

Practices, Policies and Regulation in African Journalism: Mapping a Research Agenda

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Abstract

This special issue examines the intricacies of *journalism practices, policies and media regulation* in contemporary Africa. The studies carried in the issue collectively offer three broad contributions to (African) journalism studies. Firstly, they demonstrate how law and regulation are used to control and, in some cases, stifle the practice of journalism. Secondly, studies examine the challenges presented by new digital technologies to both the practice of journalism as well as the law and regulation by which it is governed. In particular, the studies highlight how digital technologies blur the definition of journalism, how they provide an opportunity for journalists to overcome state censorship and surveillance, and also how online platforms can offer an arena for nationalistic discourses, divisions and hate. Finally, the special issue bolsters the relevance of investigating media practices and regulation policy for radio broadcasting in Africa, while also signalling the prospering significance of empirical research into new media and their relationship with law and policy.

Keywords

Democratisation; Censorship; Journalism practice; Media regulation; Online media; Press freedom; Radio broadcasting; Surveillance

Journalism in Africa (as elsewhere) has tended to be shaped by wide-ranging local factors, including the unique socio-political and economic context in which journalists operate. Beyond the well-known political and economic challenges, African journalists have to contend with complex and multifaceted realities that “resist any attempts to simplify them” (Mano 2004, 18). Many operate in conditions “where news production is sometimes strikingly similar to what might be seen in any global news hub [...] and, conversely,

sometimes distant from Northern norms in terms of its goals and methods” (Paterson 2014, 259–260).

What is, however, clear is that African journalists do their job under immensely varied and unique circumstances, often starkly differing from the conditions in which their colleagues in the Global North operate (Mabweazara 2018). Highlighting some of these distinct conditions, Kupe (2004) observes that African journalists operate with significantly fewer resources and are poorly paid. They also broadly operate in multicultural countries that are at various stages of constituting themselves as democracies in a globalising world. In the same way, the predominantly polarised political terrain, as well as journalists’ struggles for survival in the context of severe economic crises have spawned practices that provide context for (re)examining the relevance of the predominant Anglo-American epistemological imperatives of journalism in Africa (Mabweazara 2011; 2018). Under political and economic pressure, journalists may be faced with the dilemma of accepting gifts at the expense of ethical tenets of the profession (Sampaio-Dias 2019). Poor salaries and remuneration make them “susceptible to unethical practices such as being paid to write favourable or unfavourable stories as desired by the briber. It also makes journalists acquiescent to intrusive publishers who use their newspapers to attain personal or political goals” (Ibelema, 2008, 30). Thus, while at the surface journalistic practices in the African press “typify the prevalent and somewhat universal professional normative ideals [...], a deeper analysis shows discrepancies that counter these established ideals” (Mabweazara 2011, 100).

Deeper analysis is also required of the legal and regulatory mechanisms that shape, and are shaped by, African journalism. International interventions have been made to promote the norms and legal models of North America and Europe; for example, the UK’s ongoing Rule of Law UK project, which is funded by the Department for International Development (DFID). The project operates in countries that include Ghana, Kenya, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Tanzania, The Gambia, Uganda, and Zimbabwe. Media NGOs and civil society organisations broadly work with reference to models and ideals developed in the Global North, including notions of the ‘chilling effect’ on free expression (Townend 2017a), in both their assessments of press freedom and in-country programmes of training (Ibelema 2008). But if, as we contend above, African journalists deal with complex and multifaceted realities, under noticeably differing

circumstances, it is equally essential that predominant Anglo-American approaches to law and regulation also receive critical examination before their wholesale import. The one-way travel of legal and regulatory influence could also be questioned. In particular, what can African case studies – with both similarities and differences to practice in other parts of the world - tell academics and policymakers about protecting and enhancing media freedom in the Global North? And as we examine emerging forms of digital media that can, but are not guaranteed to transcend national borders, how do we begin to understand the regulation of media in cross-border spaces?

European courts have been grappling with this in recent years, as they apply European law in global media ecosystems (Townend 2017b). Cases have considered the extent to which an international technology company is obligated to comply with domestic legal requirements - for example, content removal or search engine delisting order made by a national-level court or regulator. In the most recent of the so-called ‘Right To Be Forgotten’ cases, the European Court of Justice (CJEU) decided that Google was not obliged to ‘de-reference’ material in search results for users outside the European Union, as desired by the French privacy regulator, CNIL (*Google v CNIL* 2019). This will not be the last word; however, as the Court stated that EU law did not prohibit a global de-referencing exercise under different circumstances. Indeed, in a defamation case just a week later, the CJEU ruled that an EU Member State court is able to grant an injunction with global effect (*Glawischnig-Piesczek v Facebook Ireland Limited* 2019). Another area of high tension lies in the arrangements for data transfer from one national jurisdiction to another, which will be altered further by the UK’s departure from the European Union. Inevitably, the Global South, and African countries in particular, are implicated here, as international law and policy around content removal and data transfer further evolves and is better enforced. It will be critical to watch not only the response of national legislatures and domestic courts in African countries, but also the developing law of the African Union, as governments and judiciaries navigate issues for the efficacy of domestic and African media laws, and engage with international approaches to media freedom and other civil liberties.

In general, media regulation in Africa is seen as an essential element for the consolidation of democracies. After their transitions to independence in the 1960s, many African countries mirrored institutional models for media policy and regulation from the former colonial powers. In several countries, press freedom received constitutional

protection, and, throughout the years, the widespread creation of media regulatory authorities was considered part of the democratisation mechanisms and institutions. In many cases, however, these developments, including the legislative frameworks developed in the 1990s have been used as forms of indirect control of journalism, as Ngangum's paper in this issue on Cameroonian media regulation highlights.

More recently, we have seen the emergence of different trends in media regulation models such as the self-regulation of media sectors. This has become particularly popular in fragile contexts where governmental structures and mechanisms for media regulation are weak or inexistent (Sampaio-Dias, 2019). In this sense, the efforts for media self-regulation in the absence of proper regulation or accountability stem from the need to act, rather than the proven effectiveness of the model (Daubert in De la Brosse and Frère, 2012). In other cases, self-regulation functions as a mechanism for dodging political control, "leaving media ethics largely to media professionals, both as individuals and as a community", and reinforcing a sense of media independence (Berger 2010, 291). Under these circumstances, self-regulatory bodies, although proactively engaged and ethically committed, often face a number of limitations for steady functioning: restricted financial resources (as most of these associations operate on a voluntary basis), a lack of perceived legitimacy and credibility in contexts of politicised media, and the privation of disciplinary power, often in parallel with difficult relationships with authorities (De la Brosse and Frère, 2012).

The Background and Primary Aims of this Special Issue

Against the foregoing background, this special issue was initially conceptualised as a symposium entitled "News Practices and Media Law in Africa: Developing a research agenda" at the University of Portsmouth in June 2017. The main focus of the symposium was deliberately left broad in order to embrace the wide-ranging nature of issues around *media practice* and *regulation* in Africa. Still, our key questions were directed towards the general observations that: African journalism has conventionally been studied from a Western empirical and theoretical perspective that generally marginalises insights from within Africa itself, and that African journalism scholarship is largely conceived or framed as a subfield of Western journalism studies that "might only be of interest to scholars doing 'area studies,' or is meant to serve as a small piece in the global jigsaw of comparative work" (Wasserman 2019, 972). While we acknowledged that these limiting patterns of

investigation and knowledge-building have been changing thanks to the 'decolonial shifts' in scholarship, research and education as well as calls to 'de-Westernise' the field, we broadly sought to challenge what Wasserman refers to as the "uneven distribution of epistemological power", which determines "the amount, frequency, and, especially, the terms in which academic work from Africa is allowed to enter the global scholarly field" (2019, 973).

Our principal aim was to locate a revitalised research agenda by assessing contemporary trends and pressing themes on African journalism and media regulation. We invited scholars to examine political and cultural influences, post-colonial and post-conflict legacies on the development of journalism practices and media law and regulation in Africa. The debates and discourses that emerged from this symposium highlighted the fact that "[t]he systematic analysis of journalism culture ultimately requires a collaborative effort that involves researchers with very diverse cultural experience and knowledge" (Hanitzsch 2007, 380). As Hanitzsh (2007, 370) further puts it,

To speak of any journalism culture only makes sense if we assume that there exist other (not necessarily journalistic) cultures to which the former could be compared. Cross cultural comparative research should therefore be a principal venue of the inquiry in journalism culture.

However, despite promoting exciting conversations, the symposium was limited in its scope. While the event was free of charge and the call for participants was disseminated in several international networks, the meeting was mostly attended by UK-based scholars with an interest in journalism and media studies as well as guest speakers. This scenario illustrated a point noted by Wasserman in his observation that "Scholarship from the Global North continues to dominate international scholarly conferences [...], thereby setting the research agenda [...] and determining the type of questions that are asked and the type of scholarship that is expected to provide the answers" (2019, 973). This 'marginalizes' theoretical and empirical experiences from the Global South, and as Wasserman further contends, "limits our ability to gain insights relevant to the current global social and political condition" (ibid.). Thus, to overcome this limitation in geographical reach, the symposium naturally evolved into a wider call for papers conceived of as a special issue for *African*

Journalism Studies. The response was popular and encouraging, and from dozens of abstracts submitted, we gathered eight contributions that cover a range of African contexts and case studies. These papers put forward some of the latest context-specific investigations, and highlight the close link between media, political and legal practices.

In selecting articles for the special issue, our primary aim was not necessarily to chart new waters or to break new ground, but, as Mabweazara (2018, 2) puts it, “to reinvigorate and contribute to the nuancing of well-trodden debates in journalism studies”. To use Hanitzsch’s terms, we sought to add to “an analytical grid” that maps out “diverse journalism cultures onto a set of universal dimensions of global variance” (2007, 371) through exploratory case studies that provide material for reflection and analysis.

The findings presented in the special issue have three main implications for the study of practices, policies and regulations in African journalism. Firstly, they show us how regulation and policy are often used as a form of hampering free journalism and investigative reporting (see Ngangum; Munoriyarwa & Chiumbu and Ruona) and document the prevalence of state interference and corrupt practices in the media sector (see Osei-Appiah; Alfandika and Muchetwa). Secondly, a set of papers in the issue explore digital development of journalism and regulation practices, examining how these platforms flag up problematic and diverse definitions of journalism (see Robertson and Dugmore), how they provide a chance to overcome surveillance and control (see Meyer), but also offering an arena for the rise of nationalisms, divisions and hate (see Workneh). This harming potential, however, is not exclusive to digital contexts and also proliferates in radio broadcasting (see Cohen and McIntyre). Finally, the studies allowed us to reflect upon the trending themes and methodologies for research on media practices, policy and regulation in Africa. The body of research included here demonstrates an international scholarly effort to examine journalism practices and trends in media regulation in Africa; it also reinforces the continuing relevance of media practices and regulation policy in radio broadcasting, in tandem with the blossoming of empirical research into online media. The special issue further demonstrates that qualitative empirical research on African journalism is thriving, particularly informed by in-depth interviews with media professionals and other stakeholders as a preferred method.

Regulation as a Form of Control and Limit to Press Freedom

An important claim running throughout this special issue is how, in many national contexts, the latest media regulation policies are used by governments as a form of hampering press freedom and investigative reporting. These cases point out the prevalence of state interference by using media regulation as a form of control and manipulation, instead of organisation and protection of press freedom.

Peter Ngangum's article in this special issue makes a strong case for state intrusion in journalism practice, mainly through the regulation that was initially introduced, in its essence, to promote media pluralism. He defends that there is limited optimism for press freedom in Cameroon, despite constitutional protection. The same regulation introduced in the 1990s to liberalise the media sector has contributed to a boost in private initiative, but it also emphasised state interference and control. The state promotes a series of informal regulatory practices that prevent the media from scrutinising the authorities and public affairs. In his paper, Ngangum questions the role of the media in democratisation under such circumstances, as he notes, "for what the press supposedly gains by the new law is taken away in the same law by more severe provisions and a host of informal regulatory practices that have enhanced the arbitrary powers of the administrator" (Ngangum, 2020). The media in Cameroon, he argues, operate in a 'pluralist authoritarian' media system - a concept elaborated by Frère in 2015, which explains the media functioning in countries under democratic transition. These 'emerging democracies' are, however, and as Ngangum defends, not on course to become a democracy, as both democratic features and authoritarian traits coexist.

Other articles in the special issue also report on state obstruction in democratic contexts. For example, Allen Munoriyarwa and Sarah Chiumbu draw on the Bourdieusian notion of the 'journalistic field' to explore how Zimbabwean journalism has been affected by the threats posed by surveillance laws, in particular, the Interception of Communication Act (ICA) promulgated in 2007. They argue that state-sanctioned surveillance in militarised semi-authoritarian regimes such as Zimbabwe, disrupts the predictability of journalistic practices by compromising daily newsgathering and production activities, particularly the sacrosanct relationship between journalists and their sources. Under state surveillance, journalists, especially those working for the privately-owned press, find it hard to carry out their newsgathering routines effectively. Equally, investigative journalism, which is already under pressure from political influence, is also profoundly affected.

This theme of state control is one that also permeates across case studies of community radio. Last Alfandika and Sarah Muchemwa explore the politicisation of community radio licensing in Zimbabwe, where the state generally perceives radio as a potential weapon for political control and manipulation of the masses. Thus, while there are clear legal requirements for the opening up of the broadcasting airwaves through the issuing of community broadcasting licences as enshrined in the Broadcasting Services Act (2001), the state still maintains a stranglehold on the broadcasting space and the media in general. This state of affairs has resulted in the state-owned broadcaster, the Zimbabwe Broadcasting Corporation (ZBC) and the state-controlled Zimbabwe Newspaper Group (Zimpapers), which also runs a broadcasting division, as well as a few other private commercial broadcasters whose proprietors have close connections with the government, enjoying a de facto monopoly of radio broadcasting in Zimbabwe. This scenario, as Alfandika and Muchemwa contend, not only stifles freedom of expression but violates fundamental rights to freedom of expression and access to information as guaranteed in the Zimbabwean constitution and in regional and international treaties to which Zimbabwe is a signatory.

Other media practices shed light on power imbalances and expose continued forms of corruption that hamper the democratising role of the media in Africa. Sally Osei-Appiah's paper explores newsmaking practices in political news whilst also providing a study of radio broadcasting in Ghana. Speaking to Ghanaian journalists, politicians and civil society experts, she draws attention to the emerging trends in political journalism, where private radios prioritise profit-driven decisions and relegate professionalism and investigation to a secondary stance. Osei-Appiah uses the idea of a 'news media logic' as one of the key components in the mediatisation of politics, as theorised by Strömbäck (2008, 2011). With this, she explains the Ghanaian context of private broadcasters who privilege politicians that deliver controversial and sensationalised soundbites, particularly from the two main parties, to meet the commercial needs of the station. This production logic excludes, in its turn, a range of political views from other smaller parties. This exclusion is a detriment to democracy, as they provide audiences with a limited reality of the political space. This research furthermore feeds into a long-lasting academic discussion about monetary incentive-driven political coverage in African journalism (see for example Skjerdal, 2010, 2018; Osman 2017; Sampaio-Dias, 2019), as interviewees explained that the inability to pay for coverage resulted in political invisibility in the media.

Shifting the focus to the power of local language radio, Meghan Sobel Cohen and Karen McIntyre provide a unique view into the practices of the flourishing vernacular radio stations in Kenya. The authors investigate the tension that the existence of these radios generate: while they contribute to cultural preservation and increase development and political participation, particularly attending to rural communities, these radios also intensify tribal divisions in the country. The authors revisit the classic social responsibility theory suggested by Siebert, Peterson and Schramm in 1956, testing the media's expected concern for the public good or, in this case, how vernacular radios contribute or hinder this public good.

The Alternative of New Digital Landscapes

A selection of essays in this issue explore the impact of changes brought by new digital media, which usher in new possibilities, but also perpetuate abiding problems. A set of research demonstrates that new digital media practices and policies are providing a chance to overcome state surveillance and control (see Meyer), but are also offering an arena for the rise of nationalisms, divisions and hate (see Workneh). Further, new digital and social platforms present new problems for delineating and defining journalistic activity (see Robertson and Dugmore).

For many news organisations and journalists, digital and social media platforms provide a chance to overcome the limitations created by surveillance and control regulatory frameworks. Ruona Meyer's paper explores the use of social media in transnational relations between African journalists and their foreign colleagues in investigative networks, specifically concerning evading censorship and obstruction during the production stage of the news value chain. It provides particularly insightful contributions to the use of social media within African-Intercontinental investigative journalism networks from the perspective of avoiding censorship and constraints from those being investigated.

Social networking is, in this sense, praised for its liberating component, but also criticised for offering an arena for the rise of nationalisms, divisions and hate. Tewodros Workneh's research delves deep into the political transformation that Ethiopia has experienced since Prime Minister Abiy's election, which amongst other decisions, has included the lifting of restrictions on political speech and prisoners of conscience being set free. The paper demonstrates that the transformative potential of social networking sites

across the nation in keeping the momentum of the protests was evident, but so was the rise of ethno-nationalist inspired displacements, killings, and violence amplified by discriminatory discourses in platforms such as Facebook. This created a fervent debate on the role of the state in regulating hate speech online. It is rich with illuminating data from interviews with lawmakers, civil society organisations, journalists, human rights advocates and freedom of speech activists and charts the promises, parameters, and challenges of Ethiopia's proposed hate speech and misinformation bill. This potential for harm and promoting discrimination and violence is not exclusive, however, to online practices, as Cohen and McIntyre explain in their investigation into vernacular radio stations in Kenya.

Online and social media dynamics, in addition, flag up the diverse and blurred definitions of journalism, as they allow for specialists and the public in general to report and comment on varied and specialist issues. In this sense, the question of what qualifies as journalism is an enduring issue for the regulation of media as different countries introduce new legislation and policy to combat so-called 'online harms'. If the person producing and publishing online content is understood to be a journalist, and that their activity constitutes journalism, this could afford them certain privileges and protections in law. In their paper, Heather Robertson and Harry Dugmore start with the premise that journalism is no longer the preserve of traditional journalists and examine how lawyers are re-shaping South African legal journalism through their blogging and use of social media. Although many of the lawyers featured in their case study were reluctant to cast themselves in the role of a journalist, the authors contend that, when evaluated through the lens of contemporary digital media theory, these lawyers do play journalism-like roles. This case study suggests that blogging lawyers or legal 'producers' are part of the antidote to the spread of digital disinformation. In terms of the implications for domestic regulation, Robertson and Dugmore suggest that the South African Press Council can help the public 'discern fact from fake' by opening up their membership to professionals in niche areas of expertise who write journalism-like content and are prepared to abide by the Press Code. They point to examples in other countries, such as Kenya, where the media council can accredit individual journalists, including bloggers. Although the Kenyan co-regulation model is vulnerable to state censorship and journalistic surveillance, the authors argue that such systems do not need to be so.

Concluding Reflections: Beyond a Localized Research Agenda of Separatism

While this special issue makes an important contribution to the mapping of a research agenda on *practices, policies* and *regulation* in African journalism, it is however not exhaustive nor is it without limitations. More work still needs to be done to reinforce this effort. Equally, in de-Westernising or taking a decolonial approach, we also need to tread carefully and “avoid reifying and essentialising African experiences by blindly locking ourselves in the specificities of locale as to lose sight of essential insights from ‘outside’ intellectual traditions and experiences” (Mabweazara 2015, 107). We should, therefore, emphasise sensitivity to context—using established Western theories with close attention to the uniqueness of the conditions in which African journalists operate (ibid.). As Tomaselli (2003, 429) advises us, we should be investing our energies in engaging with “international scholarly literature and intellectual debates from African perspectives”, connecting our knowledge of local indigenous knowledge with international systems of communication in order to come up with “a more integrated, conceptually holistic [approach] which studies glocalization (the local in relation to the global)” (438).

Thus, a localized research agenda rooted on separatism and fixated on *locale* bars “essential insights from ‘outside’ intellectual [...] experiences” (Mabweazara 2015, 107). Rather, as Atton and Mabweazara (2011) point out, we need to connect our accounts on Africa with insights emerging from other regions, especially the economically developed North, where journalism research has a long trajectory. In the words of Waisbord (2013, 153), we cannot “disregard the significance of global dynamics” in local press cultures and legal policy development. This approach, as the studies carried in this special issue highlight, sensitises us to “variation and to similarity” (Hallin and Mancini 2004, 2).

Going forward, a “reciprocal global scholarly dialogue is what is needed—to build theory from the South” (Wasserman, 2019, 974). This special issue is part of that effort, but we need to go a step further and “create the conditions for African [and Africanist] scholars to impact knowledge production on the level of theory itself, destabilize dominant assumptions, and interrogate accepted norms” (ibid.).

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