

# ***Timor-Leste Media Assessment***

Funded By USAID/Timor-Leste

by Shanthi Kalathil  
Senior Democracy Fellow, USAID/DCHA/DG

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Media Assessment Team:  
Shanthi Kalathil  
Titi Irawati  
Fulgencio Aquino Vieira  
Dionisio Da Cruz Pereira  
Remigia Viana

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## Executive Summary

In January 2006, a media assessment team undertook a comprehensive evaluation of past USAID/Timor-Leste support to independent media, combined with an assessment of current and future trends. The team found that USAID media programs had made contributions to the development of independent media, but that significant challenges remain.

Highlights of USAID's past contributions to the media sector include:

- enhanced professionalism and technical capacity
- improved media management and sustainability
- heightened awareness of media law and regulatory issues
- improved quality and quantity of national news production at public broadcaster RTTL
- a defined role for RTTL
- improved government capacity to communicate, both externally and internally

While USAID-funded programs did make positive contributions, the media sector faces a number of enduring challenges. These include:

- access to information: most of the country does not have access to reliable news and current affairs information
- professionalism and skill level among many journalists is in need of further improvement
- media outlets face continuing problems with sustainability
- troubling threats to press freedom, including criminal penalties for defamation
- inadequate capacity of the media sector to professionally cover and deal with issues related to the 2007 elections

After interviewing numerous media experts and reviewing all available information, the media assessment team recommends additional donor support for media as part of an overall approach to promoting democracy and governance. The team recommends a comprehensive media assistance program that focuses on the key areas of a) improving professional skills and capacity; b) enhancing media management skills across the sector; c) building awareness/advocacy with respect to key media law and regulatory issues; and d) augmenting the media's ability to reach populations outside Dili.

A comprehensive media program could be usefully linked to the upcoming elections in 2007. A multi-faceted program could be constructed around the concept of ensuring that the media is in the best shape possible to play a role in this important event. Moreover, the issue of information access takes on particular urgency when put into the election context: improving the media's ability to provide accurate news and information to the districts will be crucial to ensuring an informed, engaged citizenry. For all of this to happen by 2007, essential building blocks will have to be put into place now.

## **1. Introduction and Background**

In January 2006, a media assessment team undertook an evaluation of USAID/Timor-Leste media projects and an assessment of the media sector in Timor-Leste. The team sought to evaluate the impact of USAID/TL investments in independent media as well as programs to improve the public's access to government information. In addition, the team undertook a broad assessment of the media sector, seeking to understand areas of progress as well as future challenges for the sector in the coming years. This report contains the evaluation, the assessment, and recommendations for USAID/TL about the necessity for further investments in the independent media sector.

The media assessment team was composed of Shanthi Kalathil, senior media adviser/Democracy Fellow at USAID/DCHA/DG, media experts Titi Irawati and Fulgencio Aquino Vieira, translator Dionisio Da Cruz Pereira, and administrative/logistics coordinator Remigia Viana. The team interviewed media professionals, civil society members, government officials, donors and other experts in Dili and visited community radio stations in Bobonaro and Liquica districts. The team also reviewed program documents and related research. While the full team was involved in every aspect of the assessment, the report was written by Shanthi Kalathil and reflects her interpretation of the team's findings. The report does not represent the views of USAID, the U.S. Government, or any other entity.

### **1.1 Media Sector Background**

Following a history of colonization and occupation that saw limited freedom of expression and little scope for the development of an indigenous media, the Timor-Leste media sector was forced to start essentially from scratch. At the time of the last media assessment sponsored by USAID, the country was moving out of the UNTAET period. The media sector was characterized by a profusion of donor-funded outlets as well as considerable uncertainty about the future. In addition to at least two major national publications, several district-based publications were in circulation. The community radio sector was moving forward (albeit in fits and starts), and Radio UNTAET was reportedly reaching all thirteen districts with reliable news and information.

Since then, the media sector has made considerable progress on some fronts and suffered setbacks on others. There are now around 18 community radio stations, as well as a few quasi-commercial stations. There are at least three weeklies, six NGO publications, and four printing facilities. Almost all the district-based publications have since folded, in the wake of declining donor funds. Professionalism has improved across the sector, but key problems remain. Sustainability of media outlets - commercial and community - is also a continuing challenge. The population's general access to information appears to have suffered since the UNTAET period, given restructuring and maintenance issues at the national broadcaster, shrinking distribution of newspapers outside the capital, and lingering problems at community radio stations. However, reliable data on access to information is difficult to acquire, since no organization has yet completed a comprehensive information access/needs survey.

## **2. Assessment: Current and Future Trends**

While USAID funds have made, on balance, a highly positive contribution to the development of independent media in Timor-Leste so far, there are nonetheless a number of complex situations and challenges facing media outlets. Key issues include: challenges to the media enabling environment; ongoing problems with professionalism in the media sector; lack of sustainability of media outlets and civil society organizations; a serious information vacuum outside of Dili; and inadequate capacity to professionally cover Timor-Leste's 2007 elections. These and other issues are addressed in this section. The assessment first analyzes media trends by sector, then by issue area.

### **2.1 By Sector**

#### **2.1.1 Radio**

The radio sector is probably the most important media sector in Timor-Leste, as it is theoretically the most accessible (given infrastructure/distribution issues as well as literacy levels). The sector currently consists of the public sector broadcaster (Radio Timor-Leste), a handful of bigger, Dili-based community/commercial hybrid stations, and several community radio stations at the district level. Since independence, the radio sector appears to have bifurcated slightly, with some of the larger stations in Dili attempting to run themselves in a more commercial fashion, while the district community radio stations hew to a community media model. However, it is probably fair to say that all radio stations tend to experience several common challenges. While there has been some progress made on key fronts (including improved professionalism and sustainability, discussed in previous sections), there are still a number of problematic areas, including: sustainability; basic operational issues; radio signal penetration; and news and current affairs dissemination.

Both the larger stations in Dili and the smaller stations in the districts struggle with sustainability. The basic implements of financial self-sufficiency are not in place: there is no effort to develop sophisticated audience research capabilities to attract potential advertisers, and what advertising there is remains limited. This may be linked to a corresponding lack of knowledge on the part of the local business sector about the importance of different forms of advertising. Stations such as Radio Falintil/Voz de Esperanza and Radio Klibor in Dili are actively soliciting advertising in an attempt to remain afloat, but these efforts are in their infancy. Sustainability problems among community radio stations are exacerbated by the largely volunteer staff, who a) may not entirely understand the concept of volunteerism, and b) are easily lured away by the promise of actual salaries elsewhere. These issues may also be linked to lack of ownership by the community, as noted in a previous section. If a community does not feel connected to the station, it will be less likely to support it through membership and other means. Even if a community wants to keep the station going, it may still be unable to provide the station with the necessary financial resources, given the weak rural economy.

Basic operations remain a problem for radio stations, particularly in remote districts where the power supply is even more unpredictable than in Dili. In Liquica, the assessment team was unable to listen to Radio Comunidade Tokodede's broadcast because the power had been off there for two days. Even one Dili-based station remarked that it had to take a popular program off the air in part because the electricity supply at that time of day was so unreliable. Basic operational issues such as these, combined with ongoing repair and maintenance needs (some of them perhaps easily addressed through small grants or technical assistance), can be enough to take a station off the air for days, if not longer. Because of these issues, some community radio stations are reducing the number of programs and hours on air. Technical issues also hamper radio signal penetration, and even national broadcaster RTTL does not reach the whole country. One RTTL estimate puts the current reach at around 50% of the population, under the best of circumstances. During the team's trip from Dili to Maliana, this estimate seemed appropriate (if not optimistic); despite regularly running through the FM radio dial, the team was greeted most

often by radio silence throughout the duration of the trip. Those FM signals that were detected appeared to come from Indonesia.

Finally, news and current affairs dissemination, though improved, remains an issue in the radio sector. This is because RTTL is really the only broadcaster capable of providing dependable, regularly programmed news and information, with a staff that is dedicated to this task. Community radio stations, relying on volunteers with only basic journalism skills, cannot be expected to provide the bulk of news for a community. Yet that has essentially become their function, given RTTL's lack of nationwide reach and the limited penetration of print media outside Dili. Quasi-commercial stations such as Radio Falintil/Voz de Esperanza and Radio Klibor have partnered with international organizations, such as Voice of America, which helps in terms of providing regular news broadcasts; however, such broadcasts are typically in Portuguese and/or Bahasa Indonesia, and of course limited to those within reach of the Dili-based signal. In addition, although many donors still fund specific development-related programs for community radio stations, this a) does not constitute strengthening the ability of the radio stations to produce such programming themselves; and b) does not constitute news and current affairs programming. Community radio stations may be able to deliver NGO-funded programs on such issues as gender, health, and sanitation - all of which are no doubt valuable to the community - but this does not and cannot substitute for a reliable stream of accurate news, particularly in sensitive areas around the border with Indonesia where rumors can spread fear and unrest.

One positive development, however, has been the enthusiasm with which the radio sector has embraced "talk-back radio" and other interactive broadcast formats. Even community radio stations with limited resources are attempting to implement more interactive programming, allowing the community to debate and become informed about local issues. One station interviewed noted that it had invited local officials on to the station to discuss issues such as local power supply problems, and invited the community to provide feedback by coming to the station (the station and public do not yet have the capability to handle phone-based talk radio). Interactive shows tend to bolster the participative elements of democracy and foster public debate, particularly crucial during election years.

In the absence of a comprehensive broadcasting law, the radio sector remains unregulated. The Ministry of Telecommunications has an office that handles frequency allocation, but does not grant licenses or deal with any other regulatory issues. Any broadcast regulation that passes will be influential in determining the future shape of the radio sector. Community radio stations, in particular, will have to keep an eye on legislation; in other countries, community radio stations may be outlawed outright or be placed under considerable broadcasting constraints.

### **2.1.2 Print**

Although radio is important, newspapers and other print publications tend to set the agenda for the country's elite and for the broadcast outlets. Most professional journalists are found in the print sector, rather than the still-developing radio sector. Given its size and the development of the market, Timor-Leste boasts a surprising number of print publications. In addition to four daily newspapers, the country also features weeklies and NGO publications. The large number of publications may be due in part to multiple donor grants to media immediately preceding and following the country's independence, and it is unclear whether an economy the size of Timor-Leste's will ultimately be able to support four newspapers in the capital city alone. Although many donors at the time contributed start-up capital, equipment, and other material and technical support, few donors engaged in long-term, sustained capacity building in the newspaper sector. Internews' projects, mentioned above, were among the primary assistance mechanisms to the print media.

The four daily newspapers - *Timor Post*, *Suara Timor Lorosae*, *Diario Nacional*, and *Diario Tempo* - represent various states of sustainability, professionalism, and political bent. *STL* is

perceived to be an "opposition" paper, while *Diario Nacional* is perceived to be friendly with the government; *Diario Tempo* focuses on corruption issues, and so on. While some media observers laud newer entrant *Diario Tempo* for being willing to pursue tougher stories, many believe that all the daily publications remain saddled with long-term sustainability issues, linked to continuing issues with professionalism. On the professionalism front, media observers and consumers generally tend to notice an improvement in the quality of print media, with many people commenting that they have seen a reduction in the printing of rumors and other unsubstantiated items. The diversity of articles has also improved, with fewer stories focused exclusively on the government, and more sections devoted to culture, foreign affairs, sport, lifestyle, etc. Beat reporting and specialization is developing among newspaper reporters, although it will take some time before beat reporters become truly expert in their subjects.

Media observers cite continuing problems with the prevalence of one-sided, single-sourced articles. A common complaint is that newspapers tend to reprint press releases verbatim, or with just one or two changes. One government communications officer noted that he tends to give press releases to reporters on a flash drive or floppy disk, since reporters were complaining about having to retype them. This is obviously a worrying trend, particularly in light of improving government communication abilities. If government communication skills keep improving while progress in media professionalization does not keep apace, a serious imbalance could develop between the government's ability to tell its side of the story and the media's ability to critically analyze government spin.

Editing also appears to be an issue at print outlets; senior editors are overtaxed, and others appear to act more as copy editors than as critical guides who shape story generation and development. A weakness in editing may also explain the fact that news and opinion are sometimes indistinguishable, with little attempt to maintain objectivity. Newspapers frequently "download" stories from the internet, essentially lifting stories from other outlets, probably without permission. Papers typically do not use bylines, a habit left over from the Indonesian era; although this is not a major issue, the presence of bylines would probably raise individual reporter accountability and help create respect for "star" reporters, which in turn improves professionalism as other reporters seek to emulate their example.

Further development of the print sector is also hampered by the fact that there is no independent audit of circulation and little market research on the readership of each paper, consumer profiles, etc. At the same time, the advertising sector is also not developed enough to take advantage of such tools to gauge advertising placement, targeting, etc. The individual print outlets are aware of such issues and appear to be taking steps to address this, but to some extent further development of sustainable print business models also depends on how quickly the private sector develops.

Distribution of newspapers is also a problem. UNTAET and other donors used to subsidize or facilitate distribution of newspapers to the districts, but that support has dried up. Consequently, newspapers may be at least one or several days delayed outside of Dili. This in turn affects news distribution to community radio stations, as some stations rely on the papers' headlines for their national current affairs coverage.

### **2.1.3 Television**

Access to television is still extremely limited in Timor-Leste, so it is not yet a significant media arena. There is only one broadcaster, RTTL, and its live broadcasts are available only in Dili. Delayed transmission is available in Baucau, and there are ongoing plans to expand coverage, but little progress has been made on this issue recently. Satellite dishes are a luxury available only to the elite who can afford them. Meanwhile, even if RTTL expands its ability to deliver television to the districts, it will only be available to those with a reliable power supply.

TVTL has improved the production quality of its broadcasts. There are new programs, such as "60 Minutes," and other shows round up news from the districts (even though this news is unavailable to the districts themselves). However, there is still much room for improvement. One media professional noted that it is particularly important that television reporters and producers understand the power of images in telling stories. This power imparts a special responsibility to television journalists, as the images they use to tell their stories can have a significant effect. There has been some training on this issue, but more is needed.

The regulatory environment for television, as with radio, remains unclear. There is no regulatory authority to deal with technical issues, programming standards, etc. Because the PBS portfolio has been shifted around the government a few times, the lines of reporting responsibility are still vague. As broadcasting regulation begins to take shape, this will no doubt affect both the future development of the public broadcaster and the development of commercial television. This is linked to the issue of TVTL sustainability. Currently, the television station does not receive all the funding it needs to sustain its operations, and it is developing plans to solicit more advertising. This may have an effect on the future development of private television, since it will give the public television station an edge in the market. It may be useful, as the broadcasting regulation develops, for media law experts to examine this issue more closely to determine which public broadcasting sustainability model is the most appropriate for Timor-Leste. It would be unfortunate if further development of RTTL were to come at the expense of a more robust commercial television sector, or vice versa.

#### **2.1.4 Internet**

Even more so than television, access to the internet is more or less negligible in Timor-Leste. Given a monopoly provider, access is extremely expensive and quite limited outside the capital. There has been no real effort to use information technology for development, despite evidence showing the positive potential of such activities. UNESCO's Information For All Program has helped set up a couple of internet cafes, but to date, the internet does not play a significant role in disseminating information in Timor-Leste.

One area where there is potential for more strategic internet use is in so-called computer-assisted reporting by journalists. At the moment, journalists tend to use the internet to lift information, sometimes straight from other sources. With proper training, journalists can be shown how to strategically make use of the internet for reporting purposes, as well as how to take advantage of Timor-Leste government websites, which increasingly feature budgetary as well as other important information.

## **2.2 By Issue**

### **2.2.1 Access to Information**

As noted earlier, RTTL is estimated to reach only 50% of the population, even when all transmitters are working (which they are not). This is a major factor in the severe information drought outside the capital. A chief challenge is the issue of power supply unreliability, which in turn makes transmission unreliable. As rural electrification comes online, this may alleviate the issue somewhat, but it will not solve the problem of poor information access outside Dili. Distribution of newspapers is also extremely poor, and many people rely on person-to-person contact for their daily information. One RTTL radio correspondent said that he files his stories by sending handwritten notes through mikrolet to Dili, or by calling the story in through cell phone; after that, since he cannot hear the RTTL broadcast where he is, he is unable to hear the finished story, or even know if it has aired.

Unfortunately, while there used to be a number of local print outlets in the districts, most appear to have folded due to lack of sustainable funds after the departure of UNTAET with one

publication continuing in the Oecusse enclave, the Lifau Pos. Nothing has arisen to take their place, and since (as mentioned earlier) community radios appear to be reducing their on-air hours and the amount of information they are able to convey, this contributes to the lack of information flow outside Dili. Moreover, as noted earlier, while community radio stations focus on delivering development communication messages (often funded by donors), they are less able to supply their communities with reliable news and information, given staffing and skill constraints.

NGO publications and government grassroots communication strategies do help make up the difference: for instance, the children's magazine *Lafa'ek*, which goes to every child in Timor-Leste, often delivers development and civic education messages (on issues such as government structure, description of ministry functions, and so on) designed to be absorbed not just by children, but by their parents. These could prove to be important information delivery mechanisms during the upcoming elections. A 2004 Asia Foundation study of its partner NGO media bulletins found that target readers found significant interest in the bulletins, and that people shared and discussed the information presented in the bulletins.

The government is reportedly planning to launch its own news agency, but it is too soon to gauge just how or when that will develop. In the meantime, people in villages and even larger cities in the districts exist in an information vacuum that divides them from the political, economic and cultural life of their country. The media assessment team conducted several interviews with market shoppers and workers in Maliana and Balibo about their sources of information in mid January 2006. While some cited Radio Comunidade Maliana as an information source, nearly everyone interviewed, from senior citizens to students, said that they had little if any reliable access to information, particularly concerning sensitive Indonesian border issues. Many interviewed even expressed worry that civil war was about to break out again, since the majority of their information came through rumor or from Indonesian radio stations. Although these findings are impressionistic and unscientific, it is nonetheless startling that even citizens of a larger city like Maliana could be so deprived of information. Needless to say, this information gap impedes both political and economic progress. It could also prove destabilizing, should rumors about tension with Indonesia or other issues contribute to social unrest.

### **2.2.2 Professionalism and Continuing Education**

Overall, the media in Timor-Leste have come a long way. After a background of Portuguese neglect and Indonesian occupation, during which examples of a truly independent media were few and far between, the media sector in Timor-Leste has proved itself to be vigorous, lively, and dedicated to continuing improvement. While there are clearly some media legal and regulatory challenges on the horizon, the media sector has generally been given the political space to develop freely, in stark contrast to many other Southeast Asian countries. Moreover, media professionals generally agree that the thorny issue of "envelope journalism," or bribe-taking, so prevalent in neighboring Indonesia, is absent in Timor-Leste. This key distinction is enough reason in itself to be hopeful about the future development of media in Timor-Leste.

That said, the media sector faces a long, hard road to meeting international standards of professionalism. Newspapers, radio and television all face significant problems, explained in more detail in Sections 2.1.1 through 2.1.3. The journalism profession is still not seen as particularly valued, and journalists do not make what would be considered white collar salaries in Timor-Leste. Media observers note that journalists have ongoing problems with professional demeanor, etiquette and ethics. Media outlets in general tend to engage in descriptive rather than critical analysis. This may stem from education traditions that stress rote learning over critical thinking skills. Although this is slowly changing, it will take some time before these changes are felt in the newsroom. Investigative journalism is still a young discipline in Timor-Leste; of the two print outlets that specialized more in this style of journalism, *Diario Tempo* and *Talitakum* magazine, the former is teetering on collapse and the latter has stopped publishing for the time being. Finally, most journalists tend to be quite young, with only high school level educations.



Most of the media managers interviewed over the course of this assessment noted this last issue as a key factor hindering the more rapid development of a professional sector.

With respect to the 2007 elections, many media professionals expressed doubt over the media's capacity to adequately and professionally cover the range of issues that are likely to arise. In addition to being able to fairly and impartially analyze candidates' and parties' positions, media outlets should be capable of distinguishing between various types of political speech: advertising, propaganda, spin, civic education, and so on. With so many media outlets hungry for more paid advertising, the line between advertising and political coverage could become dangerously porous. Moreover, the media sector has not yet identified a self-determined code of ethics that will help guide reporters through the complex issues that face media outlets during election periods. While some journalists express confidence in their ability to cover the issues, the fact remains that the 2007 elections are likely to be much more complex than the last presidential election, which featured an overwhelmingly civil contest between two presidential candidates.

There is very little formalized journalism training in the country. The Timor Leste Media Development Centre, which spun off from Internews only in late 2005, is still not capable of providing broad-based training across the center. Because its funding streams comes from donor-specified individual projects, it is still far from being able to handle ad hoc requests for training from media outlets or individuals. The TLMDC has run specialized courses, such as one on investigative journalism that was well received among journalists, but is still a long way off from functioning as a multipurpose media resource center. Meanwhile, the Timor Post has run a basic five-week journalism training course for roughly \$10 per participant since 2001, and its graduates have gone on to seek employment in the media sector. One of the trainers notes that the course is not designed to be exhaustive, but to provide basic grounding in principles of journalism. Apart from these two centers, there are generally no other institutionalized options for continuing education in media. High school students have gotten some exposure to the sector through producing school publications with coaching from the investigative magazine *Talitakum*, but the magazine is now on extended hiatus and its training programs are not running.

The issue of outright censorship and/or self-censorship in the media in Timor-Leste does not appear to be a major issue now. With respect to many of its neighbors, the Timor-Leste media still enjoys a relatively high degree of freedom. However, self-censorship could develop into more of a problem in the future. Already, reporters and editors say that they are worried about the threat of defamation. The more subtle effects of government pressure are already apparent in the sector. For instance, one media professional noted that some advertisers are already displaying reluctance to advertise in media outlets perceived of being critical of the government. Meanwhile, many observers pointed out that many journalists may have participated in the resistance movement and as a result are somewhat reluctant to criticize certain members of Fretilin, now the ruling party. This sense of loyalty to certain public and political figures may contribute to the general phenomenon of self-censorship, and in particular, may affect coverage in the run-up to the 2007 elections.

Finally, some media professionals and observers have noted an interesting phenomenon taking place in Timor-Leste: the NGO community has been extremely active in terms of investigative reporting and holding the government to account, but the mainstream media sector has played a much more passive role. Media outlets say they have few resources to dedicate to investigative reporting, as this endeavor costs time and money; however, for some reason, the NGO community manages to make do with constraints on both. Media outlets do report on news generated by NGOs, but again, reporters tend not to chase up stories so much as print press releases. As is the case with government communication, the media seems to be outpaced in terms of being able to deliver critical analysis and cut through spin, as well as in terms of being able to spend time investigating issues in depth.

### **2.2.3 Media Business Development and Sustainability**

It is not sufficient to simply train journalists and expect lasting improvement in the media sector. Trained journalists are just one piece of the complex mechanism that allows for a functioning independent media. Without corresponding emphasis on, and improvement within, the management/organizational structure of individual media outlets, combined with targeted skill development in financial processes and sustainability, journalists and editors will have no base from which to operate. The example of *Talitakum* is indicative; despite the best intentions (and heroic unpaid efforts) of the dedicated editorial staff, the magazine slowly disappeared from circulation due to management problems at the top.

Generally, the media sector faces ongoing, severe sustainability issues, as described in detail in Sections 2.1.1 and 2.1.2. Much of this can be laid at the doorstep of the still-developing private sector, upon which outlets must depend for advertising. Newspapers have become specialized enough to develop separate advertising and circulation departments, and newspaper ad departments also have developed the capacity to work with businesses on construction and design of ads. This is a positive progression, in that there appear to be firewalls between advertising and editorial departments. However, according to one media manager, businesses tend to advertise on a one-off basis: once basic information such as location has been imparted, businesses no longer see the need to advertise their presence or products. As private investment increases, it is likely that a more sophisticated advertising sector will spring up - but again, this will require time to nurture the relevant human resources.

The sustainability issue may also have its roots in the immediate post-emergency phase. During that period, donors dumped funds into the sector in order to ensure the continued existence of specific media outlets. Despite best intentions, this may have inadvertently distorted the natural development of the media market, with the end result being that there are now many more media outlets than the advertising market can naturally sustain. This may also have encouraged the notion among outlets that real sustainability need not be achieved when there is always more donor funding to be tapped. While this observation is not intended to discourage donor funding for media, donors should also examine their own funding practices with an eye to how these practices may affect long-term media business development. In the long run, donors should think about moving from direct material support to progressively more advanced business development training.

#### **2.2.4 Media Enabling Environment**

In addition to promoting professionalism and supporting sustainability, it is important to encourage the development of an enabling web of regulations and legislation that gives media the space to become independent, responsible and professional. These issues frequently go overlooked until something troubling occurs - as seems to currently be the case in Timor-Leste.

The issue of most immediate concern in this area is that of the revised penal code, signed as an executive decree by Prime Minister Mari Alkatiri on December 6, 2005. This new penal code, among other things, makes defamation a criminal offense rather than civil. The decree is, as of this writing, awaiting final promulgation by President Xanana Gusmao. Should the president choose to sign the decree, it will immediately pass into law. Should he choose not to sign it, the decree may return to the country's highest court to be examined on constitutionality grounds. However, many observers feel that if put to it, the court is highly likely to decide in favor of the legality of the decree.

Details about the proposed revisions are still hard to come by. According to one analysis, the new penal code contains provisions that allow individuals to face up to three years' imprisonment for defaming public officials, with no limits on the potential fines imposed. The potential criminal sentence is the highest where defamation is committed through the media against individuals performing "public, religious or political duties." To many international press freedom groups, this

is a particularly alarming degree of protection for public figures, who according to international standards and case law are generally afforded less protection than ordinary citizens, not more.

Media professionals and legal experts are already worried about the chilling effect promulgation of the penal code could have upon the media. Part of the worry stems from the fact that professionalism among journalists is still developing; many are still learning how to report responsibly and fairly. It is possible that many journalists may be subject to criminal investigation as a result of the penal code's passage. As it is, the issue of defamation is already hanging over the media sector, as journalists have had charges brought against them in a few cases over the past couple of years. Because the definition of defamation is left somewhat vague in the new law, this may further encourage journalists to self-censor and refrain from legitimate critical analysis of public figures. Particularly in the context of the 2007 elections, this could be a significant damper on the media's ability to fully examine public figures and hold them to account.

The government's model for the code appears to be from Portugal, where defamation is indeed a criminal offense. However, legal experts believe that the supporting legal institutions in that country make it extremely difficult for anyone to be successfully tried under that law, and that even were a criminal defamation case to be brought to trial, defendants would be granted a full panoply of legal resources. Because the rule of law sector is still weak in Timor-Leste, media law experts fear that a criminal defamation law would function quite differently in Timor-Leste than in other countries with similar traditions. For instance, Timor-Leste is still in the process of building its judicial sector; defense lawyers are few on the ground; and the police have yet to be trained on a number of human rights issues, including how exactly to treat defamation cases. There is a fear among some legal analysts that should a criminal defamation law pass, the police would have relatively free rein to determine who should be arrested and/or tried for defamation. For its part, the government feels that a criminal defamation law is necessary to encourage responsible reporting. A government adviser told the media assessment team that the government is unlikely to prosecute anyone under the law, but nonetheless feels it is a necessary deterrent against defamation.

In addition to the current discussion about the defamation law, there is still the issue of wide broadcast regulation. Some media associations tried to promote a draft broadcast law that reflected the desires of the media sector, but that draft appears to have gone nowhere. Regardless, the government is likely to re-examine the issue either in 2006 or 2007. This regulation could be very influential in determining the future of the broadcast sector, as it will shape the landscape for both community and commercial broadcast media. So far, it is an encouraging sign that the print media has stayed free from regulation, and that newspapers and other print outlets need not obtain licenses to operate. However, given the penal code/defamation issue as well as other worrisome regulatory trends in the broader civil society arena, this is an area worthy of continued scrutiny.

### **2.2.5 Media Associations**

Since 2002, there has been some new activity in this area. New associations have formed, in part incubated by Internews and USAID. The Asosiasaun Radio Komunitade Timor-Leste (ARKTL) was formed in 2004, and subsequently supported by USAID, to provide an umbrella support organization for all community radio stations, including those initially funded by both USAID and the World Bank. Timor-Leste photojournalists also founded (with some support by Internews) the Timor-Leste Photographers Association (TiLPA). There is a new investigative journalism association, and the TLMDC is developing into a truly indigenous media development organization, with support from a number of international donors.

Nonetheless, the associational strength of the media sector remains weak. The new media organizations are still working through fundamental management, organizational and accountability issues. Moreover, the same issues that affected this sector at the time of the 2002

media assessment remain relevant today. There is still a divide between the two main journalists' associations, the Timor Lorosae Journalist Association (TLJA) and the Sindicato Journalista. This stems from the same perceived difference between "professional" journalists versus "activist" journalists, apparently underpinned by long-standing personal differences. There are now some encouraging signs that the two organizations are willing to work more cooperatively, but joint projects have yet to occur with any frequency. In addition, there is a perception among some journalists that both organizations have been more passive than active in organizing the sector, and have been late to realize the portent of looming threats, such as the revised penal code discussed in Section 2.2.4. In the future, a weak associational sector will not be able to defend the media against new threats to press freedom.

Although both the Sindicato and TLJA are meant to act as advocates for media professionals, there do not appear to be formal unions for various types of media professionals. As the sector develops, there is likely to be more specialization in this area - although there is the possibility that, as in some other countries, journalists and their management will all be represented by the same organization, depriving each of negotiating/bargaining power.

### 3. Lessons Learned

An independent media sector is not simply a luxury of wealthy industrialized countries. As a cornerstone of an open political system, it is a necessary if not sufficient condition for a flourishing democracy. Moreover, the media plays an especially important role in post-conflict developing countries, where pockets of the population may be isolated, where development information needs are urgent, and where access to information - or the lack of it - may mean the difference between successful development or state failure. There is growing recognition by donors that the focus in post-conflict or fragile situations must move beyond merely strengthening state capacity to include an emphasis on non-state actors such as civil society and the media.

Since Timor-Leste's independence, USAID has played a key role in the development of a functioning, independent media sector. But the worthwhile accomplishments outlined in the earlier section of this report are not set in stone. The media sector is at a particularly crucial juncture of development in Timor-Leste. With threats to press freedom on the horizon, an uncertain regulatory environment, a dearth of experienced media professionals, and budding local training capacity, the Timor-Leste media sector is simply not currently prepared for the challenges it faces. As the country moves into an election year in 2007, demands will be placed upon the media to be independent, professional, and skilled at informing the public of the myriad issues to do with platforms, parties, candidates, and issues. The media sector comes under particular pressure during election periods, and it is crucial that media professionals be able to distinguish between news, spin, paid advertising, civic education, and so on. Moreover, as more and more revenues from oil and gas development begin flowing into the country, the media must be capable of critically examining all aspects of the process to avoid the potential for grand and petty corruption, and thereby help prevent Timor-Leste from succumbing to the 'resource curse.'

#### 3.1 Lessons Learned

The following set of broad lessons is culled from the evaluation of past USAID/TL media and government information programs as well as the assessment of current trends.

- *Donors should have realistic expectations about pace of change.* It is not realistic to expect the media sector in Timor-Leste to be ready to stand on its own feet only a few short years after independence. Slow change may be partly due to the individual characteristics of the country - the combination of poor literacy, a developing education system that does not stress critical thinking, poor infrastructure, a weak economy, and nascent professional human resource base makes the rapid development of professional media somewhat unrealistic. That said, it is reasonable to expect positive change in the long run, particularly as the economy develops, media outlets become more professional and sustainable, and journalism as a profession is able to attract and retain top-caliber talent. One media professional posits that the country is "a minimum of a generation away" from developing the human resources capacity necessary to truly flesh out the sector.
- *Take into account local needs before designing training programs.* Doing so increases the likelihood that media outlets and individual journalists will feel they have a stake in the training, and consequently invest the time and resources needed to ensure skills "stick." That said, if media development organizations find a clear necessity for a certain type of skills training, they should clearly explain the reasons to the media outlet, and provide the outlet with a clear measure of progress (such as an index) over time.
- *Foster local training capacity over the long term.* This is particularly important in Timor-Leste, which does not have a university journalism program. The country cannot continue to rely on international donors and experts to help develop the media sector over the long

run, even though the long run is the time frame needed for significant change to occur. Donor funding to media has declined and is likely to continue to decline in the many years ahead. Building a cadre of experienced local journalists and media professionals who can train their colleagues - whether formally or informally - is important to ensure the sector continues to develop.

- *Encourage communities to feel ownership of community radio stations.* Community radio stations are really only sustainable when they are driven by the community, not by donors. Given that current situation in Timor-Leste (and the reality that the development of the sector was donor-driven), this may be difficult. However, if donors are serious about developing the radio sector, then community radio stations need to build closer links to the communities they serve. More interactive-style shows and regularized feedback regarding programming may go some way towards addressing this.
- *Focusing on management and sustainability of media outlets is key in post-emergency phase.* Immediately following a crisis, donors tend to focus resources on material grants: equipment, budget support, transportation, infrastructure and so on. While this is obviously necessary at that stage, there is a danger of distorting the media sector and creating unhealthy habits for the future: donor dependency, unsustainable processes, etc. As soon as possible, training should focus on helping media outlets to improve their own management capacity, and thus their own sustainability. These skills can be technical (i.e., financial administration) and can take a while to sink in, which is why this focus needs to start early. By the time donors start turning their attention elsewhere, the media sector should be on its way to developing those skills that will enable it to endure beyond the support of donors.
- *Focus on senior management and senior editor skills across sector.* Lack of clear direction and management at the top can paralyze a media organization, no matter how highly trained or skilled its journalists. Likewise, senior editors set the tone for coverage, and lead by example. These two areas are frequently overlooked when the focus is on getting a group of journalists up and running with basic skills. However, the time is ripe in Timor-Leste now to focus on improving human resources at the middle-management/senior management level.
- *In a developing post-conflict country, ensuring independence and full capability of the national broadcaster is crucial.* The fact that RTTL currently reaches at most 50% of the population with radio and only the capital with live television broadcasts is alarming, particularly given that there is no reliable alternative source of information. The population must be able to depend on the national broadcaster not just to communicate development information, but to provide them with the news and current affairs information that gives them a sense of belonging and citizenship. It is equally vital that RTTL be able to continue to carve out its own role, separate from the government. Given that the national broadcaster in RTTL is the one with the best capacity to reach the whole country, its messages have the most potential impact, and thus the most need for professionalism and objectivity, free from government influence.
- *Monitor and conduct training follow-up to ensure absorption of skills and capacity development.* Training seminars should be followed up after their completion with questionnaires or some other type of feedback, to determine whether trainees are actually using the skills acquired. Beyond that, some form of independent monitoring of targeted media outlets provides a measure of actual impact on coverage. Internews's media monitoring unit is a good example of one way to check on the progress of how quickly and well new skills are being utilized.
- *As early and often as appropriate, international media development organizations should foster, not hinder, development of local organizations.* Internews's spin-off of the TLMDC

was an appropriate way to develop and highlight the work of local organizations. Even if there are no spin-off plans, international media organizations should take care to ensure that their presence does not overshadow the work of local organizations. Organizations such as the TLMDC and others are just now beginning to stand on their own feet; donor-supported international organizations should work together with local groups to ensure that their own work is complementary rather than competitive. In many such situations, international organizations may attract all the top talent with high salaries, and essentially deprive local outlets of their best human resources. This does not appear to have happened so far in the case of Timor-Leste, which is encouraging; nonetheless, the media sector already faces a high rate of turnover, and may be put in further danger of losing key staff if donors are not careful in the future on this point.

- *Equipment/material support should always be accompanied by training in proper use and maintenance.* When donors give equipment to stations, there is frequently little follow-up to check that the staff actually knows how to use the equipment in question, much less maintain or repair it. Although it is unrealistic to expect local community radio station staff, for example, to perform sophisticated computer repairs, it is worthwhile making sure that staff understands how to use the equipment in a responsible manner that prolongs its life. Although seemingly a minor issue, technical glitches and basic maintenance issues are a significant factor in contributing to the information gap that exists in Timor-Leste.
- *Donors should provide clear information about duration and level of support.* This is something of a truism, but it seems particularly applicable in the media sector in Timor-Leste. Unpredictable funding streams and short lead times on funding decisions means that those who are the ultimate beneficiaries of the funding are unable to plan for their own futures. Given that the media business is still in the nascent stages, anything that further discourages Timorese from taking part in training and investing their own time and energy can be setback for the development of independent media and government transparency.
- *Emphasize difference between information dissemination and information absorption.* Although government communication capability has certainly improved over the last few years, there is still a question among some on the receiving end as to how well information is absorbed. An education system that has traditionally focused on rote learning tends to imprint a one-way, top-down information dissemination tendency; this may be reflected in government attempts to communicate. It will take a while before core concepts of 'active learning' filter through to government communication, but such a focus would be beneficial in ensuring that rural populations actually absorb information when it is delivered.

## **Persons Interviewed**

Sonny Inbaraj Krishnan, Internews  
Ze'sopol Carlito Cuminha, Talitakum  
Greg Kintz, Hironnelle Foundation  
Virgilio Da Silva Guterres, RTTL  
Prezado Ximenes, Radio Komunidade Loricolian  
Eurico Pereira, ARKTL  
Antoninho Bianco, Minister of Presidency for Council of Ministers  
Peter Ellis, AusAID  
Jo Roper, Internews GIO Office  
Joaquim Santos, Internews GIO Office  
Ina Varella Bradridge, Timor Sun  
Jose Luis de Oliveira, Yayasan Hak  
Manuela Leong Pereira, Fokupers  
Demetrio Amaral, Haburas  
Domingo Saldanha, STL  
Aderito Hugo da Costa, Timor Post  
Lisa Rogers, USAID  
Alex Grainger, La'o Hamutuk  
Jose Belo, Diario Tempo  
Nilton Santos, Radio Voz de Esperanza (Falintil)  
Natalino Ximenes, Radio Klibor  
Jose Enrique, Radio Comunidade Maliana  
Joao Moleto, Timor Post  
Jonas Lopes, RTTL  
Simao Soares, Radio Comunidade Tokodede  
Staff of Radio Comunidade Tokodede  
Antonio de Jesus, Ministry of Agriculture  
Julia Davey, JSMP  
Robin Perry, JSMP  
Pedro Valador, RTP  
Rui Flores, Office of the Prime Minister  
Jose Gabriel, Diario Journal Nacional  
Elizabeth Wharton, US Embassy  
Trindade do Amaral Pinto Baptista, Timor Post  
Santina da Costa Araujo, Timor Post  
Otelio Ote, Lafa'ek/CARE  
Ginny Kintz, Lafa'ek/CARE  
Dee Brillenburg Wurth, Lafa'ek/CARE  
Aderito Soares, human rights lawyer / freelance consultant  
Madhavi Ashok, UNICEF  
Antonio Gomes, UNICEF  
Rumiana Decheva, UNESCO  
Raymundo de Jesus da Silva, Internews  
Johnny Guterres, Internews  
Afonso Woytile-Pereira, Diário Tempo  
Aderito do Rosário, Diário Tempo  
Filomena da Cruz, Diário Tempo  
Julia de Araujo, Diário Tempo  
Elisabeth Huybens, World Bank



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