

# Democratic Media Strategy in a Global Context

WHAT THE EU CAN DO TO DEFEND FREEDOM OF SPEECH  
AND FREEDOM OF THE PRESS WORLDWIDE



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THE PRESS WORLDWIDE**

**“Falsehood flies, and the truth comes limping after it.”**

**Jonathan Swift**



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## Dear readers,

Independent media are a crucial element of democratic societies. They inform the public, hold the government accountable and allow citizens to shape their knowledge and understanding on political, economic and societal developments.

In its daily international work Konrad-Adenauer-Stiftung promotes an enabling environment for independent media and quality journalism. We observe with great concern that freedom of the press and independent media in many parts of the world are under political and economic pressure. Particularly alarming is the situation in many autocratic and semi-democratic developing countries, where critical and independent media producers, even in the field of social media, are being intimidated and harassed by state authorities.

Modern authoritarians are adopting increasingly sophisticated methods to influence public opinion and shape political narratives. By restricting space for independent media outlets, policing the internet, sponsoring fake think tanks, and relying on state-owned or state-friendly media assets, autocrats keep dissenting views out of the news and manipulate political discourse. These efforts do not stop at borders. Authoritarian regimes invest extensive time, resources, and manpower in state-owned international media efforts to fight off external criticism of their activities, distort public discourse, and promote their own counter narratives.

This study analyses the media landscape in India, Cambodia, Nigeria and Senegal. The main objective of the study is to identify and analyse narratives that legitimise autocratic systems and suppress freedom of the press as a part of these antidemocratic trends. We identify practical ways to counter disinformation and support the voices and media outlets which engage –often under considerable risks– in promoting the development and defence of a pluralistic media landscape. Ultimately, each country chapter and the overall conclusion of the study provide recommendations on how the EU can respond to those trends.

We hope that you enjoy the read.

Denis Schrey  
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# I. Executive Summary

## ANDREAS OLDAG

The freedom of the press is being threatened throughout the world. Particularly alarming is the situation in many autocratic and semi-democratic developing countries. Critical and independent media producers, even in the field of social media, are being intimidated and harassed by state authorities. Moreover, fact-based journalism is being framed as a threat to national security. The unprecedented COVID-19 pandemic has offered an excuse to further tighten and suppress basic democratic rights. Censorship and self-censorship are widespread.

Currently, the EU has no effective media strategy to address the global democratic backlash and the spread of disinformation by authoritarian regimes. European ideals of democracy and pluralism are losing ground to often Chinese-inspired anti-democratic propaganda. Frequently, this comes in the guise of allegedly spreading 'fake news', but the aim is to muzzle and de-legitimise opposition forces, civil society and independent media outlets. Everything and anything that does not conform with the authoritarian state's orientation is considered to be 'fake news'. In this context, autocratic regimes were quick in learning how to adopt social media campaigns to drag down traditional journalism.

The focus of the present study is to identify and analyse narratives that legitimise autocratic systems and suppress freedom of the press as a part of these antidemocratic trends. Within this focus, selected countries in Africa and Asia (Cambodia, India, Nigeria, Senegal) are investigated. The implications for the European Union (EU) are assessed in order to identify democratic policy options in the field of media, as well as to pinpoint those areas where the EU can substantially increase its support of a pluralistic media landscape.

## Key findings

- The growing attacks on democracy worldwide have a far-reaching impact on the freedom of press. As well as harming plurality in general, independent journalism is losing ground to a one-sided media culture where disinformation and fake news can spread without proper checks.
- Authoritarian regimes have adopted modern instruments of state propaganda (e.g. the internet and social media) that complement, and in some cases even replace, direct instruments of suppression such as censorship and criminalisation of critical journalists.
- Authoritarian narratives, which are often based on fact-free assumptions and conspiracy theories (e.g. alleged foreign intervention, so called colour revolution etc), are promoted by private media outlets (also in the field of online media) simply in anticipation of obedience to government authorities. This kind of complacency makes it harder for critical journalists to make a lasting impact on the public discourse.
- Female journalists are systematically discriminated against in the media industry. Women in the media sector are particularly subjected to intimidation, harassment, cyber-talking, trolling and death threats.
- The EU does not have a plausible and efficient media strategy to strongly support press freedom and free speech around the world. What's more, the EU is clearly falling behind other global players, particularly China and its global state propaganda efforts, in the advocacy of its values.

## Key recommendation for EU decision makers

The EU should, in close cooperation with its Member States, be active in the field of media cooperation and present in partner countries, should prepare joint assessments of the media situation in selected countries and develop joint media support and consolidation strategies and programmes. Those strategies need to consider other international actors – both like-minded and not.

- A In countries where it is politically possible and supported the European Commission (HQ and Delegations) and the EU, Member States should develop and implement such strategies together with the host government.
- B In semi-authoritarian political contexts, the EU and its Member States should assess which available opportunities/entry points to support local independent media are tolerated by the host government.
- C In authoritarian country contexts, support schemes could be developed for promoting ‘softer’ – but not less effective – approaches, such as strengthening media literacy in the younger generation and providing opportunities for journalists to cooperate/connect and work together regionally.

The implementation of strategies and initiatives should include international/regional and local actors who have a sound knowledge of the local media context and who are capable of acting and manoeuvring in politically sensitive contexts.

The EU approach should be as consistent and long term as possible, but remain flexible and retain the capacity to react to changing political contexts. Although a government may not accept independent reporting and criticism of their policies, it may still accept international support for media education.

The EU approach needs to be gender sensitive; this includes in media training and capacity building along with increased reporting on gender diversity themes in the mainstream media. Setting up special gender-sensitive vigilance bodies will help improve monitoring of progress in the fight against (online) harassment and the intimidation of female journalists.

The EU should transmit a democratic and pluralistic narrative that includes the promotion of cross-border investigative journalism. There is an urgent need to promote independent and fact-based journalism versus rumours, lies and conspiracy theories.

One key element is the creation of online information and exchange platforms for those journalists living in environments where they cannot work freely.

In the longer term, the EU should think about promoting its own narratives and values abroad via a ‘European World News Service’ (broadcast/TV/radio/online), similar to the Voice of America (VOA), accessible in local languages and serving as an employer for local journalists and as a credible source of objective information.

## II. Conceptual framework of the study

ANDREAS OLDAG

### A Global Threat to press freedom and democracy

The freedom of the press and editorial independence – a cornerstone of democratic societies – is being threatened worldwide. A climate of fear, surveillance and censorship currently prevails in many developing and emerging countries where, until recently, journalists were able to work relatively unencumbered. Western democracies, however, are also not immune against threats to freedom of expression and freedom of press, as indicated by Donald Trump's recent four-year term as President of the United States. It is no coincidence that the UN, as well as journalism organisations like Reporters Without Borders (Reporters Sans Frontières / RSF), complain of a persistently high level of direct and indirect violence being perpetrated against journalists, bloggers and media representatives. In many countries, it is particularly dangerous when journalists research the connections between politics and organised crime, corruption, or sensitive environmental issues. One issue that continually arises is the impunity of perpetrators; it is common practice to ignore the rule of law, even in media politics. "Telling the truth comes at a price," UNESCO Director-General Audrey Azoulay explains (Quote in: Protect Journalists, Protect the Truth, UNESCO, 2020).

According to the latest RSF report (2022)<sup>1</sup>, independent journalism is currently seriously impeded or at least constrained in a majority of all 180 nations evaluated. The situation has been classified as "very bad" in a record number of 28 countries, "while 12 countries, including Belarus (153rd) and Russia (155th), are on the Index's red list (indicating 'very bad' press freedom situations) on the map. The world's 10 worst countries for press freedom include Myanmar (176th), where the February 2021 coup d'état set press freedom back by 10 years, as well as China, Turkmenistan (177th), Iran (178th), Eritrea (179th) and North Korea (180th)". However, according to the latest RSF report even "within democratic societies, divisions are growing", so that independent journalism has been threatened. (The RSF ranking is based on quantitative and qualitative interviews in the evaluated countries.) The organisation, which was founded 1985 by four French journalists, has a worldwide reputation for a rigorous measurement. However, it is clear that no ranking can be 100% objective; there is a certain degree of subjectivity inherent; e. g., the RSF's findings for each country are based on very few experts. In addition, the U.S. American organisation Freedom House, as well as others such as UNESCO, regularly publish indicators.<sup>2</sup>

In many editorial offices, whether in India, Nigeria, Philippines or Turkey, there is so much fear of repression among journalists that self-censorship has begun to spread. Journalists no longer dare to report on socially controversial and investigative topics. "The truth (is) being traded for political favour..." explains British investigative reporter Nick Davies<sup>3</sup> on this political development. At the same time, journalists who have until now committed themselves to factual accuracy and the strict separation between news and opinion in their reporting, are being accused of spreading 'fake news'. The term, which actually describes an unintended or intended contortion of reality through targeted disinformation and propaganda, has become a rhetorical weapon against press freedom. Undesired news is being vilified as 'fake news', chiefly by right-wing nationalist

1 Freedom of Press, Reporters without Borders, Annual Report 2022, Paris, 2022.

2 Laura Schneider, Media Freedom Indices: What they tell us – and what they don't. Deutsche Welle (DW), Guidebook, Bonn, June 2014.

3 Nick Davies, Flat Earth News, London, 2016.

populists and authoritarian regimes. Moreover, so-called ‘anti-fake news’ laws are being passed in order to achieve an underlying political goal of curtailing freedom of expression and freedom of the press.<sup>4</sup>

Freedom of speech and freedom of the press are not negligible political accessories – they are integral components of the system of ‘checks and balances’ in liberal, democratic societies. Uncensored reporting, as a Fourth Estate, functions as a mirror for various groups within a society. Furthermore, it influences the democratic process of opinion formation. A free press represents tolerance, pluralism and diversity. A prerequisite for this, however, is institutional independence from government intervention. Otherwise, it is simply propaganda that unilaterally serves the ruling interest group, and is thus geared towards the suppression of opportunities to participate, unencumbered, in a process of opinion and decision formation.

Recent history in particular is showing that democracy is fragile, as there are setbacks and crises even in stable western nations. Illiberalism is opposed to the idea of a liberal and open society.<sup>5</sup> Moreover, if democracy is being downgraded to a mere orchestration by elites and populist movements, then it is in grave danger. Conversely, the lifeblood of democratic societies lies in the chance to participate, and a free and critical press can take over important functions as watchdog and protector. This is in line with the EU approach of promoting freedom of expression and freedom of press. “Free, diverse and independent media are essential in any society to promote and protect freedom of opinion and expression and other human rights.”<sup>6</sup>

The current decade will probably decide whether it is possible to defend freedom of the press and freedom of speech worldwide. This is about much more than a moral imperative related to an abstract concept of freedom; social progress will only be possible if a critical, investigative form of watchdog journalism is able to engage in objective, fact-oriented and comprehensive reporting about imminent, politically important topics, such as climate change, environmental degradation, pandemics, corruption, and abuses of power. The primary focus here is not about restriction and uniformity of social discourse, but rather about a fair competition of differing positions and opinions, which would lead to the development of political decisions at a maximum level of democratic legitimacy. Journalists accompany this process and make it transparent for citizens.

Journalists, however, are not supernatural saints of truth. They operate within the context of a specific social and cultural background. “The truth is that there is ideology in journalism. Our stories overwhelmingly tend to cluster around the same narrow set of political and moral assumptions about how the world should be run.”<sup>7</sup> In the worst cases, media personnel have actually been behaving like political activists, following their own personal convictions more than professional standards of objectivity. Incidentally, this has further deepened the widespread mistrust, by many readers and users, of the so-called mainstream media and their commercial, editorial and political content. It is no coincidence that the prevalent disenchantment with the media has led to a collapse in publication income, as well as to the multifaceted crises of traditional journalism in comparison to quickly produced, online-infotainment.<sup>8</sup>

Therefore, professional journalistic work should always be shaped by critical self-assessment. As US media scholars Bill Kovach and Tom Rosenstiel accurately explain, it is about getting closer to the truth “as a continuing journey toward understanding”.<sup>9</sup> But why specifically is this crucial element of journalistic work so difficult to put into practice in political reality, when it is actually a genuine component of normative models of de-

4 Daniel Funke and Daniela Flamini, *A Guide to Anti-Misinformation Action around the World*, Poynter Institute publication, 2021.

5 Nicholas Mulder, “The revolt against liberalism: What’s driving Poland and Hungary’s nativist turn?” *Guardian*, 24 June 2021.

6 Council Of The European Union, *EU Human Rights Guidelines on Freedom of Expression Online and Offline*, Foreign Affairs Council meeting, Brussels, 12 May 2014.

7 Nick Davies, *Flat Earth News*, London, 2016.

8 James Ball, “Distrust of social media is dragging traditional journalism down” *The Guardian*, 22 January 2018.

9 Bill Kovach, Tom Rosenstiel, *The Elements of Journalism*, New York, 2007.

mocracy? The answer lies in the multidimensional crises of media ecosystems, which is an expression of the fundamental economic, technological, political and geopolitical changes of the beginning of the 21<sup>st</sup> century.

At the start of the 21<sup>st</sup> century, globalisation was still generally viewed as a harbinger of global prosperity, committing itself to democracy-promoting ideals, such as the free exchange of information and opinions. It has now, however, created its antithesis in many populist movements. Rather than enlightenment and plurality – in the sense of the worldwide access to and exchange of information – a programmatic regression to nationalism is in the vanguard. That would not necessarily be antidemocratic, if this nationalism were not continually being intertwined with a negative caricature of reality. In this context, differentiation from the ruling ‘establishment’, as well as vague feelings of resentment against different ethnicities, minorities, religious groups and dissidents, have become the narrative pawns. Social, economic and political issues are only being considered within a specific, predetermined frame of reference (framing), while alternative and differing perspectives are being suppressed. These ‘frames’ structure reality and – in the worst-case – lead to a selective perception of reality, aptly termed ‘post-truth politics’.<sup>10</sup>

The populist attacks against globalisation have been fed not least by often distorted debates about the COVID-19 pandemic. It is an anti-enlightenment movement, clearly linked to a comprehensible emotional state among many people, that the economic and political costs – as well as the resulting social upheavals related to the global exchange of goods and services – have long been downplayed or even negated by ‘the establishment’. In this sense, the optimistic idea of endless economic progress has been replaced by a distinct pessimism, even in cultural terms. The perception to be left behind has opened up the door for populism and ‘alternative facts’. However, the pandemic has acted as a powerful accelerant of monstrous fictionalities and paranoid myths, for example that the pandemic is a product of an alleged international cabal.<sup>11,12</sup>

Politicians riding the populist wave, like Trump (USA), Le Pen (France), Farage (UK) and Bolsonaro (Brazil), have succeeded in bringing their extremist positions, once circulating – at best – on the fringes of society, right into the centre. Topics long considered taboo are suddenly entering the mainstream. Many people feel these populists speak for them and so they support them in return. Herein lies the actual threat to democracy, free speech and press freedom. Even in established democratic countries one of the greatest threats for liberalism and pluralism comes from within their politically divided societies. This issue is shown impressively in our country study on India, which still views itself as the world’s largest democracy. There, critical journalists are being harassed and demonised if they are not considered to be in line with the current Hindu nationalist government.<sup>13</sup>

Moreover, the technological revolution in general has brought about a structural ambivalence of mass communication, the negative consequences of which have been underestimated by society for a long time. On one hand, we have the internet and the swift, global spread of social media leading to the democratisation of a traditionally unequal and one-sided relationship between media producers and media consumers. What was previously missing was the feedback channel; readers, listeners, and viewers were only able to consume what was set in front of them. On the other hand, the internet is leading to an increasingly fragmented news world and a “balkanised patchwork of information”<sup>14</sup>, to the extent that traditional media, like newspapers, radio and TV, have lost their function as gatekeepers over the flow of news. In this respect, the internet is uniquely uniting equalisation, participation and globality, but at the same time is fragmenting and destabilising the systems of communication.

10 Andrew Calcutt, *The Surprising Origins of “Post-Truth” – and how it was spawned by the liberal left*, in: *The Conversation*, 18 November 2016.

11 Hamid Foroughi, Yiannis Gabriel, Marianna Fotaki, “Leadership in a Post-Truth Era: A New Narrative Disorder?”, in *Leadership Journal*, Vol.15, No. 2, March 2019.

12 Richard A. Stein et al., “Conspiracy Theories in the Era of COVID-19: A Tale of Two Pandemics”, *The International Journal of Clinical Practice*, 21 January 2021.

13 Rana Ayyub, “India has suffered greatly under mob rule. Now Trump has unleashed it, too”, *Washington Post*, 8 January 2021.

14 Timothy Garton Ash, *Free Speech: Ten Principles for a Connected World*, London, 2016.

Social scientist and philosopher Jürgen Habermas fittingly analysed this difficulty: “Use of the internet has both broadened and fragmented the contexts of communication. . . . The less formal, horizontal cross-linking of communication channels weakens the achievements of traditional media. This focuses the attention of an anonymous and dispersed public on select topics and information, allowing citizens to concentrate on the same critically filtered issues and journalistic pieces at any given time. The price we pay for the growth in egalitarianism offered by the internet is the decentralized access to unedited stories.”<sup>15</sup> US-American internet critic Evgeny Morozov sees a depoliticised moment within an abundance of content-void information, aptly termed “control by entertainment”: “The internet has provided so many cheap and easily available entertainment fixes to those living under authoritarianism that it has become considerably harder to get people care about politics at all.”<sup>16</sup>

This has immediate consequences for pluralism of opinions within society: While well-meaning anti-‘fake news’ campaigns concentrate on debunking misinformation; the creators of this misinformation appear to be immune to all disclosures. They do not care at all about the authenticity of their information. The goal is to unsettle the public via a flood of falsified reality, chiefly through social media platforms. Media consumers are imprisoned in echo chambers, only accepting opinions that they already agree with and denouncing or completely disregarding divergent points of view. This often corresponds with a separation from, and refusal of, reality. “We now inhabit a society in which the social media have suddenly and dramatically become spaces where different narratives with their plots, characters, ambiguities and ramifications meet spaces where distinctions between information, theory and story become easily blurred.”<sup>17</sup> People are becoming prisoners of an alternative communication universe. They are not doing this for opportunistic reasons, but because they are genuinely convinced that what they believe is true; for example, the followers of former US President Donald Trump believe that a fair election was somehow ‘stolen’. They mistrust rational arguments, and experience has shown that it is very difficult for them to extract themselves from their conspiratorial belief systems.<sup>18,19</sup>

Internet critics rightly point out that this may just be the beginning of humanity’s susceptibility to disinformation and manipulation as a result of continuing technological advances and the rapid development of artificial intelligence (AI). Computational propaganda, as it is being researched, for example, at the Oxford Internet Institute (UK), uses automation, algorithms, and Big Data to influence opinions on the internet – tailoring with ever-increasing efficiency to specific target groups. This also includes the viral spread of disinformation on social media and the distortion of facts through automated social bots, internet trolls and fake accounts.<sup>20</sup>

All these problems of targeted disinformation campaigns certainly also reflect a lack of democratic regulation of the digitisation process. This is not only a matter of restricting the market power of technology groups; it is also a matter of mandating certain democratic standards and criteria as well as establishing just how far freedom of speech is allowed to extend in cases of targeted disinformation. This is a debate that has only just begun in the EU and has yet to lead to any consistent results.

It is clear that journalists need ‘democratic air’ to breathe. Therefore, media regulation should create a framework within democratic societies within which all types of journalists can perform their duties on a professional level. Regulations are not an instrument of political paternalism, but rather a method for promoting a democratic and

15 Jürgen Habermas, “Towards a United States of Europe”, Signandsight.com, 27 March 2006.

16 Evgeny Morozov, “The Net Delusion: The Dark Side of Internet Freedom”, New York, 2011.

17 Hamid Foroughi, Yiannis Gabriel, Marianna Fotaki, in: “Leadership in a Post-Truth Era: A New Narrative Disorder?”, *Leadership Journal*, Vol.15, No. 2, March 2019.

18 Chris Cillizza, “Rand Paul’s ridiculous answer on whether the election was ‘stolen’”, CNN analysis, 25 January 2021.

19 Max Boot, “Why the Republican cult of victimhood is so dangerous”, *Washington Post*, 11 November 2020

20 Aleksi Knuutila, Lisa-Maria Neudert, Philip N. Howard, “Global Fears of Disinformation: Perceived internet and Social Media Harms in 142 Countries”, *COMPROP Data Memo*, 2020.8, 15 December 2020.

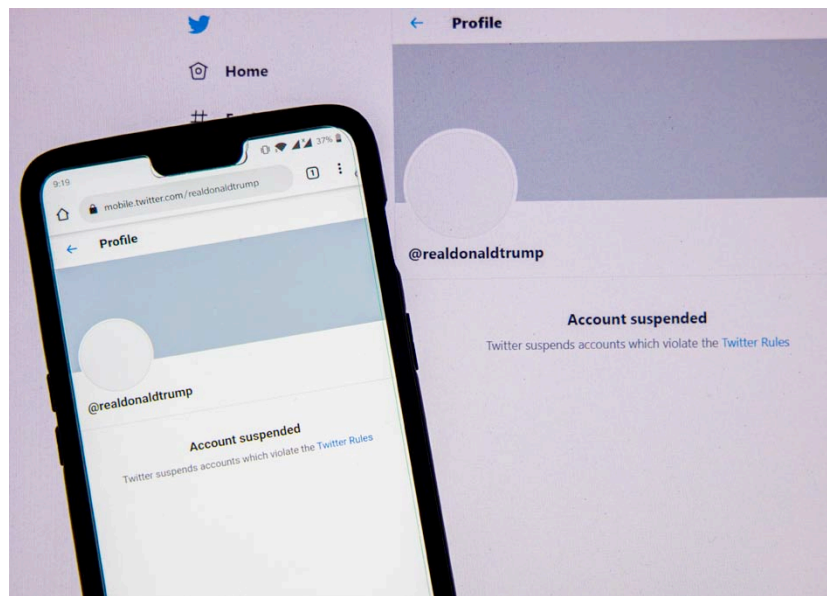
pluralistic media culture. States and governments are often – as experience has shown – not the best option for the development of an efficient and transparent regulatory system. Regulations function best when the participants themselves are committed to, and convinced by, the reasons for and purposes of the regulations.

There is also the geopolitical dimension of the media crisis, caused by the global power shifts at the beginning of the 21<sup>st</sup> century. These shifts are closely tied to the rise of China as a political, economic and military superpower, but also coincide with antidemocratic trends in many developing and emerging countries. Additionally, under former President Trump (2016–2020), the USA's role as guarantor of multilateralism and democratic freedom was essentially lost. In addition, Trump's attacks on allegedly 'fake news' provided a valuable blueprint for the reduction of press freedom and free speech to autocratic and antidemocratic governments. Everything that does not conform with one's own political orientation is considered to be 'fake news'.

Even if the new US government under Democratic President Joe Biden signifies a change of political direction, the negative consequences of 'Trumpism' will continue to have an effect in international relations. Trump's method of undermining election results will have a persistent negative impact on the US's image as a beacon of democracy in the world. Moreover, the historically existent, virulent antagonism between multilateralists and isolationists plays a central role in the American foreign political establishment. This has been underlined by US President Biden's decision to withdraw American troops from Afghanistan in August 2021. The chaotic consequences of this decision for the war-torn central Asia country have allowed European allies to question, once again, the global commitment of the US. However, it also makes clear the limited capacities of the EU in terms of delivering global security. Therefore, the European-American relationship will continue to remain strained, not least regarding an adequate answer to the current challenges posed by China.<sup>21, 22</sup>

Recent reports from Reporters Without Borders (RSF) aptly summarises the implications for press freedom and free speech worldwide: "One of the most salient crises is geopolitical, caused by leaders of dictatorial, authoritarian or populist regimes making every effort to suppress information and impose their visions of a world without pluralism and independent journalism. Authoritarian regimes have kept their poor rankings. China, which is trying to establish a 'new world media order,' maintains its system of information hyper-control, of which the negative effects for the entire world have been seen during the coronavirus public health crisis."<sup>23</sup>

Autocratic regimes in emergent and developing nations are increasingly relying on media policy as their preferred political weapon against supposed domestic and foreign political enemies. With its sophisticated methods and only slight societal costs, this type of 'soft power' makes cruder instruments of control, such as direct exertion of power and violence, tendentially obsolete. The key phrase here is 'news management'.<sup>24</sup> The concept implies the comprehensive control over the flow of news, both professional media sources as well as bloggers and users of social media. These developments are clearly shown in our country studies on Nigeria and Cambodia, where governments have promoted a climate of censorship and self-censorship against journalists.



Twitter suspended Donald J. Trump's account after repeated violations against Twitter rules.

21 Jose A. Del Real, "The Trump Presidency was marked by battles over truth itself. Those aren't over", Washington Post, 18 January 2021.

22 Jonathan Freedland, "Trump may be gone, but his big lie will linger. Here's how we can fight it", Guardian 15 January 2021.

23 Reporters Without Borders, "2020 World Press Freedom Index".

24 Nick Davies, Flat Earth News, London, 2016.

Political leaders help themselves to a toolbox of sophisticated disinformation, manipulation, and propaganda. This is no longer about “old school” instruments of opinion oppression, like governmental censorship, anticipated self-censorship and threats of “legal” steps against unwelcome journalists in the form of libel suits. Instead, the most modern and highly efficient instruments of the internet age are being deployed. These range from internet blockades, surveillance and systematic online defamation of oppositional bloggers and journalists, fake accounts with “likes” on social media platforms like Facebook, to the mobilisation of so-called “troll armies” by private companies and informal networks. An essential element here is content management with the purpose of presenting specific narratives of the ruling elite as having no alternatives.<sup>25</sup>

The present study identifies and explicates narratives as part of the influence on public opinion in specific countries. This is based on the thesis that autocratic regimes do not only sporadically initiate propaganda and disinformation campaigns and/or spread ‘fake news’. Instead, they increasingly initiate and spread narratives and storylines in order to secure interpretational sovereignty over political decisions. In this sense, narratives are media legitimisation strategies that also always transmit values and emotions as well as ideologically shaped and targeted domestic and foreign political concepts of friends and enemies.

In order to develop a democratic alternative against this type of manipulation, it is not sufficient to merely debunk falsified information. Rather, a comprehensive approach, with a democratic storyline and counter-public, must be developed. This would require competent and critical journalists – including citizen journalists – in relevant countries who look behind the curtain and uncover structural abuses perpetrated by autocratic governments. Here, the study has developed recommendations that, among other things, can serve as guidelines/support for EU representatives in the pertaining countries.

In 2018, the EU Commission (Directorate General for Communication Networks, Content and Technology) released a report from an independent High-Level Group of Experts (HLEG) entitled, “A Multidimensional Approach to Disinformation: Report of the Independent High-Level Group on Fake News and Online Disinformation.”<sup>26</sup>

In the 40-page report, expert groups from academia and the media call for “short-term responses to the most pressing problems, longer-term responses to increase societal resilience to disinformation, and a framework for ensuring that the effectiveness of these responses is continuously evaluated while new evidence-based responses are developed” The list of measures includes, among other things, the establishment of regional “European centres” to counter disinformation. Additionally, it focuses on the support and qualification of journalists, including citizen journalists, in the sense of “media and information literacy.” On the agenda, there should be a code of practices for online platforms to increase transparency and visibility of trustworthy news sources.

The audiences of the HLEG report are primarily media workers and committed citizens (internet users, bloggers, etc.) in the EU Member States. The report authors rightly point out that freedom of the press and independent media are among the basic components of democratic societies. However, they do not explicitly reference the global difficulty in implementing a democratic media strategy.

## ‘Fake News’: Disinformation and Propaganda

‘Fake news’ has become a multifaceted concept, used as a rhetorical weapon by populist politicians against freedom of expression and freedom of the press. It is part of a form of propaganda that American linguist William Lutz calls ‘doublespeak’, referencing George Orwell’s concept of a ruling ideology. A “language which pretends to communicate but

25 Seva Gunitsky, “Corrupting the Cyber-Commons: Social Media as a Tool of Autocratic Stability”, *Perspectives on Politics*, Vol. 13, Issue 1, March 2015.

26 Directorate-General for Communications Networks, Content and Technology (European Commission), “A multi-dimensional approach to disinformation: Report of the independent High-level Group on fake news and online disinformation” 30 April 2018,





really doesn't. It is language which makes the bad seem good, the negative appears positive, the unpleasant appear attractive, or at least tolerable".<sup>27</sup> (Lutz, *Doublespeak*, p. 40). That means that, in extreme cases, 'fake news' is simply everything that political decision-makers do not like. The discrediting of different opinions is being elevated to a principle. At the same time, one's own world of "alternative facts" seems to be the only valid frame of reference for political thought and action.

It is, therefore, correct to consider the concept of 'fake news' to be a part of disinformation, as stated in the HLEG Report. "Disinformation... includes all forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or profit" (HLEG Report, Foreword). A distinction must be made, however, between targeted disinformation and misinformation, which is an interpretation of reality resulting from subjective conviction. Both may lead to the same result. However, it makes a difference whether news-makers are aware of what they are doing, or whether they are unknowing agents of propaganda. In addition, there is the concept of malinformation; this refers to the dissemination of defamatory content and personal attacks against an individual.<sup>28</sup>

Disinformation, misinformation and malinformation are tools of propaganda that have a targeted goal of influencing public opinion. In practice, they often go hand in hand with the mingling of journalistic content, particularly infotainment as cultivated in tabloid journalism. This makes it difficult to distinguish between verifiable, objective information on one hand and unfounded claims, rumours, speculations and even outright lies on the other.

Fake news often aim at damaging a person's or entity's reputation, or at making money through advertising revenue. Although false news has always been spread throughout history, the term "fake news" was first used in the 1890s when sensational reports in newspapers were common.

27 William D Lutz, *Doublespeak: Doublespeak: From "Revenue Enhancement" to "Terminal Living": How Government, Business, Advertisers, and Others Use Language to Deceive You*, Harper & Row, New York 1989.

28 Claire Wardle, "Journalism and the New Information Ecosystem: Responsibilities and Challenges", 2020 in: Melissa Zimdars, Kembrew McLeod (editors), *Fake News: Understanding Media and Misinformation in the Digital Age*, MIT Press, 18 Feb 2020.

Historically speaking, this problem is by no means new. Traditionally, the spreading of lies and misinformation has been a tool of demagogues and dictators. However, it took the age of mass communication and technological resources for disinformation to really unleash in full force. It is always about 'message organisation'. As Walter Lippman, an American journalist and publicist, analysed in his groundbreaking work "Public Opinion" in 1922<sup>29</sup>, propaganda is most effective when it dismisses the contemplation of differing positions and alternatives. In other words, "under the impact of propaganda, not necessarily in the sinister meaning of the word alone, the old constants of our thinking have become variables".

In this way, Lippman turned out to be a prophet of the state-sponsored propaganda machine, used for the first time on a grand scale by the Nazis in fascist Germany in the 1930s and 1940s. They created a social climate of disinformation that caused people to associate their own identity and group membership with irrational, xenophobic and racist feelings. Both the departure from the 'rule of law' principle as well as the break with all norms of humanity were genuine components of this inhumane propaganda.

In the present study, it would be going too far to trace the detailed historical development of such a propaganda machine, including the Cold War propaganda of the USA and USSR. The control of the news was always focused on the broadcaster, which wanted to appear in a more positive light than did the enemy (or supposed enemy).

The digital age is responsible for a qualitative new step in the manipulation of public opinion. It is related to 'disorganised propaganda'; it departs from the one-sided sender/receiver relationship and turns the receiver into an amplifier, multiplier and even producer of news. Online pioneers in the 1990s hoped this would be a mechanism for democratisation, but the internet is Janus-faced and also contributes to fragmentation and obscurity. It has thus become a gateway for a new form of propaganda. Its defining attribute is the creation of confusion through the permanent sending of, and feedback from, disinformation, misinformation and malinformation. This way, users are solely communicating within their own, closed-off, post-truth world. Christopher Paul and Miriam Matthews, American communication researchers, summarised this mechanism with the term "firehose of falsehood" in a study for the US think tank Rand Corporation. This propaganda technique is based on the exorbitant quantity of deceptive news and communication channels made possible by the internet, but also "... a shameless willingness to disseminate partial truths or outright fictions".<sup>30</sup>

The "firehose of falsehood" did not develop in a politically neutral environment. Rather, it is linked to anti-democratic, authoritarian tendencies, even in many established western democracies, as the American media researcher Mark Andrejevic underlines. "The end goal of 'fake news' campaigns is to disable the role played by news and information in challenging either individual beliefs or existing power relations, thereby allowing those in power to pursue their agendas unharassed".<sup>31</sup> The seductive thing about such propaganda is that it often provides seemingly simple explanations and solutions for complex political problems. It appeals to emotions, fears, and base instincts as well as simple identification patterns, often embedded in fact-free-conspiracy theories. Conspiracy theories are always immune to facts because they are based on the belief that there are supposedly dark, conspiratorial powers controlling political action. The primary belief is that nothing is what it seems to be. It is not unusual for this to create a climate of stigmatisation and exclusion of certain social groups. This is then used to justify violent action against minorities, members of the opposition, and people who do not fit the 'we' descriptor in general. The usual trademark is a contempt for democratic institutions and decision-making processes.

29 Walter Lippman, "Public Opinion", Harcourt, Brace & Company, New York, 1922.

30 Christopher Paul, Miriam Matthews, "The Russian "Firehose of Falsehood" Propaganda Model", Perspectives, RAND Corporation publication, Santa Monica, 2016.

31 Marc Andrejevic, "The Political Function of Fake News: Disorganized Propaganda in the Era of Automated Media", 2020, in: Melissa Zimdars, Kembreu McLeod (editors), In "Fake News: Understanding Media and Misinformation in the Digital Age", MIT Press, 18 Feb 2020.

In addition, the fact that the ‘post-truth’ news world has eliminated the need for verification makes it cheap to produce and reproduce, which in turn makes it highly profitable for online platforms.<sup>32</sup> It is their business model to rely on attention-increasing algorithms, which often encourages the spread of the most absurd horror stories, but also of lies and hatred. In this communication universe, journalistic research, in-depth fact checks and scientific findings are not required. The content distributors and producers also benefit from a psychological aspect of communication that is described in the literature as “cognitive bias.” This means that every user comes with preconceived opinions, as a result of their own socio-cultural background, which they would much rather see confirmed than rejected. “Conspirative thinking does not need to be true or false in order to flourish – rather it simply needs to motivate and confirm our favorite cognitive bias.”<sup>33</sup>

In addition to the mechanics of influencing and manipulating opinions, structural factors have an effect on ‘manufacturing consent’<sup>34</sup>, which benefits from the business models of digital platforms as well as by poor regulation. Thus TV and radio continue to play a role as traditional, linear media and should not be underestimated. Not infrequently, particularly in autocratically governed countries, the owners of TV and radio stations are closely linked to the political decision-makers in many ways. The government prepares the environment by granting radio and broadcasting licenses, simultaneously keeping out politically unacceptable media producers. All of this affects the selection mechanism of “manufactured consent,” wherein critical opposition and journalistic investigative research have no place.

In this context, one must classify the various attempts to shape the internet into an authoritarian *raison d’être* and communicative monoculture – either through targeted blockades of undesired content or through the spread of manipulative and reality-distorting content, as part of “digital state sponsored propaganda”.<sup>35</sup> This implies the political and technical control over the internet. It is no accident that media policy in authoritarian countries implies increasingly complex state regulation – from the control of government-compliant content and the establishment of so-called cyber war teams (control of social media content) to the adoption of restrictive press laws and the allocation of telecommunication networks, in which data protection and protection of privacy usually do not play a role.

For opposing positions within a democratic context, however, the fundamental questions of regulation versus deregulation arise: How free should the internet be? And does the obligation to pluralism and freedom of expression also has to be able to withstand ‘fake news’? To what extent and with which means can and should users be protected from lies and propaganda? An ultimate answer to these problems cannot and will not be given in the present study. However, it is essential for democratic regulation of the internet and media to be diligently considered. It cannot be allowed to serve as a megaphone for racist, homophobic and other defamatory content. There are limits to freedom of expression if it is leading to the defamation of dissidents. On the other hand, it would be disastrous to install an “internet Truth Ministry” that alone could decide what was allowed and what was not. It would be the end of press freedom if the state imposed political and moral authority over its citizens. “Fake news is better than a federal Ministry of Truth,” the conservative Washington Examiner wrote in an allusion to the Orwellian dystopian vision of an all-encompassing surveillance state.<sup>36</sup> From this, it follows that democratic regulation must strictly follow the rule of law. Even unpleasant

32 Johan Farkas, Jannick Schou, “Post-Truth, Fake News and Democracy: Mapping the Politics of Falsehood”, Routledge, 2019.

33 Benjamin Peters, “Beware the Theory in Conspiracy Theories” 2020, in: Melissa Zimdars, Kembrew McLeod (editors), In “Fake News: Understanding Media and Misinformation in the Digital Age”, MIT Press, 18 Feb 2020.

34 Edward S. Herman, Noam Chomsky, “Manufacturing Consent: The Political Economy of the Mass Media”, Pantheon Books, 1988.

35 Nolan Higdon, “The Anatomy of Fake News: A Critical Literacy Education”, University of California Press, 2020.

36 The Washington Examiner, “Fake news is better than a federal Ministry of Truth”, 16 January 2018.

positions that are contrary to government policy or the widespread mainstream must have their place in a pluralistic society. However, there must be also a basic understanding of truth and dignity, not by policing the internet, but rather an open and transparent consensus building process in society.

## The rise of autocrats and the retreat of democracy

Worldwide, the democratic development of countries around the globe has been stalling for more than a decade. The principle that voters have the right to choose their government is under serious threat. It coincides with the global financial crisis 2008, the rise of aggressive Chinese hegemonic ambitions, the backlash in western countries against globalisation and, currently, with the COVID-19 pandemic. These developments have been accompanied by massive attacks on the press and freedom of expression. In many regions, there has even been a regression in liberality and plurality. The US American watchdog organisation, Freedom House, which was founded 1941 and is dedicated to promoting freedom and democracy worldwide, detects an alarming trend:

“The present threat to democracy is the product of 16 consecutive years of decline in global freedom. A total of 60 countries suffered declines over the past year, while only 25 improved. As of today, some 38 percent of the global population live in Not Free countries, the highest proportions since 1997. Only about 20 percent now live in Free countries.”<sup>37</sup>

The most recent Freedom House reports particularly emphasise the dramatic democratic setbacks in many countries, particularly in eastern Europe, Africa and Asia. However, all of this is still clearly overshadowed by China’s brutal domestic policy of repression against religious and ethnic minorities. Beijing does not shy away from immediately suppressing any democratic opposition within its sphere of influence, as the crackdowns in Hong Kong have shown. The regime imprisons an entire generation of young activists and also journalists. Under the new Beijing-imposed National Security Law, the authorities took down – in June 2021 – Hong Kong’s largest pro-democracy newspaper Apple Daily. Hong Kong’s constitution, the Basic Law, still guarantees freedom of expression and the media. But this now remains only on paper.<sup>38</sup>

The clampdown on broader civil liberties is widespread. According to Larry Diamond, an American political scientist from Stanford University, democracy is undergoing a global recession. There was still hope in the 1990s – following the collapse of the Soviet Union and communism in eastern Europe, of an unstoppable democratisation of autocratic and authoritarian regimes. This has been proven to be a fallacy.<sup>39, 40</sup>

The development towards greater democratic participation and stability is by no means a natural course of action. It depends not only on the ability of civil society to persevere but also on the ability and willingness of the ruling elite to reform. Corruption, nepotism, weak institutions and – in many cases – the inability of governments to establish legitimacy through the ‘rule of law’ or open up opportunities for participation have a retarding effect on democratic development. The state is often viewed by critical journalists and commentators as private property of the privileged, which justifies rights to intervene in all areas of citizens’ lives, including freedom of the press and freedom of expression as a fundamental right.

37 Sarah Repucci, Amy Slipowitz, “The Global Expansion of Authoritarian Rule”, Freedom House Report, Washington 2022.

38 CNN News, “Hong Kong’s biggest pro-democracy newspaper closes as Beijing tightens its grip”, 24 June 2021.

39 Larry Diamond, “Facing up to the Democratic Recession”, in: *Journal of Democracy*, Vol. 26, No. 1, Jan 2015.

40 Larry Diamond, “Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency”, Penguin Press, 2019.

According to Diamond, in many cases setbacks in democratic structures are not accelerated only by violent clashes or even domestic civil war. It is much more a question of the subtle, yet increasingly pervasive erosion of democratic rights and institutions in various countries, a process that Diamond aptly terms ‘decay’. Turkey and Kenya are examples of this process. Both countries had followed approaches towards a liberal, pluralistic society at one point, but have now fallen back into authoritarian and autocratic structures. Clear setbacks to political flexibility for civic activities have also been reported in Tanzania and Uganda (see Freedom House Report, 2020). For example, Ugandan President Yoweri Museveni, in office since 1986, was able to secure his re-election in early 2021 through massive political intimidation and extensive blockades of social media platforms – Facebook, WhatsApp, Twitter – where oppositional positions were being articulated.<sup>41, 42</sup> An even more worrying democratic political setback happened in February 2021 in Myanmar: The military re-seized the power despite the widespread popularity of the country’s civil leader Aung San Suu Kyi. Democratic rights and freedom of press have been suspended. So far, however, civil unrest does not bow down to intimidation by the military. There is still hope that democracy will finally prevail.<sup>43</sup>

The separation of powers as the heart of a democratic society is rendered inoperative in autocratic regimes. They usually do not pass the litmus test of democratic elections: the possibility of a peaceful handover of power. After the turn of the century, gradual democratic development, in many cases, has shown itself too weak to be sustainable. Economic and social crises, including the consequences of the worldwide financial crisis of 2008, usually lead to an accentuation of ‘law and order’. In general, however, the governments prove to be incapable of conveying actual legitimacy, let alone of supplying the basic services of modern governments, such as education and healthcare. Rampant corruption and nepotism are a driving factor that also cement the dominant role of the elites. These social developments correlate with a massive increase in the suppression of free speech and press freedom.<sup>44</sup>

According to Francis Fukuyama, democracy researcher and colleague of Larry Diamond at Stanford, the successful establishment of democratic societies and the potential decline of their democratic order are frequently much closer on a historical timeline than generally assumed: “There is no automatic historical mechanism that makes progress inevitable, or that prevents decay and backsliding. Democracies exist and survive only because people want and are willing to fight for them; leadership, organizational ability, and oftentimes sheer good luck are needed for them to prevail.”<sup>45</sup>

When the pendulum of democratic progress swings back, freedom of press and freedom of expression are the first elements to suffer. Authoritarian tendencies in western countries (for example, in the US during the Trump administration, but also current political developments in Poland and Hungary) are contributing to the loss of the West’s function and legitimacy as a role model. The strengthening of movements calling for a ‘strong man’ at the head of government are serving as a blueprint for autocrats around the globe, who in many places are now shedding the democratic facades they have been drudgingly maintaining.

Autocratic regimes in developing and emerging nations are not a homogeneous group. In some cases, they differ considerably in terms of their forms of rule. Examples include military regimes, one-party systems, or multi-party systems with a semi-democratic veneer. In the case of the latter, however, a party closely linked to the elite and establishment usually secures a dominant position in the parliament through electoral manipulation. Often, these types of regimes are also entrenched in a monarchical system,

41 Jason Burke, Samuel Okiror, “Hundreds detained without trial in Uganda in new wave of repression”, *Guardian*, 6 June 2021.

42 James Griffiths, “Uganda’s lesson to other authoritarians: controlling the internet works”, *CNN Analysis*, 18 January 2021.

43 Hannah Ellis-Petersen, “Threat of Myanmar coup was never far away” *Guardian*, 2 February 2021.

44 Larry Diamond, “Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency”, Penguin Press, 2019.

45 Francis Fukuyama, “Political Order and Political Decay”, Profile Books, 2014.

in which a king embraces additional politically legitimising functions and yet is shielded from all criticism as a “non-partisan” authority.

Regional and cultural backgrounds, as well as a country’s specific colonial-historical inheritance, exert considerable influence on the particular manifestation of these governmental systems. Moreover, the establishment, which wants to keep the state apparatus running as smoothly as possible, by no means acts as a monolithic bloc. It is often shaped by diverse interests that make it difficult to efficiently implement economic and political goals. This can, in turn, lead to conflicting approaches to the exercise of power within government institutions. Frequently, ‘old school’ contingents of an uncompromisingly repressive suppression of opposition movements will compete against each other – not least through corporal political and military violence – with a more flexible ‘new school’ strategy. This strategy might, for example, partially allow the critical expression of opinion, as long as it does not harm the overall ideal interests of securing power.<sup>46</sup>

Australian political scientist and renowned international expert in the research of authoritarian governments, Morgenbesser summarises: “Authoritarian regimes characteristically seek to maintain control over all perceivable sources of opposition. The pursuit of greater control has traditionally been the purview of the armed forces, intelligence agencies, mass organizations, presidential guards, regular police, and secret police that take their own orders from leaders and members of the ruling coalition. However, crude repression is abnormal by contemporary standards. Since the end of the Cold War, many authoritarian regimes have learnt to exercise control by using subtler techniques.”

Moreover, every political pattern of oppression must inevitably be measured against reality. There is always a gap between the intention of complete comprehensive control over political discourse and the practicality of its implementation. This implies a highly volatile political situation. In this respect, the model of democracy in recession should not be understood as a static, ‘set in stone’ condition that cannot change. There may be setbacks, but there are also gradual or even revolutionary advances when civil society is able to make its voice heard and shift the balance of power to its favour.

This can be seen, for example, in the direct democracy movement in Thailand, which is being sustained mostly by younger citizens in the metropolis of Bangkok, who are well networked through social media. The protests are mainly directed against the royal family, which harshly punishes every form of *lèse majesté*. Of course, it is far from clear that this grass roots movement will have the stamina to survive and to prevail against a repressive government. In February 2021, the Constitutional Court dissolved the opposition Future Forward Party on politically motivated allegations. However, the protesters took to the streets again in June 2021. They demanded the resignation of prime minister Prayuth Chan-O-Cha, a former army chief who seized power in 2014 with the backing of the current king’s father.<sup>47</sup> (VOA News, Thai pro-democracy movement makes comeback to push for monarchy reform, June 24, 2021).

As presented in our country studies, Senegal provides a clear positive example of democratic sustainability. Despite recent legal attacks against critical and investigative journalists, a strong civil society has secured considerable leeway for freedom of speech and freedom of expression. Of course, the West African state also has a longer tradition of functioning democratic institutions than many other developing countries.

46 Lee Morgenbesser, “The Rise of Sophisticated Authoritarianism in Southeast Asia”, Cambridge University Press, 2020.

47 VOA News, “Thai pro-democracy movement makes comeback to push for monarchy reform”, 24 June 2021.

## The global challenge presented by China

Whilst the appearance of foreign policy in the great Western democracies has been shaped in recent years above all by irritating inner conflicts and divergent paths – contributed to by both Brexit in Europe and the muddled unilateralism of the United States under former President Donald Trump – China has at least succeeded in partly penetrating the resulting political vacuum. Chinese power and money offer autocrats around the world an alternative template for controlling their populations. Even if the new US administration, under Democratic President Joe Biden, is able to succeed in re-establishing trust among its American allies, the toxic legacy of Trump’s foreign policy will continue. This also includes the increasingly conflict-laden relationship with China, in which the EU must still find its specific role as a mediating entity while simultaneously remaining a US ally.<sup>48, 49</sup>

China’s foreign policy under the leadership of Xi Jinping has been about more than just regional hegemony for some time; now, it is also increasingly about asserting claims to power around the globe. The regime is undertaking massive efforts to challenge the USA’s political, military and economic supremacy, particularly in the Asia-Pacific region. This is evidenced by the controversial claim, under international law, to around 80% of the area in the South China Sea, which plays a key role in international sea trade and is also assumed to hold considerable mineral resources. Also, the entire Mekong region – including countries such as Cambodia and Laos – is of strategic importance for China. As shown in our country study on Cambodia, Beijing is trying to combine general economic influence alongside control of the media sector.<sup>50, 51</sup>

Beijing’s claims to power, however, have long since stretched beyond Asia to include, for example Africa, where the focus is on securing mineral resources. China is relying on the export of its development model, which is based on an economically crude, supposedly moral-value-free form of capitalism.<sup>52</sup> A core element of this is the Belt and Road Initiative (BRI), commenced in 2013, a state-funded investment programme worth billions. Beijing wants to use this to build an international network of roads, ports, railways, pipelines and industrial zones stretching from Asia to Europe. Investments in the modernisation of fibreoptic networks and communication infrastructure in Asia and Africa are also playing a key role. The concentrated financial strength of Chinese telecommunications and technology companies such as Huawei lie behind such a vision of a ‘digital silk road’.<sup>53, 54, 55</sup>

From the perspective of Beijing’s rulers, there is no clear distinction between economic help and (foreign) political objectives. On the contrary; investments – particularly in developing and emerging countries – are interwoven with political influence, with the state-controlled media sector playing a central role. This is about dominance in the global communications ecosystem. Important instruments include the Xinhua news agency, with 180 foreign offices, the China News Service, the China Daily newspaper, the Global Times (affiliated with the party newspaper People’s Daily), China Radio International and China Global Television (CGNT) – the global arm of China Central Television (CCTV). All of these produce and disseminate news in various languages. Although journalistic content is also being broadcasted, the information is always subordinated to party reasoning.

48 Stephen Collinson, “Why Biden’s foreign trip is so unique and so important”, CNN Analysis, 10 June 2021.

49 Simon Tisdall, “Britain will be America’s pet. But it’s Europe’s future that’s at stake”, Guardian, 13 June 2021.

50 Oriana Skylar Mastro, “How China is bending the rules in the South China Sea”, The Interpreter, 17 February 2021.

51 Philip Citowicki, “China’s Control of the Mekong”, The Diplomat, 8 May 2020.

52 Tarun Chabara, Rush Doshi, Ryan Hass, Emilie Kimball, “Global China: Regional influence and strategy”, Brookings Institution Report, July 2020.

53 Sebastian Strangio, “In the Dragon’s Shadow”, Yale University Press, New Haven and London 2020.

54 Kerry Brown, “China’s World: The Foreign Policy of the World’s Newest Superpower”, Bloomsbury Publishing, 4 November 2021.

55 Harald Pechlaner et al., China and the New Silk Road: Challenges and Impacts on the Regional and Local Level, Springer, 2020.

“Unlike public and private media in Western democracies, such as BBC, CNN, or Germany’s Deutsche Welle, these state and party media offer a uniformly rosy view of China, its government, and its intentions”.<sup>56</sup>

While the international media strategy of Beijing has long focused on the Chinese community abroad, the focus has significantly changed with Xi Jinping’s consolidation of power.<sup>57</sup> Now, the intended recipients are the populations and governments of countries in which Beijing is committed to having political and economic influence. To assist with this, the typical instruments of digital state sponsored propaganda are being used – for example, the spread of disinformation via social media platforms.

Through the conclusion of cooperation agreements with foreign TV stations and media producers, China’s state-run media is influencing the content in the respective countries. According to research from a current Freedom House study<sup>58</sup>, Xinhua is providing, for example, free text and photos for local media outlets, including those in Thailand and Nigeria. The latter in particular is a preferred means for giving local flair to the Beijing CPP agenda – right up to the payment and sponsorship of journalists.<sup>59</sup> The overarching goal of Beijing’s CPP agenda, however, is always the interpretational sovereignty over processes that affect society as a whole. This implies the control over mass communication tools, particularly television and the internet (social media platforms like WeChat). Plurality is to be replaced by conformity, and democratic norms are being systematically undermined.

The above-mentioned Freedom House study describes this strategy by China as a “dramatic expansion in efforts to shape media content and narratives around the world.” In order to implement China’s ‘new world media order’, those in power in Beijing rely on a comprehensive set of instruments for the purpose of economic and journalistic control. These instruments are comprised of legal and economic components, including strict information control over the internet, anti ‘fake news’ laws against critical journalists, censorship and self-censorship, as well as the participation of media companies in the target countries, with the goal of achieving economic and journalistic control. “It presents China’s authoritarian style of governance as a model for developing countries to emulate, while in some cases explicitly challenging the attractiveness of democratic governance and US international leadership.”<sup>60</sup>

The extent to which the audience of Beijing’s propaganda actually wants to, or is able to, follow this path of media alignment and conformity, however, is another story. At least one dilemma presents itself: As sophisticated as the instruments of the manipulation of public opinion may be, they still encounter many obstacles in practice. Censorship and repression, which go hand-in-hand with national isolation, are incompatible with the strong will to freely exchange ideas on social media platforms without hindrance, particularly among younger population in developing and emerging countries.

The ‘Great Firewall’ of China, run by the Central Cyber Administration, serves as model for many autocrats around the globe. It screens out undesirable content on the internet and serves Beijing’s aims of controlling the behaviour of its citizens in everyday life. This kind of ‘customisation of censorship’ is, however, questionable as to whether all of these ambitions of the communist rulers will ever function as perfectly and seamlessly as they are intended, even in their own countries.<sup>61</sup> They certainly will not function as such in emerging and developing nations, where financial resources are much more limited. First, the costs of monitoring citizens, the press and the media increase with every technological leap. Second, such Orwellian visions of this ‘perfect’ control of the populace often suffer from excessive hubris, particularly since political upheaval and

56 Larry Diamond, “Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency”, Penguin Press, 2019.

57 Helen Davidson, “Xi Jinping warns China won’t be bullied in speech marking the 100-year anniversary of CPP”, Guardian 1 July 2021.

58 Sarah Cook, “Beijing’s Global Megaphone”, Freedom House Special Report, 2020.

59 Louisa Lim, “Borrowing, Buying and Building Boats”, in: Press Freedom in Contemporary Asia, Routledge, 2019.

60 Sarah Cook, “Beijing’s Global Megaphone”, Freedom House Special Report, 2020.

61 Daniel C. Mattingly, “The Art of Political Control in China”, Cambridge University Press, 17 December 2020.



social resistance arise time and again, which open up opportunities for civil society to make itself heard.

The power of the ‘Chinese dragon’ should not be overestimated, despite the increasingly hegemonic orientation of Beijing’s foreign policy. The governing mechanisms of authoritarian regimes are always based on specific national parameters, as Southeast Asia expert Sebastian Strangio has appropriately analysed. “While democracy has certainly eroded across Southeast Asia, it is easy to exaggerate China’s role in this trend. The region’s patterns of authoritarianism and political dysfunction long pre-date the era of Xi. The reasons for this are complex, and cannot easily be abstracted from social, political and historical context of the nations in questions”.<sup>62</sup> This differentiated assessment by Strangio can easily be transposed on authoritarian countries on the African continent, which receive a great deal of support from China, but still foster their own genuine interests.

## How Autocrats use Disinformation and Propaganda

Media policy is part of a targeted occupation of ‘soft power’ in authoritarian countries.

In order to secure their power through a minimum of actual willingness to consent, the ruling elites must target their state-controlled media in order to keep the largest possible amount of their population out of politics. Supposedly apolitical forms of media become instruments of power and propaganda; these forms include entertainment – soap operas, reality TV shows, excessive reporting on stories about specific individuals (as long as these are void of politically sensitive references), traffic accidents, crime and other small or large catastrophes of everyday life. From the point of view of the present study’s authors, what is relevant here is what is not being reported, or only selectively reported, such as cases of corruption at the highest levels of government, political programmes and debates by oppositional groups in civil society, systematic exploitation of low-wage workers, suppression of minorities, etc. It is no coincidence that traditional, linear television still plays a dominant role here, as it best enables the supposedly apolitical drama along with its visual implementation. Additionally, the broadcasters and stations are mostly intertwined with cronies, oligarchs and cliques of the ruling party.

Incidentally, this has another effect: The state apparatus is tending to step back and ‘outsource’ its media policy to politically loyal elites who, particularly in the TV sector, are gaining highly lucrative sources of income through exclusive advertising rights. Oppositional broadcasters, on the other hand, are discriminated against via restrictive licensing and thus kept out of the market.<sup>63</sup>

It is crucial to autocratic regimes that they do not exclude hard instruments of press censorship, such as anti-defamation and Libel laws, ‘anti-fake news’ laws and selective licensing of radio and internet restrictions even within the framework of a flexible model such as ‘*divide and conquer*’. Experience shows that these tools are always used when ‘manufactured consent’<sup>64</sup>, which has been painstakingly maintained, cracks. When this happens, democratic resistance is formed in civil society and critical journalists can free themselves from self-censorship. Freedom of the media is, thus, a product available at any time: The degree of repression follows varied strategies of domination, but is also partly due to bureaucratic contradictions when different factions arise within the ruling elite, such as hardliners versus liberals.

The relationship between state-sponsored media producers on the one hand and readers/viewers/users on the other is subject to a constant process of adjustment in political reality; i.e., a political showdown that affects the articulation and assertiveness

62 Sebastian Strangio, “In the Dragon’s Shadow”, Yale University Press, New Haven and London 2020.

63 Christopher Walker, Robert W. Orttung, “Breaking the News: The Role of State-Run Media”, in: Journal of Democracy, Vol. 25, No. 1, January 2014.

64 Edward S. Herman, Noam Chomsky, “Manufacturing Consent: The Political Economy of Mass Media”, Pantheon Books, 1998.

of one side or the other within the establishment. However, in addition to television, the internet is becoming increasingly prominent as a result: “The advent of modern communications technology means authoritarian regimes must also provide digital answers to the dictator’s dilemma. The growth of social media platforms encourages many citizens to express their beliefs, grievances, and preferences online...”<sup>65</sup>

Of course, an autocratic regime can always fall back on a heavy-handed approach to controlling the internet and social media, if it follows the principle of ‘rule by law’ rather than ‘rule of law’ and does not seek to justify itself to a democratically elected Parliament, for example. However, there are also the abovementioned economic, but also political costs, namely that such an uncompromising approach could incite oppositional groups to a considerable degree. It is no coincidence that autocratic regimes in practice often tend to promote and possibly even replace crude internet censorship with a co-optive approach to the use and spread of social media. This is particularly beneficial for the many younger, education-savvy members of the urban population who grew up using the internet. “The sophisticated strategy is both less direct and more subtle. Instead of suppression of internet, it involves proactive subversion and co-optation of it”.<sup>66</sup>

Specifically, this co-optive approach includes a comprehensive set of content-control instruments. They range from the monitoring of media outlets to exclusive briefings for selected journalists who are used to cover specific topics. The transition to stricter measures is seamless, such as the blocking of critical websites and blogs via government-affiliated ‘cyber war teams’. Generally, this content management is aimed both at the government’s or ruling elite’s own support base and at oppositional groups. Thereby, the content is not only based on particular pieces of false information, but typically also on a coherent narrative that – in contrast to a pluralistic culture of debate – is subordinate to a “narrative monoculture” and should not be politically questioned.<sup>67</sup>

For example, it makes use of crude foreign and domestic concepts of ‘the enemy’ (anti-Americanism or ‘the West’ as a troublemaker and ‘agent provocateur’), and questionable and one-sided historical references and stereotypes. These are often placed in a conspiratorial context. Everything is ancillary to a populist storyline that transmits both content and ideological / emotional subtext.

Despite the varied characteristics of the instruments of repression, the dismantling of democratic rights and the restriction of press freedom often follow a similar pattern: The ruling elite use narratives and storylines to help legitimise their political decisions and actions. They manipulate all types of decision-making processes – and even semi-democratic elections – not simply through fraud and deceptive measures but even by spreading falsehoods and fiction. In this context, conspiracy theories – usually fact-free – come into play. They provide the filling the between ambitious regime’s rhetoric and often the dire reality. The first victim is always the truth as well the rule of law and inviting instead a political regime based on myth.

The following types of narrative monoculture from authoritarian regimes emerge:

- Demonisation / vilification of critical journalists (and their research or reports) as political trouble-makers, ‘enemies of the people’ and propagators of ‘fake news’. Every journalistic report that fails to conform to the government’s position tends to be vilified as ‘fake news’.
- Self-portrayal of the regime as a victim of supposed domestic and foreign conspiracy theories (e.g., accusations of the ‘colour revolution’, ‘regime change’, ‘stab-in-the-back myth’, etc.). This serves, among other things, to subordinate freedom of the press and freedom of speech to a diffused concept of ‘national security’. In addition, elections are only considered legitimate if they reaffirm the system already in power.

65 Lee Morgenbesser, “The Rise of Sophisticated Authoritarianism in Southeast Asia”, Cambridge University Press, 2020.

66 Ibid.

67 Hamid Foroughi, Yiannis Gabriel, Marianna Fotaki, “Leadership in a Post-Truth Era: A New Narrative Disorder?”, in: *Leadership Journal*, Vol.15, No. 2, March 2019.

- Glorification of political decision makers, including use of the cult of personality to immunise themselves against any form of criticism and to enforce control about all spheres of public life. “The Great Leader is never wrong” is the most fundamental principle of closed, authoritarian societies, and serves a kind of loyalty test to pick out opponents from zealots. The cult of personality is often embedded within harsh, anti-defamation legislation, particularly when it comes to social media.
- Anticipation of exclusion as well as exploitation of nationalistic resentments that are reinforced with racist cliches and directed against ethnic and religious minorities, for example, but that also serve to politically isolate and stigmatise those who oppose and dissent from the regime (including critical journalists) as social outsiders and outlaws.
- The creation of myths, argumentatively connected to historical and national pawns, which point to the supposed greatness of one’s own people in their historical development. This employs the motto: ‘Everything used to be better and more harmonious than it is now’. This is often closely linked to a rejection of Western democratic and pluralistic values, including accusations of Western ‘cultural imperialism’.

Characteristic for these narratives are specific buzzwords, cliches, platitudes and banalities (troublemaker, colour revolution, etc.) that evade objective verification, but which are predestined for the fast pace of social media platforms and their culture of “likes.” Different narratives are often mixed together and adapt to new political and social realities. In this respect, the typology outlined above is not static; it is subject to constant adjustments and changes. “Narratives from one narrative space can and do colonize other narrative spaces, they grow, they shrink, and they sometimes die”.<sup>68</sup>

Essentially, narratives are turned into media strategies of legitimation that always convey values, emotions and ideologically shaped and specifically fabricated images of ‘friends’ and ‘enemies’ in domestic and foreign politics. A central element of a narrative is also ‘framing’, which has an impact on how news is investigated and structured, with whom a journalist sets up interviews and what questions they ask and how conclusions are drawn. Because it is an inherently ideological act (whether consciously or not), it can transmit prejudices and exclude different perspectives of a story.

None of this is taking place in a political vacuum; rather, it is against the political backdrop of a propaganda arsenal used to wage an information war. It is directed against members of its own population who do not conform with the establishment, but it also serves to mobilise supporters of the regime. They are turned into submissive tools of the propaganda war. As American historian Timothy Snyder analyses, “The lie outlasts the liar”<sup>69</sup>, which relates to the political rise of the Nazi party and Adolf Hitler during the Weimar Republic in Germany. Even then, many people believed the right-wing propaganda that Germany lost WWI and that the Versailles Treaty was the result of a ‘stab in the back’ by its own people. This model of victimisation based on conspiratorial myths continues to appear in authoritarian and totalitarian forms of governance for the purpose of political mobilisation.

The first tool of choice is the spread of political discord and division, including the targeted development of mistrust in democratic institutions and decision-making processes, particularly in elections. “The post-truth world is increasing polarization and destroying shared principles.”<sup>70</sup> It is not about political reconciliation, but rather about totalitarian forms of governance used to mobilise resentments against the so called “enemies of the people”.

68 Hamid Foroughi, Yiannis Gabriel, Marianna Fotaki, “Leadership in a Post-Truth Era: A New Narrative Disorder?”, in: *Leadership Journal*, Vol.15, No. 2, March 2019.

69 Timothy Snyder, “The American Abyss”, *New York Times*, 9 January 2021.

70 Rana Ayyub, “India has suffered greatly under mob rule. Now Trump has unleashed it, too.” *Washington Post*, 8 January 2021.

### III. Research Approach

The present study uses methods from political science and media studies. These include, for example, the evaluation of existing literature as well as an in-depth source analysis (e.g., reports from Freedom House and Reporters Without Borders). It was essential to involve local journalist and media professionals (KAS regional programmes), who are to be commissioned for their on-site research. This included qualitative interviews with journalists, publishers, government-affiliated institutions and NGOs. Building on this, the study always keeps its practical-political mission in view: The goal is to figure out courses of action for a democratic media culture.

With the country-specific case studies, it is not about listing, or even ranking, the degree of press freedom and free speech (this is overseen, for example, by Reporters Without Borders). Instead, it is much more about drawing comparisons between the patterns and structures of disinformation and manipulation used in various countries and regions: Which domestic and foreign concepts of the enemy are being conveyed by the respective media sources? How are political opposition groups being represented? What role does nationalism play in the political orientation of media sources? How are pseudo-realities created, for example, through the focus on entertainment, disasters, crimes, or celebrities? How are young readers or users (of social media) responding?

The focus is on two regions of the world; Asia and Africa. When selecting the countries for these case studies, the authors were guided by the following criteria:

- The topicality of the domestic political debate on freedom of speech and freedom of expression, whereby it is a matter of differentiated analyses of progress and regression.
- The political and, where appropriate, economic importance for the EU, including the regional political and geostrategic context.
- The availability of interested journalists or media professionals and interview partners.

Based on these criteria, the focus is on the following countries:

**India:** 1.4 billion inhabitants, 1901 USD GDP per capita (nominal, 2020, World Bank). Parliamentary democracy, Hindu nationalist government under PM Narendra Modi. Hate campaigns against oppositional journalists, Kashmir conflict (India, Pakistan), imprisonment (also in connection with the Kashmir conflict). RSF (Reporters Without Borders) ranking 142 out of 180 (RSF Report 2021).

**Cambodia:** 17 million inhabitants, 1513 USD GDP per capita (nominal, 2020, World Bank). Electoral parliamentary monarchy, PM Hun Sen has been in power for more than 30 years. Significant restrictions on freedom of the press since 2017, which went hand-in-hand with the ban on the largest opposition party, tightening of criminal laws, monitoring the internet; increasing economic and political influence from China. RSF ranking 144 out of 180 (RSF Report 2021).

**Nigeria:** 206 million inhabitants, 2097 USD GDP per capita (nominal, 2020, World Bank). Presidential republic, is considered to be one of the most dangerous countries in the world for journalists. This is exacerbated by military confrontation with Islamic extremists, important oil supplier, whereby the industry suffers from corruption leading to environmental destruction. RSF ranking 120 out of 180 (RSF Report 2021).

**Senegal:** 17 million inhabitants, 1488 USD GDP per capita (nominal, 2020, World Bank). Presidential republic, relatively stable political conditions, which give journalists favourable working conditions. RSF ranking 49 out of 180 (RSF Report 2021).

The different country case studies of media strategies employ a descriptive and exploratory methodology with a qualitative analytical approach. The method focuses on obtaining comparative data through open-ended and conversational communication with key decision makers in national media markets, such as journalists (print, online, TV), bloggers, government spokespersons and publishers, etc. This means it is not only about *what* the interviewees think but also *why* they think certain things about specific media issues (e.g., their perception of freedom of the press, laws regulating the media and dependence on publishers, etc.) in their country.

Qualitative research methods allow for in-depth probing and questioning of respondents based on their responses, where the interviewer also tries to understand their motivations and interests. The aim of this approach is to identify similarities, differences and structural patterns in media strategies across different countries and regions of the world (Southeast Asia and Africa). Even within regions, the differences in culture, politics, economics and historical backgrounds (for example British or French colonialism) could be substantive. However, the process of globalisation – also defined as a political process – has made the world more interdependent and connected. This also implies comparable challenges in defending freedom of speech and freedom of the press. Here, a comparative approach seems suitable for exploring common patterns and structures of media strategies by ruling elites or governments in specific countries and regions of the world.

The research process relied mainly on interviews with critical journalists, media practitioners and government representatives in the specific countries. All interviewees were chosen carefully in order to get an objective and unbiased view of the media landscape. In addition to this, it is clear that even autocratic governments are not a monolithic bloc. In reality, often contradicting interests are at play that represent fragmented elites. This results in different opinions and nuances about the political framework of press freedom. In practical terms it can make a significant difference whether autocrats use a political (and juridical) sledgehammer to suppress freedom of the press or whether they are at least partly open to a more pluralistic discourse. Interviews with critical state officials were, therefore, useful in getting the whole picture.

Following general scientific guidelines, all primary sources (interviewees) that are mentioned by direct or indirect quotations in the case studies are identified by full name and function. Interview transcripts (with data and location) have been stored and are available for Konrad Adenauer Foundation (KAS). In some cases, however, interviewees preferred to remain anonymous due to safety concerns and therefore a pseudonym has been used.

The various country case studies are based on the following structure:

1. Description and analysis of political system (e.g., democracy, semi-democracy, monarchy, autocracy, main political parties) and important social and economic data such as GDP per capita, employment, educational level, etc.
2. State of the media and freedom of the press in the specific country, including a description of EU engagement if applicable.
3. Analysis of media strategies, narratives and storylines that legitimise autocratic rule and suppression of press freedom.
4. Monitoring of selected mainstream media outlets (print, online). The aim was to identify inflammatory content and specific narratives in political news reporting on a daily basis over a period of two to three weeks.
5. Conclusion by the author(s): What are the perspectives for a democratic and pluralistic media discourse in the country's specific context? Moreover, what can the EU do to achieve these goals? What should the core approaches for the EU be to ensure media plurality? How can the EU better communicate its own policies, norms and values and translate its core messages in different socio-cultural contexts?

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Der Spiegel



Vice President of the Cambodia National Rescue Party (CNRP), Mu Sochua (L) and CNRP's Deputy Director for Foreign Affairs, Monovithya Kem (R), hold a press conference in Jakarta, Indonesia, July 30, 2018.

## 1. Cambodia: Mass Communication Strategies of Media and Press Freedom

ANDREAS OLDAG / SOKUMMONO KHAN

### Executive summary

Despite the fact that freedom of press is guaranteed by the Cambodian constitution and by the Press Law from 1995, the working environment for journalists has deteriorated substantially in recent years. Critical media producers, even in the field of social media, are intimidated and harassed by the authorities; independent journalism has been cut away piece-by-piece. The COVID-19 pandemic serves as a pretext to further suppress the public discourse. The government has increasingly submitted itself to Chinese-inspired propaganda. Alleged threats of a 'coloured revolution' and 'social chaos' are used against the democratic political opposition and critical journalists. This coincides with Beijing's growing economic and political influence in one of Southeast Asia's poorest countries. However, it is because Cambodia is at a political crossroads between loyalty to China and orientation to the West that the EU should increase its influence in the country. Even the young Cambodian population does not want to be easily co-opted by the government narratives and pro-Chinese propaganda. Free access to information, particularly on the internet, will be essential for a democratic society in Cambodia. To date, the media engagement of the EU in the country has shown clear shortcomings. The

EU should provide critical Cambodian journalists with stronger support in order to help make their voices heard and to contribute to the democratic development of the country.

## Current political, economic and social development: how far does vassal loyalty to Beijing go?

Until only a few years ago, Cambodia was seen as a model for democratic developments in Southeast Asia. Following the reign of terror of the communist Khmer Rouge regime (1975–1979), which killed around two million people, and the Paris Peace Treaty (1991) – negotiated through the United Nations to end the civil war – the country seemed to be on its way to becoming a pluralistic society. In 1993, the first free, democratic elections were held in Cambodia as part of the United Nations Transitional Authority in Cambodia (UNTAC). However, the example of Cambodia shows that democratic developments – even where they are supported by a relatively exemplary constitution in which freedom of expression, freedom of the press, the ‘rule of law’ and the separation of powers are anchored – are not immune to setbacks and political crises. What is more, Prime Minister Hun Sen – with 36 years in office (1985 –present), the longest-serving head of state in the world and a former Khmer Rouge military commander who later defected to the Vietnamese – is ruling the country with an iron fist. Often characterised by his critics as Cambodia’s strongman, he has taken an authoritarian course. Hun Sen’s political power base is his Cambodian People’s Party (CPP), founded in 1951 as Khmer People’s Revolutionary Party.<sup>71, 72, 73</sup> As such, the ‘honeymoon’ of relative freedom in Cambodia ultimately ended in 2017 with the dissolution of the opposition party Cambodia National Rescue Party (CNRP). This may have underlined Hun Sen’s image as a successful leader in his own terms. However, it seems questionable whether the country – with almost 17 million citizens – will remain politically stable in the long run, as his government continues to promote politics on the basis of a friend-enemy scheme that excludes democratic opposition from political dialogue and participation.

The US-based advocacy organisation Freedom House sums up in their 2020 report Cambodia’s critical political development: “While the country conducted semi competitive elections in the past, the 2018 polls were held in a severely repressive environment. Since then, Hun Sen’s government has maintained pressure on opposition party members, independent press outlets, and demonstrators with intimidation, politically motivated prosecutions, and violence.”<sup>74</sup> When classifying the democracy index, the country slipped from 31 to 26 (maximum score 100), which indicates it is ‘not free’.<sup>75</sup> However, in comparison, the neighbouring countries of Vietnam (20/100) and Laos (14/100) have an even more negative rating.

Since the Supreme Court of Cambodia dissolved the CNRP in November 2017, the country has been a de facto one-party state dominated by Hun Sen’s CPP.<sup>76, 77</sup> The political splinter parties that are not represented in Parliament (National Assembly) serve as accessories of a deformed democracy. The regime has succeeded in evading any serious political and parliamentary scrutiny and accountability. This has paved the way for the CPP to stand virtually unopposed ahead of the commune elections 2022 as well as the general elections scheduled for July 2023.

71 Sebastian Strangio, “The shadow of Cambodia’s violent past still looms over the Kingdom today”, 10 April 2015.

72 Sebastian Strangio, “Hun Sen’s Cambodia”, Yale University Press, 28 November 2014.

73 Elizabeth Becker, “When the War was over: Cambodia and the Khmer Rouge Revolution”, Simon and Schuster, 1986.

74 Freedom House, “Freedom in the World” (2020 edition), Freedom House Annual Report, Washington, 2020.

75 Ibid

76 Lee Morgenbesser, “Misclassification on the Mekong: The origins of Hun Sen’s personalist dictatorship”, in *Democratization*, 21 February 2017.

77 Andrew Nachemson, “Cambodia: From pet project to problem child”, Phnom Penh Post, 27 November 2017.

The authoritarian course of the government is accompanied by legal show trials against the former CNRP leadership. CNRP President Kem Sokha, imprisoned 2017–2018, is currently standing trial for treason. Sokha's predecessor, Sam Rainsy, has been in exile abroad since 2016.<sup>78</sup> In March 2021 Rainsy was sentenced by a Cambodian court in absentia to 25 years in jail over an alleged plot to overthrow the government.<sup>79</sup> Moreover, dozens of former CNRP members and supporters have been tried for 'incitement' or have fled already abroad.

In March 2021, the European Parliament condemned the trials and slammed the government for human rights abuses. Cambodia is now a "one-party state with no parliamentary opposition" and the CPP "should not be considered the legitimate ruling party of Cambodia", the EP said in a statement.<sup>80</sup> Despite this scathing assessment, the government appears unimpressed. Kem Sokha is being accused on fallacious grounds of initiating a "colour revolution" in a conspiratorial plan with the USA. The alleged 'evidence' is based on a 2013 video, in which Sokha is asking for American counsel for his own political career in order to help initiate grass roots support to establish democratic conditions within the country.<sup>81</sup>

Meanwhile, the claim of an imminent 'colour revolution' threatening regime change has become the government's dominant public narrative.<sup>82, 83</sup> In order to stifle freedom of expression and freedom of the press, they use this pattern of argumentation not only against former CNRP supporters, but also against peaceful demonstrators in general.

As a result of the global COVID-19 pandemic, the Cambodian government passed a State of Emergency law in the spring of 2020. The government has thus been able to obtain another excuse to restrict individual freedoms and arbitrary interpretation of 'incitement'. "Amid the pandemic, the ruling Cambodian People's Party used its 125-to-0 margin in the National Assembly to adopt new laws that further threaten civil and political rights."<sup>84, 85</sup> All of this has increased the climate of fear and intimidation in the country. Censorship and self-censorship are widespread; journalists and ordinary citizens alike must think about the price they have to pay if they express their critical opinion about political issues.

Australian political scientist and Asia expert Lee Morgenbesser aptly describes Hun Sen's reign as a "party-personalist regime".<sup>86</sup> It can, therefore, be differentiated from a pure military dictatorship, because it is also supported and legitimised by a political party, albeit under the control of the head of state. In this case, Hun Sen has exclusive say in other areas of policy as well, taking on the function as a "gatekeeper": The priority is to fill important positions and offices in the state apparatus with his loyal companions<sup>87</sup>. It is no coincidence that nepotism and corruption are widespread and are anchored deeply in the political and economic structures of the country. The NGO Transparency International (TI) has rated Cambodia in the bottom quarter of the world for years – 160 out of 180 countries examined by the TI Report in 2020.<sup>88</sup> Political power, dominating economic influence and impunity from law and justice form an ominous entity.

78 David Hutt, "Sam Rainsy: The Coward", in: *The Diplomat*, June 2016.

79 Ben Sokhean, Mech Dara, Ananth Baliga, "'Death of democracy': CNRP dissolved by Supreme Court ruling", *Phnom Penh Post*, 17 November 2017.

80 Richard Finney, "European Parliament condemns Hun Sen's rights abuses in Cambodia in 'Stunning Rebuke'", *Radio Free Asia*, 12 March 2021.

81 Ben Sokhean, Mech Dara, Ananth Baliga, "'Death of democracy': CNRP dissolved by Supreme Court ruling", *Phnom Penh Post*, 17 November 2017.

82 Andrew Nagemson, Shaun Turton, "Government's preoccupation with 'colour revolution' reveals misunderstandings", *Phnom Penh Post*, 15 September 2017.

83 Martin K. Dimitrov, "Debating the Color Revolutions: Popular Autocrats", in: *Journal of Democracy*, January 2009.

84 Human Rights Watch, "Emergency Bill Recipe for Dictatorship", 2 April 2020

85 Kimkong Heng, "Cambodia's State of Emergency Law and its Social and Political Implications", in: *Asia Pacific Bulletin No 520*, 6 August 2020.

86 Lee Morgenbesser, "Misclassification on the Mekong: The origins of Hun Sen's personalist dictatorship", in *Democratization*, 21 February 2017.

87 *Ibid.*

88 Transparency International: *Corruption Perceptions Index 2020*.

Despite indisputable progress in the fight against poverty as the result of a strong annual economic growth of around 7% in recent years (2011–2019, World Bank data), large social disparities are still commonplace in what is one of the poorest countries in Southeast Asia (GDP per capita 1643 USD in 2019, according to World Bank data). The quality of the health and education systems lag far behind other Southeast Asian countries (e.g., Vietnam, Thailand). Natural resources, particularly forests, are being decimated through overexploitation and mismanagement. In contrast, a small upper class is accumulating wealth and assets. According to a report from the London-based NGO Global Witness<sup>89</sup>, the Hun Sen clan alone has assets worth millions through various company holdings. The complete control that Hun Sen's eldest daughter Hun Mana has over the Bayon Media High Systems stands media company out for its political and media significance. This company is responsible for, among other things, the TV channels Bayon TV and BTV News. Another element of Hun Sen's ruling is military and security policy. Here too, family ties are tight: Hun Sen's eldest son, Hun Manet, is General and Deputy Commander in Chief of the Royal Cambodian Armed Forces (RCAF).

Despite Hun Sen's obvious and targeted efforts to secure his rule via family connections, experience shows that such autocratic regimes are rife with inherent instability, upheaval and conflicts. One key question is the long-term stability.<sup>90</sup>

In the case of Cambodia, probably its main problem results primarily from a strong demographic change and its socio-cultural implications. The average age of the population is just 25.6 years.<sup>91</sup> It can be assumed that the younger generation of Cambodians who grew up with the internet and social media may not unconditionally follow a regime that prevents social and political participation. This might indicate growing uncertainty for the regime, which will be challenging to cope with.

Certainly, a lot depends on the gradual learning capacity of the government itself. In this way, Hun Sen is trying to place young loyalist leaders into more politically influential positions within the framework of this 'patron-client' rule. It is difficult to predict what kind of stabilising effect this will have on his reign. Regardless, this is a political balancing act for him, as he must reckon the fact that a partial opening within the CPP will lead to the development of stronger disaccords and factions, particularly between the Stalinist 'old guard' and a more flexibly responsive leadership group that, among other things, has a certain 'youth appeal' in the public eye.<sup>92</sup>

In light of flagrant human rights abuses, and following a lengthy internal debate as well as consultations with the Cambodian government, the EU ultimately withdrew part of Cambodia's tariff and quota preferences within the framework of the Everything But Arms (EBA) agreement in August 2020. This involves around 20% of textiles, shoes and travel goods (bags, suitcases) exported to the EU, with an estimated value of about one billion USD per year. The EU is Cambodia's largest trade partner after China. Signed by 48 countries, the EBA agreement is a development policy instrument designed to help facilitate European market access to the Least Developed Countries (LDCs).<sup>93, 94</sup>

So far, the government has been willing to comply with the EU's demands to stop its human rights abuses in order to regain full tariff preferences. Instead, the government is increasingly relying on its close economic and political ties to China, as evidenced in part by a free trade agreement with Beijing in 2020.<sup>95</sup> China, which has long been the largest investor in Cambodia, is emerging with increasing dominance as the regime's patron saint.

89 "Hostile Takeover", Global Witness Reports, 7 July 2016.

90 Joseph Wright, Daehee Bak, "Measuring autocratic regime stability", in *Research & Politics*, Sage Journals, 1 February 2016.

91 Statista, Cambodia: Average age of the population from 1950 to 2050.

92 Sorpong Peou, "Cambodia's hegemonic-party system: How and why the CPP became dominant", in *The Asian Journal of Comparative Politics*, Vol.4, Issue 1, Sage Publishing, 25 July 2019.

93 European Commission Press Release: "Cambodia loses duty-free access to the EU market over human rights concerns", 12 August, Brussels.

94 Associated Press, "EU Slaps Duties on Cambodia Exports Over Rights Concerns", in *The Diplomat*, 13 August 2020.

95 Kin Phea, "Cambodia-China Relations in the New Decade", Konrad Adenauer Stiftung (Phnom Penh Office), 26 May 2020.

“As a foreign patron, China offered Hun Sen just about everything he wanted. Instead of lecturing him about how to run his country, the Chinese spoke of national sovereignty and non-interference: the right of every country to choose its own political path.”<sup>96, 97</sup>

It is interesting that Hun Sen, who is securing his reign internally through patronage relationships, is now – to a certain extent – transferring sponsorship of his country to Beijing. This is a cost-benefit calculation that can also hold considerable risks for the regime. Does it want to establish itself as a permanent vassal of China or keep an open door to the West? The close connection to China has undeniable economic advantages. China is investing billions in the country’s infrastructure – from energy supply to road construction – that Cambodia would never be able to raise on its own. This is all the more true as the country starts to cope with the drastic economic aftermath of the COVID-19 pandemic over the coming years. The low-skilled workforce – concentrated in agriculture, tourism, textile production and construction – in particular is vulnerable to further structural changes of the economy.<sup>98</sup>

Moreover, for a small country like Cambodia, the increasing economic dependence on a ‘big brother’ has its downsides: The leaders in Beijing are by no means pursuing purely altruistic goals, based exclusively on benefits for the development of Cambodia. This is highlighted by the situation happening in the coastal city of Sihanoukville, which has been deemed a ‘Special Economic Zone’ (SEZ) and is in the focus of Beijing’s Belt and Road Initiative (BRI), given its deep-water port.<sup>99</sup> For several years, this city on the gulf of Thailand has been experiencing an unprecedented construction boom, fuelled, above all, by a flourishing casino business that attracts Chinese tourists. Many Cambodians, however, complain that hardly any of the construction boom’s benefits are reaching the ‘bottom’ of the community because investors are, for example, bringing their own service staff with them from the hotel industry from China.<sup>100</sup>

With its China strategy, the Cambodian government is also performing a balancing act from a political and ideological perspective. It has adapted the Chinese narrative of an allegedly looming ‘colour revolution’ in order to take action against the opposition and to force suppression of press freedom and free speech.<sup>101</sup> However, simply mimicking Chinese propaganda could be risky, as it is encountering criticism, at least from younger, more sceptically-minded Cambodians, even if they are not necessarily able to express this publicly for fear of repression.

## Freedom of expression and freedom of the press: A rare commodity

Freedom of the press and freedom of expression have seen significant setbacks in Cambodia over the last three years. The government is increasingly emerging as a harsh censor of a free and independent press via the intimidation, criminalisation and imprisonment of journalists. Even social media users who express critical ideas on political issues are affected by this policy. All this is playing out against the backdrop of the COVID-19 pandemic, which gives the government an excuse to further restrict individual rights.<sup>102</sup>

96 Sebastian Strangio, “Cambodia: From Pol Pot to Hun Sen and Beyond”, Yale University Press, 20 October 2020.

97 Kimkong Heng, “Is Cambodia’s Foreign Policy Heading in the Right Direction?”, *The Diplomat*, 8 February 2019.

98 Alastair McCready, “As Virus Exposes Cambodia’s Fragility, Industry 4.0 Vision more crucial than ever”, *Southeast Asia Globe*, 30 October 2020.

99 Kin Phea, “Cambodia-China Relations in the New Decade”, Konrad Adenauer Stiftung (Phnom Penh Office), 26 May 2020.

100 Hannah Ellis-Petersen, “‘No Cambodia left’: How Chinese money is changing Sihanoukville”, *Guardian*, 31 July 2018.

101 Jeanne L. Wilson, “Coloured Revolutions: The View from Moscow and Beijing”, *Journal of Communist Studies and Transition Politics*, Taylor Francis, 18 November 2009.

102 Human Rights Watch “World Report 2021 (Cambodia Chapter)”, 2021.

The repressive course coincides with the general ‘crackdown’ against oppositional currents as well as the Supreme court ban of the CNRP opposition party in 2017. In its most current report (2022), the organisation Reporters Without Borders (RSF) ranks Cambodia 142 out of 180 countries in terms of its level of press freedom the country’s performance has gradually decreased since 2016, when it was ranked 128 by RSF. According to a new report by the Cambodian Journalists Alliance Association (CamboJa) in 2020, 72 journalists faced – in the course of their work – various types of harassment that means in many cases imprisonment and violence from a comparative political perspective, Cambodia is by no means exceptional in Southeast Asia almost all countries of the ASEAN (Association of Southeast Asian Nations, currently ten member countries) bloc have recently experienced setbacks to the state of freedom of speech and freedom of press as communist one-party states, Vietnam and Laos traditionally scored low in the RSF’s annual ranking (174 and 161, respectively). Moreover, semi-democratic countries have followed the path of repression by implementing new laws against sedition and slander they are clamping down on so-called ‘fake news’ as a pretext to eliminating pluralistic discourse and prevent the public’s access to information. This development correlates with weak democratic institutions unable to stop this illiberal trend.

Myanmar has fallen sharply from rank 140 (2021) to 176 (2022) in the RSF index, following the military coup from February 2021. Violence, harassment and arrests of journalists are once again widespread after some remarkable progress of press freedom in the period 2013 –2020. In the Philippines (RSF index 147) meanwhile, former President Rodrigo Duterte waged a deadly war not only against drug users but also against critical journalists. Authorities shut down the largest TV-broadcaster ABS-CBS. The criminal conviction of Maria Ressa, the CEO of the independent news site Rappler on charges of cyber-libel even created international protests.<sup>103</sup> Political observers do not expect a substantial improvement of press freedom under the newly elected president (May 2022) Ferdinand “Bongbong” Marcos Jr, the former dictator’s son. Meanwhile, Malaysia faced also a sharp setback: its RSF ranking fell 18 places from 101 to 119 in the period 2019-2020. The government of prime Minister Muhyiddin Yassin has implemented a harsh policy of censorship and control against journalists which reminds many critics of the ‘authoritarian bad old days’ in the 1980s and 90s.<sup>104</sup> However, the country’s ranking improved slightly in 2021 to 113, mainly because of other countries performed worse.

Amid this difficult political situation, there seems virtually no peer pressure from ASEAN members to improve the status of press freedom. Instead, the Cambodian government may feel encouraged to follow the repressive course of its neighbours. One key element is the debate about the future perspective of the national Press Law from 1995 and its provisions; it declares the freedom of the press on the basis of a democratic and pluralistic constitutional mandate (Art. 41 Freedom of Expression – Constitution of the Kingdom of Cambodia). The Press Law prohibits pre-publication censorship in Art. 3.<sup>105</sup> In the regional context, the Cambodian Press Law has been exemplary with respect to its democratic ideals. Nevertheless, the Cambodian Press Law does include problematic provisions that – through narrow interpretation – could lead to limitations of press freedom. This applies particularly to Articles 11, 12 and 14, which require respect for ‘political stability’ and ‘national security’ or relate to the ‘good customs of society’. Many of these terms are undefined and open to wide interpretation. Moreover, the Press Law does not provide a clear indication or guidance on how a legitimate, published opinion is protected against allegations of defamation and libel.<sup>106, 107</sup>

<sup>103</sup> Andrew Haffner, “Rappler staff, attorneys to press on after conviction of CEO Maria Ressa”, *Southeast Asia Globe*, 17 June 2020.

<sup>104</sup> Rebecca Ratcliffe, “Malaysian News Site Fined \$ 123.000 over Reader Comments Amid Press Freedom Fears”, *Guardian*, 19 February 2021.

<sup>105</sup> The Compendium of Cambodian Laws, Vol. 2, “Law on the Press”

<sup>106</sup> “Fact Sheet: Press Freedom in Cambodia”, Cambodian Centre for Human Rights, May 2019.

<sup>107</sup> Andreas Oldag, “Freedom of the Press and Media Regulation in Cambodia: Approaches and Options for Democratic Diversity”, Konrad Adenauer Foundation, Phnom Penh, 2015.

According to the government, internal discussions over an amendment to the Press Law are currently underway. Instead of transparency, however, there is secrecy around the progress of the legislative process: It is unclear which articles will be changed or reinforced. It has been vaguely stated that the goal is to strengthen journalistic ‘professionalism’. In addition, the government has stated that the internet and social media will largely be included in the legislation.<sup>108</sup>

A further risk to the professional work of journalists is the specific provision of the Cambodian Penal Code against defamation, which has been in effect since 2010. Despite some considerations to decriminalise certain measures, the government has encouraged courts to set high monetary fines (in the case of non-payment, jail time may apply) for crimes such as defamation (Art. 305) and public insult (Art. 307). Art. 305 states that “‘defamation’ shall mean any allegations or charge made in bad faith which tends to injure the honour or reputation of a person or an institution”.<sup>109</sup> In addition, a judge can subjectively decide the extent of financial compensation, theoretically based upon the amount of damage, which in practice could add up to hundreds of thousands of US dollars. Generally, jail sentences are imposed for “incitement to cause chaos and harm social security” (Art. 495).<sup>110</sup>

It is true that many Western democratic countries have laws against defamation and libel (slander in speech and writing). However, the burden of proof usually falls on the plaintiff, who must prove in detail whether and what actual harm has occurred to him. According to the Penal Code of Cambodia, however, even intended defamation is sufficient for a conviction. It is also problematic that institutions (e.g., businesses, political parties and authorities), in addition to individual persons, can claim to be the victims of defamation and thus take legal recourse.<sup>111</sup>

As a pretext for the restriction of free speech and free press, a *lèse-majesté* law, introduced in March 2018, has been serving the regime as a supplement to the Penal Code. According to Article 437, “any speeches, gestures, scripts/writings, paintings or items that affect the dignity of the king are punishable by a fine, but also with a prison sentence of up to five years”. Since the king is the head of state according to the Constitution (Cambodia is a constitutional and parliamentary monarchy) and is also the one to formally establish a new government, an extensive interpretation of this new law could even be used for critical commentary made against the regime.<sup>112</sup>

In recent years, the Cambodian government has increasingly mimicked authoritarian countries in Southeast Asia. Basically, there is insufficient respect for the rule of law in the current political environment. For example, in serious cases such as alleged physical attacks or even murder of media representatives, there has been impunity and lack of proper investigations. In September 2017, the English-language paper Cambodia Daily – which had been accused of a pro-opposition stance – was forced to close over a disputed 6.3 million USD tax bill. Despite a relatively small readership, the daily newspaper – established 1993 by American journalist and publicist Bernard Krisher in Phnom Penh – stood for critical and investigative journalism with its mission, “All the News without Fear or Favor”.<sup>113</sup> (There is still an online version of the Cambodia Daily available, but it is blocked in Cambodia).

Another independent English-language newspaper, the Phnom Penh Post, was sold in May 2018 by its Australian publisher Bill Clough to the Malaysian businessman Sivakumar Ganapathy, who owns a public relations firm with ties to the Cambodian government.<sup>114</sup> These actions ran parallel to the shutting down of the Phnom Penh office of Radio Free Asia (RFA), which stands for critical reporting on all kinds of human rights

<sup>108</sup> Sar Socheath, “Ministry amending Press Law”, Khyber Times, 21 December 2020.

<sup>109</sup> “Fact Sheet: Press Freedom in Cambodia”, Cambodian Centre for Human Rights, May 2019.

<sup>110</sup> Ibid.

<sup>111</sup> David Hutt, “The Real Price of Cambodia’s Defamation Charges”, The Diplomat, 20 January 2017.

<sup>112</sup> “Fact Sheet: Press Freedom in Cambodia”, Cambodian Centre for Human Rights, May 2019.

<sup>113</sup> John Saunders, “The Crackdown in Cambodia: The Final Issue of The Cambodia Daily”, in The New York Book Review, 7 September 2017.

<sup>114</sup> “Phnom Penh Post Sold to Malaysian Investor”, VOA News, 5 May 2018.



violations. Overall, 32 Cambodian radio stations across 20 provinces were forced to close in 2017.<sup>115</sup>

The Ministry of Information claims that Cambodia has a diversified and lively media landscape. According to official information, this includes registered 310 print publications, around 400 websites with journalistic content, as well as 200 TV and 221 radio broadcast stations.<sup>116</sup> These claims, however, should be treated with caution. Many of the locally distributed newspapers have only limited reach, appear irregularly or exist only on paper. There is hardly any sophisticated journalistic content available; most is entertainment or sensational reports about topics like crime, fires or traffic accidents.

Cambodia's television stations are exclusively in the economic hands of politically influential, regime-allied tycoons. A report entitled "Media Ownership Monitor: Cambodia" from Reporters Without Borders and the Cambodian Centre for Independent Media (CCIM) states that, "Since the major four owners in TV market reach out to an audience share of 78% ... 91% of the audience is watching nine TV channels. The Royal Group alone attracts 47% of the audience through its media company Cambodia Broadcasting Service (CBS). Most popular TV stations and programs are mainly focusing on entertainment, and the 2 news TV channels represent only 2% of the audience. This shows the interest for local and international news is limited." TV still remains the most popular medium – 96% of Cambodians watch TV.<sup>117</sup>

In the radio sector, the four largest broadcasters serve about 43% of listeners, although the ownership structure is more diversified than in television. In the print sector, three to four publications dominate the field, all of which are connected to the ruling CPP. According to the RSF / CCIM report, however, around 90% of the adult population claim that they have never read a newspaper. More generally, the media legal environment lacks regulation standards. "As there is no transparent framework for issuing or renewing broadcasting / print licenses, the Ministry of Information has the sole authority to allocate them in an opaque process. Moreover, as there is no law to prevent media concentration in the audiovisual sector, radio and television branches remain unregulated with regard to cartel laws" (RSF/CCIM Media Ownership).

The online sector is the most strongly diversified. There are about 9.7 million social media users, of which Facebook and WhatsApp (owned by Facebook) have the widest distribution.<sup>118</sup> Theoretically, anyone can publish their opinions; young Cambodians in particular use this option to communicate with one another. It is no wonder that the use of social media has become an important political corrective, particularly among the better-educated, urban youth. However, the last three years of government-led attacks on freedom of expression and freedom of the press have also had an immediate effect in this arena. Surveys conducted by the authors of this study – which are not representative – show that many young Cambodians are afraid to publicly express themselves on critical political issues. Self-censorship is also widespread among journalists: Reporters shy away from publishing investigative stories about corruption, land grabbing, and environmental destruction.

The government took a decisive step towards further limiting free speech and press freedom with an inter-ministerial Directive of 23 March 2018, signed by the Ministry of Information, Ministry of Posts and Telecommunication and Ministry of Interior. The Regulation targets the comprehensive monitoring and control of the internet. Officially, the reasoning was to prevent the spread of information "that would cause chaos and threaten national security, harm relations with other countries, the national economy, public order, and discriminate against the cultural integrity of the country".<sup>119</sup>

The legally foreboding offenses, however, are so vague that they can be indiscriminately and arbitrarily interpreted in court. This is all the more serious given that the independence of the justice system in Cambodia only exists on paper. In practice, par-

115 Niem Chheng, Ananth Baliga, "Daily founder claims liability", Phnom Penh Post, 11 September 2017.

116 Sar Socheath, "Ministry amending Press Law", Khyber Times, 21 December 2020.

117 Husain Haider, "TV ads still effective and lucrative in the Kingdom", Khmer Times, 5 March 2021.

118 Simon Kemp, "DIGITAL 2020: CAMBODIA". DATAREPORTAL, 17 February 2020.

119 Mech Dara, Hor Kimsay, "Three ministries set up web-monitoring group to look out for 'fake news'", Phnom Penh Post, 7 June 2018.

ticularly in politically explosive cases, judges follow ‘recommendations’ and instructions from the executive branch. With the implementation of the new Directive, the Ministry of Information is tasked with the evaluation of contentious online content, while the Ministry of Posts and Telecommunication is responsible – among other things – for the technical filtering and blocking of indicated websites and social media posts. The Ministry of the Interior is apparently tasked with investigating the alleged perpetrators. It remains unclear the legal basis for such far-reaching encroachments on the privacy of individual citizens. Data protection for its citizens ends as soon as the government feels threatened by critical research.

A report by the NGO Cambodian Center for Human Rights (CCHR) aptly sums this up: “Furthermore, the regulation on website and social media control enacted in May 2018 by the Ministry of Information, Ministry of Interior and Ministry of Posts and Telecommunication provides for unchecked systematic mass surveillance of online activities and constitutes an impermissible restriction of the right to freedom of expression.”<sup>120</sup>

These restrictive measures are also in line with the government Directive of February 2021 – again led by the Ministry of Posts and Telecommunications – to establish a National internet Gateway (National internet Gateway Sub-Decree) as part of the Law on Telecommunications. This obliges all cellular and data operators to use this gateway for their services to and from Cambodia. This would, de facto, amount to a Cambodian version of the ‘Great Wall of China’ on the internet and would give the government the possibility of blocking internet connections as well as individual providers or platforms at a moment’s notice. Although not all details of the Directive are known as yet, the regime is justifying these drastic measures with extremely vague references to “safety, national revenue, social order, dignity, culture traditions and customs”.<sup>121</sup>

In effect, the installation and implementation of such an internet firewall based on the Chinese model would be another nail in the coffin for press freedom and freedom of expression online, as NGOs and independent journalist organisations in Cambodia are expressly warning. The Directive fits into the general worsening political situation in Southeast Asia, in view of the military coup in Myanmar, where the new leadership has also frequently blocked the internet.<sup>122</sup> (see VOA, Cambodia to Create internet Firewall with Potential to Block Traffic, Store Data, February 17, 2021)

Alternatively, in the objective evaluation of such ambitious and far-reaching technically and politically motivated interventions, it is always important to ask just how successfully these are being implemented by the government. Even if the regime likes to portray itself as a dynamic administration, the inefficiency of the bureaucracy in Cambodia is verges on proverbial. The communication between authorities and ministries suffers from numerous frictions. Decisions are only implemented with hesitancy, and their strict hierarchy prevents modern management. This suggests that the control over the internet – which already presents an enormous technical and organisational challenge for any administration – could hardly be implemented 1:1 in practice. Still, the new gateway Directive remains one of the greatest threats to freedom of the press and freedom of expression in Cambodia. In addition, the government has installed a new committee to promote “journalism ethics and professional standards”.<sup>123</sup> The panel, which is under control of the government, has the power to summon journalists. Critics fear it will function as a political instrument to further discipline critical media practitioners.

120 “Fact Sheet: Press Freedom in Cambodia”, Cambodian Centre for Human Rights, May 2019.

121 “Discard the Sub-Decree on the Establishment of the National internet Gateway”, Cambodian Center for Human Rights/CCHR Press release, 18 February 2021.

122 Sun Narin, “Cambodia to Create Internet Firewall with Potential to Block Traffic, Store Data”, VOA News, 17 February 2021.

123 “Cambodian Committee to Monitor Discipline Journalists Raises Alarms”, Radio Free Asia, 5 August 2021.

## Discrimination against women in journalism

Journalism, as well as the media industry, in Cambodia, is dominated by men. The number of women in journalism is relatively small, while most women are centred in broadcasting media such as local radio stations and media organisations that specifically focus on women's issues.<sup>124</sup> Substantially more men than women hold senior and decision-making positions. In many types of media organisations, both traditional and digital, as well as newspapers, radio, publishers, websites and online TV, and journalist associations, less than 20% is owned or led by a woman, according to the Cambodian Ministry of Information's latest list of registered media organisations as of July 2021. The exact number of women journalists in the country has not been shared with the public at the time of this study, although the Ministry is working on finalising the total number from the licensed press passes for journalists.

Women journalists are discriminated worldwide, and this is not limited to certain levels of socioeconomic development. Instead discrimination is rooted in deep socio-cultural patterns. It includes unequal payment and wages, stereotypes of prejudices against women but also systematic marginalisation in career opportunities. Despite these overriding facts, it is relevant to ask whether authoritarian regimes like in Cambodia produce specific forms of discrimination (also against LGBT) that prevent women from building up a successful career in the media industry. In general, Cambodia has a relatively high proportion of women in the labour force – approximately 88 per cent (2019) that of men. This is due to the huge informal sector of the economy such as street vendors and small, family-owned services.<sup>125</sup> Although the gender wage gap has decreased in recent years, it remains significant. On average, women in Cambodia earn 19% less than men in 2020 (2017: 24%).<sup>126</sup> There are no up-to-date and valid statistics available on the differences in remuneration between female and male journalists.

However, according to a limited survey of the International Federation of Journalists (IFJ) from 2015, which received 106 responses (61 male and 45 female), 49% of the female journalists interviewed earned between 80 and 250 USD per month; in comparison almost 38% of the male journalists interviewed earned more than 800 USD per month – a pay gap of at least 550 USD.<sup>127</sup> Observations and also direct experiences of the authors of this study underline the assumption that the huge pay gap remains despite the fact that the wage level in general has slightly increased in recent years. This is also a result of the fact that most women in journalism work in subordinate positions.

While both male and female journalists usually cover a diverse range of topics, ranging from politics and governance, social and economic development, to rights issues, illegal logging, and deforestation, women journalists often see themselves in complementary roles in contributing to a news story, for example undertaking research or setting up specific interviews. However, when it comes to women-related stories, more female journalists are actively engaged even in conceptual terms. This includes subjects about health and lifestyle, women's rights and gender equality.<sup>128</sup>

As well as discrimination through unequal payment, a huge barrier for women's stronger engagement in the media sectors stems from societal and cultural restrictions. "In the Cambodian culture context, a wife has to take care of her family, her husband, and do the housework. Even with progress in society, technology, and innovation, most people and families maintain this custom, particularly in rural areas".<sup>129</sup> Traditional social norms are deeply rooted in Cambodian society and prevent women from fully realising

124 "Toward Gender Equity: Women and Media in Cambodia", Fojo Media Institute Linnaeus University Study Report, 2018.

125 "Ratio of female to male labor force participation rate (%) (modeled ILO estimate)", World Bank.

126 "The Gender Wage Gap in Cambodia", United Nations Development Programme UNDP Publication, 9 July 2021.

127 "Research Study on Media and Gender in Asia-Pacific", International Federation of Journalists IFJ, March 2015.

128 "Toward Gender Equity: Women and Media in Cambodia", Fojo Media Institute Linnaeus University Study Report, 2018.

129 "Research Study on Media and Gender in Asia-Pacific", International Federation of Journalists IFJ, March 2015.

their potential in every aspect of their lives (see Cambodian Ministry of Women’s Affairs, Gender Relations and Attitudes: Cambodia Gender Assessment, 2014). Interestingly there is a specific Khmer expression to characterise female behaviour: ‘Chbab Srey’ means a code of conduct for a woman whose main tasks lie in serving and respecting her husband at home.

Male and female stereotypes are reflected by different perceptions of the professional work, which can further enhance the pressure on young women seeking to pursue a career in media and journalism. Parents often warn their daughters of the physical dangers and risks of journalism. Instead, journalism is seen more as man’s work. The authors of this study observed these differing perceptions during numerous entrance interviews for applicants at the Department of Media and Communication (DMC) at the Royal University of Phnom Penh. Interestingly in some cases even grandparents who are quite influential in Cambodia’s closed nit families encouraged young women to study journalism at the DMC.

Moreover, the DMC – which has had around 90 applicants (academic year 2021/22) for the four-years Bachelor study in Journalism and Media Management – has a majority of female students. They are usually highly motivated, and they often outperformed their male classmates. Nevertheless, the specific risks for female journalists following graduation at the workplace could not be ignored: Even field research is a challenge, because of physical dangers and (sexual) harassment, sometimes also by police and other state authorities. Here, the general climate of the government’s crackdown on freedom of press is having a specific negative impact on female journalists.

Obviously, many cases of harassment remain unreported because women fear repercussions by their employers. However, in 2019, one of the newsrooms’ harassment cases received public attention. A female journalist quit the Phnom Penh-based Khmer Times newspaper after allegedly being sexually harassed by the newspaper’s publisher. She revealed the case only after leaving Cambodia and going back to her home country of the Philippines, sending an open letter to the Filipino embassy.<sup>130</sup> The Khmer Times publisher denies the allegations.

At least the widespread concerns of women over their safety have been, in some way, positively received by the government. The Ministry of Information seems to be considering an amendment of the Press Law, with a clause to protect female journalists on duty against different forms of harassment, e.g. online verbal and also sexual and physical attacks.<sup>131</sup> It remains to be seen whether the government will follow up its announcements by taking actions.

## Government media strategy: Using narratives and anti-fake news campaigns as a political weapon

In April 2020, an incident of harsh crackdown on press freedom caused outrage in Cambodia. Sovann Rithy, a reporter of the social media platform TVFB, was arrested after posting a quote by Hun Sen on Facebook. The statement concerned the economic ramifications of the COVID-19 pandemic, which is making it difficult for many Cambodians to make a living. Rithy quoted accurately from a press conference of the Prime Minister who said, “If motorbike-taxi drivers go bankrupt, sell your motorbike for spending money. The government does not have the ability to help”, (quoted from Southeast Asia Globe, Cambodian journalist’s arrest part of the regional crackdown on virus coverage, 10 April 2020). The journalist was charged with “criminal incitement to cause chaos and harm social security” under Article 495 of the Penal Code. After serving almost six

<sup>130</sup> Camille Elemia, “Filipina reporter quits Cambodia newspaper due to alleged sexual harassment”, Rappler, 5 July 2019.

<sup>131</sup> “CamboJA appeals to stakeholders to engage in improving the participation of women in journalism”, Cambodian Journalists Alliance, 26 October 2020.

months in prison, Rithy was released on 5 October after the Phnom Penh Municipal Court ruled that the remaining prison term of 12 months had been suspended.<sup>132</sup> Meanwhile the Ministry of Information revoked his TVFB licence.

This case sheds a spotlight on the regime's media strategy, which paints undesired newscasts and reports as harmful and 'fake news'. Journalists are putting themselves at risk if they do not blindly parrot the government's mantra of peace and stability. And it could be getting even more difficult for media producers – the government is currently drafting a new cybercrime law against fake news posted on websites and social media platforms. It could see violators jailed for two years and fined up to 1,000 USD for "knowingly and intentionally making false statements or misrepresentations" in order to undermine public confidence (according to the International Press Institute IPI, Cambodia cyber-crime law will stifle press freedom<sup>133</sup>). Fines may be justified in certain cases, as with the intentional spread of false news about the COVID-19 pandemic. In reality, however, there may be a more sinister motivation behind the fines: It has become clear that the term 'false statements' is very much open for subjective and arbitrary interpretation. All websites will now also be required to register with Cambodia's Ministry of Information.<sup>134</sup> Across the region, several governments in Southeast Asia, including Singapore and the Philippines, have debated creating legislation on fake news.<sup>135</sup>

In this context, the Cambodian government never misses an opportunity to gripe about journalists' lack of ethical principles by spreading improperly proven news. This accusation is has some true at its core, but it is rhetorically overdrawn and creates a distorted picture of the overall situation of journalists in the country.<sup>136</sup> Indeed, it must be noted that journalists themselves have contributed to their negative reputation in the society. Bribes for 'courtesy articles' are particularly common in the local press. Among other things, this problem has its origin in the low salaries paid to journalists, but also in an all too easy-going societal tolerance of corruption as a minor offence or a 'gentleman's crime'. These problems discourage the development of the press as a respected Fourth Estate in the country. However, the main problem here is the lack of adequate education and qualification of journalists.

The following are essential, basic patterns of narrative legitimisation strategies that are used by the government and disseminated by pro-government media:

1. **Argumentative establishment of a 'double standard' for freedom of expression and freedom of the press:** While government-friendly journalists are described as 'professional' and their work approved, government-critical media professionals are stigmatised as 'troublemakers'. Even more, they are accused of inciting 'political chaos' and 'rebellion', which effectively associates them with the ostracised opposition party, CNRP. It is the principle of political exclusion that is the *raison d'être* of the CPP / Hun Sen government, alongside the motto: "Those who don't concede to the government are branded as troublemakers and social outsiders". These argumentation patterns are linked to a sharp differentiation from Western-style journalism, as government spokesperson Phay Siphon made clear in an interview with the co-author of this study: "The journalists at the western countries can do whatever they want. They create chaos; there were looting and damaging. They have money and mechanism to insure to those who lost. Therefore, freedom of expression must be defined and protected by law... As I said, (Cambodian) journalists are now starting to take on their duty of building the nation, starting to build the nation first, until we have the resources and enough intellect. By then, I believe it is better because we started with peace and stability in society" (quoted from an interview S.K. with Phay Siphon, January 19, 2021, English transcript). The government claims that freedom of the press – as inter-

132 "Cambodia: DW Freedom of Speech Award Laureate Sovann Rithy released from prison", Deutsche Welle/DW, 7 October 2020.

133 "Cambodia cyber-crime law will stifle press freedom", International Press Institute, 20 October 2020.

134 Ibid.

135 Kate Lamb, "Cambodia 'fake news' crackdown prompts fears over press freedom", 6 July 2018.

136 Mom Kunthear, "Hun Sen: Media privileges abused", Phnom Penh Post, 14 January 2021.

preted by Western journalists – does not fit to the needs of the ‘Khmer culture’. Moreover, there is an alleged threat coming from Western cultural imperialism. The build-up of such anti-Western resentment also provides the regime with a pretext for adopting the Chinese development model of non-interference in the internal affairs of other countries, even in the case of gross human rights violations.

2. **Self-portrayal of the government as a victim of perceived domestic and foreign policy conspiracies:** The focus is on the allegation of an ostensibly planned ‘colour revolution’ and ‘regime change’ threatened by the now-banned opposition party CNRP and its supporters. This unproven claim has been reinforced by the government since the anti-democratic crackdown on oppositional politicians and the arrest of CNRP party leader, Kem Sokha, in 2017. In the meantime, this has become the dominant narrative against critical media professionals and those who do not want to follow government policy. This line of argument is linked to an alleged external campaign against the Cambodian government that is being steered by the American Central Intelligence Agency (CIA), which ostensibly exposes Cambodia to an imminent threat to national security. However, Phay Siphon noted that government representatives had already begun talking about alleged interference by the CIA immediately after the parliamentary elections of 2013 – at the time, the ruling CPP had to accept a significant loss of votes compared to the CNRP, a fact that led to protests by CNRP supporters in Phnom Penh (interview A.O. with Phay Siphon, 2015). Although there is no evidence in this particular case, this pattern of conspiracy theories is embedded due to its very real historical context: Among the traumas of this country, deeply politically torn by wars and civil wars, are both the US-backed 1970 coup of Cambodian General Lon Nol against the government of King Norodom Sihanouk and, more importantly, the illegal area bombing by the US Air Force under the Nixon Administration (1969–1970) during the Vietnam War. At many times in its history, Cambodia has functioned as mere plaything, serving the interests of more powerful nations.<sup>137</sup> It is no coincidence that Hun Sen is publicly using these ‘open wounds’ from the country’s recent history to, for example, demand debt relief from the USA (regarding old credits from the time of Lon Nol) and thus stir up anti-American resentment.
3. **Myth formation through national and nationalistic set pieces:** The regime is presenting itself as a pioneer of a strong national Khmer identity. This is, however, also being pursued by the opposition CNRP for propaganda purposes. It is always about differentiation: It is, for example, part of everyday politics in Cambodia to accuse domestic opponents of representing the political interests of Vietnam. It is a highly emotional political topic that harks back to the centuries-long inferiority complex felt by Khmer when comparing itself to its politically and economically dominant neighbour since the collapse of the Angkor Empires. An identity-forming sense of ‘authentic Khmerness’ is derived from Cambodia’s ostensible victim role. “Since the decline of the Angkorian empire, a weak Cambodian state had been the subject of repeated foreign schemes, including the nation-building efforts of the Vietnamese imperial court, the ‘*mission civilisatrice*’ of the French and Hanoi’s socialist project in the 1980s. Powerless to resist these incursions, Cambodian rulers became skilled in appealing to external powers and channelling outside energy into domestic struggles”.<sup>138</sup> The specific historical problems in Cambodia’s governmental development play a role that should not be underestimated in the current public discourse: Ethnic differentiation and identity creation are two sides of the same coin, which are used to accuse Cambodia’s alleged enemies of anti-Khmer behaviour. According to the Hun Sen regime, this also includes political opposition groups. This framing continues to one-sided and prejudiced reports in the Cambodian media, for example about Vietnamese minorities in Cambodia who

<sup>137</sup> Elizabeth Becker, “When the war was over”, Hachette UK, 1998.

<sup>138</sup> Sebastian Strangio, “Cambodia: From Pol Pot to Hun Sen and Beyond”, Yale University Press, 20 October 2020.

have often lived and worked in the country for decades, but who continue to feel discriminated against.

Although all of these government's narratives pretend to work in the interests of the political unity of Cambodia, the regime is not concerned with sustainable political reconciliation, but rather with mobilising concepts of bogeymen among its citizens. The goal is secure the rule of a system that can only partially be sure of its population's willingness to consent, particularly without free elections. The government is making all efforts to secure its dominance in the public discourse that oppositional voices may not have any chance to gain substantial influence. Such 'manufactured consent' always has two addressees: On is the discipline of oppositional or potentially oppositional currents in the foreground, which also includes government-critical journalists and media professionals in particular. The *casus belli* for the regime is the accusation of an alleged 'colour revolution', which must be repelled by any means necessary. The other is about the mobilisation of the regime's own supporters. They must at least believe the obsession of a 'coloured revolution' is true, if not actively intervene against it. Both communication goals are closely tied to a strong personalisation of Hun Sen's politics and cult of personality. He presents himself as a political leader who ensures law and order and interprets the laws according to his own tastes. Consequently, the Hun Sen also portrays itself as a guarantor of peace and stability. This is quite a simplistic understanding of 'peace', as critical voices rightly point out: Of course, nobody could seriously wish for the return of the times of civil war in the country. However, maintaining peace must be more than absence of war and should include a clear commitment for a democratic society.<sup>139</sup>

As explained in the general part of this study, modern autocratic regimes often follow this strategy of crude internet censorship, reinforced through a co-optive approach to the use and distribution of social media. This is particularly beneficial for the many younger, education-savvy members of the urban population who grew up with the internet. The Hun Sen government has also partially adopted this approach. That does not mean that repressive measures against critical journalists have become superfluous to them; rather, it is much more about the optional application of various means to secure control over mass communication.<sup>140</sup>

Within this framework, the function and role of the online news platform Fresh News<sup>141</sup> can be understood as part of a "government-sponsored digital journalism".<sup>142</sup> This clearly shows that regimes like Hun Sen's can mobilise innovation potential in order to adapt to the internet age, while also securing their rule with the use of modern technology. "Fresh News has played a singular role in enabling, legitimising, and seeking to craft popular support for a less democratic Cambodia".<sup>143</sup> Founded in 2014 in Phnom Penh by Lim Cheavutha, a former designer and reporter, Fresh News quickly filled a gap with its both authentic and entertaining information in the Khmer language (but also in English and Chinese language), available both on the internet and as a smartphone app. The app sends news alerts throughout the day and has recorded some 1.4 million downloads. (see interview S.K. with Lim Cheavutha, transcript, 24 February 2021) The Facebook site of Fresh News even amassed 3.7 million 'likes' in 2020. In the meantime, Fresh News also operates its own TV- and YouTube-channels and radio programme. Its online news site is also available in English (according to Noren-Nilsson).

The journalistic mission of Fresh News is driven by the strong 'tabloid instinct' of its approximately 100 reporters and journalists – sensational reporting and entertainment dominate its news cycle. In many news stories, unverifiable rumours, shrill political scoops and sensational 'anonymous leaks' are mixed with a highly selective collection

139 Chak Sopheak, "An All-time low: Cambodia's Search for Peace and Democracy Continues", in *Southeast Asia Globe*, 15 September 2020.

140 Lee Morgenbesser, *Misclassification on the Mekong: The origins of Hun Sen's personalist dictatorship*, in: *Democratization*, 21 February 2017.

141 <http://www.freshnewsasia.com/index.php/en/>.

142 Astrid Noren-Nilsson, "Fresh News, Innovative News: Popularizing Cambodia's Authoritarian Turn", in *Critical Asian Studies*, 22 November 2020.

143 Ibid

of facts.<sup>144</sup> This creates a mix of media that hardly meets the professional journalistic standards of objectivity, source reference and balanced reporting. The promotion of fabricated news makes it harder to get a clear orientation on what is real and what is not. This fits well into the general scheme of disinformation that could easily serve the political intentions of autocratic rulers.

Chevutha claims that it is not about politics, but rather about economic success (see interview S.K. with Chevutha); Fresh News enjoys abundant advertising income, particularly from government-friendly entrepreneurs. However, upon closer inspection, the alleged political abstinence is only half of the story. The content being broadcast by Fresh News is based heavily on CPP / government propaganda. What's more, Fresh News has acted as a government mouthpiece during major national political events, such as the parliamentary elections in 2018, the ban on the opposition party CNRP in 2017 and the subsequent legal proceedings against CNRP leader Kem Sokha. Even though Fresh News directly and uncritically adopted the governmental 'spin' of a 'coloured revolution', as well as unfounded claims that Kem Sokha's daughters are 'assets' of the American CIA, this did not seem to damage the image of the media outlet.<sup>145</sup> On the contrary, sabotaging the verifiability of news is part of the government's media concept. In digital propaganda, this contributes to the sense that truth and objectivity are arbitrary and makes the recipient of news susceptible to populism.

In an interview with the co-author of this study, government spokesperson Phay Siphon admitted candidly that Fresh News receives its information directly from Prime Minister Hun Sen (interview S.K. with Phay Siphon, transcript, 21 January 2021). With Fresh News, the government has, to an extent, outsourced its propaganda to a loyal acolyte. Even experienced and independent journalists admit that Fresh News has succeeded in significantly shaping the news agenda of the country in a relatively short amount of time (interview S.K. with M. – full name is known to the interviewer, transcript, February 2, 2021). From the government's standpoint, this is a smart and efficient move: Rather than dry and rather awkward news sources, such as the state-sponsored television station TVK or the press agency Agence Kampuchea Press/AKP (both subordinate to the Ministry of Information), Fresh News is delivering palatable stories with youth appeal.

Contrary to the massive Chinese investments in the Cambodian infrastructure, real estate sector and tourism (even the casino business), direct economic involvement in the media sector is still limited. One reason could be that the country's media market is relatively small in comparison to others in the region (e.g. Thailand, Indonesia). This makes it more difficult to achieve high profits in light of substantial investments – at least starting TV broadcast with relatively high staff expenses. Interestingly, the 2017-established, Chinese-sponsored NICE TV in Cambodia quietly stopped operations in 2020. It was located on the Cambodian Ministry of Interior compound, with an initial investment of approximately 30 million USD.<sup>146,147</sup>; VOA, Cambodia's Nice new TV channel from China, April 19, 2018). The idea behind this was a cooperation with the Ministry of Interior in order to also broadcast homeland security news.

However, the specific reasons why NICE TV ceased operations are not quite clear. Behind NICE TV was the publicity-shy Chinese investor Nice Culture Investment Group. Based on interviews by the co-author of the present study with a high-ranking official in the Ministry of Interior (he asked for anonymity) the TV station was bankrupt. It had received complaints and lawsuits from foreign embassies in Cambodia, including the US embassy and the Thai embassy because of unprofessionally reporting and violating intellectual property rights.

Despite the failure of NICE TV, Chinese investments in the country's media sector could just be in an initiation and exploratory phase, and may grow substantially in the

144 Colin Meyn, "The Fresh Prince, Southeast Asia Globe, 2 June 2017.

145 Astrid Noren-Nilsson, "Fresh News, Innovative News: Popularizing Cambodia's Authoritarian Turn", in *Critical Asian Studies*, 22 November 2020.

146 Mech Dara and Ananth Baliga, "Interior Ministry launches its own China-backed TV station", *Phnom Penh Post*, 28 September 2017.

147 David Boyle, Sun Narin. "Cambodia's Nice New TV Channel from China, VOA, 19 April 2018.



coming years, even in the online sector and social media platforms. In 2019, the Ministry of Information approved TNAOT's website and smartphone app to operate in Cambodia. TNAOT was registered under the company's name Koh Thmey Technology Co Ltd; Zhang Guangpeng, a Chinese national, is the chairman of the board of directors. The platform, which disseminated news in Khmer and Chinese language, is charting a similar course as Fresh News, producing a mix of entertainment, reports on crime, law enforcement, health, sports as well as news about current social issues, while steering clear of coverage of critical political issues. Liao Kaie – General Manager of TNAOT News and a Chinese national living in Cambodia – explained, "We don't really focus on politics" (quoted in VOA, Cambodia-China Journalist Association launched to promote 'positive news,' May 22, 2019). To date, TNAOT app has approximately 80,000 downloads; 70% of users are Cambodian, 30% are Chinese. (see telephone interview S.K. with Chea Bunnathisak, commercial supervisor TNAOT, 25 March 2021) Interestingly, the company's name Koh Thmey Technology on the website ([www.tnaot.com](http://www.tnaot.com)) is linked to China's Ministry of Industry and Information Technology (see research paper, Sokummono Khan, 26 March 2021).

Despite the currently small direct investment, the Chinese influence on the Cambodian media sector should not be underestimated. More is generated by the adaption of Chinese-inspired propaganda like alleged 'coloured revolution' and spreading 'social chaos'. Whether Fresh News or TNAOT News – all of these new media companies are undermining critical journalism in Cambodia. They are conveying the government's media agenda and staying away from any type of investigative reporting. Under the disguise of their alleged abstinence from politics, they are fulfilling the propaganda goals of the current administration.

## Media monitoring: Phnom Penh Post and Fresh News

Two Cambodian media outlets (Phnom Penh Post, Fresh News) were reviewed over a period of roughly two weeks (15-31 March 2021). The Phnom Penh Post is the oldest independent English language newspaper in Cambodia (today published in English and Khmer), founded 1992 by the American couple Kathleen O'Keefe and Michael Hayes. Since 2008, it has been published daily basis by a staff of Cambodian and foreign journalists covering national and international news. However, since its sale to the Malaysian businessman Sivakumar Ganapathy, many critical journalists have left the paper who were concerned over the editorial interference from the new owner.<sup>148</sup> The former critical approach of the newspaper has turned to government-friendly reporting. Widely missing are investigative stories about sensitive issues such as corruption, abuse of power, deforestation and land grabs. Phnom Penh Post currently prints 27,000 and 23,000 daily copies of the Khmer and English editions, respectively (source see interview S.K. with Ly Tayseng, CEO Phnom Penh Post, 10 February 2021).

During the period of 15-31 March 2021, the general news agenda was dominated by the COVID-19 pandemic reporting. The number of COVID-19 cases has increased substantially. Phnom Penh Post and Fresh News covered the start of the vaccination campaign in the country – mainly by Chinese Sinopharm and Sinovac doses – extensively. Both media outlets followed the government's line in praising the strong relations between Cambodia and China. They did not mention that many Cambodians have expressed wariness over the quality of the vaccine.<sup>149</sup> In fact, the pandemic is, for the government, one of the most sensitive issues, as widespread discontent over the economic hardship and difficult living conditions caused by lockdowns could easily spread over to open political unrest. This has been underlined by some public protests activities among younger Cambodians – which remain sporadic but could easily grow in the near future –

148 "Phnom Penh Post Sold to Malaysian Investor", VOA News, 5 May 2018.

149 "Sinovac Doses Arrive in Cambodia to Little Public Fanfare, Some Doubts", 26 March 2021, Radio Free Asia.

demanding more government's financial assistance.<sup>150</sup> Significantly, the government-friendly news outlets have not reported about the COVID-19 related protests.

Regarding genuine political news during the period March 15–31, 2021 the Phnom Penh Post published around ten articles related to political opposition groups and human rights issues. A longer article from 17 March 2021 entitled “National Assembly rebuffs European Parliament” dealt with the EPs resolution of 11 March 2021, which condemns systemic human rights abuses by the Cambodian government. The article quoted and paraphrased, in lengthy terms, the statement of the Cambodian National Assembly (NA) in which the CPP has the overwhelming majority. Finally, it quoted the director of the Royal Academy of Cambodia's International Relations Institute – a pro-government think tank. Overall, the article is biased and does not provide a full picture of this important political issue.

A different article in the Phnom Penh Post with the headline “Ex-Senator from Sam Rainsy party gets pardon” from 16 March 2021 was about the former opposition Senator Thak Lany, who recently received a pardon from Prime Minister Hun Sen. Lany was convicted of defamation after she accused the prime minister of orchestrating the murder of political analyst Kem Ley, who was assassinated on 10 July 2016. Lany fled Cambodia to avoid serving her sentence and currently lives in self-exile in Sweden. According to the article, she wanted to return home for family reasons. The author of the article indicated that he tried to reach Lany for comment – but without success. Overall, the article is not biased and meets journalistic standards.

An article from 29 March 2021 entitled “Report details violence against journalists” was about the publication of a report by the independent media organisation Cambodian Journalists Alliance (CamboJA). It criticised Cambodian authorities for harassment of journalists and violating their rights. The article quoted the spokesman of the Ministry of Information and a representative of the government's friendly Union of Journalist Federation of Cambodia (UJFC) who both dismissed the findings of the report. Overall the article is not biased and follows journalistic standards.

In contrast to the Phnom Penh Post, the online news site Fresh News did not report on the CamboJA publication. During the period of 15-31 March 2021, Fresh News produced a total around 70-80 app content per day, dominated by coronavirus issues but also featuring entertainment, gossip and crime. There was only a handful of news on other political issues. Most of the articles were based on one-sided sources and clearly biased. In most cases, only one source (government official, spokesman) was used. For example, a story titled: “A Handful of Civil Society Groups Defend the Anarchic Freedom and Democracy They Want, Says Senior Ministry of Environment official”, posted 16 March 2021, paraphrased and quoted the spokesman of Ministry of Environment, Neth Pheaktra from his social media post. The article neither interviewed anyone from civil society organisations for response nor did it cite the civil societies' statement, which the spokesman apparently referred to in his statement.

Interestingly, on 18 March 2021 Fresh News re-posted this news, changing the title to: “Environment Ministry to Activists and Civil Societies on Environmental Conservation: The Door is Always Open,” but otherwise the content is similar. The article seems to frame pluralistic society as inappropriate, and calls for law and order against environmental activists: It concluded by paraphrasing Neth Pheaktra that “civil society groups and environmental activists' protest for freedom and democracy in an anarchic way, not following the social order”. However, the reporting is not transparent, as it did not state where and when the spokesman made his comments. Moreover, it seems that the news was taken directly from the CPP's website (cpp.gov.kh), written under the byline: MET KIMAU – while the Fresh News article had no byline.

Another example is a piece published on 16 March 2021, under the headline: “Acting Head of State Issues Royal Decree to Pardon Former senator Thak Lany”, mainly paraphrasing and quoting the wording of the specific Royal Decree. In addition, the article provided some background as the fact that the former senator had accused prime minister Hun Sen of being behind the killing of political analyst Kem Ley and was then

<sup>150</sup> “Cambodian Youth Group, Blocked by Phnom Penh, calls of Rally for Coronavirus Relief”, Radio Free Asia, 24 March 2021.

charged with defamation by the government. In contrast to the Phnom Penh Post's reporting about this issue, there is no indication that Fresh News tried to reach Lany for comment.

On 27 March 2021, Fresh News published a report titled: "Three former CNRP local leaders in Kampong Speu province defect to join the Cambodian People's Party". However, it did not provide any background on the three politicians, apart from their names and positions (former chairmen, vice-chairmen and members of the Kampong Speu provincial CNRP executive committee). The article opened with an opinionated lead saying that the former CNRP local leaders' defected to join the CPP "after losing faith in their former leaders and seeing the country's leadership under Samdech Techo Hun Sen, Prime Minister of Cambodia, leading to development and peace". However, Fresh News apparently did not interview any of the three opposition politicians in order to get an authentic picture of their motivations.

Some Fresh News articles were extremely short, consisting of two to three sentences. The intention may be just to show that a government official is doing his/her work, or that the ruling CPP party is running a local activity. For example, an article posted on 27 March 2021 entitled: "Head of CPP Youth in Tbong Khmum Province Strengthens Local Youth Structure following the so-call One Youth, One Ballot Plan", only presents one source (the Head of CPP Youth in Tbong Khmum Province, named Hak Sokhemra). The whole report paraphrased what the source did and said; it simply reported the fact that an event – the CPP youths meeting – took place, and the local leader of CPP youth "brought the message from Hun Manet", who sent greetings to youth supporters and reminded them to stay safe from COVID-19.

In conclusion, both media outlets – Phnom Penh Post and Fresh News – tilted towards the government's narrative that the CNRP is no longer a legitimate political party in Cambodia. Moreover, Fresh News clearly does not meet professional journalistic standards of objectivity, source reference and balanced reporting. Its news reporting is biased. However, it is fair to say that both outlets (Phnom Penh Post, Fresh News) did not directly disseminate inflammatory content or disinformation – at least during the monitoring period. The key problem is more about what is not reported and simply missing. The readers fail to get a full picture of the political process, other than framing of the National Assembly as a still-functioning parliament, the alleged independence of courts and the so-called wise leadership of Prime Minister Hun Sen. It is a highly selective image of the functioning of societies in general and does not reflect the complex checks and balances shaping democracies. Moreover, investigative stories on controversial political, social and economic issues as a key element of critical and watchdog journalism were missing completely.

## Conclusion

It is not expected that the Cambodian government will cease, or even reduce, its attacks on press freedom and free expression in the foreseeable future. On the contrary, it seems that the regime is little affected by economic sanctions such as the partial withdrawal of the EU's EBA preferences. Hun Sen evidently feels encouraged to proceed with his authoritarian policies. Moreover, the COVID-19 pandemic has given him an excuse to further restrict the fundamental rights of Cambodian citizens. The working conditions for critical and independent journalists will, therefore, remain difficult, characterised by both censorship and self-censorship. This was affirmed in a recent study by the Cambodia Center for Independent Media (CCIM): According to a survey, 81.3% of Cambodian media professionals have already practiced self-censorship while working.<sup>151</sup> More than 90% of those surveyed said they would refrain from reporting on corruption scandals. Government-initiated defamation and incitement lawsuits hang over the work of independent reporters like the sword of Damocles.

<sup>151</sup> "Challenges for Independent Media Report 2020", Cambodian Center for Independent Media, 16 February 2021.

Nevertheless, the political leeway for media professionals is still greater than, for example, in communist one-party states such as Vietnam and Laos. The political system lacks an efficient and well-coordinated surveillance bureaucracy – the control of internet access is a key issue here. With the establishment of a ‘National internet Gateway’, a new qualitative level of control would indeed be reached. The question is, however, whether the government actually has the power and assertiveness to build a seamless firewall. Doubts are appropriate, particularly given that it has not been possible to silence Cambodian civil society to date. They defend themselves through diverse – albeit small and limited – actions against political attacks made by the regime, which also opens up a limited sphere of freedom for government-critical media professionals. At the same time, journalists are ensuring that the problems of civil society are still being reported via social media channels, as well as through the Voice of America (VOA) and Radio Free Asia (RFA) news websites.

It is encouraging that there are still a respectable number of independent journalists working in the country (20 to 30, according to estimates by the authors of this study). They are not letting threats and targeted harassment stop them from practicing their profession. Nevertheless, the situation is becoming increasingly difficult; “Journalists don’t know where to publish their news after they write. So journalists can only, and mostly as freelancer, cooperate abroad and publish their story abroad,” bemoaned Cambodian senior journalist May Titthara (interview with SK transcript, 19 February 2021).

It is not by chance that on the ground – the working level of journalists – the perception of the degree of press freedom often significantly diverges: Titthara diagnosed an ongoing deterioration since 2017 as journalists are being marginalised and “pushed into a corner”. (see interview with May Titthara, S.K. February 2021). Meanwhile, Lim Cheavutha, the CEO of the government-friendly online outlet Fresh News, claimed, that Cambodia “has full freedom of the press” (see interview with Lim Cheavutha, S.K. CEO Fresh News, 24 February 2021).

Given this situation, an essential conclusion that must be drawn is for the support of a democratic counter-public in Cambodia (this conclusion is based on the interviews with journalists and media experts in the country as well as on the extensive experience of the authors of this study as media practitioners in Cambodia): It would be wrong for the EU to withdraw as a democratic ally. On the contrary; precisely because the country is at a political crossroads between loyalty to China and orientation towards the West, the EU should increase its political influence. An important target group is the growing younger Cambodian population, which has at least a high school diploma and pursues an urban lifestyle. This younger generation banks on free access to information, particularly on the internet, and does not want to be easily co-opted by an authoritarian government.

In this context, a pool of homegrown critical journalists and media producers is essential to developing a pluralistic and democratic media system in Cambodia. A best practice model is the Department of Media and Communication (DMC) of the Royal University of Phnom Penh. Since it was founded in 2001, the DMC has been the leading location for the education of journalists and media professionals in the country. It is funded by the Konrad Adenauer Foundation as well as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), a German developmental aid company. The bachelor’s degree offered by the DMC is characterised by its practical relevance, but also its strong international focus (English is the language of instruction, foreign lecturers are available and there is cooperation with international media outlets).

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Fresh News  
Southeast Asia Globe  
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RFA, Radio Free Asia  
DW, Deutsche Welle  
CNN News  
The Diplomat  
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The majority of mainstream media in India is vested in the hands of a selected few.

## 2. India: Dwindling Democracy, Shrinking Press Freedom

SYED NAZAKAT AND SHAZIA SALAM

### Executive summary

Media is a significant pillar of democratic India, but after 74 years of independence and as a model country for democracy in South Asia, journalism has never been in greater trouble in the world's largest democracy. The majority of mainstream media in India is increasingly vested in the hands of a select few and refuses to question authority. In the current government, the media has also come under huge pressure. There have been a number of criminal prosecutions in order to gag journalists critical of authorities. Some journalists have been imprisoned on the basis of sedition charges while many await a similar fate.

India's media freedom ranking has reached a new low at 150. When the campaign group Reporters Without Borders (RSF) started the World Press Freedom index in 2002, it ranked 80th out of 139 countries surveyed. The report attributes says that the "authorities' targeting of journalists coupled with a broader crackdown on dissent has emboldened Hindu nationalists to threaten, harass and abuse journalists critical of the Indian government, both online and offline, with impunity". The mainstream media has largely found it difficult to perform the watchdog role, partly out of its own failings but also largely out of the fear of prosecution. Mainstream media – particularly the most watched influential TV news channels – are largely falling as a dedicated organ of a functional democracy, with only few exceptions. In the era of rising mis- and disinformation and low trust in the media, the changing media environment could eventually weaken the democracy that constitutes modern India.



This study reflects the increased shrinking of democratic spaces and a strong expression of authoritarianism on part of the government. It shines a light on the concerns of the media fraternity on being silenced and also brings forth how supporters of the government justify such regressive measures. Interviews with leading journalists on both sides of the ideological divide have also brought out the contested narratives (justifying the actions of the government and the condemnation of the same) in the country and a constant tussle for narrative control. However what is reflected through the response of the journalists interviewed speaks of a situation where the press freedom is diminishing and the interference of the government increasing.

Recommendations have been made to create sustained engagement to reclaim the press freedom and a vibrant democracy that India is known for. The EU can intervene by extending its goals of upholding human rights and media plurality to help the journalists out of the stifling environment through strong, sustained interventions. It is recommended that the EU create closer engagements, conversations, training and funding opportunities for journalists, advocate international policies to protect them, and engage with the governments on creating a conducive environment suitable for free, independent and watchdog journalism.

## The current state of press freedom

India has a parliamentary form of government that guarantees fundamental rights to citizens and marks the areas of jurisdiction of the union and state governments. It has an independent judiciary with the Supreme Court administering the union and state laws while the government's legislative and executive powers lay with the Parliament. The preamble to the constitution "proclaims a state founded it to be 'Sovereign, Socialist, Democratic Republic' and instructs it to secure to all its citizens: justice, social, economic and political; Liberty of thought, expression, belief, faith, and worship; equality of status and opportunity, and to promote among them all fraternity, assuring the dignity of the individual and unity and integrity of the Nation."<sup>152</sup> The Indian constitution does not specify 'press freedom' as a fundamental right. This is covered by the expansive 'freedom of speech and expression', which is guaranteed as a fundamental right in Article 19 (1)(a).<sup>153</sup>

One would begin to imagine that the freedom of the press to report on various issues would be protected under the constitution; however the story on ground is different. Although successive governments in India have targeted press freedom but ever since the current government came to power the freedom of press has started dwindling to a great measure. This is attributed to various factors apart ranging from the government's control on media, decline in plural voices, growing antagonism against minorities, intimidation of journalists and a general increase in media gag. Also the media ownership has played a significant role in the decline of accountability reporting in India. A government determined to focus on image saving rather than strengthening the fourth pillar of democracy has been perilous to the freedom of the press.

Indian National Congress had dominated the political scene in India for almost five decades. However, in 2014 a massive victory in the general elections gave a significant majority to the *Bharatiya Janata Party* (BJP), the analysts claimed it to be a paradigm shift in India's electoral political system. "The results were dramatic, possibly even epochal. The electoral patterns of the last quarter-century have undergone a sea change, and the world's largest democracy now has what appears to be a new party system headed by a newly dominant party."<sup>154</sup> The BJP's majority in the lower house, with 282

<sup>152</sup> Himanshu Roy, M P Singh, *Indian Political System*, Pearson Education India, 2018.

<sup>153</sup> Under Article 19 (2), the state can impose "reasonable restrictions in the interests of sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation, or incitement to the offense".

<sup>154</sup> Eswaran Sridharan, "India's Watershed Vote: Behind Modi's Victory," *Journal of Democracy* 25, no. 4, 2014.

(52%) seats is considered a huge development in Indian politics. *Indian National Congress* securing not more than 20% of the vote shrunk to 44 seats in the lower house. In 2019 the *Bharatiya Janata Party*, the right-wing Hindu party came back with an emphatic win than the first time around in 2014. The party won 303 of the 543 seats in the Lower House, and this was the first time in three decades that a single party had returned to power with a huge majority.

India's constitution does not discriminate on the basis of religion and gives protection to all its citizens. However, there have been numerous attempts in the past to unite the majority demographic of Hindus on the basis of a nationalist criterion, namely religion. Also, the ruling party is a cultural nationalist party with a clear ideology of "propagating the Hindu past of India with a varying definition of nation not based on secular and territorial characteristics".<sup>155</sup>

India is viewed as a pluralistic country, with an independent judiciary and a free press seen as *sine qua non* for keeping democracy vibrant and a society fair. Press freedom is seen as a fundamental prerequisite for a country that values itself for being the world's largest democracy. In modern India, the free press has played a vital role in making the governments accountable. By circulating news and discussing government policies, the press has in a way empowered the people of India, as well as highlighting the issues that people faced and played an important role as watchdog.

Over the years, the Indian press has reported on corruption at high places with exceptional zeal and has played a vital role in ensuring that elected representatives uphold their oaths of office and campaign promises. According to data of 31 March 2018, there were over 118,239 publications registered with the Registrar of Newspapers, including over 36,000 weekly magazines alone. There are over 550 FM radio stations in the country and, according to the Ministry of Information and Broadcasting, over 880 satellite TV channels, including over 380 claiming to be television channels broadcasting 'news and current affairs'.<sup>156</sup>

According to the Equitymaster sector analysis report of January 2020, there are almost 70,000 newspapers published in India, of which 10% are printed in vernacular languages while 90% are in Hindi languages. The Information and Broadcasting Ministry has licenced over 800 satellite channels. "The media industry in India, the report said, has reached a size of Rs 1,631 billion (US\$ 23.4 billion) in FY19, posting a growth of 13%".<sup>157</sup>

The country has seen an explosion of media creation in recent years with the technology in the hands of millions of people, making India the second-largest online market in the world. WhatsApp has contributed to this rise and the messaging app has more than 200 million users. Twitter has around 30 million users, while Facebook has about 294 million. This exponential growth is attributed to the six-month free services provided by Reliance Industries in 2016.

However, this growth in the media industry is no evidence that there is absolute freedom of the press in India. The country hasn't been keeping a proper record when it comes to press freedom. Naveen K Mishra states that the "there are at least three major media traditions in modern India – that of a diverse, pluralistic and relatively independent press; of the manipulated-misused, state-controlled radio and television; and that of many autonomous, small media outfits of various subaltern groups and their organization".<sup>158</sup>

In the 2021 World Press Freedom Index, India sits at 142 out of 180<sup>159</sup>, a level that has not changed a great deal over the last ten years. The report points out that there have been regular breaches to press freedom, targeting journalists and inciting groups against investigative journalists. "Ever since the general elections in the spring of 2019

155 Lars Tore Flaten, "Hindu Nationalism, History and Identity in India: Narrating a Hindu Past Under BJP", Taylor and Francis, 2016.

156 "Media ownership Monitor: Who Owns Media In India?", Reporters without Borders, 31 May 2019.

157 Reference missing

158 Governmental Threats for Media Freedom: Comparative Study of Asian Countries, *The Indian Journal of Political Science*, Vol. 69, No. 1, 2008.

159 2021 World Press Freedom Index, Reporters Without Borders.

to toe the Hindu nationalist government's line has increased. Those who espouse Hindutva, the ideology that gave rise to Hindu nationalism, are trying to purge all manifestations of 'anti-national' thought from the national debate. The coordinated hate campaigns waged on social networks against journalists who dare to speak or write about subjects that annoy Hindutva followers are alarming and include calls for the journalists concerned to be murdered. The campaigns are particularly virulent when the targets are women. Criminal prosecutions are meanwhile often used to gag journalists critical of the authorities, with some prosecutors invoking Section 124a of the penal code, under which "sedition" is punishable by life imprisonment".<sup>160</sup>

India's score in *World Press Freedom Index* has been heavily influenced by the situation in Indian Himalayan region of Kashmir, where – after the government repealed the special status of the region – internet connections and phone lines were completely suspended for several months. The clampdown made it hugely difficult for media personnel to conduct ground reporting. Indian government has rejected the report, saying that the "Media has the power to inform and enlighten people. Media in India enjoys absolute freedom. We will expose, sooner than later, those surveys that tend to portray a bad picture about 'Freedom of Press' in India," the Minister for Information and Broadcasting Mr. Javadekar tweeted. The report was taken down by leading Indian newspapers such as the Times of India and The Economic Times, while the Press Council of India dismissed the ranking and accused the report of lacking clarity and being based on perception rather than findings.

In May 2020, the government of India set up a committee to look into the reasons for the dismal ranking. While the committee did acknowledge that there has been a rise in criminal cases against the journalists, it concluded that the "Media is doing well and that India's poor score – which it says is "not in line with the ground situation" – is the product of "Western bias".<sup>161</sup>

The Indian press is currently at the most critical juncture of its history. There is an argument that the press has failed to play its role to hold the government accountable. Yet the contrarian view is that the government is allowing criticism of its policies. There has been a series of assaults on journalists critical of the government and the government has, over the years, bypassed the press and spoken directly to people through social media. Media analysts in India argue that the government has done all it can to marginalise the mainstream media.

In our study, we interviewed both pro-government and critical journalists. The interview analysis drew out significant arguments, mostly decrying the current state of affairs in the country. For ease of analysis, this chapter will shed light on various issues expressed by the interviewees under thematic sections. The primary method to assess the media freedom landscape in India for this study has been interviews. Due to COVID-19 restrictions, we conducted these via email and over video calls.

160 2021 World Press Freedom Index, Reports Without Borders.

161 Sukanya Shantha, "Official Panel Sees 'Western Bias' in India's Low Press Freedom Rank But Wants Defamation Decriminalised", *The Wire*, 14 March 2021.

## Media monitoring: Dominant narratives

*“Think of the press as a great keyboard on which the government can play”*

Joseph Goebbels

Media monitoring was carried out during 8–14 January and 20–27 January. Channels primarily monitored were Republic TV, NDTV and India Today. In print, it was the Times of India, which has the highest circulation in the country. The dominant narratives emerging during the monitoring testified to the growing control of information by the government, resistance to dissent on part of the people and framing any opposition within complex terminology of national security.

During the first period of media monitoring, three issues dominated. Farmers protest in the state of Punjab, love jihad legislation (opposition to inter-religious marriages)<sup>162</sup>, and polls that were to take place in the West Bengal state of India. In all three, the three biggest media platforms in India – Republic TV, India today and the Times of India – seemed to align with the government.

There were instances of reporting of inflammatory speeches. A news anchor declared that any anti-government view will not be tolerated. There were clear instances of conveying of ruling party’s political messages and their press conference, but no space given to the opposition. There was no botheration about subtleties of language. The government is “stating, saying and sympathetic”, while the opposition only “alleges”. The opposition only “alleges” and “accuses” and at times opposition is “provoking.” The opposition was always described as being disruptive and irresponsible, and was even referred to as ‘akin to terrorists and anarchists’.

A second phase of media monitoring was undertaken from 26 January – 1 February. On 26 January, unprecedented scenes of protests by farmers’ in Delhi on India’s Republic Day function drew huge media attention. The farmers’ protest led to outrage in the media. The media reported the farmers’ protest with indignation and blamed the farmers for the violence. The TV reportage footage of protests was framed in such a way that only the violence of farmers was highlighted. Lead anchors and editor of India Today group, Rahul Kanwal, followed by millions on Twitter, tweeted, “Using tractors as tanks. Charging the police. This isn’t a peaceful protest. This is a riot. Anyone resorting to violence deserves no sympathy. To make a point peacefully is one thing. To take the law into your hands is a criminal activity. Those breaking the law need to be punished.” Media described the protests as nothing but anarchy and terrorism and wondered why the government wasn’t taking a stern action against the protestors.

As television has complex visual vocabulary, the news channels had the leaders of the ruling party at an upward angle, while others were filmed at a level angle or from above or – in case of the opposition leader – a photograph. Those holding contrarian views were not given space in the debate and were shouted down by the news anchors. The taglines and logos that accompany news broadcasts convey a message that dissent has no place in modern India.

### Framing political opposition as a national security threat:

The media monitoring conducted for this study shows that there is inflammatory content and specific narratives in political news reporting on a daily basis in Indian news channels. Any opposition to the policies of the government is framed in terms of a threat to the security of the country. Opposition is not seen as a requisite for thriving democracy but rather as an aberration in the national fabric.

<sup>162</sup> In recent years, the Hindu right has peddled a narrative about ‘Muslim men’ conducting a ‘jihad’ by manipulating ‘Hindu women’ into falling in love with the intention of eventually converting them to Islam. On November 28, 2020, the Uttar Pradesh government came up with The Uttar Pradesh Prohibition of Unlawful Conversion of Religious Ordinance, 2020. It prohibits conversion from one religion to another by “misrepresentation, force, fraud, undue influence, coercion, allurement or marriage”. The stated goal of the law is to check “unlawful religious conversion” and “interfaith marriages with the sole intention of changing a girl’s religion”. It criminalises conversions in violation of the provisions of the law and will punish the guilty with a jail term of up to 10 years. The offenses defined and stated in the ordinance are cognisable and non-bailable. Many BJP-ruled states have expressed an interest to legislate similar provisions.

**Linking minority demands with issues of terrorism:** Terming minorities as terrorists and deflecting any genuine demands as a threat to the security of the country has been a regular pattern in news channels such as Republic TV.

**Justifying state violence:** The media narratives legitimise state response to protests and dissent, which has been hugely undemocratic and repressive. The framing of stories and reportage in the channels is either completely pro-establishment or neutral. Republic TV, India's popular and fiercely nationalist TV news channel, makes no effort to factcheck stories. Often, journalists associated with this channel choose to speak to the government spokespersons or the ruling party spokespersons and often the questions are asked to seek more action from the government against opposition or those who are critical of the government. Most of the media is vociferous when it comes to reporting internal matters of opposition and those opposing the government. It is evident that, owing to the repressive political climate, the media has stepped away from its responsibility of holding governments to account.

Two issues that stood out during the interviews conducted for this study are the harassment of journalists and the role of government in controlling advertising revenue – both linked to the larger issue of the freedom of the press and control by the government. There are other issues, but these two components are crucial if the free press is going to survive in India.

## Freedom of expression

Freedom of expression is a fundamental prerequisite for any democracy and a pluralistic society to thrive as a just society. India has existed as a democracy with laws that protect this fundamental right, and by virtue of being a democracy it gives its citizens a right to criticise and voice their opinions without fear of prosecution. However, this has changed recently, and the country has seen a shift in how the freedom of expression, and, by extension, press freedom has dwindled. This has been ascribed predominantly to the right-wing powers that have been increasingly gaining ground in the country and have also been completely dismissive of any criticism coming their way.

Journalists in India now experience an increasing sense of insecurity and they also feel under attack for speaking their minds – particularly if they express positions contrary to that of the centre or the state governments. It is not only the government that they have to fear but a majoritarian mob mentality as well. These fears have been accentuated by the killings of a few journalists who have been vocal critics of the present government and disrupters of the mainstream narrative. The COVID-19 pandemic has given the government space to further cement these restrictions by initiating measures with no sound opposition. It has become more blatant in attempting to control media coverage of its response to the pandemic. Just before it announced the world's largest coronavirus lockdown on 1.3 billion people, the government urged the top news executives to publish 'inspiring and positive stories' on the government's efforts<sup>163</sup>.

Although this is not the first time that these restrictions and this kind of clampdown have been witnessed, the journalistic community feel strongly that it has been tougher and harsher this time around. The rate at which cases are being filed against journalists has been alarming.

163 "Reforms are difficult as India has too much of democracy, says NITI Aayog CEO", The Hindu, 8 December 2020.

## Muzzled voices: The censorship and intimidation of journalists

*“Freedom of the press, if it means anything at all, means the freedom to criticise and oppose”*  
George Orwell



M. M. Kalburgi, a progressive voice among Lingayat, was shot dead in the morning of 30 August 2015 at his residence in Dharwad district of Karnataka by two unidentified men.



Gauri Lankesh was an Indian journalist-turned-activist from Bangalore, Karnataka.

The International Federation of Journalists state that around 116 journalists have been killed in India since 1990<sup>164</sup>. The rate of conviction according to *The Hoot* has remained worryingly very low with around only one conviction since last decade<sup>165</sup>.

In 2018, India was fifth on the list of countries unsafe for journalists. One of the famous journalists killed was the activist-come-journalist Gauri Lankesh, who killed outside her home in September 2017. She was a fearless advocate for the rights of the people on the margins and liberal causes and her death shocked the media fraternity.<sup>166</sup> In a report on Lankesh’s murder in 2018, the Columbia Journalism Review said, “Lankesh, the editor and publisher of a Bangalore weekly, the Gauri Lankesh Patrike, was an outspoken left-wing journalist working in an India that, since the 2014 election of Narendra Modi, leader of the Bharatiya Janata Party (BJP), as prime minister, has become one of the world’s most dangerous countries to be a reporter.”<sup>167</sup> The report indicts the right-wing for her assassination. Before Gauri Lankesh, M. M. Kalburgi was also killed at his house in the state of Karnataka. In the state of Maharashtra, Govind Pansare, a writer and a union activist, was killed; Narendra Dabholkar, a doctor who was also an activist lost his life.

All three, like Lankesh, were fierce critics of right-wing politics and wrote in their respective local languages. (Lankesh and Kalburgi in Kannada; Pansare and Dabholkar in Marathi). “All were killed in a similar manner, shot by motorcycle-borne, helmeted men who had used a 7.65mm pistol of the kind referred to in India as “improvised” in recognition of their local, illegal, manufacturing origins.”<sup>168</sup>

The situation ever since has become increasingly worrying for journalists in India. In a recent video posted on YouTube a content creator called for the death of some journalists for “conspiring against India”.<sup>169</sup> The video was later removed by YouTube, but no action was taken against the person who uploaded it; rather, it was amplified and shared by some of members of the ruling party. Incidents like these have only enabled such people, while adding to the anxiety and fear of the journalists working amidst such polarised conditions. While the government has been swift in suspending social media accounts of citizens<sup>170</sup> for the content it considers disagreeable, it hasn’t shown the same swiftness in clamping down on those who target journalists for their differing opinions.

The report in The World Press Freedom Index 2020 released in April 2020 said that “With no murders of journalists in India in 2019, as against six in 2018, the security situation for the country’s media might seem, on the face of it, to have improved. However, there have been constant press freedom violations, including police violence against journalists, ambushes by political activists, and reprisals instigated by criminal groups or corrupt local officials.”<sup>171</sup>

The government has been dismissive of the report and the journalists who speak for the government reiterate similar sentiments and absolve the government of any responsibility it owes its citizens towards creating a free and fair atmosphere to let the media operate. Gyanendra Bhartaria, Advisor to Prasar Bharti and Shekhar Iyer, Ex-Senior As-

164 <https://www.nationalheraldindia.com/national/116-journalists-killed-in-india-since-1990>

165 <http://asu.thehoot.org/free-speech/media-freedom/slow-justice-for-murdered-journalists-9401>

166 Aarti Betigeri “The bad news for press freedom in India, The Interpreter, 18 June 2019.

167 Siddhartha Deb, “The killing of Gauri Lankesh”, Columbia Journalism Review, Winter 2018.

168 Ibid.

169 Kairvy Grewal, “Hang them – YouTuber threatens journalists in now deleted video ‘exposing’ Greta toolkit”, The Print, 12 February 2020.

170 Manish Singh, “Twitter suspends over 500 accounts in India after government warning”, TechCrunch, 10 February 2021.

171 2021 World Press Freedom Index, Reporters Without Borders.

sociate Editor of the Hindustan Times and Political Editor of the Deccan Herald, respectively, expressed the same sentiments when asked about the declining press freedom in India as reported by WPMI; “We are not run by any world government. So, whichever organization has issued a certificate of freedom of expression to X, Y and Z, they should understand what happened in the EU yesterday. When, one particular country, they said that we will control the fake media, and then the EU itself came down and said, no – this will not be permitted. So basically, these world bodies, these so-called international bodies, they are trying to... first of all, they are in a psychological cocoon of imperialism. And they still believe that India is something to be ruled upon. No, it is not that easy. It was never that easy, it will never be that easy. I reject these reports in toto.”<sup>172</sup>

Shekhar Iyer commented that “there is a great deal of exaggeration and overstatement by interested groups who wish to see a particular narrative reinforced. International bodies come in handy for them. They are ready to lap up such narratives for their own audience and governments back home. A majority of Indians are not bothered by such a ranking. The press is generally seen as free enough to publish what it wants to”.<sup>173</sup>

Journalists on the other side of the narrative believe that the government has deployed more subtle and sophisticated ways of targeting journalists and at the same time successfully gaining popular sympathy. One of the narratives that the government has been peddling, and that has been received by the Indian people to a great extent, is that the country is in danger due to the ‘anti-national’ elements present within the society. This has created severe polarisation between different religious communities and has specifically given rise to hate crimes against Muslims. Questions raised against the functioning of the government are met with hate, trolling, ridicule and derision, with people often labelled as sympathisers of India’s arch-enemy Pakistan. The void created by the partition of 1947 has still not been filled and is being used to benefit politicians.

Anuradha Bhasin, a journalist based in the Indian Himalayan region of Kashmir – a region that has been flashpoint between India and Pakistan for almost seven decades – argues that press freedom has been muzzled in Kashmir. She opines that the government has got away with it as, there is consensus in the Indian mainland that this is a law-and-order issue and not about the rights of people for political self-determination. Kashmir, being a majority Muslim region, has made it easy for the Indian government to frame the struggle for political rights as linked to Islamic terrorism. The government revoked the limited autonomy enjoyed by Jammu and Kashmir, and placed the entire state under complete curfew and without internet and phone connectivity for more than six months. It sent a strong message throughout mainland India on the desire of the government to silence its critics and the absolute power it could exercise. Indian academic and scholar Pratab Banu Mehta argues that the BJP (ruling Bharatiya Janta Party) “thinks it is going to Indianise Kashmir... instead, what we will see is potentially the Kashmirisation of India: The story of Indian democracy written in blood and betrayal.”<sup>174</sup>

Bhasin further argues that media freedom in India is decreasing day by day, particularly in the last two years. She says the Kashmir playbook on controlling the media through criminal cases, including those related to sedition and terrorism, has arrived in the rest of India. In Kashmir alone, 18 journalists were booked under the Unlawful Activities Prevention Act (UAPA) and under sedition laws since 5 August 2019 when India removed the region’s limited autonomy.<sup>175</sup> There have been cases filed and arrests made by the Kashmir police against some journalists, which has created the atmosphere of fear.

“Kamran Yousuf was arrested and held for nine months<sup>176</sup>; Asif Sultan continues to be in jail for a story, accused of having connections with militant organisations.<sup>177</sup> Now,

172 Gyanendra Bhartaria interview.

173 Shekhar Iyer interview

174 Pratab Bhanu Mehta, “The story of Indian democracy written in blood and betrayal”, Indian Express, 6 August 2019.

175 Naseer Ganai, “Police Action Against Scribes In J&K Has Created An Atmosphere Of Fear Amongst Local Media: Report”, Outlook, 16 February 2021.

176 “India charges photojournalist arrested in Kashmir in September with sedition, other crimes”, CPJ, 18 January 2018.

177 Junaid Nabi Bazaz, “CPJ’s online petition to release Aasif Sultan”, Kashmir Reader, 3 April 2020.

for a media person to bring information in the public domain he has to interview a lot of people. So he is talking about it and has mentioned in the story in question that he has spoken to underground workers and what he is bringing out in the public domain was the information. It was informative about how the militant organisations work and dynamics within it. So, what had been tried and tested in Kashmir is now being practiced in the rest of India. A lot of journalists are being criminalised, being slapped with defamation cases, jailed and arrested. Or FIRs are launched against them even under UAPA. And this has imposed a climate of fear in the minds of the media persons. You could be targeted with a vilification campaign; you could be arrested.”<sup>178</sup>

Pankaj Pachauri, Editor-in-Chief and Founder of Go News and formerly the communications adviser to Prime Minister Manmohan Singh, expressed his concerns over the surge of attacks on Indian journalists and the stifling of freedom of expression. Pachauri argues that the COVID-19 pandemic provided the government with the opportunity to exercise its power to place curbs on citizens from voicing differing opinions. According to Pachauri, there are around 150 cases filed against common citizens who criticised the government’s efforts to fight the pandemic. He argues that in the name of fighting the pandemic, the government gave more powers to local administrations. For example, a local administrator of the district acts as a superintendent of police who can discontinue access to the internet in different areas. Pachauri further states that, to stifle the criticism, the social media outreach of the government has been massive.

“The 2020 reports have not yet come in, but if we go by 2019 reports, the government has used its power in different parts of the country to cut off internet access to the people more than 178 times. That’s one aspect; another is that, again and again, people critical of the government – and to be precise people who are critical of the central government – are being put in jail for stray comments on the functioning of the Executive; this is increasing daily. Many people remain in jail for months as the government tries to stifle any criticism of its operations.”<sup>179</sup>

The imprisonment and killing of the journalists have acted as a strong deterrent for conducting investigative and free reporting. It has instilled fear in the minds of the people and has prevented good journalists from doing their duty. This kind of environment has been to the detriment of press freedom and certainly placed a big question mark on India’s state as a vibrant democracy. These killings and imprisonment of journalists are symptomatic of a larger underlying problem – that of censorship. These are the ways in which the government exercises censorship on reporting. Government subtly states that some stories should not be told, and the story tellers should be silenced.

## Ideological divide: Coercion or willingness to conform?

*“Whoever controls the media, controls the mind”*  
Jim Morrison

The curbing of press freedom through the intimidation of journalists is linked to the changing political situation and deepening ideological divide in the country. The ruling government espouses the right-wing ideology of Hindutva that has a clear narrative to ‘reclaim the lost Hindu heritage of the country and give Hindus their due that has been denied to them over centuries’. There is a certain ‘hurt sentiment’ that has been harboured and is being cashed in to gain political power.<sup>180</sup> The ideology of Hindutva looks at Hindus “not primarily as practitioners of diverse faith tradition but as people descending from ancestral sons of the soil, the Vedic fathers. In the ideological repertoire of Hindutva, people are not defined only as the victims of the elite but in cultural

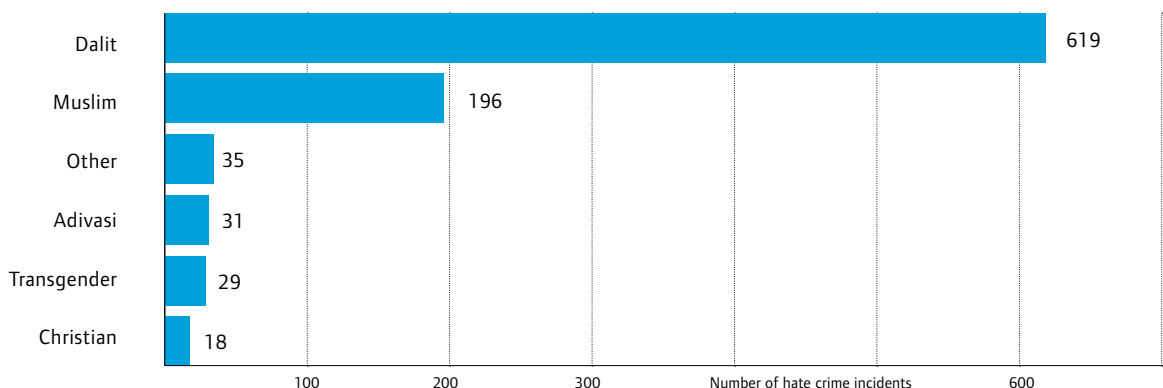
178 Anuradha Bhasin Interview.

179 Pankaj Pachauri Interview.

180 Partha B. Charabartty, “India Has The Longest Running Fascist Movement in The World – The RSS”, The Wire, 22 January 2020.



**Incidents of hate crimes in India 2015–2019 by victim identity**



Source: [www.statista.com/statistics/980033/identity-of-hate-crime-victims-india/](http://www.statista.com/statistics/980033/identity-of-hate-crime-victims-india/)

terms as the true autochthons and owners of the land”<sup>181</sup> This ideology has translated itself on ground into a deep hatred and suspicion towards the minorities in the country.

According to the South Asia State of Minorities Report 2020<sup>182</sup>, the BJP has unveiled frontal attacks on minorities and vulnerable groups. Hate crimes against Muslims have seen a sharp rise and civic spaces for Muslims and Muslim community-based organisations have taken a hit. Cow vigilantism has led to the lynching of Muslims. The Indian government also expanded some discriminatory laws targeting religious minorities and curtailing their fundamental rights. The report states that “hate crimes against minorities have seen a spike – taking the form of mob lynching and vigilante violence against Muslims, Christians, and Dalits. BJP also strengthened and expanded a series of discriminatory laws and measures that target religious minorities. These include anti-conversion laws, blamed by human rights groups for empowering Hindutva groups to ‘conduct campaigns of harassment, social exclusion and violence against Christians, Muslims, and other religious minorities across the country’. Some 60 laws, ostensibly meant for the protection of cows, continue to provide institutional backing for similar campaigns against Muslims and Dalits”.

A study conducted by the Centre for the study of Developing Societies shows that there is a substantial support for authoritarian leaders in India and an increase in hostility towards democratic forms of government. In the Indian Himalayan region of Kashmir, the regressive constitutional changes were implemented followed by mass detention of political leaders, civil society activists, students, journalists and a sustained communication blockade. All this was done without any real resistance from any political or social institution in mainland India and is evidence of the erosion of civil liberties within the so-called democratic framework. In fact, these repressive measures were celebrated by politicians and people outside Kashmir. This is symptomatic of the growing support for the government and its autocratic measures. According to the study *The State of Democracy in South Asia*, the percentage of people who support democracy fell from 70% to 63% between 2005–2017.<sup>183</sup> The 2017 Pew report confirmed the trend, showing that 55% people supported an autocratic ruler who can take decisions without interference from the parliament, while 53% supported military rule.<sup>184</sup> These trends provide an explanation to the growing support that BJP has garnered over these years. From common citizens to industrialists, the support that the party has been enjoying has been immense. Media has largely failed to play the role of the watchdog to keep the democracy thriving and functional.

181 Majoritarian State: How Hindu Nationalism is Changing India, (ed) Oxford University Press, 2019.

182 South Asia State of Minorities Report 2020, Minority Rights Group International.

183 <https://www.thehindu.com/news/cities/bangalore/Faith-in-democracy-declining-in-South-Asia-Report/article17396138.ece>.

184 <https://www.counterview.net/2017/10/53-indians-support-military-rule-55.html>

With the complex media ownership patterns the government has managed to make the media coverage in its favour. The mainstream media rarely voice opinions that question the government, its policies or the lack of proper governance. The owners of many of the channels airing news are linked to the ruling party and thus these channels perpetuate the narratives that serve the government.<sup>185</sup>

The media monitoring of the three major media outlets explains to a large extent how media coverage is tilted towards the ruling party in India. In fact, in the case of *Republic TV*, there was no need to evaluate implicit messages contained in their coverage; it was open and explicitly supportive of the government in all issues. Government has been inactive in taking to task those who enforce certain ideologies on others. Pachauri says that: "Inaction by the government after the complaints of harassment points towards the larger atmosphere of the government giving room to the goons and bullies to target its critics. There is the feeling all across that those who speak and threaten critics of the government are enjoying more freedom than anyone else and with the government being silent about them it is being construed that they have the blessing of the government."<sup>186</sup>

While there have been coercive measures to make journalists toe the government's line through imposing restrictions, intimidation, imposing certain draconian laws, etc., it is felt that the media fraternity was quick to compromise and surrender their values. Senior journalist AG Panneerselvam states that that the media has wilfully surrendered some of its rights. He says that during the emergency, the then Prime Minister of India, Mrs Indira Gandhi, asked the media to bend, and they chose to crawl. "*But today what is happening is nobody's even asking us to bend, we are crawling on our own.*" Panneerselvam's argument is based on the observation that the big media houses in India have toed the government line and those who repeatedly ask questions are either removed or have been asked to leave.<sup>187</sup>

The conformity on the part of the media houses is linked to the question of sustainability. Most media houses, particularly those in print, survive on advertising revenue and wouldn't be able to survive without it. Since the government is one of the largest advertisers in India in the news segment, and to garner this advertisement from the government, many media organisations – either by themselves or by virtue of the government's orders – have stopped criticising the government. Pachauri says this is not limited to the level of criticising government policies on economy and society, but goes further. Even criticising the government's efforts in fighting the COVID-19 pandemic is not tolerated. Journalists, media platforms and media companies are being punished by not offering the revenue that could be theirs, which comes from the government. Basically, this is how Indian media is currently surviving.<sup>188</sup>

Advertising has played a huge role in how the government controls the media narratives. It has taken prompt actions against those media houses that it fears would question it or report on events that could dent its popular image. The government of India banned Kashmir newspapers from receiving government adverts, which are a major source of their revenue. It was seen as a silent way of telling the media houses to either conform to what the government wants or to be ready to experience losses and eventual shutdowns.<sup>189</sup> The government of India issues a letter stating that "It is understood that some newspapers in J&K are publishing highly radicalised content ... Publishing of anti-national articles in the newspapers of the state should be strictly dealt with. Such newspapers should also not be given any patronage by way of advertisements by the state government."<sup>190</sup>

185 "A delicate handshake; Media Ownership, Politics of Convenience", Media Ownership Monitor India.

186 Pankaj Pachauri Interview.

187 Revathi Krishnan, "India Today takes Rajdeep Sardesai off air, docks month's salary for tweet on farmer's death", *The Print*, 28 January 2021.

188 Pankaj Pachauri Interview.

189 Muhammad Raafi, "Govt's Ad Ban on Kashmir Dailies Seen as Yet Another Attempt at Media Coercion", *The Wire*, 10 March 2019.

190 Muhammad Raafi, "Govt's Ad Ban on Kashmir Dailies Seen as Yet Another Attempt at Media Coercion", *The Wire*, 10 March 2019.



Blank front pages of the newspapers to protest the ban on advertisements. (Source: The Wire)

Apart from imposing financial restrictions by way of putting curbs on the right to seek advertisements, the frequent censorship of media channels has also contributed to amplifying hate and encouraging biased reporting. Two Kerala news channels were temporarily banned for being critical towards Delhi police and RSS for its role in anti-Muslim violence incidents in Delhi. Indian government issued a one-day ban on NDTV India – a leading Hindi news channel – for being critical of BJP. The government, while active in banning channels that report against it, has been equally supportive of those that set communities against each other and broadcast hateful content. Such channels, rather than being censored, get rewarded through increases in government advertising and access to interviews with exclusive government members.

The frequent cases filed against journalists for reporting on ‘controversial’ cases has impacted the functioning of media houses objectively and independently. A journalist named Siddique Kappan was arrested on 5 October 2020, while on his way to report on the brutal gang rape of a Dalit girl. Since then he has being denied bail. Kappan’s habeas corpus petition, challenging his arrest and the bail application filed for him, have been adjourned by the Supreme Court six times, for periods ranging from four days to six weeks. The FIR against Kappan, registered on 7 October in Mathura, charges him with Section 124A (sedition), 153A (promoting enmity between different groups on grounds of religion, etc) and 295A (deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs) of the Indian Penal Code (IPC), along with provisions of the Unlawful Activities (Prevention) Act (UAPA) and the Information Technology Act.<sup>191</sup> In contrast, the Supreme Court of India quick to list bail application of the Arnab Goswami, an editor of the Republic TV, widely seen as the government’s favourite.<sup>192</sup>

Panneerselvam argues that the country has enough laws already to deal with security of journalists and freedom of expression, however the judiciary which is being increasingly seen as singing to the tunes of the government does not use the laws justly. He says: “I am a bit tired of bringing in one more law. If we are going to use the existing laws properly, we can really have a free and responsible media very well. But these laws have not been implemented in full and these laws are not followed at all the tiers of the Judiciary and the laws are not equal for all. Whether the law that is been applied for, say, somebody who is close to their government like Mr. Arnab Goswami, and what are the laws have been used for, say, Anuradha Bhasin’s case, on the rights of the Kashmiri journalists...The problem is the failure of the institutions to oppose the spirit of these laws.”<sup>193</sup>

191 Apoorva Mandhani, “122 Days & 6Adjournments later, Siddique Kappan’s Habeas Corpus Plea Still Pending in SC”, The Print, 4 February 2021.

192 Amrita Nayak Dutta, “This is the 2018 suicide abetment case behind Arnab Goswami’s arrest”, The Print, 4 November 2020.

193 A G.PanneerSelvan Interview.

Pankaj Pachauri also says there are enough laws in India that support freedom of expression, but these laws are being overridden by the government. “If a case is filed against a journalist or a journalistic organisation, it takes a very long time in the courts of law to prove that you are not guilty, and those cases can threaten you and also at times can drain you financially into either closing down or supporting the government.”<sup>194</sup>

According to the National Crime Records Bureau’s ‘Crime in India’ report for 2019, India registered 25,118 cases of ‘offences against the state’ from 2017 to 2019 – an average of 8,533 cases per year. Of ‘offences against the state’, there were 93 cases of sedition (Section 124A), 73 cases of waging war against India (Section 121, etc.), 58 cases of acts prejudicial to national integration (Section 153B) and 1,226 cases under UAPA. The police arrested 95 people for sedition and 1,900 people under UAPA – even as not a single genuine terrorist attack took place anywhere in the country in this period.<sup>195</sup>

Hitesh Chandra, Editor of Panchajanya (an influential newsletter associated with right-wing Hindu organisation, the Rashtriya Swayamsevak Sangh), believes that the increasing number of cases is a reflection of the government cracking down on people who have otherwise escaped the attention. He states that the government is proactive against people who it feels are trying to shame it or give it a bad name:

“As an Editor, when you lie on Twitter, and think you will go scot-free, this is not going to happen. You will try and defame Constitutional bodies, you will instigate people against them, but in the end, you will be caught lying. So we have to make laws for these. And I think things like self-regulation will not work, because the Editors Guild of India should have thought of this long ago. But I think at a time when technology is growing, resources are growing, the narratives are growing, accusations against the media are growing, big names are being caught lying, the Editors Guild of India is silent, then the system will have to take steps. Self-regulation will (not) work in these times.”<sup>196</sup>

Rahul Dev, senior journalist and former editor of Jansatta, highlights the staggering number of cases filed against journalists. He says that this is perhaps the first time that so many cases are being filed and the impact it has had on journalists has been detrimental. He says that it has made journalists speak only the language that they feel safe about and they feel discouraged from accepting investigative stories and reporting on events that the government tries to cover up. Dev argues that these incidents create an environment of fear and oppression as well as ideological pressures that put the journalists in a tight spot.

“I think the number of cases filed against journalists in the last one or two years, is much greater than any time in the past, except maybe during the Emergency or also very special, specific periods of our history. The number of journalists jailed or hauled to courts, charged under very, very serious laws like sedition. The numbers involved are relatively much larger... The district level or part-time correspondents of various newspapers and channels face more pressures of various kinds-particularly from the local mafia, from the local leaders, local administration and local police, and the nexus of all these elements together. So, the attacks on media persons, the risks involved in news gathering that threatens to settle somebody’s vested interests, or unsettle local equations of various kinds.”<sup>197</sup>

Dev further argues that since Indian society has become increasingly polarised – “more intolerant, a little too sensitive, a little too prone to feeling hurt” – the ideological pressures created by the people in power seem more effective as the government enjoys public support. There are serious incidents of online trolling that the journalists have experienced and even physical threats. He says that “some journalists, like Ravish Kumar, Magsaysay Award winner are being hurled abuses and threats on a daily basis. Kumar in one of his talks says that the situation is such that anyone can come and kill him. He

<sup>194</sup> Pankaj Pachauri Interview.

<sup>195</sup> NC Asthana, “India’s Bogey of ‘Hurt Sentiments’ is a Ploy to Persecute the ‘Others’”, The Print, 7 March 2021.

<sup>196</sup> Hitesh Chandra Interview.

<sup>197</sup> Rahul Dev Interview.

says stepping out and reporting has become a daring act for the likes of him now in the current atmosphere".<sup>198</sup>

The important question here to discuss is the sustainability of the media in India with its heavy dependence on carrying advertising. In order for media houses to survive, they are forced to bend to the will of the government or at times willingly side with the government for financial gains. "Journalism is no longer sustainable in the traditional sense of the word. There's a shrinking ad market, cover prices have not been really, what can I say – optimal. Indian newspapers are the highly subsidised product in the market. No, the Indian newspaper manager doesn't have the courage to produce a newspaper based on cost. The effect is directly linked to the advertising revenue, and the shrinkage in the advertising revenue is hurting. So what we are witnessing is that the legacy media model is under severe strain." Panneerselvam argues<sup>199</sup>.

The government has given differential treatment to the media houses, clearly based on who speaks for them. One particular channel is widely known to act as the mouth-piece of the government with programmes and news telecasts hugely in favour of the ruling administration. Within the Indian media, it is no secret that this particular network acts as a carrier of government propaganda, carrying inflammatory speeches with the lead anchor shouting in a hyper-nationalistic manner.

Pachauri argues that the channels like Republic TV are the government's favourite media outlets. Although it has come under huge criticism for its unfair business practices – trying to fraudulently increase its television ratings to garner more revenue – there has been no action against the channel. There have been cases filed against the channel by one state. In this scenario, the operations of a journalist have come under serious strain. On one hand, you have a dwindling economy, with decreasing revenues for the media and hence media houses have been retrenching journalists at a large scale. On the other, the selective targeting of critical voices has created a sense of fear among the journalist community. By and large, most of the media has been driven to report and even publishing opinions that are not critical of the government. There are very few pockets of media, be it in television, in print or increasingly in the digital space, which are performing the role of watchdog. "I would say that most of the media in India today has been browbeaten into a situation where their reportage and opinions are pro-government and not anti-government."<sup>200</sup>

## Conclusion

The interviews are reflective of how the democratic and civic spaces within India are seen as increasingly shrinking, owing to financial unsustainability and the rigid control being exercised by the government. The declining capacity of news organisations to investigate misuse of power not only renders media less valuable to news consumers but also results in a media that is less valuable to its community. When important stories are not told or are underreported, community members lack the information they need to participate in the political process and hold the people in power accountable.

The COVID-19 pandemic has worsened the financial crisis in the media industry with a steady increase in layoffs. These cutbacks not only threaten individual journalists but also jeopardise journalism by curbing the independent and robust reporting necessary for any democracy to function vibrantly.

Expression of a plurality of views in the media has been stifled. Media has either been completely obsequious or neutral about the government. While the penetration of digital media has allowed access to a wider population the censorship on part of the government has made people cautious about expressing themselves freely. Filing of criminal cases and defamation cases against journalists and media houses respectively has also shrunk the space for debate and dissent. Investigative journalism has taken a

<sup>198</sup> Ibid.

<sup>199</sup> AG Panneerselvam Interview.

<sup>200</sup> Pankaj Pachauri Interview.

huge hit as a result of the prevailing political circumstances and there have been hardly any stories exposing the government's many claims. Indian journalists have largely self-censored when it comes to reporting on issues involving the government.

The primary concerns expressed by the journalists interviewed for this study were the crushing of dissent, filing criminal cases against them, the killings of journalists and direct control of media outlets by the government by way of controlling advertising. For protecting a free press and making sure journalists report without feeling threatened, it is imperative to create a democratic environment. As mentioned earlier, the country doesn't need new laws – it needs to implement the existing laws justly upholding the constitutional integrity of the country. There have been many instances where the judiciary has been seen giving a meek response to the cases that involve the government. This has left sections of society sceptical and increasingly vulnerable, as they look at the judiciary as a last resort for protection of their rights.

The massive crackdown on the methods that journalists use to procure sources, and framing them for meeting their sources, is a strong deterrent against investigative reporting. This kind of political climate has made the media either toe the government line out of fear or made them stick to stories that won't be seen as controversial. Even where there have been stories exposing the people in power, or people close to the government, it has met with little or no traction. It has not created any major uproar and put the government in jeopardy.

Manipulation of social media on part of political organisations has also created a dangerous atmosphere for the media to operate fairly. The rampant fake news and media trials of journalists are used as tactics to control the narrative and curb objective reporting. Falling reliable and ethical journalism practices pose a serious concern to the media fraternity and require a strong pushback to reclaim these spaces and navigate political manoeuvring.

One of the main challenges for journalists who want to do their job is to survive financially. They see that the patronage of state revenue is going only to those journalists who have become government propaganda machines. It appears impossible to make media houses that are critical of the government sustainable in the current circumstances. This is not only an issue in India; it is worldwide. Digital transformation has created new challenges in terms of data protection and new opportunities. It will serve journalism in India if the media strengthens its role as a watchdog and empower people at a time when the country has the potential to emerge as a global power. It is also recommended that international organisations such as the RSF and the United Nations need to increase awareness over what's happening in the media industry. That would make the government be less hostile to the functioning of the free press in India.

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Rahul Dev, Senior Journalist and former Editor, *Jansatta*, the influential Hindi daily newspaper. He was also Adviser, Speaker's Research Initiative (SRI) at the Indian parliament

Shekhar Iyer, Ex-Senior Associate Editor of *Hindustan Times* and Political Editor of *Deccan Herald*, New Delhi

Gyanendra Bartaria, Advisor, Prasar Bharti Corporation, India's largest public broadcasting agency.

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### 3. Nigeria: Media Shackles in an Illiberal Democracy

Journalists carry placards along a street during a protest to mark World Press Freedom day in Nigeria's commercial capital Lagos, May 3, 2010.

DAPO OLORUNYOMI

#### Executive Summary

Nigeria entered its second decade of democratic consolidation in 2021 following its 1991 transition from over three decades of a ruinous military dictatorship. Today, the country still sways between hankering for a more democratic dispensation and a catastrophic descent into large-scale violence. Multiple polarities of conflict – ethnic, religious, regional – are threatening to rupture the country as it struggles toward a democratic future. Impeding the progress to democracy is the country's perennial history of appalling governance, phenomenal corruption, persistent violence – orchestrated by both state and non-state actors, as well as the surging influence of theocratic forces that have encumbered the process of effective national unity.

With its great history, considerable influence and extensive reach, the Nigerian media is one of the most powerful institutions in the country. It is potentially capable of helping advance the expansion of civil liberties, defending human rights and deepening the structures of a democratic and secular state.

While the Nigerian media – like society itself – bears the cleavages of culture and geography, its tradition for democratic and anti-corruption promotion, as well as its

historical patterns of reporting, traditions of coverage and its institutional record that have endured over time, suggest that an active interest exists in the media to undertake this project. Furthermore, these qualifications still suggest it is an institution of choice to help work in the national interest, in a professional way, to aid the country's many diverse people in tolerating one another and choose a democratic future.

Furthermore, constrained by the pressures of their own contradictions, a national political class, some of their institutions, like the political parties and unions, the absence of strong and virile social or youth movements, the media's role as a proper prospect for championing democratic progress becomes even more central.

However, the media now faces problems of immense scope and complexity that hinder its capacity to effectively play leadership roles in the promotion of democracy. These challenges straddle the landscape of media freedom, independence, pluralism and the safety of media actors, conditions which come together to create a crippling ecology and behaviour. Rebuilding the Nigerian media must therefore be the centrepiece of a comprehensive strategy and programme of democratic renewal and consolidation.

## Nigeria's political economy: a synoptic view

With its more than 200 million population, 82% of whom are below the age of 40, Nigeria has one-fourth of Africa's population. It is massive, stupendously rich in gas, oil and minerals in demand in the 21st century. It could be the engine of growth and development in the region, potentially holding the key to Africa's future. With the possible exception of South Africa and Egypt, no other country in the region rivals Nigeria's power to affect the future of the continent.

Yet Nigeria remains crippled and her people disconsolate by decades of corrupt, inefficient government and perennial fatal conflicts hindering the essential process of democratic consolidation and sustainable development. The dire splits of intercommunal and interreligious conflict, as well as its effervescent public life, have both threatened her future and congealed to make Nigeria a veritable epicentre of instability and stagnation in Africa.

Modern Nigeria was born in 1914, when colonial Britain amalgamated the Northern and Southern Protectorates into a nation state. Nigeria gained her independence on 1 October 1960, and adopted a republican constitution in 1963, which was terminated in 1966 when soldiers took power in a bloody coup d'état that eventually led to a 30-month civil war in 1967–70.

The 1999 constitution ushered in the current fourth republic, considered on most accounts as an illiberal democracy, where a President is elected for a four-year term and serves as both the head of state and chief executive has executive power conferred on him. A bicameral legislature (National Assembly), is made up of the House of Representatives and the Senate. Each of the 36 states elects ten members to the House of Representatives and three members to the Senate and one from the Federal Capital Territory for four-year terms.

The country's judicial system is made up of three legal codes: customary law, Nigerian statute law and Islamic law (Sharia), which is based on the Maliki Islamic code. With the exception of matters on the Exclusive Legislative List, such as defence, foreign policy and mining, which are the jurisdiction of the federal government, state legislatures may pass laws. Whenever federal legislation conflicts with state legislation, federal law prevails.

Critics of the current dispensation suggest that the over-three decades of military rule had affected the DNA of the political culture in the direction of a stentorian instinct. Invariably, human rights violations are rife, extra-judicial killings by security forces are alarming, while the legislature and judiciary often exhibit feelings unduly expressive of executive tendencies.

What started as a pacifist Islamist movement in the country's northeast in the early 2000s, has now transformed into a deadly terror group with effective footprints in the northwest and north-central zones of the country. Led mostly by the now dreadful Boko Haram and ISWAP groups, they have wreaked havoc through a campaign of bombings,

asymmetric warfare, kidnapping, assassination, abductions and banditry, now believed to be culpable in the death of more than 10,000 people and the internal displacement of almost 2 million.

Nigeria's economy is free market in orientation but heavily dependent on oil exports. This supports a rentier elite class, whose worldview is broadly consumerist and savagely corrupt. However, Nigeria has the largest economy in Africa, with a 2015 Gross Domestic Product (GDP) of US\$486 billion. This is greater than Egypt (\$330 billion), South Africa (\$314 billion), Algeria (\$165 billion), Angola (\$103 billion), and Morocco (\$100 billion) and represents the GDP of about 30% of the entire Sub-Saharan Africa.

Ironically, as economists wonder, the Gross National Income (GNI) per capita of Nigeria is US\$2,790, which came behind those of Mauritius (\$9780), Botswana (\$6460), South Africa (\$6080), Namibia (\$5190), Algeria (\$4850), Angola (\$4180), Egypt (\$3340), Swaziland (\$3280), and Morocco (\$3030). Also, the country didn't rank in the regional top ten in the WEF 2016–2017 Global Competitiveness Index. At 127th (out of 138 countries), it is far behind other regional leaders: Mauritius (45), South Africa (47), Rwanda (52) and Botswana (64).

Over 70% of government revenue and more than 90% of the country's exports and foreign earnings are from oil. This sole dependence has had a debilitating effect on the economy, since the great fall in oil prices forced the federal government to defend the Naira (Nigeria's local currency) using its foreign currency reserves. In recent years, poor economic management has resulted in failing indicators across the board – inflation, unemployment, consumer price index and ease of doing business.

Foreign Direct Investment (FDI) into Nigeria has seen a perceptible decline since 2011, the same year when it appreciably averaged \$6.6 billion.

## State of the Nigerian media and press freedom

The Nigerian media ecosystem is a patchwork of some 201 government-owned TV stations, 43 privately-owned TV stations, 185 government owned radio stations, 97 privately-owned stations, over 100 private newspapers, 51 multi-channel satellite distribution outlets, 27 campus broadcast stations. There are also hundreds of digital news sites and bloggers, and hundreds of news aggregators: Instagrammers, YouTubers.

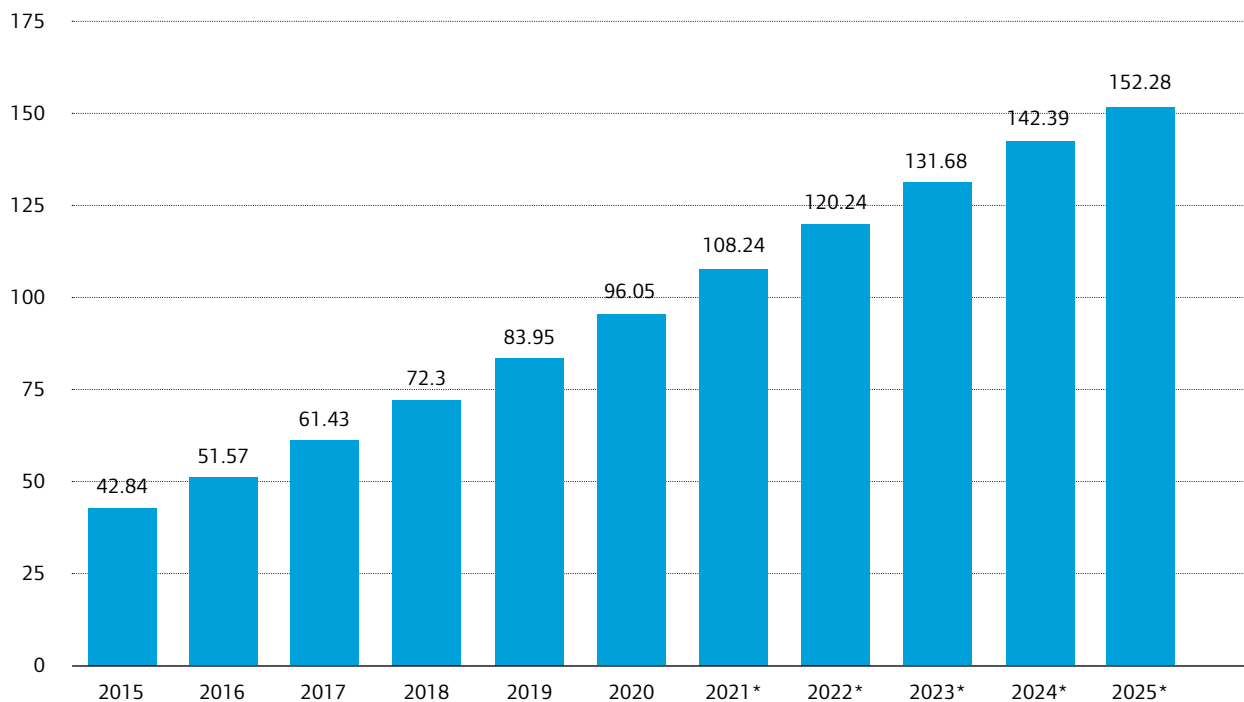
Print media started in Nigeria in 1859, radio in 1933, television in 1959, national wire services in 1976 and transition to digital began in 1996. According to the Nigerian Communications Commission (NCC), there were 122.7 million active internet users as of July 2019. Most internet users are young, educated, upwardly mobile and urban, and they most often use mobile phones to access the internet.

By January 2019, according to We Are Social/Hootsuite, around 24 million Nigerians were active on social media, around 12% of the population. Up to 85% of social media users use WhatsApp while 78% use Facebook.

President Muhammadu Buhari, in his National Day address of 2019, said: "Our attention is increasingly being focused on cyber-crimes and the abuse of technology through hate speech and other divisive material being propagated on social media. Whilst we uphold the constitutional rights of our people to freedom of expression and association, where the purported exercise of these rights infringes on the rights of other citizens or threatens to undermine our National Security, we will take firm and decisive action." On 1 June, following a tweet by Nigeria's President flouting the community rule of Twitter was deleted, the government announced – in a knee-jerk reaction – a ban on Twitter and announced a wide-ranging regulation of Over The Top (OTT) platforms. This one move paralysed distribution reach for all media outfits using Twitter as part of their distribution platform. However, far more significant was the disruption it created to the landscape of local digital economy, of which Twitter represents 61 per cent of the 33 million daily inhabitants of the social media universe.

One month earlier, Channels Television and Inspiration FM were sanctioned for interviewing someone considered as an insurgent. This had happened to Daily Trust in 2018, when the army shut down its northeast operations on account of a report considered

### Number of internet users in Nigeria from 2015 to 2025 (in millions)



Source: Statista 2021

unhelpful to its campaign against the Boko Haram insurgency. A similar situation happened in 2016, when Premium Times was accused by the Nigerian Army of allegedly sympathising with Boko Haram insurgents in an outrageous response to the newspaper's reporting that highlighted the suffering and inhuman condition of troops who are locked in a long-drawn battle with the terror sect. The reporting on the war on insurgency in northeast Nigeria has exposed how the army authorities occasionally left troops on the battlefield hungry, thirsty and without care while also failing to sufficiently arm and equip them.

The most pertinent example of how security institutions have tried to label journalistic reporting as a challenge to national security was the 2016 spat between the Nigerian army and the newspaper, Premium Times, on account of a botched military objective in the campaign against Boko Haram insurgency around the infamous Sambisa Forest. The army dismissed the reports as "hateful representation of the medium's wishes for the troops," and sought to mobilise professional peers against the paper. It called on national media bodies such as the Nigerian Union of Journalists and the Nigerian Guild of Editors, to censure the newspaper and "defend their national security interest".

The army pronounced the newspaper the only media outfit in Nigeria that had been publishing stories it found disturbing and unpleasant while applauding other media outlets for their cooperation. "Premium Times is isolated," the Army statement claimed, adding that "The rest of the media has shown patriotism, commitment and support for the operation. I wish to therefore commend these patriotic media houses and urge them to continue in that regard." The paper's editor responded, denouncing "The army (for its) common practice of labelling anyone who exposes its cruelties and shortcomings as working against Nigeria's best interest", stating that "We are proud of our reporting and stand by our stories and will continue to act with utmost professionalism and patriotism in not only reporting on the army and Boko Haram, but in all our reports."

Thus, coming in the environment of that year, the significant, although not surprising, reappearance of a censoring 2019 Nigeria Press Council Amendment Act, highlights the significance of 2019 as the pivotal year when the administration fully defined its constraining vision for the press. What happened that year alone, in parliament, was the unrestrained excitement of party leaders who jumped over each other to reinforce the already-firm grip on press freedom, through the consolidation of a climate of fear in the industry, via the introduction of three additional bills (the Social Media Bill; and two Hate Speech Bills). These joined more than a dozen obnoxious laws already in existence and targeted at stemming an effective freedom of expression regime in the country.

Some of the more chilling laws, already in existence, include the Antiterrorism Act, the Cybercrimes Act; the National Broadcasting Commission (NBC) Act; the vestiges of criminal defamation statutes in the Criminal Crimes Act and the Penal Code Act; the Official Secrets Act; and the Obscene Publications Act. Together, these statutes – and the aforementioned intending laws – help define a ‘democratic’ ecology that smothers the freedom of the press and fundamental liberties. They also refute practically all claims, in official quarters, that the media in the country is unrestrained. Lanre Arogundade, CEO of the International Press Council in Lagos, believes that the cumulative effect of this statutory milieu is like erecting a blocking hedge against a culture of vigorous watchdog reporting.

When we look at the most significant fact about the recent attacks on journalists in Nigeria, it would be the increasing rise of the incidence from 2019. Some 19 journalists suffered attacks, in the form of assaults, arrests, threats, detention or seizure of equipment to 2020. In the first ten months of the year alone, the occurrences shot up alarmingly, to a total of 60, including three who were murdered: two by unknown persons, and one by security forces during a protest in Abuja in the northern states of Adamawa and Nasarawa. Consequently, no fewer than 34 journalists were victims of assaults in about a dozen southern states, including two female journalists. The assaults took place all across the country, including in the Federal Capital Territory (FCT).

During the #EndSars protests against police brutality in October 2020, journalists became targets of assault by members of the police force. Around 18 were assaulted for covering the protests while 12 were arrested, even though six of them were released after a few days. However, six ended up in court, mostly under the Terrorism or the Cybercrime Act. Increasingly, bloggers and journalists, randomly arrested on suspicion of ‘cyberstalking,’ have become the poster boys for the relevance of this law. Yet there were other cases, such as the three instances where journalists could not perform their work because they were denied access, or the four broadcast media outlets that were fined by regulators for their coverage.

Abigail Ogwezzy, a professor of journalism and head of the mass communication department of the University of Lagos, reinforced this point in her interview for this report emphasising, “The police were reported as perpetrators of the assault on journalists covering the #EndSars, some journalists were arrested, some were detained, and some were denied access to perform their duties; some were attacked too. We’ve also heard of the arrest of bloggers and journalists in the media.”

Ultimately, in all these cases, indications point to security forces, state officials, political thugs and ‘unknown gunmen’ (UGM), a chilling and misanthropic classification that has come to stay in the taxonomy of political murder on Nigeria as the perpetrators behind the vast majority of incidents.

It is against this background that we can understand why most global rating bodies on freedom of expression have systematically scored Nigeria poorly since the current administration came to office in 2015. At a national level too, between 2018–2020 alone, according to the Press Attack Tracker, Nigeria has recorded 72 physical attacks against journalists, 38 arbitrary arrests, 13 equipment seizures or damages, 12 denials of access and seven cases of harassment.

These are failing grades by all standards. To make press freedom significant in Nigeria, therefore, the host of restrictive legislations still on the books or those crawling their way through parliament to become laws. With the payload of restraining legislations in the books, President Buhari’s admonishment to the industry, in his 2021 World Press Freedom Day address – “to wield its freedom with responsibility” – sounded bizarre and similar to shackling a man and urging him to run properly.

The press freedom scenario also mirrors the situation with digital rights. Since its 1996 beginnings, Nigeria's digital transition has been marked by an exponential growth in internet penetration. From a trivial 200,000 Nigerian users in 2001, the figures scaled the heights to reach more than 126 million in 2020 – a growth factor of almost 630 – with a population penetration of 61.2%. By 2018, at least 98% of the adult population also used various types of mobile phone (56% were smartphones) to access the internet.

The growth of the sector immediately saw a stern grip from the state. It became clear that digital rights and the freedom of the press were bound to experience similar fates. One of the earliest concerns with regards to digital rights of citizens was how the government employed the use of surveillance technology to spy on its citizens. The concern that security agents and telecommunication providers were in covert collaboration to invade citizens' privacy was first raised by the Association of Telecommunications Companies of Nigeria whose President, Lanre Ajayi, was outspoken on the ramifications of this blatant violation.

Then came the case of DigiVox, a Dutch company that listed four major Nigerian mobile communication companies and the Nigerian State Security Service as customers for its interception technology. For many Nigerian citizens, this would be their first awareness of how technology companies of the West were helping violate privacy rights and undermine the freedom of the press in developing countries. A similar case was made against the Israeli firm, Elbit Systems, who were awarded a \$40 million contract for a proprietary technology that would essentially enable the Nigerian State to invade the privacy of users as well as intercept all internet activities, according to the investigative reports of the newspaper Premium Times. The same paper would later unearth another 2015 leak in which governors of four states in the Niger Delta region (South-South geopolitical zone) were illegally using cutting-edge and highly advanced devices to spy on residents, particularly opponents who were politically active. Two years later, a follow-up investigation indicated that those operations still continued.

Inspired by the poor behaviour of the federal authorities, state governments also started lumbering along a similar path. In 2009, the Akwa Ibom government enacted a contentious Internal Security and Enforcement Law, presumably as anti-kidnapping legislation, but predictably pressed it into service for suppressing government critics. Section 6(1), of the law found the right excuse of 'public disturbance' to jail government critics, such as the 2014 case of a newspaper editor who was secretly kidnapped and then formally accused under this law for publishing stories critical of the then Akwa Ibom state governor, Godswill Akpabio. Not to be outdone, in November 2019 in the same state, incumbent governor, Udom Gabriel Emmanuel illegally detained a citizen for publishing 'annoying' Facebook posts about him. In March 2019, this was also the fate of the founder and editor of the online Realm News, Obinna D Norman, who was arrested by the Abia state command of the Nigerian police, presumably for slandering and harassing a state senator. Mr Norman was subsequently charged with cyberstalking under State Antiterrorism and Kidnapping Laws and the Federal Cybercrime Act.

What is significant about these constraining statutes is their shameless focus on restraining freedom of expression under the guise of something else. The Cybercrimes Acts is a classic case in point. Crafted to address the menace of cybercrime, the law has narrowly deployed its Sections 24 and 38 on at least ten occasions to clamp down on bloggers or journalists for expressing opposing opinions to economically or politically powerful elites. Amnesty International has documented no fewer than 50 cases where the law had aimed at – rather than cybercrime suspects – bloggers and journalists for writing on what "they know to be false, for the purpose of causing annoyance, inconvenience danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another."

It was the cumulative effect of this process that led the African Regional Director of Article 19 to make an impassioned call to the international community in November 2020. This was on the occasion of the International Day to End Impunity for Crimes against Journalists. He urged the African Union and United Nations "not to turn a blind eye to Nigeria, (because) the climate in Nigeria is increasingly hostile for media and journalists, that I am pleading with the international community to support Nigeria to

(help) end (the) impunity, protect journalists and strengthen the legal framework governing the media.”

At the same time, in what became a norm in 2016 across Africa – where governments took to shutting down the internet and for which 13 cases have been recorded – actually started in Nigeria. In 2013, and again in 2014, GSM mobile telephony services were shut down in three north-eastern states – Adamawa, Borno and Yobe at the heart of the fight against Boko Haram, as well as each time Nigeria’s men’s national football team was playing at home.

There were three particularly worrisome exploits by the government on digital rights. The first was the amendment to the Lawful Interception of Communications Regulation, which allowed the interruption of a citizen’s communication first – before applying for a warrant – after 48 hours. The second was the refusal to provide Presidential assent to the Digital Rights and Freedom Bill after the parliament had passed it into law. The third was the cold shoulder the government also gave to the Data Protection Bill.

When I asked a cross-section of editors on how they would summarise current state strategies in constraining media freedom, they spoke of about a dozen methods government entities at national and sub-national levels employ to repress the media. These include putting journalists and editors – particularly those from the private media – on the payroll, and using them to suppress stories or manage editorial culture and behaviour. There is also the funding of media structures like the Buhari Media Organisation, a non-state, off-campus entity deployed primarily to promote the priorities of the President and the ruling party, but which nevertheless actively attacks journalists and critics perceived to be critical, routinely characterising them as enemies of the state. There was also the use of the National Broadcasting Commission (NBC) to threaten the electronic media, impose punitive fines, shutting them down temporarily or forcing them to discontinue programmes considered critical of the government have been issues that affected frontline television stations like Channels TV, Inspiration FM, Human Rights Radio and DAAR Communications.

However, the use of the police or security agents to invade media houses and in some cases detaining journalists lingers as a legacy of the military era when this was commonplace. Daily Trust, and Premium Times have stories to offer on this point. Yet the waving of the ‘security’ flag to threaten or browbeat the media in an attempt to ensure only official bulletins or sanctioned stories are published, particularly those on the conflicts across the country or the context of media coverage of religious, ethnic and regional fault lines. In the particular case of reporting the insurgency, security agents have been quick to raise national security and interpret critical media reporting as pro-terrorist sympathies, as was done to Ahmad Salkida. The same case is true of high-level exposure of corruption cases and the most telling reference is the case of Jaafar, who had to flee into exile because of his exposure of an alleged bribe scandal against the governor in Kano State.

Nigeria’s colonial history made the question of foreign influence in its media ecology a logical one, since broadcasting first started as a relay programme of the BBC in the Nigerian space. The geopolitical and strategic role of the country turned it into a hub for international broadcasters such as the Radio France Internationale (RFI), Deutsche Welle (DW), China Radio International, Voice of Nigeria (VOA) and Radio Sputnik, all of which have active footprints in the country. The fact that Hausa language, one of the major Nigerian languages, is spoken by about 70 million people in West Africa, has made many of these broadcasters develop major Hausa programming. Lately, platforms like the BBC, VOA and DW have also developed programme partnerships on news and development reports (science and environment mainly) with local television stations.

What is new is the role of international investment in the local online media space, which is taking advantage of the digital explosion and a burning desire to see the colonialists depart. As it is, three key foreign online players are building modest-to-significant stakes in the online media space: Legit.ng, a Ukrainian entity; Pulse.ng, a Swiss interest and Opera.ng, a Chinese concern. Significantly, all these players have a regional strategy with other offices in Senegal, Ghana and Kenya. We have started seeing the inroad of venture capital infusion into online media, as is the case of the recent significant investment by the Omidyar Network in Stears.ng, a specialised business focused online platform.

China's media strategy in Nigeria is evolving at a rapid, even aggressive pace. It is driving and following the political economy of the country. Consistently, what we have today is a well-diffused penetration of CRI as the radio platform, CCTV as the television platform and Xinhua as the wire service platform. The development of telecommunications market has opened a far wider vista for China in the Nigerian digital media, with ZTE and HUAWEI snapping up lucrative contracts that have now put China in pole position among foreign players, particularly in the light of the execution of the digital migration projects in the broadcasting sector. Thus, Star Times has become the biggest and most widely diffused cable platform in the production and distribution of family, sports and children entertainment in the country. Shubo Li provides an exciting listing of menus on Chinese media diplomacy that we see fully developed in the Nigerian market. The innovation, and probably novel offering, I will add here, is an aggressive circulation of its "News Digest On China" amongst journalists. However, this is in volumes and a bit dense for journalists with deadlines to beat. It also inspired a Nigerian journalists WhatsApp group called 'China-Nigeria Friends', which was set up on 6 May 2020. It mainly circulates news from and about China, which journalists can pick up. As far as direct financial support coming from China to the local media, no data currently supports this, except for advertising, as in the case of the TV Continental, whose Director of News, Stella Din, said "No financial support comes from Chinese entities other than advertorials on occasion."

The EU is more directly involved in community-supporting projects such as capacity-building for food security, resilience and climate change in rural places, while China has continued to site business interests in villages where they clearly breach the environmental and child labour laws.

This way, the now-distorted pluralism in the media industry can be given effective consequence, particularly in the broadcast sector, where the government has an almost total control of radio, television and wire services whose orientations are not consistent with the ethos of a true public service media. The EU would also help advocate for regulatory reforms in the broadcast arena where the state regulator, the Nigerian Broadcasting Commission (NBC) displays loud predispositions that they are out of sync with democratic aspirations.

As the journalist and freedom of expression advocate Tony Iyare pointed out in an interview with me, the business model of the media in the country – to the extent that they have become "evidently atrophied and are badly in need of innovation" – they are perhaps the most disturbing barriers to a free press in the country today. This view is shared by about half-a-dozen other interviewees who told me that this economic factor had introduced a new dynamic to the challenge of press freedom in the country. They added that, "the press in Nigeria today can no longer be truly independent, nor free, and certainly cannot defend or promote democratic principles in the polarised environment of multiple conflicts where disinformation and misinformation are rife."

Certainly, then, the economics of media operations, as Abdulaziz A Abdulaziz, deputy editor at the influential Daily Trust newspaper in Abuja told me, "has forced itself to the peak of the food chain as the most devastating force negating the journalism of purpose, of accountability and of freedom in our country today". With the current stress facing the three traditional pillars (advertising, sales and events) upon which the business model of the media is constructed, Stephanie Douglas, programme officer at the Centre for Journalism Innovation and Media development (CJID) said, extending the argument of Mr. Abdulaziz, "those historical foundations for building a virile and independent media as well as its regime of freedom, I am sorry to say, have become anachronistic".

To be sure, since the advent of the COVID-19 pandemic, there has been a precipitous fall in the capacity of the media industry to keep head above water. Subsequently, a depressive mood crept into the industry and two significant events best illustrate Ms Douglas' discomfiting outlook. First, a wave of high-level job losses swept through otherwise strong newsrooms, and a new and arbitrary wage regime quickly became the norm in many newsrooms. On the negative side, as Sani Zorro, one-time President of the West African Journalists Association and later legislator at Nigeria's National Assembly explained to me, "Situations like this complicate the ethical and professional profile



of such an important institution of democracy because when people are unpaid there is a limit you are going to ask them to stay on the straight and proper path.”

Motunrayo Alaka, CEO of the Wole Soyinka Centre for Investigative Journalism, in the interview for this report, said, bleakly, of the broad media environment emerging in the country: “We were having was talking about mob censorship, impatience for truth, impatience for contrary opinion. We are in a place where people will push their agenda (neither truth nor fact) just to be right, it is a precarious situation, the value system is drained.” A federal legislator and a media operative for one of the leading politicians in the country had confided to me, in a similar tone, that they now keep an ‘obligatory encouragement budget’ for reporters.

Alaka, whose organisation trains, develops resources and rewards best practices in investigative journalism, reflects on these developments on the future of the industry. “A lot of things have also cowed the media, there is force, more force and fear in the system occasioning more self-censorship. A lot of things will not get into public space and when they do, they are totally ignored so for those who go ahead to do great investigations, which can be extremely demoralising and what are things that covered us: force, lack of financial capacity.”

Chidi Odinkalu, law professor and one-time chairman of Nigeria’s human rights commission, also alluded to this fragile balance between mutually reinforcing narratives of self-censorship and narratives of coercive censorship that have emerged from the coercing culture of the state over its management of its relationship to the media.

On how the pandemic had reshaped the industry, Alaka also offered some thoughts, saying “COVID-19 showed us our true state in Nigeria, that we are weak in terms of resources, that we require to be independent. Newspaper pages have shrunk from 48 to 32 – that is massive and a lot of that also is due to the withdrawal of funds, government stopped spending and media stopped getting advertising revenue from government. We have also been made timid by our personal compromises, heads of newsrooms have wined and dined with people in government in such a way that integrity has been compromised. We are free, but not so free because there are things that have shut the mind and mouth of the media. For sections of the media risking their freedom, independence, to publish investigations, they have been limited because there is little or no response to these investigations.”

However, some positive developments have also emerged. We are now seeing the outlines of more specialised reporting, catering for narrower but no less consequential market segments. We are also seeing collaborations in reporting, as well as in publishing and in fundraising. The Leaks.ng the coalition emerged as an attempt to innovate on the tradition of competition in the media, privileging collaboration. The coalition also developed a security shelter for members of the coalition in the event of legal attacks, organising a team of about three dozen freedom of expression lawyers to serve as pro-bono legal defence team.

The depth of this crisis, and the trenchant tones in which it is discussed by key actors in the industry is, in part, the way to understand the rash of proposals floating in around on how to forge a solution. Around midyear 2020, the Nigerian Newspapers Proprietors Association of Nigeria (NPAN) and the Nigerian Press Organisation (NPO) opened a dialogue with the Central Bank of Nigeria on a state subsidy by way of a low-interest rate loan to the media. The question of state subsidy of the media has always been a matter of difficult debate in the country. Advocates point to a practice in the francophone zone of the sub-region, where media houses get subsidies from the state. This practice is a legacy of colonial France, where the press, in the only such example of any advanced democracy, receives over \$1.4 billion annually in state subsidies. Increasingly, particularly in the wake of expanded awareness of the oligopolistic practices of big technology companies, the traditional agnosticism towards this idea is dissolving slowly. The Nigerian Guild of Editors and proprietor’s association have been far more vociferous in calling for a Nigerian model of this practice. “All the industries that suffered severely from the harsh impact of the pandemic have enjoyed some form of bailout or the other. Why should the media – which offers far more valuable service to a democracy – be the only one left out?” a former official of the Guild argued in a dialogue with me, justifying the new state loan.

The future of an independent media in Nigeria was invariably going to be tied to how this problem of an ossified business model would be resolved, particularly the two contentious pillars – advertising and sales. Although most industry players understand that the government, a major source of public sector advertising, has always used the levers of advertising patronage to reward or punish publishers or broadcasters in relation to the warmth or otherwise of their coverage culture, no one could point to the existence of any formal policy. The only parallel that keeps coming to mind was when former president Goodluck Jonathan, gloated over the demise of the outlier investigative newspaper, 234NEXT. It had been deliberately starved of public sector advertisement, while a concealed threat was passed to the private sector that the paper was a state enemy that should be avoided.

Using the mechanism of frequent regulatory overreach of the National Broadcasting Commission (NBC), the government has always reined in local broadcasters with consequences for major revenue loss. Historically, sales have also been a point of attack from the government. During the military dictatorship, the practice of massive product confiscation was a routine activity for restraining media freedom. This pastime abated somewhat following the restoration of democracy in 1999, but reappeared in Abuja in 2014, prompting the Managing Director of Leadership Group, Azubike Ishiekwene, to complain that “the major newspaper depot at Area 1 (Abuja) has been shut down by soldiers in seven trucks...definitely an affront on press freedom and free speech.” Curiously, the events resurfaced yet again in Aba in 2016, hinting that old habits die hard.

With the economy worsening, the insurgency deepening, crimes – particularly mass abductions and kidnapping – rising to an embarrassing peak, a lot of the social anxiety in the country is increasing in the broad field of freedom of expression. On 4 June, the world woke up to learn that the Nigerian government had banned Twitter. This was a reaction to Twitter’s initial 12-hour access ban, and a later order that President Buhari delete an offensive tweet comparing the Nigerian Civil War to the current campaign against the secessionist IPOB group in the southeast of the country, which violated the Twitter community policy on ‘abusive behaviour’.

“Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Nigerian Civil War”, Buhari said in the now-deleted tweet, adding that “those who went through the war will treat them in the language they understand.” Angered by the Twitter policy, the government announced the ban was followed by an order by Attorney General Abubakar Malami, asking the Ministry of Justice to arraign any of the 40 million Twitter users who violated the ban. He later denied threatening to prosecute Nigerians.

Calling upon the Nigerian government to “respect its citizens’ right to freedom of expression by reversing this suspension”, leading democracies like the EU, the UK and the US asked Nigeria to reinstate its citizens’ access to Twitter. The US offered the most strident critique saying, “Unduly restricting the ability of Nigerians to report, gather, and disseminate opinions and information has no place in a democracy”, an allusion to Nigeria’s unhappy entry into an inglorious club of freedom of expression bashers like China, North Korea and Iran.

The current debate in the country, in the wake of the ban on Twitter by the Nigerian government, mirrors a major freedom of expression battle in 2019, when the government made vigorous efforts in parliament to pass what has been dubbed the Social Media Bill. At committee hearings on the Bill, there was a dramatic scene when – for the first time in recent times – a government agency, the National Communication Commission, NCC, sided with the larger public interest, argued in favour of killing the bill.

In its case, the NCC discredited the argument that fake news is the inevitable consequence of an unregulated social media. The NCC said, according to the terms of its statute – the National Communication Act of 2003 – it lacked the mandate to interfere with content (or even determine their appropriateness) of its licensees, and that it only provides infrastructure for internet service providers to operate. The highlight of the NCC’s intervention was when it clarified how it understood its mandate and the overriding public interest that gave it consequence. It stated that, with regards to contents on internet platforms, their truthfulness or otherwise could not be determined simply by the preferences of people in government, or because nobody wants to accept that they are true.

Last, the NCC argued that for it to impose regulation on Over The Top (OTT) protocols – the same demand now being proposed in the wake of the Twitter ban – it would have to fundamentally alter the current architecture of freedom of expression, the digital economy vision of the government and the regime of electronic businesses layered in the NCA 2003. This does not empower the agency to “regulate technologies but services”, and were this to be done, it would require that the National Communication Act of 2003 be expansively reviewed through fresh ancillary statutes, guidelines and licensing mechanisms – not by a simple executive pronouncement to manage the bruised ego of a President. Yet this is precisely what has now happened using the mechanics of a sister agency, the NBC.

Evidence that the government had trained its sights beyond the Twitter ban, a start-up media organisation, the Foundation for Investigative Journalism (FIJ) claimed that the Nigerian Presidency has also initiated talks with the Cyberspace Administration of China to discuss the possibility of setting up an internet firewall. Similar to China’s Great Firewall, this would enable the government to filter access and control over social media platforms such as Twitter and Facebook. The kneejerk response drew flak from technology analysts, who warned this could cost the country economically in terms of new investment into the technology sector, given that the Twitter ban was already harming the economy by \$6 million daily.

In a sudden move, the NBC ordered all broadcasters to suspend “patronage of Twitter immediately” and to stop using the social media company as a “source of information gathering for news and programmes.” It followed up the announcement a few days later, calling on all online broadcasting service providers and social media platforms in Nigeria to apply for the broadcast licence. The government capped the week by joining and opening an official account on the Indian microblogging site Koo. It also appointed a former journalist, Balarabe Shehu Ilesah, a veteran of both the BBC and the state television broadcaster NTA (and currently a ruling party member who ran an unsuccessful senatorial race) to head the NBC. Ilesah had worked in the service of the Nigerian government in China and Russia.

## Analysis of media strategies and narratives suppressing press freedom

Despite the evident disruptions in the media ecology on account of the digital migration that has supported three key developments in the industry – information distribution at a revolutionary scale; the progressive decline of traditional business models and the scourge of misinformation and disinformation – mainstream media remained resilient in setting the agenda for public discourse. Either in print, broadcast or online, media organisations continue to shape narratives, determining the tone of issues and how much attention media consumers pay to an issue.

Examples abound of how the media frame narratives, and how this has consequences. On the international scene, the rise of Donald Trump, the former US president, and the COVID-19 pandemic, created instances where the media consciously and unconsciously shaped the tone of the conversation. In Nigeria, the farmer/herder crisis, the one-decade old Boko Haram insurgency and, more recently, the #EndSars protests are some examples of media narratives that have captured popular imagination and shaped the tenor of national discourse.

Media in Nigeria project their ideological leanings mostly on account of ownership, class, ethnic or religious interests. The important discourse around informed visions and development goals that are unrestrained by these ideological parameters are, to put it mildly, still in the making.

This is probably true of most societies even where the ideological divides are as pronounced as in the US, with its balkanisation of realities into a left-or-right divide. For example, the delineation of the American media along this divide spiralled out of control during the Trump era, and according to the Knight Foundation’s American Views Report 2020, this contributed to deepening media distrust; “the American people ren-

der deeper and increasingly polarised judgments about the news media and how well it is fulfilling its role in our democracy”.

This distrust in the media is not peculiar to America. In Nigeria, the State of Press Freedom Report 2020<sup>201</sup>, the public opinion of the media is poor and – although the public believes in its power and importance – they mostly think that the media agenda is set by interests other than those for national growth and cohesion. Sadly, the potential power of the media to shape narratives, as the fourth estate of the realm and as the arbiter of truth and accountability, often confronts a rude reality of a distrustful public perception.

## Media monitoring of political narratives

Political issues are often at their most inflamed when it comes to media coverage. In almost all the examples from this media monitoring, political issues and their interface with governance clearly dominated the subject of coverage. The question then arises of how to manage instances where the media have an opportunity to frame political reportage in a manner that privileges development over personalities or political parties and their affiliations.

Media monitoring remains a reliable mechanism for insight and intelligence that offers both a diagnosis and a prescription that can help the media do a better job. It is therefore a veritable resource for media innovation and development organisations and for the media itself to help check its health and vitality.

This report examines two Nigerian media organisations – the Daily Trust and Sahara Reporters – and their coverage of the #EndSars protests in Nigeria, which started out as marches against police brutality but expanded to include demands for good governance and social amenities. The rallies intensified and the country came close to outright anarchy. How did these two widely read news platforms frame the #EndSars protests?

### Methodology

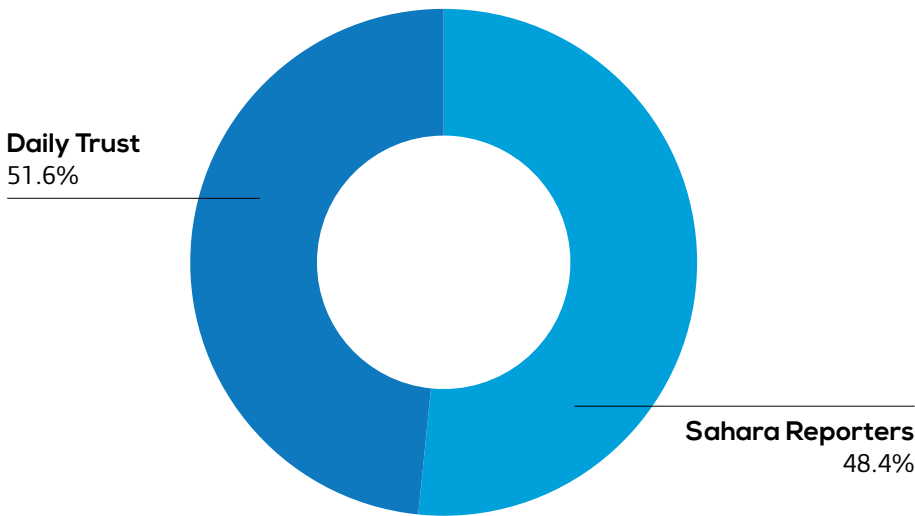
Both news media were retroactively assessed during 18-24 October 2020. Archival data for Sahara Reporters, with the Wayback machine, was missing two of the days within the pre-set monitoring period (23-24 October) so two extra days – 26-27 October – were added. Monitoring used pre-set criteria designed to help identify the different narratives and determine alignment or otherwise with journalistic principles and ethics.

### News Count

Within the monitoring period, a total of 157 reports were published by the two outlets; 76 by the Daily Trust, 81 by Sahara Reporters. The volume published within this period is unsurprising as #EndSars trended across social media platforms and garnered international interest.

201 “State of Press Freedom Report 2020: Trends and Reflections”, Premium Times Centre for Investigative Journalism, 2020.

**Total Stories Count**

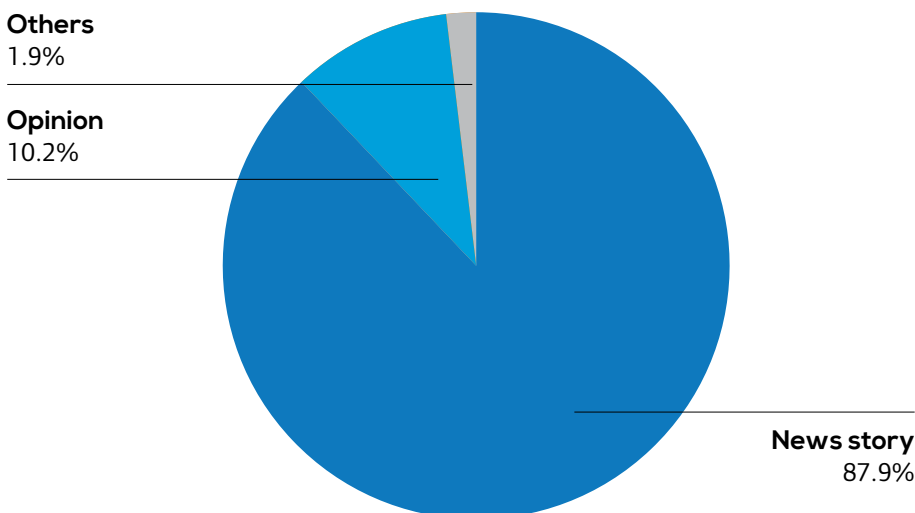


**News type**

Of the 157 reports monitored, 138 were news stories and 16 were opinion articles; only three were ‘others’ such as editorials, interviews, features etc. This is significant, because the news stories tended to lack context and were often brief, akin to the mere recounting of incidences. Considering the impact of the protests and their outcomes, it is worrying – although unsurprising – that a large number of the reports published were mere accounts of incidents.

Journalists often put on a mask suggesting that because they report the facts as they occur, free of bias or even closet ideological endorsements. Yet, devoid of context, facts are inadequate to convey the accuracy of experiences in reporting.

Lacking this important element of context and, in the process, failing to help readers connect the dots, the monitored media stuck to the available facts and were effectively unable to provide an insight into the events and their developments. This begs the question, was this intentional or were these media organisations completely unaware of the impact of such reporting, and thus unwittingly framing narratives of the protests as unending chaos?



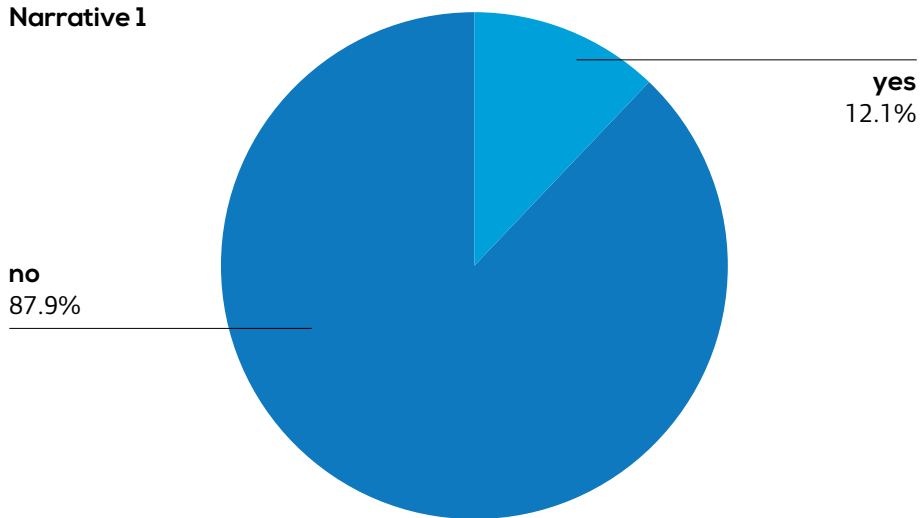
**Type of narrative**

Unwitting or otherwise, what kind of narratives did the media houses project? Repressive or balanced?

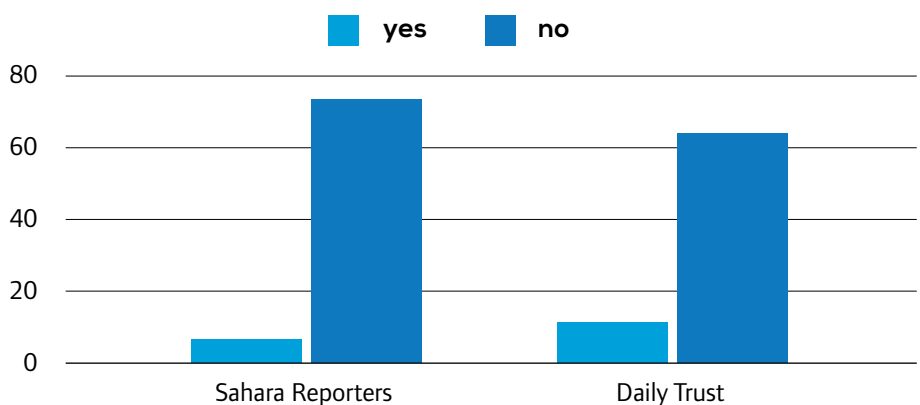
*Narrative 1: Framing Pluralistic Society as Inappropriate and Call for Law and Order*

Of 157 reports, 19 agreed with this framing while 138 did not. Comparatively, the Daily Trust had more reports that agreed with this framing (12) compared to Sahara Reporters (7). For reporting that draws on the reality of a pluralistic community, what professional attitude should a media organisation be projecting, regardless of the modest figures we are dealing with here?

**Narrative 1**



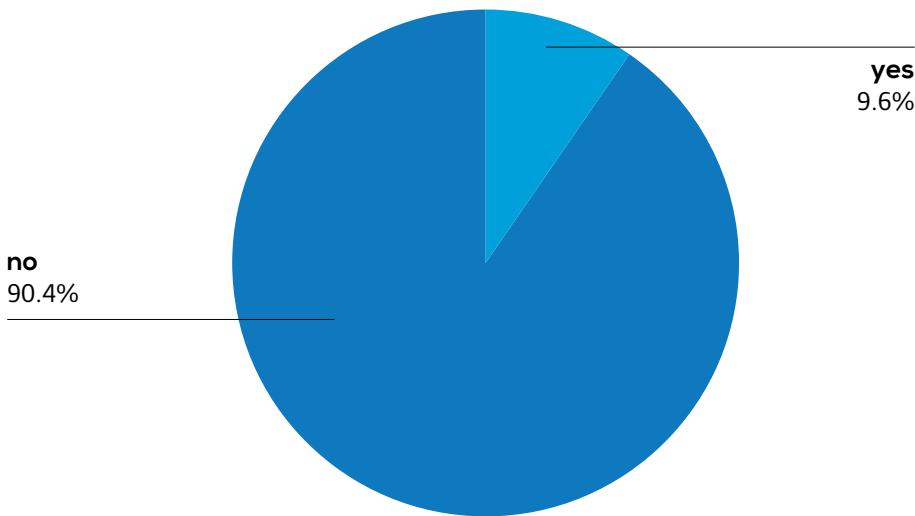
**Narrative 1: Medium Comparison**



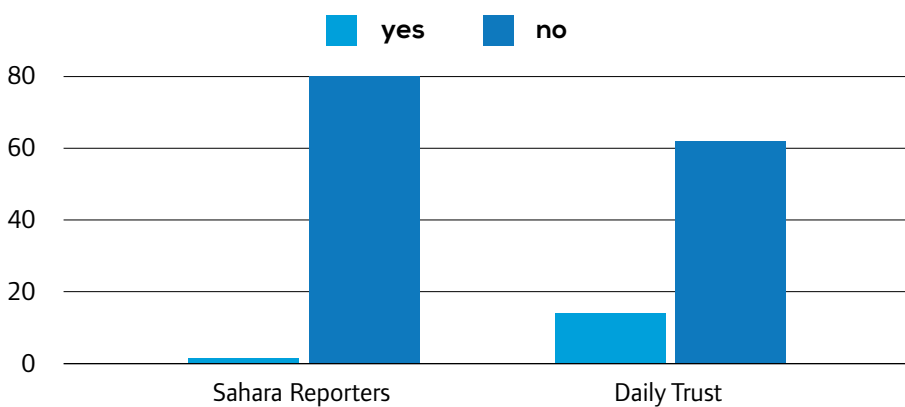
*Narrative 2: Framing Democratic Opposition Parties as Illegitimate*

Only 15 of the reports fit this frame; 142 did not, and again the Daily Trust carried the bulk of stories that framed democratic opposition as illegitimate. In the light of this framing, how does it fit into the classical notion of the media as a surrogate parliament, as envisaged by Section 22 of the 1999 constitution? Can the media fulfil its constitutional responsibility and still be logically illegitimate? Typically, we like to see the media in a democracy as largely dispassionate and as not slavishly aligned with any political party. Statutorily, its very role of holding power accountable and speaking truth to power makes it oppositional. If opposition voices are being delegitimised, the media is therefore naively self-castigating.

**Narrative 2**



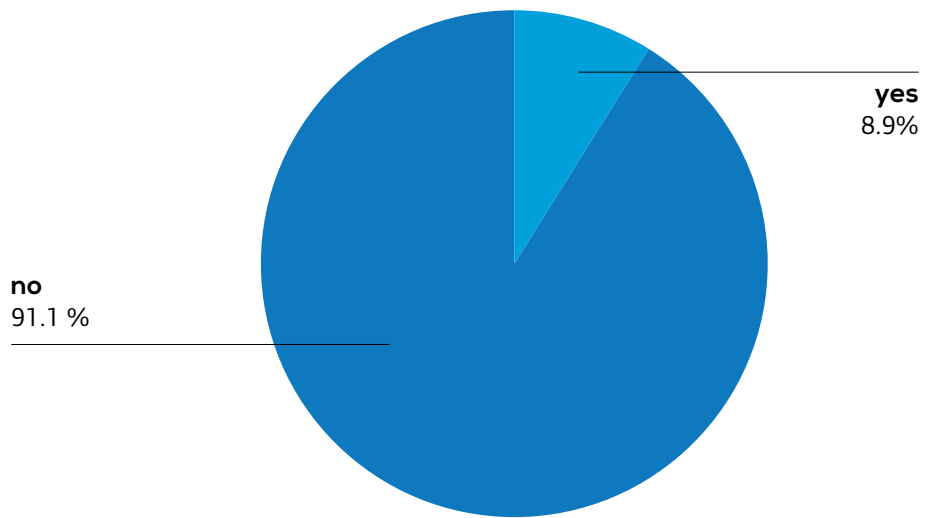
**Narrative 2: Medium Comparison**



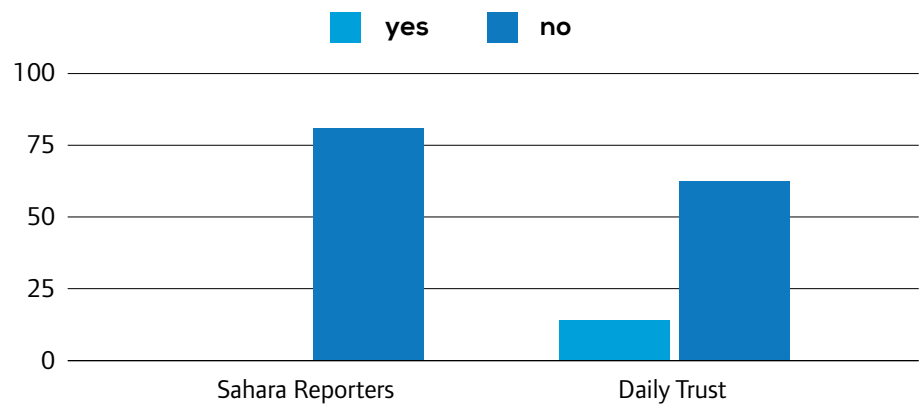
*Narrative 3: Framing Democratic Opposition As Incompatible to National Culture/Religion*

14 reports agreed with this framing, while 143 reports did not. The Daily Trust published the 14 reports that did align. Nigeria has a very culturally sensitive context, with culture at the root of many points of cohesion and ethno-national pride. This is, however, increasingly fraying at the seams. The basis of many conflicts within the country is rooted in ethnic/cultural and religious differences. What instincts shape the political attitude of media when they appear to play to these divides? It is important to interrogate the media’s role in driving these divisions among the populace and the influences that shape the media’s stance.

**Narrative 3**



**Narrative 3: Medium Comparison**

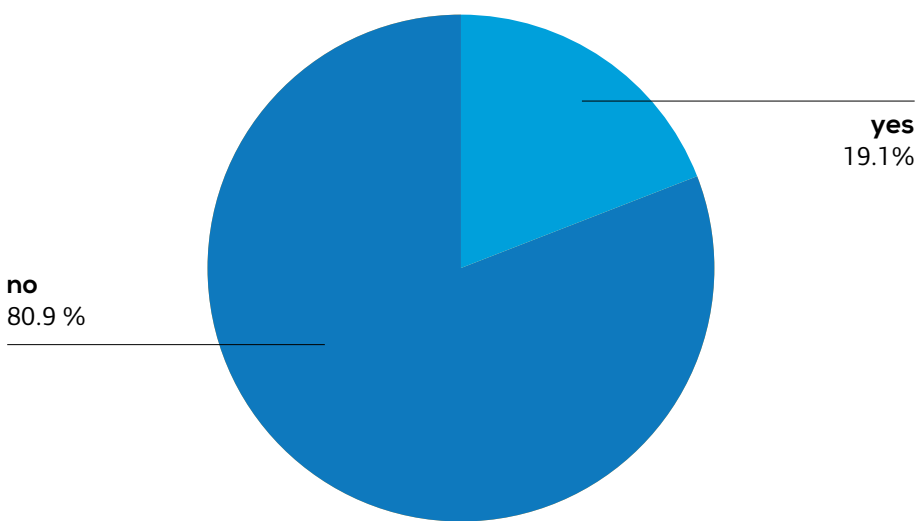




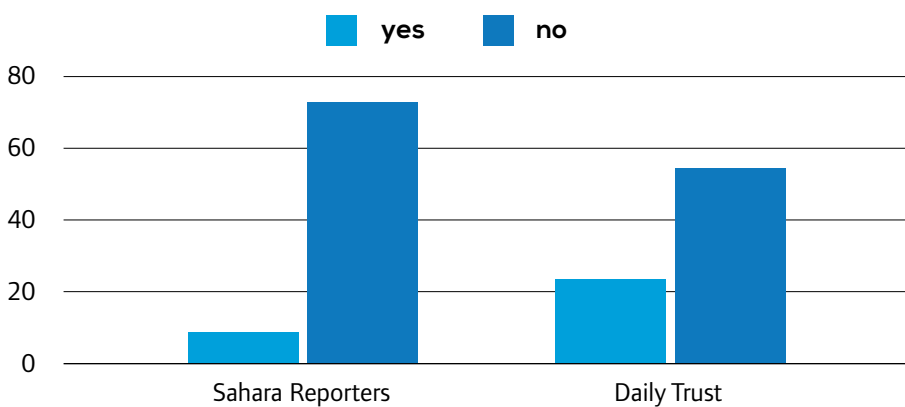
*Narrative 4: Framing Opposition As Threat To National Security; “Coloured Revolution”*

30 reports fit this frame while 127 reports did not. Sahara Reporters accounted for 8, while Daily Trust accounts for the remaining 22. National Security has long been a tool of successive governments and the media have, in fact, locked horns with state actors over the definitions of National Security. What constitutes a threat to it, and what is its relationship with press freedom vis-à-vis the media’s constitutionally guaranteed rights and responsibilities? Several journalists have been accused of treason, and media organisations are often framed as threats to national security by state actors. What considerations would underpin the perspectives of media reporting that align with this position in the framing of certain reports.

**Narrative 4**



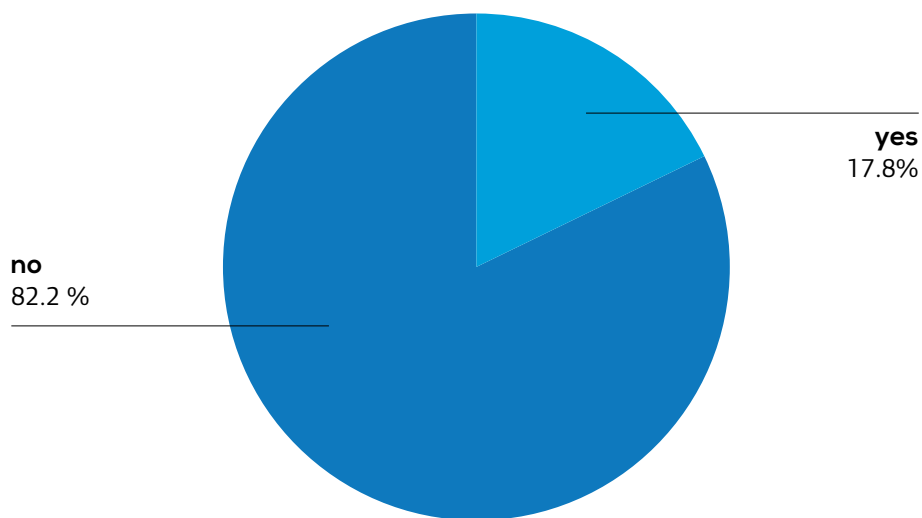
**Narrative 4: Medium Comparison**



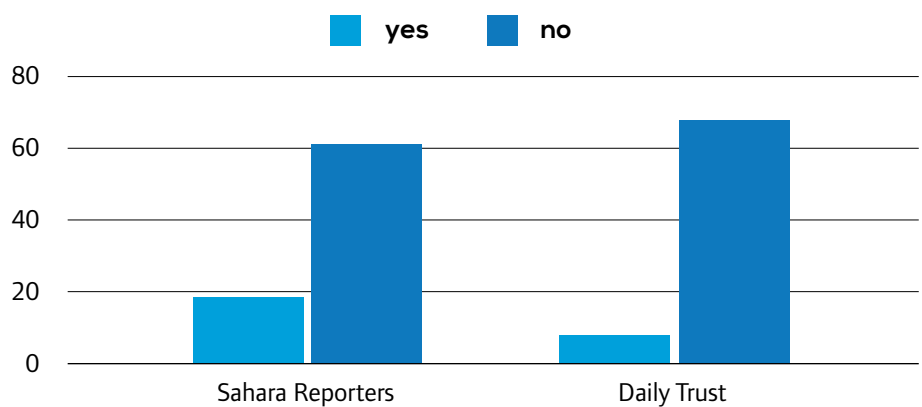
*Narrative 5: Framing Defamation Against Opposition Representatives As Acceptable*

28 of the reports fit this narrative, painting the defamation of opposition voices as acceptable. 20 of these reports were from the Daily Trust. Media continues to battle with the country’s defamation law that is too-often used as a tool to silence it, and press freedom advocates have long sought a review or repeal of the law. This underscores the need for media training in human rights, civic liberties and media freedom. For a core institution of democracy, and a fundamental freedom, at what point is it ever acceptable to call for a defamation statute?

**Narrative 5**



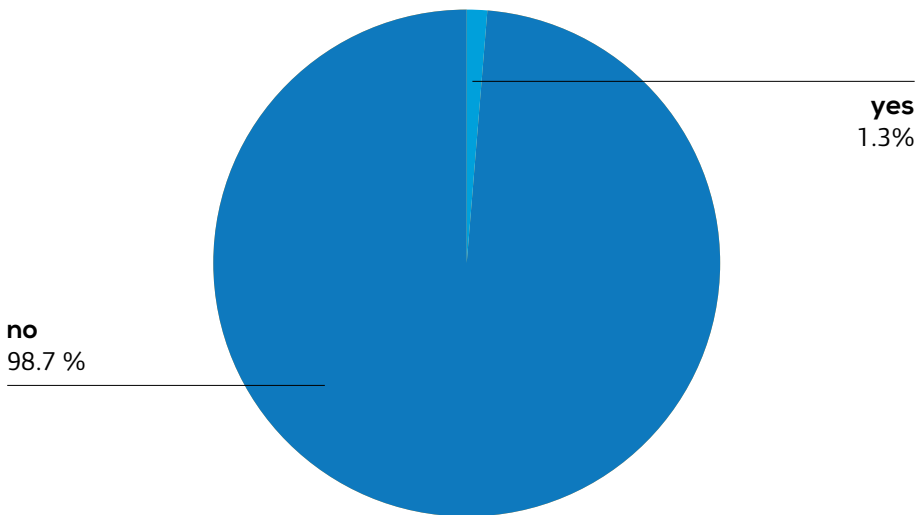
**Narrative 5: Medium Comparison**



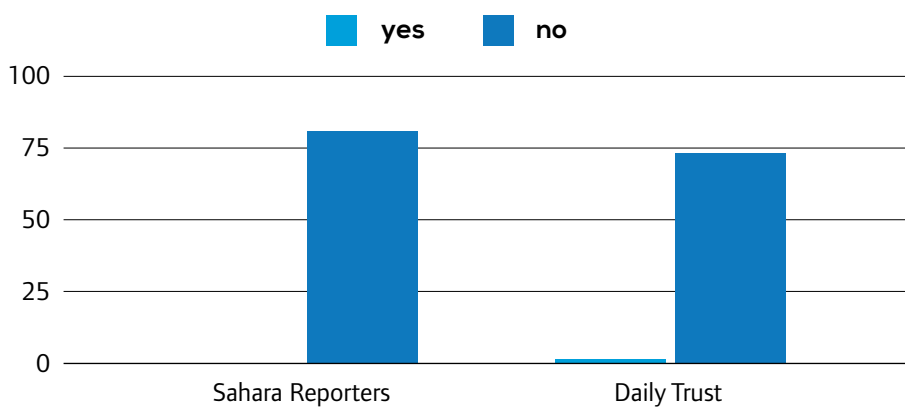
*Narrative 6: Framing Prejudices Against Minorities Or Religious Groups As Acceptable*

Only 2 reports fitted this frame. This may not be because the media identified the error of doing so as much as the fact that the #EndSars protests were not about minorities or particular religious groups. It will be interesting to study how the media frame issues of minorities or religious groups, and how this framing impacts on access and inclusion of these groups.

**Narrative 6**



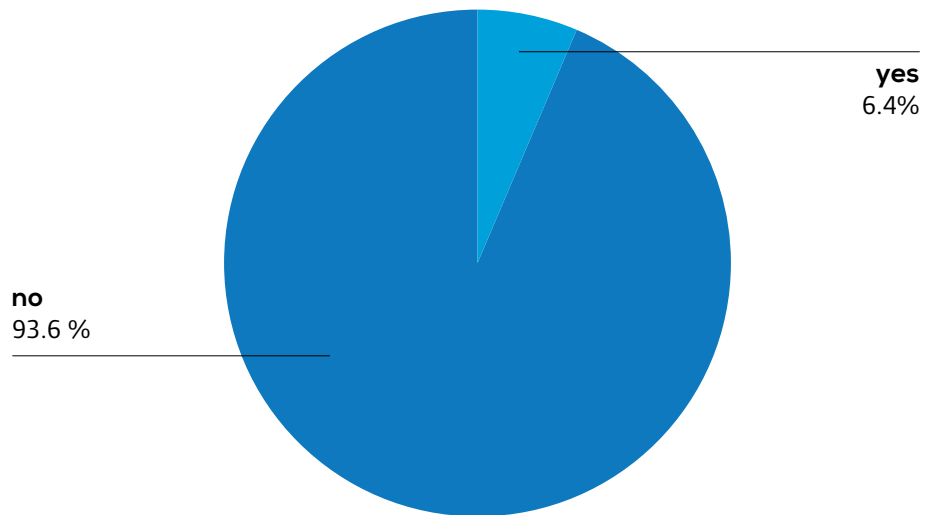
**Narrative 6: Medium Comparison**



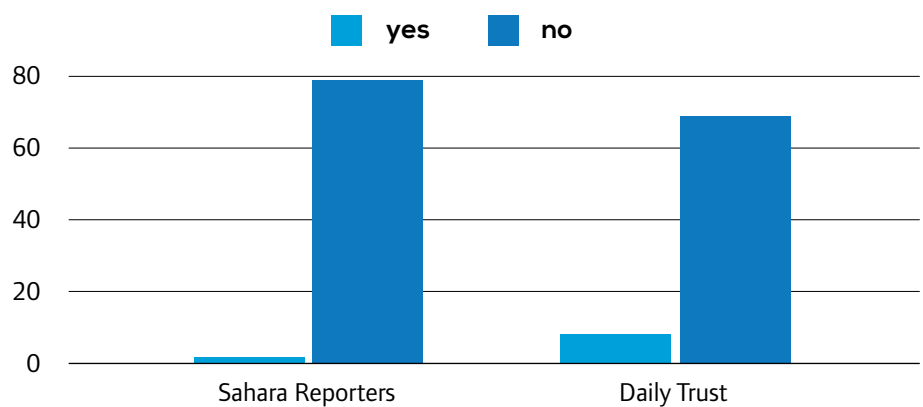
*Narrative 7: Other Frames To Suppress Democratic Discourse And Freedom Of Speech*

10 of the 157 stories monitored did not fit any of the narratives, but were still clearly identifiable as anti-democratic discourse and freedom of speech. Considering how interconnected freedom of speech and freedom of the press are, it is curious that the media can introduce incident framing that suppresses the very right that enables their very existence and functioning.

**Narrative 7**



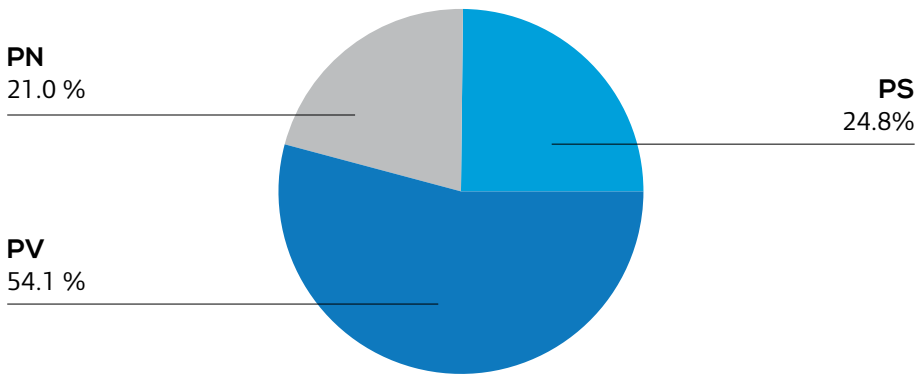
**Narrative 7: Medium Comparison**



**Adherence to journalistic principles**

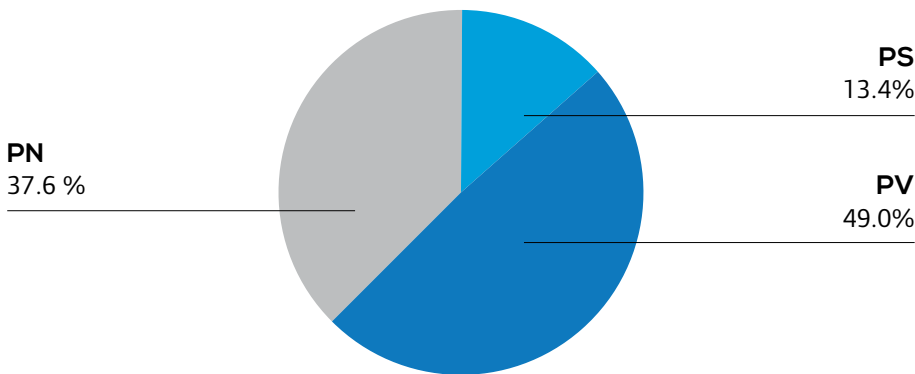
How well did these reports adhere to fundamental journalistic principles of attribution, verification, objectivity (no bias) and clear separation of facts from opinions? The data says not so well. An alarming 54.1% – more than half – of all reports violated the principle of attribution, clear sourcing and proof (verification).

**Principle 1: Attribution with clear source and proof**



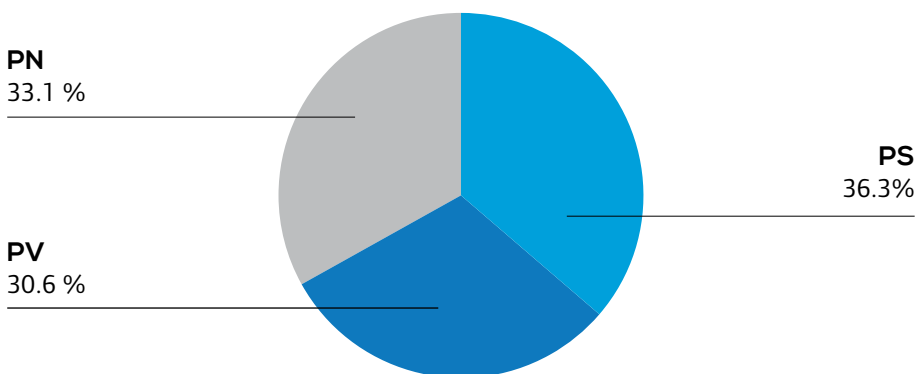
49.7% of the stories were not balanced and presented only one side with a mere 13.4% adhering to this principle. 37.6% of reports were neutral, thus ‘dropping the ball’ as media reports should be clearly and unambiguously balanced with different voices given equal treatment.

**Principle 2: Balanced reporting, presenting different perspectives**



It is also worrying that 30.6% of the reports could not be identified as news, separate from opinion. In an age of misinformation and disinformation, there needs to be greater efforts to ensure that opinions are clearly and distinctly separated from news and facts. Over 60% of the reports monitored failed to do so, or made it impossible to separate facts from opinion.

**Principle 3: Clear separation of news / facts & opinion**



## Conclusion

Aligning principles to narratives, the outcomes of the survey suggest poor professionalism in the reporting of the #EndSars protests. Assuming that these samples were consistent enough to generalise, it is hard to resist the temptation that there is a correlation between the patterns of reporting and the bedlam that followed in the wake of the protests.

This illustrates the point made by Jiti Ogunye, a leading public interest litigant and freedom of expression attorney in my interview. “We cannot adequately respond to the crisis engulfing the country, from a conflict perspective, if the media insists on providing poor-quality coverage that inevitably leads nowhere than poor policymaking.” He asked me rhetorically, “Do you think we can effectively deter conflict, without a comprehensive understanding of its cause, trajectory, and implication?” adding that “it all starts with quality reporting.”

Even if we accept that an easy correlation of the poor professionalism between the #EndSars protests and the chaos that followed in their wake is not easily acceptable in an analysis like this, it nevertheless offers a snapshot of the important gaps in the ethical profile of our media. First, the sense of self-awareness as a key element of democracy, and second the need to appreciate the crucial distinction of perspectives in the framing and execution of reporting. To develop deep awareness on the ramifications of the conflict, generate effective public engagement around it and stem the resulting impunity, more thoughtful coverage could have made the difference.

It is unclear whether the eventual framings of the protests were intentional and exemplify the stance of the media houses. However, the one thing that is certain is that – as far as adherence to journalistic principles are concerned – most of the reports probably reinforced existing biases, prejudices and intolerance in the country, adding to the subversion of enlightenment and education that media reporting pledged throughout its value proposition.

There are other challenges that come with this and – as Professor Chinyere Okunna, Dean of the Faculty of Social Science at the Nnamdi Azikiwe University in Awka said in her interview – sloppy narratives by the media in the context of conflict reporting allows the government to build an opportunistic scheme of propaganda that in essence further devalues the effort at entrenching press freedom and deepening democratic values.

Odinkalu contends that conditions like these, when the media simply ‘drops the ball’ through its own lack of self-awareness, they permit anti-democratic forces to use them for narrow and to divisive ends. Invariably, he asserts, ethnicity, religion and patriotism occupy central positions in the narratives (of media control by the government), deployed in rationalising “themes like ‘anti-north’ or ‘anti-Islam’ as regular tropes of self-censorship” in the country. “You cannot, for instance, criticise (President) Buhari now without being told you ‘hate the North’ or hate Buhari or being called ‘a bigot’ or a ‘hater of Muslims’.” Many people get frightened by this outpouring of epithets, he told me, and just ‘unlook’.

Africa offers a clear illustration of a context where, when reporting is poorly done and undemocratic narratives are privileged, the media becomes systematically degraded, democracy itself deteriorates, the reign of freedom and liberty retreat and are sidelined while opposition voices, so vital to the fabric of democracy, are stilled. Under such circumstances, the media, as victims of their own error, unwittingly sets in motion a regime of ‘unfreedom’, a stance against a pluralistic, independent, and a viable press, where they become mere mouthpieces for autocratic forces and agencies. The Nigerian media have historically lived in both divides and ought to be far more aware of the dangers of undemocratic framing.

Narratives and framing, however, can hardly be the nemesis of the ethical and epistemological formation of the media. In fact, the two elements are inextricably tied to the media’s interpretative function, particularly in the context of democratic principles and values. It is natural that once the media accept ethical propriety, they should be deliberate about how they say what they say on politics, as well as on every issue. In fact, for an age of information disorder, with the fog of misinformation, disinformation and deep distrust in the air, newsrooms assume greater gatekeeping and agenda-setting roles.

Journalists, in the eye of the storm, always tend to be embedded in the issues they are covering. Sometimes, unintentionally, they can become invested in those issues in a way that disconnects their much-needed sense of balance. Taking a step back to review things is what a healthy media monitoring regime can help bring to the table, grounding media practice in effective normative and ethical parameters.

These kinds of reviews can also open the doors to conversations such as the psychological impact of journalistic work, how it shapes and changes the journalists involved, and how it affects the political behaviour of media organisations and their narratives. It may even help shape the organisation's ideological leanings. Whatever benefits will be reaped, the one thing that is clear is the need for the media to frequently turn the spotlight on itself, the truth seeker must often seek its own truth.



Senegalese react as they read newspapers after the first unconfirmed results from Senegal's controversial presidential election indicate a tight race between incumbent Abdoulaye Wade and former Prime Minister Macky Sall at a news stand in central Dakar February 27, 2012. The election follows weeks of violent street protests against the 85-year-old Wade's bid for a third term in office despite a two-term limit, and warnings that Senegal's reputation as an established democracy hangs in the balance.

## 4. Press Freedom in Senegal: What can the EU do?

EUGÉNIE AW

### Country overview: Current political, economic and social development

Senegal had long been a model for press freedom in West Africa, and because of the respect Senegalese authorities have generally shown the media in recent years, the Committee to Protect Journalists (CPJ) had not published a section on Senegal in its annual report on press freedom abuse around the world, according to a report by the CPJ in September 2020.<sup>202</sup> After the initial praise, the report, says, the CPJ expressed 'deep concern' at what it described as the increased harassment of Senegalese journalists by government authorities.

Journalists in Senegal have become increasingly aware about the regressive control that the state is exercising on their profession. In May 2021, they staged a sit-in protest to mark Press Freedom Day. Media groups in the country have accused the government of clamping down on the freedom of the press and the increasing intimidation and violence that journalists face.

<sup>202</sup> <https://cpj.org/wp-content/uploads/2020/09/CPJ.2020.Annual.Report.pdf>.



The Republic of Senegal was formally proclaimed on September 5, 1960, with Léopold Sédar Senghor as President (Head of State) and Mamadou Dia as Prime Minister (President of the 15-member Council of Ministers).<sup>203</sup> France has remained one of the most defining diplomatic partners of Senegal following independence, with the first President of Independent Senegal advocating close relations with France. The significant French economic and diplomatic presence and the continuing importance of the French language – although increasingly challenged by growing spread of English – means that relations between the countries remain strong.<sup>204</sup>

Following the dissolution of French West Africa, the first president of independent Senegal provided the country with a constitution, modelled to some extent on de Gaulle's, with executive powers in the hands of the President. Senghor himself remained in office until resigning at the end of 1980.<sup>205</sup>

In accordance with the constitution, Prime Minister Abdou Diouf succeeded Senghor as President. Diouf was elected to two full five-year terms in his own right in 1983 and 1988. The constitution, which previously restricted the number of political parties to four, was amended in 1981 to legitimise previously unrecognised parties. The number now stands at 25, of which several participated in the November 1996 regional and local elections. There are 120 seats in the National Assembly. The last national elections were held on 21 February and 9 May 1993. President Diouf was re-elected for a seven-year term.

Senegal's principal political party is the Socialist Party (it changed its name from the Senegalese Progressive Union in 1976, after joining the Socialist International), which was founded by Leopold Senghor in 1949. The Socialist Party, which has governed Senegal since independence in 1960, has advocated a moderate form of socialism based on traditional African concepts but increasingly sought to encourage private enterprise, including foreign investment.<sup>206</sup>

Between 1985–1991, economic activity in real terms grew by 2.9% annually. The situation changed significantly post-1994, and the domestic economic activity recorded a favourable trend in subsequent years. GDP growth was estimated at 2.9% in 1994, 4.8% in 1995 and 5.5% in 2000. In the period following 2000, growth remained significant levels but relatively unstable; 2003 saw strong GDP growth, while 2002, 2006 and 2008 saw contraction in activity under the influence of climate and energy shocks. Consequently, the growth rate of GDP has fallen during these periods below that of the population, making more difficult the efforts against poverty.<sup>207</sup> Senegal's economy grew by more than 6% per year between 2014–2018. Real GDP growth stood at 4.4% in 2019, down from 6.2% in 2017. The services sector is the main engine of GDP growth, while on the demand side, investment and exports are the main drivers of growth.

The pandemic has significantly changed the country's economic outlook. It is estimated that growth fell by 0.7% in 2020, setting back services (tourism and transport) and exports. Senegal has responded with a number of containment measures and has implemented an Economic and Social Resilience Program (Programme de Résilience Économique et Sociale, PRES). Nevertheless, limited fiscal buffers and safety nets, a vulnerable health care system and a large informal sector pose challenges.<sup>208</sup>

The literacy rate in Senegal is 51.9 per cent. This relatively low level is due to insufficient funding being devoted by the state to widening access to education. In addition, there is still strong resistance to the establishment of modern schools, particularly in rural areas. The number of girls attending school is extremely low compared to the number of girls of school-going age. However, there is an important group of people who

203 "Senegal (1960-present)", University of Central Arkansas.

204 "History of Senegal", History World.

205 Ibid

206 "Republic of Senegal", Clinton White House Archives.

207 Abdoulaye Diagne, François Joseph Cabral, Fatou Cissé, Anne-Sophie Robilliard, "Assessing Development Strategies to Achieve the MDGs in the Republic of Senegal", United Nations Department for Social and Economic Affairs. March 2011.

208 "The World Bank in Senegal", World Bank, 29 September 2021.

can read and write in indigenous languages and in Arabic who are captured by official statistics.<sup>209</sup>

Senegal is one of Africa's most stable electoral democracies, and has undergone two peaceful transfers of power between rival parties since 2000. However, the 2019 Freedom House report<sup>210</sup> says that recent politically motivated prosecutions of opposition leaders and changes to the electoral laws have reduced the competitiveness of the opposition in recent years.

The country is known for its relatively independent media and free expression, though defamation laws continue to constrain press freedom.<sup>211</sup> The constitution guarantees freedom of speech, and Senegal is home to many independent television and radio stations and print outlets. The controversial 2017 press code increased punishments for defamation offenses, allows authorities to shut down press outlets without judicial approval and enables the government to block internet content deemed 'contrary to morality'. In November 2018, the National Assembly passed a Code on Electronic Communications, ostensibly to guard against disinformation on the internet; press freedom advocates said the new code could be misused to attack free speech.

Journalists who provide critical coverage of the government have been attacked or detained in recent years. In July 2019, journalist and political analyst Adama Gaye, known for strongly criticising the ruling regime, was taken into custody for alleged offenses against the head of state and compromising state security. He was released on bail in September.<sup>212</sup>

## Media landscape: Freedom of expression

Unlike other African countries, the media landscape in Senegal has remained fertile. In the West African nation, the first private newspapers came into existence in the early 1970s, but the liberalisation of the airwaves only occurred in the 1990s for radio and in the early 2000s for television. It boasts some 250 radio frequencies, including 137 community radio stations, 22 television channels, between 300 and 400 websites and at least 20 daily publications

In Senegal, the media landscape includes one state-owned newspaper, a public broadcasting system that operates a radio and television network, and a variety of private media owned by politicians, businessmen and religious guides. The media in this developing country is either state-owned or owned and operated by individuals who live in the country and have direct control over the production chain. For public and private media, the proximity of the owners is a shared pattern.<sup>213</sup>

The public sector is composed of the Senegalese National Radio and Television, which operates three radio stations and two television channels as well as other stations established in the regions. The state-run media also include the government daily *Le Soleil* and the national news agency, The Senegalese Press Agency (APS). The characteristics of the private media sector include the control of the industry by a handful of private owners. Groups such as Walf Fadjri, Futurs Medias, and Groupe DMedia, which own a least one newspaper, a radio and television station, dominate the sector along with the public media. As far as print press is concerned, the situation is characterised by the low price of daily newspapers, which are sold at CFA Francs 100 (US\$ 0.19). However, on account of the low literacy rate, the total number of copies sold daily is estimated at only 300,000 (Colmar, 2017). Apart from the daily newspaper *L'Observateur*, which has a circulation which ranges between 80,000 and 100,000 copies, for most of the others the sales turn around 10,000 and 40,000 copies (Colmar, 2017). Wittman (2008)

209 "Senegal", KAS Democracy Report, 2008.

210 "Freedom in the World 2019, Freedom House, 2020.

211 "Freedom in the World 2020, Freedom House, 2021.

212 Ibid.

213 Layire Diop, "Money and the Media in Senegal (Research Paper)", Research Gate, September 2019.

revealed that the Senegalese media culture is marked by continuous conflicts between political, religious, economic, media, and regulation actors.<sup>214</sup>

An analysis of the content of the media leads to the conclusion that Senegal seems to have returned to the era of ‘institutional reporting journalism’ of the post-independence era of 1960, following the great boom at the beginning of the 1990s, with the emergence of a kind of ‘media activism’ which played a decisive role in questioning the information disseminated by the state press.

In his book entitled ‘Histoire des médias au Sénégal. De la colonisation à nos jours’ (History of the Media in Senegal from Colonisation to the Present)<sup>215</sup>, the author Moustapha Barry analyses the “three key periods” of the sector, which has had “ambivalent, more or less conflictual relations” with the government. The period 1856-1960 was marked by a “political ferment, which favoured the emergence of the media, notably the partisan political press.” A multispeed press emerged in the second period from 1960-1980.

In 1977, the Director General of UNESCO, Amadou Mahtar Mbow from Senegal, set up the International Study Commission for Communication Problems (ICC) with the aim of reflecting on a ‘new information and communication world order’ (NOMIC).

The radio is by far the most popular medium. It is widely used as a source of information. Television and newspapers lag far behind.

The influence of the state media on public opinion has significantly declined with the development of the private media, which began in the mid-1970s. It has become clear that the private media have a greater influence on the political opinion of the Senegalese people. The state media’s editorial lines totally align with the government’s policy. They are systematically favourable to the government and are often used as instruments of propaganda, which has created suspicion among the public. The state-run television and the government daily newspaper play this role very well. Television is the window of the government and is the medium closest and most loyal to the regime. The state radio and the government daily newspaper remain favourable to the government with a slight leaning towards the opposition and groups that are not allied to the government.<sup>216</sup>

However, over the years, the four weekly newspapers, *Cafard Libéré*, *Nouvel Horizon*, *La Gazette*, *Weekend Magazine*, have completely disappeared from the newsstands, and the publication of the only monthly magazine specialising in economic issues – ‘*Réussir*’ – is no longer published as frequently as it was during the lifetime of its founder, who died in 2019.

Journalist Djib Diédhiou points out that “press companies do not carry out any prior market studies”. There is a lot of ‘improvisation’ and the press bodies end up going bankrupt”.<sup>217</sup> Indeed, many journalists say that the obstacles to the existence of a free media are essentially financial. They call for increased support from the state. Others put the emphasis on the confusion affecting the status of journalists. Current trends within the journalists’ union are in favour of creating an association of journalists in order to regulate entry into the profession and raise the level and the status. Above all, there is an issue of a lack of training. People start in the profession without serious preparation, without sufficient knowledge of writing techniques and genres and completely ignorant of journalistic professional code of ethics. The training also applies to new information and communication technologies (ICT). The legal environment should remove the threat of the law being used against the media and journalists. This reform of the legal framework is in no way designed to place the journalist above the law, as some authorities would argue.

On 5 March 2021, Reporters Without Borders (RSF) condemned a wave of press freedom violations unlike anything seen in this West African country in recent years. The report said that the day after President Macky Sall’s leading political opponent, Ous-

214 Ibid.

215 Moustapha Barry, “Histoire des médias au Sénégal. De la colonisation à nos jours”, in: “Sociétés Africaines et diaspora”, L’Harmattan, 2013.

216 “Senegal”, KAS Democracy Report, 2008.

217 Djib Diédhiou, In: “Les Cahiers de l’Alternance, Médias au Sénégal entre mutations et contraintes”, Fondation Konrad Adenauer, 2016.

mane Sonko, was arrested on a rape charge on 3 March – triggering a wave of protests and scenes of violence through the country – the National Council for Broadcast Regulation (CNRA) suspended two privately-owned TV channels, SenTV and WalfadriTV. It accused them of ‘irresponsible coverage’ and ‘flagrant breaches’ of regulations. Earlier, the CNRA had issued a warning to these two channels as well as a third, 2STV, saying it had noted that they were broadcasting “repeated calls for a popular uprising by constantly transmitting insurrection footage”.

Media outlets are also being subjected to deliberate physical violence. On 4 March, individuals partially destroyed the walls at the front of the building housing the RFM radio station and the L’Observateur newspaper, which are both owned by musician Yousou Ndour’s media company, Groupe Futurs Médias (GFM). Disruption has been reported on social media such as YouTube, Facebook and WhatsApp, and has been confirmed by the RSF bureau in Dakar. “We urge the authorities not to turn news and information, and those who produce it, into additional victims of this violence,” said Assane Diagne, the director of RSF’s West Africa office. “We ask the media regulator to rescind the suspension orders, which constitute a serious violation of the freedom to inform and be informed. We also condemn the physical attacks, for which there is no justification, and we remind the authorities of their obligation to guarantee the safety of journalists and their workplaces.”<sup>218</sup>

The Windhoek Declaration on Promoting an Independent and Pluralistic Press was adopted in 1991 by participants at a UNESCO seminar on promoting an independent and pluralistic African press, and was thereafter endorsed by UNESCO’s General Conference. The Windhoek Declaration is an important international statement of principle on press freedom; the date of its adoption, 3 May, is now the annual World Press Freedom Day.

Since 2000, there has been a third phase in the history of media in Senegal. In this, the relationship between the media and the authorities has been tense, sometimes violent, and reforming the media landscape with clearly defined rules that are respected by all actors” in the discussion.

## Interviews: Freedom and democracy

In our interviews, we approached three categories of stakeholders in Senegal and asked them their opinion about the press freedom in Senegal. We approached the media managers, senior officials in government structures and the heads of media organisations. Some of them, despite almost daily reminders, did not see fit to respond.

The reactions of press organs and institutions that endeavour for a free and responsible press provided insights into the rather tense relations between the media and the authorities.

The heads of ARTICLE 19, Reporters Without Borders, Africa Check, Media Foundation For West Africa (MFWA), the Senegalese Union of Information and Communication Professionals (SYNPICS), the Association of Publishers and Online Press Professionals (APPEL) and the newspapers Sud Quotidien and Pop (short for popular) were unanimous in their response to the question of how they describe the state of press freedom in Senegal (entirely free, not free, partially free): partially free.

ARTICLE 19 points out that “To date, Senegal is not among the countries that have decriminalised press offences, and offences such as disseminating fake news, defamation, and insulting the head of state and foreign heads of state are still punishable under Senegalese law.” Also, “preventive detentions exist for press offences which are incompatible with international standards and good practices”. The NGO also states that, “in practice, journalists have been beaten up by crowds or the police in the course of their work.”

Ibrahima Lissa Faye, director of the Pressafrik website, has also denounced “complaints, threats and difficulties in getting hold of documents”.

<sup>218</sup> “RSF decries exceptional press freedom violations in Senegal”, Reporters Without Borders, 5 March 2021.

For Reporters Sans Frontières (RSF), the main problems encountered by critical/opinion/investigative journalists in exercising their profession have to do with “access to information, the lack of a legal framework to protect investigative journalists, unviable press enterprises that expose their employees and the risks linked to the treatment of issues relating to religion and good governance”. These concerns are shared by the Syndicat des Professionnels de l’Information et de la Communication du Sénégal (SYNPICS – Senegalese Union of Information and Communication Professionals), which denounces the lack of legislation on access to information in addition to the “lack of respect for the pay scale” (and the implicit strong temptation to corruption).

For Mrs Safi Ly Sow, a member and President of the Board of Directors of the Media Foundation for West Africa (MFWA), “Journalists censor themselves on issues of corruption, critical reporting on the Head of State (lèse-majesté), and religious personalities.” Mrs Sow also lists “difficulties in accessing sources of information (lack of legislation on access to information and on the protection of sources of information and whistle blowers), lack of protection for journalists (investigative journalists feel insecure when they conduct research on sensitive issues and are not certain of being protected by the judicial system), obstruction of freedom of expression (when journalists deal with sensitive investigative topics, their media might forbid them to continue the investigation), lack of equipment, logistics and inadequate training ad capacity”.

## Springtime of the press

Over the years, and with the advent of media pluralism, the early 1990s were considered as a springtime for the press. In the wake of national conferences and democratisation, the issues of harassment of journalists seemed settled. But it is not the case. There are many restrictions; in the names of defence secrecy, national security, prohibition of offence to the head of state, without these being always clearly defined. Such a situation encourages self-censorship. For example, the well-known journalist Mactar Sylla is on TV5 and he does not hesitate to give the opportunity to Senegalese opposition to speak up. He decided to put himself at the service of his own country and particularly that of Radiodiffusion Télévision du Sénégal, thinking that it should become a public service before the political changeover in year 2000.

“What a deception” says Issa Thiore Guèye. “You are given all the prerogatives once you are the Minister of Information. And you are even beyond censorship. Just as a neophyte dares to teach an experienced surgeon how to perform an operation, this Minister commands respect for the hierarchy by misguidedly trying to ‘teach’ journalists and audiovisual professionals how to do their job.”<sup>219</sup>

As for some private media outlets, their promoters use them “as a bargaining tool and traffic of influence” that will allow them to put themselves on stage. Those who work for them are instrumental to the “defence or promotion of the promoter’s interests.”<sup>220</sup>

Sometimes, censorship does not originate from media authorities but from those who hold information in a context where almost insurmountable obstacles to access are put in place. This issue was raised while developing a government communication policy. It has not yet been answered and depends on the goodwill of public officials and institutions’.

All regimes in Senegal have practiced this; here is an example: the “Sud FM’s radio signal was cut off all day long on Monday 17 October 2005. The premises of the “Sud Communication Group” were besieged by the men of the Minister of the Interior, Master Ousmane Ngom, with no search warrant. Computers, CDs and cassettes were confiscated. Journalists, technicians, commercial agents, etc. were arrested and held in the premises of the Central Police Station and the Criminal Investigation Division (DIC).

219 Issa Thiore Guèye, in: “Les médias sous contrôle, liberté et responsabilité des journalistes au Sénégal”, l’Harmattan, April 2006.

220 Oumar Seck Ndiaye, “Requiem ou Te deum pour les médias?”, l’Harmattan, June 2015.

When questioned, the Minister of the Interior justified his decision with reference to the publication in the “Sud Quotidien” and the broadcast on “Sud FM” of an interview with Salif Sadio, the leader of the Movement of Democratic Forces of Casamance (MFDC)’s fighting wing.<sup>221</sup>

The idea is to make it clear that it is no longer individual journalists who will be targeted if they do not discipline themselves along the lines of power, but that it is the media institutions themselves that will be affected.

## Impact of the press code

After years of back-and-forth over the process of media law reforms in Senegal, the country’s Parliament, on 20 June 2017, passed a new press code to regulate the practice of journalism and operations of media organisations. In 2005, former President Abdoulaye Wade had appeared to have taken a giant step towards redeeming his electoral promise to give Senegal a new press code when Parliament approved a press bill submitted by his cabinet. However, large sections of the provision were vehemently rejected by the media and civil society as repressive and ill-conceived, forcing the government to backtrack.

The new code, 62 pages long with 233 articles, has been generally welcomed as a positive development. However, it has also attracted strong criticism from many quarters, which say it retains the repressive elements of the previous abortive bill. Of particular concern to the media community is Article 192 of law 14/2017 which states that a district chief executive, a deputy district chief executive or a governor can ban, suspend a media house or its programme, or confiscate its equipment, or shut it down, if any press or media publication is deemed to be a ‘threat to national security’.

Until then, the closure of a media outlet by a public authority was subject to authorisation by a judge. This new provision is, therefore, a major regression for press freedom, particularly because ‘national security’ is a notoriously vague term which is susceptible to subjective interpretations. If the provisions of Article 192 caused a great deal of consternation, those of Articles 224 and 225 provoked the most passionate debate in view of their potential to cripple press freedom. The two prescribe stiffer prison terms and fines for press offences, in what has turned out to be the biggest disappointment over the new press code. It is all the more frustrating for the numerous media professionals, civil society organisations and human rights activists who campaigned to get press offences, particularly criminal libel, repealed. For them, it is case of going from the frying pan of the previous law to the raging fire of the new code.<sup>222</sup>

The new press code adopted in Senegal (Act mp/ 2017 – 27 of 13 July 2017, with implementing decrees only adopted in January 2021) is considered repressive, providing for penalties of up to two years in prison for defamation and three years for publication of ‘fake news’ likely to ‘offend public morals’ or ‘discredit public institutions’. “Furthermore, editors who fail to show that they have accumulated at least seven years of journalistic experience as well as publishers who fail to demonstrate at least ten years of experience could be sentenced to up to one year in prison, under Article 194 of the new code,” according to Sali Ly Sow of the MFWA.

## Shortcomings

The lack of legislation on access to information is one of the main concerns of the media sector. Following intense lobbying, a bill on access to information in Senegal, enshrined in the Constitution, was drawn up in 2020. Scheduled for enactment in 2021, it should

221 Issa Thioro Guèye, “Les médias sous contrôle: Liberté et responsabilité des journalistes au Sénégal?”, l’Harmattan, April 2006.

222 “Senegal’s New Press Code: A Step Forward, Two Steps Backwards”, MFWA, 12 July 2017.

enable Senegal to comply both with its Constitution and with the regional and international instruments to which it has subscribed.

The other major concern that could hamper the work of investigative journalists is finance; the editor-in-chief of *Sud Quotidien* talks about “threats to advertising space.” It is common in fact to see the state, its branches or large companies deprive certain media outlets of advertising after the publication of an article they consider unfavourable.

The advertising market is very narrow. According to the Conseil National de Régulation de l’Audiovisuel (CNRA – National Audiovisual Regulatory Council), the advertising revenue recorded by the audiovisual sector in Senegal amounts to CFAF 15 billion, of which CFAF 5 billion are for television. Even if it is growing rapidly in Senegal, this figure – which is shared among several media outlets – is far from covering their major expenses.

The same situation applies to the annual aid to the press, which amounts to CFAF 700 million. This amount “will not manage to promote a press that lives with deficits”, according to Jean Meissa Diop, journalist-trainer and former member of the CNRA. Other journalistic genres such as reports, major enquiries, dossiers or investigations are not common nowadays. The best-selling newspapers are those that deal most with ‘short’ news items.

All of these things do not encourage a truly vibrant, critical, investigative or opinion-based press. RSF deplores the scarcity of “negative information about the government, particularly because of the risk of prosecution and reprisals”.

That is why an organisation such as ARTICLE 19 promotes investigative journalism. In 2015, it implemented a project called ‘Human Rights Journalists’, to build the capacity of journalists on human rights issues and news processing, as well as to give them an opportunity to report from the different regions of Senegal. In 2020, with the support of the Ford Foundation and Trust Africa, ARTICLE 19 launched a pilot project entitled ‘Strengthening local communities, civil society and other stakeholders to demand greater transparency and accountability in the developing extractive industries in Senegal’, resulting in the presentation to the public of various productions resulting from field-work and investigation by the project’s beneficiary journalists in Thiès and Kédougou regions.

The media faces with several challenges. The first is content; in print media, for example, it is rare to have different content on the front page of every issue. It is mostly a report on an event that the radio stations have already covered extensively. The responsibility lies with the media outlets: the level of training is often low, and few professionals have access to capacity-building opportunities. Those who have to cover events do not always have the material means to do so and race for getting their transport costs refunded by the institutions that invite them to cover an event.

Another challenge is the fairly high illiteracy rate among the working population in Senegal. It is 54.6%, according to the 2013 ANSD report<sup>223</sup>, and is distributed unequally according to gender, age and area of residence. The vast majority of illiterates are women (59.0%) and rural dwellers (62.7%). The large number of websites that copy/paste articles is another pitfall for newspapers; increasing numbers of readers prefer to go online for information.

Others are wary of handling paper since the outbreak of COVID-19. Also, because of the restrictions, many activities that used to generate publicity (newspaper coverage) could not take place. This is why some media outlets have benefited from so-called ‘business support’ measures designed by the government to assist vulnerable people and sectors affected by COVID-19. These include the establishment of a system for reimbursing VAT credits within a shorter timeframe and following simplified procedures, cashflow facilities for deductions from salaries and social contributions paid by private sector companies, a direct subsidy corresponding to the amount of tax deductions due on salaries and wages, suspension of the previously established collection of tax debts until 15 July 2020. It should nonetheless be noted that not all press enterprises were eligible for these measures, because they did not meet all the conditions.

223 “Rapport Definitif, RGPHAE 2013”, Agence Nationale de la Statistique et de la Démographie, September 2014, pp. 87–98.



Articles 18–21 sanction the so-called “constitutional liberties” and spiritual, public, and political freedoms, such as freedom of thought, opinion, expression, religion and conscience, word, peaceful association of the individual, and receiving and imparting information and ideas through any media.

In order to make a place for themselves, the media have launched into a frantic race for ‘scoop’ stories. This leads to the publication or dissemination of unverified information that can bring the journalist into conflict with the law or, worse, discredit the media outlet. The latter consequence is increasingly prevalent. It is common to hear citizens questioning information reported by the media, in which they have falling confidence.

The main shortcomings identified are the privacy breach (not only) in image processing, refusal or disregard of the right of reply, unbalanced information, failure to cross-check, plagiarism, undermining national cohesion by referring to or indexing national or ethnic affiliation in the articles and situations involving defamation. These and other press offences are regularly brought before the Comité d’Observation des Règles d’Ethique et de Déontologie (CORED – Committee for the Observation of Rules of Ethics and Deontology).

This self-regulatory and monitoring body was created to replace the Comité pour le Respect de l’Ethique et de la Déontologie (CRED – Committee for the Re-

spect of Ethics and Deontology). Although it aims to “defend freedom of expression and press freedom as well as the citizen’s right to free, plural, balanced, accurate and honest information”, CORED still has the power to sanction journalists and social communication technicians in case of violation of a principle governing the corporation. The sanctions can range from a warning to the withdrawal of the journalist’s press card.

Alongside CORED, there is the Conseil National de Régulation de l’audiovisuel (CNRA) (National Audiovisual Regulatory Council). The mission of the regulator is to: ensure that audiovisual regulations are duly applied; ensure compliance with the provisions of the present law and those of the specifications and conventions governing the sector; exercise control, by all appropriate means, over the content of and procedures for the scheduling of advertising programmes broadcast by national programming companies and by holders of authorisations issued for private audiovisual communication services; lay down rules concerning the conditions of production, programming and broadcasting of regulated programmes of the audiovisual media during electoral campaigns in particular.

For ARTICLE 19, however, it is noted that there is an “absence of an independent regulation commensurate with the stakes”. This negatively impacts on the balance of information and the balance in the relationship of the Senegalese media with the stakeholders. The NGO notes in this regard a “polarisation of the media, which is intensifying, exacerbated by the non-transparency of the shareholding and real ownership of certain media and the absence of independent regulation commensurate with the challenges”. Despite this significant aspect – which is often raised by media professionals – RSF is of opinion that “the Senegalese press provides a balanced treatment of information, although an imbalance is noted in some online media”.

The SYNPICS states that balance is generally observed in the media. Nevertheless, it lists two persistent problems, namely that “the public media are not free. Their editorial offices are controlled and censored, and the mode of appointment of managers and staff lacks independence” and that “some private media are instruments of propaganda in the pay of political or economic actors”. Furthermore, the RSF considers public television (RTS1) as a “propaganda tool for the government, and very rarely gives a voice to those who express critical views on the country’s progress”. ARTICLE 19 agrees, noting that RTS1 “is almost exclusively reserved for promoting the activities of the State. Today we note the practice of publishing reports, i.e. the State pays for the broadcasting of many audiovisual elements to the private media”.

The choice of the management of the public television is regularly contested. Activists of the ruling party have been appointed to the strategic position of Director General of Radio Télévision du Sénégal (RTS), which is a public organisation, just like the Agence de



Presse Sénégalaise (APS) or the Maison de la Presse. In meeting of the Council of Ministers on 31 March 2021, the President of the Republic asked the Minister for Culture and Communication to send him consensual proposals for the modernisation of the governance of public press enterprises, and to insist on the need to reform the press sector.

Unlike the CORED, which has so far limited itself to reprimands and warnings, the CNRA has already cut off the signals of private television stations for reasons often questioned by media professionals and civil society organisations.

Despite these safeguards, journalists are often guilty of press offences. ARTICLE 19 has called for “the deletion of the provisions of the Penal Code and the Code of Criminal Procedure that punish acts qualified as offences of insult, offence to the Head of State and to revise those on defamation in accordance with international standards”.

Considered as fake news or based on reality, used to inflict harm on a person, organisation or country according to the definition of ARTICLE 19, instances of ‘fake news’ are legion in the media, creating real disorder in the sector. Journalists are aware of this and are implementing a number of strategies to prevent it.

To limit the publication of ‘fake news’ intended to manipulate an opinion, Pressafrik uses “fact checking and also verification before publication” online. The SYNPICS focuses on raising awareness among media actors, through organising exchange and sharing sessions, as does RSF by funding partner organisations that organise training workshops in fact-checking for journalists. The MFWA has set up a fact-checking project. It consists of a partnership with media organisations to raise public awareness about the circulation of ‘fake news’.

Established in 2012, Afrika Check also supports fact checking. The organisation’s mission is to promote factual accuracy in the public debate and in the media in Africa and to improve the quality of information on the continent. It has an office in Dakar. The non-partisan structure “verifies statements made in the public space using journalistic skills and evidence from the latest online tools, readers, public sources, experts, and by separating fact from fiction to publish the results.”

The advent of social media has admittedly not made things any easier. We are also now in the era of citizen journalism. Thanks to the internet and the social media, anyone can be a journalist, shoot footage, send it to traditional media, particularly websites, which are increasingly lax in conducting the necessary checks on appropriate and comparative documentation before broadcasting. But citizen journalism must be able to benefit from a minimum of supervision and the traditional media must take the maximum precautions before broadcasting. It is a matter of ethics.

Today, there is a whole debate on the influence of citizen journalism, including on the ethics front. These are concerns that traditional media are also facing. There are many abusers on the social media, particularly with citizen journalists commonly called “influencers”.

To solve this problem, the SYNPICS pleads for the creation of a “very strong regulatory body.” But in the opinion of Safi Ly Sow of the MFWA, Senegal does not need a specific law to fight against ‘fake news’. She believes that the problem is “partly solved. Senegal already has a law on the dissemination of ‘fake news’ in fact, namely article 255 of the penal code which punishes ‘fake news’ regardless of the medium. The article provides for penalties of three years in prison and a fine ranging from one hundred thousand to one million five hundred thousand francs. This opinion is shared by RSF, which for its part calls for “education programmes on new media”.

Senegal already has an electronic communications code, the content of which is decried by civil society organisations because it contains points deemed to be liberticidal. Hence ARTICLE 19’s warning that a specific law to regulate the social media “could be dangerous if the aim is to repress and silence criticism”. It advises against “a repressive approach” and suggests “a more educational angle and the use of the existing framework in case of violation of people’s rights or for any other proven criminal act.” The gender aspect is stressed in the implementation of this educational approach.



SYNPICS – Syndicat Professionnels  
Information Communication  
Sénégal

By broaching this aspect, we want to touch on media governance: who has the floor, who makes the news? What visibility given to all communities and particularly to women? As Harouna Dème of Vox Populi commented saying, “Yes, are we doing our best to put women at the forefront of news processing.” No. It is just now that all media institutions systematically draw their attention to this issue. Even if women are in positions of responsibility, we do not hear them and in the field, particularly in religious events, their authority has been ignored. It is a work in progress. It has always been difficult to organise women journalists in Senegal. There is a group of women journalists who took the lead for the organisation of an association recently.

A recent seminar organised by UNESCO in March 2020 on the safety of women journalists concluded that women’s voices remained unheard, The issue has not received full attention in the Senegalese media since the study published by ARTICLE 19 in March 2014 and entitled “Senegal: Etude monitoring Femmes-Médias (Study on the Monitoring of Women in the Media)”.<sup>224</sup> The NGO’s aim was to “gauge the place given to women’s rights issues in the media in Senegal”, following the enactment of a law in 2010 instituting parity in partially- and fully-elective positions. The coverage of information on women in the media was documented. The results of the study showed a marginal presence in the news content: women are not the subject of a column. More specifically, there are no women’s sections in the newspapers studied, in which women occupy a minimal place as a news topic. Even in areas where women’s roles, activities or status and responsibilities are of primary concern, women often appear in the articles only incidentally. In addition, there is little effort to highlight the information and a lack of visibility: the level of exposure is low. No main headline was given to information relating to women’s activities in the three newspapers studied during the two periods.

The treatment of women’s concerns in the media is global and non-specific, with a devaluing perception of women confined to the ‘short news items’ section. According to the study, women are not the privileged resource of the media, except when they are victims. For the most part, articles on women are written by men. This trend is explained by the low numbers of women in the editorial staff of newspapers, which also notes that “articles by women often appear in the culture, society and news sections, rather than in what are considered as major areas such as politics and the economy”.

The heads of the media organisations interviewed do not have a specific policy for the promotion of gender in their media. At Pressafrik, the choice is generally based on ‘competence’.

Sud Quotidien speaks of a gender promotion policy without specific details on the strategy, i.e. in terms of the number of female staff recruited, the position held or the choice of the source of information. Africa Check says that it strives to include diversity in its teams as well as in the choice of resource persons. What is understood from their voices is that they can be specifically targeted by the security forces or militia in tense situations and victims of violence.

The ARTICLE 19 study cited above shows that gender issues occupy a congruent place in the media. This is true for the treatment of specific topics, the number of female reporters and the choice of resource persons. The gender approach is one of the priorities of the NGO, which works “on training programmes, research and partnerships with newsrooms to promote the presence of women in the media as main actors and sources of information”, just like RSF, for whom taking gender into account in the media is a “priority theme”.

With reference to the question of whether the media content is in line with this assertion of a partially-free press in Senegal, we did receive any responses. We found that the state media, Le Soleil, and the Minister Counsellor in charge of the Communication Pool at the Presidency of the Republic did not see fit to respond to our questions despite repeated reminders. The same is true of the media outlet Le Quotidien, which some consider to be more sensitive to the positions of the Head of State and the government.

We have chosen the latter in the analysis of media content, in order to also show the nuances in the treatment of information relating to democratic pluralism.

<sup>224</sup> “Sénégal: Etude monitoring Femmes-Médias”, ARTICLE 19, March 2014.

## Content analysis and governance

Initially, we wanted to examine the editorials and posts of the selected newspapers as a matter of priority, but we went back on the idea by favouring certain articles that seemed – to us – to be more indicative of the freedom of tone or the ‘subservience’ of these productions

The selected newspapers were:

- Le Quotidien
- L’Observateur
- Sud Quotidien
- Vox Populi.

The period chosen was from 31 December 2020 to 15 January 2021.

The justification for this choice was that it is the period when the authorities, and more particularly the Head of State, take stock of the past year and newspapers give a lot of space to it. As Head of State, he presents his wishes and sets out his national policy.

The issues around which questions were asked ranged from governance, the control of cities, the financing of political parties and the ‘programmed’ elimination of opposition leaders.

## Law and order over pluralism

Opposition parties can be portrayed as troublemakers in the face of the rules that the government has laid down. Thus, on the request of the opposition parties for the ‘withdrawal of the executive from the Superior Council of the Judiciary’, Le Quotidien notes the President’s reflection on the protesters as; ‘I don’t see the colour red’ (This colour is considered as a sign of disapproval). The newspaper Sud Quotidien notes on its front page; “Governance in Senegal: Macky (the first name of the President of the Republic) does his little number.” In the same issue, and on the desire to control certain cities such as the capital, often in the hands of the opposition; “Macky supports and taunts the opposition.”

For its part, Le Quotidien reports the words of a former mayor, who denounced “an obsession of power to take control of the capital”. Immediately afterwards, however, the ‘wise men’ of the Alliance Pour la République (Alliance for the Republic, which is the President’s party) is mentioned. The description of the President included; “commitment and leadership of a man at the exclusive service of the Senegalese people”, “a republican posture built around the consensus between the different forces of the Nation,” a “new political dialectic based on openness, listening and generosity”, “generosity of heart and mind”. The space allocated to political authority is clearly in favour of the latter in some newspapers.

As for the supposed upcoming candidacy for a third term, the Sud Quotidien notes: “President Macky Sall keeps it vague.” On one side, the Press Code organises the functioning of press enterprises and the journalist profession but on the other, some of its provisions constitute a ‘Sword of Damocles’ for newspapers. For example, it refers to defence secrets, defined in Article 18 as “information, objects, documents or procedures that must be kept secret in the interests of national defence that could lead to the discovery of a national defence secret if it were known, as defined in the Criminal Code”.

As press offences have not been decriminalised for this breach of defence secrecy, or for some other breaches of the Code rules, a journalist is liable to imprisonment or a fine.

Legal deposit is still practiced. As a matter of fact, Article 82 of the Press Code stipulates that “the director of the publication or the printing company” must constitute a legal deposit including six copies before dissemination, one of which must be sent to the Ministry of Justice, one to the Public Prosecutor’s Office of the Dakar Court of Appeal, and one to the Public Prosecutor’s Office of the Dakar Grand Court or its representative.

## Opposition parties as illegitimate

On the financing of political parties, Vox Populi mentions the raising of funds by an opposition party and – in the face of threats by the Minister for the Interior to dissolve the party concerned – recalls to the practices of the party in power.

On the same issue, the daily *L'Observateur*, from the Groupe Futurs Médias (GFM), owned by a Minister-Counsellor to the President of the Republic, notes in its news brief: “No to the threats of the Ministry of the Interior”; but on one page, it relays the fears of the State: “A link is even being made at the highest level of the State between this funding and terrorist organisations” and the newspaper specifies – through the voice of an expert – “All the necessary information has not been gathered.”

In its edition, *Sud* notes that “The Minister has made a false assessment of the law.”

In its column ‘Les lundis de Madiambal’ (‘Madiambal’s Mondays’ – Madiambal Diagne is the General Director of *Le Quotidien*), *Le Quotidien* takes the opposite view. First in its headline; “Antoine Diome (Minister for the Interior) reminds Ousmane Sonko (one of the opposition leaders) of the law,” and then continues; “Any political party that receives subsidies from abroad or from foreigners established in Senegal is exposed to dissolution.” The columnist speaks of “a republican approach” and of “the opportunity to put order in the fauna of political parties. Let us bear the term “fauna” in mind”.

This is consistent with the idea that opposition parties could pose a threat to national security and the media and attempts to eliminate meaningful opposition. Some background history is in order here. In recent years, various judicial proceedings have led to the elimination of politicians most likely to overshadow the President of the Republic. The press therefore anticipates that the operation is not over. One leader in particular, with his party ‘Pastef’ (Patriotes du Sénégal pour le Travail, l’Équité et la Fraternité – Senegal Patriots for Work, Fairness and Fraternity), is a permanent thorn in the authorities’ side. This is Ousmane Sonko, who came third in the last presidential election in 2017.

The words are reversed: *L'Observateur* says of the Minister for the Interior, who seems to be in charge, “Antoine Diome: a suspect at the helm” adding, “Tony (Antoine’s pet name) is not a choirboy, he does not act to amuse the gallery ... he will not obey the laws, but his boss, Macky Sall.”

*Sud Quotidien* headline: “Muzzling of the political opposition”, the article explains the different methods used, in particular the more-than-scrupulous examination of the accounts of those to be removed. It says: “It must nonetheless be said that this hunt for opponents, coupled with a campaign to promote political transhumance (an operation aimed at encouraging the migration of certain opponents to power, through the granting of juicy positions, for example) for the benefit of the camp in power, initiated by this regime between 2012 and 2017 (2012 was the election of Macky Sall, 2017 his re-election) is a first in the contemporary political history of Senegal). Access to the political game has always been guaranteed to opponents despite the tensions that have very often accompanied electoral processes.”

Moreover, still on the subject of the financing of political parties, through the mouth of a member of the Republican Task Force (part of the ruling APR party), *Le Quotidien* informs us that politically, Pastef (an opposition party that came third in the last presidential election) is at the baby bottle stage. “In the case of Pastef, there is an international fundraising campaign. This is very sensitive and can cause problems. We can see the hands of hidden forces. This can affect the internal security of the country and our good governance.” He added to another question that there is no “fixation on Pastef; the APR (ruling party) is a party that embodies a certain political and historical legitimacy in this country. Politically, Pastef is at the baby bottle stage. I sometimes feel like laughing at the way its leader often behaves.”

The media reports the Interior Minister’s warnings to certain political parties, and a police commissioner notes that; “Senegal cannot be excluded from certain forms of threats. We are in an overheated environment where there is a power that tries to gain stability, that tries to install a stable situation to develop its plans. At the same time, there is an opposition that wants to put the question of power, the democratic devolution of power, and alternation through elections back on the table at all costs ... we have all the influence that can come from outside and that can constitute threats around this.”

## Foreign influence in the press

It is difficult to detect; many foreign press agencies and media companies have a presence in Senegal (Europe, Asia, the US, etc.), but their information is essentially intended to make up for the difficulties of covering international events, including those in Africa.

## Conclusion

Three points must be made about the Senegalese media. First, we see media is too ready to relay the word of the state, but with critical elements or professionals who want to do their job. Second, we came across private media that is rather critical, but runs the risk of being ostracised during public events. Third, good governance – democracy and public opinion mean a plurality of voices. It is in this sense that we have added gender issues; the voice of women, but also the involvement of female professionals in political issues covered by the media.

Recent political events show that the media is seen as a major player in political life and as such, they are dragged into the dichotomisation of society between power and opposition.

There have also been acts of violence against journalists. If the press is relatively free in Senegal – or even free – as journalists, heads of media organisations and officials of the ministry in charge who responded say, the threats exist, nonetheless.

In order to create a healthy press environment in Senegal, there is a dire need to improve access to public information and the implementation of the Press Support and Development Fund. Procedures should be adopted for the supervision and regulation of the audiovisual and online press. Along with this, preference should be given to:

- An ongoing reflection of the press domain with/in conjunction with the State and Members of Parliament.
- Ensuring implementation of a public policy in the information and communication sector.
- Consolidating a public information sector: existence of a public press instead of the state medias.
- Decriminalising press offences.
- Resolving conflicting relations between the press and the State, towards a general assembly.

## Recommendations for the EU

The EU can help secure the information landscape by helping strengthen the structures of press establishment. It can initiate widespread training for journalists ranging from workshops on investigative journalism, fact checking, debunking misinformation, social media tools, advocacy, gender sensitisation and ethics as well as deontology. Setting up continuous development, from training institutions to newsrooms, including internships, coaching/mentoring, and study tours can also help media freedom in the country. In addition, establishing networks promoting access to African and international information

Mechanisms, structures for media research and working with the defence and security forces can also be explored. Here, short projects have already been undertaken, including on security for women journalists. These were initiated by the UN Commissioner for Human Rights, UNESCO and the Senegalese Centre des Hautes Etudes de Défense et de Sécurité (CHEDS – Centre for High-Level Studies on Defence and Security).

Nevertheless, these initiatives are not regularly followed up. Therefore, taking stock of the situation would be important, as recent events show the rising of a particular form of violence against journalists. A curriculum with a practical section could then be developed so that each entity understands the mission of the other and a *modus operandi* could be jointly identified, to help develop communication tools.

There should also be discussion on the reflection on a viable economic model for the press in order to understand what specifically can work in Senegal. This would include an analysis of the conditions of state and private press, analysis of the strategies and mechanisms developed by the media outlets to be viable: press aid, advertising, sponsorship, patronage, etc.

A new Press Support and Development Fund, provided by the Press Code, can be a basis, an investment opportunity with a form of support from international cooperation, for the media outlets.



## 5. Conclusion: Challenges and recommendations for the EU

ANDREAS OLDAG / CAROLIN LÖPRICH

This study has identified and analysed narratives used by autocratic governments to suppress press and media freedom in four non-European countries; Cambodia, India, Nigeria and Senegal. The findings demonstrate that democratic discourse and freedom of press are under attack of authoritarian rulers in all regions considered, not least since the outbreak of the COVID19 pandemic. The observed decline in the freedom of speech is a global threat to the EU's foreign policy objective of effective democracy promotion. Targeted disinformation campaigns by Russia and China play a central role here, with the internet being the main battleground. With (dis)information circulating virtually faster than ever before, it is not surprising that numerous autocratic regimes in developing and emerging countries are tightening their grip on the information accessible to their citizens. It is therefore essential for the EU to streamline the defence of democratic values and the freedom of press more efficiently with other foreign policy goals and adopt a global approach in order to get more leverage over anti-democratic trends.

Although the EU considers democracy, freedom and equality as fundamental values in both domestic and foreign policy, it does not have a convincing and efficient media strategy to support press freedom and the freedom of speech around the world. What's more, the EU is clearly falling behind other global players, most notably China, in the advocacy of its values abroad and at home. One noteworthy exception is the European External Action Service's (EEAS) flagship project, East StratCom Task Force against Russian disinformation campaigns and their damaging effects on the EU, its Member States and neighbouring countries. The task force started work in 2015 as a reaction to Russian disinformation campaigns, particularly on the internet. Even though the project has since corrected several thousand false reports, its impact has been limited due to

insufficient staffing and modest budgets (€1.1 million annually). In addition, China is increasingly to the fore in spreading disinformation, causing EU diplomats concern with its media approach. However, with a current lack of qualified personnel fluent in Mandarin in Brussels, the EU is clearly not fit to forecast, address and respond to Chinese propaganda in the same way as it does to Russian propaganda.<sup>225</sup>

## The EU's ambition-capability gap

Unlike other international players, the EU is committed to a rules-based multilateralism. In consideration of current geostrategic and economic challenges and power shifts, more multilateral governance and rules-based cooperation is key to tackling antidemocratic developments globally. In reality, however, the implementation of foreign policy goals based on democratic values is often challenging, not least because the EU is a supranational organisation operating through 27 Member States, each with their own economic and security interests. The EU publicly advocates for a multilateral system based on regulations and rights, protecting global commons, promoting common use of public commodities, and bringing benefits to citizens both within Europe and across the world. However, in reality, there is a clear gap between demands and reality, meaning that efficient execution of foreign policy goals is inadequate. In other words, a “chasm between the grand ambition of Brussels and its capability” has been observed.<sup>226</sup>

This has been underlined by a recent pan-European survey conducted by the independent think tank European Council on Foreign Relations (ECFR). According to the survey, the majority of citizens still believes that the EU has to become a greater political player in global politics. With public trust in the institutions recently declining due to perceived mismanagement of the COVID-19 pandemic and the vaccination roll-out by Brussels, the EU will have to work on its image as a decisive political power with strong values in the world – both domestically and abroad.<sup>227</sup>

The EU's occasionally inconsistent and hesitant policies and actions towards China are often the result of seeking the middle ground among a multitude of Member States' foreign policy priorities. A widely echoed concern is that meeting Beijing's influence with tougher responses may also minimise opportunities for constructive cooperation on other fronts, including on ongoing thematic and regional programmes on sustainable development in China and the wider Asian region. At the same time, there is a focus on promoting India as a democratic partner and expanding political and economic relations with Southeast Asian countries.

The large number of approaches by EU Member States to China/Asia underlines the limitations of EU foreign policy: A more comprehensive and consistent approach fails, inter alia, because of unanimity rules and the national self-interests of some Member States. An example is the Council's inability to formulate a joint statement criticising China's new security law in Hong Kong in April 2021, because of a blockage by Hungary.<sup>228</sup> Chinese influence not only plays a crucial role in the European external democracy promotion, but it also hinders the ability of European Member States to speak with one voice. With China increasingly exercising economic leverage both within the EU and abroad, a more ethical approach to European foreign policy is needed.<sup>229</sup> The EU can only move on from this perceived blockage if it recognises, every so often, fragmented foreign policy as a challenge and a conceptual 'work in progress'. To date, the media

225 Der Spiegel, “Vertraulicher EU-Bericht: Warnung vor Desinformation aus China”, No. 11, 13 March 2021.

226 Luke McGee, “The EU is facing the most serious crisis in history”, CNN analysis, 2 February 2021.

227 Susi Dennison, Jana Puglierin, “Crisis of Confidence: How Europeans See their Place in the World”, European Council on Foreign Relations Policy Brief, 9 June 2021.

228 Sheena McKenzie, “Orbán wants a Chinese university in Hungary. Opponents see a chance to turn his nationalist rhetoric against him”, CNN, 12 July 2021.

229 Timothy Garton Ash, “VWs dilemma in Xinjiang shows how the west is headed for an ethical car crash”, Guardian, 28 July 2021.



sector has received far too little attention as a powerful tool to positively influence the EU's international agenda. The salient concept of a European rules-based multilateralism in foreign and security policy should be supported by a stronger, more proactive commitment to increasing press freedom and free speech. Free, unobstructed access to information is a genuine human right, particularly on the internet. Only a critical and fact-based confrontation with global problems (climate change, pandemic, migration, human rights, etc.), which the EU has put on its political agenda, will allow people to master these major challenges in the coming decades.

## Elements of a comprehensive European global media policy

The EU can offer a more attractive social model to developing and emerging countries than its strategic competitors. This means that the EU should be more proactive in supporting freedom of the press and freedom of expression worldwide, in order to be more vocal about the European agenda.

As of today however, the EU does not have the consistent media strategy required to give the European voice more weight on the global stage. The press and media policy of the EU Commission has still a strong intra-European orientation, with a focus on informing EU citizens and journalists actively working in the EU. This is exemplified by the 2020 Commission Action Plan "Europe's Media in the Digital Decade: Action Plan to Support Recovery and Transformation" which sets out ambitious goals such as the protection of civil society from disinformation and better protection of journalists from criminal prosecution. This is a meaningful and appropriate initiative, which could serve as a blueprint for similar action when engaging with media actors in third countries. Yet Europe is missing a great opportunity to make itself heard on a global scale – be it with information about European values such as democracy, plurality and human rights, or on key issues such as climate change, pandemics and environmental degradation. This is all the more concerning because great powers like China, with its anti-democratic agenda, already exert considerable influence in developing and emerging countries.

A global EU media strategy must have clearly defined goals for content and main audiences. It must outline an efficient set of tools to achieve these goals. In a post-truth world, it is not sufficient to simply debunk false claims, lies and half-truths. Instead, the task is to develop a democratic counter-narrative that stands for plurality and an open, liberal discourse. Critical, independent journalists can help develop democratic media literacy in civil society. The specific historical and sociocultural contexts need to be taken into consideration.

This study has revealed that the EU has a considerable deficit in its global public image. The universal norms and values, guided by the concepts of democracy and human rights, do not always reach the populations of many developing and emerging countries. This is also due to a clear shortcoming in the continuous cooperation with the journalists and media representatives in their respective countries. However, direct funding by the EU of national media should be carefully calibrated to uphold the principle of a free and independent media. The EU should not duplicate a state-owned media, which subsidised journalists and media practitioners following a scattershot approach. Instead, financial support could be provided for specific projects with clearly defined goals, action and outcomes, but also with a clear timeline and step-by-step monitoring and evaluation. Potential focal areas could include:

- Providing specific grants for investigative reporting on topics related to EU foreign policy priorities, including the European Green Deal, rules-based multilateralism or resource-efficient trade.
- Promoting investigative reporting on local issues, including climate change, environment protection, human rights, economic relations with EU (e.g. the implications of cheap labour etc.).

- Establishing cross-border projects where journalists from different countries can work together creating narratives of peace and reconciliation (e.g. India – Pakistan).
- Engaging in capacity building to strengthen the skills, qualifications and accountability of young journalists, including developing curricula.
- Developing mentoring programmes for closer working relationships between media outlets in the EU and journalists in developing and emerging countries.
- Fostering a culture of integrity and cooperation, by implementing joint projects for media outlets and civil society organisations in third countries.
- Improving media literacy through targeted projects with citizens, including topics of media ethics and disinformation campaigns.

The four countries studied show that there is a clear lack of democratic oversight and media regulation. Autocratic regimes tend to undermine journalistic independence through both suppressive laws and also on the pretext of so called ethical and professional rules. These are usually gateways to implement authoritarian and one-sided narratives. In contrast, democratic regulation means supporting a pluralistic discourse in civil society. The COVID-19 pandemic has accelerated the spread of misleading and conspiratorial news. Many professional journalists in developing and emerging countries find it increasingly difficult to distinguish between facts and speculation or rumours. Here, the EU should not overestimate its capabilities as a media watchdog, but offer tailored support in capacity building of existing initiatives and media organisations in specific countries (e.g. the Cambodian Journalists Alliance Association, CamboJA, founded in 2019 by young journalists).

EU delegations have to act as the ‘ears and mouthpiece’ of the European community vis-à-vis the governments and the population in host countries. Worldwide, the EU is represented by 140 delegations in charge of cooperation and diplomatic relations with third countries and international organisations (e.g., UN, WTO). Since 2017, they have been supported by a technical assistance facility called Media4Democracy<sup>230</sup>, which provides advocacy and capacity-building services to EU delegations in order to support the implementation of the Guidelines of Freedom and Expression and develop and design appropriate actions. While this facility is important in underlining the EU’s commitment to free media as a driver for both development and democracy, and providing support to the EU Delegations on the ground through near-, mid- and long-term planning, it currently only has a staff of two officials in Brussels. The ambitious objectives of helping build a more pluralistic media landscape in third countries through technical assistance, advocacy and capacity building around the globe would have to be met with greater financial resources and an increase in staff.

Although the present study does provide a comprehensive survey of EU delegations globally, common shortcomings in their media engagement were seen: In the four countries examined, no clearly defined media strategy exists. In comparison to other diplomatic missions, such as the US and British High Commission in India, journalists are not addressed in an appealing, sufficient and efficient way. Local media producers often lack a distinguished political debate that addresses current civil society issues for them to participate in. Our findings also show that EU delegations’ press services are often difficult to reach with urgent requests for journalists. Accordingly, there is room for EU delegations to be more active in disseminating European values and democratic principles through strengthening networks with local media organisations and journalists in third countries.

Moreover, most of the websites of the delegations in the countries examined are dry and unappealing, particularly for the most important target group – young, internet-savvy citizens. The websites are usually just a collection of press releases on EU foreign policy initiatives. Descriptions of country-specific projects are equally unattractive. Also,

230 Media4Democracy: Strengthening Freedom of Expression Worldwide.

it is often not possible to find evidence of regular contact or briefings with local journalists. Even the social media presence of the delegations (Facebook) is often limited to simply announcing events.

## Key recommendations

### I. Establishing a long-term media strategy

EU delegations need to build closer relationships with local journalists, media professionals and media outlets in third countries in close coordination with the communication and foreign policy goals of the EU Commission/EEAS in Brussels. Regular briefings on relevant political issues should be introduced. Moreover, social media strategies in line with country-specific foreign policy priorities for the respective EU delegations need to be developed. How can topics like climate change, environmental protection and democracy and human rights be better communicated to certain countries?

Furthermore, it would be conceivable to develop a 'toolbox' with a strong country-specific focus to refute 'fake news'. Another initiative could be to advise journalists on legal and ethical issues. As elaborated in the present study, controversial discussions about issues such as climate change, environment protection, migration, labour rights, education and health care are essential for a pluralistic media landscape. However, if facts are demonstrably false, or worse still promoting a post-truth world, it is not enough to simply dispute these. Instead, a compelling EU media strategy should actively and constantly promote a democratic, pluralist and independent narrative based on facts and scientific evidence.

### II. Providing qualifications and training

With the exception of India, all countries in the study lack targeted training for journalists. This includes both vocational training in publishing houses, as well as university education in the form of bachelor's and master's degree programmes. Academic standards are often insufficient due to a lack of resources, such as appropriate faculties and technical equipment (computers, TV studios and broadcast studios). The aims of such qualification training should be to detach journalism from state influence and control. Reporters and journalists should be able to acquire an official certificate that is wholly separate from their loyalty to the government, but instead attests their independence, critical thinking and journalistic skills. There is a clear need to develop, in collaboration with universities, academic modules to train and further educate journalists. This would include journalism in areas such as public affairs, investigative journalism and science (e.g. issues of health and environment). EU delegations can help by leading the coordination and communication, establishing partnerships and by exchanging experiences between European journalists training institutes and the media or universities in the host countries. Here, the Media4Democracy programme should take a more prominent role in connecting Brussels with the delegations on the ground. However, a precondition for this objective is the recruitment of more staff and the allocation of an appropriate budget.

### III. Debunking propaganda and fake news

There is a need to extend the EUvsDisinfo database to include China's systemic propaganda and disinformation activities. So far, the platform focuses on Russia by analysing publicly available media reports, currently made up of more than 6500 samples of pro-Kremlin disinformation. However, as illustrated in the present study, China has become one of the main forces in spreading propaganda. The intended recipients are the citizens and governments of countries where Beijing is committed to having political and economic influence. This strategy is closely linked to China's Belt and Road Initiative, currently targeting developing and emerging countries, but increasingly European

countries. The EU should adopt a proactive media strategy to counter Beijing's activities, debunk falsehoods and establish a democratic and pluralistic information environment. This means the EU's Disinfo database needs tools, expertise and language skills to expand its engagement to forecast, address and respond to threats emerging from China.

#### **IV. Creating an Online platform**

An information platform for journalists that live and work in developing and emerging countries should be developed and maintained by local media professionals, with the help of EU funding and political support through the media representatives of the EU Delegations. It would address the demand for stronger networks, as many journalists working in emerging and developing countries feel alone and without solid social and professional connections due to state repression. This also includes tips and advice for personal safety and behaviour when facing accusations of defamation and libel. The platform should also provide access to fact-checking and investigative journalism tools. It should start by providing access to verified information on digital platforms, capacity building in media literacy, which may include disinformation monitoring and efficient communication tools for how to express opinions in civic activities and election processes. Such a platform for journalists could then conceptually lead to a European World News Service.

#### **V. Providing mentoring programmes**

Despite the EU not being directly involved in the decision-making processes of media in its Member States – a system meant to ensure the independence of a democratic media – it could do more to strengthen relations between EU media producers/journalists and their counterparts in developing and emerging countries. Here, the EU should promote an international media mentoring programme. The aim is to establish closer working relationships between different cultures with clear benefits for both sides. There is also the reality that financial restraints mean that many EU media outlets do not have correspondents worldwide; a mentoring programme could help bridge this gap. The EU journalists could receive invaluable first-hand information on political, societal and economic issues worldwide from their counterparts. At the same time, journalists in emerging and developing countries could profit from the experience of their EU colleagues. Such a large-scale mentoring programme would help to build up journalistic skills and knowledge on both sides.

#### **VI. Focusing on gender**

As women are globally still systematically discriminated against in the media industry, the EU media strategy should include a democratic diversity component that serves the specific needs of female journalists working in developing and emerging countries. Gender-sensitive media training and capacity building for female journalists would be a start, but increased reporting on diversity themes in the mainstream media also needs support. It is also crucial to implement campaigns raising awareness of the types of abuse that female journalists face, including sexual harassment and intimidation, trolling and cyberstalking. The EU needs to help increase public awareness and shape discussions on these violations of journalists' human rights. A country-specific information network and reporting mechanism for various cases of women's harassment in the workplace will be essential, and could be part of the journalist information platform already outlined.

#### **VII. Introducing the European World News Service**

The long-term goal is the development of a European World News Service, a broadcast network and online platform oriented to independent and fact-based democratic and pluralistic form of journalism. Despite some attempts in the 1980s and 1990s, there has never been a Europe-wide radio or TV station similar to the 'Voice of America', financed by the US Congress. In view of the global challenges outlined, however, the EU should

resume efforts. First, as part of a pilot project, it would develop a multimedia internet news platform for democratic media policy (working title: 'Voice of Europe'). This would concentrate on relevant topics (democracy, human rights, climate change, migration, elections, etc.) and select developing countries with a strong regional focus. This would also include broadcasting in regional languages. The goal is to transmit a democratic and pluralist narrative to the citizens of third countries, including the promotion of cross-border investigative journalism. The platform would primarily give publication opportunities to local journalists. The costs for such a pilot would be manageable, particularly since it would initially be possible to start in one or two world regions (with one or two regional media offices that each work closely with the respective EU delegation) as the project would be implemented virtually.

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## Impressum

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