

Media Regulation in Africa: Between Tensions and Convergences of Actors

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Abstract

This article examines media regulation in Africa in the light of current socio-economic dynamics, highlighting tensions between traditional players and new digital media. The author proposes a new regulatory perspective focused on media consumption, shifting the emphasis from regulating production to regulating consumption. This approach recognizes the growing importance of consumer demand in a rapidly changing media environment. The article also explores the different dimensions of freedom of communication and the regulation of media consumption, as well as the challenges posed by the convergence of traditional and digital media. It underlines the importance of rethinking media consumption models in the light of these developments, and suggests avenues for effective regulation, both at the professional level and in terms of individual consumer responsibility.

Keywords

Media Regulation, Africa, Media Pluralism, Traditional Media, Digital Media, Media Consumption, Freedom of Communication, Socio-Economic Regulation, Media Production, Consumption Model

1. Introduction

The place that regulation could occupy in defining the relationship between the state and the media is the subject of doctrinal debate. For a long time, the doctrine seems to have regarded this concept as absolutely incompatible with the doctrine of the central State (Machiavelli, 1532). The affirmation of pluralism as a legal principle is linked to the construction of a law specific to communications activities, and to the legitimization of the status governing communications companies and the content they are responsible for disseminating. Legal recognition of the principle of pluralism, based on regulatory provisions relating to

freedom of communication, underpins the construction of a communications law geared to the audiences for which messages are intended. The logic of this objective is, however, at odds with the application of a pluralism whose relationship with democracy and freedom of opinion and expression, on the one hand, and the implementation of the conditions for the necessary economic viability of the media sector, on the other, are more than problematic. Three legal and practical tensions arise from this situation: the tension between the central State and the media—and more specifically the private media—in defining relevant content, i.e. content that meets the objectives of freedom and emancipation of peoples; the tension between the public and private media in determining the appropriate business models for a competitive market; and finally, the tension between the traditional and digital media in an environment where both have difficulty understanding the mechanisms often governed by the platforms on which their listings depend. In this context, the examination of regulation is inseparable from the consideration of a form of competitive pluralism created by the intersection of this triple tension between the State, private and public communications companies and new media in an environment where digital technology has significantly reshuffled the deck by redefining the conditions of competition. This problematic calls for a reversal of perspective in thinking about regulation, a reversal of perspective from the regulation of production to the regulation of consumption, but above all a reversal of perspective from politico-legal regulation to socio-economic regulation. This epistemological detour forces us to rethink the question of regulation by integrating new configurations of modernity no longer as a deferred technological echo from Western countries awkwardly repeated in the African periphery, but also by seeing how media consumption appears as a permanent possibility in territories where economic development is less stabilized. As a sprawling phenomenon, the Internet in fact provokes African reflection by leading it towards an analysis in which modernity is thought of as a shadow reproducing, in terms of production, what is happening in the world at the center. Focusing on the dynamics of competition between traditional media and new media from the consumer's point of view shifts the question of the definition of regulation, whose hijacking by the grid of production norms does not accord with the repertoire of objects deserving regulation. Neither the regulation of content, nor that of containers, and even less that of pipes or the Internet itself, can account for the characterization of modes of consumption and practices, and their impact on professional standards. Indeed, an examination of the internal structuring of consumption of the two types of media reveals particular connections that derive from the two fundamental missions that States and peoples assign to regulation in relation to said consumption, namely media pluralism, net neutrality and online security. After examining the relationship between freedom of communication and the regulation of media consumption and communication (1), we will outline the dynamics of content production from a perspective that crosses the traditional boundaries

between media and provides a better understanding of their effect on consumption (2); finally, we'll point out the way in which consideration of the media workforce is inseparable from the reconfiguration of content production work in the digital context, where a preoccupation with value defined from the consumer's point of view is better suited to the situation of competitive regulation of the African media.

2. Theoretical and Methodological Framework/Literature Review

2.1. Theoretical and Methodological Framework

The theoretical framework of this article is based on a critical review of theories of communication and media regulation, with particular emphasis on Bernard Miège's work on cultural industries and models of media content regulation. The methodology adopted is a qualitative analysis of regulatory dynamics in Africa, incorporating case studies of media consumption practices and the economic models of traditional and digital media. This approach allows us to contextualize the challenges of regulation in a rapidly evolving digital environment.

2.2. Literature Review

- Freedom of communication and regulation of media consumption

Freedom of communication has long been examined from the angle of content production. The works of John Locke and 18th-century libertarians highlight the importance of freedom of expression, but it is in the modern context that this freedom becomes more complex with the emergence of mass media. Noelle-Neumann (1973; 1980) highlighted the tensions between the interests of media owners and political or economic pressures, illustrating the challenges of content regulation. The perspective of regulating media consumption implies a reversal of these dynamics, focusing on consumer rights and cultural practices (Bourdieu, 1979).

- Self-regulating media market

Bernard Miège (1997) has developed an analysis of cultural industries in relation to editorial production and flow models. In Africa, the application of these models is confronted with distinct socio-economic realities, where regulation must navigate between inherited consumer practices and the demands of digital modernity. Recomposing professional standards and establishing new regulatory models are crucial to ensuring fair competition and content production adapted to local contexts.

3. Freedom of Communication and Regulation of Media Consumption

Approaching the question of media freedom from the point of view of consumer regulation involves at least two types of theoretical reworking, the first of which concerns the redefinition of freedom of communication from the perspective of

public opinion (a); and the second re-inscribes consumption at the heart of a critique of the Polanyian perspective of the self-regulating market (b).

3.1. Freedom of Communication and Public Opinion

The test that freedom of expression and freedom of communication place on regulatory power, and the resulting consequences, are the source of many misunderstandings. Historically, freedom of expression has been the subject of debates that focused on the extent of citizens' freedom, before the media gave this claim a singular twist. As early as the 18th century, libertarians professed natural law in an environment where interactions between individuals were the result of freely agreed contracts. For John Locke, one of the theorists of this doctrine, the State appears as the central obstacle to the enjoyment of a particular right that man has over his own person. Libertarians posit non-aggression as the fundamental principle for regulating society, with proprietary logic dominating all forms of libertarianism to develop in the wake of the founding doctrine. The emergence of a state claiming a monopoly on physical and symbolic violence, against a backdrop of the massive success of human rights, put an end to the libertarian dream and entrusted this central structure with the role of regulating the numerous freedoms that were to result. Although presented by some as the mother of freedom, and the matrix of human rights, freedom of expression will now have to cohabit, willy-nilly, with other rights and freedoms (assembly, demonstration, etc.) in the struggle to establish a democratic public sphere. The way in which this context will affect regulation is indicative of the tensions and manifestations of a new capitalism reconstructed in an economy of communication linked to capital accumulation, and indicative of the form of media production work that will result. The result will be a proliferation of purely operational concepts, often hollow and capable of explaining everything and its opposite. The very example of the redefinition of conceptual couplings such as freedom of the media, freedom of expression in the media or of the media, freedom of the press, etc., all of which have positive connotations, is enough to underline the weakening or even loss of meaning of the binary categories that make it possible to distinguish between categories whose common use contributes to the confusion. The notion of regulation, defined on the basis of this conceptual blurring, also contributes to the outrageous opacification that will be hypostasized by the transformations brought about by digital technology. From the perspective of the consuming public, the changing view of freedoms and rights relating to communication, and especially to the media, leads us to take a closer look at the regulation of the grey area that results from the intersection of these conceptual categories. Because it raises the issue of the media's role in shaping public opinion, this perspective points to both the dynamics of media competition resulting from digital technology, and the regulatory models that can emerge from the constraints relating to these dynamics. By "grey zone" we mean the area of re-composition of regulatory norms at the frontiers of professional practices and

media in the digital environment, and the dynamics of institutionalization that are likely to apply to the operational partitions of regulation. Public opinion can be defined as dominant opinion, which, through its power of influence, imposes itself on everyone to the point of pushing individual or dissident opinions to the margins and rendering them inaudible. Many authors have emphasized the differences between public opinion and mass (Blumler, 1979; Key, 1966), the contingent nature of the mass effect being linked to momentary and sudden interest in an issue, without any link of interest or class being established between the people who make up the mass, or even with the political system (Lemert, 1982), it is indeed the framework of influence that characterizes public opinion. To sum up the studies, we could say that public opinion fulfils a number of conditions, which we can reiterate by drawing inspiration from Anglo-Saxon studies: it occurs over a longer, indeterminate period of time, takes several forms, can change radically from one period to the next, is not very standardized and subject to debate, lacks historical hindsight and requires few resources to gather and process it. It can be modeled on the three social conditions that determine the prosperity of an opinion: its manageability, i.e. its capacity to be used by the greatest number, its simplicity, i.e. its capacity to be understood and assimilated, and its adaptability, defined by its capacity to be explained and justified. The traditional taxonomy also attributes it several figures: freedom as a figure of thought of autonomy and inviolability; rationality envisaged from the point of view of its capacity to serve as an argument for collective deliberation; and the coherence given to it by an aggregation device such as the media system. It is in this respect that the public opinion that makes use of the media ends up merging with the opinion of the media when, for particular reasons, the gate-keeping principle no longer operates within the latter. In fact, the ability of media editors to sift through the information they receive before publishing it (Lewin, 1947; Manning, 1960) is not unshakeable, still less their capacity to be more open and liberal than the rest of society, an openness that would be due to the norms and values that serve to reinforce their critical function, as Noelle-Neumann (1973; 1980) thought. This capacity can be weakened in a variety of ways: internally, by the inadequate training of journalists and influential members of the editorial staff, by the alliance of objective interests between media owners and external groups, or by pressures of all kinds emanating from the political or economic field, from various pressure groups or international powers (Boyomo, 1996). Here, regulation takes on a dual dimension: on the one hand, that of producing content that respects the rules of universal morality and those of the profession; and on the other, that linked to cultural and social challenges, which takes into account the circulation of content produced elsewhere and liable to affect lifestyles in fragile states and plural societies. In this context, the exercise of freedom of communication appears first and foremost as the ability to resist the dissemination of content corresponding to the exclusive expectations of the consuming public.

3.2. From Public Opinion to Consumer Opinion

Sociological analysis seems to have taken note of the scientific division of labor, which leaves the study of consumption exclusively to economics. Indeed, there are few theoretical references to sociological research on consumption, with the exception of a few works such as that by Nicolas Herlin. Pierre Bourdieu, the initiator of such research, has mainly looked at it from the point of view of cultural practices, but at the same time he has opened the way to irreconcilable studies between those that take reception as the starting point of their studies (Jauss, 1974), those that dwell on cultural appropriation (de Certeau) or those that focus on the economic dimension of art (Passeron following Adorno). Dominated by the sociological approach, these studies, which start from the Polanyian paradigm of embedding, neglect the economic dimension to focus exclusively on consumption practices, often failing to link them to consumption models defined on the basis of production. By focusing primarily on mass cultural consumption, Cultural Studies has even, starting with Hoggart's work on the culture of the poor, neglected to analyze the way in which a certain form of cultural regulation reveals models of consumption more or less consented to by "the poor" that do not always meet their specific needs, or even their ability to finance said needs. From this point of view, the example of cell phone consumption is quite striking in terms of these indefinite consumption practices of appropriation or rejection by individual consumers, which redefine totally new relations of power with regard to the founding studies of subaltern studies. Two models of media consumption seem to be at odds in Africa. That of the classic written and audiovisual media, whose consumption can be considered largely non-expensive but massive, with a large number of consumers not paying the price of access and consumption. Digital media, on the other hand, require a much greater investment in terms of connection, if not equipment, than an individual consumer would be able to afford. This difference explains why, in many countries, institutional regulation is divided between stock and flow regimes, in what, since Bernard Miège, has come to be known as the cultural or creative industries. According to the author, the cultural and creative industries underwent a phase of diversification, particularly in France, between 1973 and 1998, when they came into contact with the mass audiovisual media. Two models for the operation of the cultural industries clashed and competed: the editorial model and the flow model. The former presupposes a material medium and a single product, paid for by the consumer, while the latter is immaterial, continuously programmed and gives the impression of being free. Bernard Miège's approach is not just economic: these models shed light on corporate strategies and consumer behavior, as well as on the creative process. It aims to avoid the pitfalls of sectoral approaches, and instead to shed light on the links between the sectors of the cultural industries. From the 1980s onwards, the flow model became dominant, as television became a new horizon for music with the broadcasting of prime time and then music videos, and for cinema with pay-per-view. The author refuses to

pass judgment on this legal framework: while the abandonment of public policy principles, the failure of ambitious industrial programs and the primacy of political relations in opening up to the private sector are open to criticism, the measures taken have enabled transnational audiovisual programs to see the light of day. Public support, both upstream and downstream, is also much sought-after in various European countries: the desire to preserve a cultural exception “is not limited to a political and legal principle, confined to France”. For the author, the cultural industries, if they retain the traces of the three periods studied, are marked by the confrontation with the “new information order”, an order whose implications are not limited to the cultural industries alone, but also to work and private life. Given the complexity of the issues at stake, the distribution of cultural products is set to increase. As a result, consumer opinion is caught in the crossfire between two types of regulation: that of content producers, and that of a regulation operated either for the benefit of production or that of the public authority, leaving unoccupied the area of regulation of consumption defined by consumers themselves. Consumer opinion is therefore linked to the coagulation of consumption by the public themselves, who participate in the production of the product of their consumption, with or without representatives of producers and the state.

4. A Self-Regulating Media Market

In French-language literature, the question of regulation has mainly concerned content. Bernard Miège is also the one who has taken this question to a sufficiently elaborate level to be addressed here. But in his book “*Les industries du contenu face à l’ordre informationnel*”, Miège links them to networks and tools to form the three components of the communication industries, and calls on firms large and small to industrialize services, i.e. to use industrial means to reproduce unique programs, in the fields of information and culture, to meet private or professional demands. He writes: “To shed light on the very current issues at stake in the industrialization of information and culture, it is therefore not enough to observe emerging elements based on current innovations, but we need to look back at known and already tested methods, such as publishing or the ‘flow’ to which the mass audiovisual media have accustomed us”. Working in the Western context, and oblivious to the place of regulation in that context, he naturally failed to consider the socio-economic and cultural conditions of possibility for such a strategy. In Africa, where the pure *laissez-faire* model cannot simply be the product of a decree, it is important to examine the circumstances that can build a media market that is both competitive and defined by journalistic and consumer practices appropriate to the technological revolution imposed by digital technology. Three areas define the conditions under which such a market could be regulated, in the dynamics described by the notion of the grey zone and the uncertainty of legal status and social rights to which the economic categories mobilized here are exposed: media consumption models resulting

from convergence, established on the basis of consumer opinion; the recomposition of professional standards in contact with said convergence; and finally, the development of a new regulatory model specific to the new context, at the heart of the grey zone defined by the intersection of production, broadcasting and consumption constraints. The first is that of the professions, where the fate of freedom of information and the objectivity of reported facts are at stake, based on a disciplinary and professional ethos linked to the status of media professionals, in particular journalists (a), and that of a demand for individualized consumer products in a globalized context, where national media are faced with a widespread erosion of their monopoly on news production (b).

4.1. The Unlikely Interweaving of Content Regulation and Practice Regulation

The unlikely integration of content and practice regulation, the opening up to competition of many sectors that were once public monopolies, and the withdrawal of governments from direct production, have contributed in many countries to the prosperity of more or less liberal communication regulation institutions. In many cases, the liberalization of frequencies, the advent of the Internet and the diversification of the print media have been the direct consequences of the demonopolization of the communications sector. From a discursive point of view, it is interesting to note the range of terms used to describe this new situation: media regulation, communication regulation, co-regulation and self-regulation, all of which bear witness to the orientations assigned to regulation by each country, depending on its political and legal cultures, and the role and status of the media. Media regulation. From the 90s onwards, the new concepts used to designate the institutions set up to manage the new situation were referred to as media regulatory bodies or authorities, thus placing the emphasis on information production structures, analyzed as barometers of democracy. For a long time, this rhetoric echoed the international entry of a large number of states, particularly in Africa, into a democracy that is above all formal: pluralism of opinion through the number of political parties, a multiparty system captured by the statistical and formal registration of composite formations blending forms of Caesarism with etho-regional supremacism, freedom of information marked by the feverish creation of newspaper titles and radio stations often devoid of content, and so on. The lack of content is compensated for by the flowering of titles, the inflation of references and discussions on freedom of information and communication under the banner of the missions assigned to the media (to inform, educate and entertain), and the multiplication of operational concepts (democracy, freedom, communication, information considered as insusceptible of existence without the media). It's hardly surprising that even the most enthusiastic supporters of media regulation have become frustrated in this context of conceptual vagueness. By the 90s, the independence of the new regulatory structures was being called into question all over Africa. The euphoria of their

creation gave way to general disappointment, if not scepticism about the viability of the media. From the point of view of regulating practices, it is crucial to recognize that the media boom, particularly in African countries, has been accompanied by a diversification of media players and a fragmentation of consumption patterns. This evolution has posed considerable challenges in terms of regulation, which go beyond the simple supervision of broadcast content. Regulating media practices involves setting professional and ethical standards to guide the work of journalists and the media as a whole. This includes issues such as the accuracy of information broadcast, respect for privacy, fairness in the representation of different points of view, and the fight against misinformation and propaganda. These standards are essential to ensure that the media fulfill their democratic role as guardians of information and guarantors of informed public debate.

However, the regulation of media practices is not limited to the professional sphere. It also encompasses the behaviors of media consumers, particularly with regard to their interaction with content, their ability to discern reliable information from misinformation, and their responsibility in disseminating content on online platforms. In an increasingly complex and fragmented media environment, it is essential to educate consumers and raise their awareness of the issues involved in media consumption, in order to promote responsible and critical practices. Consequently, the regulation of media practices needs to be conceived holistically, taking into account both the professional and ethical standards of the media and the behavior of consumers. This requires a collaborative approach involving the media, regulatory authorities, civil society and the public, in order to create a healthy and democratic media environment. The regulation of media practices in Africa must go beyond the mere monitoring of content to encompass the entire media ecosystem, including professional standards, consumer education and the promotion of a responsible media culture. Only by adopting an integrated and inclusive approach can we ensure that the media continue to play their vital role in promoting democracy and citizen participation in Africa.

4.2. The Impact of Growing Demand for Individualized Media Products on African National Media in a Context of Globalization

Africa is experiencing a major transformation in its media landscape, marked by a growing demand for individualized media products. This trend, fueled by the rise of digital technologies and globalization, challenges the monopoly traditionally held by national media in terms of information production. African consumers are increasingly keen to seek out information and entertainment that suits their specific interests and tastes. This trend is driven by increased access to digital platforms such as social networks, streaming services and content aggregators. These platforms offer users a wide range of options to personalize their

media experience, allowing them to choose what content they consume and when they consume it. The rise of individualized media products has led to an erosion of the monopoly traditionally held by national media in the production of information. National media, once the main source of information for most Africans, now face competition from a host of new players, including international media, digital platforms and individuals. This competition has had a significant impact on African national media. Many of them have seen their audience and revenue decline, leading to staff reductions and budget cuts. Some national media outlets were even forced to close their doors. The rise of individualized media products presents both challenges and opportunities for African national media.

The growing demand for individualized media products is a major challenge for African national media, but it also presents opportunities. By adapting to new technologies and meeting consumer expectations, national media can continue to play an important role in informing and entertaining African citizens.

5. Conclusion

This article examines media regulation in Africa in the light of current socio-economic dynamics, highlighting the relationships between traditional players and new digital media. A new regulatory perspective is proposed, centered on media consumption, shifting the focus from regulating production to regulating consumption. This approach recognizes the growing importance of consumer demand in a rapidly changing media environment. The challenges posed by the convergence of traditional and digital media are also explored, underlining the need to rethink media consumption models and propose avenues for effective regulation. In response to these challenges, a new approach to regulation is proposed, focusing on media consumption rather than media production. This perspective recognizes the evolution of media consumption patterns, particularly with the advent of digital media, and proposes adapting regulations accordingly. This approach would enable regulation to be more effective and better adapted to consumer needs. The traditional model of media regulation, focused on regulating the content of media productions, is no longer adapted to the digital age. A new regulatory approach is needed, one that takes account of the growing importance of media consumption. This new approach should be based on the principles of pluralism, consumer protection and social responsibility.

The article also explores the implications of this new regulatory perspective for freedom of communication, highlighting the challenges of protecting freedom of expression while regulating media consumption. It highlights the need to strike a balance between protecting individual rights and promoting the public interest in a rapidly changing media environment. In conclusion, the article proposes a holistic approach to media regulation in Africa, integrating economic, social and cultural dimensions. It underlines the importance of rethinking regulatory models to meet the challenges posed by new digital media, and sug-

gests ways forward for effective, balanced regulation that guarantees both freedom of expression and the protection of consumer rights.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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