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**WHAT IS WRONG WITH
MEDIA REGULATION IN
CAMEROON?**

ABSTRACT

This article identifies the existing media regulation mechanism in Cameroon, its functioning and problems. The article then reviews the media regulatory systems in some African countries within the realm of the theoretical role of media regulation. Rather than advocating particular functions from the range of traditional media regulation role for Africa and Cameroon, the article attempts to establish the basic ideas that they have in common. The conclusion is that, there is some measure of confusion and dispersion of functions within the Cameroon media regulatory mechanism. In Cameroon, the activities covered by regulation are spread over a wide area and makes the regulatory system to cover everything, and nothing. The role played by the regulatory body in Cameroon has been described as obnoxious and condemned by media professionals. This is when and where regulatory bodies act as the policemen for the media and hand over journalists for persecution and even prosecution.

KEY WORDS: Media, Regulation, Role

RÉSUMÉ

Cet article identifie le mécanisme existant de régulation des médias au Cameroun, son fonctionnement et ses problèmes. L'article examine ensuite les systèmes de régulation des médias dans certains pays africains dans le domaine du rôle théorique de la régulation des médias. Plutôt que de préconiser des fonctions particulières dans l'éventail du rôle de régulation des médias traditionnels pour l'Afrique et le Cameroun, l'article tente d'établir les idées de base qu'ils ont en commun. La conclusion est que, il y a une certaine confusion et la dispersion des fonctions au sein du mécanisme de régulation des médias au Cameroun. Au Cameroun, les activités couvertes par la régulation sont réparties sur un champ vaste qui fait en sorte que le système de régulation couvre tout, et rien. Le rôle joué par l'organisme de régulation des médias au Cameroun a été donc décrit comme odieux et condamné par les professionnels des médias. Ceci, quand et où l'organisme de régulation agit comme un policier pour les médias et, a la main mise sur les journalistes pour la persécution et même des poursuites.

MOTS CLÉS : médias, régulation ,rôle

INTRODUCTION

When you regulate, you determine, orientate or control. The Oxford Advanced Learners' Dictionary defines regulation as "an official rule made by a government or some other authority"; or as the act of "controlling something by means of rules". The issue of media regulation in Cameroon like elsewhere in Africa and the world is no longer a matter of choice or optional but a necessity because of the important role that the media plays in any society. The problematic of media regulation in Cameroon hinges on who to regulate and the scope of regulation. Media regulation in Cameroon has become all the more necessary today because of the need to adapt the ever changing communication sector to the new political dispensation in the country characterized by the advent of democratization¹.

I. EXISTING SYSTEMS OF REGULATION IN AFRICA

Historically, media regulation is an Anglo-Saxon practice. The United States created the Federal Communications Councils (FCC) in 1934 and in Europe, England was the first to create a media regulatory institution in 1949, the Wireless Telegraphy Act (WTA). In Africa, media regulation is a recent phenomenon. It came with the wave of democratization and liberalization in the 1990s, which brought an end to state monopoly in the African media landscape.

There is a high degree of similarity in the regulatory systems in Africa in terms of form. However, each country has adapted its regulation pace and the approach depending on its historical background and traditions inherited from the colonial epoch. One can therefore identify three major regulation trends based on colonial linguistic foundations. Most African countries have modelled their regulation institutions on what obtained in countries of their colonial masters: France for francophone countries; Britain for Anglophone countries; and Portugal for Lusophone countries (see recapitulative table below). Many countries in Africa are now equipped with laws creating regulatory frameworks for the media.

Recapitulative Table of Regulatory Trends in some African Countries

| COLONIAL HERITAGE | GENERAL CHARACTERISTIC | SOME COUNTRIES IN AFRICA | OBSERVATIONS |
|---|---|--------------------------|--|
| 1. FRANCOPHONE COUNTRIES | | | |
| FRANCE (The Regulatory Organ in France is the 'Conseil Supérieur de l'Audiovisuel (CSA)') | These Countries have Higher Audio-visual and/or High Councils as the regulatory Mechanism for the media modelled on the French system | Cameroon | The role of the National Communications Council (NCC) which is attached to the Prime Minister's Office at its inception in 1991 was essentially consultative, but as at 2012, it can sanction media and professionals. |
| | | Senegal | The 'Haut Conseil de l'Audiovisuel' (HCA) has been replaced by the 'Conseil National de Régulation de l'Audiovisuel' (CNRA) |
| | | Burkina Faso | The 'Conseil Supérieur de la communication' is responsible for regulation. |
| | | Benin | The 'Haute Autorité de l'Audiovisuel et de la communication (HAAC) regulates the media sector |
| | | Togo | The constitutional independence of the institution has been weakened in the subsequent drafting of the law creating the HAAC whose nine members are appointed by the President of the Republic and the President of the National Assembly ² . |
| | | Niger | The 'Conseil Supérieur de la communication' is in charge of regulation |
| | | Ivory Coast | The National Audiovisual Communication Council (CNCA) is autonomous |
| | | Chad | The High Media Council (HMC) regulates |
| | | Gabon | There is a National Communication Council |

2. ANGLOPHONE COUNTRIES

| | | | |
|---|---|--------------|---|
| BRITAIN Numerous Commissions and Authorities regulate the media | Media Commissions are in charge of regulation | Gambia | The National Media Commission is in charge of regulation |
| | | Nigeria | The Broadcasting Organisations of Nigeria (BON) is the regulator |
| | | Sierra Leone | The Independent Media Commission regulates the media |
| | | Ghana | The National Communications Authority (NCA) and the National Media Commission or Councils (NMC) are in charge of regulation |
| | | Botswana | The National Broadcasting Board (NBB) and the Botswana Telecommunications Authority (BTA) are in charge of regulation |

3. LUSOPHONE COUNTRIES

| | | | |
|-----------------|--|------------|--|
| PORTUGAL | Departments in the Ministries of Communication have the responsibility to regulate | Mozambique | The Conselho Superior da comunicacao Social (CSCS) is in charge of regulation. |
| | | Angola | Regulation is done by 'Conselho Nacional da comunicacao Social (CNCS). |

4. COUNTRIES WITHOUT A SPECIFIC PATTERN

| | | |
|--|---------------|--|
| | Mauritania | No regulatory mechanism exists |
| | Liberia | Long years of political instability may have contributed to chaos in the sector |
| | Guinea Bissau | Freedom and independence of the media are declared in the fundamental texts, but the regulatory system is not implemented ³ |

There exist in some African countries institutions, which regulate the broadcast sector “that are formally independent from governmental interference, or recognizing systems of media self-regulation or co-regulation”⁴ .

In the majority of Francophone countries, the regulatory bodies draw their legitimacy from the fundamental Laws (the constitution) and amendments to legislation in the media sector. In principle, the regulatory bodies are administrative institutions that are independent of political power. They are made up of representatives designated by the heads of professional institutions and elected by professional organizations in the media. Their scope of activities is extended to media of mass communication. Generally they cohabit with authorities in charge of the regulation of the telecommunication sector. The laws establishing the regulatory bodies more or less take into consideration the stakes and the problems of convergence.

In most English-speaking countries, the regulatory system is not homogeneous, although in some Anglophone countries like Gambia, Nigeria, Sierra Leone and in Ghana, one finds the regulatory body that is responsible for controlling the communication sector under the same appellation of “National Commission of the Media”. In almost all the African countries, telecommunications regulation is carried out by a separate body⁵.

II. THE ROLE OF REGULATION IN AFRICA

Generally media regulation is expected to cover the following broad areas:

- ownership and control
- planning and licensing
- content and complaint handling
- research into broadcasting issues

With the present advances in technology characterized by convergence, regulation could also handle:

- online services

- digital broadcasting
- datacasting

Another fundamental function of regulation in the media is to ensure the existence of a proper and harmonious liberalized or deregulated system; although some researchers hold that when you deregulate, you actually reregulate. Deregulation implies the lifting of the obstacles to competition in the media landscape. In most African countries where the media has been liberalized, the States have set up authorities (independent) to ensure regulation since the state-owned media have also become simple competitors within such a system. Therefore, regulation should address the competition policy; discourage concentration of media ownership in African markets, and enhance public access to a diversity of viewpoints; sources of news, information and commentary.

In Africa, the role of regulation differs from one country to another depending on a number of factors inherent in the countries' historical background, the political system, and the level of socio-economic development. Whether the system is independent, co-regulated or self-regulated, the African regulatory systems generally have the following functions:

- organize and oversee the exercise of freedom of communication
- Authorize the creation of audio-visual companies
- Distribute broadcast frequencies
- Safeguard moral principles in terms of media content
- Manage the use of the media during election campaigns
- Give assistance to the media
- Take disciplinary measures against journalists and media organizations which do not respect the regulation .

Although the above roles cut across almost all the countries, some African countries have chosen to lay particular emphasis on some of these roles (see table below).

Recapitulative Table of Chosen Areas of Regulation by some African Countries

| ROLE | COUNTRY | OBSERVATIONS |
|--|--|---|
| Managing the use of the media during elections | Cameroon, Benin, Burkina Faso, Ghana, Niger, Senegal, Algeria, Chad, Ivory Coast | In some of these countries (e.g. Senegal and Ivory Coast for the audio-visual media) the regulatory body's area is limited to a particular media. |
| Managing the use of the media during elections | Nigeria, Ghana, Sierra Leone, Kenya, Zambia, Burkina Faso, Niger, Mali, Benin | |
| Assistance to the media | Ghana, Benin, Mali, Niger | |

III. THE PROBLEMS OF REGULATION IN AFRICA

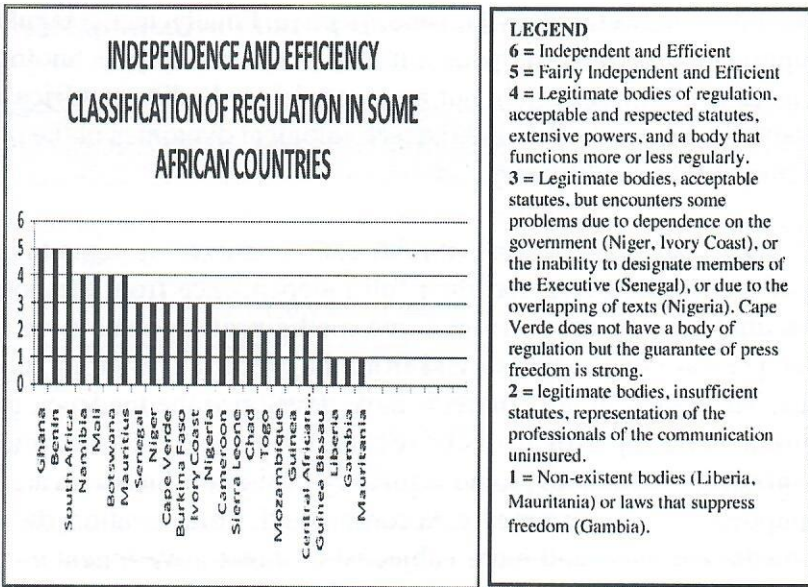
There are basically three problematic areas with the Regulation of the Media in Africa namely: the **application and adaptation** (to technological and economic changes) **of regulation legislation**; vestiges of government interference and the **inefficiency of the regulatory mechanism**⁶.

In most African countries, the introduction of multiparty democracies some three decades ago came with corresponding media reforms characterized by liberal media and communication laws. The regulation of the media therefore became an important component of this process. The first problem with regulation that is common with many African countries is the disparity between regulation and implementation. In some cases, where the legal framework for regulation exist; the procedure to operationalize it, is laborious and cumbersome. In other circumstances, regulatory bodies have remained paper tigers whose functioning has been deliberately hampered by the delay in the disbursement of funds or an outright severing of funds by some governments. The implementation of regulation legislation in some African countries is selective and piecemeal. This has led to some regulatory bodies to

become obsolete before they become effective. Finally, media regulation is supposed to be keeping pace with the economic and technological advances in communication, but most regulatory bodies in Africa have remained static and lag behind the technological dynamics in the media and communication industry.

The second problem with African regulatory systems today is that of the inability to assert their full independence from the governments that created them; from some media professionals who exert undue pressure on the bodies and from the precarious funding mechanisms. Most African governments have developed the tendency to appropriate certain prerogatives of regulatory bodies. According to the Organization – *Article 19*, some regulatory institutions in Africa are simply puppets of the governments. According to this organization, the African media are more and more subjected to direct government control. In another guise the governments adopt draconian laws in the establishment of media regulation institutions with the aim of stifling the journalists. *Article 19* further observes that in the majority of the cases, these regulatory bodies do not meet international criteria, especially with regards to their manner of functioning and the procedure for the appointment of their members⁷. Elsewhere in the continent, the laws governing media regulation are frequently modified to suit the whims or caprices of the regime of the day. This is called the politicization of media regulation. However, there are a few exceptions in some African countries. For instance in Ghana, although the regulatory bodies are attached to the Ministry for Transport and Communication, they enjoy extensive powers and fully exercise their roles in all independence⁸.

The third major problem with regulation in Africa has to do with the efficiency of the regulatory mechanism. The rapid advances in media technology require that regulation should keep pace. Faced with convergence in technology and content, almost all African regulatory bodies have found themselves wanting. However, this is not unique to African media regulators because even developed countries do encounter the same problem. But the fact that most African countries lag behind in technological development has further compounded the regulatory problem.



Source: (Updated, April 2015) Original Classification by The Panos Institute of West Africa, Dakar. January 2006

The existing systems of regulation in Africa are centred on the traditional media, and have therefore become obsolete since they completely disregard an important component of media activity. Despite being conscious of the need to adapt the regulatory bodies to technological developments, African countries face the problem of having separate telecommunications regulatory bodies that are undergoing serious dysfunctions, and are unprepared to handle the many mutations including convergence. There is little or no collaboration between African Media Regulators and other related regulatory bodies such as those in charge of regulating telecommunications. Finally, they do not have the technical tools to ensure their mission of control; hence they have not integrated convergence in their mission.

IV. MEDIA REGULATION IN CAMEROON

Before 1991, there was no media regulatory body in Cameroon. The country’s ministry of Communication was the de facto regulator after the censorship function; hitherto performed by the Ministry of Ter-

ritorial Administration (Interior Ministry) was abrogated. In 2012, the presidential decree which reorganized the existing National Communication Council (NCC) of Cameroon⁹ was revised by another decree empowering the NCC to sanction media professionals and media houses that are guilty of misconduct¹⁰. Therefore, the NCC now has “to ensure by its decisions and opinions the respect of:

- Laws and regulations on social communication;
- Ethics and professional ethics;
- Social peace, national unity and integration in all media;
- The promotion of national languages and cultures in all media;
- Promoting the ideals of peace, democracy and human rights;
- The protection of the dignity of persons, including children and the youth in the media;
- Equal access to the media, especially during elections;
- Freedom and media responsibility;
- The independence of public and private communication services
- Transparency, pluralism and balance in the programmes of communication companies.

The NCC can advise on:

- Licenses for application files for the creation and operation of private audiovisual communication enterprises;
- Government reports on the allocation of broadcast frequencies;
- The NCC is consulted before any appeal concerning the refusal or withdrawal of the press card”.

At the same time in Cameroon, the Ministry of Communication has been assigned with functions, some of which overlap with those of the National Communication Council. According to a decree reorganisation the Ministry of Communication, it is, amongst others responsible for the “respect of deontology (professional ethics) in the communication sector ... and for monitoring the activities NCC”¹¹; whereas it is the second responsibility of the NCC to safeguard professional ethics. Furthermore, the Ministry of Communication is assigned the monitor and

evaluate the activities of the NCC which is under the supervision of the Prime Minister's Office in accordance with article 1(3) of the 2012 decree which reorganises the National Communication Council. This brings confusion as to who the NCC should report to.

The one thing that the new dispensation of the decree reorganizing the NCC did was the fact that the council's role was changed from a mere advisory function to that which allows the enforcement decisions. But the NCC remains a government-inspired regulatory mechanism. Although the nine members of the council appointed by the president of the republic include both public and private media-related people, this trend of media regulation is increasingly being discouraged or put question in many countries and by organizations such as UNESCO and media practitioners. Two other regulatory mechanisms namely: self-regulation and co-regulation are challenging government (statutory) regulation as it is the case in Cameroon – even with the most extensive powers and independence.

CONCLUSIONS

For a free and independent media to play its role of the fourth estate along the three arms of government, somebody has to watch the watchdog - but without putting him into the doghouse or worse. Cameroon like other African Media regulation bodies suffer from many operational insufficiencies, due to the political contexts of democratization; the inadequacy of the regulatory structure, the lack of competent human resources and the lack of minimum technical tools necessary for regulation. In addition to these structural and operational problems, there are other problems such as the technological delay, the weakness of collaboration at the internal and external levels and, in certain cases, the absence of representation of media professionals.

There is some measure of confusion and dispersion of functions within the Cameroon's media regulatory mechanism wherein, the activities covered by regulation are often spread over a wide area. And one may conclude that such a regulatory system covers everything, and nothing. The role played by the regulatory body in Cameroon has been

described as obnoxious and condemned by media professionals. This is when and where regulatory bodies act as the policemen for the media and hand over journalists for persecution and even prosecution.

Given the difficulties of government-inspired regulation and the tug-of-war experienced in co-regulation between media professionals on the one hand and the governments on the other, the best option is a system of self-regulation conducted by the media professionals themselves with the necessary precautions to guard against excesses. As the Declaration of Principles on Freedom of Expression by the African Commission on Human and People's Rights states in Paragraph IX: "Effective self-regulation is the best system for promoting high standards in the media". Media councils or similar institutions, set up voluntarily by the media themselves as self-regulatory bodies on the basis of a code of ethics, are a common feature regionally and internationally, and Cameroon needs to join this bandwagon in matters of regulation.

Most media councils in Africa are more inclusive and provide for equal representation of the media and the public (with civil society organizations delegating members), thus ensuring input from readers, listeners and viewers and enhancing their credibility. In some countries these procedures have prevented the complainants from going to the courts simultaneously or afterwards. This is one way for Cameroon's regulation. In other countries self-regulation and court action are allowed to coexist. This can also serve as an alternative such that everybody can find satisfaction.

National regulatory bodies cannot accomplish the delicate regulatory task single-handedly, hence the need for some international or sub-regional cooperation. The African Communication Regulation Authorities Network (ACRAN) with headquarters in Cotonou, Benin is an example worth commending. ACRAN is a formal institution of establishment, development, and reinforcement of the consultative and sharing relationships between the African Communication Regulation Authorities¹².

Biographical note

A journalist and an Assistant Lecturer at the University of Yaounde II's Advanced School of Mass Communication (ASMAC – ESSTIC), Tehwui Lambiv's thesis for an MA in Communication Policy and Regulation (2003) from the University of Westminster in London-UK, examines Media Regulation in Cameroon amongst other issues. ■

ENDNOTES

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² Samb M. *Médias, pluralisme et organes de régulation en Afrique de l'Ouest*. Les Cahiers du journalisme N° 20 – Automne 2009

³ Idem

⁴ Berger, G. *Media Legislation in Africa: A Comparative Legal Survey*. A Survey done for UNESCO by the School of Journalism and Media Studies, Rhodes University, South Africa. 2007

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⁷ Named after *Article 19* of the Universal Declaration of Human Rights, Article 19 works worldwide to combat censorship by promoting freedom of expression in the world.

⁸ “*Les Organes de Régulation des Médias en Afrique de L'Ouest: Etats des lieux et perspectives*. The Panos Institute of West Africa, Dakar. January 2006.

⁹ Decree N° 91/287 of 21 June 1991 on the organization and functioning of the National Communication Council

¹⁰ Article 6 of N° 2012/038 of 23 January 2012 on the reorganization of the National Communication Council

¹¹ Decree N° 2012/380 of 14 September 2012 on the reorganization of the Ministry of Communication

¹² At the initiative of the Conference of African Communication Regulation Authorities (CACRA), the Presidents of the African Communication Regulation Authorities met at Libreville, capital of the Republic of Gabon, from June 02 to 05, 1998, to decide the creation of a collaborative organization named “African Communication Regulation Authorities Network” or “ACRAN”.

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