

STUDY ON THE STATE OF THE RWANDAN MEDIA AFTER 1994 - SUMMARY

PREFACE

This summary, which, above all, should be brief and concise, basically recaptures, section by section, issues dealt with in the study and research report. The ideas, events and their analyses follow in a logical and chronological manner identical to the original text.

Being a summary, its contents are obviously not exhaustive and it is therefore important for readers to refer to the final report.

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Background

From 16th to 24th September 1994, a *Reporters sans Frontieres* investigation team headed by Jean-Pierre Chretien took stock of the damages inflicted on the Media and produced a report entitled *Rwanda: Medias de la haine ou presse democratique* [Rwanda: Hate Media or Democratic Press]. This document is an important reference in the drafting of the first part of the study, which contains detailed descriptions on several points, *inter alia*:

1. Human Loss

Forty-nine Rwandan journalists out of a total number of over hundred were killed between 6th April and 30th July 1994. The list of their names, updated in September 1995, is annexed to *Rwanda: Medias de la haine ou presse democratique*. Their colleagues of the *Hate Media* who played an ill-fated role in their deaths carried on with their work in refugee camps, especially in Zaire.

2. Damage to Property

In addition, the *Reporters sans Frontieres* team made an inventory of the vast network of media and print houses, which, in 1990, was quite impressive and encouraged the blossoming of newspapers in 1990 to 1991. The *Reporters sans Frontieres* investigation team noted that the situation was in complete chaos. In this case, the damage was inflicted not only on the equipment but the technical staff as well. In the team's opinion, it was better to train journalists as soon as possible rather than rebuild the media infrastructure. It recommended emergency assistance to equip the editorial rooms and pressrooms. This was all the more urgent as the *Hate Media* was already at work in the refugee camps. At the end of September 1994, *Radio Rwanda* was on air a few hours a day and *Le Tribun du Peuple* and later on *Rwanda Rushya* and *Le Messenger* were published.

Rehabilitation of the Media

Thanks to assistance from former employees of *Radio Rwanda* and *Radio Muhabura* journalists, ORINFOR was able by and large to resolve the problem of human resources.

Immediately after the liberation of the country in July 1994, UNESCO drew up an emergency plan centered at the same time on the educational system and the mass media with special emphasis on the private press.

For UNESCO, the press organs that played an ill-fated role in the destruction of Rwanda could also contribute to the reconstruction of the country. In due course, other bilateral or multilateral partners of Rwanda joined the UNESCO initiative for the media.

The UNESCO launched project, dubbed RWANDA MEDIA, was divided into 6 parts:

- training: a series of training programs meant for media Directors, news editors, journalists and technicians;
- logistic support for the setting up of a media self-regulatory autonomous body and a review of the Media Law;
- rehabilitation of the ORINFOR printing office whose facilities should also be used by the private media;
- establishment of a media center to serve as a meeting and work place for journalists;
- management of an emergency fund to assist the ailing private media;
- Sensitization campaigns for peace, tolerance, human rights, gender issues, etc. These campaigns were also meant for those in the Rwandan refugee camps.

In conclusion, even though the UNESCO programs contributed to the rebirth of the national media, they had a lukewarm effect because not enough time and resources were devoted to the rehabilitation exercise.

Legal Framework

The study outlines the legal texts governing the media during the transitional period from 1994 to 2003.

The legal texts which governed the activities of the media during that period are the following:

- The Arusha Peace Accords of 04/08/1993;
- The Constitution of 10 June 1991;
- The RPF Declaration of 17 July 1994;
- The Memorandum of Understanding between the political parties of 24 November 1994.

We have noted that in the four texts constitutive to the Basic Act, which governed the transitional period, only the 1991 Constitution, in its article 18, which was not replaced, expressly refers to freedom of opinion. The Constitution of 10th June 1991, on its part is recognized for the principle of the rule of law that it refers to by the RPF declaration of 17 July 1994. The Memorandum of Understanding between the political parties on the establishment of national institutions only mentions the promotion of a democratic culture. It is nevertheless important to note that with regards to this memorandum of understanding the political parties endorsed the RPF declaration which recognizes the rule of law and therefore implicitly press freedom, which go hand in hand.

At this juncture, one can also recall the provisions of international instruments signed by Rwanda, *inter alia* the Universal Declaration of Human Rights (Art. 19, 29, para. 2) as well as the *African Charter on Human and Peoples Rights* (Art. 9). The 1991 Constitution is both incomplete and inaccurate with regards to these international provisions on which it is based. The Act of 15 November 1991 partially filled the omissions noted in the June 1991 Constitution.

The study compares Article 2 of the Rwandan legislation of 15 November 1991 with Article 9 of the *African Charter on Human and Peoples Rights* and Article 10 of the *European Convention on Human Rights*. This comparison highlights the omissions in the Rwandan legislation, which nevertheless represents great progress compared to the previous legislation.

On 1st July 2002, the Act of 11 May 2002 was published in the Official Gazette. This Act replaces the Act of 15th November 1991, which governed the activities of the media up to the time of promulgation of a new legislation that conforms to the provisions of the Constitution adopted through referendum on 4th June 2003.

The study also includes a table (p.25 onwards), which illustrates the Media Acts of 19th November 1991 and 11th May 2002. This table gives readers the opportunity to analyze these two pieces of legislation. Finally, the study also highlights the need to adapt the media legislation to the relevant articles of the new constitution, with particular emphasis on the High Council of the Press (HCP) and *the Code of good practice for Journalists and the Media* in Rwanda.

By way of conclusion, one can state that the legal framework for the media does exist and even though there is room for improvement, it is playing a decisive, albeit hesitant role.

GENERAL STATE OF THE RWANDAN MEDIA

Inventory of Media Houses

After the genocide, there was a gradual rebirth of both the public and private press. The State press was represented by *La Nouvelle Relève* and *Imvaho Nshya* whilst the Catholic confession was represented by *Kinyamateka* and *Dialogue* (transferred to Belgium by a part of its editorial team during the genocide, whilst another part of the team took the initiative to bring it back to Kigali in 2004). In reality two different versions which are different in substance and form are edited in Brussels and Kigali and the two groups are constantly at loggerheads.

There was a progressive rebirth of the private media with old and new newspapers but these were published irregularly. In addition to the national state radio, other local or foreign private radios received authorization to broadcast. Refer to pages 42 - 49 for the list of such radio stations and other useful

information. Finally in pages 50 to 54, the study analyses the criteria of identification and location.

Thanks to the analysis of these criteria, one could deduce that the periodicity of most of these newspapers was particularly irregular whilst their staff was inadequate and lacked the required professional training whilst their editorial stance was nearly exclusively political. In addition, their circulation is generally very low and most of them do not have a professional address.

Organization and Management of Media Houses

With regards to organizational matters, one could see that the investigations conducted show that Rwandan media institutions are established based on personal and even sentimental relationships.

In most cases, a group of friends are behind the establishment of a newspaper or radio station. They form the hard core which is then joined by other relatives, acquaintances and friends of friends. However, one notices that with difficulties never far away, the initial competition dampens after a few months and generally speaking, the initial friendship is not sufficient anymore to make the project viable. It is therefore at the very inception of the project that one should be on one's guard against mistakes which might one day signal an early demise of the newspaper or radio station.

Recommendation

The Ministry of Information has to ensure from the outset that the media has a professional base, which is capable of bringing together a team where everyone accepts to perform a specific duty which suits his professional qualities. This should happen under clearly defined working conditions be it in the editorial, technical, administrative or management fields.

In a nutshell, from the onset, the following 3 factors determine the fate of a young media enterprise:

- The organizational capacity;
- The business plan; and
- The know-how.

Thus, for the long term, the viability of the media enterprise shall depend on the initial investment made in terms of human, financial and material resources by its promoters on the one hand and on the firm commitment of its staff with the required know-how on the other.

Work Methodology of the Media

Three main reasons explain most of the bad service delivery of the Rwandan media:

- 1- The professional competence of the journalists which is adjudged to be below standard;
- 2- The lack of financial resources and high performance technical equipment that would enable the media, especially the private media, to produce high quality reports;
- 3- And, with regards to the State media, the fact that they strictly stick to the views of the government.

Among the shortcomings noted in the written media, one can state: unverified, biased or controlled information; offensive tones, insults, the displayed superposition of politics over journalism, the mixture of journalistic genres, rumors, self-censorship and shortcomings due to the fact that brief news items are given undue importance when it comes to the substance. With regard to the form, there are cases of wrong spellings or grammatical errors in the articles, the articles not being proofread deliberately, the page layout and eccentric illustrations. With regard to radio and television, the team noted that in most cases newscasters speak in a monotonous tone, have a penchant for excessive development with superfluous details, adopt a conformist attitude vis-à-vis the interviewee during unnecessarily long debates which make audiences lose interest and the fact that the programs are not accorded the same importance (national and international news, magazines).

The use of satirical cartoons

This study intends first and foremost to provide an historical background on the use of satirical cartoons in the Rwandan media. The use of caricature, in particular, resulted from the circumstances of the civil war and genocide during the first half of the last decade and, therefore, in an atmosphere of ethnic hatred and the propagation of *anti-establishment* ideology. Immediately after the 1994 genocide and with the return of peace, the local media, by and large, revived their tradition of educating the masses and initiating good governance through caricature and cartoons.

Level of professional training of journalists

From the onset, it was imperative in preparing the summary to define the work of the journalist and his status within the various legislations. We then appraised the level of professional training of journalists in Rwanda with particular emphasis on the EJC and compiled a summary table thereon (pages 116-117).

Finally, by essentially highlighting the very serious shortcomings within the Rwandan media, we hoped that the Ministry of Information permanent vocational training project of Kigali, dubbed *on-the-spot* apprentice, shall fill the gap, at least partially, of the requirement of vocational training currently being implemented in Rwanda.

Main breaches to press freedom

This part is a follow up to and supplements the section on the legal framework governing the exercise of press freedom in Rwanda highlighted previously.

We have given concrete examples of the limitations acceptable with regards to the Rights of the media in Rwanda and have indicated the limitations on the exercise of press freedom put in place in violation of legal procedures which are generally seen or could be seen as a breach of press freedom. We then analyzed the following four situations (seizure of newspapers, arrest and detention of journalists without trial; lack of access to sources of information and quasi censorship or attempts at censorship) and gave three concrete examples: Issue nos. 21, 155 and 18 of *Rushyashya Umuseso* and *Umuco* respectively which were seized.

In view of cases of arrest and detention of journalists, lack of access to sources of information, censorship or attempts at censorship, etc, we arrived at the general conclusion that, even though our research in this field is not yet finalized, the 2004 legal reforms in favor of the Rwandan media and the work of the High Council of the Press (HCP) were crucial but that another stage remains to be attained as developed later on in this summary.

Main violations of professional ethics by the media

This sub-section highlights in a detailed manner what is referred to in 2.3. According to the report, the main violations of professional ethics by the Rwandan media can be classified in 4 categories:

- Disparagements for political ends and defamatory and libelous reasons;
- Insults and other offensive language;
- Unfounded and serious accusations;
- Violation of political morals and campaign for the depravity of morals.

The main violation is the use of anonymous sources, a quasi general practice within the Rwandan private media.

It is very rare for a newspaper editorial, even within the international press, to be finalized without the resort to anonymous sources and there are no indications that things will change. But there is need to ask one important question: do Rwandan reporters and editors in-chief manipulate information thereby violating the use of anonymous sources as spelt out in the various accusations leveled against them? Our report has shown that these accusations are founded (pages 133 - 137) thanks to several investigations conducted which are not buttressed by actual events. However,

the practice of manipulation and the conflicts it leads to continues to remain a substantive problem for the profession of journalism in Rwanda.

Whatever the case may be, information sources which need to remain anonymous should be treated with utmost caution by the media.

In this sub-section, we have placed particular emphasis on indecent assault and indecent behavior which is attaining its highest level with a media institution at least in Rwanda and which, for skeptical readers, is a reality. Such indecent assaults and behavior are numerous and run the risk of nullifying gains recorded in this matter at the very moment when the world campaign against the HIV/AIDS pandemic is at its height. However, in this regard, there is by and large the need to counter any principle aimed at this-information.

Audio Visual sector

At the beginning of this summary, we have shown how, despite its late entry into Rwanda, the broadcasting sector experienced rapid expansion by ensuring the survival of the oral tradition especially in the rural areas of the country. This situation in due course also favored the remarkable upsurge of the private broadcasting sector which really blossomed after the country was liberated in 1994, following the promulgation of the 2002 law on the freedom of the media and the establishment of the High Council of the Press (HCP) in 2003.

With regards, in particular, to the remarkable expansion of private radios, the report underlines that their success is apparently linked to their interaction with the public on the one hand, and the fact that they are not answerable to the official authorities on the other. However, in reality, they have been criticized in some quarters.

In addition, the report also highlights the main demands made by the owners of private radio stations, namely:

- The abolition of some taxes;
- The establishment of a subsidy fund for the operation of private radio stations;
- A regulatory mechanism for the sharing of the sites and infrastructure;
- Preferential treatment for all local electronic medias,
- Equal distribution of the frequencies;
- Downward review of the frequency licenses, etc...

On another plane, the report attempts to highlight the slow pace of development of the Rwandan national television (TVR) which, even today, is not functioning at full capacity and its planned expansion to touch the majority of the population, especially those in the rural areas, remains uncertain.

STRUCTURAL OBSTACLES TO MEDIA BROADCAST

Among the factors hampering media broadcast in Rwanda, we have underscored the importance of oral tradition; the existing high rate of illiteracy despite remarkable efforts on the part of the government of national unity in that field for more than a decade; the malfunctioning of the distribution circuits and, in our partial conclusion, we took stock of the readership in the rural areas which is a particularly sensitive exercise and we concluded by acknowledging that there is need to reorganize the media distribution channels given that the ones that existed before are inefficient.

Whilst waiting for a special study to come up with a final solution, the provisional model proposed would be for several publications to come together as one association with a single distributor, which will significantly reduce the volume of distributions costs.

INTERPRETATION OF THE RESULTS OF THE INVESTIGATION

In order to better respond to the expectations of the beneficiaries of the report, we have drawn up a questionnaire which respects the standards in social science research. The questionnaire was submitted to a sample of 100 persons from various socio-professional backgrounds. Refer to annex 5, *Interpretation of the Results of the Investigation*, specifically at the fourth part of the report, which contains clarifications and comments on the questionnaire as well as the conclusion.

CAPACITY BUILDING OF THE HCP TO ENABLE IT ACCOMPLISH ITS MISSION OF REGULATING THE RWANDAN MEDIA

This part develops the central theme of the assignment which was to strengthen the operational capacity of the HCP. This study comprises four parts: introducing the HCP, its directives and main achievements; some critical observations on the HCP by its partners, *inter alia* the private press, and recommendations.

On page 167 the report states that the HCP has made <<*remarkable progress*>> by proposing, on 16 December 2004, a draft amendment to the media act whose shortcomings are highlighted in the report.

One would expect that if the amendment is endorsed by the Parliament, RCP's efficiency in regulating the media will be enhanced and its independence assured. The authors of the *Study and Research on the State of the Rwandan Media after 1994* are of the opinion that despite its young age (3 years) the activities of the HCP are generally positive.

PROSPECTS FOR IMPROVING THE WORKING ENVIRONMENT OF THE RWANDAN MEDIA

After having outlined the situation of the media in the political, economic and cultural fields, the report adopts a general approach to put in place mechanisms to foster the development of the independent and pluralist media in Rwanda and also indicates the organs that are specifically concerned. The report further suggests:

1. The relational interdependence between the afore-mentioned sectors with the profession of journalism (multi-sectorial collaboration);
2. The need to provide financial and material support to media executives and to strengthen the capacities of the existing media associations (the State, Ministry of Information and donors);
3. Tax exemptions on equipment and inputs of the media industry as well as exemption on the products and property imported by the printing presses (State);
4. The need to establish in the capital city, a permanent vocational training center which is ongoing (Ministry of Information and EJC);
5. The need to establish reading centers in the rural areas, including the most remote areas of the country, to ensure access by all citizens to media publications (Ministry of Information);
6. The promulgation of an act governing free access to information and equal treatment for all medias without discrimination; since the private media is of the opinion that sometimes it is unjustly discriminated upon (State, Ministry of Information, HCP);
7. The establishment of a media support fund (State, Ministry of Information, HCP and donors).

Therefore, in the eyes of the members of the mission, press plurality will become a reality, holistic and respected when all the medias are treated on the same footing by the public authorities and when the medias touch the whole public opinion and represent the public in its entirety and not only a handful of privileged citizens, the happy few so to speak.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, the report once again salutes the memory of the martyrs and pioneers of the national media who were killed during the 1994 genocide, takes stock of the various stages and reviews in summary the partial conclusions arrived at by the various parties on the following main themes:

1. The issue of professional ethics;
2. The material and financial situation,
3. Formal and informal vocational training.

The evaluation as outlined, even though it is severe, does not however aim to skip the progress achieved since 1994 especially in matters of press freedom and the spectacular expansion of licensed newspapers and radio and television stations.

Without Rwanda being a haven of the right of free speech, the reality is that no one in this country is currently being harassed for the sole reason that he contradicts the government in radios or newspapers. Change is therefore crucial and it is beneficial to our country in so far as we do not adopt extremist postures by violating press freedom and public opinion, as we were able to underscore during this study.

However, on the other hand, one is faced with a distressing reality: in particular the fact that to date, there is only one local media house which publishes a daily, The New Times. There is also the harsh reality of the perception of the low level of professionalism of Rwandan journalism or, as we have already indicated, the deplorable situation experienced by men and women of the local media, whilst the important issue here is for all and sundry to earn their living and that of their relatives which should be accomplished at all costs and not compromised. The report then highlights 10-point recommendations, which is the ultimate objective of the study and the research exercise that was conducted, and at the end, we conclude with a message of hope, despite the extent of the problems underscored, of resolving them on the short or medium term.

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