

MISA-Mozambique conducts media study

MAPUTO: MISA-Mozambique recently conducted a study on behalf of UNESCO on the landscape of media development in Mozambique. The findings were launched at a conference on 10 February 2010 in Maputo.

Constraints in law and policy applications

One of the findings is that Mozambique has a political and legal framework that is generally favourable to freedom of expression, and to pluralism and diversity in the media, although constraints still persist in the practical application of media-friendly laws and policies.

The study is based on the Media Development Indicators adopted in 2008 by UNESCO's International Programme for the Development of communication (IPDC). The MISA research points out that, despite the press freedom guarantees in the Mozambican Constitution and in the 1991 Press Law, there remains other legislations on the statute book which can be used against the media. This includes a clause in the law on crimes against state security which treats libel against the president, the prime minister and other senior political and judicial figures as a security offence. This clause has only ever been used once, against the gutter paper *Zambeze*, which carried an absurd claim in 2009 that the then Prime Minister Luisa Diogo was not really a Mozambican citizen at all.

Instead of treating this claim with the derision and contempt it deserved, prosecutors took the senior figures on the paper to court, thus transforming them into criminals. They were found guilty but appealed, and so the case is dragging on.

The MISA study suggested that this clause in the security law, and anti-media clauses in the law on state secrets should be repealed. A UNESCO representative at the conference on 10 February 2010 denounced the whole concept of criminal libel, and argued that all forms of defamation should be regarded as civil and not criminal offences.

Shrouded in secrecy

The right to information is enshrined in the Mozambican constitution, but has never been regulated, and so public institutions continue to shroud themselves in secrecy, turning down even the simplest requests for information. MISA last year approached five state institutions, including three ministries, with requests for information on budgets, expenditure, procurement, hiring procedures and contact details for officials who should liaise with the public. Of the five institutions, only IGEPE (Institute for the Management of State Shareholdings) provided the information requested and within a reasonable time. Similar research was carried out in 11 other SADC (Southern African Development Community) countries, and Mozambique was ranked bottom (However, the survey did not cover the worst offender against press freedom in the region, Zimbabwe).

From 2003 to 2005, MISA-Mozambique led a public debate on freedom of information which led to a draft bill on the subject which MISA-Mozambique submitted to the country's parliament, the Assembly of the Republic, in November 2005. But in the ensuing four years, no deputies were sufficiently interested to put the matter on the parliamentary agenda. (This apathy may be about to change - Alfredo Gamito, who chairs the Assembly commission dealing with media matters, has publicly stated that freedom of information will be a priority for this legislature).

Revealing sources

The Constitution very specifically guarantees the right of journalists not to reveal their sources. But the MISA-Mozambique study notes that some judges seem unaware of this, for they continue to make illegal demands on journalists to say how they obtained certain information. Salomao Moyana, director of the weekly *Magazine Independente*, says he has received such demands from judges twice, but has refused to obey, citing the constitution in his defense.

Foreign media ownership

The study suggested that the current restrictions on foreign ownership of media should be reviewed. The press law states that no more than 20 percent of the shares in any Mozambican media company may be held by foreign capital. But in practice it is easy to disguise foreign ownership - the name of a Mozambican citizen is used as a front, but the power and the money lies with foreigners.

But rather than abandon a clause that cannot be effectively enforced, participants at the conference not only insisted on the 20 percent barrier, but demanded that the state should police it properly. Questions were also raised about the distribution of state advertisements. Currently the bulk of print media advertisements goes to the Maputo daily *Noticias*, using the argument that this is the paper with the largest circulation.

State advertising

For some state adverts there is a legal requirement that they be published in the largest circulation daily - but there is nothing in any law that bans them from being published anywhere else.

Attitudes of state managers are a hangover from the days when the only daily published in Maputo was *Noticias* - but nowadays it faces stiff competition from the independent daily *O Pais*, not to mention an ever growing number of weeklies. Since there is no independent body that verifies circulation, it is far from clear whether *Noticias* is still the largest circulation paper in the country.

The MISA-Mozambique study urges that the country's advertising code should establish the principle of "non-discrimination" in the placing of advertisements by state bodies and local authorities.

The conference also queried the peculiar status of the company Noticias SARL, which owns *Noticias* and the Sunday paper *Domingo*. In theory, this is a private company - but the majority shareholder, with 42 percent, is the Bank of Mozambique (historically, this is because in the colonial period a Portuguese bank, the BNU, was the main shareholder, and after independence it became part of the new central bank). Two other state concerns, the insurance company EMOSE, and the fuel company PETROMOC, also hold shares in Noticias SARL. A strong feeling at the conference was that the Bank of Mozambique ought to sell off its shares in *Noticias*, and that the ownership of all media should be entirely transparent.

Portuguese not accessible to majority

The study noted that all the print media operate exclusively in Portuguese, and are thus not accessible to the majority of the population who understand little or no Portuguese. Radio Mozambique, on the other hand, has an excellent record of working in Mozambican languages. Currently it transmits every day in 21 languages (including Portuguese and English) on 14 channels. Mozambican Television (TVM) was criticised for its limited use of African languages - 15 minute news slots in

the Sena and Ndau languages in the TVM Beira station, and in Makua in Nampula.

The study also noted the absence of national languages in the TVM national channel is one of the great weaknesses of Mozambican public service television, given the potential for inclusion and participation that national languages represent.

Source: MISA-Mozambique

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