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Let There Be Speech: Reforming the Media in Rwanda

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Executive Summary

In April 2009, the government of Rwanda banned the BBC. This marked the culmination of a long period of bad relations between government and media. Rwanda's foreign friends began to question their support for the government and its singular president, Paul Kagame. Leading state officials were caught between wanting to control journalism and realising that state censorship would jeopardise foreign investment and aid. By late 2010 there was a sense in Rwanda that this "crisis of reputation" had become a serious matter, and Rwandan officials initiated a policy debate.

This case study explores some of the decisions made by Rwanda's leaders from 2010 onwards. Could they change their own thinking, and make gradual changes in policy that would eventually result in real acceptance for media freedom, both within the public and the state administration? Or, to put it somewhat differently: can a regime with an authoritarian reputation and instincts revolutionize itself from within? And is there a form of outside assistance that could help the Rwandans think through this transition?

By 2011, a small group of outside advisors, which informally called itself the Rwanda Media Reform Initiative, started assisting the government in its efforts. They helped the government write a proposal for change that would take place in three stages. Officials would 1) elaborate a clear strategy for reform; 2) address the legal and regulatory environment; 3) address the need to raise professional standards across the board. The laws took two years to progress through the parliament, but by July 2013 a new institutional framework had come into existence.



Not only government officials and the police, but also society itself, need to become accustomed to a new approach to public discourse.

After a year, it is possible to begin to assess some of the changes, though too early to say anything definitive about the whole process. Clearly, some of the reforms have worked better than others. The Rwanda Media Reform Initiative has not revolutionised Rwandan journalism. Nor, indeed, was that its intended goal. Liberalisation and professionalisation need to go hand in hand; mutual trust and a willingness to take responsibility need to be developed; and not only government officials and the police but also society itself need to become accustomed to a new approach to public discourse. This will take time.

After a brief overview of the media landscape in Rwanda, this report describes the reform process, assesses some of the results, and makes a few observations:

- » The fact that Rwanda's government has accepted many of the observations of its international advisers, and in some cases turned them into concrete policies, strongly suggests that this is a government that is capable of changing its mind. Such opportunities should be seized and built upon rather than ignored. As a Western diplomat in Kigali said: "It's not always very constructive to stand outside and wait for a perfect world."
- » Confrontation achieves very little. The Rwanda Media Reform Initiative was successful in working with the government of Rwanda precisely because it did not dictate outcomes.

- » If the Rwandan government needs to relax its attitude to journalists, the Rwandan media also needs to build up its professional skills. The Rwandan government and foreign donors should provide sound training and promote good professional standards. They should also think about the business environment for journalism, since a low-paid, marginal profession will never attract talent.
- » It is obvious that media development will run parallel to political development, but it is worth repeating. “The media freedom cannot go beyond political freedom,” says Fred Muvunyi, the journalist who heads the Rwandan Media Commission, “The two go hand in hand.”
- » To be successful, the Rwandan media will eventually require other kinds of institutions as well. Now that the media reform process has begun to move forward, the government should begin the next phase: the creation of a clear legal structure which would ensure the development of genuinely independent civic, charitable, educational, and advocacy groups of a kind that could contribute to the debates that the media would eventually begin to portray.
- » Any kind of change will be uneven. As this report was being finished, the Rwandan government, in reaction to a BBC documentary which questioned the extent and nature of the 1994 genocide, once again took the Kinyarwanda-language BBC World Service off the air. On the one hand, the government may have overstepped its own rules; on the other hand, there are now journalists who feel empowered enough to complain about it.
- » Above all, self-censorship—fear of stepping over an invisible line and being punished by the authorities—remains the central problem. The government’s actions and attitudes towards political opposition unnerve even those who want to work on apolitical stories; past stories of media harassment are known to all. The memory of the genocide still hangs over many Rwandans, even those too young to remember it. Many years may be required to overcome the fear that haunts many Rwandans, but more engagement would make a difference. The workshops and meetings now being held in Rwanda, which include police, judiciary, and other public officials as well as journalists, are one part of a possible solution. The more conversation there is between different groups, the more each may value the other’s point of view. Ultimately, the media itself could become a forum for such debates. Indeed, if that can happen, then the reforms will have been a success.

Introduction

In April 2009, the government of Rwanda announced that it was suspending the British Broadcasting Corporation's World Service broadcasts in the local language of Kinyarwanda, and proceeded to switch off the company's two FM transmitters in the country. The Rwandan Information Minister accused the BBC of spreading "words of hatred and division" and denying the 1994 genocide that left hundreds of thousands of Rwandans dead. She urged the broadcaster to offer "guarantees of responsible journalism"—a move it would repeat in 2014.¹

That decision, harsh enough on its own, was the culmination of a long period of worsening relations between the Rwandan government and the Rwandan media. In the months leading up to it, journalists had been arrested, threatened, and detained. A few months later, on June 24, 2010, a journalist was shot dead outside his home. (The government of Rwanda has always denied having anything to do with this killing.) Newspapers were subject to censorship, and editors were put under heavy pressure.²

By the summer of 2010, the crackdown on the press was leading some of Rwanda's foreign friends to question their support for the Rwandan government and its singular president, Paul Kagame. Donors had put major funding into the country, which had developed a strong record on poverty reduction, healthcare, and other public services in the years since the 1994 genocide. Corruption in the country is relatively low, especially when measured against Rwanda's dysfunctional neighbours.³ Rwandan courts enjoy a relatively good reputation.⁴ But the harsh treatment of journalists was a constant theme of criticism from human rights organisations, and donors were starting to question whether they should continue to support the government of Rwanda directly.

There was also a growing sense of frustration within the Rwandan government at the state of the country's media. Because of the prevailing atmosphere, well-qualified graduates often chose other professions. The state TV broadcaster was so poor that even government ministers were critical of it. Presidential press conferences were notable for the lack of penetrating questions from Rwandan journalists.

The dismal state of the media raised questions about the government's long-term goals. Rwanda, small and landlocked, boasts little in the way of natural resources, and its opportunities for trade are dependent on neighbouring countries that have access to the sea, where corruption is endemic and adds significant costs. In line with its ambitious plans to make Rwanda a regional "business hub" (capable of competing with existing commercial centres in places such as Nairobi, Johannesburg, and Dubai), President Kagame's government has covered the country with a network of fibre-optic cables, which it views as the foundation for an economy which will be based on the production and distribution of information and services.⁵ Hundreds of students now graduate each year from university in Rwanda in information technology-related subjects.

But it was hard to envisage how a knowledge-driven economy could exist simultaneously with harsh control of the media. Leading state officials were therefore caught between two impulses. On the one hand, they manifested an obsessive desire to control journalism, which is partly rooted in Rwanda's traumatic recent history, as this paper will describe. The genocide of 1994 took the lives of between 800,000 and 1 million Rwandans (around one-sixth of the

country's total population at the time). This crime would have been impossible without the cynical exploitation of the media.⁶ The vision of a return to the chaos and violence of 1994 continues to haunt them, many of whom are members of the Tutsi minority, as well as everyone else in the country. Though there are surely other reasons why they want to control the press, this fear of violence continues to loom large in their own minds, and they often express frustration when outsiders fail to understand it.

On the other hand, they also understood that they could not build an information economy, let alone attract more foreign investment and aid, if Rwanda had a reputation as a country where no media could flourish. At some level, some of them have also understood that in the long term, if the country is to outgrow the legacy of the genocide, a more open and honest public dialogue will be necessary and desirable.

But Rwanda's leaders now face a dilemma. Can they change their own thinking, make gradual policy changes, and increase the acceptance of media freedom, both among the public and within the state administration? Or, to put it somewhat differently: can a regime with an authoritarian reputation and an instinct for control revolutionise itself from within? And is there a form of outside intervention that could help the Rwandans think through this transition?

This report, the direct result of a group research trip to Rwanda in July 2014, explores these questions. The group included Steve McCauley, who has been involved in the media reform process from the beginning; Anne Applebaum, a journalist and the director of the Transitions Forum at the Legatum Institute; Jerzy Wójcik, a Polish journalist who made the transition from illegal to legal media in the 1990s and now serves as the deputy editor of the Polish newspaper *Gazeta Wyborcza*; and Catherine Gicheru, an award-winning Kenyan investigative journalist and editor. The author, Christian Caryl, a senior fellow at the Legatum Institute, is the editor of the *Democracy Lab* website at *Foreign Policy* magazine. Although he wrote the report, it represents a synthesis of the group's views, and not his alone.

Historical Background

The origins of modern ethnic rivalry between Tutsis and Hutus lie in the period when Rwanda was still a Belgian colony, but it became particularly acute during the struggle for independence in the 1950s. The rivalry exploded into mass violence in April 1994, when Hutu youth militias, abetted by police and the military, began rounding up Tutsis and so-called moderate Hutus and killing them en masse, often using weapons no more sophisticated than machetes, bamboo spears, and clubs.

These attacks were no accident. Members of the Hutu Power movement—extremists who propagated an eliminationist solution to what they called the “Tutsi problem”—had spent years using the media to prepare their followers for mass slaughter.⁷ The Hutu extremist newspaper *Kangura*, founded in 1990, became the primary vehicle for genocidal ideology.⁸ The notorious Hutu Power broadcaster Radio Télévision Libre des Mille Collines not only cultivated and inflamed anti-Tutsi hysteria but singled out targets during the genocide and guided the killers to their victims.⁹

The genocide continued for approximately 100 days, until mid-July 1994, when the Rwandan Patriotic Front (RPF)—a guerrilla movement led by Tutsis living in exile—entered the capital and put an end to the slaughter. The country had been utterly shattered. The countryside and towns were strewn with corpses. Economic activity was at a virtual standstill. Before fleeing, members of the old regime had destroyed water lines and power plants, stripped banks of their funds, and commandeered cars and equipment. Millions of Hutus, fearing retribution at the hands of the RPF, fled to neighbouring countries. Author Stephen Kinzer estimates that 40 percent of the population had fled or been killed.¹⁰ Rwanda was starting from scratch.

The new government moved to re-establish the viability of the state and overcome the after-effects of the mass slaughter. Rwanda’s new leaders based their approach on the aim of creating a new and unified country, to which end they vowed to promote reconciliation and to tackle racism head-on. The government revived a version of traditional community courts, known as *Gacaca*, to provide restorative justice in the case of tens of thousands of people accused of crimes during the genocide. The *Gacaca* courts dealt with over 100,000 cases from 2002 to 2012.¹¹ At the same time, the government removed ethnic designations from identity cards, signalling the start of a new era that attempted to transcend such categories. Laws were passed that prohibited any forms of speech deemed to promote ethnic or racial divisions. Political parties based on ethnic lines are banned in Rwanda.

These laws are enshrined in the constitution itself, which was adopted in 2003. The document, which was overwhelmingly accepted in a national referendum, vowed to uphold democratic principles and safeguard fundamental rights. Article 34 addresses freedom of expression:

Freedom of speech and freedom of information shall not prejudice public order and good morals, the right of every citizen to honour, good reputation and the privacy of personal and family life. It is also guaranteed so long as it does not prejudice the protection of the youth and minors.¹²

But Article 33 imposes an important limitation on such freedoms. It states: "Propagation of ethnic, regional, racial or discrimination or any other form of division shall be punishable by Law." In practice, this restriction, known as the law on "divisionism", is quite widely applied, including to journalists.

These laws reflect the broader mentality of the ruling RPF elite. Many members of the current leadership, whose families left the country after the anti-Tutsi pogroms beginning in 1959, spent three decades in exile preceding the genocide, largely in neighbouring Uganda and Tanzania. When they returned to their homeland after the genocide, they brought with them fluency in English, familiarity with the ways and legal concepts of former British colonies, and a strongly defined sense of mission. They are also aware that they are a minority and that they face a lingering and real terrorist threat from residual Hutu Power organisations such as the Democratic Forces for the Liberation of Rwanda (known by its French acronym FDLR), which is suspected of orchestrating periodic terrorist attacks within Rwanda from its bases in the neighbouring Democratic Republic of the Congo.¹³

The long years of struggle promoted a culture of ascetic self-reliance and moral certainty that finds its apotheosis in President Kagame's stern public persona. At its best, this mindset has fostered a rigorous system of accountability at all levels of government, including strict performance targets (known as *imihigo*) for civil servants. At its worst, it has inculcated the urge to micromanage every potential threat. Human rights activists argue that, if a government official so chooses, he or she can use the charge of "divisionism" to justify the repression of anybody, for whatever reason. Government officials respond to such criticisms by noting that there is an established legal procedure in place for assessing such accusations, and that those charged are often cleared and released by the courts.

A Deformed Media Landscape

This aspect of the country's political culture has left a palpable imprint on the media landscape. From 2003 a state institution known as the Media High Council served as a de facto censorship board, carefully regulating the content of Rwandan media organisations and issuing licences to operate. The semi-official English-language newspaper, the *New Times*, carefully toed the RPF party line. Rwanda's state broadcaster, known as ORINFOR, was notorious for its predictable reporting on the government (as well as its dismal production values). Ministers set the news agenda—often demanding coverage of their own ceremonial meetings—and editors expected and even relied on them to do so. By and large Rwandan journalists knew exactly what was expected of them: self-censorship was deeply entrenched.

The RPF's urge to control is not the only source of Rwanda's media malaise, however. Although some of Rwanda's neighbours, including Uganda and Kenya, have very lively media cultures, Rwanda has little or no institutional memory of journalism as an independent force that tries to hold government officials accountable for their actions. Journalists tend to have little in the way of professional qualifications. Media jobs are poorly paid and hold little status. Polish journalist, and contributor to this report, Jerzy Wójcik concurs:

Journalism is still a very risky profession in Rwanda, and badly paid. Most have such low salaries that they can't get credit, buy a flat, or have a family. Most educated, talented, young people are looking for job in banks, administration, police and army. It's hardly surprising that there are "capacity gaps".

One Western consultant who has trained Rwandan journalists notes that they often lack the most rudimentary knowledge of public institutions in their own country. According to a senior Rwandan government official, less than 30 percent of Rwandan journalists actually have university degrees, while 40 percent do not even have secondary education.¹⁴

The general lack of qualifications is compounded by national traditions that tend to emphasise obedience to authority over the critical assessment of information. The culture of the RPF is collectivist. Debate happens, but behind closed doors. Members who are critical of the leadership outside the formal structures face severe public censure, loss of office, or worse. "We've been educated to respect the authority. To fear it," says Emmanuel Rushingabingwi, a Rwandan trainer with the Institute for War and Peace Reporting (IWPR). "You know that the press and the media were involved in the genocide. So there's self-censorship. The feeling is still strong."

Meanwhile, independent institutions are few and far between; Rwanda's non-government sector remains extremely weak. "You cannot have strong media in a weak civil society," says Prince Bahati, a Rwandan journalist who hosts a popular talk radio programme. "Civil society has a role to play in this country which I haven't seen being played. At the end of the day, if media hold the powerful responsible, so should civil society. The media are alone."

On the Path to Reform

Emboldened by the result of the presidential election of 2010—Kagame received an eyebrow-raising 93 percent—the government at the same time felt besieged by external human rights and freedom of expression critics. Yet it was also distinctly disinclined to respond to outside pressures. As senior officials would explain, Rwandans feel that Western human rights organisations were of no help in 1994 when it mattered, so they refuse to listen to criticism now, when the country is rebuilding itself. Speaking at his inauguration on September 6, 2010, President Kagame even went out of his way to lambast international human rights groups, accusing them of hypocrisy and arrogance and declaring, “[they] deserve nothing more than to be ignored.”¹⁵

In such a context, was it possible for outsiders to play a role in changing the media culture? For a long time it seemed as if the answer was no. By 2009 diplomats based in Kigali had begun to write off the Rwandan government as relentlessly authoritarian. Several human rights and media watch groups wrote very critical analyses of the country. In response, the Rwandan government became even more defensive. The instinct of some senior figures was to classify all critics without distinction as “enemies” who, at best, did not understand the Rwandan context or, at worst, were in league with the FDLR and other opponents abroad.¹⁶

But at about the same time, a small group of people with an interest in Rwanda unofficially took the initiative in tackling the problem. Steve McCauley, a British executive leadership coach and business consultant with experience in the media—and a contributor to this report—was one of those behind the initiative. In 2007 McCauley had carried out a voluntary consulting project in Kigali. He spent two weeks working with the editor of the *New Times*, the English-language newspaper. It was apparent that the newspaper did not operate independently (its chairman at the time was the head of the security services). But McCauley stayed in touch with some of the people who worked there and returned to Rwanda several times, in 2008, 2009, and 2010. Along the way he got to know ministers and other senior figures in the Rwandan elite. When speaking to them, McCauley sought to avoid confrontation:

Instead of criticising the government, I tried to build relationships with senior leaders, and to understand the reasons for their actions. I encouraged Rwandan officials to imagine how their country might be altered, for the better, with a more open media climate. I pointed out that a reform might open up new industries. Conversely, the failure to change would be a problem for Rwanda’s reputation.

By the autumn of 2010 there was a sense in Rwanda that this “crisis of reputation” had become a serious matter, and Rwandan officials initiated a policy debate. McCauley was invited to help organise discussions among senior RPF figures about the future of the media and about the future reputation of Rwanda itself. His approach was not to tell the Rwandans what to do, but rather to ask them what future they wanted to see for their country—including the media environment. In December 2010 McCauley met with President Kagame as well. The president assigned Protais Musoni, Minister of Cabinet Affairs, the task of convening a special committee to oversee reform of the media, which took several directions.

By this time McCauley had involved others in these conversations, including Jerry Timmins, a former BBC World Service Head of Africa and the Middle East. Timmins knew senior officials as a result of the 2009 debacle with the BBC, and after leaving the BBC in late 2010, he had been consulted by Protais Musoni on media policy questions. McCauley also brought in Anthony Borden, co-founder and executive director of IWPR, to provide suggestions on training programs and journalistic capacity-building. In 2011 the Legatum Institute offered some financial support to this group, which informally called itself the Rwanda Media Reform Initiative, and helped provide some expertise in digital regulation and other matters. Prior to that, most of their work had been pro bono.

The members of this initiative sought to end the crisis by working in tandem with the Rwandan government in order to understand better what its members wanted. Rwandan officials led the initiative from the beginning. McCauley, Timmins, and Borden responded to them, always stressing the fundamental incompatibility of a repressive media environment with other government priorities, which included economic development, the need to attract foreign investment, the deployment of fixed and mobile broadband, the development of a regional services sector, the fight against corruption, and the importance of mechanisms for the accountability of government officials.

The group also engaged in deeper discussions with their Rwandan interlocutors. One of the first issues that came up was the question of hate speech, and in general the regulation of speech. Many Rwandan officials assumed that by “free speech” outsiders meant that “anybody can say anything”, even things that are defamatory or dishonest. Western organisations are often guilty of promoting this impression. As Jerry Timmins wrote in a paper published by Legatum in 2012, “Too often in developed democracies, we talk about freedom of the press as though it was absolute and not bound by restrictions.”¹⁷ In fact, the Western media is “regulated” through libel laws as well as by more general laws on hate speech. These can differ dramatically from country to country. Anne Applebaum recalls a conversation with a senior Rwandan official on exactly this subject:

I explained to him that Germany’s laws on Nazi propaganda and symbolism don’t apply just to the media. It’s illegal for anybody to display a swastika in Germany, for example. Germany doesn’t need special laws to regulate the media, so why should Rwanda? I think that was the first time this had been explained to him in that way.

Part of the conversation also concerned the poor quality of Rwandan media: clearly, talented, well-trained people had not, for the most part, been attracted to journalism in Rwanda, and they were not going to emerge overnight. In response, the group helped the government produce a “matrix” document which outlined how legal reforms, journalism training, and new investment in broadcasting could take place more or less simultaneously. They also began to look for the money and the people who could help make these things happen.

For the small advisory group and those who worked alongside them, this was a risky project: their efforts could easily be dismissed by Rwanda’s critics as “whitewashing” an authoritarian regime. But as Tony Borden argues, they also felt that the choice was either to engage with the government or to abandon the idea of media development in Rwanda altogether. In

the atmosphere that existed at the time, there was no point in doing any kind of journalism training at all.

At the same time, the group believed that their interlocutors in the government had come to accept the need for change. In part, this commitment was a product of their concern for the country's reputation. But the Rwandan leadership also seemed to be motivated by a desire for modernisation. When asked what kind of media they wanted, for example, many would respond that they wanted a "professional" media like the one they saw in neighbouring Kenya. The initiative members also thought that some of their suggestions were being taken up. In April 2011, in a conversation with President Kagame, the foreign minister, and other senior officials, McCauley pointed out that if government communications were removed from the Ministry of Information, as the proposed reform suggested, the ministry would become redundant. In any case, McCauley said, "Ministry of Information' sounds creepy and Orwellian." Sixty days later the ministry was abolished.

Through these preliminary discussions, the advisory group helped the government write a proposal for change which would take place in three stages. Officials proposed, first, to elaborate a clear strategy for reform; then to address the legal and regulatory environment; and thirdly to address the need to raise professional standards across the board. After many months of engagement, Rwandan government officials themselves came up with a list of priorities:

- » First, they proposed a reform of Rwanda's restrictive and excessively punitive laws on libel and defamation, as well as regulations on media ownership.
- » Second, they agreed to end formal censorship, and eventually to abolish the Ministry of Information and the Media High Council. Instead of direct government scrutiny, they proposed "self-regulation", coupled with the idea that journalists would propose a system of voluntary ethical and professional constraints.
- » Third, they proposed to revise laws on public access to information, with the aim of improving government transparency. Their objective, they said, was that the public should be able to hold ministers and officials to account.
- » Fourth, the government called for the transformation of the state radio and TV broadcaster (ORINFOR) into a public broadcaster based loosely on the model of the BBC. It would be funded by advertising and government subsidies, but governed by an independent board designed to preserve editorial independence.
- » Finally, they proposed to support training and education measures ("capacity-building") to enhance the professional skills of Rwandan journalists.

In June 2011 a new media policy encompassing these points was adopted and published by the Rwandan cabinet. A set of draft laws was presented to the Rwandan parliament for discussion, a process that took two years (throughout the drafting of the media policy and subsequent legislation, Timmins, McCauley, and Borden were on hand to advise and support the reform process). As the reform progressed, some donor governments did begin to support it.¹⁸ In 2011 the government of the Netherlands agreed to help fund the strategic planning, and subsequently the legal reform and some journalism training as well. The

THE RWANDA CREATIVE HUB

In the course of Rwanda's media reforms, it was recognised that journalism is not the only component of a media sector. The Rwanda Creative Hub, implemented by IWPR with funding from the embassies of the Netherlands and Sweden, aims to encourage the creation of a wide range of content by providing seed money to small, indigenous Rwandan companies which would not otherwise have enough funding to get off the ground.²⁰ The Creative Hub is designed to serve as "an incubator for new ideas and small business in Rwanda", as Jerry Timmins explains, and to "seek out people who have already demonstrated some commitment to production or journalism and help them develop products not just for the Rwandan market but for East Africa too". In July 2014 the first grants were made to nine projects, out of 84 proposals.²¹ They included proposals for:

- » the first online store of African-produced games, music, and apps;
- » a system for booking bus tickets via mobile phone;
- » a solar-powered video projector for use in villages that are bereft of electricity;
- » a television production company producing a morning show for the new Rwanda Broadcasting Agency;
- » 3D-animated education materials for primary schools;
- » an SMS-based business directory;
- » Rwanda's first magazine for home furnishings and interiors;
- » a weekly business programme for Rwanda's sole commercial TV broadcaster.

The project also resulted in the launch, on October 15, 2014, of the breakfast current affairs programme *Rise and Shine Rwanda*, aired on the national TV broadcaster and produced by a female-owned production company. This was the first time ever that an independently produced news programme had been aired on a Rwandan national channel.²²

United States and Sweden followed suit. Others—most notably the United Kingdom—remained sceptical and on the sidelines. Most human rights advocates also said they would reserve judgment. They feared that the media reform was window-dressing, and on occasion told Rwandan officials as much directly.¹⁹

The laws then took two years to progress through the parliament, causing many to doubt whether the media reform would ever happen. As it turned out, many inside the RPF objected to the new media law, and there were vigorous debates in parliament and behind the scenes. But by July 2013 a new institutional framework had come into existence.

Assessing the Results

Once parliament had completed its deliberations, the Rwandan leadership moved ahead swiftly. After a year, it is possible to begin to assess some of the changes, though too early to say anything definitive about the whole process. Clearly, some of the reforms have worked better than others.

Perhaps most conspicuously, the old system of official censorship was eliminated. The Ministry of Information ceased to exist. Although the Media High Council remained, it assumed a new role as an advocate for the press and a vehicle for training and the elevation of professional standards. Ministers had insisted that it had all its regulatory powers removed.

The Access to Information law was passed and implemented. The response by domestic journalists and foreign observers has generally been favourable. Fred Muvunyi, chairman of the new Rwanda Media Commission, recounts his own experience as a journalist working with the new law. In the summer of 2013 he was working on a story about Rwanda's national sports teams. In several cases the government hired foreign coaches for the national volleyball and soccer squads, but officials refused to reveal how much the expats were being paid (rumour had it that the salaries were considerable, at least by Rwandan standards). "People were getting some money," said Muvunyi. "Here we call it big money. They were telling me that this is classified information. I pushed it, using the law. I quoted the articles on access to information. The minister resisted, but later I got it." A senior official from the Office of the President expressed satisfaction at this outcome, as it was seen as an example of how the Access to Information law could help to hold ministers to account. The law received a good review from the press freedom watchdog Article 19, which stated that it "meets standards of best practice in terms of the scope of application", while urging the government to follow through on implementation of all of its aspects.²³

Television began slowly to change as well. The state broadcaster ORINFOR was abolished in 2013 and replaced by the "quasi-independent" Rwanda Broadcasting Authority (RBA).²⁴ Arthur Asiimwe, the acting director general, said that the change had improved the autonomy of his institution. "Before, if anything happened across the border, in Goma [Democratic Republic of the Congo], I didn't have power to send my journalists," he said. "We would have gone to the prime minister, or other officials, for permission. Now for me, under the new arrangements, I dispatch a journalist." Government officials continued to try to exert pressure over his decisions, but Asiimwe said that the RBA's new status allowed him to resist. "I get calls from ministers: 'You didn't cover my event.' I say, we don't cover meetings any more. Even now if we cover any meetings, we have to look at an angle that affects ordinary people."

Both state and private radio stations have also begun to change. Just a few years ago, Radio Rwanda (part of ORINFOR) was the only radio broadcaster in the country. Today there are dozens—many of them local or regional stations featuring call-in talk shows that offer listeners unprecedented opportunities for participation and give rise to lively debate. Foreign investment has started to flow with the Kenyan-based Nation Media group opening KFM 98.7, which carries news and talk in Kinyarwanda. During our trip to Rwanda we were told of

several recent programmes which had touched on real political issues, including the question of whether President Kagame should stand in the next elections.

The broadcasting reform is far from finished, and the RBA is not yet the BBC. Rwandans interviewed by the investigation team say that, while production values have improved, the RBA has continued to cover news events in much the same way as before, generally featuring long and laudatory reports on the president's every gesture. Technical problems remain: having introduced the law to reform the RBA, the government is either unwilling or unable to invest in the new organisation, which struggles with poor funding. A new building that was supposed to house the RBA is far behind schedule and the current state of RBA production equipment is poor. The independent board, mandated by law, has yet to be created, undermining what was envisaged to be the basic foundation for the reform of the broadcaster and leading to countless day-to-day complications and inefficiencies.

The reforms of 2013 also succeeded in deregulating journalism. The creation of the Rwanda Media Commission (RMC) established a self-regulatory body that aimed to maintain professional and ethical standards for print and broadcast journalism without government interference.²⁵ The recognition of this principle represents an important step forward by allowing the media profession to set its own standards. Among other things, the new media law eliminated a long-standing requirement that journalists had to hold a bachelor's degree in journalism and be accredited by government in order to be officially recognised as members of their profession. The establishment of the Rwanda Media Commission also gave journalists, for the first time, an official advocate to voice their concerns vis-à-vis the government. "We used to have journalists being arrested or summoned and no one could even speak on their behalf," said the RMC's Fred Muvunyi. "Now if a journalist is arrested, as soon as we know it, we call the police and the matter is solved as soon as possible."

Meanwhile, the new law transferred some regulatory functions for digital media to the Rwanda Utilities Regulatory Authority (RURA). RURA legally has responsibility for all media regulation, but it has been given authority to devolve some of these responsibilities to self-regulatory bodies such as the RMC. The precise nature of these institutional arrangements remains to be worked out.

As mentioned above, some outsiders have greeted the passage of the new laws and the establishment of the RBA with scepticism. In an article entitled "Rwanda: Media law does not go far enough", press watchdog Article 19 noted that the law still allowed the state to retain control of the media through a series of authorisation requirements while failing to clarify legal restrictions on the freedom of expression.²⁶ The group gave the reforms credit for establishing the principle of media self-regulation, recognising the legal rights of journalists, and eliminating some government sanctions habitually deployed against media organisations. But Article 19 expressed concern that the reforms left control of the Internet firmly in the hands of the state and failed to ensure the confidentiality of journalistic sources.

More broadly, critics of the new laws pointed out to the authors of this report that the legal restrictions governing "genocide ideology" and "divisionism" are still firmly in place and, at least in principle, remain open to abuse. It is true that those prosecuted do go to court, and their cases are heard by a judiciary widely recognised as independent. At the same time, it is also true that the government retains broad discretion to define which public statements violate the law,

with the consequence that journalists may still refrain from addressing sensitive issues. At the moment, the Rwandan government is still debating whether to alter the defamation law, and in particular whether to change defamation from a criminal to a civil offence.

Such a change might reassure journalists in Rwanda who still fear that the divisionism laws can be used against them if someone does not like what they say or write. A Rwandan journalist in Kigali, speaking in July 2014, put the problem starkly: “To be independent and speak freely is very costly here. Yes, you can speak. But who can ensure your safety?”

Journalists continue to experience harassment of various kinds in Rwanda—and did so as recently as April 2014.²⁷ A reporter at a Christian radio station was arrested on charges of terrorism and sedition. Two others fled into exile, one of them after a source warned him that his life was in danger.²⁸ An investigative website was subjected to a mysterious cyber attack.²⁹ The government denies any responsibility for these incidents. But they help explain why, at time of writing, Rwanda still ranks 162 out of 180 countries in the annual Reporters Without Borders survey of press freedom around the world.³⁰

Despite the legal changes, the atmosphere remains tense enough to discourage journalists, and it may take some years to overcome fear. Kenyan journalist, and contributor to this report, Catherine Gicheru observes that “despite the many assurances by government officials that they would welcome criticism and indeed welcomed criticism, there was an undercurrent of fear that anyone challenging the authorities would be doing so at their own peril, notwithstanding the new media laws which are yet to be tested”.

But the reverse is also true. Gicheru observes that while the media needs to learn to trust the government, both the government and the public need to learn to trust the media, if the media is to play a role in ensuring the good governance of the country. In Rwanda, Gicheru notes:

journalism is still not considered a serious profession or indeed a profession—there is a very low opinion of those who engage in journalism and for many, it is not considered “respectable” ... Changing public perception and attitudes is difficult—it took decades for the Kenyan public to come round to accepting that journalism is actually a serious profession and that women who become journalists are not “immoral”!

The government is aware of the lingering fear and distrust. To help combat them, officials from Kigali have launched a series of public debates and discussions of the new reforms in the capital and provinces. Across the country politicians, police, local officials, and the general public have been brought together in open meetings to discuss the significance of the media reform. This process is supported by the United Nations Development Programme as well as IWPR. Some international observers are noticing improvements. For example, the Freedom House 2014 report on freedom in the world tracks significant improvements in Rwanda’s performance over the previous year.³¹

Lessons for Policy-makers

The Rwanda Media Reform Initiative has not revolutionised Rwandan journalism. Nor, indeed, was that its intended goal. From the start, the Rwandan government and its team of international advisers envisioned an incremental process that would introduce change in line with the government's long-term development priorities. The advisers understood from the beginning that sustainable progress would be most likely attainable through "soft diplomacy"—low-profile consultation and conversation with government officials aimed at gradually building official acceptance of a more open media environment. As has been noted, liberalisation and professionalisation need to go hand in hand; mutual trust and a willingness to take responsibility need to be developed; and not only government officials and the police but also society itself need to become accustomed to a new approach to public discourse. This will take time.

Nevertheless, there are a few observations that we can already make.

- » The experience of those involved in the informal Rwanda Media Reform Initiative strongly suggests that the Rwandan government will listen to those who share their understanding of the larger strategic goals at stake. This cannot be said of all authoritarian regimes. The fact that Rwanda's government has accepted many of the observations of its international advisers, and in some cases turned them into concrete policies, strongly suggests that this is a government that is capable of changing its mind. Participants in the Rwanda Media Reform Initiative became convinced that such opportunities should be seized and built upon rather than ignored. "When we started this discussion, the determining factor was that they pushed through some quite good legislation," says a Western diplomat in Kigali. "It's not always very constructive to stand outside and wait for a perfect world."
- » The Rwanda Media Reform Initiative was successful in working with the government of Rwanda precisely because it did not dictate outcomes. It was not an advisory body in the traditional sense, but rather sought to engage a wide range of officials in conversations and then to help find and deliver expertise. In contrast to some traditional advocacy and diplomacy, the participants sought to understand the goals of their interlocutors and to work with them to achieve those goals. They found that confrontation achieved very little.
- » If the Rwandan government needs to relax its attitude to journalists, the Rwandan media also needs to build up its professional skills. The government is still vastly more powerful than individual journalists, and its active participation in training programmes would help encourage people to believe that the reform is real. At the same time, if foreign donors who speak about free speech in Rwanda really want to encourage the development of a more open political culture, then they should help pay for this training too. In the next stage of development, both Rwandans and others should also think about the business environment for journalism, since a low-paid, marginal profession will never attract talent.³² The issue of ethics is also important: there are many stories of Rwandan journalists extorting bribes from the subjects of their coverage or engaging in other equally irresponsible types of behaviour. Only by providing sound training and promoting good professional standards can such deficits be overcome.

- » It is obvious that media development will run parallel to political development, but it is worth repeating. “The media freedom cannot go beyond political freedom,” says Fred Muvunyi, the journalist who heads the Rwandan Media Commission (RMC). “The two go hand in hand.” He does believe that conditions have greatly improved in the past five years: “Today you can go to the field and expect that you will come back. That’s progress. In 2009 we went to do a story and were detained by the police for a day. But now it’s different, journalists can go to the field and report back. The editor may censor the story, but at least I have done my job and no one else interferes in my business of reporting except my superiors.” But even as certain gradual improvements occur, he notes, there are other things that are likely to remain the same. “You can criticise a minister and a policy, but not the president. No one would dare do that.” Change in Rwanda is conditional, Muvunyi says, laughing. So what are the conditions? “If they don’t have any threat. If the media is done well, professionally and responsibly, then I think the media will be freer. But it’s up to us journalists to fight for our freedom in a responsible way.”
- » To be successful, the Rwandan media will eventually require other kinds of institutions as well. Everyone involved in setting up the independent board for the Rwandan broadcaster quickly realised that there is no tradition of independent boards at all in Rwanda. There was no independent public appointments process to get them established and no robust legal system to underpin them. The same is true of institutions loosely defined as “civil society”—non-governmental organisations which are neither private businesses nor state institutions; the legal and political environment governing their operation in Rwanda is also weak. Now that the media reform process has begun to move forward, the government should begin the next phase: the creation of a clear legal structure which would ensure the development of genuinely independent civic, charitable, educational, and advocacy groups of a kind that could contribute to the debates that the media would eventually begin to portray.
- » Any kind of change will be uneven. As this report was being finished, the Rwandan government, in reaction to a BBC documentary which questioned the extent and nature of the 1994 genocide, once again took the Kinyarwanda-language BBC World Service off the air. Although the decision did not affect the institutional changes taking place within Rwanda, it certainly indicated that the Rwandan government’s sensitivity, or oversensitivity, to the country’s portrayal at least in foreign media has not gone away. The mixed state of affairs was beautifully illustrated by the remarks of Fred Muvunyi of the RMC. He pointed out that, under the new laws, his commission should have been the one to take any decisions about banning broadcasts.³³ On the one hand, the government may have overstepped its own rules; on the other hand, there are now journalists who feel empowered enough to complain about it.
- » Above all, self-censorship—fear of stepping over an invisible line and being punished by the authorities—remains the central problem. The memory of the genocide still hangs over many Rwandans, even those too young to remember it. The government’s actions and attitudes towards political opposition unnerve even those who want to work on apolitical stories. The past stories of media harassment are known to all. Many years may be required to overcome the fear which haunts many Rwandans, but more engagement would make a difference. The workshops and meetings now being held in Rwanda, which include police, judiciary, and other public officials as well as journalists, are a part of the solution. The more conversation there is between different groups, the more each may value the other’s point of view. Ultimately, the media itself could become a forum for such debates. Indeed, if that can happen, then the reforms will have been a success.

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The views expressed in this paper are those of the author/contributors and not necessarily those of the Legatum Institute.

RANKINGS

▲	MOLDOVA	89
	GUATEMALA	90
	BOSNIA AND HERZEGOVINA	91
	TUNISIA	92
	LAOS	93
	TAJIKISTAN	94
	ARMENIA	95
	NEPAL	96
	ALGERIA	97
	GHANA	98
	RWANDA	99
	VENEZUELA	100
	LEBANON	101
	INDIA	102
	BURKINA FASO	103
	BANGLADESH	104
	HONDURAS	105
	SENEGAL	106
	IRAN	107
	BENIN	108
	KENYA	109

TOTAL COUNTRIES RANKED : 142

OVERVIEW

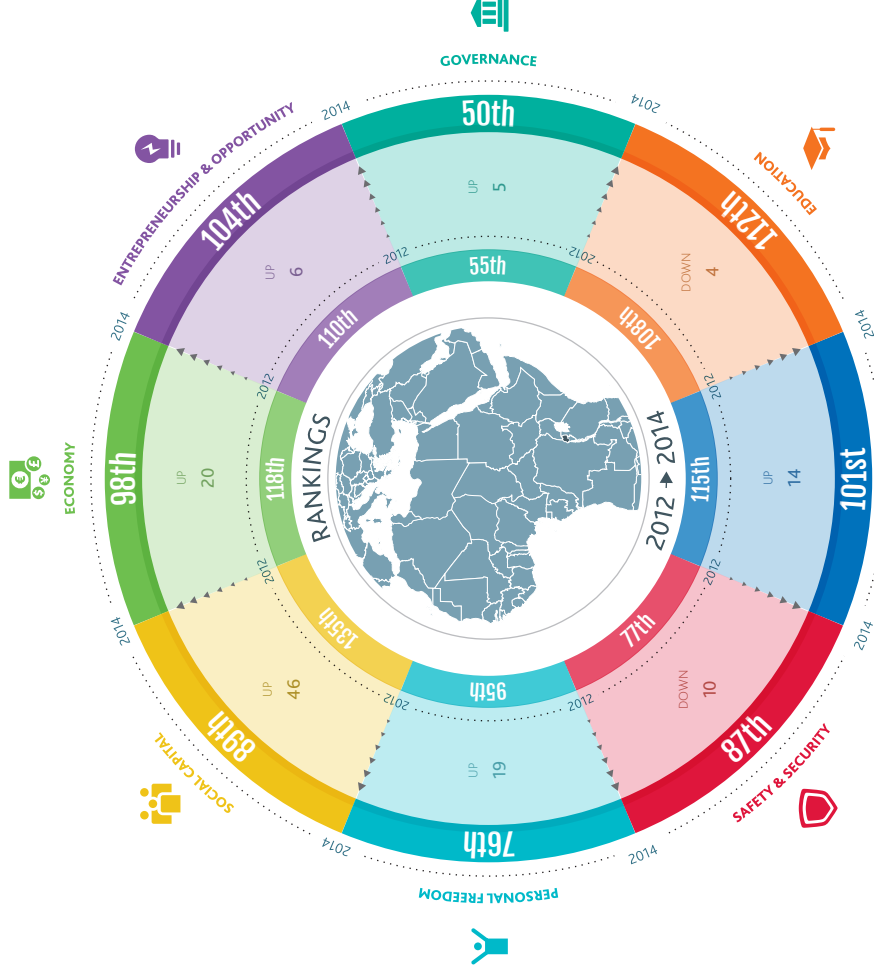
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Rwanda ranks 99th globally in the 2014 Prosperity Index, having risen six places since last year.

Rwanda's best performance is in the Governance sub-index, where it ranks 50th in 2014.

Rwanda's lowest rank is in the Education sub-index, where it ranks 112th in 2014.



41.4%
THINKS IT'S A GOOD
TIME TO FIND A JOB



1.6
HOSPITAL BEDS
PER 1000 PEOPLE



75%
SAY THEY CAN
RELY ON OTHERS
IN TIMES OF NEED

SUB-INDICES

	YEAR	DATA	GLOBAL AV.
98th ECONOMY			
Unemployment rate (% labour force)	2012	0.6%	8.9%
Inflation rate (annual %)	2013	4.2%	5.3%
104th ENTREPRENEURSHIP & OPPORTUNITY			
ICT exports (% of total exports)	2012	0.2%	3.5%
Business start-up costs (% of GNI per capita)	2013	4.4%	29%
50th GOVERNANCE			
Government type ⁽¹⁾	2012	-4	4.8
Rule of law ⁽²⁾	2012	-0.3	-0.07
112th EDUCATION			
Gross secondary enrolment rate (%)	2012	31.8	79.9
Gross tertiary enrolment rate (%)	2012	7.2	39.6
101st HEALTH			
Life expectancy (years)	2012	63.5	70.7
Infant mortality rate (deaths per 1000 live births)	2012	38.8	25.6
87th SAFETY & SECURITY			
State-sponsored political violence ⁽³⁾	2012	3.5	3.6
Refugees and internally displaced persons ⁽⁴⁾	2013	7.9	5.2
76th PERSONAL FREEDOM			
Civil liberties ⁽⁵⁾	2013	3	4.7
Satisfied with freedom of choice? (% yes)	2013	90%	72.7%
89th SOCIAL CAPITAL			
Formal volunteering? (% yes)	2013	17%	20.9%
Perception of social support? (% yes)	2013	75%	79.9%

NOTES: (1) Degree of democracy (-10 - +10 scale, higher numbers=more democratic).
(2) Respect for property rights, police and judicial system (-2.5 to 2.5 scale, higher numbers=more respect). (3) Levels of political violence and terror (1-5 scale, higher numbers=less violence).
(4) Pressures associated with population displacement (0-10 scale, higher numbers=more displacement). (5) Extent of civil liberties (1-7 scale, higher numbers=more civil liberties).



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