UNIPSILIDe modratic Institutions Section Policy Brief (March 2012 - No. 1)
Time to Take The Independent Wedia Commission (MC) SeriouslyPolicy Recommendations for Strengthening the IMC of Sierra Leone



Democratic Institutions Section

Democratic Institutions Section contributes to UNIPSIL's peace mandate building by focusing on the consolidation of democracy and good governance through the strengthening of democratic institutions as stated in the applicable Security Council Resolutions and provided for by the UN Joint Mision, of 2009.

In recent months, the Section has amended its priorities[®] taking into consideration the coming elections in November, 2012, drawing down of UNIPSIL, and other relevant issues of the national context.

Consequently, the main areas of focus are:-

- Media supporting main media institutions to perform in accordance with established professional and ethical standards, including playing a role to ensure peaceful, non-violent elections. To achieve this objective, we support the following: Sierra Leone Broadcasting Corporation, (SLBC) Guild of Editors, Independent Media Commission (IMC), Community Radios - Independent Radio
 - Network (IRN) and Cotton Tree News (CTN), Sierra Leone Association of Journalist (SLAU), and Artists for Peace.
- Democratic Governance and Extractives engaging with key actors in the natural resources sector to ensure transparency and accountability in national resource governance. Specifically, we examine the extent to which state and non- state actors in the sector, adhere to norms and standards espoused by UN, AU and ECOWAS on natural resource management and peace building
- 3. Civil Society Organizations recognizing the need to work with democratic institutions within both state and society, DI section supports CSOs in their role of eliciting accountability from state actors, donors, UN system and themselves. ACSO policy forum has been created by national CSOs, called the National CSO platform, which works on all policy issues in seven thematic areas. The Platform holds a monthly meeting with the ERSO at which matters of national policy and work of the UN are discussed.
- 4. Audit of Democratic Institutions supporting an audit of the main democratic institutions in the country created by statute since TRC report of 2004, with the view to identifying their contribution to the peace consolidation and governance, and making policy recommendations.
- Support to National Constitutional Review Process Supporting organizations within state and society working on constitutional review.

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POLICY BRIEF



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Time to Take The Independent Media Commission (IMC) Seriously-Policy Recommendations for Strengthening the IMC of Sierra Leone

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UN Security Council Resolutions 1829, (2008), 1886 (2009), 1941(2010), 2005(2011).

[&]quot;Earlier the section had given support to the following the matterages: Anti-Corruption, You to Employment,

Decembralization, Chieffalnoy, National Conference, & Environment

The seven them afto areas , also called clusters, are: Governance, Natural resources, Peace Security& Human Rights, Social Movement and Social Change, Muherability and Explusion; Election; and information, Education, and Communication.

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2.4 More lawyers and experts in media regulation to be appointed as Commissioners

In certain cases, Commissioners and IMC staff are not sufficiently qualified in the area of media law and regulation. Their appointment is based on political considerations rather than their suitability for the task in hand. More lawyers and experts in regulation would enable far more effective interpretation of the law and better-grounded intervention in the case of wrongdoing.

2.5 Greater powers accorded to the IMC to revoke licenses, impose heavy fines and even close down the worst offenders

At the moment, it may appear that IMC is a watch dog without a teeth. Certainly more powers conferred by statute can make it more effective. Even without such legislation there is an opinion that is has powers under the current Act of 2000 to implement the code of conduct. Unscrupulous editors and journalists insist on contravening the Code of Conduct, knowing that the risk of a swift and effective response from the IMC is low. Penalties imposed carry no real weight and offending parties often take up their legal right to go through the courts, thereby diluting the little influence the Commission can bear on a situation. The international community should engage with the government and civil society to ensure that the IMC is accorded the authority and the respect it deserves as a crucial regulatory body.

2.6 The INC should receive core funding from the government in line with other statutory bodies such as the National Electoral Commission (NEC) and the Political Parties Registration Commission (PPRC)

Currently, it is the donor community that is supporting the activities of the IMC which, unlike NEC and the PPRC, does not receive core funding from government. This anomaly needs to be redressed if the IMC is to develop as a relevant independent institution in its own right. If the IMC were to be guaranteed long term funding, it could plan its activities accordingly, giving priority to key areas. It could determine appropriate salary structures for Commissioners to enable them to focus on the regulatory functions of the Commission, rather than expending time, attention and energy in training. The priority of the Commission must be regulation and oversight. All resources, financial and human, should be channelled into this key function. There is no other body that has the legislative function to bring media houses into line. If the IMC fails in its duty, an unruly media industry may force open the fault lines beneath the fragile peace.

Nata K. A. Busia, the Chief of Section, gave a legal opinion in respect of the status of the Code of Practice. In the opinion, he argued that the Code of Practice can be implemented so far as it is consistent with the Act of 2000. In consultation with the legal team and other legal experts, all agreed that the Act of 2000 confers adequate powers upon the IMC to regulate the conduct of media practitioners. Opinions was rendered in June 2012.

2.0 Recommendations

2.1 Introduce a Media Index of the top ten newspapers

Given its apparent inability at this point to regulate the country's media houses, the IMC should institute a quarterly Media Index to rate the top ten newspapers according to objectivity, impartiality, language, layout, integrity and quality of investigative reports and circulation

Only the top ten newspapers will feature in the index, giving rise to a certain level of competition. Only the top ten newspapers will feature in the index, giving rise to a certain level of competition. This should weed out the less professional papers and act as a guide to potential advertisers and sponsors. A committee made up of representatives from the Interfaith Council, the Bar Council, civil society, SLAJ, the Guild of Editors and the IMC itself would determine the criteria and each quarter decide on the Index.

2.2 Continue with the annual IVIC Awards

This IMC initiative has done much to promote specialist reporting in key areas such as economics, finance, investigative journalism, crime reporting, health and politics, it enables different agencies to highlight examples of good reporting on subjects of interest to them. It furthers the cause of development and peace consolidation by encouraging journalists and media houses to focus on topics that underpin the well being of the state and its citizens.

2.3 Constant training of the IVIC Commissioners and staff

IMC staff must be thoroughly trained to enable them to carry out the mandate effectively and professionally. Many of the staff are young and inexperienced. As with the Commissioners, there is no detailed understanding of the functions of a regulatory body in a fast moving area like the media. Comparative analysis of similar bodies elsewhere in Africa and beyond together with training by experienced regulators from abroad would undoubtedly strengthen capacity.

Executive Summary

This paper highlights the challenges facing the Independent Media Commission (IMC) as it seeks to carry out its mandate of monitoring the media and enforcing a code of conduct in the run up to what are likely to be contentious elections in November 2012.

Currently, the media in Sierra Leone are awash with examples of bad practice including unsubstantiated stories that are not properly researched and false allegations against high profile figures, usually politicians. Given its limited powers and resources, the IMC lacks the clout to regulate the industry effectively. It is likely that, if nothing is done, the environment will grow more toxic as the elections approach. If sanity is to prevail, the IMC should be strengthened and affirmed in its role as media watchdog. As well as sanctioning bad practice and punishing habitual offenders, the IMC should also be able to highlight professionalism and good practice wherever it is found.

Recommendations

- The IMC to produce a quarterly 'Media Index' of the top ten newspapers based on objectivity, impartiality, language, layout, integrity and quality of investigative reports and circulation
- Specialist journalism should continue to be highlighted through the IMC Media Awards, especially in the areas of economics, finance, investigative journalism, crime reporting, health and politics
- IMC staff must be thoroughly trained to enable them to carry out its mandate effectively and professionally
- More lawyers and experts in media regulation to be appointed as Commissioners
- Greater powers accorded to the IMC to revoke licenses, impose heavy fines and even close down the worst offenders
- The IMC should receive core funding from the government in line with other statutory bodies such as the National Electoral Commission (NEC) and the Political Parties Registration Commission (PPRC)

1.0 Background and Context

With the return of peace and democracy to Sierra Leone following the vicious civil war came a flourishing of newspapers and independent radio stations. This led, in turn, to the setting up of the IMC through an Act of Parliament in 2000. Since then, the IMC has worked towards ensuring the highest levels of professionalism in the media industry, despite many significant constraints, it has attempted on several occasions to protect the public interest against abuse by media institutions especially the print media. It has also protected journalists and broadcasters from intimidation and undue pressure from individuals prone to misuse their position of power. With the right level of resources, it could effectively serve as an important pillar of democracy and a powerful advocate for peace and security.

Working under the UN's Joint Vision, the IMC has helped to extend balanced and accurate news and information to all sections of the population, including marginalised groups such as women, youth, and citizens with special needs. With the substantial support it has received from development partners over the last two years the Commission has been able to

- Enhance the capacity of journalists in newspapers and radio stations.
- Strengthen the relationship between such institutions
- Regulate the industry through enforcing its Code of Conduct
- Raise awareness amongst board members of community radio stations and District Council
 Officers of the importance of local media
- Develop understanding of media policy at both local and national levels.

However, with the approach of the elections, the IMC is struggling to increase its capacity in the areas of media monitoring and research to provide the background evidence needed for its interventions.

In addition, it faces a number of other challenges that are likely to aggravate the already tense political atmosphere:

- The non-compliance of certain media houses due to their overt or hidden political allegiances
- Limited professional capacity amongst journalists in reporting and analysing politics
- Evidence of 'hate journalism' expressed through personal vendettas between editors and a constant revisiting of past 'injustices'

The Sierra Leonean media need to show that they are prepared for the demands of the coming elections but, on the evidence of present coverage, they still have a long way to go in the areas of political reporting and analysis. Instead of setting the agenda, the media, especially newspapers, are increasingly distracted by petty squabbles amongst politicians. Journalists are frequently drawn into personal rows in which unsubstantiated allegations and rumours are thrown about. Gutter journalism abounds.

The media seem either to have abandoned or to be unaware of their key responsibilities in democratic elections; providing the public with adequate information about issues, parties, policies and candidates. Equally, statutory bodies such as the National Electoral Commission (NEC) and the Political Parties Registration Commission (PPRC) need channels through which they can inform the public about the electoral process itself. As the country enters the official campaign period, candidates and parties are entitled to use the media to communicate with voters but in the present confusion, there is little chance of a useful, positive debate. As the atmosphere grows more toxic, it is the public who will suffer most.

A democratic election without a free media is a contradiction in terms. The paradox is that to guarantee that freedom, a measure of regulation is required. Sierra Leone today faces a situation in which journalists are more mindful of their rights than their responsibilities. Some editors are abusing the freedom they now enjoy, flagrantly ignoring the strictures of the IMC's Code of Conduct. For example, the fledgling public service broadcaster SLBC should be setting an example by giving fair and equitable coverage to all parties but it seems unable to shake off old habits from the days of SLBS and to be following too closely the government line.

In all this, the IMC seems to be overwhelmed by the demands on its resources and authority. It seems to be without focus and direction. Although its efforts in the area of training are positive, it must be understood that its mandate clearly requires a firmer regulatory approach in these sensitive times. Together with NEC and the PPRC, it is responsible for overseeing the electoral process and the media's role within it. It should be supervising media houses and the access they grant to parties and individual candidates. It should also be responding swiftly and sternly to any offences against its Code of Conduct and the Electoral Guidelines currently before Parliament.