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MAGAZINES DEGREE DOCUMENTS DEGREE DOCU- REPORT

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The African Media Barometer (AMB)

The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on homegrown criteria derived from African Protocols and Declarations like the “*Declaration of Principles on Freedom of Expression in Africa*” (2002) by the “African Commission for Human and Peoples’ Rights”. The instrument was jointly developed by *fesmedia Africa*, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Saharan Africa and into the advocacy efforts of other local media organizations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every two to three years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1 1/2 days they discuss the national media environment according to 45 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	<input type="checkbox"/>																	
2	Country meets only a few aspects of indicator	<input type="checkbox"/>																	
3	Country meets some aspects of indicator	<input type="checkbox"/>																	
4	Country meets most aspects of indicator	<input type="checkbox"/>																	
5	Country meets all aspects of the indicator	<input type="checkbox"/>																	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the biennial or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

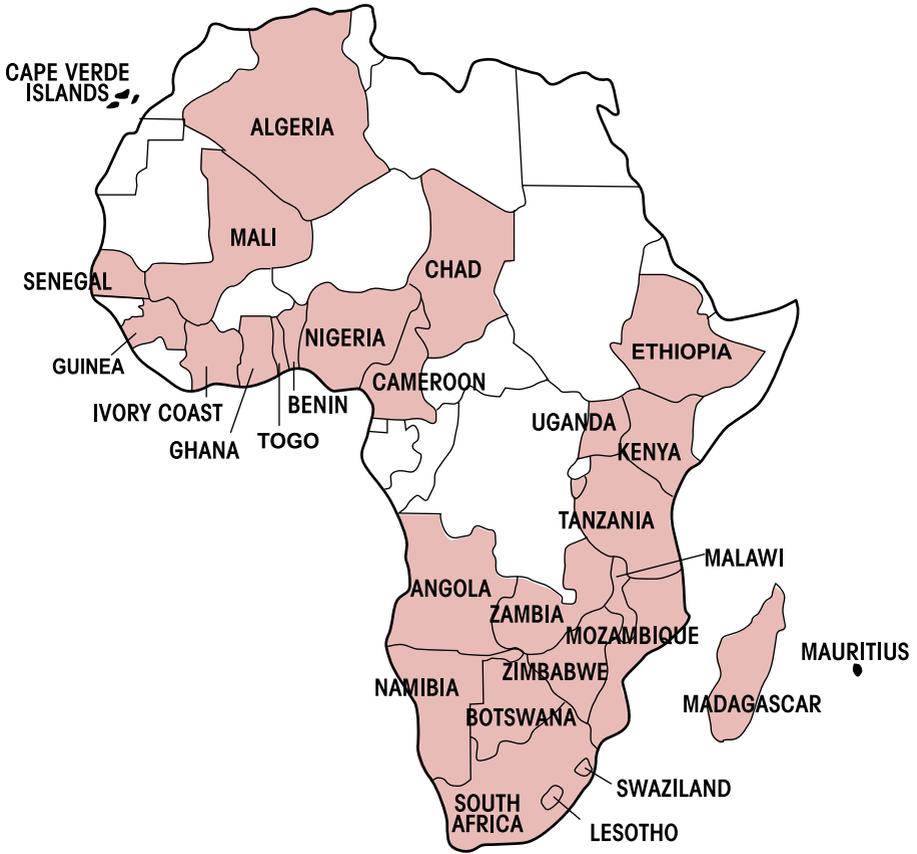
Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and - in SADC countries the Media Institute of Southern Africa (MISA) - only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology.

By the end of 2011 the African Media Barometer has been held in 28 African countries, in some of them already for the third time.

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See above 28 AMB Countries (2005–2011)

AFRICAN MEDIA BAROMETER NAMIBIA 2011

Executive Summary

The Constitutional guarantee contained in Article 21.1 (a) of the Namibian Constitution gives all Namibians the right to freedom of expression, including freedom of the press and other media.

However the essence of this explicit right is contradicted by a subsequent clause in the Constitution, outdated legislation, clauses in the recently enacted Communications Act and the reluctance to promulgate a law that facilitates access to public information.

Article 21.2 negates the explicit guarantee of freedom of expression in the preceding clause by outlining broad limitations such as the protection of national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

Restrictive laws such as the Official Secrets Act, the Key Points Act and the Criminal Procedures Act dating back to the apartheid era remain on the statute books. While none of these laws have been used since Independence, they remain a constant threat for the media fraternity.

The absence of an Access to Information Act makes it difficult for the public, and especially for journalists, to retrieve public information that is held by the State. This is further exacerbated by the Protection of Information Act, which restricts public servants from disclosing certain information to the public.

An initiative has been outlined by the Southern African Litigation Centre in conjunction with a local Namibian organization to bring possible test cases to the High Court to highlight the need for access to information.

The Communications Act passed in 2009 - which was intended to regulate the communications and broadcasting sector based on principles of a free, independent and pluralistic media - contains contentious clauses that undermine the independence of the regulating body and permit the state to intercept citizens' communications.

As one journalist pointed out, "The fact that our phone calls and e-mail can be monitored has certainly affected the way I communicate."

Despite these legal impediments, Namibia is ranked as Number One by Freedom House, on the continent in terms of media freedom, with journalists going about their work freely without intimidation, threats or arrest. The country boasts a broad cross-section of media with five daily papers, several periodicals, two commercial television stations, one religious television channel and seven commercial radio stations. The NBC operates ten radio stations and one television station. Community broadcasting is the only media sector that could be considered underdeveloped.

Despite the noted diversity, however, issues that affect the daily lives of citizens are sidelined as the news tends to be dominated by politics. Consumers believe that coverage of issues is usually a reaction to statements and events and that “the media is never really trying to do something new. There is variety but no depth.”

Business, economics and analytical reporting were highlighted as areas that are being neglected by the media. Only NBC TV’s ‘Open File’ programme and *Insight* magazine try to do investigative stories. Media houses need to give journalists the time to investigate stories.

The quality of journalism came under fire, with the media being criticized for their biased perspective on news, inaccuracies in stories and the lack of fairness.

It is anticipated that these issues will be addressed by in-house training initiatives within certain media institutions, as well as by the establishment of the Media Ombudsman’s office, in line with international practices.

The office of the Media Ombudsman was set up in 2009 with support from the Editors Forum of Namibia. In holding the media accountable in terms of the basic principles of good journalistic practice, the public can now initiate formal complaints against the media without having to go to court, which is prohibitively expensive for most people.

The Media Ombudsman makes rulings according to a code of ethics that the media sign on to and apply voluntarily.

Namibians are vocal on a variety of issues but this is often dependent on their geographical location, cultural norms, the subject matter they are discussing and the medium through which they are communicating.

Platforms such as ‘Free Your Mind’, ‘Spoken Word’, ‘Young Achievers’ and ‘Physically Active Youth’ are extremely popular with urban youth, as platforms to speak out on issues that directly affect them. These include concerns such as the lack of job opportunities and the need for recreational activities.

Rural youth are less vocal than their urban peers, and would be hesitant to be as vocal even if they were afforded the same opportunities. One reason for this is that they are expected to respect their elders and not speak out against authority.

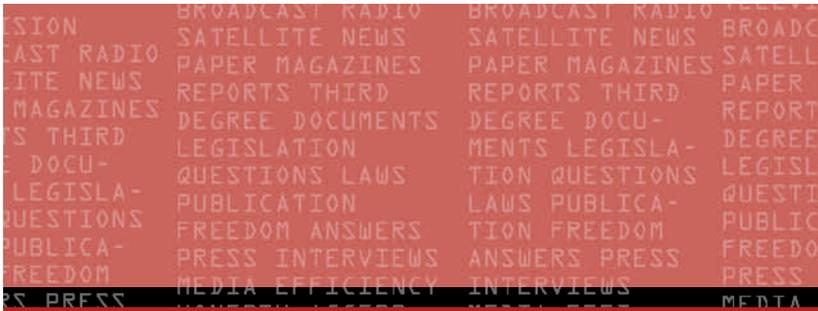
SMS pages in certain publications are very popular amongst the general public and people tend to be extremely outspoken – likely because they are afforded a certain degree of anonymity. However NGO representatives were concerned about apparent attempts to block public opinion polls using short-message text (SMS) via mobile phones. “Suddenly the SMSs couldn’t go through, and yet this is an innocent activity”.

“There is a reluctance for people to speak on the NBC in the same way as people do in the SMS pages.” The NBC’s ‘Open Line’ radio phone-in programme was at one time taken off the air but is now back on sporadically. However there seem to be restrictions on the topics that are discussed.

In general, there is still very little criticism against government. More than half of Namibia’s working population is employed by the state, and civil servants are afraid of losing their jobs, or of being bullied at work. “People will be critical to a point, but will avoid making themselves a target.”

Having said this, civil servants stood up and spoke out about the squandering of civil service pension funds. “They wanted to march on parliament, but they were stopped by the police.” Police have also blocked other demonstrations, such as those by disgruntled taxi drivers.





SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.



Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Although freedom of expression is guaranteed in the Constitution under Article 21.1, there is a clawback clause which outlines broad limitations thereby curbing this constitutional guarantee. Article 21.2 states that the grounds for limiting the right to free expression will be deemed necessary “and are required in the interests of the sovereignty and integrity of Namibia, national security, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence”¹.

Freedom of expression is further curbed by the glaring absence of legislation that facilitates access to public information. There is the Protection of Information Act of 1982 which poses a further impediment because it restricts the information civil servants can release to the public.

The Communications Act passed in 2009 endeavours to bring the regulation of the communications sector up-to-date, but there are a number of clauses which violate the international standards that Namibia is bound by.

- The Communications Regulatory Authority of Namibia (CRAN) is appointed by the Minister of Information and Communication Technology in line with the State Owned Enterprises Act and, therefore, is not independent.
- The minister may issue guidelines to the commission and, in so doing, interfere with its work.
- The act allows the president to establish communication “interception centres”. Ostensibly these are for “combating of crime and national security”, but there is a feeling that these powers could be abused and will prevent people from expressing themselves freely.

“The fact that our phone calls and e-mail can be monitored has certainly affected the way I communicate,” one panellist noted. When the interception centres were discussed in Parliament, the Minister of Information and Communication Technology argued that Namibia was following the example of other countries. He was asked why it was necessary to provide for interception centres in the

¹ Article 21.2 of The Constitution of Namibia.

Communications Act, as opposed to security legislation. Some panellists felt that this question was not answered properly, although one suggested government wanted to pass the cost of the centres onto communications providers.

Others pointed out that similar methods were used in western democracies. “Personally, I don’t have a problem with the tapping of phones if it is only to combat organised crime, which is on the increase. Our freedoms are limited internationally – there are norms for limiting them, one being national security. My concern is the environment in which this is taking place. Namibia hasn’t really reached the stage with institutions that can implement this law impartially. It is incompatible with the level of democracy we have, and therefore open to abuse.”

Furthermore, panellists felt that sections of the 1991 Broadcasting Act, which establishes the Namibian Broadcasting Corporation (NBC), does not promote Article 21 of the constitution, particularly as the broadcaster is accountable directly to the information ministry.

Scores:

Individual scores:



Average score:

2.9 (2005: 3.4; 2007: 3.3; 2009: 3.1)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Namibian citizens practice freedom of expression in varying degrees depending on where they are, the medium they are using and the subject they are talking about. There are groupings of people in different areas that tend to express themselves freely while others are restricted by their political affiliation, their geographical location, or their cultural norms. Some hold back based on their own fears.

Young people in the capital city, Windhoek, stage events where they express themselves without fear. They participate vigorously in events such as the stand-up comedy forum ‘Free Your Mind’, and the popular ‘Spoken Word’ platform. The city’s suburbs of Katutura and Khomasdal also have youth forums such as ‘Young Achievers’ and ‘Physically Active Youth’. Some panellists felt, however, that funding and funding partners influence the level of expression at these urban forums.

At government-funded forums, for example, people don’t necessarily express themselves freely. “If you say something against the people sponsoring the event, they take you as a trouble maker, which makes it difficult for you to express yourself 100 percent,” a panellist noted. The topics that young people are vocal about are not necessarily contentious. They tend to speak out on issues that directly affect their wellbeing, such as the lack of jobs or the need for recreational activities. “But they won’t criticise government. People will be critical to a point, but will avoid making themselves a target.”

Some panellists went on to say that many young people are unaware of what is happening in the country and the world beyond, and that this may be a consequence of the way many youth forums operate. In this vein, one panellist added: “I am part of a political party youth forum. It took 45 minutes to debate the insertion of a clause recognising the rights of sexual minorities into the organisational constitution. These were university students! Young people seem to take on the narrow views of their elders.”

It was also pointed out that these types of platforms hardly exist in rural areas, where “there is always someone in authority looking over you.” “Young people are expected to respect elders and people in authority so they will not express themselves so freely.”

Those platforms that do exist in rural areas are usually ruling party initiatives. The government-funded National Youth Council is also active, but some panellists felt that the role of these forums is to indoctrinate young people. “Young people are given a little bit of money to initiate these forums. They are orchestrated actions in the name of free expression.” Such forums do little to help uplift young people and “young people remain where they are,” panellists said.

On the other hand, panellists felt that social networks such as Facebook enhance people’s power to express themselves. Young people participate without the fear of their parents or government knowing what they are saying. “But they don’t reveal it (what they say) elsewhere. They are fearful.”

Some NGO representatives were concerned about apparent attempts to block public opinion polls using short-message text (SMS) via mobile phones. “Suddenly the SMSs couldn’t go through, and yet this is an innocent activity”.

“There is a reluctance for people to speak on NBC in the same way as people do in the SMS pages.” The NBC’s ‘Open Line’ radio phone-in programme was temporarily taken off air some time ago. Every once in a while the producer opens the lines for listeners to call in, but commentary is restricted to a specific topic.

The recently appointed Director-General of the NBC, Albertus Aochamub, is on record as saying the corporation’s board will review the restrictions on the phone-in programmes and talk shows. “I think that is going to be a very important indicator to see which way the NBC is going as a public broadcaster,” a panellist noted.

The level of free expression also varies between media, with broadcast media being more subject to fear and self-censorship.

One panellist opined that “Commercial radio stations only address flimsy issues, while (the community radio station) Base FM is more adventurous. With the newspapers we are doing quite well.”

The influence media have over key political constituencies determines how free they are in terms of expression. “The (NBC’s) Oshiwambo Service and National Radio have been more regulated as they have more influence. The presenters regulate the topics discussed.”

Meanwhile, NBC television shows signs of becoming more open. On the current affairs programme ‘The Week That Was’, journalists with a diversity of opinions discuss the week’s events, while people with diverse and often controversial views are interviewed on ‘One on One’ - Namibia’s equivalent to the BBC’s ‘Hard Talk’. These programmes usually tackle political issues.

However, a panellist also noted that “there is clearly fear among journalists, whether employed by state or private media. There is self-censorship. People are afraid of being labelled according to a political affiliation as this can affect how you get work.”

Other panellists qualified this statement. “I agree that there are some journalists that are afraid to speak out. But there are others who really do speak out. Columnists, for example, are very outspoken.” Furthermore, there are the SMS pages in the newspapers, which reflect a diversity of opinions, along with the letters pages and ‘vox pops’. “The newspaper editorials can also be outspoken and critical.”

There are certain topics that journalists address less openly than others. Journalists are afraid to tackle issues of sexuality, for example. Additionally, certain topics are seen as no-go areas for journalists. For example, when *Informanté* reported that founding President Sam Nujoma had prostate cancer, the editor was forced to

resign after he received threats. “The journalist touched someone that those higher up felt was untouchable, and that makes people afraid.”

Journalists’ fears of expressing themselves freely are not based on legislative recourse, but rather on their own fear. This fear is exacerbated by the enactment of the Communications Act which includes a clause that allows for the interception of all forms of communication.

Scores:

Individual scores:



Average score: 3.0 (2005: 3.3; 2007: 2.8; 2009: 2.4)

1.3 There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of media.

Old laws from the apartheid era remain on the statute books and there are no signs of them being reformed. Restrictive laws such as the Official Secrets Act, the Key Points Act and the Criminal Procedures Act remain in force. There are few cases in which these restrictive laws have been applied, but the fact that they still exist presents the constant threat that they could be used against media practitioners. “My understanding is that the Law Reform and Development Commission hasn’t got round to reviewing them,” pointed out a panellist.

However, another panellist felt journalists should remember they, too, have a responsibility towards the nation when it comes to protecting national security.

Meanwhile, the legislation establishing the NBC and the *New Era* limit the independence of these state-owned media, particularly as their boards are government-appointed.

Namibia does not have specific legislation dealing with criminal defamation, but there is the common law offence of *crimen injuria*. There are no cases of this being used to date. Panellists felt that civil claims for defamation are dealt with fairly by the courts.

In a landmark ruling in 2010, the Supreme Court of Namibia established a defence of “reasonable or responsible publication of information in the public interest.” It did so when ruling on the defamation claim brought by Windhoek’s former Mayor Matheus Shikongo against *Informanté*. The ruling means that a publisher or broadcaster need not show that a statement is true, necessarily, but that it is important and in the public interest to publish it. In so doing, journalists need to show that they did their best to establish the truth of a statement by checking their facts and giving those they are writing about the chance to reply. In this particular case, the defendant (*Informanté* and its editor Max Hamata) did not do this, the court ruled, and therefore the defence of “reasonable or responsible publication” did not apply².

The provision for interception centres in the Communications Act will interfere with Freedom of Expression. The media reported widely on the bill when it was tabled in parliament, dubbing the draft the “Spy Bill”. But when the law was actually passed, there was very little media coverage. The National Council (the house of review) held a public hearing on the bill, but this was only conducted in Windhoek. “There was a lot of discussion in the media by media professionals, but this did not extend to civil society. People don’t understand freedom of expression. The same goes for most journalists, too. They are not well read and do not analyse much.”

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

Average score:

2.5 (2005: 3.3; 2007: 2.3; 2009: 3.0)

² Full ruling available from www.saflii.org/na/cases/NASC/2010/6.pdf

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

Opinions were divided on the issue of whether Government makes an effort to honour regional and international instruments on freedom of expression and the media. While some panellists pointed out how the government provides a conducive environment for the media to operate, examples were given of how the State was complacent about reforming the media landscape.

Under international law, government has the responsibility to respect, protect and fulfil the rights of its citizens. “If government made every effort to do this, they would have repealed the restrictive laws that remain in place,” pointed out a panellist.

Some panellists believed that:

- Government’s track record shows that Namibia’s conducive media environment was a result of the Constitution, and not of government’s efforts. “Government had an opportunity with the Communications Act to comply with these standards. It was not done.”
- The NBC is not included under the act because they (government) want control over it.
- Some media in Namibia make a concerted effort not to upset the government, which might be why government is able to honour its commitments to free expression and media freedom.
- Others argued that the government honours its commitment of freedom of expression “only on World Press Freedom Day”.
- “Government signs up to these treaties, but in practice they don’t honour what they sign.”
- “Individual ministers make threats which are taken up by other ministers and it becomes the official stance.” A noted example was that of Justice Minister and Secretary General of the ruling Swapo party, Pendukeni Iivula-Ithana, who at a rally in Omungwelumbe in October 2009 reportedly called the editor of *The Namibian*, Gwen Lister, a “big snake”, and warned that the editor may be taken to task for the “wrong-doings” of her white ancestors if she was not careful about what she wrote³.
- Freedom of information legislation has been drafted but numerous opportunities to implement this legislation have not been taken. “We have a media ombudsman, but in public the Minister of Justice castigates journalists because they expose corruption.”

³ See www.ifex.org/namibia/2009/10/13/justice_minister_remarks/ for report on Iivula-Ithana’s comments.

Panellists who disagreed with the sentiments outlined above felt:

- Namibian journalists are generally free to go about their work, as they are not restricted or put in jail. “It might not be perfect, but Namibia is number one in Africa in terms of media freedom rankings.”
- Aside from the continued ban on government advertising in *The Namibian*, government has created a relatively conducive environment for media and free expression. “The government also has a right to reply. We should allow it to do so. We have a lot of unethical journalists. We have a responsibility as journalists.”
- Added another panellist: “I am one of the most outspoken critics of government. I meet ministers and people in government, and they thank me for doing it. The public wonders if I’m not afraid, and I’m not because government officials encourage me to continue to do what I’m doing.”
- “I think of the cartoons in *The Namibian*. Some are very provocative, but nothing happens to the cartoonist. Nothing is done to stop these things being published. So I do think they (government) make an effort.”
- “Yes, there have been individual ministers who have spoken out, and the former president, too. But this is a democracy and you can expect people to speak out. Generally I think the government has been very pro-media.”

Scores:

Individual scores:



Average score:

2.6 (2005: n/a; 2007: n/a; 2009: 2.1)

1.5 Print publications are not required to obtain permission to publish from state authorities.

Registration of newspapers is a mere formality requiring a media house to register a publication with the Ministry of Information and Communication Technology (MICT), and to pay a nominal fee. In terms of the Publications Act, the minister has the power to approve or reject applications. Since Independence, there have been no cases of applications being turned down.

Scores:

Individual scores:



Average score:

3.8 (2005: n/a; 2007: n/a; 2009: 4.4)

1.6 Entry into and practice of the journalistic profession is legally unrestricted.

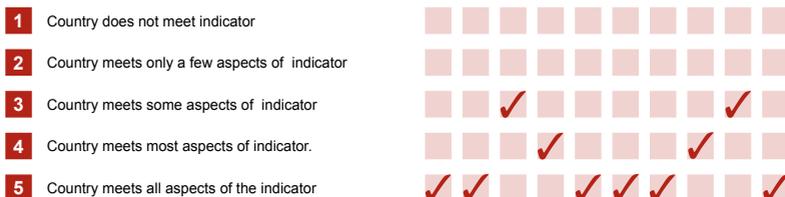
According to Article 21.1 (j) of the Constitution, it is the right of each citizen to practice his or her profession. Although it is not a legal requirement or a prerequisite to work professionally, journalists can apply for a media card from the MICT.

There is, however, a requirement for journalists to obtain this accreditation for covering events at State House. Journalists apply for this through the MICT, which liaises with the Office of the President. It is a straightforward application which requires a journalist to fill out a form signed by the editor and submitted to the MICT along with a photograph. There are no cases of journalists being denied this accreditation and is regarded as a security measure for official government events.

Not everyone agreed, and some noted that while people might not be restricted by law, they are restricted in practice. “We had a human rights monitor beaten up and his camera smashed by the police because he did not have a media card.”

Scores:

Individual scores:



Average score:

4.4 (2005: 4.9; 2007: 4.7; 2009: 4.7)

1.7 Confidential sources of information are protected by law and/or the courts.

Existing legislation does not protect journalists from having to reveal confidential sources of information.

In fact, Section 205 of the Criminal Procedures Act permits a magistrate to order a journalist to reveal their source during a criminal trial, and to jail the journalist who refuses to comply.

Hannes Smith, the former editor of the *Windhoek Observer*, published a story claiming he knew who murdered political activist Anton Lubowski. He was ordered to reveal his source during the inquest into Lubowski's death. Smith refused and was sent to prison in contempt of court and served a 30 day sentence.

Meanwhile, former editor of *Informanté*, Max Hamata, was asked to reveal his source during a civil defamation case brought by the mayor of Windhoek (see Indicator 1.3). However, the judge decided this was not necessary on the basis that a journalist has a responsibility to protect his/her sources.

Therefore, the courts appear to have some leeway and can decide to force a journalist to reveal a source or not.

Scores:

Individual scores:



Average score:

2.5 (2005: 2.1; 2007: 1.8; 2009: 3.3)

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

There is no law guaranteeing access to information. On the contrary, the 1982 Protection of Information Act restricts civil servants from giving out information.

Journalists' experience of accessing information varies from institution to institution, but as a whole, "officials answer only the questions they want to answer".

Generally it is difficult to get information from public institutions. "Anything that people feel is a bit sensitive, they don't release. Sometimes they refuse small things that you don't understand. It depends on the information you are asking for, and the person from who you are asking it."

Often, procedures for requesting information are a deterrent. For example, when a panellist approached the Ministry of Gender and Child Welfare for copies of a book it had published, "We were asked to write a letter explaining why we wanted the information, and this put us off." Similarly, panellists spoke of instances when the NBC withheld controversial video footage, even though the organisation making the request was prepared to pay for the material. "You give information to the NBC when they interview you. But then you ask for a copy of the tape and they don't get back to you and eventually you give up."

Scores:

Individual scores:



Average score:

1.8 (2005: 2.4; 2007: 1.8; 2009: 1.9)

1.9 Websites and blogs are not required to register with or obtain permission from state authorities.

There are no laws or restrictions on websites and blogs. “Anyone can start one.” For now, the government does not see the Internet as a threat, some panellists suggested. “But perhaps it is because they don’t understand the technology. When you visit their own web sites you see that they don’t understand the power of the technology, as they don’t make use of this power themselves.”

This could be because few people have access to Internet in Namibia, and even those who use it do so more for social purposes than for politics. Having said this, it is important to note that government included the “spy clause” in the Communications Act (see Indicator 1.1). This allows for the interception of electronic communication (including communication via the Internet), and suggests the government is aware of the potential that this technology has.

There are 1.2 million cell phone users in Namibia, and panellists felt that once more people can use their cell phones to access the Internet, government may become more sensitive to this platform as a medium of expression.

Scores:

Individual scores:



Average score: 4.7 (2005: n/a; 2007: n/a; 2009: 4.8)

1.10 The state does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

There are no laws that specifically allow the authorities to block internet access. However, the sections of the Communications Act allowing for the interception of electronic communication could be used to pressure communication license holders to block or filter information.

Scores:

Individual scores:



Average score: 4.1 (2005: n/a; 2007: n/a; 2009: 4.3)

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

Civil society in general, and media lobby groups in particular are not proactive in lobbying around media freedom issues. They tend to respond to events rather than pre-empt them. Many journalists seem unaware of the role that media lobby groups play, while “civil society does not understand freedom of expression and does not focus much on media”.

“Before independence, civil society was active. Now they are not. After independence, it was up to media to inform civil society what the role of the media is. Civil society doesn’t understand the role of the media. Perhaps the media lobby groups need to carry out media literacy.”

“The reason why we are so complacent as media workers is because our environment is so conducive. There is not much to do. But we don’t know how much longer we will be comfortable.”

The media’s coverage of the Communications Bill only focused on the establishment of interception centres, and did not look at other aspects of the bill that affects free expression. Meanwhile, the relationship between the media and the rest of civil society is sometimes tense, “The way the media reports on issues alienates civil society. There are misconceptions within the media on what news they think people want to hear or read about, and civil society needs to engage the media on these issues.”

For example, media misinformation has contributed to government and the public’s misunderstanding of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Having said this, some panellists pointed to the work of the Editors Forum of Namibia (EFN), which took the initiative to establish the Media Ombudsman, to whom the public can complain if they feel they have been misrepresented by the media.

“I don’t think it’s the media lobby groups that are not active, but rather the journalists. The lobby groups have regular events, but the journalists don’t get involved. How much can they (the groups) do if we don’t support them? Besides which, a lot of people actively write letters and SMS messages to the newspapers, thereby asserting their right to free expression.”

It was pointed out that the Media Ombudsman was about to embark on awareness-raising road-shows, which would promote the role of the Ombudsman and encourage freedom of expression.

Scores:

Individual scores:



Average score:

2.6 (2005: 2.8; 2007: 3.1; 2009: 2.9)

1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

There is rarely any meaningful public consultation around legislation in general. “There is consultation. There has to be. But our input is often ignored.”

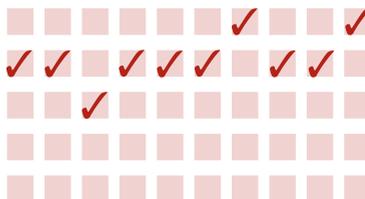
Consultation on the Communications Bill was a long, drawn-out process, but when people raised objections to sections of the bill, they were not taken seriously. It was pointed out that parts of the bill violated sections of the Constitution. Following public outcry about the interception centres, the National Council (the second chamber of parliament) called for further consultations, but these were limited to Windhoek “as it was seen as a political issue”.

MISA’s submissions on the Communications Bill were detailed and addressed many issues, while the media fraternity focussed on clauses dealing with interception of communication. “We were made to understand that things would change, but they did not. All along we felt that there would be a progressive Communications Act, but when it actually came into force, it was not. Government legitimised the process through consultation, but it had little impact on the law itself.”

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

1.9 (2005: n/a; 2007: n/a; 2009: 1.9)

Average score for sector 1:

3.1 (2005: 3.2; 2007: 2.8; 2009: 3.2)

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.

Overall, Namibia has a broad cross-section of media, although community broadcasting is under-developed, given its potential for accessibility and affordability. NBC radio is listened to by 90 percent of the population, but is not considered independent. Print media is not accessed by the vast majority of the population, but rather by pockets of people who choose particular publications according to their particular interests.

Print

The print media industry in Namibia is fairly large given Namibia's small population and advertising base. However, all the print media organizations are located in urban centres.

There are five daily newspapers, of which four are privately owned - *Allgemeine Zeitung*, *The Namibian*, *Die Republikein* and *The Sun*. The *New Era* is state owned. There are six weekly newspapers. Five of these are private - *The Economist*, *Informanté*, *Namib Times*, *Windhoek Observer* and *Namibia Today* which is published by the ruling Swapo party. The *Southern Times* is owned jointly by the Namibian and Zimbabwean government. There are a variety of local magazines including *Insight*, *Caprivi Vision*, *Flamingo*, *Namibia Sport*, *Prime Focus*, and *Sister Namibia* which are published by various organizations; as well as *Namibia Review* which is published by the state. A number of newsletters are also published, particularly by civil society organizations.

Most print media are distributed only in urban areas, and often arrive a day-or-so late in more far-flung towns, which limits their accessibility. Panellists were divided as to whether or not the N\$2 to 3 (US\$0.29 - 0.44) cover charge for daily newspapers was affordable when compared to a loaf of bread (N\$8/US\$1.20) and cell phone airtime (minimum re-charge voucher N\$10/US\$1.45).

"A person would rather spend N\$10 to buy airtime, or listen to commercial radio, rather than consume media that takes up issues more. People choose not to read or listen to information." Low levels of literacy also limit citizens' access to print media.

Some panellists felt that most private print media are owned by white Namibians and, as a result, are “not really addressing issues that the majority of the population is concerned with”. For example, *The Namibian* recently had a front-page article on the SADC Tribunal while an article on malnutrition appeared on page 5. A panellist opined that: “Many of our media owners did not experience the brutalities of the apartheid regime, or the brutalities of the current regime, and that affects how they report”.

Radio

Medium	State	Commercial	Community
Radio Stations	NBC !Ha NBC Afrikaans NBC German NBC Damara/Nama NBC National Service NBC Oshiwambo NBC Otjiherero NBC Rukavango NBC Tirelo ya Setswana NBC Lozi	Radio 99 Radio Cosmos Radio Energy Fresh FM Radio Kudu Omulunga Radio West Coast FM	Base FM Channel 7 E-FM (formerly Radio Ecclesia) Karas Community Radio Live FM Radio France International (RFI) UNAM Radio

Radio is more affordable, but not all the NBC’s various language services transmit to all parts of the country. “Some people – in particular minority language speakers in a particular area – are unable to listen to radio because the money is not there to put all ten (NBC) language services on the transmitter in every place.” The NBC’s television transmitters cover less than 70 percent of the country, while the prohibitive cost of a license fee also limits its accessibility, along with the cost of a television set and the lack of electricity in many rural areas.

The television license fee is N\$204 per TV set per annum for a household/private person, and N\$60 per TV set per annum for a pensioner/war veteran/disabled person. Businesses pay N\$220 per annum and furniture retailers/dealers/TV repair companies and companies hiring out TV sets pay N\$440 per annum per demonstration set.

Television

Medium	State	Commercial	Community
Television Stations	NBC TV	Multichoice Namibia One Africa	Trinity Broadcasting Network

The NBC's network of 58 transmitter sites countrywide is growing old and falling into disrepair, and this also limits people's access to radio and television. "There are insufficient funds to maintain the transmitters, let alone replace them. People call in asking for repairs but no one responds. In some areas there is routine maintenance but in others there is not. This is not politically motivated. The NBC has limited funds."

Panellists felt that more could be done to promote access to community broadcasting. Most community broadcasters serve a geographical community, and are restricted from expanding their frequencies beyond their particular geographical area. Channel 7, on the other hand, serves a community of interest (Christians) and was allowed to set up transmitters countrywide. "Other community stations apply to increase their reach but they are told there are no frequencies left." The advent of digital broadcasting should make more frequencies available. The "switch-over" to digital broadcasting is scheduled for the end of 2013.

ICT's

Medium	Private	State
Mobile telephony	Cell One	MTC (Portugal Telecom owns 34% of the company, the rest is owned by the government's Namibia Post and Telecommunications Holdings company)
Internet	Africa Online M-Web (part-owned by the business arm of the ruling Swapo party) Namibnet	I-Way (a subsidiary of the government-owned Telecom Namibia)

The cost of Internet access is decreasing, but it is still prohibitively expensive. Pre-paid mobile Internet (available through the country's main mobile phone provider, MTC) comes at a cost N\$350 (US\$51) - a once off payment which includes the cost of the USB dongle and N\$200 (US\$ 29) worth of credit. Additional internet time can be bought as needed. Pre-paid credit costs are as follows: N\$30 for 50MB; N\$55 for 100MB; N\$250 for 500MB; N\$450 for 1GB; and N\$800 for 2GB.

A fixed line ADSL Internet and phone connection costs N\$350 (US\$51) a month. MTC now offers off-peak, low-cost downloading for cell phones with internet connectivity – a move that targets young people and demonstrates that they are beginning to access Internet via their mobile phones. Internet cafés charge between N\$10-30 an hour (US\$1.45 to 4.35), but few are found in poorer suburbs.

Scores:

Individual scores:



Average score:

3.0 (2005: 3.4; 2007: 3.9; 2009: 3.0)

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

Foreign print and broadcast media are widely available.

Scores:

Individual scores:



Average score: 4.9 (2005:4.6; 2007:3.7; 2009:3.8)

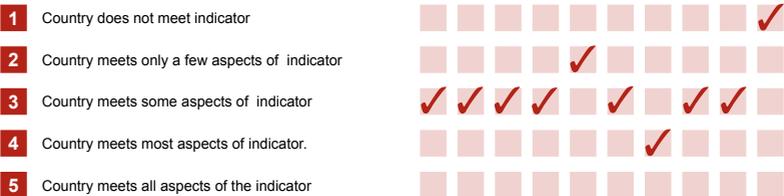
2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

National newspapers have made efforts to improve their distribution to reach small, outlying towns on the day of publication. However, rarely does distribution go beyond these urban nodes. *Sister Namibia*, on the other hand, is distributed widely in rural areas through the distribution networks of non-governmental organisations working in these communities. But while this is commendable, this sort of distribution is not viable for publications that publish more frequently.

For a while, *Caprivi Vision* was based in Katima Mulilo and was popular within the Caprivi region, which is the region furthest from the capital Windhoek. However, the newspaper has since moved its production to Windhoek.

Scores:

Individual scores:



Average score: 2.3 (2005:4.0; 2007:3.7; 2009:3.2)

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

Both the 2009 Communications Act, which applies to electronic media, and the 2008 Competition Act, which applies to all media, seek to protect against monopolies. However, in practice, Namibia has concentrations of media ownership, which were operating before these Acts came into force.

Democratic Media Holdings (DMH) owns three newspapers, a radio station, and the country's main newspaper printing press. DMH is partly owned by Media 24, which is a subsidiary of the South African media conglomerate Naspers. Furthermore, the daughter of one of DMH's owners is married to the owner of One Africa TV, who also owns an advertising agency, a film production company and a publishing company.

Through its business arm - Kalahari Holdings - the ruling Swapo party publishes and owns a majority shareholding in a newspaper, the digital satellite TV provider MultiChoice Namibia (broadcasters of DSTV), a radio station, a printing press and an Internet service provider.

Scores:

Individual scores:



Average score:

3.6 (2005: 2.3; 2007: 2.1; 2009: 2.7)

2.7 All media fairly reflect the voices of both women and men.

The language used by media is not inclusive, but exclusive, and perpetuates Namibia's patriarchal society. Media reports tend to underplay what women do.

The sources for stories tend to be predominantly male. "Even if the victim of a crime is a woman, more men than women will be interviewed. There are more male journalists than women, and there is a huge gap in reporting that reflects more positively on men than women."

Several factors work against women being sources of news. Most of the country's parliamentarians and local authority politicians are men. Most of the people providing political and economic analyses are men. "Even women think it's better to interview men, because they think they are better sources. That is the way we are socialised." Meanwhile, women hang back from commenting to the media because they feel "we are not up to scratch".

"We never hear discussions about men getting raped in jails, for example, or of domestic violence against men. But when violence against women is reported, it is sensationalised. There is no empathy, no examination or explanation of the situation, no contextualisation."

Much of this is a result of lazy journalism. "We want the quick and fast story. But it is our duty as journalists to chase the story and to get a balance of opinions. It might take longer to get an opinion from a woman, but you get more information from the woman when you do."

Some panellists felt the situation is improving. "There is more awareness among journalists and women are becoming braver. But there is still a long way to go."

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.8 (2005: n/a; 2007: n/a; 2009: n/a)

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Diversity of voices in the media varies from one media house to the next. “There are attempts to reach more people and therefore to be more diverse, but it is always a question of money.”

It is difficult for the print media to reflect all voices fairly, as there are so many ethnic groups. The NBC does a good job, however, as do community broadcasters. But commercial radio does not. “It’s a matter of cost. If you can afford to have correspondents around the country, then you can afford diversity.” In this regard, the state-run Namibian Press Agency (NAMPA), which should have correspondents countrywide, has not been very effective.

Christian views are predominant throughout the media. “The media acts as if there is no other religion on Namibia.” Different media cater for different groups of Christians, defined both by denomination and by race.

Some media try to cater for different language groups. *New Era* provides coverage in five languages, while *The Namibian* publishes in two languages. The NBC has language services that cater to most language groups.

Panellists felt that certain groups are marginalised by the media, noting the examples of people living with HIV, and sexual minorities.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>							
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>									

Average score:

2.5 (2005: n/a; 2007: n/a; 2009: n/a)

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

The ICT policy was launched in 2009, and there was little debate when it was tabled in parliament. The policy comprises an overarching ICT policy, alongside separate policies for broadcasting, information technology (IT) and postal services.

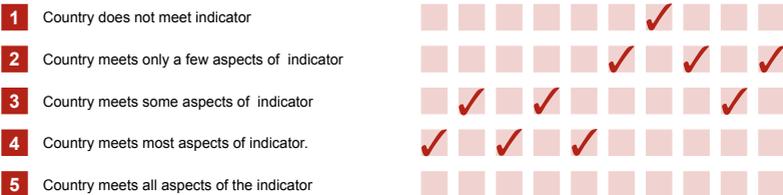
The government is rolling out improved communication technology services, including faster Internet access. Community multi-purpose centres have been opened across the country, and are due to be equipped with computers and Internet access. However, most are still waiting for the equipment to be installed. “The intention is there, a few small steps have been taken, but nothing much is happening in practice at the moment.”

Panellists argued that for this strategy to succeed, someone who is qualified to teach others to use the equipment will be required in every town and village. “At present, the examination for the necessary qualification is in English and therefore few people pass. Therefore the infrastructure and skills are not there to enable the centres to get off the ground.”

The communications regulator has forced cell phone providers to lower their interconnection charges (the cost of calling numbers on other networks).

Scores:

Individual scores:



Average score:

2.8 (2005: n/a; 2007: n/a; 2009: 2.2)

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Cabinet's ban on government advertising in *The Namibian* – imposed in 2000 – remains in force. There are senior members of the ruling Swapo party who do not agree with the ban, but seem to forget that they were members of the same Cabinet that imposed the ban in the first place. “They are all telling us how sorry they are but are doing nothing about it (lifting the ban).”

Some panellists felt this was indicative of “internal struggles” within the ruling party.

Scores:

Individual scores:



Average score:

1.8 (2005: 1.8; 2007: 1.3; 2009: 2.0)

2.11 The advertising market is large enough to support a diversity of media outlets.

The advertising market tends to be controlled by a few people, and several new magazines have been forced to close because they do not generate enough advertising. Other factors such as high printing costs and the competition posed by foreign publications – particularly those published in South Africa – also contributed to the closures.

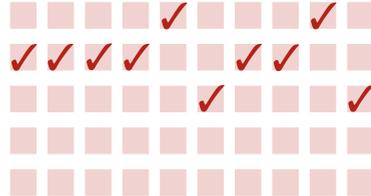
“Advertising tends to be elitist. It does not cater for small business people.” There would be more media diversity if more money is spent on advertising. The lack of money causes the concentration of advertising among bigger businesses. Furthermore, advertising depends a lot on personal relationships. “Advertisers follow the sales people, not the media.”

The NBC generates about N\$40m (US\$5.8m) in advertising revenue annually.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

2.0 (2005: 2.4; 2007: 2.9; 2009: 3.0)

Average score for sector 2:

2.7 (2005: 2.7; 2007: 2.6; 2009: 2.7)

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

There is now provision for a three-tier system of broadcasting – public, commercial and community broadcasters – within the broadcasting policy and the Communications Act.

Some panellists felt NBC radio is “a truly public broadcaster” in that “each station reaches the public”. Television, on the other hand, “is more elitist”. There is a lack of locally produced programmes on television, although this is improving.

It is easier for commercial broadcasters to get a license than it is for community broadcasters. However, community broadcasters pay less than commercial broadcasters for their licenses. Community broadcasters Live FM and Karas Community Radio pay N\$3000 (US\$435) and N\$5000 (US\$725) a year for their licenses respectively, while commercial stations pay about N\$ 30 000 (US\$4350) per year. The cost of the license fee varies according to the power of the transmitter and broadcast reach – the more powerful the transmitter, the further the broadcast reach, and therefore the higher the fee.

Scores:

Individual scores:



Average score:

3.6 (2005: 2.9; 2007: 2.8; 2009: 2.9)

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way – involving civil society and not dominated by any particular political party.

The Communications Regulatory Authority of Namibia (CRAN) was established by the Communications Act of 2009 and in theory it is supposed to be an independent body. In practice, however, it is not.

The CRAN board is appointed by the Minister of the ICT on the advice of the State Owned Enterprise Council, which is a committee of Cabinet. This is in accordance with the State Owned Enterprises Act. The minister develops the policies that guide CRAN.

According to the law, when viewed collectively, board members are supposed to represent a broad cross-section of society, and should have suitable qualifications and experience. The commission reports to Minister, and is sustained through the license fees it levies on communication service providers.

The current CRAN board is made up of the following: Lazarus Jacobs (Chairperson), who has strong ties with the ruling party and is a co-owner of the *Windhoek Observer*; Hilma Hitula (Deputy Chair) who is a lawyer and businesswoman; Kauna Mufeti, a computer scientist and lecturer at the University of Namibia; Tylvas Shilongo, general manager of the National Intelligence Service, who he represents on the board; and Edwin Beukus, an accountant.

The NBC is not regulated by CRAN, until such time as the information minister decides otherwise.

Scores:

Individual scores:

1	Country does not meet indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							

Average score:

1.4 (2005: n/a; 2007: n/a; 2009: 1.2)

3.3 The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

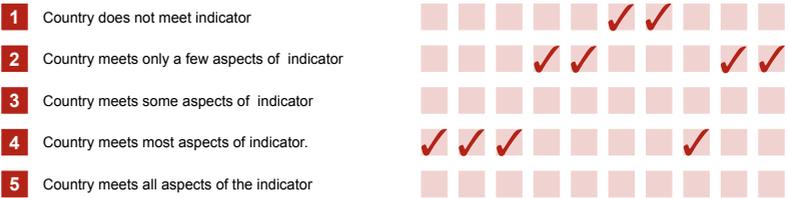
It is premature to determine how CRAN regulates broadcasting, as the board has only just been appointed, and the regulator’s secretariat is not yet up and running.

Under the old regulator, the Namibian Communications Commission, applying for a license was “not a bureaucratic process”.

If the current broadcasting environment is anything to go by, the regulator does accommodate diversity of views, although some panellists felt that “it is possible that certain groups might not be granted a license”.

Scores:

Individual scores:



Average score: 2.8 (2005: 2.0; 2007: 1.8; 2009: 1.8)

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

The information minister appoints the board of the NBC and there is public involvement in the appointment process. There is limited representation of civil society on the current board, and current members were selected based on their business acumen in order to position the corporation to run in a more business-like manner. A number of board members have ties with the ruling Swapo party.

In terms of accountability, the NBC has to table a report in parliament each year.

“In a way we are also accountable through the SMS messages in the print media: we can’t just ignore them. They do make a difference in how we do things. The publicity we receive in the other media is being monitored very closely (by the NBC). There is sensitivity to public criticism.” For example, the presenter on the ‘One on One’ television programme – a former Director-General of the corporation – was replaced after members of the public complained that he was sympathetic towards the ruling party.

Members of the public also write in to the NBC and these letters are taken into consideration. However, there is no official complaints mechanism.

Scores:

Individual scores:



Average score:

2.5 (2005: 1.5; 2007: 1.2; 2009: 1.2)

3.5 Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

The 1991 NBC Act excludes members of the National Assembly from sitting on the broadcaster’s board. However, the act says nothing about the appointment of other political office bearers or people with financial interests in the broadcasting sector.

Scores:

Individual scores:



Average score:

1.5 (2005: 1.9; 2007: 1.6; 2009: 1.8)

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

There is no law guaranteeing the editorial independence of the NBC. The state broadcaster has an editorial policy that was developed shortly after independence in 1990, as well as a programmes policy and an elections policy. The latter guides the corporation's conduct during elections. "There are a number of instruments to ensure that we comply with ethical standards."

There is no direct influence from government over the NBC's news and programming, but there is indirect influence. "We don't see people coming in and telling us to do this and that. But you don't know where the influence is coming from. Therefore you cannot rule out interference."

As a result, journalists practice self-censorship as they are scared of attracting controversy. Some panellists felt the recent change in the NBC's director-generalship, which saw Matthew Gowaseb replaced by Albertus Aogamub, shows that there is direct political interference in the affairs of the corporation.

Hence, there is no legal guarantee of the NBC's editorial independence, "and the practice seems wobbly".

Scores:

Individual scores:



Average score: 2.0 (2005: n/a; 2007: n/a; 2009: 2.0)

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

The NBC’s funding comes from license fees, advertising, the rental of transmitters to other broadcasters, and a government subsidy. The corporation’s state subsidy, which comes from the MICT, accounts for about 80 percent of the NBC’s income.

The NBC is striving to spend 60 percent of its income on programme production, and 40 percent on staff salaries. At present, about 82 percent of the NBC’s spending is on salaries, and 18 percent on programming. “We run up a deficit by doing (programme) activities that are not covered by the budget.”

The NBC is responsible for collecting license fees but has only one license inspector, as there is not enough funding to appoint additional inspectors.

Scores:

Individual scores:



Average score: 1.8 (2005: n/a; 2007: n/a; 2009: 2.2)

3.8 The state/public broadcaster is technically accessible in the entire country.

In theory, NBC radio reaches about 98 percent of the population. However, not every one of the corporation's ten radio stations is included in this footprint as not every transmitter carries each and every station.

The majority of these transmitters do not always work to full capacity owing to a lack of maintenance. The NBC only has four technicians servicing the country's transmitter network.

NBC National Radio is also available via satellite television station DSTV, as well as on the Internet. NBC TV reaches over 50 percent of the population, and the broadcaster estimates it will need an additional N\$240 million (US\$36m) to extend its coverage to the whole country. The government plans to fund this expansion in phases.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

Average score:

3.1 (2005: 3.9; 2007: 3.9; 2009: 3.6)

3.9 The state/public broadcaster offers diverse programming formats for all interests.

In the last two years, there has been improvement in the format, technical quality and diversity of the NBC's programming. Much of this has been directed towards catering more for young people, who make up the majority of the population. There are current affairs programmes for young people on radio and television. There has also been a concerted effort to introduce programming for children on NBC radio. At the end of this year, producers are set to be trained in the production of children's programmes.

NBC TV has also made some strides in increasing the diversity of its programme offerings. The broadcaster has broadened its general programming to include social and psychological issues, and local business and economics. The TV programme ‘The Week That Was’ provides a review of the week’s events through the eyes of a diverse panel of local journalists, while news from *Al Jazeera* has also been introduced.

However, some panellists felt that the voices of minorities are still not heard. NBC TV broadcasts mostly in English, which makes it inaccessible to many people. NBC TV is on air 24 hours a day, but some of the indigenous language radio stations end at 9pm or at 12 midnight, after which the station switches over to National Radio, which broadcasts in English.

Scores:

Individual scores:



Average score:

3.4 (2005: 2.4; 2007: 3.3; 2009: 2.9)

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

The NBC’s policy guidelines require balance and objectivity in the corporation’s news and programmes.

“It is true that, on the political level, the NBC has not done as much as it should have to be balanced and objective. But there has been an improvement.” These days you hear more diverse views on the NBC, although “not radically diverse”. Radio has always been more open than television because of the anonymity it provides, and this remains the case today.

Some panellists felt that diversity of views and opinions was restricted to “experts”. “You keep seeing and hearing the same people ‘who are in the know’.” Quite poignantly, there is a lack of female voices on the national broadcaster.

Scores:

Individual scores:



Average score:

2.7 (2005: 2.4; 2007: 2.4; 2009: 2.2)

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

There has been a huge increase and improvement in local programming on both NBC radio and television. Radio has always had a large variety of local programming, but television has only introduced a lot more in the past few years. At present, about 99 percent of NBC radio programming is local content, while about 70 percent of NBC TV’s programmes are produced locally.

Locally produced TV programmes of note include: the agricultural programme ‘Green Horizons’, which goes out to different parts of the country and is technically very professional; the investigative current affairs programme ‘Open File’; ‘The Week That Was’; and the youth programme ‘School Grounds’.

NBC TV news attracts very large audiences, but the quality of journalism still needs to improve.

“What we are doing with the little amount of money available is good. If you want to get good people you need to pay.” Presenters on NBC TV have to buy their own work clothes and pay for their own transport to get to and from the studio.

Scores:

Individual scores:



Average score:

4.5 (2005: 2.8; 2007: 3.3; 2009: 2.4)

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

The panellists had mixed feelings about this indicator. On the one hand, some argued that the NBC radio language services provide a community service to their respective ethnic communities. But on the other hand, other panellists pointed out that independent, “third tier” community broadcasting is still under-developed.

Community broadcasters pay lower fees and government has a small fund (currently N\$10 000 a year – US\$1450) to support community stations. However, government does not actively promote community broadcasting. “There is no interest. The same goes for development organisations.”

To date, the communications regulator has not provided a clear definition of community broadcasting. As such, there has been little regulation aimed at promoting the sector. In May 2011, CRAN issued regulations defining community broadcasting as follows:

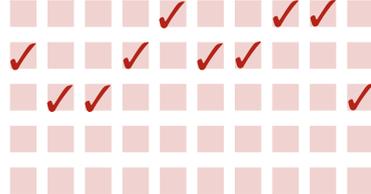
“Community broadcasting service” means a broadcasting service that serves a particular community (either geographic or a group of persons having a common interest) and is wholly-owned by a non-profit association registered in terms of section 21 of the Companies Act, 2004 (Act No. 28 of 2004) or, if it is not registered, is established in terms of a constitution (or other agreement) containing provisions that comply with the effect of the provisions of section 21 of the Companies Act, 2004 (Act No. 28 of 2004)⁴.

⁴ Government Gazette 18 May 2011, No. 4714: ‘Regulations Setting Out Broadcasting and Telecommunications Service License Categories’. Sourced from www.cran.na/downloads/regulations/4714-Gen%20N124.pdf

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator

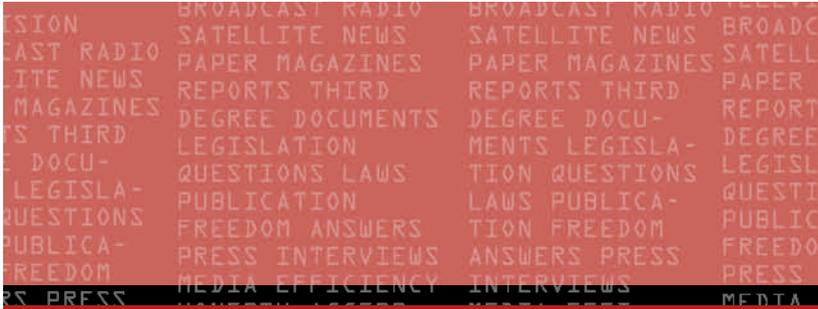


Average score:

2.0 (2005: 2.3; 2007: 2.2; 2009: 2.0)

Average score for sector 3:

2:6 (2005:2.0; 2007:2.1; 2009: 2.2)



SECTOR 4:

The media practise high levels of professional standards.



The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

Namibia now has a Media Ombudsman – a position established by the Editors Forum of Namibia (EFN) in 2009 as a self-regulation mechanism. The public can complain to the Ombudsman about the media’s coverage and can hold the media accountable without having to go to court which is prohibitively expensive for most people.

The Media Ombudsman makes rulings according to a code of ethics that the media sign on to and apply voluntarily. However some media houses do not appear to be following the code. “*Informanté* has practiced very unethical journalism that didn’t seem to be regulated in any way by anyone,” a panellist noted. Another panellist pointed out, however, that a DJ at Radio Wave was held accountable for a flippant comment made on air, suggesting that an ethics code was applied in that situation.

In his first year in the post, the Media Ombudsman handled 17 complaints. Most were about inaccuracies in reporting and both sides of a story not being adequately presented.

When a complaint is made, first there is informal mediation, during which most complaints are resolved. Some complaints were withdrawn once the complainant received explanation from the media house concerned. In other cases, the media house issued an apology.

In one case, *Informanté* initially refused to apologise. When, eventually, the newspaper’s editor Max Hamata agreed to publish an apology, he did not give the apology the same prominence as the offending article. Only then did the newspaper’s owners get involved. They felt the complaint should have been made to them in the first place, as opposed to the editor, and a second, more prominent apology was duly published.

Awareness of the Media Ombudsman is growing among journalists and the public alike. A series of road shows and radio appearances promoting the Media Ombudsman have been planned for this year (2011). Last year, a television advert was broadcast, and this generated a lot of discussion. The Media Ombudsman now has a web site on which people can lodge their complaints.

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

There are numerous inaccuracies in the media's reporting, which also lacks fairness at times. For example, the NBC often portrays groups that are considered anti-government in a negative light. "A minister will hammer on someone, and that person will not have an opportunity to answer."

On the whole, journalists do try to be accurate and fair. However, there are exceptions, which in turn give the entire profession a negative reputation. A panellist suggested that "Seventeen complaints made to the Media Ombudsman in 2010 are not so bad, given how much media we have." Some newspapers try to correct inaccuracies, while the NBC has embarked providing its staff with increased training. The broadcaster currently has a training agreement with Swedish Radio.

There is evidence of reporting being biased against opposition parties. This bias does not only apply to the state media, but also to private print media. Having said this, some political parties are more active than others, and it is difficult for journalists to cover parties that are less active.

Some panellists took issue with the quality of journalism in Namibia. "The quality of journalism determines the quality of media that is put out there." Reports often contain typographical errors, while many journalists appear to be lazy and do not follow up on different angles in a story. "There needs to be more done to enable journalists to report in a balanced way. State media are better trained than private media. When I listen to commercial radio stations, they do very little research. Rather they take information straight from other media or from web sites. Some presenters don't even have a script." Presenters on commercial radio consider themselves to be disk jockeys (DJs). "But they need to realise that even a DJ has to be well prepared. It's not just about talking."

The poor quality of journalism stems from the fact that most Namibian journalists are not trained properly. There are few scholarships for aspiring media workers, and many of the students who study media at the Polytechnic end up going into public relations. "Media Studies at UNAM is not really for journalists. That qualification does not prepare you to work in the media." At the same time, few media houses are committed to building the capacity of their journalists.

Some journalists have been in the industry for too long, and need refresher courses. They also need to embrace modern technology, and to become more professional. "There must be a mind shift in the industry. The public is not aware of media ethics, so are not able to hold media accountable for twisting stories. Therefore, journalists need to be responsible."

On the other hand, those in civil society who are responsible for liaising with the media have no media experience themselves. This results in the quality of information coming from non-governmental organizations being poor in the first place, and thereby creating a knock-on effect.

One of the panellists was a judge for the national media awards. “There was a huge discrepancy between media. The quality is there – it is not like there is not quality. But some quality is really poor.”

Scores:

Individual scores:



Average score:

2.5 (2005: 3.0; 2007: 3.6; 2009: 3.3)

4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

All the media houses cover politics. “My problem is that our media, especially the so-called ‘independent’ media, is elitist. They do not reflect the things that affect the majority.”

Cultural reporting on NBC TV tends to focus on one or two cultures, rather than looking at a diversity of cultures. One reason for this may be that programmes are often repeated to fill airtime, owing to a lack of funds. Each language group has its own radio service, while newspapers are trying their best to cover cultural issues.

The media do cover a full spectrum of events, but their coverage is very reactive. “The media is never really trying to do something new. There is variety but no depth.”

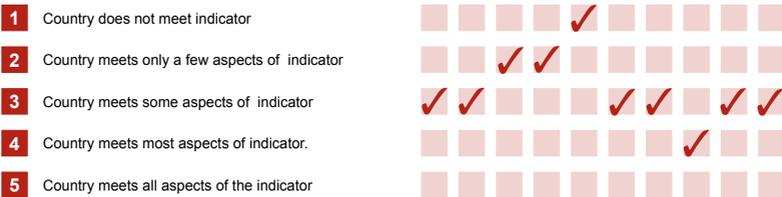
There is a distinct lack of investigative reporting. Panellists felt that only the NBC TV programme ‘Open File’ and Insight magazine really try to be investigative. Media houses need to give journalists the time to investigate stories.

Business and economics is another neglected area. “I don’t think the skills are there.” However, some panellists felt there has been an improvement in economics and business coverage in recent years. NBC TV now has a daily business and economics programme, and most newspapers have a business and economics section.

“We could do a lot more on rural issues, but that’s always a question of cost and manpower.” Another panellist had heard a lot of complaints about the lack of international news in the media. “We are not reflecting properly what is going on outside the country. Those international stories we do cover are not contextualised.”

Scores:

Individual scores:



Average score:

2.7 (2005: 3.1; 2007: 3.7; 2009: 3.1)

4.4. Equal opportunities regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Fair labour practice depends on the type of media house. The staff of private newspapers - senior staff in particular - tend to be white. Within the state media most staff are black. “There is a problem with racism, particularly with the commercial media, where people are appointed according to their race.” Also problematically, within the state media, people tend to be appointed and promoted according to their political affiliation.

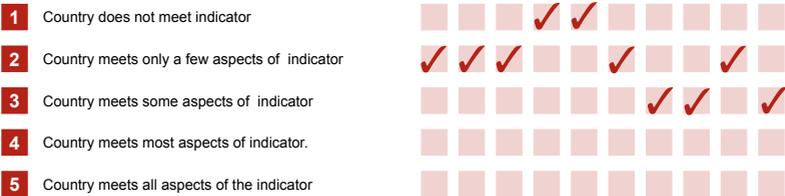
With regards to disabilities, a panellist frankly stated: “I don’t know of one journalist with a disability.” However, age is not so much of an issue, and there

“There is a degree of self-censorship. We know it is happening. But there’s never really a direct threat. It’s because we don’t want to cause trouble or upset anyone.” Some journalists challenge their editors on these issues, but are not victimised as a result.

“I was booked to appear on (NBC TV’s) ‘Talk of the Nation’, but while I was on the way to the studio I got a call to say I was no longer needed. I went there all the same, and the journalist said she had been told ‘from above’ not to have me on the programme. It was during election time.”

Scores:

Individual scores:



Average score:

2.1 (2005: 2.5; 2007: 2.8; 2009: 2.9)

4.6 Owners of established mainstream private media do not interfere with editorial independence.

Every news organisation has its own editorial line. “You know who is giving you money,” and this is particularly true when it comes to business reporting. An example was given of how a story critical of a businessperson was turned around because the business person in question funded the newspaper. “Money influences editorial decisions in commercial media, because commercial media is reliant on business people.”

Another example provided was with regards to reporting on the ailing health of the former head of state – Sam Nujoma. It has been made categorically clear to media owners, editors and journalists that this subject is “off limits”.

Scores:

Individual scores:



Average score:

2.0 (2005: 3.0; 2007: 2.9; 2009: 3.0)

4.7 Journalists and media houses have integrity and are not corrupt.

Panellists noted that journalists are invited to numerous functions, and posited that this influences how they write. “You are taken in. They give you a lot of presents, which is not really corruption, but it affects your coverage.” As a result, “you hardly ever see stories critical of (the television show) Big Brother, or big companies”.

Some media houses have policies on receiving gifts. “Everything we receive at the station, we share amongst ourselves.” Meanwhile, the NBC’s policy states that any gift worth more than N\$100 (US\$15) has to be declared. Problems occur when journalists are left to use their own discretion. “If there were policies and guidelines, it would be easier for journalists.”

An example was given of a radio presenter who drives a car sponsored by a car dealer – a form of celebrity endorsement. Another case was highlighted, of a journalist who would ask people for money in order to cover their stories. When he was discovered, no punitive action was taken against him. He is no longer a practicing journalist. When a similar case was discovered at the NBC, the journalist had to appear before a disciplinary hearing and was fired.

“Generally, I think Namibian journalists have integrity. If we improve training, our integrity will improve. When you believe in the principles of journalism, you won’t be so challenged by external influences.”

Scores:

Individual scores:



Average score:

2.6 (2005: n/a; 2007: n/a; 2009: 3.6)

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Salary levels and working conditions vary between the commercial and state media. Commercial radio stations tend to pay low salaries and provide no benefits. In the state media, salaries are adequate, and include benefits. Private newspapers tend to pay low salaries, but do provide other benefits.

Panellists criticised commercial radio stations in particular, for their poor working conditions and discrepancies between the salaries paid to white and black staff. Some panellists suggested there is an apartheid mentality within some private broadcasters.

Meanwhile, pay within the community broadcasting sector is “very low”. “We have to earn a small income just to sustain the radio itself. We simply get an allowance of N\$1500 (US\$217) a month.” This is the equivalent of a month’s rent for a one bedroom flat.

A freelance writer earns between N\$0.50 and N\$1 (US\$0.07 to 0.15) per word, Where possible, media houses place journalists on contracts rather than hiring them as full-time staff.

Scores:

Individual scores:



Average score: 2.7 (2005: 2.8; 2007: 3.0; 2009: 3.3)

4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

Namibia has two professional media organisations – the Editors Forum of Namibia (EFN) and MISA-Namibia. There is no trade union for media workers. Staff working for the state media tend to belong to the public service union, which covers the entire civil service and does not have a media focus. “If you have a complaint about your working conditions, there is nowhere you can go as a journalist.”

The Media Institute of Southern Africa (MISA) once had a Legal Defence Fund, but no longer has the funds to assist journalists to fight their cases in court. The fund was only used for media freedom cases and did not address labour issues.

Scores:

Individual scores:



Average score: 1.6 (2005: 2.8; 2007: 3.0; 2009: 2.4)

Average score for sector 4: 2.5 (2005: 2.7; 2007: 2.6; 2009: 3.0)

OVERALL COUNTRY SCORE: 2.7 (2005: 2.7; 2007: 2.6; 2009: 2.8)

Developments since 2008

Positive developments in the media environment in the last two years:

- The establishment of the Media Ombudsman.
- The public seems to be more engaged with/aware of media issues. The public outcry about an offensive advert for a legal firm and the public's growing engagement with the Media Ombudsman are examples of this.
- Positive changes at the NBC.
- Growth of the SMS pages in the print media – the media is becoming more interactive.
- The restructuring of Democratic Media Holdings with the investment from Media 24.
- The growth in social media.
- Namibia Sun has gone daily, and is cheaper than other daily newspapers.
- The improvement in the content and structure of *Sister Namibia* magazine.
- Certain aspects of the Communications Act.
- The term “public service broadcaster” has been reinstated in the NBC's mission statement.
- The gradual digitisation of the country's media.
- Improvements in the relationship between the media and the MICT.

Negative developments in the media environment:

- Certain aspects of the Communications Act.
- Lesbian issues are no longer covered by *Sister* magazine.
- Namibia still does not have an Access to Information Bill. This issue was taken up with the Office of the Prime Minister after the last AMB. However, no action has been taken in this regard.

ACTION PLAN 2011 TO 2013

ACTIVITY	RESPONSIBILITY
<p>Lobby Media Ombudsman to include clause on complaints about advertising. An example of an offensive advert could be used to lobby the Ombudsman's office.</p> <p>A sub-committee could then be set up to deal with complaints regarding content of advertising, using an example of an advert.</p>	<p>Women's Solidarity Sister Namibia</p>
<p>Media literacy – on the back of the Media Ombudsman road shows.</p> <p>Raising awareness on the role and responsibility of the media and media content analysis.</p>	<p>Media Ombudsman's Office</p>
<p>Build relationship between mainstream media and civil society – NBC/media coverage of civil society organisations.</p> <ul style="list-style-type: none"> - NID about to bring out a book 'Guide to Civil Society', which might provide a basis for media coverage of civil society organisations. - Engage with civil society about how to do this. - Develop a proposal for a series of programmes on Namibian civil society and put this to the NBC. 	<p>NID</p>
<p>Promote Access to Information</p> <ul style="list-style-type: none"> - Workshops with civil society - Test case with the Southern African Litigation Centre 	<p>MISA/FES</p>
<p>Media Ombudsman's Office Southern Africa Litigation Centre</p> <p>Improve training</p> <ul style="list-style-type: none"> - Baseline study of journalism and media training offered in Namibia - Discuss findings with stakeholders - training institutions, media practitioners, media houses. - Map out training needs of media houses and media practitioners. Marry tertiary journalism and media training with the needs of employees/employers 	<p>MISA/FES</p>
<p>Media diversity</p> <ul style="list-style-type: none"> - Develop a discussion paper to start the debate. 	<p>MISA/EFN</p>

The Panel:

Rosa Namises	– Activist
Telwin !Owoseb	– Activist
Phil Ya Nangoloh	– Lawyer
Sheena Magenya	– Journalist
Michaela Jaeger	– Broadcaster
Natasha Tibinyane	– Freelance journalist and civil society activist
Naita Hishoono	– Journalist and Activist
Umbi Karuaihe-Upi	– Broadcaster
Clement Daniels	– Lawyer
Pieter Olivier	– Broadcast journalist

Rapporteur:

David Lush

Facilitator:

Ms Reyhana Masters

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