Election Watch X

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MEDIA PLAY A CRUCIAL ROLE IN FREE AND FAIR ELECTIONS

reedom of expression and freedom of the media are essential to any democratic process. The conduct of the media is a key factor in whether an election is judged 'free and fair'. The UN Special Rapporteur for Freedom of Expression has, for example, noted that an election can be declared not fair when access to state-owned media in particular is not handled in a fair manner.

The media play three crucial roles during an election period:

- The media provides platforms for parties and candidates to express their political opinions and convey their polices.
- The media provides information to voters on electoral processes, such as voter registration, polling arrangements etc.
- The media acts as a watchdog for free and fair elections by uncovering and reporting on abuses of electoral processes and political bias

Ultimately, the media can help to ensure the voter is able to make an informed choice and that the election has integrity.

Electoral cycle

It's vital that the media do not see elections as simply a few weeks of campaigning, the polling days, and the announcement of results. Instead, the media have a duty to provide election coverage that gives the voter comprehensive, accurate and reliable information on all aspects of the electoral process. This information will also help to ensure that the voters know and understand their democratic rights and exercise them free from fear, intimidation or coercion. This means that the media coverage of elections should start with covering electoral reform, delimitation (demarcation of constituency boundaries), and voter registration long before the campaigning starts in earnest.

In order to ensure elections are covered in detail and in all aspects, media houses should ensure that their journalists are familiar with the legislative framework governing the electoral process and are fully conversant with all aspects of the electoral process, including how electoral institutions operate. In addition journalists should be familiar with regional and continental principles and benchmarks on democracy and elections.

To ensure comprehensive and quality



coverage of elections, it is advisable for media houses to set up specialised election desks or units within the newsroom.

Media and elections – key principles:

- Media freedom is one of the basic conditions for a pluralistic and democratic society.
- The right to freedom of expression is a fundamental human right and a necessary condition in a democratic system. Therefore, autonomous and pluralistic media are essential to a free and open society and for providing information necessary to holding those in power to
- Independent and free media are of particular importance in safeguarding human rights and fundamental freedoms.
- The media, both state-controlled and private, should provide fair and equitable coverage of parties and candidates contesting elections.
- Media self-regulation should be promoted as the best way to address/correct journalists' professional mistakes.
- The media should be allowed access to all election activities, including rallies, media conferences, candidates, parties and electoral
- management institutions and officials.
- The media should give ample space and airtime to citizens' views on election processes and party and candidate policies
- A diversity of opinions representing

- the broadest possible range of views and ideas especially those of contesting candidates and political parties should be allowed across all media platforms.
- Media which choose to endorse candidates or parties must ensure the endorsement is clearly presented as opinion and is not part of its news reports.
- Analysis should provide insights based on research and diversity of expert opinions which enable voters to get a deeper understanding of processes, issues and candidates.
- Debate and discussion platforms, which include representatives of all shades of political opinion, experts and civil society representatives, should be organised.
- As far as possible, and especially in the electronic media candidates (including presidential) should be given an opportunity to debate with each other in moderated programmes.

From the lifeblood of any democracy Press is the lifeblood of any democracy Press Institute, February 14 1994.

 Media must, without censoring and undermining the freedom of expression of anyone, avoid and preclude the use of language which constitutes hate speech incites violence or promotes stereotypes.

- The media have an obligation to reflect the diversity and plurality of voices in society in its coverage including those of marginalised groups. Reporting should be gender-balanced and sensitive, treating men and women equally as news sources and subjects.
- Media covering elections are obliged to inform the electorate of the election results in a comprehensive way, as they become available, whether provisional or final, as released by the Electoral Management Body. Journalists should avoid reporting unofficial results and take special care when predicting final results based on partial results available.

Adapted from the Guidelines on Media Coverage of Elections in the SADC region, Media Institute for Southern Africa (2012) and the Handbook on Media Monitoring and Election Observation, Organisation for Security and Cooperation in Europe (2012)

Namibia is No.1 in Africa

Namibia is first in Africa when it comes to media freedom, according to the 2014 Reporters without Borders Press Freedom Index. Namibia is placed 22nd in the world on the same rankings.

As a result, it can be seen that Namibia is fulfilling its own Constitution's commitments to media freedom and freedom of expression. A thriving, pluralistic media environment is also widely recognised as one of the pre-conditions for free and fair elections.

While Namibia has much to be proud of regarding its record on media freedom – several problems do remain and these have an impact on the quality of the elections. Key challenges include:

- The lack of an access to information law
- The failure to transform the NBC into an independent, public broadcaster
- The draconian research regulations drawn up by the Ministry of Education
- The quality of some reporting and editing which exhibit a lack of professionalism, political bias, and a lack of media ethics.

ABOUT ELECTION WATCH

Election Watch is a bulletin containing electoral analysis and voter education, that will appear regularly in the run up to the 2014 National Assembly and Presidential Elections. It is produced as a PDF download and as a printed newspaper insert. Election Watch is a project of the Institute for Public Policy Research (IPPR). It is produced with the support of the European Union, Canadian Fund for Local Initiatives (CFLI) and *The Namibian* newspaper. The content of this edition of Election Watch was written and compiled by IPPR Executive Director Graham Hopwood. The content of Election Watch is the sole responsibility of the IPPR.

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A HISTORY OF BIAS

What observers said about the media in 2009:

"Coverage of election campaigns on the state media (i.e. NBC television) was heavily skewed in favour of Swapo. It is important to state that *New Era* newspaper tried to ameliorate the situation in its coverage of political party campaigns in its publication."

"The state media is under the control of the government of Namibia, since the Director General of the NBC, is appointed either directly or under the auspices of the Minister of Information."

Pan African Parliament Election
Observation Mission,
December 2 2009

"As far as the publicly-funded state media are concerned the news coverage on NBC TV was glaringly biased in favour of one political party; so were the radio broadcasts, while the *New Era* newspaper and Nampa attempted to present some balanced information. The JOM bemoans the summary scrapping of the customary free air time to contesting political parties by the NBC instead of coming up with a negotiated formula, as the parties who took the matter to court were made to believe. This action by the NBC can be interpreted as having been retaliatory.

Joint Nangof Trust and SADC-CNGO Observer Mission

ALLOCATING BROADCAST TIME TO POLITICAL PARTIES

The allocation of broadcast time to political parties contesting an election is a sensitive issue, which needs to be carefully considered and implemented.

Because the Namibian Broadcasting Corporation (NBC), as the national state broadcaster, is the largest broadcaster with the greatest reach, all political parties want to have their campaign messages aired by it in free-to-air party political broadcasts.

In 2009, the state broadcaster and the parties could not reach an agreement on how the broadcast times should be allocated. The parties felt that the formula being suggested would heavily advantage the party with the most seats in parliament - Swapo.

In the end only paid advertising slots were offered to parties. Swapo was the only party to take up this offer.

In South Africa, all political parties receive a minimum allocation of broadcast time based on the number of candidates contesting and the party's past performance in elections. This brings the number of seats a party holds in parliament and provincial legislatures into play.In the 2014 South African elections political parties were accorded free airtime on the public broadcaster's platforms for a month - from the April 5 to May 5. The Independent Communications Authority of SA (Icasa) allocated party election broadcast airtime slots free of charge. The airtime was allocated to the South African Broadcasting Corporation (SABC) for broadcast.The African National Congress (ANC) received 52 slots, the Democratic Alliance (DA) 19, Congress of the People (COPE) 12 and others vary between seven and four.

In Britain, before elections the allocation of broadcast time is reviewed by a committee of broadcasters and political parties. Airtime is then allocated based on the number of candidates a political party fields in the elections – parties fielding 50 or more candidates are allocated at least one free broadcast. The two main parties contesting the election receive equal airtime while the third main party receives less, and so on.

The Australian Broadcasting Corporation (ABC) allocates free broadcast time to the governing and official opposition parties contesting elections in the different states of the country, taking into consideration the demonstrated support of these parties. The ABC also establishes an Election Coverage Review Committee, which monitors the election coverage to make sure the broadcaster provides fair and balanced coverage to all political parties contesting an election.

Also, before each election, the ABC issues a detailed election coverage guide to all political parties which outlines the allocation of broadcast time on radio and television.

Many countries have allocated direct access broadcasting time on the basis of equality between the different political parties or candidates. Even so, there may be certain differences in the way that these systems work. Sometimes, for example, there may be a qualification criterion or threshold of support that must be met before equality applies.

The formula for allocating direct access broadcast time in the French presidential elections is one of equality for all candidates, who usually number about 14. If no clear winner emerges there is a second round run-off between the two leading candidates, and again air-time is allocated equally between them.

Denmark allocates equal time to all political parties in parliamentary elections, so long as they satisfy certain basic criteria: they must have been registered with the Ministry of the Interior, which requires that they will have collected signatures equivalent to one in 175 of the votes cast at the last election.

In Norway, time is allocated equally, but again certain criteria must be met. Parties must have been represented in one of the last two parliaments, have a national organisation and be fielding candidates in a majority of districts. Smaller parties that do not meet this threshold nevertheless are allowed some broadcasts.

The state broadcaster, RAI gives equal time to all competing parties in an election. However, private commercial broadcasters have no such obligation.

Armenia gives equal access to each party, but the amount was limited to five minutes for each candidate or party. This avoided the problem of information overload but perhaps created another problem. Was this really enough information for the voter?

ISSUES FOR THE NBC

The Namibian Broadcasting Corporation is likely to adopt a Policy on Election Coverage following consultations with political parties. The adoption of such a policy could help the state broadcaster to avoid accusations of bias that have dogged its reputation in the past. In 2009, a failure to agree a formula for the allocation of free-to-air broadcasts resulted in the NBC only allowing broadcasts that were paid for. Only Swapo used this opportunity. In addition, NBC news broadcasts were accused of being heavily biased towards the ruling party. Ahead of the adoption of a Policy on Election Coverage, several key issues have to be decided. They include:

- Deciding on a fair formula for allocating free-to-air party political broadcasts. Should it be equal (each party and/or candidate gets the same amount of broadcasts) or equitable (i.e fair and balanced – for example 50 percent of broadcasts could be allocated equally and 50 percent according to the level of performance at the last election).
- How to avoid the 'incumbency advantage':
 Should coverage of the President,
 because he is Head of State, be exempt
 from guidelines on coverage of other campaign activities? This could result in a
 heavy bias towards the ruling party since

the President is likely to be a key speaker at many public rallies.

- How would a process of allocating equal or equitable time for free-to-air broadcasts work in practice on the NBC's various radio services?
- Do guidelines on coverage of political party campaign activities apply only to rallies (which not all parties organise) or do they also include other events such as

media conferences, manifesto launches, policy announcements, 'walkabouts' by politicians, and panel discussions/ debates?



Namibian Broadcasting Corporation

- Are there other means of providing fair and balanced coverage? For example one-on-one interviews with party leaders, a televised presidential debate, 30-second time slots for parties to offer opinions on key national issues?
- Do such guidelines apply to general current affairs coverage (such as talk shows, investigative programmes, panel discussions) as well as news broadcasts and free-to-air slots?
- How will radio phone-in shows be man-

aged during an election period? In the past such shows have been accused of only promoting certain political voices while excluding others?

- Are parties currently not represented in parliament treated in the same manner as other parties who have MPs?
- How does the NBC cover rallies and other campaign events in an equitable manner?
 Is the coverage arranged in proportion

with the number of rallies organised (in which case the party with the most funds, i.e. the ruling party, will be at an advantage) or should other considerations be taken into account?

Equal or equitable

Should a small party without seats in parliament receive an equal number of free-to-air broadcasts or the same amount of news coverage as an established, highly active party with dozens of MPs? Most people would probably agree that an element of proportionality has to be applied when allocating broadcasts and deciding on news coverage. Therefore equity, implying fairness and balance, is often considered to the most important watchword rather

than equality

Parties have varying degrees of support and prominence in society. Larger parties with wide support will inevitably be more prominent on the news agenda. In countries where there are many political parties, it is seen as a reasonable editorial decision to grant larger parties more coverage. However, state-linked and publicly funded broadcasters should make special efforts to ensure smaller parties are also covered.

What's fair?

How might the principle of proportionality work in Namibia? For example, if there are 60 primetime television broadcast spots to be allocated among ten registered political parties, then half of those would be allocated equally - each party would have three broadcasts. The remaining 50 percent would be allocated according to the number of seats a party has in the current National Assembly. At the moment Swapo has 75 percent of the seats and therefore would have at least 22 of the remaining broadcasts, while the remaining eight would be split between the smaller parties. This would mean that the ruling party would end up with by far the most broadcasts while also probably being in the position to pay for adverts as well.

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NAMIBIA'S PROPOSALS FOR REFORM

This is an extract from the: Revision and Reform of the Namibian Electoral Act (Act 24 of 1992) Report by Prof. Gerhard Totemeyer for the Law Reform and Development Commission.

Key points

- Media should adopt code of conduct for election coverage
- NBC should give fair and equitable coverage to parties
- Free air-time for political parties should also be allocated on a fair and equitable basis

Time allocation to political parties, associations and organisations, as well as independent candidates on radio and television, has become a contentious issue and requires serious attention and legal enactment.

Access to state-owned media - especially the electronic media (radio and television) - is a controversial matter in many countries. The problem manifests itself in terms of the quality, quantity and timing of coverage. According to Kadima and Booysen* (2009:13-14), problems are often evident when there is excessive coverage of the governing party and a failure in covering the activities of the opposition, coverage of the governing parties is at prime times while the opposition is given coverage at odd hours, and there is negative coverage of the opposition. The authors further state that the failure of the state-owned media to cover the contesting political parties and candidates equitably has contributed to making the playing field more favourable to the governing party.

This has also deprived voters of the possibility of hearing a variety of views from the contesting candidates and parties in order for them to make informed choices. Angola, the DRC, Botswana, Mauritius, Namibia, Malawi and South Africa are cited by the authors as examples.

At public hearings in the South [during national consultations in 2012], accusations were levelled against the NBC of it neglecting the South at the expense of the North, and that the South is disadvantaged when it comes to time allocation on the radio and television, which particularly affects the political opposition parties in the South. It was furthermore alleged that the ruling party is advantageously treated on radio and television at the expense of opposition parties.

Recommendation 12:

In the Principles for Election Management, Monitoring and Observation in the SADC Region**, it is recommended that the Electoral Act should make *inter alia* provision for equal access to the public media for political parties and candidates, as well as facilitate the establishment of an independent media authority for regulating and monitoring the media not only during an election period, but on a continuous basis.

Time allocation should be dealt with by the Electoral Commission in consultation with the public broadcaster and the participants in an electoral process. Should disputes arise on any matter dealing with time allocation as well as on the content of broadcast programmes compiled by the political parties, organisations and associations, the matter should then be referred to the Electoral Court/Tribunal for a decision.

When time allocation is attended to then consideration should be given to the political diversity prevailing in Namibia. The principle of fair time allocation on public and private

radio and TV stations should be applied to all political parties, associations and organisations taking part in an election. This ethical principle should also apply to political parties taking part in an election for the first time. The Namibian Broadcasting Corporation (NBC) is a public institution and financed by the government. It is therefore owned by the public, more specifically by the Namibian taxpayer, and should therefore be answerable to the public. The NBC should ensure equitable and fair coverage on parties participating in an election on news and current affairs programmes. Free airtime should be allocated to all registered political parties, organisations and associations. In cooperation with the NBC, the Electoral Commission should take a decision whether equal time should be allocated to all political parties, organisations and associations taking part in an election, or whether it should be according to their representativeness in the National Assembly, in regional and local authority councils, and how often coverage is then given. Another principle that needs to be agreed upon must be the length of time and how often in a week a political party, organisation or association should be allowed to make use of broadcasting time. Only after the last day of nominations for political parties, organisations and associations, that is, with the commencement of the electoral campaign, should the public broadcaster allow the participating political parties, organisations and associations to commence with their election programmes according to the agreed upon rules.

To foster a healthy relationship between the public and private broadcasting and television entities, a Code of Ethics should be developed that should not only relate to party political time allocated, but also to news broadcasts dealing with election-related matters. During the consultative process a

proposal was made recommending that during the election period, five minutes be allocated daily in a feature slot during prime time to three different parties which are featured in alphabetical order. There should be no time restriction on paid political campaign advertising. The broadcast programmes by political parties, organisations and associations must conform to standards laid down in the Code of Conduct for political parties, organisations and associations. Objections to the publication of political party advertisements and allocated programmes, as well as those of organisations and associations partaking in an election, should be submitted in writing to the Electoral Commission for adjudication. Any materials deemed likely to incite unlawful, illegal, unethical or criminal actions or condone such actions should be prohibited. This applies to both free and paid broadcasting by political parties, organisations and associations. As the printed media also plays an important role during an election campaign, it should commit itself to factual reporting. The Electoral Commission should, in cooperation with the Namibian Media Council, develop a Code of Conduct for public broadcasts (radio and television) and the printed media. Such a Code of Conduct should be made applicable during the election process, from the registration of voters till the announcement of the official results. Should there be any complaints and disputes that cannot be resolved by the election authorities, such matters should then be submitted for arbitration and resolution to the Electoral Tribunal/Court.

* See Kadima, D. & Booysen, S. (eds.) (2006): Compendium of Elections in Southern Africa, 1989 -2009. 20

years of multiparty democracy. EISA, Johannesburg
** Adopted at a SADC regional conference held in Johannesburg, South Africa on 6 November 2003 under the
auspices of EISA and The Electoral Commissioners'
Forum of the SADC

BULKING UP COVERAGE OF RULING PARTY FIGURES

ews broadcasts by state-owned media are often front-loaded with government and ruling party events while news emanating from other parts of society is pushed to towards the end of the news broadcast or not included at all.

A major issue in the broadcast coverage area is the need for the media to distinguish between activities of government officials executing newsworthy government functions and those same persons conducting election campaign activities. Government officials carry out any number of newsworthy actions in their administrative or legislative capacities during the course of the election period. Indeed, officials often attempt to time such actions to gain coverage during an election campaign.

Government officials also appear at campaign rallies and give campaign speeches at meetings of civic organisations

and on other occasions during the campaign period. It is important for the broadcast media to distinguish between these types of activities. The line between them is not always clear, and the media may find that an official's categorisation of an activity as a government function is not accurate.

The problem in this instance is to give the public important information about its government, while avoiding the incumbent party's attempts to obtain additional campaign exposure.

Broadcast media should also thwart subtle attempts to gain campaign advantages through what officials may characterise as governmental functions.

What to watch for: A preponderance of government openings of roads and other infrastructure projects in the weeks before an election.



Drawing the line between party and government events. President Hifikepunye Pohamba and founding President Sam Nujoma on the campaign trail

CAN THE MEDIA INFLUENCE THE OUTCOME OF AN ELECTION?

The media can influence the outcomes of elections in positive ways. For example if the media carry information about the election and how citizens can participate and cast their ballots, this could have a beneficial effect on voter turnout. If the media provide platforms for parties and candidates to espouse their views and policies on an equitable basis this can help to raise the level of debate during an election campaign.

However, the media can also seek to influence the outcome of an election by either explicitly or implicitly supporting one candidate or party. If the support is stated openly in editorials and official statements then at least the reader/viewers can make a choice about moving to alternative channels or publications if they do not like a particular media outlet's political orientation. However, sometimes partisan political support is not expressed so obviously – but rather through highly positive reporting about one candidate/party. This can be coupled with negative coverage of competing candidates or parties – or a denial of coverage, in which a party's activities, statements,

and campaigning is effectively ignored.

Often the state-owned media are seen as being more prone to partisan coverage usually in favour of the ruling party or candidate. That is why there is often a strong focus on the need for state-owned broadcasters to have in place policies that promote fair coverage and equitable access to free party political broadcasts.

State-owned and publically funded media have a special responsibility to be balanced and impartial during an election campaign.

In Africa, state-owned media are often accused of a heavy bias in favour of the ruling party. Even though such media claim to have policies that treat parties equally, in reality partisan coverage is often the order of the day – particularly during the final weeks of campaigning. This is evident in the number of rallies and speeches covered, the number of interviews with leading politicians and slanted reporting aimed at casting particular parties in a positive or negative light. Broadcasters that normally give precedence to news items about leading government figures also tend to give

undue prominence to ruling party events. As a result, much of an evening television news broadcast can end up looking like an extended political broadcast for the ruling party. Namibia has been no exception to such practices.

The private media can also lose their sense of balance in news coverage by throwing their weight behind particular candidates or parties – sometimes explicitly but also in ways that are not so obvious.

In some democracies it is accepted that the print media will sometimes decide to back a particular candidate or party. They often do this by writing editorials supporting a candidate or party and even urging readers to vote in a particular way. Some newspapers may go further than writing editorials by providing strongly slanted coverage of the election. This means that reporting will often show an obvious political bias. Where there is a plural media with a range of publications backing different parties and candidates this may not be seen as problematic. However, when the majority of papers back one particular party or candidate – such partisan reporting can effec-

tively deny some political players fair coverage. The same pattern of biased coverage can also be observed in the editorial practices of some private radio and television stations.

The media outlets would argue that in a democracy they have the right to express support for particular parties, candidates and policies. As a result, the coverage of elections by the private media is rarely regulated although sometimes media outlets may be encouraged to sign up to voluntary codes of conduct.

It is important that the voter is aware that media are not necessarily neutral during elections. Each media outlet should be critically assessed by the voter – in terms of its output i.e. the impartiality of its election coverage and also the media house's structure and ownership. Sometimes it is fairly easy to discern why a particular media outlet is leaning towards a particular candidate or party – the owners are associates of particular politicians or are even active supporters of a specific party. The knowledgeable voter will assess such aspects and decide which are the most reliable and informative media options.

THE MEDIA AND FACT-CHECKING



One useful role for the media during an election period is fact-checking the various claims made by candidates on the campaign trail. This means holding politicians accountable for the assertions they make in manifestos, adverts and speeches.

In November 2012 Africa's first factchecking website was launched. Africa Check, a fact-checking website devised by the AFP Foundation and run in partnership with the journalism department of the University of the Witwatersrand, was launched in Johannesburg.

The site - www.africacheck.org - is modelled on similar sites in the US and Europe. Africa Check aims to hold public figures accounting by "sorting fact from fiction".

As well as producing its own fact-checking reports, the site provides tips and advice for its readers on how to fact-check, as well as a library of databases and fact-checking tools.





WHO GETS TO SPEAK?

Media coverage of elections has over the years been severely criticised for being event and personality driven and for not focussing on the issues affecting the electorate.

Too often journalists opt for easy coverage – campaign events and which politicians says what where and when – instead of holding politicians accountable for their service delivery records on the issues that affect ordinary citizens.

Politicians see this sort of 'shallow' coverage as a means to elevate themselves in public consciousness, knowing that whatever they say will be published or broadcast without too many serious questions being

asked of their credentials and fitness to hold public office.

However, too much of the current coverage of the Namibian election campaigns revolves around politicians making speeches at rallies and party functions, while very little reportage is actually done on the pressing social issues – poverty, unemployment, HIV/AIDS, etc. – and the promises made to alleviate them over the years by the same politicians.

Typical media coverage consists of politicians speaking, while the voices of civil society and the public remain largely unheard.

WHAT IS THE IPPR?

The Institute for Public Policy Research was established in 2001 as a not-for-profit organisation with a mission to deliver, independent, analytical, critical yet constructive research on social, political and economic issues which affect development Namibia. The IPPR was established in the belief that development is best promoted through free and critical debate informed by quality research. The IPPR is independent of government, political parties, business, trade unions and other interest groups and is governed by a board of directors consisting of Monica Koep (chairperson), Bill Lindeke, Graham Hopwood, Ndiitah Nghipondoka-Robiati, Daniel Motinga and Justin Ellis.

Anyone can receive the IPPR's research free of charge by contacting the organisation at 14 Nachtigal Street, Windhoek; PO Box 6566, Windhoek; tel: (061) 240514; fax (061) 240516; email: info@ippr.org.na. All IPPR research is available at http://www.ippr.org.na. Material related to Election Watch is available at http://www.ippr.org.na.