



Namibia

National Overview 2016
by MISA Namiba

OVERVIEW

World Press Freedom Day on May 3rd 2016, was celebrated at a time when Namibian media and civil society experienced unprecedented verbal attacks by President Hage Geingob and members of his administration.

The year under review was significant for African media, but even more so, for Namibian media as it was the 25th Anniversary of the Windhoek Declaration, a seminal document that set the tone for an independent, free, diverse and pluralistic African media, and influenced media policies across the globe. It was here, in a newly independent Namibia, that African journalists adopted these press freedom principles on 3 May 1991 and two years later, the UN General Assembly declared May 3 as World Press Freedom Day. These two events somehow impacted on this nation's psyche, leaving a long-lasting, deeply felt appreciation for media freedom.

Up until now, World Press Freedom Day provided Namibians with an opportunity of acknowledgement and pride of the fact that the media and free expression environment typically exhibits the principles set in the Windhoek Declaration. Namibia is known for reflecting a diversity of voices and opinions, freely shared on a plethora of online and offline media platforms, which do not have to struggle for their right to exist. Not an easy feat for any country, let alone one that has to deal with the unique challenges presented by our divided past and unequal present.

That is, up until now, because, unlike previous years, those who cherish me-

dia freedom and freedom of expression, have more cause for concern than jubilation. We commemorate World Press Freedom Day.

Key Highlights

In 2016, the custodians of the Namibian Constitution used every possible opportunity to question the integrity and credibility of Namibian media houses and journalists. The existing schism between Swapo leadership and the media widened, and became filled with tension. Some journalists called for the boycotting of the president's press conferences because it became just another opportunity for him to insult them.

However, thanks to the existence of a vocal, vibrant and visible free expression community in civil society, independent media, and a growing citizen's voice on social media, these unfortunate incidents were effectively countered with pro-free expression advocacy. But it cannot be denied that threats and insults affect the moral of those tasked with searching for, and sharing information that serves the public's interest.

When the leadership of a country constantly undermines journalists, it negatively influences the public's perception of media and journalists if the country's leaders are consistently calling their integrity into question. As a consequence, self-censorship, which always has been a problem in state-owned media, is on the increase.

Independent media, more specifically, the country's biggest independent daily, The Namibian, experienced immense pressure from some government officials and Geingob supporters because of their investigative reporting on the president's questionable business dealings.

Atypically, Namibia made international headlines in April when two journalists working for Japan's *Asahi TV* were briefly detained, and their equipment confiscated by officials of the Ministry of International Relations. Motoi Araki and David Bush who were in the country to investigate the existence of a munitions factory built by controversial North Korean company, Mansudae Overseas Project Group were detained shortly before boarding a departing flight from Hosea Kutako International Airport. Before departing for the airport, they conducted an interview with Deputy Prime Minister and Minister of International Relations Netumbo Nandi-Ndaitwah.

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Instead of an official apology for this unfortunate incident, the Minister of Information and Communication Technology, Tjekero Tweya, justified the violation of press freedom in an anti-media speech in the National Assembly a few days later. Many a times over the course of the year, Tweya made no attempt to hide his displeasure with the media, even when it was an event held to highlight free expression and the media. In September, at an important Gender and Media Summit, he repeated a call for the establishment of a statutory regulatory body for the media, and for journalists

to be “punished” when transgressing.

Namibian media officially adopted the self-regulatory system in 2009, yet a senior government official has consistently called for state regulation since 2013. Their attempts were always effectively squashed by the media and civil society. But this year, we also found unexpected allies in the form Presidential Spokesperson Albertus Aochamub, who used to serve as the Director General of the Namibian Broadcasting Corporation (NBC), and Geingob himself. “We struggled for a free press, free movement and free speech, and we will be heartless to say that we are going to control the press,” Geingob was quoted as saying. It was only then that Tweya committed to stop calling for statutory media regulation, and the punishment of journalists.

However, a month later, the Communications Regulatory Authority of Namibia (CRAN) held a public consultation where they proposed a Code of Conduct for Broadcasters. They had made a similar attempt in 2014, but retreated after overwhelming resistance from the media and civil society. This time, they presented the draft code as a set of broadcasting standards that would “protect the public”, but in reality, it aimed to dictate content and advertising quotas. It was seen as yet another attempt by government to regulate the media, and it was effectively resisted, again.

The media's moment of respite from government interference was not long-lasting, unfortunately.

In November, independent media published a leaked memo that referred to a Cabinet Resolution directing all government departments to prioritise the dissemination of information and advertisement through the state-owned

New Era Publication Corporation and NBC. Cabinet was asked to re-evaluate its decision mainly because this would negatively affect the public's right to information, as not all citizens regularly access state-owned media, and because a reduction in advertising revenue will result in a decline of independent media's financial sustainability. Government is a major advertiser, and the resolution came at a time when independent media were still reeling from a substantial decline in corporate advertising, which was a result of the economic decline.

The resolution was made without considering that Namibia's admirable media freedom ratings were a consequence of the diversity, pluralism and independence of the media industry. In a meeting called by MISA and the Editors Forum, Tweya found it difficult to justify the resolution, especially after the potential negative consequences were highlighted to him. The meeting was held at the end of January, two months after the resolution was passed. At the time, independent media were still carrying substantial government advertising and information. Government departments were thus either ignoring the directive, or upholding commitments that were made before the resolution. Tweya declined to call for a retraction of the resolution, but took note of our concerns. It was agreed that a follow-up meeting would be held after six months to assess the impact of the resolution on the public's right to know, and independent media's sustainability.

The High Court application by *The Namibian*, the Institute for Public Policy and Research (IPPR), and the Legal Assistance Centre (LAC), on the constitutionality of the Research Act of 2004, is still sub judice. The court action follows failed negotiations between civil society

and media organisations, calling for the repeal of the regulations, and the Ministry of Education. A civil society call for UNESCO, an important stakeholder in the local free expression environment, to express dissatisfaction with the regulations was also ignored.



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The important role played by our civil society and the media in advancing the enactment and implementation of laws and policies that subscribe to constitutional and human rights principles, cannot be overstated. These sectors have played an immeasurable role in holding a government that holds overwhelming political power accountable.

ACCESS TO INFORMATION (ATI)

After years of verbal commitments to draft and enact an Access To Information law, the Ministry of Information and Communication Technology (MICT) finally initiated the process with a multi-stakeholder consultative process in June.

The five-day consultation meeting allowed for civil society and media organisations, as well communication officers of various government departments, to provide input on a revised National Information Policy, a Communication Strategy, and a draft ATI Bill, which were shared with invited stakeholders before-

hand. The ACTION Coalition, which has led a three-year campaign calling for an ATI Law, played a key role in the facilitation of discussions at the consultation.

At the time of going to press, the ATI Bill was not yet tabled.

It is imperative for the bill to undergo an extensive public consultation process. Concerns are high that citizens' right to provide input will be limited if the MICT is committed to meeting the 28 September deadline, which also is International Day for Universal Access To Information.

There however has been no indication on whether secrecy laws, which include the Protection of Information Act (1982), the Defence Act (2002), the National Security Act (1997) and the Public Service Act (1997), will be repealed. These outdated laws limit the citizen's ability to access information in a number of ways and make the disclosure of information without the permission of the permanent secretary a disciplinary offence.

Further, the Communication Act permits the interception of e-mail, text messages, internet banking transactions, and telephone calls without a warrant. This threatens the independence of the media, and their ability to do investigative journalism, in particular regarding corruption in the public service.

Calls for Namibia to ratify and domesticate the African Charter on Democracy, Elections and Governance and the African Statistics Charter will continue, especially because these important instruments can go a long way in enhancing access to information, as well as promote accountability and transparency.

Internet Governance (IG)

Namibia moved up one point, from 121 to 120, on the International Telecommunication Union's (ITU) 2016 ICT Development Index (IDI). The IDI combines eleven indicators into one benchmark measure, and is used to monitor and compare developments in information and communication technology (ICT) between countries and over time.

There has been considerable progress in terms of infrastructure, which was mainly as a result of Telecom Namibia's renewed commitment to upgrading the international link capacities, and internal fibre network. The Long Term Evolution Advanced (LTE – A) was also implemented to achieve faster data and internet service. Access to the internet however remains limited to mainly urban areas; ITU data shows that 24.5% of households have internet access, and that only 22.3% of individuals use the internet.

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Namibia finally joined the international IG community when it hosted the Africa ICT Alliance Summit in October. For the first time, Namibian civil society also attended the UN's Internet Governance Forum (IGF) in Mexico, in December. On its return, the Namibian Internet Governance Forum (NIGF) working group, a multi-stakeholder body, which includes the MICT, civil society and the

ICT industry, was established. The Working Group is tasked with formalising the NIGF and organising the country's first IGF, slated for late 2017.

Two ICT related draft laws, which have been on the shelf for a number of years, remain there. The Electronic Transactions and Cybercrime Bill is expected to be tabled in 2017. There is no indication on the status of the Data Protection Bill, which was referred back to government after concerns were raised on the impact of certain clauses on free expression and the right to privacy in 2012.

MEDIA ENVIRONMENT

Media Ownership

Even though there still is diversity in ownership in the commercial radio sector for example, there are concerns that media ownership is steadily and mostly concentrating among the political and wealthy elite. This is particularly evident in the newspaper sector, where people with strong connections to the ruling party are establishing new titles. This invariably influences the quality and angle of the content produced, and has a negative effect on the public's right to know.

A major new development was the acquisition of Pointbreak, a financial services group that owned Namibia Media Holdings (NMH), by FNB Namibia Holdings. Pointbreak was previously headed by First Lady Monica Geingos, but since taking office, she has rescinded her role there. There however was no evidence that she interfered in the content production at NMH, before she withdrew.

FNB Namibia's acquisition is a more visible sign of increasing interest by the corporate sector in the media sector in recent times. There have been a num-

ber of failed attempts by people who have the start-up capital to establish, what usually is a magazine, but lack the knowledge and skills to succeed in this sector. These individuals usually do not necessarily value the principles that underpin and drive media for development, and journalism in particular.

Amplifying Marginalised Voices

Despite a slight improvement in women's representation in the media, women's voices continue to be marginalised by most notably, newspapers. This could be as a result of the fact that they tend to mainly focus on events driven news. This creates the impression that women are not active in national and human development efforts. But this is not case, as women are the bedrock of our communities. It is however also important for women to let go of cultural inhibitions and realise that their opinions matter and their voices should be heard. Radio phone-in programmes and letters to editors continue to be dominated by male voices for example. Female media practitioners however continue to work in an environment that does not exhibit policies or attitudes that are discriminatory towards women.

The media's reporting of children and issues that affect them remain a challenge, although, a number of daily newspapers have to be commended for their weekly supplements targeting children and youth. These supplements also publish content produced by children and the youth.

MISA and Media Monitoring Africa's (MMA) 2015 assessment of children in the media found that, despite children making up almost half of the population, they constituted only six percent of all articles published by the newspapers monitored. It was also evident that the

media do not cover issues that directly affect children. Poverty, teenage pregnancy, violence and HIV/AIDS are some of the biggest barriers to child development, yet these issues are rarely covered in relation to children. Their representation remains limited, and they are largely negatively portrayed as helpless, and unable to act, think or speak for themselves.

Indigenous languages continue to enjoy their rightful place on the airwaves, though largely done so by the *NBC* radio's local language stations. Some newspapers also carry a few pages in widely spoken indigenous languages.



These important instruments can go a long way in enhancing access to information.

In conclusion, it is important to note that in as much as Namibia has a lot to be proud of, there is room for improvement, in particular, in regard to ensuring that the diversity of voices present in the country are amplified. Unfettered access to social media has provided citizens with a wonderful platform on which they can access information, and express themselves on issues of public interest. Journalists themselves make use of social media platforms to address issues that affect them, and even provide newsworthy information that did not make the headlines. There is no denying that social media provided an impetus for citizens to fearlessly engage

on issues of national and international interest.

We live in a media and information age, thus the importance of Media and Information Literacy (MIL) cannot be overstated. Citizens have to gain MIL skills to navigate this age of information overload, and understand the difference between credible and fake news. Further, citizens need to understand the power of media, where it lies, and how they can use the media to empower themselves and others. Very importantly, citizens need to understand that with their right to freedom of expression, comes the responsibility to respect the dignity and right to privacy of others.

Whenever the question is asked: Why is Namibia such a media freedom success story? The easy answer is: Because Namibia has freedom.

Testimony to the success of the country is what freedom is able to stimulate. Namibia wouldn't have become an international media freedom leader if the country had a government that aimed to regulate and censor expression. The country wouldn't have been where it is today if media practitioners, despite funding challenges, were not innovative and did not push boundaries. Namibian civil society should also be acknowledged for playing a role in ensuring that the environment remains conducive for freedom of expression.

There is a sincere hope that the recent attacks by political leaders against the media will cease, and that all sectors of society will recommit themselves to upholding Namibia as a best practice model of the Windhoek Declaration.