

Media conditions in Malawi worsens in 2011 - MISA

By Gregory Gondwe: @Kalipochi

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The Malawi Chapter of the Media Institute of Southern Africa (MISA-Malawi) has said 2011 saw Malawi's media environment deteriorate to the worst as observed from 2009.

In an interview with Bizcommunity.com, MISA Malawi chairperson, Anthony Kasunda said although comparing the working environment for the media in 2011 with the last two years as far as media freedom is concerned can be quite tricky, one would still argue that the environment has been steadily deteriorating.

Developments affecting media

"Each one of these years had major developments that affected the media in a negative way," he said.

"There are other developments that happened in 2009 and 2010, but if you look at 2011, you will realise that the media environment has indeed worsened," said Kasunda.

He explained that 2011 saw physical attacks on journalists in their line of duty, for example, the 20 July [2011 demonstrations](#) which left 23 journalists injured.

"We also saw [death threats](#) text messages to journalists and human rights defenders; blatant and direct attacks on media houses and reporters deemed critical of the state, for example direct torching of ZBS (Zodiak Broadcasting Station) vehicles and closure of media outlets during the July 20 demonstrations," explained Kasunda.

There was also the murder of student activist Robert Chasowa, which resulted into the summoning of editors and reporters who published detailed articles on the Chasowa story as well as clear and calculated steps to deny the media and Malawians access to information through hosting of presidential press conferences in hostile environments, in 2011 which summed up the bad conditions media practitioners worked in.

Kasunda explained that 2009 saw constant threats to journalists and closure of media outlets like Joy Radio for reasons best known by authorities.

Ban on advertising

He said that 2010 turned worse with the blatant ban on advertising in several private media outlets, for example the ban on government advertising for the Nation Publications Limited (NPL) which publishes *The Nation*, *Weekend Nation*, Nation on

Sunday and a vernacular publication called *Fuko*.

He said although the reasons government indicated for the ban were purely economic prudence, it was surprising that NPL's reporters were being barred from covering public functions, on instructions from 'senior government officials.'

2010 also saw newspaper publishers, Blantyre Newspapers Limited (BNL) directed to stop publishing the *Weekend Times* based on an archaic piece of legislation.

"Government's argument was that the *Weekend Times* was not registered at the National Archives as required by the Printed Publications Act. This was very suspicious because numerous other publications were not registered with the National Archives and had never been banned," he said.

Amendment of the Penal Code

Kasunda says the most retrogressive development in 2010 was the amendment to Section 46 of the Penal Code to empower the minister of information to ban either publication or importation of newspapers and any other publications deemed not 'in the public interest'.

"Government argued that the amendment is in line with our democratic order but we strongly believe that this law is retrogressive and subject to abuse. We now commend government for proposing further review of the section by the Law Commission," he said.

The MISA-Malawi head said all these examples clearly show that the media environment has been steadily worsening from 2009 to date.

"We, however, hope that if the recent decision to refer back to the Law Commission, Section 46 of the Penal Code is anything to go by, government has probably started listening and may adopt measures to ensure a conducive working environment for the media by for example reviewing how presidential press conferences are conducted," he said.

Kasunda said 2011 brought new challenges for the media largely to do with the ability to effectively report on disturbances such as the 20 July 2011 demonstrations.

"This was the first ever nationwide demonstration of its kind and poised a new challenge to our media. Most people wondered whether the media did a good job or not," he said.

Is MACRA helping?

Kasunda said the Malawi Communications Regulatory Authority (MACRA) did not help matters as it closed several radio stations during the riots, leaving out the question on whether MACRA's action was justified or not.

"We will always contend that MACRA went overboard, but at the same time we want to ensure that the media reports such developments in a responsible manner," declared Kasunda.

He said as MISA-Malawi they want to ensure that the media covers such developments in a fair and accurate manner and for law enforcers to respect and protect journalists who cover or report such cases like riots.

2011 - a mixed bag

Asked whether he would then describe 2011 as a success or unsuccessful in all aspects, Kasunda said 2011 could be described as a mixed bag.

"We had serious constant threats to media freedom and freedom of expression but at the same time registered successes

in other areas," he said.

He cited results of concerted efforts to have Section 46 of the Penal Code reviewed which indeed government has responded to by referring the section back to the Law Commission for review.

"If we had not made the necessary noise we do not think government would have made such a decision," he said.

The other area that chalks 2011 as successful in some aspect is the Access to Information (ATI), where he said government indicated that the ATI draft Bill cannot be tabled in parliament for debate unless accompanied by a policy on ATI.

"We have managed to lobby and push government for such a policy and the country currently has a draft Access to Information Policy document and policy implementation strategies to support the ATI draft Bill," he said triumphantly.

He said as MISA-Malawi, they believe this is a positive development and that government should also be commended for demonstrating willingness by supporting and spearheading this exercise.

In 2011, Kasunda said several stakeholders championed the cause of media freedom in Malawi and these include media bodies such as MISA Malawi and the Media Council; media houses; government-parliament, the executive and the judiciary and citizens.

On one hand he says media bodies like MISA Malawi vehemently spoke out against any violations on media freedom and freedom of expression and went further to challenge the Constitutionality of Section 46 of the Penal Code.

Defending media freedom

On the other hand media houses also played a key role in defending media freedom in 2011 like never before.

"In other words, the media was generally united in 2011 like never before in defending media freedom. Key media outlets in the country came together to support MISA and the Media Council of Malawi to openly challenge Section 46 of the Penal Code," explained Kasunda.

He said this was very important because the sector united to speak with one voice.

Kasunda also observed that in 2011 media houses also teamed up with media bodies to speak against the manner in which presidential press conferences are held.

"In other words, media houses played a key role in the fight for media freedom in 2011 through direct financial support to mother bodies like MISA and uniting whenever threats to media freedom were detected and also helped to publicise any violations on media freedom and freedom of expression," he said.

Nevertheless, Kasunda said although media players tried to do their best in 2011, but he thinks a lot more could have been achieved through constant dialogue with all stakeholders, for example a strong working relationship between the police, judiciary, parliament and the media.

What 2012 has to offer...

In 2012, he says this is where MISA-Malawi wants to do better as it intends to strengthen the linkages between all the key players as far as media freedom and freedom of expression are concerned.

"MISA intends to engage the police, parliamentarians, the judiciary and other players to work together to ensure respect for constitutional guarantees on media freedom and freedom of expression," he says.

Kasunda said MISA-Malawi also intends to work with the Media Council of Malawi to take professionalism to greater heights.

"Most stakeholders complain of irresponsible and mercenary reporting and capitalise on this to enact or amend archaic pieces of legislation to check the media. We will do our best to make sure that the sector remains professional and at the same time vigilant in defence of media freedom," he explained.

For 2012, Kasunda said MISA-Malawi has also lined up several programmes but they will kick start the year with consultative meetings on Access to Information to get wider civil society and stakeholder input into the draft ATI Policy document.

"One of our key objectives in 2012 is to lobby and push for enactment of the ATI legislation as one way of creating a conducive environment for the media," he said.

Kasunda disclosed that so far they have just received funding from UNESCO and OSISA for the campaign on ATI and they hope come December 2012, Malawi's ATI draft Bill will be ready for debate in parliament.

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