

Freedom of the Press and Peace in Benin: A Study of Hindrance Strategies

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Abstract

There can be no peace in a context of deprivation of rights and freedoms. As such, freedom of the press, as an essential component not only of any peace process but also of democracy, was guaranteed by African constitutions at the dawn of the democratic renewal of the 1990s. Moreover, new media are born to better ensure equal access of all components of society. This is the public service media, formerly State media. A public service media outlet is “a state-owned tool for information, education, development and promotion of moral and cultural values that is neither governmental, private, commercial nor communal. It is accessible to all and is addressed to all, regardless of gender, religion, age, political affiliation, social or economic status.” A public service media outlet is “a state-owned tool for information, education, development and promotion of moral and cultural values that is neither governmental, private, commercial nor communal. It is accessible to all and is addressed to all, regardless of gender, religion, age, political affiliation, social or economic status¹. As such, this paradigm shift brought greater responsibilities towards the people, safeguarding the general interest. However, between guarantee and effectiveness, the gap continues to widen. However, peace can only be consolidated, among other things, in a context where equal access to the media is possible and freedom of expression is admitted. Far from constitutional and legal guarantees, it is important to ask the question: What are the strategies and mechanisms put in place to hamper the freedom of public service media in Benin, and by extension the construction of a positive peace in Benin? Adopting an approach combining documentary and empirical research, it is permissible to point out that the law guarantees the freedom of public service media and the high authority in the audiovisual and communication sectors is responsible for ensuring its effectiveness. However, given the strategic interest that the press represents for politics, legislative provisions are designed and contain restrictive measures. In addition, the regulatory authority is not sufficiently equipped to ensure compliance with the rules of ethics and professional conduct by journalists in these media, who, too, show a lack of knowledge of their rights and of the journalistic ethics.

Key words: Media, peace, freedom of press, regulatory body, Television

Introduction:

In the 1990s, African States experienced an important period in their history. Indeed, most of them switched from dictatorial systems to a democratic renewal based on respect for rights and freedoms. Among these rights is freedom of the press. Moreover, the press is recognized in a democracy as "instruments of democratization, control and counter-power, their involvement in electoral processes, their work in promoting democracy by opening up spaces for debate have made them key actors, including because of their potential for destabilization, their involvement in conflicts and peace processes, or their mobilization by donors and NGOs for the purposes of social change"¹. These various democratic responsibilities incumbent on the media have fostered the creation of public service media, to serve the general interest. Far from being mere informants, these media are endowed with several responsibilities with regard to both politics and populations in general. Public funding of these media obliges them to improve the quality of content and balance (Code of information and communication in the Republic of Benin, 2015). Much more than the private media, they are characterized at first glance by the principles of public service, systematized by Louis Rolland of equality, adaptability and continuity.

In the African context, beyond the new constitutions put in place at the start of the 1990s, the African charter on the values and principles of public service and administration was adopted in 2011, to highlight the principles to be respected by the administrations providing a public service. According to this charter, the principles are among others: the equality of users before the public service and the administration, the prohibition of all forms of discrimination, including based on place of origin, race, sex, disability, religion, ethnicity, political opinion, membership of a trade union or any other legal organization, impartiality, equity and respect for the law in the provision of public service, the continuity of public service in any circumstance. This results in more responsibilities and obligations for the administration vis-à-vis users.

The public service press therefore presents itself as the best able to meet the requirements of quality and of people's satisfaction. Based on this reality, these media are expected to satisfy the general interest through balanced treatment of information, and equal access for political parties. Freedom of expression in this body is an obligation, the effectiveness of which will strengthen cohesion within the population, each enjoying their right to the expression and dissemination of their ideas. In this vein, any obstacle to the freedom of these media constitutes an obstacle to social cohesion and by extension to peace. The relationship between press freedom and peace was further confirmed by the awarding of the 2021 Nobel Peace Prize to two journalists, in recognition of their fight for a free and independent press².

It is for this reason that we ask ourselves the question of knowing how the absence of press freedom in the public service media can constitute a blockage for positive peace in Benin? Better what are the mechanisms for blocking the freedom of the public media in Benin, and by extension press freedom and positive peace? To this question, we propose the hypothesis according to which the public service media, although enjoying a more or less appropriate normative framework, having to favor the production of plural and quality content, are maintained by implicit strategies and explicit control.

Methodological perspectives:

Theoretical anchoring of the reflection: Theory of social responsibility of the press

¹ Capitant (S), Frère (M), "Les Afriques media. Thematic introduction", available at <https://www.cairn.info/revue-afrique-contemporaine>, consulted on 05/25/2019 at 3:45 pm.

² They are Maria Ressa and Dmitry Muratov

The issue of press freedom has been approached from several perspectives. Besides authoritarian theories, we have the liberal conception of press freedom and that of social responsibility. For proponents of liberal press theory, it is "a supporter of the search for truth" (Siebert, Peterson and Shramm, 1963, p3). Its role therefore goes beyond simple information and touches on investigation. In this quest for the truth, carelessness and laissez-faire must be the order of the day and be afforded maximum protection. But it is worth pointing out that although press freedom is essential, it is limited. This limitation of press freedom induces regulation from a legal and institutional point of view. The theory of social responsibility, on the other hand, has the merit of taking into account this need to regulate media activity. It asserts that "*freedom of the press comes with important responsibilities in order to enable the media to fully assume their role in democratic societies. It argues that the media must ensure that they act responsibly and that society has the right to demand accountability for such responsible behavior, hence the principle of media accountability and the commitment to provide fair and high-quality information to the public*"³ (Carignan, 2018). From this point of view, it represents the medium between authoritarian and libertarian theories. This approach will make it possible to identify the mechanisms that are put in place in these systems of domination and the consequences of such a situation. In this work it will be up to us to denounce through this theoretical model how the rulers seize the public media to dominate the political parties. In this way we could understand and appreciate the gap between the texts, the demands of democracy and the reality in these countries. We will therefore highlight the factors that do not favour the press' ability to exercise its freedom. As such, the social responsibility of the press is not properly assumed.

For critical theorists, mass culture has a political function, that of manipulating the masses and ensuring its conformity and the maintenance of the status quo. The myth of public manipulation therefore finds its source in critical theories. Above all, television is credited with an unparalleled capacity for manipulation; It is able, because of the images, to impose on the public another view of reality. This justifies the desire for its control by African rulers who quickly understood that whoever controls the media controls power and who holds power holds the media.

To carry out our analysis, we will start from documentary artillery, that is to say, data from books, articles, laws, dissertations and theses. Empiricism will also be in order because we have conducted interviews in Benin. Our approach will therefore be qualitative.

We will use a systems approach with regard to the complexity and interdisciplinarity that we will use in this analysis. We will raise legal, sociological issues and those specific to the communication sciences. These are found and interconnected in the present work.

The aim is to clarify the important place occupied by freedom of the press in the construction of peace. Thus, while it is a fundamental component of positive peace, the fact that it is hampered implies blockages to peace. This article is innovative because it establishes the relationship between blocking press freedom and blocking peace. Better still, it presents the

³ CARIGNAN M E (2018), "What social responsibility for the press? Coverage of the attacks in Ottawa and Saint-Jean-sur-Richelieu ", Sur le journalisme, [En ligne, online], Vol 7, n ° 1 - 2018. URL: <http://www.surlejournalisme.com/rev> , accessed 08/24/2021.

strategies of blocking press freedom as blockages of the peace process. This article makes a critical analysis of the mechanisms for supervising the public service press. This elucidation will make it possible to consider innovative solutions for lasting peace. Although, this study is conducted in the Beninese context, it can be extended to several African countries, whose context does not seem to differ.

In this momentum, we will present the theoretical foundations of press freedom as a right at the heart of the construction of peace, then highlight the strategies for blocking press freedom, in particular public service media to finally consider a reinvention of subsequent strategies and mechanisms.

Freedom of the press: a right at the heart of peace building

Peace is not effective in a context of deprivation of rights and freedoms. Indeed, freedom constitutes the first human right⁴ (ACHPR, 1981, art 6). Moreover, the link between freedom of the press and peace has its origin in the very definition of the concept of "peace".

First, peace studies have revealed that peace does not simply mean the absence of war. Indeed, apart from the concept of peace versus war, peace is a much more complex reality. In the sense of Johan Galtung, we distinguish between positive peace and negative peace. For the record, negative peace is defined by the absence of violence between human groups or nations. While positive peace emphasizes not only the absence of war or violent conflict, but also the development of factors of cooperation and integration between these groups or nations in order to foster lasting peace. "*A state of society in which exploitation is entirely eliminated or at least minimized and where no manifest violence of structural or individual origin denies the people the exercise of their fundamental rights*" (Galtung, 1994). For the purposes of this study, peace is understood in the sense of positive peace.

The political scientist thus places at the forefront, the effective enjoyment of rights and freedoms in the fundamentals of the construction of peace. Peace is enhanced if sections of society can communicate well by exercising their right to freedom of expression. However, freedom of the press is derived from freedom of expression, because "the journalist is the repository of collective freedom of expression" (Grevisse, 2016, P 31). As such, he relays the various information collected from the population on a specific problem or a news item. Thus, the Nobel Peace Prizes have not been exempted from this reality. In awarding two journalists, Maria Ressa of the Philippines and Dmitri Muratov of Russia, who have worked hard for press freedom, the chairwoman of the Norwegian Nobel Committee stated in 2021 that these laureates "are symbols of all journalists who defend this ideal in a world where democracy and press freedom are confronted with increasingly unfavourable conditions". It is therefore understood that these conditions that hinder the press do not enable a peaceful world.

Second, freedom of the press under the social responsibility of the press is subject to limitations which make it possible to avoid abuses. Thus, when a person exercises his right to freedom of expression, he must be careful not to infringe on the rights of others. It is for this reason that "*the freedom of some begins where the freedom of others ends*" (Stuart). Better, in order to take into account the respect of the rights of each one and to safeguard social

⁴ In addition to the African Charter on Human and Peoples' Rights, the European Convention on Human Rights, which entered into force in 1953, emphasizes the primacy of the right to liberty in the process of protecting human rights. 'individual.

cohesion, the declaration of human rights and of the citizen has defined freedom as this capacity to "do everything that does not harm others" (DHRC, 1789, art4).

In the media sphere, this limitation is aimed at the protection of human dignity, honor, social order and the preservation of peace. It must be done in such a way as not to hamper the journalist's full exercise of his profession; "The right to express oneself through the media through the practice of journalism should not be subject to undue legal restrictions" (Declaration of Principles on Freedom of Expression in Africa, 2001). Thus, contrary to authoritarian and libertarian theories, the theory of social responsibility makes it possible to ensure a legal framework for the exercise of freedom of the press while specifying the limits inherent in the safeguard not only of peace but also of democracy. Indeed, "*in a democratic society, the exercise of a freedom, even though it was the pillar of the defense of fundamental rights, cannot be justified by the commission of offenses, under penalty of contesting the legitimacy of the rules of public order, and thereby the entire system*" (YETE, 2007). Legal restrictions are related to press offenses which are reprimanded.

As such, the following offenses constitute press offenses: insult, defamation, dissemination or reproduction of false news, fabricated, falsified or false documents likely to infringe public peace, incitement to crimes, and the apology of hatred. There are also prohibited publications⁵. In any case, journalists are not authorized before the deliberation to bring to the knowledge of the public the indictments, and the acts of criminal or correctional procedure. This in order to preserve the rights of the parties and the freedom of judges. Article 280 of the same code, for its part, emphasizes the ban on the publication of the report of a defamation trial, as well as proceedings in the declaration of paternity, divorce, legal separation and abortion lawsuits. Which prohibition does not apply to judgments which can still be published.

In Benin, Defamation is the press offense for which Benin journalists are the most prosecuted, according to the results of an investigation at the Cotonou Court of First Instance, by Mr. Denis Louis Akpoue, journalist at the Benin Press Agency (BPA), as part of his research at the Faculty of Law of the University of Abomey-Calavi. According to this survey, which concerns the citizen's right to information in the legal and institutional framework of the media in Benin, the offenses often mentioned by the plaintiffs are defamation, offenses, insults, slander or slanderous denunciation with a dominance of defamation. Out of 224 decisions handed down from 1992 to 2002, 217, or 96.87%, are related to defamation, reveals the survey which indicates that 90 sentences, or 40.17%, were pronounced in the same period. Most of the slippages recorded in the corporation come, according to the survey, "*from the inexperience of many young journalists, generally students at the end of their cycle, without professional training or from other intruders who claim to be journalists combining this profession with their original profession*".

According to article 272 of Law 2015-07 of 20 March 2015 on the Beninese information and communication code in the Republic of Benin, any insulting expression, any

⁵ Thus Article 279 of the Information and Communication Code in force in Benin since 2015 provides that: "It is prohibited to publish indictments and all other acts of criminal or correctional procedure before they were read in open court on pain of a fine of one million (1,000,000) to five million (5,000,000) CFA francs. The same penalty will be applied for the offense noted in the publication by all means of photography, engraving, drawing and portrait, having for object the reproduction of all or part of the circumstances of the crimes, murder, assassination, parricide, infanticide, poisoning, homicide as well as all moral offenses. However, there will be no offense when publication has been made at the written request of the investigating judge. This request will be annexed to the investigation file".

term of contempt or invective that does not contain the imputation of any fact, is an insult. Insult differs precisely from defamation, because it is not based on any specific fact; it is simply an insulting, hurtful or outrageous expression addressed by the journalist to a given person. In this case, the accused journalist cannot claim any good faith to exonerate himself. Furthermore, defamation is an imputation of fact that undermines the dignity, honour or consideration of the person whom the imputation is aimed at.

It should also be noted that the reproduction and dissemination of false news, i.e. news whose veracity cannot be proven, as well as fabricated, falsified or misleading material likely to undermine the public peace, is punishable. Any offence made in bad faith shall be such as to undermine the discipline or morale of the armed forces. In the United States, this is called "fake news". Fake news is not only professional misconduct for the journalist, but also a violation of the public's right to information. Journalists have an obligation to verify the information they wish to disseminate. The propagation of fake news therefore derogates from this principle of verification of facts, which is an ethical obligation for the journalist. No effort is made to ensure the veracity of the facts to be relayed. In doing so, several rights may be infringed depending on the nature of the allegation. With the advent of the internet and social networks, fake news is being disseminated on a large scale. Moreover, the massive and instantaneous dissemination of false information on the web gives them a totally unprecedented strike force, which explains the obvious interest that is currently being shown in this phenomenon (MOURON P, 2018, P 69), which consists of disclosing inaccurate information, the veracity of which is not proven, and is therefore repressed in order to be discouraged. Beyond these highlighted offences several others exist and jeopardise the peace within society.

Third, peace remains blocked given, among other things, the implicit and explicit strategies of press control, blocking its real freedom. Indeed, the exercise of press freedom is experiencing blockages linked to several factors, including the omnipotence of the media and their ability to influence public opinion. Politics, being constantly in search of popularity, find it a major instrument. The political system is therefore not indifferent to it. In his work entitled *African Televisions under Tutelage*, Jean Tobie OKALA points out that it is "*I love you, me neither*" (Okala, 1999) between the political system and the television system⁶. For him, everywhere in the world, it appears that television passes in the eyes of those who govern us, for the magic weapon, the element of legitimacy of power. Who controls television, almost also controls power, and therefore society. This reflection affirms the omnipotence of the media, capable of inducing important changes within society. Thus, the public "the relationship between the public and the media is here thought of in terms of dependence, conditioning or manipulation, the receiver only passively absorbing the messages addressed to him" (Derville, 1998). This audience, therefore becomes manipulable at will (Tchakhotine, 1959, P54). The political monopoly of the media is motivated by this persuasive capacity recognized to the media.

⁶ Jean Tobie Okala explains in particular on page 10 of his book that basically, the politician needs television, either to convey his message and explain his action, or simply to be seen and heard by the great number and in a nice light, because the viewer is also a voter and every politician needs his vote. The politician also needs television because he feels he has to support his activists through a small screen. For its part, television needs politicians for its broadcasts, as witnesses to the events in which they are the actors. It also needs them in order to be able to exist simply, in that it is they who define the rules of the game, whether in terms of funding, advertising, frequency, concession to be granted or renewed. The first ranking of reporters without borders relating to press freedom dates from 2002.

Thus, although the freedom of the press is a constitutional guarantee in African countries, including Benin, its effectiveness meets many obstacles.

Implicit as well as explicit mechanisms and strategies for blocking press freedom in Benin

The freedom of the press, in Benin, although guaranteed by the constitution (article 24), and framed by the law n ° 2015-07 on the code of information and communication in the Republic of Benin suffers from a problem of effectiveness, of implementation.

From 2000 to 2002, the rankings of reporters without borders on freedom of the press, reveal an inconstancy and a considerable regression. Thus, the study of the world ranking of press freedom in Benin since 2002⁷ shows the curve below:



It is easy to read that the best rankings date from the Kérékou regime where Benin occupied the 21st, 29th, 27th, 25th and 24th position. With the arrival of Yayi Boni in 2006, a decline in press freedom was noted in Benin, which in the ranking wavers between 70th and 90th position. This posture has hardly changed with President Talon. It was accentuated with a peak of 113th position in 2020. If stability and freedom of the press were noticed under President Kérékou, that will not last and will experience a decrease with his successors. We can easily deduce that President Kérékou was more favorable to freedom of the press than Presidents Yayi and Talon. In addition, a consistent ranking under each president suggests a link between the personality of the president in office and the enjoyment by journalists of their freedom of tone.

This situation points out a number of strategies put in place within the law that favor control of the public service press. The interference with freedom of the press can be denoted on three levels: interference by political power in the management of the media, unsatisfactory regulation and the unprofessional nature of the journalists themselves.

First, the appointment of the director general of the public service office and a mechanism for politicians to exercise control over the press organ. In Benin, in accordance with the ORTB statutes: "The Director General is appointed by decree taken in the Council of Ministers on a proposal from the High Authority for Audiovisual and Communication for a term of 04

⁷ The first ranking of reporters without borders relating to press freedom dates from 2002.

years⁸. Indeed, the regulator proposes a list of three people to the executive which makes the final choice of the chief executive and makes the appointment.

These designation procedures were sometimes marred by a few irregularities often denounced by civil society, citizens⁹ and regulatory authorities. Indeed, in 2011, after recourse against the people proposed by the regulatory authority, “the procedure was taken over by the HAAC and ironically, the outgoing CEO who was not even on the first HAAC proposal finds himself one and only candidate and therefore confirmed for his post ”(FES, 2011, P42). It is thus easily understood that this is not theoretically a direct appointment, but through or under cover of the regulatory authority. This procedure should favor a choice distinct from the will of the executive but based on a rigorous selection made by the HAAC after the call for candidates. The HAAC, which is a priori independent body, proposes three names to the President of the Republic who appoints one as Director General of the office of broadcasting and television of Benin. This measure aims to prove a desire for liberalization of the said media. If it is a reality, it is that the power, in particular the president appoints the president of the HAAC, who in turn proposes the directors general. No one can affirm that the choices made are made in all neutrality and ignorance of political affiliation.

Second, the public media do not have a contract with the regulatory authority, neither a specification. There is no plan to define the roadmap to be followed by public service television in particular and public service media in general. On the other hand, the private media are subject to it, in order for the regulatory body to help consolidate the notion of pluralism (Soleil, 2020, P 176). This notebook represents a contract between the press organ and the regulatory body. Because the promoters of said private media are required to enforce the technical obligations and the various clauses contained in the specifications and agreements signed by the promoters with the High Authority for Audiovisual and Communication. Indeed, the specifications are “the set of written documents which define the conditions of the contract. The specifications are entirely drawn up by the administration and are submitted to the private person who can only accept or refuse the conditions presented to him”¹⁰. They are “*instruments of both media accountability and regulation for the authority in charge*”¹¹. This tool, in view of the difficulties of balancing information and implementing pluralism in public service media, could make it possible to highlight the various obligations of information diversification by the public broadcaster.

Moreover, equal access is not effective and the rights of political parties and citizens are infringed. In this sense, however, it must be noted that notwithstanding the various legislative provisions in favour of the access of all political parties to the public service media, certain manoeuvres remain detectable. Thus, in 2013, the Beninese opposition stormed the premises of the national television of Benin (ORTB), to claim access. According to the statement made on the said date, requests from journalists of the said channel for reports remain unanswered. The statement said:

⁸ Article 21 of Decree 2005=252 bearing on the status of ORTB

⁹ “The Beninese government appointed the third instead of the first to head the Ortb in January 2007 by a Council of Ministers. Faced with this situation, appeals were lodged by citizens before the Constitutional Court. The high court also condemned the government for appointing directors who were not nominated by the HAAC, as required by law. Despite this decision, the Beninese government has not reversed its decision. Julien Akpaki has been confirmed in his duties as CEO of the office ”<https://www.24haubenin.info> consulted on 05-30-2020 at 11:45 pm.

¹⁰ Rules specific to administrative law, available at <http://fr.jurispedia.org/>, consulted on 06/18/2020 at 6:45 pm.

¹¹ The specifications of the audiovisual media in validation, available on <https://nigerdiaspora.net> consulted on 06/18/2020 at 6:54 pm.

The “Union Fait la Nation” has been particularly involved for several months in denouncing this situation which enshrines the systematic boycott of political parties, especially the opposition, and the sabotage of media coverage of their activities. At the same time, it has sent numerous letters to ORTB, requesting programmes to react to government statements, to present its proposals to the Nation or to comment on national and international news. To date, ORTB management has shown arrogant contempt for our requests, stubbornly refusing to respond and even refusing to apply the provisions of Decision 98-050/HAAC of 17 June 1998.

Thus, it is possible to note a denunciation of the actors of the media system, especially those of the public sector. This situation has also been addressed by several political actors in our various research countries. In Benin, for example, one of the deputies interviewed underlined the exclusion of political parties, reinforcing the action of the Union fait la Nation in 2013. In this sense, he confessed:

“Normally when it is a public channel, in principle, when the opposition asks to go on this channel, we should allow them access, we should balance things as it is done during elections where we time the speaking time of each political formation. But in ordinary times, when you watch ORTB, you hear only one sound of the bell, the version of the executive from morning to evening”.

This is therefore a denunciation of the public media which only prioritises political parties favourable to the Head of State, thus creating an imbalance in political information.

Third, journalists themselves show lack of professionalism and ignorance of their rights. They have rights which they seldom allow themselves to enjoy.

The responsibility of the public service media should not be overlooked. Indeed, they must ensure compliance with these requirements through the information choices both when collecting information and when processing information. Indeed, the sorting of information to be disseminated by the public service media is done both at the time of information gathering, called "information gathering" in journalistic jargon, and its processing. Thus, it should be noted that at certain times, the coverage of activities is hardly carried out, while at other times, inadequate treatments are prioritized. This is what emerges from our field investigations. Thus, it is possible to observe a denunciation of the actors of the media system, in particular those of the public sector. This situation has also been addressed by several political actors in our various research countries.

Thus in Benin, reinforcing this action of the Union makes the Nation in 2013, one of the parliamentarians interviewed underlined this exclusion of political parties. It is in this sense that he says: *"Normally when it is a public channel, in principle, when the opposition asks to go on this channel, we should allow it access, we should balance things like that. is done during elections where the speaking time of each political formation is timed. But in ordinary times, when you follow the ORTB, you only hear one thing, the executive's version from morning to night."*¹² In addition, when processing information, it is useful for the journalist to be able to distinguish between highlights and interesting interventions. But of course, this is still where there is room for maneuver in trying to make sense of the events organized by the political parties of the opposition¹³. This biased situation leads to conflicts between political

¹² Benin opposition MP A B, in 2018, answer to the question of the motivations behind the UN's march on the ORTB in 2013.

¹³ Statement by a Beninese opposition MP1 who requested anonymity.

parties as well as conflicts between opposition political parties and leaders of media outlets. What in 2013 was the basis of the march of the Union makes¹⁴ the Nation, the then opposition political party, on the ORTB to demand access and coverage of their activities. They denounced their exclusion from public service television¹⁵. However, it is important to reorganize free access to public service media.

The urgent need for a reinvention and readjustment of policies and strategies for the effectiveness of press freedom

The management and supervision of public service media for their freedom to be effective cannot be done *ex nihilo*. This requires reforms at the political, legislative, organizational, institutional and professional levels. We will focus on the urgent need for better regulation, better governance and the training of press actors that are journalists.

First, one of the complaints against the public service media is that these media shut the door on opposition parties. On the ORTB, during the electoral campaign, efforts are made to see each political party in the running defend its project for society on the public service media. To this end, *"electoral periods are often a favorable moment for co-regulation, because it makes it possible to combine application of the law, or even a form of repression, with an educational approach"*¹⁶. These are test periods for the entire system and the media regulators.

In ordinary times, regulatory bodies must also ensure fair access for political parties to the public service press organ. This requires a reviewing of previous laws. Benin for example devoted a decision of the HAAC to this distribution. This is the decision 95-062 of November 3, 1995 which will be modified three years later by the decision 98-050 / HAAC amending the decision 95-062 / HAAC relating to the organization of equitable access for political parties, associations and citizens to public service media. According to this decision, a monthly installment is allocated to each political party in proportion to the number of its parliamentarians in the National Assembly. Airtime is fixed at two minutes per Member per month on television and radio, regardless of the language used¹⁷. All political parties not represented in the National Assembly are entitled to thirty (30) minutes. This pluralism effort is minimal and deserves to be strengthened. Thus, taking into account the rule of three thirds in the editions of the newspaper will be a step forward. The only downside relates to the systems in which the opposition is not represented in parliament as is the case in Benin since the electoral contests of April 2019. The two parties in parliament are in close agreement with the leader of the 'State. In this case, airtime should also be considered for political parties not represented in the National Assembly. This is the rationale for the benchmark principle. According to this principle, the cumulative airtime of the majority and State institutions should not exceed that of the opposition and parties not represented in parliament. This

¹⁴ A former grouping of opposition political parties in Benin.

¹⁵ Extract from their declaration: "The Union Fait la Nation has been particularly involved for several months in denouncing this situation which enshrines the systematic boycott of political parties, in particular the opposition, and the sabotage of the media coverage of their activities. At the same time, she sent numerous correspondence to the ORTB to request programs to react to government statements, to present her proposals to the Nation or to comment on national and international news".

¹⁶ EUGÉNIE (R), "Deontology put to the test of the media, of a few cases in French-speaking West Africa", in Public ethics, available on <http://journals.openedition.org>, consulted on 15/10/2020 at 19h54mm.

¹⁷ Article 5 of the decision n ° 98-050 HAAC relating to the organization of equitable access of political parties, associations and citizens to public service media.

principle allows in a situation of low representation or absence of the opposition in parliament to maintain the plural debate on the air.

Then, for a more rigorous control, it would be important to institute a schedule of conditions and mission for the media of public service. And this will be monitored by the regulatory authority. Because, "*the sanctions can also be applied to the operators following a violation of the specifications and the missions*"¹⁸. This measure may therefore be binding and allow public service media to ensure equal access. There is therefore a difference between the regulation of private media and that of public service media.

Finally, the enjoyment of any right, beyond its legitimation, requires a commitment from the beneficiary. It is a right of claim and the State must ensure effectiveness. Journalists are therefore the first people to protect press freedom.

In reality, the measures were taken by the constituent to protect the worker in the event of a clearly illegal order coming from his supervisor. These are the duty of disobedience in cases of manifestly illegal orders and the conscience clause. Journalists can therefore use it in the performance of their duties to avoid obedience which may hinder the professional exercise of journalism.

Indeed, article 19 of law 90-032 of December 11, 1990 provides that: "*Any individual, any agent of the State who is guilty of an act of torture, cruel, inhuman or degrading treatment or abuse in the exercise or on the occasion of the exercise of its functions, either on its own initiative or on instruction, will be punished in accordance with the law. Any individual, any agent of the State is released from the duty of obedience when the order received constitutes a serious and manifest violation of respect for human rights and public freedoms.*"¹⁹ The second paragraph of this article establishes the duty of disobedience in the event of a manifestly illegal order on the part of his hierarchical superior. This article therefore protects workers concerned with the proper functioning of activities in accordance with the law and respect for human rights. In other words, no journalist is bound by the duty of obedience to the hierarchical superior, since the instructions received are contrary to the law and to respect for the rights of consumers who are the audience. The journalist can feel released from any order coming from a hierarchical superior based on the conscience clause. It is defined as "*the legal implementation by an employee of conscientious objection. It allows an employee to refuse to carry out actions if these are proscribed by law, illegal or contrary to the moral or ethical standards of the employee*"²⁰. Clearly, it is a "*legal provision by which the salaried journalist who leaves a newspaper company because of the cession of the newspaper, the cessation of publication or a notable change in the character or the orientation of the newspaper, can obtain compensation*" (GUINCHARD, 2018-2019). It is

¹⁸ BAKOUAN (I), "the regulation of the information sector in Burkina-Faso by the higher information council", Master's Thesis in Legal Sciences in Public Law, University of Ouagadougou, 2003.

¹⁹"Under art. L 761-7-3 °, the salaried journalist can take the initiative to terminate his employment contract without it being attributable to him, in other words, he has the "right to leave" his press company for a fee. severance pay. To this end, the journalist must prove a significant change in the character or orientation of the periodical if this change creates, for him, a situation likely to harm his honor, his reputation or in general his moral interests. This exorbitant provision of common law is known as the "journalist's conscience clause". The journalist is bound by the bond of subordination which binds him to his employer, but the existence of this bond does not go so far as to undermine his conscience, and to force him to share the variations of doctrine or opinion of the journalist. journal in which he collaborates, if he thereby denies his own thought. "Baudson Nathalie," The conscience clause of journalists.

²⁰ Judgment of the Supreme Court of April 17, 1996 ", available at <https://www.cairn.info/revue.https://contrat-de-travail.ooreka.fr/astuce/voir/443843/clause-de-conscience> consulted on 05-30-2020.

therefore possible for the journalist to remove the apron whenever he is asked for information processing contrary to his ethics or to the editorial line of the body. Freedom of conscience is a fundamental human right²¹ and constitutes a right of journalists in order not to constrain them and to make them responsible for their writings, productions and publications. "The conscience clause therefore appears to be the real guarantee of the journalist's moral independence"²².

In addition, the training of journalists should become compulsory. In many French-speaking African countries, it is important to put journalistic ethics training at the forefront, so as to revisit these principles so that journalists take them into account regularly. Because the lack of training is one of the evils which torment the corporation. The contents of the training are essential, whether it is initial training or continuous training. In view of the fact that there is no need for professional training in journalism to claim the title of journalist, it would therefore be appropriate to organize training on knowledge of the code of ethics of the press. Journalists will therefore be able to define their rights and duties. This training contains elements on freedom of the press, freedom of information such as the issue of the conscience clause and the limits to this freedom such as defamation, insult to the Head of State, respect for private life. etc. Training in peace journalism can strengthen the professional conscience of journalists and contribute to peace building. For their social responsibility is to keep the peace and not to be an inciter or provoker of conflict or war. This kind of journalist is aware of the magnitude of words and uses them carefully to strengthen the professional conscience of journalists and to contribute to peace building. For their social responsibility is to keep the peace and not to be an inciter or provoker of conflict or war. This kind of journalist is aware of the magnitude of words and uses them carefully, as a single misplaced expression is likely to give rise to conflicts and frustrations. Their responsibility is therefore upstream and downstream. He or she must be careful to avoid frustrations due to the way the information is handled, the words used, and the lack of balance in the information. Indeed, the conflict-sensitive journalist ensures that people have access to all the information they need to form an opinion. They are journalists who avoid propaganda in all its forms and prioritise quality information for their audience. Peace journalism, therefore, is an approach and discipline that teaches journalists responsible professional behaviour in order to be promoters of peace, equality, development and democracy. It is distinguished from ordinary journalism by its pacifist conception of human and social relations. Peace journalism is an effective solution for the transformation of the performance of journalists in the public service media. They will thus be able to facilitate access to all currents of thought and opinion in the media while working for peace. This situation will undoubtedly lead to a real pacification of African societies, because the rights of all will be respected and bullying will be eliminated.

And so, Journalists must demonstrate professionalism by respecting the rules of journalistic ethics and professional conduct. It is obvious that journalists' respect for ethics enables the press to play a constructive and influential role in society. On the other hand, non-observance of these rules can lead to serious violations of the rights of individuals, groups and society. It would tarnish the reputation of the press, undermine its credibility. As a result, it

²¹ It is among others enshrined in the Universal Declaration of Human Rights in its article 18; the European Convention on Human Rights in its article 9; the Charter of Fundamental Rights of the European Union in its Article 10, the African Charter of Human and Peoples' Rights in its Article 8 and the various State constitutions.

²² DRAGO (R) et al, *Traite du droit de la presse*, Paris, librairies techniques, 1969, cited by BOUDSON (N), "the conscience clause of journalists", available at <https://www.cairn.info/revue-legicom>, accessed 03/25/2019 at 3:58 p.m.

would lose its influence and role in society. National press codes always set out a number of values of a universal nature: truth, accuracy, honesty of information, respect for privacy, protection of children and young people, repudiation of violence and discrimination all sorts.

Finally, it should be emphasized that the appointment being a prerogative, a power granted to the governing political authority, is not fundamentally an illegality. However, the appointee should exercise the duty of ingratitude to the person who appointed him/her. The duty of ingratitude is the fact that an agent appointed by an administrative authority no longer takes into account his relations with it once he takes up his post. Badinter is recognized as the pioneer of this concept. All the people appointed by the politician "should be able to address the politicians who appointed them in the same terms as Robert Badinter to François Mitterrand who had just appointed him on March 4, 1986, during his investiture as head of the French Constitutional Council: Mr. François Mitterrand, my friend, thank you for appointing me president of the Constitutional Council, but know that from this moment, I have a duty of ingratitude towards you," (Badinter, 1986).

Conclusion

Freedom of the press is a condition not only of effective democracy but also of peace. Johan Galtung distinguished two categories of peace, namely negative peace and positive peace. The latter to be effective requires the meeting of several conditions including the enjoyment of rights and freedoms by the populations. In doing so, freedom of the press, which is the expression by journalists of collective freedom of expression, becomes a sine qua non of any peace. Therefore, any threat to press freedom is an obstacle to the construction of peace.

Note that a generous legal framework has been put in place to best guarantee press freedom in Benin. A constitutional value has been recognized and its supervision is ensured both by Law No. 2015-07 on the Information and Communication Code in the Republic of Benin and by the High Authority for Audiovisual and Communication. Despite these various measures taken, control strategies remain evident.

It is important to stress that all these maneuvers aimed at hampering press freedom constitute obstacles to the peace process, which is meant to be perpetual. This concerns, among other things, the system of appointment of the first officials of said press organs by a political authority, the absence of specifications not facilitating regulation by the High Authority for Audiovisual and Communication, as well as the lack of professionalism of journalists and the ignorance of their rights and duties.

Faced with the appointment system, once in service these officers should cultivate the duty of ingratitude to whoever appointed them. This will give them the flexibility to carry out their tasks without the feeling of accountability or any gratitude forcing them to behave in a partisan way. Also, the urgency of establishing a set of specifications binding the public service press organ to the regulatory authority no longer needs to be demonstrated. Training journalists is a key element in shaping a freer media landscape that can contribute to peace.

It must be recognised that beyond the guarantee of press freedom by the constitution and the laws, press freedom is never fully effective, it is a perpetual struggle from which the vigilance of citizens and journalists would be salutary. This is the image of democracy. To this effect, Professor Lancine Sylla affirmed that: "democracy is never totally achieved, and that it is always perfectible" (SYLLA L, 2006, P 16). Freedom of the press is also a process.

If the peace process is hampered by a dysfunction of the public service press organs, the

private press, can it meet this challenge?

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