

Mediating Democratic Engagement

Reflections on the role of the media in electoral processes

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Abstract

This paper provides an exploration of the relationship between the changing media landscape and the electoral processes in Southern Africa. It seeks to understand the role and implications of the configurations of communicative spaces on multiparty elections. Normative theories of democratic engagement presume that communications are at the heart of democratisation and they affect attitudes and perceptions about the electoral processes. The media provide underpinnings necessary for democratic engagement by providing spaces for political participation and contestation. Limitations in the country's political communication environment arguably lead to regression or stagnation in the democratisation processes. This paper offers a broad retrospective analysis on the role of the media in democratisation processes in Southern.

Introduction

The pursuit of democracy in the southern African region continues to be derailed by consistent irregularities in the election processes and the perceived dominance of the incumbent ruling parties, most of which have a history of being liberation movements. Relatively few countries in the region have succeeded in improving their democratic endeavours. The liberation movements' politics and organizational culture continue to shape and reshape contemporary politics in the region. These movements have been central to the liberalization processes that superseded the authoritarian regimes that dominated the political landscape of Africa until the end of the 1980s. The political changes that brought much optimism throughout Africa in the 1990s have since turned into pessimism with predictions by several scholars that many countries are on their way back to the usual 'big man', neo-patrimonial and disorderly politics that had characterised sub-Saharan Africa. Most countries in Southern Africa, with the notable exception of Zambia and Malawi, are still led by former liberation movements, have the trappings of multiparty framework and have regular elections. In 2009 alone Botswana, Malawi, South Africa, Mozambique and Namibia held elections, an important recognition of the importance of elections to democracy. However, there is more to democratic governance than just holding elections and electioneering. Various other determinants are critical for the consolidation of democratic culture and practice.

This paper focuses on the interconnection and interfaces between freedom of the media and elections. It offers a broad retrospective analysis of the role of the media in the democratisation processes in Southern African countries. It explores the role of elections in fostering democratization and the role played by the media in the processes. It examines the continuing importance of the role of the media and communications in constituting the meanings and practices of democracy. The paper also seeks to examine the factors undermining the normative role of the media during elections.

The trajectory of liberation movements

This paper proceeds from a presumption that the cultures of liberation movements have permeated virtually every sphere of the democratisation processes. The legacies of these cultures define the perception on leadership change, electoral processes and communication. They also explain why the countries have so far failed to consolidate democratic culture and practices. The anatomy and objectives of national liberation movements in Southern Africa was characterised by a desire to challenge colonial domination and take control of state power. Frelimo in Mozambique, Zanu-PF (including PF-ZAPU) in Zimbabwe, Namibia's SWAPO, Angolan MPLA, the ANC in South Africa, have a common heritage, all being ruling parties formed during the colonial/settler era with the sole objective of ending colonialism and bringing independence, hence their claim that they brought 'democracy'. Other liberation movements like Malawi's Malawi Congress Party (MCP), Zambia's United National Independence Party (UNIP), and many others who lost the first independence elections have since gone into oblivion either as a result of more democratic multi-party systems or systematic marginalization by the ruling parties.

What is common between the liberation movements turned ruling parties is their shared history of single-party dominance, and their perceptions on opposition parties. The opposition parties lack capacity to pose a serious threat to the ruling parties, resulting in a situation characterised by the presence of single-party dominance, albeit in a multiparty framework. Most data on elections in the region show a high number of registered opposition parties and candidates. Contemporary Southern Africa is characterised by a high number of registered opposition parties contesting parliamentary elections, for example Zimbabwe 7(2000), Zambia 15 (2001), South Africa 16 (1999), Namibia 8 (1999), Mozambique 15 (1999), Malawi 11 (1999), and Angola 18 (1992). However this high incidence is not evidence to competitiveness of the elections since most of these parties are effectively

‘one-man’ operations, which only come alive during election times. The frequency of these elections can be measured against dimension such as the degree of participation and freedom of political competition.

The attainment of political power was perceived as not complete without economic power. As Taylor (1997) has argued with reference to South Africa, national liberation was linked to overcoming conditions of mass-based structural poverty experienced as a conscious policy outcome of the apartheid state (s252). Attainment of political alone was therefore not considered a complete victory because economic power and access to resources are still not a reality for the majority. This put liberation parties in a unique position when it comes to elections. Elections as Lindberg (2006) has argued are one of the many ways of choosing leadership and disposing of old governments in a political system. Are liberation parties disposable and are they willing to be disposed? The disputed elections in Zimbabwe brought this questions clearly out, when Mugabe stated unequivocally that Zanu-PF won the country through the bullet and would not lose it through the ballot. In Namibia, SWAPO has vowed to dominate the National Assembly “until the second coming of Jesus Christ.” In Mozambique, as Saul (1997) has argued in Mozambique, ‘the transition has been less euphoric, more perhaps a matter of transition from authoritarian rule and from war than to a democratic regime’. In South Africa some have argued that the ANC has narrowed its understanding of democracy to the crude notion of rule by majority, seeking to satisfy the aspirations of those who were previously oppressed”. James Myburgh commenting on the Focus, a publication of the Helen Suzman Foundation, argues that in order to do this there is a legitimising duty of the majority party to distribute resources to correct the injustices of the past.

Elections and democratization: The question of ‘free and fair elections’

While there are many perspectives on democratization, there is an agreement that elections are the common denominator of what democracy is or should be. In a democracy, it is much more than a platitude that free and fair elections are a prerequisite and foundation to the building of democratic societies. The connection between elections and democracy is aptly described by Herman Finer in his classical study *The Theory and Practice of Modern Government*; “the real question...is not whether the government deigns to take notice of popular criticisms and votes, but whether it can be voted out of office or forced by some machinery or procedures to change its policy, above all against its own will” (quoted in Maisel & Brewer, pp49). Huntington (1991) procedural approach to democracy equates democracy with multi-party elections. Elections are seen as necessary instruments of representative democracies. As Lindberg (2006) has argued, elections are an institutionalized attempt to actualize the essence of democracy and as such every modern definition of representative democracy include participatory and contested elections.

However it should be noted that elections alone are not a sufficient measure of democracy. Elections should be also regularly, periodic, participatory and competitive. The electoral processes through which political competition is channelled comprises of a set of related set of rules such as freedoms of association, expression and information, rulings pertaining to the conduct of polls, rulings governing the constitution of political parties and eligibility of candidates. The legal and political conditions under which elections are organised are an important ingredient of democratisation processes.

Elections today are judged by the conformity to standard norms that constitute free and fair elections. A **free election** is based on the presumption that fundamental human rights and freedoms are respected. These would include freedom of assembly, association, expression, and information. In addition, freedom would include freedom from violence, intimidation and coercion, freedom to access the polling stations by both voters and monitors, and freedom to make choices without fear of

repercussions. A **fair election** has been described as one where the field is reasonably level and acceptable to voters, parties and candidates. That would include the existence of impartial election bodies to administer the process, a constitutional framework that support the conduct and eventual outcome of the elections, legislation that allows freedom of expression and fairness in media coverage to all contesting for office, equal opportunities for the electorate to receive fair information about all candidates vying for office, transparency in the counting and that voting takes place in a free and safe environment. Hence the principle of free and fair elections encompasses the entire electoral process, from campaigns, polling days, counting and announcements, to acceptance or rejection of outcome are crucial elements in the judging the legitimacy of the outcome. These principles on free and fair elections are echoed in the SADC's Principles and Guidelines Governing Democratic Elections, which require member states holding elections to "safeguard the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression, and campaigning during electoral processes" (Nov 2004).

It is through free and fair elections that a ruling party gains its legitimacy to govern. The conduct of elections and the environment under which they are held is therefore crucial to the quality of that legitimacy. In democratic theory, elections are used to ensure popular support and legitimacy for those who make governmental decisions (Maisel & Brewer, 2008).

Another fundamental issue concerning elections in new electoral regimes is the extent to which the electoral process is free and fair in the eyes of the international community. The legitimacy of the elections is enhanced when these are conducted according to law, in accordance with international norms and standards and under the observatory eyes of the international community. Therefore, any political entity seeking to acquire authority through elections as opposed to other means such as coercive military rule should avail itself to observation by internationally reputable groups.

Standardized procedures on election monitoring exist and if a government is committed to free and fair elections, it would have nothing to hide.

The electoral process is thus measured against international standards, and is judged by regional and international observers. Election observation is thus aimed at ensuring that elections are free and fair, thereby bestowing legitimacy to the winners, hence democratic legitimacy. Election observation has recently attracted new controversies, as observer missions seem to be guided with somewhat different parameters. Election observation, as seen in the case of Zimbabwe (2002, 2005 & 2009) can be a case of contention. These elections were conducted under the observation of carefully selected international observers, purportedly those aligned or sympathetic to the ruling regime in Zimbabwe, expressly excluding European and American observers. This runs contrary to SADC Principles and general international norms. International observers based in countries or regions critical of Zimbabwe's human right record were excluded from participation. The exclusion of organisations such as the Zimbabwe Elections Support Network and countries that have been critical to Zimbabwe's human rights, casts doubt on the transparency of the elections process. It is therefore no surprise that the conclusion of observer missions were so polarised to be even considered meaningful. As such despite an endorsement by regional monitors, the international community refused to accept or recognise the election results, thus undermining the legitimacy of the government of President Robert Mugabe.

In most of the countries in the region, the electoral laws fall short of the benchmarks set by the SADC principles.¹ For example, while Zimbabwe has undertaken electoral reforms, such as establishing an Independent Electoral Commission, the independence of the commission has been questionable and clearly not acceptable to opposition parties. As it is there is still confusion over the functions of the commission and its relation to other

¹ See research findings of the Human Rights Watch Report March 21, Zimbabwe Election Support Network report January 2005

partisan electoral institutions responsible for the flawed elections, especially the much discredited registrar-general's office, and the Electoral Supervisory Commission. As it stands there is no distance between the government of the day and the institutions running the elections? The independence of the electoral institutions is undermined by a number of factors, resulting in multiplicity of controversies in virtually every aspect of the elections, such as voter registration, polling stations, duration of polls, demarcation of constituencies, verification and announcement of results and access to the media.

Similar election-related controversies have been experienced in countries such as Namibia, especially the recent furore surrounding the conduct and outcome of the 2009 general elections. Despite being declared free and fair, the Namibian elections had several irregularities around the voter's roll, the questionable voter turnout in certain constituencies, some registering over 100% (130% in Epembe, 175 % in Ohangwena, 191% in Windhoek East), as well as the delayed announcement of the election results². The observers nevertheless concluded that elections were free and fair, and noted only the delays in announcement and limited access the media as critical factors undermining the elections.

Rethinking the role of the media

Elections represent the realm of politics where the role of the media is strikingly evident, more so in democracies where politics is for the main part mediated. The media functions as an arena for competition through discussions, debates. The media and communications provide the various mediated spaces of political representation. Most scholars of democracy list a number of procedural/formal requirements necessary for elections to be free and fair (for example Dahl 1971) and these include freedom of expression and a pluralistic media. Freedoms of expression, including media freedom, and freedom of information are an indispensable component of democracy.

² <http://www.namibian.com.na/news/full-story/archive/2009/december/article/parties-file-election-case/>

Freedom of speech and freedom of expression have a constitutive role in democratic theory. A utilitarian view of freedom of expression is based on the assumption that free debate about public issues will further democracy (Burchell, 1998). One of the main justifications for freedom of expression is therefore that it is a vital part of democracy, facilitating participation in decision-making, facilitating the formation of public opinion. The right of the media to communicate information and provide commentary for electoral process is obviously crucial for the democratization.

Several writers of political theory have stressed the importance of freedom of expression and freedom of the media as a basic and valuable component of democracy and democratization (Keane, 1991; Lichtenberg, 1990; Merrill, 1990). A free press therefore expected to serve as an arena of domestic political participation, a forum for political debate, as well as scrutinizing political parties and candidates, exposing electoral irregularities, informing the electorate, providing a communication link between the electorate and politicians. Barnett (2004) has argued that 'political domination is subordinated to democratic scrutiny by virtue of the accessibility of information to the public, guaranteed by effective rights of free speech, association and assembly' (Barnett 2004: 186). Freedom of expression and freedom of the media are thus defined as a *sine qua non* of a democratic society (Ndlela, 2003).

Freedom of expression and freedom of the media thus became central factors in the democratization processes that swept across sub-Saharan Africa in the late 1980s and early 1990s. The role of a free, diverse and pluralistic media in the construction and consolidation of democracy became central. It became apparent that multiparty free and fair elections envisaged an environment whereby political parties and candidates running for public office had access to the media, in order to reach out to the electorate. The introduction of competitive elections created a need for political parties and candidates to secure means of communication. The new dispensation also

created a need for a well informed and educated electorate. The electorate needed to be educated about the voting procedures, and to be informed about their political parties and candidates, and the key issues they stand for. The role of the media during elections is thus profile the political parties, their views on diverse issues such as education, health, and access to resources. The need for voter education is great and hence the media had the paramount role of providing technical information, about how to vote, where to vote, and the secrecy of the vote. Article 19 holds the view that 'respect for freedom of expression, especially during campaign periods, is a touchstone for gauging the likelihood for success of a democratic transition.' Thus it is prerequisite for democratisation that freedom of expression and freedom of the press exists, including freedom of association and that this freedom are protected by the law and are visible in practice.

Media reforms in Southern Africa

Given the paramount role ascribed the media during elections, the media structures, legal frameworks increasingly came under heavy scrutiny in the early 1990s. The onset of political liberalization brought into fore a number of constraints faced by the media in fulfilling their expected functions. These obstacles included the dominance of governments in the ownership of print media, monopolies in the broadcasting sector, the inadequacies of 'public broadcasting' model, restrictive legal environment and the general extra-legal restrictions on the operation of journalists. Inspired by the new dispensation of democratisation breathing new hope into the African continent, a UNESCO seminar, 'Promoting an Independent and Pluralistic African Press' held in Windhoek, Namibia between April 29 and May 3 in 1991, adopted a number of principles aimed at redressing the obstacles to freedom of the press. These principles were based on strong belief that freedom of the press was indispensable to the democratization process. Thus the Windhoek Declaration asserted the importance of freedom of the press to the democratisation process and called for free, pluralistic and independent

press. The Declaration held that, 'fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation'. The main objective was to end all practices deemed incongruent to democracy. Media reforms or attempts to reform the media throughout Southern Africa in the early 1990s were done on the backdrop of understanding of the relationship between media and the democratization process.

However, years after the adoption of the Windhoek Declaration in 1991, media reforms have stalled in certain countries, the media and journalists continue to be restricted. Despite the positive developments in the region, pockets of disappointment continue to undermine the role of the media in democratisation and democratic consolidation. The monitoring of freedom of expression violations in the region shows an increasing tendency towards the curtailment of the freedoms. The situation has been deteriorating in most countries in the region. Commenting on the World Press Freedom Day on May 3 2008, the regional media and freedom of expression advocacy organization, the Media Institute of Southern Africa (MISA), noted that 'the enjoyment and respect for media and freedom of expression rights in Southern Africa is on a slide'. The deterioration of the situation is evident throughout the region, in particular Zimbabwe, Lesotho, Angola and Swaziland. MISA argued that the repressive media environment in countries like Zimbabwe was reminiscent of Africa's one party state era of the 1970s and early 1980s, which was characterised by the suppression of the basic fundamental rights of freedom of expression. MISA notes how situations in Angola and Zimbabwe show how a state rules with absolute impunity, with no respect for the rule of law and total disregard of the will of the people. The crisis in Zimbabwe since 2000 saw a strong reversals on the protection of freedom of expression. Torture and arrests of journalists in Zimbabwe and the general suppression of freedom of expression have increased.

Advocacy groups like MISA have also noted how South Africa, once a beacon of hope for the region as a result of its constitution and laws, is slowly showing signs all too familiar with Africa's post colonial nationalists government (MISA). In 2009 South Africa introduced a new bill on the Protection of Information³ (Notice 197 of 2010), which seeks amongst other things to create a statutory framework for the protection of state information. It is feared that when passed into law it will give the government more powers to restrict access to information. The relationship between the state and the media has also come under scrutiny. The media and freedom of expression situation in South Africa is captured by Jeenah (2006) of the Freedom of Expression Institute in Johannesburg, who notes that 'as society is becoming more and more established, and political society becomes established, politicians, business, etc, are recognizing that all these great rights contained in the Constitution don't necessarily serve their particular interests..'⁴ Countries like Namibia have however maintained a lively independent press, but at the same time keeping a stranglehold on state-owned newspapers.

Access to broadcasting media

In Southern Africa, the dominant model of broadcasting is public broadcasting, which is sometimes disguised under the more acceptable public service broadcasting model. The public broadcasting model in the region, though modelled on public services principles, was never intended to serve the general public interest (Ndlela, 2006). Much of the weakness of the model stems from its structures and functions in society, dating back to the times they were introduced. In the 1990s there were intense debates in the region pertaining to the ideal role of the broadcasting institutions in the democratisation processes, with pro-democracy movements advocating for

³ As published in the Government Gazette No. 32999 of 5 March 2010.

⁴ Freedom of expression in Africa – Uneven Success, available at <http://www1.voanews.com/english/news/africa/a-13-2006-12-15-voa33.html> Accessed on 28 /03/2010

full liberalisation of the broadcasting sector. The public broadcasters have historically been abused by the incumbent governments to further sectarian interests. As noted by Ndlela (2006), opposition parties argued that the state broadcasters alone could not fulfil the new functions expected of them in the new democratic dispensation and therefore their role should be complemented through the introduction of commercial and community broadcasters.

While the reform of the broadcasting policy in South Africa greatly influenced policy reforms in the region (Moyo, 2006), pockets of resistance or half-hearted reforms emerged in the region. In South Africa, the South African Broadcasting Corporation (SABC), once a beacon of hope for the region, is also under intense pressure from the ruling ANC government, and it is now being accused of being purveyor of partisan ANC policies and promoting the interests of the ruling party. The ANC has shown an increasing tendency towards intolerance of criticism and the erosion of the independence of the public broadcaster. The launch of a campaign *Save our SABC: Reclaiming Our Public Broadcaster* by the vocal civil society is evidence to the concerns that the public broadcaster is being derailed by the ruling party. This shows some reversals to the independence of the broadcasting enshrined in the constitution and laws that ushered a multiparty democratic South Africa.

In Zambia, Zimbabwe and Namibia, the public broadcasters have openly and primarily served the needs of government. Despite major policy shifts in 1987, which saw the enactment of the Zambia Broadcasting Corporation (ZNBC) Act and the transformation of ZNBC into a nominally independent corporation, the broadcasters remain under state influence. As Banda (2003) and Kasoma (1994) have argued, these reforms were purely cosmetic as the broadcaster remained firmly in the hands of government in every essence. This was despite changes in government and the replacement of a former liberation party (UNIP), by a prodemocracy movement (MMD) led by then

President Chiluba. MMD would not relinquish control of the broadcasting institutions as the *status quo* served the new government very well.

In Zimbabwe, despite pressures from both domestic and external actors, the government has maintained a monopoly like situation in the broadcasting sector, albeit in a legal framework that established a three-tier system of broadcasting- public service broadcasting, commercial and community broadcasting. Changes in the broadcasting have only been done to advance the interests of the ruling party. The onset of the Zimbabwean crisis after 2000, saw the government intensifying its efforts to curtail any unfavourable expressions in the broadcasting media. This policy saw an increase in the vilification of the opposition parties, mainly the Movement for Democratic Change (MDC). The Zimbabwe Monitoring Project of Zimbabwe has documented how the broadcasting institutions have been reserved for the exclusive use of the ruling ZANU-PF during election times. The disproportionate use of airtime by the ruling party undermines the fairness of elections, hence that of democratisation.

In Namibia, the Namibian Broadcasting Corporation (NBC) has enjoyed a monopoly since its establishment in 1990, until 2008 when a new privately-owned channel (One Africa Television) was formed. The Committee to Protect Journalism (CPJ) has noted that while in the past state broadcast have been known to occasionally criticise the government, top executives in state owned entities have denounced staff journalists who reported on corruption and other official failings.⁵ It noted that as a result journalists in these entities have been forced to practice a high degree of self-censorship. It cite the demotion of a NBC news director Nora Appolus, who alleged lost her position because officials of the ruling SWAPO were not happy with the news department.⁶ SWAPO was also not happy with the coverage of the elections

⁵ <http://cpj.org/2001/03/attacks-on-the-press-2000-namibia.php> (accessed 04/04/2010)

⁶ South West Africa People's Organization (SWAPO)

in Zimbabwe. The committee also notes that opposition leaders were often denied access to the state television.

A decade later, the state of broadcasting in the region shows a strong dominance of the government. The governments have done little to open up the airwaves as promised during the 1990 liberalization processes. Opposition parties across the region have complained about the unfairness of coverage as well as limited access to the media. As MISA has observed concerning the elections in 2009, ‘a common rallying cry for opposition parties in the region was skewed coverage by the state controlled broadcasters in favour of ruling parties.’⁷ For example in Namibia, research by the Namibia’s Institute for Public Policy Research revealed that for the week of 30 October 2009 to 5 November 2009, 82 % of the NBC’s election campaign news coverage was devoted to the ruling SWAPO party. In Malawi, the Electoral Commission’s Election Monitoring Unit observed that for three month prior to the election, the state broadcaster gave 100% coverage to the ruling DPP party (ibid). These examples serve as a reminder of the state of broadcasting sector in the region, and their inadequacies to impartially serve the countries during crucial election periods.

Concluding Remarks

While positive gains have been made in the region, in terms of liberalization of the media, there still exists a strong culture and tendency towards curtailment of the media during elections. The mass media are also the primary means through which ordinary citizens participate in the political processes, and limited access undermines their democratisation function. This retrospective analysis shows that opposition parties participate under stringent conditions. The development of new communications technologies, such as the Internet and mobile telephony are likely to introduce a new

⁷ <http://www.misa.org/programme/broadcasting/archive2009/novdec/novdecnotes.html> (accessed 04/04/2010)

dimension into the role of media and communications in the electoral processes in the region. New technologies are in future likely to generate a multiplicity of communicative spaces for opposition parties, but their significance will be minimal without major reforms in the mainstream media sector.

References

- Banda, F. (2003) *Community Radio Broadcasting in Zambia: A Policy Perspective*, Doctoral Dissertation, University of South Africa (UNISA).
- Barnett, C & Murray, L (2004) *Spaces of democracy: Geographical Perspectives on Citizenship, Participation and Representation*. London: Sage Publications
- Barnett, C. (1999) *The Limits of media democratization in South Africa: politics, privatization and regulation*. London: Sage Publications: Media, Culture & Society Vol. 21: 649 -671
- broadcasting in Zambia, ZCD and Panos Institute.
- Broadcasting in Zambia', paper presented at a seminar on liberalising
- Burchell, J. (1998) *Personality Rights and Freedom of Expression*. Cape Town, South Africa: Juta and co, Ltd.
- Kasoma, F. (unpublished) (1994) 'The Legal Constraints of Liberalising Radio
- Lindberg, S. (2006) *Democracy and elections in Africa*. Baltimore, MD,USA: The John Hopkins University Press.
- Maisel, L.S & Brewer, M.D (2008) *Parties and Elections in America: the Electoral Process*, Lanham, Maryland: Rowman & Littlefield Publishers,
- MISA, 2008: Press Release: MISA Statement on the World Press Freedom Day May 3 2008.
- Moyo, D. (2006) *Broadcasting Policy Reform and Democratisation in Zambia and Zimbabwe: Global Pressures, National Responses*. Oslo: Unipub.
- Moyo, D. and N. Ndlela (2006) 'Public Service Broadcasting in Southern Africa: Promises and Perils of "Public Interests" '. The Media: Expression and

Freedom, *OPENSOURCE*, 1(5): 29-32. Open Society Initiative for Southern Africa

Ndlela, N. (2006) 'Broadcasting Reforms in Southern Africa: Continuity and Change in the Era of Globalisation'

Saul, J.S. (1997) 'Liberal Democracy vs. Popular Democracy in Southern Africa'. *Review of African Political Economy* No 72: 219-236