

The Dar es Salaam Declaration on Editorial Freedom, Independence, and Responsibility (DEFIR)

February 2011

Adopted by the **Media Council of
Tanzania** and opened for endorsement at
Dar es Salaam on March 18th, 2011

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First Print: February 2011
Second Print: January 2014
Third Print: July 2017

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ISBN 978-9987-710-65-2

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Preamble

Introduction

Over the last two decades the media scene in Tanzania, as elsewhere in Africa, has undergone significant changes. Although there has been rapid privatisation of the media, thus opening new possibilities for citizens' access to diverse sources of information, the state continues to impede editorial independence and freedom in various direct and indirect ways, thus undermining the exercise of fundamental rights and freedoms.

However, the emerging media scene also poses a new set of threats to the exercise of fundamental human rights, including the right to information and freedom of expression. The private media is increasingly concentrated in a few media houses and conglomerates and controlled by a few individuals, with similar effect. In addition to the

State and private owners, non-state actors whose pressure, influence, power and interference impact on editorial independence and freedom, pose threats to the exercise of fundamental rights and freedoms of the public.

The right to information and freedom of expression are both part of collective and individual rights and freedoms. These rights and freedoms are enunciated and protected by African state constitutions and several international and regional instruments, including the *Declaration of Principles on Freedom of Expression in Africa* adopted by the African Commission on Human and Peoples' Rights in 2002.¹

The right and freedom to receive, process and disseminate information, including the right and freedom to express opinion, constitute the cornerstones of democratic political and economic governance. The meaningful exercise of these rights and freedoms enables citizens to participate in their own governance, thus giving substantive content to the right of peoples to self-

1 At its 32nd Ordinary Session held in Banjul, The Gambia, from 17th to 23rd October 2002.

determination, which is recognised and fervently guarded by all international and regional human rights conventions, including the *African Charter of Human and Peoples' Rights, 1982* and the *Universal Declaration of Human Rights, 1948*. For Africa today, the right of people to political and economic self-determination² is crucial for the exercise of their right to development³ and the assertion of their 'permanent sovereignty over natural resources'⁴.

The bearers of these fundamental rights are the people in their collective and individual capacities. The signatories to this Declaration of Editorial Independence, Freedom and Responsibility realise and fully appreciate that the meaningful exercise of these rights requires a free, independent, objective, and robust media, run and led by competent and ethically upright media practitioners.

For the media to be truly free and independent, its practitioners must also be free and independent to perform their tasks without fear or favour, and,

2 International Convention on Political and Civil Rights and International Convention on Social, Economic and Cultural Rights, both of 1966.

3 UN Declaration on the Right to Development, 1986 and the African Charter of Human and Peoples' Rights, 1982.

4 UN Resolution on Permanent Sovereignty over Natural Resources, 1962.

in particular, without fear of direct and indirect pressures from powerful political, economic, and other partisan interests in society. The sources of pressure are varied, but the most prominent are the State and private business actors who control the polity and economy of a nation.

Private media owners must recognise that their ownership is neither absolute nor exclusive. The media industry is pre-eminently in the public domain, providing a public good. Therefore, the driving force of private ownership – profit – needs to be subordinated to legitimate public interest, which is to ensure and enable the meaningful exercise of the fundamental rights and freedoms referred to above. Public interest and social responsibility thus override ownership rights and interests; by virtue of being actors in the public domain providing a public service, owners and media practitioners are primarily accountable to the public.

Mindful of these considerations, in 2006 the Media Council of Tanzania (MCT) initiated a process of developing two important pieces of legislation on The Right to Information and Media Services. After country-wide consultation over a

period of two years, the two proposals drafted by non-state actors, media practitioners, owners, and other civil society actors, have been submitted to the Government of Tanzania.

In addition, from 2008, MCT, recognising the importance of editorial freedom and independence, set in motion and facilitated the process of developing this Declaration. The Declaration is conceived as belonging to a community of stakeholders, who undertake the respective obligations enunciated therein.

It is now open for signing and endorsement.

Resolution

Cognisant of the importance of editorial freedom, independence, and social responsibility in developing a free and robust media;

Aware of the central social and political role of a free media in the exercise of the collective right of the people to political and economic self-determination and individual fundamental rights recognised by various international and regional instruments, including state constitutions;

Recognising the importance of the right of the African peoples to assert their permanent sovereignty over natural resources in the interest of the sustainable development of their countries; and

Aware of the role which media can play in combating stereotyped images of women and men and the sexist attitudes in our society;

Concerned over the accelerated and concerted plunder and pillage of natural and other resources in Tanzania and the African continent over the last three decades;

Convinced that the free flow of information, discourse and expression of opinion play a catalytic role in raising social awareness and consciousness for people to exercise their rights and freedoms meaningfully and to assert their political and economic sovereignty;

Aware that the electronic media allow unfettered access to everyone, including children and others not able to filter and assess the import of the content transmitted;

Now, therefore, the signatories to this Declaration do hereby resolve:

1. To publicise, propagate and campaign for the endorsement of this Declaration widely by all actors and stakeholders, including state and non-state actors within the country and the region;
2. To endeavour to adhere to the principles of the Declaration and create formal and semi-formal mechanisms to facilitate their observance and enforcement;
3. To impress upon academic, research and professional organisations and institutions the importance of integrating the Declaration and its underlying principles in their teaching, training and research programmes;
4. To demand that some of the appropriate obligations which require formal adoption be enshrined in contracts and charters of agreement between public and private media owners on the one hand and practitioners on the other;
5. To demand that significant non-state actors, other than owners, recognise and publicly

endorse this Declaration and its underlying principles and observe the same in their dealings with the media; and

6. To demand that all actors in positions of influence desist from interfering with editorial freedom and independence.

Furthermore, the signatories to the Declaration call upon all media practitioners generally and editors particularly:

7. To resist influences, pressures and incentives from outside actors which could undermine editorial freedom and independence and tamper with the exercise of their discretion in accordance with professional standards and the underlying principles of this Declaration;
8. To perform their duties and discharge their social responsibility with the utmost personal integrity, objectivity and competence consonant with professional standards and ethics; and
9. To be aware and conscious at all times that their duty and accountability are to the people

and that they are actors in the public domain involved in delivering a crucial public service for the fostering of a democratic society free from oppression; from prejudices based on race, ethnicity, gender, and disability; and from inhuman practices.

Part I

Fundamental Guiding Principles

The fundamental guiding principles below are an integral part of this Declaration. They shall guide its interpretation and application, and shall be taken into account when entering into charters of agreement between owners and practitioners and setting editorial policies and such other policy documents.

1. Freedom of expression, which includes the fundamental right to receive, process and disseminate information, belongs to the public collectively and individually.
2. The primary obligation of media owners and practitioners is to facilitate the exercise and enjoyment of these rights and freedoms by the

public, collectively and individually.

3. Media owners and practitioners are accountable and responsible to the public.
4. All media practitioners should exercise their functions truthfully, ethically, competently and professionally and with the utmost social responsibility and integrity such that they earn trust and credibility in the eyes of the public.
5. Media practitioners should foster social, political, economic, and cultural unity in diversity by promoting tolerance of different views and beliefs.
6. Media owners and journalists should take measures to protect child rights and children's dignity by raising public awareness on issues such as internet violence, child trafficking and sexual slavery.
7. Media owners and practitioners should endeavour to foster, promote and facilitate public dialogue and discourse and the dissemination of ideas and information. In this regard, they should provide space in

their respective media for such dialogue and discourse.

8. Media practitioners have the responsibility to promote human dignity, fight all forms of discrimination and promote equality between women and men in the society while combating stereotypes of all kinds.
9. Media practitioners have an obligation to refrain from inciting, or facilitating the incitement of, violence, hate, and xenophobia while always adhering to the highest standards of truth. It is the duty of editors, particularly, to exercise judicious discretion in the reporting of news and opinions which are likely to incite violence, hate and xenophobia.
10. All actors mentioned in Part II of this Declaration have an obligation to refrain from interfering with editors and media practitioners in a manner that could undermine editorial independence and freedom.
11. It is the basic right of members of the public to access media without let or hindrance. The

State and media owners and practitioners should facilitate and enable such access, always mindful of the fact that media space and the right to acquire information are public goods.

12. Media owners and practitioners should devise mechanisms such as media watchdog committees composed of independent civil society members of high integrity to facilitate the participation of the public in the oversight of the media to ensure that it plays its requisite role in the public interest.
13. To ensure diversity and the free flow of objective and truthful information, all media actors and related groups must endeavour to prevent the monopolisation of media and concentration of media outlets in a few hands, and should consistently oppose mergers and take-overs which could lead to such monopolisation and concentration.
14. Media stakeholders should encourage co-operative forms of ownership and management by media operators and practitioners

themselves.

15. All concerned players must work towards converting state-owned media to public media responsible and accountable to the public through representative organs such as the legislature.
16. Media practitioners in decision-making organs must strike a judicious balance between paid advertisements and news coverage.

Part II

Responsibilities and Obligations

All the major actors in the media bear responsibilities and obligations in fostering and protecting editorial independence in order to ensure that editors and other practitioners have the freedom to make decisions based on professional requirements and ethical imperatives.

The State

Notwithstanding the rapid privatisation of the media, the State still plays an important legislative and administrative role which sometimes impinges on freedom of expression and editorial independence. Therefore, it has certain obligations and responsibilities in ensuring a healthy media environment.

17. Action should be taken to transform State run media into public media outlets, established by an Act of Parliament and funded through parliamentary procurement. The appointment of editors and other practitioners to run these outlets as well as the policy direction should be placed in the hands of non-partisan agencies representing the will of the wider public and with a mandate to serve all citizens without let or hindrance.
18. The State should not use legislation to curb

or limit editorial freedom through draconian laws, such as those that criminalise libel. Laws pertaining to the protection of reputations ought to be in the realm of civil law.

19. Registration and licensing requirements should not impinge on editorial freedom. There should be no laws giving a minister or any government official unfettered discretion to ban, disallow, suspend or restrict media because such powers are invariably used to interfere with and threaten editorial freedom.
20. Any limitations on freedom of expression on grounds of state security must be necessary in a democratic society and serve a legitimate purpose. Such limitations must be reasonable, narrowly and clearly defined and strictly construed.
21. In defamation, libel and other related litigation, the judiciary must take cognisance of the need to promote editorial independence and freedom so as to expand the ambit of the fundamental rights of the public. Courts should refrain from awarding astronomical damages in defamation

and like cases whose effect is to bankrupt media houses and thus encourage self-censorship and discourage investigative journalism.

22. Courts ought to make a distinction between defamation cases involving public figures and private persons. By taking positions in the public domain, individuals implicitly accept greater criticism and scrutiny by the public, and courts ought to enable this important intervention by narrowing the meaning of defamation in such cases.
23. The State should desist from using strong-arm tactics, which curb editorial freedom and independence, such as police intimidation, incarceration of journalists or confiscation and destruction of media equipment. Where its agents are found to have acted brutally against media practitioners, thorough investigations must be carried out and the culprits dealt with in a firm and transparent manner.
24. Government should not use its power of being the major source of news and advertising revenue to deny information or advertising

to media that it considers unfriendly. Advertisements should be placed based on objective criteria such as the reach and impact of each outlet.

25. Government should take measures to restrict the publication of advertisements which perpetuate stereotyped images of women and men in the society.

Owners/shareholders/directors

The ownership structures of many media houses contain layers of people who, using the influence afforded them by ownership, shareholding or directorship; can be a source of serious interference in, and erosion of, editorial independence. It is necessary for these individuals and the interests they represent to desist from using their influence in a manner that is inimical to editorial independence.

26. Media owners should not use their decision-making powers which affect the careers of editors and other journalists, including on recruitment, training, career advancement and tenure, to grant favours or as an incentive to curb the independence and freedom of practitioners. The selection of editors and journalists and their training, promotion and remuneration should be done solely on the

basis of merit and without the interference of extraneous considerations, such as family ties.

27. Editors must enjoy contractual security of tenure and they may be dismissed only for specified infractions such as misconduct or incompetence after due enquiry.
28. The context of high unemployment ought not to be used to exert unethical pressures on editors and journalists and/or make unreasonable demands on them or induce practices contrary to the tenets of professionalism.
29. Diversified ownership of media and other forms of ownership and management such as co-operatives of media practitioners ought to be encouraged by all stakeholders to enable the public to get varied sources of news, information and opinion.
30. Media owners should put in place sexual harassment policies that protect women and men from gender based violence (GBV).

Advertisers, Business and Political Allies of Owners

There exists a nexus between business people, political friends of media owners and media practitioners competing for advertisements, which are the mainstay of media revenues. Depending on the conditions in the media industry, this can adversely affect editorial independence.

31. Corporate organisations, which are the second biggest source of advertising revenue after the government, should not use this power to punish or pressurise the media which carry or are perceived to carry unfavourable stories or stories inimical to their interests. Media owners should not succumb to the pressures and demands of unscrupulous business people for fear of losing advertising revenue. In no circumstances should they lean on their editors and other operators to kill public interest stories

for fear of losing advertising revenue.

32. Media practitioners should endeavour to protect women's dignity by refusing to carry sexist advertisements.
33. Media owners should not use their connections with politicians or big business to tamper with stories and commentaries on their political and business friends. Editors should not allow political and business connections of their owners to influence their stories or in any way interfere with their editorial discretion.

Politicians/State Functionaries

Politicians and State functionaries maintain a keen interest in what the media is doing and will seek to influence media content to serve their particular interests. Editors must guard against such influences to avoid fostering ties that can undermine their effectiveness.

34. While contacts with politicians and political organisations are important, editors and other practitioners must guard against entertaining too close a relationship with politicians or embedding themselves in political systems which could make their work harder and balanced journalism elusive. Any relationship or affiliation that could be perceived as a conflict of interest should be disclosed to the reader or viewer to ensure transparency.
35. Politicians, including those who are media owners, must refrain from using the media

and media personnel for the advancement of their own narrow political interests, against the obligations of the media to represent the general public interest.

Donors/Diplomatic Community

Sections within the donor and diplomatic communities have shown interest in promoting greater press freedom, including editorial independence.

36. Donors and members of the diplomatic community must not usurp the right of nationals to make their own decisions with regard to issues of Press freedom. They should refrain from using their financial clout to substitute their own agenda for national agenda.
37. Donor support and funding should be based on a principle of initial support designed to enable the efforts by nationals to get strong enough to stand on their own.

Partisan/Parochial Interests

38. Editors must always resist pressures from partisan and parochial interests and avoid giving them undue prominence or championing a particularistic cause.
39. Editors and journalists must always reject unreasonable and unethical demands from their own social groups if these could lead them to have a bigoted outlook or render them prone to groupthink and self-censorship.

The Public

Given that the role of the media is to serve the public by providing space for exchange of information and views, members of the public in turn have an obligation to play an increasingly active role by demanding the highest standards of media professionalism and by taking part in the generation of media products.

40. The public should promote and defend press freedom as an integral part of the broader issues of democratic governance and development.
 41. The public should hold the media accountable through writing letters to the editors and other forms of feedback to correct distortions and engage journalists on their coverage of various issues.
 42. Members of the public have both the right and the duty to become more active participants in the production of information, news and
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views and to take advantage of the increasingly advancing new media in the promotion of responsible citizen journalism.

Part III

Protection of Practitioners

A free and independent media presumes a body of professionals who can undertake their work without undue interference, pressure or intimidation from power-wielding sources. These include the State, media owners and political and commercial lobbies in society. The current competitive context, both within and outside the media, has exposed media practitioners to new threats and hazards. It is therefore imperative that measures be instituted to protect practitioners in the conduct of their duties. Freedom from such threats will enhance editorial independence and foster a media that is committed to high professional and ethical standards.

The State

43. All media practitioners have the right to fulfil their functions of investigating, photographing, filming, writing and reporting information and providing services without fear of interference, harassment, intimidation, restriction or repression from the State or any other public authority.
44. All media practitioners need to make use of their confidential sources of information without fear of being forced to disclose them, except where a due court order has been issued to that effect, or where the public interest outweighs the need for confidentiality. Chief Editors will obtain the source from journalists and protect it.
45. Where a party demands disclosure of a source in litigation, the onus of showing the necessity for doing so must rest on the party demanding

it.

46. Judicial authorities should give narrow interpretation to the laws governing the publication of information relating to state security and official secrets provided the laws are reasonable, necessary and justifiable in a democratic society, so that the public is not deprived of important information unnecessarily.
47. State organs have an obligation to provide protection to media practitioners who may be under threat of attack to their person, their office or their working tools until such threat has passed.

Chief Editors

48. Chief Editors have an obligation to protect and shield journalists from interference, harassment, intimidation, or repression they face or may face from state organs, political organisations, commercial groups, employers and owners.
49. Chief Editors should ensure that journalists are protected from undue external influence and inducements from other sources by offering them just and fair remuneration and conducive working environments.
50. Chief Editors are under an obligation to maintain a high level of professionalism and ethical behaviour among their staff through merit-based recruitment procedures, provision of training opportunities, regular post-mortem reviews and exposure to wide experience.

Chapter Three

Media Owners

51. Media owners and media houses should be encouraged to institute, in consultation with the chief editors, independent internal committees to receive complaints from their staff.
52. Media professionals should feel free from undue interference in the conduct of their duties by negotiating agreements with their media owners which would guarantee editorial independence and reduce the influence of political and commercial interests.

Part IV

The Social Responsibility of Editors

Editors, by the very nature of their work, shoulder great responsibility as they are the final arbiters of what gets published and are thus required to be steadfast, upright and just.

Responsibility and Accountability to the Public

53. Editorial freedom and independence must mean the freedom of the public to access information which has been processed and disseminated by editors and other journalists.
 54. Editors should take great care to distinguish editorial copy from advertisements and paid-for press releases so as not to deceive or confuse the public as to the source and nature of the content.
 55. Editors should exercise due caution when using as sources press releases and other official communiqués emanating from government departments, corporate organisations, diplomatic missions and other official and semi-official organisations by treating them critically and investigating their veracity.
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Corruption, Chequebook Journalism and Inducements

56. Editors must strive to inculcate in their journalists the ethos of honesty, integrity and commitment to service; journalists should not demand or accept any form of improper incentive.
57. Chequebook journalism must be discouraged and journalists need to be nurtured in an environment that stigmatises corruption as a foremost evil to be fought by all.
58. Editors have a duty to train their journalists to recognise the various forms of inducement that may compromise them and their work, including financial and other gifts, such as meals and drinks as well as free rides while on duty.
59. Editors are called upon to investigate all

allegations of, and any actions suggesting corruption, and take stern action against all proven cases in order to eradicate corruption from their newsrooms. Under no circumstances should a journalist tainted with corruption be allowed to continue working in the newsroom.

Violence, Hate and Bigotry

60. Editors must refrain from giving undue prominence to reports and commentaries promoting violence, hate and religious, racial and ethnic bigotry, likely to cause or exacerbate social tensions and conflict, or those that promote gender discrimination and other forms of social exclusion.
61. The protection of vulnerable groups, such as minors, the disabled and victims of abuse is of paramount importance. In particular, evidence-based information on GBV should be used to advocate for zero tolerance policies on GBV. Thus editors have the duty to guide their journalists regarding the appropriate way of covering stories about these groups and issues.
62. In any public debate and discourse, editors have to give all sides of the argument equal space and consideration, making sure every

significant strand of public opinion is heard and that all major positions in the exchange are reported in a fair and balanced manner.

Part V

Responsibilities of Other Critical Players

The safeguarding of editorial independence is a continuous struggle that requires the support of stakeholders external to the media institutions in order to advance. The capacity for training, research, advocacy and awareness-raising within the media institutions themselves is either limited or non-existent, and in this regard, they have to be assisted by other organisations where that capacity is concentrated.

63. Academic institutions, research organisations and professional bodies which provide training in journalism have a responsibility to integrate issues relating to editorial freedom and independence in their training programmes.

64. Civil Society Organisations and other advocacy groups have a responsibility to propagate and defend editorial freedom, independence and responsibility in the interest of constructing a democratic society.
65. Strong professional associations must help strengthen professionalism in the media through continuing education programmes as well as regular public dialogues on issues of freedom of expression, editorial freedom and other contemporary issues in mass communication.
66. Media organisations should institute peer review mechanisms on a systematic basis, to do regular audits in areas of editorial freedom, professional conduct and ethical journalism, which would then be made public.

Part VI

Endorsement and Undertaking

67. Stakeholders may accede to this Declaration by signing a copy on behalf of their organisation or on their own behalf as citizens, and depositing the same with the Media Council of Tanzania.
68. By signing this Declaration, the signatories undertake:
 - to abide by its underlying principles; and
 - to publicise, propagate and campaign for it in the form and manner considered appropriate and suitable to their particular conditions and circumstances.

