

SIERRA LEONE

# STATE OF THE MEDIA REPORT

2015



**Promoting Excellence and Professionalism  
in Journalism**



**Prof. Ritchard T. M'Bayo, Ph.D.**  
*Series Editor*

Sierra Leone  
**State of the Media  
Report 2015**

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*Empowered lives.*

**PROMOTING EXCELLENCE AND PROFESSIONALISM  
IN SIERRA LEONE JOURNALISM**



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**PROF. RITCHARD T. M'BAYO, PH.D.**  
Editor

**A PUBLICATION OF THE MEDIA REFORM COORDINATING  
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State of the Media Report 2015

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## Foreword

## The State of the Media Report: Tracking the Media Reform Agenda in Sierra Leone

**Ransford Wright**

Coordinator, MRCG-SL

**T**he Media Reform Coordinating Group-Sierra Leone (MRCG-SL) came into existence as a recommendation of the National Media Strategy Document that was formulated in 2013. The development of the national media strategy for Sierra Leone was funded by UNDP and UNESCO. This initiative was preceded by a comprehensive study to map the capacity needs of the media sector. The study revealed some of the major issues affecting the media in Sierra Leone, including ethical challenges, hostile regulatory frameworks, unprofessionalism and financially strained media.

Development within the media sector in Sierra Leone has been hampered because of the unconducive environment within which the media operate. Fundamentally, in order to see a developed media industry in Sierra Leone, strategic interventions on reform must be taken. It is against this backdrop that the MRCG-SL is pursuing intentional reforms in media regulation, media education and a free press amongst others. It is hoped that if these reforms are achieved our vision of a credible, economically viable and well-focused and inclusive media in Sierra Leone will be achieved.

In tracking the media reform agenda in Sierra Leone, the primary focus includes the review of existing media laws to ensure that the regulatory framework is suitable for free and responsible practice, improved professionalism through supporting media education programs that augment curriculum development and high quality media training at colleges and universities, supporting the development of Codes of Conduct for Media Practitioners that will engender self-regulation and strengthening organizational capacity of National Media Organizations.

As we pursue reform in these initiatives it is but expedient that we take stock of the state of affairs within the media sector in Sierra Leone. It is against this backdrop that the MRCG-SL has included *The State of the Media Report* as part of its activities.

*The State of the Media Report 2015* encapsulates the operations of the media in Sierra Leone. This is a “toolbox” for International and National Scholars as well as Media Development Agencies. They can benefit from the comprehensive research and analysis that had been carried out thus informing media development interventions and also aiding research work.

This report has been divided into six parts: (1) Media Laws and Regulations, (2) Media Management and Ownership, (3) Media Ethics, (4) Media and Democracy, (5) Media and Gender Representation, and (6) Media Education.

This report highlights historical perspectives and relevant media theories to help us understand the current state of affairs in Sierra Leone. A review of the current laws and codes that are used to regulate the media in Sierra Leone is catalogued and analyzed.

Regulation on the use of social media is a topical issue in Sierra Leone at the moment. Hence, an assessment of public opinions on a regulated social media and the impact of such regulation are presented in the report.

The subject of sustainability and profitability of the media in Sierra Leone is assessed in this report and the research suggests that the media in Sierra Leone, though sustainable, remain unprofitable.

Media performance and responsibilities are critical issues that need to be evaluated when it comes to ethics with the media. The report assesses current ethical issues against the accepted ethical codes of media practice. Public perception of media practice in Sierra Leone is also captured together with examples of unethical publications that inform these perceptions.

The current status of women in the media in Sierra Leone, the progress women have made so far, the challenges and obstacles they encounter are assessed in the report. In addition, recommendations on the way forward to enhancing women's emancipation within the media are outlined.

As Chairman of the MRCG-SL, I am indebted to all the media professionals who contributed well researched articles to give a comprehensive

perspective of what obtains within the media landscape in Sierra Leone. This is also an attempt to track progress made so far as we pursue the media reform agenda in Sierra Leone.

The extensive experience and expertise of the Editor, Professor Ritchard M'Bayo, provided the required oversight for such a rich analysis of the media sector in Sierra Leone. Professor M'Bayo's knowledge and experience, acquired over a media career spanning for more than thirty years, provided the academic prowess for this work to stand the test of time.

To all those who are interested in media research work in Sierra Leone and anyone who wants to understand the current media environment in Sierra Leone, *The State of the Media Report 2015* is a must read.

## Chapter One

# The Dilemma of Media Freedom and Responsibility in Sierra Leone

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*“If there is ever to be an amelioration of the condition of mankind, philosophers, theologians, legislators, politicians and moralists will find that the regulation of the press is the most difficult, dangerous and important problem they have to resolve.” John Adams (1815)*

### Abstract

Nation-states that opt for the democratic political culture must map out the role of the media in the arena of politics as a key driver of success of this paradigm. The goal, historically, has been to create a delicate balance between media freedom and media responsibility with little or no state control. This has not always been an easy task.

However, democratic states have historically resolved this conundrum with relative success, given the fact that media freedom and responsibility are key variables of the legitimacy of the state. We often forget, however, that the challenges of the newer states were once the bones of serious and aggravated contentions for the now well established consolidated democratic nations of the global community.

This article examines the case of Sierra Leone against the Anglo-American experiences and concludes that the challenges of the media in contemporary Sierra Leone and the often ambivalent relationship with the state are nothing but the attendant natural growth process of the media. Based on this analysis, it is not unreasonable to speculate that despite the current hurdles, someday in the future our national constitution will prohibit our law makers from making laws that abridge the freedom of the press or the right to free expression of ideas. That in the next 20 or so years, the levels of the degree of media *freedom* and *responsibility* will be much higher than they are now.

**Key Words:** media freedom, media responsibility, independent media, media failures

### Introduction

Some two hundred years ago, John Adams, admonished legislators, politicians and moralists that in the governance of the state, they will find that the regulation of the media is the most difficult, dangerous and important problem they have to resolve (John Adams, 1815). John Adams uttered these words (quoted above in italics) exactly 200 years ago, but they are as relevant today as if they were said on the eve of Sierra Leone's political independence or during our 50<sup>th</sup> Independence Anniversary Celebrations.

For over 200 years, Britain and the United States of America, considered the most successful liberal democratic states, have grappled with John Adams' admonition about the regulation of the press and engaged in protracted political discourse about media freedom and responsibility. Historically, all nation-states, large as well as small, that have chosen the democratic political culture have also had to reconcile media freedom and responsibility with the state obligation to protect both within prescribed regulatory frameworks.

Why the need to control the media? It is the belief in the power of the media and the perception of the press as an ideological tool that drives the need for control. Paradoxically, that belief is also the reason why some people advocate for media freedom as an essential cata-



lyst of the democratic culture. Interestingly, or perhaps surprisingly to most people, there is no social scientific evidence suggesting that media messages *alone* can influence people's behavior, change attitudes, or how they think, and who to vote for. Much has already been said about the new phenomenon of social media, perceived as the most potent force in political campaigns, given the experience from the recent American presidential elections. While the media in general may have played some significant role that influenced the outcome of the elections, media messages were not the sole cause of defeat or victory in that election. In Sierra Leone, the belief in the power of the media generally, and now particularly in the potency of new media is driving the state to formulate new laws to regulate and control social media. Yet fewer than 200,000 out of a population of 7,000,000 (about 3%) Sierra Leoneans are actively participating in this new phenomenon.

What we know for sure is that combined with other variables such as perceptions about the state's ability to deliver the goods (social services) – health care and education, infrastructural development, peer influence, opinion leadership, culture and other agents of socialization – the media, (including social media) can exert tremendous impact on people's lives and behaviors. Nonetheless, the perceived potency of the media, with or without scientific evidence, remains the most significant factor driving the need for media control and media freedom in society, justifiably and unjustifiably so.

The chapter seeks to capture the essential elements of the Anglo-American experiences that have inspired virtually all media regulations in Sierra Leone. Why is that necessary? Because the primary frames of reference in most conversations about media freedom in Sierra Leone are the Anglo-American experiences. Although there are extant Afrocentric perspectives about the role of the media in contemporary Africa – the development media theory – Sierra Leonean journalists have adopted the Western libertarian philosophy as the source of the primary guiding principles of the way the media should operate. This is inevitable because, apart from its colonial ties with Britain, Sierra Leone has also opted for a liberal democratic state, and only the libertarian philosophy is concomitant with such a political culture. That culture insists upon the right of free expression of ideas, freedom of the press, and the opinion of the people as the basis of democratic

governance. Media systems are, therefore, a key barometer of success or failure of a truly democratic state.

### Key Questions

This article seeks to provide some perspective on certain key questions: (1) Is Sierra Leone on the right path toward developing a relatively high degree of media freedom? (2) What are the similarities between the Anglo-American and Sierra Leonean experiences relative to the evolution of media freedom and responsibility? (3) What relevant lessons can we draw from the Anglo-American experiences that could guide our own efforts in promoting media freedom in the socio-political context of Sierra Leone? These questions are based on the presupposition that Britain and America are the progenitors of the media norms that have filtered throughout the contemporary world. These norms have not only become the basis of democratic politics, they are also now seen as part of the *universal cultures* that define freedom, development and human rights.

### Theoretical Framework

Apart from the fact that media practitioners are humans, shaped and molded by the idiosyncrasies of nature, there are distinct professional, philosophical, and ideological principles that guide *professional journalists* in the performance of their journalistic work. These principles emphasize different aspects of the conduct of professional work depending mainly on the political culture of the society. Media studies scholars and, particularly, media sociologists, continue to expand the conversation beyond politics and state-media interactions. The scope of the debate about the role of the media now includes issues such as *Media and Gender*, *Media and Development*, *Media and Conflict*, etc. Media studies scholars are engaged in the singular task of trying to decipher the complexities of journalistic performance and to explain why media practitioners behave the way they do. To be able to do so, they resort to the theories of communication or formulate new ideas that attempt to provide answers about how and why journalists behave the way they do.

Contrary to certain prevailing notions, the media in Africa, unlike their counterparts in Britain and America, are neither monolithic in outlook or performance nor in philosophical or theoretical orientation. Rather, they assume two primary categorizations: (1) public

media channels, generally consisting of state-owned and operated media systems; and (2) privately owned commercial media operations (M'Bayo, 2003).

This categorization of media channels defines the philosophical or theoretical orientations of the various forms of mass communication systems. Hence, public channels tend to adopt the development theory, while private channels lean toward the libertarian theoretical or philosophical approach. The latter (the libertarian philosophy) emphasizes the right to free expression of ideas, press freedom issues and the public's right to know. The former (the development media theory) insists upon the media's obligation to work in partnership with the state in pursuit of national developmental goals.

Since these are normative theories, meaning that they simply describe or propose ideal situations (things as they should be), and not things as they actually are, the line between the two perspectives in a country like Sierra Leone is not as clearly drawn as in Britain or in the United States.

Sierra Leone is a *developing country* aspiring to becoming a *consolidated democratic state*. Hence, the perspective of the media from the developmental philosophy is as relevant as the perspective from the libertarian philosophy. There is an uneasy marriage between these two seemingly divergent views of the media in society, which is sometimes the source of the controversy about media performance and state and media interactions.

### Methodology

In a study of this kind, relying on the traditional methods of data collection may neither be useful nor ideal as they pose obstacles and challenges that are difficult to overcome. Even simple surveys have their own peculiar problems of validity in our own environment. It is not unusual for social scientists, faced with this predicament, to resort to alternative epistemological approaches rather than to be saddled with what I call *empiricist predicament*, the requirement to be guided strictly by the rules of traditional social scientific methodology. As a resident scholar, I have had to do most of my own research mainly as a participant observer. I have used every conversation with journalists, and with my students (many of whom are working me-

dia professionals), participation at media workshops, access to documents, review of relevant literature, etc. as valuable sources of data in the work I do. The goal, always, is to construct episodes and develop narratives about the media in Sierra Leone – essentially a humanistic approach, that seeks creative interpretations of the human experience. The present work is a product of such endeavor.

### Comparing the Anglo-American and Sierra Leonean Experiences

This may sound like comparing apples and oranges. However, the similarities among the three countries relative to the evolution of the modern media systems are strikingly instructive as well as inspiring. In making this analogy, one must acknowledge that the draconian impulses of the state – Britain and America – far exceeded state repression of the media in contemporary Sierra Leone. What appears to be true historically is that all nation-states and all political power elite, have a propensity for media control. What is also true, historically, is that in almost all cases, the emergence of political parties (political pluralism) and the rising tide of democratic political culture have been the key predictive factors of media freedom. This was true with the British and the Americans, and it is true today with Sierra Leone, a fledging transitional democratic state. Political pluralism promotes media freedom and media responsibility.

### The British Experience

Britain, one of the great bastions of media freedom in the world today, was a dangerous place to practice journalism in the 17<sup>th</sup> and 18<sup>th</sup> centuries, where printers were executed for publishing materials that were perceived to be threats to state security, and where the seeds of the draconian laws that will later spread to the British colonies were planted and nurtured for one primary purpose and one purpose alone – to control the media – at a time when state governance was based on authoritarian principles under the monarchical system. In the arsenal of pernicious British legal instruments for press control, and the manifestations of the hostile environmental in which the media operated, were: (1) Licensing, and (2) Prosecutions for Libel or Seditious Libel.

**Licensing:** For example, the Crown adopted licensing as a form of censorship and control, and as a way of curbing what the authorities perceived as the excesses of the press.

**Libel and Seditious Libel:** And where licensing failed, printers were prosecuted and charged with libel or seditious libel for merely criticizing the government or the King and, according to Pember (1987, 40) it did not even matter whether the criticism was truthful. In that kind of environment, truth was perceived to be more dangerous than falsehood.

### Revoking Authoritarianism in England

Two primary factors are often cited as reasons for the British law-makers' about face on the authoritarian tendency of media control via licensing and libel laws: (1) the growth of the media, and (2) the emergency of political parties and political pluralism.

#### *Growth of the media*

Media scholars have noted that as newspapers became the principal purveyors of public information, and as political parties started to emerge in the democratic tradition and started to mount opposition to control of what was perceived as an important instrument for achieving and maintaining political power, the system of control became extremely difficult to sustain (Siebert, Peterson and Schramm (1954, p. 22). According to Dicey, in 16<sup>th</sup> and 17<sup>th</sup> centuries, the Crown maintained absolute control over the media and allowed no one to print except under special license. Under this arrangement, printing was relegated to a select group of some ninety-seven London stationers as an exclusive privilege with the authority "to seize all publications issued by outsiders (Dicey 1915, 161). It was about the same time that licensing, as a form of censorship and control, and a way of curbing the press, was adopted. It was not until 1695 that the House of Commons refused to renew the Licensing Act. As Dicey (1915, 162-163) explained:

The English statesmen of 1695 neither avowed nor entertained the belief that the 'free communication of thoughts and opinion was one of the most valuable of the rights of man.' *They refused to renew the Licensing Act, and thus established freedom of*

*the press without any knowledge of the importance of what they were doing.*

Nelson and Teeter (1978, p. 22) have noted that: "The House of Commons, offering a long list of reasons for its refusal to renew the Printing Act, focused on the restraint of the trades as the main factor, saying nothing about the principles of freedom of the press." Nonetheless, whatever the motivations might have been, that decision meant "the classic instrument for press control was dead in England (Nelson and Teeter, 1978, 22).

#### *Emergence of political parties*

Normative propositions, such as the libertarian philosophy, suggest a significant relationship between media freedom and responsibility and the success of a democratic political culture. John Milton's *On Liberty*, and John Stuart Mill's *Areopagitica*, remain to this day the most powerful and enduring classical expositions of these ideas. These propositions contributed tremendously to the change of attitude of English and American law makers toward the media and about media freedom and responsibility in a democratic state.

Although they may appear to be far removed in time, distance and socio-cultural context, most arguments and conversations about media freedom and responsibility in contemporary Sierra Leone and, indeed, about the role of the media in a democratic state in general, are predicated on these normative philosophies. The arguments and struggles about media freedom have filtered into the body politic of nations across the world, often against tremendous odds and in the face of inflexible political authority. Apart from political pluralism, civil society organizations have mounted vigorous campaigns against media control in contemporary society.

Even in a fledging democratic state like Sierra Leone, these ideas are now partly the drivers of the democratic culture. Media freedom and responsibility have become universal cultures, espoused by smaller as well as bigger nation-states of the global community. Only countries like the Soviet Union, China, and Cuba are yet to fully embrace these norms.

### The American Experience

Among the key proponents of media freedom and the right to free expression of ideas were John Milton (1608 - 1674), English poet and author of the classical novel, *Paradise Lost*; John Stuart Mill (1806-1873), philosopher and economist; John Locke (1632-1704), philosopher and founder of *empiricism*; John Adams (1735-1826), 2<sup>nd</sup> president of the United States; Thomas Jefferson (1743-1826), 3<sup>rd</sup> president of the United States, and the principal drafter of the American Declaration of Independence.

In 1878, Thomas Jefferson echoed the sentiments of John Adams when he said that the basis of the American government was the opinion of the people, and that “the very first object of the state was to keep that right,” adding that: “were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them” (Knowlton and Parsons, 1995, p. 215).

On the one hand, Jefferson was highlighting the state commitment to protect media freedom and the right to free expression of ideas. On the other hand, he emphasized the need for the media to be responsible and to serve the interest of the people.

### Media Freedom in Jeopardy in America

Contemporary ideas about freedom of the press are couched upon a solid Western philosophical and ideological foundation and a tradition of belief, commitment, and faith in people to make decisions about what is good or bad for them. These ideas have not only stood the test of time; they are today the pillars of successful democratic states. They have also become universal cultures and the foundation of human rights principles – the opinion of people, the right to free expression of ideas, and press freedom – the hallmarks of a democratic state.

Was media freedom (in America) ever in jeopardy? Although American history is punctuated with a myriad of glorious and significant moments in the evolution of media freedom and responsibility, the years 1791 and 1947 were no doubt critical junctures of the histor-

ical process of the evolution of media freedom. In 1791, the dilemma and ambivalence about press freedom were kind of laid to rest, when Congress ratified the 1<sup>st</sup> Amendment to the American Constitution and adopted the provision that: Congress shall make no law...abridging the freedom of speech, or of the press.” The First Amendment notwithstanding, Anglo-American philosophers, politicians and essayist continued to propagate powerful and unremitting narratives about the need for sustained media freedom as an inevitable catalyst and key barometer of a viable and successful democratic state.

These efforts, notwithstanding, political authority intermittently caused stressful moments for journalists throughout the 19<sup>th</sup> century. For example, James Franklin of the *New England Courant* was twice sent to jail for “belittling authority” (Nelson and Teeter, 1978); John Peter Zenger of the *New York Weekly Journal*, in a precedent setting case served almost a year in jail for calling Governor William Cosby “a tyrant and oppressor,” (Nelson and Teeter, 1978).

The point here is that the bastions of media freedom in today’s world were not always favorably predisposed toward the practice of journalism. Transitional democratic states (like Sierra Leone) are at the stage of their own socio-political development that require resolutions of the perennial challenges associated with media freedom and responsibility and a delineation of the role of the media in a democratic state.

In today’s world, the need for media freedom is no longer just an Anglo-American philosophy and ideology. It is now a global phenomenon, a universal culture and a democratic credential of the contemporary nation-states.

The First Amendment gave a free pass to media practitioners. But nearly 200 years later, media freedom became a troubling issues and sometimes even counterproductive of the very ideals that prompted it, occasionally forcing law makers and the public to question whether media freedom in America was in jeopardy. The blatant abuses of press freedom rights by journalists and American media barons like Joseph Pulitzer and William Randolph Hearst brought new concerns about media freedom in America, and the question was asked whether media freedom was dead. The Hutchins Commission which was set up to investigate the prob-

lem wasted no time and minced no words to deliver the verdict. Yes, according to the Commission at the time, media freedom in America was in jeopardy. They proffered three reasons why that was the case:

1. Less public participation through the channels of mass communication.
2. Failure to provide services and to meet the needs of society.
3. Engaging in practices that the public condemns.

It is interesting to note that the two names associated with the worst practices of American journalism, Joseph Pulitzer and William Randolph Hearst, are also today associated with the best American journalistic practice, with a legacy of commitment to promoting professionalism in the field and leading the effort to clean up the profession. The Pulitzer Prize, a legacy of Joseph Pulitzer, bequeathed to the Columbia School of Journalism as executor, is awarded annually to journalists for best practices of their profession.

### **The Sierra Leone Experience: Thorny Road to Media Freedom**

In political terms, Sierra Leone is best conceived as an *unfinished state*, a work in progress of toward becoming a consolidated liberal democratic nation. As such, it is still mostly pre-occupied with building fundamental and viable institutions for governance, transparency, and accountability while reconstituting its war-ravaged political order following a protracted and savage civil warfare in the last decade of the 20<sup>th</sup> century.

Hence, as a sovereign nation, and since the early 19<sup>th</sup> century, moments after the founding of the first newspaper in the country, it has grappled with the perennial question of defining the role and functions of the media in society and how the state would relate with the media in the context of the political cultures of the past – colonial administration, authoritarian regimes and military dictatorships. It is now bound to do the same in the context of the prevailing political culture – the transitional democratic system.

In this regard, journalists are not licensed in Sierra Leone and there are no prior restraint policies, but media agencies are required to obtain registration from a quasi-governmental agency, the Independent Media Com-

mission (IMC), set up partly for this purpose. From the perspective of the state, the purpose of requiring media registration is to promote order and professionalism in the practice of journalism in Sierra Leone, a field that has been historically racked with controversy over performance and ethical/moral issues. To others, it is the continuing effort of the state to exercise control over the media. This policy of legal control of the media through registration was first established with the 1924 Newspaper Ordinance under the colonial administration, which provided for the registration of newspapers and their proprietors. The Newspapers Act (1980) draws from the 1924 Newspaper Ordinance, while the IMC Act of 2000 as amended, draws from the 1980 Newspapers Act. In recent years (since independence in 1961), the motives and the sources of media regulations that have defined state-media interactions included the following:

- (1) **Regime Type:** Whether the state is a dictatorship, one-party or military regime or a democratic system.
- (2) **State Agenda for Development:** Whether the state sees media agencies as partners in the national development agenda rather than as adversaries.
- (3) **Mood and Temperament of Political Power Holders:** In 1992, the Ministry of Defense (then the Department of Defense under the NPRC), unhappy with the way newspapers were covering the war, denounced journalists who "were using the power of their pens and so-called freedom of expression to destroy this country." Such journalists, according to the regime, were "unpatriotic writers," a perspective that was used as warrant for formulating Decree No. 6 which provided penalties for such behavior.
- (4) **The Public Interest:** Public opinion and perceptions have been used as warrants for state intervention, especially persistent complaints about media practitioners engaging in practices which society condemns as well as the general perception poor professional performance.

### **Current Status**

Although it still exerts tremendous power on the direction and development of media laws, the state is no

longer the sole source of media regulation in Sierra Leone. What now prevails is that the state appears to have *strategically* taken the back seat, though not an entirely hands-off posture in media regulation. With a relatively new and robust Communication Unit at State House supplementing the Ministry of Information and Communication, the State remains to be the most powerful mass communicator than any one media agency in the country. Apart from that, surrogates and sympathizers of the state and state policies populate the media landscape and help propagate the state agendas.

Some of the best Sierra Leonean journalists are now public relations officers (PROs) in waiting or prospective state communications advisers. In an interview on the Sierra Leone Broadcasting Corporation (SLBC), a state functionary of the Ministry of Information was asked why the President does not include journalists among his entourage when he attends international functions such as the United Nations General Assembly? His response was that “journalists should make themselves attractive.” He was obviously not referring to physical attraction. The interpretation was that the less critical a journalist is of the government, the more attractive, and the more likely to be selected as part of the media corps to accompany the president on his official trips.

### The Impact

While there is consensus about the critical role of the media as facilitators of the democratic agenda, there is polarization among media professionals that comes out clearly at times of controversies, conflicts and crises such as the “more time” proposal that sought the extension of tenure of the presidency, or the recently announced state austerity measures. On the one hand there are media practitioners who beat muffled drums with muted voices about certain state actions, and on the other hand are those who aggressively pursue the state and state functionaries and insist upon transparency and accountability in governance of the state.

With new actors on the scene, the state is now less likely to promulgate draconian press laws. What it does, in the absence of new and progressive regulations reflecting the changes in society and in the global community, is to fall back on an ancient regulation – the 1965 Public Order Act – in dealing with perceived excesses of the media.

The key players on the scene steering the ship of media freedom are the Sierra Leone Association of Journalists (SLAJ), the Independent Media Commission (IMC), the Media Reform Coordinating Group of Sierra Leone (MRCG-SL), and Civil Society Organizations. The state can no longer be the sole purveyor of media regulations in the country. Rather, unlike the past and in the context of the democratic culture, any new laws pertaining to the media will be the product of dialogue and collective action by key stakeholders, with significant input from media practitioners. It is with this understanding that SLAJ, acting on behalf of the professional media community, made a submission to the Constitutional Review Commission (CRC). The submission, essentially, requested for inclusion in the new constitution a special chapter on Media Freedom and Responsibility with provisions that protect press freedom and the right to free expression of ideas.

### Conclusion

If the Anglo-American experiences are good indications, then the degree of media freedom and responsibility in Sierra Leone will continue to improve in the years ahead. State control of the media will diminish, and technological innovation will not only make it extremely difficult for the state to exercise control over the media, it will be the primary factor in defining the practice of media professionalism and nature of state-media interactions.

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## Chapter 2

# Media Laws and Regulations: Review and update on Sierra Leone's statutory and self-regulatory models

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## Abstract

This article reviews the current laws and codes that are used to regulate the media in Sierra Leone and analyses the extent to which those laws resonate with international best practices on media freedom, accountability and responsibility. With the use of documentary search, the article highlights the constitutional, statutory and self-regulatory instruments being used to regulate the country's media. The paper utilises the normative theories of the press to situate the country's media regulatory systems. The study finds that the different forms of regulations, which are largely not codified and harmonised, pose a major challenge to media practitioners in Sierra Leone. This study begins the process of codifying and harmonising Sierra Leone's media laws and regulations.

**Keywords:** Normative theories, regulations, media laws, codes, media freedom

## Introduction

There are more than a dozen statutes that are being used to regulate the media in Sierra Leone. They range from Constitutional provisions, Acts of Parliament to Codes of Practice/Ethics. As regards some of these pieces of legislation, there have been no shortages of criticisms of their application and utilisation particularly in this twenty-first century (Sowa, 2016, p. 66).

Sierra Leone's media laws and regulations take three distinct approaches: State or Statutory Regulations (the

Constitution, Acts of Parliament and policies); Self-Regulation (Codes of Conduct/Ethics) and Quasi State/Technocratic Control (the Independent Media Commission's Act and Code of Practice).

The current trend largely resonates with the country's long history of media regulation which dates as far back as 1862 during the epoch of British colonial rule. From the colonial era to the present day, British Common Law generally applied to Sierra Leone. English law was first introduced in the colony by an Ordinance of May 29, 1862 and it provided that the laws and statutes in force in England in January 1862 should be applied to the colony. However, no formal measures were taken by the colonialists to regulate the media (only newspaper publication at that time) throughout the nineteenth century. But that was not the case in the twentieth century. The regulation of the media started with newspapers. The first laws regulating newspaper publication in the country were introduced in 1924 with the enactment of the Newspaper Ordinance. From that period to 2016, several statutes have been used to regulate the country's media.

## Theoretical framework

Throughout history, the regulation of the media has arguably been on norms and certain societal values which could be understood from the normative perspective. A society's normative theories concerning its own media are usually to be found in laws, regulations, media policies, codes of ethics and the substance of public debate (McQuail, 2005, p. 15). This kind of the-



ory is important because it plays a part in shaping and legitimating media institutions and has considerable influence on the expectations concerning the media that are held by other social agencies and by the media's own audiences. The laws, regulations and code of ethics are determined by the norms of the society which are determined by the country's system of governance (quoted in Sowa, 2016).

Sierra Leone's media laws and regulations fit into McQuail's descriptions above. The country's media laws and regulations are largely shaped, influenced and promulgated by its systems of governance, whether autocratic (colonial, one party or military) or democratic regimes. Those laws or regulations are visible in the national Constitution, Acts of Parliaments and Code of Conduct/ Ethics. The laws and regulations governing Sierra Leone's media operations can safely be placed under the following normative theories: Authoritarianism, Libertarianism and Social Responsibility.

Most of the media laws mainly take the form of authoritarianism as explained below in a tabular form. The Authoritarian Theory was developed in 16th and 17th Century England during the absolute power of the monarch, his government or both. The purpose was to support and advance the policies of the government in power and to service the state. The media were controlled by government patents, guilds, licensing and sometimes censorship. Criticism of the political machinery and the officials in power was forbidden and the ownership could either be private or public. In essence, it was an instrument to effect government's policy though not necessarily government owned (Dominick, 2002). The theory established that state authorities instituted mechanisms that forced the press to be subjected to the dictates of the powers. For example, the Tudor Systems of Censorship in Great Britain forced the press to operate within so called 'mandates' of the state. In most African countries colonised by Britain, including Sierra Leone, authoritarianism was practised through the initial subjection of the media to the dictates of the British. The practice by then was that laws and policies in England be applied to the colonised countries. It was, and still is, a practice in some countries, including Sierra Leone, to find criminal and seditious libel laws in their law books. The country's press was subjected to stringent rules and regulations regarding their registrations and operations as evident in, for example, the Newspaper Ordinance, 1924, the Newspapers Act, 1980 and the NPRC Decree and Guidelines in 1992.

### **The Libertarian Theory**

The clamour for press freedom is very old. It has its root in the Libertarian Theory. The theory was devel-

oped out of the writings of John Milton, John Locke, John Stuart Mill and the general philosophy of rationalization and natural rights. It was adopted in England after 1866 and later in the United States. The chief purpose was to inform, entertain, sell but chiefly to help discover truth and to check on government (Dominick, 2002; McQuail, 2005). The theory notes that anyone with economic means has right to use the media, but that the media should be controlled by self-writing process of the truth in the free market place of ideas. It advocates freedom of the media, to enable the media to serve as an instrument for checking on government and meeting other needs of society. This theory was a direct opposite of authoritarianism. In Sierra Leone, between 1960 and 1980, the clamour for press freedom intensified. That cry was heard and arguably addressed by specific provisions in the Constitution of Sierra Leone, Act No. 6 of 1991 dealing with the 'obligations of the mass media' and guaranteeing 'freedom of expression and the press'.

### **The Social Responsibility Theory**

The theory, developed in the United States of America in the 20th Century out of the writings of the Hutchins Commission of Enquiry on Freedom of the Press, provides that the media should be free, but self-regulatory or regulated and should follow agreed codes of ethics and professional conduct. The theory incorporates part of the original libertarian approach but introduces some new elements as well. This approach holds that the press has a right to criticise government and other institutions, but it also has a responsibility to preserve democracy by properly informing the public and by responding to society's needs and interests. The press does not have the freedom to do as it pleases; it is obliged to respond to society's requirements" (Dominick, 2002, p. 466). The press was to seek and uphold the truth in its reporting. The country's media sector responded to the attributes of the social responsibility theory with the development of the Sierra Leone Association of Journalists (SLAJ) Code of Ethics. The Independent Media Commission (IMC) Act, 2000 as amended in 2006 and 2007, and Code of Practice, 2007 also outline the rules and regulations and ethical guidelines on the practice of journalism in the country.

### **What are Sierra Leone's media laws and regulations?**

For the purpose of this article, media laws and regulations refer to constitutional provisions, specific Acts of Parliament and other Acts containing sections relating to or dealing with the media's operations, the Common Law, Codes of Practice/Conduct/Ethics, past military decrees, policies and other guidelines used to regulate the media in Sierra Leone.

**Table 1: Statutory and self-regulatory frameworks in their chronological manner**

No.	Statutes/ Codes of Prac- tice	Laws/ other regulations by year	Brief description of the laws/other regulations	Regime Type	Current Sta- tus
1.	Newspapers Ordinance  It is Cap. 111 in the Laws of Sierra Leone, 1960 <sup>1</sup>	1924	“An Ordinance to provide for the Reg- istration of Newspapers and their Pro- prietors and for the printing on News- papers of the Names of the Printers.”	Authoritarian	The Newspaper Ordinance 1924 found in the Laws of Sierra Leone, 1960 was amended by the Newspaper Act (Cap 111) 1980. The Newspaper Act (Cap 111) 1980 was subse- quently re- pealed by the IMC Act, 2000.
2.	Undesirable Publications  It is Cap. 113 in the Laws of Sierra Leone, 1960	1939	“An Ordinance to prohibit the Impor- tation and Publication of Undesirable Literature.” It empowers the Gover- nor/President of the Republic of Sierra Leone to prohibit the importation of any publication, which in his opinion, contravenes the public’s interest.	Authoritarian	Still in Sierra Leone’s statute books
3.	Undesirable Advertisement Ordinance- Cap 114 in the Laws of Sierra Leone, 1960	1960.	The Ordinance prohibits advertise- ments relating to the promotion of certain medicines and the cure of cer- tain diseases.	Authoritarian	Still in Sierra Leone’s statute books
4.	Sedition Act Cap. 29/ Sedi- tion Act Chapter 21 of the Laws of Sierra Leone	1960	In Sierra Leone the law as regard false statements and seditious libel had its origin with the advent of colonial rule in the country.  The Seditious libel offences were en- acted under the provisions of the Pub- lic Order Act No. 46 of 1991. (Yada Williams & Associates)	Authoritarian	Repealed by the Public Or- der Act, No. 46 of 1991.

<sup>1</sup> The Laws of Sierra Leone, 1960 constitute a set of ordinances (colonial statutes) that were not passed by the Sierra Leone Parliament. They were laws that were passed in England, but they were specifically adopted to be part of Sierra Leone’s existing laws. Caps 113 & 114 constitute a constituent part of the said adopted laws. These colonial statutes are still in Sierra Leone’s statute books (Binneh-Kamara, 2007).

5.	Defamation Ordination-Act No. 32	of 1961	It is “An Ordinance to Amend the Law relating to Libel and Slander and other Malicious Falsehood”. It deals with the Civil aspect of defamation from sections 1- 16 and in the Schedule (Parts 1 and 11).	Enacted during an authoritarian era, but shares democratic ideals.	Still in Sierra Leone’s statute books
6.	The Treason and State Offences Act	1963	The Treason and State Offences Act, 1963, contains relevant provisions relating to the non-availability of state secret or official information to the public. Sections 7 (1) (b) seeks to punish the wrongful use of information for the benefit of an external power which the information is considered to be prejudicial to the safety and security of the State (Binneh-Kamara, 2007).	Authoritarian	Still in Sierra Leone’s statute books
7.	Criminal Libel - The Public Order Act (No. 46).	1965	It is an “Act to Consolidate and Amend the Law Relating to Public Order”, but has sections dealing with media regulation. The whole of Part V of the Act- Defamatory and Seditious Libel Defamation-deals with media regulation.  Sections 26 deals with ‘Knowingly publishing a false defamatory libel and 27 deals with ‘Defamatory libel’.  Sections 28 to 31 deal with defences.	Authoritarian	Still in Sierra Leone’s statute books
8.	Publication of False News- The Public Order Act (No. 46)	1965	Section 32 deals with publication of false news.	Authoritarian	Still in Sierra Leone’s statute books
9.	Seditious Libel- The Public Order Act (No. 46)	1965	Sections 33, 34, 35 and 36 deal with Seditious Libel. Section 37 deals with Interpretation	Authoritarian	Still in Sierra Leone’s statute books
10.	Constitution of Sierra Leone, Act No. 12 (One Party Constitution)	1978	Although the one-party, 1978 Constitution made provisions for the protection of freedom of expression, including the freedom the freedom to impart ideas and information, it also made provision for the authorities to adopt preemptive regulations which tended to curtail such information (Sierra Leone Government, 1978 in M’Bayo and Moge kwu, 2000).	Authoritarian	Repealed by section 190 of the Constitution of Sierra Leone, Act. 6 of 1991
11.	The Newspaper Act -Cap 111	1980.	It contained “The Newspapers Registration Rules, 1980.” It amended the Newspapers Ordinance Cap 111 of	Authoritarian	Repealed pursuant to section 35 of the IMC

			1960 and provides guidelines for the registration of the media institutions.		Act, 2000.
12.	The Economic Emergency Regulations	1987	The regulations stipulated that journalists, and newspapers editors and publishers shall be guilty of an offence and liable to imprisonment of up to five years for publication of “false statements” and “injurious to Sierra Leone and the government of Sierra Leone (M’Bayo and Moge kwu, 2000).	Authoritarian	No longer in force
13.	Constitution of Sierra Leone- Freedom of Expression and of the Press	1991	Sections 11 deals with the ‘Obligations of the mass media, and 25 deals with ‘Protection of freedom of expression and the press’.	Democratic-Libertarian	Still in force. Note: The 1991 Constitution is being reviewed by the Constitutional Review Committee.
14.	Constitution of Sierra Leone- Public Emergency Law	1991	Section 29 of the 1991 Constitution of Sierra Leone. Media practitioners, under a state of public emergency, cannot enjoy their right to freedom of expression and of the press, as they may be prevented from publishing stories which may undermine state security (Binneh-Kamara, 2007).	Democratic-but has authoritarian tenets	Still in force
15.	Constitution of Sierra Leone - Law of Contempt of Parliament	1991	Sections 95 and 96- The law on Contempt of Parliament restricts the right of freedom of expression and of the press as it seeks to maintain the integrity and dignity of Parliament.	Democratic-Libertarian	Still in force
16.	Decree No. 6	1992	According to the Decree: “Any person who publishes any report or statement which is likely to cause alarm or dependency or be prejudicial to the public safety, public tranquility or the maintenance of public order, shall be guilty of an offence and liable on summary conviction. (NPRC, 1992a).	Authoritarian	No longer in force
17.	NPRC Warning to Journalist/ Public Notice	1992	In November 1992, the NPRC took out a full-page advertisement in selected local newspapers with a glaring headline that warned journalists to “Stop Inciting through Writing,” or face the consequences. The advertisement from the Department of Defense was labeled “Public Notice” (NPRC, 1992b.)	Authoritarian	No longer in force
18.	Guidelines for Newspapers	1992	The “Guidelines” the second NPRC newspaper regulation since April	Authoritarian	No longer in force

	Registration		1992, turned out to be perhaps more stifling than press regulations of previous administrations. Under the new rules, newspapers were required to meet financial, academic, and professional/practical experience stipulations (NPRC, 1993).		
19.	The International Covenant on Civil and Political Rights	1995	Article 19 (1) and (2)- It provides for enjoyment of freedom expression and of the press and the restrictions/limitations to the said freedom. The ICCPR is part of Sierra Leone's law. It was domesticated in 1996.	Democratic-Libertarian	Still in force
20.	Tejan Kabbah Administration Public Notice No. 1.	1998	According to the new regulations "No person shall publish any report or statement which is likely to cause alarm or despondency or be prejudiced to the public safety, the public tranquility or the maintenance of public order (M'Bayo and Moge kwu, 2000).	Democratic-but shares Authoritarian tenets.	No longer in force
21.	The Independent Media Commission (IMC) Act	2000 as amended in 2006 and 2007	The entire Act deals with media regulation. It among other things establishes guidelines for the establishment and operations of media institutions in Sierra Leone.	Democratic-Libertarian /Social Responsibility	Still in force (currently under review)
22.	Sierra Leone Association of Journalists Code of Ethics	2000	The entire Code deals with media regulation.	Democratic-Social Responsibility	Still in force (currently under review)
23.	Pharmacy and Drugs Act	2001	Section 35 deals with "prohibition of publishing in relation to any drug descriptive". It prohibits advertisement and publication in relation to certain descriptive drug or service. These include advertisement or publication on preventing or treating diseases specified in the Second Schedule; terminating or influencing the cause of human pregnancy or for any purpose relating to sexual intercourse.	Democratic-	Still in force
24.	The Telecommunications Act	2006	Almost the entire Act, but has specific regulations for the electronic media in Sections 64-66, and 70-72. It mostly deals with the acquisition and use of broadcast frequencies and penalties for defaults.	Democratic	Still in force
25.	The Child Rights Act	2007	Specifically section 82, but contains other relevant sections	Democratic	Still in force
26.	The Media	2007	The entire Code deals with media reg-	Democratic	Still in force

	Code of Practice		ulation. It contains ethical principles media institutions and practitioners must adhere to.		(currently being reviewed)
27.	The Law on Contempt of Court	Common Law	The common law also prohibits media practitioners from expressing opinions on matters that are yet to be decided by the court. (Binneh-Kamara, 2007)	Democratic	Still in use
28.	The Anti-Corruption Commission Act	2008	Section 74 ( Unlawful disclosure of investigation), 81 ( Protection of informers) and 86 ( Penalty for false report).	Democratic	Still in Sierra Leone's statute books
29.	Sierra Leone Broadcasting Corporation Act	2010	Being an Act to establish the Sierra Leone Broadcasting Corporation and to provide for other related matters.  The law regulates the public service broadcaster.	Democratic	Still in force
30.	The Copyright Act	2011	"An Act to provide for the protection of copyright in Sierra Leone and for other related matters." All sections.	Democratic	Still in force
31.	The Sexual Offences Act	2012	Sections 26 ( Producing and distributing child pornography) and 41 (Ban on publication of information identifying a person who is a victim of a sexual offence )	Democratic	Still in force
32.	The Right to Access Information Law	2013	"Being an Act to provide for the disclosure of information held by public authorities or by persons providing services for them and to provide for other related matters."	Democratic	Still in force

The research found out that the thirty-two (32) documents above (Acts/Codes/Decree/Guidelines) directly or indirectly deal with media regulations in Sierra Leone. The table shows that four of those laws had been repealed. The table further shows that seven out of the eight pieces of legislation and regulations with media related provisions passed and applied in Sierra Leone between 1924 and 1965 are still in the country's statute books. Five other sets of laws, including regulations, decrees, and guidelines were "no longer in use". Those regulations, guidelines and decrees were instituted by the respective governments at particular points in time to address particular issues. Additional sixteen media laws and regulations are "still in force" meaning that their provisions are being applied or can be applied. The extent to which all of those laws are being used is a subject matter of another article. However, a cursory look at them shows that the frequently used ones are the criminal, seditious and false publication provisions, all in the Public Order Act of 1965 and the Independent Media Commission (IMC) Act, 2000 as amended in 2006 and 2007 and the Independent Media

Commission Code of Practice, 2007. There are frequent references to the Constitution of Sierra Leone, Act No. 6 of 1991 particularly section 25 subsections (1) and (2) and section 95 respectively dealing with freedom of expression and of the press and contempt of parliament.

Some of the laws in the table resonate with M'Bayo and Moge kwu (2000) assertion that contemporary press laws in Sierra Leone are the products of the archaic and ancient statutes of Britain. But while, England and the attitude of English statesmen toward the press have changed considerably, political authority in Sierra Leone still views the press through the prism of outdated English laws. Nyamnjoh (2005) puts it this way: African journalists are thus called upon to operate in a world where everything has been predefined for them by others, where they are meant to implement and hardly ever to think or rethink.... Nicol-Wilson and Perzyna (2008) concur that "the root of criminal defamation laws lies in Africa's colonial history" (p.14).

**Table 2: Specific Acts containing Media Laws and Regulations that are still in force**

No.	Media Laws/Regulations	Year
1.	Undesirable Publications. It is <b>Cap 113 in the Laws of Sierra Leone, 1960</b>	1939
2.	Undesirable Advertisement Ordinance- Cap 114 in the Laws of Sierra Leone, 1960	1960
3.	Defamation Ordination- Act No. 32	1961
4.	The Independent Media Commission (IMC) Act No. 12 of 2000 as amended.	2000 as amended in 2006 and 2007
5.	Sierra Leone Broadcasting Corporation Act	2010
6.	The Law on Contempt of Court	Common Law (the law is found in judgments made by the court- judge made laws)

**Table 3: Other Statutes (Acts of Parliament) relating to media regulation that are still in force**

No.	Other Statutes (Acts of Parliament) with laws relating to media regulation	Year
1.	The Treason and State Offences Act	1963
2.	Criminal Libel - The Public Order Act (No. 46).	1965
3.	Publication of False News- The Public Order Act (No. 46)	1965
4.	Seditious Libel- The Public Order Act (No. 46)	1965
5.	Constitution of Sierra Leone- Freedom of Expression and of the Press	1991
6.	Constitution of Sierra Leone- Public Emergency Law	1991
7.	Constitution of Sierra Leone - Law of Contempt of Parliament	1991
8.	The International Covenant on Civil and Political Rights of 1966. (It is part of Sierra Leone's law. It was domesticated in 1996).	1995
9.	Pharmacy and Drugs Act,	2001
10.	The Telecommunications Act of 2006	2006
11.	The Child Rights Act	2007
12.	The Anti-Corruption Commission Act	2008
13.	The Copyright Act	2011
14.	The Sexual Offences Act	2012
15.	The Right to Access Information Law	2013

**Table 4: Codes dealing with media regulation that are still in force.**

No.	Codes	Year
1.	Code of Ethics of the Sierra Leone Association of Journalists	2000
2.	The Media Code of Practice	2007

The tables above show that media laws in Sierra Leone are not codified or harmonised. This is the reason why this article has responded to the call of codifying the country's media laws. Over the years, each successive government has tabled one form of legislation or another to restrict the right of free speech exercised through the Mass Media (Cole, 1998 p. 1). In the words of M'Bayo and Moge kwu (2000), from colonial times to the present, whenever the government was unhappy with the press, it adopted a heavy-handed method through the use of restrictive regulations, the instruments of political authority, in curbing the press. If there is one thing in common among the various administrations that have governed Sierra Leone, from the colonial era to the present, civilian or military administration, it is their attitude toward the press as expressed in the various press regulations.

#### **Analyses of Key Laws- J. Kapuwa Esq. The Public Order Act – 1965**

Pursuant to Part 5 of the Public Order Act (POA) No.46 of 1965, defamatory libel (publication of a false and derogatory statement about another person exposing him to hatred, ridicule or contempt or which causes him to be shunned or avoided or which has a tendency to injure him in his office, profession or trade without lawful justification), is a crime, the essence of which is the danger to the public peace.

Specifically, sections 26 and 27 of the POA relate to criminal libel, while seditious intent is established pursuant to section 33 of the Act. For section 26 to be committed there has to be evidence of knowledge of the defamatory publication. In other words, the prosecution must prove a significant element beyond reasonable doubt; that the publisher, at the material time of publication, knew about the defamatory nature of the matter. No such element of proof of knowledge is required under section 27. Proof of the falsity of the publication suffices.

Pursuant to section 28, the defence of truth alone does not absolve the publisher of responsibility unless the publisher can establish that the public interest was served by publication of the matter. This notwithstanding, it is a defence to an action for libel (1) that there was no publication; (2) that the words used were incapable of a defamatory meaning; (3) that the words used were true in substance and in fact (justification) and for public good; (4) that the publication was privileged. What Section 33 seeks to preserve

are public order, public safety, public defence or public morality. An action will lie once it is established by the Attorney General's Office that the defamatory publication in fact undermines or tends to undermine State Authority. It would appear that a plea of justification for public good/interest is the most suitable for journalists in so far as publication of defamatory matter is concerned on the assumption that such plea is heard by a competent and independent court.

The provisions of Part 5 of the Public Order Act particularly sections 26, 27 and 28 appear to undermine the provisions of sections 11 and 25 of the constitution of Sierra Leone Act No.6 of 1991 which establish protection of freedom of expression and of the press including "freedom to hold opinions and to receive and impart ideas and information without interference...". The 1965 Public Order Act (a substantial extraction from the U.K Libel Act 1843 when it existed) is widely considered to be draconian and out of tune with the tenets of fundamental human rights. The fact that journalists are more often still faced with the threat of incarceration for publishing defamatory matters makes the POA archaic, redundant and empty of purpose in this day and age. But again the law is the law. The disturbing rise in 'hate' speech on social networks and the seeming inability to regulate the trend means criminal defamation may appear to have a valuable role to play. What is ironic though is that criminal prosecution does not seek to repair the injury an individual or state may have suffered. "But if in a defamatory matter there is recognition of a tort liability, then the objective of the prosecution is to compensate the victim through reasonable payment or order some other mode of reprimand consistent with democratic tenets, rather than subject the wrongdoer to imprisonment when the constitution has already prohibited degrading treatment" (Jamiru, 2016).

Freedom of expression means that the health of the democratic political system depends on the efficient, accurate, and complete transmission of social, political, and cultural information in society; that the media are the conduits of this information and should act in the public interest; however, journalists have increasingly been unable to fulfil this role due to increased fear of incarceration arising from the provisions of Part 5 of the POA. This undermines free speech pursuant to the 1991 constitution and by extension, democracy.



### Contempt of Parliament

Further, there is the question as to where to draw the line between basic human dignity and the right to know. Premature disclosure of information constitutes an offence under certain provisions no matter the relevance of the information. Some journalists have been summoned before Parliament for breach of Parliamentary Standing Order (S.O.) 75 which provides that evidence not taken in public, and Committee documents and submissions not authorised for publication, are not to be disclosed before they are reported to Parliament. Any violation may amount to contempt of parliament pursuant to section 95 of the constitution.

### The Independent Media Commission

The Independent Media Commission Act No.12 of 2000 as amended is deemed to play a significant role in regulating the media and media practitioners. Its statutory Code of Practice captures cardinal ethical issues in media practice which if strengthened will render the Commission a viable regulatory entity. Though the Act does not specifically provide for it, there are concerns that the Commission is largely controlled by government especially in matters of critical decision making. This however contradicts section 3 of the Act which provides that the Commission “shall not be subject to direction or control of any person or authority in the performance of its functions.” Thus, the Commission, in my view, will function well if certain provisions dealing with the appointment of the Commissioners including the Chairman and other areas are amended. To inspire public confidence, it has been suggested that the power to appoint the Chairman and other Commissioners should not rest with the President, and that penalties for violation of the Code of Practice should be revisited. Fines ranging from One Million to Five Million Leones for serious violations of the Code appear ridiculous and account for the accelerated rate at which aggrieved parties seek criminal prosecution. Where the IMC Act is strengthened such as to allow it to be the first call for redress, and where the Commission enhances its independence, integrity and powers to enforce its decisions, public confidence is highly likely to be reposed in the Commission.

### Recent Cases on Criminal and Seditious Libel, Contempt of Parliament and the IMC Act and Code<sup>2</sup>

- 1) May 2013 - Prime Times Editor Ibrahim Samoura and Publisher Kasho Holland Cole were remanded in prison for several days on allegations of libel against a Freetown Lawyer. They were released and the case taken out of court as a consequence of negotiations by SLAJ President.
- 2) July 2013-Independent Observer Editor Jonathan Leigh was detained and denied bail on allegations of libel by Momoh Konte. The case was taken out of court and settled on the intervention of the President of SLAJ.
- 3) July 2013-Independent Observer Editor Jonathan Leigh was detained on allegations of contempt of court for writing an article critical of the judiciary.
- 4) Sept 3, 2013-Newspaper Editor Labor Fofanah spent 3 nights in prison after an article on employee benefits involving Political Affairs Minister Kemoh Sesay. The case was settled out of court after intervention by SLAJ president.
- 5) October 2013 - Independent Observer Editors Jonathan Leigh and Baibai Sesay were arrested and detained at the CID from 18<sup>th</sup> to 25<sup>th</sup> October after publishing an article critical of President Koroma. They were then taken to court and remanded in prison. In March 2014 they were convicted on one count of criminal libel, cautioned and discharged.
- 6) January 2014 – Monologue presenter David Tam Baryoh was arrested for seditious libel and released on bail. His program monologue was banned for two months on State house instructions to the Independent Media Commission.
- 7) August 2014 – Politico Newspaper reporter Phidelia Alie arrested on contempt of court by a Military Court martial. She spent 2 nights in prison.
- 8) November 2014-Eagle Radio and Monologue presenter David Tam Baryoh was jailed for 11 days without charge under Ebola Emergency Regulations.
- 9) August 2015– Monologue program was suspended by the Independent Media Commission pending investigations on infringement on national security and inciting violence.
- 10) December 2015 – Independent Observer Editor Jonathan Leigh arrested on 17<sup>th</sup> December and detained for 3 nights before being taken to court on orders of Inspector General of Police for an headline “2 dead” on Kono election violence.
- 11) December 2015 – Salone Times Thomas Dixon and 98.1 FM Asmaa James were summoned to parliament for premature publication of evidence before Appropriations Committee. The matter was resolved after apology tendered by SLAJ President.
- 12) May 2016 – Freelancer Hassan Bruz arraigned before court on charges of criminal libel brought by a Member of Parliament.

<sup>2</sup> Extracted from the statement by the President of SLAJ, Mr. Kelvin Lewis at the Association’s Triennial in Bo, 2016.

- 13) Pastor Mohamed Sesay – contempt of court – released after intervention of SLAJ President
- 14) Theophilus Gbenda – arrested and detained for seditious libel of Vice President Samsumana through a broadcast over land in the Peninsula – released after intervention by the SLAJ President
- 15) Theophilus Gbenda – arrested for posting WhatsApp message that Dr Russel had Ebola– released after intervention by SLAJ President

In conclusion, the growth of the legal framework in Sierra Leone is painfully slow. Whereas the country has a good number of its laws patterned along those of its colonial master, Britain, the political will to have those laws repealed and/or amended to reflect the dynamic trend of the modern world appears non-existent. The Criminal Procedure Act of 1965, The Airports (Service Charges) Act, 1965, The Courts Act, 1965, and The Public Order Act, 1965, among others, have all remained part of our laws with little or no amendments or repeals. These same laws, drafted from the British model, have all been repealed in Britain. Such is the pace of amendments in Sierra Leone that hope for any repeal is often dashed.

Further, the force of events that necessitated the repeal of the Criminal Libel Laws in Britain and other jurisdictions are practically the same – viz respect for Freedom of Expression as a fundamental human right which has been universally adopted and arguably domesticated in the constitutions of most countries. The realisation that the media, as a public watch dog, was crucial in exposing the excesses of public officials and holding them to account to the people also contributed to the call for media practitioners to pay fines and not to run jail terms for publishing inaccurate information. Similar calls have been made in Sierra Leone.

It would appear that a fundamental factor for the snail-pace approach to repealing the criminal libel laws in Sierra Leone is the capacity and/or orientation or the lack of it/them of most media practitioners. A good number of the practitioners in my view are school leavers whose depth for investigative journalism and love for the profession remain shallow. Efforts to delay stories if only to get all sides and report accurately and fairly remain problematic. This, I would think, accounts for the level of ‘recklessness’ in the profession.

Additionally, the style of journalism in Sierra Leone appears disjointed in my view. ‘House Rules’ which are basic operational guidelines to media houses are yet to be introduced by the professional association. The effect is that every media house or journalist is left to determine what goes into their publications and how.

The issue of insurance premium further begs for attention. In other jurisdictions like Nigeria, media houses had to step up insurance bodies to guarantee their ability to pay

damages for whatever level of injury to the reputation of others by the media. More often than not, the premium is weighed along the risks or potential risks for such media house to defame others. This does not hold same for Sierra Leone and it remains a serious challenge to the repeal process. Most press houses, it would appear, cannot afford retaining insurance companies.

The above factors played a crucial role in the repeal of criminal libel in Britain and other jurisdictions. These prerequisites, sandwiched by sustained local and international lobbying, are highly likely to accelerate the call for the repeal of criminal and seditious libel laws in Sierra Leone. Otherwise the likelihood for Government to repeal the law on the mere basis of the Freedom of Expression or Media Freedom yardstick as a fundamental right, is only as feasible as two left shoes. In fact, that would be a simplistic solution underlying a very complex problem.

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## Chapter Three

## State Regulation of Social Media in Sierra Leone: Implications for Democratic Governance and Human Rights

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### Abstract

**I**n 2018, Sierra Leone will once again face a major test of its democratic credential with impending general and presidential elections. Already, the socio-political environment is fraught with challenges that have implications for public perception and the electoral process itself. For example, there are serious concerns about the increasing number of incidents of police brutality across the country and the intractable level of corruption among public officials. Equally contentious is the state's declared intention, through state functionaries, to regulate social media even without a clear understanding of the necessary legal framework and general implications for this proposed state action. This article is an exploratory study aimed at assessing public opinion about a regulated social media infrastructure and the impact of such regulation on emerging issues of public interest such as the electoral process, police brutality, etc. etc.

### The Socio-Political Context to Regulate Social Media

Sierra Leone is still consolidating peace and democracy after eleven years of civil war (1991-2002). Two political parties have governed the nation after the war. The Sierra Leone Peoples Party (SLPP) ruled from 2002 to 2007 under the leadership of Ahmed Tejan Kabbah. The SLPP was succeeded by the All Peoples Congress (APC) led by Ernest Bai Koroma who again won the 2012 Presidential elections. The process of consolidating peace and democracy has considered citizen participation in governance to foster transparency and accountability.

In this light, freedom of expression and the media remain unquestionable to increase or protect mass participation. The 1991 Constitution guarantees freedom of expression and the media in Sierra Leone. The constitution also provides that the media should hold state functionaries accountable in discharging their functions. But freedom of expression is not absolute as provided in sub section 25(2) of the same constitution in order to protect people's privacy, national interest, national security, public morality and public safety. Furthermore, Part 5 of the Public Order Act, 1965 incriminates free speech and opinion. The critical issue has been the arrest and detention of journalists for

breaching Part 5 of the Public Order Act. Most often, negative publications about the state, state policies or about state functionaries have been used as warrants for the arrest and incarceration of journalists, leading to a disturbing climate for the exercise of press freedom. Under this Act, an individual was arrested and prosecuted for publishing defamatory information about President Ernest Bai Koroma on social media.

It is against this background that the Sierra Leone Association of Journalists (SLAJ) has teamed up with civil society organizations and called for a repeal of the Criminal Libel laws. As the nation gets closer to the 2018 elections, police brutality is on the increase as the state moves to averts threats to the fragile democracy, maintain peace and law and order.

But while the state is grappling with issues of public order at home, an emerging phenomenon – social media – may even pose a more serious challenge locally as well as beyond the borders of the country.

The power of social media as a platform for mobilizing citizens and public opinion about issues of public interest has been amply demonstrated in a number of recent controversial issues. For example, the protest marches in front of the White House at Lafayette Park in Washington, D.C., and at an No. 10 Downing Street in London against President Ernest Bai Koroma during his US visit to attend the General Assembly were allegedly organized with the help of Youtube ([www.pcworld.com/article/2920352](http://www.pcworld.com/article/2920352)).

Former CEO of the National Ebola Response Centre, and now Minister of Alfred Palo Conteh, complained in January 2016 about social media posts containing incorrect information about the fight to eradicate the Ebola virus in the country. In that regard, government spokesman Abdulai Baraytay confirmed in a radio interview in March that there were plans to regulate social media in the country. Further legal measures have allegedly been instituted to address the problems of social media.

The laws of defamation and libel apply equally to social media as they do to mainstream media in cases of false or malicious publications.

Furthermore, a consultative meeting was held on the 29<sup>th</sup> September 2016 at the Bintumani Hotel by the National Telecommunication Commission (NATCOM) in collaboration with the Ministry of Information and Communication to address the public on the negative use of social media. The meeting brought together telecommunication consumers and regulators to discuss ways of implementing civic education on the positive use of social media.

### Social Media as a Democratic Platform

Social media have become the top source of political discussion about politicians, political and socio-economic, and cultural concerns for development in Sierra Leone. Based on their capacity to connect people, their ideas and values, satisfaction and dissatisfaction for politicians and governance, social media are now platforms for discussions about government officials and politicians more than ever before.

Facebook, Twitter, YouTube, WhatsApp and other social media have served not only an outstanding role in global communication, but also very instrumental in promoting national discourse. They have given Sierra Leoneans the opportunity to communicate their concerns and express different opinions for a common ground even though some are willfully misusing its relevance. Social media are online platforms that allow people to create, share information, ideas and feelings using pictures, stickers, text, audio and videos or graphics in virtual communities or networks.

Social media application is built on the technological foundations of web 2.0 technology that allows the creation and exchange of user generated content. They are now used for citizens' participation in social, political, economic and spiritual conversations. Some examples of social media platforms are Facebook, WhatsApp, Twitter, Viber, Messenger, LinkedIn, Reddit, IMBO, Pinterest, and Google etc.

Sierra Leone will be having both general and Presidential elections in 2018 requiring citizens' direct participation through the media. By sharing or disseminating information, the public can be informed about the electoral process, the candidates contesting in their different constituencies and their wards including their political parties. To enhance this mass media and social media could be a relevant platform to engage the public and allow them to participate throughout the process. Importantly also the electoral calendar should be made known to the public for transparent and fair processes to prevail.

Some critics believe that the misuse of social media must be checked. Hannah Fullah is on record expressing her concerns in the Awoko newspaper as follows: "I believe the madness on social media by users should be checked. My freedom ends where another's freedom starts. In the age where freedom of any kind is being fought for, let us also be mindful of the rights and respect of others...I am

afraid social media will serve as the platform on which social order is destroyed".

### Functions of Social Media

The Internet is now a more common source of information for young people than newspapers, radio and television. It has increased access to information tremendously and changed the way the public now consumes news. Social media, as part of the Internet, have revolutionized public communication.

Social media is not exempted from the tort of defamation and sedition. Actions might be taken against publishers or users of these platforms or networks similar to newspaper, radio and television. This is why some people argue that there is no need for special regulation of social media. But there are ethical codes for mainstream media unlike social media. It is worthy to restate the definitions of defamation and libel by Osborn's concise Law Dictionary: "The tort consisting in the publication of a statement which tends to lower the claimant in the estimation of right thinking people generally or which tends to make such people shun or avoid him. It may constitute libel or slander."

There are a number of defences including justification and privilege (p 134). Libel is a defamation by means of writing, print, or some other permanent form. The publication of words in the course of television or sound broadcasts or other telecommunication systems is treated as publication in permanent form (Broadcasting Act 1990, s.166). The publication of false defamatory words, which is a tort actionable without proof of special damage. To establish the tort, the claimant must prove that the material was defamatory, that it referred to the claimant and that was published to a third person. It is a defence to an action for libel that the words used were true or that the publication was privileged either absolute or qualified, or that it was a fair comment on a matter of public interest (p. 244).

A survey was conducted for this exploratory study about regulating social media and its implications on democratic good governance and human rights. As an exploratory study, an available sample of 100 respondents participated in the survey. The key issues of concern in the survey were as follows:

1. Social media should be regulated
2. Social media provide more useful information for readers than newspapers.
3. Social media provide more useful information for readers than Radio stations
4. Social media are more trustworthy than other media systems
5. Social media do not promote meaningful political discourse

6. Social media are more likely to instigate conflict than other media
7. Social media writers and blogger should be subject to the same regulations as newspapers, radio and television stations
8. Regulating social media is politically motivated
9. Social media can be regulated effectively
10. Social media writers are a threat to democratic governance

□

	SURVEY QUESTIONS	Response Categories					N
		Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree	
1	Social media should be regulated	12 12%	26 26%	26 26%	25 25%	11 11%	100 100%
2	Social media provide more useful information for readers than newspapers	12 12%	21 21%	27 27%	32 32%	8 8%	100 100%
3	Social media provide more useful information for readers than radio stations	11 11%	26 26%	23 23%	37 37%	3 3%	100 100%
4	Social media provide more useful information for readers than television	7 7%	43 43%	20 20%	27 27%	3 3%	100 100%
5	Social media are more trustworthy than other media systems	3 3%	16 16%	29 29%	21 21%	2 2%	100 100%
6	Social media do not promote meaningful political discourse	9 9%	21 21%	21 21%	37 37%	12 12%	100 100%
7	Social media are more likely to instigate conflict than other media	40 40%	25 25%	17 17%	13 13%	5 5%	100 100%
8	Social media writers and bloggers should be subject to the same regulations as newspapers, radio and television stations	26 26%	25 25%	19 19%	24 24%	6 6%	100 100%
9	Regulating social media is politically motivated	35 35%	25 25%	24 24%	16 16%	0 0%	100 100%
10	Social media can be regulated effectively	12 12%	32 32%	32 32%	20 20%	4 4%	100 100%
11	Social media writers and bloggers are threats to democratic governance	6 6%	25 25%	32 32%	23 23%	14 14%	100 100%
12	Social media promote terrorism	6 6%	43 43%	25 25%	18 18%	6 6%	100 100%
13	Social media promote violence	20 20%	34 34%	14 14%	24 24%	8 8%	100 100%
14	Social media promote disunity a country	8 8%	23 23%	25 25%	29 29%	13 13%	100 100%
15	Regulating social media is a violation of human rights	33 33%	20 20%	24 24%	17 17%	4 4%	100 100%
16	Regulating social media is a violation of freedom of speech and of press freedom	51 51%	32 32%	8 8%	7 7%	2 2%	100 100%
						Gender	
						Male	Female
						51	49
						51%	49%

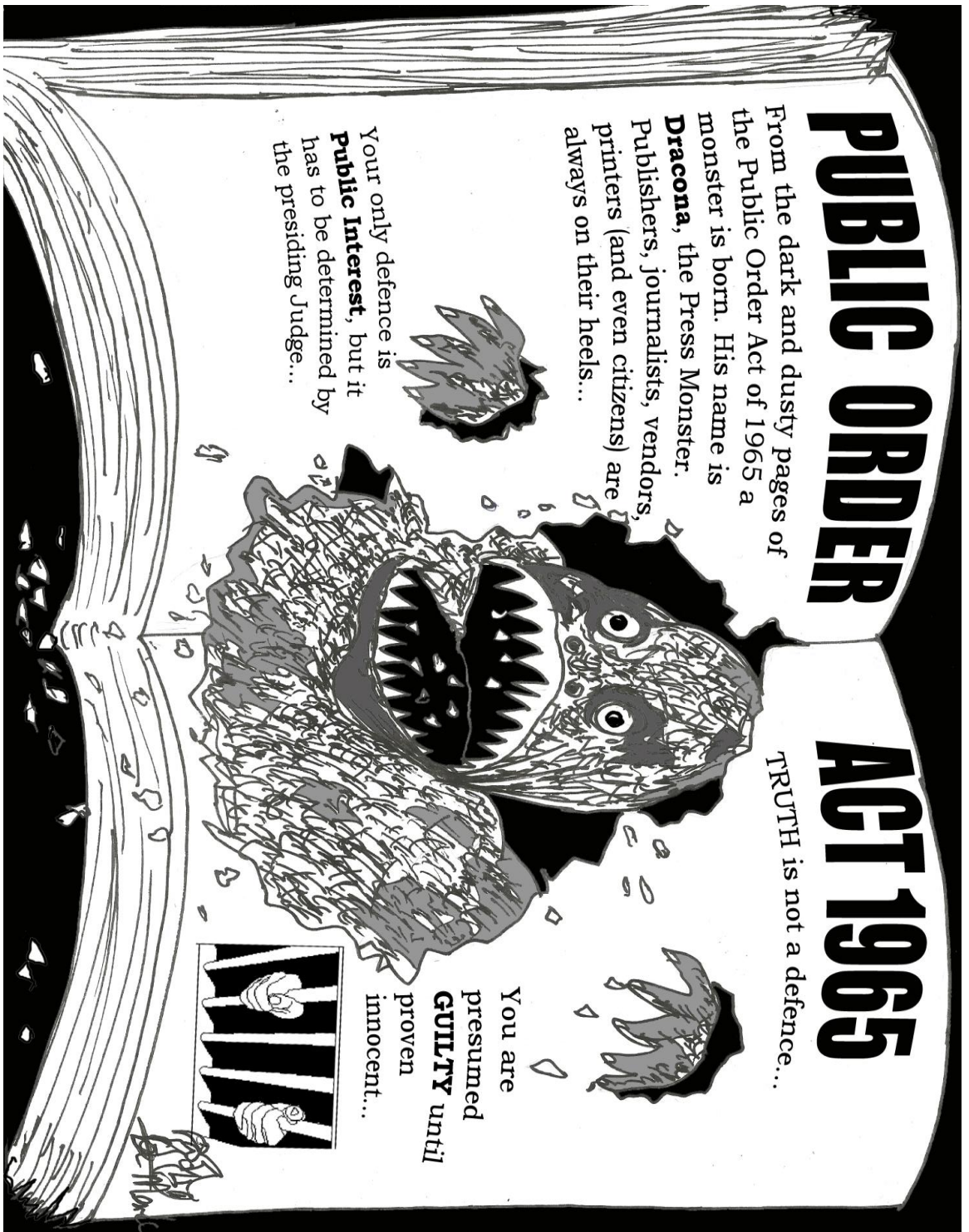
Table 1: Survey Data Analysis for the 100 Questionnaires Administered about State

## Discussion

The data show the dilemma of regulating social media in Sierra Leone. While most respondents believe that social media are relevant platform for citizens' engagement and participation in decision-making in Sierra Leone, most of them also believe that social media are more likely to instigate violence than other media. Comparatively too, social media are reliable sources of information; but what might be crucial also is the fact that some perceive social media to be a platform to breed terrorism and other anti-social behaviors. On that note some suggest state regulation. A more comprehensive future study will likely reveal more interesting findings about public perception and the need to regulate or not to regulate social media.

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## Chapter Five

## Media Management: Sustainability and Profitability of Sierra Leone's media

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### Abstract

This chapter examines media management in Sierra Leone using two key variables: sustainability and profitability. The exposition is premised on the assertion that even if most media institutions in the country are 'sustainable', they are largely not 'profitable'. The study comes amidst arguments bordering on an apparent lack of professionalism in the management of media institutions in Sierra Leone. Hence, the state of the media, in terms of sustainability and profitability, remains fragile. With the aid of documentary search and structured interviews, the study found out that while some of the media are arguably sustainable in terms of their operations, their contents and programmes do not meet professional standards, and majority of them are not profitable.

**Key words:** Media, Media Management, Sustainability, Profitability

### Introduction

Sierra Leone has had a long history of media establishment, operations and management. In fact, the country was the first in Africa to publish a newspaper. One of the employees of the Sierra Leone Company, George Ross, in January 1801, printed the Sierra Leone Gazette on Freetown's first printing press set up by the company to provide information for the small but growing literate settler population. The country also ranked among the pioneers of radio broadcasting in the continent, with the rediffusion service introduced in Freetown in 1934, the first in British West Africa (Cole, 1995, p.1, M'Bayo, 1991).

The narrative in literatures about the birth of media institutions in Sierra Leone reveals that the establishment, ownership and management of newspapers and radio station were initially within the purview of Governors and the colonial administrations. For about forty years, 1801 to 1841, the ownership and management structures of newspapers, (the single newspaper changing its name overtime – the African Herald in 1809, and The Royal Gazette and Sierra Leone Advertiser were under the colonial administration (Cole, 1995)). However, the

Sierra Leone Watchman started operations in 1841, courtesy of the Wesleyan Missionary Society, as the first non-official newspaper in the country. Again, the structure was submerged in the administrative and management structures of the church's mission.

It took forty-four years for an individually owned and managed newspaper to hit the news-stand. Sierra Leone's first independent newspaper, New Era, began publication in Freetown in 1855. Owned by a private individual, William Drape from the West Indies, the paper became very influential, giving voice to popular grievances (Cole, 1995, pp.7-8). As Cole puts it, by the turn of the century, no fewer than forty newspapers had hit the news-stands, most of them short-lived.

This trend in the proliferation of newspapers continued into the next century. Among the newspapers that came in the 1900s was the Sierra Leone Daily Mail, which was incorporated in 1933. According to the records at Colindale, the Daily Mail is the successor of what started off as The Colony and Provincial Reporter in 1912. It continued as The Colonial and Provincial Reporter and in 1920, its name was changed to the African Mail and Trade Gazette. In 1952, the British Daily Mirror Group bought the Sierra Leone Daily Mail (Cole, 1995). The Daily Mail was to later become the newspaper of the government (M'Bayo, 1991). By 1965, the Mirror Group in Britain had decided to sell the Daily Mail in Freetown 'as it was not making profit' (Barton, 1979: 36 cited in Cole 1995, p.37). Other newspapers later hit the news-stand. From the start of the century to independence, another twenty-four newspapers had been added, they having registered between 1901 and 1961 (Cole, 1995).

The available literature suggests that the management of the media institutions were either submerged in colonial rule or run as one man businesses. The clearest example in terms of running media institutions effectively and efficiently, could be seen in the purchase and running of the Daily Mail by the British Daily Mirror.

Radio followed as the second media institution established in 1934. As M'Bayo (1991) notes, in 1932, Britain established Broadcasting House in London and be-



gan an empire service in Daventry. The intent was to maintain a link between Britain and her overseas colonies, particularly Nigeria, Ghana, The Gambia, and Sierra Leone (p.15). From the list of countries above, Sierra Leone ranked among the pioneers of radio broadcasting in the continent, with rediffusion service introduced in Freetown on the 7<sup>th</sup> May 1934, the first in British West Africa (Cole 1995, p.1 and M'Bayo 1991). In West Africa, including Sierra Leone, radio was initiated by the personal interest of Governor Sir Arnold Hudson who African historians affectionately nicknamed Sir Arnold "the Sunshine Governor" (Holmes, 1998). The Sierra Leone Broadcasting Service (SLBS), a change from the start of the service known as the Rediffusion Relay Service (RRS), was inaugurated on Wednesday, October 19, 1955.

In 1963, television broadcasting was introduced in Sierra Leone as a sister facility to the already existing Radio Sierra Leone under the rubric of SLBS. Having started with black and white transmission, Sierra Leone television began color transmission in 1978, with the primary area of signal coverage being Freetown, much as it was the case with radio broadcasting when it started (M'Bayo, 1991, p.17).

Some researchers felt it was unusual for the RRS to fall under the Colonial Railway Department. Presumably it merely followed the telegraph and telephone which were already under the railway management (Railway Report Appendix 1937). Such arrangement could have been the start for the inefficient media management in Sierra Leone. On television, M'Bayo's observation some twenty-five years ago holds true today. He had stated that for all practical purpose, Sierra Leone television has come to a stall, once again, a reflection of the general state of affairs in the country—foreign exchange problems, procurement of spareparts, lack of trained personnel etc. "Whatever direction television will take from here, can come from only some policy action by the government" (M'Bayo, 1991, p.17). Those policy directions should be clearly spelt out in the SLBC's strategic plan that must be implemented, executed and monitored.

### **Theoretical framework**

As Jones and George (2003) put it, "management may be defined as planning, organising, leading, and controlling of human resources to achieve organisational goals effectively and efficiently." The definition of management is to a very large extent based on the functions of management. In other words, many authors have explained the meaning of the concepts by the functions of management. Explaining the meaning of management in such a way stresses the need for team work (Albarran, 2016, Keith, 2007 & Pringle et. al, 1995). It rejects the notion of those who wrongly perceived management as only being top-level executives who make decisions leaving out their subordinates/subjects (the employees) who are expected to implement the decisions and per-

form assigned duties. Küng (2007) notes that media management attempts to build a bridge between the specificities of the media industry and the general management theory.

Mierzejewska (2011) observed that strategic management has been the most widely used theoretical or conceptual framework in media management studies to date. As Hannagan (2002) puts it, strategic management consists of the decisions and actions used to formulate and implement strategies that will provide a competitively superior fit between the organisation and its environment, to enable it to achieve organisational objectives. It can also be described as the process of management needed to enable an organization to move from where it is now to where it wants to be in the future. Strategic management is about a sense of purpose, looking ahead, planning, positioning, strategic fit, leverage and stretching. It is the creative part of management, the part which makes sense of organising, supervising and controlling—it is the result of innovative thinking. It is about the purpose of the organisation, the direction it is to take and the way it forms and prepares itself to face competition (p. 16). This description above lays the foundation for sustainability and profitability. In other words, formulating, implementing and evaluating strategies are key to ensuring that media institutions are sustainable and profitable.

### **Sustainability**

The word 'Sustainability' means the ability to sustain (to maintain or keep in existence). 'Sustainable' means able to last or continue for a long time.<sup>3</sup> It also means able to continue over a period of time<sup>4</sup> and "Able to be maintained at a certain rate or level."<sup>5</sup> The term sustainability is derived from the Latin *sustinere* (tenere, to hold; sub, up). Sustain can mean "maintain", "support", or "endure" (Douglas (n.d) and Charles (1964). In more general terms, sustainability is the endurance of systems and processes.

### **Profitability**

Profitable means making money; producing good or helpful results or effects.<sup>6</sup> It is about affording gain, benefit, or profit.

### **Methods and Discussion of Findings**

This study used documentary analysis and structured interviews as research tools. The documentary analysis examined literatures on the registration and operations of media institutions in terms of sustainability and profitability, while the interviews provided the perspectives of media practitioners and other stakeholders on whether the media in Sierra Leone are sustainable and profitable.

<sup>3</sup> <http://www.merriam-webster.com/dictionary/sustainable>

<sup>4</sup> <http://dictionary.cambridge.org/dictionary/english/sustainable>

<sup>5</sup> <http://www.oxforddictionaries.com/definition/english/sustainable>

<sup>6</sup> <http://www.merriam-webster.com/dictionary/profitable>

ble. The research tools provided answers to the main research questions: Are media institutions in Sierra Leone sustainable and profitable?

### Documentation

Sustainability and profitability were examined from the registration, operation and existence of media institutions in Sierra Leone. The registration of media institutions were initially within the purview of the Ministry of Information and Broadcasting (now Information and Communication). By the Independent Media Commission Act (IMC) Act 2000 as amended, the Independent Media Commission was created and charged with the registration of media institutions in Sierra Leone. The Act provides that media institutions that operated before the establishment of the IMC were to reregister with the Commission.<sup>7</sup> The tables below show the analyses of media institutions registered with the IMC.<sup>8</sup>

**Table 1: Analyses of Radio Stations**

No.	Category of Station	LOCATION				Total
		Western Area	Eastern Region	Northern Region	Southern Region	
1.	Public Service Broadcaster (SLBC TV)	1	The stations in the regions are captured under the category 'Relay'			1
2.	Commercial	25	3	6	2	36
3.	Community	7	6	12	3	28
4.	Religious	11	3	2	5	21
5.	Relay	2	5	6	4	17
6.	Rebroadcast	1	1	2	1	5
7.	Teaching Radio	1	-	-	1	2
8.	School Broadcast ((Stopped broadcasting over 8 years ago)	1	-	-	-	1
	Total	49	18	28	16	111

Source: Source: List of Radio Stations registered at the IMC. The analyses were done using IMC records of up to August 2016

<sup>7</sup> See Section 39 of the IMC Act, 2000

<sup>8</sup> Most of the media houses, particularly newspapers that operated before the setting up of the IMC are not in existence at present.

The SLBC continues to be the only public service broadcaster (radio station) in the country created by law, the Sierra Leone Broadcasting Corporation (SLBC) Act of 2010. The SLBC's main station is in Freetown, but has other stations in all regions relaying/rebroadcasting the national news and other key programmes. However, those stations are not technically relay/rebroadcast services as they mostly broadcast local contents of the communities in which they operate.

Commercial, community and religious radios constitute the largest number of stations. The relay and rebroadcast combined (22), include the Voice of America (VOA), Radio France International (RFI) and the British Broadcasting Corporation's (BBC) four relay stations in

Freetown, Bo, Makeni and Kenema. Radio stations in Sierra Leone are mostly registered as companies and community based organizations/institutions. Of the 111 radio stations currently registered with the IMC, at least about 40 are not functional (the IMC is reviewing its list of radio stations that have not been renewing their licences). Even among the 70 that are arguably broadcasting, about half of them are either mostly off -than on-air or broadcast for few hours a day). Most of the stations suffer from the lack of or inadequate broadcasting equipment, finances, dearth of broadcast engineers and technicians, lack of trained and qualified staff, poor management and lack of transparency and accountability.

**Table 2: Analyses of Television Stations**

No.	Category of Station	LOCATION				Total
		Western Area	Eastern Region	Northern Region	Southern Region	
1.	Public Broadcaster (SLBC TV)	1	1	1	1	4
2.	Commercial (including STAR TV and Africa Young Voice (AYV).	6	-	1	1	8
3.	Religious	3	-	--	-	3
4.	MMDS	2	-	-	-	2
5.	Satellite/DSTV/DTH	4	-	-	1	5
	<b>Total</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>22</b>

Source: List of Television Station registered at the IMC. Note: The analyses were done using IMC records of up to August, 2016.

Out of the twenty-two television stations registered with the IMC, the SLBC/TV (Freetown, Bo, Kenema and Makeni), AYV/TV and Star /TV are currently functional. The three religious television stations were not broadcasting as at the time of writing this article. The MMDS and Satellite/DTH are mostly rebroadcasting contents provided by other television stations (about

three of them were functional). They do not engage in local production and broadcasting. Their customer base is relatively low. In terms of ownership, about 70% of television stations are registered as 'Companies', while the remaining 30% is largely covered by what the IMC labels 'Institution established by Act of Parliament', that is, the SLBC.

The next two tables below show the media landscape with specific reference to newspapers and magazines.

**Table 3 (a): Analyses of Newspapers**

No	Year of registration	Number of registered newspapers
6.	Pre- 2001	5
7.	2001	14
8.	2002	2
9.	2003	6
10.	2004	1
11.	2005	4
12.	2006	6
13.	2007	10
14.	2008	13
15.	2009	6
16.	2010	10
17.	2011	17
18.	2012	16
19.	2013	33
20.	2014	0
21.	2015	25
22.	Total	167

Source: Source: List of Newspapers and Magazine registered at the IMC. Note: The analyses were done using IMC records up to June, 2016.

**Table 3 (b): Analyses of Newspapers**

No	Category of Station	LOCATION				Total
		West-ern Area	East-ern Region	Nort-ern Re-gion	Sou-thern Region	
1	Newspapers	147	1	4	2	154
2	Magazines	13	-	--		13
	Total					167

Source: Source: List of Newspapers and Magazine registered at the IMC. Note: The analyses were done using IMC records up to June, 2016.

Newspapers and magazines are mostly based in Free-town. This is largely due to problems of printing and production facilities. Ownership is spread across 'company', 'individual' or sole 'proprietorship.'

Generally, going by the definition that 'Sustainable' means able to last or continue for a long time or able to be maintained at a certain rate or level, the media in Sierra Leone can be said to be sustainable. But aside those that are not functional or operational, more than

half of them broadcast or published. But the contents which they broadcast or publish leave much to be desired. The next section details the views of key stakeholders in the industry on the issue in question.

#### Interviews

Seventeen people ranging from managers, communication specialists and heads of media and communications

were interviewed from the 27<sup>th</sup> August to 6<sup>th</sup> September, 2016.

**Table 4: List of Interviewees**

N o	Interviewee	Description
1.	Mohamed Alie Kamara	Communication Specialist
2.	Stephen Douglas	Stephen Douglas is an international journalist and media development specialist
3.	Lucy-Ann Ganda	Executive Producer, Television, Sierra Leone Broadcasting Corporation
4.	Ahmed Kallon	General Manager, Eastern Radio
5.	Hassan Arouni	A BBC journalist who worked in Sierra Leone for four years
6.	Ishmael Bay	Public Information Officer, HRCSL
7.	Khalil Kallon	Former Station Manager, Radio New Song, Bo
8.	Musa Mewa	Former Editor, SLBC-now legal practitioner
9.	Captain Yayah Brima	Communication Specialist
10.	Commission J William,	Former Newspaper Editor, now Commissioner, IMC
11.	Albert Massaquoi,	Director of Media and External Relations-National Electoral Commission (NEC)
12.	Abu-bakarr Sheriff,	Editor, Concord Times
13.	Abdulai Bunduka	Communication Specialist
14.	Sahid Nasralla,	Secretary General, Sierra Leone Association of Journalists (SLAJ). Former Editor and Managing Editor
15.	Emmanuel Tommy	Lecturer, University of Makeni
16.	Mustapha Sesay	Communication Specialist, SLAJ, Former SLAJ Secretary General
17.	Jonathan Leigh	Managing Editor, Independent Observer Newspaper
18.	Dr. Julius Spencer	Former Minister of Information and now Managing Director of Premier Media Consultancy

On the question of whether media institutions in Sierra Leone are sustainable in terms of their operations and outputs, Arouni (2016) said they are sustainable “but at a cost to staff welfare and salaries. Output for many is basic - lots of music and weak in quality content.” He pointed out that “enterprises with political patronage will gain from say adverts and discreet subventions.” This view is somehow supported by Ganda (2016) who added that the stations are sustainable in terms of operation, but they need extra support. Bayoh (2016) noted that “majority of the media houses depend on adverts to survive...and some newspapers’ existence is dependent on the politicians even though they may be registered as independent entities.” Commissioner Williams (2016) stated that “Media institutions here are hardly sustainable due to low capital and high production costs and advertisers who are supposed to be the main source of revenue owe huge debts.” For Massaquoi (2016) “...The Media industry is considered 50% sustainable...for the simple fact that it is in operation, but faced with enormous challenges and a probable rate of decline.”

Dr. Spencer (2016), former Minister of Information and Broadcasting, noted that some media institutions are sustainable but the majority are not. “The reason for this

is that the majority are not run as proper business enterprises. They are mainly operated as sole proprietorships without proper accounting systems,” he pointed out. Turay (2016) posits that “sustainability of media institutions largely depends on management, that is, the group of people running the institution.” Where the right human resources are available, the media house (radio station) for example will be able to initiate interesting programmes that will enhance large listenership. When a radio is well known for its programmes, it brings in adverts and sponsorships, two primary means of revenue for radio stations. This can make them sustainable. Sheriff (2016), a newspaper editor, said media institutions may be sustainable depending on the financial mainstay of the proprietor and business viability of the medium. This will be determined by the business acumen and staff strength of the institution. Leigh (2016) refers to the issue this way: “Sustainability depends on the proprietor or proprietress’ managerial ability, commitment and dedication to work.” He addressed the issue of wastage: “The reason why most other (newspapers) collapse is because the moment the cash starts coming they will target luxurious things like wanting to own a car forgetting the business has to be sustained and it is the inflow of cash that has to keep it going.”

According to Kamara (2016), the print media are partially sustainable in terms of operations: "... we still have a good number of newspapers that have been operationally sustainable. However, we can't say that for most of our newspapers in the area of output which keeps on fluctuating most of the time." He continued "Broadcast Media on the other hand are more complicated than the print media. Broadcast media equipment are more costly and hence makes this area a bit difficult to sustain operations."

Mewa (2016) holds the view that media institutions are sustainable: "In recent times the media economy has emerged in terms of growth and even more becoming a competitive market." However, he noted "Their outputs remain a challenging concept, in the sense that the libel law remains a challenge and the lack of capacity to attract more media graduates and consultants to undertake professional work with media establishments. But this will change with time."

Douglas (2016) believed that (currently) most media operations are not sustainable. "Many (not all) lack the business acumen and management capacity to compete in this very difficult environment. Many (not all) media institutions lack fiscal responsibility and accountability. Many (not all) lack accounting skills and personnel skills. Outputs are limited and (in my opinion) are not sustainable." Kallon (2016), a former Station Manager, agreed that media institutions "are not sustainable, in that most of the media houses cannot even take care of their running costs." Captain Brima (2016) furthered that media institutions are not sustainable both in terms of operations and outputs; few newspapers are published on a daily basis, and very few radio stations broadcast for 24 hours and this is only seen in the capital."

Nasralla (2016) who has managed key media institutions noted that the media market is very small, with too many media houses chasing few business opportunities available. "Poor management structures limit the potential of the media houses to run efficiently. The owners find it difficult to entrust their businesses in the hands of a capable management team of professionals. This is either out of lack of trust or unwillingness to pay professional salaries". He added that "financial management: keeping proper financial management records is a huge challenge for most media houses."

Sesay (2016), former SLAJ Secretary General of SLAJ, puts it this way: "Most media institutions are one man owned and managed, instead of a company or partnership, especially newspaper and magazines. Their survival depends on advertising patronage which is also limited. The bigger competitors in the market get the most. Circulation and coverage are also limited. Most of them do not have adequate office spaces or equipment for staff and employ either secondary school leavers or

dropouts, who, in normal circumstances, have no business in journalism." He continued "Multi-media institutions with radio, TV and newspapers combined are better off, because they are comparatively reasonable funded and have greater chances to be profitable and sustainable."

On profitability of media institutions, Dr. Spencer said "Some media institutions are profitable but the majority are not. One of the factors militating against profitability is the tendency of advertisers to default on payment. Unethical practices of advertisers (placement of adverts for kickbacks) and the monopoly of newspaper vendors that restricts when newspapers can be published also affect profitability.

While Brima (2016) thinks many media institutions are not profitable because advertisement, through which they can be viable, is not common marketing practice, Kamara (2016) is of the view that apparently, few are profitable. In the words of Douglas (2016) "too many media outlets rely too heavily on political handouts and sponsorships. Few outlets seem to be viable without influence. It seems to me we don't have enough of an economy (advertisers and businesses) to foster media growth." He added "I think viability also depends on management skills and styles. Arouni (2016) is of the view that most media institutions are not profitable; the exceptions have big political and business support.

Khalil Kallon (2016) noted that the industry lacks foreign investment and most of the locals who set up the media houses are only interested in the initial capital to establish the businesses hoping that the media house would take care of their running costs. But for Ahmed Kallon (2016), radio operations in Sierra Leone cannot be a direct financial accumulation venture but that of a social change facilitator which in turns brings money based on its acceptability by its audience. Leigh (2016) pointed out that profit and viability hinge on credibility and professionalism. Once your paper is credible, you are bound to attract advertisers, which is the backbone of profitability.

Massaquoi (2016) stated that the industry can be profitable if it is operated as a business entity...not just a profession, but with vibrant and structured management systems. He suggested that two or more individuals or owners of small scale businesses in the media can set up an empire of joint ventures to ensure they provide quality services and at the same time, compete for the available market. Nasrallah (2016) said to be sustainable and profitable, media houses should start with "a business plan, research market opportunities and position themselves uniquely, have a proper management structure, proper financial management and records system. Mustapha (2016) stated that for media institutions to be viable (profitable and sustainable) they must be able to meet the following basic requirements: Invest in technology, secure adequate office spaces with 24 hours

internet connectivity, recruit professional staff with clear job descriptions and payment of staff living wages or at worst, the minimum wage, ensure that news coverage and reporting cover the entire country, and circulation or coverage reach at least all provincial cities, if not district headquarter towns.

### Conclusions

Sierra Leone's Media Development Strategy notes on the issue of media sustainability and accountability that "the meagre market and strong competition make some of the media test the limits or even break them with sensational stories, brown envelope journalism, blackmail and allegiance to certain political and economic interests that finance some of the media. This, combined with low professionalism; low ethics and a politicised content constitute a challenging media environment" (Bonde & Sowa 2014).

The way forward is complete implementation and/or review of the strategic policies formulated and articulated by the media institutions during their inception. Currently, requirements for the registration of media institutions by the IMC include the submission of business registration certificates which should show that they are first registered as businesses either at the Office of the Administrator and Registrar General (OARG) or the Corporate Affairs Commission (CAC). They must also submit as part of the registration process, a Business Plan or (for radio/television stations) /Policy Guide (for newspapers and newsletters) indicating their mission and vision, governance and management structures, market survey, financial projections among others.

These are key strategic management principles. However, most media institutions at their inception demonstrate knowledge and adherence to those principles, but when they start to operate, they deviate from them. This is the principal reason why they are arguably not sustainable and profitable.

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## Chapter Six

# Newspaper Ownership and the Dynamics of Power in Sierra Leone

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### Abstract

The media in Sierra Leone have undergone some changes in practice, operations and ownership style in the last two decades. Perhaps one of the most visible corollaries associated with the level of those changes is how the press or newspapers have come to be perceived to being a powerful source for politicians and private business elites to acquire and maintain power. This study argues that the media in Sierra Leone may not just have been considered as powerful by politicians, as was the case before and immediately after the war. If only to be assessed against their ownership models, the regulatory environment and the practice of journalism, the press have been considered a major source of power among politicians and businessmen in Sierra Leone. The study, therefore, assessed how newspaper ownership, be it through direct or indirect control of editorial policies, continues to be the entry point for some 'seekers of space' (Hutchins Commission, 1947:25-26) because of weaknesses in policies, regulation and structural challenges.

Key words: media ownership, ownership models, power, source of power, media operations, editorial policy, regulation, newspaper registration, media policy, regulation

### Introduction

In the last fourteen years the media in Sierra Leone have seen some remarkable changes despite challenges of professionalism, media poverty, the legal environment and lack of investment in

the sector. After the 2012 elections, which saw a large section of the media completely divided along political party lines, the EU Elections Observer Mission noted that the lively and diverse media environment in Sierra Leone was largely a result of a liberalisation of the sector in 2002 which saw the proliferation of media houses around the country, mainly in the form of radio stations, and resulted in improved pluralism and an enhanced degree of freedom of expression. The development of the sector, however, continues to face major challenges due to lack of financial resources, weak infrastructure, shortage of electricity, and the lack of a skill on the part of many journalists (EU EOM, 2012:23). Like all three post war elections, what we saw in the events leading up to the 2012 elections and immediately afterwards, were that many newspapers sprung up, some were bought over by politicians and businessmen who had interest in the process, and others were established as loose partnerships and run as proxies.

After the elections, some were dissolved, others struggled for a while and died of lack of support. So the proliferation of media houses did not by itself improve pluralism in ways that could give real meaning to the functions of the press and did not add value to the democratic process of a country in political transition. Thus, despite the huge interventions by the United Nations, the British and Dutch governments to develop the media, evidence of polarisation still exists.

Studies have shown that although media ownership in the last two decades generally either



takes the form of a government owned or a private business, newspapers in Sierra Leone are either privately owned or are owned by political parties. Some newspapers are partisan although they are not owned by a political party (M'Bayo, 2013:11). He concludes that "the polarisation of the Sierra Leone media – particularly newspapers – appears to be politically driven, with some espousing support for the government/state actions and initiatives, while others are opposed to (aligned and partisan media) or maintain seemingly neutral dispositions (open forum media) regarding these matters".

This chapter used M'Bayo's categorisation of the media as a theoretical foundation to investigate how ownership of four newspapers has been perceived to be a source of power in Sierra Leone. That newspapers were either 'aligned' or maintained partisan positions or were an 'open forum', with seemingly neutral dispositions. The model assumes that there is a causal relationship between the two variables - newspaper ownership model, being the cause, and editorial control, being the effect and a source of power. That assessment is seemingly premised on the argument that: "With the state no longer the key mass communicator, party functionaries have resorted to creating non-state media outfits in the form of traditional newspapers and online portals. With party newspapers, party radio stations and privately owned (but mostly biased) media, the media environment in the country is polarised along party lines, and pro- and anti-state media organisations" (M'Bayo, 2013:6-7). This characterisation of the press in Sierra Leone, coupled with the fact that they are generally poor and therefore pliable, opens them up for manipulations by politicians and businessmen, usually as a means to an end. McQuail on the influence of ownership on mass media content said: "there is no doubt that owners in market based media have ultimate power over content and can ask for what they want to be included or left" (Ali, 2015:1). He, however, notes that this is against the ethics of journalism.

In the study of mass communication, there has been a continuous debate about the more or less powerful effects of the media on the public (van

Dijk, 2009). This power is not restricted to the influence of the media on their audiences, but also involves the role of the media within the broader framework of the social, cultural, political, or economic power structures of society (van Dijk, 2009).

### **Measuring Ownership and Power**

While a number of studies around newspaper ownership have been based on quantitative statistical studies using secondary and publicly available data (Martin, 1998) and (Maguire, 2003), cited in Ohlsson (2012), this study is qualitative. It is descriptive in approach and largely based on case studies. It also used a group of research, not uncommon in media ownership studies, that consists of personal accounts of active or former editors and journalists (Stark 1962; McCord 1996; Bagdikian 2004; Squires 1994). However, it also used findings of a perception survey conducted in 2015 among five different groups – (1) newspaper editors/proprietors; (2) civil society activists, (3) government officials (4) businessmen and (5) members of the general public – to back the postulation that media ownership has direct relationship with editorial policies in Sierra Leone and that control of newspaper editorial comes with some media power to shape public opinion and influence public policy (Jalloh, 2016:1).

### **Conceptual Analysis: Media, Ownership & Power**

#### ***Media***

Mass media refers to communication devices and messages, which can be used to communicate and interact with a large number of audiences in different languages (Mockba, 2012). They include the print, electronic and new age media. In the early days, newspapers were the only medium that masses at large depended on for daily news. A newspaper carries all kinds of communication related to a variety of topics like politics, current affairs, entertainment, finance, stocks, etc. This explains the importance, function and place of newspaper as a mass medium,

alongside magazines, brochures and billboards in society.

Sage (n.d.) in an online publication: ‘The Rise of Mass Media’, explains that in the early Middle Ages, the church in Europe had elaborate and effective means in place to ensure transmission to everyone without exception. From its early days, the newspaper was an actual or potential adversary of established power, especially in its own self-perception. Established authority has often confirmed this self-perception of the press by finding it irritating and inconvenient (although also often malleable and, in the last resort, very vulnerable to power). However, early newspapers did not generally seek to offend authorities and were sometimes produced on their behalf (Schroeder, 2001) cited in McQuail (2010:29). Then, as now, the newspaper was likely to identify most with its intended readers (ibid).

Klaehn (2002:147) argues that mass media play an especially important role in democratic societies. They are presupposed to act as intermediary vehicles that reflect public opinion, respond to public concerns and make the electorate cognizant of state policies, important events and viewpoints. The ‘propaganda model’ of media operations laid out and applied by Edward Herman and Noam Chomsky in ‘Manufacturing Consent: The Political Economy of the Mass Media’ postulates that elite media interlock with other institutional sectors in ownership, management and social circles, effectively circumscribing their ability to remain analytically detached from other dominant institutional sectors.

Politicians have used (and abused) the media for their own interest and political purposes. Observations show that in the last fifteen years in Sierra Leone, it is almost impossible to remain in power without the support of the media. On the other hand, media owners continued to use their outlets to promote and disseminate their own political views, and to ask for favours from politicians and businessmen especially in the last two decades. In an article published by the Journal of Law and Economics in October 2003, DJANKOV, et al (2003:345) disclosed that up

until 2003 there were no sufficient literature and data on media ownership in countries like Sierra Leone. However, media ownership was largely the purview of government. By answering the question of who owns the media we also answer the question of who holds the reins of power (Hrvatín, Kuèiæ & Petkoviæ 2004:10).

### **Ownership**

Ownership, for the purpose of this study, refers to media ownership and in particular newspaper ownership. The issue of media ownership has increasingly shaped the way in which the media related to public interest and citizens’ rights (Hrvatín, Kuèiæ & Petkoviæ, 2004:8). Other scholars like Ali (2015) put it succinctly that: “ownership has continued to play an influential role in the editorial policies of media organisations. It is so bad in some media organisations that the ethics of journalism are exchanged with the opinions and decisions of the proprietors of the organisation.” The philosophy of ownership, according to LeFevre (1971), represents the relationship between humans and property. “The desire to own property contains the concept of exclusiveness, of individualization. Ownership is an expression of this longing. Human beings long to possess items which they admire and appreciate” (LeFevre 1971:2).

Media ownership is no different from the assumption that many people, especially politicians and businessmen in Sierra Leone, long to have a newspaper as their property. Over the last ten years, ownership of newspaper in the West African nation of seven million people, according to a 2016 census, is associated with certain presumed power to protect political and business interests.

### **Power**

Herman and Chomsky (1988) cited in Klaehn (2002:148) argue that the mass media are instruments of power that ‘mobilize support for the special interests that dominate the state and private activity’ (Herman and Chomsky, 1988: xi). Other studies have also acknowledged newspaper ownership as a potent source of

power alongside other ‘power structures’ in contemporary Sierra Leone (See DfID’s Briefing Paper, May 2008:3 and MSI panel discussion, 2010:339).

Power, in this context, should be understood as media power and especially by the way it has invariably manifested itself in the administrative as well as editorial structures of newspaper management in Sierra Leone. Street (2011) agrees that the media have power: they determine the fate of politicians and political causes, they influence governments and their electorates. He argues that media bias, the ownership and control of the media industry, the political uses of the media, all matter because they have some effect upon the way the political process works, and the interests that motivate the media also shape the outcome of that process. Morris and Street observe that the study of power is driven by the desire to know who is responsible for the things that affect our lives: who is to blame for the current state of affairs, how can it be changed for the better (Morris, 1987), cited in Street, 2011)? To answer such questions in relation to the media, it is important to acknowledge the different ways in which media may be implicated in the distribution and exercise of power.

They both separately agree that media power does not, after all, take a single monolithic form. It appears in different guises and operates in different ways. For example, Street, looks at three main forms of power as they relate to the media – discursive power; access power; and resource power. He explains how each of these powers continues to raise questions about how media content shapes political ideas. He argues that discursive power refers to the way a popular common sense is created; access power refers to the way in which particular interests or identities are acknowledged or excluded and resource power refers to the way in which media conglomerates can affect the actions of governments and states. This chapter, therefore, situates its investigations around the last two forms of powers - access power and resource power.

### ***Explanations***

Firstly, the study finds out that although M’Bayo’s (2013) categorisation of the media as a basis to show the level of polarisation is laudable, the model is limited to partisan politics in its characterisation of the entirety of the media in Sierra Leone. It does not consider the fact that the media have also been polarised along corporate politics, especially in the last ten years. For instance, when in 2012 and through 2013, government sought to review licenses and lease agreements of all mining companies - given some controversial circumstances of the awards of tax concessions and duty waivers - some weak and dying newspapers were either revived, bought over or new ones were hurriedly established on conditions that they fought against mostly popular activists’ positions on bad government mining policies. AYV newspaper, established by Anthony Navo Jr., a politician and later became a very powerful director of communications with AML, had led media attacks against reports that were critical of the operations of the company. He later bought over the ‘Sierra Leone News Hunters’ (‘Ariogbo’ Newspaper), whose young but critical editor, would later become one of his employees and hatchetmen.

In a 2012 MSI/IREX group discussion in Freetown, Dr Julius Spencer, a veteran media practitioner and Managing Director of Premier Media Consultancy that publishes Premier News newspaper said: “There are very few media houses that are really truly independent. There is a resounding yes that business interests restrict editors and proprietors.” Some media houses, which were relatively independent and carried civil society organisations’ positions for the review of all mining arrangements, were inundated with unaudited and usually huge advertisement placements that ran into tens of millions of leones. Thus, they too were compromised with advertisement placements. Eventually, over the years, public interest campaigns, specifically targeting African Minerals (SL) Limited, have seen government ministers and other state functionaries supporting the mining company and using their network of newspapers to attack and punish rights activists and campaigners for just mining.

In an online article carried by ‘Concord Times Newspaper’ titled: ‘Corporate Integrity: Best practice for multinationals operating in Sierra Leone’ (n.d.) the former anti-corruption commissioner, Lawyer Joseph Fitzgerald Kamara, observed that: “As corporations have become more powerful, the civic institutions that have upheld them in the past have developed the tendency to get weaker”.

When interviewed via email, journalist and editor, Ahmed Sahid Nasralla (2015, pers.comm. 29 May) stated that the present government (All People’s Congress) was obviously aware of this ‘all-important role’ of the media when they assumed the reins of governance in 2007 through the ballot box – a victory many believed was largely enhanced by a favourable media. As payback, the government appointed journalists that had supported their cause as Information/Press Attaches to its various diplomatic missions abroad, while others were given ministerial positions. “Of Sierra Leone’s sixteen diplomatic missions, ten have journalists as Press Attaches. A current special adviser to President Ernest Bai Koroma, Alhaji I.B. Kargbo, is former Minister of Information and Communications and is publisher/owner of the ‘New Citizen newspaper’. The immediate past Deputy Minister of that ministry, Theo Nicol, is a former Managing Director of ‘Africa Young Voices’ radio and newspaper. The former deputy Minister of Information and later Internal Affairs, Sheka Shekito Tarawallie, is the publisher/owner of ‘The Torchlight newspaper’. The former Minister of Sports, Paul Kamara, is the publisher/owner of the ‘For di People newspaper’. When the President created the position of Special Executive Assistant (SEA) at State House, he appointed Dr. Sylvia Olayinka Blyden, a publisher and owner of ‘Awareness Times newspaper’ who had used it to get into politics”.

## Conclusion

From the above contexts, the findings and explanations have provided some insight around the operations of newspapers, ownership style

and control. Firstly, they proved that achieving ownership transparency will remain a major regulatory challenge and ownership may therefore still be open to manipulations by partisan and corporate interests that mostly come against public interests in fragile democracies like Sierra Leone.

Secondly, they pointed out that there have been no considerable changes in ownership style in terms of the purpose for which newspapers are owned, run and used. Some of the reasons for this may include the weaknesses in registration procedures at the Independent Media Commission (IMC); limitations of newspaper ownership to sole proprietorship, a business model which existed before the IMC was created and made no changes to one man control, have all been part of the reasons for unsustainable newspaper proliferation. Also, investment in the newspaper sector of the media industry is still very low and therefore cannot attract highly skilled labour. Ultimately, it is easy for a sponsor, owner or proprietor to establish, acquire, own and control editorial policy. As a result, records of adjudication by the IMC have shown that the highest number of complaints, decisions against editors and penalties for professional misconduct sit with the newspapers. Also, pay for journalists working for newspapers are very low compared to those who work for radio and television.

Finally, they demonstrated some instances where administrative structures of newspapers have been personalised while ownership has not been transparent and accountable. The IMC and the Office of the Administrator and Registrar General could not account for newspaper owners’ identities, which would be relevant to open up new opportunities for enquiries that may lead to the prevention of abuse of media power in Sierra Leone. The regulators and the administrators’ office could also not sufficiently present any strategies to promote ownership transparency and socially responsible press.

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## Chapter Seven

# Performance Responsibilities and Ethics in the Sierra Leone Media

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The earliest evidence of modern mass media in Sierra Leone, date back to The Royal Gazette and the Sierra Leone Advertiser in, (the first newspaper in tropical Africa) initially published in 1801 at Fort Thornton, in Freetown. Since then, the nation has gone through its stages of colonization, Independence and a post-Independence era, fraught with a unique combination of success and failure, development and decline.

Initially, the media was seen as a conduit for informing Sierra Leonean subjects to the crown, of the colonial Government's actions and direction. Later, we witness many of our early journalists and media practitioners, serving as educators and activists, with the singular aim of mobilizing people for planned development and social change. As Okigbo (1991) observes "...media then contributed to national development, by ensuring the dissemination of truthful and useful information, sensitizing the people to the need for planned development. They also aimed at using the media for persuasion, motivation, providing learning materials and development information to targeted educated members of the society."

Fast forward two hundred and fifteen years later and the logical expectation would be a buoyant, dynamic free professional media environment, ably challenging media performance in nations like Ghana, Kenya or Nige-

ria. While that indicator has not been achieved, there is good news and bad news. The challenges identified in media performance, when placed against the backdrop of key selected ethical issues, are disconcerting and demand attention. The prospects for the future however are positive. Significant steps will need to be taken to mitigate the damage already inherent in many new value sets that undermine current professional media performance.

This chapter aims to assess media performance and responsibilities relative to a few critical ethical issues that currently pose challenges for media practice and practitioners in Sierra Leone. To do this, it is useful to note, that there are seven generally widely held and accepted ethical codes of media practice that related institutions and practitioners are expected to follow. These Ethical Codes are the highest principles, standards and ideals practitioners are expected to display in their professional activities. The principles are aspirational in character. The responsibilities outlined in the set of values, refer directly to the public, clients, colleagues and employers.

The principles are integrity, objectivity, competence, fairness, confidentiality, professionalism and diligence. This piece will only discuss four of the principles. Media professionals generally report local development and news. They are also expected to investigate the 'dark

corners' of the business world, political deals and failures in government and social ills that plague the nation. In so doing, the average citizens have the opportunity to better understand their immediate place in society and they can make decisions that affect their lives. In an ideal world, media personnel are expected to provide, as Randall (1984), states "intelligent fact-based journalism, honest in intent and effect, serving no cause but the discernable truth, and written clearly for the readers whoever they may be."

The truth is that media personnel are constantly balancing the search for truth, with the search for a story, that will have their listeners and readers up and waiting to learn more. The practitioner is constantly forced to find entertaining and sensational stories quickly and with minimum research. It is in this world, that media personnel struggle on the one hand, to be honest and truthful with their readers, listeners and viewers, while on the other hand, pleasing an employer or editor who needs to maintain a business!

So how is Sierra Leone faring? With an estimated population of 7 million, 85% of households have access to radios and under 10% percent to televisions. A 2010 estimate, showed mobile phone access as 34 out of every 100 citizens and Internet access to about 40,480 users or 0.8% as of a Dec. 2011 survey. Facebook users 48,450. This number has risen substantially since then but readily available data produced through national media institutions is unavailable.

*The country boasts of an estimated 181 formally registered newspapers. In real terms, only about 70 are functional.* The average size of 12 – 16 page dailies or weeklies, focus mainly on issues of national politics, legal and court proceedings, health, education, mining, and agriculture and other development topics,

including international and local news and sports, and a high dose of adverts.

The Media Code of Practice established and revised by the Independent Media Commission (IMC) has popularized the phrase "...the ABC of Journalism", meaning the need to abide by the three central rules of Accuracy, Balance and Credibility. These words speak to the heart of our first ethical issue, that of objectivity. **Objectivity in media performance** requires "...*intellectual honesty and impartiality. Regardless of the particular service rendered or the capacity in which practitioner's function, they are to protect the integrity of their work, maintain objectivity and avoid subordination of their judgment.*"

Among the many newspapers and current monthly bulletins Politico, Premier News, AWOKO, Unique News and the recently launched/revived Sierra Leone Daily Mail stand out, in the writer's view, as being significantly objective in their regular reporting. However, the daily occurrences of shortcomings of the print media in general are well known. Daily instances of defamation, character assassination, speculation, abuse and deliberate exaggerations and inaccurate reports, characterize many of the other newspapers. The fact that many of the existing newspapers present themselves as politically aligned either to the government of the day or the opposition, indicate that they have been compromised and lack the capacity to be objective.

A media owner in the Western Area, Sierra Leone in May, 2016, described his frustration with this lack of objectivity in these words: "Most practitioners either don't understand ethical principles or just ignore them. There is also among many journalists, no attempt to investigate a story. A large part of content is just reportage. There is no attempt at research



and in many cases, there is an ease at plagiarism or outright falsification of statements, that are then attributed to individuals that have never been met or spoken to!!”

Programmes on radio, especially phone-in programmes in various Talk Shows, bear the same trait, of little regard to the issues of objectivity in reportage or story development. Inaccurate comments are allowed with abandon and programme producers do very little to research their work in preparation for their designated space.

Glaring headlines announcing an obvious untruth are the daily diet of the average reader, clearly indicating intellectual dishonesty or partiality. The responsibility of senior management and editors in such cases, seem to be all too absent.

**The next ethical issue is Professionalism, which simply demands, that media practitioners and their institutions, act in a manner that demonstrates exemplary professional conduct. That they behave “...with dignity and courtesy to clients, fellow professionals, and others in business-related activities. Professionals are expected to cooperate with fellow practitioners, so as to enhance and maintain the profession’s public image and improve the quality of services.”**

Media performance in 2016 has improved but a few years ago the scene was very different. Generally though, there is still a level of disregard for acceptable professional media practice, perhaps at one level because the public is insufficiently discerning or demanding. Little wonder Francis Kasoma (72) observed that “...Media people have a duty to speak out and condemn those of their colleagues who step out of line, before their bad professionalism spreads to the whole 'family' of journal-

ists. They should not wait for society to do this for them. Society may not always be able to tell bad from good journalism but journalists can. The sad reality is that print and electronic media institutions have not always risen to the expected standards of professional conduct. Outright abuse between rival editors; insults and mudslinging in editorials have at times been common place, leaving “ some professional 'family' colleagues maintaining an embarrassed silence.”

Investments and growth in 3 tertiary institutions nationwide, have created a boom in the number of academically trained media personnel in the country. In the Western Area, the Department of Mass Communication, University of Sierra Leone, continues to release trained journalists and broadcasters into the job market annually. Similar departments at the University of Makeni, in the Northern Region and the Kenema Polytechnique in the Eastern Region, have complemented this boom. Clearly, the recent establishment of the Africa Youth Voices Television and Star Television, highlight a new role for private radio and television in national development and have become recruiting grounds for graduates of these institutions.

Radio remains the most widespread and effective medium nationwide. There are about 110 radio stations; 32 are community radio stations, 20 religious broadcast stations and 36 which fall within the category of privately owned FM Commercial Stations. The rest are public broadcasting facilities and relay stations which include the Sierra Leone Broadcasting Corporation established in 2010. It integrates 5 sub-stations in the regions. Unfortunately, the national broadcaster is yet to provide any significant professional leadership as would have been expected. Local community radio stations, continue to be saddled with the

challenge of creativity in programming, many of them limiting themselves to news, current affairs, discussion programmes, public service notices, religious and phone-in programmes and music. Poor broadcast management and planning and little creativity in programming, have limited the real value to which community radio stations can be put all over the nation.

Social Media, with its major platforms of FaceBook and WhatsApp, have become a significant part of the media landscape. Private businesses, development agencies and a cross section of the population with access to mobile phones, have discovered and used it variously. Sadly, its uncontrolled use, in an environment where social graces, media courtesy and tolerance are weak, have led to massive misuse. And many media practitioners have also not provided an example of the necessary ethical etiquette required in using these platforms.

Another ethical imperative is that of Competence which aims to ensure that Sierra Leone's media performance exhibits among its practitioners the knowledge and skill necessary to provide professional services competently. Media institutions and practitioners are expected to attain and maintain an adequate level of knowledge and skill, and apply them to clients and the public at large. It includes the wisdom to recognize the limitations of that knowledge and when consultation with other professionals is appropriate or referral to other professionals necessary. Practitioners and their institutions are expected to show a continuing commitment to learning and professional improvement.

Three important challenges emerge. First, media institution owners and trainers in academia need to show a continuing commitment to

learning and professional improvement. When "town" fails to meet "gown", graduating students suffer. Tertiary institutions need to develop a closer working relationship with their marketplace. Substantial work is required in this direction given the major gaps that exist in media performance of this dialogical relationship.

Second, producing students that have the required academic training but limited skills required by the local professional need to be addressed. A senior editor of several years experience described the problem this way: "I tend to support some newspapers in the provision of technical guidance and review of copy. Most of the interns that come from some tertiary institutions, cannot discern between an Editorial, an Opinion and a Story. Even basic language structure: present tense and past tense, verbs, nouns, plural and singular nouns are all major challenges..." Pick up many newspapers and you are "attacked" by poor grammatical structures; incomplete sentences; minimal editing and the like.

A third challenge is the environment within which the journalist works. This undoubtedly affects their ability to deliver quality product in a competent manner. Imagine having to visit a senior civil servant four times, before being granted an interview, or finally getting your pre-booked appointment only after a two hour wait! What does this say about the courtesies required from members in government or the public and the reaction and response from the practitioner? Clearly, there is work to do in revamping curricula and attitudes towards media practitioners that have implications for competent media performance.

The last ethical issue is that of Integrity, which simply demands *honesty and candor which must not be subordinated to personal gain and*

*advantage. Media practitioners are placed in positions of trust by clients, and the ultimate source of that trust is their personal integrity. Allowance can be made for innocent error and legitimate differences of opinion, but integrity cannot co-exist with deceit or subordination of one's principles.*

This value perhaps more than any other, remains the greatest challenge to appropriate and acceptable media performance in Sierra Leone. Stories abound of journalists having to receive money for either writing a story; or ensuring favourable coverage of an event or an activity. Some journalists have stooped to the level of outright extortion. A top executive receives a mobile call and the muffled voice goes: "Sir, we have information on you and your business! You have to do something." And a true story is told of two journalists that visited the General Manager of an international carrier with similar threats of being in possession of critical and damaging information. Thankfully, the manager kicked them out of his office!!

It is common knowledge that most journalists have come to expect that they are to be paid "transport" to cover an event. No envelop no story!! Consequently, NGO's, agencies, Government institutions and businesses are all in quiet complicity to both encourage irresponsible professional behavior with the consequent downgrading of the responsibility of the practitioner.

A respectable Magazine Editor in Freetown that I interviewed in May, 2016 described his frustration with practitioners in this manner: "I was working with a journalist recently and the research that he did for the piece he was working on, was 50% plagiarized from another article written in 2012 and all the other quotes in the piece were taken from an even earlier pe-

riod and were now being passed off as current statements."

In sum, the writer David Berry is correct in stating that "The worst professional offence a media practitioner can commit, is knowingly and deliberately publishing fiction as fact or lies as facts." This is what seems to happen in our media practice environment these days."

The evidence of bad news afore-mentioned may unwittingly suggest that very little has been done to build and redirect the moral compass of media practitioners in Sierra Leone. On the contrary, several steps have been taken and continue to be identified, to build and redirect the moral compass of media institutions and their many practitioners. The re-development and upgrading of the The Media Code of Practice, has provided a handy tool for all practitioners and institutions. The establishment of the Media Reform Coordinating Group of Sierra Leone (MRCG-SL) has led to several training and re-orientation workshops across the nation, aimed directly at providing interactive sessions between media houses and those that prescribe media and communication policies for the country. The recent publication of a "Capacity Needs Assessment Report", will undoubtedly strengthen media institutions to enhance performance through a greater understanding of their gaps.

Sierra Leone's state of media performance and responsibilities against the backdrop of the ethical issues outlined in this chapter, indicate slow but assured steps in the right direction. Negative influences that slow down real change within the media workplace still abound, but there also exists a relentless effort on the part of a few and committed practitioners to do the right thing, regardless the cost. To them we can say.. "....there is no problem that does not have some underlying need for

more optimism, stamina, resilience and collaboration” This is the spirit for progress that may be required by us all.

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## Chapter Eight

# Media Failures: Expanding the Scope of Freedom and Responsibility in Sierra Leone

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The list of media failures that I have developed in this closing section of this *2015 State of the Media Report* is neither exhaustive nor sacrosanct. It is meant to be heuristic in the sense that it should provoke further conversation and focus media attention on some of the significant but neglected issues in the discourse on media reform and performance in Sierra Leone. But, before I present my views about media failures, let me share with you my statement at the SLAJ Annual General Meeting in Makeni in 2014, where I was a key presenter:

“Despite (the) shortcomings, the media environment (in Sierra Leone) is more vibrant today than ever before, and media practitioners are generally outspoken and have taken on important personalities to account for perceived misdeeds against the interest of society, even if this is done in poor grammar and journalistic syntax, and often without recourse to professional journalistic standards.

“The press in Sierra Leone is an unlovable institution. But, given our collective cultural consciousness of our recent past – the military insurgencies of the 1990s, the civil war, the struggles to reconstitute the political order, our not-so-perfect democratic elections, the resurrection of a nearly failed state, and the survival of our media practitioners against the most perilous odds, and sometimes in the face of inflexible political authority – our country would not have been a safer place for us to live without our press and the men and women of the journalism profession.”

Having said this, let me now propose what I call as media failures as the struggle for media freedom and responsibility continues. Almost every chapter of this year's report has made some reference to the failures I

have catalogued in the following epilogue. Hence, the failures I have highlighted should be seen as useful propositions of the media reform agenda in Sierra Leone.

(1)

### **Failure to Democratize Mass Communication Channels and Systems**

As in politics, so also in democratic communication, democracy implies broad based participation in the channels of mass communication. However, with the obsession with “national” and urban politics, the primary focus of the media in Sierra Leone is on Freetown and its environs. Except for the relatively new phenomenon of community radio, mainstream media, particularly newspapers and television, have not been able to extend participation to much of the country, leaving the provinces and rural populations to endure persistent information, communication, and news blackout. Almost all newspapers are published and circulated in Freetown; television stations are also mainly based in Freetown. With this prevailing situation, news and information get to the provinces mainly through filtration via gossips, rumors, and opinion leaders who attend to the media and pass information on to their constituencies with their own colorations.

(2)

### **Failure to Refrain from Practices that Society Condemns**

There are persistent calls from the public for media institutions to do some serious house cleaning. Many journalists and newspapers have become notorious for engaging in practices that society generally condemns – disregards for facts, fairness, accuracy, objectivity, and violations of professional ethics and codes of conduct. There is a serious erosion of the tradition of excellence and profession-

alism in Sierra Leone journalism. Media owners and practitioners need to engage in some introspection to offer redemptive measures.

This is a well documented media malaise, which media analysts as well as members of the profession acknowledge. Media owners and practitioners will find instructive lessons from the American experience as they engage in efforts to resolve or ameliorate these perennial problems.

In the history of American journalism, for example, the names of Joseph Pulitzer and William Randolph Hearst were once associated with the worst about their profession. They were the progenitors of yellow journalism, sensationalism, and the worst offenders of the journalistic codes of ethics. They sold the idea (successfully in their days) that sex, crime, violence, and political scandals, sell newspapers, and they became extremely wealthy media barons of America in the 18<sup>th</sup> and early 19<sup>th</sup> centuries.

Sierra Leonean journalists must have learnt something from these gentlemen as newspaper banner headlines often suggest, emulating the Pulitzer and Hearst tradition. But these gentlemen changed and, under public pressure and threats from state legislators, they became the pre-eminent champions of professionalism in American journalism. Joseph Pulitzer, for example, bequeathed his media wealth to Columbia School of Journalism, which today administers the Pulitzer Prize Awards for best journalistic practice.

(3)

**Failure to Provide Adequate Services to Meet the Needs of Society**

Media freedom also calls for broader public participation in mass communication, and media institutions should not only provide opportunities for broad public participation but should also ensure that newspapers in particular have a broader cognitive reach – that people can read and learn from these channels of mass communication to engage effectively in public discourse. In other words, the media should expand the public space for dialogue across the country on matters of public interest.

Media institutions should not only provide opportunities for broad public participation but should also ensure that newspapers are engaged with the key agencies of socialization – schools, churches, etc, and not simply to inform but to educate people as well.

As Gicheru (2014) suggested, the role of independent newspapers should go beyond just keeping watch on government and exposing malfeasance. The media should promote tolerance and reconciliation, educate citizens about their civic rights and responsibilities, and “mobilize the public to become engaged in politics; informing the public about government performance and informing policy makers about citizen interests and policy outcomes.” (Gicheru, (2014). And, to paraphrase Thomas Jefferson (1878, p. 215), in a democratic society, everyone should not only receive newspapers, they should be capable or reading them.

(4)

**Failure to make an Impact on Poverty, Corruption, and Socio-Cultural Degradation**

The media have contributed and continue to contribute toward promoting the democratic culture, but their impact on key socio-economic and cultural problems – corruption, poverty, malfeasance, youth crime, lawlessness, etc. – remains significantly low.

Part of the reason is that media practitioners and media institutions lack the professional, intellectual, and practical experience to undertake and sustain investigative journalism projects. There is little practice or integration of this type of journalism in the general modus operandi of media practice in Sierra Leone.

(5)

**Failure to Diversify Media Content**

Media agencies generally have failed to diversity reporting, and to expand the scope and reach of coverage. Diversity of content will require reasonable attention to neglected but significant areas of public concern such as: Environment (Environmental sociology), education, gender, women, children and youth; health, corruption, crime, etc

(6)

**Failure to be Independent**

In the strictest sense, there are actually no independent media in Sierra Leone. By definition, independent media are those free of government, political or economic control or association externally driven mainly by the need to control and influence media content and media practice.

Almost all newspapers in Sierra Leone today are aligned with politics and political interests and they are too close

to political power holders. Political bias dominates news reports and commentaries, and reporters often cannot separate facts from opinion or fiction.

(7)

**Failure to be Innovative and to Develop Alternative Strategies for Economic Survival and Profitability**

It's over 200 years since the Sierra Leone Gazette and Advertiser was established in Freetown as the first newspaper in Sierra Leone. Yet, despite this two-century old industry, the country is yet to boast of a truly national, relatively large and profitable newspaper reflecting changes in the global newspaper industry of the contemporary world (M'Bayo, 2014).

Our papers have remained somewhat immune to the industrial transformations of the new millennium with its unbridled innovations in communication technology. What we have instead are mostly tabloids that have refused to break with the old tradition and modus operandi of our 19th century trail blazers. They show little or no creativity in design, typography and content creation. And building and reconstructing the narratives that will attract future historians remain quite challenging for many reporters.

Instead, Sierra Leone newspapers operate like small back wood cottage industries of sole proprietorships. With perhaps a few exceptions, they are not profit-making enterprises; professionalism is low, and for some the key to sustainability has been to break the rules and test the degree of tolerance of state authority to gain popularity rather than through aggressive and credible investigative reporting to expose corruption and malfeasance in the corridors of power.

(8)

**Failure to Develop Viable Self-Regulatory Mechanisms to Enhance Professionalism**

Most media agencies do not have clearly articulated editorial policy that guide personnel in the efficient execution of their professional duties. Such in-house policies will highlight what constitute violations of professional ethical codes, libel and defamation and how to avoid them without compromising editorial integrity.

Haraszti (2008) highlights the significance of self-regulation by defining it as "a joint endeavor by media professionals to set up voluntary editorial guidelines and

abide by them as a learning process ... By doing so, the independent media accept their share of responsibility for the quality of public discourse in the nation, while fully preserving their editorial autonomy in shaping it." (Haraszti, 2008).

(9)

**Failure to adopt Civic Engagement as part of the Editorial Policy**

Civic Engagement is a commitment to public purposes and responsibilities intended to strengthen a democratic way of life. It involves individual and collective actions designed to identify and address issues of public concern, not only to report them but to be engaged with communities seeking solutions to social problems. For example, teenage pregnancy, youth violence, promoting awareness of the significance of the democratic right to vote, education in all context, etc. How engaged are the media in these processes? For media agencies, promoting confidence building among people in the power of democratic culture as a means of bringing about desirable societal changes is not only an obligation, it is also one way to serve the public good.

(10)

**Failure to Understand the basic Purpose of Journalism**

Who is a journalist? Jullian Harriss<sup>9</sup> and his colleagues have said it best: "Journalists are writers who deal chiefly in current events. As contrasted with some other types of writers who employ imagination in their quest for reader appeal, reporters must deal with facts. The chief role is to record what has happened and sometimes to analyze or interpret what has happened or will happen. Occasionally, reporters give their own opinions on events they have reported, but opinion traditionally is not included in news stories. Opinions are expressed on the editorial pages (or on radio and television commentaries)." Your passion for facts and your ability to write well, will set you as good journalist, apart from incompetent ones.

**Media Poverty:  
Bane of Journalism in Sierra Leone**

Some of the failures described above come about by default rather than by intentionality. They are manifestations of the political and economic circumstances of the environment in which the media operate.

<sup>9</sup> Harriss, et al. The Complete Reporter.

Sierra Leone is a developing nation. This has huge implications for all societal institutions, including the press. As a developing nation, the socio-political and economic problems associated with the state are also reflected in the institutions of the society. In almost every aspect of life, poverty is pervasive, and media operations – ownership, management, and professional practice – are conditioned

by this environment. Hence, some of the intractable problems of the media in Sierra Leone may be attributed to what I call as media poverty – the lack of access to resources needed to produce good quality stories: Information, limited access to technology, limited research skills, poor remunerations, corruption in the media, checkbook journalism, illiteracy, and so on.



## Chapter Nine

# Ethical Challenges facing the Sierra Leone Media in the fight against Criminal Libel Law

*Ethics is to the journalist as money is to the businessman; without the money there's no business, and without ethics there is no journalism*

**Ahmed Sahid Nasralla (De Monk)**

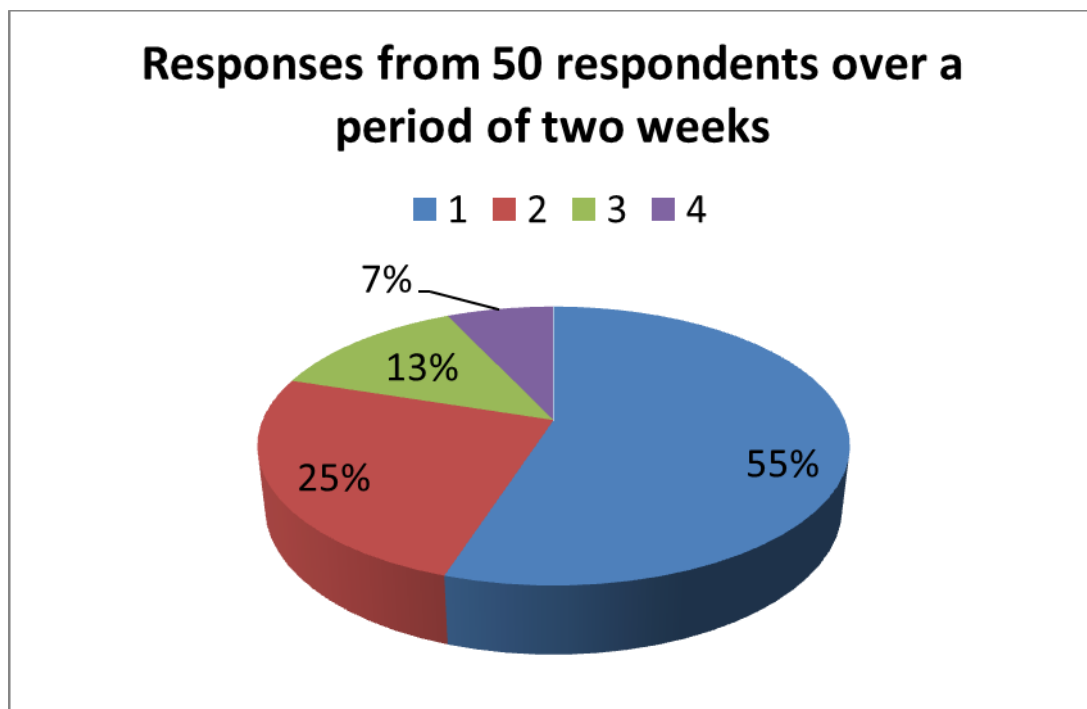
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Before I set out to write this article I did a survey of public perception about journalists in Sierra Leone. I started with visitors to my office and then various people I came across over a period of two weeks. Unsurprisingly, the rating was low. About 55% of the interviewees expressed dislike and distrust for journalists; 25% say journalists publish lies most of the time; 13% be-

lieve most of the journalists are working for politicians, while 7% say the majority of journalists lack proper education. There were interesting responses to my question of why they read newspapers (as depicted in the chart below, listen to the radio stations or watch television).



It may not be a sample representative enough to draw credible conclusions on the media landscape in Sierra Leone, but it certainly represents public perception of the country's media which may not be far from the reality.

The country's media regulatory body, the Independent Media Commission (IMC), and the Sierra Leone Association of Journalists (SLAJ) - the umbrella body for media professionals are aware of the situation and they are treating it as reality rather than perception. The IMC's Complaint Committee sits every week on complaints brought against journalists and their media houses by aggrieved persons. Almost all of the cases, mainly involving the print media - newspapers to be precise - border on ethical breaches of the IMC Code of Practice of 2007. In 2015 the Committee handled 39 of such cases. As of September 2016 it has already handled up to 28.

"Most times the issues are inaccuracy and deliberate failure to crosscheck facts or get the other side," said Commissioner Sahr Mbayo, Chairman of the IMC Complaints Committee. "In some other cases the issues are character assassination, poor taste and indecency."

In one instance, the *Success* newspaper published a story with the headline: "Mass Resignation at OGI" when in fact it was only two people - an office assistant and a volunteer - who resigned. The Committee found out that the Editor made no reasonable effort to crosscheck his story before publication. In another case, the *Spectator* newspaper under the headline, "Maada Bio Endorsed [sic] Abass Bundu" wrote this about the latter: "It could be noted that Dr. Abass Bundu was arrested and found guilty by the Sierra Leone Judiciary, but was ordered to repay the money into the national coffers which he has yet to do." When faced with Dr. Abass Bundu before the Complaints Committee, the Editor had no evidence to defend the article and wasted no time to apologise and promised to do a retraction and apology on his newspaper.

In certain instances, especially where the publications and broadcast programmes have the "tendency to undermine the peace and security of the country," the IMC has endeav-

ored to be proactive by inviting the Editors and Station Managers to caution them.

Quite recently the IMC summoned the Editor of the Nationalist newspaper for publication of a story headlined: "SLPP Incites Kaba-la Protest", which the Commission believed had the tendency to undermine the peace and security of the State. In another instance bordering on bad taste and indecency, the Commission invited jointly the Editor of *Awareness Times* newspaper and Station Manager of *Radio Democracy 98.1FM* in Freetown. The radio was in connection with a broadcast in which they discussed Dr. Sylvia Blyden, Minister of Social Welfare, Gender and Children's Affairs, while the newspaper was for a publication dated 22<sup>nd</sup> July 2016 titled: "Hon. Sylvia Blyden says FM 98.1 in Dangerous and Nasty Journalism".

"Inasmuch as we fine them according to the penalties prescribed in the Code, our main focus is to guide them moving forward. We show them sections they are in breach of and explain to them why it is important to abide by the codes," said commentator Patricia Ganda, a member of the Complaints Committee.

Some of the Editors and Station Managers that appeared before the Complaints Committee in 2016 put up little or no defence at all, according to Commissioner Francis Sowa, another member of the Committee.

"They cannot defend their stories and they have no option but to apologise. In fact, some even claim they are not aware of the stories their newspapers published. That is how serious the situation is," said Sowa.

Interestingly, in its press releases on findings of the Complaints Committee, the Commission only identifies the defaulting media houses and not the Editors or authors and Station Managers or presenters.

Similarly, SLAJ has come to the painful realisation that the ethical deficiency of its membership is a major stumbling block to its fight for the repeal of Criminal Libel laws contained in the Public Order Act of 1965.

"In all of our deliberations with key stakeholders, including civil society and the government, the main concern has been that what assurance, or rather alternative, we will give to

protect the reputations of people,” said Kelvin Lewis, President of SLAJ.

Even though Lewis is fully convinced, based on his experience of up to three decades of practice, that politicians are reluctant to support the repeal of the criminal libel law because they are using it to cower journalists, he insists “we cannot pay blind eyes to the ethical shortcomings of majority of our colleague practitioners; this is real cause for concern for us”.

In Lewis’ hands was a copy of the *New Age* publication of Tuesday 30th August 2016 with the front page headline: “Over \$120,000... Investigate Joseph Kamara”. The subject of the article was the Attorney General and Minister of Justice, Joseph Fitzgerald Kamara, and his official vehicle (which the newspaper claimed cost \$120,000) that was involved in a road accident. The SLAJ President had just received an informal complaint from the Minister, who had no intention of pursuing the matter. Ironically, the Minister is one of the government’s focal points working with SLAJ and the IMC in pursuit of the repeal of the Criminal Libel law.

“How do you explain or defend this?” asked Lewis rather resignedly. “Just reading the headline of the story you see a clear malice. They do not even care about the health condition of the Minister and other people involved in the accident...”

On page 4 of that same publication, under the headline: “SHAMEFUL... SLAJ SUPPORTS THE ARREST OF JOURNALIST”, the newspaper attacked the Association for cautioning the Managing Editor of *Future Newspaper*, Moisa Kekurah, who wrote a “reckless” letter to Parliament requesting for an interview following allegations of financial impropriety from an NGO called CHIRDI. SLAJ acknowledged the right of the newspaper to request an interview with Parliament, but condemned the wordings of the letter, describing it as ‘reckless and disrespectful’, and called on the Managing Editor to apologise, which he did remorsefully.

This ethical situation is further compounded by the advent of new media. Social media platforms such as WhatsApp and Facebook

have become very popular among Sierra Leoneans as a source of news and current affairs and have given rise to a new brand of journalism media experts now refer to as ‘citizen journalism’. SLAJ and the IMC are aware of the additional space the new media provide for freedom of expression and of the press but are also wary of the immense ethical challenges that come with it. While the IMC attempts to capture elements of social media in its newly drafted Media Bill, SLAJ for now can only caution its membership to exhibit ethical and professional standards when using such platforms.

“Social media is a new challenge we are grappling with,” said Lewis. “We cannot control what people post on these new platforms but we require our members to stand out as professionals.” But if you can’t stand out in mainstream media where there are regulations and codes to guide you, you are less likely to do so in social media where it’s free for all. In fact, SLAJ has had to bail a couple of journalists (one of them Sam Lahai, the Association’s Assistant Secretary general for the Eastern Region) detained on the orders of politicians for posting ‘defamatory’ news on WhatsApp, while other journalists (including the Managing Editor of *Independent Observer* newspaper, Jonathan Leigh) have run into trouble for publishing stories in their newspapers which they culled from social media.

“This is the situation we find ourselves,” lamented Lewis. “While we are trying to bring some sanity into our profession there are members who are refusing to cooperate and instead they seek to promote recklessness. And if our colleagues continue to practice irresponsibly, without regards for ethics, we will continue to face stiff opposition in our quest to see the decriminalization of libel laws.”

Lewis’ fear seems to resonate with Winstanley Bankole Johnson, an avid follower of the news and a frequent guest writer in some of the newspapers.

“Insofar as media practitioners are reluctant to recommend a more robust replacement for Part 5 of the Public Order Act of 1965 that in addition to guaranteeing their own freedoms

will also protect and further guarantee citizens' reputation against slander and libel, the ethics of the Sierra Leone media will continue to be seriously challenged," said the politician and former Mayor of Freetown.

Expressing his own fears as a member of the audience, Johnson further said "tendencies also exist for the Sierra Leone media to be challenged if structured guidelines do not exist to certify and regularly monitor progressions within the profession through equally structured and well co-ordinated training schemes that could preclude rookies with the necessary political connections from catapulting themselves into positions of prominence they hardly qualify for, only to compromise ethics".

Johnson may be referring to a future problem that has been with us for the past decade and more, and has been smearing the image of the Sierra Leone media. Indeed, gradually, the line between journalists and politicians appears to becoming blurred to the extent that we now have 'political journalists' or 'journalist politicians'. Today we see journalists referring to themselves proudly as 'Koromaists', in support of President Ernest Bai Koroma and his All People's Congress (APC) Government. Other journalists have openly declared their support for various flag-bearer hopefuls hoping to succeed President Koroma on the one hand and those seeking to lead the main opposition Sierra Leone People's Party (SLPP) on the other hand, ahead of the polls in 2018. In either case, the journalists look forward to compensation in the form of appointments to lucrative offices or other favors. It is usually situations like these, when journalists try to get rich by all means, or aspire for lucrative political appointments, that they put ethics aside.

Nonetheless, while SLAJ is vigorously pursuing the repeal of criminal libel laws, the Association is also strengthening internal control systems in the area of promoting responsible practice through self-regulation. It has completed the review and validation of its Code of Ethics, incorporating penalties for breaches. The Code of Ethics will be popularized among its members across the country, urging them to abide by the guidelines.

Furthermore, SLAJ is also strengthening its Disciplinary Committee (DC), giving it the necessary powers to punish errant members. The DC is also expected to be pro-active by calling errant members to book even before they are complained by aggrieved members of the public.

"We believe the reviewed Code of Ethics and strengthening of the powers of the DC will go a long way to improve the conduct of our membership," said Lewis optimistically.

Equally, the IMC has presented to Government a draft IMC Media Bill together with its reviewed Code of Practice. If enacted the Commission believes its independence and powers will be strengthened and it will now have the teeth to bite without fear or favor. Furthermore, there's also talk of the formation of an independent panel that will vet Editors and Station Managers before they are granted licenses to practice as such. Beyond that, the proposed media bill, according to the Commissioners, if adopted will redundant sections of Criminal Libel in the Public Order Act of 1965.

However, such Code of Ethics developed by national professional groups like the Sierra Leone Association of Journalists (SLAJ) or regulatory bodies like the IMC are merely broad statements of principles that should guide journalists in the practice of their profession. Equally important as ethics, and which is often not taking into account, is the set of values internalized in the heart of the journalist, not just a set of principles written in a booklet or hung on a wall. Ultimately, it boils down to personal ethics - personal values applied to the work of journalism. A journalist cannot separate his ethics of journalism from the values he holds as an individual, which he acquired from a number of sources such as family, community, religion, school, friends, and peer groups.

This point is buttressed by the Ghanaian media professor, Kwame Karikari, in his publication 'Ethics in Journalism: Case Studies of Practice in West Africa' when he argues that in considering journalistic ethics and their violations we must take into account "the moral integrity of the journalist, his sincerity or oth-

erwise, his technical skill and creativity, his education and training, as well as the demands of civil society, and the prevailing moral standards of the political and social elites who wield both power and wealth” (Karikari, 1996:145).

In this context, Francis B. Nyamnjoh argues in his paper, “West Africa: Unprofessional and unethical journalism” published in 2000, that while journalists are certainly to blame for most of these ethical excesses, it would be wrong to ignore the mitigating circumstances under which they practice. The journalist is first of all a member of the community, and whatever he gives out is often a reflection of that community.

Indeed, continued Nyamnjoh, codes of ethics have meaning only if they are derived from a context that is conducive to their implementation or practice. He wrote: “A code of conduct that treats truth as a virtue, denounces corruption and encourages honesty or fair play would have a difficult time getting implemented in a society that pays lip service to truth, condones dishonesty and overlooks corruption by making the political survival of dictatorship the only thing that counts. The point here is that the media are a reflection of their society and that if the politics and culture of the larger society are essentially dishonest, corrupt, obscene and immoral (or unethical), it is very unlikely that the media would be any different or that they would have the political, legal and moral empowerment they need to practice a journalism of tolerance, fairness, accuracy and credibility, especially if matters are made worse by economic and financial difficulties for the media and journalists.”

A key context is the economic situation of the country’s media generally. In the absence of a regular salary (which is often meager) from their employers, reporters have developed ways and means of paying themselves on the job, said Amadu Lamrana Bah, President of the Sierra Leone Reporters’ Union. Such ways and means include attending only those press conferences where transportation allowances are provided and befriending politicians and serving as their unofficial PROs in return for favours. In extreme cases, they approach

politicians or highly placed civil servants with trumped-up allegations of corruption and threaten to publish if they fail to pay to ‘kill the story’.

“Most of the reporters are either underpaid or not paid at all. So they have to look out for stories that will bring in money in return for publications. In this kind of situation, the reporter cares less about ethics. It is a big ethical issue, but it is also a big welfare issue that we are trying to address by engaging media owners,” said Bah.

In her book: ‘Mass Media Freedom and Democracy in Sierra Leone’, Bernadette Cole (1995), highlighted a similar situation: “... poor salaries and poor working conditions are equally a constraint. Newspaper publishers have capitalised on the helplessness of the job-seekers, who have not been guaranteed regular salaries. No firm arrangements are reached, as the publisher is often more interested in whatever commercial gain he can muster than in professional excellence. This has inevitably led to prostitution by journalists or to what one may term a hand-to-mouth journalism, if not a journalism of misery”.

It is this poor economic situation of the media that is undermining ethical and professional practice. Cole puts it succinctly that professional journalists in Sierra Leone find that “if they work outside the media, they would get better emolument, quicker promotion, more serious attention to their training needs, better personal security, less chances of their being persecuted and better recognition and status. Consequently, many of the experienced journalists have left the profession for more financially lucrative jobs either overseas or in other employment in the country.”

Furthermore, a former Editor of For di People newspaper, Sallieu Kamara, believes because newspapers are poorly-funded with very limited printing facilities and advertising opportunities “some newspapers are bank-rolled and controlled by people that are not professional journalists such as newspaper vendors, politicians, business people, who determine the contents and editorial stance of the newspapers with the journalists being assured

of their safety no matter what the newspaper churns out”.

Media ownership is another issue undermining ethical practice, according to Kamara, citing the fact that media houses, especially newspapers, in Sierra Leone are largely owned by individuals. “The ownership of media houses contributes largely to journalists’ non-compliance with professional ethics. The real owners of newspapers, for examples, are most times faceless; the ones that the public deals with directly are just there as fronts. These owners wield enormous economic and political power, authority and influence. So they can do anything to defend and protect those that they employ to run their newspapers, which are mainly established to promote and protect their personal interests and aspirations. This helps to nurture a culture of impunity by journalists,” said Kamara.

However, in ordinary experience certain moral positions or values should guide a moral journalist to determine what is good or wrong, and to deal with ethical challenges such as

fairness and objectivity, misrepresentation, privacy versus the public’s right to know, conflict of interest, anonymous sources, gift and favours from news sources, confidentiality and taste, among others. There are times of course when a choice is difficult to make between alternative actions, each of which claims to be based on principle. This is unfortunate but it is and within its capable characteristics of the human condition. The journalist’s moral values make the difference in the choice he/she makes. Therefore, a fundamental principle of the journalist ethical framework is loyalty to the facts; no matter what, please Do Not Lie!

Yet, a famous English writer, Dr. Samuel Johnson, once defined a journalist thus: “A reporter is a man without virtue who writes lies for his profit”? It is for the journalist to prove him wrong by upholding the highest ethical and professional standards; for ethics is to the journalist as money is to the businessman; without the money there’s no business and without ethics there is no journalism.

## Chapter Ten

# The Media in Sierra Leone's Democracy: The State of the Debate

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### Abstract

Even the most passive observer of the Sierra Leone media landscape knows that something is fundamentally wrong with the media's recognition of their own place and relevance in the democratic architecture of Sierra Leone. This study argues that in West Africa, democracy is in deep trouble because the institutions that underpin it have not necessarily failed, but are facing serious threats of decay and may eventually fail unless something drastic is done. It further attempts to give a critical assessment of the state of ongoing debates about the place of the media in Sierra Leone, a transitional democratic state.

**Key Words:** media landscape, transitional democracy, media debates, media laws, nation-states, political systems

As M'Bayo (2014) asserts, throughout contemporary Africa, the media continue to insist upon their place in the arena of politics. This is more so now in the era of the democratic evolution as the nation-states in Africa move from dictatorial and authoritarian regimes of the past to pluralistic and progressive political systems of contemporary society (M'Bayo, 2014). One of the key tests to measure how democratic and progressive nations are is how open and free the media are in holding leaders to account, giving people a voice, and providing sound information about issues affecting the state. Historically, this idea was solidly rooted in the nationalist struggles for political independence in Africa, and they are today manifested in the fight for socio-

political change and the efforts to build democratic institutions in contemporary society.

Hence, how the media interact with the state and state operatives has continued to attract tremendous interest from a wide range of institutions, individuals, governments, international NGO's, and the donor community, who have invested huge social and political capital to promote development and peace and to build a democratic society in Sierra Leone (M'Bayo, 2014).

The development of genuine democracy is vital to Sierra Leone's recovery from the traumatic misrule and violence that have plagued the country for decades. Democracy involves more than successful elections or good governance; it promotes popular participation in governance, and transparency and accountability of public officials in conducting the affairs of the state.

According to Hull (2004), a successful democracy depends on various institutions to enforce transparency and accountability. It requires an independent judiciary and civil society organizations to protect the rights of all citizens and, above all, independent media institutions to serve as watchdog, to ensure essential checks and balances in state governance, and to inform and educate people about their government.

Meritt (1999) argues that the gap between citizen and government has grown. Citizens do not trust their governments to properly tend to their important matters but are increasingly less in-

clined because of the pressures of their personal lives, to tend to the issues that affect them.

Meanwhile, he argues that the dispiriting list of long-standing national problems such as crime, a lagging educational system, dysfunctional families and environmental deterioration grows rather than shrinks. Discussions about solutions degenerate into shouting matches across an ideological gap that is a false construct of extremes designed by politicians and perpetuated by journalists. Such false framing leaves citizens with little hope for resolution of their problems and, worse, virtually insures that nothing good can happen.

This occurs because the presentation of issues as having only extreme solutions attracts some citizens to one or the other of the poles, whereas it convinces others, the majority who tend toward the middle ground on most issues, that they and their more moderate views are not and cannot be part of the debate. Either way, true deliberation that can lead to consent about important issues is foreclosed; so the problem persists year after year, decade after decade.

With particular reference to the media in Sierra Leone, the people have come to increasingly rely on them to act beyond their traditional role of sporadically reporting the actions or inactions of politicians, big businesses, sport personalities or some flawed characters, to now help them make informed decisions after being educated on the issues. This comes against the backdrop of credible arguments about the media themselves either being absent from this space or appear now as part of a political culture that sustained unquestioning subservience to power even in the face of a failing political system.

It may not be wrong to look too far into history to get a sense of why we are talking about the Sierra Leone media along these lines. In the immediate period following the end of the civil war, the Truth and Reconciliation Commission (TRC), which was set up to produce an impartial historical record of how Sierra Leone was involved in one of the most destructive civil wars ever fought on the African continent, identified

the media as one of the many democratic institutions that failed the country in some sense. By 2004 after the civil war was officially declared over, the TRC was bold enough to say, in its final report in reference to the media's possible role in conflict, that a culture of debate and principled reporting still remains unattainable for most media practitioners in Sierra Leone (TRC, 2004).

Consequently, the average Sierra Leonean has no confidence in the media either for newsworthy stories or informed editorial analyses. The poor financial state of most of the media houses implies that the journalists are only paid a pittance. Many journalists are therefore inclined to practice blackmail, whereby people about whom they have received unsavory information are 'compelled' to pay them to prevent information from being published. Public figures who have attempted to call the journalists' bluff are rewarded with sustained negative reporting. In order to protect their reputations, many people embark on criminal prosecutions for defamation against the erring journalists. Thus, both press and public are ensnared in a vicious circle which is all too often squared by the intervention of the ruling party (*ibid*).

By 2005 the Sierra Leone media recorded some growth in terms of infrastructure – the technology, personnel, professional training and range and quality of reportage. Much of that, in the post war period, has been down to massive injection of foreign development money from Britain, The Netherlands and George Soros' Open Society Initiative for West Africa, OSIWA. The money was targeted at opening up the democratic space by giving people previously left outside of all manner of media a voice for the first time. In particular, the support expanded the fledgling community radio sector throughout the country and trained hundreds of journalists. Over 100 radio stations are currently registered with the Independent Media Commission (IMC). Most of them, however, still face significant challenges such as that posed by an unreliable power supply. Out of that number, more than 35 are commercial and religious sta-



tions that have increased the diversity of content in the Sierra Leonean radio spectrum.

In 2013, the European Union Observer Mission to Sierra Leone which monitored the general and presidential elections of November stated in its report that the media environment in Sierra Leone was lively and diverse. Liberalization of the sector in 2002 contributed to a proliferation of media houses around the country, mainly in the form of radio stations. The development of the sector, however, continues to face major challenges due to lack of financial resources, weak infrastructure, a shortage of electricity, and the lack of a skill base on the part of many journalists.

M'Bayo (2014) notes that as the democratic project unfolded in recent years, Africa has experienced what some observers have called a 'media explosion' characterized by the increasing number of media outlets – print and electronic - as well as the diversity of media ownership and the diversity of voices across the media landscape. This may suggest an increasing level of the degree of some kind of freedom – the freedom to publish and to own various forms of the media. He explains that because these are transitional democratic states, the climate has not been entirely free of the traditional legal hurdles and propensities of the state to resort to repressive measures in dealing with the media. In the past as it is now, these tendencies have pitted the state against the media and, quite naturally, the media in turn have had recourse sometimes to challenge the very authority and legitimacy of the state in the context of the democratic culture.

But there are questions surrounding the role the African media have been playing in the sustenance of democracy on the continent. Journalism is expected to perform an important political role in liberal pluralist societies, feeding and sustaining the democratic process by supplying the information they require to make rational electoral and economic choices. Journalism...underpins democratic institutions by keeping voters informed about the things they need to know (McNair, 1994).

Rosen (1999) identified four standpoints from which the US media could play a significant role in enriching American democracy. Applied to the contemporary media and democracy debate in Sierra Leone, the standpoints are relevant. "Journalists would do well to develop an approach that can (1) address people as citizens, potential participants in public affairs, rather than victims or spectators (2) help the political community act upon, rather than just learn about, its problems (3) improve the climate of public discussion, rather than simply watch it deteriorate, and (4) help make public life go well, so that it earns its claim on our attention... journalists may in time restore public confidence in the press, reconnect with an audience that has been drifting away, rekindle the idealism that brought many of them into the craft..."(Rosen, 1999, p. 262).

African scholars like Francis Kasoma (1996) look back to the period immediately following the return to multi-party in the 1990s to understand how the media play their role in nourishing democracy on the continent. He argues that the media are playing to the gallery of political parties as they engage in one political character assassination after another in their jostling for political power. He believes that unfounded accusations against those in government can do harm to society. Because, according to him, "even Africa's dirty politicians and most of them really are, deserve justice and fair-play from the media and should not be accused, tried and sentenced by the press of wrongs they have not committed. Many African journalists behave in this way because they have a selfish and self-centered approach to journalism rather than a societal one" (Kasoma, 1996).

Hull (2004), a former US ambassador to Sierra Leone was equally scathing about the country's media in relation to their democratic functions, noting that: "My concern about Sierra Leone is that many publishers, editors and reporters appear to compromise their professional standards, not because of government intimidation, but for political advantage or financial gain. I made a statement last week about corruption, which many of you reported, that mainly addressed

graft and conflict of interest by government officials. Corruption takes many forms, however. When journalists knowingly publish distortions, half-truths, rumors, unsubstantiated allegations, and outright lies, they engage in intellectual corruption that is as corrosive to democracy as any other form of malfeasance, and thereby betray the public trust. In a democracy, journalism must be balanced and fair to be credible” (Hull, 2004).

Up to this point in this article it seems that the media in Sierra Leone may well have negatively impacted the democratic growth of the country. Be that as it may, there are well founded reasons why expecting a golden era of Sierra Leone journalism at this time may be a little unfair. Maybe there are other approaches to consider in diagnosing the technological, professional, ethical and financial shortcomings of the media that may have impacted the performance of the media in the interest of the people. In the 1940s, similar concerns were being raised about the trend of American journalism in relation to their democratic mandate. Time Magazine founder Henry Luce asked former Yale classmate Robert Hutchins to head a blue-ribbon panel to explore mounting problems facing the press. Luce and Hutchins feared low journalism-newspapers and the so-called "pulp press" of mass culture and society--was inching toward government intervention due to rapidly increasing concentration of media power in fewer and fewer hands, the failure of those few to provide adequate service, and the perception of irresponsible behavior by journalists and media owners.

The Commission said newspapers should redefine themselves as "common carriers of public discussion" by providing: a truthful, comprehensive account of the day's events in a context which gives them a forum for the exchange of comment and criticism, a means of projecting the opinions and attitudes of the groups in a society to one another and a way of reaching every member of the society by the currents of information, thought, and feeling which the press supplies (ibid).

This conclusion, like any such matter, did not receive universal support from among a broad spectrum of practitioners and other members of American society but it set in motion a chain of events that would lay the foundation for the kind of media driving the wheels of that country's democracy. M'Bayo (2014), notes that there is plenty of evidence of hostility toward the press in Sierra Leone over the years. "The heavy-handed approach in the way past administrations have dealt with the press is also well documented. But what is also true is that media practitioners need to do some serious house cleaning because they have not always met the public's expectation in the performance of their duty" (M'Bayo, 2014).

The state must be aware that stringent press laws and regulations alone will not improve journalism. Journalists and media practitioners can improve the profession through collective effort and commitment to create an enabling environment for professional journalistic practice. What is needed are progressive media regulations that are mindful of the country's democratic culture, including the public's right to know, the right to free expression of ideas, and above all the freedom of the press (M'Bayo 2014). The efforts by the state must be acknowledged, despite its own shortcomings, toward improving journalism in the country. The government may seem to be at odds with the press sometimes, but everyone understands that no matter how unlovable media practitioners might be, the state cannot function effectively without the press.

In general, the media must consciously move beyond routine journalism. The challenges facing Sierra Leone are such that those who consume all forms of media need more than awareness-raising. They need interpretation, they need context and to some extent they need direction as they make important national decisions like determining electoral choices and continuously holding their government to account.

## Conclusion

No debate about the media's place in Sierra Leone's democracy will be complete without the mentioning of some of the most restrictive media laws in that world that journalists and civil liberties groups believe make it impossible for the media to perform their watchdog function effectively without the authorities cracking down on them. The campaign to end criminal and seditious libel prosecutions in Sierra Leone has been going on for the last two decades.

Successive governments have maintained these laws to shield themselves from sharp criticisms from the independent press in particular. So while Section II, Chapter Eleven of the 1991 constitution of Sierra Leone mandates the press to hold the government accountable and to highlight their responsibility to the people, Part V of the Public Order Act of 1965 virtually wipes out any possibility of the media engaging in that kind of journalism that could bring about change without offending the law. In the landmark *New York Times vs. Sullivan* case, US Supreme Court judge at the time Justice William Joseph Brennan argued that 'speech concerning public affairs is more than self-expression...it's the essence of self-government.' He said in his ruling that: "We consider this case against the background of a profound national commitment to the principle that debate on public issues should be unhindered, robust and wide-open, and that it may well include vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials..."

Former US ambassador to Sierra Leone argued that democratization in Sierra Leone is ill served by the criminal libel provisions of the Public Order Act of 1965, and urged government to have the Law Reform Commission review the law for possible repeal. At the same time, he emphasizes that journalists who libel the Government or anyone else should face civil penalties for the harm they have caused, otherwise some journalists may act as if they have a license to libel" (Hull 2004). He described criminal and seditious libel laws as:

"Anachronistic relics of another era, and are viewed by most of the world as oppressive. While a government may gain some immediate satisfaction from a criminal libel conviction, the plain reality is that anyone convicted under a criminal libel law will be regarded internationally as a martyr for freedom of the press and the convicting government will be viewed negatively regardless of the circumstances of the case" (ibid).

There was a broad agreement among all groups at a September 27, 2016 symposium on the reform of the criminal and seditious libel laws in Sierra Leone that it was time to expunge those laws from the books. Ransford Wright who heads a coalition of media stakeholders called the Media Reform Coordinating Group told the symposium that: "It is quite clear that the spirit of the criminal and seditious libel laws does not conform to current democratic ideals ... Repeal will free the media space and open avenues for more investment that will significantly address systemic problems within the media industry. Wright (2016), has observed that:

"Transparency and accountability are key principles in democracy and they enable citizens to have their say in a democratic society. Truth and Accuracy are key principles in Journalism. In this millennium age, a country that supports open government initiative should not criminalize libel. That's an anomaly. This year marks exactly 51 years after this law was enacted. We are not calling for a free and irresponsible media but a media that will be regulated with civil laws. Take the criminal off the Libel and provide a space for the media to grow!"

There is considerable optimism in Sierra Leone that president Ernest Bai Koroma was finally delivering on an election promise he made in 2007 to repeal Part V of the Public Order Act of 1965. The country's main bi-lateral donor Britain has supported the preparation of the case for the repeal of criminal and seditious libel laws in Sierra Leone. Information Minister, Mohamed Bangura, confirmed government's commitment to repeal the laws. These recent events are rare

shafts of light on an otherwise bleak two decades old picture of arrests, detentions and continuous agitation against restrictive media laws. The Attorney General and Minister of Justice, Joseph Fitzgerald Kamara, told the annual conference of the Sierra Leone Association of Journalists (SLAJ) in 2016 that: “There is no simple resolution to this long-standing debate...I believe that democracies must judge the issues on a case-by-case basis, taking into account the domestic political context of the era. And each citizen has the responsibility to articulate his or her own position and to take part in broader discussions about how to balance the fundamental values of liberal democracies. In light of the evidence available, and as a contribution to the ongoing debate, my position is that restrictive laws are the most easily justified if they punish expression or opinion – as motive when it inflicts significant harm to individuals or if it incites violence or stirs up extreme hatred, but not when it is merely offensive, even if hurtfully so” (Kamara, 2016).

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## Chapter Eleven

# Gender Representation in the Media: A Review of the Status of Women in the Media; Progress, Challenges and Obstacles to Women's Empowerment

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### Abstract

**I**n this piece, the writer presents the current status of women in the media in Sierra Leone, the progress women have made so far, the challenges and obstacles they encounter, and recommends the way forward to enhancing Women's empowerment within the media.

Media depictions of individuals go a long way in stating the views and perceptions of society. It is no hidden secret that media contents play a pivotal role in defining societal perceptions. Most often than not, media set the agenda for issues they feel society should deliberate on, and most, if not all of the time, they inject into society their opinions on those issues. Ultimately, individuals' opinions and how they go about articulating them, and even how they associate with each other are largely influenced by the media. Holistically, how media portray issues and/or individuals on one hand, and how media consumers interpret them on the other hand, clearly define representation (James, 2015).

Globally, the media have faced criticisms for failing to articulate women's full potentials by portraying their participation at the different layers of society; the economy, community, country, and internationally. Media have constantly concentrated mainly on the role women play domestically. The UNESCO report (2009) pointed out an alarming spate of media stereotyping of women and cautioned that if this issue

is not addressed, it will take over seven decades for the media to achieve gender equality. In the same vein, researches done in Sierra Leone over the years have proven that the media in Sierra Leone have to consciously and earnestly work on the issue of stereotyping and portrayal of women for women's representation to be favourable. (Anani, Keita & Rahman, 1981) and (James, 2015)

The President, Women in the Media Sierra Leone (WIMSAL), Tiana Alpha in an interview lamented on the fact that women working within the media are portrayed as being lazy, not able to cover the same intensity of stories as their male counterparts, having low level of education than men, being more interested in soft stories, and are prone to dating men more often. As she puts it, the depiction reveals that "men are more capable of occupying senior managerial positions than women, and that journalism somehow is solely a profession for men and not for women." This negative media representation of women over the years, caused many women to quit the profession, and others were discouraged from entering as they saw it inimical to the basic African cultural expectation of womanhood.

### Progress

Despite the forgoing gloom, female journalists have striven over the years to ensure that progress is made on many fronts.

Between the 1960s and 1980s journalism in Sierra Leone recorded a few vibrant women who worked and also held top positions in the media. Names like Josephine Hazeley who worked as producer and presenter for the British Broadcasting Cooperation (BBC), Daisy Bona, editor of Flash newspaper and became the first female President of the Sierra Leone Association of Journalists (SLAJ) and of the West African Journalists' Association (WAJA) and several others who worked in the Government Information Service and also the then Sierra Leone Broadcasting Service (Cole, 2013 p.2).

From the 1980s to now, there has been constant progress, though minimal, in terms of the number of female journalists in managerial positions. Current research<sup>10</sup> has revealed that there are more women in the profession. Women in the Media Sierra Leone (WIMSAL) has about 116 members across the four regions, and its membership comprises female Journalists from both print and electronic media. Apart from the increase in women's number over the years, more women have accessed and continue to hold leadership positions, though at a dawdling pace. This slow advancement is not only common in Sierra Leone. Neiman Reports record that "Even in the United States, figures produced by the National Federation of Press Women (1993) show that women have been increasing their share of management posts by only one percent per year since 1977."

Currently, the state broadcaster, the Sierra Leone Broadcasting Cooperation (SLBC) can boast of women heading both their radio and television units. The media continue to produce female editors and publishers at a snail's pace also; Culture Radio 2, Concord Times 1, Sky radio 4, Radio Democracy 3, Awoko Newspaper 1 and a few others. Also, earlier this year, another

woman, Femi Coker, was added to the list of female publishers. What makes this addition special is the fact that the newspaper she established, publishes only women's issues. Despite the numerous challenges with male vendors and refusal of advertisers to patronize the newspaper, the publisher mustered courage to ensure the survival of the newspaper. She said; "I am not getting any financial support. I had to sell my vehicle to get enough money to run the newspaper, and since we launched 'Women's Voice', it has continued to be on the news stand."

The evidence of discrimination against women journalists in terms of remuneration is not overwhelming this year. Most of the female reporters interviewed focused mainly on the fact of 'increasing salaries' rather than 'salary discrimination'. Koma Gandy-Williams a female reporter of Air Radio said; "There is no discrimination because there is an established salary scale based on sequence of arrival and educational attainment. Work schedule is evenly distributed." Most of the interviewees responded in like manner with Koma, except for one female reporter who is also a student at the Mass Communication Department, who when interviewed, responded as though what sounded as discrimination was accepted by her as fate. She said; "a male staff with the same quantum of workload as myself is being paid better than me." However, it came out during the research that generally, most salaries paid to employed journalists are above the minimum salary wage in Sierra Leone, that is not to say it is commensurate to work done.

## Challenges

As the Commonwealth Secretariat reports, despite the level of progress women have made "since the UN named 1975-1985 as the Decade for Women, gender inequality/inequity persists in all areas of life and all countries of the world." Quoting the 1995 UN Human Development Report, the Commonwealth Secretariat made it clear that "no country treats its women as well as its men...in almost all countries of the world..." (Gender Management Systems, 1999

<sup>10</sup> Research conducted for this study in August 2016 on ten media institutions and female reporters: Culture Radio, Air Radio, Sky Radio, Radio Democracy, Sierra Leone Broadcasting Corporation (SLBC), Awoko, Awareness Times, Daily Mail, Premier News and We Yone Newspapers.

p.9)

Generally, female journalists in Sierra Leone face challenges of sexual harassment, child care issues, low educational levels, poor conditions of service, enduring stereotypes, low salary, lack of equipment and many more.

Sexual harassment is pervasive in Journalism in Sierra Leone. All ten female reporters interviewed during this research, attested to the fact that they had been sexually harassed. Social media research done on the Sierra Leone Association of Journalists' (SLAJ) WhatsApp forum<sup>11</sup> on sexual harassment received numerous contributions from men and women alike, but no woman gave a response of never being harassed before in the line of duty. The question asked on the forum was; *"Is there any woman on this forum who has never been harassed before, either by her boss or any other male figure in the line of duty? Please PV me."* Haja Kadie Johnson, a female broadcaster with 30 years of experience, lamented on the issue of sexual harassment as a challenge impeding growth and experience in the practice of Journalism. She opined that if there has to be consistent growth in the level of practice among women journalists, media codes have to strongly address harassment against them.

News Editor, Awoko Newspaper, Betty Milton, frustrated at what she referred to as the "poverty in the media," associated that with the reason why most female journalists are prone to sexual harassment, ill equipped and unable to access tertiary education in Journalism. She said some reporters have to rely on some of their senior male counterparts to help them with funds to cover their academic costs.

Koma Gandy-Williams on the other hand expressed her frustration on how poverty in the media prevents women from gaining experience in tougher areas of coverage. "The media houses do not provide any form of security for female journalists to cover hard news stories like riots.

There is no form of insurance to cover the life of the journalists in case they are injured."

The nature of journalism is becoming increasingly challenging as the demand increases for news timeliness on all forms of media. As Franks (2013 p.vii) puts it, women are still expected to continue to undertake "disproportionate burden in the home (either because society expects it or they want to)", and this he argues, puts more pressure on women, especially if official tasks become taxing. Recently, health officials in Sierra Leone have begun sensitizing suckling mothers to breastfeed their babies exclusively for six months, while employers still put maternity leave at three months. This new development brings with it an added challenge that media owners have not catered for.

### Obstacles

The general perception of male journalists as established earlier is that they are virile. Within the media, they are always seen as tough and capable of handling hard assignments; coverages that require extensive analytical skills. It is this set standard that women are judged by and as a result they are steered into covering soft news stories where they are allowed to show empathy, while the male journalists are given the opportunity to handle the investigative issues. Though not all female journalists regard this issue as an obstacle, a few in some long standing and established media houses identified them as a major obstacle to women's advancement in the field of journalism during the research.

Conversely, the editor of Sierra Eye Magazine, Brian James, opposed this view. He said that the first thing he considers when handing out assignments in the newsroom is the strengths and weaknesses of the reporters, whether they be male or female. James argued that if a woman has shown that she is capable of handling "hard news" stories, and she would be able to add the most value to those stories, then obviously she should be allowed to do her work. Similarly, if a male journalist is better suited to a type of story, then he should be given the opportunity. He laid

<sup>11</sup> This WhatsApp forum hosts over 150 practising journalists.

bare the consequences of making the wrong choice in such instances when he said; "...the danger comes when assignments are handed out on gender basis regardless of whether or not they [both sexes] are fully able to meet the requirements of a given task. I find the idea that women should be given assignments simply because they are women counterproductive. The reason is that if I give a female journalist an assignment that I know she cannot handle, as the editor, I will end up having to do most of the work myself."

Another issue highlighted by some female journalists as hindrance to their empowerment is what they refer to as 'the negligence of proprietors to give promotion to female journalists, or employ women in managerial positions.' The reason generally posed for this attitude is that women are over burdened with domestic duties, so employing them at managerial level is a risk to the progress of the business. Andrew Keili, Proprietor of Salone Times Newspaper, responding to this query said; "I appointed the first female managing editor of a major newspaper in Salone Times Publications based on competence and commitment. I have always believed that women can make good managers and in our kind of societal setting could even outperform their male counterparts as they could be less susceptible to some of the extraneous factors that hamper performance. I have had experience of working with some good female journalists in my media outlet and find some of them highly committed and progressive. I have put some of them in managerial positions and will certainly not be averse to promoting others based on merit when vacancies arise."

### The Way Forward

Mapping the way forward, effort must be made to increase female journalists' representation within the leadership structures in the media. To achieve this, the Federation of African Journalists<sup>12</sup> (FAJ) proposed reservation of seats for women in the umbrella organizations by employing a "quota system including fixed and

proportional representation." For these measures to be effective, FAJ suggests that they must go with some form of mentorship and empowerment programmes backed by deliberate efforts to end barriers to women's participations within umbrella organisations. Debates on issues affecting women must also be encouraged, with a view to curbing issues affecting women journalists, especially those related to sexual harassment and remuneration. WIMSAL must work assiduously to build themselves into a formidable force that could articulate and effectively address the needs of their constituents. There must be a concerted effort of SLAJ, WIMSAL, the Guild of Editors and the association of publishers, to address female journalists' reproductive health demands within media institutions. Finally, as Cole (2013, p.4) puts it; "With education and training, coupled with a keen sense of responsibility; good naturedness; seriousness of purpose; respect for authority and adherence to the rule of law, rules and regulations of the establishment in which one finds oneself; and the innate desire to always succeed in spite of the challenges, women in the media will move to the top where they will wield power, authority and influence not only over their subordinates, but as equal partners amongst men at the helm of affairs in the establishment."

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## Chapter Twelve

### Media Reform Agenda: Focus on Media Training and Education

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The ongoing media reform agenda in Sierra Leone, an initiative of stakeholders committed to improving journalism and media practice, recognize media education as a key element in promoting excellence and professionalism in Sierra Leone journalism. Almost all conversations about the problems and challenges of the media, including the submissions in this edition of the State of the Media Report, acknowledge professional and academic training as panacea for the ills of journalism in the country.

The Media Reform Coordinating Group, in recognition of this fact, has made media education a priority activity and has given substantive funding and moral support to academic programs to enhance curriculum development and quality media training at colleges and universities. The concept of a Center of Excellence (CoE) as the capstone project of the MRCG-SL is a product of this new thinking.

The Center has been adopted and is evolving to become part of the academic culture at Fourah Bay College, University of Sierra Leone. The university has not only acknowledged the Center as an element in the ongoing academic reform, but also as a model academic program that could be emulated at other divisions across campus.

CoE and its proposed programs and curriculum have already reached a milestone with the designation of the new Mass Communication Building as the home of the Center. With the continued institutional support and support from

UNDP and MRCG-SL the CoE is evolving to be the most tangible achievement of the MRCG media reform effort, and potentially the most significant catalyst in promoting the training and education of journalists, professionalism, efficiency and quality performance of media practitioners.

New programs ranging from Diplomas, Bachelor of Arts, Master of Arts, and the Doctor of Philosophy in Communication and Media Studies are now among the offerings of the Department of Mass Communication.

Significant progress has been made with regards to the proposed programs of the CoE, including the new multimedia lab and a smart classroom. The goal, ultimately, is to create an enabling environment for media activity and to produce a new generation of media practitioners as agents of social change, democratization and development

The Department of Mass Communication also now play an advisory role to support on-going conversations about media reform and development and to assist the MRCG board in the formulation and implementation of Board formulated policies.

The Department is leading concurrently the State of the Media Report and the Syllabus Harmonization project.

The Syllabus Harmonization project is the development of nation-wide standard syllabi and course outlines at all mass communication pro-

grams at tertiary institutions as well as polytechnics offering diplomas and certificates in journalism in the country.

(See the chart on the next page for a line-up of proposed programs of the Department of Mass Communication).

UNDP/MRCG-SL/FBC  
Partnership for Media Education

