

Investigate without peril:

How to support investigative journalism in East Africa?

Investigative journalism distinguishes itself from regular journalism by its depth and subject matter, often involving crime, political corruption or corporate wrongdoing. It can play an essential role in a country's governance by keeping corporations and government accountable. However, the political and economic environment in some regions of the world present specific challenges for investigative journalists: countries that score low on governance and transparency present particular risks and underline the need to build investigative journalism capacity. This Brief analyses the obstacles to investigative journalism in the East African region, focusing on Kenya and Uganda, and discusses what can be done to help address these barriers.



A difficult environment for journalism

There is a range of factors that have an impact on the quality of journalism and willingness of professionals and media companies to undertake this work. The extent to which the environment is enabling or restrictive has a significant impact on journalists' ability to write investigative features. Areas of crucial importance revolve around legal, regulatory and security challenges:

- **Weak legal and security environments:** Often legislation to protect whistleblowers and witnesses is weak. If the police and other security forces are under-equipped, under-financed and, importantly, corrupt, they will not offer reliable protection to journalists who receive threats. This becomes even more of a problem when members of the police are themselves investigated by journalists.
- **Libel laws:** Restrictive libel laws mean that media houses can easily be taken to court, and may suffer costly defeats – something that journalism companies with limited finances cannot afford. In Kenya, Nicholas Biwott, a close ally of former president Daniel arap Moi, successfully sued two bookshops for selling a book that included a negative depiction of him.¹ A corrupt judiciary exacerbates this situation.

- **Media regulations:** Veteran Zimbabwean journalist Trevor Ncube² noted that even though there had been an overall liberalization in the African media industry, this trend has been reversed in recent years. In Uganda, for example, the government seeks to introduce a license for newspapers to be renewed annually, and has also proposed legislation under which journalists can be imprisoned for vaguely defined economic sabotage. None of this helps to strengthen the commercial viability of media outlets nor their ability to create strong content. The Communications Commission of Kenya (CCK) has gazetted broadcast regulations that restrict ownership of frequencies and would, if fully implemented, restrict broadcasters to one frequency only, forcing them to give up a large part of their current business.³ Reducing media houses' size also reduces revenues, making their operations less efficient and translating into smaller budgets for training journalists. It also leaves them more vulnerable to libel suits. In addition, there is often a lack of legal frameworks requiring filing of documents and guaranteed access to information.

Besides a difficult legal environment, the small size of the private sector in developing countries and the resultant commercial challenges to media houses can exacerbate difficulties:

- **Commercial viability:** The media sector across the African continent has grown strongly, but the relatively small size of the formal economy and resultant small advertiser pool render media vulnerable to pressure not to investigate critical stories or face the loss of advertising revenues. In Kenya, Synovate (a media monitoring firm) estimates that 20 firms controlled 54% of the advertising market in the second quarter of 2010⁴. One example of the consequences is the case of the investigative pullout of the East African Standard ("The Big Issue"), which was discontinued after an issue focused on investigations implicating one of its

key advertisers. In Uganda, mainstream media outlets have gradually made a shift from hard news to more entertainment, partly in reflection of the consumerism of a growing middle class.⁵ Media houses may prefer features and paid-for advertorials over hard-hitting stories as audiences may feel numbed and powerless by a succession of corruption stories.

- **Government as main advertisers:** Given the small advertiser pool in the private sector, an important share of media revenue in developing countries also comes from governments. This contributes to making media vulnerable to political pressure. Another consequence of limited revenues is that journalists are often paid very little, making bribes more attractive.
- **Fragmentation vs. concentration:** A small market size also means that there is limited scope for several large media houses which may have more financial and other clout to resist political pressure. They also have more resources to pay for qualified staff, let them investigate a story that may not immediately yield headlines, and have budgets for training and legal services. However, there is a danger that a small number of larger media outlets quickly fall into line and adopt a similar position on a topic.
- **Media ownership:** Media houses owned by government are typically more pliable to government pressure, especially in an environment characterized by weak governance. They can be compromised beyond merely skewing news reporting to the government's agenda. There is anecdotal evidence that Ugandan state-owned New Vision employs state security staff as editorial staff and these have used interviews to collect information on people who are critical of the regime. If politicians own media outlets, either directly or through front companies, political and personal priorities will affect the impartiality of reporting even in those media firms that were not set up for political purposes. Kenya's Standard Media Group, one of the largest in the country, for example, is partly owned by former president Daniel arap Moi. Politicians also often set up small local-language FM stations to support their agenda in their region.
- **Corruption in the media:** A country's weak governance environment is equally reflected in the media sector. It is common to offer cash to journalists for coverage of even a small, non-contentious story. Some journalists barely earn enough to make a living and are understandably vulnerable. Others accept significant sums of money, for example, to suppress unwanted stories. This affects all levels of the hierarchy in media houses.⁶

Finally, it may be observed that the **wider social educational environment** creates additional challenges. The public school system in many African countries is not conducive to the analytical, inquisitive nature of investigative journalism. Often underfinanced and badly managed, its teaching is focused on learning by rote rather than making critical inquiries. This is exacerbated if a country's culture teaches deference to superiors. English (or French) is often a second language and spoken alongside local languages, while neither one is taught systematically. Ultimately, this also limits the impact of international study resources, training and background materials.

Even in a relatively free media environment, this lack of critical skills affects work in general, not just investigative journalism: often journalists do not follow stories through consistently, nor are they able to explain more complex technical issues to their audiences. Coverage can become sensationalist, superficial and, at times, skewed and threatening.

What can be done to strengthen investigative journalism?

The factors affecting the quality of journalism are to a certain extent a reflection of a country's overall governance environment, and therefore not all will be fully amenable to journalism-focused assistance. For example, the problem of a corrupt judiciary does affect journalists, but is not specific to journalists, whereas overly harsh libel laws can be addressed under a journalism-specific legal support programme (e.g. the Konrad Adenauer Foundation's media policy and legislation programme) if the recipient country is willing to modify its laws. A weak school system that focuses on learning by rote and does not build capacity for critical inquiry is a general obstacle. Donors may work in the education sector, but this is not a media-related intervention. What is far easier to address specifically is the technical capability of journalists as well as capacity in the media sector.

In addition to traditional aid donors, several international foundations have channelled funds and expertise towards investigative journalism. However, to date, there is neither a detailed stocktaking nor an evaluation of projects in sub-Saharan Africa that are specifically focused on investigative journalism. It is also difficult to identify clearly which types of assistance donors have provided to journalism in general. Often, such support is provided under governance initiatives. Support, though, can be clustered into the following:

1. Training

In the area of capacity building, Western journalism schools have co-operated with local journalism schools, while investigative reporting associations have provided training programmes and supported cross-border research projects. Training is also provided by international media houses' foundations (for example the BBC, Thomson Reuters or the New York Times) and journalism associations. The World Bank Institute ran a successful investigative journalism programme that combined videoconferences with other forms of distance learning. From 2002 to 2004, the institute trained around more than 1,500 journalists.⁷

The following lessons have emerged from capacity building through training:

- It is usually more affordable and creates wider impact if a trainer comes to the recipient country rather than sending individuals abroad.
- If the journalism sector is still fairly underdeveloped, one-off workshops may be of limited use. In addition, strategies to strengthen investigative journalism capacities often have to reach beyond just the individual journalists to include editors and the management of the media house.⁸ Donors would create most impact

by sending experienced Western editors to work with a local media house as training editor over a longer period rather than send individuals away for short-term training.⁹

- Online learning resources provide easy, affordable access and create useful reference material. However, e-learning requires learning skills, self-discipline and a basic understanding of journalism.
- Finally, too successful a training programme may not be welcomed. The World Bank programme mentioned earlier seems to have become a victim of its own success: the host countries' governments began to complain about aggressive investigative journalists until the programme was halted.¹⁰ Managing the politics of journalism assistance may be challenging but it should not discourage those willing to engage in it.

2. Building and supporting institutions

Investigative journalism centres can produce best-practice showcases. These then serve to inspire other media organizations in the market and serve as training-on-the-job facilities whilst isolating journalists from pressures prevailing in media houses.¹¹ Non-profit journalism centres are not the only way to address shortcomings, but they offer an attractive combination: less concerned about advertising revenues, they provide on-the-job training and are a source for stories that other newspapers can then pick up and run with. But measures to support investigative journalism need to have a mid- to long-term approach that includes not just journalists, but editors as well. And it is important to go beyond numbers. Training and reporting projects aimed at creating a culture of investigative journalism should be evaluated based on their quality and impact, not broad numbers of people trained and stories produced. The governance-oriented skills developed through work in such centres are less immediately marketable (when compared to the basics of how to write an article). That is why, even in rich countries, this kind of training is often done through non-profits.

Investigative journalism centres have several advantages:

- They allow for more comprehensive training and capacity building.
- They are not dependent on advertising revenues and therefore not subject to the same pressure from major advertising corporations.
- A non-profit investigative journalism centre has more scope to keep a journalist on the same story for weeks at a time.
- For commercial media houses, it can be easier to cover in-depth analysis than to carry it out themselves as they are less likely to face political pressure if they did not originate the story.¹²
- They can give a home to talented investigative journalists who would otherwise not find an outlet for their work.

However, this approach also has its challenges. Several investigative journalism centres have stopped operations due to lack of funding, managerial problems, and small markets. Funding depends on around two thirds on donors and 20% on commercial income. The success of such a centre becomes difficult if basic journalistic

skills are still missing in a country, or if it has an onerous legal environment and the government actively enforces restrictive libel laws.

The Africa Centre for Open Governance (AfriCOG), a non-profit in Kenya, has the mandate to "provide cutting edge research on governance and public ethics issues and, monitor governance fundamentals in both the government and the private sector."¹³ It has produced several interesting investigative pieces, covering issues such as electoral spending and the fate of the commissions on several scandals. Recognising the role of investigative journalism in improving governance, AfriCOG has initiated an investigative journalism fellowship that journalists can pursue during a sabbatical period. AfriCOG provides the journalists with funding, equipment, advice and mentoring. During the fellowship, journalists pursue a research project of their choice and develop it with the support of AfriCOG mentors. After two years trying to obtain funding, the first fellowship round for three journalists – selected out of 20 applicants – was funded by the Finnish embassy. After the first programme, the following conclusions were drawn:

- The quality of some applications was disappointing. The programme sought to build investigative capacity of the fellows. Consequently a significant amount of input in mentoring was essential to ensure a suitable final investigative piece.
- For emerging investigative pieces to be credible and useful, investigative journalism requires a methodical approach to information acquisition, processing and record compilation, as well as a clear understanding of fair play, accuracy and balance. It was also noted that beyond insufficient resources, journalists lacked sufficient experience in libel laws and adequate analysis of critical documents for investigative work.
- The challenge of local fellowships was exacerbated especially with journalists attached to media houses (as the fellowships were local); the fellows were still getting assignments from their editors. The latter had an impact on time commitment and eventually the quality of their output.

AfriCOG just completed the pilot phase and hopes that lessons learned will help to improve the intakes in future phases. More efforts to obtain buy-in from local media are also necessary so they are receptive to the value of a fellowship carried out locally.

There is also scope to support think tanks and similar organisations in building better linkages to media outlets. The watchdog MARS Group¹⁴, for example, made headlines when it flagged a KES9bn (USD110.5m) discrepancy in the supplementary budget data provided by the Kenyan Minister of Finance Uhuru Kenyatta in 2009. MARS Group was relatively active online with a blog and Twitter account. But if linked to organisations like AfriCog, MARS could provide better leads and material for journalists, and obtain greater exposure for their investigations.

3. Journalist protection

There are several initiatives to offer immediate support to individual journalists:



U4 is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work. The centre is operated by the Chr. Michelsen Institute – an independent centre for research on international development and policy – and is funded by AusAID (Australia), BTC (Belgium), CIDA (Canada), DFID (UK), GTZ/BMZ (Germany), Norad (Norway), Sida (Sweden) and The Netherlands Ministry of Foreign Affairs. All views expressed in this brief are those of the author(s), and do not necessarily reflect the opinions of the U4 Partner Agencies or CMI/U4. (Copyright 2011 - CMI/U4)

- Individual journalists typically do not have the financial resources to defend themselves against lawsuits, and even for established media houses, this can be costly. The organization **Media Legal Defence Initiative**¹⁵ offers legal support for journalists, helping with fees in criminal defamation lawsuits, but also in civil suits where the journalist faces extortionate claims for damages in allegedly defamatory material. Amongst their funders is Open Society Institute.
- Beyond legal aid, the **Committee to Protect Journalists (CPJ)**¹⁶ offers financial support to journalists under immediate threat and help to their families.
- Mugambi Kiai from the Open Society Initiative in East Africa suggests to set up a protection fund for journalists threatened directly or through libel suits. Moreover, fellowships could be offered to journalists interested in investigative journalism to facilitate their work. This is an area where an endowment fund could be set up.¹⁷

Being restricted to working in one country renders journalists vulnerable. Sierra Leonean journalist Sorious Samura, known mostly for CNN documentaries, works out of the UK so he has relatively sizeable work budgets and some immunity. Support to regional networks so that journalists can be placed outside the country if they come under pressure and continue to work would be useful as well.

However, comments from media owners and senior media managers indicate some of the limitations in focusing on supporting individual journalists. Unless backed from the beginning by a media house, individual journalists will have problems publishing their stories. For the reasons already mentioned – ownership by politicians, advertiser pressure,

corruption within the media –, media houses may resist publishing overly critical articles. Often content that would be very critical domestically would not be interesting for an international media platform. One tentative conclusion is that an investigative journalist needs to be embedded in a supportive institution, and AfriCog's experiences show that it is challenging to create this kind of support in African media corporations.

Awards for investigative journalism can help to convey prestige and offset some of the concerns of media managers. Additional international exposure and recognition through an international award can add some degree of protection to journalists, even though they and their family remain vulnerable to threats in their home country.

Conclusions

Kenyan media owner Salim Amin¹⁸ states that “investigative journalism is time-intensive, expensive, and often not affordable for smaller media outlets”. Short-term courses and targeted interventions can fill gaps in skills, if a country's media industry is vibrant and fairly strong. However, in a context of a weak industry, it is useful to consider a more comprehensive, long-term approach that includes individual professionals and media companies, in order to build institutional capacity within a wider perspective. In parallel, non-profit investigative journalism centres can offer an interesting alternative to create showcase stories and investigations, and insulate investigative journalists from political and other pressures, as it is often easier for media houses to pick up a story and cover it if the investigative work has been done elsewhere.

Notes

1. The AngloLeasing affair has repercussions even today: Michela Wrong's book 'It's our turn to eat' analysing the AngloLeasing procurement scam was only sold under the counter in Nairobi's bookshops. IFEX (2000): Minister wins libel suit against daily, 8 August at http://www.ifex.org/kenya/2000/08/08/minister_wins_libel_suit_against/
2. Speaking at the Nation Media Group's 'Africa Media Conference' in March 2010 in Nairobi, Kenya.
3. Ratio Magazine (2010a): New Broadcast Regulations a Blow to Media Investors, by Andrea Bohnstedt, February, Nairobi, Kenya at www.ratio-magazine.com/201002091966/Kenya/Kenya-New-Broadcast-Regulations-a-Blow-to-Media-Investors.html
4. Synovate (2010): Media monitoring and market research data for Q2/2010, Nairobi, 2010.
5. Ratio Magazine (2010b): Regulations for Overly Inquisitive Print Media? By Maya Prabhu, July, Nairobi, Kenya at www.ratio-magazine.com/201007303538/Uganda/Uganda-Regulations-for-Overly-Inquisitive-Print-Media.html
6. IMS (nd): Corruption in the media, at <http://www.i-m-s.dk/?q=article/corruption-media-and-mudhai>, F (2007): Time to harvest? Media, corruption and elections in Kenya, Ethical Space: The International Journal of Communication Ethics, Vol 4, No 4, 2007.
7. Some of the World Bank's training materials are available on the bank's website (<http://siteresources.worldbank.org/WBI/Resources/wbi37115.pdf>). Kaplan provides a brief description of the programme. Kaplan, D (2007): Global Investigative Journalism – Strategies for Support, Center for International Media Assistance (CIMA)/National Endowment for Democracy (NED), December, Washington DC, USA.
8. Kaplan, Global Investigative Journalism.
9. Uganda Independent (2010): Interview with Andrew Mwenda, Kampala, Uganda, November.
10. Kaplan, Global Investigative Journalism.
11. Kaplan, Global Investigative Journalism.
12. Interview with Charles Onyango Obbo, Executive Editor with Nation Media Group, Nairobi, Kenya, November 2010.
13. Africog (no date): African Centre for Open Governance, at http://www.africog.org/?q=about_us
14. MARS Group has been founded by Mwalimu Mati, the former Director of Transparency International Kenya, and was set up as an anti-corruption watchdog. It often released Wikileaks-style information of, for example, public finances.
15. The Media Legal Defence Initiative (www.mediadefence.org) offers legal support to individual journalists and legal advice in media laws.
16. The Committee to Protect Journalists CPJ (cpj.org) was established in 1981 by a group of U.S. foreign correspondents in response to the often brutal treatment of their foreign colleagues by authoritarian governments. It works defending the rights of journalists to report news without fear of reprisal
17. Interview with the author, Nairobi, July 2010.
18. Interview with the author, Nairobi, November, 2010.