



MEDIA ASSESSMENT

Media in **Mali** divided by conflict

A REPORT BY INTERNATIONAL MEDIA SUPPORT (IMS), MEDIA FOUNDATION
WEST AFRICA (MFWA), AND PANOS WEST AFRICA

ims

INTERNATIONAL
MEDIA SUPPORT

JANUARY 2013

Cover photo: Malian soldiers listen to the news on a radio in the liberated town of Diabaly 24 January, 2013.
Photo: Reuters/Eric Gaillard

For more information please contact:

Mr. Martin Landi, IMS Director of Conflict and Emergency Response: ml@i-m-s.dk

Mr. Finn Rasmussen, IMS Head of Department, Africa & Latin America, and Director of Development: fr@i-m-s.dk

International Media Support (IMS)

Department for Asia, Africa and Latin America

Nørregade 18, 2. Floor

1165 Copenhagen K

Denmark

www.internationalmediasupport.org



International Media Support

Nørregade 18, 2
DK-1165 Copenhagen K
Denmark
Tel: +45 8832 7000
Fax: +45 3312 0099
Email: ims@i-m-s.dk
<http://www.internationalmediasupport.org>



Media Foundation for West Africa (MFWA)

30 Duade Street, Kokomlemle
P. O. Box LG 730, Legon, Accra
Ghana
<http://www.mediafound.org/>



Panos West Africa

6 rue Calmette
BP 21132 Dakar
Sénégal
<http://www.panos-ao.org/>

Acronyms

| | |
|---------|---|
| AFISMA | African-led International Support Mission to Mali |
| AJPP | Association of Journalists for the Promotion of Professionalism involving journalists |
| AJSM | Association of Sport Journalists of Mali |
| AMAP | Malian Press and Advertising Agency |
| AMDH | Malian Association of Human Rights |
| APAC | Association of Professional African Communication |
| AQIM | Al-Qaeda in the Islamic Maghreb |
| ASSEP | Association of Private Press Publishers |
| AU | African Union |
| BBC | British Broadcasting Corporation |
| CEN-SAD | Community of Sahel-Saharan States |
| CNDH | Commission Nationale des Droits de L'Homme |
| CSC | Superior Council for Communication |
| CNEAME | National Committee for Equal Access to State Media |
| CNRDRE | National Committee for the Recovery of Democracy and the Restoration of the State |
| DIHR | Danish Institute for Human Rights |
| ECOWAS | Economic Community of West African States |
| IDEM | Institute for Democracy and Media Education |
| IMS | International Media Support |
| ITU | International Telecommunications Union |
| LIDH | International League of Human Rights |
| MFWA | Media Foundation for West Africa |
| MNLA | National Movement for the Liberation of Azawad |
| MUJAO | Movement for Oneness and Jihad in West Africa |
| ODEP | Observatory for Press Conduct and Ethics in the News |
| ODHP | Observatory for the Protection of Human Rights and Peace |
| ORJM | Organization of Young Reporters of Mali |
| ORTM | Malian Office of Radio and Television Broadcasting |
| RFI | Radio France Internationale |
| UEMOA | Economic and Monetary Union of West Africa |
| UNAJOM | National Union of Journalists of Mali |
| UPF | Inter-professional Union of French Journalists |
| URTEL | Union of Free Radios and Television of Mali |
| VOA | Voice of America |

Contents

| | |
|--|-----------|
| Map of Mali | 6 |
| 1. Executive summary and recommendations | 7 |
| 2. Introduction | 10 |
| 2.1 Objectives of the mission | 11 |
| 2.2 About the mission | 11 |
| 3. Overview of the crisis in Mali | 12 |
| 4. The media landscape | 14 |
| 4.1 Brief historical background | 14 |
| 4.2 Dominant features of the Malian media | 14 |
| 4.3 Legal framework | 15 |
| 4.4 Media in Mali | 17 |
| 4.5 Professionalism of journalists | 19 |
| 4.6 Main media associations | 19 |
| 5. Impact of the conflict on the media | 21 |
| 5.1 Media under the control of rebels in northern Mali | 21 |
| 5.2 Media in southern Mali | 23 |
| 5.3 Attacks on journalists | 23 |
| 5.4 Business management during the crisis | 25 |
| 6. Main findings and recommendations | 26 |
| 6.1 Access to information | 26 |
| 6.2 Information quality | 26 |
| 6.3 Working conditions and the safety of journalists | 27 |
| 6.4 Professional capacity and resources | 28 |
| 6.5 Regulation of media | 28 |
| 7. Annexes | 30 |
| Annex I: Background on Mali | 30 |
| Annex II: List of interviewees | 35 |
| Annex III: Literature | 36 |

Map of Mali



1. Executive summary and recommendations

This report presents the findings of the Media Assessment Mission to Mali from 13 – 19 October 2012 conducted by Panos West Africa, Media Foundation for West Africa (MFWA) and International Media Support (IMS) within the context of the present conflict raging in the country. The objective of the mission was to carry out an assessment of the impact of the crisis on the media sector, and to identify areas of the media sector in need of support in consultation with local media stakeholders.

In January 2012, the Tuareg National Movement for the Liberation of Azawad (MNLA) and the Salafist movement Ansar Dine and the Al-Qaeda in Islamic Maghreb (AQIM) commenced an armed uprising in northern Mali by attacking military camps. Already frustrated with the government's inability to control the lawless territories of Azawad, a group of officers under the leadership of Captain Amadou Sanogo, launched a successful coup on President Touré on 21 March 2012 in the capital Bamako. The conflict has since destabilised the country and prompted a French-led intervention in January 2013.

The events of 2012 have left a deep information gap between the north and the south of the country. Mali was perceived to have one of the most liberal media environments in the region, but the conflict has stalled the positive developments taking place in the area of press freedom and Freedom of Expression. This divide that now exists between media in the north and south of the country has amplified the old problems of political biases, lack of self-regulation and low journalistic standards.

While media in the south still has a functioning infrastructure and relatively easy access to information sources, media in the north has seen a destruction of the mass communication infrastructure and a shutdown of media, which has left the population in an information void. The few journalists in the north who have not fled to the other end of the country, remain at their own peril.

The main findings of the Media Assessment Mission to Mali cover five areas:

- Access to information: Several media outlets have been shut down, and Islamist groups control the information flow in and out of the country's northern region, leaving the population in the south unable to access information about the north and vice versa.
- Information quality: The northern media outlets, which remain in operation, publish propagandistic messages and the media in the south are thus unable to collect and report verified information on the situation in north. The media in both parts of the country are susceptible to coercion and bribery, which compromises the quality of their content.
- Working conditions and safety of journalists: Media outlets in the north have had their equipment stolen, and most are operating under threat of retaliation from Islamist groups. In both parts of the country, threatening phone calls, physical attacks and coercion are, or have been, constant concerns.



The Niger River in Bamako.
Photo: Martin Landi/IMS

- Professional capacity and resources: Journalists in both ends of the country may risk exacerbating tensions, because they are ill-equipped to work in conflict or post-conflict situations and are unaware of how to manage information in such contexts.
- Regulation of media: The existing regulatory bodies in Mali are not functioning properly. The crisis has exacerbated unprofessional behaviour and misconduct in the media and highlights the importance of establishing a functional mechanism to regulate the media.

Recommendations

Based on the findings, Panos West Africa, MFWA and IMS recommend that support for media in Mali focuses on the following key areas in order to enable the media to play a constructive role in raising awareness, mediating the conflict and promoting peace:

- Bridging the divide in access to information between the north and the south. This could be done through centralised production of radio programmes that are distributed through community radios in local languages. An international military intervention may also create possibilities for securing one or more radio channels that can reach the north.
- Enhancing the safety of journalists to enable an open and accessible gathering and distribution of information in the south and the north. This includes the training of journalists in safety measures, setting up a dialogue between security forces and media representatives, and establishing safety mechanisms for journalists.
- Strengthening the quality of journalism in Mali by providing relevant training to media workers. Particular focus should be given to promoting

a culture of peace and combating hate speech and other types of discrimination, including training in conflict sensitive journalism.

- Engaging civil society organisations committed to peace-building with the aim of strengthening their role as information providers and media monitors. Projects could be implemented that strengthen ethics in the media and diversify and enrich media content.
- Strengthening the capacity of journalist associations to allow them to play a key role in the development and implementation of the necessary legal and regulatory frameworks and support the safety of journalists.
- Enhancing journalists' possibilities of playing a role in reconstructing Malian society by providing them with training and information on relevant topics such as covering elections and the role of an international military intervention.
- Accelerating changes in the professional and legal framework of media that are conducive to the production of reliable and relevant media content. This includes reviving the establishment of one regulatory body with a clear mandate to regulate media, as well as ensuring proper regulation of community radios.

Acknowledgements

The Media Assessment Mission to Mali wishes to thank the Danish Institute for Human Rights (DIHR) for providing valuable input to this report. The mission team also wishes to thank Professor Talata Maïga for his support during the visit to Mali.

2. Introduction

2012 marked a turning point in Mali, a country which had been held as an example in the region for its democracy and rule of law. Mali was listed at the 25th place on the Reporters without Borders' (RSF) Index of Freedom of Expression for 2011-2012¹ and according to human rights organisations and the Commission Nationale des Droits de L'Homme (CNDH), civic and political rights were generally respected. The media environment in Mali was also considered one of the most liberal in the region.

This image of Mali fell apart in 2012 when historical claims and frustrations of the Tuareg people in the north were mobilised in conjunction with Islamic fundamentalists. This, combined with the 2011 fall of the Gaddafi regime in Libya that brought weapons and combatants into Mali to reinforce local movements set off the current conflict in the country. Mali is now in a critical phase dealing with unsolved internal institutional weaknesses, a clear lack of local governance and regional destabilising factors.

When the Tuaregs in a short-lived opportunistic alliance with Islamic fundamentalists commenced attacks in northern Mali and later declared the independence of the region Azawad², with a historically weak presence of the national state, the government lost control of the territory. In the south, political instability followed the events in the north, with a military coup in March 2012. The interruption of the democratic process brought an end to the praised rule of law in Mali.

The challenges of both the north and the south of the country have stalled the economic development in a country that was already one of the poorest in the world. In addition, as a consequence of the conflict in the north, there is an increasing humanitarian refugee crisis with displacements of the population from north to the south and to neighbouring countries combined with an existing food security crisis.

In this context, the media's working conditions have deteriorated considerably during 2012 with increasing violence against journalists across the country. The right to access to information has been severely challenged, and there is a divide of information between the south and the north where most journalists have had to cease their activities.

Journalists in the north who refused to collaborate with the armed groups have been physically punished or threatened. Many have left for the southern part of the country, which has resulted in an information vacuum in the north.

At the time of publication of this report, the international community had begun a military intervention backed by a United Nations Security Council resolution (UNSC2085) from 20 December 2012. There was a strong national and international demand for immediate international military action led by the Economic Community of West African States (ECOWAS) and for carrying out elections in 2013 to reinstate security and choose a legitimate government. The international force is called the African-led International Support Mission to Mali (AFISMA), is organised by ECOWAS and is constituted by troops from five African countries with the support of the United States and a number of European countries.

¹ <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>

² *The independence of the Azawad region of northern Mali was declared unilaterally by the National Movement for the Liberation of Azawad (MNLA) in April 2012. It encompasses the regions of Timbuktu, Kidal and Gao covering 60% of the Malian territory.*

However, there is internal opposition in Mali against the military intervention that could be seen as a foreign invasion if not led by the Malian army, which is already divided in different factions. The lack of territorial integrity poses problems to the legitimacy of an election since the population in the north (15% of the total population), as well as most of the displaced population, will not be able to vote.

2.1 Objectives of the mission

Mali faces a huge challenge to restore its territorial integrity, to return to a democratic path and the restoration of rule of law. Media can play a substantive role in restoring the social fabric of the Malian society that is being torn apart by the conflict, and will also play a part in potential future elections and in connection with the military intervention in the north. Media can also contribute to decreasing the already exacerbated ethnic tensions across the country.

In this context, the joint mission to Mali had two overall objectives:

- 1) To carry out an assessment of the impact of the crisis on the media sector
- 2) To identify areas in need of support within the media sector through consultation with local media stakeholders.

This report is the outcome of the mission and its conclusions and recommendations constitute the initial steps of the joint projects of the three organisations in Mali in cooperation with local media partners and journalists.

2.2 About the mission

The media assessment mission to Mali took place from 13 - 19 October 2012. It was conducted in partnership between Panos West Africa, Media Foundation for West Africa (MFWA) and International Media Support (IMS) in consultation with the Danish Institute for Human Rights (DIHR). Both Panos West Africa and MFWA have a long history of working with media in Mali. With their assistance, the mission members were assured that the right network of contacts was consulted during the mission.

Due to the on-going conflict and for security reasons the mission was geographically restricted to Bamako where most of the major media organisations, governmental institutions, print media and civil society groups are located. Journalists from the northern part of the country were invited by the mission members to the capital in order to be interviewed about their current situation and meetings were held with groups of community radio journalists from across the country.

The mission consulted multiple stakeholders including state and private media, civil society, directors of radios and journalist associations. Mission members also met with the Ministry of Communication to collect information about the functioning of the regulatory system and its needs.

Due to the distinctive nature of the conflict in the north and the political crisis in the south the mission paid specific attention to the realities of media and journalists in both parts of the country.

The mission team was composed of Pauline Bend Hugues, Panos West Africa Programme Director, Sulemana Braimah, MFWA Deputy Executive Director, and Martin Landi, IMS Director of Conflict and Emergency Response.

3. Overview of the crisis in Mali

In January 2012, the Tuareg National Movement for the Liberation of Azawad (MNLA) and the Salafist movement Ansar Dine and Al-Qaeda in the Islamic Maghreb (AQIM) commenced an armed uprising in northern Mali by attacking military camps.

The success of the rebels in the north enhanced the frustrations of many rank-and-file officers in the Malian army with the government's inability to control the lawless territories of Azawad. As a consequence, a group of officers under the leadership of Captain Amadou Sanogo launched a successful coup on President Touré on 21 March 2012. Immediately there was a suspension of the constitution and the dissolution of the institutions of the Republic. In the streets of Bamako, supporters of the coup violently confronted opponents leading to a death toll of 28. The international community unanimously condemned the coup.

The political instability in the south helped the rebels gain further ground in the north by conquering Kidal, Gao and Timbuktu – three key cities. The MNLA claimed self-determination and independence of Azawad and this was immediately followed by a call by Ansar Dine for the establishment of an Islamic republic with the application of Sharia law in the three northern regions of Mali. This imposition violated freedom of thought, opinion, and association. Local self-appointed judges condemned thieves to have their hands and feet amputated in full view of local populations. Unmarried couples were stoned to death and media was silenced or co-opted.

The conflict in the north and the interruption of the democratic process of the national government in the south unveiled Malian institutional fragilities, deeply rooted historical conflicts and ethnic tensions as well as regional dynamics that are rapidly changing the Sahel region. Factors such as the economic and demographic changes (growth and urbanisation with large segments of unemployed youth) and increasing criminal activities (such as trafficking of arms, commodities, people, drugs and kidnappings) over the last decades have had a profound impact on the country since its transition to become an independent country, created cross-border insecurity, and threatened stability in the region.

These factors and the lack of regional stabilisation and leadership after the fall of the Gaddafi regime in 2011 "sheds some light on how minor groups such as the AQIM, with maybe less than 1,000 fighters, or the MNLA, with no more than a maximum of 3,000 fighters, were able to acquire such importance so quickly".³

In this context, the media's working conditions deteriorated steadily during 2012 with increasing violence against journalists across the country. Media outlets shut down and print media had distribution difficulties in the north while coercion was exerted on media in the south. The consequence of the conflict on media was that it created an information divide between the south and the north where most journalists were forced to cease their activities. In addition, the coup in the south resulted in an attempted take over of state and private media outlets which continue to suffer severe economic constraints. Several critics of the coup have been punished and only few independent voices in the media remain in Mali.

³ Roland Marchal "The reshaping of West Africa after Muammar Qaddafi's fall". NOREF report, October 2012. P. 3.

In northern Mali local journalists who have refused to collaborate or be co-opted by the armed groups have been punished physically or threatened. The threat and violence of extremist groups, the closing of radios, and the lack of work has forced journalists to flee south. While violence raged in the north of the country, some private radios in the south were heard inciting hatred against ethnic groups like the Tuareg people. This contributed to man-hunt episodes and street violence in Bamako during the first months of 2012.

With the French-led military intervention in the north of the country there will be new challenges facing the media in their plight to contribute to the rebuilding of society and to their working conditions in general. Media has a role to play to encourage the public to coexist peacefully following a conflict and further mutual understanding between different communities through impartial, balanced and informed reporting. In addition, media can help to promote national unity, support the territorial integrity and rebuild the social tissue of society torn to pieces by the conflict.

The failure to obtain territorial integrity and return to the path toward democracy in Mali may not only have national, but also regional consequences:

1. Mali could destabilise the region and potentially constitute a direct security threat to Europe by becoming a harbour for Islamic extremism. In addition to this there has been a rise in crime such as kidnappings, the trafficking of drugs, weapons and people, and the smuggling of goods, which is funding the extremist groups.
2. A humanitarian refugee and food crisis is already affecting Mali and its neighbouring countries.
3. Mali will suffer economically as conflict and political instability discourages investments in the country. This will also affect regional trade with Bamako which is one of the largest cities in the region.
4. The political consequences of a failing Malian democracy and the inability of Malian politicians to address the needs of the population may have a regional impact in that the weaknesses of the regime are exposed, leading people to question the benefits of a democratic government.
5. The failure of the Malian media to move forward towards more freedom is a setback not only for Malian media, but also for media in the region. Despite its challenges and weaknesses, Mali had prior to the crisis developed a media landscape with features that remain a regional role model.



The streets of Bamako.
Photo: Martin Landi/IMS

4. The media landscape

4.1 Brief historical background

"The French colonizers realized early on that the press could be of great use in this business of conquest and domination. So in all its colonized states France had its media outlets disseminating messages."⁴ During the last years of the colonial period (until 1960) some political parties and unions created their own publications allowing for some levels of pluralism of voices in the country. The national radio of Mali was established in 1957 as a state institution.

During the period from independence in 1960 to the military coup in 1968 there were several attempts to create new publications. However, after the coup, many closed and others were held under the control of the military.

With multiparty democratic elections in 1991 and a liberalisation of the media market in 1992, the media landscape was radically transformed with new publications and the creation of private radios across the country. This was a period in which media outlets clearly identified with different political parties. This new dynamic fostered the creation of new media laws and a code of ethics. Also, the constitution of February 1992 includes references to freedom of the press and information.

4.2 Dominant features of the Malian media

Before the events of 2012, Mali had a thriving media sector and a regulation mostly favourable to Freedom of Expression. Malian media development has been held as a regional model and received strong technical and financial support from international and regional organisations. Despite this, according to Mamadou Kaba, the managing director of Radio Télévision du Mali: "The Malian media still has two faces: on the one hand that of a vibrant and free press which is not subjected to censorship, seizure, or arrests and, on the other hand that of a press characterised by excesses and grave violations of the law and ethics of the profession, in complete impunity."⁵

With the current crisis and ensuing economic instability, media outlets are now more politically influenced and divided than ever. Before the conflict, self-censorship and politically influenced media existed side by side with favourable media laws. Influence on media was exerted through coercion, abuse of the national budget for state advertising, or by modifying tax conditions of specific media outlets.

Prior to 2012, journalists exercised varying levels of self-censorship. On one hand, they were influenced by religious and social norms. During late 2011, Mali's media began to practice self-censorship in relation to protests against a new conservative family law. The new law was hardly reported on in the media. A press conference was organised by women's and human rights associations at the umbrella organisation Maison de la Presse in October 2011 which all media outlets attended, but only one small, unknown newspaper reported on the issue. The media feared the wrath of radical Muslims who had demonstrated in favour of the conservative family law.

During 2012, the coup dealt a blow to freedom of media and expression. While chaotic conditions plagued northern Mali, violations of freedom of the

4 "L'état de la presse écrite". Presentation by Tiégoum Boubèye Maïga at the Third National Conference of Information and Communication. 24 December, 2009.

5 <http://cpj.org/blog/2010/08/malis-press-the-paradox-of-its-two-faces.php> Mamadou Kaba was managing director of Radio Télévision du Mali (ORTM), the chairman of the High Communications Council, and a correspondent for Reuters.

press in southern Mali, particularly in the capital, were considerable in the first four months following the coup. In addition – as a regulatory consequence of the coup – in February 2012 a new audio-visual law was promulgated, but the coup and the general political crisis stopped its implementation.

Media demographics reflect a multi-linguistic and multi-ethnic media scene. Despite the numerous media outlets most newspapers only circulate in Bamako and in the main cities.

Radio continues to be the main media with the widest outreach. Prior to the conflict, radio coverage reached 90% of the population. The broadcasting is split between private community radios, non-commercial radios, cooperatives, and state and private radios of a commercial nature. Radio plays an important role due to Mali's adult literacy rate of 26%⁶. Community radios broadcast in local languages in rural areas and are important sources of information with a high level of legitimacy.

Since the democratic process of 1991 began and up to 2011 Mali did not see any journalists prosecuted and cases of violence were rare. The security situation of journalists deteriorated rapidly during the last two years, both in the north and the south. There are now no mechanisms in place for the protection of journalists and the relationship between media and the security forces is characterised by distrust.

Malian media also suffers from lack of professionalism and training. This is reflected in the quality of the treatment of information that rarely includes serious investigative journalism. There is a code of conduct in place for journalists, but it is mostly ignored and tight economic conditions and low salaries make journalists prone to corrupted practices.

4.3 Legal framework

National Constitution: Freedom of Expression and freedom of the press

The Malian constitution after the referendum of January 1992 and other regulatory legal frameworks guarantee Freedom of Expression and freedom of the press.

Part I, Article 4 entitled "The Rights and Duties of Human Dignity" in the constitution states that: "Every person has the right to freedom of thought, conscience, religion, worship, opinion, expression, and creation in respect to the law."

Freedom of the press is presented in Article 7: "Freedom of press is recognised and guaranteed. This is expressed according to the conditions defined by law. Equal access for all to the media of the State is assured by an independent organisation; that organisation shall define the laws which assure such access."

In addition, Mali has signed various international and regional conventions that are also reflected in its national legislation such as the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981.

Media laws

There are a number of legislative and regulatory mechanisms related to media:

- Law No. 00-46/AN-RM of July 2000 regulates Freedom of Expression and press offenses. This law limits freedom of expression in cases of media promoting racial, national, religious hatred and incitement to murder.

⁶ UNICEF: http://www.unicef.org/infobycountry/mali_statistics.html. Definition of adult literacy rate: Percentage of persons aged 15 and over who can read and write.

- Edit No. 92-337/P-CTSP allowed private ownership of media for the first time after the first multi-party elections in 1991. This edit establishes the rules for the licensing of frequencies for radios. Once implemented radios mushroomed all over the country. Among other issues, it establishes that the request should come from a Malian national and with the objective of utilising the license within national territory. The rules for granting licenses are established, but whether or not the procedures are implemented is mostly based on the personal and political influence of the applicant.
- Decree No. 92-022 of 2002 regulates the granting, suspension or withdrawal of licenses for private broadcasting.
- Decree No. 02-22 7/P-RM from 2002 concerns the type-status of the private radio broadcasting services by terrestrial waves in frequency modulation (FM).
- Inter-Ministry order No. 92MC-Mat/Cts/Ass-Mscp establishes the specifications of the private radio broadcasting services by terrestrial waves in FM.
- Order No 95-0331 Mfc-Cab establishes the royalties for the private audio-visual communication services.

Regulatory bodies

The Superior Council for Communication (CSC) and the National Committee for Equal Access to State Media (CNEAME) play the role of media regulatory bodies. The self-regulatory body is the Observatory for Press Conduct and Ethics in the News (ODEP).

The CSC was established by Act No. 92-038/AR-RM, 24 December 1992 and has nine members. It is the state entity responsible for ensuring the right to public information, accurate information and equal access to media. In practice, it plays the role of an advisory body more than a regulatory body, as the state media are still under the control of the government.

CNEAME is established under the Malian constitution, Article 7 and created by the Organic Law No. 93-001/AN-RM January 6, 1993. It has seven members and ensures equal access for all to state media under the conditions laid down in the laws and regulations. It manages and monitors airtime and editorial space devoted to candidates and political parties during election campaigns. It is empowered to impose sanctions on the director of ORTM or the Malian Press and Advertising Agency (AMAP) as a warning, notice, or for corrections of all or parts of a programme. It offers government support measures to state media. The CSC and the CNEAME both function as advisory bodies.

Years after their creation, these two entities have proven not to have any real power. A plan is currently underway to return to a body that will regulate all sectors: the press, broadcasting (radio, TV), and online media, but the process is stalled due to the current political situation. It will draw on the experiences of similar bodies in Benin and Burkina Faso and will rely on the existence of several structures in Mali and independent regulation functioning correctly. The creation of this body will be based on a law from February 2012 on the liberalisation of the audio-visual sector. The law was adopted by the government and the parliament, promulgated by the former president. Consultations were underway with various stakeholders for the establishment of a regulatory body by December 2012, but given the current political instability this initiative has been stalled.

There are several regulation problems for radios that the authorities need to address. 30 radios are working without authorisation from the government,

around 40 broadcast on frequencies other than those assigned to them, and 50 are established in locations different to those stated in their permits.

Self-regulation

The Observatory for Press Conduct and Ethics in the News (ODEP), which plays the role of a self-regulation body was created in 2001 by journalists, but it has had little impact. According to Mr. Cheick Omar Maiga, Secretary General of the Ministry of Communications, self-regulation does not exist in Malian media and initiatives on this will hardly get support from media owners.



A radio presenter on-air at a rastafari show at Radio Hanna Gao.
Photo: Martin Landi/IMS

4.4 Media in Mali

Radio

Radio is the most prominent media in Mali as the main newspapers and publications are only distributed in Bamako and other large cities. Since the liberalisation of the airwaves in 1992 the number of private radios has multiplied exponentially. At the onset of 2012, approximately 500 licenses have been issued by the government to create associative, commercial and community radios.

Before the conflict there were 369 different private radios operating in the country conforming to the regulatory framework. These radios provided coverage to approximately 80% of the population. In the city of Bamako alone there were 16 private radios and two public ones. In Sikasso, there were 52 radios, in Kayes there were 47 radios, in Koulikoro there were 35, and in Segou there were 55. In addition, there were eight public regional radios from the Malian Office of Radio and Television Broadcasting (ORTM). As a consequence of the conflict in the north, private and public radios operate almost only in

the south of the country. In the north some radios have been taken over or co-opted by some of the rebel groups.

There is a wide network of community radios divided in several associations. The most important is the Union of Free Radios and Television of Mali (Union des Radios et Televisions Libres du Mali, URTEL) which is an umbrella organisation of approximately 250 radios. There are two other networks: Kayira that counts 16 radios and TDM networks that covers 17 radios. These radios provide fundamental information in local languages and enjoy high levels of trust within the communities they operate in.

Despite the wide radio coverage in the country, most radios do not comply with basic technical and ethical standards. They are characterised by non-professional staff, lack of equipment and safety measures and lack of financial resources.

Foreign radio content - such as that of Radio France Internationale (RFI), BBC Africa, Deutsche Welle and Voice of America (VOA) - are relayed by Malian radio without being covered by any type of regulation. In addition, the ORTM radios relay content from Radio Beijing, Radio France Internationale, La Radio AFRICA N°1, and BBC Africa.

Newspapers

There were over 300 newspaper licenses issued for private newspapers, but at the closing of this report only 30 dailies and weeklies appear regularly. All newspaper distribution is geographically limited to newsstands in the city of Bamako. Even before the crisis, 90% of the newspapers were circulated only in Bamako. Circulation numbers are low with 300 to 1,500 copies printed a day.

There are also regional publications in the main local languages such as Bambara, Fula and Soninke. The only national newspaper in French, L'Essor, is state-owned. The impact of print media is limited due to the low literacy rate.

Television

Mali still does not have regulation covering private TV channels. TV reception is limited in many areas of the country due to a lack of electricity and TV sets. Currently, there are two public channels located in Bamako city (TM2 and Africable TV) and one national TV channel. ORTM rebroadcasts satellite-received content from 150 international channels.

Internet and social media

Mali ranks in the bottom ten of the countries in the world with the lowest levels of internet connectivity⁷. According to the International Telecommunications Union (ITU) there were 414,985 internet users in Mali as of December 2011, representing a total of 2.9% of the population, with access only available in major cities. There are only a few online publications with very little impact. A number of journalists have utilised their personal Facebook pages to upload their articles, but due to the low levels of internet penetration, this had also had a low impact. However, the internet has provided media and journalists with access to international content which has multiplied their sources of information.

There is still no legislation in Mali that covers new media and there have been no cases of journalists prosecuted for online publication.

In the northern part of Mali where internet connection has been limited and where the Islamist groups have closed cybercafés, there is still a possibility of access through phone networks.

⁷ <http://www.itwebafrica.com/internet/334-africa/229934-africa-ranks-low-regarding-global-web-usage-stats>

State media

There are two public state media outlets administered and financed by the state. They are supposedly autonomous, but economically dependent on the government. During the coup in March 2012 their premises were taken over by the military which was seeking control of content and management of the stations.

The Malian Office of Radio and Television Broadcasting (ORTM) was created in 1992 and is tasked with the mission to design, produce and broadcast all programmes on radio and television to meet the need for information, education and entertainment of the public. It develops its productions and maintains its own equipment, networks and transmission facilities.

ORTM runs:

- A national TV channel
- One local TV channel in Bamako
- Radio Mali, a national radio
- Eight radio stations in regional capitals. The three radio stations located in the north (in Timbuktu, Gao and Kidal) have been destroyed or cancelled by armed groups since February 2012.

The state radio broadcasts in French as well as in ten local languages. ORTM transmits its programmes in Bamako and the rest of the country by satellite through a network called Sotelma. It also disseminates its programmes internationally by satellite to the rest of Africa, Europe, the Middle East, and North America to cater for Malians abroad.

The Malian Press and Advertising Agency (AMAP) is the public and only national news agency with 50 correspondents and coverage in almost all territories prior to the conflict in the north. It also provides domestic news pieces to different media outlets.

4.5 Professionalism of journalists

The liberalisation of the media sector led to a multiplication of media outlets and resulted in a score of young job seekers turned journalists who were not educated reporters. According to Bréhima Touré, a journalist L'Essor, less than 10% of the active journalists have graduated from journalism school and this affects the quality of their output.⁸

Despite the fact that a code of conduct has existed since 1991, only few journalists work in accordance with professional standards, and information processing is random. Dissemination of unverified information takes place regularly and so does the use of media outlets to carry out personal attacks. There are also examples of journalists, however, that make an effort to provide good quality journalism.

Besides the political influence on media, other factors influencing the quality of the information is the poor qualification of journalists, low wages, absence of job security and collective agreements.

There are high levels of self-censorship due to social and cultural reasons as well as job security and physical safety.

4.6 Main media associations

There are more than 50 media associations and professional media networks that are meant to act and protect the interests of their members.

⁸ Quoted in IREX's *Media Sustainability Index 2009*. P. 236.



A news room in a local radio station in Bamako.
Photo: Pauline Bend Hugues/
Panos West Africa

The main associations are:

- The National Union of Journalists of Mali (UNAJOM), the first association created in Mali. It is also a member of the Union of Journalists of West Africa, a sub-regional organisation
- The Association of Journalists for the Promotion of Professionalism involving journalists (AJPP)
- The Malian section of the Association of Professional African Communication (APAC / Mali)
- The Malian section of the Inter-professional Union of Journalists French (UPF / Mali)
- The Association of Sport Journalists of Mali (AJSM)
- The Organization of Young Reporters of Mali (ORJM).

Employers' associations:

- The Association of Private Press Publishers (ASSEP)
- The Union of Free Radio and Television of Mali (URTEL)
- The Trustees of the Press.

These associations and networks are grouped in Maison de la Presse, an umbrella organisation which has as its main mission to strengthen the information sector and improve the level of professionalism of the media through training and development of various media actors.

There are several local associations and NGOs that play a role in monitoring Freedom of Expression and independent media. The main ones are: the Institute for Democracy and Media Education (IDEM), the International League of Human Rights (LIDH), the Malian Association of Human Rights (AMDH) and Observatory for the Protection of Human Rights and Peace (ODHP).

5. Impact of the conflict on the media

The events of 2012 have had a profound impact on the media in Mali and have created an information divide between the north and the south of the country. This divide has led to contrasting environments for the journalists who work in the different ends of the country. It has also amplified long-lived issues of political bias, lack of self-regulation and low journalistic standards.

Media outlets in the north and the south do not share the same fortune. While the south still has functioning infrastructure and information sources which are relatively easily accessible, the mass communication infrastructure in the north has been destroyed leaving the population without access to reliable information. At times, people in the north are able to pick up short-wave radio signals, but their general access to information is very limited.

"There is a lot of noise around the crisis, but little information. People do not really know what is happening," expressed Mrs. Fatoumata Maiga, President of the West Africa Network for Peacebuilding in Mali (WANEP-Mali).

Journalists across the country are unable to properly inform about the crisis. In the south, there is no information on what is happening in northern cities such as Gao, Kidal and Timbuktu. The media in both parts of the country are unable to verify information or assess the well-being of the population. The three regional stations of the Malian Office of Radio and Television (ORTM) in the above-mentioned cities have been damaged or closed by the Islamist groups. Of the 15 community radios in the region of Gao, several have had to close and three are currently operating under tight content control by the Islamists. The radio station network Jamana has temporarily closed its radios in Timbuktu.

Most journalists, radio presenters and technicians from Gao, Timbuktu and Kidal have fled to take refuge in Bamako, in other regions of the country or in neighbouring countries. This has caused a lack of information about the situation on the ground, the humanitarian situation and people's living conditions. After the regional ORTM radio stations were left inoperable, most staff members were redeployed to the southern regions. Those who remain, such as Mr. Issa Idrissa, director of Radio Hanna in Gao, underlined to the Media Assessment Mission to Mali that radio exists as the only platform able to connect local communities to the rest of the country and the world.

By the end of 2012, all media outlets and journalists in the south were able to continue their work, save for the lack of information on the political situation in the north and the recollection of the security threats they faced in the immediate aftermath of the coup.

5.1 Media under the control of rebels in northern Mali

"The Islamists understand media better than the government," said Mr. Dramane Aliou Koné from the Association of Editors of Private Media (ASSEP). "The national government does not even have a porte-parole [spokesperson]."

Kassim Traoré, President of the Organization of Young Reporters (ORJM), expressed to the assessment mission team that it is easier to obtain

information from the rebel groups that use the media for propaganda purposes, than from the authorities who have opted for an information policy similar to a blackout since the military coup in March 2012.

Before the crisis, the Malian Press and Advertising Agency (AMAP) had a number of branches and correspondents throughout the country. With the crisis, correspondents in the north who were already working unpaid and under very difficult conditions all abandoned their posts and moved to the south. Without the journalists, the agency relies on local civil society organisations and teachers to verify the information it publishes. Knowing that information published and sent to the south is tightly monitored, and fearing retaliation from the Islamists, the agency does not publish its stories under its own label or reveal its sources.

In addition to shutting down radios and local publications, preventing the distribution of national newspapers, and destroying communication infrastructure, the Islamist groups have also tried to co-opt journalists and community radios for their own propaganda purposes. According to the testimony of Mr. Malik Aliou Maiga, a radio presenter, some local journalists in Gao have been offered up to \$700 USD per month (equalling almost one year's salary) to work for the Islamist groups.

Radios under the control of the Islamist groups are used for propaganda purposes reinforcing the imposed sharia law in the three northern regions of Mali. These radios have reduced their hours of operation due to personnel restrictions and lack of electricity and their programming mostly disseminates prayers and propaganda material.

The enforcement of the strict religious rules differs in each city. In Timbuktu the few journalists who remain are unable to work freely and are obligated to inform the Islamic police about their writings. By the end of 2012, some journalists have gone back to Timbuktu, Gao and Kidal where they keep a very low profile.

A rastafari show at Radio Hanna Gao.
Photo: Martin Landi/IMS



Controlling the flow of information is also done by restricting activities in public spaces. Markets have restricted their activities on Fridays, there is fear of speaking openly and women are only allowed to speak with other women in markets.

With regards to connectivity, internet cafés are closed but some mobile internet coverage is available from phone companies, allowing for low-speed connections through for instance USB-modems. There is no TV reception in the north, leaving shortwave radio as the only potential channel of news from outside the northern region.

As for newspapers, Mr. Souleymane Drabo, the CEO of AMAP, recognises that there is no practical way of distributing them in the north. Some of the journalists which AMAP rely on, have been able to reach the northern cities of Kidal and Gao by travelling with humanitarian convoys which provide some safety from the armed groups.

5.2 Media in southern Mali

Even though media products can be circulated freely in the south and radios are still operating, the political crisis has created a difficult environment for the journalists who work there. Some have suffered threats and attacks, in particular in the immediate aftermath of the coup in March 2012.

From January to March 2012, and after the MNLA had declared the independence of the Azawad region, the national media did not properly report on what was happening in the north, either because it was prevented from doing so by the government, or because it was unwilling. The journalists who did report on the crisis were accused of providing information to the enemy. The MNLA declaration of independence provoked episodes of targeted pursuit against the Tuaregs, especially in Bamako and its surrounding areas. Here, private radio stations were inciting hatred against them, and entire Tuareg families went in hiding or left the capital between January and March. Mauritians residing in Bamako were mistaken for Tuaregs due to the fairness of their skin, forcing them to flee to their embassy.

The first objective of the coup was to take over the state media. The Office of Radio and Television of Mali (ORTM) and the Malian Agency for Press and Publicity (AMAP) are the two state media bodies. Both are headquartered in Bamako. On 22 March, the ORTM was the first destination of the junta. The national broadcaster suffered serious damage and looting of equipment and personal belongings. Moreover, the building itself was transformed into the headquarters of the military. ORTM employees were forced to continue working, now producing and distributing materials favorable to the military. The premises of ORTM were occupied for three months. The private media increased its practice of self-censorship and the public media outlets became a communication tool for the new authorities.

5.3 Attacks on journalists

During 2012, and primarily in its first half, a number of journalists were assaulted throughout Mali.

“The situation in the north and the coup are very sensitive issues about which we cannot speak freely for fear of reprisal from the government as well as from the rebels. We do not know who does what. Today soldiers are charged with assault, but how can the government take any responsibility when it

does not even provide the media with security?" stated Haméye Cissé, editor of *Le Scorpion*, a weekly newspaper, and president of the Union of Journalists of the French Language to the mission team.

Several cases of attacks on journalists were mentioned to the mission team. Among them, the most detailed accounts are:

Southern Mali

- Omar Ouahmane, the special envoy from the French public radio channel France Culture, was attacked by the military on the night of 28 March after the coup, while returning to his hotel in front of the ORTM. He received death threats from soldiers. His ordeal ended at 6 AM, 29 March, following the orders of an officer.
- On 12 May, Birama Fall, editor of the biweekly "Le Prétoire" was detained for four hours by state security at its headquarters. Agents accused him of having a telephone conversation with a former minister. The conversation had revealed the location of an alleged mass grave of the Malian army's elite force and Touré-loyal Red Berets at Diago, a few kilometres outside Bamako. As that information could not be verified, Birama Fall refused to publish it but he was nevertheless accused of threatening national security by the junta based on their recording of the conversation.
- On 16 May, Saouti Haïdara was briefly arrested by three officers from state security and questioned about the source of an article published the week before. In July, Saouti Haïdara was attacked at the headquarters of his newspaper "L'Independent". He was forced into a pick-up vehicle, later beaten and abandoned by his attackers. His ordeal finished with a broken arm and several stitches to his head.
- On 2 July, Abderamane Keïta, editor of the newspaper "L'Aurore" was kidnapped and beaten by gunmen.

Northern Mali

- On the night of 5 August, four armed men of the Movement for Oneness and Jihad in West Africa (MUJAO) stormed the studio of Radio Adaar Koima in the northeastern city of Gao. They attacked the host Malick Aliou Maiga, who is also a Voice of America (VOA) correspondent, when he hosted a live broadcast. The attackers took him away and beat him with rifle butts until he lost consciousness. He was accused of having utilised Radio Adaar Koima to encourage the public to protest against MUJAO. At the time, Adaar Koima was the only functioning radio in Gao. Malick Aliou Maiga said that it was not his first maltreatment, as he had already been the subject of intimidation and harassment by local authorities before the fall of President Touré because he was considered a "troublemaker" due to his journalistic activities. Since April 2012, he was attacked three times by radical Islamists who finally closed down his radio station in August. Malick Aliou Maiga was subsequently forced to flee to the south of the country.
- In a town located around 100 kilometres east of Gao, the Director of Radio Sonni Ansongo, Mrs. Fatoumata Maiga Abdou, was dismissed from her post by the Islamists and replaced by one of their agents under the pretext that "women should not lead men". The radio has now been completely taken over by the Islamists who have turned it into a means of propaganda. After being dismissed from the radio Mrs. Abdou was kept under close supervision by the Islamist groups. She finally decided to take refuge in Bamako.

Media and security forces

"The only safety of journalists is that they can scream," expressed Mr. Souleymane Drabo, CEO of AMAP. The media and the national police possess a strong mutual distrust. At the closing of this report, there were no partnerships between media and security forces that took into account a mechanism for protection of journalists, the exchange and sharing of information, and so forth. Journalists complain that they have not been protected in the north during the conflict and in the south after the military coup. Distrust between the media and the police can be explained by the fact that the officers most often in contact with journalists are policemen on the street. These officers often believe that journalists choose only to recognise the negative aspects of their actions.

5.4 Business management during the crisis

The current media environment is not conducive to the sustainability of media companies. There are too many newspapers in a limited market. Owners of print media outlets face the problem of restricted distribution, which results in lower profit margins. The limited circulation of around 300-1,500 daily copies causes low advertising revenues, and makes it difficult to take advantage of large-scale operations to lower the unit costs of each printed copy. Rising costs of print material and ink has also proved a challenge in a context where there are no bank loans available for print media outlets.

The representative bodies of private media outlets used to receive an annual grant from the government, but this support was reduced in 2012. "Down from 200 million CFA francs [\$400,000 USD], this year the state provides only direct aid of 91 million CFA francs [\$182,000 USD] to all private media outlets. It is a trifle," said Mr. Makan Kone, President of Maison de la Presse. Up to 70% of their budgets have been subsidised by the state.

The lowering of state subsidies and the decrease in profits have created a very difficult business environment for the media houses. Increasing costs and diminishing profits mean that journalists have seen a reduction, a delay or even a complete suspension in the payment of their salaries for extended periods of time. It has also influenced their security and independence as they are left vulnerable to political pressure and more susceptible to economic incentives in exchange for publishing certain content.



The headquarters of the community radio network Kayira. Photo: Pauline Bend Hugues/Panos West Africa

6. Main findings and recommendations

The situation in Mali remains critical after a year with a military coup, failed political transitions in the south and the current French military intervention. As of January 2013 the international community was evaluating several possible courses of action to take in the country. The two most important being: 1) An international military intervention in northern Mali with African troops coordinated by ECOWAS and led by Malian forces to take over from the current French intervention; and 2) A presidential election in 2013 in areas of the country controlled by governmental forces, which could disenfranchise the 15% of the population living in the north as well as potentially most of the refugees and IDPs if they are unable to register to vote. At this point, the Malian democratic process is stalled without the rule of law and there is an urgent need to return to the path toward democracy.

As described in section 5, the media in Mali suffer substantial problems that have only been exacerbated by the current conflict and political crisis. The following is an overview of the main findings and recommendations related to the media and the on-going crisis in Mali.

6.1 Access to information

There is a divide in access to information between the north and the south of Mali as media outlets have been forced to close and their infrastructure vandalised in the north. Several private and public radio stations have been destroyed, depriving people of the only source of information available. Newspapers that previously reached the north are no longer distributed. Local publications have also been shut down.

Large parts of the population in the north are virtually cut off from the world and the rest of the country. This leaves the Islamists in complete control of information with the few remaining radio stations offering nothing but propagandistic messages.

Recommendations

- Bridge the divide in access to information between north and south Mali. The current unevenness in access to information between north and south undermines the territorial integrity of the country. Reliable information to and about all parts of the country will promote national cohesion. This divide could be bridged through centralised production of radio programmes that are distributed through community radios in local languages. The international military intervention may open possibilities for securing one or more radio channels reaching the north.

6.2 Information quality

The information that is distributed to the population in the north is primarily propagandistic in nature and thus of very limited quality in terms of information standards. According to Mr Kone, Association des Editeurs de Presse Privée (ASSEP), the Islamists understand media and its role better than the national authorities do and have been very fast in establishing a monopoly in terms of information dissemination. The Islamists are using this monopoly

to broadcast their propaganda messages, including content that stigmatises ethnic or nomadic groups, and fuels the conflict through hate speech.

While the lack of quality information in the north is profound, the quality of the information available in the south is also problematic. Due to the lack of information about the situation on the ground in the north, the population in the south is also left without reliable information about the situation in the country as a whole. Furthermore, there is a general lack of quality control of the information disseminated. Media outlets produce and distribute incorrect, unverified, or unedited information. Coercion and bribery of journalists are common methods to get a certain message published through the media.

After the coup in March 2012, the military junta tried to take control of the public media. After the transition back to civilian power, the public media has in principle returned to its normal situation, but with additional economic constraints due to the general deterioration of the Malian economy following from the conflict and political crisis.

Recommendations

- Strengthen the general quality of journalism in Mali by providing relevant training to media workers. Particular focus should be paid to promoting a culture of peace and combating hate speech and other types of discrimination. This should include training in conflict sensitive journalism. The ethnic dimension of the conflict is highly damaging for Mali and the media has a key role to play in rebuilding and strengthening the social cohesion between the different ethnic groups by countering hate speech and sensitising the population about the realities of the conflict, including root causes and ways forward.
- Strengthen the role of civil society organisations as information providers. Given the difficult working situation of the media professionals and associations, improving information and communication in this period of the crisis may not rely exclusively on the media sector itself. Civil society organisations committed to peacebuilding can be engaged in various projects with the aim of strengthening their role as information providers. They can also engage in projects aimed at strengthening ethics in the media and diversifying and enriching media content.

6.3 Working conditions and the safety of journalists

In the north, the few radio stations that avoided being looted have found it very difficult to continue, and most of them have ceased their operations. Those who remain on the air are not free to define their own content and are under threat of retaliation at any time. Threatening phone calls to journalists and their families are used for intimidation, and physical attacks and coercion are constant concerns, also in the south in the aftermath of the coup in the first half of 2012.

The national media find it very challenging to deploy correspondents on the ground in the north. The correspondents attempt to join official delegations and humanitarian convoys and operate undercover but remain at risk of being identified by the Islamist groups who want to retain their monopoly over the distribution of information, which enables them to prevent news about the north from leaking to the rest of the country.

Recommendations

- Enhance the safety of journalists to allow for increased gathering and distribution of relevant quality content. This could be done by:

- Training journalists in safety measures and promoting best practices among media professionals;
- Setting up a dialogue between security forces, journalist associations, and media stakeholders, and;
- Establishing safety mechanisms for journalists including solidarity networks between media outlets.

6.4 Professional capacity and resources

There is a risk that the conflict may increase due to the complexity of the situation in the north and the alliances that have been forged between some segments of the local population and the rebels. Journalists may risk exacerbating tensions, especially since they are ill-equipped to work in conflict or post-conflict situations and are unaware of how to manage information in these contexts.

While the media is conscious of the effort it will take to play a constructive role in the distribution of messages of peace, tolerance and dialogue, journalists are not confident they have the resources required to effectively contribute to ending the crisis and putting the Malian society back on its path toward democracy. This is either due to a lack of professional capacity or because of the partisan nature of some media outlets.

Recommendations

- Ensure that the media understands the role of the current military intervention, and sensitise the government about their interest in such an understanding. If the media is equipped to disseminate information about the purpose and expected actions and limitations, of the military forces, this may help increase the chances of a successful intervention by establishing realistic expectations.
- Provide journalists with training on election reporting. If a presidential election is going to be carried out in 2013, the media needs to conduct large-scale voter education on the rules and regulations of the election, civic education by presenting the population with their political choices, as well as awareness-raising about the limitations of the election, considering the government's limited control over Malian territory.

6.5 Regulation of media

The regulatory bodies, the Superior Council for Communication (CSC) and the National Committee for Equal Access to State Media (CNEAME) and the self-regulatory body, the Observatory for Press Conduct and Ethics in the News (ODEP), are not functioning properly. Their lack in proper control structures means that misconduct in the press is not prevented. While this is not new, the crisis has exacerbated unprofessional behaviour and wrongdoing and made it even more important to establish a functional mechanism to regulate the media. A process has been initiated to establish a regulatory body that will regulate print, broadcast, and online media, but it is currently stalled.

In terms of radio, there are several regulation problems that the authorities need to address. Approximately 30 radio stations are working without government authorisation, around 40 radio stations are broadcasting on frequencies other than those assigned to them, and 50 radio stations are established in locations that are not stated in their permits.

There are numerous media associations in Mali, and they are grouped in the rather unique umbrella organisation, Maison de la Presse. Despite this, there is a general lack of coordination among the associations, and Maison de la Presse seems not to have taken advantage of its unique status and potential as a unifying organisation.

In the West African region, significant changes to legal frameworks for the media has most often occurred following a crisis or a radical political shift. The current situation should be seized to accelerate changes in legal areas that have so far been blocked.

Recommendations

- Promote the adoption of and respect for an agreed professional and legal framework that is conducive to the production of reliable and relevant media content. This could be done by drawing upon best practices in the areas of regulation, deontology and ethics, from surrounding countries such as Benin and Burkina Faso
- Revive the initiative regarding the establishment of a regulatory body with a clear mandate that a) complies with international standards, and b) is effective and independent.
- Ensure proper regulation of community radios, including the formulation of allocation criteria and an allocation process for radio frequencies, as well as control of frequency use.
- Strengthen the capacity of journalist associations, in particular Maison de la Presse, to increase their professional capacities, to enable them to play a key role in the development and implementation of the necessary legal and regulatory frameworks, as well as to support the safety of journalists and general quality enhancement of content production.

7. Annexes

Annex I: Background on Mali

The following background on the situation in Mali is based on extensive talks with local Malian stakeholders, including media actors and a number of civil society organisations, as well as a valuable contribution from the Danish Institute for Human Rights (DIHR).

General information on Mali

Mali is situated between two distinct geographic and strategic areas: the Sahel-Saharan and sub-Saharan Africa. The country is a founding member of the Economic and Monetary Union of West Africa (UEMOA) and the Economic Community of West African States (ECOWAS) and was among the first members of the African Union (AU). Mali is a member of the Community of Sahel-Saharan States (CEN-SAD), has been an active contributor in the field of peacekeeping, and has a population of 14,517,176 (2009) in an area of 1,240,024 km². The population consists of different ethnic groups, among others: Bambara, Bobo, Bozo, Dogon, Khassonkés, Malinke, Minianka, Fulani, Senufo, Songhai, and Tuareg. French is the official language but people speak, read and write primarily in their local languages with Bambara being the language used by most (80% of the population). Islam is the main religion, practiced by 90% of the population, and there is a minority of Catholics and protestants, as well as animist ceremonies which still exist within certain segments of the population.

2012: Conflict in the north and coup in the South

January 2012: The MNLA-led uprising begins

An attack on military camps on 17 January, 2012 started the armed conflict in the Azawad region in northern Mali between the Malian army on the one side and the Tuareg National Movement for the Liberation of Azawad (MNLA), the Salafist movement Ansar Dine, the West African radical Islamist group the Movement for Oneness and Jihad in West Africa (MUJAO) and the Al-Qaeda in the Islamic Maghreb (AQIM) on the other side. The Tuareg offensive included a substantial amount of well-armed combatants coming from Libya, where the fall of the Gaddafi regime in October 2011 left many trained combatants unemployed. The Malian army quickly suffered vital setbacks in its battles against the rebels.

21 March 2012: Coup in the south

The success of MNLA and Ansar Dine in the north enhanced the frustrations of many rank and file officers in the Malian army, with the government's inability to control the lawless territories of Azawad. As a consequence, a group of officers formed the National Committee for the Recovery of Democracy and the Restoration of the State (CNRDRE) and, under the leadership of Captain Amadou Sanogo, launched a coup on President Touré on 21 March 2012.

Captain Sanogo was successful and immediately announced the suspension of the constitution and the dissolution of the institutions of the Republic. In the streets of Bamako, supporters of the coup violently confronted opponents who demanded a return to constitutional order. Officially there were

28 deaths during the coup. The international community unanimously condemned the coup, and the Economic Community of West African States (ECOWAS) mobilised strongly to help Mali overcome the crisis.

A number of human rights violations were reported by witnesses to local human rights organisations to have happened during and after the March coup in and around the capital Bamako. A dozen people were killed and nearly one hundred wounded. Supporters and members of the Touré regime were arbitrarily arrested and detained without appearing before a judge. Freedom of movement was restricted as the airport was closed for days and ECOWAS ordered the closure of Mali's borders for a few days until pressure by the local populations on both sides of the borders led to a reopening. Public property and goods were destroyed and official buildings plundered in such a way that when the transitional government stepped in, offices were empty, cars had disappeared and public funds had vanished. No investigations of these matters were conducted.

After the coup: Rebels gain ground in the north

After the coup in March 2012, the rebels gained further ground in the north. During the conquest of Kidal, Gao and Timbuktu – three important cities – many casualties were reported by witnesses who had escaped. Children were reported to have been recruited as soldiers by the armed groups and many women and young girls were raped. Public property and goods were plundered, and Christians were chased away from Gao and their churches destroyed.

6 April 2012: Agreement is signed to hand over power to civilians

On 6 April, the junta signed an agreement to end the crisis and hand over power to civilians with the assistance of West African mediation. President Touré resigned from his presidential duties and left for exile in Senegal. On 12 April, Professor Dioncounda Traoré, then Speaker of the National Assembly, was appointed interim President of the Republic, and five days later Cheick Modibo Diarra was named interim Prime Minister. These appointments were strongly criticised by the existing political class.

The agreement signed provided for the establishment of a transitional government, headed by a prime minister, who would be responsible for organising elections and for addressing the security and humanitarian crisis in the north. The agreement also included an amnesty law for the members of the junta. However, it did not address the issue of a timeline of the transition or the role of the junta in the transition.

April 2012: Declaration of independence of Azawad

In April 2012, the MNLA claimed self-determination and independence of the region of Azawad. This was immediately followed by a call by the Ansar Dine movement for the establishment of an Islamic republic with the application of Sharia law in the area⁹.

30 April 2012: Elite troops attempt to oust military junta

On 30 April, a part of Malian Army's elite troops called the Red Berets (Touré's regiment and personal guards) tried to drive the military junta away from power by taking control of the public media and the airport – but failed. The maneuver caused the death of around 100 people. The Red Berets were then chased around Bamako and southern Mali and many were arbitrarily arrested and detained without due process. Families have reported the disappearance of around 20 'red berets' to the Commission Nationale des Droits de L'Homme (CNDH).

May 2012: MNLA starts to lose ground

In May 2012, the MNLA and Ansar Dine attempted to merge. However, this was followed by a range of disputes after signing an agreement. Parallel to this, the

⁹ MNLA's aim was to establish an independent Azawad, while Ansar Dine and MUJAO do not challenge the territorial integrity of Mali, but instead have the goal of imposing Sharia law in the country as a whole.

Ansar Dine met with key leaders of MUJAO and AQIM. In the end, Ansar Dine, MUJAO and AQIM began to drive MNLA out of the main cities.

21 May 2012: President Traoré is attacked

Armed factions continued to fight over control of the various remains of the Malian state and pro-coup demonstrators attacked the interim President violently in his office on 21 May. President Dioncounda Traoré was severely beaten and left for France to receive treatment. He returned at the end of July 2012 ensured by the junta that they would guarantee his safety.

July – August 2012: An interim government is established

Upon his return, Traoré began establishing an interim government. He set up the National Transition Council and a National Negotiation Committee, tasked with negotiating with the groups in the north. President Traoré also initiated a reform process for the Malian army under the leadership of Captain Sanogo. On 20 August 2012, a 32-member Government of National Unity was formed, which included ministers believed to be closely linked to the military junta.

December 2012: The Prime Minister is arrested

In December 2012, the internal tensions in the government remained major. The political class was divided, the President did not enjoy much popular support and the military junta continued to play a very active role in the power struggles with profound disagreements over Mali's way forward. The continued role of the junta was illustrated clearly when Prime Minister Diarra was arrested by the military and forced to resign on 11 December. Presumably, the disagreement between the junta and Diarra arose from the latter's support to the deployment of international troops in Mali. Many within the Malian military were against a foreign intervention, believing that they merely financial and logistical support. Diarra gave no explanation of the resignation in his final address on public television. The following day, Traoré appointed Django Sissoko, a former official in the presidency, as the new prime minister.

The lack of agreement in the government has led to a lack of progress in the reestablishment of security in the north, the national consultation process and the planning of elections. One of the main outstanding questions in that regard is whether elections can be held and how representative they will be given the lack of government control with the northern regions.

January 2013: Islamist groups advance, triggering French intervention

By the end of 2012, Ansar Dine, MUJAO and AQIM controlled two-thirds of the Malian territory. According to the November 2012 report of the UN Secretary-General on the situation in Mali¹⁰, the strength of the rebel groups is assessed to be some 3,000 core combatants with ongoing recruitment, in particular among children. They are well-armed, with relatively sophisticated equipment obtained from Libya and the Malian armed forces. Both Ansar Dine and MUJAO are seen as having ties to the terrorist group Boko Haram, which is active in Nigeria. The groups stand together in keeping MNLA out of influence.

At the beginning of January 2013, Ansar Dine, MUJAO, and AQIM started advancing further south seemingly aiming for the important town of Mopti. This led President Traoré to request immediate military assistance from France, under the UN Security Council resolution 2085 of December 2012. The French military commenced its intervention on 14 January 2013.

Contributing factors to the conflict and institutional fragility

Although Mali has been praised, internally and externally as an example of democracy in West Africa, the country has long been affected by internal

10 United Nations, S/2012/894, 29 November 2012

conflicts and insecurity. The distinct climate of the Sahel region is in itself a destabilising factor. The primarily dry-lands climate leads to frequent droughts, which result in large-scale, cyclical food crises.

Since Mali's independence in the 1960s, the Tuareg people in the Azawad region in the north have felt excluded from the development of the country. The state has not been able to fulfil its basic role of providing services and security in the north. During the French colonisation, the Tuareg people were favoured and regarded as lighter-skinned superiors to the rest of the Malian population, laying the foundation for a long-lived mistrust between the Tuareg and the ruling political class. Combined with the absence of state in the north, the Tuareg people do not feel as an integrated part of the Malian nation.

Insecurity now prevails in the north and the northeast of the country with an increase in organised crime, drug trafficking, kidnappings and the presence of Al Qaeda in the Islamic Maghreb (AQIM). The three northern regions Kidal, Timbuktu and Gao, which together form the Azawad region, began to look like lawless territories with very limited government control. Counter-insurgency efforts have previously been undermined by widespread corruption within the ruling political class, leading to frustrations, not least among the armed forces that are tasked with carrying out the counter-insurgency operations with limited resources.

Conflicts between pastoralists in the east and northeast concerning thefts of cattle, and between pastoralists and farmers concerning access to land, occur every year because pasture areas are constantly reduced. In 2011, a drought put extra strain upon relations between pastoralists and farmers.

The high degree of corruption, which has developed during the last ten years, has proven difficult to combat because of a certain social tolerance and a lack of political will. There has been a lack of transparency in the management of state resources, 80% of which was reported to be spent in the Bamako region, where only 12% of the population resides. The existing control organs do not fulfil their mandate efficiently. The "Vérificateur General", established in 2004, should help combat economic infractions and violations of public goods but there has been no follow up to his recommendations. Corruption is particularly widespread in the administration and increasingly in the education system where money can buy good grades and exams, as well as in the justice sector.

Access to justice is very limited, particularly in rural areas and for poor people. Judiciary procedures are characterised by being excessively slow, and the rate of pre-trial detention was up to 70% in 2010. Prisons are overpopulated (Bamako's prison which was built in 1951 to hold 500 inmates has over 1300 today) and conditions of detention are inhumane and degrading as described by AMDH and CNDH who regularly visit prisons throughout the country.

Increased radicalism has been observed for a while before the current conflict broke out and has led to confrontations between Muslim associations and preachers in the north. Traditional power structures in the Malian society disfavour women and girls with discrimination in the domains of matrimony, succession, and employment. The country's legal structures place women and girls at a disadvantage and their access to justice is very limited. Violence against women is widespread, including maltreatment, forced marriages, rape, sexual harassment, early marriages, kidnapping, religious confinement, and abandonment due to migration. Perpetrators of such violations generally enjoy complete impunity as there is a lack of legal texts forbidding and punishing the acts, and victims rarely report them.

An example of the increased radicalism is a new family law that was to take modern law as well as traditions and Muslim law into account, while improving the rights of Malian women and children. It was adopted by the Malian Parliament in 2011 but was subsequently abolished by President Touré under the threat of radical Muslim groups. The text was changed and a very conservative family law, violating several international treaties ratified by Mali, was adopted by the same parliament six months later.

Although Mali's constitution from 1992, suspended by the coup in March, was firmly anchored in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, basic rights were not guaranteed in practice. The constitution guaranteed Malians' civic, political, economic, social and cultural rights and at the international level, Mali had ratified almost all regional and international conventions on human rights. However, the structural, social and judicial reality does not reflect this, and rights violations have rarely been penalised.

2013: Elections, international intervention and peace talks

Presidential elections without the north

The international community has exerted pressure on the government to move ahead with a presidential election in order to establish a legitimate government that can receive international aid. Examples of elections under extreme conditions during conflict periods are Afghanistan and Iraq and initial talks about the feasibility of the elections in light of experiences from these two countries is taking place. If internally and internationally displaced Malians, and the population in the north are unable to take part in elections, it is questionable how representative and legitimate they will be. At the same time, it is uncertain whether the election will manage to reinstate the jurisdiction of the government over the national territory or if it will create a violent reaction from the population of the north that may feel increasingly isolated from a non-representative national government. As such, the elections may risk having a divisive effect, which could increase the north-south confrontation.

International military intervention

When addressing the coup in spring 2012, ECOWAS called for the establishment of an international force of 3,300 men to be deployed in Mali. The interim president of Mali officially requested this type of support in summer 2012. In November 2012, ECOWAS and the African Union both endorsed the joint strategic operational framework for the African-led International Support Mission for Mali (AFISMA). In December 2012, the United Nations Security Council under chapter VII adopted resolution 2085 authorising political and military action to restore control over the north of Mali.

Peace talks

The first direct talks between the government and Ansar Dine were held in Ouagadougou in the beginning of December 2012. The hope of the international community is that MNLA and Ansar Dine will both engage in peace talks and denounce violence, leaving the international forces to focus on AQIM and other groups with links to terrorist organisations. However, at the closing of this report, by early January 2013 the talks broke down.

Annex II: List of interviewees

Alexis, Monique

Journalist and Project Manager, Freedoms and Civic Participation, Danish Institute for Human Rights (DIHR)

Bengaly, Abraham

Professeur, President, L'Observatoire pour le droits de l'homme de la paix

Daniel, Serge

Journalist, Radio France International (RFI)

Drabo, Soulymane

General Director, Malian Press and Advertising Agency (AMAP)

Haméye, Elhaj Mahamane

CISSE, Directeur de publication du journal "Le Scorpion", Le président de l'Union de la Presse francophone / UPF / Mali et point focal pour le Forum de l'éditeur africaine au Mali.

Idrissa, Issa

Directeur radio Hanna Gao

Koné, Dramane Aliou

Président des l'Association des éditeurs de presse privée

Koné, Makan

President, Maison de la Presse

Maïga, Chieck Omar

Secrétaire Général, Ministère Communication

Maïga, Fatoumata

Président, Conseil de WANEP-Mali

Maïga, Mahamadou Talata

Journalist, Head of Research, Maison de la Presse

Maïga, Tiegoum Boubèye

President, Patronat de la presse au Mali and Chief of Cabinet of the Ministry of Commerce

Mariko, Daouda

President, Association of Private Radios from the Interior of the Country

Mariko, Oumar

Député, Directeur réseau de radios communautaire Kayira

Traoré, Kassim

President, Organization of Young Journalists of Mali (ORJM)

Yattara, Sadou

Coordinator, Institute for Democracy and Education on Media (IDEM)

Radio journalists

Camara, Aoualy

Radio Rurale de Kayes

Cissé, Lassine

Radio Kayira Bamako

Coulibaly, Bréhima

Radio Benkan

Coulibaly, David

Jamana Koutiala

Coulibaly, Issiaka

Radio Rurale de Yélimané

Coulibaly, Moussa Baba

Radio Sangha

Dabo, MBadiala

Radio Rurale de Yélimané

Dembele, Yacouba

Jamana Koutiala

Diallo, Awa

Radio Kayira Bamako

Doucoure, Mama Diaby

Radio Sangha

Keita, Koman

Radio Rurale de Kayes

Koné, Kadia

Radio Benkan

Annex III: Literature

Cisse, Mahamane Hamèye (2009) "Etude sur le secteur de la presse écrite: législation et réglementation" in *3eme journées nationales de l'information et de la communication*, Bamako

Coulibaly, Sékou (2009) "*Le paysage audiovisuel du mali, diagnostic et perspectives*" in *3eme journées nationales de l'information et de la communication*, Bamako

Friedrich Ebert Stiftung (FES) (2010) *Le baromètre des médias africains*, Mali

International Crisis Group (2012) *Mali: Avoiding Escalation*, ICG

International Crisis Group (2012) *Mali: The Need for Determined and Coordinated International Action*, ICG

IPAO (2011) *Examen de la Charte africaine de radiodiffusion, Rapport du Mali*

IREX (2008) *Media Sustainability Index*, IREX

IREX (2009) *Media Sustainability Index*, IREX

IREX (2010) *Media Sustainability Index*, IREX

Kaba, Mamadou (2010) *Mali's press: The paradox of its two faces*, CPJ

Mäïga, Tiégoum Boubèye (2009) "*L'état de la presse écrite*" at *Third National Conference of Information and Communication*, 24 December 2009.

Marchal, Roland (2012) *The reshaping of West Africa after Muammar Qaddafi's fall*, NOREF

Ministère de la communication et nouvelles technologies (2009) *Rapport des 3èmes Journées nationales de réflexion sur l'information et la communication*, Bamako

Reporters Without Borders (2012) *Press Freedom Index 2011-2012*, RSF

United Nations Security Council (2012), *Report of the Secretary-General on the situation in Mali*, UN

Legal texts

Arrêté Interministériel N°92-1604 MC-MAT/CTSP/ASS-MSCPJ-MDSI du 7 Avril 1992 fixant cahier de charges des services privés de radiodiffusion sonore par voie hertzienne terrestre en modulation de fréquence

Arrêté Interministériel N°94-7166/MCC-MATS du 16 février 1994 fixant le cahier des charges des services privés de communication audiovisuelle

Arrêté Interministériel N°94-8510/MFC-CAB du 11 Août 1994 fixant les redevances applicables aux services privés de radiodiffusion sonore par voie hertzienne terrestre en modulation de fréquence.

Constitution of the Republic of Mali (1992)

Décret N°92-022/PM-RM du 18 janvier 1992 déterminant les conditions et procédures d'obtention, de suspension ou de retrait de l'autorisation de

création des services privés de radiodiffusion sonore par voie hertzienne terrestre en modulation de fréquence

Décret N°92-156/PM-RM du 14 Mai 1992 déterminant les conditions et procédures d'obtention, de suspension ou de retrait de l'autorisation de création de services privés de communication audiovisuelle

Décret N°02-227/P-RM du 10 mai 2002 portant statuts type des services de radiodiffusion sonore par voie hertzienne terrestre en modulation de fréquence

L'Arrêté N°95-0331/MFC-CAB du 16 février 1995 fixant les redevances applicables aux services privés de communication audiovisuelle

Loi N°93-001 du 6 janvier 1993 portant Loi Organique relative à la création du Comité National de l'Egal Accès aux Média d'Etat

Loi N°92-038 du 24 décembre 1992 portant création du Conseil Supérieur de la Communication ;

Loi N°00-046 du 7 juillet 2000 portant régime de la presse et délit de presse
Ordonnance n°92-002/P-CTSP du 15 janvier 1992 portant autorisation de création de services privés de radiodiffusion sonore par voie hertzienne terrestre en modulation de fréquence

Ordonnance N°92-037/P-CTSP du 14 mai 1992 portant autorisation de création de services privés de communication audiovisuelle

Connect with International Media Support (IMS):

www.facebook.com/InternationalMediaSupport

www.twitter.com/forfreemedia

www.internationalmediasupport.org

© International Media Support

Any reproduction, modification, publication, transmission, transfer, sale distribution, display or exploitation of this information, in any form or by any means, or its storage in a retrieval system, whether in whole or in part, without the express written permission of the individual copyright holder is prohibited.

Published in Denmark by IMS

First edition January 2013

Design and production: Nanette Vabø

Print: Kolind Bogtrykkeri A/S