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The Role of Private Radio Station in Promoting Free Debate in Lesotho: The Dilemma of Absence of Information and Media Policy

ABSTRACT

This paper has been investigating the role of private radio stations in promoting free debate in Lesotho: Dilemma of absence of information law and media policy. The main focus was on state of media, audience and citizens participation in programming. Finally the paper focused on the information ethics independence and integrity and codes conduct for the media practitioners. These have been obtained through analysing content relayed on the facebook pages and the part of the phone in talks on the private radio stations. This paper has been informed by participatory media framework. It has concluded that the absence of information law and media policy had information ethics and code of conduct dilemma on both audience participation and media practitioners.

Key words: Role; private radio stations; media law and policy; audience participation, media practitioners; information ethics and codes of conduct.

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1. Introduction

This paper is divided into about eight sections the first section had been comprised by the media participatory framework. The second part comprised of the background of media and political rule in Lesotho. The third section entailed the media freedom and civil liberties status in Lesotho. While the fourth section focused on the state of media in Lesotho. The fifth section focused on the issues of law and ethics, code of conduct in relation with media practitioners. The sixth section had focused on the role of the media in democratic society. The seventh focused on the role of media in promoting audience participation in Lesotho. The last section provided the conclusion.

1. Theoretical framework

This paper is formed by the participatory theoretical framework because it is investigating the role of private radio played by radio stations in providing audience participation. Participatory communication is the theory and practices of communication used to involve people in the decision making process. Participatory communication encourages participation stimulating critical thinking and stresses the process of participation.

The role of media refers to the purposes or service that media provided to the society (Ugangu2012:1).Christian; Glasser; Mc Quail; Nordenstreng & White (2009) succinctly puts that the important roles of media are monitorial, facilitative, radical and collaborative functions. According Christian et.al (2009) the monitorial role refers to the case where the media seeing themselves as neutral observers reporting objectively about the world; whilst in facilitative role media are distanced from the centers of power and seek to provide citizens with a platform for expressing their views and participate in the political processes. The radical role of media refers to a totally oppositional approach to the prevailing power. Lastly is the collaborative role that refers to the case where media directly serves the government and other centers of power.

Whilst Ugangu(2012:53) asserted that the African independence leaders did not consider media as the watchdogs because this role secures individual based rights such as freedom of expression and right to participate in civic processes. According to Ugangu (2012) the role of media were highly correlated with the attitudes and goals of the high government officials. This situation continued until the age of liberation in the early 1990s.

Furthermore, Ugangu(2012:53) pointed out that the elites ensure that the ordinary people's voice were shut out of national debates as such the political elites became the main subjects for the news, while issues affecting people's life were relegated on media news agenda. According to Ugangu this group realized that media was a good tool to keep them in power.

Worldwide radio plays a pivotal role in relaying information from sources to the recipients, and in most of African countries radio is the most popularly and largely accessed media platform. Ugangu (2012:2) affirms this by pointing that FM radio continues to be chief initiator of powerful medium of debate in Kenya. Ricardo points out that in Mozambique in order to reach the majority of the people radio and television were the main communication platforms (Ricardo 2015:3).

Ugangu added that FM radio stations emerged as influential agents shaping perceptions towards socio-economic and political transformation of the society. As such the growth and expansion of media had generally provided and made possible for ordinary people to access

many sources of information, and also created possibilities to the ordinary people to participate in national and global information irrespective of the traditional limitations associate with literacy and class distinction.

2. Background of the study

Basotho have been governed in many different ways since its founding as a nation in the mid-19th century, including episodes of democratic authoritarian regimes. Kapa (2013:15) posited that 1993 marks return of Lesotho to multi-party politics from about 22 years of undemocratic rule being ruled by authoritarian Basotho National Party from 1970 to 1986 and Military from 1986 to 1993. According to Kapa this period also marked as a period of extreme secretive rule, that prohibited public participation in policies making, and characterised by prohibition of public servants release of information to the public without authorisation by the respective heads of ministries and principal secretaries, which can also be explained in terms of the absence of law and policy of receipt and access of information (Kapa 2013:15).

This period marks changes in social, economic and political development and move of the country. In 1999 Lesotho liberalised communication and allowed increasing public and media freedom of expression. Metsing in 2007 while officially opening a workshop on communication issues in Southern Africa pointed out that, the landscape of Lesotho broadcasting sector has changed quite significantly and the situation moved from where airwaves were dominated by Radio Lesotho, and there was a diversity in the ownership and running of broadcast media sector with private stations licensed (Metsing 2007:1).

According to Metsing(2007), the broadcasting media play a crucial role in shaping most people's lives, due to their daily reliance on them for news and information that shape their views and perceptions on political, economic and social issues (Metsing 2007:1). MISA Lesotho (20013:49) posits that Lesotho radio programmes are characterised by vibrant listener participation noted that there are about fourteen radio stations on air and freedom of speech is evident as the people call in throughout the day and night to air their views on any topic without fear

Kapa (2013:15) points out that, since 1993 Lesotho have witnessed a growing number of private and community media institutions both print and electronic. To add on UNESCO (2009:1) reports that the Government of Lesotho issued broadcasting licences to private radio stations mostly based in Maseru.

There emerged the following radio stations in broadcast in frequent modulation(FM) and covers city of Maseru Moafrika FM; Catholic (CR) FM; Joy FM; People's Choice (PC) FM; Harvest FM; Thaha Khube (TK) FM; Kereke ea Evangelic Lesotho (KEL) FM and Jesu ke Karabo (JKK) FM; Department of Physics and Electronics (DOPE) FM owned by National University of Lesotho (NUL) co- existed with the two national radio stations, namely, Radio Lesotho and Ultimate FM (Matjama 2007: 3). However currently Lesotho has about fifteen radio stations with about three newly established genre of community radio stations with the assistance of UNESCOM Lesotho namely Motjoli Community FM ; Moeling community FM; Mafeteng Community FM and three other private owned radio stations Molisa ea Molemo FM ;T`senolo FM and Sublime FM.

According to Kapa this is a positive development as it provides citizens with avenues for exercising their freedom of expression rights and allows them to participate in national issues. Kapa adds that, citizens of Lesotho have enjoyed high degree of freedom of speech including criticizing their governments freely. Although observes that there still remains a challenge of state owned broadcast media which enjoy wider national coverage which remain firmly under government control. In this media government dictates what should be broadcast and who should access these institutions for the purpose of expressing views and disseminating information.

Although the Lesotho airwaves were liberalised 1999, but MISA (2007:3) argued that the regulatory environment was nonetheless deficient because the broadcasting regulatory body, Lesotho Communication Authority (LCA), was still subjected to the authority of the Minister of Communication, Science and Technology. He further indicated that the Act which established the LCA has been partially implemented, and this resulted into the non-adoption of a media policy in Lesotho and further asserts that this is one of the factors contributing to the hostility of the media environment. MISA (2015:34) reported that, most of the radio stations both government and privately owned and television jammed on the 30 August 2014. According to MISA, Lesotho radio stations have traditionally been a valuable source of information for citizens and a vibrant forum for discussion and citizen participation through the phone-in facilities, however with the political instability, which has been growing since 2013 are no longer free.

As such MISA (2007:3) and MISA (2013:47) alleged that both the Media Policy and the Receipt and Access to Information Bill have been gathering dust in parliament shelves since 2000 and thus have not contributed to improving media freedom in Lesotho. According to MISA (2007:3), Harvest FM was threatened with closure in 2007 after lambasting government policies and governance style.

As such the environment in which media operates in Lesotho was still understood as hostile for democratic debate. MISA (2013:47) contends that the media in Lesotho functioned in a very hostile legal environment, because some of the old laws unfavourable to media freedom and freedom of expression were still valid, such as “the Sedition Proclamation of 1938(No. 44 of 1938) which provides for suppression of sedition and seditious publications and for the punishment of seditious offences, and the Criminal Procedures and Evidence Act of 1981 (No.9 of 1981) which consolidates and amends the law relating to procedure and evidence in criminal cases. “For instance, on the 17th August 2011, four privately owned commercial radio stations went off air because they had provided a live coverage to the protest embarked on by factory workers(MISA/IFEX 2011:1). MISA/IFEX 2011:1) report that the interruption started less than 24 hours after the meeting between privately owned radio station managers, the Acting Principal Secretary of the Ministry of Communications and Chief Executive of the Lesotho Communications Authority.

Although Lesotho liberalised the airwaves, that led to the boom of the privately owned and community radio stations the legal environment, in which they still operate and operated in continued to be hostile for them to perform the normative roles discussed by Christian and others. As such it was imperative to conduct a qualitative research that investigated the role

of the privately owned radio stations on air programmes and their facebook pages in promoting free debate.

3. Media Freedom and Civil Liberties Status in Lesotho

The constitution of Lesotho enshrined the right to freedom of expression. African Media Barometer (2010:5) argued that the constitution of Lesotho did not explicitly mention media freedom but allowed citizens the right to express and to obtain and impart information. According to African Media Barometer, this clause guaranteed these rights as long as they did not interfere with defence, public safety, morality and health. However, MISA (2013:47) stated that despite having held its first ever democratic election in 1993 and witnessing the growth of private broadcast media, Lesotho still had no express guaranteed for media freedom and freedom of expression.

Even though, the government of Lesotho generally respects freedom of speech, has declined in the rankings of the Freedom House, because the Lesotho Communication Authority LCA has increased broadcasting license fee seven folds, from \$400 to \$3000 and this infringed on the number of the role players, drawing objections from press freedom advocates (Puddington, Piano, Eiss, Neubauer and Roylance 2009:416).

A Freedom House Report (2011:388) outlines that the critical media outlets and journalists in Lesotho faced heavy libel charges and were occasionally harassed or attacked. For example, in October 2010, the ABC leader Tom Thabane threatened to shoot a Sunday Express reporter Mr Tlali Caswell for enquiring about members of his family who were faced with rape and assault charges lodged by his former wife.

The Country Report on Human Rights Practices (2008:326) pointed out that on July 18, 2008, an independent radio station, Harvest FM, closed for three days due to a suspension order by the Lesotho Communications Authority (LCA), a regulatory body. According to the Country Report on Human Rights Practices (2008:326), the LCA reportedly received complaints from the Commissioner of Police that the station made an inaccurate statement and complaints from the Principal Secretary of Communications Science and Technology that the station had incited persons to resist the removal of the street vendors in the downtown areas of Maseru.

Freedom House (2011:388) reported that independent newspapers and radio stations in Lesotho, that routinely criticised the government, while the state-owned outlets tended to reflect the views of the ruling party. While the International Monetary Fund (IMF) (2012:388) purported that radio continued to be the dominant platform for the public debate, and resulted to incidents such as those cited above that suggested the limitations of media freedom imposed by the state from time to time.

4. The state of the media in Lesotho

The broadcasting sector grew in numbers particularly of commercial, private and community radio stations operating. The community radio stations emerged through the assistance of UNESCO to afford rural communities avenues to express their view and participate in national issues such as policy making and community development processes.

There are a variety of media outlets operating in Lesotho, both public and private. These include the emerging number of community radio stations explored in this study. The Commonwealth Secretariat (2012:16) posited that since the government of Lesotho opened up the media sector in 1999 to the independent media sector, this led to growth in the private media, particularly radio stations; while the state's electronic media nonetheless continue to dominate news coverage in all areas of the country. Radio Lesotho, operated by the state covered the entire country, while the majority of private radio stations covered only the densely populated, lower-lying area of Maseru and its periphery,' as a result the state controls the country's largest radio stations and the only television channel, as well as Radio Lesotho, Ultimate FM and Lesotho Television (Commonwealth Secretariat 2012:16).

Radio Lesotho and Lesotho Television have remained Department of Broadcasting services and ran directly by government; solely for the dissemination of the government viewpoint and propaganda, and in the processes, effectively favouring its rule over other parties (MISA 2007:3). According to MISA, the government of Lesotho has shown persistent reluctance in transforming these radio and television outlets into public broadcasters.

In many areas, thus, media freedom in Lesotho was constrained by the government influence and ownership. The key challenge of media in Lesotho related to the state's delay in adopting and implementing a media policy, which would result in the establishment of the relevant institutional infrastructure and legal framework to systematically address issues related to professionalism, ethics, conduct and improvement of media content, as well as coverage. For example, the Freedom House (2011:388) states that in September 2010, the cabinet refused to send the delayed media policy to parliament for approval, and instead returned the policy to the Ministry of Communications.

MISA (2015:31) posited that Lesotho's media freedom was on shaky ground in 2014 as the country suffered extreme political unrest resulted into flee of the former Prime Minister Thomas Thabane to South Africa at the 30th August 2014. According to MISA the former Premier fled the capital Maseru just before the army commander Lieutenant-General Tlali Kamoli attacked his official residence and military units surrounded police stations buildings.

MISA further contended that in this environment they saw no progress towards much needed legal reforms to depoliticise state- owned media and prevent government censorship(MISA 2015:31). According to MISA Lesotho the state of media freedom seemed to have backtracked to nearly four decades ago, with increased polarisation of the broadcasting sector along the political lines. The Lesotho one year old, Broadcasting Dispute Resolution Panel was crippled by a weak legal framework and lack of financial independence, because its operations heavily depended on the Lesotho Communication Authority (LCA) budget.

5. Laws, Ethics and Code of Conduct relating to the media in Lesotho

Although Lesotho was the signatory of the international freedom of expression such as the Windhoek declaration and the UN Declaration of Human Rights, and her constitution enshrined freedom of expression, there was and still no specific set of laws that regulated the media. Instead, there were pieces of legislation which impacted on the media, as well as the principal proclamations introduced during archaic colonial rule (MISA 2012:47). As a

result, the government ministers and other officials initiated libel and defamation suits against members of Harvest FM.

MISA/IFEX (2008:1) posited that this occurred at the end of suspension of the Harvest FM broadcasting license, instituted by the Lesotho Communication Authority from July 21st to October 21st 2008. The LCA suspended the license on the grounds that the Harvest FM station failed to comply with the broadcasting rules. According to MISA/IFEX (2008:1), the station was suspended for twelve months, but nine months were set aside on condition that the station did not commit the similar offence within that period.

Adding to the decline of freedom of expression in May 2008, the Lesotho Communications Authority increased the cost of broadcasting licenses sevenfold from \$400 to \$3000, drawing objection from press freedom advocates who claim that this was intended to deter more broadcasting players (Puddington, Piano, Neubauer and Roylance 2009:23).

However, MISA(2013:49) argued that although Lesotho civil society activists and media practitioners were happy about the vibrant expression of freedom of speech and viewed this as a credit in substance of democratic governance, there were some concerns about lack of professionalism, lack of ethics and poor moderation of programmes, particularly on some political talk shows. According to MISA Lesotho (2013:49) some radio stations were criticised for the unprofessional way they handled phone in programmes by allowing some callers to reveal secrets and lie about others. While one radio stations played recordings of the secret meetings of political parties and revealed some cabinet confidential documents through reading them word for word. While on the other hand the Directorate of Corporate and Economic Offences (DCEO), complained to MISA Lesotho, that some radio presenters handled the corruption issues in a manner that obstructed the DCEO investigations.

MISA (2015: 31) pointed out that against the backdrop of political instability and uncertainty, Lesotho long waited media reforms continued to stall in 2014 and 2015. According to MISA the reform packages were the results of almost one and half decade's discussion between government and media professionals. MISA contended that these reforms could have depoliticised government owned media outlets and moved the statutes allowing government censorship in the name of national security and moved many slander and libel cases out of courts into arbitration.

6. The Role of Media in Democratic Society

Selinyane (2008:167) argued that media's influence in shaping the public's view of democracy was equally important as giving the citizens their freedom to choose to put forward their own line of thinking or reproduced and popularised political parties. According to Selinyane (2008:168), the privately owned media however exploited their freedom of expression by presenting inflamed information that might have steered instability in the country.

MISA (2015:32) posited that, most of the radio stations both government and private owned radio stations are controlled by politicians who use them as mouth pieces for advancing their political agendas. According to MISA the state owned television and radio stations were used by the three parties in government as their battlefield for the three political parties in the coalition government, while the privately owned were divided into congress

and national ideologies. Despite prevalence of Windhoek declaration the radio presenters did not hide their political preferences and this was coupled with regularly expression of emotions and opinions about issues on, which they should have been maintaining neutrality and upholding professionalism and media ethics(MISA2015:32).

Access to communication is one of the key measures of power and equality in modern democracies. According to Bennett and Entman (2001:1) argued that people communicate to make their interests and values known and learn about the status of government activities affecting their interests. Due to its wide range of communication channels, contents and styles, media communication can shape power and participation in society in both negative and positive ways. For instance, the dissemination of top-down communication can be used with negative effect in media to obscure the motives and interest behind political decisions; while on the other hand, it can be used positively for promoting involvement of citizens in decisions that affect their interests. Furthermore, participatory communication may either be integrated into government dialogues or categorically defined as a threat to national integrity, by different types of governments.

MISA2(2015:123) posited that with rapidly evolving information communication technology (ICTs) has expanded into the new and social media sphere and media outlets had the responsibility to extend the application of journalistic principles to these diverse platforms in order to take opportunity of the convergence. Whilst Lesotho Communications Authority (2008: 2) stated that the growth of the convergence between media outlets and information communication technology has brought both regulatory challenges and opportunities. The opportunity was that the consumers were able to make affordable calls while the challenge was the information code of conduct and ethics. Verdegem (2011:1) succinctly pointed out that the increasing independence on information and communication technologies (ICT) in every aspects of life, forced the world population to reflect on how they can manage the digital era with policies and try to explore conditions on how to benefit from new opportunities provided by ICT.

7. The Role of Radio in Promoting Audience Participation in Lesotho

Lesotho in the 1990s saw a shift from the state of print media domination role of information dissemination, due to the advent of radio that had a significant influence in shaping political information and public opinion. According to Lewis (1958:8), public opinion was conceived as part of social processes and contributes a way to chat the meaning of an emerging mass culture, and the power of mass media. Broadcast media in Lesotho was the most cost - efficient and accessed source of media for ordinary Basotho citizens (*UNDP, Human Development Report 2009*).

In a country such as Lesotho, with geographically remote areas, incomplete media coverage of most regions except the urban areas and an overall lower level of formal education with an 89 percent literacy rate (Kingdom of Lesotho. Bureau of Statistics, 2014:1), radio remains the most popular media platform due to the Basotho 'spoor culture of reading. Similane (1995:2) argued that the role of the media has been dominated by the strong beliefs about its potential as a means of influencing, controlling or directing public opinion.

Media content is determined by a number of editorial processes. Primarily, media content is characterized by editorial agenda setting. Agenda setting is the selection and display of the

news by editors and news directors to influence public perceptions of most important issues of the day (Maxwell 2005:1). According to Maxwell, this reflected the authority of gatekeepers over content and therefore, the ability of gatekeepers to influence the topics on the public agenda. Similarly, MISA (2013:48) points out that radio stations in Lesotho have proven to be powerful in agenda setting and influencing people's perceptions.

Radio is the widest-reaching and most influential source of news and information globally. Furthermore, Fones-Wolf (2006:14) points out that radio stations were an instrument of the mass media that was indeed able to promote a new national self-awareness. According to Fones-Wolf, radio phoning was the most popular amusement in the United States; it epitomized consumer culture and grew the size of audience at a phenomenal rate, rendered radio an integral part of citizens' daily life (Fones-Wolf 2006:16). Hence, radio played a particular significant role in emerging public communication processes, because it facilitated information dissemination beyond the transport limits of print media (e.g. poor roads, printing times and equipment), sidestepping the literacy limits of near-illiterate audiences, as well as bridging, to some extent, the spiral of silence for audiences marginalised because of their education, remoteness or non-access to written forms of communication (African Media Barometer 2011:54).

Additionally to the receiving of information, audiences contributed to programme content and feedback of radio programming through oral expression, thus they can overcome inherent limits to their education level. This was particularly significant in vernacular radio station programming where the mother tongue utilised, thus allowing audience members with low formal education to present their views and interacted with others as fully-fledged adult participants in the social context, without feeling inferior to those who may speak more languages and have better written skills, especially in the regional language of English.

Coronel (2011:10) posits that in many new democracies, radio became the medium of choice as a less expensive and more accessible and effective instrument in promoting grassroots democracy, by providing an alternative source of information to official channels and reflecting linguistic diversity.

8. Conclusion

In this paper I concluded that in as much as Lesotho claimed to be a democratic country and enshrined freedom of expression in her constitution and also been a signatory of various conventions embraced the freedom of expression, She still had a serious challenge of information ethics and dilemma of code of conduct emanated from the absence of information law and media policy to guide the citizens in exercising their rights and their responsibilities when participated in cyber space and other media platforms like radio stations.

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