However, no such court finding has ever been made.

Article 39 of the 2004 Constitution establishes that all acts intended to undermine national unity, to disturb social harmony or to create divisions or situations of privilege or discrimination based on colour, race, sex, ethnic origin, place of birth, religion, level of education, social

36 Tomas Vieira Mário discusses this topic in detail in the book already cited, p. 77.

position, physical or mental ability, the marital status of one's parents, profession or political preference, shall be punished in terms of the law.

Other relevant provisions are contained in the Law governing the creation and the activity of political parties (Law nº 7/91 of 1991). Political parties are prohibited from resorting to violence in order to change the social and political system of the country. Furthermore, parties are forbidden from disseminating ideas in favour of separation and discrimination, and cannot be based on ethnicity, race or religion.

The examples given above clearly show that in Mozambique there is a long list of heavy-handed and/ or ill-defined defamation laws that can inhibit citizens from expressing their views and can lead to self-censorship in the media. Furthermore, most of these laws are prohibitively costly to defend and impose heavy criminal sanctions and crushing fines. (See Box 1.1.)

D. Censorship

1.11 The media is not subject to prior censorship as a matter of both law and practice

The Constitution prohibits censorship in relation to both freedom of expression and the right to information. Article 48, clause 2, determines that *“exercise of freedom of expression (...) and the exercise of the right to information shall not be limited by censorship”*.

The start-up of print media, radio or television is conditional on obligatory prior registration and licensing for radio and television³⁷. The respective requirements are strictly regulated by the Press Law and by Decrees 9/93 of 22 June and 22/92 of 31 December 1992 (see Section 1.6, above). These decrees extend access to the frequency spectrum to the cooperative and commercial sectors and establish the legal and technical conditions for licensing, as we shall see later.

In the terms of article 19 of the Press Law, “before publication all media are subject to registration”, and this is carried out by GABINFO. GABINFO was created by a Presidential Decree in October 1985, partially replacing the functions of the Ministry of Information, which was abolished in 1994 following the establishment of multi-party democratic rule. The director of GABINFO is appointed by the Prime Minister, to whom s/he reports directly.

37 In the definition of Marcelo Caetano, “authorisation is the administrative act that permits someone to exercise a right or legal powers...it would be equivalent to verifying that there is no harm to the public interest from the exercise of a right or a legitimate activity, while the licence is the administrative act that permits someone to perform an act or exercise an activity that is relatively forbidden” – M. Caetano, *Manual de Direito Administrativo*, Vol. I Almedina Coimbra, 1997, p. 459.

Box 1.1. The Zambeze case causes tensions within the government

— Guebuza asks for explanations, but nobody knows anything

There are signs of a tense environment within the Government, following last week's trial behind closed doors of three journalists from the weekly *Zambeze*.

From what SAVANA could discover, President Armando Guebuza only found out about the trial through the press, after it had taken place, even though the three journalists were also accused of an attempt on the security of the State.

Guebuza apparently requested explanations from the competent bodies, but nobody was able to explain the case in full detail. There are strong suspicions that the case was brought on the personal initiative of someone who has accounts to settle with the newspaper. The suspect has not been identified, but given that the case involves Prime Minister Luisa Diogo only she or someone very close to her would have an interest in it.

Guebuza is said to be particularly annoyed by the fact that the promoters of the case brought a charge of "an attempt on the security of the State" without consulting

the Head of State or the National Defence and Security Council.

SAVANA learned from trustworthy sources that what makes the case more serious is that the Government views it as a personal matter, in which the Executive should not be seen as persecuting journalists or conspiring to closed down media through legal cases involving sums that are disproportionate to the capacity of the majority of the Mozambican press.

According to SAVANA's information, Guebuza only found out about the case for the first time when he saw the President of MISA-Mozambique, Tomás Vieira Mário, making a statement about it on television. After the publication of the *Zambeze* article, the Frelimo Political Commission issued a communiqué in which it reaffirmed its support for Luisa Diogo, following confirmation of her Mozambican nationality. Nonetheless, SAVANA learned that at the meeting where this communiqué was decided, Luisa Diogo was advised to present the same evidence publicly as a way of dissipating any doubts.

In "Savana", 29 August 2008. "Savana" is an independent weekly published in Maputo.

Distinction between small and large players in the media market

In the terms of Article 24 of the Press Law, periodical publications which do not exceed a circulation of 500 copies, as well as materials and publications of limited circulation produced by state entities, companies, organisations, educational and research institutions may be exempted from compulsory registration, upon request to GABINFO.

In any case, registration is no more than a simple administrative procedure, and practice shows that those requesting it have received their certificates of registration within five days, with no costs involved.

Since the publication of the Press Law in 1991, GABINFO has registered almost 340 media titles and designations, including radios, televisions, newspapers, magazines, bulletins and other print publications. As Luisa Diogo, the Prime Minister, emphasised at the official ceremony to launch the joint revision of the Press Law in 2007, "these figures bear unequivocal witness to the stimulus given by the law to the free exercise of the right to create press organs and other publications"³⁸.

Article 6 of the Press Law determines that information media can be owned by the state sector or be in cooperative, mixed or private ownership.

However, before the activity is authorised or licensed, the proprietary body has to be constituted in accordance with the model that the parties intend. With the reform of the Commercial Code, the commercial registration of businesses was simplified. According to the Code, business activity can be conducted by a company that is unipersonal or constituted by various people (limited liability or shareholder companies). There are no constraints on the constitution of companies as legal bodies. An analysis of various statutes shows a trend towards setting up media organisations in the form of private companies, whether limited liability of shareholder, or as cooperative societies, though this latter form is little used.

Clauses 1 and 2 of article 22 of the Press Law establish the conditions in which a registration request can be refused. These are “*when the requirements envisaged in the declaration or the legal prerequisites for operating are not fulfilled*”³⁹, and the law also makes sure that any refusal must be “*object of a substantiated dispatch that clearly explains the reasons for the refusal*”. According to GABINFO’s records, there has not been a single case of refusing registration since 1991. This finding shows that despite the authorising nature of the registration, in practice it has so far been limited to a simple act of communication, with the aim of providing information about the existence of a new organ.

In the case of refusal, the law grants a jurisdictional guarantee whereby the interested parties can appeal against the decision or contest it in the courts. But the Press Law reduces the time limit for appeal to 30 days, whereas the law on contested administrative procedures gives a longer period of 90 days for lodging an appeal to annul illegal administrative acts. The time limits should be standardized.

In general, one may conclude that the media registration regime is open, though with some criticisms.

1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental

The government approved a National Informatics Policy at the end of 2000 and an Implementation Strategy in 2002. The policy specifically states that ‘The State recognises and protects the right of citizens to have access to information and to knowledge spread by ICTs’ and adopts the principle of universal access. Internet service providers are not subject to licensing and just need to get formally registered for official record keeping purposes, with the National Institute of Communications (INCM). Listeners and viewers can access radio and TV channels via Internet, a technology that was introduced in 2003.

One area in the National Informatics Policy that could be considered a potential censorship threat as well as a defence of individual rights is a proposal in the policy to ‘Combat the violation of citizens’ rights and attempts against public order and social and cultural values, especially

pornography, abuse and violence against women and children via the Internet'. The Constitution forbids incitement to racial or ethnic hatred in any form.

In current practice, there is no legislation curbing freedom of expression on the Internet, and no restrictions (blocking or filtering) on access to sites or the publication of information on the Internet. It has not, so far, been necessary to test the limits of the Constitutional precepts. Neither the government nor individual ISPs apply any form of censorship as far as it is known. Many independent newspapers have websites (See Category V), and there is room on discussion forums and the like for criticism of both the government and political campaigning. There are no known cases of arrests or libel cases specifically related to material published on the Internet.

The basic telecommunications network infrastructure is managed and operated by Telecomunicações de Moçambique (TDM) owned entirely by the state. However, the ownership of infrastructure for complementary or value added services is open to both the public and private sectors.

Conclusions

The system for regulation and control of the media established in Mozambique is reasonably favourable to freedom of expression, and pluralism and diversity of the media. The principal legal framework, comprising the Constitution and the Press Law, is largely in line with international standards in this area – including the *Universal Declaration of Human Rights*, the *Declaration of Principles on Freedom of Expression in Africa* and the *Windhoek Declaration on Promoting an Independent and Pluralistic African Press* – although not in every respect. Among other things, the existing legal framework prohibits censorship, guarantees editorial independence and provides for protection of journalists' sources through the Constitution.

In recent years, the government has started to involve media professionals more in discussions around legal reform concerning their areas of activity, through their respective professional organisations. On the other hand, the media industry as a whole still lacks strong representative structures with the capacity to engage in policy and regulatory framework formulation processes, in line with the openings being offered.

Mozambique has made important progress in opening up space for the development of a community media sector, enabling the exercise of freedom of expression for inhabitants of rural areas and promoting development. At the same time, serious challenges remain to ensuring the freedom and editorial independence of the media, especially for community media.

Despite these positive developments, important constraints in terms both of the existing legal and policy framework, as well as of their implementation in practice, remain. Key issues are as follows:

1. The Constitution states that Mozambique accepts and applies the principles of the United Nations and African Union Charters. However, it does not specify the precise status of these instruments in the domestic legal order, which gives rise to confusion among those tasked with interpreting and implementing the law.
2. The Constitution enshrines citizens' right to information, but does not specify the exact content of this right. Furthermore, although the Constitution states that this right should be regulated by law, no such law has yet been adopted by Parliament.
3. The licensing system for broadcasting, including management of the frequency spectrum, is under exclusive government control, and therefore lacks the independence and transparency required in this area by international law.
4. The Press Law provides for the establishment of newsroom councils, conceived of as platforms for democratic debate on editorial issues among journalists and editors. However, these councils have not been active in all media organizations.
5. The Constitution, the Press Law and a panoply of different legal provisions (including the Civil and Penal Codes, and the Law on Crimes against the Security of the State and the Law on State Secrets) limit the exercise of press freedom with the aims of protecting reputation and private life. Defamation remains a criminal offence, which is widely considered to be a breach of the right to freedom of expression. Taken together, the defamation laws are heavy-handed and poorly defined, and conviction can lead to imprisonment and heavy fines. As a result, they inhibit citizens from expressing their views and can lead to self-censorship in the media.
6. There is currently no legislation curbing freedom of expression on the Internet, and no restrictions (blocking or filtering) on access to sites or on the publication of information on the Internet.
7. The level and quality of media organizations' participation in shaping public policy regarding the media has generally been rather low and ineffective.
8. The law fails to distinguish carefully between media organizations, which are the means of disseminating information, and their proprietary or ownership bodies, and it is unclear which is subject to registration.

Recommendations

1. A law should be adopted to clarify the status of United Nations and African Union Conventions and Declarations in the domestic legal order.
2. A law on access to official information (freedom of information) based on the principle of maximum disclosure should be adopted. The Law on State Secrets and secrecy provisions in other laws should be amended to bring them into line with this principle.
3. The government and officials should respect the right of media outlets to editorial independence and, in particular, should refrain from putting pressure on the media in respect of their news and current affairs coverage.
4. Functioning and democratic newsrooms councils, to promote a more editorially sound approach within the media, should be re-activated or created in all media outlets and, in particular, in the public media.
5. Revisions to the Press Law should aim to harmonize it with the 2004 Constitution and international standards on freedom of expression. One area for revision is the need to recognize community media editorial staff as media workers.
6. The law on protection of sources should clarify whether the right to protect confidential sources might be lifted and, if so, under what conditions.
7. Efforts should be made to further strengthen media organizations, including the Media Companies Association, so as to facilitate their ability to participate effectively in processes of media law and policy reform. These efforts should include institutional capacity building programs and training on specific strategic areas of intervention.
8. The media as a whole, and broadcasters in particular, should put more effort into effective organization so as to be able to participate effectively in media reform initiatives, including the drafting of a future broadcasting bill.
9. An independent and transparent system for broadcasting regulation should be established. This requires revisions to the legislation governing the National Institute of Communications (INCM) so that it becomes more independent. This could be done, among other things, through the inclusion of a wider range of stakeholders in the governing structures of this body.
10. The excessive content restrictions contained in the Law on Crimes against the Security of the State and the Law on State Secrets should be repealed, along with the criminal defamation rules. Civil defamation laws should be amended so as to limit their scope to protecting individuals from false allegations of fact which damage their reputation, subject to appropriate defenses. Damage awards for civil defamation should be capped at reasonable levels.
11. The system of registration of the print media should be revised so as to ensure that it operates only as a technical registration system, with no possibility of registration being refused, perhaps apart from where the name chosen has already been registered by someone else. The confusion on whether media outlets or their owners should register should be eliminated.



Category 2

**Plurality and diversity of
media, a level economic
playing field and
transparency of ownership**

Key Indicators

A. MEDIA CONCENTRATION

- 2.1 State takes positive measures to promote pluralist media*
- 2.2 State ensures compliance with measures to promote pluralist media*

B. A DIVERSE MIX OF PUBLIC, PRIVATE AND COMMUNITY MEDIA

- 2.3 State actively promotes a diverse mix of public, private and community media
- 2.4 Independent and transparent regulatory system
- 2.5 State and CSOs actively promote development of community media

C. LICENSING AND SPECTRUM ALLOCATION

- 2.6 State plan for spectrum allocation ensures optimal use for the public interest**
- 2.7 State plan for spectrum allocation promotes diversity of ownership and content**
- 2.8 Independent and transparent regulatory system

D. TAXATION AND BUSINESS REGULATION

- 2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

E. ADVERTISING

- 2.10 State does not discriminate through advertising policy
- 2.11 Effective regulation governing advertising in the media

* Indicators 2.1 and 2.2 have been merged in this report.

** Indicators 2.6 and 2.7 have been merged in this report.

Category 2

Plurality and diversity of media, a level economic playing field and transparency of ownership

A. Media concentration

2.1 and

2.2 State takes positive measures to promote pluralist media and ensures compliance with these measures

According to Article 6 (3) of the Press Law, “based on criteria of public interest”, the state “(...) may determine ...forms of subsidy or support” to media organizations that do not form part of the public sector. However, the media sector as a whole has not yet taken much advantage of this legal opening, mainly owing to lack of adequate structures that can articulate the common interests of the industry with the government and other relevant public bodies, including the Parliament, in an effective way.

a) Limits to foreign capital and monopolies

Clause 5 of article 6 of the Press Law establishes that *“Only Mozambican institutions and associations and Mozambican citizens resident in the country, who are in full possession of their civic and political rights, may own mass media”*. Clause 6 of the same article states that *“If mass media are owned by companies organized as business corporations, the direct and indirect participation of foreign capital may only take place up to a maximum limit of 20 per cent of the capital stock”*.

There has not been much debate in Mozambique about this limitation on foreign capital in the domestic media industry; however, there are rumours that the 20 per cent quota has led to frauds, with Mozambican citizens offering themselves as front men, taking ownership of media organisations that are established with foreign capital. Their names replace those of the real investors.

As for the question of avoiding the rise of monopolies or cross-ownership in the media, clause 8 of article 6 simply states that *“In order to ensure the right of citizens to information, the State shall follow an anti-monopoly policy, avoiding concentrated ownership of the mass*

media.” However, the legislator does not say how such concentration will be avoided, and there is no regulation on the matter.

In any case, Mozambique does not yet have cases of monopolist media groups, other than the SOICO Group, a company that emerged in 2001 and owns three media organs: STV (television), SFM radio and the “O País” newspaper. It is followed by the Mediacoop Group, which in 2009 added a commercial radio, Radio Savana, to the publications it has owned since the early 1990s, namely the “Savana” weekly and the daily “Mediafax”.

b) Government’s ability to monitor and evaluate the consequences of media concentration

The three media organisations under SOICO Group (STV, SFM Radio and “O País” daily newspaper) share the same newsroom and editorial staff. Under the guidance of the same editor-in-chief (Director Executivo Editorial) SOICO’s editorial staff produce and disseminate the same main news and current affairs services and in-depth interviews to their readers, listeners and viewers. This represents a real threat to media diversity and the making of public opinion, with three different media organizations merged within the same company offering simultaneously the same media content to large numbers of viewers, listeners and readers. While the Press Law lacks adequate provisions to limit the influence which media concentration may have on framing public opinion based on media concentration, the government has not yet shown ability to monitoring and evaluating the consequences of such an undue situation.

c) Transparency of ownership

The Mozambican Press Law allows the State to hold shares in media companies other than those defined in the law as belonging to the public sector¹. This is how the State is the “overwhelmingly majority”² shareholder in Noticias SA, a company that owns the following publications:

- *Noticias*, the biggest national newspaper.
- *Domingo*, the only Sunday newspaper.
- *Desafio*, the only newspaper dedicated to sport.

The main shareholders in Noticias SA are the Bank of Mozambique (the central bank), the Mozambican Insurance Company (EMOSE) and the Mozambique Petroleum Company (Petromoc) which refines and distributes fuels. It also includes a few small “historical” shareholders in minority positions, such as the João Ferreira dos Santos company. As the report by AfriMAP and OSISA on Democracy and Political Participation in Mozambique

1 Cf. Clauses 1 and 3 of the Press Law.

2 T. Mario, *op.cit.*, p. 15.

highlights, “the shareholder structure of Noticias SA reveals that despite not being defined as a state body, it is the State and its ramifications that hold almost all its shares”, of which the Bank of Mozambique holds 42 per cent³.

It is worth noting in this respect that the Statutes of Noticias SA⁴ do not show the names of the shareholders, while the Press Law determines that all the shares in shareholder media organisations must be nominative⁵. Following questioning of the company’s ownership during a television debate in August 2009 about media coverage of the general elections in October that year, the weekly “Domingo” wrote in an editorial that “the majority shareholder (of the company) is currently the Bank of Mozambique, with around 30 per cent or so”. The editorial did not identify the other “state” shareholders, thus maintaining a degree of secrecy about the real proportion of public capital involved in the company⁶.

The issue of lack of transparency as to the identity of the proprietors of some media organisations in Mozambique seems to extend to the private sector: in January 2008 the local press published a news item informing of an agreement made by a Portuguese businessman, Pais do Amaral, to purchase 60% of the shares in Televisão Independente de Moçambique (TIM), owned by the Mozambican Bruno Morgado. The news, published by “Mediafax” and reproduced in various electronic newspapers and blogs, was confirmed by the Mozambican entrepreneur⁷. This deal, if implemented, was a violation of clause 5 of article 6 of the Press Law (see above), which limits the participation of foreign capital in domestic media companies to 20 per cent.

Box 2.1. Transparency of ownership

- “1. In media organisations (...) established as incorporated companies all shares must be nominative.
2. The list of owners of shares in media organisations, the amounts, and the indication of publications belonging to them or to other bodies with which they have a relationship as a group, must be published every April in all the regular publications of which the companies are owners (...) and sent to the High Authority for the Media.
3. Media organisations are obliged to insert their reports and accounts in their regular publication with the highest circulation by the end of the first six months every year, showing the source of the financial movements derived from their own or third party capital”.

Article 16 of Law 1/99, of 13 January 1999 – Portuguese Press Law.

3 Op. Cit. p. 63.

4 Statutes published in BR n°25, III Series, 4th Supplement, 10 April 2007, pp. 45-48; and corrected by BR n°25, III Series, 2nd Supplement, 22 June 2007, p. 32.

5 Clause 7 of art. 6 of the Press Law.

6 “Domingo”, edition 1440, 23 August 2009.

7 See Mediafax, 24 January 2008, reproduced in the blog:
http://macua.blogs.com/mocambique_para_todos/2008/01/empresario-portu.hotmail.

In view of these facts, the proposed revision of the Press Law is welcome in that it eliminates the ability of the State to “acquire shares in media that are not part of the public sector”⁸. An additional recommendation would be that both the revision of the Press Law and the future Radio and Television Law include the principle of transparency of ownership of media organisations through regular publication of the list of shareholders, particularly where there is public capital, in the terms of the Declaration of Principles on Freedom of Expression in Africa and good practices around the world, as for example in the Portuguese Press Law (Box 2.1).

B. A diverse mix of public, private and community media

2.3 State actively promotes a diverse mix of public, private and community media

The judicial and legal framework in force in Mozambique as a whole, and the general political environment of tolerance and openness, are favourable to the emergence and co-existence of diverse forms of media, identified by their forms of ownership, editorial policies, management systems and main economic sources.

The pluralist and diverse media environment in Mozambique is characterized by the existence of over sixty local non-profit radio and television stations, including community radios and community multimedia centres, controlled by civic organizations, religious institutions and the State. In addition, the public radio and television services include two separate companies, RM and TVM, the former being most prominent due to its territorial and population coverage and efforts to decentralise its provincial stations. The commercial broadcasting sector comprises six radios and seven television stations. There are around thirty print publications, including conventional newspapers and magazines as well as fax and electronic publications.

The Information Policy and Strategy approved by a Resolution of the Council of Ministers in 1997⁹ defined objectives and priorities including improving citizens’ access to the media, particularly in the rural areas, and promoting communication for development and community media initiatives.

In this context, the Strategy proposed to prepare legislation that would provide a legal framework for community radios, and the creation of fiscal benefits for the production of newspapers and magazines. Although it has not been fully implemented, the government still considers the Policy and Strategy to be valid, and aims to continue its implementation.

⁸ Office of Information: www.gabinfo.gov.mz.

⁹ Resolution 3/97 of 18 February, Council of Ministers, 1997.

The Absolute Poverty Reduction Plan (PARPA II) for 2006-2009 explicitly recognised the strategic role of the information and communication sector for the exercise of citizenship rights and participation in building the democratic state. As stated in the document, *“the government is aware that the right to information constitutes one of the fundamental components of the exercise of citizenship and participation in building a democratic state. Given that the democratic rule of law involves public debate and decision making, and the free circulation of ideas and opinions, information and access to information - for example about public accounts - and regular dialogue between local governments and civil society encourage transparency and reinforce good governance”*¹⁰.

Thanks to the protections provided in the Constitution and the Press Law, Mozambique has witnessed since 1992 the emergence of a pluralist media sector, including private newspapers with different editorial policies, a public radio broadcasting service that is in the process of decentralisation (Radio Mozambique) and a dynamic community media sector, essentially in the area of radio broadcasting.

Independent newspapers emerged from 1993 onwards, including in some provinces, based in small companies that were directly managed by the editors. Despite limited circulation and serious problems of distribution and sustainability, as mentioned above these publications have stimulated a national debate around the themes of democracy and governance.

Radio Mozambique has similarly been consolidating its position and social role as a credible provider of the public radio broadcasting service, with programming that is generally balanced and directed towards responding to the interests of a national audience with different interests and concerns. The role of RM in crucial processes such as civic education about elections, the fight against HIV/AIDS or warnings about natural disasters has been recognised in different fora and studies¹¹.

In parallel with the conventional media, a community-based communication sector with varying ownership and management models has gained visibility since the late 1990s, with the opening of community radios owned by the Catholic Church, followed by a wave of other stations opened by civil society organisations with the support of different national and international partners including UNESCO, UNDP and the European Union.

2.4 Independent and transparent regulatory system

As referred to earlier (see sections 1.6 and 1.7 above), the allocation of licences is under the exclusive control of the government, through the National Institute of Communications (under the Ministry of Transport and Communications) and the Information Bureau (under the Prime Minister’s Office). However, considering, for example, the diversity of ownership regimes and

10 Absolute Poverty Reduction Plan (PARPA II 2006–2009), approved by the Council of Ministers in May 2006.

11 Moçambique: Democracia e Participação Política – Um Relatório publicada pelo AfriMAP e pela Open Society Initiative for Southern Africa 2009. Johannesburg/Maputo, August 2009, p. 61.

how they reflect different interest groups within society, it can be seen that there are radio stations that have formal links with political parties, including the opposition, such as Radio Terra Verde, owned by Renamo. Frelimo, the ruling party, also has a radio, Radio Indico¹². The Media Women Association (AMCS) also owns a community radio station- Radio Mtyana, based in Hulene, a Maputo suburb .There are also radios supervised by different religious faiths, namely 12 by the Catholic Church, and two each by Protestant churches and Islamic congregations respectively.

This fact alone, though a source of controversy, bears witness to the existence of a diverse mix of public, private and community media in the country¹³.

Regarding pluralism and diversity in radio broadcasting, access to frequencies has been open to all sectors since the end of the state broadcasting monopoly in 1993, and no complaints about discriminatory treatment have been recorded to date by the Supreme Media Council (CSCS). The table below (Table 2.1) illustrates the pluralist landscape of over 60 existing radio stations (state/commercial and community), excluding Radio Mozambique (public radio), as a result of the opening up the frequency spectrum to a diversity of ownership formats.

Despite this positive picture, the fact that the process of press registration and radio licensing is the same for all the media, including community media, is a source of constraints. A first difficulty faced by the local communities in the districts is finding out about the requirements, and the second is organizing and photocopying all the documents and ensuring their arrival at Gabinfo, which centralizes the registration process in Maputo. The process is relatively easy to follow and the government does not charge any fees, but there are indirect costs incurred when preparing the documentation, such as for notarizing documents or obtaining the police record of the proposed director. Obtaining the police record, which is finalized in Maputo, is a major obstacle for small grassroots civic organizations based in districts and municipalities. These obstacles are usually only overcome with the help of cooperation partners or FORCOM.

The National Institute of Communications (INCM) is the regulatory body for the telecommunications sector, subordinated to the Ministry of Transport and Communications. It is responsible for controlling the spectrum and allocating frequencies, as well as for inspecting the radios that have been authorised. It charges an annual tax to all operators.

In the absence of specific legislation on community media, the licensing process takes place with no differentiation or positive discrimination, a situation that once again ends up penalising the community radios since they are supposed to ensure technical conditions

12 Radio Indico is owned by the Association of National Liberation Struggle Combatants, the members of which are Frelimo militants. Information available at: www.radioindico.co.mz.

13 The Technical Working Group reviewing the Press Law has however proposed that political parties and trade unions be prohibited from possessing radio and TV stations, a position that seems to be in line with the best international practices, as a way to prevent high asymmetries in terms of diversity of opinions with "voice" in such strategic media like the audiovisual.

identical to those of a professional radio station. The INCM has taken one-off decisions to reduce the annual tax charge for community radios, but in the terms of current legislation and regulations it cannot exempt them from these payments, which even reduced are a financial burden on the smaller radios.

The enthusiasm aroused in civil society by the end of the state monopoly on broadcasting, linked to the absence of criteria for ensuring that the bodies requesting frequencies possessed financial resources and other conditions for sustainability, forced the government to cancel licences allocated to individuals and institutions that were seen in the meantime to lack the resources for starting up¹⁴. Thus in 2005 Gabinfo announced the cancellation of six broadcasting licences belonging to bodies that had held them for over ten years without using them¹⁵.

2.5 State and CSOs actively promote development of community media

The Information Policy and Strategy of 1997 proposed the preparation of a specific law on community radios, including the establishment of fiscal benefits. Although it has not yet been implemented, the government considers the Policy to remain valid and aims to continue its implementation¹⁶.

Government strategies for accelerating rural development outlined in PARPA II included: *“the strengthening of the associative movement and local and/or community grassroots organizations, and the promotion of horizontal communication”* (our emphasis), a concept that obviously includes community or local radios and CMCs.

However, though provided for in the Press Law, there have never been any incentives for community media (eg preferential tax rates, subsidies or investments). In the current political climate, such investments could be understood as a tactic leading towards governmental control, contrary to the legislator’s original intentions. The creation of such incentives would therefore have to be based on objective criteria and defined with the direct involvement of the interested parties.

A percentage of the taxes charged on telecommunications operators is currently channelled to a Universal Access Fund, but this fund is being used to bring telephony and ICTs to the districts, and not for investments in community media.

14 The Press Law (line c. of clause 4 of art. 19) determines that the bodies requesting the registration of a media organisation must provide information about the source of the funds making up their capital and the financial resources required for management. However, the lack of mechanisms for confirming the information makes this requirement ineffective.

15 http://www.gabinfo.gov.mz/downloads/orgaos_registados/radios_televisoes.xls.

16 Director of GABINFO, Felisberto Tinga, interviewed for this research on 13th of August 2009 in Maputo.

Outside the national legal and institutional framework, some local governments have given assistance and supported community radios through providing installations, fuel for the generator and other benefits.

Thus it could be said that the State, while not raising barriers to the development of community media, has also not provided special facilities for this media sub-sector.

Apart from the community and/or rural radios and televisions under the wing of Institute for Social Communication (ICS), which benefit from State budget allocations, the main supporters of the community radios have been civil society organisations such as FORCOM, foreign NGOs and external bilateral cooperation partners and United Nations bodies. It is they who have been the investors in establishing the radios, from equipment to training and monitoring, and it is they who have contributed most to sustainability through using the community media services, such as sponsoring specific radio programmes or funding local programme production.

One key problem faced by community media in Mozambique is the unclear status of community journalists. The Press Law, which rules the activities of all media, defines as journalists *“any professional dedicated to investigating, collecting, selecting, elaborating and publicly presenting events in the form of news, information or opinions, through the mass media, and for whom this activity constitutes his or her main, permanent and remunerated profession”* (Article 26) – our emphasis.

Considering that the majority of community and local radio journalists are voluntary collaborators, it is clear that they do not meet the legal requirements for enjoying the status of journalists and therefore enjoying the rights and duties defined in the same law. So far, it has been tacitly accepted that they are also covered, but this tacit understanding has not yet been tested in the courts. This has implications for the ability of community journalists to work freely and for their protection as well as that of their information sources.

Neither the draft revision of the Press Law nor the early draft of the Radio and Television Law includes an adequate statement on the future status of community media and their journalists and collaborators, recognizing their rights and duties as for any other professional. As the discussions and consultations will continue, especially around the Radio and Television Law, the issue is not yet closed and the government has not taken a final position¹⁷.

It is thus striking to note that almost half the country's 128 districts now benefit from a local or community radio.

With the exception of the stricter religious radios, dedicated to preaching faith, all the radios currently considered as “community” radios give priority to programmes geared towards development topics, social inclusion and civic education. Their strong points range from

women's and children's programming to programmes on agriculture, health, culture and other topics, either produced locally or received readymade in Portuguese from a client at national level that buys airtime – e.g. an NGO, a ministry or an international organization - and translated for broadcasting in the local languages.

National campaigns, for example on vaccinations, the change of the national currency, education and mobilisation for participating in elections or children's rights, make heavy use of the community radios, aware that they will reach more people through them, especially in the rural areas. Local research carried out at different times and in different places demonstrates that the vast majority of the local population listens to the radios, with the most common complaint being that the radius does not reach all the inhabitants of the area¹⁸. "It is often thanks to the community radios that the communities gain awareness of the importance of protecting the environment, of the common good, and of measures for preventing cholera or for producing more in a given area of land. During the agricultural marketing season these radios help the peasants to negotiate with the traders to get better prices for their produce", says Celina Henriques, press officer for the Sofala Provincial Government¹⁹.

In terms of management models, many radios choose to create consultative or management committees made up of representatives of different sectors of the local community, who work side by side with the "owners" of the radio to advise, criticize and defend the interests of their sectors. These committees can play an important role in preserving the radio's democratic and participatory spirit and in ensuring the radio's accountability to the community. However, it should be noted that they sometimes become unbalanced due to lack of representativity and start favouring one or another sector, for example the local government or the strongest local leaders.

The National Community Radio Forum (FORCOM), a Mozambican NGO, was created in 2004 as part of the community radio sustainability strategy designed by the UNESCO Media Project, and currently has 38 community radios from all the provinces as members, some run by local civic associations and others by churches. The members broadcast in a total of 18 national languages in addition to Portuguese (the official language).

FORCOM coordinates and promotes the interests of its members, representing them in national debates, doing advocacy, organizing training courses and seminars, and negotiating contracts for the production and transmission by its members of specific programmes, thus contributing to their growth and sustainability.

It is a fair inference from this summary that the community media movement is on the rise, quantitatively and qualitatively. The role of community radios is increasingly recognized both locally and nationally, their number is growing by the year, and the introduction of ICTs is

18 Various studies carried out by UNESCO and others, eg: Relatório de Avaliação Final do Projecto de CMCs UNESCO/MCT/SDC, 2007; Communication for Empowerment in Mozambique, UNDP/UNDEF, 2008.

19 Celina Henriques, interviewed for this research in Beira, July 2009.

Box 2.2. Community Media in Mozambique – a historical overview

With the exception of Radio Mozambique, which officially covers around 90 per cent of the country at night, it is highly possible that the community media taken as a whole reach more citizens than all the conventional print and audiovisual media put together. The print media's outreach outside the cities is minuscule, and while TVM is expanding to the district capitals, it only has a radius of a few kilometres and reception is dependent on having access to electricity.

Community media, essentially the community radios as community-based print media are virtually non-existent, have in addition the advantage of using local languages, meaning that their content is more accessible to large numbers of people than that of the national radio and television channels broadcasting in Portuguese or of Radio Mozambique's provincial stations broadcasting from another region.

However, it is important to clarify what we mean by community media.

The question of control or ownership is an important, though not sufficient, condition for defining community media. They must also be integrated into their communities, whether geographical or communities of interest, and reflect them faithfully. In other words, community media should remain independent from external interests, whether commercial or political, and have a duty not only to promote local participation but to find ways of being accountable to their communities. It is not enough to report on civil society activities, the media must itself be an active member of civil society.

At the same time, the term "community" can be problematic, particularly in the case of a geographic community. In Mozambique, for example, it would be difficult to say that a district, as an administrative unit, is equal to a single community, since the district obviously contains various population groups, interests, language groups, traditional structures, etc, and its inhabitants often live in scattered settlements.

Nowadays people speak of "communities" with great facility, as if they were homogeneous groups, all similar to one another and enshrining the spirit of democracy and equality. This serves to obfuscate some less than democratic leaderships, the marginalization of women and other forms of discrimination. An additional complication is the lack of legal recognition of a

community: without a legal personality, no entity can be registered as the owner of anything^a.

In view of the problematical question of representativity and legitimacy, in Mozambique's experience a workable criterion has been ownership by grassroots or civic organizations that are legally registered and that can be considered to be representatives of the interests of the communities in which they are integrated.

The definition of community media that has evolved in Mozambique is relatively open, and in its practical application has been taken to cover all media based in a rural or suburban area and that are not explicitly government/state-owned or commercial. The definition has thus included local or rural media owned by public bodies or religious institutions.

In this perspective, the broader and more far-reaching definition accepted by the World Association of Community Radios (AMARC) becomes more appropriate. It seeks to define community radios according to the different specific characteristics recognized internationally, in the following terms:

"Community radio, rural radio, cooperative radio, participatory radio, free radio, alternative, popular or educational (...) When a radio promotes citizens' participation and defends their interests, when it reflects the tastes of the majority and produces good humour and informs truthfully; when it helps to resolve the thousand and one problems of daily life; when all ideas are discussed in its programmes and all opinions are respected; when cultural diversity has primacy over commercial homogeneity; when women are the main forces in communication and not only pretty voices or advertising attractions; when no form of dictatorship is tolerated; when the words of everyone can be aired without discrimination or censorship; that is a community radio"^b.

Whatever the case, it is legitimate to say that the local journalists who work with community or local media have suffered the same kind of difficulties and constraints on their activities, regardless of the nature of the media's official owner. At the same time, the available data and statistics on "community media" tend to be grouped together and discussed in the light of the broad definition given above. Thus, for the purposes of this study AMARC's broad definition has been adopted,

a The only case of legal definition was in the Land Law, where Article 1 formulated a definition of "local community" for the purposes of that law (Law 19/97 of 1 October).

b http://www.amarc.org/index.php?what_is_community_radio?&l=EN, accessed on 25 August 2009.

highlighting cases of differentiation where necessary. Furthermore, when referring to community media the study will essentially be speaking of community radio stations.

1. From Collective Listening Centres to Community Radios

At the time of Mozambique's independence in 1975, the State inherited private radio stations which were fused into a single state entity, Radio Mozambique. The State also inherited a tradition of using radio as a political weapon for information, mobilization and propaganda, originating in the period of armed national liberation struggle when the Mozambique Liberation Front (FRELIMO) had its own radio in Tanzania. The radio was listened to clandestinely in most of the country, and openly in the areas that had already been freed from the Portuguese colonial administration.

During the first years of independence, when the country was led by a one-party regime, there was no political space for creating private or community media. However the government, aware of the role of communication in rural areas and with the support of UNICEF, created a Mass Communications Office (GCS) with the mandate of establishing communication centres in the communal villages and collective production centres in the countryside.

These centres, known as Collective Listening Centres, functioned with extremely basic technologies, broadcasting their news through a loudspeaker system in a radius that barely covered the village. The centres' programming was based on local news and development messages on health, education and agriculture, in addition to information on local events and work programmes. Notwithstanding their weaknesses, these centres provided the first opportunity for the rural population to learn and use some communication techniques, though the content primarily reflected government and party policies.

Later on, still in the 1970s, the figure of "people's correspondent" was created. In addition to providing information for their centres the correspondents would send items to the provincial stations of Radio Mozambique and to the national press through the GCS provincial offices. The stories were handwritten and sent through people travelling or bus drivers.

Evolving from this process, in 1984 the GCS (later transformed into the Mass Communications Institute – ICS) established its first "community" radio in Xai-Xai, capital of Gaza province in southern Mozambique. In this way, the concept of "community radio" managed by the State was born. However, with the spread of the armed conflict throughout the country in the 1980s and the consequent flight of the rural population to neighbouring countries or the cities, the communication centres and the rural network established by the GCS were effectively deactivated or destroyed.

The approval of the new Constitution in 1990, followed by the approval of the Press Law in 1991, enshrined the principles of freedom of expression and the press, and the right to information and to establish newspapers, publications and other means of dissemination. No less important for the community media was the principle of freedom of association, which opened the way to the creation of associations and non-governmental organizations, and thus to the emergence of an embryonic civil society. The legal regime for civic associations was established by Law 8/91 of 18 July 1991 (Law on Associations), which made it possible to found national, provincial and local associations with a minimum of ten members.

The press, radio and civic association legislation, combined with the end of the war in 1992 (consolidated by the general and multi-party elections of 1994), created the essential conditions for the start of a new era in the history of the media in Mozambique, and in particular the birth of community media. It was once again possible to travel to every corner of the country, while media owned by community associations could now be established. The political climate and the demands of post-war reconstruction were propitious for a renewed emphasis, now in a different form, on the relevance of communication for development.⁶

2. Fifteen Years of Growth

The Mass Communications Institute (ICS) was the first to expand its radio network from the 1990s onwards, working essentially in district capitals. It also expanded its range of activities, installing antennas for the local redistribution of the TVM signal in some radios, and in a few cases some television production capacity. It currently possesses a total of 36 radio and/or television stations in districts and in some provincial capitals, including those inherited from a Rural Radio and Television project (RRTV)

⁶ For more details on the history of radio broadcasting in Mozambique, see Mario, T.V., *Democratizar as Ondas: Lei da Radiodifusão*, Ndjira, Maputo, 2009.

that had been begun by the National Rural Development Institute (INDER), an institution linked to the Ministry of Agriculture that closed down in the late 1990s.

Various religious institutions also launched broadcasting activities, in particular the Catholic Church with eight radios, one of which – Radio Maria – has a network of eight repeaters in different provinces. Some evangelical churches own radio stations, such as the Assembly of God, the Reformed Church of Mozambique and the Maná Church, while the Islamic community has three radios.

Out of a total of 83 “community” radios, over 60 of which are based in districts and 22 of which follow the Community Multimedia Centre (CMC) model, only 31 can really be called community radios if one follows

the strictest definition, i.e. that they are owned by community associations. Most of these were established with the support of external partners, among which UNESCO should be highlighted for two significant projects: “Strengthening Democracy and Governance through Media Development” (eight radios established from 1998–2006) and a pilot project followed by a “Community Multimedia Centre (CMCs) Scale-up Initiative”, the first phase of which ran from 2004–2007 (12 CMCs created from scratch or through converting existing telecentres)^d. Other radio partners include UNDP, the Danish NGO Ibis, Austrian Development Cooperation and Oxfam-America.^e

It is thus striking to note that almost half the country’s 128 districts now benefit from a local or community radio.

d A second phase of this project is under way, and plans to install another six CMCs.

e Based on a listing of radios provided by the Government Information Office, July 2009.

taking shape through the CMCs and other initiatives. Nevertheless, community initiatives are facing difficulties and challenges at various levels, as can be seen in the analysis of the UNESCO Media Development Indicators.

C. Licensing and spectrum allocation

2.6 and

2.7 State plan for spectrum ensures optimal use for the public interest and promotes diversity of ownership and content

The national frequencies plan held by INCM is not in the public domain.

In order to ensure a broadcasting diversity, there is a clear need to ensure equality of opportunity in accessing the spectrum, in two ways: on the one hand, by defining a clear and fair frequency plan that is of public domain; and on the other, by establishing quotas of frequencies to be granted to each of the various sectors (public, commercial and community), based on criteria of public interest and equity. In addition to that, a supplementary regime may be established for crowded areas, in which frequencies for commercial broadcasters would be granted upon public tenders.

Article 29 of Decree 9/93, which regulates the conditions for participation of non-public bodies in radio and television broadcasting, determines that “Radio and television broadcasting by non-professionals shall be the object of a specific regulation”, but this regulation has not been drafted to date.

The regulatory system requires harmonization and simplification of procedures, through establishing an independent broadcasting regulatory body, responsible for equitable spectrum management and for mediating conflicts among the various operators.

The digital migration policy challenge

All nations should respond to a new technological challenge by the year 2015; this is the transition of broadcasting from analogue to digital systems. The benefits are enormous, but the financial costs implied are also important, both for the broadcasting operators and for the consumers.

The broadcasting equipment used by radio and television operators, and the radio and television sets currently used by listeners and viewers, are not able to transmit or receive digital signals. So there is an additional cost that must be borne in the transition to digital television.

The operators will have to acquire new transmitters. The consumers can keep the receivers in use but must acquire conversion equipment to receive the digital signal and convert it into analogue before sending it to the receiver. This equipment is known as a "set-top-box" (STB). The STBs available on the market in the first half of 2008 were priced at about US\$75, which is more than the statutory minimum monthly wage for Mozambican workers. It is therefore necessary for countries to adopt measures to reduce the financial weight on citizens arising from the transition from analogue to digital broadcasting.

A further question posed concerning digital transmissions is the need to abandon the model whereby each operator assembles its own transmission network. To obtain benefits from the digital system, it is highly recommended that only a few companies should exist that are dedicated exclusively to the activity of multiplexer and the transmission of programmes. The current radio and television operators would be responsible for producing content and sending it to the multiplexer and transmitter operators, who will in turn take responsibility for the local, regional or national broadcast of this content.

However, all main broadcasting companies in Mozambique, both public and commercial, have been conceived and constructed as "self-sufficient" entities, comprising from transmitters assembling to vehicles repair facilities and studio carpenters, altogether comprising of hundreds of non-editorial and non production essential staff whose future need to be carefully addressed.

Mozambique must, therefore, reflect on its strategy for responding to these enormous challenges and take the appropriate decisions with regard to the calendar for introducing digital broadcasting.

While the 12 Southern Africa Development Community (SADC) member states have set December 2013 as the deadline for the region to switch from analogue to digital broadcasting²⁰, only in November 2009 Mozambique launched the process for the development and implementation of its migration strategy, in an international conference held in Maputo.

In July 2008, the Ministry of Transport and Communications, through the National Institute of Communications (INCM), produced a Reference Document on the digital broadcasting migration process, which calls for the creation of a multi stakeholder Commission for the Implementation of the transition process. The Reference Document underlines that the transition process constitutes the most important challenge that the broadcasting industry faces presently and establishes the main guiding lines and steps that the government and other relevant stakeholders are expected to consider for the development of the transition strategy.

The following stakeholders are expected to integrate the Commission: the Ministry of Transport and Communications; the Ministry of Finance; the Ministry of Science and Technology, the Ministry of Trade and Industry; the National Institute of Communications, GABINFO, Representatives from the Media, in particular the Broadcasting sector and Consumers Representatives.

With this background information in view, it is envisaged that the Media and the Civil Society in Mozambique strongly and effectively participate in this process, namely through having a permanent seat in the Multi stakeholders Strategy Implementation Commission. By being actively involved in the process, Civil Society and the media should get prepared to and contribute for, among others, the following key general objectives:

- a) Disseminate information and promote public debates and awareness on the migration process and its implications.
- b) Assess the present economic and technical panorama of Community Radios and the potential economic and social impact that the migration process can produce on the subsector and other stakeholders.
- c) Ensure that the Government takes adequate fiscal measures to subsidize the cost of digital converters or STBs.
- d) Strategize for the production of local content.
- e) Identify the concrete benefits that will derive from the migration process.

This approach goes in line with the decision taken by the SADC Digital Broadcasting Migration Forum, in its meeting of August 2009 in Mauritius, which recommended the member states to, among others:

- a) Adopt guidelines on all major issues such as policy, legislative and regulatory, licensing and competition issues, technical standards, set-top-boxes, frequency co-ordination and consumer awareness and communications.
- b) Ensure that consumer education is implemented from the beginning until the end of the dual illumination period.

- c) Adopt time frames as a guideline for countries, especially those who are yet to commence the migration process.
- d) Ensure that the approach to the Digital Dividend Review should seek to address the social and economic benefits for consumer, especially with regard to universal access to quality broadcasting and other electronic communication services such as Mobile Broadband.
- e) Facilitate the development of the local content industry by imposing necessary obligations on broadcasting, introducing local content development fund taking advantage of existing opportunities within countries, including the existing Universal Service Funds²¹.

2.8 Independent and transparent regulatory system

While the process for administrative registration, licensing and frequency allocation of broadcast media is technically simple, it is not immediately clear in view of the many laws and institutions involved.

Five different legal instruments are in place regulating licensing and frequency allocation. The following are the main statutes that impact on broadcasting in Mozambique:

- Law N° 18/91 of 10 August 1991, which provides for the framework for registration and licensing the print and broadcast media and other matters.
- Presidential Decree N°4/95 of 16 October 1995, which creates the Government Information Bureau (Gabinfo), a technical advisory unit under the Prime Minister's Office.
- Ministerial Diploma N°86/98 of 15 July 1998, which establishes the organic status of the Supreme Council of Social Communication Media Council (CSCS).
- Decree N° 22/92 of 31 December 1992, which provides the legal and technical conditions for access to frequencies.
- Decree N°9/93 of 22 June 1993, which provides for the participation of private and cooperative enterprises in the broadcasting sector.

In a combined interpretation of the five legal instruments just mentioned above, an institution planning to initiate broadcasting activities in Mozambique is required to complete the following eight steps:

21 http://www.crasa.org/docs/Digital_Broadcasting.pdf.

1. Register the institution as a legal personae, under the Commercial Law or the Law of Civic Associations.
2. Establish the media outlet's editorial policy, in terms of the Press Law.
3. Produce a (technical) radiation study, establishing the media's coverage area, in terms of Decree N°22/92 of 31st of December 1992.
4. Obtain administrative registration from GABINFO.
5. Obtain a frequency from the Ministry of Transport and Communications, through the INCM, the institution that is responsible for approving the necessary technical conditions to guarantee adequate quality in the transmission of broadcasting signals.
6. Provide Information regarding the sources of income that constitute the capital of the media outlet, as well as the financial resources needed for its management; and information about the origin and nature of direct or indirect subsidies.
7. Get a positive "opinion" from the Supreme Council of Social Communication.

With the dossier above, obtain a broadcasting license, known as *Alvara*, from the Council of Ministers, based on a joint favorable recommendation from GABINFO and the Ministry of Transport and Communications, in the terms of Article 16 of the aforementioned Decree.

In the terms of Decree 16 of Decree N°9/93 of 22 June 1993, the Council of Ministers grants a broadcast license for a period of 10 years. These licenses are renewable.

According to section 18 of the same Decree, broadcasting entities must commence transmission within one year after the date of the granting of the license.

Although Mozambique has three main ownership models for radio and television, namely state/public, private/commercial and community, and though the National ICT Policy recognises this "3-dimensional" system, the law does not establish differentiated mechanisms for allocating broadcasting licences. At the same time, the whole process of registration and licensing involves different government bodies with scattered regulatory functions: GABINFO, INCM and the Council of Ministers.

If, in the terms of the drafts of the new Radio and Television Law, it is determined that frequencies are only allocated through public tenders, the development of the community sector could be affected, even if the tenders' terms of reference stipulate defence of the public interest. Due to their limited technical, financial and human capacity, small communities in the rural areas could face serious difficulties, first in finding out about the launching of the tenders and secondly in meeting the technical and bureaucratic requirements. It is therefore

Table 2.1.
Summary of state-public/commercial/local-community radios registered by type of ownership

Ownership	No.	Object	Obs.
ICS (State)	36	6	19 radios, 14 radio/TV, 3 TV
Religious	16	1	
Community	31	15	20 as part of UNESCO projects
TOTAL	83	22	
Districts with local/community radio	61	22	Almost 50% of the 128 districts

essential that the criteria safeguard the principle of equitable access to the frequency spectrum and reserve some frequencies for the community sector, in line with the provisions of the Declaration of Principles on Freedom of Expression in Africa and the African Charter on Broadcasting.

D. Taxation and business regulation

2.9 State uses taxation and business regulation to encourage media development in a non-discriminatory manner

Non-governmental organisations and associations have their own regime of taxation and exemptions (for example, VAT exemption), which is extensive to community radios and other initiatives. The government recently implemented a new tax regime for small taxpayers, seeking to bring informal sector businesses into the formal sector of the economy. However, most businesses in the districts still continue to be in the informal sector, and they all – not only the community radios – face sustainability problems and immense bureaucratic difficulties if they try to comply with the standard national tax and other regulations. The community radios, though charging for local, small announcements to cover their running costs, they maintain their non-profit nature.

According to a CSCS report published on the TVCabo portal, among the significant obstacles to robust and sustainable media growth are the value added tax (VAT), transport, customs duties and fuel costs, which contribute to the fall in advertising and inflict additional losses on the print media sector²².

The report also says that the high cost of air transport of newspapers and magazines, which are charged at the same rate as any profit-making goods, and the lack of efficient distribution systems down to district level, are the main factors in the low penetration and circulation of newspapers, which are almost all produced in Maputo for the other provinces.

Box 2.3. Transport costs of newspapers, taxation and public sector advertising

The airport and air transport charges are highly problematic. Apart from the very existence of an airport tax being questionable, the transport charges should be reduced. Air and land transport companies are governed by commercial principles, but there should be a principle that encourages the distribution of newspapers throughout the country. Currently, the small newspaper operations have great difficulties in subsidizing a uniform cover price for Maputo, Lichinga and Pemba. In comparison, fuel sales, which are partially controlled by public companies, have

Excessive tax burden:

For an emerging economy, in which companies do not yet have solid financial bases and there are high financing costs, a tax burden of 32% on profits is too high, and limits the companies in their capacity to retain profits for investment.

Specifically considering the media business, and taking the example of television, we think it is wrong to apply equal rates of customs duties on imports of TV equipment as working tools for the media and imports for commercial purposes, i.e. bought for resale: these situations should be differentiated, taking into account the public utility of television or radio. Another issue is that the average time for receiving payments in the

differentiated sale prices according to the place of purchase.

Regarding equipment, with the exception of projects channelled through the Investments Promotion Centre (CPI) there are no specific benefits for media purchases. Civil servants and holders of public office have more privileges than any media title. In these circumstances, the so-called public sector media benefit from a protectionist regime for imports and purchasing that gives them an advantage and creates unfair competition with the private sector – Fernando Lima, CEO of Mediacoop.

normal market is over 60 days, whereas tax obligations such as VAT and income tax deductions (IRPS) have to be paid within 30 days. This time gap has been a real problem, and is aggravated by the high financial cost of liquidity in our market.

The compulsory payment in advance of 80% of estimated tax, based on tax paid in the previous period, stifles financial management: in addition to the 32% on the profit of the current financial year, companies must disburse another 80% of the same profit, almost double the tax, thus providing funding for the State – Daniel David, CEO of SOICO Group.

E. Advertising

2.10 State does not discriminate through advertising policy

Officially there is no government policy to discriminate through advertising in detriment of the private media. However, due to a generalised belief that has no legal basis, according to which State advertising must be disseminated in the organ with the highest circulation – which is understood to be “Noticias”²³ – almost all the advertising done by public bodies is published exclusively in that newspaper.

An important source of advertising revenue provided by the State comes from announcements of public tenders for contracting construction companies for public works, suppliers of goods

23 The law regulating the Contracting of Public Works, Supply of Goods and Service Provision by the State (Decree 54/2006, of 13 December) has nothing to say about this, simply ordering in article 30 that “the announcement of the tender shall be disseminated through publication in the press, at least twice, and at the headquarters of the contracting body (...)”. At the same time, the lack of information from independent research on newspaper circulation in Mozambique raises doubts about the numbers quoted by each company, which are aimed at attracting advertising.

and services, various consultancies and studies and advertising job vacancies. In the opinion of Fernando Lima, chairman of the board of the Mediacoop group, channelling the largest slice of this type of advertising to a single newspaper has “skewed” the market, since “Notícias” alone gets 80 per cent of government advertising, giving it enough “oxygen” to be able to offer its space to state bodies at a price 50 per cent below market prices²⁴. In comparative law, the Portuguese Advertising Code contains a provision determining that a percentage of State advertising should be placed in local radios and the regional press, in quantities and on terms defined by government regulation²⁵.

The problem of state advertising is clearly hampering the development of private media. In addition to the lack of access to public sector advertising which limits private companies’ revenues, “Notícias” is able to charge prices below the cost of production: since the printing costs for a given print run are fixed, a large volume of advertising per issue at a lower price can increase revenue with smaller margins, without making a loss.

It is essential to publicise rules for the distribution of adverts, establish transparent processes and establish an independent supervisory body – Daniel David, the Director General of the SOICO Group.

In any case, the advertising market in Mozambique is extremely limited in terms of its ability to nourish a vibrant, diversified and pluralist press. Apart from the State, the market is dominated by the only two mobile phone companies, Mcel and Vodacom, which are fighting between themselves for the potential market of five million mobile phone users.

The State uses community radios to publicise its campaigns and activities, but due to lack of clarity, especially at local government level, the local authorities most times refuse to pay for services received. The regular payment of advertising would comprise an important financial support for the radios, and could be implemented without the need for additional legislation or regulations.

2.11 Effective regulation governing advertising in the media

The Press Law remits advertising issues to specific legislation²⁶. In response to this legal command, the Council of Ministers approved the Advertising Code as the regulatory instrument for commercial advertising, with the aim of “protecting cultural, social and economic values”²⁷. The definition contained in the very first article of the Code describes advertising as “any form of communication made by a public or private body within the framework of commercial, industrial, artisan or professional activities with the direct or

24 Comments by the chairman of MEDIACOOP, Fernando Lima, in the debate of 22 May 2009 on STV about journalists’ professional ethics.

25 Cf. clause 3 of art. 27 of Decree-Law 330/90, of 23 October.

26 Article 18, clause 4 of the Press Law.

27 Preamble of Decree 65/2004, of 31 December 2004.

indirect aim of promoting goods or services with a view to marketing or selling them, as well as the promotion of ideas, principles, initiatives or institutions”²⁸. The Code exempts political propaganda from this concept.

Five principles recognised in best practices and standard legislation on the subject lie at the heart of Mozambique’s advertising regime, namely:

- a) The principle of identifiability, requiring any commercial advertisement to be unequivocally identified as such to the public, and that in the case of being broadcast on television or radio it must be “clearly separated from the rest of the programming through a separator at the beginning and end of the advertising space” (cf. art. 6).
- b) Prohibition of subliminal advertising, classifying as such all commercial advertisements that are concealed or disguised.
- c) The principle of veracity, requiring that an advertisement is truthful and does not distort the facts related to the origins, nature, composition or conditions of purchase of the goods or services advertised.
- d) Prohibition of deceitful advertising, meaning the falsified presentation of the nature and characteristics of the goods or services advertised, including the price and methods fixing it or payment; ownership rights, etc.
- e) The principle of respect for consumer rights, including their health and safety.

The guidelines for advertising in the press promote transparency. However, the law should define sanctions and the bodies with powers to apply them. Fixing sanctions to which the general law does not allude cannot be left to the regulations. The proposed revision of the Press Law should therefore make mention of the regime for sanctions, leaving to the regulatory authority the technical aspects of applying them.

While the Advertising Code is wide-ranging and detailed, it is nonetheless very far from being minimally respected by the different advertisers, mainly due to the generalized lack of institutional capacity to ensure effective and far-reaching inspections in a market that is largely dominated by the informal sector.

In the specific case of radio and television, the principle of the unequivocal identifiability of advertising, presenting it separately from other programming, has been systematically violated, and the advertising, exhibition or sight of brands and products during informational or recreational programmes is common, with no separators or warnings to the public.

Within the legislative sphere, in May 2009 the Assembly passed the Law for Defence of the Consumer, an instrument which in the government's view does more than just introduce punitive measures, aiming to educate consumers about their rights and duties and the producers, suppliers and service providers about their obligations²⁹.

Conclusions

The media environment in Mozambique is characterized by the existence of over one hundred media organizations – radio, television and print media – with different types of ownership and editorial policies. This diverse panorama has resulted from media registration and licensing regimes that are relatively open and liberal. Newspapers only need to register administratively to be able to commence activities, whereas broadcasting requires a license that is allocated by a governmental body, namely the Council of Ministers.

The Government's proposal in the Information Policy and Strategy to prepare legislation that would provide a legal framework governing fiscal benefits for the production of newspapers and magazines is welcome. The law also establishes principles aimed at promoting pluralist media through prohibiting monopolies in the sector, although specific rules on this have not been promulgated. These rules also need to address the fact that SOICO Group media organizations (STV, SFM Radio and *O Pais* daily newspaper) disseminate simultaneously the same news and current affairs services as well as in-depth interviews.

Within the framework of its information policies, the State does not discriminate actively against community radios, but the lack of a policy of "positive discrimination" in their favor leaves small community initiatives struggling to follow the same procedures and regulations as the conventional media, which have greater economic and technical resources.

MISA and the SNJ have contributed to supporting community media in the districts, but more systematic action by the Supreme Media Council and others is required. There is, in particular, a need for raise awareness among government officials and others about the role of community media in promoting democracy and development. The evidence suggests that government openness and compliance with the law is greater at the national level than in the rural areas. Educational campaigns should, therefore, be directed particularly at the districts, along with national advocacy to promote the adoption of clear guidelines for local governments.

The law fails to set clear rules regarding transparency of ownership of the media. International standards suggest that transparency of ownership might be achieved through the regular publication of a nominal list of shareholders, but this requirement is not explicit in the Press Law.

29 <http://www.portaldogoverno.gov.mz/comunicados>

The question of public sector advertising has also given rise to debate, with complaints that the channeling of most public advertising to a single daily newspaper skews the sector and makes it difficult for smaller publications to survive.

Recommendations

1. The legal rule limiting foreign capital to 20 per cent of the shares of media outlets should be reviewed, considering the profound transformations in the world and regional economies, and the risk of fraud that this barrier creates, which is difficult to control in practice.
2. Specific and practical measures to prevent undue ownership concentration of media ownership, with a view to promoting media pluralism, should be put in place.
3. The law should require media ownership, both public and private, to be clear and transparent.
4. The law should establish a three-tier system of broadcasting, including public, commercial and community media. The system should ensure equitable access to frequencies for all three sectors. A frequency plan should be developed in consultation with all stakeholders and the plan, once adopted, should be a public document.
5. The law should explicitly recognize the community media sector, including community radios and CMCs. It should also provide for differentiated treatment for community media from the mainstream media, including in relation to licensing, taxation regimes, technical criteria and support.
6. The system of taxation, as it applies to the media, should be assessed with a view to creating a financial environment which is more conducive to the growth of the media sector.
7. Options for more equitable allocation of public advertising should be explored so that different media, including at the regional and local level, can benefit from this important resource. The media should be recognized as a key stakeholder in this process, along with representatives of consumers and other stakeholders.
8. A system for enforcing advertising standards more effectively should be developed, including a mechanism for the independent application of appropriate sanctions for breach of the rules.



Category 3

**Media as a platform for
democratic discourse**

Key Indicators

A. MEDIA REFLECTS DIVERSITY OF SOCIETY

- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organisations reflect social diversity through their employment practices

B. PUBLIC SERVICE BROADCASTING MODEL

- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.4 The operations of public service broadcasters do not experience discrimination in any field
- 3.5 Independent and transparent system of governance
- 3.6 PSBs engage with the public and CSOs

C. MEDIA SELF-REGULATION

- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 Media displays culture of self-regulation

D. REQUIREMENTS FOR FAIRNESS AND IMPARTIALITY

- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality
- 3.10 Effective enforcement of broadcasting code

E. LEVELS OF PUBLIC TRUST AND CONFIDENCE IN THE MEDIA

F. SAFETY OF JOURNALISTS

Category 3

Media as a platform for democratic discourse

A. Media reflects diversity of society

3.1 The media – public, private and community-based – serve the needs of all groups in society

The media has the potential to positively influence various aspects of social life. It can play an important role in building and sustaining the democratic system, good governance and the protection of human rights. It is at the same time a privileged space for the free expression of citizens' opinions; and it is also a platform for disseminating information and knowledge required for full civic participation in the political life of a community or country. The media can additionally have a major impact in monitoring and scrutinising public goods, facilitating or even pressurising the holders of power to be accountable to their citizens.

In order for the media to fulfil this potential, it has to operate in an environment that is free from the control of any political party or government. This is why the media community resists official attempts to regulate the sector so that it will act “responsibly”, and rather argues in favour of self-regulation. This is also why different regulatory regimes are established for the print media and the broadcasting sector, while specific responsibilities are attributed to the public radio and television sector. The opinions and interests of all sectors of society must be guaranteed space in which they can circulate freely, without fearing reprisals of any kind, within the framework of a diversity of editorial policies. In this perspective, this section analyses the profile and performance of the Mozambican media as a platform for facilitating democratic discourse.

Article 1 of the Declaration of Principles on Freedom of Expression in Africa considers that “freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy”.

The Declaration also emphasises that all citizens “shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination”.

Looking at the panorama of media in Mozambique, the diversity of their nature – radio, television and the print press - and the plurality of their respective ownership regimes

and editorial policies, it may be concluded that since the adoption in 1990 of a political system based on liberal democracy, the media have gradually emerged as a platform for the free expression of citizens' opinions and promoters of political participation and of the development agenda.

Community radio programming seeks to represent all interests, including those of minority or marginalized groups.

However, the degree to which these aspirations are achieved varies from radio to radio, as has been observed in field work and visits (see Box ... Sometimes the programming is not observed for lack of capacity and resources; sometimes the volunteers are not well enough prepared; and sometimes the public institutions do not make information available. Cases of weak management capacity are also frequent, resulting in disorganization and poor programme quality. The picture is so varied that it is difficult to extrapolate from limited pieces of fieldwork and feel safe in generalizing. Whatever the case, the public keeps a close eye on the quality and content of programming, and people do not hesitate to express their opinions in surveys and interviews. The following criticisms emerge, for example: *"they play music instead of providing information"*; *"they don't give space to the opinions of the opposition"*; or *"that journalist doesn't speak our language properly, he's giving a bad example"*.

Though women may not have access to the radio at home, they are able to listen to it in markets or other public spaces, and they contribute to the programmes through interviews. Some studies have found that they are more interested in the radio programmes than in using ICTs, since the programmes contribute directly to improving family living standards in the short term, by providing information and advice. The vast majority also use radio as a source of local and national information, and for communicating with relatives in the case of emergencies¹.

The direct participation of women as collaborators or journalists in the community radios is sometimes inhibited by family and social pressures: families may demand that they do domestic work or work that will generate income rather than working where there is no immediate financial return.

Another factor with increasing influence in the audiovisual media's thematic and programme choices is the incessant search for profit. Both public and commercial broadcasting media get most of their funding through income from advertisements as well as sponsorship from the private sector, heavily dominated by the country's two mobile phone companies, Mcel and Vodacom². One immediate consequence deriving from this monopolistic market

1 Macome, E., Cumbana, C. Estudo de Avaliação dos Telecentros de Manhiça e Namaacha após 3 Anos de Implementação, Maths and Informatics Dept, UEM, Maputo, 2002. Macueve, G., et al. *Women's use of information and communication technologies in Mozambique: a tool for empowerment?* in: African Women and ICTs: investigating technology, gender and empowerment, ed. Ineke Buskens & Anne Webb, Zed Books, London, 2009.

2 In 2008 Public funds covered up to 60% of RM and TVM overall budgets, according to information provided by the CEOs of both companies for this research in August 2009.

Box 3.1. The media and elections

During the lengthy electoral cycle of 2008/2009, which began with the third municipal elections in November 2008 and culminated with simultaneous presidential, parliamentary and Provincial Assembly elections in October 2009, the generalized effort by the media to give space to and reflect the different currents of opinion of a heterogeneous society, represented by a diversity of political parties, was striking.

Two examples stood out: Radio Mozambique and the commercial television stations STV and TIM, which opened their airwaves to specific programmes aimed at promoting open debates, on the one hand between the competing forces and on the other with the electors.

In the case of RM, “Jornal de Manhã”, the first news and feature magazine programme of the day (6-8 am), redirected its priorities to offer a comprehensive overview of the activities of all the competing parties and candidates without exception, and of the electoral bodies – the National Elections Commission and the Constitutional Council – throughout the country. RM’s provincial broadcasting network ensured national coverage, through contributions from local journalists complemented by the voices of different actors on the ground.

As part of the programme, a segment called Café de Manhã invited all the competing parties one by one to present their election manifestos live and to interact with electors on this subject. Café de Manhã is open to communication from listeners through multiple means, including land lines, mobile phones, text messages and e-mail. The simultaneous use of these means enabled an average of 10 listeners per 20-minute segment to express their opinions in public at national level or ask questions to the studio guest in Maputo or in a given

province. Some listeners also took advantage of the possibility of retaining anonymity. During the municipal elections, this possibility was extended to the 10 municipalities that existed at the time, the Presidents of which were interviewed live from their city or town, and could interact with their citizens.

With regard to the two television stations, the open debate programmes about the elections had a big impact: “Debate da Nação” on STV and “Debates Eleitorais” on TIM. Some of the STV debates had repercussions in newspapers and on radio stations, where the opinions expressed were both taken up and refuted. TIM in turn introduced an important innovation by organizing open debates from the provinces, thus giving an opportunity for political actors and local audiences to discuss how local problems are being reflected in the political agendas of the various parties and candidates running in the general and provincial assembly elections. These debates enabled “marginalized” sectors of society to speak out on issues that matter to them in their daily lives.

Apart from its “Diário da Campanha” programme and sporadic debates lacking innovation in the “Quinta à Noite” programme, the public television (TVM) continued to offer dreary and monotonous programming, to the point of being abandoned by a group of political commentators who used to analyse the key events of the week every Sunday in a programme called “A Semana”. In the middle of the election campaign in September 2009, the group decided to offer its services to a competitor, TV Miramar, to which it transferred, in protest against TVM’s decision to reduce the length of their programme from 30 to 15 minutes, allegedly to give space to the European Championship football matches.

is an increasing dominance of music and dance contest programmes using almost the same formats, although with different marketing names. There is growing public criticism about this, pointing to television stations’ excessive focus on youth, through commercial programmes with little or no socially relevant content, while certain segments of society such as women and old people have been largely ignored, or referred to in negative or paternalistic ways, as victims and/or “burdens” on society. This general feeling was expressed by the civil society organizations that took part in the II National Conference on the Third Age, organized in Maputo in August 2009 by the Ministry of Women and Social Action (MMAS)³.

3 Documents from the II National Conference on the Third Age. Ministry of Women and Social Action. Maputo, 26–27 August 2009.

National languages

The Press Law does not establish any requirements for media language policies, including for radio and television. However, it does establish “developing the use of national languages” as one of the main functions of the public sector media⁴.

As previously mentioned (See Chapter II), all the newspapers publish only in Portuguese, which is a fundamental constraint on access to information for the vast majority of the population, particularly among peasants and women.

The radio broadcasting sector, namely the public radio (RM) and the rural/community radios, have responded most effectively to this challenge: RM alone broadcasts in 21 languages (including Portuguese and English) every day through 14 channels:

- The national channel (Portuguese).
- Nine provincial broadcasting stations.
- Two urban stations (Radio Cidade Maputo and Radio Cidade Beira).
- Maputo Corridor Radio (in English, aimed at Mozambican communities in the neighbouring countries).
- RM Desporto.

Public television (TVM) still does not use national languages on its national channel, broadcasting only small news “flashes” in Sena, Ndau and Emakua from the local TV stations in Beira and Nampula respectively.

The absence of national languages on the national channel of TVM is one of the major weaknesses of the public television service, given their potential for increasing inclusion and public participation. It should be noted in this respect that the first experience of using national languages on Mozambican television was at a private television station, TV-Miramar, transmitting from Maputo in Xironga.

The use of national languages is reinforced by the more than 60 rural/community radios installed in the districts, which contribute to the inclusion of minority or “marginalized” linguistic groups. All community radios work in the languages spoken in their areas, and in some districts a single radio may use up to three local languages in addition to Portuguese.

3.2 Media organisations reflect social diversity through their employment practices

Recruitment practices and employment in the main media organisations, namely Radio Mozambique, Mozambique Television, Notícias SA, the SOICO Group and Mediacoop, show no and in the community radios and community multimedia centres (CMCs) show no evidence

of discriminatory practices based on ethnic origin, language or religion. This is also true of the community radios supervised by religious entities. However, the whole sector has a high gender imbalance among both journalists and management.

The most recent study on the presence of women in the newsrooms, entitled *Glass Ceilings: Women and Men in the Southern African Media*⁵, shows that *Mozambican journalism continues to be a “masculine” profession*, with three times as many men employed as women: 73 per cent and 27 per cent respectively. The study, published in Maputo in August 2009, notes that the proportion of Mozambican women journalists is also below the average for the SADC region, which stands at 41 per cent, and adds: *“There are no targets for achieving gender equality in the Mozambican media: not a single media organization was able to indicate a specific target for ensuring gender equality in line with the SADC objective of parity by 2015”*.

At the same time, according to the study, the low representation of women is even more dramatic at the three main levels of editorial and business management: the newsroom councils, the executive management and the board.

The limited representation of women in newsrooms and management could also be thought to limit their significance as an information source, an idea confirmed by the Basic Study on Gender and Media (GMBS) conducted by MISA and Gender Links in 2003: women constituted 15 per cent of news sources in Mozambique, lower than the regional average of 17 per cent and the global 18 per cent. In 2003 women in Mozambique constituted a notable 31 per cent of members of parliament, (36 per cent now), yet in the study women accounted for only 10 per cent of the politicians accessed as news sources⁶.

If Mozambique wants to achieve gender equality by 2015, the target set by the SADC, it will have to speed up the reform of its gender policies within the media, both through training programmes and by preparing the media to adopt and implement gender policies in the workplace and in editorial content. It is hoped that the media will additionally commit themselves to leadership training programmes for women, in accordance with the recommendations of the Gender Links study.

B. Public service broadcasting model

3.3 The goals of public service broadcasting are legally defined and guaranteed

In the terms of the Declaration of Principles on Freedom of Expression in Africa, public service broadcasting is described very simply⁷:

- Produced in the public interest.

5 Report available at: www.genderlinks.org.za.

6 http://preditor.genderlinks.org.za/assets/articles_attachments/10192_7_mozambique.pdf

7 Cf. Article IV of the Declaration of Principles on Freedom of Expression in Africa.

- Financed by public funds.
- Controlled by the public.

Public broadcasting must make efforts to achieve the following objectives:

- Diversity of programming.
- Serve as a forum for democratic debate.
- Promotion of culture.
- Provide the public with access to significant information in a non-restrictive way.
- Promote original production.
- Provide continuous public service.

The Declaration also states that public broadcasters should be governed by a board “that is protected against interference, particularly of a political or economic nature”.

Along the same lines, the African Charter on Broadcasting, adopted at the “Windhoek+10” Forum, a UNESCO-sponsored conference, establishes the following: “Public broadcasting is that which is done, financed and controlled by the public, for the public. It is neither commercial nor state controlled, and is free from political interference and the pressures from commercial sectors”⁸. The regulatory regime for public broadcasting in Mozambique is set out in three main instruments, as follows:

(i) The Constitution

“In public sector media, the expression and confrontation of ideas from all currents of opinion shall be guaranteed”⁹.

“Political parties shall, according to their degree of representation and to criteria prescribed by law, have the right to broadcasting time on public radio and television services”¹⁰.

“Political parties that have seats in the Assembly of the Republic but are not members of Government shall, in terms of the law and according to their degree of representation, have the right to broadcasting time on public radio and television services in order to exercise their right of reply and the right to respond to the political statements of the government”¹¹.

However, the right of reply and of political response to government statements mentioned here is not yet being exercised, since the relevant regulation is lacking.

8 www.misa.org/broadcasting/brochure.pdf.

9 Cf. clause 4 of art. 48.

10 Cf. clause 1 of art. 49.

11 Cf. clause 2 of art. 49.

(ii) Press Law

Article 11 of the Press Law defines the principles that guide the editorial actions of the public sector as a whole, establishing that their main functions are: *(i) To promote the access of citizens to information in the entire country; (ii) To guarantee impartial, objective and balanced news coverage; (iii) To reflect, in a balanced fashion, the diversity of ideas and currents of opinion; and (iv) To develop the use of Mozambican languages*¹².

Further on, the law establishes clear principles guaranteeing editorial independence in the following terms¹³:

“The mass media in the public sector shall carry out their duties free from interference by any outside interest or influence that may compromise their independence, and shall be guided in their activity by standards of high technical and professional quality”.

(iii) Election Law

The electoral legislation¹⁴ in turn establishes the terms of exercise of the right to broadcasting time on the public radio and television broadcasting services by competing candidates for the post of President of the Republic, political parties and coalitions during the election campaign.

In the four general elections (presidential and parliamentary) and three municipal elections that have taken place in Mozambique since 1994, all competing candidates and political parties have exercised their right to broadcasting time freely.

3.4 The operations of public service broadcasters do not experience discrimination in any field

The radio and television stations operating in Mozambique can be received through the DSTV satellite system or TVcabo cable system on a subscription basis, with no discrimination of any kind. In fact every radio and television station in Mozambique operating on open signal is simultaneously operating its own systems for distributing and receiving the signal (See details in Chapter IV).

3.5 Independent and transparent system of governance

In the terms of the African Declaration referred to above, the governance system of the public service broadcasters should be based on “a board which is protected against interference, particularly of a political or economic nature”.

¹² Cf. clause 2 of art.11.

¹³ Cf. clause 4 of art.11.

¹⁴ Cf. Art. 29 of Law 7/2007, on the election of the President of the Republic and the deputies to the Assembly of the Republic.

Public service broadcasting in Mozambique began in 1994, when the Council of Ministers approved two separate decrees transforming RM and TVM, which had until then been state bodies, into public service organizations.

In the current legal framework, the regulatory system that defines the governance system for broadcasting is fragmented among different bodies performing different functions:

1. The Council of Ministers, which appoints the Chairmen of the Boards of public companies.
2. GABINFO, which nominates two of the four members of the Board (administrators).
3. The Ministry of Finance, which nominates one administrator.
4. The staff of each company, who elect one administrator to represent them on the Board.
5. The INCM, which ensures the management of the frequency spectrum and is subordinated to the Ministry of Transport and Communications.

The CSCS, which *intervenes* in the appointment and dismissal of the director generals of the public sector media organizations.

The public broadcasting companies are managed by two main organs – the Board and the Council of Directors. There is also a Finance Committee, which supervises the legal probity of the company's actions and verifies its accounts. The board is constituted at the initiative of the government, and the chairman of the board (PCA) reports to the Prime Minister, with GABINFO acting as immediate supervisor and intermediary between the companies and the Prime Minister.

The Constitution gives the CSCS a rather unclear role in managerial appointments in the public radio and television companies, stating that it “**participate**” in the appointment and dismissal of the director generals of the public sector media organizations”¹⁵ (our emphasis). However, the provision says nothing about the form and extent of such intervention, remitting its regulation to an ordinary law that has not yet been approved.

As previously mentioned, the decrees creating RM and TVM as public companies give them administrative, financial and patrimonial autonomy. However, it should be noted that the content of these decrees does nothing more than reflect that of Law 17/91 of 3 August 1991 (the Framework Law on Public Companies), which establishes the general legal regime

¹⁵ Cf. clause 3 of art. 50 of the CRM. By using the term “Director General”, the CRM was the cause of confusion within the media as to who was actually meant. When RM and TVM were created as public companies their managers were no longer called DGs, and took on the title of Chairperson of the Board. In the public sector, only AIM and ICS are led by DGs, and some people consider that the CRM is therefore only referring to them. The CSCS regulation will have to clarify this confusion.

deriving from the transformation of former state enterprises into public companies. Within that perspective, whether regarding merely formal aspects or *modus operandi*, TVM and RM are similar to and function like any other public company, regardless of the specific nature of its social object.

The governance system of RM and TVM can thus be compared, for example, to the systems in place in the Ports and Railways Company (CFM) or Mozambique Airlines (LAM), both of which base their governance on the three bodies mentioned above: the Board, the Finance Committee and the Council of Directors (executives). None of these companies has any statutory method for interacting with the public.

As is normal in this type of company, RM and TVM are managed by their 5-member Boards, with a Council of Directors at the next level down, the members of which take charge of the daily management of the different operational areas. However, the Council of Directors is also chaired by the Chair of the Board (PCA) so there is no clear distinction between the executive and the policy supervisory bodies. In essence, the PCA functions like a Director-General, as it was the case when these companies were under direct government control as state enterprises.

Funding systems for the public radio and television services

The decrees creating RM and TVM as public companies give them administrative, financial and patrimonial autonomy, meaning that they are provided with powers to decide on the management of their own resources (human, financial and technical) and to make free use of their assets. However, as will be explained, the existing structural framework reduces this autonomy to the minimum.

In the words of the Banjul Declaration, “public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets”. This means that both Radio Mozambique and Mozambique Television should have their own budget lines, approved by Parliament. In the current legal framework, they are funded through budget allocations controlled directly by the Ministry of Finance. The funding is committed on the basis of Programme Contracts signed by each station with the government for 3-year periods. The Programme Contracts set out an agreement on the counterparts to the funding, requiring the broadcaster to provide a public service in selected socio-economic areas. Broadly speaking, these areas match the priorities set out in the government’s 5-Year Programmes¹⁶.

With regard to the tax system, only a radio tax has been instituted so far, paid through an additional charge on electricity bills and on using a radio in vehicles. The radio tax, charged in the monthly electricity bills, is collected by Electricity of Mozambique (EDM) and channelled

16 Cf. Programme Contract between the Government and Radio Mozambique. Maputo, December 2006.

directly to the Ministry of Finance. RM has neither control nor knowledge of the exact amounts raised annually by EDM through this system¹⁷.

No tax at all is charged for receiving the public television signal, which is striking considering that in principle the owners of TV sets represent the most privileged social classes in the country. Attempts were made in the past to establish a unified tax for radio and television, but for unknown reasons the study was abandoned halfway in 2006 and never resumed.

As for the independence of RM and TVM in the face of economic interests, it is important to emphasise that, deprived of adequate financial resources and in the absence of regulatory limitations, they both find themselves dependent on intensifying their commercial activities; however, their campaigns to attract advertising put them in competition with the private/commercial sector. Their commercial commitments carry within them a potential conflict of interest that could compromise the nature of their public service, though this has not happened so far. Armindo Chavana, the Director of Information at TVM, recognizes this risk: interviewed for this study, he mentioned the case of another public company that decided to withdraw its advertising from TVM in protest at news coverage containing information that was bad for its reputation¹⁸.

Due to the limited advertising market in Mozambique, both TVM and RM seek other forms of financial sustainability through partnerships with private and public companies that sponsor certain public interest programmes. One example is the sponsorship provided to TVM by the National Ports and Railways of Mozambique Company (CFM) for the production of *Ver Moçambique*, one of its most popular programmes, which reports on different themes from the districts. Mobile telephony is also exploited as a source of revenue, through the use of text messages to send comments on programmes or vote in different types of competitions, usually musical. Radio and television receive a percentage of the costs of the phone calls and texts, which is paid automatically through an electronic system.

The drafting of the first broadcasting law in Mozambique is currently underway, and it is hoped that it will provide clarification on how public broadcasting should be organised, including appropriate models of governance and funding, taking into account the recommendations of the 2002 Declaration of the African Commission on Human and Peoples' Rights on freedom of expression.

3.6 PSBs engage with the public and CSOs

As previously mentioned, there is no formal system for linkages between the PSBs and the public, even for channelling and responding to complaints or for purposes of accountability.

¹⁷ Information collected from the RM Board in September 2009.

¹⁸ Armindo Chavana, Director of Information of TVM, interviewed for this study on 24 July 2009 in Maputo.

The lack of a regulation in this field means that RM and TVM do not have any statutory mechanism for formal and systematic interaction with the public.

Nonetheless, both companies have taken some initiatives for engaging with the public, though not very systematically. RM has regularly sought to gather opinions and outside views on the trends in radio programming by organizing an event called “Seminars on Linguistics and Broadcasting”.

Although the main goal of the “seminars” is to bring senior managers and editors up to date on trends in radio communication in Mozambique and the region, their results have also been used to influence the preparation of new programme schedules¹⁹. RM has also consulted listeners, gathering opinions and criticisms on its programming and suggestions for forthcoming schedules, through phone-ins and text messages or live studio debates with selected groups of listeners and public figures. But these initiatives are voluntary and their conclusions and recommendations are not binding on the RM management.

TVM in turn, has even less systematically organised sessions for consulting the public on its programming, through the so-called “TVM Public Forums”. These are interactive sessions between senior managers and editors and invited members of the public, organized in February each year with a view to feeding opinions and suggestions into the new schedules. However, the sporadic and informal nature of these forums makes their recommendations ineffective, since there is neither monitoring nor feedback about their relevance and practical use.

Some civil society voices have recently expressed fears of a certain trend in the two public organs to give disproportionate attention to the ruling party, Frelimo²⁰.

C. Media self-regulation

3.7 Print and broadcast media have effective mechanisms of self-regulation

Article IX of the Declaration of Principles on Freedom of Expression in Africa proclaims that a system for public complaints about the media (print or broadcast) should be put in place, adhering to the following principles:

- The complaints should be settled in accordance with the rules and codes of conduct established by all the interested parties.
- The complaints system should be widely accessible.

¹⁹ Information from António Ndapassoa, Director of Programmes at RM for several years, interviewed for this study on 4 September in Maputo.

²⁰ One of the most critical voices is that of Machado da Graça, a journalist and former RM administrator (elected) for editorial matters. See: <http://macua.blogs.com/mocambique-para-todos/2009/04/radio-frelimo.html>.

- An independent body should receive and respond to the complaints;
- Any regulatory body created to decide on complaints related to media content, including the Media Councils, should be protected against political, economic or any other kind of interference. Their powers should be those of arbitration and conciliation, and they must not attempt to usurp the role of the courts.

Mozambique inherited a legislative model from Portugal that is strongly based on the codification of daily life²¹, and where there is very little space for recognizing the importance of the role of non-state, self-regulating bodies in the various professions. This system was not abolished following Independence in 1975, and in some cases was even strengthened in the context of the one-party State.

There is thus no experience of self-regulation in society in general. At the moment, complaints and grievances concerning alleged media excesses are usually sent to the Supreme Council for the Media (Conselho Superior da Comunicação Social, CSCS) which, while not a regulatory body, is by Constitutional decision a “disciplinary and consultative body” that ensures the independence of the media in exercising the right to information and press freedom, as well as the rights to broadcasting time and response²².

Sections 3, 4 and 5 of Article 50 of the Constitution establish the functions of the CSCS as follows:

Section 3

The Superior Council for the Media shall issue opinions prior to Government decisions on the licensing of private television and radio stations. (our emphasis).

Section 4

The Superior Council for the Media shall participate in the appointment and dismissal of directors-general of public media organisations, under the terms of the law. (our emphasis).

Section 5

The **law shall regulate** the organisation, functioning and other powers of the Superior Council for the Media. (our emphasis)

21 The Roman-Germanic justice system is based on substantive and procedural Codes in the Civil, Penal and Commercial domains. Information from António Ndapassoa, Director of Programmes at RM for several years, interviewed for this study on 4 September in Maputo. One of the most critical voices is that of Machado da Graça, a journalist and former RM administrator (elected) for editorial matters. See: <http://macua.blogs.com/mocambique-para-todos/2009/04/radio-frelimo.html>

The Roman-Germanic justice system is based on substantive and procedural Codes in the Civil, Penal and Commercial domains.

22 Clause 1 of Art.50 of the CRM/2004.

In terms of Article 36 of the Press Law, the CSCS regulates the ethical and professional conduct of the media, through seeking “rigour and objectivity in the exercise of professional activity in the press area”.

The Constitution and the Press Law repeatedly require that the CSCS act or issue opinions “according to the law”, which is supposed to describe in detail the powers and functioning of the organ. However, no such law has ever been enacted since the official launch of the CSCS in 1992, and so the Council’s deliberations and decisions are not based on clear and publicly-known principles and guidelines.

An Inter-Ministerial Diploma N°86/98 of 15 July 1998²³ lists the following broad functions of the CSCS:

- Ensure the exercise of the right to information and the freedom of the press.
- Guarantee the independence and impartiality of the media organisations of the public sector, as well as the autonomy of its professionals.
- Ensure the right of access to broadcasting by political parties, and the right to reply referred to in Articles 12 and 33 of the Press Law.
- Ensure respect of ethical norms by the media.

These “ethical norms” are not specified and the CSCS has not established any consultation mechanisms with journalists or approached them to discuss a code of conduct in which such “ethical norms” would be defined and agreed upon.

Article 3 of the Diploma deals with the powers of the CSCS in relation to public complaints:

- To investigate complaints made by the public in relation to the performance of any media organisation;
- To decide upon complaints about the right of reply and the broadcasting rights of political parties;
- To ensure that journalists comply with their ethical duties;
- To ensure compliance with regards to rules governing advertisements.

The 11 member body is composed of two members appointed by the State President – including the president of the CSCS; five members elected by the Assembly of the Republic, according to the strength of their parliamentary representation – presently (February 2010) three are Frelimo and two Renamo members. Three members of the journalism profession are delegated by their respective professional organisations, selected by the National Union of Journalists (*Sindicato Nacional de Jornalistas, SNJ*) through its Executive Secretariat and

23

N°86/98 of 15 July 1998. This was a joint Ministerial Diploma from the Ministries of State Administration, Justice, Labour and Planning and Finance, aimed principally at establishing the functions and administrative costs of the CSCS.

media enterprises or institutions are represented by one member, selected by the Association of Media Companies (Associação de Empresas Jornalísticas, AEJ).

Five important issues arise both from the Constitution and the Press Law, regarding the nature, powers and competences of the CSCS:

1. Concerning the organisation, functioning and other powers of the Superior Council for the Media: the constitution determines that a specific law be approved to regulate this – but such a law has never been approved for that purpose.
2. Concerning broadcasting regulation: the competences of the CSCS are limited to “issuing **opinions** prior to Government decisions on the licensing of private television and radio stations” as well as “**participating** in the appointment and dismissal of directors-general of public media organizations”.
3. With regards to public complaints about the right of reply and the broadcasting rights of political parties: the CSCS has no legal ground to act upon, as the Parliament has not yet regulated the broadcasting rights of political parties and civil society organizations including trade unions.
4. With regards to investigate complaints made by the public in relation to the performance of any media organization: the CSCS also lacks “teeth” to ensure that its deliberations are adhered to by the concerned media organizations, until the body’s powers have been regulated by law.
5. Perhaps more importantly, with its main powers being described in the Constitution in terms of “issuing opinion”, the CSCS is to be viewed more as an ethical forum and not a regulatory body. A recent study for UNESCO by Guy Berger corroborates this perception²⁴.

According to a 2008 CSCS annual report, released at the end of body’s last five-year mandate (2003-2008), 38 complaints had been submitted to the regulatory body since its creation, mostly from members of the elite, which in the Mozambican context means people very close to the ruling class²⁵. This finding was reinforced by the admission of the President of the CSCS at the time, Julieta Langa, when she said that all the complaints received had been about items in the private press. They usually allege defamation and slander committed by the private press against figures from the national political and economic elites.

24 G. Berger, *Media Legislation in Africa – A Comparative Legal Survey*, published for UNESCO by the School of Journalism & Media Studies, Rhodes University, South Africa, September 2007, p. 64.

25 CSCS: *Relatorio de Fim de Mandato 2003-2008*. Maputo.

However, the functions, competencies and *modus operandi* of the CSCS still need to be established and published in internal regulations, which have not been drawn up since it was established in 1992.

The above-mentioned weaknesses of the CSCS may in part explain how anti-ethical practices on the part of some journalists continue to exist, as denounced by the panel of the third round of the African Media Barometer (AMB) in Mozambique in June 2009. These include the promotion of information trafficking and the publishing of information on the orders of criminal and corrupt networks. These practices, along with the publication of rumours unjustifiably attacking people's private lives, are constraining factors on the media's potential to serve the needs of all groups in society.

3.8 Media displays culture of self-regulation

While there is no formal self-regulation mechanism within the media, there have been efforts to establish rules of conduct and good professional practices, particularly with regard to election coverage.

The first experience took place during the 2003 municipal elections. At that time all the community radios in the country, including those supervised by the State, signed up to a code of conduct sponsored by the UNESCO Media Project, known as the "Ten Rules". The community radios thus committed themselves to covering the elections in a way that would be independent of all political forces, and not to sell broadcasting time for party political propaganda programmes. This decision was taken in order to prevent the political parties with larger financial resources from occupying too much airtime, which could give the impression within the community that they were "in charge" of those radios. In 2004 the experience was extended to the conventional media: seventeen editors representing public sector and commercial media signed a Code for Media Coverage of the Elections, committing themselves to reporting on the vote objectively, and not to discriminate among candidates and parties that were running for office. This was repeated for the 2008 municipal elections and the general elections of 2009. The National Union of Journalists and the National Forum of Editors have been directly involved in these initiatives together with MISA-Mozambique. It is interesting to note in the case of the 2008/2009 elections that MISA-Mozambique established a system for monitoring the level of adherence to and observance of the Code by its signatories, producing a report that was then discussed and approved by the majority of editors. The report used a qualitative and quantitative methodology to assess the election coverage of the media being monitored, and concluded that in general the coverage was both balanced and of adequate professional quality and ethical standards²⁶.

The SNJ additionally has a Deontological Council with its own code, the function of which is to enforce principles of ethics, professionalism and deontology among journalists. However, this body has been inactive for a number of years.

26 http://www.misa.org.mz/images/pdf_files/mon_apro.pdf.

These experiences, which have already proved their usefulness, could comprise a base for the future launch of a formal self-regulation system, including a committee responsible for hearing public complaints and a Media Ombudsman.

D. Requirements for fairness and impartiality

3.9 Effective broadcasting code setting out requirements for fairness and impartiality

There is no Broadcasting Code that is applicable to all operators from both public and private sectors. This gap means that there are no directives establishing, for example, minimum quotas for domestically produced programmes or for the use of national languages as a condition for obtaining and retaining a broadcasting licence. The Advertising Code (Category II) establishes some generic rules for advertising on radio and television. However, these norms are only aimed at disciplining the frequency of advertising during news broadcasts, programmes or audiovisual productions such as films and documentaries²⁷.

Nevertheless, the Press Law defines special obligations for public radio and television aimed at ensuring fair and objective editorial policies. These duties are as follows:

- a) *Design and undertake fair programming, taking into consideration the diversity of interests and of preferences of the audience.*
- b) *Promote communication for development.*
- c) *Through producing and broadcasting national achievements, promote culture and creativity so that these occupy increasing amounts of broadcasting time²⁸.*

In addition to the legal provisions, RM has an editorial statute²⁹ that establishes the rules to be followed by journalists and programme producers in order to achieve the following ends:

1. **Objectivity**, calling for the treatment of information separately and distinct from personal opinions or convictions.
2. **Credibility and rigour**, calling for careful verification of the truth of the facts being reported, including confirming them from diversified, relevant and credible sources.
3. **Independence**, calling for the processing of all information free from external interference, particularly of a political or economic nature. The

²⁷ Cf. Art. 2.3 of the Advertising Code, op.cit.

²⁸ Cf. clause 3 of art. 11.

²⁹ Radio Mozambique Editorial Statute, Maputo 1997.

Statute specifically prohibits the involvement of journalists in political party activities or seeking advertising.

4. **High ethical standards**, calling for respect for privacy and human dignity when covering cases linked to violence, accidents with human victims, natural disasters, etc.

3.10 Effective enforcement of broadcasting code

As mentioned above, there is no broadcasting code applicable to the whole radio and television sector in Mozambique. At the same time, the lack of independent mechanisms for verifying, monitoring and controlling the sector makes it difficult to judge the level of effective implementation of the existing individual codes.

E. Levels of public trust and confidence in the media

There has been no independent and wide-ranging audience research in Mozambique for decades. Some media organizations have contracted partial *ad hoc research*, in order to introduce a new product or evaluate their audience levels in a given geographical region. Reliable and broadly based data showing the levels of public trust and confidence in the Mozambican media is however inexistent.

Nonetheless, most radio and television stations provide opportunities for interacting with their listeners and viewers through phone calls, the sending of texts and open debates.

Moreover, according to a relatively recent study presenting public perceptions of the performance of the main national institutions in promoting good governance³⁰, the media are considered to be in the group of the most honest and credible institutions in society, alongside religious organizations and NGOs, and well above the justice delivery system, the police and the government in general. This is an extremely important indicator, considering that media pluralism and independence is recent, only a little over 15 years old.

However, this general picture of openness should not be viewed simplistically in the Mozambican socio-cultural context. While the legislation, in the shape of the Constitution and the Press Law, is unequivocal about the breadth of openness for the emergence of a media sector that can serve as a platform for democratic discourse, historical, cultural and economic issues may be guiding the attitudes of citizens and institutions in daily life, resulting in constraints on the media's performance. This can be observed at all levels.

30 Pesquisa Nacional de Base sobre Governação e Corrupção. Final Report. Maputo: UTRESP, 2005, pg. 54. The purpose of this study, based on a sample of 2,447 households, 992 civil servants and 486 companies throughout the country, was to gather information on citizens' perceptions about the public services and their evaluation of the degree of honesty in these services. Summary available at: www.cip.org.mz/index.asp?sub=topic&rubid=3doc=1.

For example, civil society organisations are not infallibly more transparent, democratic and competent than State bodies. Local associations struggle with a lack of resources, especially human resources, able to match the scale of their aspirations. Sometimes the organizational traditions inherited from the one-party state or traditional society – hierarchies, lack of internal discussion when decisions are being taken, the difficulty for young people or women to speak openly in front of older people, etc – mean that an association or religious community can lose its representativity and consider its responsibility towards the community as of secondary importance. These attitudes are then reflected in the working methods of the managers who report to the associations.

However, studies and evaluations show that as a rule the community radios are trusted locally³¹. There is considerable awareness of the community's opinions and suggestions, because the managers and journalists hear them every day at home, in the street, or on the radio itself, because they are all well-known locally and part of their prestige derives from their connection with the radio. Community radios are taking advantage of the arrival of mobile telephone in their areas to make participatory programmes that are very popular.

Thus, most community radios do their best to serve their communities correctly, but they lack internal audit or local performance evaluation mechanisms.

F. Safety of journalists

The profession of journalist is prestigious and influential in any society. A journalist is not just a transmitter of messages, but also a producer of ideas with which he or she can influence the way people interpret issues of public interest. The public looks on the journalist as an ally in denouncing malpractice, corruption and the misuse of public assets.

But journalism is also a high risk profession. Journalists are exposed to threats of every kind because, despite their work being an act of public service, there are times when it does not please forces that would like certain pieces of information never to reach the public domain. Such forces may be linked to political powers, economic and commercial interests or criminal groups.

For this reason, the security of journalists has been a matter of concern for a number of organizations throughout the world, in recognition of the irrefutable principle that democracy is impossible without a free, independent and critical media.

Fortunately, Mozambique is one of the countries where the profession of journalist is not highly risky, and there are very few cases of journalists who have died because of their work. Three cases of murder have occurred since the 1980s, some of which in circumstances that have never been fully explained. The first case is of Pedro Tivane, a senior journalist on

31 Communication for Empowerment in Mozambique: An assessment of communication and information needs at community level. UNDP/UNDEF, Maputo, 2008.

Notícias, who was murdered in 1984, during the war. Tivane died when his car was attacked by Renamo guerrillas, who were fighting the government. The second victim was Rui Zunguza, a reporter for the weekly *Tempo*, who was found dead likewise in the early 1980s. There are strong suspicions that Zunguza was murdered because of a story he published about acts of brutality committed by State personnel during “Operation Production”, a government initiative intended to remove unemployed people from the cities and send them to “production camps” in the northern provinces which lacked basic survival conditions.

However, the case that had the greatest national and international impact was certainly the brutal murder of investigative journalist Carlos Cardoso, in November 2000. He was shot and killed by agents of organized crime due to his investigations into a bank fraud of USD 14 million in the extinct state-owned Commercial Bank of Mozambique (BCM) while it was in the process of being privatised.

As previously described, a climate of uncertainty or insecurity reigns to a certain extent in many community radios due to external pressures, threats and the fear of punishment or persecution on the part of public or private bodies that feel threatened by the free reporting of facts. There are no relevant statistics, and these findings are based on informal, sporadic information or visitors’ observations.

More recently, in February 2009, professional media organisations reacted vigorously to condemn the governor of Tete province in north-west Mozambique for the statements he made threatening the physical safety of a local correspondent of *Notícias*, Bernardo Carlos. Reacting against stories by Carlos exposing mismanagement of public funds in the province, Governor Muanathata told the journalist that because of his work the same thing could happen to him as happened to Carlos Cardoso³². MISA-Mozambique was quick to condemn the threat, and three months later the CSCS issued a communiqué confirming the threats and demanding that the governor apologize to the injured party, a decision that the governor did not comply with.

The murder of Cardoso may have provoked a climate of fear and trepidation among journalists in Mozambique, but one cannot imply from this that they are less safe than in many other parts of the world. It is not deliberate acts of violence aimed at intimidating journalists that threaten freedom of expression and the press in Mozambique. Threats to these freedoms arise in the shape of other, more refined and subtle methods of intimidation, seeking to enforce journalists’ own self-censorship. Examples of this are the court cases for alleged defamation that have been launched against journalists and their companies in recent times, with demands for vast sums in compensation for the alleged moral injury.

32 http://www.ifex.org/mozambique/2009/25/journalist_bernardo_carlos_receive.

Conclusions

The media in Mozambique have in general been able to assert their position as a credible platform for democratic discourse. Taken as a whole, the media are fairly trusted and enjoy significant moral prestige within society. Broadcasters have contributed to a sense of citizenship among the public, particularly during election periods, by promoting civic education programs and open debates in which different positions are discussed and debated. Radio Mozambique and some of the commercial television stations have been particularly successful in this area. However, the absence of an independent and transparent regulatory regime for broadcasting and for the public media, as well as a lack of public accountability, are problematical.

Positive developments are largely a result of the determination of media professionals themselves to protect the principles of editorial independence and the free expression of diverging opinions throughout the different phases of Mozambique's history. A political climate of openness and tolerance has provided the social context for this process.

The expansion of the community media sector is adding value to diversity, enabling rural and marginalized communities to articulate their points of view. Community media also play an important role in complementing efforts to promote literacy and adult education. However, greater efforts are needed to ensure improved internal democracy and accountability to the communities, including through interactive local committees and collaboration with new representative structures such as District Consultative Councils (CCDs).

There is very little in the way of formal self-regulatory systems. However, Mozambican journalists have established codes of conduct for the profession, particularly regarding elections, through which they voluntarily accept a duty to cover these sensitive processes independently and without distortion or manipulation. Nonetheless, there are known cases of journalists who also act as press attachés in government institutions and political parties, which is in obvious contradiction with the principles of professional journalism.

Journalists exercise their profession in a climate of relative safety. The violent murder of Carlos Cardoso in 2000 was a tragic exception within a generally safe media environment.

The main constraints on consolidating the role of the media as a platform for democratic discourse are as follows:

1. The present legal framework does not establish any public complaints system for the print or broadcasting media to assess complaints about media content and behavior. The CSCS is more an ethical forum than a regulatory body, given that its main powers are limited by the Constitution to "issuing opinions" to the government on the allocation of frequencies and to mere 'participation' in the appointment and dismissal of the leadership of the public media.

2. Women's presence in the media and their representation as sources of information continue to be a major challenge for the media as a whole. Unlike in more political spheres, such as parliament and government, where Mozambique is in line with SADC targets, the presence and representation of women in the media is one of the lowest in the region.
3. The public broadcasting governance system is inconsistent with international standards, for example as set out in the Declaration of Principles on Freedom of Expression in Africa.
4. Greater penetration of the media among marginalized sectors of society, such as older people and rural inhabitants, requires bolder policies about the use of national languages in the media, especially in the public media. The problem is most visible at TVM, the public television, which still carries no national languages on its national channel.
5. There are neither regulations nor established practices on media interaction with the public, a particular problem regarding public TV and radio. A lack of audience research and systems for receiving and responding to complaints from the public are also problems here.
6. Pressures of both a political and economic nature on public radio and television have lead to self-censorship among their journalists. At the same time, the precarious and unpredictable nature of public funding to the sector increases the influence of commercial interests, with consequences for editorial independence and quality programming.

Recommendations

1. The media should adopt bold policies for recruiting and integrating women journalists into newsrooms, and encourage the recognition of women as important information sources.
2. The use of national languages should be encouraged in the public and community broadcasting sectors. TVM, in particular, should introduce national languages into its national channel.
3. More systematic and wide-ranging audience research on the media in general, and radio and television broadcasters in particular, should be conducted so as to adequately inform editorial and programming policy decision makers.
4. Steps should be taken to ensure that civil society organizations operating community media, local management committees and local authorities in general are aware of the laws governing freedom of expression and press freedom, and the rights and duties of journalists. Measures should be put in place to support community accountability, internal democracy and transparency of local community media structures.
5. The State print media should be transformed into public service media.
6. The regulatory, governance and funding systems for public broadcasting should be reviewed to transform it into public service broadcasting with independence and secure funding guaranteed, in line with established standards and international best practices.
7. An independent public complaints system for both print and broadcast media should be established and a code of conduct should be developed, in close consultation with interested stakeholders. The code should, among other things, impose a duty of balance and impartiality on broadcasters and, in particular, on public broadcasters. This could involve a more direct and clear role for the CSCS.



Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

Key Indicators

A. AVAILABILITY OF PROFESSIONAL MEDIA TRAINING

- 4.1 Media professionals can access training appropriate to their needs*
- 4.2 Media managers, including business managers can access training appropriate to their needs
- 4.3 Training equips media professionals to understand democracy and development*

B. AVAILABILITY OF ACADEMIC COURSES IN MEDIA PRACTICE

- 4.4 Academic courses accessible to wide range of students**
- 4.5 Academic courses equip students with skills and knowledge related to democratic development**

C. PRESENCE OF TRADE UNIONS AND PROFESSIONAL ORGANISATIONS

- 4.6 Media workers have the right to join independent trade unions and exercise this right
- 4.7 Trade unions and professional associations provide advocacy on behalf of the profession

D. PRESENCE OF CIVIL SOCIETY ORGANISATIONS

- 4.8 CSOs monitor the media systematically***
- 4.9 CSOs provide direct advocacy on issues of freedom of expression***
- 4.10 CSOs help communities access information and get their voices heard***

* Indicators 4.1 and 4.3 have been merged in this report.

** Indicators 4.4 and 4.5 have been merged in this report.

*** Indicators 4.8, 4.9 and 4.10 have been merged in this report.

Category 4

Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity

A. Availability of professional media training

4.1 and

4.3 Media professionals can access training appropriate to their needs, which equips them to understand democracy and development

Professional media training opportunities are very scarce and sporadic. No institution exists in Mozambique offering a planned set of non-academic training for journalists.

Professional training for community journalists

There is also no specific training institution for community media editorial, technical and management staff. However, many dispersed training and capacity building initiatives are carried out by a range of organizations.

Due to the number of organisations involved and the lack of coordination, it has not been possible to quantify the number of courses, workshops and seminars offered to community radios and CMCs. The main protagonists include FORCOM, ICS, government bodies, national and international NGOs, and United Nations organizations. The themes covered range from journalism techniques, professional ethics and radio production to gender, planning, HIV/AIDS reporting, children's radio, democracy and governance, election coverage, management, etc. The Community Information and Communication Support Centre (CAICC) provides training and technical support through courses, a remote helpdesk service and visits to radios and CMCs to give on-the-job training.

Advances are expected with the production of distance learning courses for managers, technicians and journalists from community media, which will facilitate access to training and reduce costs. In early 2009, radio and telecentre managers from every province took part in online distance courses taught by the University of Brasilia in telecentre management and

digital entrepreneurship. CAICC has produced a CD-based distance course for self-learning on basic computer maintenance.

What is missing is consistent monitoring and follow-up assessments of the results of the courses, to determine how the new knowledge is shared and its impact on the radios' performance.

4.2 Media managers, including business managers can access training appropriate to their needs

Not a single institution in Mozambique is offering specific training opportunities in media and business management appropriate to the sector's needs.

A number of small training centres have carried out upgrading and internal re-training of working professionals. The RM School, the TVM and ICS Training Centres, and the Photography Documentation and Training Centre (CDFF) are among the most important, and have provided training and upgrading opportunities to middle-level managers, programme producers, photographers and video editors. However, these courses are sporadic and uncoordinated, and not very consistent technically¹.

The Polytechnic has also provided in-service training courses for journalists now and again, in Ethics and Human Rights. Professional and other civil society organizations, such as MISA-Mozambique, SNJ and FORCOM, have also offered short courses, geared only towards developing knowledge and skills for covering specific topics such as reporting on HIV/AIDS, rural development, the environment, women and children, etc.

However, in comparison with Maputo, training opportunities are scarcer for journalists in the provincial capitals. The editor of the Beira-based *Diário de Moçambique*, Faruco Sadique, says that there are no institutions in the Sofala province providing professional training for journalists. He mentioned that the Jean Piaget University in Beira has plans to launch journalism courses, but they are still in the initial phase. "I think that our current need is more for professional middle-level courses than for university courses. We need to take less time to train new journalists to work according to the rules and techniques of the profession", argues Sadique².

One of the most serious challenges, and perhaps one of the most specific for Mozambique, is related to the development of newspapers published electronically or by fax: they are all managed personally by editors, who are also their owners and who do not have appropriate training in media management. The lack of any institution to provide systematic training in media management is a gap that has consequences for the sustainable management of this type of initiative and for other journalistic micro-enterprises, especially in the provinces.

1 Miguel, João, *Média, Política e Mercado na Sociedade Moçambicana: o Sector Televisivo Aberto*, São Leopoldo, 2008.

2 Interview with Faruco Sadique, editor of *Diário de Moçambique*, carried out by Ericino de Salema on 17 July 2009.

At the same time, training for journalists in specific areas such as environmental journalism, economic journalism, scientific journalism or political journalism has been offered by public institutions or NGOs as part of their own lobbying and advocacy strategies in these areas, and is therefore not very systematic or in line with the needs of the industry.

Training opportunities in the use of ICTs are also scarce, other than international initiatives of media organisations such as Radio Mozambique (RM) and the SOICO Group, which have carried out continuous upgrading programmes for their journalists in this area, including ICT use in the context of media convergence for the transmission of text, voice and image.

All the training material used in the various courses is prepared in Portuguese, the official language. Foreign institutions used to occasionally come to Maputo to offer journalism courses in English with simultaneous translation, but the experience proved to be ineffective and demotivating.

There is no institution or mechanism – and one is needed – bringing together the various sectors and interests of the media industry, including managers, employers and academic institutions, and that could act as a forum for discussing, agreeing and coordinating all professional training initiatives in this field, updating them regularly in accordance with the evolving trends.

With regard to research and scientific training in journalism, the 2008 study “Science, Technology and Innovation Indicators in Mozambique” makes no mention of any institution, public or private, carrying out journalism research, while the universities that should take the lead in research do not have their own teaching staff with time to do academic research in this area. Most of the teachers of journalism courses are contracted on a part-time basis.

Outside academia, more or less systematic studies and research on the media in Mozambique have been carried out by institutions such as UNESCO, MISA-Mozambique, the Media Project of the Friedrich Ebert Foundation (FES). For example, in April 2005 FES in partnership with MISA launched the African Media Barometer Initiative (AMB), an exercise in African self-evaluation of the legal state and socio-political conditions for the exercise of press freedom in the different countries, in accordance with the philosophy of the African Peer Review Mechanism (APRM). This is the first project to provide consistent measurement and detailed descriptions of the state of the media in Africa. The basic principles and indicators of the AMB reflect the content of the Declaration of Principles on Freedom of Expression in Africa approved in 2002 by the African Commission for Human and Peoples’ Rights.

The most relevant training institutions at regional level include the NSJ Trust (Southern African Training Trust), which was established to train journalists in the SADC region³, and

3 The NSJ closed down its activities and its Maputo office in early 2009, according to its website: <http://www.nsjtrainingtrust.org/en/new>. The closure of the centre is attributed to improper management of the institution’s financial resources, it was disclosed at MISA’ Annual Regional Assembly in August 2009 in Swaziland.

Witwatersrand and Rhodes Universities, both in South Africa, which have opened their doors to journalists and managers from Mozambican media and been of great benefit to the private media.

B. Availability of academic courses in media practice

4.4 and

4.5 Academic courses accessible to a wide range of students and equip them with skills and knowledge related to democratic development

The teaching of journalism at university level is still quite recent in Mozambique, with the newly named Polytechnic University, a private university, producing its first graduates in Communication Sciences in 2001.

According to a 2007 Ministry of Education and Culture report providing statistical data on higher education in Mozambique⁴, Mozambique has five higher education institutions offering courses in journalism and one offering a middle level course. The same report shows a gradual increase in students taking these courses over the last few years. While in 2003 there were 66 journalism students at private universities and none at public universities, in 2007 there were already 208 students in public and 852 in private universities. There are currently 1060 students throughout the country studying journalism. The institutions offering journalism courses and other media-related specialisations include the following:

Journalism School: The first institution offering vocational training courses for journalists; it was established in the late 1970s. It offered short professional training courses, benefiting journalists who were already working in the media but had only basic educational levels: 6th grade, which was the government requirement at the time for recruiting editorial staff. At the time, all the media were directly supervised by the Ministry of Information, which was abolished in 1994⁵. Following on from these courses, a project for creating a Journalism School took shape, and was formally created in 1984 as an institution under the National Organisation of Journalists (ONJ), the predecessor of the National Union of Journalists (SNJ).

The Journalism School trained generations of journalists, some of whom are today occupying leading positions in different newspapers, radio and television stations. However, its location within a political body such as the Ministry of Information, and later supervised by GABINFO, meant that for many years it was perceived as part of the state information and propaganda system, and not as a genuine professional training centre. This resulted in various constraints, including lengthy periods of lack of clarity with regard to its status and curriculum. Finally, in

4 Ministry of Education and Culture, *Dados Estatísticos Sobre o Ensino Superior em Moçambique*, 2007.

5 UNESCO/UNDP, *Media Development Project in Mozambique, Relatório Final do Seminário Sobre o Ensino e Formação em Jornalismo e Comunicação em Moçambique*, Maputo, 2001.

1990, the Ministry of Education approved the School's statutes and curriculum, thus ensuring that its certificates would be recognized as part of the national sub-system of middle level vocational training.

The Journalism School offers a middle level course in media, which lasts three years, with specialisations in three areas: Journalism, Public Relations, and Marketing and Publicity.

However, in 2009 a Council of Ministers Decree created the Higher Journalism School as a public higher education institution.

Both the middle level and the higher level Journalism School were established with no laboratory equipment for either student training or upgrading professionals, or a library equipped for teaching and learning that would meet the demands of the Mozambican media industry. The training is limited to theoretical teaching.

Catholic University of Mozambique, UCM: The UCM started a bachelor's degree course in Communication Sciences in Nampula. The 3-year course teaches Communication for Development, Journalism, Marketing and Publicity and Public Relations, using field research, participatory methodologies, reading lists and teacher supervision. In the final year, the students produce a piece of research in one of the areas, and have to defend the research report successfully in order to graduate.

Eduardo Mondlane University, UEM: The first and largest public university in the country created a School of Communication and Arts (ECA) in 2004, teaching a journalism course, from which over 100 students had graduated by June 2009. As in all the other universities, the UEM does not have laboratories for practical work, and also lacks a fulltime teaching body with the capacity to develop journalism teaching and transform the school into a media research centre.

Polytechnic University: The Polytechnic launched its course in Communication Sciences in 1997, to produce graduates with *licenciatura* (Bachelors) degrees in various media subjects, providing an institutional framework for developing teaching and research. The course lasts four years, and is structured to offer theoretical and practical subjects from the 7th semester onwards, complemented with optional subjects enabling specialization in the areas of Journalism, Public Relations, Marketing and Publicity, and Cinema. In the area of Journalism, students specialise in radio or television journalism or in political, economic or sports journalism⁶.

Higher Institute of Technology and Management, ISTEg: ISTEg introduced a 4-year licenciatura course in communication sciences in 2009. The course prospectus anticipates a strong practical component using a studio, multimedia laboratory and a computerized

6 <http://www.ispu.ac.mz/por/Actividades/Ensino/Cursos-de-Gradua%C3%A7%C3%A3o/Ci%C3%AAncias-da-Comunica%C3%A7%C3%A3o>.

newsroom. However, it does not yet have any of these technical resources for practical exercises, nor does it have an adequate library.

Notwithstanding the increase in training opportunities offered by the education institutions, there are no studies as yet on the impact of the new journalism graduates on media organisations. However, one trend observed is that the journalism graduates entering the labour market tend to look towards careers as press attachés in public institutions, marketing and publicity and public relations, with a career in journalism seen as the least attractive option⁷. This is in large measure a result of the poor integration of the new graduates into the newsrooms of the main media organisations, given that once they have completed the course, each student is left to himself when seeking employment. They thus end up getting jobs in areas that are not those for which they were trained.

With the exception of the Communication course offered by the Catholic University in Nampula, all the academic training opportunities are concentrated in Maputo. The introduction of a journalism course at the Piaget University in Beira will help to reduce this asymmetry.

The curriculum content of the journalism training institutions is weak when it comes to equipping students with competencies and knowledge on democracy and democratic development. In most of the courses, the role of the media in a democracy is covered in seminars organised at the end of the first two years, but does not figure among the compulsory courses.

According to discussions during the *“Seminar on Teaching and Training in Journalism and Communication in Mozambique”* organised by UNESCO’s Media Development Project, there is a mismatch between the needs of the media organisations and the journalist training programmes on offer.

The seminar participants were unanimous on the need for journalism students to receive basic training in the use of computers and the Internet. These subjects, though included in the curricula of the journalism schools, have not been taught as the schools do not have adequate equipment. The lack of specialization in Mozambican journalism was identified as another major disadvantage for the media, and there were suggestions that the journalism schools should design specific modules for the specialized training of working journalists.

As for the relations between media organisations and journalism teaching institutions, particular with regard to student placements, it was noted that the students show deficiencies suggesting a random recruitment process, lack of motivation and interest in the profession and poor levels of general education.

For example, the Journalism School puts around 15 new professionals on the market every year, according to its Pedagogical Director. Of these, approximately half become journalists

7 Pedagogical Director of the Journalism School in Maputo, interviewed for this research on 4 August 2009 in Maputo.

in the private or public sectors and the remainder take up other activities not related to their training⁸.

The system of 3-month student placements is ineffective, as they begin them with almost no technical skills; there is a very poor fit between what they bring from the teaching institutions and what they are expected to be able to do in the workplace. As a result, during the placements, which are done in the final months of the course, they still need to learn “the most elementary things”, in the words of the Executive Editorial Director of STV, Jeremias Langa⁹.

Looking at the current impact of journalism training on the labour market, it can be seen that the same problems of ten or more years ago still persist: lack of media professionals with solid theoretical and technical training in journalism, including the mastery of professional ethical and deontological principles, and many journalism students completing the course without being able to write correctly in Portuguese¹⁰.

At the same time, the lack of adequate technical conditions in the training institutions means that the graduates complete their courses without the necessary skills in specific areas such as radio, television, print media, or IT. This situation shows that the teaching programmes still need to be oriented towards the market. These weaknesses undoubtedly contribute to the poor quality of Mozambican journalism.

Taking this context into account, it is clear that the Mozambican media industry continues to need technically competent human resources with higher education. Some media even prefer to recruit and employ middle-level journalism or secondary school students with no prior journalism training. This “solution” is risky, however, since the time is long gone when it was argued that practice alone was enough to train competent professionals. In an increasingly demanding society, where the profession of journalism requires in-depth knowledge of the complex problems that supply the press with its material, only a journalist with solid theoretical preparation will be able to produce properly investigated and credible information.

Government support for higher education comes through the Ministry of Education and Culture, and according to its Strategic Plan (PEEC), the government’s policy is to improve and consolidate the management and administration of public university education, including establishing a more transparent method for allocating resources to make its development sustainable.

A committee on the financial reform of higher education was created in 2006 with the aim of increasing efficiency in the allocation and use of resources. Proposals were formulated to create the National Accreditation and Quality Council (CNAQ) and a draft Law on the National

8 Interview with the Pedagogical Director of the Journalism School on 28/10/09.

9 Executive Editorial Director of STV, interviewed for this research on 20/7/09.

10 UNESCO/UNDP Media Development Project in Mozambique, *Relatório Final do Seminário Sobre o Ensino e Formação em Jornalismo e Comunicação em Moçambique*, Maputo, 2001.

System of Accreditation, Evaluation and Quality Assurance in Higher Education (SNAQES), while the Regulation for the National System for Accumulation and Transfer of Academic Credits (SNATCA) was approved.

The minimal technical conditions thus seem to have been created for improved quality management in higher education, including for journalism. However, the challenge remains of guaranteeing an institutional base that is capable of ensuring effective compliance with the policies and strategies in force. The direct and ongoing involvement of media professional and industry organizations, namely the SNJ, MISA-Mozambique and the AEJ, becomes even more relevant in this context, so that the curricula and teaching programmes can be constantly updated to meet the evolving needs of the market.

C. Presence of trade unions and professional organisations

4.6 Media workers have the right to join independent trade unions and exercise this right

Article 52 of the Mozambican Constitution enshrines freedom of association, establishing that *“social organisations and associations have the right to pursue their ends, create institutions aimed at achieving their specific objectives and own assets for implementing their activities, in the terms of the law”*. This constitutional right is regulated by Law 8/91 of 18 July 1991, the Law of Associations.

The National Union of Journalists (SNJ) was born in 1978, during the time of the one-party state, initially as the National Organisation of Journalists (ONJ). In that context, the ONJ did not emerge from the journalists in an endogenous process driven by the need to defend their rights, but rather as an initiative stemming from the ruling party, with the features of a mass organization similar to others at the time such as the Mozambican Women's Organisation (OMM), the Mozambican Youth Organisation (OJM), etc¹¹.

At the dawn of the democratic multi-party era opened up by the 1990 Constitution, internal debates among ONJ members took place on the organisation's future path. The debates culminated in fundamental changes to the objectives defined in its statutes: *“an advance guard of the class struggle in the revolution”* became *“an independent organization, uniting journalists on a voluntary basis and according to democratic principles to defend their socio-professional and trade union rights”*¹². This change took place at the organization's III Conference, held in April 1991, during which the organization held its first democratic elections.

11 José, André Cristiano, *Neoliberalismo e Crise do Trabalho em Moçambique: O caso da Indústria de Caju*, published in *Revista Electrónica* no. 1, 200: <http://cabodostrabalhos.ces.uc.pt/n1/ensaio.php>, consulted on 24/07/09.

12 Hilario Matusse, *ONJ: Um percurso na luta pelos jornalistas*; article included in *“140 Anos de Imprensa em Moçambique”*, F. Ribeiro & A. Sopa (Coord), p. 170.

Splits emerged between “gradual change” and more “reformist” tendencies, crystallised in two lists competing for the leadership positions. However, the victory of the gradualist tendency did not prevent the formation of a “unity” Executive Secretariat including people from the defeated list.

At the height of the structural reform process, launched in the late 1980s with the support of the International Monetary Fund (IMF) and marked by serious austerity measures in the public sector, a strike by journalists and other editorial staff in the public sector media began in October 1993, demanding improved salaries and working conditions. The strike was called by the ONJ, and proved to be a milestone in people’s thinking about the new challenges the organization was facing.

As the then ONJ Secretary-General, Hilário Matusse, wrote: *“The strike (joined by 80 per cent of professionals throughout the country) contributed to awakening the consciousness of the profession and bringing together journalists and production staff around common objectives”*. The action also *“made civil society more aware of the need and importance of valuing and supporting the media as a public and social service”*¹³. It was then that, at its IV National Conference, held in Chimoio in 1997, the ONJ was transformed into the National Union of Journalists (SNJ), and its focus re-oriented towards the defence of the legal and labour rights of its members.

Meanwhile the number of journalists increased in proportion to the number of media organisations, and the SNJ currently has over 560 members, mainly from the public sector media (Mozambique Television, Radio Mozambique and the Mass Media Institute) and Noticias¹⁴. Participants in the National Conference that validated this study on 10 February 2010 in Maputo alleged that some private media organizations that do not fully comply with the country’s labour legislation *prohibit their journalists from adhering to SNJ as a way to prevent ‘troubles’ with the trade union. However, the SNJ’s numerical growth since the 1993 strike does not seem to have been matched by a growth in activities to promote its members’ interests. It seemed to fall into apathy, and only held its V Conference almost ten years later, in Beira in 2006, where a new leadership was elected.*

4.7 Trade unions and professional associations provide advocacy on behalf of the profession

It is rather difficult to understand from the SNJ’s membership who is a professional journalist, since its members include both media production and administrative staff¹⁵. At the same time,

13 Hilário Matusse, op. cit., p. 173.

14 SNJ statistics, 2009.

15 Statistical data on journalist members sent to the Office of Information (GABINFO) in a letter, ref. 001/GABINFO/-DEC/2008, 06/03/08.

there is no Journalist's Professional Card Committee¹⁶, which weakens the union's ability to propose a clear definition of the profession.

The SNJ's actions in defence of its members' labour rights are still weak. In this regard Ronning's report (2008) found that Mozambican journalists are among the professional groups with the lowest salaries in the country, with an average monthly salary of around US\$150, particularly in the small fax or electronic publications where the journalists are employed on insecure short-term contracts.

In the absence of a strong and interventionist trade union and a code of conduct for journalists, some professionals from both the public and commercial sectors exercise the double functions of journalist and press attaché, which gives rise to a clear conflict of interests. Once they are press attachés, protected and organized under the vast "umbrella" of the government and the big companies, journalists who are simultaneously working in the newsrooms tend to dominate and control the free flow of information¹⁷.

Journalists from both sectors have also been linked to corrupt practices, manifested through the publication of information "ordered" by organized criminal networks, corrupt practices within the civil service and the private sector, and even the extortion of large sums of money from people involved in crimes as a condition for not denouncing them in their newspapers¹⁸. However, the SNJ has to date not taken any action aimed at repressing these practices. Media analysts¹⁹ are warning against the risk of Mozambican journalism becoming controlled in the political and economic fields by the interests of national elites, as a consequence of the promiscuous relationship between them and a growing number of journalists.

Despite these weaknesses, SNJ has begun to take on board the need to defend and support community journalists. As has already been explained, the status of community journalists before the law is not clear and their situation is worsened by the fact that most of them are "volunteers", since a volunteer has no labour rights under Mozambique's general legislation, and therefore does not necessarily have a contract, salary or safe working conditions.

Aware of this reality, the National Union of Journalists (SNJ) decided to act, recognizing the staff of community radios, whether volunteers or not, as journalists who are doing work that is in the public interest²⁰. In 2007 it thus began to work in the Gaza and Sofala provinces,

16 The proposal to create a Journalist's Professional Card is under discussion within the SNJ.

17 Report of the African Media Barometer 2009, p. 47.

18 In 2006 the Maputo City Court sentenced Osvaldo Tembe, a journalist working for "Zambeze", to eight months imprisonment for extortion and blackmail of an officer from the Fisheries Development Fund, a public enterprise, who was detained for corruption at the time. Tembe acknowledged in court that he had received around 1400 Euros, which he demanded from the victim's family in exchange for not publishing alleged evidence of his involvement in corrupt acts. See news item: <http://www.canalmoz.com/default.jsp?file=ver-aartigo&nivel=i&d=6&idRec=299>

19 See the debate on journalists' professional ethics broadcast on STV, 22 May 2009.

20 Interview with the General Secretary of SNJ, Eduardo Constantino, 7 August 2009.

establishing local trade union committees in certain community radios, and established special membership dues for community journalists of 10 MT per month. It intends to continue this work in other provinces, and has started in Nampula and Niassa in 2009.

The SNJ's National Council approved an amendment to the Statutes in order to make this community media policy official, and the amendment is now awaiting discussion and definitive approval by the National Meeting. The new policy forms part of the union's progressive return towards inclusiveness; it is now striving to represent all media workers involved in editorial activities and not only those journalists who fall within the formal technical definition.

Efforts to relaunch the SNJ include trying to re-join the International Federation of Journalists, which it had to leave for non-payment of its dues. It is currently participating in the project of creating a Federation of Journalists of the Community of Portuguese-Speaking Countries²¹.

The Association of Journalistic Enterprises (AEJ) is a corporate entity that brings together media owners and managers from both public and private sectors. It was established in 2004, following lengthy discussions. Concerns focus on commercial issues (taxation, the cost of paper, government subsidies and other business management matters).

Other journalists' associations include the Mozambique Editors Forum (EditMoz), created in 2004 but still with no approved statutes. EditMoz discusses issues related to general editorial management strategies, and questions of press ethics in particular. However, its activities remain limited to sporadic meetings in Maputo, and it has no impact in the rest of the country.

D. Presence of civil society organisations

4.8 4.9. and

4.10 CSOs monitor the media systematically, provide direct advocacy on issues of freedom of expression and help communities access information and get their voices heard

In recent decades, the term "civil society" has been adopted as a counterpoint to the State and its institutions. Civil society includes all citizens and their forms of organization, including those representing actors in the market. Initiatives to involve civil society in public decision-taking processes related to the media are rare in Mozambique, with a few exceptions. The processes of dialogue between the State and its social partners began with Law 8/91 of 18 July 1991, which establishes freedom of association.

"Mozambican Civil Society from Within: Evaluation, Challenges, Opportunities and Action", 2007²², was the first study of its kind in the country. It found that there are around five thousand CSOs with a total of 140,000 members. However, their action is still incipient, and

²¹ Interview with the General Secretary of the SNJ.

²² AAVV, *Índice da Sociedade Civil em Moçambique*, FDC/UNDP/CIVICUS, Maputo, 2007.

does not have much impact in influencing public policies, or monitoring State expenditure as established in the budget, or the expenditure and operations of public companies. CSO action to monitor media performance is no exception to this rule, and there is no national tradition of initiatives that would challenge journalists and media organisations to perform their functions professionally, diligently and with high ethical standards.

The role of civil society in monitoring the media was evoked in the so-called Wimbe Declaration which resulted from discussions on “The Press and Civil Society in the Expansion of Democratic Space” among CSOs, community radios and local newspapers in northern Mozambique. The meeting, held at Wimbe Beach in Cabo Delgado in September 2006, concluded that greater interaction and cooperation between CSOs and the media was needed in order to advance their respective agendas²³.

According to Faruco Sadique, the CSOs do not yet have a clear notion of the impact their work could have if they were to make systematic alliances with the media. “At the moment many people in CSOs only seek out the media when they want to promote themselves”.

In this context, the CSOs supporting media advocacy are very few, other than the Centre for Public Integrity (CIP) which is dedicated to studying and unmasking corruption and other devious practices in the public administration. In 2008, CIP published a report on “Governance and Integrity in Mozambique” which includes an appeal to Parliament to fill the legal vacuum regarding access to public information and other features of freedom of expression and press freedom²⁴.

MISA-Mozambique is a CSO aimed at promoting and defending freedom of expression and of the press, and guaranteeing the free flow of information²⁵. It was formally established in August 2000. One of its activities with most impact on the defence and promotion of press freedom in Mozambique is the publication of annual reports on the state of press freedom. It also carries out one-off studies that serve as tools for lobbying and advocacy work with various public bodies. The Elections Observatory also monitors media, in particular during election periods.

Conclusions

Academic and professional training for journalists and media managers in Mozambique is still new and developing. However, there are already four higher-level institutions and one middle-level institution teaching journalism, representing a change in comparison with less than ten years ago. These institutions share one important weakness, which affects the quality of journalism teaching and training. None of them possess technical infrastructure such as

23 www.misa.org.mz/wimbe.html, consulted on 03/08/09.

24 Report of the Centre for Public Integrity in Mozambique, *Governança e Integridade em Moçambique*, April 2008, P. 80.

25 www.misa.org.mz, consulted on 20/07/09.

laboratories, studies and “newsrooms” that are adequately equipped for practical training. Existing teaching staff need to be upgraded in terms of both quantity and quality.

There is a need to establish effective and systematic links between training institutions and the media sector, including professional organizations and commercial businesses, so as to ensure that the curricula are relevant and to promote closer connections with the industry.

The lack of opportunities for continuous in-service training for journalists is problematical. Training should be systematic, coordinated and effective, and should be used for professional and technical refreshing and updating, including for media management. The closing of the NSJ Trust in 2008 exacerbated this problem.

Training for community media is dispersed and uncoordinated. It covers important topics and skills, but it is difficult to measure its impact for lack of an overview. It would be useful to carry out research to evaluate the quality of the courses and workshops offered, their relevance to the most pressing needs of the beneficiaries, the consistency of the messages and techniques being transmitted, and their short- and medium-term impact in terms of improved community radio performance. The development of a more integrated training system for community media should be a longer-term goal.

MISA-Mozambique has made important interventions to defend and promote press freedom (meaning the freedom to establish newspapers and other publications and the freedom of journalistic creativity), as well as the right of access to information. However, SNJ's activities in defending journalists' labor rights – including fighting against temporary contracts and insecure employment, and in promoting high ethical standards – need to be tougher and more far-reaching.

Media monitoring by CSOs is also still incipient, and the two sectors which share common interests in the public sphere should increasingly develop joint action strategies in which the CSOs can make their views heard on the performance of the media and its professionals.

Recommendations

1. Special attention should be given to better equipping journalism teaching and training institutions, including by providing them with laboratories and studios that permit more appropriate training of journalists.
2. The establishment of an in-service training and upgrading centre for journalists and managers should be considered, including to coordinate and rationalize the various courses offered by different bodies and organizations.
3. The establishment of an effective mechanism for consultations and ongoing links between training institutions and the media sector should be considered, so as to enhance the relevance of the curricula and the interface with industry.
4. Special attention should be given to journalists' legal and working conditions, particularly by SNJ. Systematic research should be undertaken, including in the provinces, to expose and mitigate the precarious wage and contractual conditions endured by different journalists.
5. A system should be established through FORCOM whereby community media training initiatives could be coordinated and resources rationalized, at the same time enabling quality control and follow up monitoring and research.



Category 5

**Infrastructural capacity
is sufficient to support
independent and
pluralistic media**

Key Indicators

A. AVAILABILITY AND USE OF TECHNICAL RESOURCES BY THE MEDIA

- 5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

B. PRESS, BROADCASTING AND ICT PENETRATION

- 5.2 Marginalised groups have access to forms of communication they can use
- 5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities

Category 5

Infrastructural capacity is sufficient to support independent and pluralistic media

A. Availability and use of technical resources by the media

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

a) The National Transmission Network

In order to evaluate the degree to which journalists have secure, reliable and affordable access to ICTs and are trained to use them, we will begin by evaluating the national infrastructural capacity, specifically the capacity and coverage of the national transmission system.

The main infrastructure backbone for telecommunications completed an important stage of expansion in May 2009 with the final linking of all Mozambique's provinces to an optical fibre network. Work on the backbone started in 2000, when for the first time the two main cities (Maputo and Beira) were connected by an undersea optical fibre cable with landing points at cities and towns along the route. The network grew over nine years to reach the different provinces.

Completion of this undertaking means that conditions are guaranteed for transmitting data, broadband Internet, radio and television signals in real time, financial data services, fixed and mobile telephony and other vital communications services.

b) Safe and affordable access to and use of ICTs in radio, television and the press

Both public and private radios are technologically characterised by using FM transmitters that can be considered to be modern and relatively similar in effectiveness. The medium-wave transmitters used by RM are also modern, purchased from internationally reputable factories and still within their expected life spans. Where the public and private radios differ significantly is in the technological quality of their means of content production. Though operating with less qualified technical staff, many of the private radios are better equipped than RM, which is why their signals have better sound quality.

One reason that could explain RM's technological backwardness in this area lies precisely in the difficulty of reconciling the growth in its number of channels with its financial resources, and this situation is aggravated by its inability to attract and retain qualified technical personnel.

One of public broadcasting's most serious challenges is the production equipment. Recorders, microphones and recording and editing studios are all in extremely short supply from the national channel to the provincial offices. The replacement of obsolete material that is mostly still analogue implies migrating to digital systems, and RM does not have sufficient funds.

The media sector is, however, one with the least investment in ICTs. The biggest challenge is to invest both in the technologies and in staff training to make best use of them.

During the government's drafting of the Mozambique Science and Technology Policy (2003), a baseline study was carried out to analyse the state of scientific research, science and technology in the national education system, and innovation and technological development in the productive sector. The study also covered the media sector and diagnosed its weak points, finding that: *"Cooperation between the media and actors in science and technology is insignificant, and the media lack specialized sectors on science and technology issues"*.

Ronning (2008) says that the media infrastructures for gathering, producing and distributing information are inadequate for an era of major technological advances. He suggests that this is due on the one hand to the media's financial poverty and on the other to Mozambique's general technological poverty.

c) Community media

Community radio equipment has varying specifications, quality and range, according to its age, the possibilities of the investors and the ability to re-equip. It suffers heavily from breakdowns caused in particular by the poor quality energy supply, with frequent power surges and power cuts, especially during the rainy season.

The equipment is usually quite basic, and its replacement is highly problematic given that it is dependent on local capacity – generally quite limited – to generate revenue or establish partnerships. Maintenance of both radio and general IT equipment is a major challenge due to the combination of limited human resources in the districts, the poor quality energy, dust and distances. Computers are often carried on someone's lap in a crowded bus for several hours in order to reach possible help in the provincial capital, which is both costly and risky. Calling a technician to the local radio is more expensive still. Attempts at solutions under way include training in preventive maintenance and basic diagnosis, a computer maintenance course in CD-Rom format, a free helpline operated by CAICC and closer links with the Provincial Digital Resource Centres and provincial RM stations. These initiatives notwithstanding, costs and logistics continue to be major issues for both repairs and the procurement of spare parts, and

few community media have achieved a level of sustainability that enables them to replace obsolete or broken equipment from their own resources.

The CMCs have small digital libraries, with encyclopaedias and other titles available in CD-Rom format. But only a tiny minority has access to broadband Internet, while others have access via mobile phone modems or through paying at the nearest Internet café. In this context the use of Internet for journalist, communication and dissemination is still extremely limited. The concept of “citizen journalists”, i.e. of citizens acting individually on their own initiative to publish their information and opinions via Internet, is little known or used in Mozambique to date, and even less in the rural areas.

Computer equipment is nonetheless increasingly used as a supporting tool for local information production in the community radios, particularly for writing news and digital programme production. Where there is Internet access, it is used for both gathering and disseminating news and general information. However, there is no community radio broadcasting over the Internet or community newspaper published online, nor is there organized use of blogs and other Web 2.0 tools for community communications. The advent of improved technologies, and the implementation of government infrastructure policies, should see a growing number of districts with access to broadband Internet of reasonable quality and price over the coming years.

d) Websites for radio and television

Convergence between telecommunications and the media, while still incipient in Mozambique, is a worldwide trend that produces numerous benefits for society. However, the telecommunications sector is the key factor, enabling a single network to transport voice, video, Internet, digital TV signals, and data and other services.

The current scenario suggests that the telecommunications sector, especially TDM and the companies linked to it such as Mozambique Cellular (Mcel), and Vodacom, the multinational mobile phone company based in South Africa, are taking an active part in the convergence process through making optical fibre, mobile Internet and broadband services available, even though the Internet continues to be slow and suffer frequent interruptions.

A step forward was taken at the end of 2008 with the launching in Maputo of a third generation mobile phone service (3G), enabling the integration of voice, data, video and TV services into a single channel - a new concept of mobile Web.

Radios are following the same model as the print press: they have been creating their websites, but these only contain some information about the companies themselves. The exception to this rule is Radio Mozambique, whose website (www.rm.co.mz) is considerably advanced in the techniques of transmitting news content via Internet. It transmits in parallel with the open signal radio, though with some delay.

Some commercial radios that lack the resources to create websites, find a solution by using blogs on which they place their information content.

The television websites have been slowly improving in quality. Although the technologies used do not permit direct transmission via Internet, information is beginning to be published on some websites in real time. STV, for example, publishes content taken from news bulletins already broadcast on its television and radio, as well as from some opinion columns. Its website already supports videos and contains links that lead to more in-depth news (www.stv.co.mz).

The TIM website (www.tim.co.mz) is still under construction, as is that of *Miramar*, the television station belonging to the Universal Church of the Kingdom of God (www.miramar.co.mz).

The ability of media workers to use ICTs in their work is fundamental for media development, on the one hand to ensure the gathering and processing of information and on the other for training new generations of journalists who will master ICT techniques and lead and sustain the technological revolution.

In this respect, there have been few initiatives to train journalists in ICTs for disseminating knowledge and producing quality information, though the Ministry of Science and Technology (MCT) organized a training course in scientific journalism in 2008. Courses that provide journalists with basic ICT training are few and far between.

Thus the factors impeding innovation in the newsrooms are costs and the lack of trained staff. The government's major strategic challenge is to lower the costs of Internet Service Providers (ISPs), optical fibre and other communication providers, so that media organizations can migrate to producing and distributing content in digital formats.

e) Electronic newspapers

E-newspapers were born out of small newspapers that were initially distributed via fax. With modest resources and small teams of only three or four journalists, these publications, initially faxed in A-4 paper, they were lately adapted and distributed to subscribers by electronic means.

The market for these fax newspapers are primarily embassies, NGOs and big companies, but they also reach public institutions, senior civil servants and a range of other professionals. The only precondition for clients is to have a fax machine or e-mail address and to pay an amount averaging 50-60 USD per month.

Small fax papers, such as *Tribuna Fax*, *Vertical*, *Media Fax*, *Correio da Manhã*, *Diário do País*, *Diário de Notícias*, *Púnguè*, *Ponto Zero*, *Expresso*, *Canal de Mocambique*, *Diário Independente*, *Diário da Zambézia*, *Wampula Fax* and others have circulations of 500-600. However, the difficulty of controlling their reproduction and electronic forwarding has caused significant losses to their owners.

The number of conventional newspapers producing electronic versions summarizing the print versions has grown in parallel. The following are some examples of this trend:

Jornal Fim-de-semana, www.fimde semana.co.mz, which reproduces content from its print newspaper, including some advertising.

Jornal Notícias, www.jornalnoticias.co.mz, is still in an experimental phase, and publishes news content that is faithfully copied from its print edition. The website stands out for having up-to-date content, though the design is still poor and it does not yet make use of interactivity and links.

O País, www.opais.co.mz, forms part of a holding group (the SOICO Group). Its website is not yet autonomous from the group's other media titles, since it reproduces news from other members such as Radio SFM, *O País* itself and STV, which leads to repetition. But the site is very well designed.

Canal de Moçambique, www.canalmoz.co.mz, began as a fax paper with a certain amount of investigative journalism. However, the website has not yet achieved autonomy from its print "parent".

Savana On-line, www.savana.co.mz, began with a "pay-per-view" model, but due to the lack of users decided to display its content free of charge.

Mozambique News Agency, www.sortmoz.com/aimnews/. The website is out of date and totally unappealing.

According to the 2007 Science, Technology and Innovation indicators, 103 e-magazines are operational in the fields of agriculture, forestry, fisheries, engineering, health, social sciences, arts and education, and there are 5533 print magazines covering the same areas¹.

f) Blogs

Blogs are still a recent phenomenon in Mozambique, and research for this study found little information or literature about them. Nonetheless, this form of personalized communication is beginning to occupy a significant space in educated Mozambican society.

It is impossible to provide an exhaustive list of existing blogs, as new sites are constantly appearing while others are closing down for lack of updating. However, it may be said that the profile of blog users includes teachers (at different educational levels), journalists and students. Managers, lawyers and architects can also be found in the blogosphere, suggesting that blog enthusiasts work in the liberal professions or are students, and tend to be people with a certain degree of civic conscience.

1 See: <http://www.mct.gov.mz/pls/portal/url/ITEM/5458CE1B316856DEE040007F0100158F>.

B. Press, broadcasting and ICT penetration

5.2 Marginalised groups have access to forms of communication they can use

Considering that radio and television are the most important and far-reaching media, the broadcasting sector is where access to and use of technical resources can have the greatest public impact.

a) RM's national coverage

It is common to use the concept of coverage as meaning geographical reach, when in fact population coverage is more important. Thus, in view of the fact that the population is becoming increasingly concentrated in the big urban centres, at the percentage of around 30 per cent², it would be natural to conclude that RM's population coverage is much greater than its territorial coverage.

According to Eng Luis Loforte, a specialist in transmitters³ working with RM, at the same time "saying that a given geographical area is covered simply because people living there can listen to a selected channel of RM creates confusion. That coverage concerns one channel, and RM uses various channels, including the National Channel, Radio City, Maputo Corridor Radio, Sporting Radio and each provincial transmitter. Thus, there is only an increase in the area and population covered by the main transmitter when the provincial transmitters are "networking" with the National Channel".

RM uses medium wave transmitters that cover a larger area than the FM transmitters; at night the area of coverage is also increased due to the hybrid nature of its signal, since a large part of it can reflect in the ionosphere and thus reach great distances.

A good strategy adopted by RM was to install powerful medium-wave transmitters for the provincial broadcasts, and to spread FM transmitters in sites where there is greater urban development and therefore population growth, as repeaters of the National Channel.

A major constraint on this strategy however has been the low quality of electricity: transmitters need extremely stable energy sources. Most of the electricity networks in Mozambique provide very poor quality energy, and poor systems of protection against lightning and other natural phenomena. Thus, as RM cannot have technicians everywhere it has FM transmitters, in the case of breakdowns the equipment remains out of use for lengthy periods, as the provincial station first needs to find out about it and then find funding so that a technician can go to the site.

2 <http://www.ine.gov.mz/censo2007>

3 Eng. Luis Loforte, interviewed in Maputo in 2009 for this study.

In any case, there are extensive areas of “silence” and large numbers of people who are not covered either by the National Channel or by the provincial stations, while RM’s other channels and the parallel network of community radios cover their target areas and population groups satisfactorily. One could say, as an estimate, that RM’s National Channel covers 30 per cent of the country during the day, when it isn’t being networked, and 60 per cent when it is being networked. At night, the figures rise to 70 and 90 per cent respectively. In terms of population coverage, figures for the National Channel alone rise from 30 to 50 per cent, while networked it achieves around 80 per cent. When networked at night one could speak of full coverage, though with below standard sound quality.

The provincial transmitters, operating with nominal capacity of 50 KW, only manage to provide full coverage of their respective areas and inhabitants at night.

b) Commercial and community radio coverage

Private radio broadcasters are divided between community radios (not-for-profit) and commercial radios (for profit). The former are mainly located in district capitals, and are usually supported by NGOs and religious institutions, apart from the State network of radio and rural television (ICS). The commercial radios are almost all in Maputo.

The private operators have a radius of 30 kilometres at best, i.e. when the terrain is flat. However, some radios belonging to religious institutions reach audiences in various provinces through repeaters installed in provincial capitals, such as Radio Maria, which belongs to the Catholic Church and has eight repeaters in different provinces.

It is thus clear that the major obstacle to disseminating radio signals is Mozambique’s size. While RM and TVM opt to distribute their signals via satellite, and receive funding for this from the State Budget through the so-called Programme Contracts, other operators use the optical fibre network to place their programmes on repeaters, meaning that their coverage depends on the extent of the fibre network. Repeaters (land radio transmitters and antennas) are needed for either option.

In practice, optical fibre and satellite are both used in large-scale radio broadcasting for transporting the signal to repeaters installed a long way from the production centre (or from the signal distributed by cable), and not really as means of connecting the listener or viewer to the radio and television stations. In other words, terrestrial radio broadcasting is still here to stay, in the specific case of Mozambique.

c) Public and commercial television

Mozambique Television (TVM) uses relatively modest equipment, especially for production, which is mostly obsolete and inadequate. TVM currently reaches the urban centres of Maputo, Beira, Nampula, Quelimane, Tete and Pemba, and also some district capitals where

the signal is repeated by the local television stations of the ICS network. Only part of the production equipment in Maputo is digital, and the obsolete equipment in the provinces provides poor quality images. TVM's coverage does not yet reach the rural areas, where electricity is also rare.

d) Televisions with open signals

STV: Property of the Information and Communication Company (SOICO Group), which also owns the *O País* newspaper, an advertising agency, Radio SFM and a printing house. STV covers the provinces of Maputo, Gaza, Inhambane, Beira, Manica, Tete and Zambézia, and receives technical support from the Globo Network, a Brazilian television network with which it established a partnership.

Rádio & Televisão Klint (RTK): RTK has functioned intermittently: launched in 1993, it was closed in 2002 for a long time and had a short-lived re-opening in 2008. It only covers Maputo and Quelimane.

Independent Television of Mozambique (TIM): It began transmitting in 2006 as 9TV⁴. The group also owns the 9FM radio, the Bola 9 newspaper, which was out of circulation during the period of this research, and an advertising agency – BM9. TIM's television signal only covers Maputo province.

TV Maná: It belongs to the Maná Network of the Maná Church, and transmits via satellite (Ku band) to 40 countries. In Mozambique it also has a radio station – 99.6 FM. The television signal covers Maputo province and seems to be expanding to other provinces. The group prioritises civic and religious topics.

TV Miramar: It belongs to the Brazilian community network TV Record, which is in turn owned by the Universal Church of the Kingdom of God, and has been operating in Mozambique since 1998. It is a private television station that broadcasts a little of everything: culture, news, sport, films, soap operas, reports and documentaries, but all imported from Brazil. TV Miramar covers the cities of Maputo, Beira, Nampula and Tete⁵.

KTV: A new television station owned by Media Events, which also comprises KFM Radio. It was the first TV station to introduce TV “chat” in which viewers exchange text messages that are shown on screen.

RTP África: The African channel of public Portuguese Radio and Television (RTP) was established in Mozambique by an agreement between the two governments. It transmits via satellite, with re-transmission via hertz for Africa, and covers Maputo, Sofala and Nampula provinces.

4 See Misa-Mozambique, Relatório Anual Sobre o Estado da Liberdade da Imprensa em Moçambique 2005, p. 22.

5 www.redemiramar.co.mz/empresa.htm.

e) Cable and satellite television

Cable and satellite television were introduced respectively by TVCabo, a Portuguese company, and Multichoice, a South African company that introduced a range of international channels. Digital Satellite TV (DStv) is also a multi-national offering multiple foreign channels. The cable TV service consists of retransmitting content produced by third parties, which is supplied to clients through a physical network that links a reception/broadcast centre to the home of each user. Cable TV provides good quality television, and opened a new phase in the development of Mozambique's information and communication "highways".

Since its launch, cable TV has been marketed in two ways: a basic package received on payment of a basic monthly rate, and coded packages that are only accessible to subscribers who want them and pay the respective subscriptions. The penetration rate of cable TV in Maputo is already over 30 per cent.

f) Printing houses, transport and distribution of newspapers

In numerical terms, newspaper coverage is still extremely limited. According to a recent study, only 5 in every 1000 people have access to them⁶.

The number of printing houses has grown at great speed in the last ten years, which means that printing is now quite fast and efficient. The situation in Maputo has particularly improved, with supply now meeting demand. As one media manager said, it is no longer necessary to look for high quality printers in South Africa, since the market already has quality printing capacity, including for colour printing⁷, with businesses such as Brithol Michcoma, CEGRAF, Académica, Tempográfica, Minerva Central, Spanos Gráfica, Notícias, and more recently S-Gráfica, belonging to the SOICO Group.

Newspaper penetration inland is extremely limited. There are places that the main papers never reach, and there are provinces that receive the newspapers once a week or irregularly.

Studies on newspaper circulation are few, and the data provided by the companies themselves lacks confirmation from independent external audits. According to a recent study, the daily *Notícias* has the highest print run and sales, with 16,000 copies printed daily: 14,120 are for subscribers, and 1,880 are sold in Maputo City and the rest of the country⁸.

Diário de Moçambique, based in Beira, prints 3,000 copies a day, of which 300 are sold in Maputo City and the remainder in Beira and other provincial capitals.

The weekly *Domingo* in turn prints around 10,000 copies, of which 3,000 are distributed to subscribers and the rest are sold in the provinces.

6 Celestino Vaz, *Estudo de Distribuição dos Jornais em Moçambique*, ECA/UEM. Maputo, June 2008.

7 Daniel David, Director-General of SOICO, interviewed for this research on 12 October 2009.

8 Celestino Vaz, *Estudo de Distribuição dos Jornais em Moçambique*, June 2008.

The more recent independent weeklies show similar trends: *Savana* prints 15,000 copies, mostly sold in Maputo City, while *Zambeze* has a print run of 10,000. *Magazine Independent* prints around 5,000 copies a week, and has a distribution network in all the provincial capitals.

g) ICT penetration

Mozambique's access to ICTs is among the lowest in Africa, despite having been the third country on the continent to start using Internet technologies: according to 2007 general census, about 24 per cent of the population has access to telephone, 2.1 per cent to Internet and 3.9 per cent to a computer⁹.

According to the "Science and Technology Indicators" report published by the Ministry of Science and Technology in 2007, which evaluates Internet use in the country, Maputo province had the highest coverage of 37.7 per cent. The other provinces had lower levels of coverage. Outside the public and private institutions with Internet networks, there are around 14,000 subscribers to the various providers, of which approximately half are private individuals and the remainder are small businesses.

Regarding the domestic accessibility of ICTs, the study shows that 45.5 per cent of Mozambican families possess radios, while 19.5% in urban areas and 0.7 per cent in rural areas have access to television. Finally, only 1.1 per cent of (urban) families own personal computers.

As for mobile telephony, the report published by the Eduardo Mondlane University Informatics Centre (CIUEM) in 2009, *Digital Inclusion in Mozambique: a Challenge for All*, states that 111 of Mozambique's 128 districts had coverage in 2008, meaning 86.7 per cent nationally¹⁰.

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalized communities

The National ICT Policy was approved in 2000, and the respective Implementation Strategy in 2002. Access to information was defined as a citizen's right, and expanding access to ICTs in the rural areas is one of the priorities. The Policy defines its priority areas as being education, human resource development, health, universal access, the IT infrastructure and governance. It also lays down the role of each sector of society in implementation; drawing attention to the fact that successful implementation will not be possible without the participation of all interested parties and potential beneficiaries.

The ICT Policy Implementation Strategy, approved in 2002, lays down the principles, objectives and methodology for projects in the six priority areas and their budgets, mechanisms to mobilize funds, and monitoring and control mechanisms¹¹.

9 <http://www.ine.gov.mz/censo2007>

10 Report available at: <http://www.ngopulse.org/article/digital-inclusion-mozambique-challenge-all>.

11 www.infopol.gov.mz.

A recent study found that there have been significant advances in the progressive implantation of infrastructures, computerizing the public and private sectors, e-government and other areas, but recommended the need to advance more rapidly and place greater emphasis on citizen-centred policies. It also recommended a review and revision of the Policy to bring it into line with the technological advances and other changes that have taken place since 2000¹².

Conclusions

Over the last five years, Mozambique has achieved significant improvements in the supporting infrastructure for developing and expanding media and ICTs. The expansion of the optical fibre services, and of access to fixed and mobile telephony and broadband Internet, have been instrumental in helping broadcasters extend coverage throughout the country. Mobile phone penetration currently covers 86.7 per cent of the population, including more isolated rural areas.

The radio broadcasting subsector (public and community) is the most extensive in terms of both territorial and population coverage, while commercial television stations are also beginning to expand through the country and move beyond the urban centers.

However, important constraints remain in this area, in particular: obsolete and insufficient transmission and production equipment in the public radio and television sector; poor quality electricity supply, especially in the districts; unreliable connectivity; shortage of technical capacity for maintenance and repairs to radio transmitters and studios; limited use and mastery of ICTs for producing and disseminating information; high costs for the air transport of newspapers; and poor distribution networks.

The use of ICTs by community radios is still at an early stage, but is developing fast, and there are prospects for improved Internet access in the near future. The problems of costs and sustainability remain, and above all the need for large-scale training to reap the full benefits of these information and communication tools.

The government should take steps to ensure low-cost community access, and CSOs and donors should prioritize training on digital techniques for communication. Technological convergence is already underway, and in the near future the community media will benefit from a diversified network for gathering and disseminating information, including mobile phones, computers, radios, Internet, CD and DVD. Community media will be the greatest beneficiaries of cheaper, lighter and more portable ICT technologies that eliminate the need for specialized technicians.

Recommendations

1. The State should give urgent consideration to a consistent and wide-ranging plan for re-equipping and modernizing public radio and television, including to facilitate the migration from analogue to digital systems.
2. The continued expansion of the number of radio stations, including community and commercial radios, suggests there is a need for an institution or mechanism to provide support for preventive maintenance and minor equipment repairs. The establishment of a Radio Broadcasting Technical Centre is therefore recommended.
3. An overall strategic plan should be prepared for revitalizing and strengthening the capacity and role of community media in the areas of production and local content, training, management, maintenance and repairs, replacing and updating equipment and reinforcing coordination among interested parties, thus ensuring that investments already made in them are maximized.
4. The next review of the National ICT Policy, which is now urgently needed, should explicitly include support for ICTs in community media and a citizen-centered approach to defining national ICT priorities, as well as support for a “converged” regulatory authority that takes technological advances into account.
5. Media organizations, through the AEJ or other mechanism, should agree on and implement initiatives aimed at reducing air transport costs for newspapers and the establishment of a common distribution network to the districts for print media outlets.

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Annex I: List of people and institutions contacted during the drafting phase

	Name of Law	Position/Institution
1	Adalberto Joao	CMC Angoche – Journalist
2	Antonio Ndapassoa	Radio Producer, RM
3	Alberto Botas	CMC Angoche – Journalist
4	Pde. Arlindo Pinto	Universidade Catolica, Nampula
5	Americo Xavier	Director, School of Journalism
6	Antonio Ndapassoa	Radio Producer
7	Armindo Chavana	Editor-in-Chief, TVM
8	Artur Ricardo	Editor-in-Chief, Diario de Mocambique
9	Benilde Nhalivilo	Programme Manager, FORCOM
10	Celina Candido	Government's Press Attache, Sofala
11	Cesar Nacuo	MISA, Nampula Province
12	Carlos Coelho	Editor, Noticias newspaper (Nampula Province)
13	Daniel David	CEO, SOICO Group
14	Eduardo Constantino	General Secretary, NSJ
15	Fatima Mimbire	Editor, AIM News Agency
16	Faruco Sadique	Editor, Diario de Mocambique (Beira)
17	Fernando Lima	CEO, Mediacoop
18	Felisberto Tinga	Director, GABINFO
19	Hilario Matusse	Ministry of Justice
20	Luis Loforte	Transmission Engeneer, RM
21	Joao Jeronimo dos Santos	Chair, FORCOM and Radio Dondo
22	Manuela Cossa	Journalist, CMC Xinavane
23	Mario Lourenco	Manager, CMC Xinavane
24	Sauzande Jeque	Programme Manager, RM
25	Salomao Moyana	Journalism Lecturer, UEM
26	Silvia Afonso	Provincial Manager, Institute of Mass Media
27	Tomás Jane	Dean, Higher School of Journalism

Annex II: List of data sources

For the purpose of verifying the indicators, the following data sources were considered:

For general national data, policy and strategies	
1	National Institute of Statistics (INE): Annual Statistics Releases. Government of Mozambique
2	Plan of Action for Poverty Reduction (PARPA II: 2006–2009)
3	Government's Five Year Economic and Social Plan (2004–2009)
4	Agenda 2025: Vision of the Nation. Government of Mozambique
5	National Strategy for Rural Development
6	National Human Development Reports, UNDP Maputo
7	MDGs National Progress Reports
8	Households Income Surveys : INE, Government of Mozambique
9	Media Registration Data, Information Bureau : Prime Minister's Office
10	Annual Reports : Mozambique TELECOM
11	Annual Reports : Radio Mozambique
12	Annual Reports: Television of Mozambique
13	World Telecommunication Indicators (Annual statistical data)
14	National Information Policy
15	National Informatics Policy
16	National Informatics Implementation Policy Strategy
17	Science, Technology and Innovation Strategy
18	National Strategy for Tertiary Education
19	National Strategy for Vocational Training
20	MISA Mozambique Annual Reports on the State of Press Freedom in Mozambique
21	The Constitutions of MISA and the National Union of Journalists (SNJ)
22	Reports of MISA and SNJ Annual General Assemblies/Conferences Existing Media Researches
23	Interviews with Media Managers, Editors, Freedom of Expression and Human Rights organizations.

International & regional standards

1	<p>Article 18 of the Constitution of Mozambique (International Law) states as follows: “Validly approved and ratified international treaties and agreements shall come into force within the Mozambican legal order, once they have been officially published and while they are internationally binding on the Mozambican State. The norms of international law shall have the same force in the Mozambican legal order as do infra-constitutional legislative acts (i.e. ordinary laws, the rank of which is lesser than that of constitutional legislative acts) of the Assembly of the Republic and the Government, according to the respective manner in which they are received.” Mozambique is party to a number of international and regional legal instruments relating to freedom of expression.</p>
2	<p>United Nations/International</p> <ul style="list-style-type: none"> ■ The United Nations Universal Declaration of Human Rights (adopted in 1948). ■ International Covenant on Civil and Political Rights (enacted by the United Nations in 1976).
3	<p>African Union/Regional</p> <ul style="list-style-type: none"> ■ The Windhoek Declaration on Promoting an Independent and Pluralistic African Press (1991). ■ The African Charter on Human and Peoples' Rights (adopted 27 June 1981). ■ The Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 – 23 October, 2002: Banjul, The Gambia. ■ African Charter on Democracy, Elections and Governance (2007). ■ SADC Protocol on Culture, Information and Sport (adopted in 2000). ■ SADC Declaration on Information and Communication Technology (2001). ■ African Charter on Broadcasting 2001 (Windhoek + 10).

National legislation on or related to media	
Law/Decree number	Object
Press Law: Law 18/91 of 10 August 1991	Commonly known as the Press Law. It establishes the principles that govern media activity and the rights and duties of media professionals. It regulates media registration, the regime for licensing radio and television, and other relevant matters.
State Security: Law 19/91 of 18 August 1991	The Law on Crimes against the Security of the State. This law includes provisions in the terms of which the crimes of defamation, slander and libel committed against the Head of State, the President of the Assembly of the Republic, members of the government, judges on the Supreme Court and members of the Constitutional Council, as well as against deputies, magistrates, presidents and secretary-generals of political parties (...) comprise crimes against the security of the State. (Note: in 1991 Mozambique was still a one party state.)
State Secrets: Law 12/79 of 12 December 1979	Establishes the legal regime for State secrets.
Open waves Decree: Decree 22/92 of 31 December 1992	Puts into effect the end of the state monopoly over broadcasting, establishing the legal and technical conditions for access to the frequency spectrum on the part of other sectors.
Broadcasting Technical Regulations: Decree 9/93 of 22	Establishes criteria for the participation of the private and commercial sectors in the broadcasting sector.
Public Service Radio: Decree 18/94 of 16 June 1994	Creates Radio Mozambique as the provider of the public broadcasting service.
Public service TV: Decree 19/94 of 16 June 1994	Creates Mozambique Television as the provider of the public television service.
Government's Press Office: Presidential Decree 4/95 of 16 October 1995	Creates the Office of Information (GABINFO), the successor body to the Ministry of Information, functioning under the Office of the Prime Minister.
Advertising Codes: Decree 65/2004 of 31 December 2004	Approves the Advertising Code.



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