3 The Media and the Electoral Process

After tracking developments in the history of the media, we now turn to its role in the electoral process. The media takes part in the various stages of the electoral process, starting before the campaign period and ending with post-voting reports.

The Danish Democracy Canon outlines the basis for the media's involvement. It argues that representative democracy rests on certain preconditions: that the population actively keeps abreast of societal developments; that the various groups become clear in their own mind about how they can benefit their own interests and at the same time contribute to creating a better society; and that each group finds the best-suited person to promote and defend their interests. None of these goals can be achieved in the absence of a free and vibrant media.

The extent to which the media plays a significant role in an election is determined by the degree of media development and diversification in any individual setting. Each country has its own circumstances and media environment, which means that citizens around the globe have different levels and forms of access to the media.

In Western Europe, the Internet and other technological advances have modified a media landscape dominated by television. In countries where access to television is limited, aural communication (usually radio) is the dominant media form. In addition, traditions of respect for free expression and other media rights determine the qualitative characteristics of elections and democracy.

Whatever their circumstances, citizens in any democracy are united by three rights:

- The right of voters to make a fully informed choice
- The right of candidates to put their policies across
- The right of the media to report and express its views on matters of public interest

As has been referred to above, these rights are encapsulated in the freedom of expression guaranteed in Article 19 of the Universal Declaration of Human Rights. They should apply at

all times, and not just in the run-up to or during elections. In particular, the media should look out for how far media freedom and pluralism are respected during an election period, because this is a good indication of general respect for freedom of expression in a country, itself an essential precondition for a functioning democracy. In addition, an election can be an ideal opportunity to educate government on its obligation to respect and nurture media freedom, and to educate the media itself on its responsibilities in the democratic process.

The media ought to be present and active from the pre-campaign period to the installation of the new government and elected officials. The audit of a government's first 100 days in office has also become a standard engagement for media players. This period usually provides the first glimpses of whether a government will meet its election pledges or whether it will be derailed by other concerns or priorities.

Similarly, media activity is often regulated by specific requirements set out in national electoral laws. Such regulations include the duration of campaigns, the existence of a campaign period or a period of silence or reflection, and the rights of parties and candidates. These regulations differ across countries, but agree on the universal principle that the media is present to report, inform and educate.

In its handbook for election observers, the European Commission lists seven examples of best practice that the media should adhere to during an election. These are that:

- Regulatory authorities ensure the media's coverage of elections meets legal requirements
- All broadcast media provide balanced and impartial coverage of the election, as well as non-discriminatory and equitable levels of access for contestants
- State-owned or publicly owned media provide free print space to the candidates or parties in a non-discriminatory and equitable manner
- The conditions for contestants to purchase paid for political advertising are non-discriminatory, with standardised rates for all contestants
- The media airs debates among candidates following clear and mutually agreed rules and procedures

- The media co-operates with the Election Management Board (or electoral commission) in voter education
- The media portrays women, as well as men, as serious candidates and political leaders[18]

Media participation takes place in a variety of ways and does not follow a specific script. Some media programmes provide direct communication between the political community and citizens. Others provide analysis, debates and interviews with candidates, while others report and comment on the candidates' activities. Politicians often seek access to certain types of media content not directly linked to campaigns, because such content attracts large audiences. In the United States election in 2008, for example, Republican Party candidate Senator John McCain and his running mate Sarah Palin both appeared on the popular NBC satirical show 'Saturday Night Live' at a time when their campaign was flagging, winning free visibility and showcasing their funnier, human side on a programme with an audience of millions of people. All media content that is political in nature requires monitoring and evaluation for fairness and balance.

Pre-campaign Issues

The notion of pre-campaign issues presupposes that there is a specified campaign period. While this is the case in many developing countries, some nations, such as the United States, effectively impose no limits on the time allowed for campaigning. In many systems, there may be little time between presidential, legislative, local or provincial elections. However, under any electoral system, there are issues relating to media coverage that occur, essentially, outside election periods. These are voter education (a principle area) and discussion of the electoral system.

Civic education

According to the *Stanford Encyclopaedia of Philosophy*, civic education, whenever and however undertaken, prepares the people of a country, especially the young, to carry out their role as citizens. Civic education is, therefore, political education or, as Amy Gutmann describes it, 'the cultivation of the virtues, knowledge and skills necessary for political participation' (1987, p. 287). Of course, in some regimes, political participation and therefore civic education may be limited or even negligible.[19]

The media should report on civic education, which is an essential aspect in ensuring that citizens know their roles, responsibilities and obligations.

Voter education

Voter education specifically relates to dissemination of information on the government and its democratic credentials, as well as on the various agendas the other competing parties stand for.

Some countries, such as Kenya, include voter education in an elections guide provided by their electoral commission, while others, like Thailand, have this issue reinforced in the country's constitution. For example, Thailand's constitution exhorts the 1998 Electoral Commission to 'provide or co-ordinate with any state agency, local government, state enterprise, or to support a private organisation, to provide education to the people on the democratic regime of government with the King as Head of the State'.[20] The country's Electoral Commission takes this mandate seriously and its Public Participation Bureau comprises departments dedicated to non-governmental organisations and voter activist groups, provincial public participation, election campaigns, media and information dissemination.

There is a clear connection between civic/voter education and the electoral system in media coverage. Informed debate about the electoral system can only take place in the context of thorough public education on how that system actually works. At the same time, pre-campaign voter education is likely to focus on a number of issues, depending on the electoral system and the political context. Such issues include who is eligible to vote, why it is important to be on the voters' roll and how to register to vote, and the splitting of electoral areas into constituencies.

Another important issue is what systems exist in order to ensure fair coverage and access by political parties outside election campaign periods. Many countries have systems that allow political parties regular opportunities to put across their views to the electorate in direct-access programmes. Similar systems are used to allocate direct-access slots during elections. These are issues of concern to legislators and broadcasting regulators more than they are to election administrators. Nonetheless, such issues have an important bearing on maintaining a level playing field in election coverage.

A further fundamental issue for legislators and broadcasting regulators is the independence of publicly funded media from the government and ruling parties. The opportunity for direct access during an election campaign is helpful up to a point only. If the general tenor of broadcasting outside campaign periods is strongly biased, then it is difficult to establish a level playing field during election periods.

Campaign Issues

For most media in the developing world, the start of the campaign period is when election coverage really takes off. This is the time when the media will seek accreditation by the electoral commission or management board to secure unfettered access. Smooth running of the regulatory process depends largely on systems put in place before an election. By this stage, a number of fundamental questions should already have been answered, with the media and political parties having a clear understanding of their roles and responsibilities. These questions include:

- What laws or regulations govern media coverage of the campaign?
- Who is responsible for implementing these laws and regulations?
- How is direct-access broadcasting regulated?
- What regulations govern paid political advertising?
- What policies are there on bigoted speech (i.e. speech intended to degrade, intimidate or incite violence or prejudicial action)?
- What policies are there on defamation?
- What policies or miscellaneous provisions are there on issues such as news blackouts or opinion polls?
- What mechanisms are in place for aggrieved individuals or organisations to lodge complaints?

It is absolutely essential that these issues should be agreed upon in advance of the campaign. Determining such important policy questions on an ad hoc basis will diminish the authority of the supervisory body and create the impression that some sections of

In a well-managed election, the supervisory body must ensure maximum flow of information to the media.

the media are receiving preferential treatment. Ideally, the media-related functions of a supervisory or regulatory body during the campaign period are: first, to monitor adherence to agreed international standards, rules and regulations, and procedures, and to take whatever action is necessary to secure this; and second, to provide the media with all the necessary information to report the electoral process effectively and accurately.

Keeping the media informed

In a well-managed election, the supervisory body must ensure maximum flow of information to the media. There are basically two reasons for this. First, assuming that informing the media is the same as informing the public, then a constant flow of information enables the electorate to exercise its democratic rights and retain its confidence in the election process. Second, assuming that the media will cover the election regardless of the actions of the supervisory body, then it is in everyone's interest that the media content is as accurate as possible.

Consequently, in addition to its role of media regulation, the electoral supervisory body must also devote resources to information management. There are three fundamental principles of such management in an election situation. First, the election administration must make available the maximum amount of information, barring only that information whose disclosure would compromise the integrity of the election process. Second, all information released by the election administration must be accurate to the best of its knowledge. Third, information must be released on a non-discriminatory basis to all media, regardless of their ownership or political affiliation.

These principles are significant in that if they are breached, the objectives of informing the electorate and maintaining its confidence in the process will be damaged, sometimes irreparably.[21] In countries with a history of censorship or control over the flow of information, these three principles may represent a break with old habits. However, the temptation to hold back information or to provide it selectively to favoured journalists is one that electoral officials must resist.

A practical problem in both new and old democracies is to ensure the consistency of information emanating from the electoral supervisory body. The appointment of a press officer or creation of a media department should ensure that the authority

speaks with a single voice and that the media knows where to find information. Some common techniques to keep the media informed include training of journalists, issuing press releases, media briefings (or press conferences), providing briefing packs and establishing a media centre (i.e. a central location that serves as a one-stop for media on any official information related to the electoral process). A sample press release is shown below.

Box 3.1 Sample press release

ELECTORAL COMMISSION OF ZAMBIA
Ndeke Annex, Haile Sellasie Avenue, PO Box 50274, LUSAKA

13 April 2006

PRESS RELEASE
(*For Immediate Release*)

INSPECTION OF PROVISIONAL VOTERS' ROLL TO BE ANNOUNCED SOON

The Electoral Commission of Zambia will soon announce the dates within which the Provisional Voters' Roll shall be displayed for inspection. All those who registered during the registration of voters exercise will be required to go to the Registration Centres where they registered with their Green National Registration Cards to inspect and verify that their particulars in the register are correct.

Details to look out for:

- Correct photograph
- Correct name
- Correct date of birth
- Correct NRC number
- Correct voters' card number
- Correct address

Remember, the inspection period is 14 days ONLY.

Signed

Jeremy Titus Obulinji
MEDIA ADVISER, ELECTORAL COMMISSION OF ZAMBIA.
Contact: jtobulinji@eck.org.zm and +260 977 444 444

Voter information

An important function of the media during campaign periods is to be a constant provider of voter information. This includes formal voter educational material, which by definition is non-partisan, and content from election coverage, which may contain highly partisan material. Voter education through the mass media may be expensive and may consequently assume a low priority in environments where cost is a major consideration. However, on occasion the media themselves may undertake to produce their own voter education material or to offer their services 'at cost' to the electoral authorities. This type of initiative would usually be expected of private media in a country where public media is strongly controlled by the government and where the political opposition is given no airtime or hearing by state-owned media.

The scope of voter information material can extend beyond traditional methods of communication – from advertisements telling people how to vote to educational soap operas. Voter education must be targeted at traditionally disadvantaged communities, who are generally less likely to register to vote or participate in elections. Such communities include women, racial, ethnic or national minorities, and people with disabilities. With special programming – which is tailored to reach a specific constituency and which falls out of a broadcaster's usual retinue of news bulletins and features, for example, the use of minority languages – the mass media (and especially broadcasters) can play a critical role in promoting popular participation.

However, voter information is much broader than voter education, and this is the rationale behind electoral administrators investing time and resources in keeping the mass media adequately briefed on developments. At the same time, the media should be proactive in scrutinising election arrangements and exposing any shortcomings. This is an important aspect of the transparency and accountability of an election process.

Promoting professional media coverage

The responsibility for promoting professional media coverage of elections lies primarily with the media organisations themselves. The role of the electoral administration is to create an environment in which such professionalism can take place. However,

there are also numerous elements of editorial coverage in which there may be specific regulations regarding what the media may or may not say, hence the direct involvement of a regulatory body. Such elements include:

- ***Coverage of opinion polls***

  Many countries have explicit regulations governing how opinion polls may be reported. In some cases, for example in France, reporting of opinion poll findings is prohibited on the day before and the actual day of the election. However, total prohibition of opinion poll reporting is no longer a practical proposition. The argument in favour of some form of regulation in this respect is that the public may not be aware of the limitations of opinion polling and may be unduly influenced by their findings. On the other hand, developing professional coverage in this area is probably best achieved by disseminating guidelines on how to report opinion polls, rather than by prohibiting their misreporting.

- ***Special information programming***

  The one element of media coverage where regulation is usually considered necessary is 'special programming', which usually consists of candidate debates and panel interviews. Some countries with a long history in this area have developed standard formats without any external regulation. Others, especially newer democracies, have developed detailed rules to ensure that all participants in the debate have fair access. The Independent Elections Commission of South Africa is a good example of this.

- ***Government activities and campaigning***

  One way in which media coverage is commonly abused is by manipulation of government functions for campaign purposes. For instance, senior officials running for re-election may dubiously place themselves in the public eye in carrying out their official functions. This happens in almost all countries and is to a large extent a matter that should be left to the good professional judgement of the media itself. However, it may be necessary to establish guidelines to prevent abuse, especially where the public media is accustomed to heavy reporting of government officials' functions. During presidential by-elections in Zambia in October 2008 to fill the post made vacant by President Levy Mwanawasa's death,

opposition leader Michael Sata accused Acting President Rupiah Banda of abusing the power and influence provided by incumbency by using state infrastructure to campaign. In the event, Banda won the election by a razor-thin margin.

- ***News blackouts/'reflection periods'***

  Countries like France and Italy operate a statutory or voluntary blackout period on election news at some point during the campaign.[22] This often takes place once voting has started, to avoid misleading and abusive last-minute campaigning. Sometimes blackouts can extend for several days before the election, to create a 'reflection period' during which voters digest information received during the campaigns. Some countries have found it necessary to impose news bans on security grounds. In Kenya, where 'blackouts' or 'reflection periods' do not exist, the government imposed a news blackout in the aftermath of the disputed December 2007 elections, arguing that the media was inciting hatred and violence. This led to a sharp rebuke from media NGOs such as Reporters Without Borders (see text box, below). Global organisations such as the Commonwealth Secretariat also called for a reversal of the ban, which was eventually lifted on 5 February 2008.

Box 3.2 Government imposes 'dangerous and counterproductive' news blackout

Warning the government of the dangers of the ban on live radio and TV news reports that it announced yesterday, Reporters Without Borders today condemned the climate of fear imposed on the privately owned media in the wake of Kenya's disputed presidential election.

Source: *http://www.rsf.org/article.php3?id_article=24913* [accessed 8 January 2009]

Special information programming

The most common form of 'special information programming' during election campaigns is the candidates' debate. A variant of this is the panel interview. These special formats are unusual in that they fall somewhere between regular editorial program-

ming and direct-access slots. In some countries, the only form of direct access available is an interview or debate. This unusual and hybrid type of programming means that a special set of rules has emerged in most places where they are conducted. These rules are established by law, self-regulation and by custom and practice.

For example, although the rules governing US Television debates have evolved by convention, broadcasters must still abide by the equal opportunities rule under the Federal Communications Act. The rule stipulates, among other things, that while a broadcaster may choose which candidates to invite to take part in a debate, the chosen candidates must then be afforded equal opportunities. This rule effectively allows broadcasters to exclude minor candidates from debates, leaving Democrat and Republican candidates only. In the recent past, some minor candidates have threatened to take legal action after their exclusion from televised debates.

Certainly in Africa, not everyone agrees that candidate debates are a good thing. In 1992, the then-ruling Kenya African National Union (KANU) party argued that debates could create artificial discord, even promoting ethnic hatred. It may be claimed that political discourse becomes too personalised, as head-to-head debates underline the 'horse-race' nature of political campaigning, providing all style and no substance. In Zimbabwe (2001, 2005 and 2008), Mozambique (2004) and Zambia (2001 and 2006), challengers sought to hold presidential debates while incumbents did not favour debates and bluntly refused to participate.

TV debate proponents disagree, contending that none of these arguments is overwhelming. They say it is unacceptable to demonise vigorous discussion, just because these may have spilt into violence in the past. In any case, they argue, a 20-second advertisement could do more to degrade the quality of political discourse than a lengthy live debate.

There is little disagreement that live TV debates are particularly suited to presidential campaigning. Broader campaigns for national and local elections do not lend themselves to this campaign format, although there will often be other forms of special programming in which leading candidates may be questioned on their policies.

Candidates are often interviewed in formalised settings. Sometimes, as Zimbabwe's 2000 elections showed, special format

interviews may be almost the only opportunity that parties have to speak directly to the electorate on their policies. In these circumstances, it is advisable to have an agreed format, although this would not normally be governed by rules and regulations. The aim for participating parties would be to have a balance of political allegiances among the journalists conducting the interviews, as well as a balance of issues, not reflecting the agenda of any one party.

At other times, broadcasters may have phone-in discussions in which the electorate can address questions directly to politicians. Such programmes can suffer the deficiencies of all phone-ins, namely rambling, self-important and ill-informed callers (not unlike some politicians, we might add). However, they can also offer sensationally effective examination of policies.

Allocation of time to candidates and parties

Almost invariably, the public media is thought to have a duty to publish or broadcast election statements by competing parties. It is also generally accepted that the publicly funded media is obligated to allow parties and their candidates to communicate directly with the electorate. Beyond that, however, there are many issues to be determined.

The main question is whether direct access by political parties should be free or paid, or a mixture of the two. Different rules are often adopted for print and broadcast media. Sometimes all parties are allocated free direct access, but can top this up with paid advertising. The second question concerns the division of time or space among the parties. In a system of paid advertising this may not be an issue, as time is simply allocated to those who can pay.[23] In other circumstances, how can a regulatory body allocate direct-access broadcasts to political parties? What criteria need to be taken into account to split the available time: equality (every party gets equal time); equitability or fairness (parties are allocated time according to perceived or alleged popular support); past electoral support (the number of seats currently held in parliament or the percentage of the popular vote received in previous elections); on the basis of opinion polls conducted by reputable non-partisan organisations; or according to the number of candidates running?

The third issue is timing of slots. Some related questions include:

- Will there be regulation on the times that the slots are broadcast?
- If all concerned were to get a chance to broadcast during prime time, how should the slots be allocated?
- In what order should the parties be allowed to broadcast?

Who pays and who makes the programmes is the fourth issue. For example, will parties be responsible for making their own broadcasts or will the public broadcaster facilitate such productions? In either case, who foots the bill?

The final issue is who decides what gets broadcasted. Related questions include:

- Does the regulatory body have any say in the content of direct-access broadcasts or political advertising?
- Can the parties basically say what they like?
- If not, what are their limits?

Dealing with paid political advertising

The decision to allow paid political advertising on radio or TV depends heavily on the structure and conduct of a country's broadcasting industry and the type of regulatory system in place. It is curious that the issue of paid political advertising in newspapers is scarcely controversial. The universal practice is that advertising is permitted, subject only to limitations such as campaign spending ceilings and restrictions on content (although the state media does not always accept this aspect).

The fact that many countries have different rules for political advertising on radio and television is attributable to advertising costs being higher in broadcasting than in print media. It may also be due to broadcasters being either publicly owned or receiving part of their frequency spectrum from a public body. Of course, neither of these explanations automatically leads to a prohibition of political advertising over the airwaves. However, they do explain the different approaches to print and broadcast media.

Broadly speaking, countries with a long tradition of public broadcasting – for example, Britain, Denmark and France – tend to be hostile to paid political advertising. Those with a stronger commercial broadcasting tradition, such as the United States,

tend to regard political advertising as natural. It is notable that Finland – the European country with the highest levels of commercial broadcasting – should also be the one where unrestricted political advertising is permitted. This is the general tendency, but there are many exceptions. Canada, for example, which has a public broadcasting tradition similar to Britain's, has an approach to political advertising that is much closer to that of the United States. Neither is the issue necessarily to do with whether a public broadcaster accepts commercial advertising: the BBC has always prohibited commercial advertising, but French public broadcasting has permitted it since the 1960s; yet each maintains a strict embargo on political advertising. A common pattern is for public broadcasters to provide free direct-access slots according to predetermined criteria, while private broadcasters sell advertising slots to parties and candidates, often on different criteria. This is the case in Germany and in Italy.

Government activities and campaigning

Incumbents will usually try to use their official position to their own advantage. A president running for re-election may schedule important meetings to bolster his or her image as a statesman or woman. This is an inevitable, if slightly unsavoury, aspect of democratic campaigning. However, there are limits. If a government minister used his or her official telephone to mobilise for his or her party or vehicles to carry voters, such action would be denounced as an abuse of public funds. Most developing countries have guidelines on the use of official vehicles during an election. In India, all cars carrying officials have to be registered with the Electoral Commission as part of its attempts to cut abuse.[24]

Often the reprimand in such cases should be directed against the officials concerned rather than the media. Yet journalists still need to be educated to judge the real news value of Minister X opening a new pig farm (or whatever). In the case of the state-owned media, a firmer hand may be needed not to censor or interfere in editorial freedom, but to ensure the proper use of public funds. Programmes featuring government officials using their regular official engagements as part of a campaign to be re-elected should be strictly avoided.

In Malawi's 1999 elections, the High Court made an important ruling relating to broadcast coverage of presidential func-

tions (see text box). It found that while this was a perfectly normal and proper role of the public broadcaster, the broadcaster was duty bound to give equivalent opportunity to the opposition if campaign messages were included in such broadcasts. Similar regulations may also apply to direct-access material. This ruling could provide key lessons elsewhere.

Box 3.3 Favouring ruling party violates Constitution, rules court

THE HIGH COURT of Malawi, Mkandawire J presiding, ordered the Malawi Broadcasting Corporation (MBC) to give equitable coverage to all political parties and all presidential candidates in the general election held last May. It held that the live coverage by MBC (Malawi Broadcasting Corporation) of the incumbent president' s rallies during which campaign statements promoting the ruling party were made not only violated the Communications Act and the Parliamentary and Presidential Elections Act, but also amounted to unfair discrimination, which was contrary to section 20 of the Malawi Constitution.

Source: Article 19 – *http://www.fxi.org.za/pages/Publications/Medialaw/fairelect.htm* [accessed 8 January 2009]

Election Day Reporting

Once the polling stations have opened, the role of the mass media changes considerably from that of the campaign period. Specific rules may be devised to govern this shift. In practice, the shift may have taken place earlier, with embargoes placed on political campaign reporting, opinion poll reporting, direct-access broadcasts or advertisements. The implications for a ban on reporting during the polls are more complex, depending on the length of the voting exercise and size of the country.

Similarly, voting across multiple time zones poses serious challenges, as results from one time zone may become available before voting has closed in another. In essence, it is important to preserve the integrity of the electoral process and the security of the vote, and to ensure that untimely release of information does not influence the vote.

It is often difficult to strike a balance between allowing the media some sort of special access to report on the voting process, while at the same time ensuring that voters' secrecy and security are not breached. An obsession with security usually leads to discomfort and even confrontation between the media and security forces during some parts of the voting process.

Promoting Professional Coverage of Results

In principle, covering results sounds like the least complicated part of the whole election reporting process. Yet, remarkably, this is often the area where the media performs poorest. In Zimbabwe's referendum of 2000, for instance, not a single newspaper or broadcasting station reported the results issued by the Registrar General's Office accurately. The Zimbabwe situation was to be repeated spectacularly in the US elections in 2004, when the media had its figures confused.

Most problems in this area are attributable to the media itself. If journalists cannot copy a column of data correctly, or they interpret such data inaccurately, there is little that the election administrator can do. Much can be done to promote accurate and professional results reporting. Providing a central location where media can gain access to official information related to the elections (a media centre) will facilitate media access to results enormously. While counting mechanisms may vary enormously between centralised and decentralised systems, the significant point for the purposes of media reporting is whether results are released centrally or locally. If the latter, media reporting will also need to be decentralised.

Where a system of local counting is implemented, as for example in the United Kingdom, an elaborate media machine has evolved for projecting a final tally from the available results. In Zimbabwe's March 2008 presidential elections, parallel vote tabulation – unofficial tabulation of official local results – was implemented. This is a serious and important way to prevent vote fraud. 'Quick counts'[25] – defined by the US National Democratic Institute (NDI) as a method whereby observers watch the voting and counting processes at selected polling stations, record key information on standardised forms and report their findings to a data collection centre – were also used in the Philippines (1987), Chile (1988), Zambia (2001), Ghana (1996) and Pakistan (2007, 2008) as part of efforts to limit official

malfeasance. They were aggressively marketed to the media as a counterforce to fraud in vote tallying. NDI says quick count methodology is also used to evaluate the overall quality of election-day processes and to verify official election results.[26]

What is of primary importance when results emerge gradually is that they are reported promptly and accurately. Doing so is an important media function, since it provides a means of public scrutiny of the counting process and reduces the possibility of fraudulent manipulation. A different aspect of results reporting is the coverage of projected results in the form of exit polls.[27]

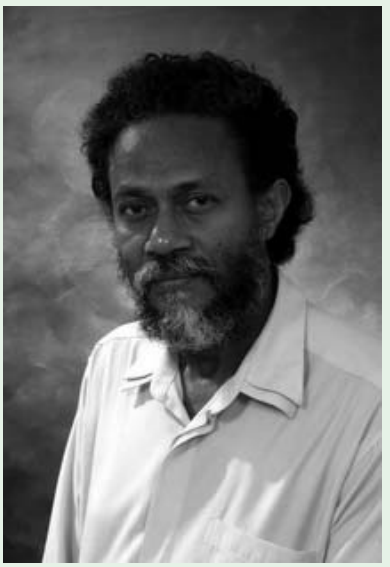
Having chastised Zimbabwe for the chaotic reporting of the 2000 referendum, it has to be noted that great improvement was made in the 2008 parliamentary election. The main reason for this was that the Zimbabwe Electoral Commission (ZEC) allowed local election officials to post the result at constituency headquarters – and the media therefore had just one result to report per constituency. The same formula appeared to work for the first round of the presidential elections until, midway through the process, the ZEC suspended the posting of elections and withheld official results for a month – irreversibly undermining the credibility of the official result.

Post-Election Reporting

Media interest in an election does not stop with the results announcement. It is a continuing story that leads on to the inauguration of the newly elected, selection of a new government and turns in an audit of a candidate or government's first 100 days in office. For the election authority, however, any formal media regulation ends with the announcement. It is to be noted that formal media involvement may continue if results are challenged, in which case coverage should adhere to professional standards governing reporting of court proceedings.

TESTIMONY

Tony Fraser – Trinidad and Tobago



The first requirement of a journalist covering an election in Trinidad and Tobago is to understand the multicultural nature and culture of the people, the disposition to exaggeration of politicians and political parties, the apparent contradictions of the culture and to vow not take the country's politics too seriously. At the same time, however, the journalist must appreciate that vital ethnic and cultural superiority and economic survival are riding on the outcome of the polls. Every general election in Trinidad and Tobago in the last 15 years has been deemed the 'Mother of all election battles'.

Why are the elections so absolutely crucial yet comically flawed? Because the political economy and culture are divided absolutely along ethnic lines. The two major political parties, indeed cultures, are stratified along the lines of the Afro-Trinidadian population – 39 per cent of the country's 1.3 million population have their ancestry in Africa – and the Indo-Trinidadian 41 per cent segment of the country that originated in India, their ancestors having been brought to the country between 1845–1917 as immigrants to work in the sugar cane plantations owned by British settlers. The remaining 20 per cent of the population consists of people with their ancestry in Europe, the Middle East (Jew and Arab alike), China and a bewildering array of people of mixed ancestry born to the free inter-mixing and marrying of the above people.

The understanding of this plural society by the journalist allows him or her to appreciate that – notwithstanding the mixed population and the free intermingling and inter-racial solidarity that exist amongst the groups – when it comes to politics and elections, the source of cultural and financial power, the population is divided along ethnic lines.

As the calypsonian, the chronicler of the culture, has sung: 'how we party, is not how we vote'. Calypsonian, David Rudder, makes the point in song that while people mix freely with no geographical or ethnic separation, they vote along ethnic lines, much as their parties are based along those lines rather than ideological or programmatic bases. But as confusing as it may be, the journalist must understand that no matter how tribalised the voting patterns, increasingly and with continuing growth in the mixed population, election outcomes are being determined by the mixed population voting in what have come to be known as 'marginal constituencies'. These comprise four of five electoral

districts, in which the mixed population has what amounts to a casting vote when the two tribes are locked together in terms of numbers of votes: here, it is the choice of the mixed population that separates and makes the difference.

The use by political leaders of deep ethnic codes, including language and symbols of groups, is quite telling. Deciphering the codes can be a challenge to the reporter. Moreover, the question always arises whether reporting and explaining the codes could foster ethnic antagonism and further divide the society. Another approach would be to consider that reporting the coded language would unmask the politicians and their intentions. The journalist covering the elections in Trinidad and Tobago must also appreciate and be able to convey (especially to an external audience) that notwithstanding the predominance of Afro-Trinis and Indo-Trinis separately in the two major political parties, the Indo party also contains large numbers of Afros and people of mixed origin and vice versa for the Afro party, which also contains Indos and those of mixed ethnicities. This could be confusing, having already neatly categorised the parties along lines of ethnicity.

To get the 'A–Z' of covering an election right, the journalist must understand, and factor into the coverage, the country's song and dance culture with the accompanying food and drink: during one period, it was referred to as 'Rum and Roti Politics' – a favourite drink and food of the national culture. Election campaigns are virtual open-air parties of music, dance and celebration almost as in victory, which take place every night in the political meetings during the campaigns. Moreover, the party-like atmosphere pervades the platforms of speakers as much as it does the crowds. The music, a mixture of calypso, which is the national song (although it originates from the Afro-Trini population) and the chutney, the Indian blend of music in the Caribbean, plus a touch of reggae, the Jamaican music made famous by Bob Marley, fills the evenings with live performances by artists who carry part of the parties' messages in song on stage.

In the last week of the campaigns, the major meetings cross over into full-fledged carnival celebrations approximating the pre-Lenten festival, which Trinidad and Tobago is most famous for and which nationals boast to be 'The Greatest Show on Earth', without apology to the Brazilian samba variety of carnival.

The discerning journalist, fully aware of the political culture, will treat the 'carnivals' seriously and look for the messages and sub-text in song and dance and have his/her copy, video and sound reflect those messages as part of the 'A-Z' of elections coverage in Trinidad and Tobago. Covering the election and giving it its full flavour and meaning is not merely to create excitement for readers, viewers and listeners, but because so much of the communication of the culture is wrapped-up in the national cultures of the multi-ethnic, religious and cultural society. As colourful as the culture surrounding the

'Covering the political campaign also requires the journalist to be aware of repetition, as the major political figures carry into their five to six week campaigns one basic speech adapted and added and taken away from as the nights proceed.'

Tony Fraser
Broadcast journalist

meetings is, so too are the political figures and their speeches, tending to being verbose, full of 'robber talk' – grand declarations, challenges and policy positions, many of which are unconnected to reality. 'Robber talk' is the grandiloquent speech pattern of an historical character of the Carnival called the Midnight Robber, who assails the audience with his imaginary criminal deeds, all pure flights of fancy. Political leaders place themselves in the tradition of the Midnight Robber to give themselves an aura of invincibility to supporters and those who would gravitate to them.

Covering the political campaign also requires the journalist to be aware of repetition, as the major political figures carry into their five to six week campaigns one basic speech adapted and added and taken away from as the nights proceed. The demands are therefore on the journalist to find the new, newsworthy elements of the speeches to convey to readers, viewers and listeners. Here, too, the reporter on the election trail must be alive to responses to the contentions coming from the platform of the other party. Covering the campaigns requires also that the journalist undertakes quite an amount of research on the statements/claims of the parties and their leaders, to find the contradictions and past failures of those making claims to achieve re-stated objectives. Also of vital importance is discernment and follow-up encounters with political figures in more sober news conferences, to source new stories and analytical features in order to make the audience fully aware of the history of the claims, counter claims, failed policies etc. Such research must also focus on the manifesto proposals of the parties, as they very rarely make it to the political campaign, being considered without sufficient allure for the party-type atmosphere that prevails at meetings.

And this is all required notwithstanding the reality that journalists like all others come from the ethnic groups involved, and have been nurtured in the political culture like everyone else. The political culture is quite unforgiving of the journalist who takes a side, notwithstanding the fact that supporters of each party are unapologetically biased to one side or the other.[28]

Commonwealth Observer Group report

The Gambia Election, 2006

Note: *Three main parties contested the election. They were the Alliance For Patriotic Re-Orientation and Construction (APRC) of President Yahya Jammeh; the coalition comprising the United Democratic Party (UDP), National Reconciliation Party (NRP) and Gambian People's Democratic Party; and the National Alliance for Democracy and Development coalition (NADD). This election followed a period of instability in The Gambia, which included an attempted coup against President Jammeh's government in March 2006.*

Overview

There are both public and private media in The Gambia. The print media in operation during the election period were the *Daily Observer* and *The Point*, which are The Gambia's daily newspapers. The weekly papers are *Forayaa* and the *Gambia News and Reports*. The Gambia Radio and Television Services (GRTS) are government-owned. Other radio stations in operation were West Coast and City Limits. Most radio stations are localised and mainly broadcast in local languages.

In 2002, under the Media Law, a Commission was set up with powers ranging from issuing licenses to prosecuting journalists. Freedom of the press and intimidation of journalists have been issues of concern in The Gambia. The private media faced restraints and threats of high license fees leading into the election. This was seen by critics and media professionals as a threat to freedom of speech.

Further legislation introduced in late-2004 provided jail terms for journalists found guilty of libel or sedition. Deyda Hydara, one of the press law's leading critics and editor of *The Point*, a private newspaper, was shot dead days after the law was passed. There have been calls for a public enquiry into this matter.

The media code of conduct

During the 2006 Presidential Election, media coverage of the campaign period was guided by a code of conduct that was developed by the media with support from the Independent Elections Commission (IEC). In this regard the public medium, which includes GRTS, was required to provide fair access for all political parties and candidates. Section 78 of the Elections Decree stipulated that the IEC should ensure that 'equal airtime is given to each candidate and national party on the public radio and television'. The television station provided 30 minutes coverage of political rally activity reports per party per day, and 10

minutes of direct broadcast access to voters per party per day. GRTS covered news, with content line-up being primarily pro-government.

Media monitoring findings

The IEC contracted an independent consultant to monitor media coverage of the electoral process. The media monitored were: GRTS TV and GRTS Radio; the *Daily Observer*, *The Point*, and *Forayaa* newspapers; and West Coast FM and Kids with Talent FM radio stations.

Some of the general findings of the IEC contracted Media Monitoring Unit conducted from 5-15 September 2006 were that:

- Political rallies regulated access on GRTS TV showed a clear advantage to APRC
- GRTS TV did not broadcast the IEC political platform regulated access programmes, at least at a convenient hour
- Newscasts on GRTS TV gave overwhelming precedence to APRC, but also mentioned UDP and NADD
- Newscasts on GRTS Radio were more equitable between APRC and NADD, but did not mention UDP
- Private radio stations did not carry a minimum five minutes coverage of the election, as required by the Elections Decree
- There was no direct negative portrayal (in context and presentation) on GRTS radio and television
- The print media was intensely covering the candidates' campaigns

The group noted that private radio stations did not adequately report on the campaign, but covered other social and entertainment programmes. Some media analysts told the group that 'politics and elections were dangerous subject to cover' and that they instead chose to cover 'safe subjects'.

GRTS Television gave overwhelmingly favourable coverage to the APRC party throughout the campaign period, especially during the Prime News hour at 8.00pm. This finding was corroborated by the group from a sample of the newscasts that were watched.

Commonwealth Observer Group report

Zambia Election, 2006

Note: *Zambia's 2006 election was a three-way affair between the ruling Movement for Multiparty Democracy of incumbent President Levy Patrick Mwanawasa, the United Party for National Development led by businessman Anderson Mazoka and the Patriotic Front of former cabinet minister Michael Sata. It was the third democratic election since the end of one-party rule in 1990.*

Media

... The 2006 Electoral Code of Conduct contains provisions in regard to 'Duties of the Media', 'Allocation of Airtime', and 'Election Results Programme'. These include the requirement that 'all print and electronic media shall provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the period of campaigning'. This and other requirements appear to outlaw media bias and to promote a level media playing field for all candidates. However, these provisions were not always rigorously enforced.

Two provisions of the code met with resistance from media practitioners. One provided that 'all public and private media personnel shall ... refrain from broadcasting their own political commentary or assessment; and where they wish to do so, they shall clearly identify the opinion, commentary or assessment as their own and shall carefully balance it in order to avoid bias'. The other provided that the media 'shall not speculate election results, but shall broadcast confirmed election results as they are announced by presiding officers'. These were felt by some journalists to inhibit freedom of expression, but were defended by the ECZ [Electoral Commission of Zambia] as the most appropriate and responsible way of making public the outcome of the elections.

There are in Zambia both state-owned and private media, and we observed no restriction on media freedom. Estimates of the reach of print and broadcast media suggest that some 70 per cent of the population is influenced primarily by radio, and 30 per cent primarily by the print media. The general impression was that there had been significant improvement in the performance of the media as compared with the 2001 elections. However, there was still evidence of bias towards the ruling party on the part of the government-controlled media, in terms of news coverage of the campaign.

The print and broadcast media were also used for voter education, including in local languages. The code of conduct was extensively advertised in the press by the ECZ. Newspapers carried editorials and articles on the importance of turning out to vote. Voter

education information sponsored by the ECZ and civil society organisations was disseminated on television and radio. Most voter education information was of high quality, urging registered voters to cast their vote on polling day, and giving reasons why it was important for Zambians to exercise their voting rights. Some of this was targeted specifically at young people.

Our observers did not attempt a systematic quantitative analysis of the elections-related media coverage, but rather carried out a sampling of the media as available to them. Our observations are, however, largely borne out by the analysis done by other observer missions.

The print media

Zambia has three national daily newspapers: the *Zambia Daily Mail* and the *Times of Zambia* are government-owned, while *The Post* is owned by several private shareholders, including some politicians. There are also three weekly papers.

During the election period, some efforts were made towards balanced coverage by most of the news media. The government majority-owned newspapers generally devoted considerably more coverage to the ruling party, and coverage of the incumbent's campaign was positive in tone. Coverage of opposition candidates and parties was more limited and sometimes appeared to foreshadow negative consequences if one of the opposition parties were to win. The news coverage of *The Post* was more balanced, providing access to the three leading presidential candidates. However, the tone was more frequently negative for both ruling party and opposition candidates.

The group received complaints from some opposition parties about pro-government bias in the print media. For example, the Ndola branch of PF complained to our observers that its press releases and denials of allegations made by the ruling party seldom got printed.

Both public and private newspapers carried political party advertising for the leading presidential candidates and their parties. Some of this was however negative in tone, seeking to imply that if a particular political party won, there would be negative repercussions for the people and the nation.

On the day before polling, the *Times of Zambia* included a supplement consisting of two full-page advertisements for MMD, together with the code of conduct. We do not believe that it was appropriate for these to appear together in the same supplement.

Reporting on the results process was fairly balanced. On Saturday 30 September, while results were still being tallied and announced, *The Post* headline was 'Levy headed for victory', while the *Zambia Daily Mail* led with 'Sata maintains grip'. The *Times* headline was 'MMD, PF in tight race'. The following day, the *Times* and *Mail* said that Mr Mwanawasa was now ahead, while *The Post* said 'I've won by 55% – Sata'.

Electronic media

The Zambian National Broadcasting Corporation is the state-owned broadcaster, operating the only nationally available television channel, as well as three radio stations (Radios 1, 2 and 4). Privately owned radio stations broadcast in various parts of the country. Radio Phoenix and Radio Christian Voice have coverage in several regions. There are also community radio stations broadcasting over a smaller radius in many regions. However, in some of the more remote rural areas, very little radio broadcasting was accessible.

ZNBC displayed a worrying degree of bias in its news reportage of the campaign, with almost all campaign-related images and most of its verbal reportage devoted to the incumbent president. The first four or five items on the news would typically be on the President's speech at various functions or meetings. Meanwhile, coverage of opposition rallies, where provided, was mainly much shorter in duration, without pictures but often including negative news such as alleged logistical failings or negative statements allegedly made by speakers.

According to some stakeholders, this bias in favour of the incumbent was unavoidable because he remained the President, and needed to continue his official functions. It was argued that it was difficult to draw a clear line between official and party functions, and the news coverage was simply presenting information on what the government had done and proposed to do. A further argument presented to the group was that ZNBC had a limited number of cameras and reporters and they naturally tended to give preference to the President's functions and therefore to such coverage in the news.

We were informed that the ECZ had summoned the ZNBC and informed them that their news coverage contravened the code of conduct. This produced a short-term improvement in the balance of ZNBC's television coverage. However, the improvement was temporary and the pro-government bias returned after a few days.

The majority of paid advertising for presidential candidates was also in favour of the ruling party. This included some negative advertising about the PF candidate, which ZNBC persisted in broadcasting despite the party concerned having obtained a High Court injunction ordering ZNBC to desist.

Media coverage sponsored by ECZ and the Zambia Chapter of the Media Institute of Southern Africa (MISA) was balanced and equitable. Time was given to all presidential candidates to convey their manifestos. Parliamentary candidates from the various parties were also given time to discuss and debate. However, one opposition party complained that broadcasting of their presidential candidate's message coincided with a power blackout in the Central Province.

There is also an issue regarding the ZNBC Act in regard to the appointment of the Board of

Directors. The law requires the Minister of Information to submit to Parliament for its approval a proposal for the appointment of the Board of Directors. Media organisations such MISA and the Press Association of Zambia petitioned the court that the government had not acted in accordance with the law. The court ruled in the media organisations' favour, but the government appealed to the Supreme Court. A final decision was postponed until after the election period.

Overall assessment

Our overall assessment is that considerable progress has been made in Zambia in terms of freedom to campaign, freedom of expression and in the level of balance in media coverage of the election campaign.

However, there remains room for improvement regarding the use of state resources in election campaigns and the news coverage of the campaign by the state-owned electronic media. Alleged breaches of the code of conduct in this regard should be vigorously investigated.

Correct application of the ZNBC Act and the implementation of proposals to establish an independent broadcasting authority should also help to improve political balance in the broadcasting media.