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**THE REALITY OF MEDIA FREEDOM IN SWAZILAND UNDER THE NEW
CONSTITUTIONAL DISPENSATION**

VUYISILE SIKELELA HLATSHWAYO

STUDENT NO: HLTVUY001

SUPERVISOR: DR. WALLACE CHUMA

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DECLARATION

This work has not been previously submitted in whole or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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ABSTRACT

Media freedom remains a hotly contested topic worldwide. This is evidenced by the competing understandings of media freedom. Authoritarian theorists advocate restrictions on media freedom. Liberal pluralists argue in favour of a media totally free from the state. Social responsibility theorists favour a socially responsive media in society. Political economists prefer a media system that is not just free from state control, but most importantly, free from the control of big business. In Africa, the different understandings of media freedom have caused tension between the state, media, business and civil society. The state of media freedom is far from uniform throughout African countries. It varies from one African state to another even where the constitution guarantees freedom of the media. The parameters of media freedom in Africa are defined by the social, economic and political realities. In Swaziland the passage of the Constitution in 2005 was characterised by both cheer and uncertainty within society in general and in particular the media. As it provides for a Bill of Rights, the media fraternity viewed it as a launch-pad for advancing the cause for media freedom. Uncertainty was later generated by the occasional failure by the state and business to recognise and respect the fundamental rights protected and guaranteed by the Constitution. Among media practitioners this raises the difficult question of how the freedom articulated in the Bill of Rights will be realised in practice. This study sets out to determine whether or not media freedom exists in Swaziland under the constitutional dispensation. It applies content analysis of two leading daily newspapers to explore the extent of editorial freedom and also semi-structured interviews to access the views on the state of media freedom of the media practitioners, media management, government, civil society and legislators. For purposes of document analysis, it audits the different laws, policies, code of ethics and international and regional human rights instruments that Swaziland has signed and ratified. The study concludes that there is still lack of media freedom in Swaziland under the new constitutional dispensation. Its significant finding is that the lack of media freedom is a consequence of constitutional, legal and extra-legal constraints. These constraints have bred widespread censorship, self-censorship and interference in the media houses.

DEDICATION

I dedicate this work to my loving wife, Jabu, and daughters: Simphiwe and Nokulunga. Just like my late parents, you have shown unflinching faith in me and put a higher premium in my education. You have been behind me in the best of times and the worst of times. Indeed, the year 2009/10 was the season of the worst of times in our lives. Yet, you remained unshaken as my constant shining star. You never allowed me to be bogged down by the loss of the pillars of my strength – i.e. my parents – in quick succession. Neither did you let me suffer nervous breakdown when I lost my job and close friend simultaneously. Mind you, all this happened during the course of this study. I am deeply indebted to you. Without your unwavering support and boundless love, I would not have made it. Not forgetting my late parents, Mboniseni William and Falini Gladys Hlatshwayo. When I started this academic exercise, they showered me with their last blessings. It never occurred to me that they were already due to depart to the next world in no time. This thesis is in memory of my late parents and close friend, Vukani Armstrong Maziya.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples Rights
AU	African Union
CANGO	Council Assembly of Non-Governmental Organisations
CAP	Cars and Property
CBS	Central Bank of Swaziland
DPFEA	Declaration of Principles of Freedom of Expression in Africa
ICT	Information, Communication and Technology
ICCPR	International Covenant on Civil and Political Rights
MCC	Media Complaints Commission
MISA	Media Institute of Southern Africa
NERCHA	National Emergency Council on HIV/AIDS
NNLC	Ngwane National Liberatory Congress
NGOs	Non-Governmental Organisations
NDS	National Development Strategy
PUDEMO	People's United Democratic Movement
RWB	Reporters Without Borders
SADC	Southern African Development Community
SCCCO	Swaziland Coalition of Concerned Civic Organisations
SBIS	Swaziland Broadcasting and Information Service
SBS	Swaziland Broadcasting Service
SEF	Swaziland Editors' Forum
SFL	Swaziland Federation of Labour
SFTU	Swaziland Federation of Trade Unions
SNAJ	Swaziland National Association of Journalists
STBC	Swaziland Television Broadcasting Corporation
SPTC	Swaziland Posts and Telecommunications Corporation
STVA	Swaziland Television Authority
STAR	Swaziland Television Authority Rental
SWAYOCO	Swaziland Youth Congress
TOS	Times of Swaziland
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
WPFR	World Press Freedom Review

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

This study considers the reality of media freedom in Swaziland under the new constitutional dispensation. For the purposes of this research, the preferred definition of media freedom is the absence of censorship, licensing, and interference as well as the existence of independence, access to information and access to the media (Moore 1992; McQuail 1994; Kasoma 1997). From a media freedom perspective, this study sheds light on the dilemma faced by the media, occasioned by contradictions inherent in the Constitution of the Kingdom of Swaziland adopted in 2005. Apparently, the Swazi Constitution is fraught with claw-back clauses which tend to restrict media freedom. Yet the very same Constitution provides for freedom of expression and of the press and other media. This chapter provides a brief background to the study from a media freedom perspective and presents a statement of the problem. It also outlines some pertinent research issues, the significance of the study and the structure of the thesis.

1.1 Research Context

Until 2005, Swaziland had been governed without a Constitution, following King Sobhuza II's abrogation of the 1968 Constitution on 12 April 1973. Despite the adoption of a new Constitution in 2005, Swaziland is still not a democracy. Both the citizenry and the media do not fully enjoy the fundamental civil liberties permitted by the Constitution. Contrary to the provisions of the Bill of Rights allowing freedom of expression, the press, and of association, these constitutional rights exist only on paper not in practice (MISA Swaziland 2008:24). Restrictive laws, which restrain media operations, are still in force. According to the LKM Attorneys' audit of unfriendly media laws, there are 32 pieces of legislation inhibiting media freedom in Swaziland (MISA Swaziland 2003:15-16).

Section 24 of the Constitution guarantees freedom of expression and the press and other media, but the media need to tread carefully and cautiously. The Constitution, for example, has not repealed the laws infringing upon civil rights (African Media Barometer-Swaziland

2007:3). Similarly, Section 24 (3) diametrically conflicts with the spirit of clauses (1) and (2) which guarantee freedom of expression and of the press and other media because it entrenches a raft of restrictive laws. It provides that “Nothing contained in or done under authority of any law shall be held to be inconsistent with or in contravention of this section...” It also allows government to impose restrictions in the interests of defence, public safety, public order, public morality or health (The Constitution of the Kingdom of Swaziland 2005: sec. 24.3a).

Likewise the dual legal system, which is described as a mixture of Swazi tradition and Western democracy (Davies, O’Meara & Dlamini 1985:47) curtails freedoms of expression and the press. Whereas common law permits certain civil liberties, the unwritten customary law infringes upon freedom of expression and media freedom (Maziya 2003:95). Acutely aware of cultural dictates, the media have tried to avoid criticising or questioning the authorities, who are intolerant of criticism. Notwithstanding the guarantees of the Constitution and Information and Media Policy, the media have been subjected to various forms of restriction.

1.1.1 Swaziland’s media environment

Under the new constitutional dispensation, most of the clashes between the Swaziland government and the media have been over the fundamental issues of press freedom, code of ethics, culture, professionalism and regulation. According to Dlamini (2006:176), the media have been at the receiving end of harsh criticism from a cross-section of the higher authorities including the King, the Queen Mother, the prime minister, cabinet ministers, parliamentarians and traditional leaders. As Dlamini observes, the authorities perceive the media as the sole major violators of press freedom:

They have all questioned the media’s right to press freedom, asserting that the media in Swaziland is too free and responsible for damaging the image of the country internationally. In their view the media is disrespectful and abusing its freedom by exposing issues that should not be discussed (2006:176).

For many years, the legislators have been pressuring government to rein in the perceived sensationalistic, irresponsible Swazi media by setting up a media council. Since 1996, several Information Ministers have on a number of occasions drafted and redrafted the Character Assassination and Media Council Bills aimed at curbing the

rise of bad journalism among the local media through promotion of responsible standards of journalism and adherence to the code of ethics (A Report of the Media Council Bill Select Committee 1997). However, the Media Council Bill No.9, 1997, met with strong opposition within Swaziland and internationally. Consequently, the Parliamentary Select Committee set up in 1997 to review the bill recommended that it be deferred pending the formulation of a communications and media policy and establishment of a media self-regulatory body (MISA 1999).

1.1.2 Information and Media Policy

While the divided local journalists and media owners were wrangling over the structure of the self-regulatory mechanism, the government had forged ahead to formulate and launch an Information and Media Policy in 2005. This was long overdue because Swaziland had operated without a codified policy since the colonial era. Like most of Africa's media policies, it charges the media with the function to eradicate information poverty, reduce the isolation of communities, and unify Swazi citizens through the provision of information that is demanded (Swaziland Information and Media Policy 2005:2). This policy is based on Vision 2022 of the National Development Strategy (NDS) geared towards achieving sustainable economic development, social justice, and political stability. Within this context, the media must avail the necessary platforms for social interaction and public participation in efforts directed at social development and economic upliftment. From a regulatory perspective, the Information and Media Policy provides for a self-regulatory mechanism by the media to oversee their ethical and professional conduct (2005:11). The media fraternity welcomed the policy as a right step towards the creation of an enabling media environment in the country.

Once government had put in place the Information and Media Policy, not long thereafter it crafted six draft Bills, namely: the Freedom of Information and Protection of Privacy Draft Bill 2007, Books and Newspapers (Amendment) Draft Bill 2007, Swaziland Media Commission Draft Bill 2007, Character Assassination Draft Bill 2007, Broadcasting Draft Bill 2007 and the Public Broadcasting Corporation Draft Bill 2007. This exercise was done with the assistance of a Commonwealth media consultant, but the media and stakeholders were not involved in the process. It is noteworthy that the first three bills attempted to reform some outdated restrictive media laws, the fourth sought to protect the right of an

individual to privacy, whereas the last two sought to establish an independent regulator and transform the state broadcasters into public broadcasters (MISA 2007:233). Ultimately, they were meant to regulate and professionalise the day-to-day operations of the growing Swazi media. Notwithstanding their good intentions, the government has not lived up to its promise of passing the bills to law.

Concerned about the public outcry over the rise of sensational and irresponsible Swazi journalism over the years, a number of ex-Information Ministers called upon MISA Swaziland, the Swaziland Editors' Forum (SEF), the Swaziland National Association of Journalists (SNAJ) and media proprietors to expedite the process of establishing a self-regulatory mechanism for the media. A good example is the public debate triggered by Bheki Makhubu's story describing one of the king's fiancées a high school dropout. Under pressure from the public and parliamentarians, Minister Magwagwa Mdluli said as a consequence of Makhubu's irresponsible reporting, he had instructed a law firm to draft a Character Assassination Bill and redraft the Media Council Bill (MISA 1999). The ministers threatened that if the media failed to comply with the directive, then government would be forced to re-table the deferred Media Council Bill 1997 to Parliament. Hence, the media bodies hurriedly developed and adopted a code of ethics for practising Swazi journalists in 2006. They also pushed hard for the establishment of a self-regulatory body known as the Media Complaints Commission (MCC). While the media and stakeholders were busy dilly-dallying about its composition and operation, the government, under intense pressure exerted by the legislators, was eventually forced to re-pilot the Media Council Bill No.9, 1997 as the Media Commission Bill 2009.

1.1.3 Swaziland Media Commission

Because of the Swazi media's failure to finalise and operationalise the MCC, the newly established Ministry of Information, Communication and Technology (ICT) did a u-turn after sanctioning the media to set up a voluntary media council. Under mounting pressure from the legislators, ICT Minister Nelisiwe Shongwe introduced the Media Commission Bill in 2009 to the media bodies, soliciting their views and opinions before tabling it in parliament. As this Bill seeks to establish the Swaziland Media Commission, a statutory regulatory body targeting only the print media, it spurred the media bodies to sort out their differences and register the MCC. However, the minister insisted on taking the Bill to

parliament. Her argument was that other countries have statutory media councils. One of the objectives of the Media Commission is to provide for the preservation of the freedom of the press and promotion and maintenance of responsible standards of journalism (The Media Commission Bill, 2009). But, the print media are against the Bill because it seeks to license and revoke journalists' accreditation (Swazi Observer 2010:15). The media see this as a ploy by government to clampdown on the critical private media. It is within this context that the reality of media freedom in Swaziland under the constitutional dispensation merits research investigation.

1.2 Research Problem

Whether media freedom in Swaziland exists or not has been hotly debated. Government argues that media freedom is self-evident because it is enshrined in the Constitution. Government spokesperson, Macanjana Motsa (*Swazi Observer* 2009:2) argues that the media enjoy freedom as per the provision of Section 24 of the Constitution. On the contrary, the media contend, the Constitution has not changed anything. This manifests in the periodic media violations reported by MISA Swaziland and Reporters without Borders (RWB). While MISA (*Swazi Observer* 2009:8) reported 20 cases of media violations within two months in 2009, the RWB ranked Swaziland among the worst media violators in the 2008 World Press Freedom Index (*Swazi Observer* 2009:6). This raging debate has given rise to the research problem of this study. Under the current dispensation, there has been no extensive research into manifestations of media freedom or lack thereof in Swaziland. Unlike the annual MISA and RWB surveys, which focus only on government-media relations, this study goes beyond that to cover other important social players (i.e. the conglomerates and proprietors) involved in the media. Only such holistic research may give deep insight into the impact of the influences of the public and private sectors on media freedom.

1.3 Research Questions

1.3.1 Main Question

What are the manifestations of media freedom or lack of it in Swaziland, under the new constitutional dispensation?

1.3.2 Sub-Questions

- (i) How free is the media from government, proprietors and business?
- (ii) How accessible is the media to the different sections of society?

1.4 Rationale

Even though the Constitution provides for media freedom, the media still maintain that nothing has changed. As Nam (1983:309) notes, the ideals in the constitution are one thing, and practice another. The continuing display of lip-service by the Swazi government to its constitutional commitments is a real cause for concern to the media fraternity and citizenry. Against the background of continual negative civil society reports on the state of the media in the country, this study seeks to critically analyse the manifestations of media freedom or lack thereof, in the kingdom. It is intended to contribute to literature on media freedom in Africa, in particular Swaziland.

1.5 Literature Review

Much of the literature on media and democracy present the free media as the heartbeat of democracy. From this perspective, the media serve two functions essential to the democratic process in society. Firstly, the free media act as a vehicle for vital information, which the citizens need to make informed choices and decisions in public life. Secondly, they serve as forums for the exchange of alternative views, which enable citizens to make informed decisions on public issues after lively debate. As Ronning (2002:16) puts it, the media should inform citizens on issues of public policy by presenting and debating alternatives. Closely aligned with this informational role is the other role of being watchdogs of all the powerful social groups in a society. As Curran (2005) argues, the function of the media must be conceived as their being the watchdogs of all authorities in both the public and private realms. They are expected to check on abuses of power. Studies of the functions of the media in democracy in sub-Saharan Africa have shown the crucial role played by the independent media of Zambia and Zimbabwe in the democratization of repressive regimes (Hyden & Okigbo 2002).

Despite their espousal of constitutional democracy since the 1990s, African governments have denied the media the constitutionally guaranteed rights to freedom of expression and the press. As Heath (1997) notes, freedom of expression is constitutionally protected and constitutionally limited in Kenya. Studies of press freedom in anglophone, francophone, lusophone and Arabic-speaking Africa have uncovered a lack of press freedom, yet it is constitutionally guaranteed in many of these countries (Moore 1992; Eribo & Jong-Ebot

1997; Hyden, Leslie & Ogundimu 2002). In most African states, claw-back clauses are included in their constitutions to limit the freedom of expression and of the press (Ogbondah 2002). This is normally justified on the grounds that the unfettered media may undermine national unity and derail economic development plans, resulting in political instability (Kale 1997; Ogundimu 2002).

Although the free media foster democracy, many African governments do not employ the same approach to media freedom. They apply different, varying approaches based on the considerations of their different national interests. The parameters of press freedom in Africa are, therefore, defined within the context of the political, social and economic exigencies of the state. As Kale (1997) argues, we need to suspend our understanding of the concept of press freedom as it is applied in the West, when dealing with issues of press freedom in the African states. This is evident in the existence of private media alongside state media in most African countries. Hence, they opt for a hybrid of normative media models. Until the United States and other donor countries exert pressure for “transformations to multiparty democracy” (Ogundimu 2002:209) in sub-Saharan states including Swaziland, African governments will continue to shun the Western libertarian and social responsibility models underpinned by “the watchdog, the adversarial and the agenda-setting roles” of the media (ibid:212). Curran (2005) warns that the Western models are not necessarily the best because they encourage the development of a media subservient to the corporate power. Through establishing tactical alliances with the authorities in both the public and private sectors, media become transformed from watchdogs to lapdogs. Eventually, they serve to legitimise the status quo.

Given that the influence of donors injects “a heavy dose of Western liberal democratic ideals” (ibid: 209), Swaziland has embraced constitutionalism. Comparatively, the Swazi government has behaved the same way as others in sub-Saharan Africa undergoing political transition. The Swazi Constitution guarantees media freedom, but also curtails it through limitation clauses. This research concerns itself with the manifestation of press freedom or lack thereof in Swaziland under the constitutional dispensation. Since the commencement of the Constitution in 2006, there have been no extensive studies on media freedom in Swaziland. Most of the MISA and RWB reports on the state of media freedom have focused only on government, ignoring the role of media owners and big business. The previous press freedom study conducted by Matsebula (2000) covered the lack of press freedom in

Swaziland. This particular study attempts to critically analyse media freedom in Swaziland or the lack of it under the constitutional dispensation which came into effect in 2005.

1.6 Theoretical Framework

This research is theoretically conceptualised in the authoritarian framework, which restricts media freedom. The authoritarian theory requires the media to serve the interests of the ruling elite. According to Oosthuizen (2002:40), the emphasis of this theory is on direct governmental control of the media to maintain the status quo. To ensure that media act as its mouthpiece, the government subjects the media to censorship, licensing, legal action and legislation. Granted, no media system is governed by any one 'pure' theory, nor does practice always follow what seems the appropriate theory very closely (Agee; Ault & Emery 1982:110) but, the authoritarian theory, which prevails in dictatorial societies, is arguably the most suitable theoretical framework for analysing the Swaziland media system in the new constitutional dispensation.

1.7 Research Design

Research Methods: As Deacon, Pickering, Golding and Murdock (1999:209) point out, "the choice of techniques...should be dictated by the task at hand and the research questions you are seeking to address". The research methods chosen for use in this study are entirely dependent on its nature and purpose. The study employs a triangulation method combining quantitative and qualitative methods, which are commonly used in media studies.

Data Collection: For purposes of collecting data, this research combines the content analysis and interviewing techniques. Closely aligned with the quantitative approach, the content analysis instrument will measure the degree of media freedom or lack of it, in the Swazi media. On the other hand, the semi-structured interviewing tool, which is linked to the qualitative approach, will establish the respondents' experiences of media freedom or lack thereof. Ultimately, these combined instruments will give a holistic picture of the extent of media freedom in the context of a constitutional dispensation.

Sampling: In terms of sampling, a sample size of 20 editions of the *Times of Swaziland* and *Swazi Observer* published between May 2008 and May 2009 will be content analysed. Drawn using a stratified random sampling procedure, it represents a constructed two-week sample involving all weekdays. According to Lacy et al (2001: 837), the use of a stratified random sampling of a constructed two weeks has proved representative and reliable in the content analyses of daily newspapers for one year. The unit of analysis is the news articles in the national news section but excluding the business, international, entertainment and sports sections.

As a follow-up to content analysis, this research analyses relevant documents including pieces of legislation and policies enacted by the government to regulate the print media since the birth of the newspaper industry in 1897. To establish the experiences of respondents, the study uses the semi-structured interview technique. This involves a non-probability purposive sampling procedure. According to Babbie (2001), the researcher relies on his judgement about which units will be most useful or representative. This depends on the researcher's knowledge of the population, its elements, and the purpose of the study. This research targets 26 respondents drawn from the media, government, parliament and civil society groups, "who best meet the purpose of the study" (The Tabloid Explosion 2007).

1.8 Data Analysis

To analyse the quantitative data, the researcher intends to use descriptive statistics. The advantage of these statistics is that they "help the researcher identify underlying patterns in the data" (van Eeden 2000:211) essential to draw research conclusions. The quantitative data alone cannot prove the extent of media freedom but it forms basis for making qualitative inferences about the state of media freedom in Swaziland. Frequency distribution will prove useful for summarising the quantitative data. For the purposes of analysing the qualitative data, the researcher intends to use a form of discourse analysis. Discourse analysis focuses directly on the analysis of conversations, texts and interviews (Silverman 2001). It discovers patterns that enable a researcher to make conclusions based on the texts or interviews. In terms of discourse analysis, the data is segmented into topical categories, which are summarised to find the patterns.

1.9 Thesis Outline

The thesis consists of six chapters: Chapter One, entitled “Introduction”, presents a brief background to the study and offers an account of its concerns, rationale and research methods. Chapter Two, entitled “Theoretical Framework and Literature Review”, is devoted to the theoretical perspectives informing this research. It presents a review of literature on debates surrounding the different competitive understandings or notions of media freedom. Chapter Three, entitled “History of the Swazi Media”, traces the establishment and development of the Swazi media since the colonial era. It provides better understanding of the pertinent issues surrounding media control by the state, media owners and conglomerates hinged upon their symbiotic relationships. Chapter Four, entitled “Research Methodology”, focuses on the research methods, procedures and techniques employed by the study. It primarily gives a rationale for using a triangulation method and thus combining the quantitative and qualitative tools, that is, secondary data analysis, content analysis and semi-structured interviewing. Chapter Five, entitled “Data Presentation and Analysis”, deals with data presentation and data analysis, and explains how data was processed and analysed. Finally, Chapter Six, entitled “Conclusion”, summarises the study and suggests possible reforms for the future of the Swazi media.

CHAPTER TWO

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.0 Introduction

This chapter presents a review of literature and the theoretical framework informing this study. From the six normative media theories, the authoritarian theory emerges as the most applicable theoretical framework to this study. The chapter consists of two different sections. Section one presents the authoritarian theoretical framework and the rationale for using the theory in the assessment of the performance of Swazi media in the current constitutional dispensation. Section two reviews the literature on media freedom predicated on a Eurocentric perspective on the one hand, and the Afro-centric perspective on the other, with a view to identifying the manifestations of media freedom or lack thereof, in Swaziland.

2.1 Theoretical Framework

The function of the media in society remains a subject of debate. Sharp conflicting views have characterised media debates about the normative media theories. Fourie (2001) describes normative media theories as ideal views on the role of media in society. The theories define the ideal media systems suitable to the political systems (Oosthuizen 2002; Ronning 2002; Baran & Davis 2009). Under the authoritarian theory, the media are strictly regulated to promote the interests of the authorities. The state restricts media freedom to maintain the status quo. At the extreme, the libertarian theory advocates a totally free media. At the other extreme, the social responsibility theory advocates a free media charged with certain responsibilities to fulfil in society. The Soviet Communist theory emphasises strict control of the media to promote the interests of the working class. The media are free, but only in so far as they promote the proletariat interests. The development theory calls for the media to be supportive rather than critical of national development policies. It supports media restrictions aimed at protecting development objectives. Lastly, the democratic-participant theory opens up media access to the citizenry. It requires the media to satisfy the communication needs of all individuals and all minorities in society.

This research is theoretically premised on the authoritarian framework. Viewed as the oldest of the media theories prevalent in monarchies and dictatorial societies, the authoritarian theory holds the media as a very powerful instrument of government. It, therefore, advocates direct state control of the media to ensure promotion of the interests of the ruling elite in undemocratic societies. As Oosthuizen (2002) notes this type of control invariably leads to the suppression of the media and media freedom in particular. Essentially, the purpose of the media, which play a propagandist role, is to maintain the established social order. When the state holds absolute control over the media, the media practitioners have no independence within the media organisation. Even the foreign media are subordinated to the authority in that all imported media products are controlled by the state. Under no circumstances are the media allowed to criticise, attack or undermine the status quo. The media are expected to serve the interests of the ruling class.

McQuail (1987) summarises the main principles of the authoritarian theory as follows: One of them is that the media should do nothing to undermine the vested power and interests. The other principle is that the media should always (or ultimately) be subordinate to established authority. Another one is that the media should not contravene prevailing moral and political values. As a matter of policy according to Ronning (2002), the media are expected to transmit the instructions, ideas and attitudes of the ruling group. On the other hand, they should exclude alternative instructions, ideas and attitudes. Deviation from official policy as well as violation of moral codes amounts to criminal offences. The media function as an instrument and mouthpiece of government. As Fourie (2001) notes the only function of the press is to publicise and propagandise the government's ideology and actions.

Under the authoritarian theory, the media are placed under direct governmental control. The control follows the dictates of the ruling class concerned with the maintenance of vested power and interests. The ruling group uses censorship, legal action, licensing and legislation to enforce submission of the media to the status quo. Media ownership differs, ranging from direct control by government or regulated private ownership. In most cases broadcasting is government-controlled while the private media is tightly regulated. As far as the role of media is concerned, the media are not permitted to undermine the established order or to act autonomously. There is a total ban on media criticism of the power structure.

The purpose of the media is essentially one of supporting the government and its leadership (Mundt in Oosthuizen 2002).

According to Oosthuizen (2002), the media theories are not mutually exclusive; countries rarely reflect all the characteristics of one particular theory and often have characteristics in common with other theories. It is therefore imperative to draw the linkages of how these theories complement each other. The *raison d'être* of the media in all these media systems is to disseminate information to the public. The only difference lies in the purpose of the information. For example, the authoritarian and Soviet-Communist media transmit propaganda. Another connection is that the content of the media always reflects the interests of those who finance the press (McQuail 1987). In all the media systems, the media are agents of those who exercise political and economic power. All the media systems are based on the belief in free expression except that free expression is defined in different ways.

With respect to the Swazi media system under the new constitutional dispensation, it seems that the authoritarian normative theory would best describe it. The Information and Media Policy (2005) envisages an ideal Swazi media that would conform to the social responsibility theory. It further allows the regulation of the media to strike a balance between freedom and responsibility. There is wrangle between the media and government over the choice of the regulatory mechanism. On the one hand, government favours a statutory mechanism while on the other, the media prefer a voluntary body to oversee the ethical and professional conduct and practice in the media industry (ibid: 2005). This has caused tension between the media and government. Under the social responsibility approach, the media play a surveillance role on government in the furtherance of the public interest. This is in contrast with the collaborative role played by the media in the authoritarian theory advancing the national interest. However, the government finds the social responsibility theory useful because it holds the media accountable and responsible to society.

The authoritarian theory is expressed in a wide variety of forms in society. Among these include direct state control of news production, legislation, codes of conduct, taxation, other kinds of economic sanction and controlled import of foreign media. It is also enforced by government's right of the appointment of editorial staff and suspension of publication

(McQuail 1987). Swaziland is rooted in the authoritarian tradition, which defines media freedom as the right vested in the state. Section 24 (3a) restricts media freedom in the interests of defence, public safety, public order, public morality or health. According to the LMK Attorneys' audit, there are 32 restrictive media laws in the kingdom. In 2008, the government enacted the Suppression of Terrorism Act which silences dissident voices. Censorship is a norm as the media practitioners face harassment and punishment if they report on matters deemed unacceptable by the ruling elite in the kingdom (Rooney 2009). Criticism of the monarchy is banned in Swaziland. To further tighten its control over the private media, government has also drafted the Character Assassination Bill of 2007 and Swaziland Media Commission Bill of 2009. Given that authoritarianism is prevalent in the absolute monarchy, the authoritarian theory is the most appropriate theoretical framework to the study.

2.2 Literature Review

A body of literature presents media systems informed by varied conceptions of media freedom in Africa. Because of the continent's history, media systems adopted by anglophone, francophone, lusophone and Arabic-speaking Africa embody different paradigms of media freedom clearly defined by the political ideologies inherited from their colonial masters. Taking a cue from the colonial masters, African governments have ensured that the adopted media systems, albeit with considerable modifications, are nothing but products of their historical political systems. As Kale (1997:265) points out, the media systems are products of the political systems, which create them. Whether press freedom exists in any country, he argues, can only be ascertained through an investigation of the government-press relationship within the context of the political, cultural, and economic realities of that particular country. He further contends:

Every nation operates with a clear set of codes governing the media. These codes reflect the political ideology of the nation. Thus, it is clear that no meaningful discussion of any media system can be addressed without reference to the political ideology of the nation.

(1997:265)

From the above, it is clear that the political ideology of a nation has a strong bearing on the nature of media freedom inherent in the government-society-media relationships underlying the political system. Therefore, this calls into question the somewhat universalistic notion of media freedom projected and propagated by the capitalist world as a benchmark of the free flow of information in all parts of the world, regardless of socio-economic, political, cultural and national differences. This Eurocentric view is based on the assumption that the liberal notion of press freedom is of universal validity. Viewed through the Eurocentric lens, the media in Africa do not enjoy press freedom, or at best, enjoy only minimal freedoms according to a number of studies (Moore 1992, Eribo and Jong-Ebot 1997; Hyden, Leslie & Ogundimu 2002). Media freedom is actually circumscribed and limited by the socio-political, cultural, ideological and economic conditions of a particular country. As several scholars have noted, according to Anokwa (1997:26), the overriding determinant of press performance and content is not multiparty structures and written constitutions but the political ideology of those who finance and control the press. Thus, it is imperative to view and define media freedom in Africa differently from how it is understood in Western countries.

Several media researchers have also discounted the generalisations about media freedom in the context of Africa as misleading unless they can take into account the continent's socioeconomic, cultural and political particularities. It is argued that the nature of press freedom in Africa can only be better understood by focusing on how the political, cultural and socio-economic realities of an African country impinge on this freedom. In Africa, the universalistic view of press freedom proves inadequate in understanding the nature of the media. Media scholars hold to the relativist view of press freedom to understand the nature of the media in Africa. The advantage of the relativist paradigm is that it situates press freedom within a socioeconomic and cultural milieu. According to Kale (1997:285), the relativist paradigm holds that the parameters of press freedom are defined by the political, social and economic exigencies of a state. Studies of media freedom in Africa conclude that no meaningful discussion of any media system can be addressed without reference to the political ideology of the continent (Eribo and Jong-Ebot 1997; Hyden et al 2002). It is within this framework that the manifestations of media freedom or lack thereof in Swaziland under the constitutional dispensation needs to be looked at in terms of how the political, cultural and economic realities of the kingdom impinge on this freedom. No known study has been done to identify the manifestations of media freedom or lack

thereof in the current Swazi constitutional dispensation. MISA and RWB reports on the state of the media have concentrated on media restrictions imposed by the government, overlooking the other important role players, like media proprietors and corporations.

2.2.1 Swaziland political system

Under the new political dispensation, which came into effect in 2005, Swaziland's political system is described as a *tinkhundla* (constituency)-based system. By its definition in the Constitution (2005:49), this system of government is democratic and participatory. It emphasises the devolution of state power from the central government to the constituencies. Inspired by the policy of decentralisation of state power, the *tinkhundla* units or areas are the engines of development and the central pillars underpinning the political organisation and economic infrastructure of the country, through which services to different parts of the Swazi community are facilitated and delivered. In line with the Constitution, the Swazi people enjoy, in theory, the fundamental human rights and freedoms enshrined in the Bill of Rights. One of these is the freedom of expression, which includes the freedom of the press and other media (2005:18). As a dual political system which blends Western and traditional values, the *tinkhundla* is steeped in cultural traditions. Dialogue is regarded as the main artery of this system of governance. Cultural norms and values have a strong bearing on the rights and freedoms guaranteed by the Constitution. The media have to facilitate dialogue within the Swazi nation in tandem with the nation's cultural values.

Although it is regarded as the supreme law of the land, the Swazi Constitution vests all powers in King Mswati III. He wields executive, legislative and judicial powers. The Constitution has changed nothing, but helped entrench the status quo. Upon assenting to the document in June 2005, the king suspended its operation for six months despite the Constitution not having a suspension clause. He took advantage of the fact that it provides that he has absolute power. He took the decision unilaterally although it had implications on the guarantee of rights and freedoms enshrined in the Bill of Rights. In terms of the dual system, this was not wrong because the king made the pronouncement inside *sibaya* (a cattle byre) at the traditional headquarters, Ludzidzini royal residence. In terms of the dual legal system, the decision was governed by Swazi Law and Custom which has equal status with the Roman Dutch Law and its statutes. Section 107 of the Constitution provides that

the supreme legislative authority vests in the king. The king may make laws for peace, order and good government. He has total control on the role of parliament and the powers to dissolve it. A good example is the king's dismissal of Speaker Marwick Khumalo in 2005, who was elected by the legislators to the position. The Constitution stipulates that parliament may work with the king to make laws. In terms of Section 109, a bill shall not become law unless the King has assented to it.

Since King Sobhuza II declared a state of emergency in 1973 banning political parties, Swaziland has been governed as a non-party state. However, there have been a number of underground political parties playing the role of the opposition and advocating multiparty democracy in the country. They include the oldest, Ngwane National Liberatory Congress (NNLC), the People's United Democratic Movement (PUDEMO) and Sive Siyinqaba. Although the Constitution of 2005 provides for freedom of association and assembly, political parties remain banned in the country. The police have made sure that they do not hold political rallies and meetings inside the country. The Suppression of Terrorism Act of 2008 has proscribed PUDEMO, together with its youth wing, Swaziland Youth Congress (SWAYOCO) as a terrorist movement in the country. The attorney general has warned the media not to support the activities of the proscribed formations by reporting them, lest the state will charged them with the Suppression of Terrorism Act of 2008.

2.2.2 Competing notions or understandings of media freedom

Prior to discussing the parameters of media freedom in Africa and the world at large, it is imperative to consider the predominant competing notions or understandings of media freedom, in order to better understand and appreciate the manifestations of media freedom or lack thereof in Swaziland under the constitutional dispensation. Though media freedom is portrayed as a universal notion by the Western nations, the reality is that it comes in different shades and degrees in Africa defined by the political ideologies embraced by the different state systems. It is worth mentioning that globalisation and information communication technology (ICT) has redefined the parameters of media freedom worldwide. However, this is beyond the scope of this study. As the focus of this research is on an African country, Swaziland, much attention must be paid to the African understandings of media freedom.

2.2.3 Liberal pluralist approach to media freedom

The traditional liberal approach defines media freedom as the media's complete independence from government (Curran 2005). The paramount function of the media is to act as a watchdog of the state. According to the liberal approach, the media can only play this critical surveillance role if they are based on the free market system. Proponents of the liberal model argue that only the free market system ensures that the media function independently from government. Through private media ownership, they argue, the media are able to establish and maintain a critical distance from the political system. The liberal model is against subjecting the media to state regulation. It holds that state regulation may change the media's watchdog role to a lapdog one. As Curran (2005) warns, once the media become subject to state regulation, they may lose their bite as watchdogs. Worse still, he adds, they may become transformed into snarling Rottweilers in the service of the state. Another important function of the media is that of being a marketplace of ideas. As such, the media provide a platform for the public's exchange of dissenting views. They facilitate the free flow of information necessary for the functioning of a democratic society. The classic liberal model holds that media freedom is essentially a product of a free market system.

However, the liberal pluralist approach to media freedom is inadequate and problematic. Among its inadequacies is that it focuses only on the state. It holds that government is the sole object of press scrutiny (Curran 2005). The watchdog argument is that the government deserves close surveillance because it is traditionally the seat of power. It is for this reason that the watchdog media have to expose the government inefficiencies, inept policies and power abuses. But, the liberal model fails to extend the checks to the large corporations. The watchdog thesis does not take into account the symbiotic relationship or tactical alliance that exists between giant conglomerates and government, as they need each other to remain in business. Government needs the media to woo the mass electorate while the market-driven media organisations want government to adopt market-friendly policies (Curran 2005). The traditional liberal model also undermines the influence of media ownership on media freedom. As giant conglomerates take over private media enterprises, the media avoid scrutinising its parent conglomerates. The notion of marketplace of ideas is also fallacious because the market-driven media are after the affluent rather than the low-income groups. The liberal pluralist model is more concerned with the threats posed by

government to media freedom, than threats posed by private media proprietors. It seeks to shield the private media from the state, but at the same time fails to shield them from corporate abuse.

2.2.4 Marxist Leninist/Political economy approach to media freedom

The Marxist-Leninist approach holds that there is no press freedom in a capitalist system where the mass media are accessed only by the wealthy classes. As Martin & Chaudhary (1983) observe, if one has to be wealthy to reach a mass public in a country where presses, paper, and ink have to be purchased on the open market, one cannot speak of press freedom. Proponents of the Marxist-Leninist model advocates a media owned by the working class. Government is allowed to take over the control of the mass media so that the poor masses may access mass communication. Hence, the right to express the views of the masses lies with either the party or government. They argue that no one may speak for the masses except for their duly elected and appointed representatives of the Communist Party. The Marxist-Leninists reject the capitalist definition of press freedom, which shields the media from censorship and claims the public's equal access to the mass media. They argue that such freedom is deceptive and dupes the poor masses.

The Marxist-Leninist model holds that press freedom can only be realised when the media speak with a single voice. Consequently, anti-propaganda and agitation are forbidden, as well as criticism of the government or the party, in Communist countries. It also calls for constructive but controlled criticism through censorship. Its adherents argue that random criticism can lead only to undesired results. The Communist Party controls the printing and broadcasting equipment and distributes supplies to approved organisations and groups. The state trains journalists in communist ideology, to censor the news. In this system, the media function as a social service organ for organising the citizenry.

Developed from the Marxist-Leninist model, the political economy holds that the nature of media freedom of a state can best be described by the close relationship between its economic and political systems. As McQuail (2005) notes, media institutions form part of the economic system, with close links to the political system. The political economy approach focuses mainly on the structure of ownership and control of media and the way the media market forces operate (McQuail 2005). According to Fourie (2001:122),

economic and political control of the media influences the content, and thus the ideological power of the media. Furthermore, Fourie (ibid) adds that the political economy situates the media and media markets at the heart of the capitalist economic system, with close links to the political system in a country. Under the circumstances, the media serve the interests of capitalist owners and advertisers (big business) in cosy relationship with the government.

As a cultural industry, the media operate under the strict capitalist mode of production aimed at the maximisation of audience and revenue. To maintain this capitalist mode of production, the media adhere to capitalist standards: mass production and distribution of commodities, capital-intensive technology, managerial organisation of a highly specialised division of labour, and cost-effectiveness, as the criterion of success. The impact of this mode of production includes reduction of independent media sources, concentration on the largest markets, avoidance of risk, reduced investment in less profitable media tasks (such as investigative reporting and documentary film-making) and neglect of smaller and poorer sectors of the potential audience. As Murdock and Golding (cited in Fourie 20015:122) conclude, the media give access to groups well established in the main mass-media markets and exclude those that lack a capital base. They observe:

Thus the voices which survive will largely belong to those least likely to criticise the prevailing distribution of wealth and power. Conversely, those most likely to challenge these arrangements are unable to publicise their dissent or opposition because they cannot command resources needed for effective communication to a broad audience.

(2005:122)

From a political economy perspective, media ownership becomes a major determining factor of the degree of media freedom. The control of media content promotes the voice of the capitalist elite at the expense of the poor masses. Thus, in a capitalist society, the media cater for the dominant classes rather than the subordinate classes.

2.2.5 African approaches to media freedom

A hybrid of Marxist-Leninist and libertarian models, the African notion of media freedom holds that the media are to be in partnership with government in nation development. It permits media a freedom that is in consonant with the social, economic, cultural and political realities. It also requires that the media must be guided by the fundamental policies

of socio-economic development and national unity. As Kale (1997:280) notes, the need for a guided press is based upon a state ideology that regards social and political stability as prerequisites to economic progress and national development.

Africans are against the notion of media freedom as propagated by the West which allows the media to behave like an opposition to government. Africa's media are not supposed to cause conflict but to be cooperative (Altschull 1984). They aid governments in their efforts to fight for social justice, national unity and political stability. To this end, the media have to wage a war on poverty, disease, ignorance, illiteracy, tribalism, militarism or antagonism and factionalism (Wiio 1983:105, Altschull 1984; Kale 1997). As the media and government are twin agents of socioeconomic progress, the media are assigned roles closely aligned with government policies serving the collective good of the nation. In the African context, the media play the role of national service.

With the winds of democracy sweeping across Africa in the 1990s, the African approach to media freedom has changed. The media are no longer seen as instruments of development, but as the catalysts of democracy. A good example is the Zambian media which emerged strongly from Kenneth Kaunda's one-party state to act as a watchdog of government. Taking advantage of Chiluba's Movement for Multiparty Democracy (MMD) manifesto which restored press freedom, the Zambian press made sure that everything that the post-Kaunda president does "is put under microscope and criticised" (Kasoma 1997:140). Kasoma (1997) writes that *The Weekly Post* had literally become the newspaper for all those who had an axe to grind against Chiluba and his MMD government. *The Sun* promised to actively participate in society's efforts to nurture, guard and consolidate Zambia's democracy.

In Zimbabwe, the independent press also championed the cause of democracy. In the 1990s, Kumbula (1997) notes, the pendulum had swung in the other direction. The independent, though not necessarily free, newspapers and magazines provided a platform for several views. For example, in 1995 the independent media allowed the opposition candidates to get their messages out to the masses. Among the bold Zimbabwean press of the 1990s were the *Daily Gazette*, *Sunday Times* and *Sunday Gazette*. They were critical of Robert Mugabe's government.

2.3 Media freedom constraints

The ideal belief of freedom of expression has been endorsed everywhere throughout the former colonial world, but it is more honoured today in the breach than in the practice. Like Thomas Jefferson and all American presidents who have followed him, the leaders of the new countries of Africa and Asia have preached the cause of a free and open society before taking office but have found themselves compelled to condemn a hostile press and even to move to suppress it upon taking office.

(Altschull 1984:156)

The above statement illustrates that the media do not only operate under more difficult conditions in most of the African countries, but media freedom still remains a mirage. African leaders have continued to exercise all forms of media restrictions at their disposal in order to restrict the freedoms of expression and the press, all in the noble name of national progress, national unity and political stability. They hold in total contempt the watchdog and adversary media modelled on the libertarian and social responsibility doctrine, for undermining the efforts of African governments directed to socioeconomic development and national unity. The African media are expected to devote themselves selflessly to the welfare of the citizens by emphasising national unity and consensus. The official rationale is to avoid political and social conflict created by fragmented and dissenting voices manifested along ethnic, tribal and religious lines. This has given rise to the imposition of a series of restrictions on the media by African governments.

As indicated in Chapter One, most of the African leaders have paid lip-service to the ideals of free speech and press freedom. They are determined to restrict the freedoms of expression and the press through their constitutions. Though most African Constitutions guarantee these freedoms, the same constitutions have served as a major constraint to the guaranteed freedoms in many African countries. This is clearly manifested by the African governments' propensity for incorporating claw-back clauses into their constitutions. They have turned the limiting clauses into major weapons that easily silence the dissenting voices encouraged by the free media. Their intolerance of the unfettered media stems from the belief that such media purvey dissenting views that undermine and compromise national unity and derail economic development, thereby unleashing the forces of political instability (Kale 1997; Ogundimu 2002).

Furthermore, African governments have relied on a restrictive legal framework to curtail media freedom. Most of them still have restrictive media laws which they enforce to muzzle media. Such laws decide on how much information the media can gather and publish as well as how far they can comment on issues and events without overstepping other equally important human freedoms and rights (Kasoma 1997). Among these censorship laws are libel, insult, sedition, treason, access to information, national security, newspaper registration, licensing and anti-terrorism. Although these laws violate press freedom that is guaranteed by the constitutions, nothing has been done to repeal them. As Kasoma (1997:150) observes, the constitutional provision gave freedom of expression in one breath and in the next almost wiped it out through a series of expectations whose interpretation by the politicians in government, and sometimes in the law courts, made freedom of expression almost non-existent. The African governments have sweeping powers to apply these laws against matters they deem prejudicial to national security. According to MISA (2002), Swaziland alone has a total of 32 such restrictive media laws.

In addition to the litany of restrictive media laws, the African governments use extra-legal measures to curtail freedom of expression and the media. Throughout the anglophone, francophone, lusophone and Arabic-speaking Africa, media practitioners are subjected to all forms of extra-legal repressive methods. According to the World Press Freedom Review (2009), the gamut of press freedom violations in Africa includes threats, harassment, intimidation, imprisonment, detention, abduction, seizure of equipment and copies of publication, closures, raids, bans and the revoking of accreditation or licensing. In one way or another, these state-sponsored tactics have had a chilling effect on the media houses. Out of fear of such repressive tactics, media management and journalists have resorted to self-censorship in a bid to toe the line (Khuluma 2005).

Besides the legal and extra-legal tools, corporations are also behind the infringement of freedoms of expression and of the press. Using the principle of the paymaster who pays the piper calling the tune, they have used their financial muscle to gag the media. African governments have similarly used the same tactic to silence their media critics. They have taken advantage of being the major source of advertising revenue, which is the lifeblood of the media, to manipulate and influence media content. Whenever the media overstep the boundaries of the editorial policy meant to serve big business, both the corporations and the governments not only issue serious threats, but sometimes withdraw advertising. Hence, the

media proprietors make sure that their editors tread carefully, without offending the interests of their advertisers.

2.4 Conclusion

This chapter has discussed the authoritarian theoretical perspective, in the process demonstrating that authoritarian media system is prevalent in the monarchy. In the first section, it has also highlighted that media theories are not mutually exclusive by drawing the linkages of how the different media theories complement each other. This chapter has further discussed the competing understandings or notions of media freedom including the classic liberal, Marxist-Leninist/political economy and African notions. It has also highlighted the common constraints of media freedom ranging from legal and constitutional, to extra-legal and corporate. The next chapter presents a background to the Swazi media.

University of Cape Town

CHAPTER THREE

HISTORY OF THE SWAZI MEDIA

3.0 Introduction

This chapter traces the origins and development of the Swazi print media. It sets the basis for understanding the existence of media freedom or lack of it under the new constitutional dispensation in Swaziland. In line with the media freedom perspective, this historical account is vital to the understanding and appreciation of media freedom or lack thereof within the context of Swaziland since the colonial era. This chapter also discusses pertinent issues related to media operation, ownership, diversity and advertising.

3.1 Print Media

3.1.1 *Times of Swaziland*

The genesis of the Swazi print media dates back to colonial times. It was founded by a minority population of white settlers. A British national resident in Swaziland, Allister Miller, who was a journalist and an adviser to King Mbandzeni (Matsebula 1988; Booth 2000), started the *Times of Swaziland* newspaper on 1 June 1897 (Jones 1993). Because there was no local printing press, Miller acquired a second-hand printing press from the neighbouring Portuguese colonial capital of Mozambique called Lourenço Marques, situated in the north-east of the tiny Kingdom of Swaziland. According to Hall (2000), the weekly eight-page broadsheet covered only events unfolding in the growing village of the white settlers.

With its premises in the Boer colonial administrative capital of Bremersdorp, commonly known to the native people of Swaziland as Manzini, the *Times of Swaziland* editorial policy promoted the exclusive interests of the European settlers. As Hall (2005) writes, all reports in the *Times of Swaziland* were biased towards white interests targeting only the small resident population of 500 white settlers. Known to the Swazi people as Mabhala (the writer), Miller used to juggle the functions of owner, writer and publisher. According to Booth (2000), he had previous journalism experience from the South African *Cape Argus* in Cape Town and *Gold Fields News* in Barberton. Following a discriminatory editorial policy, his paper covered little or nothing of the events occurring in the circles of the indigenous Swazi people.

Hall (2000) further notes, the gulf between European settlers and the indigenous Swazis was evident in that the white residents were completely ignorant of issues involving the Swazi people.

The *Times of Swaziland* had a chequered history. Following the outbreak of the second Anglo-Boer War of 1899-1902, its offices in Bremersdorp were razed to the ground by fire. Consequently, Miller was forced to suspend publication during that fierce conflict. Once it had ended in 1902, the newspaper was back in business under the same proprietor. Its offices were moved from the ruins of Bremersdorp to a new location in the British colonial administrative capital of Mbabane. Satisfied that the newspaper had already served its purpose of promoting white interests in the British Protectorate of Swaziland, Miller decided to close it down in 1909. As Booth (2000:315) points out, “the *TOS* had,” in Miller’s words, “done the work it was intended to perform,” and it ceased publication in the following 22 years.

Swaziland remained without a newspaper until 18 November 1931 when Miller, who was financially backed by the settler community, resumed publication of the *Times of Swaziland* (Jones 1993; Hall 2000). This paper was registered in terms of the Newspaper Registration Ordinance No.49 1902 of the Transvaal (Nicholson 1931). His competitor Anthony Webb, who had applied to start *The Swaziland Chronicle* in 1931, was delayed in registering the newspaper by two years. He was prompted to start it by the closure of the *Times* on the whims of its proprietor and other vested interest parties. *The Swaziland Chronicle* did not last long because of financial constraints. Miller revived the *Times of Swaziland* to counter the flirting of the new generation of colonial officials with Swazi culture and interests (Booth 2000). Championing the cause of the white settlers, its editorial position promoted the goals of developing a European Swaziland based on an African labour force. It called for the lowering of South African agricultural and cattle tariffs, the construction of a railway to Johannesburg, and maintaining of the Union of South Africa (Booth 2000). To its readers, the newspaper was a necessity because it became an instrument of public service.

Because of lack of printing facilities in the country, the *Times of Swaziland*, which was published fortnightly, was printed in Johannesburg. With vested interests in the paper, the British colonial government wanted its printing to be handled by the British Information Office in South Africa. For instance, the British Government subsidised the *Times of*

Swaziland's costs of printing, publication and circulation (Hall 2000). It was distributed mainly around the major towns of Bremersdorp (Manzini) and Mbabane, which served as the principal commercial and administrative centres respectively.

Furthering the interests of the British colonial administration, the *Times of Swaziland's* editorial policy reflected colonial society. Hence, its editorial mission was to propagate and lend legitimacy to British colonial policies. Its sole purpose was to keep the minority of white settlers and colonial officials abreast of activities in Britain and the rest of the world through its British news and commentary. Seen as a new-found instrument of public service, the *Times of Swaziland* carried a Zulu insert called *Izwi LamaSwazi (Voice of the Swazis)* on an irregular basis beginning in 1936 (Booth 2000). This special edition covered issues that were directly affecting the Swazi people, such as the promulgation and justification of newly enacted government legislation, orders, appointments and dismissals. Douglas Mackintosh Miller Jr. inherited the *Times of Swaziland* from his father, Allister Miller, during World War II and ran the newspaper until 1950.

Despite its popularity as the voice of the white settler community, the *Times of Swaziland* did not prove to be a profitable business venture. As Booth (2000) notes, once more the paper became a failure as a profit-making venture, but was a success as a mouthpiece for settler interests. Preoccupied with the burning issues of Swaziland's independence in the 1960s, the British government decided to withdraw the newspaper's subsidy. Hence in 1950, Miller Jr. sold it to the High Commissions Territories Printing and Publishing Company, owned by the Bantu Press of South Africa. Subsequently, the Argus Group bought the cash-strapped newspaper. In a bid to cut down printing costs, it established the Mbabane-based Swaziland Printing and Publishing Company.

Once the Argus Group took over, it brought in John Spicer from British colonial Southern Rhodesia (Zimbabwe) to edit the *Times of Swaziland*. Spicer changed its editorial policy, which used to be biased towards a white readership, to that of a black readership. This was demonstrated by his changing a cartoon imported from the Durban *Daily News*, in which an ordinary little South African white man was portrayed making some observation about current events. Much to the chagrin of the whites (Barton 1979: 245), Spicer replaced it with a Swazi saying "Wow! I've been localised!" He wanted Swaziland to be an example of a

black state governed by democratic standards. This irked the whites who wanted the paper to maintain a discriminatory racial editorial policy.

Having cultivated a good relationship with King Sobhuza II under his editorship, the *Times of Swaziland* supported the ruling Imbokodvo National Party. When the King abrogated the 1968 Constitution enshrining a Bill of Rights on 12 April 1973 and declared a state of emergency, the paper defied the state of emergency restrictions by reporting on political matters including detention of political opponents, corruption and inefficiency among politicians and civil servants. In declaring the state of emergency, King Sobhuza exercised his powers in the Emergency Powers Act of 1960 (amended in 1968). This law gives the King unlimited powers to make reasonably justifiable regulations for securing public safety and maintaining public order. It also gives him powers to restrict movement, deport and detain people. This resulted in the King's Proclamation to the Nation of 1973 known as the 1973 King's Decree. Replacing the 1968 Constitution, the 1973 King's Decree restricts freedom of expression by outlawing political activities. Upset politicians could only threaten the paper but not ban it, because the king read it (Burton 1979).

3.1.2 The African Echo takeover

A South African media conglomerate ran the paper until Swaziland attained independence. In 1969, the Argus Group put up for sale the *Times of Swaziland* and its printing facilities giving the Swazi government first offer to buy. The Swazi government turned down the offer, but on second thought bought only the printing company. Eventually a British expatriate, Douglas Loffler, who had emigrated from Zambia, bought the *Times of Swaziland* from the Argus Group in 1975. Until the end of 1977, the paper was published as a weekly publication. It was first printed by the state-owned Swaziland Printing and Publishing Company. According to Scutt (1996), it was later published as a daily in 1978.

Table 1 illustrates the development of English newspapers in Swaziland since the establishment of the *Times of Swaziland* on 1 June 1897 by Allister Miller.

Table 1: English Newspapers

Title	Established	Status
Times of Swaziland	1897	Operating
Swazi Observer	1981	Operating
Ingwazi News	2009	Operating
The Guardian of Swaziland	2001	Banned
Weekend Sun	1983	Folded

Source: Field data

Since 1978, Loffler had grown it into a big stable known as the *Times of Swaziland* Group of Newspapers. This stable comprised the *Times of Swaziland*, *Swazi News*, *Times of Swaziland Sunday* and *What's Happening*. African Echo, the publishing company of the *Times of Swaziland*, launched the three newspapers in 1992, 1993 and 1999 respectively. Keen to tap into the evening news market, which was a monopoly of the state-owned broadcasting media, Loffler launched the *Evening News* in 1992. It was distributed mainly in Manzini and Mbabane. In another bid to tap into the market dominated by the rural Swazi population who, in the 1990s had only elementary education, Loffler also started a SiSwati version of the paper called *Tikhatsi TemaSwati* and *Tikhatsi Ngelisontfo*, for the Sunday edition. Unfortunately, continued failure to generate advertising revenue led to the closure of the *Evening News* and the two SiSwati newspapers.

The *Times of Swaziland* Group of Newspapers had a number of running battles with the authorities over the paper's critical reporting. Consequently, the Swazi government adopted a hostile stance towards the press. For many years, the uncompromising authorities had subjected media practitioners to various forms of threat, intimidation, harassment and censorship (Maziya 2003). *Times of Swaziland* publisher Douglas Loffler, for example, was threatened with deportation and non-renewal of his work permit. As a result, he relocated to Namibia handing over to his son, Paul Loffler, to run the business. After running a series of critical articles exposing the corrupt practices and inept policies of the successive governments, the newspaper had become the target of libel lawsuits running into hundreds of millions of Emalangeni. One example is the story about the government depositing E28 million to purchase a Bombardier jet for the king. To muzzle the paper, government and high profile people instituted libel proceedings in terms of the Criminal Procedure and Evidence

Act of 1939. Between 2007 and 2009, the paper was sued E3 million and E750 000 by Minister of Health and ex-Minister of Public Service and Information respectively.

This problem was also compounded by the Swazi government's threats of advertising withdrawal as a means to cow the paper (MISA 2001:109). Seeing that this strategy was ineffective, the legislators called upon the Information Minister to table a media bill seeking to introduce a statutory media council that would regulate the media. Since 1997, the ministry had drafted the Media Council Bill 1997, Media Commission Bill 2007 and Media Commission Bill 2009. There was another call for the drafting of a Character Assassination Bill to protect the nation from irresponsible media. Worse still, the owner and editor were summoned to the palace to be chastised for publishing disparaging articles to the person of His Majesty (MISA 1999; 2007). They were ordered to retract the articles and fire the editor or the paper faced closure. One of the victims was the *Times Sunday* editor, Bheki Makhubu and the other was its features editor, Ken Rowley. In 2002, Makhubu was fired for publishing an article describing the king's fiancée as a high school dropout. The Director of Public Prosecutions (DPP) laid a defamation charge against him under the Criminal Procedure and Evidence Act of 1939, which was later dropped.

Upon his takeover, Paul Loffler entered into a tactical alliance with the authorities. He curried favour by changing the critical editorial line of the newspaper. For example, the *Times of Swaziland* management suspended the publication of the *Times Sunday*, which had become more of a weekly political magazine, to revamp it in 1999. Upon its resumption, the publication was a more sanitised version with a radically different editorial content (MISA 1999). Loffler's main objective was to ensure the paper remained profitable without being offensive to the authorities. He also overhauled the editorial team, elevating inexperienced journalists to senior positions in order to have total control in the newsroom. This paid dividends because the Sibusiso Dlamini-led government withdrew their threats of withdrawing advertising. Loffler transformed the paper to a pro-establishment by suppressing dissenting views. Managing editor Mbongeni Mbingo (*Swazi Observer* 2010) stated that the paper preferred pro-government columnists to anti-government ones. A good example was the sacking of *Times Sunday* columnist Mario Masuku, incumbent leader of the banned PUDEMO party. Unrepentant editors and journalists were not spared in the clean-up campaign. Features editor Ken Rowley was fired in 2007 for running a news commentary sourced from Afrol News, which attributed the country's socioeconomic ills to the king's

extravagant expenditure. There were increasingly growing complaints of editorial censorship from the Swaziland Coalition of Concerned Civic Organisations (SCCCO), a broad-based group of business and civic organisations. Under Loffler, the paper had become more of a tabloid than of the quality that it had been in the past.

3.2 State-owned publications

3.2.1 *Umbiki (The Reporter)*

Since the attainment of independence, there had been a handful of newspapers and magazines springing up in the country. Through the Department of Broadcasting and Information Services, the government established a fortnightly SiSwati paper called *Umbiki (The Reporter)* on 23 January 1968. Due to escalating printing and publishing costs, it was later published quarterly. Like most state-owned publications, it was a government mouthpiece. According to Kasoma (1992), *Umbiki* covered government activities such as newly gazetted laws, appointments and dismissals and justification of newly enacted government policies and Acts. Government's main purpose of owning this local language newspaper was to promote and enhance national development through communication in rural and urban communities. Thus *Umbiki* aimed at promoting literacy and ensuring that those who had acquired literacy skills did not regress to illiteracy. Government used it as a vehicle to preserve the SiSwati language. *Umbiki* was forced to shut down because of its failure to generate advertising revenue.

3.2.2 *Swaziland Today*

In February 1972, the Swazi government also launched a free magazine called *Swaziland Today*. It was published quarterly by the Government Information Service. The publication was published "for the benefit of persons at home and abroad" (Scutt 1996). Its purpose was to inform and entertain local readers as well as foreigners who were interested in visiting Swaziland as tourists or exploring opportunities for private investment in the country. In 1977, the quarterly magazine became a half-yearly magazine. According to (Kasoma 1992: 87), *Swaziland Today* carried a mixture of official government write-ups, human interest stories and poetry. *Swaziland Today* ceased publication because of the change of administration to one with different priorities.

Owing to negative reporting on Swaziland by both local and international media, Prime Minister Sibusiso Barnabas Dlamini was forced to re-launch *Swaziland Today* in 1997. Its editorial mission is to counter the growing negative publicity aimed at tarnishing the image of the monarchy and country. It functions as a reliable government mouthpiece for disseminating information about the activities of government ministries and departments. It also carries government advertisements and notices. Published weekly by the Swaziland Broadcasting and Information Service (SBIS), it is distributed free to the government ministries, embassies and *tinkhundla* centres throughout the country. In a bid to reach out to a wide audience, *Swaziland Today* is also online.

3.3 Birth of the *Swazi Observer*

The year 1981 witnessed the birth of a weekly newspaper called the *Swazi Observer*, owned by the royalist Observer Media Group. This publishing company was formed as a subsidiary of Tibiyo TakaNgwane, a conglomerate held in trust by the Swazi monarch. Without expertise in the newspaper industry, it received technical support from the United Kingdom tycoon Tiny Rowland's Lonhro Group, based in Zimbabwe. For example, Herbert Munangatire, who worked as the *Swazi Observer's* technical adviser, was from Lonhro. The Observer Media Group launched its weekly, the *Weekend Observer*. According to Tibiyo TakaNgwane ex-managing director, Dr. Sishayi Nxumalo, (*The Swazi Observer* 1981), King Sobhuza II and his advisers were inspired by the need to establish a national paper which would be a strong voice in the affairs of the Swazi nation. Nxumalo mentions its objective as being to interpret the will of the Swazi nation and demonstrate a responsibility to the king, government and the Swazi people. He further observes that the "*Swazi Observer* is not here to represent sectional interests, but national interests" (ibid).

Simelane (1995) notes that the *Swazi Observer* editorial policy states that "within the general laws of the Kingdom of Swaziland we shall recognize the jurisdiction of the king (of the time) or the head of the royal family, to the exclusion of every kind of interference by others". Any report dealing with issues pertaining to the monarchy, Simelane (1995:67) observes, appeared on the first page and constituted the main headline. Pursuant to its national service objective, the Observer Media Group launched a *SiSwati* version of the *Swazi Observer* known as *Intsatseli (Reporter)* in 1999. This was aimed at the rural market forming a majority of the Swazi population. Like the rest of the vernacular publications established

earlier to serve the same purpose, it suffered the same fate. *Intsatseli* did not survive more than a year because of the scarcity of advertising revenue.

In 2000, the pro-state *Swazi Observer* was banned under the Proscribed Publications Act of 1968 following its exposé of corruption in the Swaziland Royal Police (RSP) and its refusal to disclose its sources (MISA 2000). The paper had run the RSP commissioner's letter to the South African Police (SAP) Special Squad asking for help in arresting two Swazi businessmen linked to another Swazi businessman, who was out in bail in South Africa, charged with drug trafficking. The commissioner threatened the editor, Musa Magagula, and reporter Thulani Mthethwa with criminal charges if they were not cooperative. He threatened to charge them in terms of the Official Secrets Act of 1960 for "publishing a secret document that is a threat to the national security" (MISA 2000:104). Consequently, more than three quarters of the editorial staff, including its managing editor, were fired.

In 2002, the Observer Media Group re-launched the newspaper with a new slogan "We Serve the Nation" on its masthead. Jabu Matsebula, the former *Times of Swaziland* managing editor, was charged with the daunting task of re-launching it. None of the employees, who had been labelled anti-government, were re-employed. Matsebula worked very hard to ensure that the editorial team did not repeat the past mistakes, but toed the line. This was demonstrated by the extent to which all the newspapers in the stable had become not only government mouthpieces, but its propaganda machines. Under the editorship of Musa Ndlangamandla, an ex-counsellor to King Mswati III, the paper is nothing but a government-say-so or praise-singing organ for royalty and government.

Furthermore, the reviewed editorial policy of the Observer Media Group prohibits criticism of Their Majesties and the prime minister and by extension, the government of the day. Editors of both the *Swazi Observer* and *Weekend Observer* trod carefully – thus playing by the rules of gate-keeping to ensure that they did not repeat the mistakes of their predecessors. Similarly, the journalists were traversing a minefield when reporting issues concerning royalty, heads of government, traditional authorities and influential personalities. This situation had opened the propagandist *Swazi Observer* to interference and manipulation by its owners, the authorities and influential people. For example, Sifiso Dhlamini, who was appointed editor in May 2010, got more than what he had bargained for when the chairman of the board of directors ordered him to remove an exclusive story from the paper about the re-

employment of the chief executive officer who had left the municipal council of Mbabane under a cloud of controversy. This was a clear indication of interference and censorship practised by the newspaper owners, authorities and influential figures.

3.4 Proliferation of private publications

3.4.1 *Weekend Sun*

During the reign of Liqoqo (Supreme Council) from 1983-1986, Dr. Allen Malabhane Nxumalo, a medical doctor and retired politician, began a weekly newspaper called the *Weekend Sun* in 1983. It became a forerunner of investigative journalism, exposing the corrupt practices and policies of the Liqoqo regime. As the paper's founding editor, Mandla Magagula (Simelane 1995) notes, investigative journalism gave it an edge over the *Times of Swaziland* and the *Swazi Observer*. One of its exposés was a government scandal of a cheque deposited to the personal account of the Tibiyo TakaNgwane legal adviser, Ndumiso Mamba, who happened to be the son of Minister for Foreign Affairs (*Weekend Sun*, November 30, 1991; Levin 1997). Viewed as a thorn in the flesh of the authorities, there were concerted efforts between government and big business to silence the newspaper. The authorities threatened the local printers to stop printing the paper. Dr. Nxumalo, who found it most expensive to use South African printers, shut down the *Weekend Sun* in mid-1992 (Simelane 1995).

Under the Liqoqo regime, the media was totally under siege. Both the local and international media found themselves walking a tightrope. This led to the banning of the circulation of South African publications in Swaziland, namely *Rand Daily Mail*, *Drum* and *City Press*. As Levin (1997:152) points out, a Swazi *Rand Daily Mail* correspondent, Simon Ngwenya was detained by Liqoqo. In its own backyard, Liqoqo purged the local print and electronic media houses of all perceived unpatriotic elements. Editor of the *Times of Swaziland*, James Dlamini, was remanded in custody for ten days (Levin 1997:152). Foreign journalists had to secure accreditation from the Swaziland Broadcasting and Information Service (SBIS) to work in Swaziland. Media practitioners were subjected to various forms of threat, intimidation, detention, harassment and censorship as the regime continued its onslaught on the media. Since Liqoqo's attack, the Swazi media have been somewhat more circumspect in their editorials.

3.4.2 *Umgijimi WaNgwane (The Runner)*

In June 1988, Dr. Sishayi Nxumalo, a prominent politician-cum-businessman, started a SiSwati weekly newspaper called *Umgijimi WaNgwane (The Runner)*. Its SiSwati slogan was “*Inhlaba Mkhosi*,” which loosely translated means ‘a messenger’. According to *Umgijimi WaNgwane* founding editor, Timothy Shongwe (2009), this weekly publication was supported financially by a French-owned company. With its offices situated at LaMalambe Flats and later the Amalgam Building in the densely-populated industrial town of Manzini, the weekly newspaper’s print run was 8 000 copies (Shongwe 2009). This high circulation figure, according to Swaziland standards, testified that *Umgijimi WaNgwane* was popular with readers. What made it so popular, according to Shongwe, was its editorial peppered with exclusive stories run on the first and second pages. *Umgijimi WaNgwane*’s one-year success and popularity was short-lived. It was closed down towards the end of 1988 due to financial mismanagement and the escalating print costs in Nelspruit, South Africa.

3.4.3 *The Guardian of Swaziland*

Unable to find jobs in the other media houses, a group of sacked *Swazi Observer* workers pooled their resources in 2001 and began their own weekly newspaper, *The Guardian of Swaziland* (MISA 2001:109). This was published by The Guardian Group. Pursuing a critical line of reporting on government and royal issues, this newspaper proved to be an instant hit with readers. It played the role of alternative press by representing alternative views which were suppressed in the mainstream media. As a result, it gave the *Weekend Observer*, *Swazi News* and *Times of Swaziland Sunday* a good run for their money. Because it was a thorn in the side of the authorities, its popularity was to be short-lived. The Minister of Information told its management to stop publication in terms of the Books and Newspapers Act of 1963. He then ordered the police to confiscate its copies throughout the country because it was not legally registered. The decision to ban the paper was taken in a cabinet meeting. However, its lawyers produced the necessary registration papers to the Registrar of Newspapers as a proof of its compliance with the law.

The battle was not yet won by *The Guardian*. After running an article about the king's health condition and his senior wife, who allegedly tried to poison him, the legislators instructed then Minister of Information to protect the king from the media invading his privacy. Minister Mntonzima Dlamini invoked the Proscribed Publications Act of 1960 (amended in 1968) to ban *The Guardian*. Section 3 of the Act gives the minister unlimited powers to ban or suspend publications that do not conform to "Swazi morality and ideas". The owners challenged the Swazi government in the High Court, which ruled in their favour. Unhappy with the court ruling, King Mswati declared a state of emergency under Decree No. 2 of 2001. Article 3 of the Decree states: "Where a magazine, book, newspaper or excerpt thereof is proscribed in terms of the Proscribed Publications Act, 1968, the minister concerned shall not furnish any reasons or jurisdictional facts for such proscription. No legal proceedings may be instituted in relation to such proscription". This was meant to bar the proscribed publications from seeking redress in the courts.

Under pressure from both local and international human rights activists, the king repealed Decree No.2 of 2001. The government of the United States of America threatened to exclude Swaziland from the list of countries benefiting from the Africa Growth Opportunity Act (AGOA) unless the decree was repealed. When it was repealed, the attorney general filed an appeal against the paper in the Supreme Court. The protracted legal battle led to the closure of the newspaper because it turned out to be too costly for the proprietors. Another contributory factor was the negative attitude of advertisers towards *The Guardian* because it was known for championing the cause of democracy.

3.4.4 Mbambamba

The new millennium saw the birth of SiSwati newspapers. One of them was *Mbambamba*, founded in 2009 by Mbabane-based medical practitioner, Dr. Themba Ntiwane. This was a weekly paper published by T&Z Investments (Pty) Ltd. It was edited by veteran journalist Lathu Jonga. According to Dr. Ntiwane (2010), the purpose of the newspaper was to fill the void of a SiSwati paper and also address the needs of people who could not read English. While the newspaper fared well in the beginning, it soon encountered some serious problems. The ICT Minister threatened it with closure for contravening the Books and Newspapers Act of 1963. In terms of this Act, it was not legally registered with government. To comply with the law its publisher was supposed to post a bond of E15 000. The other challenge was that

its founding editor quit and the proprietor failed to find a suitable replacement. Another problem was the owner's failure to attract good reporters to a *SiSwati* newspaper from the mainstream media. The scarcity of advertising dealt it a blow. Advertisers shunned *SiSwati* papers because they were targeting the poor rural people. *Mbambamba* was bound to shut down, like its predecessors, after operating for almost a year.

Table 2 illustrates the development of local language newspapers in Swaziland since the establishment of *Izwi LamaSwazi* (*Voice of the Swazis*) in 1936.

Table 2: Local language newspapers

Title	Established	Status
Mbambamba	2009	Folded
Intsatseli	1999	Folded
Tikhatsi	1990	Folded
Umgijimi WaNgwane	1988	Folded
Umbiki	1968	Folded

Source: Field data

3.4.5 *Ingwazi News*

Ingwazi News was another newspaper that was started in 2009 by Lucky Ndzimandze. This was after he discovered in a research that the *Times of Swaziland* and *Swazi Observer* suppressed some sensitive stories involving the authorities and influential personalities in the country. According to Ndzimandze (2010), the main purpose of *Ingwazi News* was to expose scandals involving the authorities and high profile people. This tabloid newspaper was published by Media 24 Publishing Company, in Swaziland. Because of its muckraking journalism, it was frowned upon by big business which did not place advertisements in the paper. The mainstream papers had also frustrated its marketing efforts by undercutting their advertising rates in the market.

As *Ingwazi News* specialised in sensational stories, it created many enemies as well as many readers. According to Ndzimandze, the first edition of the newspaper sold out. A growing number of scandalised people turned to the Criminal Procedure and Evidence Act of 1939 to

institute libel proceedings against it for running defamatory articles. Within six months of its establishment, Pastor Jeremiah Dlamini sued the paper for E900 000 for running a story accusing the married pastor of impregnating a girl and later causing her to abort (MISA 2009). Struggling financially, *Ingwazi News* could not cope with these lawsuits, which were running into millions of Emalangen.

Out of a total of forty publications which had sprung up like mushrooms in Swaziland since 1897, 22 of these had withered away. Topping the list of closures were the local language newspapers. Out of the eight newspapers founded since 1936, *Vuka Ngwane* was the only one still in business. The rest of the vernacular newspapers had shut down. This was followed by magazines, which saw a total of ten being shut down from the seventeen established since 1972. From a total of 19 English newspapers, only ten are still doing business. Worth noting is that four of the existing newspapers have been in business for only two years. These include the *Swazi Mirror*, *Ingwazi News*, *Business Sunday* and *The Swazi Gospel News*. This high turnover in the newspaper industry was attributed to the small market and dearth of advertising resources. The other reason for the closures was that they did not add to media diversity and alternative views. Advertisers preferred the established papers to the new ones still struggling to carve out a market niche.

3.5 Magazines

3.5.1 *Swazi Life*

Beside the growth of newspapers, a number of magazines had emerged in the country. In November 1985, three female journalists, Glenda Warburton, Angela Mbuli and Christina Forsyth-Thompson founded *Swazi Life*. This monthly magazine covered different aspects of Swazi life including finance, agriculture, politics, social issues, health and humour. According to Warburton (2010), *Swazi Life* was published by Media Link (Swaziland) (Pty) Ltd and printed by the Swaziland Printing and Publishing Company. Its circulation was primarily in Swaziland. *Swazi Life* gave the newspapers a good run for their money because of its news quality and analysis. A number of reasons contributed to its closure, but the main one was financial. Warburton (2010) mentions that the advertisers, from whom they got most of their revenue, delayed payment by three to four months while *Swazi Life* had to pay printing costs within thirty days. It also lost its graphic artist, Daniel Schneider, who was abducted by the South African security forces. It was not possible to get another graphic artist

of his calibre. As a result, the magazine lost advertising revenue through sub-contracting the design and layout function. After Schneider's abduction, the *Swazi Life* owners feared for their lives as a South African hit squad was combing out the African National Congress (ANC) and Pan-African Congress (PAC) cadres in neighbouring countries. They decided to close down *Swazi Life*.

3.5.2 Dzadze

Another woman, Poppy Khoza, a former educationalist, launched *Dzadze*, the first women's magazine, in 1987. According to its editorial (*Dzadze* 1987:1), it was a tribute magazine meant to recognise the solid, often unrecognised, contributions of the mothers and daughters of the nation to the development and progress in Swaziland. This now-defunct magazine aimed at providing a forum for the exchange of views and information on issues affecting women including social, cultural, health, education, business and aesthetic (1987:1). *Dzadze*'s primary objective was to recognise that women were part of a greater society. As such, it was dominated by articles highlighting the role, involvement and views of womenfolk in all female-related issues. The last issue of *Dzadze* was seen on the newsstands in May 1997.

3.5.3 The Nation

A group of indigenous journalists, who felt unwelcome in the local mainstream media houses, founded *The Nation* monthly magazine in May 1997. They were shunned because they were associated with PUDEMO, an underground political party advocating multiparty democracy in Swaziland. *The Nation* turned out to be a free and independent publication. Edited by ex-*Times of Swaziland Sunday* editor, Bheki Makhubu, who was fired for publishing an article describing King Mswati III's fiancée as a high school dropout (MISA, 2000), it was a target of the hostile authorities. Consequently, the Minister of Public Service and Information banned *The Nation* for contravening the Books and Newspapers Act of 1963, though its owners had met all the legal registration requirements in 2001. This Act requires aspiring media owners to post a bond of E1 000 on registration, which was increased to E15 000. The minister deployed police throughout the country to confiscate copies of the magazine.

Once the lawyers of *The Nation* produced proof to the Registrar of Newspapers that they had complied with the registration requirements, the minister invoked the Proscribed Publications Act of 1968, declaring the magazine a proscribed publication in Swaziland with effect from 4 May 2001 (MISA 2001; LMK Attorneys 2002). This law gives the minister unlimited powers to ban or suspend publications in the interests of defence, safety, order, morality or health. When the High Court ruled in favour of *The Nation*, King Mswati III issued Decree No.2 of 2001 declaring a state of emergency in the country. In terms of Article 3 of the Decree, the minister does not have to give any reasons for banning publications such as magazines, books, newspapers, under the Proscribed Publications Act, 1968. It also states that no legal proceedings may be instituted in relation to such proscription. The international community exerted pressure on the Swaziland government, forcing it to repeal the decree. Eventually, the attorney general, who had filed an appeal in the Supreme Court, withdrew the matter and the parties settled out of court. The magazine was then free to continue publishing. Viewed as a fearless critic of the authorities and an advocate of multiparty democracy, *The Nation* has struggled to get advertising from government, public enterprises and big business.

3.5.4 Super Buddies

In 2003, Sphiwe Nkambule of Miles Communications launched a teen magazine called *Super Buddies* (Nkambule 2006). Targeting only the 16-18 age groups, it covered youthful issues on sexual behaviour, sexual abuse, abstinence and drug abuse. The main objective of the magazine was to equip teenagers with the skills to deal with such issues. Because the Swazi society was hard hit by the HIV/AIDS, *Super Buddies* provided education on HIV prevention to the teenagers. According to Nkambule (2010), the publication was necessitated by lack of coverage of teen issues by the mainstream media. This teen magazine was the only platform where the young express their views and educate each other on their own issues. Initially, the publication's survival depended on donor funds from the United Nations Children's Fund (UNICEF), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the National Emergency Council on HIV/AIDS (NERCHA). A large portion of the funds was spent on the printing costs. As the donor funds dried up, *Super Buddies* was last published in 2009. Local advertisers shunned the teen magazine because its target audience did not have disposable income.

3.5.5 CAP

Another magazine called *CAP*, an acronym for “Cars and Property”, was started in 2006. This was a bi-monthly magazine which initially focused on issues of motoring and property. According to its editor, Sibongiseni Mamba (2010), *CAP* was later transformed into a consumer magazine. As a consumer publication, it covered day-to-day business issues affecting the public and also endeavoured to educate the public with the aim of enabling it to make informed decisions. After operating for three years, the magazine was threatened with closure by the ICT Minister for contravening the Books and Newspapers Act of 1963. The minister told its owners that they had not complied with the legal requirement to register with government and also pay the E15 000 bond. Besides this, *CAP* was facing serious challenges, one of which was the dearth of advertising. Mamba (2010) points out that *CAP* lost advertisers in 2008, as they were forced to cut marketing budgets because of the world economic recession. The magazine also faced a human resources problem. Without the necessary financial resources, it was unable to attract the right people for the job. As a result, *CAP* was forced to cease publication in order to sort out its registration issues and financial difficulties.

Table 3 illustrates the development of magazines in Swaziland since the establishment of the government-owned magazine *Swaziland Today* in 1972.

Table 3: Magazines

Title	Established	Status
Supper Buddies	2006	Operating
The Nation	1997	Operating
Swaziland Today	1972	Operating
CAP	2006	Folded
Swazi Life	1985	Folded

Source: Field data

3.6 Electronic media

3.6.1 Swaziland Broadcasting and Information Service

Broadcasting in Swaziland was a result of T.W. Chalmers' study entitled "A plan for broadcasting in Swaziland" which recommended a medium-wave radio service using a 10kW transmitter in Mbabane, in the early 1960s. A former British telecommunications engineer, John Ansell was the pioneer of broadcasting in Swaziland. In 1964, he started broadcasting a one-hour evening news bulletin from his home to Mbabane residents. Two years later, the British colonial administration took over the radio service and sent three civil servants to the British Broadcasting Corporation (BBC) for a broadcasting training course. This saw the birth of the state-owned Swaziland Broadcasting Service (SBS) on 19 April 1966, with a two and half hour service in the evening. The colonial government filled the positions of director, chief engineer, assistant engineer and chief programmes officer. Ian Aers became the first station director, while David Shongwe became its first Swazi broadcaster. The radio station had three objectives: to "inform, educate and entertain" (1978/1983 Third Development Plan).

Faced with a shortage of funds and equipment, it was run on a semi-commercial basis. The SBS, which went semi-commercial in 1967, relied on the South African Broadcasting Corporation (SABC) in the initial stages of its semi-commercial operation. The SABC loaned the Swazi radio station a 250w FM transmitter to enable it to cope with its load. At the time, the Swaziland Broadcasting Service (SBS) moved into its newly-built Mbabane headquarters, equipped with new radio broadcasting facilities. In 1973, the Swazi government incorporated the information service into the broadcasting service, as in colonial times. It was transformed into a national radio station called the Swaziland Broadcasting and Information Service (SBIS). Initially, there was only one channel broadcasting for both schools and the general public but, since then the SBIS operations have become extremely sophisticated, with major improvements and additions being made. Currently, the station has two channels which broadcast both in SiSwati and English.

Like most of Africa's broadcast media, the SBIS is more of a state broadcaster than a public broadcaster (MISA Swaziland 2005). As soon as the national broadcasting station was established in 1966, the government realised that it was an essential instrument of national development. After the attainment of independence, King Sobhuza II abolished the radio

licences, which government had issued to radio owners, to ensure that every Swazi household could have access to information by owning a radio set. As was the case in colonial times, the government used the Posts and Telecommunications Act of 1962, which was amended by the Swaziland Posts and Telecommunications Act of 1983, to control broadcasting activities and the granting of broadcasting licences (Balule and Khandjii 2002; MISA Swaziland 2005). This Act allows the Swaziland Posts and Telecommunications Corporation (SPTC), a public enterprise, to allocate frequencies and issue broadcasting licences on behalf of government. Because the Act does not provide for an independent broadcasting regulator, the government sets the rules and decides who enters the broadcasting sector. Through the Act, the government continues to stifle media freedom by not liberalising the airwaves. Because the broadcasting sector is most restricted, public service broadcasting and community broadcasting do not exist (AMB Report 2007). Consequently, this limits the granting of the frequency spectrum and broadcasting licences to the alternative broadcasting media. The Lubombo Multimedia Forum, which for decades has applied for a community broadcasting licence in vain, is one example. This situation demonstrates that the broadcasting licensing process is not free, fair, open and transparent.

As Swazi radio falls under the ICT ministry, it functions as a state propaganda machine. The employees, who are treated as government information officers, censor disruptive or critical information likely to compromise national security and deter government's realisation of socioeconomic development goals. They always keep in mind the Official Secrets Act of 1963, Internal Security Bill of 1963 (amended in 2000) and the Sedition and Subversive Activities Act of 1968, which ensure that the station is used for government propaganda and does not broadcast any dissenting views or news. The Official Secrets Act prevents the disclosure of secret state information. Though it is still not yet a law, the Internal Security Bill has implications on the media. It prohibits the coverage of activities that threaten national security by inciting or promoting public disorder. The Sedition and Subversive Act criminalises the publication or utterance of statements which excite disaffection of the king and his heirs. In effect, all these pieces of legislation restrict criticism of the king and his government. As a result, there is censorship of news content criticising government policies. The government barred dissidents from airing their views (MISA 2003; 2009) when Information Minister Abednego Ntshangase announced the censorship policy for national radio and television stations in Parliament, on 8 April 2008.

3.6.2 Swaziland Television Broadcasting Corporation

The Swaziland Television Broadcasting Corporation (STBC) was established in 1977 as a joint venture between the Swaziland government and Vision Hire, a British-owned electronics firm in the United Kingdom. Officially opened in 1978 by King Sobhuza, the STBC was run jointly until 1982 when the Swazi government acquired all the shares. Through the Swaziland Television Authority Act of 1983, the Swazi government formed the Swaziland Television Authority (STVA) to control all spheres of the television broadcasting industry in the country. In terms of the Act, STVA regulates the television industry. Similar to the radio sector, the government, as the dominant player, governs licensing and frequency distribution through SPTC. STVA controls the establishment of television stations, issuance and withdrawal of licences and collection of television receiver licences (LMK Attorneys 2002; MISA 2005). It also allows STVA to provide a television rental service through Swaziland Television Authority Rentals (STAR). More importantly, the Act entrenches the state monopoly of the industry by allowing the STVA board of directors appointed by the minister to censor the content of any programme and other transmission to ensure that they conform to the acceptable Swazi moral standards (LMK Attorneys 2002; Information and Media Policy 2005). STVA is the sole regulator of the television broadcasting industry in Swaziland.

When it became wholly state-owned, the television station lost the press freedom it used to enjoy when it was in joint venture. Once it was taken over by the government, the STVA board ensured that the television station became another propaganda machine for the state. For example, the news line-up is arranged according to the seniority of the newsmakers in government, rather than its news value. This is evident in the starting off of news bulletins with activities of the king and the government. Moreover, there is a total news blackout on the activities of anti-government elements such as the unionists, political activists and human rights activists. The hostility of government towards unionists resulted in the sacking of 32 STBC workers for staging a strike in 2002 demanding back-pay from the Minister of Public Service and Information.

The lack of alternative voices at the STBC can be attributed to the censorship policy laid down by the Ministry of Information in April 2003. Banning alternative voices at the television station, Minister Abednego Ntshangase told parliamentarians that the national

television station would not cover anything with a negative bearing on government (MISA 2003). As a result, the STVA board of directors had to discipline the Swazi TV journalists who covered Musa Hlophe, the coordinator of the Swaziland Coalition of Concerned Civic Organisations (SCCCO), when he mobilised people to wear black clothes in protest of King Mswati's sacking of Speaker, Marwick Khumalo and the airing of parliamentarians' distasteful comments directed at businessman Natie Kirsch (MISA 2004).

3.6.3 Channel Swazi

Still employed by STBC as the Royal Outside Broadcast Unit director, Qhawe Mamba, an accomplished journalist-cum-royal-praise-singer, established Channel Swazi, a television station popularly known as Channel S, in 2001. The Royal Outside Broadcast Unit operated from the King's Office at Lozitha Palace. Undeterred by the conflict of interest, the royally connected media entrepreneur was prepared to compete with his employer. While Mamba was still negotiating with the regulator, SPTC, for a broadcasting licence in Swaziland, South Africa granted him one to broadcast from Johannesburg. While based in South Africa, Channel S was operating on the South African satellite platform, Sentech, the satellite television station used to beam Swazi-oriented news from DSTV in the Southern Africa Development Community (SADC) region. Mamba used the Unit's television equipment to produce the news for his South African-based satellite television station. The propagandist Channel S content was dominated by royal and government activities.

From the outset, Channel Swazi was another pro-establishment channel which offered very little in terms of alternative viewpoints. Its strong royal connection left many of its viewers with a lot of suspicion and cynicism. It did not add any value in terms of media diversity, independence and freedom. It only outdid the other official state-owned STBC and SBIS in kowtowing to royalty and government. This paid dividends, as the king granted Channel S a broadcasting licence (*Times of Swaziland 2010:3*) much against the licensing procedure spelt out in the SPTC Act of 1983 and the STVA Act of 1983. Without complying with the Posts and Telecommunications Act of 1968 (amended in the STPC Act of 1983), Channel S was allocated airwaves. Yet the government had never shown any willingness to liberalise the airwaves which were still a reserve of the state. For example, gospel artist Siphon Makhabane cancelled his takeover of Channel S due to the ICT Minister's failure to grant him a licence. When the new STBC management fired Mamba on the grounds of conflict of interests, the

Minister of Public Service and Information Themba Msibi instructed the STVA CEO to reinstate him because of his extensive experience in the coverage of royalty.

As he had always done, King Mswati III and his government supported Channel S to show the outside world that the Swazi government was democratic and respected human rights. However, this was short-lived, when the independence of Channel S was reined in by the authorities. The RSP raided the TV station after it had screened a report deemed too critical of the king (Rooney 2008). The government invoked the Sedition and Subversive Act of 1968. Armed with a court order, the police raided Channel S and confiscated a video tape containing a sermon termed by the Swazi government as “threatening the foundations of the kingdom” (MISA 2002). This was the video footage where outspoken Pastor Justice Dlamini of Mbabane Worship Centre criticised some of the Swazi cultural practices, including *Incwala* rituals as “ungodly”. *Incwala* is a sacred ceremony commemorating the eating of first fruits of harvest and is regarded as a national prayer. In another incident, the king’s men held Channel S cameraman hostage for three hours for allegedly recording a clip of cultural *Incwala* activities. The Channel S director was ordered to apologise before the traditionalists returned the camera.

When the fortunes of Mamba began to decline due to his fallout with the king, Channel S experienced some financial constraints. As a result, the television station was on and off-air. This forced Mamba to run a pyramid scheme known as Channel S Club from its studios at the Tiger City Complex in Manzini. However, this was in contravention of the Financial Institutions Service Act 2005, which is enforced by the Central Bank of Swaziland (CBS) to regulate operations of the financial institutions in the country. The CBS laid a charge against Channel S for operating a pyramid scheme illegally. This led to the abrupt closure of Channel S in 2010, after operating for a decade.

3.7 Conclusion

The above discussion has provided a historical perspective of the Swazi media from the colonial era up to the time of a home-grown Constitution enshrining a Bill of Rights, which came into effect in February 2006. The chapter has also given background information on the Swazi media characterised by strained media-government relations still persistent under the new constitutional dispensation. It also highlights the pieces of legislation inherited from the

colonial authorities which have been applied to the media in the post-colonial era. This sets the tone of this media freedom thesis. The next chapter presents the research methodology and data analysis procedures.

CHAPTER FOUR

RESEARCH METHODOLOGY AND DATA ANALYSIS PROCEDURES

4.0. Introduction

This chapter presents the methodology used to carry out this study. It further discusses the research design and procedures followed in the study. The chapter also highlights the sampling and data analysis procedures employed in the research. In doing so, it focuses on the following: the philosophical underpinnings of quantitative and qualitative research, the research procedures (document analysis, content analysis and semi-structured interviews), sampling techniques (stratified random sampling and purposive sampling) and data analysis.

4.1 Research design and procedure

This study employs a triangulation research technique involving a combination of quantitative and qualitative methods of data collection and analysis. Among the advantages of using a combined methods approach is that the quantitative and qualitative methods complement each other, thus providing richer and far more accurate results (Chilisa & Preece 2005:182). As indicated in Chapter One, the quantitative research technique of data collection involves content analysis, while the qualitative data collection tool is semi-structured interviewing. The goal of the quantitative research is to measure the extent of media freedom as an attribute manifest in the editorial content of the two large circulation newspapers namely the *Times of Swaziland* and the *Swazi Observer*, whereas the aim of the qualitative research is to access experiences of media freedom held by media management and media practitioners in media houses, as well as media stakeholders countrywide. This research design was deemed more appropriate for this research, whose locus is to establish manifestations of media freedom or lack thereof in Swaziland under the constitutional dispensation.

The question of appropriateness of the combined methods discussed in *Section 2* closely hinges on the epistemological foundations of both quantitative and qualitative research methods.

4.2 Philosophical underpinnings

4.2.1 *Quantitative research*

The philosophical underpinnings of a quantitative methodology hinge on positivism. Chilisa and Preece (2005:23) define positivism as a research approach, which holds that the scientific method is the only way to establish truth and objective reality. Grounded in the basic principles and procedures of natural sciences, the positivist paradigm is appropriate to examine observable facts about reality reflected in the social world. As Deacon, Pickering and Murdock (1999:14) note, what is warranted as knowledge in terms of positivism entails only the observable phenomena. Positivists argue that these are in total exclusion of the phenomena that cannot be observed through experience and observation, or indirectly with the aid of instruments. In line with the natural sciences, positivism arrives at the knowledge of objective facts and law-like generalisations through rigorous scientific methods and systematic quantifiable observations. According to Deacon et al (1999:15), positivists assert that investigating the social and cultural world is no different in principle from investigating the natural world and that the same basic procedures apply to both. As Hitchcock and Hughes (cited in Chilisa & Preece 2005:23) observe, positivism holds that the methods, techniques and procedures used in the natural sciences offer the best framework for investigating the social world.

One of the advantages of the positivist approach to this study is its empirical nature. Positivism suggests that scientific knowledge is an accumulation of verified facts. Empirically established facts are recorded in terms of quantities or numbers that can be processed using statistical techniques. Relations between the observable facts establish basic connections of cause and effect. General hypotheses from the evidence can be supported (verified) or disapproved (falsified) (Deacon et al 1999:3). The quantitative research tradition informed by positivism was chosen in this study because it rests its evidence on the logic of mathematics, the principles of numbers, or the methods of statistical analysis. It also allows for a more scientific investigation of the social phenomena. More importantly, the quantitative research was used in this study to determine the degree of media freedom in the editorial content of both the *Times of Swaziland* and *Swazi Observer*. This was done by focusing on the diversity of news topics, news sources and voices as evidence of editorial freedom and independence from commercial, political or social constraints.

4.2.2 Qualitative Research

Unlike quantitative research, qualitative research derives the knowledge of social phenomena from “the perspective of the people who are being studied” (Bryman 1988:61). Therefore, the philosophical underpinnings of this research are informed by the phenomenological tradition. According to Robson (2002:195); Chilisa and Preece (2005:29), phenomenology studies human experiences in order to describe and understand social phenomena. Hence, the phenomenological position takes the subjects’ perspectives or views as the empirical point of departure. From the phenomenological perspective, as Chilisa and Preece (2005:28) note, the truth lies within the human experience and is therefore multiple; it is time, space and context-bound. Unlike the positivist approach relying mainly on generalisation and verification, the phenomenological paradigm focuses on personal assertions. In this light, the *sine qua non* of qualitative studies is commitment to seeing the social world from the point of view of the actor – one’s subject (Bryman 1984:77). Given its focus on the perspective of the subject, qualitative research compensates for the limitations of the quantitative research. In this study, qualitative analysis can shed light on media freedom experiences of journalists and media managers from the two media houses as well as the stakeholders, comprising civil society, politicians and government.

4.3 Research procedure and sampling

This study adopted a three-stage design, which allowed inferences or leads from the secondary data source, the quantitative data source to be corroborated or followed up by the qualitative data source. The sections below, in turn, discuss the three stages of the research process and the sampling procedures in the following order:

- i. Secondary data analysis
- ii. Content analysis
- iii. Semi-structured interviews

4.3.1 Secondary data analysis

As documents serve as a source of data (Nachmias & Nachmias 1992), the researcher used secondary data analysis in an attempt to identify the manifestations of media freedom or lack of it in Swaziland under the constitutional dispensation. One first conducted a literature audit

of statutes, regulations, policies, the constitution, publications and conference papers with a view to identifying the various methods limiting media freedom. Among the analysed crucial documents were included the Swaziland Media Law Reform Project: Report on Restrictive Media Laws in Swaziland commissioned by the Media Institute of Southern Africa and The Constitution of the Kingdom of Swaziland 2005. To supplement the limited Swazi literature, one also studied the International and Continental Declarations and Conventions ratified by the Swaziland Government. Found in the International and Regional Human Rights Instruments, these included the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, African Charter on Human and Peoples Rights and the Windhoek Declaration. One of the advantages of using the secondary data, according to Nachmias and Nachmias (1992:294), is that it increases the credibility of research findings obtained with primary data.

4.3.2 Content analysis

Closely aligned with the quantitative research tradition, content analysis was employed to generate quantitative data from the editorial content of the two daily newspapers. By definition, content analysis is a research technique that analyses media content in a systematic, objective, and quantitative manner to measure variables (Wimmer & Dominick 1987:166; Riffe, Lacy & Fico 2005:24). Content refers to words, articles, editorials, editions, pages, pictures, meanings, symbols or themes (Riffe et al 2005:29). The main focus of content analysis is to measure or quantify certain features in a media text and also to establish the frequency of occurrence. As Hansen, Cottle, Negrine and Newbold (1998:95) note:

The purpose of the method is to identify and count the occurrence of specified characteristics or dimensions, and through this, to be able to say something about the messages, images, representations of such texts and their wider social significance.

Given its analytical and scientific techniques, the content analysis technique was more appropriate to this study. One of its advantages is that it deals with manifest content and inferences. Another important advantage is its alternative approach to infer across long periods without examining each and every year in the period (Lacy, Riffe, Stoddard, Marting and Chang (2001). It uses stratified sampling that yields constructed weeks. Nevertheless, one of its major limitations is that it does not go beyond the analysis of the manifest content (Riffe et al 2005:28). In the generation of content data for this study, copies of the *Times of*

Swaziland and *Swazi Observer* were considered. To this end, only copies published within the period between May 2008 and May 2009 were content analysed, excluding the public holidays when the newspapers were not printed. Instead of purchasing issues of the specified period, one frequented the Media Institute of Southern Africa’s Swaziland library situated at Ndlanubeka Building in the capital, Mbabane to content analyse only the sampled editions of the two leading newspapers.

To systematically sample copies of the two national newspapers for inclusion in this study, one employed the stratified random sampling technique. As indicated in Chapter One, out of a population of 520 issues of the dailies, a sample size of 20 editions was drawn representing a constructed two weeks. This involved all the weekdays within two weeks of a one-year period. As stratified random sampling involves dividing the population into different strata (Bless, Higson-Smith & Kagee 2006:103), each weekday in the constructed two weeks represents a stratum. The research population fell into 10 strata composed of the weekdays within the sampled months of May 2008 – May 2009. Each weekday had between four and five issues of the *Times of Swaziland* and *Swazi Observer* depending on its number (e.g. Mondays) in a given month. Using a raffle draw procedure, the researcher randomly drew 20 copies containing the sample elements.

Table 4: Stratified random sample

S/N	Publication Date	<i>Times of Swaziland</i>	<i>Swazi Observer</i>	No. of Articles
1.	2008/05/19	√	√	60
2.	2008/06/17	√	√	69
3.	2008/12/03	√	√	41
4.	2008/09/25	√	√	65
5.	2008/10/10	√	√	54
6.	2009/02/02	√	√	67
7.	2009/04/21	√	√	36
8.	2009/03/11	√	√	65
9.	2009/01/15	√	√	39
10	2009/05/22	√	√	78
Total		10	10	574

Once the 20 copies were randomly sampled for content analysis, one identified the unit of analysis. Described as the “what or whom” being studied (Babbie 2007: 94), one selected the article as the unit of analysis for this study. As mentioned in the previous chapter, a total of 574 articles appearing in the papers’ news sections constituted the units of analysis. These included general news, community news, municipal news, commentary, analysis and features. However, the international, entertainment and sports sections did not feature in this content analysis study. As indicated earlier, some general aspects of the content indicate the degree of media freedom from commercial, political or social pressure (McQuail 1994:252). According to McQuail (1992: 120; 1994:252), the evidence of media freedom in content includes pro-active use of sources, reportage of conflictual and controversial issues, expressing opinions on difficult issues, investigative reporting, advocacy campaigning and giving background and interpretation as well as facts. All these features constitute what Thrift and Fletcher (cited in McQuail 1992; 1994) termed editorial vigour or vitality, which can be used to measure the degree of editorial freedom and independence in media content. Adherence to such an editorial policy is regarded as a good sign of a media enjoying freedom and independence. Primarily, this study focuses on the news agendas, sources, voices, factuality and balance forming the editorial content of the two newspapers, with a view to determining the degree of media freedom guaranteed under the constitutional dispensation.

4.3.3 *Semi-structured interviewing*

In compensating for the constraints of the above quantitative content analysis, this study used a semi-structured interviewing method which is referred to as qualitative research interviewing by King (cited in Robson 2002:271). Taken as a follow-up to quantitative research, the semi-structured interview instrument captures the views or experiences of the respondents in relation to media freedom or lack of it in Swaziland under the constitutional dispensation. As Nachmias et al (1992:224) note, it focuses on the subjects’ experiences regarding the situation under study. It also deals with respondents known to have been involved in a particular experience. All this makes semi-structured interviewing most appropriate to the study because it fulfils its purpose. One of the advantages of semi-structured interviewing is that the respondents do not only comment on broadly defined issues, but have the latitude to expand on them as they see fit and focus on particular aspects to relate their own experiences (Bless et al 2006:116).

Given the qualitative nature of the study, one utilised the non-probability purposive sampling strategy in the selection of the respondents. According to Chilisa and Preece (2005: 170) and Babbie (2007:184), the selection of the respondents depends entirely on their knowledge of the research area of interest. Hence, these respondents were selected on the basis of the purpose of this study. Because the focus was on the experience of media freedom or lack of it in Swaziland under the constitutional dispensation, the qualitative research targeted only the knowledgeable respondents from the two media houses, civil society, politicians and government. From the four groups, a sample size of 26 respondents was deemed appropriate to this study. The managing editors, news editors, reporters, lawmakers, civil society, government spokesperson, director of information and media development and attorney general constituted the unit of analysis for this study.

Table 5: Respondents

S/N	Categories of respondents	Number
1.	Managing editors	2
2.	Editors	2
3.	News editors	2
4.	Senior reporters	6
5.	Civil society	7
6.	Lawmakers	4
7.	Government officials	3
Total		26

In conducting the semi-structured interviews, one first produced an introductory letter to each respondent from one's supervisor briefly explaining the purpose of the research at the introductory stage. This enabled one to build rapport with the respondents in order to make them feel comfortable to speak openly about their experiences on the research topic. This was very important to the success of the interviewing exercise because the quality of personal contact can induce a respondent to speak with more or less confidence (Bless et al 2006:116). On each field visit, one asked the respondents predetermined questions from the interview guide, specifying topics related to this particular media freedom research. According to

Chilisa et al (2005:147), the interview guide is very useful because it ensures that similar types of data are collected from all the respondents. To complement the tape-recorded interviews, notes were taken during the course of the recording of the interviews.

4.4 Data analysis

For purposes of analysing the available data, the researcher used both the quantitative and qualitative techniques. In analysing the quantitative content analysis data, one used descriptive statistics. As mentioned in Chapter One, one of the advantages of descriptive statistics is their identification of underlying patterns in the data. One began with the tallying of the news articles in accordance with their topics – i.e. politics, environment, crime, accident, etc. This was followed by the breaking down of the news articles into the following discrete variables: news topics, news sources, and news voices. These variables formed the basis of the research as they point to the extent of editorial vigour or activity, which is reflective of the spirit of freedom of expression. Once all this was done, one turned to frequency distribution that helped illustrate the frequency of the variables in the selected news articles.

To analyse the qualitative data, the researcher used discourse analysis. Discourse analysis is the appropriate technique because it also analyses interviews as well as recorded talk (Silverman 2001). As mentioned earlier, one of the advantages of discourse analysis is that it discovers patterns. One broke down the transcribed interviews into categories that one was able to compare with others in the same data. The interview responses were segmented into topical views. The aim was to discover the pattern in terms of the regularities that one was able to describe and to reach conclusions.

4.5 Conclusion

This chapter has sought to map out the research design and procedures employed in this research. A triangulation research technique involving the quantitative and qualitative approaches was chosen on the grounds of how the strengths of one balance out the weaknesses of the other - thus yielding rich results for the research study. This study used a three-stage mixed method approach aimed at striking a form of corroboration by the secondary data, quantitative content data and qualitative interview data. The use of the three

variants of document analysis, content analysis and semi-structured interviewing had made it possible to make inferences from one data source, to be followed up by another. While the descriptive statistics was used to analyse the quantitative, discourse analysis was used in the qualitative data. The theoretical and epistemological issues of positivism and phenomenology were also discussed to illustrate the distinctions between the two research approaches. This chapter also highlighted the sampling procedures employed in the study. What follows in the next chapter is the presentation and analysis of the research findings.

University of Cape Town

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS

5.0 Introduction

This study set out to identify the manifestations of media freedom or lack thereof in Swaziland under the constitutional dispensation. This chapter presents and analyses the findings of the study. The analysis of the findings is informed by the objectives of the study as stated in Chapter One, and also informed by the theoretical framework and literature review in Chapter Two. This chapter combines findings from secondary data analysis, content analysis and semi-structured interviews. The findings are presented, illustrated and corroborated with quotations arising from the semi-structured interviews.

5.1 Secondary data analysis

The Swazi Constitution upholds the principles of the international and regional human rights instruments. It guarantees the rights to freedom of expression and media freedom. Among these instruments stand out the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), African Charter on Human and Peoples Rights (ACHPR), Declaration of Principles of Freedom of Expression in Africa (DPFEA) and the Windhoek Declaration. These instruments constitute the basis of constitutions worldwide. They are a yardstick used to measure the degrees of freedom of expression and media freedom. Characteristically, the Swazi Constitution is developed along these lines. The following relevant excerpts from these international and regional human rights instruments defining the meaning of freedom of expression have found recognition in the Constitution.

5.1.1 Universal Declaration of Human Rights

Article 19 of the UDHR states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

5.1.2 International Covenant on Civil and Political Rights

Article 20 of the ICCPR states: “Everyone shall have freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

5.1.3 African Charter on Human and Peoples’ Rights

Article 9 of the ACHPR recognises freedom of expression as an important right: “Every individual shall have the right to receive information” and further that, “every individual shall have the right to express and disseminate his opinions within the law”.

5.1.4 Declaration of Principles of Freedom of Expression in Africa

The AU Commission’s DPFEA articulates: “Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy” and further that “everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination”.

5.1.5 Windhoek Declaration

Clauses 2, 3 and 5 of the Windhoek Declaration (1991) state: 2) “by an independent press, we mean a press independent from governmental political or economic control, or from control of materials and infrastructure essential to production and dissemination of newspapers, magazines and periodicals” 3) “by a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community” and 5) “the worldwide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfillment of human aspirations”.

5.1.6 International Framework and Best Practice

To encourage best media practice, the ACHPR endorses the establishment of a media self-regulatory system. Importantly, it recognises that self-regulation is not only about promoting ethics and best journalistic practices but also about making media accountable to its readers and society. Article 9 promotes self-regulation for the media and sets out the parameters of their functions and obligations as follows:

- ◆ A public complaints system for print or broadcasting should be available in accordance with the following principles:
 - ◆ Complaints shall be determined in accordance with established rules and codes of conduct agreed between stakeholders; and
 - ◆ The complaints system shall be widely accessible.
- ◆ Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of courts.
- ◆ Effective self-regulation is the best system for promoting high standards in the media.

As a member of AU, Swaziland is obliged to uphold Article 9. However, the country's proposal of a statutory regulatory body through the Media Commission Bill 2009 is in direct contravention of Article 9. Yet, MISA Swaziland and the media fraternity have registered a self-regulatory body called a Media Complaints Commission (MCC).

5.1.7 Media Accountability System

In accordance with a recommendation of the Media Council Bill No.9 1997 Select Committee, media practitioners needed to set up a self-regulatory media council (Media Council Bill Report 1997). This seeks to regulate media by promoting professional standards and introducing accreditation of journalists. Jointly, MISA Swaziland, SEF and SNAJ formed the independent MCC. The MCC's objectives include promotion of press freedom, access to information, professional standards and settling of media conduct complaints. A total of 11 commissioners would sit on the Commission. They would be drawn from civil society organisations and the media to look into media complaints lodged by members of the public. A majority of the commissioners (six) would come from civil society, and the rest from the

media. Worth noting is that the complainants, according to the MCC Constitution, shall be discouraged from referring any matter to court once it has been dealt with by the commissioners.

As the Hutchins Commission had warned that the government might take unto itself the power to regulate the media (Altschull 1984), government drafted the Media Commission Bills in 2007 and 2009 on the grounds of the media's delay to operationalise the MCC. The divided media could not agree on the issues of the structure, composition and financing of the body. According to the Bills, their main objectives are to establish a statutory body to mediate print media's public complaints, promote the constitutional guarantees of press freedom, give effect to a code of ethics and supervise and maintain responsible standards of journalism. However, the media interpreted that as a government's ploy to muzzle the critical media and that it was meant to turn the private press into a lapdog, like the state media. The proposed statutory body would restrict media freedom. The voluntary body was consistent with the AU's Declaration on Freedom of Expression in Africa and African Charter on Human and Peoples Rights. Yet the proposed statutory body was in violation of the AU's Declaration and Charter.

5.1.8 Limitations to the Freedom of Expression

Inasmuch as freedom of expression is an inalienable human right and a pillar of democracy, there are accepted restrictions on the rights to press freedom. These are justified on the basis of invasion of privacy, defamation, official secrets and national security. To avoid undue restrictions, Article 19 (3) of the ICCPR and ACHPR set minimum and reasonable standards for limiting freedom of expression. The ICCPR stipulates that exercising the rights provided for in Article 20 carries with it special duties and responsibilities. These rights, which are provided by law, are respect of the rights or reputations of others and for the protection of national security, public order, public health or morals. Significantly, the right to freedom of expression cannot be permitted to interfere with other protected rights of the individual, community and state. The ICCPR Article provides for an internationally accepted three-tier standard for a stringent test to justify the limitation of freedom of expression. According to the test, the limitation must be provided by the law, which must be accessible and precise, in pursuit of one of the legitimate aims listed in Article 19 (3) and necessary to secure that aim

in the sense that it serves a pressing social need, the reasons given to justify it are relevant and sufficient and the interference is proportionate to the legitimate aim pursued.

The test seeks to ensure that any limitation being sought does not unduly curb the legitimate enjoyment of the right. The European Court on Human Rights rules that freedom of expression is subject to a number of restrictions which, however, must be narrowly interpreted to establish the necessity for any restriction. In the same vein, the ACHPR states that governments must not impose restrictions overriding international standards on the right to freedom of expression. Any restriction to freedom of expression should be an exception. They are only allowed if a clear causal link can be demonstrated between the expression and the risk of harm to a legitimate interest. The permissible limitations must be within the ambit of strictly defined parameters. In Swaziland, where the king wields absolute power, the media fear that the authorities might not use the test to justify the restrictions on the right to press freedom.

5.1.9 Access to Information

Because of the UDHR Article 19 inadequacy to cover access to information, the UN Special Rapporteur on Freedom of Opinion and Expression added to it the right to information. It explained that the “right of everyone to receive information and ideas...is not a converse of the right to impart information but it is a freedom in its own”. The right to seek access to information is one of the most essential elements of freedom of speech and expression”. According to Bussiek (2004), this right grants access to information held by government and public bodies. African governments are no exception to this international culture of secrecy. A good example is the clandestine move by the Swazi government to purchase King Mswati’s a private jet in 2001. The public was kept in the dark until the *Times of Swaziland* broke the story.

The UN Special Rapporteur on Freedom of Opinion and Expression in 2000 spelt out the rights to freedom of information as follows:

- ◆ Maximum disclosure: Freedom of information legislation should be guided by the principle of maximum disclosure.
- ◆ Obligation to publish: Public bodies should be under an obligation to publish key information.

- ◆ Disclosure takes precedence: Laws which are inconsistent with the principle of maximum disclosure should be amended or repealed.
- ◆ Protection for whistleblowers: Whistleblowers – individuals who release information on wrongdoing – must be protected.

As the above principles set minimum standards, governments are expected to respect the right to access information. Moreover, they are expected to enact laws to promote these rights. The international human rights instruments are a source of constitutional rights and freedoms. Once the member states ratify them, they have an obligation not only to uphold the principles but to incorporate the rights and freedoms into their national constitutions. To comply with international protocols, the Swazi government has hired information officers for all its ministries.

Below is an examination of the Swazi environment to gauge its compliance with the international instruments and its constitution on the ground.

5.1.10 Swaziland Constitutions

Swaziland attained independence in 1968 from the British, functioning under the Westminster model. At the dawn of the century, it crafted its constitution. Consequently, Swaziland has had two constitutions. It was the Constitution of 1968, which commenced on 6 September 1968 and the present Constitution of 2005, which was adopted in 2005, but commenced on 8 February 2006. While the former only provided for freedom of expression in the Bill of Rights, the latter added media freedom.

Swaziland Constitution 1968

Under the 1968 Constitution, which was modelled on the Westminster model, the Bill of Rights guaranteed Swazis enjoyment of fundamental human rights and freedoms on the attainment of independence. The rights that received protection in the Constitution were freedoms of conscience, expression, assembly, association, and of movement. However, this Constitution did not explicitly make provision for freedom of the media. In effect, it was implicitly protected under the general ambit of freedom of expression.

Citizens' enjoyment of the rights and freedoms was short-lived. In April 1973, King Sobhuza II repealed the Constitution, removing the Bill of Rights that secured the aforesaid rights and freedoms. It was replaced by the 1973 King's Proclamation, alternatively known as the 1973 King's Decree, which restricted freedom of expression. Royal Decrees 11, 12 and 13 banned all political parties and activities. Consequently, the basic rights and freedoms ceased to be enforceable in the local courts of the land and the legislature enacted domestic laws that restricted freedom of expression. The net effect of the repeal of the 1968 Constitution was that the Swazi people were denied the right to freedom of expression within the period of 1973 to 2005. Media freedom in Swaziland was very much restricted in the aforesaid period as media practitioners were harassed, attacked, detained, etcetera.

Swaziland Constitution 2005

Unable to withstand pressure exerted by the Western donor countries and donor institutions to introduce constitutional democracy, Swaziland had to adopt another Constitution in 2005. Although the Constitution had no suspension clause, King Mswati III suspended its commencement until 8 February 2006. This Constitution enshrines a Bill of Rights which expressly recognises freedom of expression and media freedom. Section 24 provides that:

- (1) A person has a right to freedom of expression and opinion
- (2) A person shall not, except with free consent of that person, be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media including:-
 - (a) freedom to hold opinions without interference;
 - (b) freedom to receive ideas and information without interference;
 - (c) freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons); and
 - (d) freedom from interference with the correspondence of that person.

As earlier alluded to, several international instruments are a source of the provision for freedom of expression in the Constitution. This Constitution explicitly stipulates "freedom of the press and other media" rather than inferring it in freedom of expression, as is the case with other constitutions. This goes to show Swaziland's commitment to the principle of media freedom; something that had been lacking in the past. However, it would be folly to presume that the constitutional provision has removed any media restrictions, as indicated by

reports on the state of media freedom in Swaziland compiled by MISA and the RWB respectively.

5.1.11 Limitations on the Freedom of Expression in Swaziland

Despite the provisions in the Bill of Rights, the Constitution limits freedom of expression and the press. Section 24 (3) contains a number of limitations on the exercise of these freedoms. This limitation highlights the rule of law but also provides that refuge has to be sought in the applicable legislation. This justification of the abrogation imports protection of reputation and confidentiality:

- (a) in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of:
 - (i) protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings;
 - (ii) preventing the disclosure of information received in confidence;
 - (iii) maintaining the authority and independence of the courts; or
 - (iv) regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television or any other medium of communication;
- or
- (c) that imposes reasonable restrictions upon public officers, except so far as that provision or as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in a democratic society.

The realisation of fundamental rights in Swaziland is difficult because the Constitution vests the executive, legislative and judiciary powers on the king. In such circumstances the independence of the judiciary remains questionable. Contextually, Swaziland does not have a credible, competent and independent judiciary to make impartial decisions on the justifications of the stipulated limitations.

5.1.12 Code of Conduct and Ethics

Consistent with the MCC objectives, media practitioners adopted a Code of Ethics in 2006. This defines their duties and responsibilities in the public interest and commitment to providing truthful, accurate and objective news (Swaziland Journalists Code of Ethics

2006:1). The Code regulates the collection and dissemination of news information. In the absence of the MCC, the media use it to resolve journalistic disputes. It promotes the highest professional conduct standards among the journalists in their daily duties. The Code promotes a socially responsible and accountable journalism practice. The journalist shall carry out his/her duty and serve the public right to know with a sense of responsibility by avoiding unreasonable infringement on the rights of individuals and society in general unless that is in the public interest. The Code of Ethics stresses truth, social responsibility, professional integrity and conflict of interest, plagiarism, respect for privacy and human dignity. Each media house is required to implement and observe and adapt it to reflect its unique history and culture. This Code of Ethics is part of the reference material used in the process of self-regulation.

5.1.13 Legislative framework

A 2000 LMK Attorneys' Swaziland Media Law Reform Project Report on Restrictive Media Laws commissioned by MISA Swaziland identified 32 restrictive media laws. Out of the 32 restrictive laws, this study focuses on the laws that have a direct impact on the print media. This is because its purpose is to determine the manifestations of media freedom or lack thereof under the constitutional dispensation. These restrictive laws include the Books and Newspapers Act, 1963, Proscribed Publications Act of 1968, Official Secrets Act of 1968, Sedition and Subversive Activities Act of 1968 and the Suppression of Terrorism Act of 2008.

Books and Newspapers Act, 1963

This Act requires all print media owners to be licensed and places a prohibitive cash bond of E15 000 on prospective media entrepreneurs entering the newspaper industry. It also makes it an offence to operate a print media business without a licence and payment of a cash bond. It empowers the Information Minister to close a publication. For example, in 2009 the ICT Minister ordered the closure of *Mbambamba* and *CAP* publications for non-compliance with the Act. This prohibitive increase from E1000 to E15000 is meant to preclude media diversity as aspiring media operators could not afford to pay the cash bond. The need for a cash bond is unjustified when insurance policies for professional indemnity are available to cater for

alleged mischief. Nonetheless, operating a media business in contravention of this Act is an offence punishable by law.

Proscribed Publications Act of 1968

This Act gives the Information Minister power to ban publications in the interests of defence, public safety, public morality or public health. It was enacted directly to censor the content of media publications. In 2001, the minister proscribed *The Nation* magazine and *The Guardian of Swaziland* newspaper and ordered the seizure of their copies on the grounds that they contained information prejudicial to the interest of public morality. As the Constitution provides for the right to freedom of expression and media freedom, the proscription of publications is unconstitutional. The test of reasonableness of the proscription on the basis of the protection of official secrets would ordinarily have to pass the “reasonable and necessary test” set by the international instruments.

Official Secrets Act of 1968

Its purpose is to prevent the disclosure of official secret state information. It protects Swaziland against communication of information that is prejudicial to its safety or interests. Although the purpose of this Act is not necessarily confined to the operations of the media, it has a restrictive effect on media freedom. It denies the media easy access to information in the hands of government. The media have often argued that there is an obligation on the part of government to create easy access to information that is solely in the hands of government. There is a delicate balance between the need for the media to access state-held information and the need for government to protect official secrets in the interest of national security. However, the restrictive nature of this Act is justified by the need of government to protect official secrets in the interests of national security.

Sedition and Subversive Activities Act of 1968

The purpose of this Act is to protect the name of the king and the institution of the monarchy. It criminalises the making of statements that bring the king and his heirs or successors into hatred and contempt or that raise discontent or disaffection among the people of Swaziland and promote feelings of ill-will and hostility between different groups. Section 4 makes it an

offence to print, publish, sell, offer for sale, distribute and reproduce such statements. All this falls within the scope of media practitioners. It also states that during a prosecution of any person under the Act, if it can be proved that he has been in communication with, or attempted communication with, or attempted to communicate with, a foreign agent in Swaziland or elsewhere, it shall be presumed that he has been attempting to obtain information prejudicial to the safety or interests of Swaziland, which information is likely to be used directly or indirectly by an enemy. Through the scope of their work, the media interact with foreign elements. This restricts the media in criticising the monarch. There is a possibility that justifiable statements critical of public figures may be perceived as seditious and subversive. A good example is the recent failure by the Swazi media to report on the story involving the king's wife's adulterous affair with a cabinet minister. The story, complete with pictures, was only reported by foreign media.

Suppression of Terrorism Act, 2008

The primary purpose of this legislation is to combat terrorism in the country. It provides for the punishment of all forms of terrorist acts and persons engaged in terrorist acts. Although this is not a media-specific statute, it applies broadly to all sectors of society. Certain sections of the Act infringe on media freedom. Section 21 states that a person who supports terrorist acts commits an offence and shall, on conviction, be liable to the same punishment as is prescribed for the perpetrator. It infringes on the rights of the media practitioners who interact with and interview members of the proscribed organisations which government, in the line of duty, has branded terrorists. For example, the attorney general warned journalists against supporting purported terrorists in their reporting. Worse still, the traditional authorities had earlier threatened the journalists with capital punishment.

5.1.14 Swazi culture as a constraint to media freedom

Culture is about people's values, principles and norms. In a Swazi cultural setting, the media are expected to observe certain ethical norms, values and principles in order to serve societal needs. Any media function not serving Swazi culture runs the risk of being suppressed. As a result, certain cultural dictates restrict freedom of expression and the press within Swazi society. The watchdog and adversarial functions of the media have not been seen as promoting cultural cohesiveness within society. In Swaziland, the traditional authorities

perceive the media, which follow conflict, as troublemakers. Hence, there are many restrictive measures imposed on the media based on cultural considerations. In their Restrictive Media Laws in Swaziland Report, LMK Attorneys (2002:24-29) identified several cultural principles constraining freedom of expression and media freedom in the country. These are as follows:

Elethu (Consensus)

According to the audit of restrictive media laws, the principle of consensus (*Elethu*) lies at the core of Swazi customary law. The drive to achieve consensus at any cost and for the sake of peace, has bred a culture of a strong dislike of critical and dissenting views among the Swazi people. The Swazi people resolve contentious issues through consensus. In terms of customary law, the king or chiefs for example, convene meetings with subjects at the royal kraal with the aim of resolving contentious issues. The king summons the nation and traditional elders to the royal kraal to discuss national issues. This forum, in turn, offers subjects an opportunity to raise any other issues of national interest. A good example was the People's Parliament hosted at the traditional headquarters, where dissidents voiced their views. Culturally, all matters raised at this forum would eventually be resolved by consensus. Unlike in the West where a show of hands or a secret ballot determines consensus, the majority of Swazis indicate a consensus, once reached by shouting "*Elethu!*"

As the LMK Attorneys (2002) point out, this cultural practice infringes on the right to media freedom. Much against the Swazi law and custom, media business thrives on conflict and controversy. The media should highlight contradictions, conflicts, and diversity. This leads to the media being accused of being divisive by the traditional sectors of society, and constantly coming into conflict with the status quo.

Butfu

As part of African culture and in Swazi etiquette, a person should have *buntfu* meaning a hybrid of "respect", "humanity", "understanding", "acceptance", and "consideration". Culturally, each citizen is expected to cause the other a minimum amount of anguish, discomfort and embarrassment in so far as this is possible. Against this cultural norm, the

media have been accused of revealing “dirty linen” of individual citizens and “skeletons in the cupboard” of politicians and high profile people, in their course of duty.

Such an antagonistic situation makes it very difficult for the media to function effectively. This media practice strains media relations with the ruling elites which interpret media activism as personal attacks. The watchdog role of the media is neither understood nor accepted in Swazi culture.

The cultural norm of *buntfu* is opposed to the media as a profession and as a business. In accordance with the cultural expectation, even if the media report on an activity of government they should do so with minimum embarrassment to the subject. Yet the mission of media is to name and shame them. One good example is *The Guardian*'s reporting of the king's ill-health and rumours that one of his wives had poisoned him. Culturally, the media were guilty of invading the privacy of the king. The paper was banned while its editor was interrogated by the police about these stories on the activities in the king's palace.

Labadzala (Elders)

Traditionally, Africans tend to respect age and rank. According to Kasoma (2002:129), elderly people have a special place in society because their life experiences are a reservoir of wisdom. In Swazi society, the elders of the nation comprise the traditional authorities including the king, chiefs, the king's advisers and the royal family. Respect for elders is expected from any person who is junior by virtue of age. As they carry out journalistic duties, Swazi journalists contravene the norm of being respectful to the elders or people in authority. They have attracted a lot of criticism and threats for criticising and disapproving of what the elders have done or are doing. Expressing their disapproval or criticism of higher authorities and government officials has been interpreted in terms of cultural offences. Such media criticism of the elders remains a source of conflict. For example, the senators took exception to the fact that “the loyal servants of the king are called bootlickers and royal hangers-on” in a *Times Sunday* column (MISA 2001). They called upon the newspaper to respect the Swazi Royal House and stop reporting in an ‘un-Swazi’ manner.

Umlomo longacali'manga

Traditionally, a Swazi king is an embodiment of Swazi culture. By virtue of his seniority, the king is assumed to be a reservoir of wisdom and omniscience. Hence, the basis of the Swazi nation's age-old belief that the king is "*umlomo longacali'manga*", translated to mean, "the mouth of the King never lies" (LMK Attorneys 2003:26). For it is a cultural taboo to suggest that the king may have told an untruth under any circumstance. However, the Swazi media have found themselves in constant confrontation with the king for questioning and criticising his actions and decisions in their line of duty. A good example is that of Mfomfo Nkambule, a *Times of Swaziland* columnist, who was banned because he questioned the monopoly of the King intelligence to think on behalf of everyone. The media have been critical of royalty including the king, his fiancées, wives and children. The print media reports exposing contradictory statements made by the king or his representatives have attracted the wrath of the traditional authorities and politicians. This is considered "un-Swazi".

Kubulawa

The king's appointments of individuals to certain positions follow a customary practice known as *kubulawa*. Although *kubulawa* literally means "to be killed" here it denotes the procedure by which the king appoints people to certain positions. Culturally, the king issues a directive, irrespective of the appointee's interests and desires, on the appointment. All political appointees including cabinet ministers, permanent secretaries and the king's advisers are appointed in this manner. It is understood that the king makes such appointments unilaterally. For example, in the case of appointment of the prime minister, the king officially announces the name at the cultural assembly held at the royal kraal. In accordance with Swazi custom, the appointee is as good as the one who appointed him. Discrediting the calibre of an appointee of the king is as good as discrediting the king himself (LMK Attorneys 2003:27). The media have found themselves unwittingly discrediting the king through his questionable appointments. Senator Maselekhaya Simelane accused the *Times of Swaziland* of hating the king, for publishing derogatory articles in its satirical column "Parliament Sketch".

Kunconywa

Unlike in Western democratic systems, the Swazi system allows people to occupy positions via the hereditary system. *Kunconywa* is a norm that expresses the hereditary form of the Swazi system. For example, the appointment of chiefs, who are representatives of the king at the cultural local government level, follows this traditional system. In other words, they are born in the same way as one is born into royalty. The hereditary system is culturally infallible. It is considered “un-Swazi” or culturally incorrect to attack the incumbent of a hereditary position. But the media are criticised by the traditional authorities for their negative coverage of the king and chiefs. A good example is the harassment and detention of journalists who reported the KaMkhweli-Macetjeni chieftaincy dispute triggered by the king’s imposition of his senior brother, Prince Maguga, onto the two chiefdoms.

Bachamuki

According to Kasoma (2002: 130), Africa’s journalists should think and live like Africans and not Europeans or Americans. It is a cause for concern that many journalists look down on their African culture. They like to imitate and emulate the culture of Europe and America. Still wedded to their culture’s ethical tenets, many of the Swazi people share Kasoma’s sentiments through the idea of *bachamuki*. *Bachamuki* is a xenophobic way of making a distinction between “born and bred” Swazis and “foreign elements”. Any person who appears to lead a life alien to the Swazi culture must surely be “*umchamuki*” (non-national).

Whenever the journalists report on individual human rights and freedoms, they are bound to clash with the traditionalists. Within Swazi customary circles, these rights are not recognised as inalienable. It is only the king who is a custodian of all rights and freedoms of the Swazi nation. The people should derive their rights and freedoms handed down from royalty, and not as demanded. The king, himself has uttered such expression several times when incensed. The prime minister has joined the bandwagon of branding bravery by journalists as ‘foreign elements’, yet the Constitution is against discrimination based on origin, birth etc. For arguing for rights, the Swazi journalists have been branded foreigners who must be carefully screened for lineage. For example, during the 2010 Smart Partnership Dialogue King Mswati III reprimanded journalists for giving media space to a minority of dissidents poisoning the majority of Swazi people with foreign ideologies.

Kucoma

Kucoma denotes the customary practice followed by the King when choosing a bride from the young maidens during the Reed Dance. In terms of customary law, when the king picks a bride, it is a personal choice that does not culturally deserve any criticism from any sector of society. However, such cultural dictates run counter to the observance of human rights which the media closely monitor and expose. As a result, the media have fallen foul of this cultural practice because of casting the king's fiancées under spotlight. For example, the media reported critically on the king's choice of a high school dropout (Inkhosikati LaMasango) and the abduction of a school student (Inkhosikati LaMahlangu). The media reportage of the king's love affairs drew out the full rage and wrath of the traditionalists. The King could not conceivably be embarrassed in this manner. The full force of the law was brought to bear on the "culturally defiant" editor of the *Times Sunday* Bheki Makhubu for describing the king's fiancée as a high school dropout. Criminal defamation charges were brought against him, although later dropped. The publisher, who feared that allowing Makhubu to remain in his employ would be an indication of his condoning this act, fired the editor.

5.1.15 Media Institute of Southern Africa Media Freedom Reports

Paradoxically, the Swazi media do not enjoy media freedom in a constitutional dispensation guaranteeing rights to freedom of expression and the press. The MISA reports on the state of media freedom within 2005-2009 painted a gloomy picture. Since 2005, the repressive state of media freedom in Swaziland has not changed. All the MISA reports showed various forms of media freedom violations including harassment, assaults, threats, censorship and many others. However, the censorship records focused on publication, but not self-censorship.

Table 6: Media violations

Year	Assaulted	Banned	Barred	Censored	Harassed	Lawsuit	Sentenced	Threatened
2005	2	0	0	2	0	1	0	5
2006	2	0	0	1	0	0	2	2
2007	1	1	1	0	0	4	0	4
2008	1	3	0	0	3	0	1	3
2009	2	3	1	0	2	2	0	6
Total	8	7	2	3	5	7	3	20

Source: MISA Reports 2005-2009

With a record of 20 cases, threats remained the most common form of media freedom violation followed by assaults/beaten at eight. These were followed by lawsuits and banned journalists which accounted for seven cases. Harassment accounted for five cases. Cases of censored materials and sentenced media practitioners or houses stood at three. The least form of media freedom violation recorded two cases. It is worth noting that Swaziland had no cases of killings and imprisonment in the period under review. The MISA reports on the state of media freedom were biased against government. They did not cover other players like big business and media owners.

5.1.16 Reporters Without Borders

In the Press Freedom Index rankings published by Reporters Without Borders, Swaziland had not fared better since 2005. In 2005, the RWB classified it as the worst enemy of the press (Khulumani 2005:6) putting it in the league of Zimbabwe, Rwanda and Cuba. In terms of the 2005 Press Freedom Index rankings, Swaziland was ranked 118th. The following year (2006) did not change much as the country dropped by nine points ranking 127th. In 2007, Swaziland went further down to 138th. In 2008, the country dropped to 147th but, it improved by three points to 144th in 2009. This consistent failure of Swaziland to improve in the Press Freedom Index rankings was proof that although media freedom is constitutionally guaranteed, it is still elusive.

However, the survey methodology used in the compilation of the Press Freedom Index should not be taken as exhaustive and comprehensive. According to the Press Freedom Index – Wikipedia (2010:1), the report was based on a questionnaire distributed to partner organisations including 14 Freedom of Expression groups on five continents, 130 correspondents around the world as well as journalists, researchers, jurists and human rights activists. The survey focused on direct attacks on journalists and the media as well as other indirect sources of pressure against the free press. Its major problem was its focus on the government's violation of press freedom, forgetting other violators such as media owners and corporations.

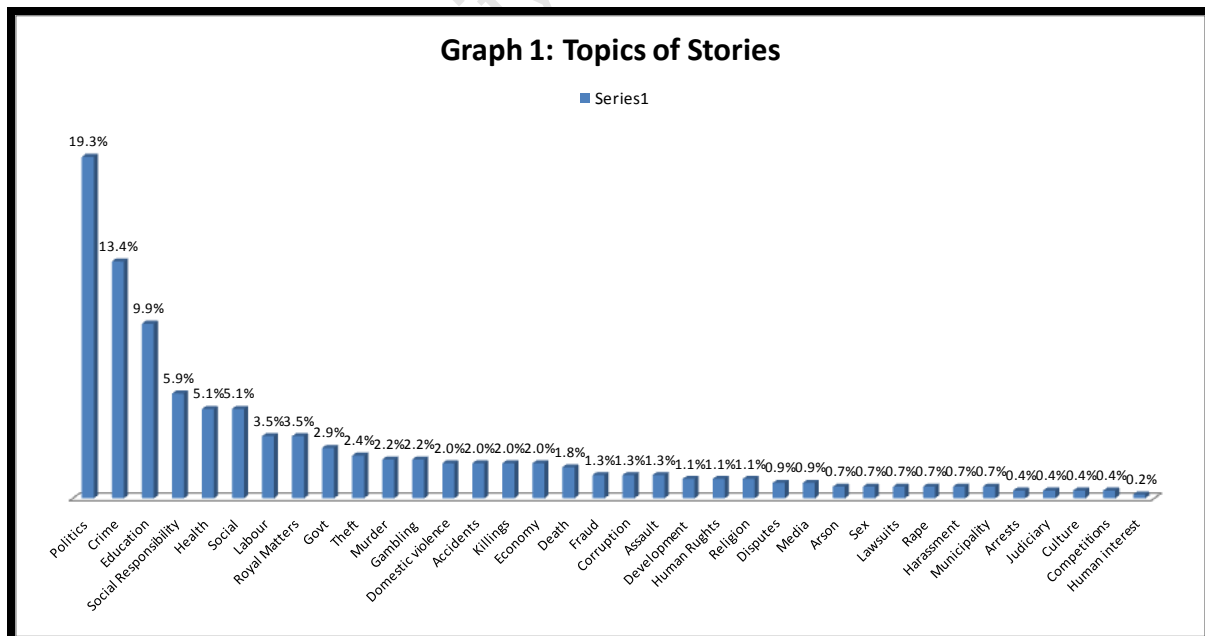
Table 7: Press Freedom Index

Rank 2009	Country	Index 2009	Index 2008	Index 2007	Index 2006	Index 2005
144	Swaziland	52.50	50.50	54.50	40.50	35.00

Source: Wikipedia

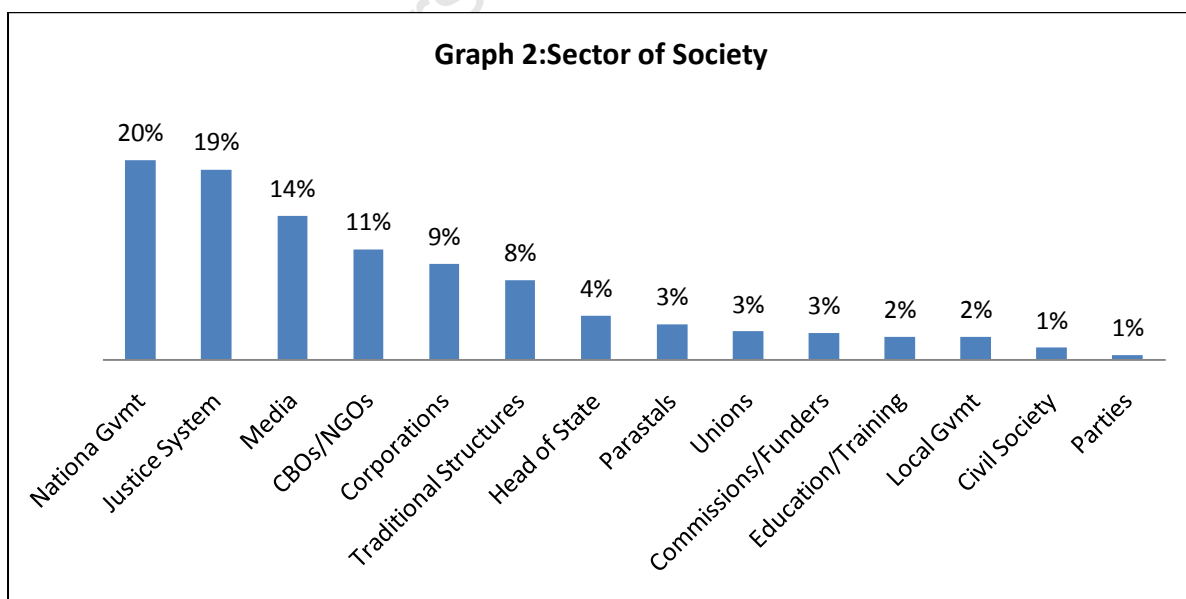
5.2 Content Analysis

Notwithstanding institutional and organisational pressures, media content reflects a degree of media freedom. McQuail (1994:252) identifies several aspects of media content as signs of more or less media freedom. Exhibited by editorial vigour or activity, these aspects indicate media usage of freedom in a number of ways. These include: expression of opinions on controversial issues; willingness to report conflict and controversy; following a ‘pro-active’ policy in choosing sources (not relying on press handouts and public relations, or being cosy with the powerful) and giving background and interpretation as well as facts (ibid). In other words, media freedom is reflected by the editorial nature of media content in terms of variety of news topics, probing, facts and balance news reporting.



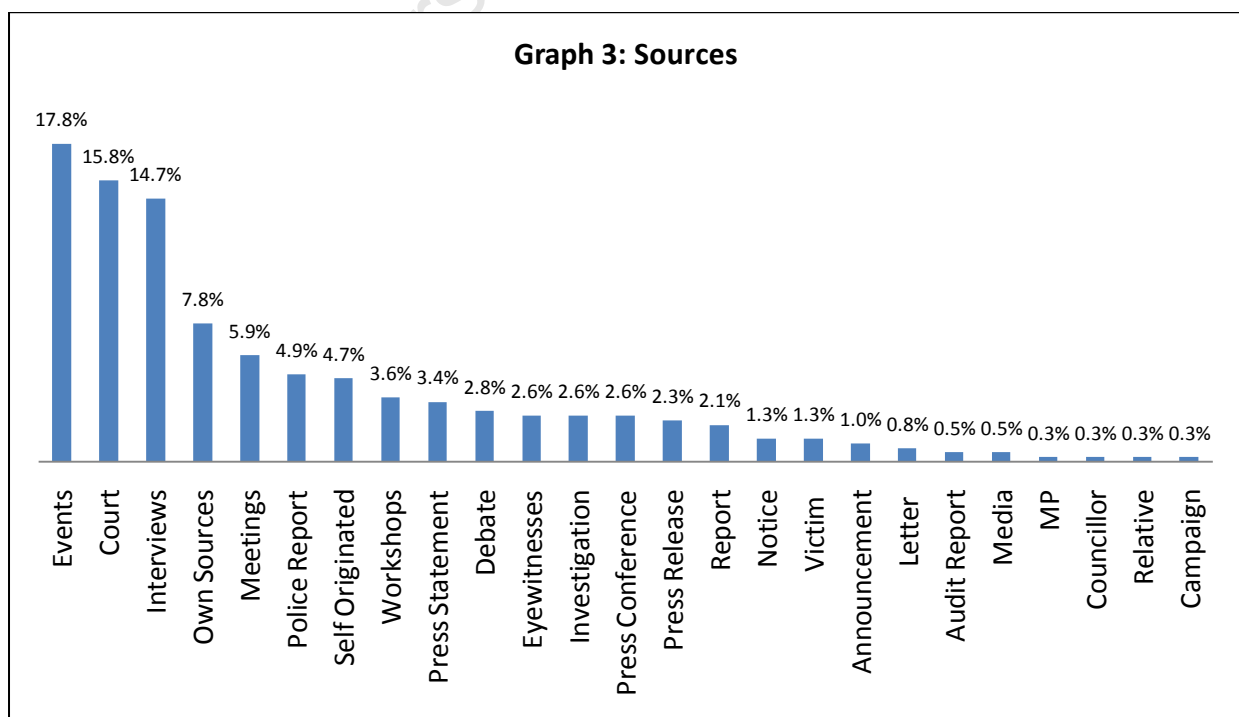
Graph 1 shows that out of the 36 news topics content analysed in the *Times of Swaziland* and *Swazi Observer*, politics (19%), crime (13.4%), education (9.9%) and social responsibility (5.9%) fell within the top five news topics that dominated coverage. Behind these were health and social, labour, royal matters and many others

This study coincided with the national elections conducted in the last quarter of 2008. That is why politics dominated media coverage. Although politics dominated media coverage in the dailies, a majority of the news topics did not deal with real issues. They merely described how events unfolded. There was a general lack of in-depth analysis of the issues behind the unfolding events. A good example is the story involving Mbabane East MP candidate Esther Dlamini, who in her election campaign focused on the poverty in her constituency caused by an obsolete ratepayers’ law. She called for the exemption of old ratepayers and orphans from paying rates as a solution to the eradicate poverty. The election reportage lacked critical information needed by the electorate in order to make informed choices and decisions. The media failed to pin down the candidates to discuss national issues such as economic, social and political policies. Instead, the MPs were reduced to being “conduits for local development rather than legislators with a national agenda” (Commonwealth Secretariat Report quoted in *The Nation* 2008:26). This was a disservice to the citizens engaged in the formation of a new government.



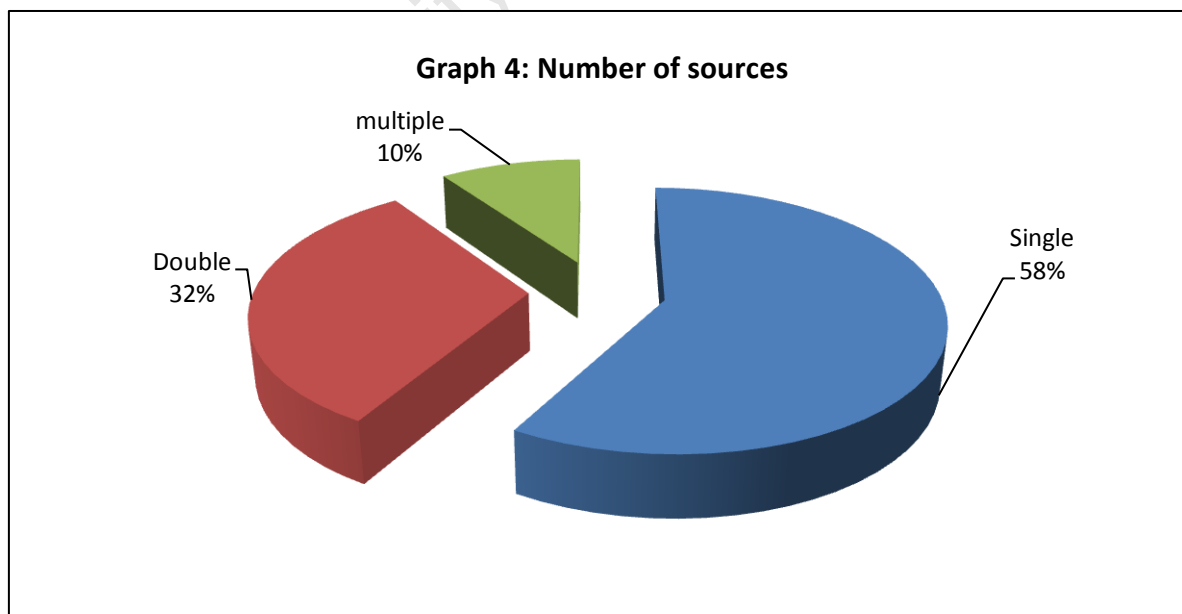
Graph 2 shows the most frequently accessed sectors of society. From the above bar chart, the top five most frequently accessed sectors of society were national government, the justice system, media, NGOs/CBOs and corporations. Under constraining institutional and organisational pressures, there was a growing tendency among reporters to rely on routine news sources. Both publications had set targets for their news reporters. To keep his job each news reporter was supposed to produce 70 news articles per month at the *Swazi Observer*, while the *Times of Swaziland* demanded 16 articles per week. This had led to armchair journalism characterised by over-reliance on routine sources like national government, the justice system, corporations, media practitioners and NGOs/CBOs.

A good example of armchair journalism is the story involving a Shiselweni acting regional secretary who blasted HIV/AIDS NGOs for being get-rich-quick schemes. The reporter relied only on the organiser of the event. He did nothing to get the other side of the story from CANGO, the umbrella body of NGOs and National Emergency Council on HIV/AIDS, the body that monitors HIV/AIDS funds. He also failed to ask the regional secretary to identify those organisations. Yet all that information was vitally important to the readers. This demonstrated the manipulation of reporters by efficient and powerful sectors of society. Over-reliance on such routine sources resulted in lack of editorial independence (Shoemaker quoted in McQuail 1992:128) because of the collaborative links developed from source-media relations.



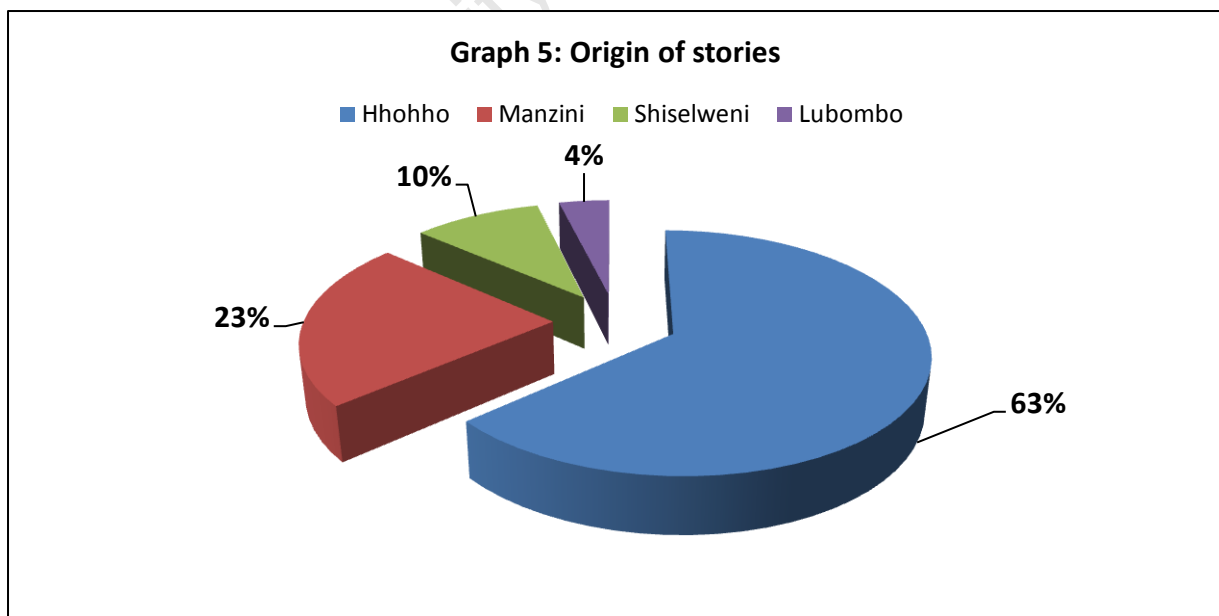
Graph 3 shows that a majority of the stories were sourced from staged events (17.8 per cent). Stories sourced from the courts made up 15.8%. Those that originated from interviews accounted for 14.7%. Stories that came from own sources were 7.8%. Stories that were based on meetings accounted for 5.9%. Police report stories received 4.9% while self-produced stories accounted for 4.7%. The rest of the stories were below 3.6%.

A good example of staged events is the story involving the National Constitutional Assembly (NCA) and people attending the People's Parliament. The NCA had a pending case in court against government challenging the EBC's ban of political parties in the 2008 elections. Because elections were on the agenda, the people were allowed to speak on the merits of the pending case during the People's Parliament at *Esibayeni*. The media found themselves in a catch-22 situation because they were to choose between the rule of law and the king's national event. The issue of culture was at centre stage. The journalists had no option but to toe the line because the national meeting was convened by the king. Culturally, the People's Parliament was governed by customary law. The journalists avoided criticising its deliberations even though they were aware of the consequences on judiciary independence. One of the criteria for determining the degree of media freedom is to report about controversy and conflict rather than merely scratching the surface.



Graph 4 shows that 58% of the stories were single-sourced. While 32% of the stories had two sources, stories with multiple sources accounted for 10%. Good journalism is always judged by the number of sources in a news story. Multiple sources are a key component of good journalism while one or two sources are associated with bad journalism.

The pie chart shows that a majority of the news stories were single-sourced. For example, the story involving Chairman of the Swazi National Council Prince Logcogco, accusing advocates of multiparty democracy of perpetrating terrorism in the country. He said they had resorted to bombs, violence and terror as a strategy to bring regime change to Swaziland. The *Swazi Observer* chief editor, Musa Ndlangamandla, who wrote the article, did not balance the story by getting the alternative views of the proponents of a multiparty system, such as PUDEMO. One of the reasons was his fear of the Suppression of Terrorism Act of 2008 which proscribes terrorist activities and any support of groups declared terrorists like PUDEMO and SWAYOCO. The other was the local media's reluctance to give a voice to the dissidents in the country. Rooney (2006:9) notes, one of the traits of Swazi journalism is its unwillingness to produce stories that contain balanced views within them. The single-sourced stories lacked background information and interpretation because the journalists made no attempt to ask probing questions or require additional information.



Graph 5 shows that 63% of the news stories originated from Hhohho region, 23% from Manzini region, 10% from Shiselweni region and 4% from Lubombo region. The pie chart

shows that media coverage centred round the two regions of political and economic activities. The newspapers have their offices in the Hhohho and Manzini regions. The far-flung, remote Shiselweni and Lubombo regions are inhabited by the poorest population.

Driven by the need for profit from advertising revenue, the media tend to write sensational stories on the poor regions. A good example is the story of seven people including four soccer players and an aspiring MP, who were involved in an election scam. The candidate bribed the four soccer players with food to register in two centres. This story was not probing enough because the reporter hid the names of his source, the soccer players and the aspiring MP, yet they had already confessed to the police and the police public relations officer had confirmed the story. The reason for concealing the names was that the publication's reporter feared a lawsuit for defamation.

The pie chart shows that there was very little diversity in the origin of stories. This reflected lack of diversity in terms reflection, proportionality and access. Media are expected to represent or reflect the prevailing differences of culture, opinion and social conditions in society (McQuail 1992:144). Media access help people to communicate among themselves, especially where sub-group members are widely scattered.

5.3 Semi-structured interviews

5.3.1 Media practitioners

Eight questions were posed to six journalists employed by the two newspapers with the view to identifying the manifestations of media freedom or lack thereof under the constitutional dispensation. All the questions were aimed at determining the extent of media freedom. Because of gender imbalance in the media houses, the researcher interviewed four male respondents and two female ones. Each media house was represented by two males plus one female. Except for one *Swazi Observer* journalist who had a limited two-year journalism experience, the rest had extensive experience spanning over five years. Besides, many boasted an inside knowledge of the work culture in the two media houses, having worked for both for more than five years. While two of them held a certificate and diploma in journalism, the rest were just trained on the job. Although the journalists agreed to be interviewed, they did not want their names to appear in the responses because of a general fear of reprisals due to the sensitivity of the research topic. The researcher made an undertaking not to mention

their names anywhere in the findings. What follows are the responses of the respondents, based on their experiences.

5.3.1.1 Are journalists able to write on any subject without fear?

On whether the practising journalists were able to write on any subject without fear, a majority of the respondents said that they were not, citing a number of causes of fear. Topical on the subject matter were reports on the royal family. A good example cited by one of the respondents is the fear of reporting the story of adultery involving the king's wife, Inkhosikati LaDube and Minister for Justice and Constitutional Affairs, Ndumiso Mamba. "No journalist would dare touch a sex scandal involving the king's best friend and one of his wives because we all fear to burn our fingers" (Interview with a news reporter, *Swazi Observer*. Mbabane, 01/09/2010). The South African weekly *City Press* (2010:8) broke the story but the local national newspapers ignored it not by default, but by design. This was despite the prime minister's announcement in a press conference that Mamba had resigned as a senator and minister pending investigation of the "media rumours" by the country's authorities. The local journalists did not have the guts to investigate these "rumours" because the story involved royalty and a cabinet minister who happened to be the king's confidante before the sex scandal.

Another respondent stated that the fear was heightened by the fact that before stories concerning royalty were published in the privately-owned papers, they were referred to the King's Office for editing. Following a number of negative stories about royalty, the relationship between the press and the king was strained. This had resulted in the king, advisers and chief executive officer at the King's Office summoning its publisher and managing editor to explain the critical stories embarrassing the monarchy. "As result of the summons, there mustn't be any negative coverage of the king and the royal household in the paper" (Interview with a news reporter, *Times of Swaziland*, Mbabane, 09/09/2010). One of the respondents cited the example of the story about the purchase of a fleet of top-of-the range Mercedes Benz S500s for the king's 13 wives, costing the taxpayer millions of Emalangeni. After the king and his advisers grilled its publisher and editor, the *Times of Swaziland* issued a front page apology. Another respondent stated that the situation had become so bad that all stories written concerning royalty were now cleared by the King's Office. Woe unto the publisher and managing editor should a story involving royalty get

published without going through this process. The chief executive officer plays the role of an invisible chief editor for the privately-owned newspaper.

Besides the royal family, the respondents mentioned the emergence of ‘holy cows’ within Swazi society as another cause of fear. As a result, the journalists were wary of the untouchables who comprise certain institutions and influential personalities. These are cabals considered as an extension of the institution of the monarchy or in local circles, known as *labadzala*. The cultural principles also restricting media freedom take centre stage here. Among those ‘holy cows’ were the prime minister and public officials, though all this happened to be the main source of news.

One respondent said the cosy relationship between the PM’s government and the Editors’ Forum, established through monthly breakfast meetings, was the other source of fear. As the purpose of the meetings was for the premier and cabinet ministers to disseminate sieved or controlled information to the editors, the journalists found it difficult to write stories about the cabinet ministers, which might cause offence. This became clear when the PM told the king and queen mother during the 2010 Smart Partnership Dialogue that he was disappointed that the media continued to report negatively on the activities of government yet he briefed the editors monthly about the positive developments made by the government. The queen mother seized the media session to lambast the media for reporting badly about the country’s leadership. Her sentiments were echoed by Prince Mahlaba, a senior prince and adviser to the king, who accused journalists of destroying the country through their negative reporting.

The respondents further complained about the cosy relationship between the media and business. They had to take necessary precautions lest they spoiled the good relations existing between the media and corporations. Another example was the preferential treatment offered to the Swaziland Electricity Company, when the *Times of Swaziland* managing editor, who doubles as editor, provided the SEC communications manager with space to respond to letters to the editor in the same section. The journalists feared that this could betray their news sources, which might be easily sold-out by the editors to the story subjects. This has also attracted corruption accusations to the journalists. Businessman Walter Bennett had asked MISA Swaziland to investigate corruption among journalists. Nothing had been done by the media to clear the journalism profession. The respondents revealed that big companies like Swazi MTN, SEC and SPTC gave gifts to the media. According to a respondent, it is very

difficult to write critically about companies like Swazi MTN, for instance, which give cellphones and free airtime to the editors (Interview with a news reporter, *Times of Swaziland*, Mbabane, 09/09/2010).

The respondents also singled out hostile lawyers as another cause of fear. When the journalists pursued stories involving lawyers, they faced difficult challenges. The lawyers were always reluctant to give out information on the grounds of attorney-client confidentiality. When the story involved a lawyer, the journalists received threats of lawsuits. Lawyers threatened to invoke libel or defamatory laws against the respondents. One respondent cited the example of one top lawyer who defrauded the Swaziland Government of close to E700 000. When the *Swazi Observer* journalists tried to get an interview with him, the lawyer threatened to sue the paper and assault the journalists. In fear of the threatened lawsuits, the respondents stated that they either turned a blind eye or withheld the names of lawyers in their stories. One respondent pointed out that without legislation protecting the journalists such as an Access to Information Act, the journalists had to tread carefully when reporting matters involving the hostile legal fraternity. As a result, the lawyers' cases of unprofessional conduct and dishonesty remained unreported by the media.

According to the respondents, the clout of influential personalities was also a cause of fear. Journalists doing stories on high profile people were always put under pressure by their editors. They ensured that the facts were not only double-checked but triple-checked, and cross-checked to avoid unnecessary lawsuits. Worse still, the influential person would approach either the proprietor or editor to lodge a complaint against the journalist writing the story. This had resulted in other journalists being fired for crossing the paths of influential personalities.

Look at what happened to the *Times of Swaziland* sports editor Dumisani Ntiwane. He got fired for defying the managing editor's order to remove a scandalous story involving a Manzini Wanderers treasurer who happened to be a relative of one of the senior king's wives, Inkhosikati LaMbikiza. (Interview with a news reporter, *Swazi Observer*, Manzini, 15/09/2010).

5.3.1.2 Have journalists given up a story or comment because of pressure from editors or authorities?

On the issue of dropping stories or comments due to certain pressures from either editors or authorities, there was unanimity among the respondents that it was common. Walking a tightrope, the editors had been charged with the task of not only serving, but also managing the interests of the owners, advertisers and government. In ensuring that the media practitioners did not write stories likely to offend the interests of the owners, advertisers and the authorities, they exercised a gate-keeping function. One of the respondents stated that his editor made sure that stories involving proscribed organisations and other political groupings were not given any coverage. “Whenever one brings up a story involving the activities of the political groups, my editor does not hesitate to tell one to drop it because it would cause problems for the newspaper” (Interview with a news reporter, *Times of Swaziland*, Manzini, 13/09/2010). Editors also guarded against publishing negative stories involving powerful people in society. One respondent said it was a common practice among editors to tell journalists to drop negative stories involving the authorities or influential personalities, despite the overwhelming facts that the journalists might have gathered to support their stories.

5.3.1.3 How does Swazi culture influence journalism practice?

As Swazis, the respondents agreed that consciously or unconsciously, they made cultural considerations about writing certain stories. They witnessed many interesting things happening at the traditional ceremonies such as *Incwala* and the *Umhlanga* (Reed) Dance. But they did not report, for example, the traditional rituals performed during the *Incwala* and Reed Dance ceremonies because they believed it was culturally wrong. “A lot of things that would make interesting reading happen during the *Incwala* ceremony but we, as Swazi journalists, do not cover them because of the cultural influence” (Interview with a news reporter, *Times of Swaziland*, Mbabane, 09/09/2010). The journalists were in agreement that Swazi culture influenced them a great deal when covering stories involving the authorities. Under the influence of Swazi culture, they found it hard to criticise the institution of the monarchy. A good example is the failure of the media to attribute Swaziland’s fiscal crisis to the king’s high expenditure. The media practitioners had learnt a lesson from the *Times of Swaziland*, which burnt its fingers after publishing a story about the millions of Emalangeni

spent on a fleet of Mercedes Benz for the 13 king's wives. The king ordered the paper to furnish him with their receipt to verify the price because it was not a correct figure. As a punishment, the paper was forced to issue a front-page apology.

5.3.1.4 Are journalists reprimanded for writing stories or sourcing comments from certain people?

A majority of the journalists had been reprimanded by their editors or the authorities for writing certain stories. One of the respondents got reprimanded for writing a story of a United Kingdom company that was suing the King's Office for its failure to pay it for a job it had done at the royal residences. "After the breaking story about a UK Company suing the King's Office, I got a tongue lashing from the editor who told me to be careful when writing stories involving royalty" (Interview with a news reporter, *Times of Swaziland*, Mbabane, 09/09/2010). Through the editor, the authorities reprimanded the journalist for portraying the institution of the monarchy in a bad light. Another respondent got reprimanded by the traditional authorities after writing a comment on how customary marriage contributed to the spread of HIV/AIDS in the country. They felt any criticism of polygamy undermined the traditional leadership. Another one got reprimanded for writing a comment challenging the prime minister on his ban of gambling. The editor-in-chief felt he was disrespectful to the head of government. Moreover, Swazi journalists have become so used to suppression that even they themselves do not recognise the constitutional liberation, but still cover themselves in cultural stereotype.

5.3.1.5 Do journalists feel that the Constitution promotes or suppresses press freedom?

On the question of whether the Constitution promotes or suppresses press freedom, there was unanimity among the respondents that on paper it guarantees freedom of expression and the press, but in practice it does not. The respondents said that though the Constitution seeks to promote press freedom, the status quo has remained unchanged. "Even though the Constitution provides for press freedom on paper, nothing has changed in practice" (Interview with a news reporter, *Swazi Observer*, Mbabane, 01/09/2010). Inasmuch as the Constitution provides for the freedom of expression and the press, they observed that the strained media-government relations continued to be the main cause of the suppression of press freedom. One of their concerns was that the Constitution contains some claw-back

clauses. The respondents were concerned about the contradictory nature of the Constitution. They were disappointed that the restrictive media laws that were inconsistent with the provisions of the Constitution on the freedom of expression and the press were not repealed.

5.3.1.6 What is the impact of the laws governing media operations on the work of journalists?

Regarding implications of the laws governing media operations, the journalists said they were walking a tightrope. They stated that the laws impacted negatively on their function. A majority of them said these media laws impinge on their rights to inform, educate and entertain the public without fear or favour. They cited libel and defamation laws, among others, as being prohibitive and restrictive in their media function. In fear of such media laws, the journalists had to think twice before writing stories. The publishers and editors put them under pressure to avoid writing stories that might attract lawsuits. The respondents said the laws were slowly killing investigative journalism. However, one of the respondents revealed that s/he was not familiar with the laws governing media operations. That explained why the media houses attracted many lawsuits. The Suppression of Terrorism Act of 2008 was cited as a new law which impacted negatively on the work of journalists.

The Suppression of Terrorism Act is one of the media laws making our work very difficult. As journalists, we have to be careful when sourcing stories from or quotes from members of banned groups which have been branded terrorists by Government. (Interview with a news reporter, *Swazi Observer*, Manzini, 15/09/2010)

5.3.1.7 What challenges do the Swazi press face with regard to media freedom?

On the question of challenges faced by the Swazi press with regard to media freedom, there was agreement among the respondents that there were a number of difficult challenges. One was self-censorship among the media practitioners who had a tendency to avoid reporting critical news concerning the “untouchables” including the monarchy, government, corporations and influential personalities. The respondents also cited the interference of traditional authorities who wanted media practitioners to follow the dictates of Swazi culture in their news reportage, instead of being guided by the principles of press freedom. This led to the harassment and intimidation of publishers and editors. Another challenge was that the journalists were divided to the extent that they could not unite to fight for the press freedom rights guaranteed by Section 24 (1) and (2) of the Constitution.

It's high time that as journalists we became a united front to fight our own battles because nobody would do that for us. We should all know that we aren't going to get press freedom on a silver platter. (Interview with a news reporter, *Times of Swaziland*, Manzini, 13/09/2010)

The respondents acknowledged the urgent need for a self-regulatory body that would ensure that journalists were responsible and accountable in their news reporting. There was unanimity among the respondents that the statutory regulatory mechanism, the Swaziland Media Commission proposed by government, would suppress media freedom. Another big challenge was that there were no pieces of legislation enacted to harmonise media operations with the spirit of the provisions of the Constitution.

5.3.1.8 What should be done to ensure that the Swazi press is a vibrant source of news?

As to what should be done to ensure that the Swazi press is a vibrant source of news, the respondents stated that it was imperative that the government enact an Access to Information Law to remove the barriers to access of information. They called upon government to repeal all the restrictive laws. They agreed that self-regulation was the way to go rather than the compulsory one, to promote media professionalism and responsibility. The respondents also said adherence to the provisions of the Constitution would improve the standards of journalism. They also stated that it was important for the journalists to be responsive to the needs of their readers so that the readers would get value for their money. The respondents said there was an urgent need for journalists' training and development in order to inculcate a culture of professionalism. They were in agreement that government should force the media houses to set aside a training and development budget to equip local journalists with professional skills.

Unless the media houses take seriously training and development, journalism standards will remain appalling in the media houses. Because other media owners do not value training and education, Government should force them by making it a law to offer training opportunities to the media practitioners. (Interview with a news reporter, *Times of Swaziland*, Mbabane, 08/09/2010)

5.3.2 Government

Three chosen government officials including the press secretary, director of information and media development and attorney general were reluctant to be interviewed for this study.

Government press secretary Macanjana Motsa told the researcher that she was not in a position to respond to the questionnaire. Efforts to get an appointment with the prime minister were futile because his secretary never called back. The researcher also tried the principal secretary in the PM's office in vain. It was the same story in the ICT ministry where the director of information and media development, Martin Dlamini, said he would need a clearance from the press secretary to answer the three questions. The attorney general, who referred the researcher to the ICT ministry, said he was not in a position to voice his views on press freedom lest he was misunderstood by the ministry responsible.

One of the possible explanations for the reluctance of government to entertain the researcher was that the question of media freedom proved to be tough. Government did not like the fact that Swaziland continues to be rated as the worst violator of media freedom. This research was misconstrued to question government's commitment to the ideals of the Constitution which enshrines the Bill of Rights. Since the PM took office in 2009, he had not fared any better in matters of observing the rights of the press. One example is when the Prime Minister, Sibusiso Barnabas Dlamini, convened a press conference to tell all the editors from the media houses not to run the story of the king's wives' junket to the Far East and the United States of America. The other is when the PM threatened the editors with the Suppression of Terrorism Act of 2008. He told them to stop running stories on the proscribed organisations and their leaders, lest they were charged for abetting terrorists in the country. Obviously government had nothing to say because it was caught in a web of violations of media freedom.

5.3.3 Media Management

The *Times of Swaziland* management turned out to be too busy to be interviewed on media freedom. However, one of the possible explanations of its reluctance was that the study coincided with the paper's violation of media freedom. For instance, on World Press Freedom Day, managing editor, Mbongeni Mbingo fired his sports editor for defying management's order not to run a scandalous story involving a relative of one of the king's wives. He had also forced the editor of *Swazi News*, Thulani Thwala, to suspend indefinitely his column entitled *My Turn*, which was critical of the powers-that-be. During the media session of the 2010 Smart Partnership Dialogue, he had further assured their majesties that the *Times of Swaziland* Group of Newspapers would continue to deny access to columnists

criticising the status quo. Mbingo stopped short of mentioning the name of the suspended *Times Sunday* columnist Mario Masuku, the leader of the proscribed PUDEMO. In light of all this, the *Times of Swaziland* management would definitely not want to be party to any media freedom research.

Except for CEO Myzo Magagula, the *Swazi Observer* management agreed to be interviewed. The chief editor delegated Alec Lushaba, editor of the weekly, to speak on his behalf. A possible explanation for the senior management reluctance to be interviewed was the timing of the research. It took place at the time when Chairman of the Board, Tim Nhleko, had violated media freedom. In May 2010, Nhleko instructed ex-editor Sifiso Dhlamini to drop an exclusive story on the municipal council of Mbabane's re-appointment of CEO Gideon Mhlongo. His interference led to the resignation of the editor. This happened during the month of the celebrations of World Press Freedom. When this study was conducted, the issue of interference was still fresh in the minds of the *Swazi Observer* senior management.

5.3.3.1 State of media freedom under constitutional dispensation

On the question of the state of media freedom in Swaziland under the new constitutional dispensation, a representative of the chief editor and acting editor agreed that nothing had changed since the Constitution was adopted in 2005. They said the constitutional guarantees of freedom of expression and the press existed only on paper because in reality, the media were not yet free in the kingdom. They cited the example of a number of un-repealed restrictive media laws inconsistent with the provisions of the Constitution. Nxumalo (Interview, 02/09/2010) also attributed lack of media freedom to the shrinkage of advertising revenue, lawsuits and insurance premiums. With this shrinkage, the newspapers needed to tread carefully lest they lose the little advertising by offending the interests of the advertisers. Faced with lawsuits which had attracted high insurance premiums, the media had become the lapdogs of government, corporations and influential people. According to the respondents, the press put survival before media freedom as a commercial enterprise.

After publishing a letter criticising Central Bank of Swaziland management, the bank called a quick meeting for the CEO, Editor-in-Chief and I where it lodged its complaint. At the meeting the editor-in-chief told me that it's not letters but adverts that were sustaining the newspaper and so I was wrong to publish the letter after our publication of the Bank's 35th Anniversary supplement. (Interview with acting chief editor, *Swazi Observer*, Mbabane, 07/09/2010)

On the other hand, the news editor, Kenneth Dlamini, begged to differ, saying that just like beauty, media freedom lies on the eye of the beholder. He said media freedom existed in the kingdom under the new constitutional dispensation. He stated that the Constitution, which is the supreme law of the land, provides for the freedom of expression and the press. “All that the people should know is that the meaning of press freedom is different to different people. As Swazi people, we must come up with our own definition of press freedom so that we can operate on the same wavelength” (Interview with news editor, *Swazi Observer*, 01.09/2010). Dlamini pointed out that the journalists got to understand that freedom comes with responsibility. He noted that lack of professionalism among the journalists was easily confused with violation of press freedom. What was needed, according to the news editor, was to educate the journalists and authorities about the parameters of media freedom. This would make them better understand and appreciate press freedom.

5.3.3.2 Swaziland’s rating as violator of media freedom

A majority of the respondents concurred with the statement rating Swaziland among violators of media freedom. They stated that Swaziland continues to contravene the provisions of the Constitution guaranteeing the rights to freedom of expression and the press. Journalists were still subjected to restrictive measures by traditional authorities, government, lawyers and influential personalities. This generated fear which in turn had bred self-censorship among journalists in the media houses. They also noted that lack of media freedom opened journalists to manipulation by media management, government, corporations and influential personalities.

Government is unhappy that it does not have control on the print media, yet it controls the state-owned broadcast media. As its means to turn the press into its mouthpiece, Government has resorted to all forms of intimidating tactics. (Interview with acting editor, *Swazi Observer*, Mbabane, 02/09/2010)

But the news editor disagreed with the statement saying that Swaziland has its own laws to regulate the media. He felt that the rating of Swaziland as a violator of media freedom was unfair and aimed at tarnishing the image of the country.

5.3.3.3 Views on Swaziland Media Commission vis-à-vis the Media Complaints Commission

On the proposed statutory Swaziland Media Commission (SMC) vis-à-vis the self-regulatory Media Complaints Commission (MCC) all the respondents preferred the MCC to the SMC. They agreed that there was need for a voluntary regulatory mechanism in the country. One of the respondents said the complaints about media conduct were genuine. “This reminds me of the hoax of a worms’ man presented as a story making headlines in our press. The readers deserve better treatment than that by our press” (Interview with acting editor, *Swazi Observer*, Mbabane, 02/09/2010). The journalists must implement the MCC to salvage their poor image in society. The respondents rejected the SMC on the ground that it was statutory. They questioned the licensing and accreditation of journalists by government. They viewed this as government’s ploy to extend its control to the critical print media. It was for that reason that they favoured the MCC, which was a self-regulatory measure. The respondents stated that self-regulation was the way to go in an autocratic state. They stated that the courts were more competent to deal with issues of media misconduct.

5.3.4 Lawmakers

5.3.4.1 State of media freedom under constitutional dispensation

A majority of the lawmakers (three) stated that the media enjoy media freedom in the kingdom. They based their reason on the premise that the Constitution provides for freedom of expression and the press. The legislators said that the journalists were free to write on any subject without any interference. They cited the example of parliamentary debates, which the journalists covered freely. One of the respondents, MP Thuli Dladla, Chairperson of the Public Accounts Committee (PAC), stated that journalists were free to cover PAC sessions. Nobody had ever tried to censor their stories, even though they sometimes abused press freedom through misrepresentation of facts. “Sometimes, our Swazi journalists have gone overboard in their reporting such that one wonders if that’s not an abuse of press freedom” (Interview with MP Dladla, Mbabane, 23/09/2010). The lawmakers warned that people should not confuse calling for accountability and responsibility by journalists with the suppression of press freedom. They stated that journalists should know that freedom is not absolute, but comes with responsibility. As MP Rogers Mamba observes, there is no freedom without responsibility (Interview with a MP Mamba, 23/09/2010).

MP Marwick Khumalo saw things differently, saying that although the Constitution provides for media freedom, media freedom is still subdued in the country. He singled out the private media which depend on advertising for survival. MP Khumalo stated that the print media should listen to their paymaster, in this case the major advertiser - the Swaziland government - failing which they would face dire consequences, such as the withdrawal of advertising. Inasmuch as the print media strive for press freedom, they are always wary of their limits. The moment the media and publishers overstep their limits, the advertisers do not waste time in issuing threats. MP Khumalo noted that media freedom always depends on the head of government of the day. "Media freedom in this country entirely depends on the character of the Prime Minister of the day. Its ups and downs are associated with the changes in the administration" (Interview with MP Khumalo, Ezulwini, 04/10/2010). He stated that media freedom swings like a pendulum, depending on the administration.

5.3.4.2 Swaziland's rating as violator of media freedom

On the rating of Swaziland among violators of media freedom, half of the MPs said the kingdom violates international protocols of media freedom. They identified instances of media freedom violations. The MPs said that it was wrong because the country had ratified and signed the international instruments on human rights. One example of media freedom violation was the summoning and grilling of publishers and editors to quarters like the royal residences, after publication of certain critical stories. The other was the widespread self-censorship evidenced by the journalists' fear of reporting certain stories about government and influential personalities. "I often wonder what's gone wrong with the reporters when they suppress certain stories which are already in the public domain. Isn't because they are taking bribes from high profile people in order not to expose them or their fear" (Interview with MP Dlamini, Manzini, 02/10/2010). The MPs observed that the people learnt about such local stories from the foreign media. The legislators stated that was an indication of control of the free flow of information, much against the provisions of the Constitution.

5.3.4.3 Views on Swaziland Media Commission vis-à-vis the Media Complaints

Commission

A majority of the lawmakers favoured the proposed statutory SMC over the self-regulatory MCC as the appropriate media regulatory body. There was a consensus among the

respondents that there was an urgent need for a media control body amid the public outcry over an irresponsible journalism practice characterised by character assassination. The legislators stated that the SMC could deal with a media prone to abuse media freedom. They further pointed out that government was not expected to allow the journalists to continue to ruin the lives of citizens in the name of media freedom. They said the media had failed to set up a self-regulatory body. “I just don’t understand why journalists are making a lot of noise about the proposed statutory regulation, because other professionals, like lawyers, doctors and accountants are regulated” (Interview with MP Khumalo, Ezulwini, 04/10/2010). The lawmakers noted that there was a need to reconcile freedom with responsibility within the media fraternity. Otherwise, journalists would continue reporting news untruthfully, unfairly and inaccurately.

One of the MPs, Rogers Mamba, chairman of the ICT Parliament Portfolio Committee, was opposed to the proposed SMC. He feared that the statutory regulatory mechanism would be used as a tool by politicians to persecute critical journalists. MP Mamba (Interview, 23/09/2010) said that the SMC would be used by politicians to frustrate journalists in the privately-owned media. He said this was evident in the number of parliament select committees set up by the politicians to investigate media reports on parliamentary debates. The MP observed that the legislators were unhappy about the negative media reports and that was why they wanted to pass the Media Commission Bill 2009 without taking into account the concerns of the media stakeholders. “I’m too sure that when the Bill goes to parliament, the MPs will pass it without any delay because most of them have an axe to grind with the media” (Interview with MP Mamba, Mbabane, 23/09/2010). MP Mamba felt that the media should be allowed to implement the MCC.

5.3.5 Civil Society

5.3.5.1 State of media freedom under constitutional dispensation

The respondents were unanimous that there was no media freedom in Swaziland. They said that the Constitution provides for freedom of expression and the press, but in reality this meant nothing. Civil society observed that public access to both information and media was strictly controlled. They stated that this was evidenced by the total blackout of certain news in the local media, which the public only got to know about from the international media or news networks. The respondents cited the example of the sex scandal involving one of the

king's wives Inkhosikati LaDube and Minister for Justice and Constitutional Affairs Ndumiso Mamba, which the national newspapers ignored at all costs.

Two of the respondents, who were *Times Sunday* columnists, stated that the editors censored their articles to the extent that what was published was nothing but a negotiated settlement. They agreed that the newspapers sometimes refused to publish press statements even if they were paid for. Or if they did, they made sure that they edited them to suit the interests of the proprietors, advertisers and government. "We once placed a paid statement of the Swaziland Coalition of Concerned Civic Organisations in the *Times*. Much to our surprise, what appeared in the next day's edition was an edited version" (Interview with SFL Secretary General, Mbabane, 22/09/2010). Freedom of expression and vibrant media are the lifeblood of democracy. The media advance the cause of democracy as they promote open and free exchanges of diverse ideas. The media are one of the salient guarantors of a free and open society and transparent government. Sometimes editorial comment brings issues to the notice of parliament.

5.3.5.2 Swaziland's rating as violator of media freedom

On the rating of Swaziland among the violators of media freedom, the respondents stated that the kingdom should be included. They were in agreement that media freedom is curtailed in the country. They cited the example of a perpetual threat of media closure by government anytime the media raise political issues or scandals involving the politicians. They stated that media were not recognised as a fourth estate because the authorities summoned and grilled the publishers and editors over critical articles. The respondents observed that there was censorship and self-censorship in the media houses. They cited the example of the failure of local media to report sensitive stories involving royalty and government. "Take the case of the Emakhosikati junket to the Far East and America. Our media did not report that and we only learnt about it from the foreign media" (Interview with NNLC President, Mbabane, 21/09/010). The public relied on the foreign media. They also mentioned the denial of access of the unions to the state-owned media houses as another example of lack of media freedom. The respondents noted that the privately-owned media were also screening dissident columnists and thus silencing the alternative voice.

5.3.5.3 Views on Swaziland Media Commission vis-à-vis the Media Complaints Commission

With regard to the proposed statutory SMC vis-à-vis the self-regulatory MCC, civil society preferred the latter to the former. The respondents agreed that the MCC was the appropriate self-regulatory mechanism. They stated that the media practitioners should be allowed to come up with their own media accountability system like any other professionals, including doctors, lawyers and accountants. The respondents rejected the SMC on the grounds that it was a government's instrument aimed at formalising state control on the media. They observed that it would put severe strain on the media to the detriment of the media consumer. The respondents, however, stated that there was an urgent need for the regulation of the media in view of irresponsible journalism. They wanted media practitioners to be accountable and responsible for their conduct in their line of duty. "There is no need for government to impose the statutory media regulatory body on the media. The media should be allowed to operate their own self-regulatory body. Anyway, we want the media to be accountable to the public, not the ruling elite in the country" (Interview with PUDEMO President, Mbabane, 28/09/2010).

From the above discussion, it is important to highlight that the Constitution is consistent with the all international instruments. The only exception is in its application. Although Swaziland ratified and signed the international instruments, it has failed to uphold their principles, found in the Constitution. As a result, citizens do not enjoy the right to freedom of expression and the press, protected by the Constitution. The restrictive media laws have not been repealed. Government has also insisted on a statutory media regulation against voluntary regulation. Swazi culture also prohibits media freedom. The Swazi media find it difficult to function as watchdogs of the authorities. The culture dictates that it is a taboo to question and criticise the king and his appointees. Lack of editorial vigour, which is reflective of restrictions placed on the media, has emerged in the content analysed articles. From the interviews data, it becomes clear that media freedom is still elusive in the new constitutional dispensation. While media practitioners and civil society favour self regulation, the lawmakers call for statutory regulation. There is unanimity among media practitioners, civil society and lawmakers about the urgent need for a regulatory mechanism.

5.4.0 Conclusion

This chapter has presented and interpreted the findings of this study. The array of documents, including international instruments, statutes, policies, constitutions, code of ethics and reports has given background information on the sources of the rights to freedom of expression and media freedom, enshrined in the national constitution. Through the use of content analysis and semi-structured interviews, this study has been able to identify the manifestations of lack of media freedom in Swaziland under the new constitutional dispensation. In the next chapter, the study makes some conclusions and recommendations.

University of Cape Town

CHAPTER SIX

CONCLUSION

Anyone who acts without responsibility weakens his claim to freedom, while anyone who is denied freedom cannot be called upon to exercise responsibility.

MacBride Commission, 1980

6.0 Introduction

This chapter presents the concluding discussion of this study. It provides a summary of what has been considered as the manifestation of lack of media freedom in Swaziland under the new constitutional dispensation. The chapter also offers some recommendations on how to create an enabling environment in which a more responsible, accountable and professional Swazi media can enjoy the fundamental right to freedom of expression and media freedom, guaranteed by the Constitution of the Kingdom of Swaziland and international instruments which the kingdom has signed and ratified.

6.1 Theoretical Framework

Like most of Africa's media systems, Swaziland's media system is attuned to the present political system. Ogbondah (2002) notes that the media do not operate in a vacuum but are extensively dependent on how the political system at large is constituted. The Swaziland political system known as *tinkhundla*, which is rooted in cultural traditions, promotes participatory democracy through dialogue. It also recognises on paper though not in reality, the right of individuals to freedom of expression and freedom of the press in the interests of national unity and development. This is in line with the 1990s redefinition of development which stresses interactivity, dialogue and grassroots participation (Hyden and Leslie 2002). The current political dispensation in Swaziland exhibits some characteristics of both the authoritarian tradition and social responsibility tradition. These theories both advocate a regulated media, but differ in terms of regulatory mechanisms. While the former puts emphasis on the national interest, latter advocates a socially responsible media functioning in the public interest to promote democracy in society. The media are expected to adhere to ethical professional standards to benefit society. Lack of ethical professional standards in news coverage may pose as big a threat to press freedom as an obnoxious body of laws (Agbese & Ogbondah cited in Ogbondah 2002). Swaziland has, therefore, put in place legal

and constitutional provisions to create an enabling environment for the socially responsible media.

However, the social responsibility model, which advocates a free, responsible and accountable media, is contested. It has emerged in the study that the state, media and business view differently the public role of a socially responsive media. The differential factor is on the basis of the responsibilities of the media in the public interest. On one extreme, the media see their function as to provide a discursive public forum where public issues are discussed in an open and free fashion to promote democracy. They also stress their role as being a watchdog of the public and private sector in order to check on abuses in the public interest. On the other extreme, the state sees the role of the media as being partners in development in the national interest. Business, however, views the social responsibility role of the media as a marketplace of ideas and information, providing audiences with what they want in society. The different understandings of the social responsibility role of the media have caused tension between the media, state and business with regard to the regulation of the media. On the one hand, the state favours statutory regulation which allows it to have tight control over the media. On the other hand, both the media and business go for self-regulation, which promotes social responsibility through ethical professional standards.

The Swaziland situation, which is characterised by tension, is common in Africa. Many African states have media laws in place that still undermine the constitutional provisions guaranteeing freedom of expression and of the press. This is evident in a number of studies of how legal and constitutional constraints inhibited press freedom in the anglophone, francophone, lusophone and Arabic-speaking Africa (Eribo & Jong-Ebot 1997; Hyden, Leslie & Ogundimu 2002). As Ogbondah (2002) notes, although the constitution is supposed to be supreme, ordinary laws often supersede its authority. In this regard, African governments have a tendency to invoke laws that are inconsistent with the constitutions that suit their interests. Besides, they have not repealed outdated laws that restrict media freedom. In addition to outdated laws, African constitutions contain limitation clauses which curtail media freedom. All these laws and clauses provide the limitations that exist within the African polity with regard to providing an enabling environment to their citizenry and their media to enjoy freedom of expression and of the press.

Despite the different understandings of the social responsibility role of the media, it is in the interest of Swaziland to allow the media to enjoy the fundamental freedom of expression and of the press. More importantly, this will allow them to provide necessary information that is critical for active citizenship. The *tinkhundla* political system, which is based on the principles of participatory democracy, can arguably be better served by a responsible, accountable media, which supports the democratic process while simultaneously providing social benefits to media users (Oosthuizen 2002:42). The social responsibility role, which promotes media diversity in terms of ownership and content, suits the current *tinkhundla* political system in Swaziland. What is of significance is that the Swazi government has put in place the information and media policy and constitution as fundamental instruments to strengthen the social responsibility function of the media. While the constitution provides for media freedom, the information and media policy defines the duties of the media to the benefit of society.

6.2 Access to the media

One of the key contributory factors to media freedom is the availability of the media to the ordinary people. Kasoma (1997) notes that freedom of the press means more than just the ability of journalists to report news and views without interference and as they see fit. It also means the accessibility of the people to the press to express their views without being curtailed by journalists or those in control of the media. It has emerged in this study that both the print and electronic media in Swaziland do not allow the voice of the ordinary people to be heard. The newspapers, which are urban-based, serve the economic interests of the media owners and advertisers or business. The news coverage is biased toward people with disposable income, residing in urban areas.

The national newspapers are also published in the English language, which puts them out of reach of illiterate and semi-illiterate people living in the poverty-stricken rural areas. In the rural areas, the majority of people can only read and understand the local language, SiSwati. Both papers have shut down their local language editions because of the scarcity of advertising. The rural people also account for 63 per cent of the population living under the poverty line. Similarly, the electronic media namely the Swaziland Broadcasting and Information Services (SBIS) and Swaziland Television Broadcasting Corporation (STBC) do not act as a voice of the voiceless as they are not public broadcasters, but state-owned. They

do not broadcast throughout the country as there are still pockets of the country without radio and television coverage. The major cause of poor transmission is not only the difficult mountainous terrain, but also the erratic electricity power supply.

6.3 Constitutional constraints

The study has confirmed its hypothetical statement that nothing has changed in the undesirable state of media freedom in Swaziland since the adoption of the Constitution. The Swazi government has paid lip-service to the constitutional commitments to the freedom of expression and of the press, provided by the Constitution. Undeterred by criticism from civil society, it has continued to violate the right to freedom of expression and of the media despite its protection by the Constitution, the supreme law of the land. Section 268 (1) stipulates that the existing law after the commencement of this Constitution shall, *mutatis mutandis*, be construed with modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution. However, the government has not repealed the restrictive media laws nor enacted any media-friendly laws to foster the principles of constitutional democracy in order to protect freedom of expression and media freedom guaranteed in Section 24 (1) and (2). This has resulted in the Swazi media and the nation facing a constitutional dilemma: while the Constitution gives media freedom with one hand, the government is reluctant to implement it with the other. Worse still, Swaziland does not have a Constitutional Court where the media can challenge the existing restrictive media laws. This demonstrates that constitutional democracy in Africa has not produced any distinct rupture with the past (Ogbondah (2002). He sums up this common African situation as 'practice differs from promise'.

The Constitution contains onerous claw-back clauses which restrict the freedom of expression and media freedom provided for in clauses (1) and (2). Section 24 (3) of the Constitution undermines the guarantees of media freedom in its opening clauses. It derogates the opening sub-sections by stating that no law is able to contravene its provisions that are reasonably required in the interests of public interest, defence, safety, national security, public morality and health. It further confuses the impinging statutory provisions coming from the raft of laws that were predominantly in place before the commencement of the Constitution. Such broad limitations encourage the Swazi government to take advantage of their vagueness and ambiguity to justify its interference with media freedom. For instance,

Prime Minister Sibusiso Barnabas Dlamini has banned all the media houses, in the interests of public morality, from advertising MvTel lottery played by sending SMS. What constitutes public morality is a matter to be decided by the Constitution, which is there to guarantee freedom of expression. Neither MvTel nor the media have challenged the PM in court to prove whether such a ban could pass the internationally accepted test standards set by international instruments.

Furthermore, the Swazi government does not respect the individual's right to freedom of information and access to information provided in the Constitution. Maintaining strict control over information, as discussed in Chapter Five of this study, it has arrogated to itself the right to disseminate information, which is the *raison d'être* of the media. Government only releases information to the public as and when it is convenient for it to do so. This is often not done in the public interest, but as a damage control mechanism. It is quite clear that although the Swazi government may have signed and ratified a number of international and regional instruments, it is neither committed to nor prepared to uphold their fundamental principles, nor to honour their obligations. Access to information held by both government and big business is needed to strengthen the right of journalists and the public to information held and controlled by public and private institutions. Such a constitutional provision would help in the battle against corruption, embezzlement, bureaucracy and poor service delivery in both the public and private realms.

The ICT ministry, which should be championing the cause of media freedom, is caught in the trap of media freedom violation. It is set on a collision course with the media fraternity over the establishment of a media council to regulate the media. The ministry has found itself at loggerheads with three media bodies, namely MISA, SNAJ and SEF, because of its proposed statutory regulation for the print media against self-regulation which the media had finalised by the registration of the MCC. Both government and media acknowledge the social responsibility role of the media in society. However, they differ on their understanding of their responsibilities. While the media see their informational role as being in the public interest, the state favours the propagandist role as being in the national interest. Through self-regulation, the media will be able to foster democracy by putting government and business under public scrutiny and informing the public on issues of public concern.

Government wants to regulate the media in the interest of national development. Self-regulation would reduce state interference and promotes adherence to professional standards, but statutory regulation promotes interference in the interest of national priorities. The media and civil society see the role of the media as informational, while the government sees it as propagandist. The SMC is rejected by the media and civil society because they believe that government wants to control the print media and censor the content in the national interest. Through the Directorate of Information and Media Development, the ministry should be able to take charge of the exercise of reviewing media laws to create an environment conducive to the enjoyment of press freedom by the citizenry.

6.4 Legal constraints

Fraught with elaborate claw-back clauses, the Constitution has entrenched repressive laws. The government has exhibited little political will to amend these draconian media laws. The previous government, whose tenure ended in mid-2008, tried in vain to introduce seven parliamentary Bills, including the Freedom of Information and Protection Bill of 2007, the Swaziland Media Commission Bill of 2007, the Swaziland Public Broadcasting Corporation Bill, the Swaziland Broadcasting Bill of 2007 and the Books and Newspapers Bill of 2007. All these bills purported to protect the rights of the media guaranteed by the Constitution. However, since nothing happens in Swaziland without the consent of the traditional authorities, the Bills are presently not only gathering dust, but as written, have no value (MISA 2007:89). Government has added to its arsenal of restrictive laws the Suppression of Terrorism Act of 2008, which casts its net wide enough to gag the media. The current administration must embark on a media law reform exercise to bring the laws in line with the provisions of the Constitution.

Swaziland has a dual legal system, namely Roman Dutch (common) law and Swazi custom and law (customary). This duality poses a serious threat to media freedom from both flanks. Under the common law, the print media have attracted innumerable lawsuits instituted against them by influential members of Swazi society. They always invoke the libel laws to challenge the misconduct of the media, exemplified by invasion of privacy or defamation. Unscrupulous lawyers have, however, developed a tendency to invoke these laws against the media in a bid to shield their clients as well as to deflect media attention from their own

injustices. The libel laws have become a shield for unscrupulous lawyers and shady characters to cover up their injustices.

On the other hand, Swaziland uses the unwritten customary law which is based on Swazi culture. Unlike the former, one of the distinctive features of the Swazi law and custom is its fluidity, which makes it easy for rules to be subtly created, changed and applied on a need-to-have basis, often to the detriment and prejudice of the subject. By virtue of their well-established Western-style agenda-setting, watchdog and adversarial character, the media do not conform to the jurisprudence of customary law, influenced mainly by cultural dictates. This has resulted in perpetual hostility between the Western-type media and traditional authorities who hold the belief that the media want to destroy their traditions and culture. Whenever the principles of the dual legal system are in conflict, media freedom is infringed. Journalists are caught in the web of an avalanche of attacks. In traditional circles, their professional ethics succumb to the banner of respect of authority flagged under the name of *labadzala* (elders) and customary philosophers, which cannot take media practitioners anywhere, except to give them a one-way ticket to banishment and unpopularity.

In accordance with the Information and Media Policy, the media have adopted the Swaziland Journalists Code of Ethics. This code of ethics serves as a self-regulatory measure for the media. It prescribes the guidelines and good journalism standards to be voluntarily followed by media practitioners. What is of significance is that the code of ethics defines the duties of the media practitioners. It requires them to ensure that they serve the public with a high sense of responsibility. While disseminating information, the media must strike a balance between human rights and public interest, lest they be accused of abusing media freedom. Senior management and senior reporters mentioned the use of the code of ethics as a desirable measure for self-regulation in the two media houses. However, there is a lack of professional will and commitment to the ideals of this concept. The media houses may have adopted the code of ethics, but they are not enforcing it as a quality control and professional standards measure. For example, the majority of the content in analysed news stories was found to be unbalanced because they were single-sourced. Yet one of the requirements of the code of ethics is that journalists must provide balanced news, free of bias.

6.5 Extra-legal constraints

The content-analysed stories reflected three prominent manifestations of a lack of media freedom. These were characterised by a general lack of in-depth (critical) analysis, balance and diversity. A majority of them lacked critical analysis, background and interpretation, which are the signs of editorial freedom and independence. The stories were rather more event-based than issue-based. They did not promote public debate, which helps the public make informed choices and decisions. It has emerged that journalists do not have the latitude to probe issues. The pressure on journalists to generate more copy means they often resort to “armchair or telephone journalism”– i.e. they phone a few people and write the story. Stories lack balance because they are single-sourced and are seldom followed up. With story targets, there is shift of emphasis from news quality to news quantity. Some of the journalists in the two media houses work on a freelance basis and are paid per story or per centimetre of copy. So the more one writes the more one earns. This compromises the standard of journalism. The stories also showed a lack of diversity in terms of their origin and the sector of society accessed. There is generally little editorial interest in the rural and civil society sectors of society. Rural issues are ignored because the rural populace is illiterate and does not have disposable income.

Fear is so widespread in the media houses that news reporters cannot write freely on any subject. They have developed a habit of consciously suppressing or toning down news stories involving the high and mighty within Swazi society. This group of untouchables is composed of King Mswati III, the Queen Mother (Indlovukazi) Ntombi Tfwala, king’s wives, members of the royal family and the premier. This privilege is also extended to the traditional authorities, politicians, corporations, and high profile people and hangers-on. Journalists protect the media business interests by not offending interests of big business. The fear is heightened by organisational pressures. Editors tend to reprimand journalists for writing stories or comments on certain topics. While the king and traditional authorities summon publishers and editors to the royal residences to censure them, the captains of industry threaten to withdraw advertising. Politicians and influential people lodge complaints about journalists to the editors and media owners. This is more than a case of genuflection; it is fear of retribution on the part of the media practitioners. Widespread fear has bred self-censorship in the newsrooms.

Under the influence of Swazi culture, media practitioners are very selective in their coverage of news stories. This plays itself out in the omission of certain aspects of stories, and total news blackouts. The study has established that self-censorship is very common in both media houses, due to cultural considerations. As members of the Swazi community, news reporters are expected to adhere to stringent cultural traditions and values. Underpinned by cultural concepts, these are encouraged by euphemisms such as *bunftu*, *labadzala*, *kubindvwa kubonwa* and *live liyengcayelwa*, which means that media practitioners have to use indirect ways of addressing certain issues or rather not address them at all. News reporters ought to guard against the commission of cultural taboos at all times in their course of duty. These include the monarchy and traditional authorities. In the enforcement of the cultural rules, the traditional authorities have the power to declare what is 'unSwazi', uncultured and unpatriotic, or what is not. In such a society that still holds strongly to its culture, traditional and cultural rules force journalists to tread carefully and cautiously when conducting their duties (MISA 2004:99-101).

It has emerged that censorship is also rife in the newsrooms of the *Times of Swaziland* and *Swazi Observer*. Senior management interferes with editorial content because they are out to ingratiate themselves to the powers-that-be at the expense of media freedom. They sit in on editorial meetings and dictate to the editorial team what is to be published or not published. Senior management has fallen into the trap of self-censorship because it does not want to upset the monarchy, traditional authorities, politicians and high profile people. This has resulted in the suppression of the dissenting voices of the unions, and other civil society organisations in these two newspapers. Senior management has not only barred, but fired critical columnists. For example, columnists Mfomfo Nkambule and Mario Masuku were stopped from writing for the *Times of Swaziland*. They have been replaced with those prepared to sing the praises of the monarchy and government. This has paid dividends, as King Mswati III has rewarded members of senior management with plum posts in the Swazi National Council and Smart Partnership Secretariat. Besides this, the ministers reward understanding and cooperative news reporters with ministerial private secretary positions. The jostling for recognition among senior management and journalists has cost them editorial freedom and independence.

6.6 Recommendations

The study has certain recommendations that could possibly change and improve the state of media freedom in Swaziland under the new constitutional dispensation. One of these is that relevant media laws be enacted to support the constitutional provisions for freedom of expression and media freedom. The Constitution provides only a broad legislative framework because it is the supreme law of the land. The obtaining situation requires the government to make the necessary media laws to make the Constitution operational and implementable. This is imperative in an environment that has been characterised by a constitutional vacuum for a long period of more than three decades. There is a great need for subordinate laws that would be used in the implementation of Section 24 of the Constitution, which guarantees the right to freedom of expression and of the press and other media. This would be a solution to the dilemma surrounding the provision of freedom of expression and media freedom in the Constitution. The enacted laws would ensure that the media and citizenry enjoy freedom of expression and media freedom under the constitutional dispensation.

Another recommendation is the amendment of the 32 restrictive media laws to comply with the Constitution's recognition of the freedom of expression and of the media. It is unconstitutional that the Swazi government continues to enforce them in a constitutional dispensation. While the initial move of government to draft six amendments to parliamentary bills and one new bill in 2007 is commendable, government should work towards finalisation of the overdue amendments to the already identified restrictive media laws. All these bills are purported to improve the state of media freedom in the kingdom. Also, the beneficiaries, MISA, SEF and SNAJ, should make it their undertaking to apply pressure on government to finalise the amendment of these important bills. However, there is also a need for government to demonstrate some political will toward the provisions of the Constitution. It should stop using the outdated media laws to inhibit media freedom. If government is sincere about empowering indigenous media entrepreneurs, it should remove the prohibitive E15 000 cash bond deposit required for newspaper registration.

A further recommendation is that the media must lobby the lawmakers to make them aware of the meaning and importance of Swaziland's adherence to the principles and obligations of the international and regional instruments containing the right to freedom of expression. The legislators should come to terms with the fact that although Swaziland is unique because of

its culture, it is not an island. Until Swazi culture adapts to the globally accepted minimum human rights standards set by the international and regional organisations of which Swaziland is a member, the kingdom will continue to be rated by human rights and media rights organisations as being among the predators of press freedom in the world. The three media bodies should take advantage of the fact that the legislators have the power and the authority to change and make laws. They should convince them that it is imperative to now change the repressive pieces of legislation accordingly, to benefit the whole of Swazi society.

Finally, this study recommends that the journalists must receive formal training and education in order to understand the meaning of media freedom. However, there are still people in both media houses who think that media practitioners do not require any formal training and education to perform their duties. This notion is very destructive because it compromises professionalism and also limits the realisation of possible media freedom. It is a fact that unqualified journalists do not understand the meaning of media freedom and that knowledge would broaden their horizons. Most journalists learn on-the-job as cub reporters and rise through the ranks over the years. This exposes them to manipulation and also leads them to abuse media freedom out of ignorance.

Since ignorance and lack of education on media freedom is common among the Swazi community and journalists in general, it is important that media freedom education is imparted to members of the community and journalists. Rather than offering scholarships to the state-owned media practitioners, government should also consider media practitioners from the private media houses to upgrade them. This should be given top priority because media freedom cannot be implemented by ignorant and unqualified media practitioners. The University of Swaziland offers a three-year journalism and mass communication diploma. Plans are afoot to upgrade the diploma to a degree course. Besides this, there are a number of private institutions, which also offer certificates in journalism. Possi (2006:110) argues that the free media call for socially responsible media professionals who are able to uphold media freedom and act accordingly in their journalistic endeavours.

Media training and education is crucial because it will help prevent the sad situation in which unqualified journalists abuse freedom in the name of media freedom. The media houses themselves, jointly with MISA, must mount in-house training courses to sharpen the skills of

media practitioners. The three media bodies namely MISA Swaziland, SEF and SNAJ should engage civil society through organisation of seminars, conferences or symposia. The University of Swaziland, which should be a battleground for intellectual debates on diverse national matters, has put a stranglehold on freedom of expression and of the press. The Journalism and Mass Communication Department at UNISWA should hold debate on the role of the media and media freedom. The university should play its public role of being the conscience of the nation.

6.7 Limitations of the study

There were limitations to this study. One of them was the lack of access to key interviewees in both government and the media. As a result, the study lacked the crucial information on the Swazi government's understanding of media freedom. All the selected government officials were reluctant to be interviewed on the research topic. Similarly, the media management in both newspapers were also reluctant to be interviewed. This problem was further compounded by the absence of critical literature on media freedom in Swaziland in the new constitutional dispensation.

6.8 Summary and Conclusion

The main causes of lack of media freedom in Swaziland can be classified as constitutional, legal and extra-legal constraints. As mentioned in Chapters One, Two and Five, the Constitution guarantees the right to freedom of expression and of the media, but Section 24 (3) derogates that provision in the interest of defence, public safety, public order, public morality and public health. The latter are all sufficiently vague or ambiguous that the executive can use this sub-section of the constitution to justify interference with, for example, freedom of expression (Ogbondah 2002: 62). Under legal constraints, there are more than 32 pieces of legislation identified by the LMK Attorneys audit that inhibit media freedom. Ironically, these ordinary laws still supersede the authority of the Constitution. From an extra-legal perspective, socio-economic, cultural and political conditions for media freedom are not auspicious under the new constitutional dispensation. Social, economic, cultural and political realities continue to be serious obstacles to the enjoyment of media freedom in the kingdom.

In this regard and also in connection with the authoritarian theoretical framework propounded in Chapter Two of this study, the weighing of interest to yield positive results cannot be downplayed. Ogbondah (2002:75) argues that:

There is nothing like absolute press freedom. Vital societal interests may in certain circumstances outweigh the right to free expression. African governments must be convinced to change the constitutions so that the reasons for such restrictions are minimal rather than maximal, as the case tends to be now. Ideally, African countries need a strong and unequivocal statement in their constitutions that, like the First Amendment of the US Constitution, serve to prohibit the state from abridging the freedom of the press.

It has emerged in this study that media freedom, which is guaranteed by the Constitution of the Kingdom of Swaziland of 2005, exists only on paper, and not in practice under the new constitutional dispensation.

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APPENDIX

QUESTIONS FOR JOURNALISTS

Q1. As a journalist working in Swaziland, would you say you are able to write on any subject without any fear?

Q2. Are there any stories or comments on certain topics which you feel you should have written about but never got to do so because of certain pressures from either the country's authorities or your editors?

Q3. How does the Swazi culture influence your writing?

Q4. Have you ever been in a situation where you were reprimanded for story or comment you wrote in the newspaper?

Q5. Do you think the Swazi Constitution promotes or suppresses press freedom?

Q6. There are laws in the country that govern media operation. What is their impact on your work as a journalist?

Q7. What would you say are the challenges faced by the Swazi press with regard to media freedom?

Q8. What do you think should be done to ensure that the Swazi press is a vibrant source of news in the country?

QUESTIONS FOR MANAGEMENT, LAWMAKERS, GOVERNMENT & CIVIL SOCIETY

Q1. What would you say about the state of media freedom or lack thereof in Swaziland under the new constitutional dispensation?

Q2. Swaziland continues to be rated among violators of media freedom. What would be your comment?

Q3. What are your views on the proposed Swaziland Media Commission Bill vis-a- vis the suggested Media Complaints Commission?